fairs. S. 1031. An act to amend further the Peace Corps Act (75 Stat. 612), as amended (Rept. No. 807). Referred to the Committee of the Whole House on the State of the Union.

Mr. PRICE of Illinois: Committee on Armed Services. H.R. 3982. A bill to amend section 409 of title 37, United States Code, relating to the transportation of house trailers and mobile dwellings of members of the uniformed services; with amendment (Rept. No. 808). Referred to the Committee of the Whole House on the State of the Union.

Mr. PRICE of Illinois: Committee on Armed Services. H.R. 1341. A bill to amend section 701 of title 10, United States Code, to authorize additional accumulation of leave in certain foreign areas; with amendment (Rept. No. 809). Referred to the Committee of the Whole House on the State of the Union.

Mr. GRAY: Committee on Public Works. H.R. 12603. A bill to supplement the purposes of the Public Buildings Act of 1959 (73 Stat. 479), by authorizing agreements and leases with respect to certain properties in the District of Columbia, for the purpose of a national visitor center, and for other purposes; with amendment (Rept. No. 810). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 13622. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. ASHMORE:

H.R. 13623. A bill to amend the Fair Labor Standards Act of 1938 to provide for a minimum wage for certain seasonal retail employees; to the Committee on Education and Labor.

By Mr. HARVEY:

H.R. 13624. A bill to amend the Internal Revenue Code of 1954 to grant to certain joint endeavors organized by hospitals the same tax exemptions as are accorded to the participating hospitals; to the Committee on Ways and Means.

By Mr. HOWARD:

H.R. 13625. A bill to amend paragraph (1) of section 22 of the Interstate Commerce Act so as to authorize certain common carriers to furnish transportation to students at reduced rates; to the Committee on Interstate and Foreign Commerce.

By Mr. KING of New York:

H.R. 13626. A bill to create the Freedom Commission and the Freedom Academy, to conduct research to develop an integrated body of operational knowledge in the political, psychological, economic, technological, and organizational areas to increase the nonmilitary capabilities of the United States and other nations in the global struggle between freedom and communism, to educate and train Government personnel and private citizens to understand and implement this body of knowledge, and also to provide education and training for foreign students in these areas of knowledge under appropriate conditions; to the Committee on Un-American Activities.

By Mr. McFALL:

H.R. 13627. A bill to amend the Internal Revenue Code of 1954 to extend the head-of-household benefits to any individual who may not make a joint return but maintains his own household as his home; to the Committee on Ways and Means.

By Mr. OTTINGER:

H.R. 13628. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

H.R. 13629. A bill to amend section 212(a)(14) of the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 13630. A bill to remove certain limitations on ocean cruises; to the Committee on Merchant Marine and Fisheries.

By Mr. QUILLEN:

H.R. 13631. A bill to provide for the orderly marketing of flat glass imported into the United States by affording foreign supplying nations a fair share of the growth or change in the U.S. flat-glass market; to the Committee on Ways and Means.

By Mr. TIERNAN:

H.R. 13632. A bill to amend title 18 of the United States Code to make it unlawful to assault or kill any member of the armed services engaged in the performance of his official duties while on duty under orders of the President under chapter 15 of title 10 of the United States Code or paragraphs (2) and (3) of section 3500 of title 10 of the United States Code; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 13633. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. FASCELL:

H.R. 13634. A bill to amend the Nurse Training Act of 1964 to provide for increased assistance to hospital diploma schools of nursing; to the Committee on Interstate and Foreign Commerce.

By Mr. GATHINGS:

H.R. 13635. A bill to amend the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

By Mr. MILLER of California:

H.R. 13636. A bill to provide for the appointment of additional circuit judges; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 13637. A bill to amend section 2 of the Migratory Bird Conservation Act; to the Committee on Merchant Marine and Fisheries.

By Mr. DOW:

H.R. 13638. A bill to amend the Federal Water Pollution Control Act, as amended, to authorize a program of research and demonstration for the control of pollution in lakes; to the Committee on Public Works.

By Mrs. HANSEN of Washington:

H. Con. Res. 539. Concurrent resolution providing that it is the sense of the Congress that the President should submit a resolution to the United Nations for final and binding improvement of peace in Southeast Asia in accordance with the appropriate article of the United Nations Charter; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

291. The SPEAKER presented a memorial of the Legislature of the State of Illinois, relative to the enactment of S. 2457, which was referred to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ANNUNZIO:

H.R. 13639. A bill for the relief of Athanasios Belesiotis; to the Committee on the Judiciary.

By Mr. BRADEMAS:

H.R. 13640. A bill for the relief of John Fotopoulos; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 13641. A bill for the relief of Mr. Eduardo C. Robreno; to the Committee on the Judiciary.

By Mr. DE LA GARZA:

H.R. 13642. A bill for the relief of Jesus J. Rodriguez; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 13643. A bill for the relief of Salvatore Bonavolonta; to the Committee on the Judiciary.

H.R. 13644. A bill for the relief of Michelangelo Petralito and Giuseppa Petralito; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 13645. A bill for the relief of Giuseppe Musa; to the Committee on the Judiciary.

By Mr. KEE:

H.R. 13646. A bill for the relief of Mrs. Luisa Cangiano; to the Committee on the Judiciary.

By Mr. KUPFERMAN:

H.R. 13647. A bill for the relief of Miss Louisa Rota-Sperti; to the Committee on the Judiciary.

By Mr. KYROS:

H.R. 13648. A bill for the relief of Michael T. Mouzas; to the Committee on the Judiciary.

By Mr. PETTIS:

H.R. 13649. A bill for the relief of Rafael Espitia Cruz; to the Committee on the Judiciary.

By Mr. RODINO:

H.R. 13650. A bill for the relief of Aydee Cordero; to the Committee on the Judiciary.

H.R. 13651. A bill for the relief of Rosina Parisi, Donato Parisi, and Gerardo Parisi; to the Committee on the Judiciary.

By Mr. ADDABBO:

H.R. 13652. A bill for the relief of Alberto Aiello; to the Committee on the Judiciary.

By Mr. DE LA GARZA:

H. Res. 954. Resolution referring the bill (H.R. 13642) to the chief commissioner of the Court of Claims; 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:

187. By the SPEAKER: Petition of Henry Stoner, Avon Park, Fla., relative to the publishing of a certain document; to the Committee on Rules.

188. Also, petition of the city of Maderia, Calif., relative to governmental tax sharing; to the Committee on Ways and Means.

189. Also, petition of the City Council of the City of Philadelphia, Pa., relative to the appointment of a Treasurer of the United States; to the Committee on Ways and Means.

SENATE

MONDAY, OCTOBER 23, 1967

The Senate met at 12 noon, and was called to order by the President pro tempore.

Rev. Father Baan Vietz, pastor, Holy Trinity Catholic Church, Barberton, Ohio, offered the following prayer:

Our Father, who art in heaven, we pray You today, to listen to the supplication of Your children for Jesus' sake.

We offer the prayers of our hearts this morning for the heroes of the 1956 Hungarian revolution. On this day they fell

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on the streets of Budapest in the fight for freedom. The torch of liberty from the hands of the fallen Hungarian freedom fighter was picked up by the American soldier, our sons who are fighting so fiercely in Vietnam. Lord, source of all human dignity, bless our fallen heroes with eternal happiness in heaven and with the fulfillment of their ideals here on earth. We urge You, O Lord, through the words of Your prophets: How long, O, Lord, how long will You tolerate Your saints being ridiculed? When are You going to revenge the blood of Your holy ones?

Jesus, the Saviour, taught us that You are our Father and we are Your children. In the Senate of the United States, Your sons are praying for their little brother, the mutilated, the martyred Hungary.

And in behalf of Your little ones I beg of You, my God, bless Your sons in this Chamber with wisdom, perseverance, and unity in pursuing Your will. Pour Your blessing on those who carry the burden and take the blows of the enemy today.

God bless America! God bless Hungary! Lord God, bless the whole world with justice and peace. Amen.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House disagreed to the amendment of the Senate to the amendments of the House to the bill (S. 1788) to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JOHNSON of California, Mr. HALEY, Mr. EDMONDSON, Mr. HOSMER, and Mr. REINECKE were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

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

S. 676. An act to amend chapter 73, title 18, United States Code, to prohibit the obstruction of criminal investigations of the United States;

H.R. 1948. An act for the relief of Lim Ai Ran and Lim Soo Ran;

H.R. 1960. An act for the relief of Angelique Kousoulas;

H.R. 2464. An act for the relief of Yoo Young Hui, and her daughter, Ok Young;

H.R. 2978. An act for the relief of Yong Ok Espantoso;

H.R. 3430. An act for the relief of Yim Mei Lam;

H.R. 3497. An act for the relief of Ramiro Velasquez Huerta;

H.R. 4534. An act for the relief of Mary Bernadette Linehan; and

H.R. 5216. An act for the relief of Roberto Martin Del Campo.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, October 20, 1967, be dispensed with.

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

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

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

PRESIDENT ORDAZ, OF MEXICO, TO ADDRESS JOINT SESSION OF CONGRESS

Mr. MANSFIELD. Mr. President, it is with the greatest of personal pleasure that I announce to the Senate, on behalf of the distinguished minority leader [Mr. DIRKSEN] and myself, that the distinguished President of Mexico, the Honorable Gustavo Diaz Ordaz, will address a joint session of Congress. The address will take place at 12:30 p.m. on Friday, October 27, in the Hall of the House.

It is our sincere wish that as many Members as possible will be on hand for this important occasion. The President of Mexico—indeed the entire Republic of Mexico—has something to say to the hemisphere and the world. His is a message of a proud people who have achieved, within a democratic framework, great progress against incredible odds.

Under the guidance of such outstanding statesmen as President Diaz Ordaz, Mexico is setting an example which all nations would do well to emulate. As neighbors in the hemisphere and as partners in the Alliance for Progress, our friends to the south are doing more than simply paying lipservice to the ideals of the Alliance.

For example, Mexico is devoting 26 percent of its direct Federal budget to education, approximately three times the amount spent on the military establishment. Mexico's longstanding program of land reform and redistribution has been speeded up in recent years. Mexico is demonstrating daily through its growing industrial base the success of its self-help philosophy.

In short, Mr. President, Mexico, in pursuing the goals of its own revolution, serves as a model of stable, progressive government. President Gustavo Diaz Ordaz, like Adolfo Lopez Mateos and others before him, has played a very great role in this development. As such, they have earned the plaudits of mankind.

We are delighted that the President of Mexico will honor us with his presence. We are looking forward to his message.

Mr. DIRKSEN. Mr. President, 2 years ago, when the President of the United States journeyed to Mexico to dedicate the Lincoln Square in honor of the great emancipator, the majority leader and I were privileged to make that journey at the same time. On that occasion, we had an opportunity to visit intimately and at length with the President of Mexico and also the members of the Mexican Congress. It was, to say the least, a very fruitful and constructive visit, and I came away deeply impressed.

I am delighted that he comes now to honor us and to address a joint session of Congress, and I share the sentiments uttered by the distinguished majority leader.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Pursuant to the order of the Senate of March 16, 1967,

Mr. HAYDEN, from the Committee on Appropriations, reported favorably, with amendments, on October 19, 1967, the joint resolution (H.J. Res. 888) making continuing appropriations for the fiscal year 1968, and for other purposes, and submitted a report (No. 672) thereon, which was printed.

ENROLLED BILL SIGNED

The PRESIDENT pro tempore announced that on today, October 23, 1967, the Vice President signed the enrolled bill (S. 1933) to provide for the disposition of the judgment funds now on deposit to the credit of the Cheyenne-Arapaho Tribes of Oklahoma, which had previously been signed by the Speaker of the House of Representatives.

EXECUTIVE COMMUNICATIONS, ETC.

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

CERTIFICATION BY THE ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION

A letter from the Administrator, General Services Administration, Washington, D.C., certifying, pursuant to law, that the relevant portion of the inner loop freeway and the substructure of the Labor Department building are coordinated in design and will be constructed as a unit; to the Committee on Appropriations.

REPORT ON FACILITY PROJECT FOR THE ARMY NATIONAL GUARD

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), reporting, pursuant to law, on a proposed additional facility project proposed to be undertaken for the Army National Guard, at Kaneohe, Hawaii; to the Committee on Armed Services.

PROPOSED AMENDMENT TO CONCESSION CONTRACT IN YOSEMITE NATIONAL PARK, CALIF.

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed amendment to a conces-

sion contract in Yosemite National Park, Calif. (with an accompanying paper); to the Committee on Interior and Insular Affairs.

AMENDMENT OF TITLE II OF MARINE RESOURCES AND ENGINEERING DEVELOPMENT ACT OF 1966

A letter from the Director, National Science Foundation, Washington, D.C., transmitting a draft of proposed legislation to amend title II of the Marine Resources and Engineering Development Act of 1966, and for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

REPORT OF POSTMASTER GENERAL

A letter from the Postmaster General, transmitting, pursuant to law, his report, for the fiscal year ended June 30, 1967 (with accompanying report); to the Committee on Post Office and Civil Service.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

A resolution adopted by the City Council of the City of Philadelphia, Pa., praying for the appointment by the President of the United States of Hon. Mary A. Varallo as Treasurer of the United States; to the Committee on Finance.

Resolutions adopted by the City Councils of the City of Madera, and the City of Livingston, both in the State of California, favoring the enactment of some form of a Federal tax-sharing program; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CANNON, from the Committee on Armed Services, without amendment:

H.R. 4772. An act to authorize the Secretaries concerned to direct the initiation of allotments of the pay and allowances of certain members of the Armed Forces for the purpose of making deposits under section 1035 of title 10, United States Code (Rept. No. 673).

By Mr. INOUYE, from the Committee on Armed Services, with an amendment:

H.R. 4903. An act to amend the act providing for the economic and social development in the Ryukyu Islands (Rept. No. 674).

By Mr. MUNDT, from the Committee on Government Operations, with amendments:

S.J. Res. 64. Joint resolution to establish a Commission on Balanced Economic Development (Rept. No. 675).

EXECUTIVE REPORTS OF A COMMITTEE

Mr. SPARKMAN. Mr. President, as in executive session, from the Committee on Foreign Relations, I report favorably sundry nominations in the diplomatic and Foreign Service. Since these names have already appeared in the CONGRESSIONAL RECORD, in order to save the expense of printing them 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 President pro tempore. Without objection, it is so ordered.

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

John F. L. Ghiardi, of Michigan, and sundry other persons, for appointment and promotion in the Foreign Service; and

J. Wesley Adams, Jr., of Illinois, and sundry other persons, for appointment and promotion in the Foreign Service.

BILLS INTRODUCED

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

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

S. 2564. A bill to insure a reasonable opportunity for all electrical utilities to participate in the benefits of nuclear power; to the Joint Committee on Atomic Energy.

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

By Mr. ELLENDER:

S. 2565. A bill to amend the Federal Farm Loan Act and the Farm Credit Act of 1933, as amended, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. HAYDEN:

S. 2566. A bill for the relief of Melinda Batista Pachengo; to the Committee on the Judiciary.

By Mr. DOMINICK:

S. 2567. A bill for the relief of Fung Yut Ma; to the Committee on the Judiciary.

By Mr. SMATHERS:

S. 2568. A bill for the relief of Mr. Leonel E. Enriquez; and

S. 2569. A bill for the relief of Mrs. Esther Luisa Marrero de Enriquez; to the Committee on the Judiciary.

By Mr. TOWER:

S. 2570. A bill to amend the Internal Revenue Code of 1954 to allow an income tax deduction for certain expenses of meals and lodging when a taxpayer's residence has been damaged or destroyed by fire or other casualty; to the Committee on Finance.

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

By Mr. KENNEDY of Massachusetts:

S. 2571. A bill for the relief of Mary Tai; to the Committee on the Judiciary.

By Mr. JAVITS (for himself, Mr. ALLOTT, Mr. BOGGS, Mr. BROOKE, Mr. CARLSON, Mr. CASE, Mr. COOPER, Mr. DOMINICK, Mr. GRIFFIN, Mr. HATFIELD, Mr. JORDAN of Idaho, Mr. KUCHEL, Mr. MURPHY, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. SCOTT, Mr. TOWER, and Mr. YOUNG of North Dakota):

S. 2572. A bill to establish a Domestic Development Bank to assist in the development of employment and business opportunities in certain urban and rural areas; to the Committee on Banking and Currency.

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

By Mr. JAVITS (for himself, Mr. AIKEN, Mr. ALLOTT, Mr. BAKER, Mr. BOGGS, Mr. BROOKE, Mr. CARLSON, Mr. CASE, Mr. COOPER, Mr. DOMINICK, Mr. GRIFFIN, Mr. HATFIELD, Mr. JORDAN of Idaho, Mr. KUCHEL, Mr. MUNDT, Mr. MURPHY, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. SCOTT, Mr. TOWER, and Mr. YOUNG of North Dakota):

S. 2573. A bill to amend the Economic Opportunity Act of 1964 to charter an Economic Opportunity Corporation to encourage the participation of private enterprise in the effort to rebuild urban slums and eliminate poverty in the United States; to the Committee on Labor and Public Welfare.

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

AMENDMENT OF INTERNAL REVENUE CODE OF 1954

Mr. TOWER. Mr. President, under present Internal Revenue Service regulations, as I understand it, a taxpayer's loss of residence by fire, storm, flood, or other casualty is limited to actual physical damage. No credit is allowed for extra living expenses incurred while the taxpayer's house is being rebuilt or repaired, or while the taxpayer seeks another permanent residence.

The cost of living in a hotel or motel and the cost of eating out means, of course, more expense for the taxpayer, and at a time when he is already burdened with unexpected expenses.

The bill I introduce, and urge speedy passage of, would, under the above-described conditions, simply let the taxpayer deduct from his tax bill expenses paid and incurred for meals and lodging for himself and members of his household during a period not to exceed 3 months, and only to the extent these expenses exceed an amount which the taxpayer would have paid for himself and family if his residence had not been destroyed or damaged.

Mr. President, as a result of Hurricane Beulah, many of my fellow Texans have incurred much expense. This proposed measure would help ease somewhat their burden.

I would point out a similar situation nearly always arises as a result of hurricanes, tornadoes, and floods, in whatever part of the Nation they might occur. Our action in approving this measure, for both this year and in future years, will help some of our fellow Americans when help is most needed.

Mr. President, I ask that the text of my bill be printed at this point in the in the RECORD.

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

The bill (S. 2570) to amend the Internal Revenue Code of 1954 to allow an income tax deduction for certain expenses of meals and lodging when a taxpayer's residence has been damaged or destroyed by fire or other casualty, introduced by Mr. TOWER, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 2570

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by renumbering section 218 as 219, and by inserting after section 217 the following new section:

"Sec. 218. Certain extraordinary living expenses.

"(a) ALLOWANCE OF DEDUCTION.—There shall be allowed as a deduction the extraordinary living expenses paid or incurred by the taxpayer during the taxable year as a result of damage to, or destruction of, the taxpayer's residence by fire, storm, or other casualty.

"(b) EXTRAORDINARY LIVING EXPENSES DEFINED.—For purposes of subsection (a), the term 'extraordinary living expenses' means

the expenses which are paid or incurred by the taxpayer for meals and lodging for himself and members of his household (to the extent such expenses are not lavish or extravagant), and which are paid or incurred—

"(1) during the period (not exceeding 3 months) while the taxpayer's residence may not be occupied, or may not be used for the preparation and serving of meals, as a result of damage or destruction by fire, storm, or other casualty (or as a result of repairs being made on account of such damage), or

"(2) during the period (not exceeding 3 months) while the taxpayer is securing a new residence after damage to or destruction of his residence by fire, storm, or other casualty,

but only to the extent such expenses exceed the expenses which the taxpayer would have paid or incurred in providing meals and lodging for himself and members of his household if his residence had not been damaged or destroyed.

"(c) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(b) The table of sections for such part VII is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 218. Certain extraordinary living expenses.

"Sec. 219. Cross references.

SEC. 2. The amendments made by this Act shall apply to taxable years ending after the date of the enactment of this Act.

AMENDMENT OF SECTION 172 OF INTERNAL REVENUE CODE OF 1954—AMENDMENT

AMENDMENT NO. 417

Mr. NELSON. Mr. President, on behalf of myself and my colleague Mr. PROXMIRE, I submit an amendment intended to be proposed by us to my bill, S. 2262, to amend section 172 of the Internal Revenue Code of 1954. The bill was offered to aid American Motors, which has suffered substantial losses in the recent past, yet has continued to make heavy investments in plant and equipment.

Bill S. 2262 will give American Motors the help needed to continue as a substantial, independent competitive force in the automotive industry.

In the bill American Motors would be permitted to apply losses from current operations more effectively against income on which the company paid taxes in prior years by extending the present 3-year period over which business losses can be carried back to 5 years, while reducing the loss carryforward period from 5 years to 3 years.

The total carryback-carryforward period would still remain at 8 years.

This change would enable American Motors to apply for a $20 million tax refund, and it would not cost the taxpayers a nickel.

If American Motors operates at a profit for the next 2 years, the firm can still claim the tax refund. On the other hand, if the firm is acquired by another company, the acquiring company could write off all of AMC's losses against its own tax liabilities.

In either case, the U.S. Treasury gives up the $20 million.

I believe the Federal Government should do all it possibly can to help maintain American Motors as an effective automobile producing firm. Our failure to do so can result in irreparable damage to the welfare of thousands of people and to the automobile business itself.

The amendment I offer today clears up the obscurity in the language of the bill as to the meaning of gross receipts in one of the four qualifying conditions. The effect of the relief given to American Motors is not changed one bit. Neither the profits nor the losses of the company is affected.

I hope the Senate will act quickly and favorably on the bill as amended.

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

The amendment (No. 417) was referred to the Committee on Finance.

CONTINUING APPROPRIATIONS JOINT RESOLUTION, 1968—AMENDMENTS

AMENDMENT NO. 418

Mr. HOLLAND submitted an amendment, intended to be proposed by him, to the joint resolution (H.J. Res. 888) making continuing appropriations for the fiscal year 1968, and for other purposes, which was ordered to lie on the table and to be printed.

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

AMENDMENT NO. 419

Mr. MUNDT submitted an amendment, intended to be proposed by him, to House Joint Resolution 888, supra, which was ordered to lie on the table and to be printed.

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

CHANGE OF REFERENCE

Mr. HANSEN. Mr. President, last week on behalf of my colleague [Mr. McGEE] and myself, I introduced S. 2553, a bill to authorize the Secretary of the Interior to modify the operation and to reallocate the costs of the Kortes unit, Missouri River Basin project, Wyoming, for fishery conservation.

The purpose of this legislation is to reallocate the costs to take advantage of the Federal Water Project Recreation Act enacted in the 89th Congress. The Committee on Interior and Insular Affairs has jurisdiction over the reauthorization and authorization of Missouri Basin projects and also multipurpose water resource projects in the West generally. The legislation was mistakenly referred to the Committee on Public Works and I ask unanimous consent that the Committee on Public Works be discharged from further consideration of the bill and that it be re-referred to the Committee on Interior and Insular Affairs.

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

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

Mr. BENNETT. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Nebraska [Mr. HRUSKA] be added as a cosponsor of the bill (S. 1897) 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.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Iowa [Mr. MILLER] be added as a cosponsor of the bill (S. 276) to amend the Older Americans Act of 1965 in order to provide for a National Community Senior Service Corps.

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

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Jersey [Mr. WILLIAMS] I ask unanimous consent that, at its next printing, the name of the Senator from Minnesota [Mr. MONDALE] be added as a cosponsor of the bill (S. 513) to amend the Public Health Service Act by adding a new title X thereto which will establish a program to protect adult health by providing assistance in the establishment and operation of regional and community health protection centers for the detection of disease, by providing assistance for the training of personnel to operate such centers, and by providing assistance in the conduct of certain research related to such centers and their operation.

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

Mr. SMATHERS. Mr. President, I ask unanimous consent that at the next printing of S. 1217, a bill I have introduced to provide for uniform annual observances of certain legal public holidays on Mondays, the names of the following Senators be added as cosponsors: Senators BARTLETT, CANNON, CLARK, DIRKSEN, FONG, INOUYE, MILLER, MORTON, NELSON, PEARSON, PELL, PERCY, SMITH, and YOUNG of Ohio.

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

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Jersey [Mr. WILLIAMS], I ask unanimous consent that, at its next printing, the name of the Senator from Pennsylvania [Mr. CLARK] be added as a cosponsor of the joint resolution (S.J. Res. 117) to provide that it be the sense of Congress that a White House Conference on Aging be called by the President of the United States in January 1970 to be planned and conducted by the Secretary of Health, Education, and Welfare to assist the States in conducting similar conferences on aging prior to the White House Conference on Aging, and for related purposes.

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

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 23, 1967, he presented to the President of the United States the following enrolled bills:

S. 676. An act to amend chapter 73, title 18, United States Code, to prohibit the obstruction of criminal investigations of the United States; and

S. 1933. An act to provide for the disposition of the judgment funds now on deposit

to the credit of the Cheyenne-Arapaho Tribes of Oklahoma.

NOTICE OF HEARINGS

Mr. CHURCH. Mr. President, as chairman of the Senate Subcommittee on Public Lands, I would like to announce that hearings will be conducted Thursday, October 26, on S. 2255 and H.R. 12121, two bills to extend the Public Land Law Review Commission.

The act of September 19, 1964, provides that the Commission shall submit its report and recommendations to the Congress and the President by December 31, 1968, and cease to exist 6 months after submission of its report or on June 30, 1969, whichever is earlier. The proposed legislation would extend both dates by 18 months.

The requested extension is asked because the Commission's study program has become greater than had been anticipated.

The hearings will be open and public, and will start at 10 a.m. in room 3110 of the New Senate Office Building. Those interested in testifying or submitting statements for the record should inform the Senate Interior and Insular Affairs Committee, room 3106, New Senate Office Building, Washington, D.C.

NOTICE OF TRADE EXPANSION HEARINGS IN MILWAUKEE, WIS.

Mr. NELSON. Mr. President, I would like to announce that the Senate Select Committee on Small Business will hold hearings on expansion of foreign trade opportunities for midwest industries. I will chair the 2 days proceedings in Milwaukee, Wis., on December 1 and 2 at the U.S. post office and courthouse.

The goal of the hearings is to explore the export potential for the next 5 to 10 years for all the industries and businesses in the region. Only four cities have been selected as locations for regional hearings. I am gratified that Milwaukee is one of them.

The committee has sent invitations to many leaders from industry, governmental units, trade associations, business organizations, and institutions of higher learning. The response has been very favorable. I look forward to a very informative 2 days of discussion with several dozen people who are the most knowledgeable and the most interested in the field.

Milwaukee is a major port on the St. Lawrence Seaway, America's fourth seacoast.

The heartland of the Nation relies to a great extent on Milwaukee to handle its exports and imports. Every year shows a record amount of tonnage handled.

The port's harbor and dock system can handle additional loading with ease. The region is anxious to move ahead in the export field. Wisconsin now ranks 12th in the country in value of manufactured exports; Illinois is second, Michigan sixth.

During 1966 in Wisconsin, over 68,000 individuals depended on foreign trade for jobs.

Wisconsin's 1966 share of the export business totaled almost $630 million.

The product groups break down into $328 million for machinery excluding electrical; $53.6 million for electrical machinery; $73.6 million in transportation equipment; $31.5 million for fabricated metal products; $39.7 million for food and dairy products; $7.6 million for lumber products; $7.9 million for paper and allied products; and miscellaneous products including ordnance, printing and publishing, and chemicals totaling $37 million.

The midwest region can look forward to many years of prosperity. But it will have to step up its pursuit of the markets of Europe, Asia, Africa, and Latin America if it is to maintain and improve its position in trade leadership.

It is a fact that the Nation's trade surplus is at its lowest level since 1959. In that year, trade surplus stood at $6.7 billion while it fell to $3.7 billion last year. The country's dwindling gold reserves are a cause of mounting concern.

The question is, can the Midwest help its own economy and that of the Nation through a concerted effort to increase its own export business?

Some of the greatest opportunities available for expansion of the field lie with small business. About 90 percent of all 290,000 U.S. manufacturers are classified as small business. All farmers are small businessmen. Unfortunately, most of the time we are myopic to opportunity. The average person thinks only in terms of the companies in the "Fortune 500." Yet the expertise these large companies possess can be relied on to help guide the way for the newcomer.

The hearings are designed to receive the views of the trade community. In time we will build a record from each of the major regions of the country. We hope that this inquiry will help in great measure to give encouragement and direction to expansion efforts where they are needed. In light of the remarks of the distinguished chairman of the Small Business Committee [Mr. SMATHERS] on September 14, that a Secretary of Commerce has been appointed and the Small Business Administration has reestablished its long-dormant export program, I feel that this exploration has already accomplished a great deal.

I hope that testimony at our Milwaukee hearings will define the practical problems of the region's industries, and that witnesses will explore the long-term potentials and problems of trade in the region's products.

We will ask business and industry representatives to describe what they believe should be the role of the Federal Government, of State and local government, and of private organizations—all of whom will have to work together to develop overseas markets.

The role of the U.S. Commerce Department will have to be explored in great detail in any proposed trade-expansion programs. For example, what should the Department be doing specifically regarding immediate market needs? What should its role in the long-range picture be?

Where should the Government assist business in developing new and better marketing techniques? How much attention should be paid to the new or smaller exporters as opposed to the major firms who determine in large measure the U.S. balance-of-payments position? What are some of the barriers the Government can lower?

The eventual publication of these hearings will provide a valuable source of information not only for the Congress and the public but it will also do much to demonstrate to our foreign trading partners that our economy is basically composed of small, independent firms; that there is increasing interest in mutually profitable commercial trade.

Holding hearings in the field will enable the committee to hear the practical suggestions—always the best—of those who are now, those who want to be, and those who should be connected with the export field.

The committee will have to rely on the experts to provide the answers. I am sure the Milwaukee hearings will help point the way to some of the needed solutions.

The committee will be happy to hear all views. Those having an interest in the subject matter are invited to contact the Senate Select Committee on Small Business.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. TYDINGS:

Testimony by him before Maryland Constitutional Convention concerning younger voting age and judicial and legislative reform in Maryland.

VIETNAM—HOW NOT TO UTILIZE AIRPOWER

Mr. SYMINGTON. Mr. President, a year ago last December, when in Vietnam, I became deeply impressed with the knowledge—no surprise because of his vast experience—of one of the finest men it has ever been my privilege to know, Maj. Gen. Gilbert L. Meyers, U.S. Air Force, retired.

I ask unanimous consent that this experience in the form of his record, be printed at this point in this RECORD.

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

[From the Department of the Air Force, Office of Information, Public Information Division]

MAJ. GEN. GILBERT L. MEYERS

Brig. Gen. Gilbert L. Meyers assumed command of the 836th Air Division, MacDill Air Force Base, on 1 April 1963. Prior to his assignment here, he had commanded the 354th Tactical Fighter Wing, Myrtle Beach AFB, S.C., since 3 October 1960. Before that, he was commander of the 4530th Combat Crew Training Wing at Williams AFB, Arizona.

A veteran of more than 27 years service with the Air Corps and Air Force, he is a graduate of the Canadian National Defense College at Kinston, Ontario; the Air War College at Maxwell AFB, Ala.; and the Armed Forces Staff College at Norfolk, Va.

General Meyers entered military service in July 1936 at Fort Snelling, Minn. He attended pilot training at Randolph and Kelly Fields, Texas, from July 1937 to June 1938. His first assignment after completing pilot training was with the Eighth Pursuit Group at Langley Field, Va.

During the early part of World War II he accepted the first P-47 Thunderbolt fighter for use by the Army Air Corps. Later he had the job of familiarizing General John K. Cannon, the man for whom Cannon AFB was named, with the aircraft's flying characteristics.

Serving with the 368th Fighter Group, his was the first Air Force unit to land in France after Normandy. After the German surrender, General Meyers served with the Fifth Air Force in the Far East and landed at Tachikawa Air Base, Japan, only days after the unofficial Japanese surrender.

In 1946 he assumed command of the First Fighter Group when it was the first jet fighter unit in the Air Force. In 1948 he was assigned to Williams AFB for a year and a half where he served as Commander of the primary training group and as Deputy Wing Commander. In 1950 he went to Korea for two years as Fifth Air Force Director of Operations during the Korean Conflict.

His other post-war assignments include: Deputy Chief of Staff of Operations, Headquarters TAC, Langley AFB, Va.; Vice Commander of the Ninth Air Force, Pope AFB, N.C.; and Deputy Director for Requirements, Headquarters USAF; and Commander of the 27th Tactical Fighter Wing at Cannon AFB, N.M.

Among the awards and decorations he has received are the Distinguished Service Medal, Distinguished Flying Cross, Air Medal with seven Oak Leaf Clusters, Bronze Star and the Croix de Guerre from France, Luxembourg and Belgium.

Mr. SYMINGTON. Recently, General Meyers testified before the Senate Military Preparedness Subcommittee; and anyone who wants to leave, for a minute, the conclusions of the armchair strategists in favor of the opinion of one in the field who directed this air war under all these rules, restrictions, regulations, and other instructions, will be interested in his short, concise, and entirely extemporaneous statement as presented to the subcommittee. Therefore, I ask unanimous consent that his statement be inserted at this point in the RECORD.

The PRESIDING OFFICER (Mr. YARBOROUGH in the chair). Without objection, the statement will be printed at this point in the RECORD.

The statement is as follows:

TESTIMONY OF MAJ. GEN. GILBERT L. MEYERS, U.S. AIR FORCE, RETIRED, FORMER DEPUTY COMMANDER OF THE 7TH AIR FORCE IN VIETNAM

Senator STENNIS. Do you have a prepared statement?

General MEYERS. I do not, sir, but I would like to make some opening remarks.

Senator STENNIS. Whether or not they are prepared in writing, you certainly may make some opening remarks and I hope you do.

General MEYERS. First I would like to say that I am very pleased to have an opportunity to talk with you gentlemen. You are obviously dealing with a subject which has been very close to my heart. Having spent about 16 months in Vietnam, naturally I am extremely interested in what is going on over there to this day.

I think that in any review or look at the Vietnam war, first you must look at the strategy or the policy which is being pursued over there, and my understanding, of course, is that we have three stated objectives. These objectives I think have been given to the committee many times, and in the interests of saving time, I will not repeat them.

I do not think that any military man that I have ever talked to has any quarrel with the objectives as presented. They are very straightforward, and easily understood, and I think capable of achievement.

I think where the great difference of opinion occurs is how these objectives are being carried out; specifically, how airpower is being used in North Vietnam to implement these objectives.

Associated with the objectives, there is another policy that does not come out as loud and clear as the three stated objectives. If you look at the way airpower has been employed in Vietnam, it is very obvious that this policy exists. This policy is the application of the air effort on a graduated controlled response basis. Initially, as we went into this war conflict, our targets were just across the DMZ. We were trying to create pressure on the enemy, and hopefully by doing so he would come to a decision that he could not win the war, and would agree to some sort of negotiated settlement.

GRADUATED PRESSURE GIVES ENEMY TIME

This policy of graduated pressure has a lot to do with how the air is being employed and the effectiveness of the air campaign in Vietnam. It gives the enemy time to take corrective action on many of the targets that we have struck and nullify the results of our attacks.

For example, consider the interdiction program against bridge targets on his lines of communications. It became obvious to him of course that this was a target complex that we were going to destroy. But because we did it piecemeal over a long period of time, he was able to put the material that he needed to repair the bridges in place, so that when the bridge was destroyed, he would cut down the time that the bridge was out of use.

In addition to that, he put cables across the rivers and the inlets so that he would have a means of crossing. Ferryboats were put into position so that they could be utilized immediately. By giving him this opportunity to organize his resources, he could cut down the effect of the destruction of a given target.

HIT POWER FACILITIES ON PIECEMEAL BASIS

Another specific along the same line. Our attack against the power facilities in North Vietnam. Again this was done on a piecemeal basis. It has been said that there are about 2,000 portable generators that have been brought into Vietnam to replace the loss of these permanent facilities.

Obviously, these generators did not exist initially, but because of the long period of time we spent destroying them, these replacement items were provided, so the impact of the destruction of these facilities was lost.

This graduated application of airpower I think has a major impact on the effectiveness of the airstrikes in the north. That is the point that I would like to get across to the committee, and I do not think it has been emphasized, at least in the press reports that I have read.

The targeting, of course, in North Vietnam is also very pertinent to the effectiveness of our air efforts up there. The target systems that we have gone after in the past have been limited in scope because of this graduated pressure policy that we were pursuing, and many of the good, more lucrative targets in the north were not attacked.

HAIPHONG NO. 1 TO MILITARY MAN

I understand that additional targets have now been released. Of course to the military man, the No. 1 target in North Vietnam is the port of Haiphong. This port represents to North Vietnam what the industrial capacity of Germany and Japan represented to them during the World War II time period.

North Vietnam is basically an agrarian country. They do not have the industrial capacity to produce the wherewithal to fight a war. As a result of this, they must import these necessities. A great deal must of necessity come through the port at Haiphong. It has been estimated to be somewhere between 75 and 85 percent of the total North Vietnam imports enter through this port. The remaining percent enters through the northeast railroad and road nets from China.

DOESN'T MAKE SENSE

It just does not make sense to me that we would put thousands of sorties into North Vietnam on armed reconnaissance when the material we are trying to destroy is located in a very vulnerable position as it is offloaded from the ships in the port of Haiphong. Why do we leave the equipment unmolested in these ports, and then attempt to relocate and destroy it as it moves down hundreds of miles of jungle trails? This is a very difficult thing obviously for our pilots to accomplish. Obviously a port is a very vulnerable facility, because the material has to be distributed after it is unloaded and stored. It is a very lucrative military target, and that is the point in time to bring your airpower to prevail against the material, not after it has been scattered all over the country of North Vietnam.

DEMONSTRATION AT THE PENTAGON

Mr. BYRD of West Virginia. Mr. President, the agencies and representatives of Government who dealt with the demonstrators against the war in Vietnam at the Pentagon are due credit and praise, in my opinion, for the manner in which they discharged their responsibilities.

The troops and their officers, the U.S. marshals and all who faced the protesters displayed admirable firmness as well as restraint in their enforcement of the regulations drawn up to govern the demonstration. Theirs was a difficult and delicate task, indeed. Great bloodshed could have occurred. That it did not is a tribute to the careful planning that preceded the demonstration and the effective way the plans were carried out.

I compliment the Department of Defense, the Justice Department, the General Services Administration, the police, and all who had a part in handling this unusual situation. The constitutional rights of the demonstrators were protected, and at the same time those who broke the law or violated the regulations were dealt with quickly, firmly, and I think justly.

It is reassuring to all citizens to see their Government respond as efficiently and as responsibly as it did. There is no question that the firm determination exhibited by all the agencies involved has served notice that efforts to disrupt the operations of Government will not be tolerated.

Hanoi's comments on the demonstration are proof enough that the Communists welcomed it. I stated last week that they had a hand in fomenting it. It is certain the demonstration served their ends. Hanoi will never negotiate, nor make any move toward peace, as long as it believes that dissatisfaction with

the war may eventually cause America to withdraw. Saturday's demonstration could have no other effect than to reenforce that belief.

It was ridiculous of Hanoi, however, to say that repressive tactics could not prevent the demonstration. The demonstrators, as everyone knows, were given official permission by their Government to stage the protest. Repressive tactics were used only when they violated the rules or broke the law.

PERSONALITY: DR. ARMAND HAMMER

Mr. MANSFIELD. The New York Times of Sunday, October 22, contains a personality story about one of the most successful businessmen in the Nation. I refer to Dr. Armand Hammer, who has engaged in his lifetime in a number of ventures but, at the same time, has been able to retain a continuing and firsthand interest in the works of the old master of western painting and sculpture, Charles Marion Russell.

In a sense, we look upon Dr. Hammer as a Montanan because of the personal interest he has developed in the works of Charlie Russell in all his fields of artistic endeavor. The finest bronze sculpture Russell ever made has been presented as a gift to the White House by Dr. Hammer and, therefore, to the American people. Within the next several weeks a formal acceptance ceremony will take place at the White House, and it is my hope at that time to join with Dr. Hammer and the President and his wife when the official presentation is made. It will be good to have a bit of Montana in the President's House to serve as a reminder to the Nation of this great Montanan's contribution to the art and the history of the Republic.

We of Montana will be deeply indebted to Dr. Armand Hammer for his sense of history in presenting this remarkable work of Charlie Russell's to the First Family in the White House and, thereby, to the Nation as a whole.

I ask unanimous consent that the New York Times article and an article entitled "Russell Bronze Given to White House," relating to the Russell sculpture "Meat for Wild Men," written by Betty Beale, and published in the Washington Evening Star of August 25, 1967, be printed in the RECORD.

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

[From the New York Times, Oct. 22, 1967]

PERSONALITY: DR. ARMAND HAMMER

(By William D. Smith)

At one time or another in his 69 years, Armand Hammer has made money on Aberdeen Angus cattle, asbestos, bourbon, barrel staves, caviar, chloroform, furs, gas, hides, jade, jeweled Easter eggs, mouthwash, oil wells, paintings, pencils, a radio network, shampoo, sheep's intestines, tractors, vodka and wheat.

Dr. Hammer is also a fully qualified physician, but he has never made a penny as a doctor. Medicine, in fact, is one of the few things that he has not turned into a profit-making venture.

He is now the president of the Occidental Petroleum Corporation, a company whose corporate personality has taken on the success, excitement and eclectic nature of its present chief executive.

When Dr. Hammer first became involved in Occidental in 1956, the company's stock sold for 18 cents a share and had a net worth of less than $50,000. On Friday, the company's stock closed at 88⅜ on the New York Stock Exchange and Occidental had assets of more than a billion dollars.

The resurrection of Occidental, a company that was ready to declare bankruptcy only 11 years ago, came about by pure chance. Dr. Hammer moved to California in 1955 to retire in the sun with the $6.5-million he had received from Schenley Industries for his J. W. Dant & Co., the manufacturer of the nation's No. 1 bottled-in-bond bourbon.

He soon became bored with the sun, sand and do-nothing routine. A friend approached him and asked him to finance two wildcat wells in Bakersfield, Calif., for $120,000. "I looked at the company, which was then selling at 20 cents a share, and told my friend it was not worth even the 20 cents a share," Dr. Hammer commented.

The friend told Dr. Hammer of the tax advantages in oil and the retired millionaire decided to take a fling. Both wells came in "much to my surprise," the doctor says.

The management of Occidental next asked Dr. Hammer for $1 million to obtain 11 oil leases in Los Angeles.

In 1957, Occidental asked Dr. Hammer to be president of the company. "My first thought was, well, I don't know anything about the oil business so I had better start hiring the people who do," he explained.

Dr. Hammer contends in his low-keyed but dynamic voice that this is the first principle of good business management: "Get the people who best know how to do the job and you can't go wrong."

He explained:

"I didn't even know who knew the oil business so I asked my bank, the Chase Manhattan, to give me the name of the person they thought was the most knowledgeable oil consultant. They told me about N. Van Wingen, a professor at the University of Southern California.

"I put him on the board and then asked him to pick the best oil man on the coast. He named Eugene C. Reed. Occidental didn't have enough money to hire Reed for a salary so I offered him opportunity through stock options instead."

This is Dr. Hammer's second principle of business management: Give people opportunity through incentives such as stock options and they will produce.

"I told Gene Reed this was a chance to make a million and he said, 'well, I always wanted to make a million,' and accepted." Mr. Reed, who recently retired as executive vice president, made his million many times over.

This formula of offering a prospective employe a chance at big money rather than a large salary attracted many other top oil people to the rapidly expanding company. "They left security to take the big chance," he observed.

Occidental's army of experts led by Mr. Reed and spurred by Dr. Hammer found gas and oil with amazing regularity in the California area. In 1960, the company went into the fertilizer business with the purchase of the Best Fertilizer Company.

In 1961, Occidental made what would prove to be one of the most important moves in the recent history of the oil industry. Dr. Hammer and his team went to Libya and asked for oil concessions. The Libyan Government said it would give the concessions if Occidental would also built a fertilizer plant.

Dr. Hammer approached the International Ore and Fertilizer Company, a worldwide agricultural chemical marketing operation, in an effort to make a deal on Libya's request. During the negotiations, Dr. Hammer decided to acquire the company.

In 1965, Libya opened its land area to competitive bidding by the oil companies. Much to the surprise of the major international oil giants, Occidental was awarded choice sites at a price considerably lower than some of the competing bids. Occidental's offer, of course, had included plans for a fertilizer plant.

Since 1965, Occidental's Libyan concessions have proved to be one of the world's major oil deposits, exceeding even the most optimistic estimates. In the words of a Wall Street analyst, "With one fell swoop, it placed Occidental in the class of the major petroleum giants."

While Dr. Hammer was making his way in the oil business, he was also spreading Occidental's wings to cover petrochemicals, sulphur, minerals and homebuilding. Most of the diversification came through acquisitions and almost every venture has proven profitable.

How does this jack of many businesses and master of what would seem all describe himself? "I am first and foremost a catalyst—I bring people and situations together."

Dr. Hammer organized his first million-dollar business, a wholesale chemical concern, while still a student at Columbia University's School of Medicine.

While waiting to begin his internship, Dr. Hammer heard about the famine in Russia following World War I. With some of the money he earned while a student, he bought a surplus field hospital and took it to the famine area.

Seeing that the people needed food, not medicine, he told Soviet officials: "I will bring over ships filled with grain if you will fill them with products I can sell in America." The Russian officials agreed. He became something of a hero in Russia and at the same time established a very profitable export-import business representing 38 leading American manufacturing companies. He obtained the first concession awarded by the Soviet Government, an asbestos mine in the Ural Mountains.

Why is Dr. Hammer still working 16 hours a day seven days a week when he has achieved both fame and fortune? "Believe me, I would pay Occidental to let me work" is the way he puts it.

[From the Washington (D.C.) Evening Star, Aug. 25, 1967]

"MEAT FOR WILDMEN": RUSSELL BRONZE GIVEN TO WHITE HOUSE

(By Betty Beale)

The White House has acquired a bronze by the famous cowboy artist of Montana, Charles Russell. It is entitled "Meat for Wildmen" and called by the donor the finest bronze Russell ever created.

The sculpture was rushed to Washington from New York yesterday to arrive on the day of the dinner commemorating Montana Sen. Mike Mansfield's 25 years in the Congress. The majority leader called the President to tell him of the offer of the gift by Armand Hammer, president of the Occidental Petroleum Co., and President Johnson expressed his pleasure in receiving it.

It all came about because the White House dinner for the Shah of Iran. Both Mansfield and Hammer were at that party and admired the western bronze by Remington that is spotlighted in the downstairs corridor.

Hammer reports the senator remarked somewhat longingly, "Wouldn't it be marvelous if someone would present to the White House a Russell bronze as a match for the Remington?"

Mansfield knew that Hammer had the largest collection of Russell sculpture in the world because he bought the whole contents of the artist's house. Hammer took the hint and called his brother Victor, of the Hammer

Galleries in New York; to ship the bronze down at once, and it arrived yesterday.

Mrs. Johnson told him at the dinner honoring Mansfield last night that she had walked around it, admiring it, and was so happy it was in the White House. She also told him she was going to put it where the 1.8 million persons who come to the White House every year could see it.

The sculpture, resting on a revolving stand five feet in height, is three feet long, two feet wide and one foot high, said Hammer. Only 10 bronzes were cast from the original wax model which is in Montana's Historical Museum.

It depicts Indians on horseback attacking a buffalo.

THE HUNGARIAN REVOLUTION OF 1956

Mr. GRIFFIN. Mr. President, today is recognized as the 11th anniversary of the Hungarian revolution of 1956.

It is, therefore, fitting that we look back to that heroic event and recall the historic happenings which, for a period of several days, held the world spellbound.

Eleven years ago Hungarians rose up against the Soviet-imposed Communist regime. What we were then witnessing was a spontaneous, popular outburst of protest against an alien, Communist dictatorship.

A new and free government was installed at the capital of Budapest. With human courage and the simplest, man-made instruments of battle, Hungarians had succeeded in throwing off the yoke of Soviet imperialism.

Mr. President, no event since then has quite equaled the drama of those days. The high, unambiguous aspirations of the Hungarian Freedom Fighters will live forever as a testament to man's never-ending search for liberty and dignity.

The struggle of that day carries great meaning for all Americans. For we were once again reminded that the ideals and rights enjoyed in this country are truly universal in scope.

The proud history of the Hungarian revolution will live as long as men are possessed of the natural instinct to be free.

Together with thousands of Americans and native Hungarians living in the United States, I pay tribute to the brave patriots who in 1956 raised the banner of freedom to its zenith.

VIEWS OF GEN. MAXWELL TAYLOR ON CONTINUED BOMBING OF NORTH VIETNAM

Mr. McGEE. Mr. President, U.S. bombing of North Vietnam, as Gen. Maxwell Taylor has written, "is accomplishing the purposes for which it was begun, not perfectly but in such measures to represent an indispensable element of our overall strategy."

General Taylor, in a forceful article defending continued bombing, points out anew that the purpose of this most controversial aspect of the war in Vietnam is to convince our adversary of the futility of his attempt to impose a Communist regime on the people of South Vietnam.

General Taylor's credentials to comment both upon the military and political aspects of the war, and of the bombing, are of the highest order. He does, in this article, which I have taken from the Sunday Star of October 22, 1967, recount the history of the bombing strategy, the reasons for it, and the results. I commend it to everyone's attention and, further, want to commend the Washington Star for publishing the article. The Star is among the newspapers which have editorially called for a cessation of the bombing attacks against North Vietnam, we may recall. So it is a matter of editorial fairness by its editors that has led the Star to publish General Taylor's article in rebuttal.

Mr. President, I ask unanimous consent that Gen. Maxwell Taylor's article citing the reasons for continued bombing of North Vietnam be printed in the RECORD.

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

THE CASE FOR CONTINUED BOMBING OF NORTH VIETNAM

(By Maxwell Taylor)

The basic case for the bombing of North Vietnam is the need to do everything possible by all available means to create a situation for the leaders in Hanoi such that, from considerations of self-interest, they will change their ways and cease the aggression against the South. Since air power is a unique asset on our side (just as guerrilla power is uniquely theirs), it is only commonsense for us to exploit this weapon to the maximum consistent with the unusual context of the Vietnam conflict. I would stress that the context is unusual, a fact which accounts for the departure from what many would call the normal use of air power as demonstrated in past conflicts.

The decision to attack the military target system in North Vietnam was taken in February, 1965, only after long debate and much heart-searching within our leadership which had lasted literally for years. I became personally involved in the issue on the occasion of a visit to Vietnam in October, 1961, as a member of a mission sent by President Kennedy to review the deteriorating situation which had resulted from the effects of the "War of Liberation" declared in 1959 by Hanoi against South Vietnam. By the evidence, we became deeply impressed with the growing threat to the Diem government and, indeed, to the security of the entire country posed by the accelerated guerrilla campaign. Reflecting upon the significance of the events which we were witnessing, we included in our report to President Kennedy the following remarks:

"While we feel that the program recommended represents those measures which should be taken in our present knowledge of the situation in Southeast Asia, I would not suggest that it is the final word. Future needs beyond this program will depend upon the kind of settlement we obtain in Laos and the manner in which Hanoi decides to adjust its conduct to that settlement. If the Hanoi decision is to continue the irregular war declared on South Vietnam in 1959 with continued infiltration and covert support of guerrilla bands in the territory of our ally, we will then have to decide whether to accept as legitimate the continued guidance, training and support of a guerrilla war across an international boundary, while the attacked react only inside their borders. Can we admit the establishment of the common law that the party attacked and his friends are denied the right to strike the source of aggression, after the fact of external aggression is clearly established? It is our view that our government should undertake with the Vietnamese the measures outlined herein, but should then consider and face the broader question beyond." We did not decide at the time of our report to recommend the use of air power "to strike the sources of aggression" but many of us had the possibility very much in mind as we watched the evolving situation in the following years.

A CRITICAL PERIOD

I arrived in Saigon as Ambassador in July, 1964, and inherited the political consequences of the overthrow of the Diem government in the previous November. How historians will eventuality appraise the significance of this event I do not know, but its immediate result was a period of critical political instability with coup following coup as governments were overturned by the unresisted pressure of power seeking minority groups.

To the Communist leadership in Hanoi and the Viet Cong, the disappearance of their principal enemy, President Diem, was a boon which offered them unexpected opportunities which they were quick to realize. From their point of view, the entire year of 1964 was a period of exploitation of the fall of Diem during which they tried to score dramatic military or political successes, hoping to clinch the victory which they now felt to be within their reach. On our side, we worked feverishly to shore up the government in Saigon and to increase the South Vietnamese forces—military, paramilitary and police—still hoping to be able to cope with the growing guerrilla threat with indigenous resources. We lived dangerously in this period, never sure from night to night when a new coup might overthrow another feeble government or when we might lose some important provincial town to a surprise attack or a military base to mortar fire.

Toward the end of 1964, the enemy began to take as prime targets the American bases and billets throughout the country and inflicted serious losses in the mortar attack upon the Bien Hoa airfield in November, the bombing of the American-occupied Brinh Hotel in Saigon on Christmas Eve and the mortaring of the airfield at Pleiku in February, 1965. In all, we were faced with a generally deteriorating situation characterized by continued political turmoil, minority conflicts both within the population and within the Armed Forces, mounting terrorism against U.S. personnel and deepening discouragement throughout South Vietnam. These adverse trends led me to conclude in late 1964 that the time had come when we must employ the unused resource represented by our preponderant air power to carry the war to the North and "to strike the source of aggression" four years after we had first seriously considered it.

THREE CLEAR PURPOSES

When, after the attack on Pleiku, the decision was taken to initiate the air campaign, it was done for the clear purposes which seemed valid at the time and which, in my judgment, remain valid today to justify the continuation of the bombing. The first was to encourage the people of South Vietnam by the knowledge that, at long last, the homeland of the enemy was being attacked in some small compensation for the heavy losses indicted upon South Vietnam through the long years of the guerrilla aggression.

The second purpose was to use air power insofar as air power could be effective to limit and make more difficult the infiltration of men and supplies from North Vietnam into South Vietnam. I would emphasize that no one involved in this decision thought then or thinks now that air power alone can stop the infiltration from the North. Our experience in World War II and in Korea has indicated clearly that there are limits to the effectiveness of air attacks in keeping determined men from moving supplies and equipment on the ground under air attack.

However, that same experience also indicated that air power can indeed set limits on the size of forces which can be maintained in combat and can restrict the tempo of that combat when the enemy lines of communication are under constant air attack.

The third purpose was political and psychological in nature—the need to remind the leadership in Hanoi that henceforth they no longer operated in a sanctuary free from attack and that, as time went on, their homeland would pay an increasing price for the continuation of the aggression against the South.

Those being the purposes of the air campaign, we may appropriately inquire to what extent they have been fulfilled. Secretary McNamara has answered that question with minimum words, saying: "Weighted against its stated objectives, the bombing campaign has been successful." It was clearly successful in 1965 in raising the morale of the South Vietnamese who were overjoyed when they first received the news of the initiation of the air attacks. One must add, however, that this kind of lift is transitory and today the bombing attacks on the North are so commonplace that they occur without much comment or reaction in the South. However, we should remind ourselves that if, for no good reason and in exchange for no clear reciprocal advantage, these attacks were significantly curtailed or stopped, there would be a most serious negative reaction throughout South Vietnam that could have serious effects upon the willingness of this long-suffering people to continue a struggle which, beginning as political subversion in 1954, is now in its 13th year.

INTERDICTION EFFECT

With regard to the interdiction effect of the bombing campaign, I would concede at once that, as expected, it has not succeeded in stopping infiltration from North to South. Although I have no particular confidence in the accuracy of our estimate of the daily tonnage required to support the enemy forces in South Vietnam, which the growing use of artillery and heavy rockets is greatly increasing, I would also concede that the bombing in itself is never likely to reduce the flow of men and supplies below the absolute minimum required to keep the present forces alive and operating at the currently low level of combat activity. On this point of combat activity, our information indicates that an enemy battalion does not average in combat much more than one day per month, a level of activity which contrasts sharply with the four to six days per week of activity of maneuver battalions on our side. So if the bombing has not stopped the infiltration, there is much evidence to indicate that it has succeeded in making the movement of men and supplies to the combat zone slow, difficult and costly. It substantially increases the number of men and tons which must be dispatched from the North to get one man or one ton into South Vietnam.

At the time of the Tet bombing pause in February of this year, we had photographic evidence of the eagerness of the enemy to take advantage of any suspension of the bombing to move men and supplies with impunity in maximum numbers with maximum speed. When the preannounced hour for the Tet suspension arrived, the North Vietnamese logistic system moved immediately into high gear, speeding ships, trucks, trains and aircraft from North to South with maximum tonnage to take advantage of a sky clear of bombers. It is estimated that the cargo moved in this period was at a rate 15 to 20 times greater than that normal under conditions of bombing. It was an impressive demonstration of the capacity and efficiency of the logistic system of the North and a reminder of the war-sustaining capability there which is held in restraint by our bombing.

A SECOND FRONT

With regard to the third purpose, that of imposing a heavy price on North Vietnam for the conduct of the aggression in the South, the most eloquent testimonial of effectiveness has been the concerted propaganda campaign waged from every Communist capital to force the U.S. to give up the bombing campaign. Knowing our long-standing desire for peace negotiations, the Communists have set as a price for discussions the prior cessation of the bombing, obviously the one action above all others which they would wish us to take. I shall not lengthen this article by repeating the widely published tabulations of bomb damage to communications, power, petroleum, and the supply system of North Vietnam which constitute the statistical evidence of the effectiveness of the bombing in reducing the war-making and war-sustaining capability of North Vietnam and imposing a heavy burden on the fragile economy. It has, in effect, opened up a second combat front which the North Vietnamese must defend at great cost. We estimate that over 500,000 people have been diverted from military or civil pursuits to contribute to air defense and to repair the damage caused by the bombing. This is an important diversion of manpower already greatly taxed to replace the heavy battlefield losses in South Vietnam. This second front opened and maintained by our bombers offsets to some degree the guerrilla battle front in the rear areas of South Vietnam. Both employ the bomb as a primary weapon, ours delivered by aircraft, theirs delivered by guerrilla terrorists. This analogy should be borne in mind when one considers the reciprocity which we should require in exchange for any suspension or cessation of the bombing.

One may observe that if, in relation to its purposes, the bombing campaign is so successful, it is odd that so many people are urging our government to end or to modify it. There is no doubt that the air campaign is by far the most controversial element of our entire strategy and there is certainly some grounds to think that there must be something wrong with it if it causes so much domestic and international criticism.

As I understand them, the critics fall into two classes—those who say the bombing campaign does too little and should be stepped up and those on the other flank of the argument who say the bombing campaign does too much and should be stepped down or stopped.

CASE FOR "HAWKS"

The case for the "hawks" who say we should bomb more targets and bomb them harder rests upon a question of judgment, namely, how fast and how far should we apply the pressure represented by our air capabilities. At the outset, our leaders deliberately decided to apply this pressure slowly and gradually in order to give ample time to the Hanoi leaders to reflect and to adjust their behavior. This gradualism in the use of military force was dictated by a number of concerns all of which would seem understandable and indeed commendable. In a world of high tension politics and nuclear arsenals, any responsible government should go slow in taking actions which might conceivably result in misunderstandings or over-reaction leading to the outbreak of major hostilities. In the particular case of North Vietnam, there has been the added reason that we wished to bring Hanoi to its senses in time and in condition to exert influence upon the terminal settlement in South Vietnam. We are often reminded that even if Hanoi ceased to exist tonight, there would still be over 100,000 armed men in South Vietnam who might continue the conflict almost indefinitely if left to their own hopeless devices. We can find many examples among the Japanese forces by-passed in our Pacific campaign of units which maintained themselves in the field for years without communication or assistance from the homeland. Such conditions, if reproduced in South Vietnam, would present a formidable long-term problem for the South Vietnamese and indirectly for us. Hence the preservation of Hanoi as a government in being, potentially capable of joining with us at some time in resolving the entire Vietnamese problem, would seem a clear advantage—at least as of now.

If one accepts this point of view, then the rate of increase of air pressure becomes a matter of judgment and those who criticize the slowness of the increase cannot prove their case any more than can those who defend the current tempo. Is it more effective to move rapidly through the target system to the point where little remains except Hanoi itself or rather slowly so that the enemy always has something of value to salvage if he will mend his ways? My own feeling is that the rate has been about right and that the important thing is not so much a further expansion of the target system as is the relentlessness with which we continue day after day to maintain the pressure on North Vietnam with a constancy enforcing the impression of the inexorability of ultimate defeat.

For those who would end or sharply curtail the bombing of the North, I would point to the serious consequences of such action. If the morale of South Vietnam rose upon the initiation of the bombing, it could fall disastrously low if, for no valid reason, we ended it. There would be a similar reaction among our own troops who at present are fighting magnificently in seeming oblivion to the doubts and misgivings which bedevil some Americans at home. Our leaders would find it very difficult to explain to them, or for that matter to their families, why they were being deprived of the protection represented by the bombing attacks on the logistic system of North Vietnam. Under such conditions, I would expect a wave of violent criticism in the U.S. which would far exceed the complaints which we are hearing now.

EFFECTS ON HANOI

The effect upon the Hanoi leadership would also be adverse to our interest. Ho and his colleagues would be overjoyed at a success which they would attribute to the international and domestic pressures generated by their propaganda and the weakness of the American Government. If the latter could be compelled to give up so clear an asset as the bombing, the Communist leaders would expect to be able to win any contested point if they were tough and patient enough about it. If they came to a negotiation table following such a concession, we could be sure of encountering nothing but hard-nosed, uncompromising positions. They would have no incentive to expedite negotiations and every reason to fall into the Panmunjom pattern of foot-dragging and stalling while we continued to suffer casualties inflicted by the guerrillas in South Vietnam. Having given up the important "blue chip" represented by our air campaign, we would be hard put to leave the negotiation table with an agreement even minimally satisfactory to our side.

One may object that these consequences would apply only to a complete and final cessation of the bombing but not to another pause which many think would be reasonably sure to result in negotiations. Even if one is skeptical about this possibility after the experience of the six previous bombing pauses, isn't it worth taking the limited risks involved and trying a pause for another reasonable period?

In replying, one is in the realm of opinion as always when undertaking to evaluate the consequences of some future event. However, to me at least, the disadvantages of another pause are quite clear and reasonably certain whereas the advantages are contin-

gent upon highly unlikely events. Even if the enemy did not exploit the pause to gain important military advantages, even if he opened discussions or negotiations during the pause, our act of having yielded to pressure in accepting the pause could create the effect on Hanoi described above and would make it harder ever to get a reasonable settlement at the peace table. Also in the present atmosphere at home and abroad, it would be much more difficult than formerly to resume the bombing if the pause produced no meaningful results and it would be very easy to drift from a suspension of the bombing into a de facto cessation with all the consequences forecast in our earlier discussion.

RECIPROCAL ACTION

Even if we gave up our bombing in exchange for some reciprocal action by Hanoi, we should be very careful with regard to the nature of this reciprocity. One often hears the suggestion that we should stop our bombing for the agreement of the other side to stop infiltration. This to me is a very dangerous bargain, since it will be most difficult to verify the fact of the cessation of infiltration except over a prolonged period of time. If, as seems likely, a cease-fire, total or partial, were in effect in the period, verification would be almost impossible since we depend largely upon captured prisoners and documents to give us hard evidence of infiltration. If under these conditions we would stop our bombing, we would never be sure whether we were getting value promised by the other side.

In this connection, I have often thought that a better reciprocal action in exchange for a progressive cessation of the bombing would be a simultaneous and parallel reduction of guerrilla incidents in South Vietnam. These incidents are known and recorded so that it would be quite possible to relate the sortie rate flown by our aircraft against North Vietnam to the number of guerrilla incidents in South Vietnam. Thus, we would have two scales of activity which could be moved up and down in relation to one another. This would have a certain logic since, as I mentioned at the outset, there is an analogy between the two campaigns being waged against the rear areas of North and South Vietnam—the one by our bombers, the other by their guerrillas.

The conclusion which I have derived from the foregoing considerations is that the bombing campaign against North Vietnam is accomplishing the purposes for which it was begun, not perfectly but in such measures to represent an indispensable element of our overall strategy. That strategy, we must remind ourselves, is for the purpose of changing the will of the adversary and bringing him to accept the impossibility of imposing a Communist regime on South Vietnam. If that strategy fails, we fail in our objective of an independent Vietnam free from aggression and able to choose its own government. To give up the element of our strategy represented by the bombing of North Vietnam without a countervailing quid pro quo would be a deliberate act of self-denial which could weaken our side at a time when it should be strengthened. Such an act would dismay our Vietnamese and Free World allies, would needlessly expose our troops and would stiffen the will of Hanoi to hold out for unacceptable conditions and to hang on until we give up. Thus, it would be a course of action contrary to our national interest and to the interests of all others desiring a prompt settlement leading to an enduring peace.

INFLATION PROBLEM: RISING COSTS, TAX INCREASE, THE WRONG MEDICINE

Mr. PROXMIRE. Mr. President, prices are rising too rapidly and they are likely to continue to go up too fast.

But a tax increase is exactly the wrong way to fight the kind of inflation we face.

The New York Times yesterday published an excellent analysis of the nature of the current inflation that is plaguing us. The analysis shows that it is rising costs, not excessive demand that is the prime culprit for increasing prices.

There are few shortages—no general shortages of factory capacity to produce all the goods we want, no overall manpower shortage, but there is, indeed, a shortage of skilled workers in some lines.

Most of the price increases that have plagued the economy have come from the rise in the price of food. This is true in both the Consumer Price Index and the wholesale price picture.

Under these circumstances, Mr. President, what assistance would a tax increase give us in fighting inflation. It will not keep down food prices. No one contends that it will.

It will not significantly assist in solving the acute problem we are suffering in some areas from the shortage of skilled workers. In the general areas of overall manpower and productive facilities, where a tax increase could, indeed, ease demand pressures, there is no shortage. There is, in fact, a surplus.

Mr. President, I ask unanimous consent to have the article in the New York Times printed in the RECORD.

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

PRICES OF GOODS AND SERVICES RESPONDING TO RISING COSTS—BUT IS IT INFLATION?

(By Douglas W. Cray)

A ranking economic villain, inflation, is back on page one again.

Almost daily one is confronted with the word that such and such an item is, henceforth, going to cost the purchaser more money.

And almost daily one is also confronted with a kind of strained hand-wringing from someone in Washington or elsewhere who keeps an eye on such things to the effect that these price increases are a threat; a threat that brings the specter of inflation a step or two closer.

As the respected Federal Reserve Bank of St. Louis capsuled it in its latest monthly economic review:

"Although strengthening of total demand has been accompanied by additional real output, prices have also increased. Price increases have reflected the rising costs associated with excessive demands for total product a year ago. Consumer prices increased at a 4 per cent annual rate from April to August after rising at a 2 per cent rate during the previous eight months. The recent acceleration was primarily in food prices. Prices of all consumer items except food have increased at a 3 per cent annual rate since April, virtually the same as the rate of the previous eight months."

There has been a similar flurry of activity on the wholesale price front. As the same bank put it: "Wholesale prices, reflecting in considerable measure developments in agricultural products and processed foods, have increased at a 2.3 per cent annual rate from April to August. This index had fallen at a 2 per cent rate from last August to April. Wholesale prices of finished industrial goods have risen at a 1.5 per cent rate since April, about the same as in the previous eight months."

That's the backdrop for the uneven price picture that has been drawing increasing attention in recent months from economists in Washington and elsewhere.

In addition to the more familiar indicators such as the consumer price index and the wholesale price index, economists also pay close attention to another key measure of the impact of upward price movements on the whole economy. This one is known formally as the "implicit price deflator for total gross national product." In ordinary consumer terms, this means simply an index of the price changes occurring in all the goods and services that go into the G.N.P.

In the third quarter of this year, this index stood at 117.7 up 3.3 points from its level in the quarter a year ago.

This plainly reflects the creeping up of prices. But whether it qualifies as "inflation" is another question.

There are a host of price-front examples—evidence that economists everywhere are putting into their data books or, as some put it, "cranking" into their computers. The input includes, to pick some current and completely random entries, the following:

Late last week Revere Copper and Brass, Inc., announced it was raising prices of all its copper products by 2 cents a pound, and all copper alloy products 1 cent a pound.

Owens-Illinois, Inc., on the same day announced that it would raise prices of most of its glass containers.

Last month, the Freeport Sulphur Company, raised sulphur prices. A few days later, the Allied Chemical Company increased its price for sulphuric acid.

In mid-September, the Rexall Drug and Chemical Company raised the price of polyethylene resins. The Union Carbide Corporation followed suit a short time later. This month, the Ethyl Corporation increased its price for polyethylene packaging film.

Six weeks ago, International Nickel, which produces 60 per cent of the Western world's nickel, raised its price for the metal by 8¾ cents a pound to 94 cents. Stainless steel companies followed and companies that produce nickel-bearing copper and brass alloys moved next.

General Motors raised prices on its 1968 models an average of $124 a car, or about 4 per cent. Chrysler and Ford also decided to charge more, although Chrysler subsequently announced a partial rollback, bringing it more into line with the others.

Generally all the companies' formal announcements have cited the pressure of increased costs.

In many of the above instances, "production" and "labor costs" have been fingered as the culprits; the reason why product prices were being raised.

Citizen X, raising the price of product Y, always has a reason why Consumer Z is going to have to pay more money for it. That reason, currently at least, inevitably seems to come to rest on "increased costs."

This, in turn, suggests that somebody else, back there up the line a bit, raised his prices too . . . ahead of Citizen X. That somebody could be either a producer of a raw material, that is, wheat, corn, copper, coal or whatever; or it could be the men who work the fields or mines, that is, labor.

It confronts one in the mid-inflation maze with the age old question of which came first, increased costs or increased prices?

The question endures as does the maze. Talks last week with the economists in Washington who keep closest track of price movements and the patterns that create elicited no definitive answers to this one, quite possible because none really exist.

But talk of such things as the behavior of the basic yardsticks—the Consumer Price Index and the Wholesale Price Index—did shed light on what's going on and where.

The talks also elicited skepticism that wage and price controls are just around the corner.

Some businessmen, wary of the risks to the economy from the continuing war in Vietnam, have deemed it prudent or sound management to raise posted, or catalogue,

prices now in order to be prepared for a freeze when, and if, it should come.

Government officials who would be most intimately involved in any such undertaking indicated there was not a shred of evidence at this point to warrant such fears.

These same officials did, however, call attention to a cost-push that exists now and promises to be much in evidence as 1968 gets under way. This cost-push is the shortage, in some sectors, of skilled labor.

Shortages, whether it be manpower or material, inexorably lead to increases, in economic terms, at least. Manufacturers, for example, actively seeking manpower to fill gaps in production lines are fully prepared to recruit (one cost) and train (another cost) the needed bodies. They are also prepared, as production continues apace, to pay (still another cost) whatever terms are finally agreed upon in labor contracts.

Thus the most widely known price indicator, the Consumers Price Index, stood at 116.9 in August, up 2.7 percent from last year. September figures are due next week from this market basket sampling of some 400 separate items that John Q. Public buys or might buy from his grocer's, automobile dealer's or haberdasher's stock.

One may skim through the assorted ingredients of this composite and come up with a shelf-full of inklings. Apparel prices, for example, are significantly higher this year than last year, reflecting among other things increased wages in the industry and, looking ahead, a short cotton crop. There has also been a perceptible widening of margins in the apparel industry at both the retail and wholesale level.

Also in the non-durable sector of the CPI one notes that footwear prices are, again, significantly above last year's levels—up 4.7 percent as of August, 1967, from August, 1966.

Here again there is a reflection of such things as increased prices for hides and skins.

REASONS FOR RISES VARY

Moving on to such other basics as gasoline, one also finds increases from last year, some of them vaguely tied by the marketers to the Suez Canal shutdown. In the view of some of the most seasoned economists in Washington, a more meaningful explanation for the bulge now being registered in gasoline prices is the absence this year of the retail "price wars" that have marked the gasoline station scene in recent years on both coasts.

As for the durable goods corner of the CPI, one readily notes the jump—2.7 per cent in August—shown this year in used car prices. Here there is, in the view of top Government officials, a "market situation"; a "situation" that includes such factors as the increase in the number of teenage drivers and the scarcity of late model used cars.

When one comes to "services" one encounters some even larger jumps, including medical costs—up 8.9 per cent in August from the same month a year ago. Medical costs are presently the subject of some Congressional scrutiny, especially in the area of drug prices.

But transportation services are up too, with local transit sharply higher along with automobile repairs, registration and license fees. The jump in automobile insurance, also a part of the Bureau of Labor Statistics' CPI "services" category has, to date, been much less this year than in 1965 and 1966.

Finally, in this increasingly affluent era, that CPI shows an increase of 3.8 per cent so far this year in men's haircuts. This, it is felt outside of barbershops, reflects the growing popularity of "styling," a more expensive way of saying, and obtaining, a haircut.

Matters are much the same on the wholesale price index, up 0.3 per cent in August and perhaps another 0.2 per cent in September. But the Bureau of Labor Statistics, and others, are hopeful of getting the necessary funds to refine its data on the wholesale price front.

It is well recognized, for example, that posted or list prices at wholesale market levels do not necessarily reflect actual selling prices. Discounts are commonplace, especially in aluminum at this point. As it stands now, the BLS wholesale price index measures only posted prices, not actual marketplace prices.

It has been suggested in some quarters that another reason businessmen have been publicly edging up their posted prices at the same time that they are not-so-publicly doing business at former prices is for the possible stock market-public relations value therein. Investors, it is felt by some, are likely to be attracted to the corporation that is, fashionably perhaps, in step on the price front, not lagging behind out of step.

Still, it is certainly true, that one hears fewer official and sturdy blasts these days from Washington about all of these individual steps in the price-rise picture. It appears to some observers that the Council of Economic Advisers has accepted, perhaps reluctantly, the creep-up to the extent that it hovers near the 3 per cent level and saves its full arsenal for those major breakthroughs beyond, say, the 3 per cent range.

All of which leaves one tracking "inflation" right back where one started from: with more questions than answers.

But as one knowledgeable Washington economist put it a bit wistfully last week: "The climate, insofar as prices are concerned, has clearly changed" . . . seasonally adjusted, of course.

ALSOP REPORT ON ALLIED PROGRESS IN VIETNAM

Mr. BYRD of West Virginia. Mr. President, one of America's most perceptive columnists, Joseph Alsop, has written a series of articles from Vietnam vividly describing the marked allied progress in that war-torn land.

His article showing the allied successes in II Corps is exemplary of the entire series.

II Corps covers about one-half of the strategically vital and fertile central region of Vietnam. Because of its geography the course of the war here is considered predictive of the progress in other corps areas.

Once large units of North Vietnamese troops roamed almost at will, strongly reinforcing the Vietcong's iron hold over the population.

According to firsthand reports by Mr. Alsop, this has all changed drastically.

The crack 3d and 5th North Vietnamese Divisions have all but crumbled into ruin and the 95th Regiment, desperately called in for replacement, has been caught, punished, and driven back to its hungry mountain refuge.

With the breakdown of the large North Vietnamese units Alsop notes that Vietcong control of the countryside has withered. Captured documents show the Vietcong has desperately called for reinforcements—which the Allies continually drive back. As Alsop vividly puts it, "the VC here are in a dreadful, probably irreparable mess."

The thrust of this and his other articles is that the conflict is being won on all fronts. His knowledgable report evidences that the only stalemate in Vietnam is in the total lack of progress by the enemy.

I ask unanimous consent that Mr. Alsop's article, published in the Washington Post, be printed in the RECORD.

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

VIETCONG IN A DREADFUL MESS IN REGION HELD BY II CORPS

NHA TRANG, VIETNAM.—"Pray God the United States never, never gets into this kind of a stalemate!"

The young intelligence colonel gave the shortest and most vivid possible summary of the situation here in II Corps, which constitutes about half of the strategically vital central region of South Vietnam.

Six months ago, when I was last in II Corps, the VC were already in a mess here—and a mess that was all the more interesting because it seemed to predict the course of the war in other corps areas. II Corps is still predictive, and now it is fair to say that the VC here are in a dreadful, probably irreparable mess.

II Corps is predictive because of its very special geography of its corps areas, to the west are the tumbled mountains of the Annamite chain and the wide savannahs of the high plateaus. Here are few people and resources. Along the seacoast on the east are fertile, alluvial rice plains, each embayed in mountain masses, and here, in these rice plains are just about all the population and resources.

It can be seen, then, that the enemy's big units—the North Vietnamese divisions and the supporting VC "main force" and provincial battalions—are bound to have a very thin time in II Corps whenever they lose effective access to the coastal rice plains. And this has made the costal big units specially vulnerable.

Hence the North Vietnamese regiments of the so-called B-3 front, in their Cambodian sanctuary beyond the western frontier, have merely been contained by the American 4th Division, which guards the high plateaus. Meanwhile, the lion's share of II Corps resources—the air cavalry, the Koreans, and other Allied units, as well as some good South Vietnamese outfits—have been employed to harry the enemy's big units out of the rice plains. The results are dramatic by now.

In Binhdinh Province, as already reported, what used to be the best North Vietnamese division in the South, the 3d, has all but crumbled into ruin. In Phuyen and Khanhhoa, the two regiments of the 5th North Vietnamese Division are in no better shape. And in the provinces farther to the south, although more limited resources have been available, the combined rollback and erosion of the enemy big units is also proceeding apace.

What is interesting about this process is not the fate of the big units. What is interesting rather is the effect on the VC control of the population and the VC base in the countryside, once the big units have been driven into hungry, ineffectual refuge in the mountains, where these "big brothers" can no longer give real support to their littie brothers in the plains below. This could be foreseen six months ago, when there was documentary evidence that the 18th North Vietnamese Regiment was retained in Binhdinh because of pleas by the province party committee. The committee warned that the whole VC structure would be endangered if this wretched regiment, then down to 600 men, went north to safer territory to refit and pick up replacements.

What was then merely foreseeable has now begun to come to pass in deadly earnest, however. Take Phuyen Province, once the domain of the 95th Regiment of the 5th North Vietnamese Division, plus the tough 30th VC main force battalion. Soon after the Koreans pushed down into Phuyen (where the VC used to hold everything up to the suburbs of the province capital) the 95th Regiment was so badly mauled that it fled into the high mountains to lick its wounds.

That was last December. By May, cap-

tured documents show leading members of the local party network were grimly complaining that VC control had been lost in whole districts of the vital rice plain; that dire damage had been done to the VC base in the countryside by defection, capture and loss in battle of great numbers of essential cadres; and that, in short, the situation in the rice plain was near-desperate.

For this very reason, beyond doubt, the 95th Regiment got a good many hundred replacements during the spring. The coastal big units in II Corps now enjoy almost absolute replacement-priority, it noted. And what then happened to the 95th in turn indicates the kind of result this priority has thus far everywhere produced.

In brief, when brought up to strength, the regiment was ordered to descend again into the rice plain, with the prime mission of staying there permanently to aid the local VC and the secondary mission of collecting rice for its own hungry requirements. It did so, preparing a strongly fortified position in the northwest corner of the main plain. It also did some damage that could probably have been avoided by more rapid response to the intelligence. Reinforcements came, but fairly late.

Even before the reinforcements arrived, however, the Koreans and the local South Vietnamese army units had caught up with the 95th; had punished it cruelly; had driven it out of its new fortifications; and had chased it back into mountain-refuge again. In the process, a Korean regiment also trapped the 30th VC main force battalion. And in prisoners and killed, including the battalion political officer and the second in command, the Koreans destroyed just over half this veteran battalion's total strength of about 300 men.

Driven by necessity, small elements to the 95th Regiment are still trying to return to the plain in search of rice, of which they are desperately short. The fight is not over. The damage recently done is only beginning to be repaired. But the essential fact to note is that the big units were called to the rescue by the VC party apparatus in the populous areas of Phuyen, and this rescue party ignominiously failed. If rescue was so badly needed, and there is no real hope of rescue, what will be the future of the apparatus?

ELEVENTH ANNIVERSARY OF THE HUNGARIAN REVOLT

Mr. DOMINICK. Mr. President, 11 years ago the free world was stunned as a brave people, struggling to secure the rights of free men, was ruthlessly and cruelly crushed under the heel of communism. In the years since the Hungarian revolt untold suffering has been endured by millions of people under the weight of the Communist system, but nowhere has the suppression, the elimination of freedom and the lack of justice been more complete than was experienced in Hungary.

Last month delegates from 18 American and European countries attended the Fifth World Congress of the Hungarian Freedom Fighters Federation in Ottawa, Canada. At that meeting the Freedom Fighters reaffirmed their position on several issues and I think we would all do well to examine those issues carefully and let them be a constant reminder of how precious our freedom is.

Two of those points bear repeating today. The Freedom Fighters stated that, despite misleading tactical changes, Hungary is still a colony of Moscow. It is significant that on November 7 the Soviet Union will observe the 50th anniversary of the Bolshevik revolution. Within that period of half a century the spider web of the Communist ideology has reached out to ensnare nearly one-third of mankind. Yet the Soviet propaganda mill asserts that the Western Powers are colonialists seeking to ever increase their sphere of influence. This indeed is an incredible assertion and a thin coverup for what has been the most ambitious effort to extend a political system ever witnessed.

The Freedom Fighters also pointed out that the policy of "building bridges" is a one-way road. A unidirectional funneling in which goods and goodwill are utilized by the Communist government with no benefit or change in life of the millions of oppressed Hungarians.

Mr. President, I have made many speeches in the past stressing this same point, and I again call attention to the fallacy of attempting to build bridges of trade to Communist nations without demanding concessions in return which would be helpful to the advancement of freedom throughout the world. In return for our trade I believe we should demand a religious freedom, or allowing American newsmen into Communist countries, or any number of other actions which would bring some small measure of freedom and hope to people such as the Hungarians.

Mr. President, on the 11th anniversary of the Hungarian revolt, I call on all free men to reassert their belief in the cause of freedom and once again pledge their support to the Hungarian people. Eleven years after the heroic effort of the Hungarians our admiration has not dimmed for those who did not fear death.

THE COMMITTEE PRINT ON SMALL BUSINESS CRIME PROTECTION INSURANCE

Mr. SMATHERS. Mr. President, on April 11 of this year, I introduced S. 1484, to provide a program of Federal assistance to small businessmen in obtaining insurance protection against criminal activity. At that time, I was convinced that such a program was necessary in order to supplement the insurance then available from the insurance industry.

As a result of the testimony at the hearings held by the Committee on Small Business and the Subcommittee on Small Business of the Committee on Banking and Currency, I have become even more convinced of the urgent need for a Federal program to help provide crime protection insurance for small businesses.

I am happy to report that the Small Business Subcommittee of the Committee on Banking and Currency, under the able leadership of the Senator from New Hampshire [Mr. McINTYRE] has been working steadily on this problem since the hearings held by it in mid-September. This has resulted in the publication by the Small Business Subcommittee of a committee print of a bill which would make crime protection insurance available to small businesses under a Federal program which emphasizes maximum participation by the private insurance industry.

I am gratified that the committee print, while adhering closely to the principles enunciated in my bill, S. 1484, would make the administrative implementation of a federally aided insurance program for small businesses even more expeditious. I am confident that the 31 cosponsors of S. 1484 will join me in commending the efforts of Senator McINTYRE's subcommittee.

It is my hope that all Senators concerned with the plight of small businessmen who are trying to earn a living in our high crime rate urban areas will join me in urging an early consideration of this bill.

I ask unanimous consent that the committee print and a memorandum outlining its provisions, together with a list of the cosponsors of S. 1484, be printed in the RECORD.

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

COSPONSORS OF S. 1484

Senators Bartlett, Bayh, Bible, Brewster, Byrd of West Virginia, Case, Clark, Cooper, Fannin, Gruening, Hart, Inouye, Jordan of North Carolina, Kennedy of Massachusetts, Long of Missouri, Mondale, Monroney, Montoya, Morse, Moss, Nelson, Pell, Proxmire, Randolph, Scott, Smith, Sparkman, Tydings, Williams of New Jersey, Yarborough, and Young of North Dakota.

S. —

A bill to assure small business concerns of the availability of insurance against property losses resulting from criminal activity

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Small Business Crime Protection Insurance Act of 1967".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that criminal activity has caused acute hardship and serious economic loss to small business concerns in many areas of the Nation; that such hardship and loss threaten the continued vitality and existence of small business enterprise in such areas; and that there is an immediate need to assure small businessmen of the opportunity of obtaining insurance against property losses resulting from criminal activity to complement vigorous programs of crime prevention activities at all levels of government and society.

(b) It is the purpose of this Act (1) to authorize the institution of a small business crime protection insurance program through the cooperative efforts of the Federal Government and the private insurance industry; (2) to assure that the Federal assistance authorized in connection with such program will be provided only to the extent, and for so long as, it is necessary to enable small business concerns to obtain such protection on reasonable terms and conditions; and (3) to encourage small business concerns and State and local governments to improve and modernize their standards of crime deterrence and protection.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "Administrator" means the Administrator of the Small Business Administration.

(2) The term "small business concern" has the same meaning as when used in section 7(a) of the Small Business Act.

(3) The term "criminal activity" means robbery, burglary, arson, vandalism, and such other crimes as the Administrator may by regulation prescribe.

AUTHORITY TO INSURE AND REINSURE

SEC. 4. (a) In order to carry out the purposes of this Act, the Administrator is au-

thorized to provide, upon such terms and conditions as he may prescribe, insurance and reinsurance against property losses by small business concerns resulting from criminal activity.

(b) The authority conferred by this section shall be subject to the following conditions and limitations:

(1) No insurance or reinsurance shall be provided under this Act covering risks against which adequate coverage is available from other public or private sources on reasonable terms and conditions.

(2) No insurance shall be provided under this Act, if the protection sought to be provided by such insurance can be achieved through the reinsurance authority conferred by this Act.

(3) No insurance or reinsurance shall be provided under this Act to protect small business concerns from property losses due to criminal activity, unless such concerns conform to such minimum standards with respect to crime deterrence and protection as the Administrator shall by regulation prescribe.

(4) No insurance or reinsurance shall be provided under this Act to protect small business concerns in any locality from property losses due to criminal activity, unless the Administrator determines that there is being carried out in the locality a program (conforming to standards and criteria established by the Administrator) to reduce the incidence of, and provide increased protection against, criminal activity.

(c) In the exercise of the authority conferred by this Act, the Administrator shall make continuing surveys of areas in which small business concerns are receiving the benefits of insurance or reinsurance under this Act with a view to determining whether in any such area, as the result of the institution of effective crime deterrence and protection programs or otherwise, adequate insurance coverage is available to such concerns without the assistance authorized under this Act. If, as the result of any such survey, the Administrator ascertains that the incidence of crime in any such area has dropped, he shall take whatever steps he deems practicable to increase the insurance industry participation in the program being carried out in that area under this Act, and decrease the participation of the Small Business Administration. If the Administrator ascertains that adequate insurance coverage is available in the area to small business concerns on a reasonable basis without the assistance authorized under this Act, he shall no longer make such assistance available in that area.

PROPERTY AND LOSS LIMITS; RISK CLASSIFICATION

SEC. 5. The Administrator, after consultation with the advisory committee established under section 12, shall provide for the determination of types and location of property of small business concerns with respect to which insurance or reinsurance shall be made available under this Act, and the nature and limits of loss or damage in any area which may be covered by such insurance or reinsurance. The Administrator, after consultation with such advisory committee, may, from time to time, issue appropriate regulations regarding the classification, limitation, and rejection of risks assumed under this Act.

DIRECT PRIVATE INSURANCE

SEC. 6. The Administrator shall use his best efforts to encourage private insurance companies to undertake the issuance of insurance policies covering property losses by small business concerns resulting from criminal activity. In this regard, the Administrator shall exercise a liberal loan policy in extending loans to small business concerns for the purpose of improving their standards of crime deterrence and protection if, as a result thereof, the small business concern shall then become eligible for such insurance coverage on a reasonable basis with no additional assistance under this Act, or shall thereby meet the minimum standards as prescribed by section 4(b)(3) of this Act.

REINSURANCE AUTHORITY

SEC. 7. (a) The Administrator shall, whenever he determines such action to be in furtherance of the purposes of this Act, provide reinsurance to private insurance companies to cover excessive losses under policies issued by them insuring small business concerns against property losses resulting from criminal activity. The premium rates and terms and conditions applicable to such policies shall be subject to approval by the Administrator having due regard for the purposes of this Act. The Administrator shall provide a method of ascertaining that portion of a loss paid by an insurance company which is to be deemed excessive for the purpose of reinsurance under this Act. In this regard, the Administrator shall be entitled to review all claims paid by the insurance company under policies issued by it under the program authorized by this Act.

(b) The Administrator shall negotiate with insurance companies for the purpose of establishing fees for reinsurance offered to such companies under this Act. Such fees shall be based on a consideration of the risks involved and shall, insofar as practicable having regard for the purposes of this Act, be adequate in the judgment of the Administrator to produce sufficient proceeds over a reasonable period of years to pay all claims for losses.

INSURANCE AUTHORITY

SEC. 8. (a) The Administrator shall provide insurance against property losses by small business concerns due to criminal activity whenever he determines that adequate coverage at reasonable rates is not otherwise available to such concerns.

(b) The Administrator shall, from time to time, establish a schedule of premium fees for insurance policies issued under this section. Such fees shall be based on a consideration of the risks involved and shall, insofar as practicable having regard for the purposes of this Act, be adequate in the judgment of the Administrator to produce sufficient proceeds over a reasonable period of years to pay all claims for losses. All fees so established shall be uniform for similar risk within a given area.

POLICY AND PROGRAM LIMITS

SEC. 9. The aggregate amount of insurance policies and reinsurance agreements outstanding at any one time under this Act shall not exceed $.

FUNDS

SEC. 10. (a) There are hereby established in the Treasury two revolving funds as follows: (1) an insurance fund which shall be available for the payment of proved and approved claims for losses under, and other nonadministrative expenses arising in connection with, insurance issued by the Administrator under this Act; and (2) a reinsurance fund which shall be available for the payment of proved and approved claims for losses under, and other nonadministrative expenses arising in connection with, reinsurance issued by the Administrator under this Act.

(b) Fees collected by the Administrator for insurance issued under this Act shall be paid into the insurance fund. Fees collected by the Administrator for reinsurance issued under this Act shall be paid into the reinsurance fund. In addition, appropriations are hereby authorized to be made to such funds, as capital thereof, in such amounts as may, from time to time, be necessary or appropriate, which appropriations shall remain available until expended.

(c) Business-type budgets for each of the funds established by subsection (a) shall be prepared, transmitted to the Congress, considered, and enacted in the manner prescribed by law (sections 102–104 of the Government Corporation Control Act (31 U.S.C. 847–849)) for wholly owned Government corporations.

CLAIMS PAYMENT AND JUDICIAL REVIEW

SEC. 11. (a) Under such regulations as the Administrator may prescribe, he shall arrange for prompt adjustment and payment of valid claims for losses covered by insurance or reinsurance under this Act.

(b) Upon disallowance of any claim against the Administrator under color of any insurance or reinsurance made available under this Act, or upon refusal of the claimant to accept the amount allowed upon any such claim, the claimant may institute an action against the Administrator on such claim in the United States district court in which a major portion (in terms of value) of the insured property of a business concern is located. Any such action must be begun within one year after the date upon which the claimant receives from the Administrator written notice of disallowance or partial disallowance of the claim. For the purposes of this section, the Administrator may be sued and he shall appoint one or more agents within the jurisdiction of each United States district court upon whom service of process can be made in any action instituted under this section. Exclusive jurisdiction is hereby conferred upon United States district courts to hear and determine such actions without regard to the amount in controversy.

ADVISORY COMMITTEE

SEC. 12. (a) The Administrator shall appoint an advisory committee without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, which shall consist of not more than fifteen persons selected from among representatives of the insurance industry, State insurance officials, and from among members of the public. The advisory committee shall advise the Administrator in the preparation of any regulations prescribed in accordance with this Act, with respect to policy matters arising in the administration of this Act, and shall perform such other duties as the Administrator may, from time to time, assign to such committee.

(b) Members of the advisory committee shall, while attending conferences or meetings thereof, be entitled to receive compensation at a rate fixed by the Administrator, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

POWERS

SEC. 13. In the administration of this Act the Administrator may exercise any of the powers conferred upon him by sections 5 and 6 of the Small Business Act.

ANNUAL REPORT

SEC. 14. The Administrator shall include in his annual report to the Congress a comprehensive statement concerning the operation of the insurance and reinsurance programs authorized by this Act, together with such recommendations for legislation to improve the operation of such programs as he deems necessary or desirable.

AUTHORIZATIONS FOR APPROPRIATIONS

SEC. 15. There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions of this Act other than those for which appropriations to the revolving funds are authorized by section 10(b).

MEMORANDUM ON COMMITTEE PRINT: SMALL BUSINESS CRIME PROTECTION INSURANCE

Under this Committee Print the Administrator of SBA is authorized to provide insurance and reinsurance against property losses by small businesses resulting from criminal activity, when such insurance or reinsurance is not available from private or other public sources at reasonable rates. The direct insurance would be offered by SBA only if the protection cannot be obtained through the reinsurance provisions of the Act. Insurance or reinsurance would be provided if the small business concern conforms to certain crime protection measures as SBA shall prescribe and would be provided in those areas in which there is being carried out an SBA approved program to reduce criminal activity.

The Committee Print provides that SBA shall make continuing surveys of areas covered by the Act to determine if conditions are such that adequate insurance can be obtained from private sources. If such insurance is available, he shall no longer make assistance available under this Act in the area.

SBA is authorized under the Committee Print to provide for the determination of types and locations of property for which insurance or reinsurance can be obtained under this program and the nature and limits of loss or damage in any area which may be covered by such insurance or reinsurance.

The Committee Print directs the SBA to institute a liberal loan policy for loans to small businesses for improving their crime deterrence and protection.

The Committee Print authorizes SBA to provide reinsurance to private insurance companies with respect to policies issued by them under this program. Rates and terms applicable to such policies shall be subject to SBA approval. Fees for reinsurance shall be negotiated by SBA and the private insurance companies. Such fees should be adequate, insofar as practicable, to produce sufficient proceeds over a number of years to pay all claims for losses. The SBA is empowered to review all claims paid by insurance companies under this Act.

SBA is also authorized under the Committee Print to provide insurance to small business concerns when it is unavailable from private sources at reasonable rates. SBA shall establish a schedule of rates and fees to be charged for insurance it issues under the Act. Such fees shall be adequate, insofar as practicable, to produce sufficient proceeds over a reasonable number of years to pay all claims for losses.

The Committee Print establishes the amount of insurance and reinsurance which may be outstanding at any one time under the Act. It establishes an insurance fund and a reinsurance fund at the Treasury and provides authorization for appropriations needed for these funds. It provides for claims payments and judicial review for the disallowance of any claim under the Act. It establishes an advisory committee of 15 members to advise the SBA in the preparation of regulations and policy under the Act.

THE HUNGARIAN REVOLUTION

Mr. DIRKSEN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared by the Senator from California, who is necessarily absent today.

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

STATEMENT BY SENATOR MURPHY

In Vietnam today, young Americans are engaged in combat with an enemy seeking to impose its form of government by force upon the people of another nation. Eleven years ago on this October 23, young Hungarians fought to break the domination of their country by the same kind of enemy. The uniforms are different, the scene of battle is different, but the foe in Hungary in 1956 and the enemy in Vietnam in 1967 are of the same stripe. Americans fight in Vietnam to assist the people of South Vietnam from being overrun by Communists, Hungarians fought in Budapest 11 years ago to throw off the Communist yoke.

The Hungarian revolution of 1956 electrified the world. It shattered once and for all time the myth that the peoples of Eastern Europe were satisfied with the stifling domination of the Soviet Union that had been their lot since the close of World War II. It showed in dramatic fashion that freedom dies hard within the hearts of people, and it demonstrated that an enslaved nation will explode when squeezed too hard by Communism's straitjacket.

The passage of time has dimmed the memories of Hungary's short-lived attempt to attain the status of a free nation, but one thing has not been forgotten. This is the bravery of Hungarians who fought with the crudest of weapons against the mighty army of the Soviet Union.

It is pertinent, Mr. President, to briefly recount the events of October 23–November 4, 1956, in Hungary. Those were proud days, not only for Hungarians but for freedom-loving people everywhere. We should not forget that during this period there existed a free Hungarian government, one that withdrew from the Warsaw Pact, attempted to negotiate for the removal of Soviet troops from Hungary and sought United Nations' recognition of its status. During this period, thousands of Hungarians were freed from political imprisonment, including Joseph Cardinal Mindszenty.

Beginning with demonstrations by factory workers and students in Budapest, the revolt enjoyed quick success. Then Russia clamped down, crushing the fight for freedom on November 4 with attacks in strength on Budapest and other large Hungarian cities. The valiant freedom fighters were unable to stand up to the might of Soviet armies and the light of freedom that had been lit on the streets of Budapest was extinguished.

It is to the credit of the United States, Canada and other Free World nations that immigration gates were opened for the admission and resettlement of more than 150,000 Hungarian freedom fighters who fled across the border to Austria. The Hungarian refugees who settled in the United States have become useful, productive and patriotic citizens. These refugees understand completely the evils of Communism, demonstrated by their unswerving support of the American effort in Vietnam.

The Fifth World Congress of the Hungarian Freedom Fighters' Federation was held in Ottawa, Canada, from August 31 to September 4, 1967. The organization by resolution declared that Hungary at present "is still a colony of Moscow, in spite of misleading tactical changes." It reaffirmed its demands that Russian occupationary forces be removed from Hungary and that Hungary be given the right of self-determination through free elections. I support the Hungarian Freedom Fighters' Federation in those views.

JOHNSON-LEE DISCUSSIONS A MARKED SUCCESS

Mr. INOUYE. Mr. President, the bonds of friendship and mutual respect between Singapore and the United States have been strengthened by the useful discussions this week between Prime Minister Lee and President Johnson.

President Johnson's concern for the problems of all nations in Asia—large and small—led to a development of close personal rapport between these two champions of a free Asia.

Prime Minister Lee expressed agreement with the fundamental precepts underlying our entire Southeast Asian policy: Regional cooperation in an area which has known dissension and discord; the right of every nation in Asia to choose its own way of life free from outside interference—an ideal being defended there today; an honorable settlement in Vietnam which, in the words of their joint statement, will "enhance the prospects of peace and security for the rest of South and Southeast Asia."

President Johnson thus has enlisted the continued support of a trusted ally in his efforts to help Asia break the chains forged by generations of oppression.

The spirit of cooperation and mutual understanding which marked their dialog is the keystone to a vibrant, free Asia.

Regional cooperation, not rival competition; mutual accord, not rank discord: These are the building blocks of a prosperous Asia.

Their agreement to work toward implementation of these principles marks the Johnson-Lee talks with success.

THE 50TH ANNIVERSARY OF BALTIC DECLARATIONS OF INDEPENDENCE

Mr. WILLIAMS of New Jersey. Mr. President, 1968 will mark the 50th anniversary of the declarations of independence by the three Baltic nations of Latvia, Lithuania, and Estonia. When the revolution freed the Russian nation from the fetters of czarist rule, these Baltic States fulfilled their national dreams of self-government and declared independence from Russia. It is this act, of hope and determination, which we in the U.S. Congress call attention to.

In the brief time before the start of World War II the peoples of these nations formed their own democratic governments, rebuilt their war-shattered lands, and fostered the national customs and freedoms which they held so precious. Unfortunately Soviet Russia stepped in to interrupt liberty and peace, under the umbrella of shameful agreement with the Nazi aggressors. The Russian invasion and occupation in 1940 marked the end of independent progress in Estonia, Latvia, and Lithuania, and ushered in deportation, starvation, and tyranny.

Mr. President, it is important that we draw attention to this half century mark since the Baltic States proclaimed independence, especially when the last quarter of this time has been endured without this independence. It is our sincere hope that one day soon these three nations will again have the independence and freedom they proclaimed in 1918 and which they so justly deserve.

THE COPPER STRIKE'S 100 DAYS

Mr. BENNETT. Mr. President, yesterday the State of Utah celebrated an unenviable and very damaging milestone. One hundred days ago Sunday the employees of the Kennecott Copper Corp. went out on strike.

Today on the 101st day of the strike I shall not attempt to discuss the merits of the relative positions of management and labor. That is not my function as U.S. Senator. I do believe, however, that I should call to the attention of this body and of the parties involved, that there is a very significant public interest here which has been ignored and which to date has been damaged severely. The impact of the strike on the economy of my State is tremendous.

To date, Utah's economy has lost $37,673,000 and in a population of a million people, this kind of economic injury is severely felt. The average employee has lost $1,968 in wages in the 101 days since the strike began. Furthermore, based upon the initial offer of the company an employee will have to work 18.92 years to make up the lost wages. If an additional 10 cents per hour could be negotiated over the initial offer, an employee would still have to work nearly 9.5 years to make up the difference.

These figures, Mr. President, point up the futility of the strike and the fact that thousands of copper employees in my State and throughout the Nation, are no longer benefiting from the strike nor do they have any prospect of real eventual economic improvement.

It is my understanding that contract talks which have been conducted on a sporadic basis during the past several weeks were called off over the weekend and the differences between the unions and management are such that a settlement at this time is very remote indeed.

Seldom in the history of my State has a situation existed where the invocation of section 208 of the Taft-Hartley law was more justified. I with five of my colleagues, have sponsored a Senate resolution designed to inform the President of the United States that it is the sense of the Senate that the Taft-Hartley law be invoked and this crippling strike now affecting the entire Nation be ended at least temporarily.

In light of the present improbability of a settlement, I think that hearings on my resolution are now mandatory. The time has come when the standoff between management and labor should give way first, to the views of the strikers themselves and secondly, to the public interest. In a recent poll published Sunday, October 22, in the Salt Lake Tribune, 70 percent of the copper workers expressed a desire to return to work while negotiations continue. Many of these people are on welfare and any nest egg which they may have accumulated is now gone. The copperworkers are ready to go back to work and I do not believe they should be prevented from doing so.

It is time that the union leaders in Pittsburgh and the management officials who are negotiating this contract realize that the primary interest to be met at this moment is that of the employees and the communities wherein they work. By this, I am not saying that either side must make concessions. What I am saying, Mr. President, is that we must have the Taft-Hartley law now.

There are several reasons why the copper workers must get back to the mines, smelters and refineries. They must again start earning a wage to sustain their families and wives and children. The use of the Taft-Hartley law by the President would hopefully spur negotiations between labor and management.

Another critical reason is that our copper supply is being rapidly exhausted.

I am told that domestic firms including those supplying war material have had to turn to purchasing copper from overseas companies, thereby easing the pinch in their manufacturing or in keeping orders current. However, at the same time they and we as taxpayers are paying a premium price, often as much as 33 percent more, for the copper, than would be required under the last domestic price.

In other words, not only are 45,000 persons out on strike, many perhaps wondering where their next rent money is going to come from, but the cost of copper-made products is certainly going to reach inflationary levels which will eventually deal these same strikers and the users of coppers a double economic blow.

Surely, Mr. President, we have reached a point where strategic factors dictate the use of the Taft-Hartley law by the President of the United States. The Salt Lake Tribune published an editorial on Sunday, October 22, which greatly illuminates the entire matter. I ask unanimous consent that it be included in the RECORD at this point.

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

WHY NOT NEGOTIATE WHILE MEN WORK?

As long as contract talks between the Kennecott Copper Corporation and the United Steelworkers of America were underway the hope existed, futile though it may prove to be, that a settlement might be reached. But when the talks were broken off last week, it became obvious that no progress had been made and that the two sides might be even further apart than when the joint sessions began.

So the strike, now in its 100th day, will continue until meaningful negotiations become possible.

Kennecott accuses the union of blocking such negotiations by insisting on company-wide bargaining. The Union, while professing a willingness to bargain locally, demands a "satisfactory and simultaneous" agreement covering all Kennecott workers. And that is just another way of saying "company-wide bargaining."

Now Kennecott has taken the issue to the National Labor Relations Board by filing a charge of unfair labor practices against the union on the grounds it introduced an extraneous issue ("satisfactory and simultaneous" agreement) which does not involve wages, hours and other terms of employment.

The Union, in reply, said it welcomed the opportunity to submit "all the facts" to an impartial government agency.

The NLRB's findings might clear the air, but they are not likely to speed settlement of the strike. These hearings take time and the damaging effects of the nationwide copper strike may well bring direct Federal intervention, perhaps in the form of a Taft-Hartley injunction, long before the NLRB can hand down a decision.

It is sometimes said that things have to get worse before they get better.

But how much worse can the effects of the copper strike become?

Utahans are painfully aware of the damage the strike has done to the economy of their state. Tax revenues are falling. Welfare costs are rising. Business is being curtailed. And with each passing day, the economic picture becomes gloomier and gloomier.

Nationally, the story is the same. For all practical purposes, the copper industry is shut down. Factories using copper in their products are badly squeezed. The war in Viet Nam makes heavy demands on the copper supply. How long can this process of deterioration continue before the Federal government intervenes?

A Presidential decision to invoke the Taft-Hartley Law on the grounds the strike threatens the nation's health and safety would send the strikers back to work for 80 days. That would not of itself bring a settlement, but it would certainly clear the way for meaningful negotiations. And the history of Taft-Hartley indicates that, with few exceptions, an injunction is followed by a settlement.

However, if the union and company so decide, no injunction would be necessary to send the strikers back to work and permit the resumption of copper production. The mood of Kennecott employees, as revealed in a survey by Bardsley and Haslacher, Inc., points in this direction. Seventy percent of the rank-and-file employees favor returning to work while negotiations are carried on the research firm reports. It is also significant that fifty percent of those interviewed called the strike and its settlement their most important family problem.

We urge the union leadership to study these findings carefully. After 100 days of stalemate, the leadership would do well to consider a new approach. A gesture of good will, like a back-to-work decision, might be just what is needed to break the impasse. It certainly would be welcome by the people of the community.

MILWAUKEE JOURNAL SUPPORTS NEW FEDERAL BUDGET

Mr. PROXMIRE. Mr. President, change is always difficult, even when the case for change, in the public interest, is clear and compelling.

In the case of changing the basis for reporting the Government's financial plan and program through its budget, that change will be especially difficult.

Recently, the Milwaukee Journal editorialized that to most Americans the Federal budget system "annually produces little more than a mountain of paper thickly shrouded by fiscal fog."

Frankly, Mr. President, I think that the same impression is held by many Members of Congress. Of course, we have a principal responsibility to act on that budget.

Recently, a Presidential Commission has proposed some interesting and useful changes that would provide a single budget that would be highly useful to the public and to Congress in evaluating and directing the enormous Federal Government.

All of us in Congress have a duty to study this recommendation. It could greatly enhance our performance for the benefit of the taxpayer and all Americans.

The Milwaukee Journal recently discussed the new budget proposal in a highly competent editorial that concisely suggests some of the reasons it deserves consideration by Congress.

I ask unanimous consent to have the editorial printed in the RECORD.

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

[From the Milwaukee Journal, Oct. 22, 1967]

BUDGET THAT MAKES SENSE

To most Americans, the federal budget system annually produces little more than a mountain of paper thickly shrouded by fiscal fog. One reason is that the government actually operates with three budgets, none of which provides a truly revealing picture of income and outgo.

There is great merit, therefore, in the proposal of a presidential commission to replace the three with one comprehensive document that would give taxpayers, and probably many congressmen, a much clearer notion of what they are buying, how they are paying for it and what the overall impact will be on the economy.

The administrative budget, the one most commonly referred to each year, is an antiquated accounting concept dating to President Garfield. It ignores nearly one-fourth of receipts. It excludes, for instance, the massive trust funds for social security and highways, which take in more money than they pay out.

The inevitable result is confusion, as federal expenditures and receipts are greatly underestimated and deficits are heavily exaggerated. If businessmen followed this horse and buggy method of accounting many would appear bankrupt. Furthermore, public fascination with the administrative budget encourages every president to use bookkeeping tricks to make him appear as prudent as possible. This merely piles deception atop distortion.

The two other budgets—consolidated cash budget and national income accounts budget—tend to give a more complete picture, but each has shortcomings. The special commission proposes to combine the most illuminating features of all three budgets.

The major question is one of timing. President Johnson may hesitate to install a new system in an election year and provoke fresh charges of "gimmickry." Further, realistic budgeting could show a deficit larger than currently anticipated under existing methods of projection. This, too, is a deterrent to a changeover in 1968.

Nevertheless, the traditional way of figuring the budget is a conspicuous failure of popular government that the nation should not tolerate much longer.

IN PRAISE OF MORGAN DUBROW—FATHER OF DICKEY-LINCOLN PROJECT

Mr. MUSKIE. Mr. President, since the first proposal for the development of the Dickey-Lincoln School hydroelectric project in Maine, Mr. Morgan Dubrow of the Interior Department has been an invaluable friend to New England.

Mr. Dubrow's expertise on multipurpose water conservation projects was crucially important to the Maine congressional delegation in our work to gain congressional authorization of Dickey.

Without his enthusiasm for the project, and his convictions on its value, Dickey may never have reached President Johnson's desk or the Congress.

His analyses of Dickey's benefits and feasibility have withstood the stiffest campaign against a Federal power project ever raised by the private power industry. His findings have been substantiated by the only special House study of a Federal power project in memory. His conclusions have been justified by the Bureau of the Budget, the Army Corps of Engineers, the Federal Power Commission, and every other agency which has reviewed Dickey's merits.

In short, no Federal project has ever received as much preconstruction study as has Dickey, and the fact that Mr. Dubrow's analyses have stood up against this unprecedented review demonstrate both his professional skills and the value of the project itself.

In a recent article published in the Portland Sunday Telegram, Washington correspondent Donald R. Larrabee reviews Mr. Dubrow's work for Dickey and recognizes his contribution to the project, and I ask unanimous consent to have it printed in the RECORD.

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

[From the Portland (Maine) Sunday Telegram, Oct. 8, 1967]

DUBROW: FATHER OF DICKEY

(By Don Larrabee)

WASHINGTON.—The name of Morgan Dubrow probably doesn't mean much to anyone in Maine, even the most ardent supporters of the Dickey-Lincoln School hydroelectric power development for which he has labored a great deal during the past six years.

But it is doubtless true that without Dubrow's personal and professional involvement in the Upper St. John River project, the Dickey plan would not have moved to its present advanced state of approval in Congress.

Dubrow has been the Interior Department's chief engineering adviser on Dickey from the beginning. He has been through every major private vs. public power controversy in the past quarter-century, having been associated with the Bonneville Power Administration and the Bureau of Reclamation, as well as the Corps of Engineers and the Federal Power Commission.

As Interior's top man in engineering and hydrology, he was asked in 1961 to head up an evaluation study that led to the Dickey-Lincoln School proposal. At the time, the Maine Congressional Delegation's long battle for Federally-assisted water resource development had received a setback from the International Joint Commission which questioned the feasibility of the Passamaquoddy Tidal Power project.

Sen. Edmund Muskie prevailed on President Kennedy to order a review of the Commission's report by the Interior Department. Secretary Udall handed the job to a team headed by Dubrow. Out of this study two years later came a package deal which substituted Dickey and Lincoln School sites on the St. John river for the old Rankin Rapids site. For years, Rankin Rapids was regarded as the ideal power site because it would have used the full flow of the Allagash.

It was this decision that made it possible for the Interior Department to work out its partnership plan with Maine to preserve the superb recreational areas of the Allagash from flooding.

Looking back on this history, the mild-mannered Dubrow fairly erupts these days when he hears outcrys from those who say the Government has not considered conservation aspects in its pell-mell rush to build New England's first Federal power dams.

"Why," Dubrow said, "we could have produced about $3,500,000 a year more in power from Rankin Rapids but we would never have been able to preserve the Allagash as a free-flowing stream for recreational use. Secretary Udall made an absolute decision that we were going to protect it.

"One of the first things we did was to look at the conservation question. At the original meeting, the Secretary made it crystal clear to me that despite substantial additional power benefits from Rankin Rapids, he considered himself the keeper of the Nation's wild rivers and the Government official most responsible for conservation. The Secretary laid down the ground rules that we were to come up with a reasonable substitute that would preserve the Allagash."

It is often overlooked but the Interior Department, rather than the Corps of Army Engineers, has carried the ball for Dickey in the Johnson Administration. This is the agency that handles transmission of public power but it is also the Department most involved in preserving our natural resources and environment. And it is headed by an ardent conservationist, Udall, who has seen the Allagash and the St. John River and believes in the proposal now awaiting final planning money from Congress.

Congressman William Hathaway is surprised by the recent surge of conservationist opposition to the Dickey project. When the matter was before Congress for authorization two years ago, there wasn't a witness against it from such groups as the National Parks Association, the Sierra Club, the Izaak Walton League or the Wilderness Society. These organizations are vigilant, active and vocal in their opposition to hydroelectric projects which threaten recreational and scenic resources.

"I'm flabbergasted," Dubrow remarked a few days ago. "For anyone to say we haven't paid attention to conservation is sheer madness." He said the Fish and Wildlife Service has made basic studies on the fisheries and protective language will be written into the treaty agreement with Canada which is now in the final drafting stages.

As soon as the Army Engineers receive the first construction funds, a comprehensive recreation plan for the Dickey and Lincoln Reservoirs will be developed, according to Dubrow. The project is expected to flood some 135 square miles or 86,000 acres of timberland. In its stead, there will be a huge lake for fishing and other forms of recreation.

The Agriculture Department, in a separate report on the Dickey project two years ago, foresaw one additional benefit for Maine farmers deriving from the flood control aspects of the project. Assistant Secretary John Baker noted that the plains along the St. John River between St. Francis and Van Buren were so prone to flooding that several thousand acres of high quality farm land had been abandoned by owners.

The Dickey project is expected to give a high degree of flood protection to the whole river plain and this should make it possible to develop and improve the flood plain land for more intensive agricultural use.

LYNDA BIRD CHOOSES WEST VIRGINIA GLASS

Mr. BYRD of West Virginia. Mr. President, I have recently noted in the press that the President's daughter, Miss Lynda Bird Johnson, who is soon to be married to Marine Capt. Chuck Robb, has chosen as her crystal, glass produced in my own State of West Virginia.

This crystal, called "President's House," is manufactured by the Morgantown Glassware Guild, Inc., of Morgantown, W. Va.

West Virginia is the home of a number of fine glass producers as well as several of the Nation's largest sheet glassmakers. However, it is the fine, handblown glass to which I refer today.

This product is a link with the past, for the art of blowing glass and crystal has changed little over the centuries.

Strong men with strong arms and lungs are as needed today as hundreds of years ago to give molten glass its initial shape. Similarly, no machine can replace the skill and precision of the human hand and human eye at knowing the precise curve to give a glass goblet

or vase so that it becomes a work of art—functional, yet beautiful.

I am proud that Miss Johnson has chosen a West Virginia crystal, and I hope that it serves her well through many happy years of marriage.

I ask unanimous consent that an article entitled, "But What Will She Wear?" published in the New York Times of October 18, 1967, be printed in the RECORD.

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

[From the New York Times, Oct. 18, 1967]

BUT WHAT WILL SHE WEAR?

(By Enid Nemy)

The fashion guessing game, apparently a favored White House amusement, is once again at a peak. This time, it is occasioned by the forthcoming marriage of Lynda Bird Johnson to Capt. Charles S. Robb of the Marine Corps.

The President's elder daughter, who has revealed some intimate details of her romance and engagement in an article in McCall's magazine to be released next week, is reluctant to discuss less personal subjects. The designer of the bridal gown for the Dec. 9 ceremony, and the trousseau plans, are shrouded in secrecy.

The White House policy of silence, which has resulted over the years in rumors, ensuing denials from press secretaries and a merry round of sleuthing more normally associated with mysteries than with first families, is confined primarily to anything connected with the world of fashion. It does not apply to the accouterments that will grace the table of the newlyweds.

A White House announcement yesterday confirmed that Miss Johnson had selected Chantilly flatware by Gorham for her silver pattern ($41.50 for a four-piece table setting of knife, fork, teaspoon and salad fork). The Louis XV design was originally introduced by Gorham in 1895 and, according to a company spokesman, "is ornate but restrained and has been the most popular pattern we've had in the last 30 years." It is the pattern her mother uses.

JEWELER REFUSES TO TALK

The announcement added that Miss Johnson had chosen the Tuxedo pattern by Lenox for her china and The President's House pattern by the Morgantown Glassware Guild of West Virginia for her crystal.

The Tuxedo pattern, an all-white service with a narrow gold rim, and another circle of gold near the rim, is $37.95 for a five-piece place setting of dinner, salad, bread and butter plates and cup and saucer.

The President's House, an unadorned tulip-shaped crystal originally selected by Mrs. John F. Kennedy and still used in the White House, is $1.60 a glass.

There was no information forthcoming on any part of the wardrobe planned for the wedding. "Lynda wants, as every bride does, her dress to be a surprise to the groom," said Mrs. Marta Ross, a White House press spokesman.

However, there is reason to believe that some serious approaches have been made regarding her wedding dress. One of the companies said to be in the forefront of the bridal sweepstakes is the House of Bianchi in Boston. The family-operated concern, founded in 1949, is the closest approach to a custom wholesale house. Bridal gowns sell for $175 to $800 (average price is $325) in stores across the country.

Phyllis Bianchi (Mrs. Bernard Lange), president, head designer and daughter of the founder, refused any comment when told of the report. But other sources insisted the concern had been at least asked to submit sketches for consideration.

Miss Bianchi, whose spring and summer collection is now being shown in New York, currently favors high stovepipe necklines, an easy line with a suggestion of fit under the bust and fabrics like silk and wool that have some body. She prefers ivory to white and often designs a dress and coat costume to wear during the ceremony. The coat, which is fashioned to look like part of the dress, can then be removed for the reception.

Although Miss Johnson obligingly posed last month displaying her engagement ring, the White House has not disclosed where the yellow gold band with three diamonds was purchased.

PATTERNS OF CHINA AND CRYSTAL

Harry Winston, the New York jeweler who is said to have been commissioned to do both the engagement ring and the wedding band, would neither confirm nor deny the reports. "Any announcement will have to come from the White House," he said.

Miss Johnson, a slim (size 8 or 10), tall (5 feet 9 inches) brunette partial to somewhat more make-up and hair than are currently fashionable, is no stranger to the manufacturing edifices on Seventh Avenue.

She is as fond of clothes as most 23-year-olds and more able to indulge herself than most. A recent shopping expedition during which she spent $4,000 for 25 fall and winter outfits was not unusual, according to manufacturers.

"She's in and out of here all the time," one of them reported.

"She gets one, two or three outfits here each season," said another, who added that her visits had been more frequent since she joined the staff of McCalls magazine last year at a salary reported to be less than $10,000 a year.

The eight middle-priced houses chosen by Miss Johnson on her last shopping safari here (she returned for one day of fittings after her recent Acapulco vacation) were unanimous in their opinion that the clothes she bought then were not for her trousseau.

"They were all wool or a similar fabric," said Pat Sandler, the designer for Highlight, where she bought two outfits ($300). "Unless she's going North, she certainly wouldn't use them for a honeymoon."

The dress to be worn by Mrs. Johnson at her daughter's wedding is also the subject of speculation. Two of her favored designers—Adele Simpson and George Stavropoulos—said they had not as yet been approached and Mollie Parnis, a third, said, "I can't discuss whether I've been approached."

A RESPECTFUL REPLY TO CRITICS BY ALLAN GERDAU

Mr. McGEE. Mr. President, this morning's New York Times contains an advertisement written and paid for by Mr. Allan Gerdau which is, as he himself puts it, "a respectful reply to critics."

Mr. Gerdau has great faith in our American system and in our present leadership, as his letter indicates.

He has written:

Opponents abroad and—to a lesser, but even sadder and more dangerous extent—dissidents at home not only do not state truthfully and simply the objectives of our country and our leaders that we elected to fulfill them, but they misrepresent and distort.

This statement is no denunciation of those who disagree. It is, indeed, a respectful answer in which a private citizen has stated his belief and has pointed out some of the distortions and misrepresentations which he feels are lessening allegiance to our Nation and are serving to encourage our opponents.

Mr. President, I ask unanimous consent that Mr. Gerdau's advertisement be printed in the RECORD.

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

[From the New York Times, Oct. 19, 1967]

DEEP THANKS FOR THE FRIENDLY LETTERS, INCLUDING A REMITTANCE, HELPING THIS RESPECTFUL REPLY TO CRITICS

(Re my letter New York Times, Sept. 28, 1967)

A nation, or individual, that does not take a stand, is not worth a damn!

Our country has taken a stand.

Nobody knows if our chosen position is the infallibly perfect one.

Nor must it be inevitably wrong, as some would have us believe.

No longer is it the time for us civilians to decide whether we should fight on this or that hill, or fight at all. The fact is, that we ARE fighting. A policy decision to stand has been made. Our four last Presidents have supported this stand.

Knowing the seriousness of military decisions and the disasters that might ensue from military defeat, our founders wisely gave to our elected leaders the responsibility—first, to gather all information and facts possible regarding any danger to our freedom. Then, if they found the danger critical, in deliberation with their aides, to act decisively and promptly to prevent the danger from overwhelming us.

It is one thing to dispute, to vacillate, and to make mistakes in peaceful times. Then, generally, we can correct errors when discovered. Defeat, when we are fighting, may not give us a second chance. That is why our system gives so much authority to leaders who are responsible for our protection.

When our leaders debate military matters in public there is a grave danger that we civilians will take cur relatively meager knowledge too seriously. Emotions are beginning to influence many of us into behaving as if *we* had the understanding, the noble intentions and love of peace and that our leaders have less or none of these.

One ex-boy-scout leader wrote me that any boy scout leader would make a better general than Westmoreland and that we should remove him.

Our citizens may not give this opinion their support, but do not let us fool ourselves. A terrifying number of citizens who may not even have a boy scout's training, are recommending the removal of our leaders. The immobilization of our leaders and lack of united effort that our opponents so urgently seek, *we* may bring about by permitting the nonprofessional to usurp the function of leadership.

It is one thing, for the bleacher buffs in baseball to know who should pitch, how to pitch, and how to run. They make baseball more fun. They add to the zest. They do little, if any, harm. God bless them! Actually, however, they do not really want to make the decisions themselves. They prefer to leave decisions to professionals and then have the pleasure of roaring.

Not so with the bleachers in our national life. Not only can they harm us, they can bring us defeat. Military decisions are best left to the military under the Commander-in-Chief. The protection of our nation has been bought with their valor. They will not betray us. Our defeat is far more likely to come from our lack of proper support to our leaders, than from our leaders' lack of ability or willingness to defend us.

"Dilettantism," said Carlyle, hypothesis, speculation, and a kind of amateur search

for Truth; toying and coquetting with Truth—this is the sorest sin."

During our past crises, by luck or voting intelligence, we have provided ourselves with able leaders. Our present leaders are possibly one of the best-informed and effective teams we have ever had in the field to protect our safety. To undermine our own professional strength in the midst of a fight is not reasonable conduct.

In times of stress, we have always had protestants and dissenters, which endangered our country. As one man wrote me: "Washington had his Tories; Lincoln, his Copperheads; Wilson, his Firstists; Roosevelt, his Fascist. Never, never were they right—no never."

The conquest of a free and friendly nation by outside military force, is a deadly threat to us, even without considerations of honor. Just because our friend seems miles away seems to make it easier for us to be more indifferent than if he were in Staten Island. In today's world he is only seconds away from us. And if we were to demonstrate that distance cools our loyalty and our pledges our smaller friends must accept enslavement.

Many believe if their friendly neighbor is murdered or attacked, it is no concern of theirs, even regardless of a pledge—"pull down the shades, to hell with the neighbor. Just fortify your own house. When the next neighbor is attacked, again pull down the shades; again strengthen your own house."

To desert your friends at such a time, even miserably to dishonor your pledge deviously or candidly, might not be so bad materially for the moment. But, our national neighbors are not just murdered. They are forced to join the attack against us. By force the number against us is increased. Worse yet, they may no longer communicate with us or the free world. Imprisoned. To climb the prison wall means death.

Our aims and policies are so genuinely friendly, and even kindly to mankind, that our opponents do not dare announce them to their people simply and truthfully. They do not dare announce that we wish all nations to have their own customs and own forms of government; they do not dare announce that we hate war almost above all else, with only one exception—we hate loss of freedom for ourselves and our allies more; they do not dare announce that we fight only when external force is used against us, or an ally.

Opponents abroad and—to a lesser, but even sadder and more dangerous extent—dissidents at home not only do not state truthfully and simply the objectives of our country and our leaders that we elected to fulfill them, but they misrepresent and distort.

Distortions and misleading statements have been important factors in bringing about many wars. Distortions also injure our internal unity.

Subsequently I shall illustrate by example some distortions of the present.

In the past we wished to grow peacefully and in good-fellowship with the Germans. Their leaders preferred to misrepresent our policies and aims. Only thereby could they induce their citizens to fight us. They even misrepresented *their* intentions and methods.

We did not fight to enslave the Germans, nor to force our methods or government upon them. Victory enabled us to prove our friendly intentions. Former opponents have become our friends.

The same happened in Japan. Again we have become friends. Again they have retained their own customs and own government.

Many believe that the two world wars could have been prevented, had we, a united people, simply, clearly and convincingly stated that our nation would fight as one, together with all freedom loving nations against conquest by foreign military force. Our present leaders have not made this mistake. Clearly they have announced their determination to resist any armed aggression against our nation or against a friendly ally. Our present leaders are proving to the world that we mean what we say. This is very important. While our leaders are protecting our honor and safety we, as a nation, have to prove that once our nation decides to fight, we fight as one.

It is well known that the Communists expected us, long ago, to break up through riots and civil rebellions. They have been surprised, mightily, that this did not happen among free men. They almost gave up hope. Now, suddenly, they have become encouraged by our dissensions—while our armies are fighting.

About the surest way to bring attack from a bully is to let him know or hope that you will not stand. Or, if there are several, that they can divide their intended victims. Among the surest ways to defeat an army is to kill its spirit. One of the best ways to kill its spirit, is to have it believe that its cause is considered only a minor one at home and to receive half-hearted support.

Another method of undermining is to confuse the issues or pretend that we fight for any other cause than an urgent need to protect our nation.

When our professional look-outs spot an approaching army, it is dangerous for those who are not on the lookout to deny the fact. In our present struggle, the facts are even more simple. Attack, and invasion—from the outside against a friendly nation—were begun.

Our leaders do not ask for surrender. *We* shall not surrender.

Our commanders hate war at least as much as the rest of us. They plead and plead for a friendly exchange between our opponents and ourselves. All we seek, is safety from outside attack against us, or against a friendly ally. Our opponents decline to discuss matters in a friendly atmosphere. Instead they demand unconditional surrender of part of our armament. History has given us the right answer for that one—General McAuliffe's "Nuts" to the Germans. To be fair to our opponents, they do not demand that we turn over part of our forces to them. They only ask that we tie one arm behind our back, while they attack the other. "Nuts"!

Our nation believes in reciprocity. To get nothing in return, is not reciprocity. Our belly is full with hopeful but unrealistic concessions. If there *is* reciprocity, let our present opponents spell it out.

It almost seems that there is a diabolical and cunning influence from some source over our opponents. There seems to be an intentional demand which they know in advance is a military stupidity. Their demands seem to be so one-sided, that they can have only one purpose—the increasing of debate and dissension in our land.

I shall now refer to present distortions and misrepresentations that tend to lessen allegiance to our leaders and encourage our opponents:

1. "Our nation is hated." Of course our nation is hated. Every nation is hated by someone. Even the spiritual leaders of the world's great religions have been hated. But, what a distortion of truth! No other nation has more respect and more good will from the outside world than ours.

(*I have been around the world many times, to Australia and the Far East about nineteen times. I have lived abroad for many years. Since my international merchant training commenced in 1916, I have known no nation to grow more in the respect and devotion it receives from the world at large.*)

2. "We are hated in Viet Nam." While dictating this reply, I received an unexpected visitor from South Vietnam. He called to thank me for my reply to Mr. Roth. The visitor added, that we must not be surprised if we are hated by North Vietnam, and even by many in South Vietnam. To them, we look like the French. He explained that it is a totally new experience for an Asiatic nation that was colonialized to have a powerful Western nation fight for the welfare and freedom of the Asiatic nation. That we wish them to have the same benefits from freedom as we wish for ourselves is hard for them to believe.

3. "We wish to force our customs and government on the South Vietnamese." How often do we hear this among our own people even though it is not in the minds of our leaders. History disproves the charge.

4. "The English fought harder, because bombed." There is no more courageous or better fighter, in my opinion, than the Englishman. But did they not also fight harder because they monthly became stronger—or hoped so to become? They knew to yield meant conquest by the foe. The German is not considered a cowardly fighter—but was his fighting capacity improved by bombing, by the destruction of his war-making machines?

5. "Civilians are killed." Of course, the lives of civilians are endangered, when living close to military targets. Of course, when new inventions enable a larger range to reach arsenals and targets far beyond former capacities—more civilians are endangered. Would more lives be spared, if these military targets increased their production of destructive armaments? Furthermore, I doubt if any commanders have ever tried in battle to protect civilians more than ours in this war. We have been slow to apply our power, and increased our own deaths thereby.

6. "Doves and Hawks." Nice, playful names for games—but mischievously misleading in our troubled times. We all long for peace—we are all a peace loving nation—we wish to give and receive friendship. We all want to defend our homes. We are not Doves nor Hawks—our bird is the Eagle.

Cheers to our leaders who know the facts and dedicate their lives to protect us. Deep thanks that they are not dismayed when we are slow to give them the support that loyal citizens owe in battle.

Many wanted to remove Washington, Franklin was accused of theft, Lincoln was almost impeached, Grant was slandered. But their devotion to our country did not falter. May the burden of our present leaders be similarly bearable, while we rally to their support.

We can select victory. We can select defeat. We cannot have half victory, or half defeat.

Nor will the world judge us half victorious or half defeated.

Our preference is to join with our opponents in full victory for mankind, but defeat we shall not accept.

ALLAN GERDAU,
President, Tontine Emporium, Inc., 82 Wall St., New York.

HIGHWAY TRUST FUND CUTBACK

Mr. JORDAN of Idaho. Mr. President, on October 8, 1967, the Secretary of the U.S. Department of Transportation sent a telegram to the Governor of the State of Idaho indicating a cutback on Federal aid highway trust funds for fiscal 1968. It is my understanding that similar telegrams were sent to the Governors of each of our States.

The reason for considering such cutbacks, according to Secretary Boyd was due to congressional discussions on substantial reductions in Federal expenditures.

This proposal, understandably, caused our Governor, Hon. Don Samuelson, great concern. Less than a year ago, ac-

tion similar to that now under consideration was taken by this administration. The confidence that a participating State and those who are paying for the funding of such programs through gas taxes and other taxes is being taken.

How can we plan in advance, Mr. President? How can contractors who have hundreds of thousands of dollars invested in specialized equipment and trained personnel prepare bids and enter into contracts for surveys and construction of highways with such threats as this being used twice in 1 year?

These funds are trust funds set aside for a specific purpose. They are not in the same category as the usual appropriated funds. It may well be that a delay in the program is temporarily deflationary, but the end result will be more inflation. Where men and equipment must seek other contracts, it will cost more money to have them return to half completed work.

I have been advised by personnel in the Department of Transportation that no decision on this matter has been made yet. I, for one, believe the decision should be made at once, that this whole proposal should be dropped and that we proceed without further delays and interruptions on this highway program which is so essential to our economy and our safety.

Mr. President, I ask unanimous consent that a copy of Secretary Boyd's telegram to Governor Samuelson on August 8, Governor Samuelson's reply, and a copy of my letter to Secretary Boyd be included in the RECORD at this point.

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

HON. DON SAMUELSON,
Governor, State of Idaho,
Statehouse, Boise, Idaho.

DEAR GOVERNOR: In view of recent Congressional discussion on substantial reductions in Federal expenditures, it may become necessary to impose ceilings on the Federal-aid highway program in the immediate future. If this action becomes necessary, I would propose to establish quarterly ceilings on the obligation of Federal-aid highway funds effective November 1, 1967.

Under consideration are three alternative levels of reduction in your authority to obligate Federal-aid highway funds for new projects for the next 12 months. The alternative levels of reduction nationally and for your State are: $2.2 billion, $1.0 billion, and $600 million.

Procedurally, each State would receive a quarterly ceiling which would be 25 percent of its annual apportionment of Interstate and ABC (primary, secondary and urban) apportionments (at a $4.4 billion national rate) less a quarter of its share of the total reduction. Any reduction would be prorated among the States in the same ratio as the apportionment of Interstate and ABC funds.

Under this procedure, your State could submit new Federal-aid projects for approval up to the obligational ceiling for each quarter. Within the ceiling, projects could be submitted for (1) preliminary engineering, (2) acquisition of rights-of-way, and (3) advertising for bids for construction.

Existing unobligated balances would not be a factor because the quarterly ceiling on obligations would be 25 percent of your annual apportionment of funds less your share of a selected reduction.

It is my desire to receive from you as rapidly as possible your comments as to the impact this will have upon the programs of your state as well as on your economy. I also would like to receive your comments and/or suggestions on the above proposed procedure for carrying out a reduction in the Federal-aid highway program in the event it is necessary. Your cooperation is appreciated.

ALAN S. BOYD,
Secretary of Transportation.

BOISE, IDAHO,
October 10, 1967.

ALAN S. BOYD,
Secretary, Department of Transportation,
Washington, D.C.:

Reurtel 8 October 1967 concerning possible imposition of ceilings on F. A. highway program for fiscal '68. Direct response to two questions asked as follows: (1) Obligation authority ceilings set forth in alternate proposals would reduce Idaho highway program for remaining portion of fiscal '68 by (A) 80 percent: (B) 39 percent: and (C) 31 percent. (2) Should any reduction in the F. A. highway program be undertaken at any time, reduced apportionments should be directly proportional to full apportionments. Existing unobligated balances from prior releases should remain available for use.

Any of these proposals would have an extremely serious impact on the economy of Idaho. It would create chaos in the construction industry where highway program represents twenty five percent of Idaho heavy construction work and accounts for about thirty percent of heavy construction employment. Supporting heavy equipment, materials, bond, insurance and financing institutions would incur commensurate loss of business. Professional and technical personnel will leave highway field for more stable employment. Schedules and commitments for utility relocation: local government agreements and related work: and, the orderly relocation of business and residential properties would be seriously disrupted. Your testimony before Joint Senate and House Public Works Committee on 27 February 1967 stated that "a full annual program level of 4.4 billion will be put into effect with the start of the new fiscal year on July 1". As late as 20 June 1967 a wire to the Department of Highways from E. H. Swick for F. C. Turner, director of public roads, stated that "The 4.4 billion rate of fund availability suggested by Secretary Boyd in his testimony of February 27 before the House and Senate Public Works Committees will be realized."

This wire further stated that "trust fund balances are estimated to be adequate to sustain the release of rates indicated herein." Based on these assurances, a special session of the Idaho Legislature increased the State tax on gasoline and diesel fuel, to become effective 1 January 1968, so as to be in a position to utilize all Federal aid funds available to Idaho. Action as suggested by your wire of 8 October is not consistent with earlier commitments and cannot be considered to be in good faith. A substantial portion of highway user taxes is already diverted from the Federal aid highway trust fund to other purposes at the Federal level. There can be no valid reason for considering a holdback on that portion which does go to the trust fund where it is held "in trust" for a program so vital to the safety, economy, and stability of our country. The matter should be dropped immediately.

DON SAMUELSON,
Governor of Idaho.

U.S. SENATE,
COMMITTEE ON INTERIOR AND
INSULAR AFFAIRS,
Washington, D.C., October 23, 1967.

HON. ALAN S. BOYD,
Secretary, Department of Transportation,
Washington, D.C.

DEAR MR. SECRETARY: You recently sent a wire to Governor Don Samuelson of Idaho advising that consideration is being given to a possible holdback or cutback of federal aid highway trust funds for fiscal year 1968. You asked about the possible impact on the state if certain alternatives were to be placed in effect.

On October 11th, Governor Samuelson replied to your inquiry indicating clearly the serious impact such action by your Department would have not only on our highway program in Idaho, but on the total economy of our state. I fully agree with Governor Samuelson. These are funds "held in trust" for the furtherance of a vital program which goes to the very heart of our national safety. A cutback of such funds is not justified and if carried out could only lead to further inflation when and if this essential program is continued.

The states, as well as those who pay gasoline and other taxes to make this program possible will lose faith in the federal participation if actions such as now contemplated are paraded before us as threats each time a reduction in federal spending is proposed by Congress.

I hope this proposal will be dropped immediately so our highway program can proceed without further interruption.

Sincerely yours,

LEN B. JORDAN,
U.S. Senator.

A CONSTITUTIONAL AMENDMENT TO RESTORE THE POWER OF THE POLICE

Mr. TOWER. Mr. President, in the recently published report of the President's Commission on Law Enforcement and the Administration of Justice, "The Challenge of Crime in a Free Society," a supplemental statement by seven of the Commission members set out certain goals for reform in the enforcement and administration of the law in the United States.

This statement shows a clear and desirable need for the adoption of Senate Joint Resolution 22, proposing an amendment to the Constitution of the United States to provide that the voluntary admission or confession of the accused in a criminal prosecution shall be admissible against him in any court sitting anywhere in the United States, and that the ruling of a trial judge admitting an admission or confession as voluntarily made shall not be reversed or otherwise disturbed by the Supreme Court or any inferior court established by Congress or under its authority if such ruling is supported by competent evidence. I am pleased to be a cosponsor of this amendment.

Mr. President, an adequate opportunity must be provided the police for interrogation at the scene of the crime, during the investigation and at the station house, with appropriate safeguards to prevent abuse.

The achievement of the proper balance between the rights of the individual and those of the society as a whole is admittedly a tremendously difficult task. In the initial stages, at least, the law-enforcement officers of this Nation are charged with the maintenance of this balance. It is the policeman who is first on the scene of a crime; it is the policeman who must attempt to piece together the often incoherent or contradictory statements of witnesses in an attempt to get at the facts; it is the policeman who must sometimes face the open hostility of the crowd of onlookers, and it is

the policeman who must detain the suspected offender. All of these activities are carried on in the world which is familiar to those who enforce the law—be it the dimly lit alley in a city, the streetcorners of the town, or the highways which span this country. The law-enforcement officer, then, does not have the serenity of the judicial chamber as a place in which to determine the proper course of action, nor is he allowed the restrospective view of a carefully reconstructed series of events as an aid in formulating a constitutionally correct course of conduct. He must enforce the law in the present tense and make his decisions in seconds, and not after months of reflection. How can the law-enforcement officer carry out his duties in such a way as to achieve the results which justify his existence—compliance with the law by the individual members of the society which has made itself subject to that law?

Certainly one of the key factors in successful enforcement of the law is the right of the policeman to interrogate a suspected offender on the street, or at the scene of the crime or at the station house. Often the investigators of a recently perpetrated offense have little or no substantive information with which to begin their quest for the truth. Crimes such as kidnaping necessitate immediate action in the form of interrogation if the victim is to be safely returned. In many instances, interrogation benefits the innocent as much as the guilty, because potential suspects are quickly exonerated. For all of these reasons, it may be said that the right to question suspects is an essential part of law enforcement.

On the other hand, there must be for the individual suspect safeguards against the abuses of the right of interrogation. These protections have existed since the formation of this Nation in the Constitution of the United States. The fifth amendment, which provides protection against self-incrimination, and the sixth amendment, with its assurance of counsel, afford the individual rights which are as essential to the individual as the right of interrogation is to the policeman.

In the final analysis, the determination of the relative rights of the individual and society through its law-enforcement officers is made by the judiciary, and particularly through the U.S. Supreme Court. The current disposition of the Court toward the balance of rights can best be seen in the case of *Miranda* v. *Arizona* (384 U.S. 436 (1966) which sets out the following standard relative to the questioning of suspects:

A suspect must not only be warned of his rights to remain silent and that any statement made by him may be used against him at trial, but also that he has the right to request the assistance of counsel which must be provided to him before he can be asked any questions at the scene of the crime or elsewhere. These rights may be waived by the suspect if done "voluntarily, knowingly, and intelligently," but the suspect may later indicate that he wishes to remain silent or have the assistance of counsel, in which event the questioning must immediately cease.

In the light of the circumstances under which a policeman must attempt to carry out his duties, a standard such as that in Miranda effectively precludes the use of interrogation by law enforcement officers, except in the exceedingly rare case in which a suspect would waive the protection so readily extended to him by the Supreme Court. What we have seen as a result of these Court actions is a sacrifice of the rights of society in favor of those of the individual. When a suspect requests the assistance of counsel, how many could be expected to then undergo interrogation when, as Mr. Justice Jackson has so aptly put it:

Any lawyer worth his salt will tell the suspect in no uncertain terms to make no statements to police under any circumstances.

The proposed amendment to the U.S. Constitution, while taking into account the inviolable rights of the individual, would also guarantee the basic right of security to our society by removing the present barriers to the right of the representative of that society to question those suspected of a crime.

Mr. President, the legitimate place of voluntary confessions in law enforcement must be reestablished and their use made dependent upon meeting due process standards of voluntariness. Prior to the overextension of constitutional guarantees to the individual by the Supreme Court, the standard for the admissibility of a confession was whether or not it was made voluntarily by the suspect.

Obviously, the confession made under circumstances of intimidation or coercion was not to be admitted since it clearly violated the right of the individual to avoid self-incrimination. Barring such violations, however, the generally accepted view that voluntary confessions were a desirable part of the criminal process certainly seemed justified in view of the difficulties inherent in the enforcement of law.

With the advent of Miranda, it became obvious that where there could be little expectation of interrogation, it would be reasonable to expect that confessions would be done away with altogether. The dissenting opinion of Mr. Justice White in Miranda itself points out that—

[T]he result [of the majority holding] adds up to a judicial judgment that evidence from the accused should not be used against him in any way, whether compelled or not (*Miranda* v. *Arizona*, 384 U.S. 436, 538 (1966)).

There can be little doubt that the standard imposed upon the law enforcement officer by virtue of the Miranda case results in the virtual elimination of the use of confessions as one of the indispensable elements of the functioning of our legal system. In the relatively short time since this case was decided, there have been numerous examples of the effects of such a standard. Criminals of the most despicable sort have been set free to endanger our society.

For example, two defendants with long criminal records won dismissal of murder charges because they had not been informed of their rights to counsel before they confessed. The State supreme court justice, noting that for the second time in a 10-day period he was forced to dismiss a murder charge because of a Supreme Court decision, stated:

These defendants have records for robbery, assaults and drugs, as well as other crimes. In the very near future I expect to see the defendants back again in this court. I hope it won't be for murder. As I see the smirks on their faces, I know that they are getting away with murder.

A Federal judge made this statement after releasing a man tried for murder:

On three separate occasions, this man voluntarily confessed foully killing his wife and throwing her body on a dump . . . he led police there. Yet the U.S. Court of Appeals has seen fit to throw the confessions out . . . tonight felons will sleep better.

In another case, a man who admitted slaying his wife and five children walked out of a courtroom a free man because the only available evidence against him was his own confession.

It is interesting to note that some of the strongest criticism of the Miranda doctrine has come from judges themselves. These men, who must administer the judicial system in this country, see what the majority of the members of the U.S. Supreme Court cannot or will not see—that to proscribe the use of the voluntary confession constitutes the most extreme example of the intentional aberration of our system of criminal law and procedure in the history of this Nation.

The amendment (S.J. Res. 22) would reinstitute the test of voluntariness as the criterion for the admission or rejection of confessions in criminal cases.

The vital question which has been raised by the combination of the recent trend of Supreme Court decisions and the ever-increasing rate of crime—the latter having the propensity to increase in relation to the continuing incomprehensibility of the former—is whether the law enforcement agencies of this Nation can effectively discharge their responsibilities without a change in the existing constitutional provisions. Unfortunately, at a time in our Nation's history when the need for law enforcement has heightened, we cannot turn to the courts for guidance. Therefore, we must for the good of our society, bring about a resurgence of police powers which can only accrue to the benefit of the Nation as a whole. The responsibility for this undertaking must be assumed by Congress and the States, through ratification of the proposed amendment (S.J. Res. 22) to the U.S. Constitution.

COMMUNITY SERVICE AIDS AND SOCIAL SERVICE VOLUNTEER PROGRAMS

Mr. HARRIS. Mr. President, the National Association of Counties has endorsed my amendment No. 400, cosponsored by several other Senators, intended to be proposed to H.R. 12080. I am grateful for this support, and I ask unanimous consent that a letter to me from Mr. C. D. Ward, general counsel of that distinguished organization, be printed in the RECORD.

There being no objection, the letter

was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF COUNTIES,
Washington, D.C., October 20, 1967.

Senator FRED R. HARRIS,
U.S. Senate,
Washington, D.C.
(Attention: Mr. Leslie R. Kreps.)

DEAR SENATOR HARRIS: I appreciated the opportunity of discussing with Mr. Kreps our support of Senator Long's foster care proposal, S. 2470. I was also pleased to have Mr. Kreps bring to my attention your amendment relating to community service aids and social service volunteer programs.

In December of last year, the National Association of Counties held its first welfare conference, and I feel you would be interested in knowing that one of the specific recommendations directly relates to your own proposal. The recommendation was titled "New Welfare Employment Criteria" and reads as follows:

"Whereas the present federal and state classification and qualification staffing requirements for welfare and social workers often result in the wasteful application of professional talent to sub-professional tasks and often precludes the employment of competent persons to perform many welfare tasks, the National Association of Counties urges and recommends that the federal government foster and encourage the states to experiment in the use of sub-professional classifications.

"Whereas it is difficult to obtain necessary caseworkers under the present mandated classifications and qualifications, we recommend in the interest of home rule and greater efficiency that the fixing of such classifications and qualifications be vested in the local unit of government administering such relief, consistent with Civil Service as established in each State."

On behalf of the National Association of Counties, I should like to express our support for your amendment and to advise you that this letter may be utilized for such purpose.

Very truly yours,

C. D. WARD,
General Counsel.

TRIBUTE TO AN INDUSTRIOUS REPORTER

Mr. PROXMIRE. Mr. President, the Department of Defense earlier this month moved to plug a gaping hole in its procurement procedures by ordering that a clause be included henceforth in all firm fixed price contracts involving certified costs or pricing data giving the Pentagon explicit right of access to the contractor's actual performance records in order to provide assurance that defective cost or pricing data had not been submitted prior to consummation of the contract.

If the postaudit authority established by this recent administrative action is exercised effectively, it could mean a savings to the taxpayers of millions of dollars a year because it would go a long way toward ending the enormous losses to the Government in overcharges on defense contracts.

A healthy share of the credit for the Pentagon's recent action must be given, I believe, to an able and industrious reporter for the Cleveland, Ohio, Plain Dealer, Mr. Sanford Watzman, who in a superlative series of articles last spring put the spotlight on the Pentagon's failure to enforce the 1962 Truth in Negotiations Act, which requires that contracting officers obtain current, accurate, and complete cost data from contractors. This law is the taxpayer's only defense against the establishment of unreasonably high cost levels in negotiated contracts.

Mr. Watzman's articles, which drew on obscure, almost-forgotten reports by the Comptroller General of the United States, prompted the Economy in Government Subcommittee of the Joint Economic Committee, of which I am chairman, to probe into this area during hearings last May on Federal procurement procedures. The testimony of the Comptroller General was both instructive and shocking. He disclosed at the hearings that the loss to the taxpayer because of overcharges on defense contracts ran into the millions just on the very small sampling of contracts audited by his agency, the General Accounting Office. This would indicate that the actual loss on all contracts could conceivably be in the billions of dollars.

Following the hearings, I introduced a bill (S. 1913) to provide the Pentagon with explicit postaudit authority—a move first suggested by Mr. Watzman. The purpose of this bill was to establish a policy that the Comptroller General contended could be established independently by the Pentagon simply by amending the Armed Services procurement regulations. The Comptroller General recommended this course to the Defense Department some time ago but no action was taken on the recommendation. Postaward audits of the actual records of performance, the Comptroller General concluded, often provided the best means of verifying that the data submitted prior to the award was accurate, current, and complete.

The memorandum issued last month by Deputy Secretary of Defense Paul H. Nitze appears to establish through administrative action just the authority recommended by the Comptroller General and the authority my bill would establish in law. If Secretary Nitze's order is effectively and fully implemented, there will be no need for passage of my bill. But the Defense Department's record of enforcement in the procurement area, either of administrative regulations or of statutes such as the Truth in Negotiations Act, does not encourage optimism. To the extent that my bill can be credited with bringing about the Nitze order, Sanford Watzman deserves a large share of the credit. And he will deserve credit, too, for the ultimate savings to the taxpayer, if the Nitze order is effectively implemented.

REPORT OF PANEL ON ELECTRICALLY POWERED VEHICLES

Mr. MAGNUSON. Mr. President, I have just received the report of the Panel on Electrically Powered Vehicles which was set up by the Department of Commerce early this year in a joint-sponsorship agreement with several other executive branch departments and agencies. The panel has studied the critical problem of automotive air pollution and its control with particular emphasis on the development and use of new low-polluting propulsion systems.

I am happy to report that I find the results of the study, published in the report entitled "The Automobile and Air Pollution—A Program for Progress—Part I," a thoughtful and significant addition to our discussion of methods to insure that the benefits of advancing technology will be used for the good of the entire Nation.

The panel, of which Richard S. Morse, of the Massachusetts Institute of Technology, is the chairman, is composed of a group of eminent industrial, academic, and technical experts who have generously contributed their time and energy to collect and review the latest available information and to offer their conclusions and recommendations for desirable public action. The Nation is fortunate to have at its call such dedicated citizens who willingly come together in a voluntary effort to help formulate important matters of public policy. These men whose names I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks, deserve our congratulations for their fine effort.

The report contains many important conclusions and recommendations which should be given serious consideration by both the executive and legislative branches. Of particular interest to me is the recommendation that the Federal Government use its procurement policy to stimulate the development and use of devices and vehicles which will lower pollution, for I have urged on several occasions that such a creative approach in Federal purchasing can be an important instrument in achieving this objective. I am pleased that the panel has highlighted this area for consideration. An extension of this recommendation to create a program which will assure that private industry will rapidly strive to develop and use the latest systems for the control of pollution should also be an important part of any Federal activity designed to reduce air pollution and encourage the creation of new and more effective means of transport.

I also note that the report recommends that the Federal Government should increase its support for research, development, and demonstration in mass transportation programs. I have long been an advocate of policies which will help this Nation create the advanced transportation systems which are urgently required by our citizens in crowded urban areas. There is no doubt that our urban population will continue to increase, and it is therefore essential that we take every reasonable step to study, test, and develop the most effective means of transportation for both goods and people.

The panel report also contains a recommendation that the Federal Government initiate a 5-year, $60 million, program to seek information from which to develop future emission standards and to support additional research. The areas singled out by the panel as deserving particular attention include the examination of alternative energy sources for vehicles, and the development of new vehicular propulsion systems, emission control devices, and special purpose urban cars. A program of this type may be essential to enable the Government to find the most effective means for counteracting the polluting side effects of our present personal transportation systems, so I believe

it is important that we give it our careful consideration. For it already is becoming unpleasantly clear that in the future we shall need vehicles, particularly in our urban areas, which are virtually nonpolluting.

In summary, Mr. President, I think this report should provide the basis for some new and meaningful steps by the Federal Government in its attempt to control pollution and develop new transportation systems. The Department of Commerce and the other supporting agencies deserve our congratulations for preparing, so promptly, this excellent analysis. I urge that it be given serious and detailed consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington?

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

PANEL ON ELECTRICALLY POWERED VEHICLES

Richard S. Morse, Chairman, Alfred P. Sloan School of Management, Massachusetts Institute of Technology.

Manfred Altman, Director, Institute for Direct Energy Conversion, University of Pennsylvania.

Edward H. Blum, Princeton University, (Now with Rand Corporation).

Rolf Eliassen, Professor of Environmental Engineering, Stanford University.

James W. Ford, Director, Economics Office, Ford Motor Company.

Everett Gorin, Manager, Process Research, Research Division, Consolidation Coal Company.

Carl E. Heath, Section Head, Government Research Laboratory, Esso Research and Engineering Company.

Seymour W. Herwald, Group Vice President, Westinghouse Electric Corporation.

Edward O. Johnson, Manager, Engineering-Technical Programs, R.C.A. Electronic Components and Devices.

Peter Kyropoulos, Technical Director, Styling Staff, General Motors Technical Center.

Alan G. Loofbourrow, Vice President, Quality and Reliability, Chrysler Corporation.

David V. Ragone, General Atomic Division, General Dynamics Corporation (Now Professor of Metallurgy and Material Science, Carnegie-Mellon University).

Robert C. Shair, Vice President, Research and Development, Gulton Industries, Inc.

Philip Sporn, Retired President, Director, American Electric Power Company.

Charles W. Tobias, Chairman, Department of Chemical Engineering, University of California, Berkeley.

Myron Tribus, Dean, Thayer School of Engineering, Dartmouth College.

Paul T. O'Day, Executive Secretary, Office of the Assistant Secretary for Science and Technology, U. S. Department of Commerce.

ELEVENTH ANNIVERSARY OF THE HUNGARIAN REVOLUTION

Mr. LAUSCHE. Mr. President, 11 years ago today the Hungarian people reacted against Soviet political and military occupation of their country. Soviet troops ignited the flames of revolution when they fired on defenseless students who were peacefully demonstrating on October 23, 1956. Hungarians—young and old, workers and intellectuals—rallied to the students' cause, risking their lives for freedom. After years of oppression and subjugation by the Soviets, Hungarians wanted the right to determine what men should govern their country through general, free, and secret elections with the participation of several political parties; the withdrawal of Soviet troops from Hungarian soil; investigation and correction of all political and economic trials; complete freedom of speech; and vast improvement of the economy of the country—all privileges which we in the United States enjoy as ordinary rights of citizenship and freedom.

By the end of October peace had returned to Budapest as Hungarian freedom fighters achieved their goals. Imre Nagy was named Premier and installed a new cabinet in which the power of the Stalinists was greatly reduced. Nagy announced that Soviet troops would soon leave Budapest, and Soviet representatives returned from Moscow with a declaration complying with most of the demands made by the revolutionaries.

On November 4, 4 days after evacuation of Soviet troops from Hungary had apparently begun, these forces reentered Budapest—10 armored divisions, reenforced by aerial attacks by Mig fighters. All over Hungary, patriots hurried to protect the newly won freedom against such an onslaught of military might. Radio appeals to the free nations of the West and to the United Nations went unheeded as diplomacy bogged down in the redtape of words and vetoes. Hungarian freedom, however, with its dwindling store of rifles, ammunition, grenades, Molotov cocktails, sticks, and stones could not for long protect itself against the endless stream of Red tanks and automatic weapons. Soviet forces crushed this Hungarian revolt but not the people and the spirit which fostered it.

Mr. President, on this 11th anniversary of the start of the Hungarian revolution it is appropriate that we pause to pay homage to the brave men and women who died in Hungary for the cause of freedom. It is appropriate that we join with those Hungarians who were able to flee their country and find friends and comfort here in America and with those who are still in Hungary in a silent prayer that one day soon, Hungarians will realize that freedom which was so dearly won and lost in 1956.

ARMS SALES POLICIES

Mr. McGEE. Mr. President, C. L. Sulzberger, writing from Brasilia, took a look at American arms sales and the policies which govern them, particularly as these apply to our neighbors in Latin America. In the New York Times for October 18, Sulzberger makes a number of points, but his chief one is that we cannot, by refusing arms, hope to prevent their acquisition. Other nations, notably France, are willing and able to provide them, and in the field of aircraft will, in fact, sell faster, larger aircraft.

The implications are many, both short and long term, as Sulzberger points out. His column should be read by those whose intentions are good but whose realism is clouded when it comes to this question. I ask unanimous consent that the article be printed in the RECORD.

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

FOREIGN AFFAIRS: ANOTHER POKE IN THE EYE

(By C. L. Sulzberger)

BRASILIA, BRAZIL.—U.S. arms policy in South America is about to get another poke in the eye with a blunt stick, this time in Brazil. We have only to thank our own befuddled approach to the question of selling weapons to friends.

Bruised by Congress on numerous issues, the Defense Department thinks it can avoid an arms race on this continent by withholding modern equipment from our friends, above all jet aircraft. Our friends, however, don't share this pleasant belief. They listen to our advice, make their own decisions and buy elsewhere.

WHERE BUT PARIS?

The obvious place to buy is France. French arms merchants are energetic, backed by their Government, and prepared to extend generous credit. Furthermore, the Israeli Air Force was French-equipped and, since it chewed up the best Soviet matérial the Arabs had, South American generals were favorably impressed.

When Washington refused to sell Peru our F-5 fighters, Lima bought a batch of France's Mirage-V supersonic jets. Simultaneously, Argentina purchased fifty French tanks, compounding our frustration because, quite apart from trying to discourage a hemispheric armaments race, the U.S. doesn't relish losing markets to de Gaulle.

Now an even worse disappointment is shaping up. Brazil the greatest South American nation and our most active ally here, wants to purchase about twenty U.S. F-5's. These aren't really supersonic and, indeed, were conceived as counterinsurgency planes for developing nations. Nevertheless, Washington refuses approval.

For months Brazil's President, Marshal Costa e Silva, has argued his case, even in personal correspondence with President Johnson, but Secretary McNamara, who fears Congressional resentment, maintains a virtual veto. Meanwhile France pushes its aircraft as an obvious alternative.

Last August Brazil was ready to take Mirages, which are more expensive than F-5's and virtually twice as fast. Paris offers excellent terms, including willingness to construct an aviation factory here and promise of earlier delivery than we could offer if we were ready to do business.

Costa e Silva is under pressure from his officers. This regime was first installed by army coup three years ago, and its main dynamic remains military. There is nothing even remotely Nasserist about it. but the rationale is similar. Nasser told me in 1955 that he had to buy arms from Russia when we refused them because his only organized backing came from officers and, if he refused them materiel, they might withdraw support.

Here read "France" for "Russia." The military establishment, which is pro-American and mildly liberal, looks to Costa e Silva for new weapons. The air force has only three serviceable but outmoded jet fighters and fifteen jet trainers. It complains that training crews on obsolete equipment makes them unfit to cooperate with the U.S.A. in an emergency.

The political implications to a largely military regime are clear. Costa e Silva has shown patience with our position, but is being urged to give an answer before Aviation Day next week. Meanwhile, a new French sales mission is awaited as Paris pushes further into the market.

Our basic arms policy has been unrealistic, if nobly motivated. By withholding modern weapons we hope to discourage armaments races and to encourage the spending of defense funds on development. But, while philosophically sound, this simply won't work without a monopoly—which we don't have.

We refused to sell aircraft to Israel and South Africa because we didn't want to offend the Arabs and the new Negro repub-

lics. France sold to both and nevertheless became more popular with the Arabs and many African states. Meanwhile Israeli prowess with French equipment spurred French arms sales.

WEAPONS WANTED

Many South Americans resent our restrictions and question what the U.S. alliance is worth if it doesn't allow access to weapons. And the diplomatic implications are obvious. Long-term spare parts and training commitments are involved. Furthermore, in some countries on this content the military is the real political power, while in all it lurks behind the scenes.

Our intentions are good, but in practice they are self-defeating. Congress doesn't want lands we help to waste funds on weapons, but, after all, those aren't our colonies and make up their own minds. It is good that Washington has reversed itself on Brazil in time, for elsewhere in South America U.S. diplomacy was banging barn doors on horses already grazing in France.

ALF LANDON PROPOSES NEW APPROACH TO LABOR-MANAGEMENT DISPUTES

Mr. PEARSON. Mr. President, in a recent tribute to Alf M. Landon on his 80th birthday, I took note of his continuing active participation in public life and ever fresh and cogent discussion and analysis of the great public and political issues of the day.

Today, I want to call to the attention of my colleagues Mr. Landon's latest contribution, a proposed new approach to handling labor-management disputes which affect the national interest.

Mr. Landon originally unveiled an outline of his new approach to the difficult problem of emergency strike legislation last July. This idea has now become a fully developed proposal which merits serious consideration.

He suggests first that the research facilities of the Federal Mediation and Conciliation Service be greatly strengthened. When, on the basis of this research, the Director of the Service certified that a bargaining impasse existed in a given industry, a three-man arbitration panel would come into being roughly 6 months before the expiration of the existing contract and would attempt to mediate the dispute before it assumed crisis proportions.

The panel would also be empowered to make nonbinding recommendations which the disputants would have 30 days to consider. If they did not accept its recommendations, they would suffer the loss of the protection of current labor laws and the right to receive Government contracts. Thus, while they would have the option of refusing to settle their differences, they would pay a heavy price for their intransigence.

Mr. Landon would also give the parties the right of immediate appeal of the board's decision through the Federal court system.

Mr. President, this proposal was outlined in a speech by Mr. Landon before the Kansas State Federation of Labor at Topeka October 19, 1967, and I ask unanimous consent to have it printed in the RECORD.

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

LABOR, MANAGEMENT, THE PUBLIC—ALL IN THE SAME BOAT

These are indeed troubled times. Trouble in Asia and Africa—trouble in the old world—and trouble in the new world.

Mankind is seeking new solutions to age-old and unsolved problems—and new problems created by automation—electronic energy and power—and the space age.

Growing industrialization has changed the agrarian economy in America into an industrial economy in my lifetime.

I can remember when the advocates of reducing the twelve-hour day to the ten-hour days were called radicals.

Then came the eight-hour day. I remember talking to a superintendent of a blast furnace about that. He said the eight-hour day might be all right for other industries. It can't work in the steel industry.

Steel was the last big industry to hold out against that. President Warren G. Harding persuaded big steel to adopt the eight-hour day.

A year later, I was talking to this same man. He said he wouldn't go back to the ten-hour day if he could.

Then came the Wagner Act—which I supported. However, it has not been the hopeful solution of our industrial relations problems which rank close to our complex international relations crying for solutions.

The Wagner Act begat the Taft-Hartley Act. The Taft-Hartley Act begat the Landrum-Griffin Act.

The Eisenhower board was busy reversing the decisions of the Roosevelt-Truman board. The Kennedy-Johnson board is now busy reversing the decisions of the Eisenhower board.

The reason for that is the social and economic thinking of the appointees to those agencies. Appointees change with the administration in power—state or national. While the legislation does not change—the interpretation of it does. That creates chaos for management, labor, and the public.

For ten years or more, we have been diverted from arriving at a workable, fair and equitable solution of our complex industrial relations problems by an organized campaign for so-called right-to-work legislation.

It has been adopted in 20 states and is still a pending issue in others.

I opposed this purely negative legislation when it was pending in the Kansas legislature. I opposed it when it was submitted as a Constitutional amendment in 1958.

Now a new trend is developing that is a great threat to collective bargaining as a corollary of democratic processes—that I have always believed in—and that is compulsory arbitration by President Johnson.

Let us take a look at how that has been developing—step by step. In 1963, President Kennedy asked Congress for legislation providing for compulsory arbitration by a board either appointed by the president—or selected by the Congress—or to final decision by the I.C.C.—to settle the railroad firemen and enginemen's threatened strike. At the request of their union, I made a statement at that time which it used—that I was opposed to compulsory arbitration either by a president—or by Congress. As between the two, I would take the Congress.

The board was established. It made its findings. They are still awaiting final court decisions interpreting that board's decisions as to how many men a railroad train crew should consist of—after some four years.

This litigation has cost the Brotherhood of Locomotive Firemen and Enginemen at least a half million dollars in legal fees and court costs alone—and it is far from settled yet. The Circuit Court of Appeals two months ago remanded the case back to a Federal District Court Judge of the District of Columbia for correction of his former decisions that he had taken three years to make. Within the last few weeks, the railroad attorneys filed pleadings in that Circuit Court of Appeals that involve further delays. Eventually this arbitration board's decision will reach the Supreme Court of the United States.

Then President Johnson personally postponed the threatened railroad strike in 1964. He claimed credit for its settlement.

Up to this very day, the questions involved in the threatened strike by all of the operating railroad brotherhoods are still unsettled and still pose a more explosive situation in the nation's railroad transportation system.

In his State of the Union message to the Congress in January, 1966, President Johnson said he would send to the Congress a recommendation for the permanent solution of industrial-labor problems. He failed to do that.

The President also did not even mention that most highly critical one of all our problems in his State of the Union message in 1967. When questioned by reporters later why he had omitted any reference to labor-management problems and their solution in that message, the President said he would send a special message on it later.

Well, it is late—and growing later with the passage of time—and we have had only piecemeal recommendations from the President to the Congress on that most important and crucial question before the country—or piecemeal use of the awesome power of a president to personally force the settlement of major industrial disputes.

President Johnson personally settled the threatened steel strike in 1964—and the airlines strike in 1966. He settled the second steel strike in 1965 by locking the representatives of labor and management in a room—sending them their meals—telling them not to come out until they had reached an agreement settling the strike.

In August, 1967, President Johnson allowed the questions involved in the railroad machinists' dispute to continue to develop with increased emotions, bitterness and bad feelings—until the deadline was finally reached when he could—in the role of meeting a national emergency—once again ask the Congress for compulsory arbitration.

Thus the President took another step in the direction of establishing compulsory arbitration by a president when that was all the choice he gave the Congress. The Secretary of Labor had the gall to insult the intelligence of the American people by saying that policy of President Johnson was not compulsory arbitration.

Mr. Wirtz called it a "decision in finality." He is right. There is no right of appeal by either side. Neither was there any right of appeal by either side in the Brotherhood of Locomotive Firemen and Enginemen's case, except for interpretation of the meaning of the board's language.

This was pure naked settlement by the awesome power of a president. It is eroding the principle of collective bargaining—and democratic processes, to boot.

Former Governor Henry J. Allen once told me of his interviewing Mussolini. The Fascist dictator handed him a book on the Kansas Industrial Court Act of 1919, saying, "Here is where I got my industrial policies." There was one highly important difference. Mussolini did not permit any right of appeal.

There have been five major labor dispute decisions made in the last four years either by direct presidential power or by compulsory arbitration legislation initiated by the President.

I agree with Mr. H. E. Gilbert, President of the Brotherhood of Locomotive Firemen and Enginemen—and with Mr. George Meany, President of the AFL-CIO—that if compulsory arbitration or a "decision in finality"

is to become the way of settling our industrial disputes, nationalization of big corporations can well come about.

Therefore, it is high time to be thinking of alternatives.

Last July—in a National Educational Television Network interview—in response to a statement that compulsory arbitration was the only solution of our complex industrial problems, I disagreed. In reply to the question of what were the alternatives, I said I've got one in mind that I am willing to try out. At least, it's something to think about.

1. I'd create a Court of Equity on top of our present Labor Board. Leave the present Labor Board as it is to do the paperwork, the administrative work, and so forth. This Court of Equity could be five or seven—bipartisan—with the most rigid conflict of interests tag.

2. There must be a right of appeal from that Board's decision, and I'd make it direct to the Circuit Court of Appeals Three Judge Court, and then to a jury of laymen.

Now, the right of appeal is a precious one that we've got to maintain intact, but eliminate the costly—often deliberately created—delays.

That proposal stimulated discussion of this critical national problem—which I hoped it would.

For the purpose of further discussion, I think well of a simple solution of this pressing problem that was suggested to me.

First, a federal statute providing that six months or so before the expiration of a union contract—where no agreement on its extension has been reached—an arbitration board of three be named—one by each side to the dispute.

The key man—the chairman—either to be selected from the heads of state universities by drawing his name from a hat—or, as a suggestion to think about, why not name the National Director of the Federal Mediation and Conciliation Service? He already has an existing staff and a fund of research with experience. The board, once organized, could select such additional research staff as it desired.

Congress could give the Federal Mediation and Conciliation Service the power and funds appropriate and, in broad outline, the mechanics would be:

1. a) Collate in each region the economic and other data pertinent to the problem which other government agencies are collecting; b) Collate any private studies in line with (a) above.

2. Upon an impasse, the Regional Director certifies to the National Director, who then forms an arbitration board consisting of himself and representatives from management and labor.

If there are more cases for this arbitration board than can be handled promptly by the National Director, he then could draw the name of the head of one of the state universities as a substitute.

Second, this board to have all the powers of subpeona of any court for all the records involved in its decision.

Third, when the decision is reached, it is not "a decision in finality." It can be appealed by either side direct to a Three Judge Federal Circuit Court of Appeals. Then to the Supreme Court of the United States.

Fourth, in order to further eliminate costly delay, a statutory requirement that this arbitration board's decision is placed immediately on the top of the court's calendar—to be heard and decided forthwith.

Fifth, that any moneys or fringe benefits that are due the employees or their heirs under the board's decision dating back to the expiration of the contract be put in escrow and be payable with six percent interest added when the judicial proceedings—if any—are terminated.

Sixth, because the public interest as a whole is involved—the cost of the arbitration board's proceedings to be paid by the national government—when federal questions are involved. When purely local questions are involved, the state government should assume this responsibility.

Seventh, language that required interpretation to be referred back to the arbitration board—not the courts.

Eighth, and finally, I come to a very critical question. If there is no settlement and no acceptance of the board's findings within thirty days, this new arbitration board could have the authority to enforce its decisions by the same provision now existing in our Civil Rights statutes—to-wit:

If a party and/or parties fail to accept voluntarily this method of settling labor-management problems, then they could be deprived of the use, benefit and services of existing labor laws and the right to receive contracts from the government. Or, if either party does not choose to accept this method of arbitration, they should not be forced to do so. If they prefer direct action, then they inevitably will face the growing trend for compulsory arbitration with "decisions in finality."

Labor is confronted with an unfriendly public when that public is inconvenienced.

I first suggested starting six months ahead of the expiration of an unrenewed contract with the thought

(a) that this would be helpful before feelings and emotions were aroused,

(b) that it would give all parties—including the public—the opportunity to become familiar with the problems of that particular industry, and

(c) it might be worth considering that either labor or management could participate in this proposed arbitration board's hearings with the right to withdraw at the end of ninety days.

After that, neither party can withdraw until the hearings are completed and the board's decision is made and announced.

Then, as I have previously listed, either party should have the right to appeal direct to the Circuit Court of Appeals and the Supreme Court of the United States—or to face inevitable further congressional legislation.

If this plan was in effect, it would eliminate pooling subsidizing of one line of industry by other lines of the same industry where the one shut down by a strike receives financial help from all. That will help settle major strikes.

Some eighty years ago, Edward Bellamy published a fascinating book called Looking Backward. The book was a best-seller for several years, although today it is virtually forgotten outside of our colleges. Nevertheless, the book still influences thinking.

Bellamy's hero went to sleep in 1887 and awoke in the year 2000 to find that the economic squabbles of his day had led to the development in the 20th century of three big trusts—labor, industry and government. Because labor and business could not settle their differences and because the American people were getting squeezed in between, the government finally stepped in to eliminate business and labor. In other words, nationalization of big business.

Unfortunately, not being a witness to the results of the concentration of power in the hands of government in the 20th century, Bellamy was not aware that totalitarianism tends to destroy rather than preserve.

I tell you this story because it is quite relevant to what has been happening in the United States in industrial-labor disputes—that is coming to a head faster than is realized.

This proposal I have just discussed with you is not a "decision in finality" on my part. I simply throw it out for discussion and consideration with the hope that labor will realize this is no time to continue a negative position of sitting on their hands. Undoubtedly other provisions will occur that should be included in the legislation to make it constitutionally realistic—workable—and fair and equitable to all three parties involved—unions—corporations—and the public.

We now have a hodge-podge of legislation governing labor-management relations so that it is a field day for the lawyers, with their hands in the pockets of both labor and management.

At least, I am proposing guidelines for a national board of arbitration by statute, where there are none now. It should expire at the end of five years to see how, in the light of trial and error, it works out in practice.

It is high time we face up to the real tests we are having now.

Arbitration—except for these recent incidents of compulsory arbitration with no actual right of appeal—has not been used heretofore except for interpretation of disagreements over the meaning of the language of a contract.

Both sides have got to realistically approach a fair and equitable solution—or compulsory arbitration with no right of appeal is here.

Under this plan, all parties must put their cards on the table at the start, instead of at the end, as is the case now. If that was established, there would be fewer cases pursued to the point of arbitration.

The arbitration board I am talking about would deal with major industrial disputes with guidelines where there are none now. Its membership could constantly change with each case. The only permanent officer would be a secretary to organize the proceedings—when, as and if required. It makes use of experience with the present arbitration procedures provided by contracts over grievances at the local level, in the light of trial and error experience. It makes use of experience with that machinery.

Now both sides' strategy is not to put all their cards on the table—at least to start with. When they know that will be the case before the expiration of the contract, that may well stimulate more negotiated settlements of major industrial disputes.

In the last four years—prior to the present disputes—every major labor-management dispute settlement has been forced either by the President personally—or by compulsory arbitration set up by him.

More and more, it is becoming evident that there is urgent need that we start thinking about some more positive solutions in the design of democratic processes to our complex industrial problems than this purely negative right-to-work legislation—and—even worse and more destructive of collective bargaining—compulsory arbitration—based on Fascist "decisions in finality"—that is the very antithesis of our precious democratic processes.

FEDERAL MULTIPURPOSE WATER CONSERVATION PROGRAMS

Mr. MUSKIE. Mr. President, the distinguished junior Senator from Montana [Mr. METCALF], as a Member of the House of Representatives and as a Senator, has been an articulate advocate of Federal multipurpose water conservation programs, in his region and across the country. His book, "Overcharge," underscores the inadequacies of the private power industry and the resulting cost to the consumer. It also demonstrates his expertise in the field of power generation.

Senator METCALF recently spoke in Portland, Maine, where he discussed the importance to New England of the Dickey-Lincoln School hydroelectric project on Maine's St. John River.

His remarks are especially significant now when Senate-House conferees are considering Dickey's future. I ask unanimous consent that Senator METCALF's talk to the Maine Oil & Heating Equipment Dealers Association appear in the RECORD at this time.

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

SPEECH BY SENATOR LEE METCALF BEFORE MAINE OIL & HEATING EQUIPMENT DEALERS ASSOCIATION, PORTLAND, MAINE, OCTOBER 11, 1967

I had the opportunity to become acquainted with an important resource issue in this region when I served with your Senator Ed Muskie on the Public Works Committee. That is the committee which authorizes projects built by the Corps of Engineers, such as the Dickey-Lincoln project.

As I listened to the testimony, read the Record and noted the votes on Dickey-Lincoln, I was reminded of a similar situation in the Nineteen Fifties. I was on the House Interior Committee then, and the big multi-purpose dam proposed in that era was Hells Canyon, on the Snake River which forms the boundary between Idaho and Oregon.

The real issue there was not public power versus private power. The issue was full development—maximum use of the river for power, flood control, pollution abatement and other beneficial uses of water—versus partial power development through low dams which would forever preclude maximum use of the river's potential.

The private power companies were for the partial development, by themselves, of this great river. And they won, through the kind of saturating, nationwide lobbying that is a hallmark of the power companies, which constitute the largest industry in this country.

The tactics they used were similar to those being used against Dickey-Lincoln. The arguments are much the same. In fact, I think somebody went through those old Congressional Records of the Nineteen Fifties, struck out the words "Hells Canyon," inserted "Dickey-Lincoln" and passed them around.

Senator Muskie, who is the leading authority in Congress on air and water pollution abatement, tells about the new ways to recycle water, to use it over and over again. Well, we can both tell you that some of those power company speeches have been recycled time after time. Their pollution content by now is rather high.

Thanks to the leadership in the Congress of both Senators Muskie and Smith, Dickey-Lincoln was authorized, and planning money for the project was included by the Senate in the public works appropriation bill.

There will be a tremendous effort by the utility lobby to get the Senate-House conference to delete these funds, or get Dickey-Lincoln voted on separately and killed in the House. Your Congressional delegation—Senators Muskie and Smith and Congressmen Hathaway and Kyros—strongly supported by Governor Curtis, have done a magnificent job for Dickey-Lincoln. But they need all the help you can muster for them, in view of the formidable opposition.

Just a few days ago I received a letter and packet of material from Albert Cree, head of Central Vermont Public Service Corporation and Chairman of the Electric Coordinating Council of New England. It consists of leaders of the New England power companies, which are fighting Dickey-Lincoln because they want to keep their tight, high-cost monopoly as it is.

I told him that I supported Dickey-Lincoln, because I believed it was in the interests of both the consumers and the power suppliers, the investor-owned utilities as well as the municipal and cooperative systems. I cited the example in my region, where the power companies have fought public power projects for decades, yet benefit substantially from them. They buy large blocks of power from these projects, at the same rates charged the municipals and co-ops.

These natural sites for multi-purpose dams—and Dickey-Lincoln is one of the few good ones left—provide substantial additional public benefits, for pollution abatement, recreation, and municipal and industrial water.

Let me tell you how these multi-purpose Federal dams help business. When Yellowtail Dam in Montana was completed in Nineteen Sixty-Six none of us realized how quickly that water would be desired by industry. One major industry has already applied for a substantial quantity of water for development of a new industry nearby. More applications are expected. In addition, last winter that dam prevented millions of dollars in flood damage following devastating cloudbursts of the type that occur only once in a century.

The main reason the big power companies want to kill Dickey-Lincoln is that they want to kill off the small city-owned and rural electric cooperative power systems. They don't like those little yardsticks of comparison.

Public power systems have a preference for purchase of power from Federal dams. In actual practice, however, private industry and private utilities buy one-third of the output of the Federal power plants. They obtain almost three times as much of the Federally produced power as all the rural electric cooperatives together. Remember that, the next time you see a power company advertisement complaining about the Federal power program and the allegedly unfair advantages it provides for preference customers.

In one of the most arrogant maneuvers I have seen during more than thirty years in public office, power companies around the country are now trying to keep city and cooperative power systems from participating in the big nuclear generation and long-distance transmission systems. The public paid, through taxes, more than two billion dollars for development of practical nuclear power. Now the private companies want to have it all to themselves.

And in the forefront of this group of subsidy-seeking investor-owned utilities is the Electric Coordinating Council of New England, which includes the three principal I.O.U.s in this State—Central Maine Power, Bangor Hydro-Electric and Maine Public Service.

I do want to mention two developments in Washington which will be of particular interest to you, as a group of businessmen who are often subjected to unfair competition from utility companies. One is the study underway by Congressman John Dingell and his House Small Business Subcommittee. He has sent out detailed questionnaires on utility subsidies. Hearings on this subject are scheduled to get underway in January. They will provide an excellent forum for small businessmen such as yourselves.

The other study was initiated by Senator Muskie, as Chairman of the Government Operations Subcommittee on Intergovernmental Relations, of which I am a member. Last year he invited each of the state utility commissions to answer a questionnaire dealing with its make-up, staff, budget, policies and jurisdiction. The tabulation and summary were printed last month as a committee print. It is entitled "State Utility Commissions."

It has been well-received as a valuable reference for legislators, regulators, teachers and business, as have previous studies prepared by Senator Muskie's subcommittee.

This is largely a statistical study. There is no comment from the subcommittee. It is a factual account, from the commissions themselves.

I have great sympathy for these state commissions, many of them overburdened with work and short on staff and funds. Let me tell you some of the things which they reported to Senator Muskie.

These commissions are responsible for regulating hundreds of huge monopoly utility corporations, plus thousands of smaller companies. In transportation you have quite a bit of competition. The customer does not have a choice, though, as to where he gets his electricity, or his telephone. His interest is supposedly protected by these commissions. Yet some of them don't even have an attorney, or an engineer, or an accountant, or perhaps but one or two persons in those categories. Salaries are low. In many cases all these commissions can do is ratify the proposals put before them by the utilities. Thus, the rate-paying public is regulated by the utilities, although the unending utility advertisements, whose cost is passed on to the customers, try to make you believe that the utilities are strictly regulated.

So what happens when a relatively small industry, such as oil heat, goes before a commission to air its grievances about sharp practices by the giant utilities? These commissions don't have enough resources to do the jobs already assigned them, let alone take on new investigations.

The public probably has less accurate information about utilities and regulation than any other area of government. The Muskie and Dingell subcommittee studies have helped fill an unmet need, and laid the groundwork for better government and more equitable treatment of minority members of the energy industry.

THE HUNGARIAN UPRISING

Mr. TOWER. Mr. President, today marks the 11th year since the courageous uprising against the ruthless Communist regime in Hungary. On October 23, 1956, and the 12 days which followed, the world watched as the Hungarian people fought for and seemingly obtained control of their country and the right of self-determination only to have their hopes for freedom crushed by an incredible use of Soviet military might.

Although Communist tyranny added more than 20,000 lives to its growing list of atrocities, the Hungarian men, women, and children demonstrated by fighting and dying that subjugation will never destroy the spirit nor the desire of men to be free.

On this, the 11th anniversary of the Hungarian revolution, we express our admiration for the courage and determination of the Hungarian people.

TIMELY WARNING ON DANGERS OF LAND PURCHASES IN BRAZIL

Mr. WILLIAMS of New Jersey. Mr. President, during hearings on the Interstate Land Sales Full Disclosure Act, which would regulate the sales of undeveloped land, evidence was presented which indicated that many unsuspecting Americans were being duped into buying tracts of land in Brazil. At that time we were told by the Department of State that it was extremely difficult for a foreigner to obtain clear title to land in Brazil, and that in some instances

foreign ownership was illegal under Brazilian law.

Unfortunately the sale of Brazilian land to Americans continues. A story in the October 11, 1967, issue of Times of the Americas, a weekly paper devoted to news of Latin America, describes the efforts of the Brazilian Government to stop these illicit sales. I ask unanimous consent that this useful story by Francis L. McCarthy, UPI Latin American editor, be printed in the RECORD.

This story is certainly clear evidence of the need for legislation to regulate the sale of undeveloped land in interstate commerce.

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

BIG LAND SWINDLE IS UNCOVERED IN BRAZIL

(By Francis L. McCarthy)

A massive land swindle has been unearthed in Brazil with hundreds of Americans in the Midwest, Southwest and West the victims of unscrupulous salesmen to the tune of millions of dollars.

Complaints from American citizens in Texas, Indiana and Utah, among other states, are pouring into the U.S. Embassy in Rio de Janeiro and the federal government in Brasilia. They range from charges of fraud and irregularities in registrations and transfers to outright absence of any title to lands bought.

The scandal has reached such proportions that the government has ordered a military inquiry and the American Embassy officially urged "caution and prudence" in the further purchase of lands in the Brazilian interior.

The Ministry of Justice said last week that the background of all persons engaged in selling land in the interior to Americans is being carefully studied and the guilty face legal punishment and expulsion from the country.

Governments of Bahia and Goiás states are searching out the addresses of all Americans who have bought land in the interior. The purpose is to call upon them to appear in person to prove ownership.

Hundreds of thousands of acres have been sold to American citizens in these two states alone, according to authorities.

A federal police spokesman in Brasilia told UPI that dozens of cases of irregularities in registration and transfer have been uncovered in Bahia and adjoining Goiás alone.

"Dead men and non-existent persons have been used to facilitate the transfer of lands from speculators to American buyers," he said.

He listed these irregularities in sales of land to Americans which made the transactions illegal: Little if any formal compliance with the legal formality of properly surveying properties and getting sale approval from Brazil's Agrarian Reform Council; sales by squatters of lands not properly registered and the need to show they have been compensated before being dispossessed; sale of Indian lands owned by the federal government as trustees for the indigenous tribes without prior government approval.

In many cases Americans have paid $3.15 an acre for land the speculator bought for $.50 cents. The land was unimproved and had, at best, cloudy title, the spokesman said.

ADDRESS BY SECRETARY OF TRANSPORTATION BOYD BEFORE VIRGINIA CONFERENCE ON WORLD TRADE

Mr. SPONG. Mr. President, I had the pleasure of accompanying Secretary of Transportation Alan S. Boyd to Norfolk last week to attend the Virginia Conference on World Trade.

Secretary Boyd delivered a most interesting address, highlighting the various duties and programs of his new agency. I believe his speech would be of interest to every Member of the Senate, and I ask unanimous consent that excerpts from his remarks be printed in the RECORD.

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

EXCERPTS OF REMARKS BY ALAN S. BOYD, SECRETARY OF TRANSPORTATION, PREPARED FOR DELIVERY TO THE VIRGINIA CONFERENCE ON WORLD TRADE, AT THE GOLDEN TRIANGLE MOTEL, NORFOLK, VA., OCTOBER 19, 1967

I am flattered to be in Norfolk at a meeting on international trade, but I approach this task tonight with some misgivings. After all, inviting someone to come from Washington to Tidewater Virginia to talk about world trade is not unlike sending someone from Washington to St. Louis to describe baseball. You are the experts, and the best we in Washington can hope to do is play a satisfactory supporting role.

I am happy also tonight to be in the home country of Bill Spong, a fellow who we're proud to have in Washington. I don't know whether Senator Spong still admits it or not, but I like to remember that we were schoolmates together—law school students on the grounds of the University of Virginia.

Back in July, Mr. Bowditch[1] wrote me a letter inviting me to this meeting. The letter began—and I quote—"Dear Secretary Boyd: Being a native Virginian, you are aware of the efforts our Commonwealth has made to strengthen its position in foreign trade in recent months." I am really a native of Florida, but I came anyway in the hope that a degree from Charlottesville and a friend named Spong will ward off any charges of misrepresentation.

I said a moment ago that you are the experts in international trade. I can document that. From the beginning—from the establishment of that first permanent British colony in the New World early in the 17th Century—Tidewater Virginia's very existence has been world trade. You sent Pocahontas to England—she may have been the first touring Miss America, or at least the first Tobacco Queen—and by sending her you convinced the Court of St. James, through Pocahontas' charms, that the New World was something more than a land of savages. You sent Mr. Jefferson to Paris and he sent back the plans for the Maison Caree, which became also the plans for your State Capitol. All the while, you were shipping tobacco and lumber and naval stores—the list goes on—and today it includes sophisticated as well as basic products—food products, textiles, metal products, machinery, and literally mountains of coal. Governor Godwin has said, "We are shipping lenses and pharmaceuticals to Germany, soy beans and textiles to Japan, and poultry and eggs to South America." It would not surprise me if Virginia were, in fact, carrying coal to Newcastle.

Recently you've also been sending out teams of Virginia salesman, led by Governor Godwin, to tell the world about Virginia's products. Your energy has paid off, as I'm sure it will continue to do. The planners and the economists in the Department of Transportation tell me that within the next eight or nine years the international trade of the United States, in annual tonnage, will more than double. That's a healthy increase. From what I hear, dynamic, sales-conscious Virginia is going to seize its fair share of the increased profits.

And so one of the first things I want to do tonight is commend you—indeed, to thank you on behalf of the nation—for your achievements in international trade. Your motives, as you seek foreign markets, are largely concerned with the economic life of Virginia—with the expansion of industries and with attracting new industries; with utilizing your ports; in the end, with improving the lot of your citizens.

Yet when you go out in search of markets, even if you go primarily as Virginians, the advances you make are advances for the entire nation. You are serving a national goal. You are contributing to the national wealth. And your contribution is more than economic. In any marketplace at least in the long view, the most productive relationship between buyer and seller is a relationship of mutual respect and mutual understanding. When you, as Virginians and as Americans, establish new trading ties with Europeans, or with Africans, or Latin Americans or Orientals, you have established new lines of understanding and respect between the United States and the rest of the world.

For a long time now, I've been going about the country talking about a Department of Transportation. I did it first as an advocate of an idea—the idea that the country needed a Department of Transportation. That was before Congress, last year, authorized the establishment of the Department.

In the days before the Department was born, I made many promises. One was that if a Department of Transportation were established, and if it were given the tools to work with, the expenditure would be the greatest investment this country has ever made.

Well, the Department is now six and a half months old. And I stand by my promise. I think that with your help, we're going to effect substantial savings of money for shippers, for transporters and for the Federal Government. And in the meantime—again with your help—I think we're all going to get out of the bargain a better transportation system.

What is the Department of Transportation?

The Department is a recognition by Congress and by the President that transportation needs to be regarded in the 1960's not as railroads here, and highways there; airplanes up there, and ships out there; but as a coordinated system for the safe, efficient and the economical movement of people and goods. Our job at the Department level is to coordinate the various transportation agencies—to help them work together, and in harmony with others, to serve national purposes.

We are not in business for the purpose of providing pat answers to every problem. We look to the cities and states for guidance, and to groups of states which are willing to work together to solve regional problems. We will ask local governments to make their own decisions about transportation problems. And we are hoping that industry, more and more, will offer answers to the transportation questions that the cities, the states and the Federal Government identify. And as a matter of fact, especially where international trade is concerned, we in the Department of Transportation expect quite often to be pulling back the long arm of the Federal Government. If you will pardon the expression, transportation is on the move in this country; and there will be times when the most important contribution we can make will be to get the Federal Government out of the way.

What do we mean, in the Department of Transportation, when we talk about coordinating transportation: Coordination is a murky word open to all sorts of interpretation. But let me try a definition: Coordinat-

[1] W. H. Bowditch, President of the Virginia State Chamber of Commerce.

ing transportation means bringing the various kinds of transportation together in a single, functional whole—what engineers call a system. It means looking at the various modes of transportation without pre-judging them. If a product moves first by conveyor belt in the factory and then by truck and then by rail and then by steamship, we are willing to look at the conveyor belt and the truck and the railway car and the ship as equals—as partners, if you will, in a transportation system. There are differences between the vehicles. But they are all vital to the mission involved, and that mission is getting merchandise from one place to another. We think there's a certain timeliness about our willingness to regard the various modes of transportation as equals.

Our transportation landscape today has four major categories of vehicles—water carriers, trains, motor carrier and airplanes. The ships and barges are, of course, the grandfathers of the lot. Then came the railroads. In the last century the nation bent over backwards to accommodate itself to the railroads and speed their development. As a reward for its efforts, the railroads helped unify the nation and gave us cheaper, speedier transportation than we had ever known.

Then, early in this century, came the trucks. We were wise enough and foresighted enough to tailor many of our regulatory policies and our public spending policies to the development of the automotive industry, and again we have been rewarded. Later, the airplanes came along, at first barely capable of hauling a few bags of mail, now tough, reliable cargo carriers. The nation again modified its laws and its promotional powers sufficiently to allow for the growth of the airplane. What we have today, therefore, is a strong inventory of transportation choices—vehicles ready to take your produce and your products to customers around the world.

In the Department of Transportation, we're going to try to be as modern as any of the most advanced cargo-carrying brothers and sisters in this transportation arsenal. Modern, that is, in the sense that we approach transportation with no pre-conceptions about which mode is best; and modern in the sense that we're unflustered by the probability of change. None of our transportation industries is fledgling any longer. None of them needs to be coddled. What they do need is whatever assistance we can give them in working together to give the nation point-to-point, door-to-door, *coordinated* transportation service. They need an environment which will allow them, with as little government meddling as possible, to do the kind of job which you as traders and travelers need from them.

The people who built the ports of Virginia knew what we mean now when we talk about coordinating transportation. Your Hampton Roads complex did not become a major port simply because it was a handy outlet for nearby manufacturers and mine operators. Your ports became important nationally only when you coordinated your capability for ocean shipping with other modes of transportation—that is, when your ports gained access by highways and rail lines to the manufacturing and mining centers to the west. Today, you have the biggest port complex in the nation which does not have at its doorstep a manufacturing cluster.

But the fact that most of your cargoes originate at points hundreds of miles inland represents a challenge as well as an accomplishment. For the farmers of Virginia, and the manufacturers of Virginia, the potential for profitable international trade is all the more attractive because of the convenience of Virginia's ports.

And now I'd like to talk to you about facilitation. Facilitation is a word we toss around quite a bit in the transportation business, but like that other word we use—coordination—facilitation doesn't mean much until you put it to some use. We want to put facilitation to use on behalf of world trade, and we think it can mean a great deal.

In the field of transportation, this word facilitation means exactly what it seems to mean. It means making transportation more facile, making travel easier and the movement of cargo more efficient by eliminating whatever impediments stand in the way. It means knifing through redtape. It means eliminating unnecessary paperwork. It means reducing the amount of time that passengers have to stand in line at an airport or the amount of time that a valuable shipment has to lie on the dock. Facilitation means accommodating our legal requirements and our regulatory habits to improved transportation technology such as the technology of containerization. It means, in short, making transportation easier and less expensive

I'm particularly interested in a phase of the facilitation effort which I like to think of as the paperwork rebellion. In our Department, we have an Office of Facilitation which is devoting a lot of energy to the job of reducing the amount of paperwork required in international trading. But I am happy to say that the government is by no means carrying the entire load. Just a few months ago a group of private companies which are concerned with the problem of excessive paperwork established a new organization known as NCITD—the National Committee for International Trade Documentation. The committee will have a professional staff. It has the whole-hearted support of international shippers and domestic and international carriers. We in government are gearing up to cooperate effectively with the committee and with any other groups which share with us a concern about the impediments to free international trade.

I'll give you some examples of the problem of documentation—a problem which President Johnson has characterized by saying that our international trade is conducted on a sea of redtape. The problem is that a manufacturer who wants to ship his products abroad must complete literally yards of forms—some of which are remarkably complex, others of which duplicate each other. The problem is that because of our legal structure, carriers are unable to quote single-factor rates for shipping goods from, say, an inland American city to an inland city in Europe. The problem is that a ship entering an American harbor must file nine separate forms and a ship leaving a harbor must file an additional five forms.

We think those 14 forms required for entering and clearing a harbor can be reduced to one. The international treaties which permit it have been ratified, and we're now working on that single form. We think the time has come for carriers to be able to quote through-rates for international, intermodal shipments. We think the number of forms that a shipper must file can be reduced substantially. We think industry and the government can devise a uniform commodity code that could be understood by truckers and railroads and ocean carriers; and most of all, perhaps, through government-industry cooperation, with a willingness on both sides to see just how much can be done.

If we can reduce the paperwork involved in international trade, the level of exports should rise accordingly. Paperwork is expensive. Too many American manufacturers, large and small, limit their export business simply because of the cost of the paperwork made necessary by our quaint shipping habits and our antiquated laws.

Let's take a look, for example, at the small Virginia manufacturer exploring a potential market abroad. He makes an inquiry about shipping costs, and he's likely to be asked right away whether he wants to be charged by cubic feet, by the hundred weight, the long ton, the short ton or the metric ton.

All he wants to do is ship his goods at the lowest cost possible, and he hasn't the time or the wherewithal to make himself, in the process, an expert on the complicated shipping business. We believe it is the job of industry to give the shipper the most economical, uncomplicated service possible, and the job of government to help create a transportation environment in which this can be done.

I'd like to mention two other programs we've begun in the Department of Transportation. The first of them is being carried out by a small organization which we call the Office of International Industrial Cooperation. Its job is to learn, by all available means, what transportation technology developed in other nations would be of value to the United States. And its job is to work out the agreements which we believe can lead to significant economies of both time and money as we in this nation seek to solve our transportation problems. This office is now working through established international organizations, and with individual ministries of transport in Western Europe and Japan, with an eye toward putting into effect an information exchange program for all kinds of transportation technology. We have found the Europeans and Japanese to be enthusiastic about our ideas for cooperation—and understandably. In all the developed nations of the world, millions of dollars are spent each year for transportation research and development. If we can pool some of your resources, every nation involved can profit.

The other new program which I want to mention has to do more directly with internation trade. I'm sure many of you have recognized that the developing nations of the world are becoming customers for your exports. The ability of these nations to buy our products is tied closely to the success of the technical assistance programs which the United States and other more prosperous nations are conducting. The Agency for International Development in the State Department administers the technical assistance programs of the United States. It is a surprise to many people that the agency spends about a third of a billion dollars a year on transportation projects abroad.

We of the Department of Transportation intend to become the advisor to the Agency for International Development on transportation matters. We hope to bring to those technical assistance programs which involve transportation the same broad, coordinated approach to transportation planning that we intend to apply to federally assisted public transportation programs in the United States. The result, we feel, will be not only savings of money in our assistance programs, but also a more orderly growth of transportaton systems in the developing nations of the world.

A MOST LOYAL UNIVERSITY OF WYOMING FOOTBALL FAN

Mr. McGEE. Mr. President, as Senators whose States are represented in the Western Athletic Conference know, the University of Wyoming football team is undefeated and is steadily making ground in the weekly ratings of major teams by the news services. This, of course, is of immense interest to me and to those who work in my office. We had, in fact, considered ourselves as being among the most loyal Cowboy fans anywhere in the United States.

But we have been put in the shade, it seems, by George Ferris, of Memphis, Tenn. I ask unanimous consent, Mr. President, to have printed in the RECORD an

Associated Press dispatch taken from last Friday's Evening Star which details the lengths of Mr. Ferris's loyalty to the Wyoming Cowboys.

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

PHONE CALL COSTS FOOTBALL FAN $55

RAWLINS, WYO.—George Ferris of Memphis, Tenn., is a University of Wyoming football fan.

Ferris was unable to attend last week's Wyoming game with Utah in Salt Lake City so he telephoned his sister, Mrs. Nancy Vroman of Rawlins. He asked her to tune in radio station KRAL broadcasting the game, turn up the volume and place the radio near the telephone receiver.

Ferris listened to the game—won by Wyoming 28-0—for about 3½ hours.

Telephone company officials estimate the call cost him about $55.

SESQUICENTENNIAL OF LYME CONGREGATIONAL UNITED CHURCH OF CHRIST, BELLEVUE, OHIO

Mr. LAUSCHE. Mr. President, the Lyme Congregational United Church of Christ, of Bellevue, Ohio, of which the Reverend Will Cook is pastor, in this year of 1967 will be celebrating its 150th anniversary.

The church had its beginning on July 17, 1817, with 10 members. It is located in Huron County, which constituted a part of the Firelands. The episode of the Firelands is more richly colored than any other historical development in the State of Ohio.

The western portion of the reserve of Connecticut, 25 miles wide, was known as the Firelands. Though it was a part of New Connecticut, it was from the outset quite distinct from the tract bought and sold by the Connecticut Land Co. In 1792 the general assembly set aside and quitclaimed this half million acres to the citizens of the Connecticut shore towns who had suffered property losses at the hands of British troops during the Revolutionary War. The Firelands, therefore, have their own story and have retained an individuality separate from the rest of the reserve.

No region in the State of Ohio, perhaps, is more richly colored by its past history than Erie and Huron Counties. It was known in Connecticut as the Sufferers Lands, in Ohio as the Firelands, and in the official documents of the incorporation of the Sufferers as "the half million acres of land lying south of Lake Erie."

To live in that area in the early years of the 19th century required ruggedness, stamina, work, faith, and belief in one's country. It was a land of trees, swamps, and wildlife. The forests had to be cleared, the lands drained, cabins built, wells drilled, and labor pursued.

After these pioneers first established their homes, they immediately proceeded to establish their institutions of government, of learning, and of worship.

The Lyme Congregational United Church of Christ, established in 1817, has had a substantially continuous existence for 150 years. Its Sunday school is the oldest in Ohio with a continuous organization.

Mr. President, we should find inspiration in the manifest stability of the people living in that area who through all of the changes—good and bad—of 150 years have persevered in keeping the Lyme Congregational United Church of Christ active and cultivating high level moral conduct, fidelity to government, and faith in the Lord.

THE LATE MOST REVEREND CELESTINE J. DAMIANO, ARCHBISHOP-BISHOP OF CAMDEN, N.J.

Mr. WILLIAMS of New Jersey. Mr. President, I wish to pay profound tribute to the Most Reverend Celestine J. Damiano, archbishop-bishop of Camden, N.J., whose untimely death occurred on October 4.

Archbishop Damiano had a distinguished career of service to the Roman Catholic Church before he came to New Jersey. He served as a Vatican observer to the United Nations and was apostolic delegate to South Africa before taking over as the spiritual leader of Roman Catholics in the Camden area.

During his tenure, 30 new churches were begun and three major high schools were established. The Camden area contains many living memorials to Archbishop Damiano, but he was best known to me not for the churches and schools which were erected during his time in Camden, but for his concern for the people of his diocese. Under his direction, the neighborhood apostolate, aimed at combating poverty, was begun. He launched the House of Charity program, which ministers to the sick and the infirm of body and mind.

My own personal experience with Archbishop Damiano was in his firm and unswerving support for measures to better the lives of migratory farmworkers, often against opposition. He initiated social programs and supported legislative measures to provide economic opportunities and better living conditions for farmworkers and their children.

Archbishop Damiano's death came at the age of 55, a relatively young age. But he had already accomplished more than most men who live out the full span of their years. At his passing, we share the grief of his family, his friends, and those whose spiritual leader he was.

PROPOSED PANAMA CANAL TREATIES

Mr. BAKER. Mr. President, the Nashville Banner, in a recent editorial, made some very pertinent observations about the proposed Panama Canal treaties. The Banner editorial is based on comments on the proposed treaties by Brig. Gen. James D. Hittle, USMC, retired, director of national security and foreign affairs for Veterans of Foreign Wars. General Hittle's qualifications to speak out on this subject are apparent. James Stahlman, the distinguished president and publisher of the Banner, has himself had a long and deep interest in the affairs of this hemisphere and his newspaper is an important voice in matters affecting our hemispheric relations. I feel that the opinions expressed by the Banner and General Hittle merit careful notice by the Senate. I ask unanimous consent that the Banner editorial of September 18, 1967, be printed in the RECORD.

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

PANAMA CANAL TREATY A THREAT TO HEMISPHERE

Brig. Gen. James D. Hittle, USMC, (Ret.) recently spotlighted the inherent dangers involved in abandoning U.S. control over the Panama Canal through negotiation of a new treaty.

The general, director of National Security and Foreign Affairs for the Veterans of Foreign Wars, made two points:

Fidel Castro is counting on U.S. relinquishment of the Canal Zone as a basis for scuttling the deal whereby Cuba now is bound to recognize this nation's right to maintain its naval base at Guantanamo.

A pull-out from Panama would be the first step by which the Russians hope to attain control of the Caribbean.

Gen. Hittle's warning is not idle speculation. It is grounded in fact. Havana Radio (Castro's mouthpiece) more than a year ago bluntly stated that "the standards of modern times apply everywhere, and Guantanamo—just as Panama—is an anachronistic survival of colonialism."

It now is evident that Premier Alexei Kosygin and Castro are covertly working to promote the pending Panama Canal Treaty as a prelude to demands that we also get our military forces off that Cuban base. With a Panama pull-out as a precedent, they can be expected to renew their tirades for that.

Gen. Hittle's apprehension is shared by other able military leaders who agree that control of the Caribbean by Russia would pose an intolerable threat to Western Hemisphere defenses.

As Gen. Hittle put it: "Once we agree to relinquishing control over it (the Canal) we have lost our freedom of action in protecting our strategic lifeline and the whole hemisphere."

One thing Congress should bear in mind in the consideration of any one of the several Panama Canal treaties before it for action is that success of the Red scheme to nose us out of the Caribbean hinges on U.S. ratification. With that trophy tucked under their belt, Kosygin and Castro could then proceed to put Operation No. 2 into action—an effort to boot us out of Cuba.

It should be quite clear that ratification of the proposed Panama Canal Zone treaty would move the world closer to the day when Russian submarines would be able to prowl Caribbean waters in comparative safety.

It is a canny Communist trap to avoid.

THE HUNGARIAN REVOLUTION

Mr. PROXMIRE. Mr. President, the anti-Communist demonstrations led by students in Budapest on October 23, 1956, marked the beginning of a revolution that has had a profound effect on the Hungarian nation, the Communist bloc, and on free men throughout the world. From those relatively innocent beginnings, there has grown a new national feeling among the Hungarian people, and a new awareness of the real meaning of democracy among all the peoples of the world.

When the Hungarian puppet regime called in the troops and began to fire into the crowd that October day, the first faint soundings of the death knell of communism were heard. Admittedly,

there have been no monumental changes in Communist dominance over the subject people behind the Iron Curtain, but there has been established a definite precedent for the expression of dissatisfaction with the Communist dictatorship.

By the morning of the 24th of October, the revolt was in full swing and spreading to the countryside. The world quickly realized that this was not just a bunch of rambunctious students demonstrating, but was a real rejection of Communist bondage. Within 2 days, the revolt had gripped the entire nation of Hungary and was implanted in the hearts and souls of the Hungarian people. For a few short days, there appeared to be some chance that a free Hungarian nation might rise from the ruins of the brief but courageous revolt, but Russian tanks and troops reentered the nation on November 2 and restored the Communist equivalent of peace and order.

There have been subtle changes made as a result of the revolt of 1956. The lot of the peasants has improved. There is more economic freedom. The Hungarians sent to Siberia have been, for the most part, returned, and there has been a relaxation of some of the press and speech laws. But there are also those demands that were never met: the demand for free elections, an end to Russian occupation, restoration of the Hungarian national symbols, and the end of a Russian dominated secret police that monitors the actions of every Hungarian. The Hungarian Revolution has not ended as long as there are unfinished tasks in the liberation of the people of Hungary and the other captive peoples of Eastern Europe.

Freedom and liberty are not strangers in Hungary. The Hungarians have fought for freedom and have stood against tyranny before. The events of 1848 and the resultant drive for independence are proof enough that this nation cherishes its liberty. The heroic stance of the freedom fighters against the Russian tanks in 1956 have amply demonstrated to anyone who doubted the Hungarian thirst for freedom that the Hungarian people have kept alive their desire to be free.

On this anniversary of the revolt of the Hungarian people against their Russian overlords, let us rededicate ourselves to the cause of freedom and to those who now languish behind the Iron Curtain.

The Hungarian revolt was not in vain and it serves as a constant reminder of the cost of freedom and of the value of liberty.

CAN WE STICK IT OUT IN VIETNAM?

Mr. McGEE. Mr. President, Prime Minister Lee Kuan Yew, of Singapore, who visited in Washington, D.C., last week, presents us with a good picture of how we Americans are viewed in Asia. As Chalmers Roberts wrote in this morning's Washington Post, Lee came to Washington with his purpose rather bluntly stated. He wants to know whether the United States has the will to stick it out in Vietnam. He wants to know if the Americans are, to use his terms, going to stay on the bus to the end of the road, as he thinks we must.

This, of course, is a major concern in all Asia, for the developing nations there realize that their well-being is inextricably tied to our determination to see it through.

I ask unanimous consent that Chalmers Roberts' column entitled "Washington Probe by Lee Kuan Yew" and the lead editorial of the Sunday Star of October 22, 1967, which assesses the "we cannot win" attitude of some administration critics but arrives at the dominating truth that the United States has a vital role to prove that the road to Communist domination will not be found in so-called wars of liberation, be printed in the RECORD.

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

[From the Washington Post, Oct. 22, 1967]

WASHINGTON PROBE BY LEE KUAN YEW

(By Chalmers M. Roberts)

Not within living memory has a visiting head of government made so bluntly evident the purpose of his mission to Washington as did Singapore's Prime Minister Lee Kuan Yew last week. From President to press Lee let Washington know he had come to find out whether the United States has the will to stick it out in Vietnam.

He left the impression on departure that he has considerable doubts. He found the President introspective, complaining about Congress and critics, taxes and budgets, rather than lifting his eyes to the horizon Lee seeks to perceive.

Lee made it evident, despite pleas from such persons as Sen. Charles Percy (R-Ill.) that Asian nations do more to help with the war, that there will be no Singapore participation until and unless, if then, the United States has convinced him of its will. And that, he said, candidly, will be after he sees how the presidential election is fought and how it comes out next year.

The effervescent Lee, just turned 44, is a Cambridge-educated lawyer and Socialist who admires British diplomatic skill despite Britain's past sins in Asia. By contrast, he said two years ago that, while Americans are "a highly intelligent, well-meaning people," the Johnson Administration "lacks the depth and judgment and wisdom which comes out of an accumulation of knowledge over a long period."

Despite that statement President Johnson has been touting Lee because he has also said that "if Vietnam goes, the rest goes" in Asia. Some officials here last week were foolish enough to mistake such sentiments as meaning that Lee is "with us all the way." Nothing could be further from the truth.

Lee's view boils down to this: Singapore is one of many small states in Asia which feel the massive psychological weight of China. In the past, European powers, the British, French and Dutch, offered a counterweight to China in Asia. But the European powers are going or gone from Asia and the only possible substitute is the United States.

After World War II the United States had an opportunity to provide that counterweight, but it paid little attention to Asia, so Eurocentric is the American attitude. And so China was lost whereas Western Europe was saved. Then in a belated effort to contain Communist China the United States stumbled into the Vietnam war.

The United States could have gotten off the bus, to use his metaphor, in 1958 or 1961 or as late as 1963 after Diem's fall by coming to an accommodation with the Vietcong. But since it did not, choosing instead what has become a major war, the fate of all the small and large nations alike in Asia are now deeply involved in the outcome.

Given the mess the United States has let itself get into, as Lee sees it, it must stick it out. Ho Chi Minh so distrusts and dislikes President Johnson he certainly is not going to arrange a peace conference which would help the President's election campaign. So there is nothing for the Americans to do but show they are determined to stay on the bus to the end of the road. Then, and only then, will Hanoi talk settlement.

Lee constantly refers to himself as an ethnic Chinese, which he is though he did not learn Chinese until he became an adult. While he says that the Peking regime hates him for making a success of his Socialist regime, he feels that China is bound to be a great nation. Anyway, why shouldn't the Chinese be great?

Furthermore, he adds, the Chinese are clever. Hence they are not going to march into Southeast Asia with their armies. Rather they will work through local Communist parties (the first cell was set up in Singapore the year he was born, 1923, notes Lee). A Vietcong-North Vietnamese victory would massively increase the influence of these parties, in Lee's view.

The "critical" question—"critical" is a favorite word—thus is whether the United States will be clever about Asia, backing those leaders who want to modernize their nations and creating a more sophisticated policy than simple containment of China. Central to this question, as Lee sees it, is whether the United States has gotten over its Eurocentrism. He is not at all sure.

Lee Kuan Yew, or "Harry" Lee as he is popularly known at home, is a man of the future. He sees his fate tied to America's role in Asia but he has plenty of complaints about how we play that role. He is far from "with us all the way" but the United States could do with a dozen more Lees.

[From the Washington Star, Oct. 22, 1967]

IS U.S. "VICTORY" IMPOSSIBLE IN VIETNAM?

The statement that it is "impossible" for us to win a "military victory" in Vietnam is being repeated by so many people that it is beginning to assume some of the aspects of a truism. But it isn't necessarily true. And it is a contention that should not be unthinkingly accepted.

Even in the literal sense, a military victory is not impossible. For we have the military power that would be required to destroy the enemy. But for a variety of reasons, including the danger of touching off World War III, we have no intention of trying for a military victory as that term was used in the second World War. So it becomes a matter of definition. If the meaning of military victory is a victory which will permit us to achieve our aims, or our principal aims, in Vietnam, then such an outcome is by no means an impossibility. In fact, there is considerable evidence that, however slowly and painfully, we are in the process of winning that kind of military victory now.

For one thing, our military commanders are confident of allied ability to handle anything that the Viet Cong and the North Vietnamese can throw into the fight. The enemy has not won an important victory in a long, long time. His main force units have been pulled back or cut to pieces. He is having increasing difficulty in bringing in replacements to rebuild those units. If the North Vietnamese were hoping for a spectacular, even though localized, success against the Marines in the First Corps area, that hope has faded away. For the Marines, engaged in a kind of fight to which they are not accustomed, dug in at Con Thien, took everything the enemy could hurl at them, and, at least in the belief of the Americans in

Saigon, inflicted very heavy casualties on the attackers. Now, with the monsoon season under way, there is scant likelihood that the Communists will or can resume that assault. In fact, the expectation among our military leaders is that the enemy in the future will rely on guerrilla warfare waged by small units. This can be a very tough and nasty business. But it is also something that can be dealt with. And if it comes to this, it will surely signify that we, not the Communists, are winning the war.

There are a few other straws floating around. A recent dispatch from Saigon quoted a "senior" American official as saying that "striking" progress has been made in the pacification program and that further gains can be expected. We hope this is right, for the pacification program is the companion piece to the military phase of the war. Success in the former is as essential as success in the latter, and we have a long way to go. But if pacification progress is being made, that, too, is an indication that we are indeed winning the kind of military victory we set out to win.

Another hint may be found in a report from Hong Kong which appeared last week in the Washington Post. The gist of it was that the Viet Cong's political arm, the NLF, has set up a group to unite Americans calling for an end to the U.S. "aggressive war in Vietnam," and also to encourage American troops in Vietnam to desert. A small thing, perhaps, but also something that quite conceivably could be the reaction of a combatant who knows that the actual fighting is going against him.

As opposed to all of this, we suppose the people who say that a military victory is impossible might cite the attitude of Hanoi. Just last week, after Secretary of State Rusk had repeated our own government's desire to negotiate a settlement and had expressed his bafflement at Hanoi's continuing refusal, the North Vietnamese official newspaper came out with another rejection. Nhan Dan said all U.S. peace offers are "sheer deceptions," and restated Hanoi's minimum demand for peace talks—recognition of the Viet Cong and withdrawal of all American troops from Vietnam.

Does this adamant refusal to negotiate mean that Hanoi thinks it is winning the war? Maybe so; probably not. But it is, or at least it appears to be a fact, and it cannot be brushed aside—especially by the we-can't-win people. For if we can't win in a military sense, and if Hanoi won't negotiate, what do they propose that the United States should do?

They do not say. But the answer seems obvious enough. We simply must stay in this war and "win" it—win in the sense and to the extent that the purposes for which we have been fighting are finally achieved.

Some of the things Dean Rusk said at his press conference last week resulted in a great fluttering of wings in the dovecote. He was accused of switching his ground, or conjuring up a brand new justification for our fight in Vietnam in the form of an imaginary "yellow peril." Dean Rusk of course did not speak of or even hint at a "yellow peril." That racist phrase was put in his mouth by his critics. What he did say was this: "Within the next decade or two, there will be a billion Chinese on the mainland, armed with nuclear weapons, with no certainty about what their attitude toward the rest of Asia will be."

This is unquestionably true. And it is simply nonsense for anyone to charge that the secretary, in mentioning this fact, was inventing some new excuse or justification for what we are trying to do in Vietnam.

The fact is that Communist China, judged on the basis of its own statements, is a threat to peace in Asia and in the Pacific. Mr. Rusk did not invent this threat last week. It was clearly recognized during the Eisenhower administration, when the SEATO treaty was negotiated and ratified by the Senate. It was a basic reason for our decision, again with approval by Congress, to defend Formosa. It certainly was at least one consideration in President Kennedy's move to step up our assistance to South Vietnam. And it has been a very large factor in the subsequent decisions taken by the Johnson administration.

It is true that other reasons have been given for going to the aid of the South Vietnamese. Among these are treaty obligations as well as commitments—commitments bearing upon the reliability our our government's word. The President has said and rightly so, that we will not accept a dishonorable settlement in Vietnam. But there is nothing inconsistent between justifications of this nature and Dean Rusk's allusion to the threat posed by a nuclear-armed China. All of them are valid reasons, and all of them have been in the picture for a long time.

Of course, if one believes that we must begin now the adjustments of attitude which will be necessary if we are to reduce or liquidate our commitments in Asia, as has been suggested, then there is no need to be concerned with winning in Vietnam.

We do not accept this. Like it or not, the United States has and will continue to have a real and vital national interest in a peaceful Asia. And an essential first step in protecting that interest is to prove now, in Vietnam, that the road to Communist domination will not be found in so-called wars of liberation.

MILWAUKEE DESERVES A NATIONAL LEAGUE BASEBALL FRANCHISE

Mr. PROXMIRE. Mr. President, Milwaukee's claim to a major league baseball franchise is unquestionably the best of any city in the country.

This is true not only because Milwaukee built a beautiful and spacious stadium expressly to accommodate a professional team and that the team was removed from the city after 13 years—to leave it the only city that had ever been left wholly without a baseball franchise, until Kansas City lost one for just 1 year—1968, but also because Milwaukee deserves a team for another reason.

This city has proved that it will support baseball, and with great enthusiasm. Its record of support for 13 years was superlative—more than 1,500,000 people for those years.

Mr. President, I invite the attention of Senators to one of the most persuasive statements of the merits of Milwaukee's claim made recently by Editor Lloyd Larsen of the Milwaukee Sentinel in an article entitled "Big Chance for National League To Help Itself and All of Baseball."

I ask unanimous consent to have the article printed in the RECORD.

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

BIG CHANCE FOR NATIONAL LEAGUE TO HELP ITSELF AND ALL OF BASEBALL

(By Lloyd Larson)

When National league owners get together to pick two expansion cities, they will be reminded of some facts favorable to Milwaukee. Among them: Milwaukee averaged more than 1,500,000 in attendance for 13 years . . . four times went over 2,000,000, something only New York (Yankees) and Cleveland had done before . . . the all-time high here was approximately triple the city's population . . . Milwaukee's attendance record, from the standpoint of percentage or stadium capacity, probably will stand forever in baseball.

To people in this city and state, those are powerful arguments that should convince National Leaguers beyond all question of doubt that this territory is a logical choice.

All that has to do with local self interest, of course. But there is another, much more important reason why Milwaukee should be welcomed back into the fold. For in doing so, the National league would be performing a great service to baseball in general and the older of the big leagues in particular. That's right—a great service to the sport as well as the league. A much needed service, too.

PREDICTION CAME TRUE

I told National League owners three years ago at their historic meeting in New York that baseball would create new enemies and feed ammunition to old ones by such acts as pulling the rug on Milwaukee.

That's exactly what happened. The Nationals and all of baseball did take a beating because of what they did to the "miracle" city. And they are still getting their ears pinned back for the things going on in baseball. If anything, the pace is being stepped up again because of what writers throughout the country concluded was a badly bungled expansion job by the American league.

So here's a grand opportunity for the Nationals to counteract the critical blasts by admitting, like big men do, that they made a mistake in the case of Milwaukee and telling the world that they are not interested in recriminations, but want only to let bygones be bygones and get off to a new start.

WHY NOT REDUCE ROSTERS?

A vital consideration, too, is the never ending threat to baseball at the congressional level because of the controversial reserve clause. Giving Milwaukee its due could ease that threat—perhaps even eliminate it.

Certainly, a new franchise will mean much to this city and state. But, to repeat, a remarriage will benefit the National League and baseball will benefit just as much or more.

Talent shortage—an age old problem—naturally comes up when they get into expansion. But this need not be as serious as alleged. In fact, in seeking the solution, some adjustments loom up that may prove helpful in the long run.

Say that the player limit is reduced from 25 to 22—or perhaps even 21. That would make 60 or 80 of the present regular squad members available for expansion club development.

Some managers naturally will scream and insist they can't get along with 21 or 22. But there are others that say it can be done. Why not give it a whirl?

So what if it would mean the end of using three or four pitchers in one inning and seeing a string of pinch hitters and pinch runners on the other side? The baseball played would be just as good. And it might even be more interesting and the time of a game might be reduced by 10 or 15 minutes. That in itself isn't a bad idea.

DISCRIMINATION AGAINST SOVIET JEWS

Mrs. SMITH. Mr. President, I wish to associate myself with those who have made such appropriate and pertinent observations condemning the discrimination against Soviet Jews.

I am deeply proud to be a citizen of a nation where there is not such despicable discrimination.

HOUSE COMMITTEE SEVERELY CRITICAL OF FDA PROCEDURES ON SITE SELECTION FOR HEADQUARTERS LABORATORY

Mr. TYDINGS. Mr. President, on October 20, the House Committee on Government Operations severely critized the Food and Drug Administration for "a serious lack of concern for economy and efficiency in selecting sites for laboratory facilities." The House committee report confirms the case I have been making concerning FDA collaboration in efforts to locate in Madison, Wis., the new FDA laboratory which, for reasons of economy and efficient administration, belongs in the Washington metropolitan area.

As Senators know, this facility was originally to be placed in Beltsville, Md., and the FDA maintained that that location was the most desirable from the standpoint of economy and efficiency. The Senate Appropriations Committee confirmed that the facility should be in the Washington area. The FDA, moreover, said that the location of the facility outside Washington would result in substantial added costs.

Despite this evidence, Commissioner Goddard later told a congressional committee that location of the facility outside Washington would be acceptable.

The report of the House committee cites this inconsistency in FDA recommendations and its failure to rely upon adequate studies and to comply with HEW site selection regulations.

In addition, the committee states that the original FDA cost study, which that construction in Beltsville would be $5.4 million less costly to the taxpayers, was revised to show a lesser differential on the basis of a study—and I quote the report—"of poor quality and doubtful validity."

The committee reports that FDA officials not only disregarded HEW site selection regulations, but also were not even aware of the existence of other regulations bearing on site selection.

The House Government Operations Committee points out that final selection of the alternative site by FDA was made without a single site visit to any institution by qualified inspectors. The committee report states that the alternative site was selected in a "hasty manner" with "an almost total absence of documentary support."

Among its recommendations, the committee "strongly" asks that the Department of Health, Education, and Welfare require the FDA to conduct a thorough, objective, and careful study to select the most desirable site for Headquarters Laboratory No. 2, and that this study be carried out in strict compliance with HEW regulations, with due regard for economy and efficiency.

Mr. President, I strongly agree with these recommendations and findings. I wish to express my wholehearted commendation to the House Committee on Government Operations, to the Intergovernmental Relations Subcommittee and to the subcommittee chairman, Representative L. H. FOUNTAIN.

Mr. President, I ask unanimous consent that the "Findings and Conclusions" and "Recommendations" from pages 13 to 15 of this 10th report of the Committee on Government Operations, House Report No. 801, be printed in the RECORD.

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

FINDINGS AND CONCLUSIONS

1. The Food and Drug Administration has demonstrated a serious lack of concern for economy and efficiency in selecting sites for laboratory facilities.

In one of the two situations it examined in detail, the committee found that FDA has a substantial part of its laboratory activities—which might better be located outside downtown Washington—housed in a costly new building (Federal Building No. 8) near the Department of Health, Education, and Welfare at the foot of Capitol Hill. At the same time, administrative and regulatory personnel, who have frequent dealings with HEW officials and the Congress, are located in rented quarters in Arlington, Va.

In the other situation, the committee found that FDA had selected an alternative site for its Headquarters Laboratory No. 2 without an adequate study and without complying with HEW site selection regulations.

The circumstances leading to location of FDA laboratories in Federal Building No. 8 date back a number of years, and it was not always possible to determine exactly what happened. However, it appears that lack of foresight on the part of FDA and failure of the agency to adjust its plans promptly to meet changes in its overall responsibilities and workload is at least partially responsible for the present situation.

2. During hearings on FDA's appropriation for fiscal year 1968, FDA witnesses did not mention the disadvantages the agency had previously stated would result from location of Headquarters Laboratory No. 2 in the Midwest. In fact, the attitude expressed by FDA was completely inconsistent with its previously stated position. In reports, letters, and statements, FDA has maintained that Beltsville is the most desirable location from the standpoint of economy and efficiency. It has taken the position that location of this facility outside Washington (except in the Southeastern United States) would result in substantial added costs and could present additional problems resulting in decreased efficiency.

Yet, when Commissioner Goddard was asked in his appearance before the House Appropriations Subcommittee what his reaction would be to a limitation requiring Headquarters Laboratory No. 2 to be located outside the Washington area, he replied, "It wouldn't bother me" and proceeded to suggest an alternative site. No mention was made of FDA's own estimate that the alternative site would substantially increase initial and operating costs.

The committee wishes to emphasize that it is citing FDA's cost estimate only to illustrate the inconsistency of FDA's position and its apparent lack of concern for economy and efficiency. In so doing, the committee is not endorsing the accuracy of the estimate. In fact, since the subcommittee's hearings, FDA has changed its original estimate and now maintains that the initial cost differential between Beltsville and the alternative site at Madison, Wis., would be about $1 million rather than $5,400,000. However, for the reasons previously cited in this report, the committee finds no basis for placing any more reliance on the second estimate than on the first.

3. The committee's study has shown that both the original FDA cost study which showed a $5,400,000 differential in favor of a Washington location, and a recent revision of it, reducing the differential to $1 million, are of poor quality and doubtful validity.

4. The committee found that the Department of Health, Education, and Welfare does not have adequate administrative practices to insure that its constituent agencies are complying with the Department's site selection regulations including those relating to decentralization of activities.

HEW's site selection regulations, which appear to be reasonably adequate, were not followed in the selection of the alternative site for Headquarters Laboratory No. 2.

The regulations require establishment and utilization of a site selection board or team for major projects, but this was not done.

The regulations also require preparation of a report reflecting sites considered, the points considered in the evaluation or comparison, the reasons for the choice made, and other pertinent items. No such report was prepared.

Testimony at subcommittee hearings disclosed that FDA officials not only disregarded the above departmental regulations, but were not even aware of the existence of others bearing on site selection policies.

5. The committee found that procedures used by FDA in selecting an alternative site for Headquarters Laboratory No. 2 were completely inadequate. An adequate and properly conducted study might or might not arrive at the same conclusion. However, the inadequacy of the study that was made is shown by the following:

The list of 47 institutions supposedly meeting FDA's basic criteria—and therefore regarded as eligible for consideration—was incomplete.

The list of 47 institutions supposedly under consideration was reduced to six on the basis of the personal opinions of one individual, who made no record of the basis for his actions and did not visit any of the 47 institutions.

Final selection of an alternative site was made by FDA without a single site visit to any institution by anyone possessing the necessary scientific qualifications to evaluate the potential contributions each institution might make to FDA's research program.

Because of the hasty manner in which an alternative site was selected, an adequate evaluation of all potentially desirable sites was impossible.

There was an almost total absence of documentary support for the selection made.

RECOMMENTATIONS

1. The committee recommends that the Department of Health, Education, and Welfare take prompt and effective steps to insure that the Food and Drug Administration complies with HEW site selection regulations and the Government-wide policies for decentralization and real property utilization set forth in Bureau of the Budget Circulars A-60 and A-2 revised.

2. The committee strongly recommends that the Department of Health, Education, and Welfare require the Food and Drug Administration to conduct a thorough, objective, and careful study to select the most desirable site for Headquarters Laboratory No. 2. The Department should take appropriate steps to insure that the study is carried out in strict compliance with HEW regulations and with due regard for economy and efficiency.

The committee wishes to emphasize again that it is taking no position as to where Headquarters Laboratory No. 2 should be located; its concern is solely that the location be determined in a proper manner and that there be adequate documentation justifying both the selection and the manner in which it is made.

3. The committee recommends that the Bureau of the Budget review the practices being followed by Federal departments and agencies with a view to determining whether they have appropriate site selection regulations and whether such regulations are being carried out effectively.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ORDER FOR RECESS ON FRIDAY, OCTOBER 27, 1967, TO HEAR THE PRESIDENT OF MEXICO ADDRESS JOINT MEETING OF CONGRESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess on Friday, October 27, 1967, beginning at 12:15 p.m., subject to the call of the Chair, to hear the Honorable Gustavo Diaz Ordaz, the President of the United Mexican States, address Congress in a joint meeting.

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

AMENDMENT OF THE SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business, which the clerk will state.

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 Senate resumed the consideration of the bill.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Utah [Mr. BENNETT].

WORLD WAR III—COMMUNIST STYLE

Mr. BENNETT. Mr. President, the need to get at the true meaning of the war in South Vietnam grows more imperative with every passing day. There are those who claim it is based solely on American imperative cupidity—or stupidity. These have become bolder to the point of hysterical mass civic disobedience which reached its latest climax this last weekend. Others hoping for the end of the fighting, seek in vain for signs that Ho Chi Minh and his North Vietnamese Communists are willing to negotiate. Still others believe that only by driving through with our overwhelming air and naval superiority can we ever hope for an early and acceptable end to the conflict.

Mr. President, it is as though all of us are lost in a dense fog made thick by undependable information. All of what we are told is piecemeal and inadequate, and much of it is slanted to support preconceived conditions, philosophies, or prejudices. As we grope in this darkness, we are pulled this way and that by the many strident voices of political spokesmen, military experts, editorial pundits, and foreign kibitzers.

I think most of the confusion grows out of amateur attempts to second guess the generals and diplomats, with respect to the daily conduct of the war. I am not going to do that. Instead, for what it may be worth, I shall present my conception of how this conflict fits into the framework of 20th century history.

I begin with a word that has already been worked to death, the word "escalation." Ordinarily, it is used to describe the calculated steady increase in our commitment of money and war material in South Vietnam. But there are those who use it to express their fear that if the present buildup continues, it will inevitably lead to world war III.

Mr. President, each new war produces its own new vocabulary and this one has already overworked the word "escalation," used to refer to the calculated, steady increase in our commitment of men, money, and war material in the war in South Vietnam.

Those who use this word are understandably vague as to where they think this new war will be fought, though the usual inference is that it will be a natural extension of the present conflict that will begin by expanding across the Chinese border, bringing first China and then Russia in against us. They see the United States facing the massed power of more than a billion people and a fearful nuclear holocaust.

I am emboldened to speak out now because I have come to believe this concept is basically false and is based on a misreading of history since World War II. To me the present war in Vietnam cannot possibly escalate into world war III because world war III has already been going on for more than 20 years.

In my opinion, the battle in South Vietnam may turn out to be as decisive in the third world war, as the Battle of the Bulge and the Battle of Midway were in World War II.

If my interpretation is right, why has not this been clear to everybody from the beginning? To me there are several reasons. First, our definition of a world war is based on the patterns of the other two World Wars which were essentially the same. Second, from the beginning this has been an undeclared war and our enemy has carefully spaced his activities in the hope that we would never recognize its significance or its scope. Third, the other World Wars were over in less than 10 years. They expect this one to last several decades.

There is time only for a very brief expansion of this concept. To begin with let us look briefly at the pattern of the two previous World Wars. Their patterns, having become history, are very clear. Both were generated by the overreaching personal ambitions of paranoic European rulers. Both began with swift and sudden military drives at full power strength. Both began in Europe and the Atlantic, although Japan and Communist Russia later became involved in the second, and for this reason that conflict also raged over the Pacific and through the countries on the east coast of Asia. Japan's goal was the same kind of mastry over Asia that Hitler sought for the Germans over Europe. In fact, Japan had already invaded Manchuria and other parts of China before the big war began and during the war itself had successfully overrun most of the other nations in Southeast Asia.

If Japan had been the victor in World War II, China would have been surrounded and Japan would have been the master of the whole Far East. We did not allow this to happen then and we cannot allow it to happen now. Because our own west coast fronts on the Pacific, the United States must always have a deep concern about the fate of the nations of Asia. That concern has been put into words many times, such as President Johnson did when he said about a year ago, "no single nation can or should be permitted to dominate the Pacific region."

In World War II Japan made the attempt to do just this and failed. But this is world war III and now it is China and Russia whose mastery of Asia we must prevent. However, I should also point out that in taking this position, I am not in anyway advocating American domination of Asia. I believe our past history and record in Asia supports my position.

While both earlier World Wars started without our being involved, we did eventually get into both and when forced to intervene we supplied the margin of power that tipped the scales against the would-be world conquerers and when we intervened in the Asiatic half of World War II, we carried practically the whole battle and now we have had to intervene in this one.

There is another fundamental reason why this world war is different from the other wars both in its inception and its pattern. The other wars began when the would-be imperialists thought they had strength enough to conquer Europe and the world. They were defeated, but the holocaust left all of Europe and much of Asia almost completely destitute, both of productive capacity and military might. This created a near-vacuum into which the Communists could start the new and vastly different type of world war for which they had long planned.

The weakness of their own postwar exhaustion would not permit them to undertake any massive attack against any free nation or any combination of which the United States was a part. It is clear that they felt, however, that they could move immediately against countries whose impoverished economies appeared to be fertile soil for Communist ideology. Instead of open warfare, they proceeded to foster internal revolutions in these nations, begun with subversion and pursued through the use of native Communist guerrilla forces.

WARS OF NATIONAL LIBERATION

This time the world was not to be swallowed whole but chewed up in little bites. This time they hoped to consume many key areas without arousing the sleeping giant which is the United States. This time they even hoped not only to conceal the relationship of these wars to their worldwide objectives but also at the same time to give them a noble purpose by calling them deceptively, wars of national liberation.

But like all would-be conquerors, they talked too much and eventually gave the whole evil plan away. In December 1965, Premier Kosygin told James Reston:

We believe that National Liberation wars are just wars and they will continue as long as there is national oppression by imperialist powers.

I trust that discriminating people quickly recognize the propaganda contained in Kosygin's statement.

In September 1965, the Red Chinese Minister of Defense in a long policy statement announced that Mao expected to use wars of liberation to expand communism to Latin America, Africa, and Asia.

A statement along this line by General Giap, the commander in chief of the North Vietnamese forces in this war is of greatest significance. He said:

South Viet Nam is the model of the national liberation movement of our time. If the special warfare that the United States imperialists are testing in South Viet Nam is overcome then it can be defeated anywhere in the world.

So, although we may not see it now as a critical turning point in history, the Communists do.

The list of countries against which the Communists have already used subversive warfare and direct attacks is longer than most Americans realize. All in all we can count 19—Yugoslavia, Greece, Malaya, Philippines, Cuba, Laos, Thailand, Vietnam, Indonesia, Korea, Guatemala, Venezuela, Colombia, Dominican Republic, Bolivia, Nicaragua, Cambodia, Burma, and India.

The method succeeded in Yugoslavia, in China, in Cuba, and in North Vietnam. It is currently underway in embryonic form in South America, in Bolivia, Venezuela, Colombia, Guatemala, and Nicaragua. And in Southeast Asia in Thailand, Cambodia, and the rest of Laos.

But sometimes it has failed, particularly when the United States has moved in to provide help to the legitimate government. The first major failure was in Greece immediately after World War II. Other Communist failures have been in the Philippines, in Burma, Indonesia, in Guatemala, and in Malaya, and these are encouraging. But, the biggest test of all is still facing us in South Vietnam.

Looking at this conflict as another in the series of local wars which although widely separated in time and place together make up world war III, we can easily see how the Communists hope to succeed by exploiting weakness, where the Germans and Japanese failed by exerted strength. In that framework, I shall ask and try to answer four questions.

One, in what way does this Communist pattern produce a type of warfare which differs from or resembles that which took place in the earlier world wars?

Two, why are we in this war?

Three, up to this time has our intervention been good or bad for South Vietnam and the world?

Four, what is the best way to end the conflict?

Turning to the first question, it is easy to see why South Vietnam was selected by the Communists as a promising battleground in their wars to exploit weakness. Their capacity to govern themselves had almost been eroded away by more than a century of French colonial rule, which seems to have been particularly repressive and marked by calculated corruption.

It is no wonder that the Vietnamese people finally rebelled. But, in light of what is happening now, 13 years later, it is unfortunate that the hero of that fight for freedom, Ho Chi Minh, was a Communist, and that even today his communism is more important to him than the freedom for which he fought the French.

The fact that the south once followed his leadership made it possible for him to organize the Vietcong and leave them behind in the south, like time bombs, to explode after the Treaty of 1954. Between then and now, they have literally dug themselves in—both into the earth itself—and into the village life.

From these two points of strength, they have carried on a grisly program of subversion and murder for the purpose of wiping out all free local government by destroying its leaders. Moreover, because as Communists they have no religion themselves, they have sought to create and exploit unholy political tensions among the various Buddhist sects and against the Catholics. In short, to use religious differences to help them create anarchy and chaos.

I think the fact that the love of freedom has survived is eloquent testimony to the dedication and determination of the South Vietnamese. The fact that they twice turned out to vote in unexpectedly large numbers underscores the depth of that feeling. I should have said three times, because there has been another vote over the weekend.

I am sure they know that voting is a privilege Ho does not allow his subjects north of the 17th parallel.

Another political liability is that they do not have full faith in their leaders. Some of them are still corrupt, and after 13 years, their government is still weak from the constant pressure of the Vietcong. But even the illiterate peasants prefer their government to the communism of the north, and are still willing to fight for it.

When we look at the military aspects of this war, it is easy to see how different it is from the other wars we have fought in Asia—far different from the island hopping of World War II, and even from the mass-movements combat in Korea. This war is confined to an area that, while small, includes a topography that varies from rice swamps to densely wooded mountains. The actual fighting is usually between small units, involved in hit-and-run engagements of very short duration. And the ability of the South Vietnamese people to fight has been worn away by the 20 years of continuing warfare that has raged back and forth across their land and taken its toll of their young manhood, and their resources.

The war's most significant feature is the enemy's use of the pattern of guerrilla combat. That this has been the basic pattern for what the Communists call wars of national liberation had already been demonstrated earlier in other countries. Looking back, we see that this was the pattern used by Tito's partisans in Yugoslavia, and it was used again in the attempt to take over in Greece. It has been tried and has failed in Malaya, the Philippines, and the Dominican Republic, and is still continuing in Thailand.

Of course, for us the most vivid and embarrassing example was Castro's takeover of Cuba with a handful of men. But Mao's success in China may have overbalanced all these lesser failures, because it gave the Communists a second great population and power base.

For many reasons it has been difficult, even impractical, for our American soldiers to adapt to this type of warfare. Because the Communist guerrillas fight without identifying uniforms, we cannot tell the Viet Cong from the South Vietnamese; and we have never been able to discover, let alone cope with, all the enemy's unorthodox tunnels and hiding places.

But we have learned that to offset their guerrilla tactics, we must increase our air superiority. We have done this by adding fighting helicopters and the dense fire power of the slow, old C-47, now rearmed, called "Puff, the Magic Dragon" to the power of our conventional fighters and bombers.

To counter this they have loosed a flood of propaganda both here in America and throughout the world, hoping to create a wave of public opinion that would force us not to use our full air capability and thus give up our greatest tactical advantage. If they could require us to fight the war entirely on the ground, they would have every hope of victory.

I recognize that there are many other features of this war that create special problems for us that I shall not mention because I want to maintain a long-range perspective on its place in the framework of world war III—Communist style.

So, I will move on to my second question—why are we in it?

It is clear to me that in all these little wars, the United States has been reacting in accordance with its traditional policies. In other words, it has been "doing what comes naturally." I say "what comes naturally" because, contrary to belief of some, we have not been improvising our foreign policy in Vietnam. We have been pursuing there the same objectives that we held in Europe when we opposed the Kaiser, Hitler, and Stalin, and in Asia when we opposed Japan. We will not allow one nation, either directly or through proxies like North Vietnam, to dominate whole regions of the globe.

Today, the task is harder because the current threat uses the cutting edge of communism, and for a while at least that has an appeal to people who have been impoverished and held down under a colonialist's thumb. But the principles for which we stand and our objectives are the same. Any changes you detect in our attitude then and now are simply those made necessary by differences in time, circumstances, and tactics.

BASIC AMERICAN PRINCIPLES

At least four American principles stand out, and in every war of this cen-

tury we have sacrificed much blood and treasure rather than give them up. Let me list them:

First. Devotion to the principle of personal freedom as a fundamental concept of government.

Second. Our belief that all other peoples who desire to live with these same freedoms should have the right to do so, and that when we protect their freedom, we are always protecting our own.

Third. A willingness to help other peoples improve their economic conditions, even to the extent of opening our own markets and sharing our own wealth if necessary.

Fourth. A determination never to be an aggressor or to embark on a policy of colonialism.

In listing these, it should go without saying that we believe such a policy will always be in our own national self-interest, and result in long term benefits to ourselves as well as to our friends. I am sure that in this present contest with communism there is no essential conflict between our own goals and the hopes of those we seek to help.

Of course, the application of these four principles has varied with the changing circumstances of our expanding history. Its first major expression was for the protection of the infant Latin American Republics when early in the 19th century they began to throw off the yoke of European colonialism. Because this happened during the Presidency of James Monroe, the principle has been known since as the Monroe Doctrine. Our commitment to this principle led us into our war with Spain in the Philippines at the end of the 19th century and this in turn brought us for the first time into Southeast Asia. That experience, now two-thirds of a century behind us, set the precedent for our more recent intervention in Japan, Korea, Taiwan, the south seas, and now South Vietnam.

Since this has been the latest of many confrontations between our foreign policy and that of the Communists, perhaps we should pause to look at Vietnam in terms of these principles. When we do, it is obvious that first, there has been a challenge to a people seeking to establish freedom as the basis for their own self-government; second, we have come to the aid of a nation so challenged; and third, we have been generous with our economic aid.

I want to dwell a little longer on my analysis of the fourth aspect of our foreign policy, that we have never been the aggressor nor succumbed to the temptation of neocolonialism.

If ever a nation was in a perfect position to take advantage of a world situation, that nation was the United States after World War II. During the troubled years since, we could easily have become the world's greatest neocolonial power, a label which now very obviously fits the great Communist nations. We could easily have turned our economic aid programs into international mortgages and foreclosed them to gain territorial control in many parts of the world.

When the war ended, all of Europe was broken and prostrate and Japan was helpless. If the Communists had been in our place, all these countries would have been dragged behind the Iron Curtain long since. But our devotion to the moral values in self-government has been stronger among us than the urge to dominate other people.

We could have conquered and held Japan; instead, we chose to rebuild it as an independent democracy. Our success in Japan holds promise for what we can do for the people in Vietnam. The successful growth of free government in Japan is proof that Buddhism is not incompatible with the essential concepts from which democracy must grow.

The same spirit shines through our record in Taiwan. By supplying military protection and foreign aid, we have helped make that once-backward nation economically independent, and its example stands as a beacon of hope to the other peoples of Southeast Asia.

As I have tried to demonstrate, our presence in Vietnam is in keeping with our longtime foreign policies. We are there to protect ourselves and our own interests by protecting the existence and interest of still another small nation. We are doing this: First, because our own security requires that Red China not be allowed to become the dominant nation in Asia; second, because we cherish freedom; and, third, because we believe such help rather than territorial acquisition or colonial control is better for us and the world.

Having indicated my belief that we are in this war as a logical expression of our long-established foreign policy based essentially on self-interest, I am lead naturally to ask my third question—has our intervention already created benefits for Vietnam and for those other countries in Southeast Asia who love freedom? I think the answer is a resounding "Yes."

I think there is great value in the fact that South Vietnam is still a free country, free enough at least to adopt a new constitution and elect the new officers it provided for, both by popular vote. But of greater worldwide significance is the indirect effect of our intervention in preserving the freedom of other countries in Southeast Asia. Before we put our military power in South Vietnam, several had already been set up for Communist takeover, and all would probably have gone down like dominoes—hence, the phrase "the domino theory."

THE DOMINO THEORY

Of course, this theory may seem to be an oversimplification. The loss of South Vietnam might not mean the immediate collapse of other states in Southeast Asia, but it would undoubtedly set off a new series of guerrilla wars. If South Vietnam were to fall, the Communists would have a new power base from which to infiltrate and eventually overcome Cambodia and the rest of Laos.

Once these countries were under Chinese control, Thailand would be completely surrounded on the east by Communists, and if it stood alone, it would be comparatively easy to choke it into submission. In fact, Communist guerrillas controlled from Hanoi and Peking, and operating from Cambodia, are already active in northeast Thailand. Troops from North Vietnam have actively supported the Pathet Lao in gaining control of nearly half of Laos.

Similar Communist activities in Malaya, Burma, and Indonesia indicate that the Russians and the Chinese believe in the truth of the domino theory, whether we do or not, and are using it wherever and whenever they think the situation is propitious.

To me, the best proof of the accuracy of the domino theory is that it has actually worked in reverse. By standing firm in South Vietnam, we have given these other nations time to prepare to protect themselves, and have furnished them a shield behind which they can strengthen their own political institutions and their own national economies.

The best evidence of this is the change that has occurred in Southeast Asia since 1965 when we first made it absolutely clear that we would stand firm in Vietnam. In 1966, nine free Asian nations formed the Asian and Pacific Council. Japan is in that group, along with our Australian and New Zealand friends, and they are all determined to remain free of China. Then, only a few weeks ago, five Southeast Asian nations formed the Association of Southeast Asia.

Former neutrals such as Indonesia, as well as stanch anti-Communist nations like Thailand, are determined that through their own regional cooperation, they can help preserve their freedom.

But the most significant event to me was the establishment last year of the Asian Development Bank, to whose capital Asian and non-Asian nations—including the United States but not China or Russia—have subscribed. The Bank's resources will be devoted to building and rebuilding the economy of this area which the Communists now threaten.

But for the most dramatic proof of the success of the domino-theory-in-reverse, look at Indonesia after Sukarno's downfall. Indonesian leaders have told us how close their country came to a Communist takeover. The loss of Indonesia to the free world would have been very tragic, because this little-known Asiatic country is the fifth most populous nation on the globe and the third richest in terms of natural resources. The Communists probably regard it as the most precious prize in Asia, and they almost had it in their hands. Yes, I am sure our presence in Vietnam has already helped the whole free world.

I am ready now to move on to my final question, which leads naturally from the previous one. What would happen now if the United States withdrew before the situation in South Vietnam is stabilized?

Most experts recognize the Vietnam confrontation as crucial. It has been building up for nearly 15 years now, and if we should allow the Communists to prevail, storm warnings would immediately rise around the world.

Our premature withdrawal would demonstrate that the Communists have at last found the key to victory in a world war—the war of national liberation. If we allow this to happen, all free nations, particularly the small ones, would be justified in believing that we are unworthy to be trusted as the leader of the free world. Those other countries

to which we have given promises of support would properly doubt whether our help would be forthcoming when they needed it, especially when the going got tough.

In other words, our friends would lose faith in us, and we would deserve it.

If we ever lose the right to lead the free world, Communist power would be unchallenged, and communism might eventually become the wave of the future. One by one, the smaller free countries would have to bow under its yoke, and the day could come when we stood isolated and alone.

Mr. President, it is very interesting to me that the people who represent the antiwar group in the United States are becoming more and more clearly revealed as great isolationists. They do not want us to get involved anywhere else in the world. Obviously, we must not risk that great tragedy by trying to isolate ourselves from freedom's problems now.

The war will end someday. All wars do. Then we will move to the conference table to fashion the post war pattern for the hoped-for peace. Many people are calling for negotiation now. It is my firm belief, however, that we should not go into any negotiations with anyone until we can be sure that at the end of the negotiations South Vietnam will still be free and independent.

If the Communists hold the trump cards at the conference, they will play them with great and ruthless skill because they have always regarded such negotiations as a continuation of war in a different form.

Our premature withdrawal or resort to premature negotiations might have another dangerous result. It could allow China, or Russia, or both of them—if the present split can be healed—to acquire effective control over all of Asia. If that happened, it would create a tremendous economic and military power base from which Communist nations could move against the rest of the world.

Our capitulation would put all the free nations now along the Pacific coast of Asia into great and immediate jeopardy, including the giant Japan, the now stable Formosa, and the still struggling Korea.

Because we know that communism hates Christianity, we could soon expect that religion to disappear in Asia—first the Philippines, then in Australia, and New Zealand—as those countries were outflanked and overrun.

Am I seeing nightmares? The Japanese almost did all this less than 30 years ago from a much weaker power base. But do not take my word for this risk. Listen to what the leaders of these threatened countries have to say.

The statement of the Foreign Minister of Malaysia, Prince Abdul Rahman very effectively destroyed the "civil war" concept when he said:

> The power vacuum left over from the retreat of western colonial rule . . . has not been filled by the growth and consolidation of indigenous power. On the contrary, taking advantage of the situation, a giant outside power, the People's Republic of China, seems bent on a long-range program of expanding its power and influence through its proxies in Southeast Asia. It is not South Viet Nam which seeks to annex North Viet Nam, but vice versa. This has been officially admitted by Hanoi, and Peking is giving Hanoi every encouragement. Peking's and Hanoi's involvement in the Communist offensive in Laos is also well known. And since early last year, Peking has repeatedly threatened Thailand, Malaysia and Singapore with so-called People's Wars to be launched by local Communist movements against these three countries.

I have other quotations. One from the Thai Government clearly underscores the source of the danger:

> Decent nations the world over already know that aggression in Southeast Asia, either against the Kingdom of Laos, the Republic of Viet Nam, or Thailand, was started many years ago by none other than the Communist regime of North Viet Nam, in collaboration with certain Communist countries.

Another by the Prime Minister of Australia, who has explained what American involvement means to his country:

> No region today contains greater dangers for world peace and security than Asia. Southeast Asia has been singled out by the Communists as a critical area of challenge. They believe that if their technique of so-called "Wars of National Liberation" can succeed in South Viet Nam, it can be employed with similar success in many other countries.

Finally, Singapore's Prime Minister, Lee Kuan Yew, who has been in Washington within the last 10 days, said:

> I feel the fate of Asia—South and Southeast Asia—will be decided in the next few years by what happens in Viet Nam. If the Americans decide to pack it up because the position is untenable in South Viet Nam, then what happens to the 500 armed Communists wandering around the borders of Thailand and Malaysia is very pertinent. And if Malaysia cannot be held, then Singapore must make adjustments accordingly.

Which means Singapore goes back to the Communists.

But the prospect for peace and freedom in all of Southeast Asia will be very bright indeed if we stay until the situation is truly stabilized. Japan, which has now developed firmly rooted traditions of freedom, would undoubtedly emerge as the great economic leader of the people of Asia. Our Anglo-Saxon counterparts in Australia and New Zealand would be able to carry out their supendous programs for the development of their heretofore undeveloped natural resources. There would be hope that in time, the tides of freedom, which have already begun to flow north from Indonesia, could flow into and across China, thus weakening and eventually removing this potentially dangerous threat.

THE END OF THE WAR

We come at last to the final question—the one on everybody's minds. How can we end this? When can we get out?

I have taken all this time to get to this point because I believe we can only find the right answer if we understand how and why we got in.

The actual process of disengagement is similar after every war. A cease-fire is agreed upon, followed by an armistice. This leads to a conference, at which the pattern of the future relations between the two combatants is worked out, including the conditions for the final disposition of the military forces. Only then can we have hope that peace can be achieved.

So far, none of these steps have been taken in Vietnam. Several times we have unilaterally tried temporary cease-fire periods, and bombing pauses, but the enemy not only has not responded in kind but has used the time to strengthen his position.

Can we get a promise of negotiations first before the fighting stops? We have tried that too, both through direct contacts and through intermediaries, both openly and secretly. Others have tried also, including officials such as U Thant, the Secretary General of the United Nations, and private citizens acting on their own. All have been rebuffed.

Why can we not just stop fighting one day and wait to settle our problems with the Communists at the negotiation table? There are several reasons why this is impossible.

The first grows out of the difference in attitudes that we and they have toward negotiations. To us, it is a process by which decisions are reached through mutual concessions. To the Communists it is merely an extension of the conflict on a different level, on which they continue to fight for their own basic goals. Rather than to compromise, they will "negotiate" interminably, as witness the negotiations still going on in Korea after 15 years and the many years of fruitless peace conferences in Geneva. When our spirit of compromise meets their intransigent attitude, who usually loses? The answer is obvious and has been written into history many times, from Yalta on.

The second reason is equally fundamental. The outcome of any conference is determined mainly by the relative power, strength, and influence which the two opponents bring to the bargaining table at any war's end. This obviously reflects the relative military strength of the two. If we began negotiations today, would the strength of our present military position enable us to overcome the Communists' traditional intransigence?

There is still a third reason, and, to me, it is the most important of all. Have we accomplished what we went in to do? Can we be sure that after any negotiation undertaken without a military decision that the people and Government of South Vietnam can be assured of freedom from the continuing Communist pressures of subversion, terror as well as from actual military invasion? Until we can, any withdrawal on lesser terms will mean tragedy for the South Vietnamese—a faith-destroying defeat for us, and a great encouragement for the Communists to make the next local war a much bigger one.

Am I an incurable pessimist? Far from it. I think we are winning this third world war, and at an increasingly rapid rate. Of the 19 little wars the Communists started, they have really only won four: Yugoslavia, North Vietnam, China, and Cuba, and internal conditions in these latter countries, one a giant, the other a pigmy, are now rapidly going from bad to worse.

But even so, I do not think the Communists are ready yet to give up their grand plan for world conquest or subversion through these so-called wars of national liberation. Therefore, I believe that if hostilities end in Vietnam on an inconclusive note, they will soon begin

somewhere else and continue into the future. If this happens, will we have to intervene again? I am sure we will, but I am also sure that if we win this one, the next one will be easier. If we lose it, the next one could be catastrophic.

Will world war III end like the others—with a victory for freedom? To me there has always been only one answer. The spirit of freedom in man personified by the eagle can be crushed but never be destroyed. It has survived great periods of oppression in the past and is stronger today than ever before.

This same spirit of freedom has already opened up cracks in the existing Communist monolith. The European satellites are becoming increasingly more independent of Moscow and every new taste of freedom creates a greater appetite for more. Even in Russia itself the once all-powerful party is being forced to shift more and more of its economic investments away from heavy industry geared to the production of military hardware in order to supply consumer items increasingly demanded by the Russian people, who are coming to realize that life is easier in the free world. Moreover, every time the men at the top in Russia change, the new leader, or leaders, have to make more concessions to the individual citizens in order to get a broader political base, and this always increases the power of the people.

What about the Russian ability and willingness to come to the aid of their local pawns in a limited war when things go bad? The recent Israeli-Arab debacle has just exposed this as a false hope and a myth. When the multibillion-dollar war machine they supplied to their Arab friends was shattered in 6 days by a tiny Israeli force, the Russians did not move in with troops to help. Their only aid was a series of angry, frustrated, self-serving speeches at the U.N. On the other hand, when the South Vietnamese war reached a point at which the free people were being defeated, we sent in combat forces.

SUMMARY

As I close, let me repeat my basic assumption and my four questions and answers. To me, the war in South Vietnam is a part of world war III, Communist style; another in the series of little wars the Communists thought they could win easily, by which they hoped eventually to extinguish all political, economic, and personal freedom in all the world.

First. How is this war different? Every war is both different and similar as controlled by the conditions under which it is fought, and this one was planned by the Communists to make our air and naval power ineffective. Fortunately, we have learned how to adjust our use of airpower to offset enemy guerrilla tactics and by now have regained the military superiority.

Second. Why are we in this war? We are in it for the very same reason we went into the earlier world wars because in the interest of U.S. security, we cannot allow a hostile power to gain control of Asia. We have always been willing to fight to maintain freedom, both in our own interests and to help others to maintain their freedom. I question if we can allow communism to slowly peck away at the institutions of freedom around the world and still preserve this precious possession for our own posterity.

Third. Up to this time, has our intervention been bad or good for Vietnam and the rest of Southeast Asia? Definitely and dramatically good. Behind the shield of our power, the Vietnamese people have begun to construct a free government, and in the rest of Southeast Asia, the domino theory has begun to operate in reverse.

Fourth. And finally, when and how can we bring this tragedy to an end? This can only be done by making militarily sure that the South Vietnamese people can be assured of a future free from internal terror and external force. To withdraw sooner would not only reward Communist aggression, and confirm the effectiveness of their so-called wars of liberation, but would inevitably encourage further Communist military adventures elsewhere, just at a time when, in fact, their essential weaknesses are beginning to show and they are going downhill.

I have taken this much time to pose these questions and give my answers to them, because I think both the doves and the hawks among us tend too often to interpret the Vietnam problem largely in terms of each day's headlines instead of considering the overall long-term, worldwide values involved.

For my final sentence, I turn to the book of Luke in the New Testament. Here I find what, to me, is the ultimate summary of my thesis, and the only key to lasting peace in Vietnam:

> And Jesus said unto him, no man, having put his hand to the plow, and looking back, is fit for the kingdom.

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

Mr. BENNETT. I am happy to yield.

Mr. LAUSCHE. I commend the Senator from Utah for his very instructive and sound presentation today. The Senator courageously takes a position which, for the moment, may be unpopular.

I was especially struck by the fact that early in his talk he discussed the subject of aggression, atrocities committed upon innocent men, women, and children, and the purpose of imposing colonial domination. It is tragic that in our country, especially as manifested in the last 2 days here in Washington, the charges of aggression, seeking to impose colonial domination, and committing atrocities have been heaped upon the United States instead of upon the Communists of North Vietnam, Peking, and Moscow, where they belong.

Yesterday's demonstrations, which were discussed by the Senator from Utah, were advertised by the Communists in fullpage advertisements, calling upon citizens of the United States to come to Washington. Why were the Communists so deeply interested? Why did they want thousands of visitors to come to Washington and participate in the demonstration?

There has been talk about infiltration and subversion in Latin America and in other countries. We have it in the United States. Infiltrators and subversives were present on the Capitol Grounds yesterday. Their attitude, whether intended or inadvertent, was friendship to communism and hostility to the United States.

I commend the Senator from Utah for an excellent, sound, courageous presentation of the problem.

Mr. BENNETT. I certainly appreciate the comments of my friend the Senator from Ohio. I value his opinion and his knowledge very highly, as I do his friendship.

I have tried to present as clearly as I could my conception of what the fight in Vietnam is about. I realize that others disagree with my conception. The final determination will be known only when it becomes history.

I should like to repeat that I am coming to believe very strongly that we are in world war III, that we have been in it for 20 years. The enemy is obvious; his goals are obvious; and we are in it for the same reason that we went into the others.

On this note, 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. MANSFIELD. Mr. President, I yield 5 minutes to the distinguished Senator from Vermont [Mr. AIKEN] under the time limitation. I understand that the distinguished minority leader, Mr. DIRKSEN, will yield 10 minutes, under the bill, to the distinguished Senator from Hawaii [Mr. FONG] at the conclusion of the remarks of the Senator from Vermont.

Mr. President, I ask unanimous consent that, at the conclusion of the vote on the pending amendment, there be a limitation of a half hour on the amendment to be offered by the distinguished Senator from Massachusetts [Mr. BROOKE], the time to be equally divided between the majority leader and the minority leader or whomever they may designate.

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

PARTICIPATION IN THE BENEFITS OF NUCLEAR POWER BY ALL ELECTRICAL UTILITIES

Mr. AIKEN. Mr. President, on behalf of myself and the junior Senator from New York [Mr. KENNEDY], I introduce, for appropriate reference, a bill to insure a reasonable opportunity for all electrical utilities to participate in the benefits of nuclear power and ask unanimous consent that it be referred to the Joint Committee on Atomic Energy.

Atomic energy has now been developed as a source of electric power to the point where Government subsidies for the construction of new plants is no longer considered necessary.

It is now deemed competitive with fossil fuels and in many cases with water power.

The result of the years of research and the nearly $1½ billion of public expendi-

ture has, however, brought with it many new problems.

With the surge of applications for licenses to construct new plants with capacities running far into billions of kilowatt power, it is essential that guidelines for the granting of these licenses be established.

Under the present uncoordinated system, with Federal licenses still being granted only on a research basis and with various State licenses being required—frequently on a conflicting basis—there will soon be a shortage of power in some areas unless Congress fixes the responsibility and lays down guidelines for the licensing of nuclear powerplants.

The purposes of the bill I am offering are:

First. To protect the public health.

Second. To protect and conserve natural resources particularly river systems and water supplies.

Third. To prevent monopoly in the field of electric generation and distribution.

Fourth. To insure an adequate supply of electricity in areas threatened by shortages.

The manner by which these purposes would be achieved are made apparent in the bill which I ask to have printed at the end of my remarks.

Witnesses for electric utilities have made it clear before the Joint Committee on Atomic Energy that they are happy with the present law as it is. It serves their purpose well.

Witnesses for the fossil fuels have indicated that they wish nuclear production of electric energy would go away.

The fact remains, however, that with the accelerated use of electricity in the United States we must have an enormously increased supply and that we must not let the desires of special interests block or delay the needs of the Nation.

Therefore, I hope for early action on this bill.

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

The PRESIDING OFFICER. The bill will be received; and without objection, the bill will be referred to the Joint Committee on Atomic Energy, and will be printed in the RECORD.

The bill (S. 2564) to insure a reasonable opportunity for all electrical utilities to participate in the benefits of nuclear power, introduced by Mr. AIKEN (for himself and Mr. KENNEDY of New York), was received, read twice by its title, referred to the Joint Committee on Atomic Energy, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 10 of the Atomic Energy Act of 1954, is amended by adding at the end thereof a new section as follows:

"SEC. 111. (a) No person shall be issued a license under this chapter to construct and operate a utilization or production facility to produce electric energy for ultimate sale to the public unless the Commission finds that—

"(1) the applicant has granted to all other interested persons, including Government agencies and public, private, and cooperative bodies, engaged in the distribution, transmission, or production of electric energy an opportunity to participate to a fair and reasonable extent, as determined by the Commission, in the ownership of the facility for which the license is requested;

"(2) the proposed facility will be best adapted to a comprehensive regional plan for the use and development of the power, water, and related land resources for the region to be served by such facility;

"(3) the applicant agrees to make the output of electric energy from the facility available, during the life of such facility, for sale on fair and nondiscriminatory terms to all persons, including Government agencies and public, private, and cooperative bodies, engaged in the distribution, transmission, or sale of electric energy;

"(4) the proposed facility is financially and technically feasible;

"(5) the proposed facility will have sufficient capacity to meet reasonable demands for electric energy within the region to be served by such facility, including the demands of public, private, and cooperative electric utilities;

"(6) adequate transmission capacity is or will be made available to provide reasonable service to all owner-participants and purchasers of electric energy;

"(7) the applicant has provided for reasonable representation by all owner-participants in the operation of the proposed facility; and

"(8) the applicant otherwise meets the requirements of this chapter.

"(b) Before determining whether or not a license shall be issued under this chapter to any person to construct and operate such a utilization or production facility the Commission shall—

"(1) request the advice of the Federal Power Commission with respect to—

"(A) whether the proposed facility is consistent with the most efficient development of the power resources in the region in which such proposed facility is to be constructed; and

"(2) request the advice of the Water Resources Council, established under title I of the Water Resources Planning Act (79 Stat. 244; 42 U.S.C. 1982a), regarding the compatability of the proposed facility with any comprehensive, coordinated joint plan for water and related land resources development which has been approved for the region, river basin, or group of river basins in which such facility is to be located; and

"(3) request the advice of the Attorney General of the United States with respect to whether or not the operation of the proposed facility by the applicant would be inconsistent with the antitrust laws of the United States.

The chairman of the Federal Power Commission, the chairman of the Water Resources Council, and the Attorney General respectively, shall advise the Commission with respect to the matters referred to in this subsection whenever requested by the Commission to do so; and the Commission shall give due consideration to such advice in determining whether or not to approve an application for a license under this chapter.

"(c) the Commission shall refuse a license under this chapter to any such applicant if such applicant fails to meet any of the conditions stated in subsection (a), or if such applicant refuses to agree to meet such conditions.

"(d) The Commission shall have the express authority to revoke, after notice and opportunity for hearing, any license issued under this chapter in any case in which any such applicant fails to comply with conditions specified in subsection (a) and to which the applicant previously agreed."

STATEMENT ON CONGRESSIONAL REDISTRICTING CONFERENCE REPORT

Mr. FONG. Mr. President, the conference committee on the congressional redistricting bill (H.R. 2508) has reported a bill containing the following provisions:

First. All States entitled to more than one Representative during the 91st and 92d Congresses are required to establish single-member districts—except that the States of Hawaii and New Mexico may continue to elect Representatives on an at-large basis.

Second. No State is required to redistrict prior to the 1970 decennial census, unless there is conducted a special Federal census, and no State is required to elect its Representatives at-large prior to that 1970 census.

Mr. President, I am extremely disappointed with this conference agreement.

Although authorities on constitutional law agree that the Congress may properly establish standards for State legislatures to follow in the creation of congressional districts—under article I, section 4 of the Constitution—I respectfully submit that the conference agreement will very likely be declared unconstitutional on two grounds.

First, I believe the second section of the conference agreement may well be unconstitutional.

It would permit any State not to redistrict by not having a special Federal census before the 1970 Federal census is taken. This would permit the States to withdraw unilaterally from the Court's jurisdiction over congressional redistricting.

This, I am convinced, the Congress may not do, for there appears to be no constitutional basis for this delegation of authority.

Moreover, the conference agreement would have the effect of delaying until the 1972 elections any Federal judicial enforcement of its one-man, one-vote ruling in congressional redistricting. Aside from the large number of States affected—18 States represented by 259 Congressmen, more than half the membership of the House of Representatives—or the enormous cost involved which the 18 States must pay—one estimate is that it would cost these States some $35 million for special Federal censuses—it is highly dubious that the Federal courts would tolerate such a delay in compliance with the Supreme Court's ruling on fair congressional districting.

The second ground on which I believe the conference agreement to be unconstitutional is that a State may not elect its Members of the House of Representatives on an at-large basis. Therefore, I believe that the exemption of the States of Hawaii and New Mexico from the requirement to elect Representatives on a single-district basis is clearly unconstitutional.

The principle of electing Representatives by single-member districts is firmly established in our constitutional traditions.

The question of representation of the House of Representatives was debated at great length during the Constitutional

Convention of 1787. As part of the great compromise, article I, section 2 of the Constitution provided that members of the House should be chosen "by the people of the several States" and should be "apportioned among the several States according to their respective numbers."

The delegates to the Convention, concerned that State legislatures might apportion House seats unequally and unfairly, provided in article I, section 4, that while the "times, places, and manner of holding elections" may be left to the States, the Federal Government was to have the last word:

The Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The first exercise of Federal authority came in 1842, when Congress sought to end the practice of some States of electing Congressmen-at-large rather than from single-member districts—and in the Apportionment Act of June 25, 1842 (5 Stat. 491), Congress established the principle that Congressmen be elected one from each district of contiguous territory.

In 1872 Congress added a requirement that districts should contain "as nearly as practicable" equal numbers of inhabitants. In 1901 the requirement that districts be composed of "compact territory" was added, and all three requirements were restated in 1911. The 1929 legislation did not include these provisions, however, and they have been lacking in apportionment acts ever since.

For more than 87 years, each State having more than one Representative was required to elect them from single-member districts.

The principle of electing Representatives by single-member districts, therefore, was established more than a century ago in our constitutional law.

The provision of the conference bill exempting Hawaii appears to me to fly in the face of well-established constitutional law.

I consider the Hawaii exemption particularly unreasonable, unfair, indefensible, and unconstitutional. The conference agreement is therefore quite unacceptable to me.

I have steadfastly opposed such an exemption—during the Judiciary Committee's consideration of H.R. 2508, and during the Senate debate on the bill earlier this year.

Although the committee agreed with me and adopted my amendment to strike the Hawaii exemption, and the bill as passed by the Senate on June 8 did not contain the Hawaii exemption, I regret and deplore its inclusion in the conference bill.

From my study of the debate which took place in the House when the bill was considered on April 27, it is clear to me that the Hawaii exemption provision was approved hastily and only after perfunctory debate.

Full consideration of all the factors involved plainly shows that the Hawaii exemption should not have been included in the conference bill.

I strongly believe, Mr. President, that what is applicable to 48 other States of the Union should be equally applicable to Hawaii.

It is my understanding that the purposes of H.R. 2508 are first, to require that States establish districts for the election of Representatives in Congress; and second, to provide that congressional redistricting be based on the 1970 census or an up-to-date special Federal census, and thus implement the one-man, one-vote doctrine of *Wesberry* v. *Sanders* (376 U.S. 1, 18 (1964)).

If these are the reasons for the enactment of this bill, then why not have them applicable to all States? Why did the House exempt Hawaii?

The PRESIDING OFFICER. The 10 minutes allotted to the Senator have expired.

Mr. FONG. Mr. President, I ask unanimous consent that I may proceed for another 5 minutes.

Mr. BYRD of West Virginia. Mr. President, I take the liberty of yielding to the Senator 5 minutes out of the time of the distinguished minority leader.

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

Mr. FONG. Mr. President, one reason advanced during the House debate on the Hawaii exemption was that the geography of the State of Hawaii renders it difficult to draw district lines.

This is absolutely untrue.

Ever since Hawaii's annexation to the United States in 1898 and the election of the first Territorial Legislation in 1900, Territorial Senators and Representatives were elected to the bicameral legislature according to senatorial and representative districts—Hawaii Organic Act of April 30, 1900.

In fact we have only recently reapportioned both houses of our State legislature—so that district lines had to be redrawn for both the senate, in 1966, with eight senatorial districts, and for the house, in 1959, with 18 Representative districts.

Having this long history and experience in drawing district lines among the eight major islands of the Hawaiian archipelago, there is no reason to believe that congressional district lines could not also be drawn, in conformity with the requirements of H.R. 2508.

Another reason cited during House debate on the Hawaii exemption and, I understand, during the conference committee's deliberations, is that never in the history of the State have congressional district lines been drawn. This is true. But we became a State only in 1959.

Hawaii's population at the time she entered the Union in 1959 was determined on the basis of the decennial census of 1950. At that time, in 1950, Hawaii's population was 499,794, which entitled the State to only one Congressman.

The 1960 decennial census, however, showed that Hawaii's population rose to 632,722. This new figure entitled Hawaii to a second seat in the House.

Thus, only since 1960 has Hawaii elected her Representatives to the National House on an at-large basis

One apparent purpose of the conference bill's provision that no State is required to elect its Representatives at-large for the 91st and 92d Congresses was to afford a transition period to some 22 States which have not yet reapportioned their legislatures.

The State of Hawaii, however, has already reapportioned its legislature.

In accordance with a decision of the Hawaii Federal District Court of March 9, 1965, and the U.S. Supreme Court case of Burns against Richardson handed down April 25, 1966, the Hawaii Legislature reapportioned the State senate. Elections under this new apportionment were held in November 1966, and the legislature, including the newly apportioned senate, has completed its 1967 session.

Hawaii, then, does not require a transition period provided by the conference bill. Having already gone to court, and, under court order, having reapportioned the legislature, Hawaii is now prepared to proceed to implement the Wesberry ruling of the U.S. Supreme Court and draw congressional district lines. And this can be done when the State legislature meets for its 1968 session next February.

Another apparent purpose of the conference bill's provision, that no State is required to elect its Representatives at-large for the next two Congresses, was to afford relief to the State of Indiana, which is the only State now under court order to elect all of its 11 Representatives on an at-large basis.

Why, Mr. President, should a ban on at-large elections be enacted to benefit especially and only one State of the Union? Why should the ban be made applicable only to 48 States, and not to all 50? Why should at-large elections be permitted in only two States of the Union, and not in the other 48?

Is it not a fact that the conferees felt that by exempting the State of Hawaii from mandatorily drawing congressional district lines, this would insure the continuation of the present political complexion of our congressional delegation?

Is it not also a fact that by banning at-large elections in the other 48 States which would force the State of Indiana to redistrict, this would insure benefits to a certain political party?

Is it reasonable to conclude that party politics was a motivating factor in exempting Hawaii and in banning at-large elections in 48 States?

Mr. President, in terms of size of population, Hawaii ranks 40th among the 50 States, 11th from the bottom, according to the Census Bureau's 1965 estimates.

Of the 10 States with smaller populations than that of Hawaii, five States are entitled to two seats in the House of Representatives. These five States are Idaho, Montana, New Hampshire, North Dakota, and South Dakota.

If Hawaii is to be exempted from the provisions of section 2 of the bill, it is only fair that these five States also be exempted.

There appear to be absolutely no grounds on which the exemption of Hawaii from the requirement of single-member districts may be justified: not in terms of geography, not because of any long-standing tradition, not because of the necessity for a transition period or for relief from a court order, not in terms of population size.

Indeed, the exemption seems to me to be clearly unconstitutional.

I therefore say, Mr. President, that any State electing its Congressmen at-large is doing so unconstitutionally.

For this reason, I will urge an early court test of the constitutionality of this bill if the conference report is approved by the Senate. I am very hopeful that the courts will sustain my view and strike down the exemption provision as unconstitutional.

Mr. President, because the conference report contains a proposal which I strongly believe to be unconstitutional, unfair, and unreasonable, I will vote against its approval.

For all the reasons I have cited, I urge my colleagues to reject the conference report.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally against both sides.

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

The assistant legislative clerk proceeded to call the roll.

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

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

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. BYRD of West Virginia. Mr. President, I yield 10 minutes to the distinguished senior Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, my staff has prepared a section-by-section summary of S. 2171 as it amends the Internal Security Act of 1950.

I had intended to present this summary on the floor during the debate on S. 2171, last week. But because both the high quality and considerable volume of the statements of my colleagues who joined me in opposition to S. 2171 so captured my attention that I did not complete this summary.

Because I believe this comparative study of S. 2171 and the Internal Security Act of 1950 offers valuable information which should be made a part of the RECORD, I ask unanimous consent that the remainder of the summary be printed at this point in the RECORD:

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

(15) The terms "totalitarian dictatorship" and "totalitarianism" mean and refer to systems of government not representative in fact, characterized by (A) the existence of a single political party, organized on a dictatorial basis, with so close an identity between such party and its policies and the governmental policies of the country in which it exists, that the party and the government constitute an indistinguishable unit, and (B) the forcible suppression of opposition to such party.

(16) The term "doctrine" includes, but is not limited to, policies, practices, purposes, aims, or procedures.

(17) The giving, loaning, or promising of support or of money or any other thing of value for any purpose to any organization shall be conclusively presumed to constitute affiliation therewith; but nothing in this paragraph shall be construed as an exclusive definition of affiliation.

(18) "Advocating the economic, international, and governmental doctrines of world communism" means advocating the establishment of a totalitarian Communist dictatorship in any or all of the countries of the world through the medium of an internationally coordinated Communist movement.

(19) "Advocating the economic and governmental doctrines of any other form of totalitarianism" means advocating the establishment of totalitarianism (other than world communism) and includes, but is not limited to, advocating the economic and governmental doctrines of fascism and nazism.

Once again we are reminded of the degree to which the monolithic world Communist movement has changed since this legislation was passed back in 1950. The definition language refers in subsection (3) (a) of section three to an organization "substantially directed, dominated, or controlled by the foreign government or foreign organization controlling the world communist movement referred to in section 2 of this title." This organization, it is pretty generally known, is the Communist Party of the United States of America. But I think even those who unconditionally support this legislation will admit that this Soviet arm of the Communist movement may well have considerably less influence than the Communist Chinese brand of Communism on the direction of the Communist apparatus in the Western Hemisphere. The type of wars of liberation that we may face in South America—certainly the guerrilla actions there—have a distinctively Chinese Communist stamp. In fact if any evidence is uncovered to indicate the Communist movement or ideology is involved in ghetto riots I would be quite surprised if it had its roots in the Soviet rather than the Chinese brand of Communism.

Section 4 of the 1950 Act defines certain prohibited acts, such as the communication of classified information or receipt of classified information by a member of a communist front, communist action or communist infiltrated organization. It also prescribes a fine of $10,000 or imprisonment for 10 years for a violation of the section. The section reads as follows:

"CERTAIN PROHIBITED ACTS

"SEC. 4. (a) It shall be unlawful for any person knowingly to combine, conspire, or agree with any other person to perform any act which would substantially contribute to the establishment within the United States of a totalitarian dictatorship, as defined in paragraph (15) of section 3 of this title, the direction and control of which is to be vested in, or exercised by or under the domination or control of, any foreign government, foreign organization, or foreign individual: *Provided, however,* That this subsection shall not apply to the proposal of a constitutional amendment.

"(b) It shall be unlawful for any officer or employee of the United States or of any department or agency thereof, or of any corporation the stock of which is owned in whole or in major part by the United States or any department or agency thereof, to communicate in any manner or by any means, to any other person whom such officer or employee knows or has reason to believe to be an agent or representative of any foreign government or an officer or member of any Communist organization as defined in paragraph (5) of section 3 of this title, any information of a kind which shall have been classified by the President (or by the head of any such department, agency, or corporation with the approval of the President) as affecting the security of the United States, knowing or having reason to know that such information has been so classified, unless such officer or employees shall have been specifically authorized by the President, or by the head of the department, agency, or corporation by which this officer or employee is employed, to make such disclosure of such information.

"(c) It shall be unlawful for any agent or representative of any foreign government, or any officer or member of any Communist organization as defined in paragraph (5) of section 3 of this title, knowingly to obtain or receive, or attempt to obtain or receive, directly or indirectly, from any officer or employee of the United States or of any department or agency thereof or of any corporation the stock of which is owned in whole or in major part by the United States or any department or agency thereof, any information of a kind which shall have been classified by the President (or by the head of any such department, agency, or corporation with the approval of the President) as affecting the security of the United States, unless special authorization for such communication shall first have been obtained from the head of the department, agency, or corporation having custody of or control over such information.

"(d) Any person who violates any provision of this section shall, upon conviction thereof, be punished by a fine of not more than $10,000, or imprisonment for not more than ten years, or by both such fine and such imprisonment, and shall, moreover, be thereafter ineligible to hold any office, or place of honor, profit, or trust created by the Constitution or laws of the United States.

"(e) Any person may be prosecuted, tried, and punished for any violation of this section at any time within ten years after the commission of such offense, notwithstanding the provisions of any other statute of limitations: *Provided,* That if at the time of the commission of the offense such person is an officer or employee of the United States or of any department or agency thereof, or of any corporation the stock of which is owned in whole or in major part by the United States or any department or agency thereof, such person may be prosecuted, tried, and punished for any violation of this section at any time within ten years after such person has ceased to be employed as such officer or employee.

"(f) Neither the holding of office nor membership in any Communist organizaton by any person shall constitute per se a violation of subsection (a) or subsection (c) of this section or of any other criminal statute. The fact of the registration of any person under section 7 or section 8 of this title as an officer or member of any Communist organization shall not be received in evidence against such person in any prosecution for any alleged violation of subsection (a) or subsection (c) of this section or for any alleged violation of any other criminal statute."

The Dirksen bill retains this language—an entirely appropriate decision in my estimation. However, the Dirksen proposal fails to strike language in subsection (f) stating that the fact of registration under sections 7 or 8 of this title shall not be received in evidence against a person. What need have we for this language when sections 7 and 8 are explicitly stricken from the 1950 Act by the Dirksen bill? What need have we for this language when no individual or organization has been registered in the history of the Subversive Activities Control Act of 1950,

when the courts have specifically ruled that registration would violate the fifth amendment right against self-incrimination, and when the very purpose of the Dirksen bill, S. 2171, is to replace the elimination requirement with a disclosure requirement? The answer is quite simple—it is an oversight of the kind that is only natural when a bill has been as hastily put together and considered as this one has been.

Section 5 of the bill concerns itself with Federal employment of members of communist front, communist action or communist infiltrated organizations. The Dirksen proposal correctly strikes the following language in section 5 (a):

"EMPLOYMENT OF MEMBERS OF COMMUNIST ORGANIZATIONS

"SEC. 5. (a) When a Communist organization, as defined in paragraph (5) of section 3 of this title, is registered or there is in effect a final order of the Board requiring such organization to register, it shall be unlawful—"

In so doing the Dirksen bill recognizes the fact that registration is unconstitutional. It replaces this language with language indicating, as it was indicated in the statement of purpose, that the new method of listing communist action, communist front and communist infiltrated organizations and individuals is to be by Subversive Activity Control Board determination rather than registration. Thus the new wording reads:

"(a) *When there is in effect a final order of the Board determining any organization to be a Communist-action organization or a Communist-front organization, it shall be unlawful—"*

Similar correcting language is made in section 5 (a) (1), which did read:

"[(1) For any member of such organization, with knowledge or notice that such organization is so registered or that such order has become final—]

"*(1) For any member of such organization, with knowledge or notice of such final order of the Board—"*

We then revert to the language of the 1950 Act prohibiting the holding of certain jobs by members of groups which would be determined by the Subversive Activities Control Board to have Communist connections under the new legislation. To be more specific, the language of the Act reads:

"(A) in seeking, accepting, or holding any nonelective office or employment under the United States, to conceal or fail to disclose the fact that he is a member of such organization; or

"(B) to hold any nonelective office or employment under the United States; or

"(C) in seeking, accepting, or holding employment in any defense facility, to conceal or fail to disclose the fact that he is a member of such organization; or

"(D) if such organization is a Communist-action organization, to engage in any employment in any defense facility.

"(E) to hold office or employment with any labor organization, as that term is defined in section 2 (5) of the National Labor Relations Act, as amended (29 U. S. C. 152), or to represent any employer in any matter or proceeding arising or pending under that Act."

The Dirksen bill goes on to strike language in section 5(a)(2) of the Act which again makes registration rather than determination a criteria for prohibiting contributions to a subversive group or conspiracy to violate section 5(a)(1). The registration language, which is stricken, reads:

"[(2) For any officer or employee of the United States or of any defense facility, with knowledge or notice that such organization is so registered or that such order has become final—]"

It is replaced with the following language replacing the registration criteria with final board determination as follows:

"(2) *For any officer or employee of the United States or of any defense facility, with knowledge or notice of such final order of the Board—"*

The language of the original 1950 legislation is then retained, enumerating the prohibited actions in connection with a communist front, communist action, or communist infiltrated organization. The prohibited actions are:

"(A) to contribute funds or services to such organization; or

"(B) to advise, counsel or urge any person, with knowledge or notice that such person is a member of such organization, to perform, or to omit to perform, any act if such act or omission would constitute a violation of any provision of subparagraph (1) of this subsection."

We then go on to subsection (b) which reads:

"(b) The Secretary of Defense is authorized and directed to designate facilities, as defined in paragraph (7) of section 3 of this title, with respect to the operation of which he finds and determines that the security of the United States requires the application of the provisions of subsection (a) of this section. The Secretary shall promptly notify the management of any facility so designated, whereupon such management shall immediately post conspicuously notice of such designation in such form and in such place or places as to give notice thereof to all employees of, and to all applicants for employment in, such facility. Such posting shall be sufficient to give notice of such designation to any person subject thereto or affected thereby. Upon the request of the Secretary, the management of any facility so designated shall require each employee of the facility, or any part thereof, to sign a statement that he knows that the facility has, for the purposes of this title, been designated by the Secretary under this subsection."

This subsection in effect states that the Scretary of Defense is to determine what is a defense facility for the purposes of the above mentioned prohibition against certain actions by officers or employees of the Federal government and defense facilities. In that connection, I wonder if the floor manager of the bill could tell me whether or not any such defense facilities have been designated by Secretary McNamara or are presently considered as falling under the terms of this section?

I think it is relevant to note here that the Dirksen bill fails to change some inconsistencies in the first part of section 5. For example the section apparently would not prohibit outright employment in a defense facility for members of Communist front organizations while it places a complete prohibition on employment with a labor organization. Here again the act itself might well have profited from a more thorough evaluation of its existing provisions.

I want to make it clear that I am not advocating that union employees should be allowed to be members of subversive organizations However if we feel that union employees occupy such key positions that they should, under no conditions, be members of a subversive organization should we not apply the same standard to those employed in a defense facility rather than permitting members of subversive groups to be employed in such facilities as long as they disclose their membership, as the 1950 Act does?

Section 6 of the Subversive Activities Control Act is not affected by S. 2171, the Dirksen bill. The section prohibits the use of passports by a member of a communist front, communist action, or communist infiltrated organization. Section 6 states:

"DENIAL OF PASSPORTS TO MEMBERS OF COMMUNIST ORGANIZATIONS

"SEC. 6. (a) When a Communist organization as defined in paragraph (5) of section 3 of this title is registered, or there is in effect a final order of the Board requiring such organization to register, it shall be unlawful for any member of such organization, with knowledge or notice that such organization is so registered or that such order has become final—

"(1) to make application for a passport, or the renewal of a passport, to be issued or renewed by or under the authority of the United States; or

"(2) to use or attempt to use any such passport.

"(b) When an organization is registered, or there is in effect a final order of the Board requiring an organization to register, as a Communist-action organization, it shall be unlawful for any officer or employee of the United States to issue a passport to, or renew the passport of, any individual knowing or having reason to believe that such individual is a member of such organization."

I know that many civil libertarians object to this sort of restriction on freedom of movement. I think they should be given a chance to testify when the Judiciary Committee was considering the bill, for this is another controversial area that could easily have been examined, and should have.

Section 7 is stricken by the Dirksen bill. It requires that Communist action and Communist front organizations register. It also enumerates the type of information that the registration statement shall contain. Here are its provisions:

"REGISTRATION AND ANNUAL REPORTS OF COMMUNIST ORGANIZATIONS

"SEC. 7. (a) Each Communist-action organization (including any organization required, by a final order of the Board, to register as a Communist-action organization) shall, within the time specified in subsection (c) of this section, register with the Attorney General, on a form prescribed by him by regulations, as a Communist-action organization.

"(b) Each Communist-front organization (including any organization required, by a final order of the Board, to register as a Communist front organization) shall, within the time specified in subsection (c) of this section, register with the Attorney General, on a form prescribed by him by regulations, as a Communist-front organization.

"(c) The registration required by subsection (a) or (b) shall be made—

"(1) in the case of an organization which is a Communist-action organization or a Communist-front organization on the date of the enactment of this title, within thirty days after such date;

"(2) in the case of an organization becoming a Communist-action organization or a Communist-front organization after the date of the enactment of this title, within thirty days after such organization becomes a Communist-action organization or a Communist-front organization, as the case may be; and

"(3) in the case of an organization which by a final order of the Board is required to register, within thirty days after such order becomes final.

"(d) The registration made under subsection (a) or (b) shall be accompanied by a registration statement, to be prepared and filed in such manner and form as the Attorney General shall by regulations prescribe, containing the following information:

"(1) The name of the organization and the address of its principal office.

"(2) The name and last-known address of each individual who is at the time of filing of such registration statement, and of each individual who was at any time during the period of twelve full calendar months next preceding the filing of such statement, an officer of the organization, with the designation or title of the office so held, and with a brief statement of the duties and functions of such individual as such officer.

"(3) An accounting, in such form and de-

tail as the Attorney General shall by regulations prescribe, of all moneys received and expended (including the sources from which received and the purposes which expended) by the organization during the period of twelve full calendar months next preceding the filing of such statement.

"(4) In the case of a Communist-action organization, the name and last-known address of each individual who was a member of the organization at any time during the period of twelve full calendar months preceding the filing of such statement.

"(5) In the case of any officer or member whose name is required to be shown in such statement, and who uses or has used or who is or has been known by more than one name, each name which such officer or member uses or has used or by which he is known or has been known.

"(6) A listing, in such form and detail as the Attorney General shall by regulation prescribe, of all printing presses and machines including but not limited to rotary presses, flatbed cylinder presses, platen presses, lithographs, offsets, photo-offsets, mimeograph machines, multigraph machines, multilith machines, duplicating machines, ditto machines, linotype machines, intertype machines, monotype machines, and all other types of printing presses, typesetting machines or any mechanical devices used or intended to be used, or capable of being used to produce or publish printed matter or material, which are in the possession, custody, ownership, or control of the Communist-action or Communist-front organization or its officers, members, affiliates, associates, group, or groups in which the Communist-action or Communist-front organization, its officers or members have an interest.

"(e) It shall be the duty of each organization registered under this section to file with the Attorney General on or before February 1 of the year following the year in which it registers, and on or before February 1 of each succeeding year, an annual report, prepared and filed in such manner and form as the Attorney General shall by regulations prescribe, containing the same information which by subsection (d) is required to be included in a registration statement, except that the information required with respect to the twelve-month period referred to in paragraph (2), (3), or (4) of such subsection shall, in such annual report, be given with respect to the calendar year preceding the February 1 on or before which such annual report must be filed.

"(f)(1) It shall be the duty of each organization registered under this section to keep, in such manner and form as the Attorney General shall by regulations prescribe, accurate records and accounts of moneys received and expended (including the sources from which received and purposes for which expended) by such organization.

"(2) It shall be the duty of each Communist-action organization registered under this section to keep, in such manner and form as the Attorney General shall by regulations prescribe, accurate records of the names and addresses of the members of such organization and of persons who actively participate in the activities of such organization.

"(g) It shall be the duty of the Attorney General to send to each individual listed in any registration statement or annual report, filed under this section, as an officer or member of the organization in respect of which such registration statement or annual report was filed, a notification in writing that such individual is so listed; and such notification shall be sent at the earliest practicable time after the filing of such registration statement or annual report. Upon written request of any individual so notified who denies that he holds any office or membership (as the case may be) in such organization, the Attorney General shall forthwith initiate and conclude at the earliest practicable time an appropriate investigation to determine the truth or falsity of such denial, and, if the Attorney General shall be satisfied that such denial is correct, he shall thereupon strike from such registration statement or annual report the name of such individual. If the Attorney General shall decline or fail to strike the name of such individual from such registration statement or annual report within five months after receipt of such written request, such individual may file with the Board a petition for relief pursuant to section 13 (b) of this title.

"(h) In the case of failure on the part of any organization to register or to file any registration statement or annual report as required by this section, it shall be the duty of the executive officer (or individual performing the ordinary and usual duties of an executive officer) and of the secretary (or individual performing the ordinary and usual duties of a secretary) of such organization, and of such officer or officers of such organization as the Attorney General shall by regulations prescribe, to register for such organization, to file such registration statement, or to file such annual report, as the case may be."

By striking this regulation requirement it is quite obvious that the Dirksen bill is attempting to comply with recent Supreme Court and circuit court decisions. However it is also quite evident that a great deal of information that would have been required in a registration statement is no longer required under the proposed legislation. This includes names and addresses of members, records of moneys received and expended, a listing of printing presses or machines, etc. This disclosure provision would seem to be at the heart of the registration requirement. Anyone today can find out from the Attorney General's list which are and which are not Communist front organizations. If the way in which the list is compiled has to be updated to conform with recent court decisions, then so be it. Is it essential, however, to have a five man board paid $130,000 a year simply to tell us that groups such as the Communist Party of the United States are subversive without gleaning any of the additional information that would have been required in a registration statement as to membership, printing facilities, etc.? I certainly am not disagreeing with the court's decision that it would be unconstitutional to require registration. But in the absence of this convenient way for getting information the Congress felt in 1950 was vital, is it worth perpetuating the Board just to tell us facts that the government in all cases and the people in most cases already know?

Section 8 of the act, requiring registration by individuals who are members of Communist action organizations is also deleted in accordance with court decisions by the Dirksen bill. It reads as follows:

"REGISTRATION OF MEMBERS OF COMMUNIST-ACTION ORGANIZATIONS

"SEC. 8. (a) Any individual who is or becomes a member of any organization concerning which (1) there is in effect a final order of the Board requiring such organization to register under section 7 (a) of this title as a Communist-action organization, (2) more than thirty days have elapsed since such order has become final, and (3) such organization is not registered under section 7 of this title as a Communist-action organization, shall within sixty days after said order has become final, or within thirty days after becoming a member of such organization, whichever is later, register with the Attorney General as a member of such organization.

"(b) Each individual who is or becomes a member of any organization which he knows to be registered as a Communist-action organization under section 7 (a) of this title, but to have failed to include his name upon the list of members thereof filed with the Attorney General, pursuant to the provisions of subsections (d) and (e) of section 7 of this title, shall, within sixty days after he shall have obtained such knowledge, register with the Attorney General as a member of such organization.

"(c) The registration made by any individual under subsection (a) or (b) of this section shall be accompanied by a registration statement to be prepared and filed in such manner and form, and containing such information, as the Attorney General shall by regulations prescribe."

As I indicated earlier, though these sections have been deleted, the remaining sections have most definitely not been renumbered. I hope that the Senior Senator from Illinois will be able to correct this oversight, before we reach a final decision on the bill.

The Title of Section 9—Keeping of Registers; Reports to President and Congress—has been deleted by the Dirksen bill and replaced by—Records of Final Orders of the Board; Public Inspection; Reports to President and Congress. I think this suffices to give a pretty good idea of the changes made in section 9. The present section 9 has to do with the keeping of registers of Communist action and Communist front organizations and reads as follows:

"SEC. 9. (a) The Attorney General shall keep and maintain separately in the Department of Justice—

"(1) a 'Register of Communist-Action Organizations', which shall include (A) the names and addresses of all Communist-action organizations registered under section 7, (B) the registration statements and annual reports filed by such organizations thereunder, and (C) the registration statements filed by individuals under section 8; and

"(2) a 'Register of Communist-Front Organizations', which shall include (A) the names and addresses of all Communist-front organizations registered under section 7, and (B) the registration statements and annual reports filed by such organizations thereunder.

"(b) Such registers shall be kept and maintained in such manner as to be open for public inspection: *Provided*, That the Attorney General shall not make public the name of any individual listed in either such register as an officer or member of any Communist organization until sixty days shall have elapsed after the transmittal of the notification required by section 7(g) to be sent to such individual, and if prior to the end of such period such individual shall make written request to the Attorney General for the removal of his name from any such list, the Attorney General shall not make public the name of such individual until six months shall have elapsed after receipt of such request by the Attorney General, or until thirty days shall have elapsed after the Attorney General shall have denied such request and shall have transmitted to such individual notice of such denial, whichever is earlier.

"(c) The Attorney General shall submit to the President and to the Congress on or before June 1 of each year (and at any other time when requested by either House by resolution) a report with respect to the carrying out of the provisions of this title, including the names and addresses of the organizations listed in such registers and (except to the extent prohibited by subsection (b) of this section) the names and addresses of the individuals listed as members of such organizations.

"(d) Upon the registration of each Communist organization under the provisions of this title, the Attorney General shall publish

in the Federal Register the fact that such organization has registered as a Communist-action organization, or as a Communist-front organization, as the case may be, and the publication thereof shall constitute notice to all members of such organization that such organization has so registered."

Since the Dirksen bill replaces the entire section 9, I would like to know if any consideration has been given to retaining the requirement that sixty days shall elapse between registration (which, of course, under the present bill, would be board determination), and the availability of the information to the public. The 1950 Act language also states that if an individual petitions to have his name removed from the list his name shall not be made public for six months. The Dirksen language providing for dissemination of this information provides no such safeguards as the following language makes clear:

"Sec. 9. (a) The Board shall keep and maintain records, which shall be open to public inspection, giving the names and addresses of all organizations as to which, and individuals as to whom, there are in effect final orders of the Board issued pursuant to any of the provisions of subsections (g) through (j), inclusive, of section 13, or subsection (j) of section 13A.

"(b) Copies of the reports and orders of the Board so issued shall be furnished by the Board to any person upon request and upon the payment of the reasonable costs thereof as then currently fixed by the Board.

"(c) The Board shall submit to the President and to the Congress on or before June 1 of each year (and at any other time when requested by either House by resolution) a report giving the names and addresses of all organizations as to which, and all individuals as to whom, there are in effect such final orders of the Board."

Thus the Dirksen bill seems to take away one very important procedural safeguard.

Section 10 of the Subversive Activities Control Act of 1950 has to do with the use of the mails or radio and television to distribute communist front or communist action material. Here again the Dirksen bill changes the section to make it conform to the new Board determination procedure. Whereas the old section 10 read:

"USE OF THE MAILS AND INSTRUMENTALITIES OF INTERSTATE OR FOREIGN COMMERCE

"SEC. 10. It shall be unlawful for any organization which is registered under section 7, or for any organization with respect to which there is in effect a final order of the Board requiring it to register under section 7 or determining that it is a Communist-infiltration organization, or for any person acting for or on behalf of any such organization—"

The new section 10 reads:

"Sec. 10. It shall be unlawful for any organization with respect to which there is in effect a final order of the Board determining it to be a Communist-action organization or a Communist-front organization—"

Subsection (1) of section 10 is retained almost in its entirety as follows:

"(1) to transmit or cause to be transmitted, through the United States mails or by any means or instrumentality of interstate or foreign commerce, any publication which is intended to be, or which it is reasonable to believe is intended to be, circulated or disseminated among two or more persons, unless such publication, and any envelope, wrapper, or other container in which it is mailed or otherwise circulated or transmitted, bears the following, printed in such manner as may be provided in regulations prescribed by the Attorney General, with the name of the organization appearing in lieu of the blank."

However the printed caveat has been changed by the Dirksen bill from "Disseminated by ———, a Communist organization"; to "Disseminated by ———, an organization determined by final order of the Subversive Activities Control Board to be a Communist ——— organization." Frankly I am a bit mystified by this change. Since the phrase includes no reference to registration I don't quite understand why it was replaced. I hope we can get an explanation on this matter.

Subsection (2) of section 10 raises the same problem. The subsection again is retained practically in toto:

"Or (2) to broadcast or cause to be broadcast any matter over any radio or television station in the United States, unless such matter is preceded by the following statement, with the name of the organization being stated in place of the blank."

Yet the required announcement is changed from "The following program is sponsored by ———, a Communist organization" to "The following program is sponsored by ——— an organization determined by final order of the Subversive Activities Control Board to be a Communist——— organization."

Section 11 of the Subversive Activities Control Act of 1950 denies tax deductions and exemptions to communist front and communist action organizations. The first part of subsection (a) is not affected by the Dirksen amendment. It reads:

"Notwithstanding any other provision of law, no deduction for Federal income-tax purposes shall be allowed in the case of a contribution to or for the use of any organization if at the time of the making of such contribution"—and here is where the language is changed. The old Act reads "(1) such organization is registered under section 7, or (2) there is in effect a final order of the Board requiring such organization to register under section 7 or determining that it is a Communist infiltrated organization," while the Dirksen bill reads "there is in effect a final order of the Board determining such organization to be a Communist-action or a Communist-front organization."

The same types of changes are made in subsection (b). That section currently reads "No organization shall be entitled to exemption from Federal income tax, under section 101 of the Internal Revenue Code, for any taxable year if at any time during such taxable year," and here, again, is the language stricken by the Dirksen bill," (1) such organization is registered under section 7, or (2) there is in effect a final order of the Board requiring such organization to register under section 7 or determining that it is a Communist-infiltrated organization." The Dirksen bill replaces this language with the phrase: "there is in effect a final order of the Board determining such organization to be a Communist-action or Communist-front organization."

As is quite evident, the Dirksen bill simply and properly conforms this section to the determination powers it seeks to give the Board by changing the registration references to determination references.

Section 12 of the Subversive Activities Control Act of 1950 in effect sets up the Board. The unchanged part of this section reads:

"SUBVERSIVE ACTIVITIES CONTROL BOARD

"SEC. 12. (a) There is hereby estabilshed a board, to be known as the Subversive Activities Control Board, which shall be composed of five members, who shall be appointed by the President, by and with the advice and consent of the Senate. Not more than three members of the Board shall be members of the same political party.

"The terms of office of the members of the Board in office on the date of enactment of the Subversive Activities Control Board Tenure Act shall expire at the time they would have expired if such Act had not been enacted. The term of office of each member of the Board appointed after the date of enactment of the Subversive Activities Control Board Tenure Act shall be for five years from the date of expiration of the term of his predecessor, except that (1) the term of office of that member of the Board who is designated by the President and is appointed to succeed one of the two members of the Board whose terms expire on August 9, 1955, shall be for four years from the date of expiration of the term of his predecessor, and (2) the term of office of any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be for the remainder of the term of his predecessor. Upon the expiration of his term of office a member of the Board shall continue to serve until his successor shall have been appointed and shall have qualified.

"The President shall designate one member to serve as Chairman of the Board. Any member of the Board shall be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

"(b) A vacancy in the Board shall not impair the right of the remaining members to exercise all the powers of the Board, and three members of the Board shall, at all times, constitute a quorum. The Board shall have an official seal which shall be judicially noticed.

"(c) The Board shall at the close of each fiscal year make a report in writing to the Congress and to the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees of the Board, and an account of all moneys it has disbursed.

"(d) Each member of the Board shall receive a salary of $26,000 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment."

This last phrase is especially interesting. In view of the complete lack of Board activity it must be mighty tempting for Board members to engage in another "business, vocation or employment." It is indeed fortunate that the word "avocation" does not appear. Eight hours a day of doing absolutely nothing could be very hard on a person's mental health.

Subsection (e) of Section 12 has been modified to once again recognize that the Board determines Communist front and Communist action groups but does not require their registration. Subsection (e)(1) has not been changed. It reads:

"(e) It shall be the duty of the Board—

"(1) upon application made by the Attorney General under section 13(a) of this title, or by any organization under section 13(b) curate stenographic record shall be taken of ganization is a 'Communist-action organization' within the meaning of paragraph (3) of section 3 of this title, or a 'Communist-front-organization' within the meaning of paragraph (4) of section 3 of this title; and

"However Subsection 12(e)(2) which under the 1950 Act states:

"(2) upon application made by the Attorney General under section 13(a) of this title, or by any individual under section 13(b) of this title, to determine whether any individual is a member of any Communist-action organization registered or by final order of the Board required to be registered, under section 7(a) of this title."

Has been modified to read:

"(2) upon application made by the Attorney General under section 13(a) of this title, or by any individual under section 13(b) of this title, to determine whether any individual is a member of any organization as to which there is in effect a final order of the Board determining such organization to be a Communist-action organization."

I think it is very important to note what section 13 will also make very, very clear and that is that even under the new proposal the

Attorney General must apply to the Board for positive action before the Board can take one step. In the absence of a recommendation on the Dirksen bill by the Attorney General we have absolutely no way of knowing whether or not the Justice Department will ask the Board to act. That is why we really have a duty to withhold action until we hear from the Attorney General that he is going to use this legislation without any qualifications—without any if, ands or buts.

The remainder of section 12 speaks for itself:

"(3) upon any application made under subsection (a) or subsection (b) of section 13A of this title, to determine whether any organization is a Communist-infiltrated organization.

"(f) Subject to the civil-service laws and Classification Act of 1949, the Board may appoint and fix the compensation of a chief clerk and such examiners and other personnel as may be necessary for the performance of its functions.

"(g) The Board may make such rules and regulations, not inconsistent with the provisions of this title, as may be necessary for the performance of its duties.

"(h) There are hereby authorized to be appropriated to the Board such sums as may be necessary to carry out its functions."

Section 13 of the Subversive Activities Control Act of 1950 deals with proceedings before the Board. Here the truly substantial change made by the Dirksen bill is most evident. The old section 13(a) dealt with registration in this way:

"REGISTRATION PROCEEDINGS BEFORE BOARD

"SEC. 13. (a) Whenever the Attorney General shall have reason to believe that any organization which has not registered under subsection (a) or subsection (b) of section 7 of this title is in fact an organization of a kind required to be registered under such subsection, or that any individual who has not registered under section 8 of this title is in fact required to register under such section, he shall file with the Board and serve upon such organization or individual a petition for an order requiring such organization or individual to register pursuant to such subsection or section, as the case may be. Each such petition shall be verified under oath, and shall contain a statement of the facts upon which the Attorney General relies in support of his prayer for the issuance of such order."

The new section 13(a) shifts from the registration approach to the Board determination approach as follows:

"*(a) (I) Whenever the Attorney General has reason to believe that any organization is a Communist-action organization or a Communist-front organization, he shall file with the Board and serve upon such organization a petition for a determination that such organization is a Communist-action organization or a Communist-front organization, as the case may be.*

"*(II) Whenever the Attorney General has reason to believe that any individual is a member of an organization which has been finally determined under this section to be a Communist-action organization, he shall file with the Board and serve upon such individual a petition for a determination that such individual is a member of such organization. Each petition under part (I) or part (II) of this subsection shall be verified under oath, and shall contain a statement of the facts upon which the Attorney General relies in support of his prayer for the issuance of such order.*"

Here it is made crystal clear that the Attorney General must move if the Board is to be effective. And whether or not the Attorney General intends to move under the proposed legislation is a question that remains unanswered.

Incidentally, for some reason the two subsections I just read are headed Roman numeral I and Roman numeral II instead of the arabic numerals 1 and 2 used throughout the rest of the bill. Hopefully this technical problem can be provided for if we reach a point of taking final action on the legislation.

Subsection (b) of section 13 also is completely amended by the Dirksen bill. It deals with registration cancellation, or, in the case of the Dirksen bill, a change in the Board's determination that an organization or an individual has Communist connections. The old section 13(b) reads:

"(b) Any organization registered under subsection (a) or subsection (b) of section 7 of this title, and any individual registered under section 8 of this title, may, not oftener than once in each calendar year, make application to the Attorney General for the cancellation of such registration and (in the case of such organization) for relief from obligation to make further annual reports. Within sixty days after the denial of any such application by the Attorney General, the organization or individual concerned may file with the Board and serve upon the Attorney General a petition for an order requiring the cancellation of such registration and (in the case of such organization) relieving such organization of obligation to make further annual reports. Any individual authorized by section 7 (g) of this title to file a petition for relief may file with the Board and serve upon the Attorney General a petition for an order requiring the Attorney General to strike his name from the registration statement or annual report upon which it appears."

This is replaced by the following language:

"(b) Any organization as to which there is in effect a final order of the Board determining it to be a Communist organization, and any individual as to whom there is in effect a final order of the Board determining him to be a member of a Communist-*action* organization may, not more often than once in each calender year, file with the Board and serve upon the Attorney General a petition for a determination that such organization no longer is a Communist organization (in the case of an organization which has been determined under subsection (a) of this section to be one of the types of Communist organizations) or that such individual no longer is a member of a Communist-action organization, as the case may be. Each petition filed under and pursuant to this subsection shall be verified under oath, and shall contain a statement of the facts relied upon in support thereof. Upon the filing of any such petition, the Board shall serve upon each party to such proceeding a notice specifying the time and place for hearing upon such petition. No such hearing shall be conducted within twenty days after the service of such notice."

Although this section provides an important procedural safeguard for the unjustly branded man or woman I doubt very seriously that it will ever be used, because, in my estimation the Attorney General will not even ask the Board to make an initial determination. Thus there will be no determination to appeal from.

Subsections (c) and (d) (1) of Section 13 of the 1950 Act remain intact. These subsections outline the hearing procedures in the following fashion:

"(c) Upon the filing of any petition pursuant to subsection (a) or subsection (b) of this section, the Board (or any member thereof or any examiner designated thereby) may hold hearings, administer oaths and affirmations, may examine witnesses and receive evidence at any place in the United States, and may require by subpena the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed relevant, to the matter under inquiry. Subpenas may be signed and issued by any member of the Board or any duly authorized examiner. Subpenas shall be issued on behalf of the organization or the individual who is a party to the proceeding upon request and upon a statement or showing of general relevance and reasonable scope of the evidence sought. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing. Witnesses summoned shall be paid the same fees and mileage paid witnesses in the district courts of the United States. In case of disobedience to a subpena, the Board may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence. Any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpena issued to any person, issue an order requiring such person to appear (and to produce documentary evidence if so ordered) and give evidence relating to the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. No person shall be held liable in any action in any court, State or Federal, for any damages resulting from (1) his production of any documentary evidence in any proceeding before the Board if he is required, by a subpena issued under this subsection, to produce the evidence; or (2) any statement under oath he makes in answer to a question he is asked while testifying before the Board in response to a subpena issued under this subsection, if the statement is pertinent to the question.

"(d) (1) All hearings conducted under this section shall be public. Each party to such proceeding shall have the right to present its case with the assistance of counsel, to offer oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. An accurate stenographic record shall be taken of the testimony of each witness, and a transcript of such testimony shall be filed in the office of the Board."

Subsection 13 (d) (2) of the 1950 Act is changed by the Dirksen bill. The change, in my estimation, is for the better because it liberalizes the procedural safeguards contained in the original legislation. Subsection (d) (2) now reads:

"(2) here an organization or individual declines or fails to appear at a hearing accorded to such organization or individual by the Board pursuant to this section, the Board may, without further proceedings and without the introduction of any evidence, enter an order requiring such organization or individual to register or denying the application of such organization or individual, as the case may be."

In other words, under the 1950 Act, failure to appear indicated guilt, a summary judgement could be made without the presentation of a case, and the injured organization or individual would have to go through a lengthy and expensive appeal process to amend the Board's order. The new language of the Dirksen proposal requires the Board to try the case even in the absence of the accused. The language states:

"(2) *here an organization or individual declines or fails to appear at a hearing accorded to such organization or individual by the Board in proceedings under subsection (a) of this section, the Board shall, nevertheless, proceed to receive evidence, make a determination of the issues, and enter such order as shall be just and appropriate. Upon failure of an organization or individual to appear at a hearing accorded to such organization or*

individual in proceedings under subsection (b) of this section the Board may forthwith and without further proceedings enter an order dismissing the petition of such organization or individual."

The remainder of Section 13 up to subsection (g) has not been changed by the Dirksen bill. However it has some very interesting things to say about what the Board shall consider in deciding whether an organization is a Communist action or Communist front organization:

"Where in the course of any hearing before the Board or any examiner thereof a party or counsel is guilty of misbehavior which obstructs the hearing, such party or counsel may be excluded from further participation in the hearing.

"(e) In determining whether any organization is a "Communist-action organization", the Board shall take into consideration—

"(1) the extent to which its policies are formulated and carried out and its activities performed, pursuant to directives or to effectuate the policies of the foreign government or foreign organization in which is vested, or under the domination or control of which is exercised the direction and control of the world Communist movement referred to in section 2 of this title; and

"(2) the extent to which its views and policies do not deviate from those of such foreign government or foreign organization; and

"(3) the extent to which it receives financial or other aid, directly or indirectly, from or at the direction of such foreign government or foreign organization; and

"(4) the extent to which it sends members or representatives to any foreign country for instruction for training in the principles, policies, strategy, or tactics of such world Communist movement; and

"(5) the extent to which it reports to such foreign government or foreign organization or to its representatives; and

"(6) the extent to which its principal leaders or a substantial number of its members are subject to or recognize the disciplinary power of such foreign government or foreign organization or its representatives; and

"(7) the extent to which, for the purpose of concealing foreign direction, domination, or control, or of expediting or promoting its objectives, (i) it fails to disclose, or resists efforts to obtain information as to, its membership (by keeping membership lists in code, by instructing members to refuse to acknowledge membership, or by any other method); (ii) its members refuse to acknowledge membership therein; (iii) it fails to disclose, or resists efforts to obtain information as to, records other than membership lists; (iv) its meetings are secret; and (v) it otherwise operates on a secret basis; and

"(8) the extent to which its principal leaders or a substantial number of its members consider the allegiance they owe to the United States as subordinate to their obligations to such foreign government or foreign organization.

"(f) In determining whether any organization is a 'Communist-front organization', the Board shall take into consideration—

"(1) the extent to which persons who are active in its management, direction, or supervision, whether or not holding office therein, are active in the management, direction, or supervision of, or as representatives of, any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2; and

"(2) the extent to which its support, financial or otherwise, is derived from any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2; and

"(3) the extent to which its funds, resources, or personnel are used to further or promote the objectives of any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2; and

"(4) the extent to which the positions taken or advanced by it from time to time on matters of policy do not deviate from those of any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2."

Once again we have references to that monolithic world communist movement dominated by a single foreign government that seem highly naive in view of the state of the Communist world today. I suppose many of us wish the world were that simple. However, it just isn't. I think the Judiciary Committee should have recognized the changes that have taken place in drafting this legislation. I would hope the bill could be re-referred to the Committee so that it could come forth with a bill that takes account of the realities.

Subsection (g) of Section 13 of the Subversive Activities Control Act of 1950 provided for Communist-front and Communist-action organizations as well as individual members of Communist-action organizations to receive notification that they were required to register after the Board had made a determination:

"(g) If, after hearing upon a petition filed under subsection (a) of this section, the Board determines—

"(1) that an organization is a Communist-action organization or a Communist-front organization, as the case may be, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such organization an order requiring such organization to register as such under section 7 of this title; or

"(2) that an individual is a member of a Communist-action organization (including an organization required by final order of the Board to register under section 7(a)), it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such individual an order requiring him to register as such under section 8 of this title."

Now that the courts have decided that it violates the constitution to require groups and individuals to register, the Dirksen bill simply requires the organization or individual to be notified that a determination has been made. The language reads:

"(g) If, after hearing upon a petition filed under subsection (a) of this section, the Board determines—

"(1) that an organization is a Communist-action organization or a Communist-front organization, as the case may be, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such organization an order determining the organization to be a Communist-action organization or a Communist-front organization as the case may be;

"(2) that an individual is a member of a Communist-action organization, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such individual an order determining such individual to be a member of a Communist-action organization."

The bill itself makes this service sound quite omnious. However it really is nothing more than notification. Although the term "order" is used in referring to the notification the individual or organization is not ordered to do anything or not to do anything.

Subsection 13(h) of the 1950 Act is deleted by the Dirksen bill and replaced by a new subsection 13(h). The change is intended to replace references to registration with references to determination. The old section 13(h) now requires the Board to deny the Attorney General's petition for registration in certain instances in the following words:

"(h) If, after hearing upon a petition filed under subsection (a) of this section, the Board determines—

"(1) that an organization is not a Communist-action organization or a Communist-front organization, as the case may be, it shall make a report in writing in which it shall state its findings as to the facts; issue and cause to be served upon the Attorney General an order denying his petition for an order requiring such organization to register as such under section 7 of this title; and send a copy of such order to such organization; or

"(2) that an individual is not a member of any Communist-action organization, it shall make a report in writing in which it shall state its findings as to the facts; issue and cause to be served upon the Attorney General an order denying his petition for an order requiring such individual to register as such member under section 8 of this title; and send a copy of such order to such individual."

The new section 13(h) makes the following change:

"(h) If, after hearing upon a petition filed under subsection (a) of this section, the Board determines—

"(1) that an organization is not a Communist-action organization or a Communist-front organization, as the case may be, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served upon the Attorney General an order denying the determination sought by his petition, and shall send a copy of such order to such organization;

"(2) that the individual is not a member of any Communist-action organization, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served upon the Attorney General an order denying the determination sought by his petition, and shall send a copy of such order to such individual."

Subsection 13(i) is quite similar to 13(h) but deals with a redetermination of a group or individual's purity rather than an initial determination that they are not involved in Communist activities. Subsection 13(i) as contained in the original act refers to registration procedures as we can see by its language:

"(i) If, after hearing upon a petition filed under subsection (b) of this section, the Board determines—

"(1) that an organization is not a Communist-action organization or a Communist-front organization, as the case may be, it shall make a report in writing in which it shall state its findings as to the facts; issue and cause to be served upon the Attorney General an order requiring him to cancel the registration of such organization and relieve it from the requirement of further annual reports; and send a copy of such order to such organization; or

"(2) that an individual is not a member of any Communist-action organization, or (in the case of an individual listed as an officer of a Communist-front organization) that an individual is not an officer of a Communist-front organization, it shall make a report in writing in which it shall state its findings as to the facts; issue and cause to be served upon the Attorney General an order requiring him to (A) strike the name of such individual from the registration statement or annual report upon which it appears or (B) cancel the registration of such individual under section 8, as may be appropriate; and send a copy of such order to such individual."

The new language, referring to determination rather than registration states:

"(i) If, after hearing upon a petition filed

under subsection (b) of this section, the Board determines—

"(1) that an organization no longer is a Communist-action organization or a Communist-front organization, as the case may be, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served upon the Attorney General and such organization an order determining that the organization no longer is a Communist-action organization or Communist-front organization as the case may be;

"(2) that an individual no longer is a member of any Communist-action organization, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served upon the Attorney General and such individual an order determining that such individual no longer is a member of a Communist-action organization."

Subsection 13 (j) deals with a determination that an organization or an individual continues to be Communist tainted even after a rehearing. Here again the Dirksen bill replaces the 1950 language with new language reflecting the change from registration to determination. The old language reads:

"(j) If, after hearing upon a petition filed under subsection (b) of this section, the Board determines—

"(1) that an organization is a Communist-action organization or a Communist-front organization, as the case may be, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such organization an order denying its petition for the cancellation of its registration and for relief from the requirement of further annual reports; or

"(2) that an individual is a member of a Communist-action organization, or (in the case of an individual listed as an officer of a Communist-front organization) that an individual is an officer of a Communist-front organization, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such individual an order denying his petition for an order requiring the Attorney General (A) to strike his name from any registration statement or annual report on which it appears or (B) to cancel the registration of such individual under section 8, as the case may be."

The replacement language states:

"(j) If, after hearing upon a petition filed under subsection (b) of this section, the Board determines—

"(1) that an organization is a Communist-action organization or a Communist-front organization, as the case may be, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such organization an order denying its petition for a determination that the organization no longer is a Communist-action organization or a Communist-front organization as the case may be.

"(2) that an individual is a member of a communist-action organization, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served upon such an individual an order denying his petition for a determination that the individual no longer is a member of a Communist-action organization."

The final subsection of section 13, subsection k, provides for Federal Register notice of the Board's actions. Since the Board would issue an order based on a determination under the Dirksen proposal rather than require registration, the language of the Act is changed from:

"(k) When any order of the Board requiring registration of a Communist organization becomes final under the provisions of section 14(b) of this title, the Board shall publish in the Federal Register the fact that such order has become final, and publication thereof shall constitute notice to all members of such organization that such order has become final."

To the following:

"(k) When any order of the Board issued under subsection (g), (h), (i), or (j), of this section becomes final under the provisions of section 14(b) of this title, the Board shall publish in the Federal Register the fact that such order has become final, and publication thereof shall constitute notice to all persons that such order has become final."

Section 13A of the 1950 Act was added in 1954 to deal with Communist-infiltrated organizations—especially labor unions. Since it is not relevant to the bill under consideration today, I don't propose to go into it.

Section 14 of the 1950 Act has to do with judicial review. It in fact is the section under which the courts asserted jurisdiction over the cases deciding the Board did not have the power to compel registration. The old act and the proposed bill read the same under up to the seventh sentence of the section.

"JUDICIAL REVIEW

"SEC. 14. (a) The party aggrieved by any order entered by the Board under subsection (g), (h), (i), or (j) of section 13 or subsection (f) of section 13A, may obtain a review of such order by filing in the United States Court of Appeals for the District of Columbia, within sixty days from the date of service upon it of such order, a written petition praying that the order of the Board be set aside.

"A copy of such petition shall be forthwith transmitted by the clerk of the court to the Board, and thereupon the Board shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have jurisdiction of the proceeding and shall have power to affirm or set aside the order of the Board; but the court may in its discretion and upon its own motion transfer any action so commenced to the United States Court of Appeals for the circuit wherein the petitioner resides."

At that point the Subversive Activities Control Act of 1950 reads:

"If the court shall set aside an order issued under subsection (j) of Section 13 it may, in the case of an organization, enter a judgment canceling the registration of such organization and relieving it from the requirement of further annual reports, or in the case of an individual, enter a judgment requiring the Attorney General (A) to strike the name of such individual from the registration statement or annual report on which it appears, or (B) cancel the registration of such individual under section 8, as may be appropriate."

As the language indicates a court decision to set aside an order would result in the cancellation of the registration and the lifting of the requirement that the organization make annual reports.

The Dirksen language would simply result in a redetermination:

"If the court shall set aside an order issued under subsection (j) of section 13, it may, in the case of an organization, enter a judgment requiring the Board to issue an order determining that such organization no longer is a Communist-action organization or Communist-front organization, as the case may be, or in the case of an individual, enter a judgment requiring the Board to issue an order determining that such individual no longer is a member of a Communist-action organization."

In contrasting these two sections it is easy to see how mild the reworked language is compared to the original wording. It is very difficult to have any sort of leverage against a Communist group in the absence of a requirement that it take a positive step of some kind. This raises once again the question of whether or not we should keep the Board in existence merely to point the finger of guilt at groups we already know are guilty of violating the kind of standards set forth in the Act before the Board makes a determination.

The rest of the language in section 14 remains the same:

"The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in title 28, United States Code, section 1254.

"(b) Any order of the Board issued under section 13A shall become final—

"(1) upon the expiration of the time allowed for filing a petition for review, if no such petition has been duly filed within such time; or

"(2) upon the expiration of the time allowed for filing a petition for certiorari, if the order of the Board has been affirmed or the petition for review dismissed by a United States Court of Appeals, and no petition for certiorari has been duly fined; or

"(3) upon the denial of a petition for certiorari, if the order of the Board has been affirmed or the petition for review dismissed by a United States Court of Appeals; or

"(4) upon the expiration of ten days from the date of issuance of the mandate of the Supreme Court, if such Court directs that the order of the Board be affirmed or the petition for review dismissed."

Section 15 of the Subversive Activities Control Act of 1950 is a penal section. It puts teeth into the Act by requiring groups and individuals who fail to register in accordance with the Act to pay a fine. It also permits an individual to be imprisoned for up to five years. Of course this section had to be stricken by the Dirksen bill since its operativeness is based completely on a failure to register and the courts have declared registration illegal. This is how the old section reads:

"PENALTIES

"SEC. 15. (a) If there is in effect with respect to any organization or individual a final order of the Board requiring registration under section 7 or section 8 of this title—

"(1) such organization shall, upon conviction of failure to register, to file any registration statement or annual report, or to keep records as required by section 7, be punished for each such offense by a fine of not more than $10,000, and

"(2) each individual having a duty under subsection (h) of section 7 to register or to file any registration statement or annual report on behalf of such organization, and each individual having a duty to register under section 8, shall, upon conviction of failure to so register or to file any such registration statement or annual report, be punished for each such offense by a fine of not more than $10,000, or imprisonment for not more than five years, or by both such fine and imprisonment.

For the purposes of this subsection, each day of failure to register, whether on the part of the organization or any individual, shall constitute a separate offense.

"(b) Any individual who, in a registration statement or annual report filed under section 7 or section 8, willfully makes any false statement or willfully omits to state any fact which is required to be stated, or which is necessary to make the statements made or information given not misleading, shall upon conviction thereof be punished for each such offense by a fine of not more than $10,000, or by imprisonment for not more than five years, or by both such fine and imprisonment. For the purposes of this subsection—

"(1) each false statement willfully made, and each willful omission to state any fact which is required to be stated, or which is necessary to make the statements made or information given not misleading, shall constitute a separate offense; and

"(2) each listing of the name or address

of any one individual shall be deemed to be a separate statement.

"(c) Any organization which violates any provision of section 10 of this title shall, upon conviction thereof, be punished for each such violation by a fine of not more than $10,000. Any individual who violates any provision of section 5, 6, or 10 of this title shall, upon conviction thereof, be punished for each such violation by a fine of not more than $10,000 or by imprisonment for not more than five years, or by both such fine and imprisonment."

The new section 15 as envisioned by Senator Dirksen and contained in his bill amending the 1950 Act saves the Board some work by making it clear that it does not have to start all over again to make determinations in the case of individuals or groups that have already been ordered to register but can simply change the order to register to an order stating that a determination has been made. Thus we can breath a sigh of relief in the knowledge that the five Board members now making $26,000 a year won't have to go to work until the Attorney General tells them to do so by petitioning the Board for a determination—a very unlikely eventuality. Subsection 15(b) holds out some hope, but very little indeed that the Board members will have work to do by preserving the pendency of cases now before the Board. The section reads:

"SEC. 15. (*a*) *In the case of any organization which by proceedings under section 13(a) prior to the date of enactment hereof has been finally determined by the Board in carrying out its duties under subsection (c) of section 12, to be a 'Communist-action organization' or a 'Communist-front organization', and as a result of such determination has been ordered to register, the Board shall forthwith modify its previously issued registration order as may be necessary to conform such order to the provisions of section 13(g) hereof, and shall forthwith include such organization on the record maintained under section 9: Provided, however, That nothing in this subsection shall be construed so as to prevent any such organization from filing a petition as provided in subsection (b) of section 13.*

"(*b*) *In the case of any proceeding pending before the Board on the effective date of this enactment the Board and the Attorney General are authorized to proceed in accordance with the provisions of this Act as herein amended. No suit, action, or other proceeding lawfully commenced prior to this enactment in any court of the United States shall abate by reason of this enactment. The court in any such case may allow such motion or supplemental pleadings as may be necessary to conform the litigation to the provisions of this Act as amended.*"

Mr. PROXMIRE. I might say, Mr. President, that I think this is particularly important since there were no hearings on the bill, and since this is, I think, quite a complex change in an elaborate statute. I believe the summary will serve a worthwhile purpose. I have talked to some news reporters and others who have said they would like to have that kind of comprehensive analysis, to know precisely what the bill would do; and that is the reason for my request.

Mr. President, I am happy both to cosponsor and to support the amendment offered by the distinguished majority leader [Mr. MANSFIELD].

With characteristic modesty, the majority leader when he introduced this amendment on last Thursday referred to it as the Proxmire amendment, because the idea for this amendment had been first suggested by me in a colloquy with the majority leader, the day before. I thank the majority leader for his designation of the pending amendment as the Proxmire amendment. But I am always happy to take second billing behind my majority leader and will refer to the amendment as the Mansfield-Proxmire amendment with his permission.

I have opposed the continuation of the Subversive Activities Control Board for some time. On July 21 of this year I introduced a bill, S. 2146, to abolish the Board and transfer its remaining duties, if any, to the Department of Justice. Six days later the minority leader [Mr. DIRKSEN] introduced the pending bill, S. 2171, which was reported favorably from the Judiciary Committee on August 15 with no hearings and no opinions from the Department of Justice.

I have fought S. 2171 because I believe in such an important and sensitive question involving basic constitutional guarantees, privileges and immunities, the Senate should proceed responsibly and intelligently.

In order for the Senate to proceed intelligently and responsibly on S. 2171, the Senate should have the detailed testimony of the Attorney General, who, under this bill, will be charged with its enforcement.

We have had no word from the Department of Justice on S. 2171. We do not have the considered opinion of a single legal expert on S. 2171. I must say we have had emphatic opinions from some of the leading law school deans and constitutional experts in the universities. And the opinions that I have seen, coming in the scores, have been emphatically against the bill and against the Subversive Activities Control Board.

In fact, the only record on S. 2171 has been made on the floor of the Senate. The distinguished Senator from New York and former Attorney General of the United States [Mr. KENNEDY] made a most persuasive argument against S. 2171, stating that if he were Attorney General he could not use any of the authority conferred on him by the enactment of S. 2171.

We also heard from one of the greatest constitutional authorities ever to grace this body, the senior Senator from Oregon [Mr. MORSE]. He opposed the enactment of S. 2171 a bill that had no hearings, no opinion of the Department of Justice, and represented a total circumvention of the committee system.

The Senate also heard, this past week, from the distinguished Senator from Maryland [Mr. TYDINGS]. With precision and insight, he pointed out the pitfalls and loopholes of S. 2171 as it was written and reported. He pointed out a very important omission in the bill which would, as he said so well, result in the fact that those who represent the position of Communist China in this country in trying to subvert this country would not be brought under the control of the Subversive Activities Control Board.

The distinguished Senator from Ohio [Mr. YOUNG], in his own inimitable and convincing style, made a strong case against Senate enactment of S. 2171.

In addition these opponents of Senate passage of S. 2171 were joined by other respected Members of the Senate: the able senior Senator from Minnesota [Mr. MCCARTHY] and the distinguished senior Senator from Pennsylvania [Mr. CLARK].

I am grateful for all these contributions to the discussion of S. 2171. The people of the country likewise should be grateful. Without their thoughtful contributions, we would have had no record, no statements, no information on the pending legislation.

My own position throughout debate on the bill has been that the Attorney General will not use the Dirksen proposal because of constitutional defects. Consequently, I believe that the adoption of the Mansfield-Proxmire amendment will lead inexorably to the abolition of the Board.

At the heart of this whole issue is personal freedom in the United States and every individual's sacred safeguards guaranteed by our Bill of Rights. In my view, the death of this Board will contribute significantly to the preservation and enlargement of freedom in the United States.

Some good friends have expressed misgivings about the amendments serving to encourage the initiation of sham proceedings before the Board in order to comply with the language of the amendment.

I do not share that fear. I have confidence in Attorney General Ramsey Clark, the highest legal officer of the U.S. Government, and his dedication to our traditional freedom and cherished personal liberties.

The Attorney General of the United States will not be party to a hoax or a sham. I am confident that he will not use any of the powers conferred by S. 2171 to initiate patently unconstitutional cases before the Board.

I say that because, at least in my view, these cases are patently unconstitutional, in any event, and the restraints of the Constitution and constitutional considerations are likely to restrain the Attorney General on the basis of his demonstrated belief in civil liberties.

I am confident that the Board will receive its death sentence today from the Senate by adoption of the Mansfield-Proxmire amendment to S. 2171. I am likewise confident, or I could not in good conscience cosponsor the Mansfield-Proxmire amendment, that the Attorney General will not commute that death sentence, but rather will enforce it.

Mr. President, I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DIRKSEN. Mr. President, I yield myself such time as I require.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIRKSEN. Mr. President, first I should like to read into the RECORD the letter I received from the Attorney General under date of October 16, 1967.

It reads:

DEAR SENATOR DIRKSEN: You have asked me what course of action the Department of Justice will follow in enforcing S. 2171 should it become law.

The bill provides the Attorney General "shall file . . ." proceedings with the Subversive Activities Control Board under the

standards set forth. If it becomes law, S. 2171 will be enforced. Proceedings will be initiated with the Board as evidence warrants, consistent with the Constitution and the standards of the Act.

Sincerely,

RAMSEY CLARK.

Mr. President, I asked the Attorney General for a letter, and that is the letter that he sent. And I think it is fully adequate to my purpose and fully adequate so far as the matter of the Subversive Activities Control Board is concerned.

If one goes to the trouble to read the Internal Security Act of 1950, he will discover that there is no mandate on the time picture is and how much time I The language of the act is very plain. It says, "if the Attorney General has reason to believe." Of course, he can file or not file a petition. He may never have reason to so believe. That, of course, under the act, is his privilege and his right. I have an idea that that discretionary power is going to be taken care of also before we get through.

Mr. President, perhaps I should inquire of the Chair as to exactly what the time picture is and how much time I have.

The PRESIDING OFFICER. The time under the control of the distinguished senior Senator from Illinois is 44 minutes as of now, and the time under the control of the majority leader, the distinguished senior Senator from Montana, is 49 minutes as of now.

Mr. DIRKSEN. I thank the Chair. We have had comment on the many statements that have been made on the floor concerning whether communism as such is an imminent, clear danger in this country. And those who have the rather naive idea that it is not cite membership figures. However, those membership figures do not include fellow travelers and that other horde of hangers-on that share these ideological views.

I point out also that the membership of the Communist Party in the Soviet Union was just a handful compared to the population of the country. But by brutality, deception, deceit, and by the use of power they subjugated the rest of the people and imposed their will upon them. They then extended their authority into other countries until perhaps 1.5 billion people today are in some way directly or indirectly connected with this ideological wave that has gone into so many corners of the earth.

If I needed to do anything to make it clear, I need only cite what happened in Germany last week when a lieutenant colonel became a defector from the Soviet Union, and there was thereby uncovered several spy rings that eventuated in the self-hanging by a woman who was a member of this spy ring.

It happens not only over there, but also in the United States of America. So, this is a dangerous force in this country. And I am determined, for myself, that there is going to be an instrumentality of Government that is going to deal with it.

I wish Senators would take a flashback to 1933 and examine that exchange of memorandums between Franklin Roosevelt and Maxim Litvinov, the Soviet Commissar after the agreement was signed with all Communist assurances that they would never infiltrate or try to subvert or penetrate our institutions. There was not anything that they were not willing to agree to over their signature.

Why, Mr. President, the ink on that memorandum in November of 1933 was scarcely dry before they began this subversive operation. And it was a little while later that in the House of Representatives we had to set up an instrument to try to deal with it. It has been going on ever since. These are the miners and sappers who are working at American institutions, and there is something about them that is absolutely relentless and unforgiving.

It took 27 years after that time to put the Internal Security Act on the books. It came in 1950, when the late Pat McCarran, of Nevada, was chairman of the Judiciary Committee. That is when it happened. It was in that act that the Subversive Activities Control Board was established. It had one clearcut purpose. It was not designed particularly to put people in jail. It was designed to expose them and to bring them into the light of day, so that their neighbors could see. And when they go around with the tin cup and try to collect money for this purpose, for the advancement of the Communist Party in this country, here, at least, is an exposure that lets people know who they are and what they are trying to do.

That was made abundantly clear by Mr. Philbrick, who became an informant for the FBI after long association with and after long membership in the Communist Party. His testimony is there for anybody who wants to read it.

In the scheme of things and in point of time, comes the Supreme Court and the U.S. circuit court of appeals, in two cases. There it is alleged—and I do not quarrel with the decision—that compulsory self-incrimination is in violation of the Constitution. I will not quarrel with the essence of that decision, nor with the decision of the U.S. circuit court of appeals dealing with individuals. In one case it was an organization; in other cases there were alleged individual Communists. You cannot have them incriminate themselves, under the Constitution. Any student of that document knows that quite well.

But after the Board languished more or less helpless, not because of any laches or negligence on its own part, but because of this court decision, here come proposals, first, to resist curing the act and bringing it in line with the court decisions; second, by a bill introduced to abolish the Board, and, third, by a sustained effort to deny money to the Board.

That is what we had to deal with in the introduction of S. 2171, which I introduced. The bill was designed and is designed to cure the damage done by the Supreme Court.

Now, Mr. President, let us examine what I call the rather picayunish and frivolous arguments of those who have been in opposition to this bill.

First, there is the question of hearings, and it has been alluded to only in the last little while. Well, the chairman of the Senate Judiciary Committee, who is also chairman of the Internal Security Subcommittee, had this to say in remarks that otherwise he would have presented to the Senate. He had been out of town, but now that we are coming to grips with it, there was no particular point in making a speech. But I have it here, and I read from his remarks. There were hearings before the Internal Security Subcommittee. He says:

In this series of hearings the subcommittee held public hearing sessions June 23, 24, 27, and 29, 1966, and on May 2, May 9, May 10, and May 24, 1967. The subcommittee also sent questionnaires to many legal scholars throughout the country and received numerous replies which have been placed in the committee's hearing records.

The subcommittee staff has made various studies and analyses of both internal security laws and court decisions with respect to such laws.

Well, there are hearings, about 10 days of hearings, before the Internal Security Subcommittee.

Now let me refer a little further to the remarks of the chairman. He said:

Accordingly, the Internal Security Subcommittee acted as speedily as possible after the court decisions to bring this situation to the attention of the full committee. The legislation now before the Senate was reported to the full committee as an original subcommittee bill before the end of March—that is, within a few weeks after the decision of the Court of Appeals in the Communist Party U.S.A. case.

The chairman goes further. He says:

This legislation did not receive a bill number until it was introduced by Senator Dirksen as S. 2171. However, the legislation was before the full committee and on full committee agenda from April of this year until it was reported to the Senate.

At this point, Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the committee print of the bill, because I have it here, and I want all the world to see that there was a committee print—obviously undated—but for the purposes of the subcommittee and the full committee.

The PRESIDING OFFICER (Mr. SPONG in the chair). Without objection, the bill will be printed at this point in the RECORD.

The bill is as follows:

[Confidential committee print, Mar. 20, 1967]

S. —

A bill to amend the Subversive Activities Act of 1950 so as to accord with certain decisions of the courts

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Subversive Activities Control Act is hereby amended by adding immediately following paragraph (15), a new paragraph, as follows:

"(16) The findings of fact contained in paragraphs (1) through (15) of this section are reiterated. Recent court decisions involving the registration provisions of this Act make it necessary to enact legislation to accomplish the purposes of such Act without the requirements of registration. Disclosure of Communist organizations and of the members of Communist-action organizations as provided herein is essential to the protection of the national welfare."

SEC. 2. Section 5 of the Subversive Activities Control Act is amended as follows:

(a) By changing that part of subsection (a) thereof beginning with the first word of the subsection and continuing down to subparagraph (1) thereof, so as to read:

"(a) When there is in effect a final order of the Board determining any organization to be a Communist-action organization or a Communist-front organization, it shall be unlawful—"

(b) By changing that part of subparagraph (1) of subsection (a) thereof which precedes (A) so as to read:

"(1) For any member of such organization, with knowledge of notice of such final order of the Board—".

(c) By changing that part of subparagraph (2) of subsection (a) thereof which precedes (A) so as to read:

"(2) For any officer or employee of the United States or of any defense facility, with knowledge or notice of such final order of the Board—".

SEC. 3. Sections 7 and 8 of the Subversive Activities Control Act are hereby repealed.

SEC. 4. The caption to section 9 of the Subversive Activities Control Act is amended so as to read: "RECORDS OF FINAL ORDERS OF THE BOARD; PUBLIC INSPECTION; REPORTS TO PRESIDENT AND CONGRESS."; and

Section 9 of such Act is amended so as to read:

"SEC. 9. (a) The Board shall keep and maintain records, which shall be open to public inspection, giving the names and addresses of all organizations as to which, and individuals as to whom, there are in effect final orders of the Board issued pursuant to any of the provisions of subsections (g) through (j), inclusive, of section 13, or subsection (f) of section 13A.

"(b) Copies of the reports and orders of the Board so issued shall be furnished by the Board to any person upon request and upon the payment of the reasonable costs thereof as then currently fixed by the Board.

"(c) The Board shall submit to the President and to the Congress on or before June 1 of each year (and at any other time when requested by either House by resolution) a report giving the names and addresses of all organizations as to which, and all individuals as to whom, there are in effect such final orders of the Board."

SEC. 5. Section 10 of the Subversive Activities Control Act is amended as follows: the first sentence thereof preceding subparagraph (1) is amended so as to read:

"SEC. 10. (a) It shall be unlawful for any organization with respect to which there is in effect a final order of the Board determining it to be a Communist-action organization or a Communist-front organization—".

(b) The phrase following the colon at the end of subparagraph (1) thereof is amended to read: "Disseminated by , an organization determined by final order of the Subversive Activities Control Board to be a Communist- organization;".

(c) The phrase following the colon at the end of subparagraph (2) thereof is amended to read: "The following program is sponsored by an organization determined by final order of the Subversive Activities Control Board to be a Communist- organization."

SEC. 6. Beginning with (j), all that of subsection (a) of section 11 of the Subversive Activities Control Act down to and including the end thereof is amended so as to read: "there is in effect a final order of the Board determining such organization to be a Communist-action or a Communist-front organization."

SEC. 7. Beginning with (j), all that of subsection (b) of section 11 of the Subversive Activities Control Act down to and including the end thereof is amended so as to read: "there is in effect a final order of the Board determining such organization to be a Communist-action or a Communist-front organization."

SEC. 8. Paragraph (2) of subsection (e) of section 12 of the Subversive Activities Control Act is amended so as to read:

"(2) upon application made by the Attorney General under section 13(a) of this title, or by any individual under section 13(b) of this title, to determine whether any individual is a member of any organization as to which there is in effect a final order of the Board determining such organization to be a Communist-action organization."

SEC. 9. Section 13 of the Subversive Activities Control Act is amended as follows:

(a) By amending subsection (a) thereof so as to read:

"(a)(I) Whenever the Attorney General has reason to believe that any organization is a Communist-action organization or a Communist-front organization, he shall file with the Board and serve upon such organization a petition for a determination that such organization is a Communist-action organization or a Communist-front organization, as the case may be.

"(II) Whenever the Attorney General has reason to believe that any individual is a member of an organization which has been finally determined under this section to be a Communist-action organization, he shall file with the Board and serve upon such individual a petition for a determination that such individual is a member of such organization. Each petition under part (I) or part (II) of this subsection shall be verified under oath, and shall contain a statement of the facts upon which the Attorney General relies in support of his prayer for the issuance of such order."

(b) By amending subsection (b) thereof so as to read:

"(b) Any organization as to which there is in effect a final order of the Board determining it to be a Communist organization, and any individual as to whom there is in effect a final order of the Board determining him to be a member of a Communist-action organization may, not more often than once in each calendar year, file with the Board and serve upon the Attorney General a petition for a determination that such organization no longer is a Communist organization (in the case of organization which has been determined under subsection (a) of this section to be one of the types of Communist organizations) or that such individual no longer is a member of a Communist-action organization, as the case may be. Each petition filed under and pursuant to this subsection shall be verified under oath, and shall contain a statement of the facts relied upon in support thereof. Upon the filing of any such petition, the Board shall serve upon each party to such proceeding a notice specifying the time and place for hearing upon such petition. No such hearing shall be conducted within twenty days after the service of such notice."

(c) By amending that portion of paragraph (2) of subsection (d) thereof which precedes the last sentence thereof so as to read:

"(2) Where an organization or individual declines or fails to appear at a hearing accorded to such organization or individual by the Board in proceedings under subsection (a) of this section, the Board shall, nevertheless, proceed to receive evidence, make a determination of the issues, and enter such order as shall be just and appropriate. Upon failure of an organization or individual to appear at a hearing accorded to such organization or individual in proceedings under subsection (b) of this section the Board may forthwith and without further proceedings enter an order dismissing the petition of such organization or individual."

(d) By amending subsection (g) thereof so as to read:

"(g) If, after hearing upon a petition filed under subsection (a) of this section, the Board determines—

"(1) that an organization is a Communist-action organization or a Communist-front organization, as the case may be, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such organization an order determining the organization to be a Communist-action organization or a Communist-front organization as the case may be;

"(2) that an individual is a member of a Communist-action organization, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such individual an order determining such individual to be a member of a Communist-action organization."

(e) By amending subsection (h) thereof so as to read:

"(h) If, after hearing upon a petition filed under subsection (a) of this section, the Board determines—

"(1) that an organization is not a Communist-action organization or a Communist-front organization, as the case may be, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served upon the Attorney General an order denying the determination sought by his petition, and shall send a copy of such order to such organization;

"(2) that an individual is not a member of any Communist-action organization, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served upon the Attorney General an order denying the determination sought by his petition, and shall send a copy of such order to such individual."

(f) By amending subsection (i) thereof so as to read:

"(i) If, after hearing upon a petition filed under subsection (b) of this section, the Board determines—

"(1) that an organization no longer is a Communist-action organization or a Communist-front organization, as the case may be, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served upon the Attorney General and such organization an order determining that the organization no longer is a Communist-action organization or Communist-front organization as the case may be;

"(2) that an individual no longer is a member of any Communist-action organization, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served upon the Attorney General and such individual an order determining that such individual no longer is a member of a Communist-action organization."

(g) By amending subsection (j) thereof so as to read:

"(j) If, after hearing upon a petition filed under subsection (b) of this section, the Board determines—

"(1) that an organization is a Communist-action organization or a Communist-front organization, as the case may be, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such organization an order denying its petition for a determination that the organization no longer is a Communist-action organization or a Communist-front organization as the case may be.

"(2) that an individual is a member of a Communist-action organization, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served upon such an individual an order denying his petition for a determination that the individual no longer is a member of a Communist-action organization."

(h) By amending subsection (k) thereof so as to read:

"(k) When any order of the Board issued under subsection (g), (h), (i), or (j) of this section becomes final under the provisions of

section 14(b) of this title, the Board shall publish in the Federal Register the fact that such order has become final, and publication thereof shall constitute notice to all persons that such order has become final."

SEC. 10. The seventh sentence of subsection (a) of section 14 of the Subversive Activities Control Act is amended so as to read: "If the court shall set aside an order issued under subsection (j) of section 13, it may, in the case of an organization, enter a judgment requiring the Board to issue an order determining that such organization no longer is a Communist-action organization or Communist-front organization, as the case may be, or in the case of an individual, enter a judgment requiring the Board to issue an order determining that such individual no longer is a member of a Communist-action organization."

SEC. 11. Section 15 of the Subversive Activities Control Act is amended so as to read:

"SEC. 15. (a) In the case of any organization which by proceedings under section 13(a) prior to the date of enactment hereof has been finally determined by the Board in carrying out its duties under subsection (e) of section 12, to be a 'Communist-action organization' or a 'Communist-front organization', and as a result of such determination has been ordered to register, the Board shall forthwith modify its previously issued registration order as may be necessary to conform such order to the provisions of section 13(g) hereof, and shall forthwith include such organization on the record maintained under section 9: *Provided, however,* That nothing in this subsection shall be construed so as to prevent any such organization from filing a petition as provided in subsection (b) of section 13.

"(b) In the case of any proceeding pending before the Board on the effective date of this enactment the Board and the Attorney General are authorized to proceed in accordance with the provisions of this Act as herein amended. No suit, action, or other proceeding lawfully commenced prior to this enactment in any court of the United States shall abate by reason of this enactment. The court in any such case may allow such motion or supplemental pleadings as may be necessary to conform the litigation to the provisions of this Act as amended."

Mr. DIRKSEN. So there were hearings, plenty of hearings, before the Internal Security Subcommittee, and a committee print from which to work, and then it went to the full committee, and there it had to take its chances.

In connection with this measure, a resolution was adopted by the subcommittee, and it is signed by every one of the 10 members. I read it into the RECORD:

Resolved by the Subcommittee on Administration of the Internal Security Act and other Internal Security laws, That the attached original bill be reported favorably to the Committee on the Judiciary with a recommendation that such bill, together with the proposed report attached thereto, be reported favorably to the Senate.

Who signed that resolution? Senator EASTLAND, Senator DODD, Senator MCCLELLAN, Senator ERVIN, Senator BAYH, Senator SMATHERS, Senator HRUSKA, Senator DIRKSEN, Senator SCOTT, and Senator STROM THURMOND.

So, you see, the bill is very honestly and very properly here. I wanted that noted for the RECORD.

I go further, Mr. President. There has been much talk that the Attorney General has not appeared before the committee. Well, let us see whether or not the Attorney General was summoned to come before the committee. I think I have his letter here somewhere, if I can find it among these papers. But there was a letter addressed to the Attorney General of the United States, dated April 13, 1967. This is it:

Hon. RAMSEY CLARK,
Attorney General, Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: Enclosed is an original bill reported to the Committee on the Judiciary from its Internal Security Subcommittee, together with a Confidential Committee Print of a proposed report approved by the Subcommittee and recommended for transmission by the full Committee to the Senate.

At its meeting today the Judiciary Committee voted to call upon the Department of Justice to advise the Committee, in time for consideration by the Committee at its meeting next week, whether the department objects to the enactment of this proposed legislation.

Because of the time factor, it is requested that the department's report be expedited and submitted to the Committee not later than Tuesday, April 18th.

Best personal regards and all good wishes,
Sincerely,

JAMES O. EASTLAND.

Mr. President, what more do you have to do today to get an Attorney General to come before a Senate committee? He did not come. We told him time was of the essence and we said we wanted the matter expedited. We did not hear from the Attorney General. He did not see fit to come before a Senate committee. That is his business, not mine, but at least the country will know he was asked to come up and he decided he would not do so.

So I guess that should dispose of the business of the Attorney General and his being summoned to come before the committee.

Now, among other things, I see that the distinguished Senator from Maryland [Mr. TYDINGS] had a good deal to say in the course of the debate on October 18. Senator TYDINGS contended that the bill "contains a massive loophole through which some of the most dedicated and dangerous Communists today will escape the exposure this amendment is supposed to provide."

Mr. President, I did not know that he had such solicitude, and it astonishes me not a little. According to him this loophole arises from his belief that the world Communist movement has changed and that it is no longer directed by the Soviet Union.

It may well be that the time will come when Congress can investigate the need for further amendments so as not to bring within the provisions of the statute other but as yet undefined categories of organizations. However, this does not mean that there is not a continuing and most grave danger from the groups operating in this country under the direction of the Soviet Union. This whole matter was thoroughly gone into by the Assistant Attorney General in charge of the Security Subdivision in the Department of Justice, in a memorandum written on behalf of the then Acting Attorney General, the Hon. Ramsey Clark, that was filed in the U.S. District Court in the matter of *W. E. B. Dubois Clubs of America, and others,* v. *Ramsey Clark, and others,* civil action 1087–66.

I could read, I suppose, pertinent items into the RECORD from this memorandum but instead of that I shall submit the entire memorandum and let it speak for itself. At this point, in connection with my comment on what the distinguished Senator from Maryland had to say, I submit and ask to have printed in the RECORD this action filed in the District Court in the District of Columbia entitled *W. E. B. Dubois Clubs of America, and others, plaintiffs,* v. *Ramsey Clark, and others, defendants,* Civil Action No. 1087–66.

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

IN THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA W.E.B. DUBOIS CLUBS OF AMERICA, ET AL., PLAINTIFFS, *v.* RAMSEY CLARK, ET AL., DEFENDANTS—CIVIL ACTION NO. 1087–66

REPLY MEMORANDUM FOR THE DEFENDANT ATTORNEY GENERAL

This memorandum is submitted in reply to the Supplemental Memorandum for plaintiffs submitted pursuant to leave granted by the Court at the hearing on January 27, 1967.

Plaintiffs' Supplemental Memorandum appears to be devoted to the proposition that the "world Communist movement" referred to in Section 2 of the Act is no longer "monolithic" and that, for that reason (apparently that single reason) the Act is no longer constitutionally valid. For this plaintiffs cite the opinions of a number of public figures.

Of course, Section 2 does not use the term "monolithic". It does say (Sec. 2(4)), "The direction and control of the world Communist movement is vested in and exercised by the Communist dictatorship of a foreign country". Nor do "direction and control" necessarily imply exclusive direction and control and Sections 2(4), (5), and (6) clearly do imply that there is and will be in the future more than one "Communist dictatorship".

In the language of Sections 2 Congress recognized that the facts it described, and on the basis of which it acted, would change from time to time, perhaps even from year to year. Not all the facts recited in the Section are equally significant or equally related to the purpose of the legislation. That purpose was the protection of the United States against the evils sought to be brought about by the Communist movement. It would be far-fetched to an extreme to assume that, if and when, another nation than Russia, became a leader of a dissident group of Communist nations, that that fact should invalidate the Act, even when the ties and relationship between the Communist Party, U.S.A., and the Soviet Union remain the same. Changes in descriptive or background facts and details should not be held to nullify an Act of Congress.

The significant fact is that appellants make no attempt even to claim that the relationship between the Communist Party, U.S.A. and the Soviet Union and the Party in the U.S.S.R. have changed at all. That relationship was the motivating factor for the Act.

If the question as to the nature or control of the world Communist movement "is at least debatable" the decision is clearly one for Congress. "The inquiry must be restricted to the issue whether any state of facts either known or which could reasonably be assumed affords support" for the legislation. *United States* v. *Carolene Products Co.,* 304 U.S. 144, 154.

A similar argument, with respect to the same legislative findings of fact, now made

by plaintiffs, was made to a three-judge district court in this District in 1963 in the case of *Flynn* v. *Rusk*, 219 F. Supp. 709. The Court there quoted the Supreme Court's language in *Communist Party* v. *Subversive Activities Control Board*, 367 U.S. 1, at 94–95:

"It is not for the courts to re-examine the validity of these legislative findings and reject them. See *Harisiades* v. *Shaughnessy*, 342 U.S. 580, 590. They are the product of extensive investigation by Committees of Congress over more than a decade and a half. Cf. *Nebbia* v. *New York*, 291 U.S. 502, 516, 530. We certainly cannot dismiss them as unfounded or irrational imaginings. See *Galvan* v. *Press*, 347 U.S. 522, 529; *American Communications Assn.* v. *Douds*, 339 U.S. 382, 388–389."

The three-judge court in *Flynn* went on to state the rule as enunciated by the Court of Appeals for the District of Columbia Circuit in *Communist Party* v. *S.A.C.B.*, 93 U.S. App. D.C. 66, 223 F.2d 531, 565 (1954): "The rule as we understand it, is that, if it appears Congress has power over the subject matter of a statute and if the findings of fact are not baseless but are based upon extensive investigation, the courts are to adopt those findings."

The Act under immediate consideration was passed in 1950 based on the legislative findings of Congress promulgated after years of receiving evidence as to the nature of the international Communist movement, its characteristics, methods of operation, and objectives. Since that time this country has been engaged in two wars, first, in Korea and now currently in Viet Nam, both for the purpose of stemming the tide of international Communism. In 1962 we experienced the Cuban missile crisis, brought on by the efforts of the Soviet Union to establish a missile capability within 100 miles of the United States.

Ever since the passage of the Act in 1950, Congress has had the standing committee, the House Un-American Activities Committee, and the Internal Security Subcommittee of the Senate Judiciary Committee, charged with the responsibility of gathering information on a continuing basis to keep the Congress apprised of the extent and nature of Communist activities generally. These committees, of course, have made and continue to make numerous reports which discuss the continuing threat of Communism. See, for example, the Annual Report for the Year 1965 of the House Committee on Un-American Activities, House Report No. 1928, 89th Congress, Second Session. And see also Senate Committee print entitled "The Tricontinental Conference of African, Asian, and Latin American Peoples", a staff study prepared for the Subcommittee to Investigate the Administration of the Internal Security Act and other Internal Security Laws of the Committee on the Judiciary, United States Senate.

The Senate staff report just referred to concerns itself with a conference which took place in Havana, Cuba on January 3, 1966, which is characterized by the report as "probably the most powerful gathering of pro-Communist, anti-American forces in the history of the Western Hemisphere." The report points out that the Soviet delegation, consisting of forty delegates, was the largest at the conference. "Asian countries were represented by 197 delegates while African countries had 150, and the 27 Latin American groups comprised 165 delegates".

Pages one and two of the Senate staff report state the following:

"Salient aspects of the Conference are evidenced as follows:

"The public posture of international communism since the fictitious burial of the Communist International has been that it does not engage in subversion or violence. At the Havana Conference, all pretense of nonintervention in the affairs of other nations was dropped, and the delegates, under Moscow leadership, openly committed themselves to the overthrow by violence of all those governments which do not meet with their approval.

"The Conference established a Communist-dominated general headquarters to support, direct, intensify, and coordinate guerrilla operations in Africa, Asia, and Latin America.

"Gave communism a subversive leverage surpassing anything it has heretofore possessed. Bringing into the Conference fold militant leftist and nationalist movements from many countries (which, while themselves not Communist, share the antipathy of the Communists towards the West and towards the United States, and support the Communist-backed "wars of national liberation").

"Havana was selected as the headquarters for international subversion and guerrilla operations, thus making a de facto situation de jure in international Communist circles.

"Immediately following the Conference, the Latin American delegations met and, after reviewing the problems of 'revolutionary tactics and strategy,' unanimously voted to establish a parallel regional organization, to be known as the Latin American Solidarity Organization (OLAS), with its permanent headquarters in Havana.

"Moscow elbowed the Chinese Communists out of the No. 1 position to emerge as the undisputed controlling force in the new international apparatus of subversion.

"On the ideological plane, however, Maoism emerged triumphant, as the speeches of the delegates and the resolutions of the Conference attest.

"Castro, who has heretofore sought to straddle the fence between Moscow and Peiping, has now openly alined himself with Moscow.

"The actions taken by the Conference point to the immediate and massive intensification of terrorism and guerrilla activity throughout the Americas, as well as in Asia and Africa.

"The Communists were able to get the varied leftwing and radical-nationalist participants in the conference to designate United States 'imperialism' as enemy number one in every continent.

"The gravity of the threat posed by the Tricontinental Conference was the subject of a recent study prepared by the Special Consultative Committee on Security of the Organization of American States at its sixth regular meeting. Its study concluded:

"That the so-called first Afro-Asian-Latin American Peoples' Solidarity Conference constitutes a positive threat to the free peoples of the world, and, on the hemisphere level, represents the most dangerous and serious threat that international communism has yet made against the inter-American system.

"It is necessary and urgent, for the purpose of adequately defending democracy:

"a. That the (proven) intervention of communism in the internal affairs of the American Republics be considered an aggression, since it constitutes a threat to the security of the hemisphere.

"b. That the American governments define their position regarding the present treatment of every kind to be given to communism, and that they consequently adopt coordinated measures that will lead to the common goals."

Since it is clear, in the language of Justice Frankfurter in the *Communist Party* case, *supra*, that the legislative findings of the Internal Security Act of 1950 cannot be dismissed as "unfounded or irrational imaginings" and since it is also clear that for a decade and a half Congress has not seen fit to repeal or modify the statute, though continuously apprised by its investigative committees of the current nature of the Communist movement, the legislative findings are binding on the courts.

It should also be noted in this connection that the Internal Security Act of 1950 created the Subversive Activities Control Board for the purpose of holding the administrative hearings required by the Act. The appropriations necessary to continue the operation of the Board have, of course, been made from year to year by the Congress, which in and of itself is sufficient indication that the Congress continues to regard the legislative findings of fact contained in the 1950 Act as being of continuing vitality. See *Brooks* v. *Dewar*, 313 U.S. 354, 361; *Fleming* v. *Mohawk Co.*, 331 U.S. 111, 116, 118; *Swayre & Hoyt Ltd.* v. *United States*, 300 U.S. 297, 301–303.

J. WALTER YEAGLEY,
Assistant Attorney General.
KEVIN T. MARONEY,
BENJAMIN C. FLANNAGAN,
Attorneys, U.S. Department of Justice.
Attorneys for the Defendant Acting Attorney General.

CERTIFICATE OF SERVICE

I certify that today I served the foregoing Reply Memorandum for the Defendant Attorney General on plaintiffs by mailing, postage prepaid, copies of said Memorandum to David Rein, Esq., 711—14th Street, N.W., Washington, D.C., and William Kunstler, Esq., 511—5th Avenue, New York, New York, and to the defendant members of the Subversive Activities Control Board by mailing, postage prepaid, copies to Frank R. Hunter, Jr., Esq., 811 Vermont Avenue, N.W., Washington, D.C.

KEVIN T. MARONEY,
Attorney for the Defendant
Acting Attorney General.

Mr. DIRKSEN. Mr. President, I think that will dispose of that.

Now, the distinguished former Attorney General of the United States, who was not a little unvehement when he addressed the Senate on this subject last Tuesday in opposition to the bill, purported to speak authoritatively and with knowledge. And why should he not? After all, he has been the Attorney General of the United States.

The trouble is that the distinguished Senator from New York, one time distinguished Attorney General of the United States, made some erroneous statements of fact, and his speech is misleading in many parts. I am certain there was no intent on his part to win over any Senator by deception or misstatement, but I am duty-bound to call out what I think are the errors that were made.

The bill will disclose to the American people those groups and individuals who seek to destroy our form of government. It does so merely by eliminating from the existing law the unconstitutional requirement that after the Board has determined an organization or individual to be of a type covered by the law, such group or person must register with the Attorney General. Otherwise, the existing law remains unchanged.

As the former Attorney General knows, or should know, determinations are made by the Board only upon petitions that have been submitted by the Attorney General and on the basis of evidence presented in open hearings by attorneys for the Department of Justice. Most, if not all, evidence presented by those attorneys is furnished by witnesses and documents obtained through the investigatory activities of the Federal Bureau of Investigation. None of this is changed in S. 2171. It is a simple bill.

Now the former distinguished Attorney General builds his case on the er-

roneous premise that S. 2171 turns the Board into a solely investigatory body. The true fact is that the board has never had authority to investigate and will not have under S. 2171.

Under present law the Board has the duty, as I have said, to determine on petition of the Attorney General, and after full and open hearings, whether an organization or individual is, in fact, a type defined in the act. The Senator from New York knows, or having been the Attorney General he should have known, that the basic purpose of the Internal Security Act of 1950 is, and I say must remain, to combat communism by disclosure.

It is true that the Federal Bureau of Investigation knows who most of the Communists are in this country. This, however, does not do the public any good when they are solicited to join or support some group with high-sounding motives but which is actually a front for the Communist Party.

The Federal Bureau of Investigation has a room full of files on the subject. Surely they know but they do not disclose that information. What is the public to do when some organization under a very fancy and glossy name comes around to solicit memberships and the average citizen, perhaps is taken in a little by the fancy and high-sounding name until he discovers what it is all about.

Mr. President, I had that happen on a number of occasions when certain constituents came to talk to me. One or two in particular had some talent, some energy, and some knowhow, and they wanted jobs in the Federal Government. If there were jobs, I was quite willing to help them. We advanced one of them along because he was an attorney. Then, I discovered he was a member of a front organization, so I had to hale him into my Chicago office. I said, "Look at that file. Is that true?

He said, "It is true."

I said, "Why didn't you say so?"

"Well," he said, "Senator, if the truth has to be known, my wife likes to join these organizations for the social prestige that is involved, and that is how I got into it."

I said, "Yes, and you did not tell me."

So, we see, that is the way it goes, including members and soliciting funds. The FBI knows, but the public does not. This bill is designed to bring about exposure.

It does not do college students any good when they are asked to join a group on the campus which is operating behind a false facade in an effort to indoctrinate our youths and make Communists out of them.

I say tell the American public which groups are Communist or are being run by Communists and we can depend on our citizens to remain loyal to their country and not support or be deceived into supporting those groups. The former Attorney General distorts this well conceived and fully lawful way of controlling the spread of the tenacles of communism. He says that those of us who favor S. 2171 are seeking to deceive the American people into believing that the law will assist the FBI or the Attorney General in dealing with espionage and sabotage—S. 14896.

I will not embellish this type of attack on the motives of the many Members of the Senate who have indicated support of S. 2171 by pointing out the completely erroneous nature. I say merely that I have full confidence in the ability of the FBI to apprehend and of the Department of Justice to obtain the convictions of those who violate the criminal laws relative to sabotage and treason. The Subversive Activities Control Act is not a criminal statute. Contrary to the apparent views of the Senator from New York, the act does have a strong preventive effect. The more the growth of Communist influences in this country is limited by exposure it is fundamental that there is less likelihood of sabotage.

Commonsense tells us that the security of the country is not preserved by apprehending someone after he has blown up a munitions plant. It perhaps should be added that in August 1966 the then Solicitor General of the United States, now an associate justice of the Supreme Court, stated in a brief filed in the Supreme Court that—

> The existence of criminal statutes dealing with acts of sabotage and espionage in defense plants could properly be regarded as inadequate protection for these vital facilities.

A distorted theme throughout the former Attorney General's speech was that the Department of Justice and the FBI have not received any information from the Board in 17 years that had not been uncovered in other ways. Again, he knows or should know that the purpose of the Board proceedings is not to obtain information for the FBI. Just the reverse, the purpose of Board determinations is to make available to the American people such facts about the Communist conspiracy as have been obtained by the FBI and can be established by a due process hearing and according to settled legal principles. These include the right of any group or individual to confront those who furnished information to the FBI so as to assure a full and true disclosure and not be termed Communist on incomplete or insufficient facts.

It would take too much of the Senate's time to go through Senator KENNEDY's speech and point out all of the erroneous statements. He questions the legality of the definition of a Communist-action organization because of vagueness when the Supreme Court has already and specifically upheld the definition against that specific attack. He implies that the Board imposes the sanctions which apply to organizations once they have been determined to come within the act. This is not true. The sole function of the Board, I repeat, is to hold hearings and make determinations on the facts when petitioned to do so by the Attorney General.

How wrong can one who should know be when he says, and I quote, "The Internal Security Act contains a number of sanctions which the SACB would still be apparently free to impose on those whom it investigates." The fact is that the sanctions, such as denial of employment with the Federal Government to those who remain members of a Communist-action organization after the organization has been determined to have that status, are completely separate and apart from the disclosure aspects for which the Board holds hearings. Moreover, the statute specifically provides that the enforcement of the sanctions is by the Department of Justice. The Board plays no part in enforcement.

Finally, a few words on the smokescreen which the Senator from New York has joined in attempting to build around S. 2171. This is the myth that the bill should be sent back to committee for further hearings.

On May 24, 1967, the Internal Security Subcommittee of the Senate Committee on the Judiciary completed intensive hearings on the subject of "Gaps in Internal Security Laws." S. 2171 is an outgrowth of those hearings at which many expert witnesses testified. S. 2171 closes one of the gaps that was emphasized during the hearings. It closes a strictly legal gap, not one based upon the need for findings of additional facts. It closes the gap pointed out by the Supreme Court. It does so in the way suggested by the court of appeals.

Mr. ALLOTT. Mr. President, will the Senator from Illinois yield for a few questions?

Mr. DIRKSEN. Yes, I am happy to yield to the Senator from Colorado.

Mr. ALLOTT. I am speaking with regard to section 15 of the present act. The present amendment purports to amend only subsections (a) and (b) of section 15 and leaves out the penalty provision of subsection (c) of the present act.

I have a minor amendment which I think would take care of that. I should like to inquire if it is the intention of the distinguished Senator from Illinois to leave out the penalty provision of subparagraph (c) of section 15.

Mr. DIRKSEN. That was the desire of the Board, because they are going right back on one thing and only one thing; namely, exposure. The penalty provision must be read in light of the fact that the original act was compulsory. Insofar as registration is concerned, if they were contumacious about it, and would not register, obviously a penalty would have to be invoked. But, I have followed the advice of the Board with respect to that.

I would much prefer that that kind of amendment not be submitted.

Mr. ALLOTT. Then, to make it perfectly clear, this is not due to any legislative drafting oversight. The Board would rather get away from the penalty provision of section 15(c) of the present act because of recent court decisions, is that not correct?

Mr. DIRKSEN. Yes. Simply because we cannot compel them to register.

Mr. ALLOTT. I notice also, that the pending bill purports to delete the term "Communist infiltrated organizations" from section 5 of the present act. I am sure that this was a conscious decision, but it seems to me that some of these particular organizations are the very kind which, under the guise of some high sounding name, solicit money from unwitting people to finance their activities.

Is it true then that this term was left out for essentially the same reason, that is, that it was not thought enforceable?

Mr. DIRKSEN. To make absolutely certain that there was clear conformity in every respect with the decision of the courts, so that the Board would not be hamstrung in its endeavors.

Mr. ALLOTT. It was the Senator's feeling that if this was included, it might conflict with the finding of the Supreme Court and render the complete constitutional character of the Board, as the Senator envisioned, void; is that correct?

Mr. DIRKSEN. It could be. I cannot pass on it absolutely, as the Senator knows.

Mr. ALLOTT. I do not know. The Senator's decision might be as good as the Supreme Court's decision.

Mr. DIRKSEN. Well, there, I am afraid, the Senator might flatter me.

Mr. ALLOTT. I was really more concerned about dropping the penalty provision of subsection (c) of section 15 of the present act. Since this is a Senate bill, however, it may be possible, either in the House or in the conference committee, to work that part over.

I do have a short statement I should like to make with respect to the blil.

Mr. DIRKSEN. Just let me comment on what the Senator has said about the House.

Mr. President, there were 50 identical bills actually introduced in the House on the subject. The House committee has acted on H.R. 12601. That bill has 49 sponsors. They can have only 50 under the House rule.

Now, I understand it is a far more drastic bill than what we are seeking in the Senate. But there will be action in the House, just as surely as I stand in this Chamber in shoe leather. Then, of course, the outside frame of those two bills will become the domain of Congress. There will be plenty of time to include other items if there is any necessity to do so.

I have one other thing——

Mr. ALLOTT. I appreciate very much the Senator's answers.

Mr. DIRKSEN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement on the attitude of the Veterans of Foreign Wars and two articles published in Stars and Stripes; a release from the Veterans of World War I; two releases from the American Legion; a release from the Military Order of the Purple Heart, a letter from the Congressional Medal of Honor Society of the United States; a telegram from the national director of legislation of the Disabled American Veterans; a release from the Catholic War Veterans; a resolution of the Paralyzed Veterans of America; an article published in the Washington Evening Star on August 16, 1967; an article published in the Washington Post on August 16, 1967; an article published in the Baltimore Sun on August 16, 1967; an article published in the Washington Daily News of August 16, 1967; an article published in the New York Times on August 16, 1967; an article written by James J. Kilpatrick, who is a syndicated columnist, which was published in the Washington Evening Star on August 15, 1967; and an article published in the Washington Evening Star on July 30, 1967, in the nature of a book review on a book entitled "Road to Revolution," written by Philip Abbott Luce.

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

[A news release from the Veterans of Foreign Wars of the United States]

VFW SUPPORTS SUBVERSIVE ACTIVITIES CONTROL BOARD

WASHINGTON, D.C., July 24.—The National Commander-in-Chief of the Veterans of Foreign Wars, Leslie M. Fry, Reno, Nevada, today announced "full support of the U.S. government's Subversive Activities Control Board."

Commander Fry said the V.F.W.'s action is necessary "because the present effort to discredit or abolish the Board has already been seized upon in the continuing efforts of Communist elements in this country to do just that."

In his statement the V.F.W. Commander noted that the present attack on the Subversive Activities Control Board followed the President's appointment and the Senate's confirmation of Mr. Simon McHugh, formerly of the Small Business Administration, as one of the Board members.

"The McHugh appointment, which has been confirmed by the Senate, is incidental to the issue of the compelling need for the continued existence and functioning of the Subversive Activities Control Board," Commander Fry said. "Those who are out to destroy this anti-Communist government agency are simply using the McHugh issue as a pretext and smoke screen for their attack on the Board."

Amplifying the V.F.W. position, Commander Fry said, "we of the V.F.W. vigorously support the Subversive Activities Control Board because it is needed in the interests of the defense of our government. This Board is the only agency in the Executive Branch of the government for determining and informing the American people as to the identity of Communists and other subversive groups working for the destruction of our government."

Continuing, Commander Fry emphasized: "It is no mere coincidence that this attack on the Board comes at this very time when the Board is putting the public spotlight on the W. E. B. DuBois Clubs which have been agitating so viciously against our Nation's stand against Communist aggression in Vietnam.

"Obviously, if the enemies of the Subversive Activities Control Board are successful in destroying the Board, they will be successful in protecting the DuBois club organization and its reported pro-Communist activities aimed at the American Youth.

"We of the V.F.W. believe that the citizens of our country are entitled to know who those are who are trying to destroy our country. This is a primary and necessary function of the Subversive Activities Control Board.

"To cut its appropriation or eliminate it would assist the Communists and handicap patriotic Americans."

Continuing, Commander Fry said, "the V.F.W. believes that instead of the Board being undercut or destroyed when it is so critically needed, it should be strengthened. At the present time," he pointed out, "there are two bills pending before Congress to strengthen the functions and status of the Board. These bills, essentially the same, have been introduced by a total of about 50 Democrats and Republicans. This underlines the non-political nature of the support of the Board.

"The V.F.W. takes this position for a very basic reason. At a time when American fighting men are dying to resist Communist aggression in Vietnam, we must keep our faith with them by resisting Communist subversion at home.

"It is the purpose of the Subversive Activities Control Board to help our citizens in this sacred endeavor. Our citizens must not be deprived of their right to know who the Communist elements are. The American people are entitled to have this information, which they can get only through the existence of the Subversive Activities Control Board."

[From the Stars and Stripes, Aug. 10, 1967]

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SMOKE SCREEN

"The McHugh appointment which has been confirmed by the Senate, is incidental to the issue of the compelling need for the continued existence and functioning of the Subversive Activities Control Board," Commander Fry said. "Those who are out to destroy this anti-Communist government agency are simply using the McHugh issue as a pretext and smoke screen for their attack on the Board."

Amplifying the VFW position, Commander Fry said: "It is no mere coincidence that this attack on the Board comes at this very time when the Board is putting the public spotlight on the W. E. B. DuBois Clubs which have been agitating so viciously against our Nation's stand against Communist aggression in Viet Nam.

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BOARD NEEDED

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"The VFW takes this position for a very basic reason. At a time when American fighting men are dying to resist Communist aggression in Viet Nam, we must keep our faith with them by resisting Communist subversion at home.

"It is the purpose of the Subversive Activities Control Board to help our citizens in this sacred endeavor. Our citizens must not be deprived of their right to know who the

Communist elements are. The American people are entitled to have this information, which they can get only thru the existence of the Subversive Activities Control Board."

[From the Stars and Stripes, Aug. 24, 1967]

SUBVERSIVE CONTROL BOARD WINS SUPPORT OF VFW

Francis W. Stover, National legislative director of the Veterans of Foreign Wars, testified before the House Un-American Activities Committee on Aug. 17 relative to amendments to the Internal Security Act of 1950.

Stover cited the position of the VFW in the following statement:

By way of introduction, the membership of the Veterans of Foreign Wars of the U.S. is near an all-time high—almost 1,400,000. Our membership has always deeply concerned itself with the menace of Communism and all other subversive organizations, whose declared intent and purpose has been to violently overthrow our Government by any method or means, which they may deem appropriate.

It was this kind of background and history which led our membership to strongly support the creation of the Subversive Activities Control Board in 1950. It will be recalled that the purpose of the establishment of this Board was to reveal to the American people the Communist front, Communist-infiltrated organizations, and the members of the Communist organizations because such groups and persons, according to the findings of the Congress, constituted a real and continuing danger to our National welfare. Again the VFW lent its fullest support when legislation amending and enlarging the scope of the Board was approved by the Congress in 1954.

It has come as a shock to our organization to learn that legislation has been introduced in this 90th Congress which would abolish this Board. We welcome, therefore, the legislation which is before you which will continue to allow the Board to carry out the purpose and intent of the Congress when it established this Board.

Our organization is controlled almost exclusively by the mandates adopted by the delegates to our most recent National convention. Many of our members were cognizant of the lack of activity of the Subversive Activities Control Board when our convention was held in New York City, August, 1966—just about a year ago. As a result of this concern over the weakening of the Internal Security Act which had shrunk the jurisdiction of this Board, our organization adopted a resolution, identified as No. 268 entitled "To Strengthen Internal Security Act", which reads as follows:

Whereas, decisions of the United States Supreme Court have greatly weakened the Internal Security Act of 1950; and

Whereas, the Veterans of Foreign Wars was one of the sponsors and strong supporters of the Internal Security Act and amendments thereto since that time; and

Whereas, the Veterans of Foreign Wars has always led the fight to expose and identify Communists and others who would undermine and destroy our Government and way of life; and

Whereas, there is now pending in the 89th Congress a bill, H.R. 16584, which would greatly strengthen and improve the Internal Security Act and overcome the decisions of the Supreme Court which have greatly weakened the Internal Security Act; now, therefore

Be It Resolved, by the 67th National convention of the Veterans of Foreign Wars of the United States, that the Veterans of Foreign Wars supports H.R. 16584 and works for its advancement and approval by the Congress.

Pursuant to this resolution, together with a host of other resolutions, which indicates the great concern of our organization with Communism and its threat, both external and internal to the American way of life, we strongly support the purpose and intent of the bills before this Committee.

We do not come here as experts but only to lend our support to legislation which will make the Board effective in registering Communists and other subversives, as defined in this legislation, so that the American people can know who they are and to what extent they are a danger or threat.

It cannot be emphasized too much that the Subversive Activities Control Board is the only agency in the Executive branch which has the authority to provide this type of information to the American public.

The Board, however, does not operate in the dark—behind closed doors. On the contrary, it provides a full and fair hearing if there ever was one. It is a quasi-court which can hear and decide cases only after they have been brought before the Board by the Attorney General of the United States. All hearings are public. Like a court proceeding, there are reporters who keep a stenographic record of all that is said and copies of the hearings are printed. The Board, before it makes its decision, must make written findings of fact and conclusions of law. Lastly and most important, any final decision or order by the Board is subject to judicial review and when appealed the Board's orders cannot become effective until they have been reviewed and sustained by the court.

During the past 17 years, this Board has performed a magnificent contribution in exposing Communists and others of the same ilk as defined by the Internal Security Act. Unfortunately, the language of the Act has been construed on several occasions to be in conflict with the Constitution, which has greatly diminished the jurisdiction of the Board and apparently has been a great deterrent to the Attorney General in bringing more cases before the Board. Coupled with this are the long and lengthy appeals which have kept the orders of the Board tied up in the courts for long periods during which it was inadvisable to proceed with similar or other cases until a final decision had been handed down by the court.

The fact that there has been little activity on the part of the Board is the most compelling reason that this legislation should be favorably considered and reported by this Committee. Something is wrong with the present law and should be remedied as quickly as possible. Because there haven't been any or many cases before a court of law doesn't mean that we want to destroy or eliminate the court. Rather we want to strengthen the court. Similarly, we want to strengthen the Board so that it can do the job Congress intended back when it established the Board in 1950.

[A news release from the National Headquarters, Veterans of World War I, U.S.A., Inc., July 25, 1967]

William H. Walker, National Commander of the Veterans of World War I of the U.S.A., Inc., defends the organization known as the Subversive Activities Control Board, currently under attack and investigation by the Congress.

Commander Walker stated, "In these perilous times, when our Nation is engaged in a mighty struggle against Communism in a country half-way around the world, as well as uprisings of devious nature right here in our own United States, surely a group born and created to control subversive activities is needed more than ever."

The Veterans of World War I fought against principles not unlike those practiced by subversive groups today, and agree that such groups now agitating against our Nation's stand on Communism should be made known to the people of our country, and this is the work of the Subversive Activities Control Board, an agency hamstrung in its efforts up to the present time, but one that is direly needed to help us safeguard the things we hold most dear.

"It is our understanding that there are measures now before the Congress," said Commander Walker, "which would open the way for this group to work more effectively, and this organization supports such legislation."

"Surely," continued the Commander, "the abolishment of the Subversive Activities Control Board, an agency of the executive branch of the government for determining and informing the American people of the identity of Communists and other subversive groups working for the destruction of our government, is definitely not in the best interest of this country. We of the Veterans of World War I vigorously support the Subversive Activities Control Board because we feel its need in pointing out subversive influences whose purpose it is to destroy our government which we have defended and are defending on fields of battle to this day."

[A news release from the American Legion, National Public Relations Division]

NATIONAL COMMANDER OF THE AMERICAN LEGION, JOHN E. DAVIS, DEFINES LEGION OPPOSITION TO CURRENT EFFORTS TO ABOLISH THE SUBVERSIVE ACTIVITIES CONTROL BOARD, NOW BEFORE THE CONGRESS

WASHINGTON, D.C., July 25, 1967—John E. Davis (N.D.), National Commander of The American Legion, said today "The American Legion supports the Subversive Activities Control Board and believes that current efforts to abolish it are not in the best interests of this country."

Commander Davis pointed out that the American Legion supported the enactment of the Internal Security Act of 1950 which established the SACB and that the Legion's position has not changed.

Commander Davis said that the criticism directed at the Board by its opponents to the effect that the Board has accomplished little if anything since its creation "is unfair." The SACB is governed by the statute establishing it, he said, and it cannot act unless requested to do so by the Attorney General. The Board is not a free agent. The Board's alleged lack of accomplishments over the years, Commander Davis emphasized, has been due to time consuming litigation in the courts by those called to appear before the Board and the resulting court decisions declaring portions of the statute unconstitutional. The attempts by the Board to require the Communist Party of the United States to register with the Board and its current effort with respect to the WEB DuBois Clubs of America "are prime examples," the Commander said.

"At the present time," Commander Davis said, "legislation is pending in the House to amend the Internal Security Act of 1950 so that the unconstitutional features will be eliminated and at the same time permit the Board to function as Congress intended it to do."

The Commander said "at a time when the Communist Party of the United States is accelerating its activity on the campuses of American universities, and elsewhere, it would be an injustice to the American public to eliminate the SACB which Congress established for the purpose of making a public record of these subversive activities."

[From the AMVETS National Headquarters]

STATEMENT BY AMVETS' NATIONAL COMMANDER A. LEO ANDERSON, ISSUED JULY 25, 1967

AMVETS' National Commander A. Leo Anderson on behalf of his organization today strongly urged the support of the bipartisan measures presently before Congress which are intended to provide the Subversive Activities Control Board with the requisite authority to permit its functions as originally intended by the U.S. Congress.

This Board is the only existing arm of the Executive Branch of the Government charged with the responsibility of scrutiniz-

ing and recommending specific action against subversive groups and activities whose aim is the destruction of the internal security of this Country.

Commander Anderson said, "When each day reveals ever more clearly the probable existence of a 'Fifth Column' directly working against our Country's policies in the Vietnam Conflict and its strong stand in foreign policies all over the world, we believe that the Board should be strengthened in its authority to function more effectively than ever.

"The sudden emergence of local pressure for the Board's abolishment at a time when well organized 'Fifth-Column-type' terror and public disorder is taking place is too much of a coincidence to pass unnoticed.

"The growing violence and malicious destruction of property and disregard of the lives and safety of the average citizen reveals the type of communistic guerrilla tactic which has become familiar throughout the world."

Anderson recommends most strongly the continuation and enlargement of the authority of the Subversive Activities Control Board to permit it to function in the preservation of the Nation's Internal Security in the crisis which is obviously here today.

Anderson said, "I firmly believe that it is the duty of every citizen to make known his support of the Board so that we may keep faith with our young men fighting in Vietnam and in other troubled areas throughout the world, by maintaining here at home the constant vigilance required to assure peace and tranquillity despite the planned activities by subversive organizations attempting to weaken the support required to carry out our National policies to successful conclusions."

STATEMENT FROM THE MILITARY ORDER OF THE PURPLE HEART, JULY 25, 1967

The National Commander of the Military Order of the Purple Heart, John H. Burgess, Daytona Beach, Florida, today gave his "unqualified" endorsement and support to the U.S. Government Subversive Activities Control Board (SACB).

"With the threat of Communism spreading throughout the world and the new militancy of the communists in Asia, Africa and even South America, the American people require the services of this Board," Commander Burgess said.

"There has been a concerted effort to discredit the SACB," Commander Burgess pointed out. "Even reputable newspapers have referred to the panel as useless. However, recent Supreme Court rulings have played a large part in making the Board ineffective. Pending now before Congress are two bills which would correct the wording of the law under which the Board operates, and return it to its former status."

Commander Burgess contended that the American people deserve to know what organizations are Communist or serve as a Communist-front. "Only through the actions of the Board appointed in 1950 by Congress have the American people been alerted to the actions of some organizations which front as patriotic while serving, what Commander Burgess termed, "two masters."

"There is a continuous alert that must be maintained by our people and our Government against those who would destroy our way of life and replace it with foreign allegiance to Communist power. The Subversive Activities Control Board has been able to accomplish this task."

"With the ruling by the Supreme Court that the SACB was violating the Constitution by requiring Communists to register, the SACB has been stymied to a degree in its work of protecting this nation from Communist infiltration."

"With our active effort in South Viet-Nam against Communist aggression, we here at home have a new obligation to fight this threat within our own nation," Commander Burgess said. "I feel that the SACB has done an outstanding job, and I am sorry to see their hands tied by the recent court rulings. However, the new bills pending in Congress, if passed, will restore the SACB to its former position of vigilance and protector of democracy."

CONGRESSIONAL MEDAL OF HONOR SOCIETY, UNITED STATES OF AMERICA, CHARTERED BY THE CONGRESS,
July 26, 1967.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The Congressional Medal of Honor Society would like to express its support for the work being done by the Subversive Activities Control Board. The Board's efforts to protect the security of our Government and the peace and tranquillity of the American way of life should not go unrewarded. We trust that the Board will be permitted to continue effectively for years to come.

Respectfully yours,

THOMAS J. KELLY,
President.

DENVER, COLO.,
July 29, 1967.

JOHN MAHAN,
Chairman, Subversive Activities Control Board, Washington, D.C.:

The preconvention National Executive Committee meeting of Disabled American Veterans has just unanimously passed the following resolution whereas the price of liberty is known to be eternal vigilance and whereas freedom is threatened by communist aggression abroad and communist inspired subversion at home and whereas our Government has the responsibility to fully inform the people of the existence of their enemies wherever they may be found so they can effectively resist enemy activities at home as our men in uniform are deterring them overseas therefore be it resolved by the National Executive Committee of the Disabled American Vets that the U.S. Subversive Activities Control Board be supported in its patriotic endeavors to investigate and publicize those internal subversive groups and organizations which seek the destruction of our Government and be it further resolved that the Subversive Activities Control Board be strengthened in whatever way is necessary so it may continue to perform its work effectively in the vital interest of the defense of our Nation.

CHARLES L. HUBER,
National Director of Legislation, Disabled American Veterans.

[A news release from the Catholic War Veterans, Washington, D.C., July 25, 1967]

The National Commander of the Catholic War Veterans, U.S.A., today threw the weight of his organization "in support of the U.S. government's Subversive Activities Control Board."

"It has become obvious," Commander Riley said, "that a deliberate campaign is under way to discredit the SACB in an attempt to destroy its effectiveness."

"This must not be allowed to happen. It is vital that this Board continue its important work of identifying and exposing those in our nation who are actively working to destroy our government."

We of the Catholic War Veterans recognize that America's enemies are not always to be found on the battlefield. The danger from within is as great as that from without. We must always be on guard against those foreign-controlled political groups, or Communist-dominated or infiltrated groups that seek to overcome us through subversion.

The disbandment of the Subversive Activities Control Board would be a victory, indeed, for those elements which operate in darkness and flourish in secrecy. They cannot thrive in the light of public exposure, and so they resist any disclosure of their activities and any revelation of their purposes.

The Catholic War Veterans, therefore, not only vigorously oppose any weakening of the Subversive Activities Control Board but also urge Congress to reinforce its ability to function effectively by passing the amendments now pending before it.

It is important that the SACB be allowed to continue its work. The people have a right, for example, to be told more about the activities of the W.E.B. DuBois Clubs, which the Catholic War Veterans assisted in exposing, which have so flagrantly opposed our nation's commitment against the forces of Communist aggression in Vietnam. And, it is this organization which the Board now is investigating.

As the sole Executive agency charged with identifying subversive groups operating in America today, the Subversive Activities Control Board is vital to the interests of the defense of our government.

We strongly support its continued operation and vigorously commend its purposes.

Since this organization exposed the DuBois group, we would be glad to provide you with such data as we have collected.

RESOLUTION

Whereas, our nation is engaged in a conflict against forces of aggression in Vietnam; and

Whereas, that battle is recognized as but part of our continuing struggle against a world-wide Communist conspiracy to crush freedom wherever it may exist; and

Whereas, our nation has an obligation to those men and women who have fought for her liberty in the past and who defend her principles today to expose those who seek to subvert her from within, as well as to resist those who threaten Democracy from without; therefore

Be it resolved by the 21st National Convention of the Paralyzed Veterans of America, that the U.S. Subversive Activities Control Board be supported, strengthened and continued so that it may effectively perform its vital task of identifying and publicizing those subversive groups and organizations in our nation who actively work to destroy our government.

[From the Washington (D.C.) Evening Star, Aug. 16, 1967]

STRONG SUPPORT WON BY SUBVERSIVES BOARD

The Subversive Activities Control Board, target of an abolition campaign among some members of Congress, has picked up strong support within three important Senate and House committees and from the Justice Department.

In a fast round of developments yesterday:

1. The Senate Judiciary Committee approved, 11–2, a bill sponsored by Senate Minority Leader Everett M. Dirksen of Illinois to strengthen the board by allowing it to identify subversives without requiring their formal registration.

2. The House Committee on Un-American Activities opened public hearings on a bill even stronger than the Senate measure, amid indications it would be reported to the floor by an overwhelming majority.

3. Several members of the Senate Appropriations subcommittee which must approve the SACB's budget request indicated they would support the agency's proposal for $295,000 in operating funds for the current year.

4. J. Walter Yeagley, assistant attorney general for internal security, told the Appropriations subcommittee that he "certainly could not support anything in favor of abolishing the board" because "it has performed a valuable public service."

Yeagley, representing the Justice Department at the hearing, was the first adminis-

tration official to comment publicly on the board's future since the SACB became the center of a controversy almost one month ago.

The dispute was the result of President Johnson's nomination of Simon F. McHugh Jr. to a five-year term as one of the five board members. McHugh, 29, was named to the $26,000-a-year post less than one year after he married the former Victoria McCammon, a one-time personal secretary to the President.

Several members of Congress charged that McHugh's White House connections were his only qualification for the job. They demanded abolition of the board on grounds it had not held any hearings in the last 22 months.

Sen. William Proxmire, D-Wis., only critic of the SACB to appear before the Appropriations subcommittee yesterday, called on it "not to appropriate one penny" for the board because "its powers are virtually defunct and its annual activities add up to little more than zero."

Proxmire said it was "time to call a spade a spade—the SACB is dead and any threat to our society from communism can be handled legally and effectively by the police, such federal agencies as the FBI and the courts of this nation."

However, several subcommittee members disagreed. Senate Major Leader Mike Mansfield of Montana acknowledged that "little has been done over the past several years" but added:

"I think it should be enlarged in its responsibility and authority. If that is not done, then it seems consideration should be given to its abolition, but I think the SACB should be kept alive pending a determination by Congress."

Even stronger support for the agency came from Sen. Roman L. Hruska, R-Neb., who said: "The Communist conspiracy should be exposed and identified," and from Sen. John L. McClellan, D-Ark., who said: "We are finding alibis by the dozen not to do anything about lawlessness in this country."

The board was established in 1950 to hold hearings on complaints filed by the Justice Department alleging that an individual or organization was engaged in Communist or Communist-front activities. If an affirmative finding was reached, the law required registration of the person or group involved.

[From the Washington Post, Aug. 16, 1967]

UNIT VOTES BILL TO KEEP LIFE IN DORMANT SACB

(By Jean M. White)

The Subversive Activities Control Board, which has not held a hearing for nearly two years, may emerge with new life from recent moves to abolish it.

Yesterday the Senate Judiciary Committee approved a bill that will keep the Board in business with changes designed to comply with Supreme Court decisions.

The Board would still continue to hold quasi-judicial hearings on cases referred by the Department of Justice and issue findings for public exposure of Communist and Communist-front organizations. But the proposed legislation abolishes the registration requirement declared unconstitutional by the Supreme Court under Fifth Amendment protection against self-incrimination.

MANSFIELD BACKS MOVE

At a hearing before a Senate Appropriations subcommittee, Senate Democratic Leader Mike Mansfield (Mont.) backed the move to revitalize the SACB and "fill the void left by the courts."

He called for legislation along the line of the Judiciary Committee-approved bill, which was introduced by Sen. Everett M. Dirksen (R-Ill.).

His comment came as the subcommittee heard from Sen. William Proxmire (D-Wis.), who wants to abolish the SACB, which was created under the 1950 Internal Security Act.

Proxmire urged the subcommittee to cut every penny possible out of the SACB's request for $295,000. He said "its annual activities add up to little more than zero" and its five Board members, who receive $26,000 a year, are "virtually unemployed."

SPOTLIGHT ON ACTIVITIES

The move to abolish the SACB came after the spotlight was thrown on its activities by the furor over the recent appointment of Simon F. McHugh, Jr., to the Board. He is the husband of a former secretary to President Johnson.

It was apparent yesterday that many of the subcommittee members did not agree with Proxmire that the answer was to abolish the Board since it was stripped of most of its power by Supreme Court decisions.

Sen. John L. McClellan (D-Ark.), the subcommittee chairman, sharply questioned Proxmire on the Wisconsin Senator's suggestion that the Board's activities be transferred to the Justice Department. McClellan expressed doubts about the Justice Department's conducting hearings on charges that it filed.

Support for the SACB also came from a Justice Department official. J. Walter Yeagley, Assistant Attorney General in charge of the Internal Security Division, said the Board has proved useful in public exposure of Communists and their organizations.

At one point, McClellan asked Yeagley whether Stokley Carmichael can be prosecuted for anti-American speeches made in Havana.

Yeagley said it was his personal opinion that Carmichael's statements could not be proved a clear and present danger within the meaning of Federal law since the Black Power leader was talking to Cubans.

On the House side yesterday Rep. Joe Pool (D-Tex.) introduced a constitutional amendment to empower Congress to designate certain acts as a cause for revocation of citizenship.

[From the Baltimore Sun, Aug. 16, 1967]

BOOST IS GIVEN BOARD FOR SUBVERSIVE CONTROL—SENATE JUDICIARY PANEL VOTES NEW POWER FOR GROUP MANY HAVE SOUGHT TO ABOLISH

(By Nathan Miller)

WASHINGTON, August 15.—The Senate Judiciary Committee voted 11 to 2 today to give new life to the Subversive Activities Control Board—under fire since President Johnson named the husband of his former secretary as a $26,000-a-year member.

Under the bill introduced by Senator Dirksen (R., Ill.) the board's function would be to expose Communists and Communist organizations by holding hearings on charges brought by the Justice Department.

The Internal Security Act of 1950, under which the board was set up, would be amended to eliminate a requirement that groups found to be Communist register with the Justice Department. This procedure was ruled illegal by the Supreme Court in 1965.

PUBLIC EXPOSURE

Dirksen's bill is designed to conform to the Court decision while preserving a means of publicly exposing Communists.

Sanctions against members of such organizations would be triggered by the board's findings instead of the registration order.

Among the major sanctions are requirements that members of such organizations cannot work in designated defense areas and cannot work for the Federal Government unless they disclose their membership.

Senator Tydings (D., Md.) and Senator Edward Kennedy (D., Mass.) voted against the bill.

The spotlight was put on the board's lack of activity by the appointment of 27-year-old Simon F. McHugh, Jr., and his nomination which was whisked through the Senate.

Board members had complained that the Supreme Court decision had immobilized it, and there have been numerous demands that Congress abolish it, most recently from Senator Proxmire (D., Wis.).

BACKED BY MANSFIELD

Today Proxmire called upon a subcommittee holding hearings on a $330,000 budget request for the board to "slash every cent possible from this wasteful extravagance. . . . It is as if we had a full-time, five-man court without a single case before it, and none likely to come."

But Senator Mansfield (D., Mont.), the majority leader, told the same subcommittee that the activities of the board should be "enlarged in authority" by congressional action.

On the House side, the Committee on Un-American Activities, which also began hearings on the registration bill, was told by Representative Hall (D., Mo.) that the measure would help McHugh "earn his salary"

He urged that in addition to concentrating on Communists the bill should broaden the board's activities to coverage to require registration of "those who preach murder, riot, sedition and anarchy"

[From the Wall Street Journal, Aug. 16, 1967]

The Subversive Activities Control Board would be put back into action under a bill approved, 11–2, by the Senate Judiciary Committee. Under the measure, introduced by GOP Leader Dirksen, the board would issue findings on whether organizations were Communist-dominated, but such groups wouldn't have to register with the Government. The board has been largely dormant since such registration was held unconstitutional. Some have suggested abolishing the board.

[From the Washington Daily News, Aug. 16, 1967]

SUBVERSIVE CONTROL BOARD GETS SHOT IN ARM

The Senate Judiciary Committee voted yesterday to give new life to the dormant Subversive Control Board. A similar bill was considered in the House.

The board came under congressional attack recently when President Johnson appointed to it a new member, Simon F. McHugh, husband of one of his former White House secretaries.

Critics not only questioned Mr. McHugh's qualifications but said his $26,000-a-year salary was a waste of money because the board had virtually nothing to do since the Supreme Court had ruled that it was unconstitutional to require subversive groups or persons to register themselves with the Government.

But the Senate Committee approved legislation yesterday to permit the board to hold hearings on Justice Department charges that certain persons are affiliated with communist or other subversive groups.

If they are found subversive, the board under the bill could order sanctions against them, such as prohibiting them from working in defense areas or from holding Federal jobs unless they openly disclose their membership.

The bill, introduced by Sen. Everett M. Dirksen, was approved 11 to 2. It was opposed by Sens. Edward M. Kennedy (D., Mass.), and Joseph D. Tydings (D., Md.).

[From the New York Times, Aug. 16, 1967]

SUBVERSIVE CONTROL BOARD MAY REMAIN ALIVE—SENATE PANEL VOTES AGAINST ABOLISHING AGENCY—HOUSE UNIT STUDIES SECURITY ACT

WASHINGTON, August 15.—The Senate Judiciary Committee voted today to revive the

activities of the Subversive Activities Control Board rather than abolish the agency.

The action came as the House Committee on Un-American Activities opened hearings on similar legislation designed to reactivate the Internal Security Act of 1950, which the Supreme Court has rendered virtually inoperative.

The Senate legislation would bypass restrictions placed on the board by three Supreme Court decisions by amending the Internal Security Act to eliminate from the board's jurisdiction the authority to issue orders requiring Communist-affiliated groups to register with the Justice Department.

The board would retain its authority to hold hearings on charges brought by the Justice Department and, if it finds that any groups are Communist, Communist-dominated or Communist-infiltrated, to expose them publicly.

PROXMIRE ASKS SLASH

The committee vote of 11 to 2 came after Senator William Proxmire urged an Appropriations subcommittee, which is considering a $330,000 budget request for the board, to "slash every cent possible from this wasteful extravagance."

House committee hearings on a bill introduced by Edwin E. Willis, of Louisiana, the chairman, and others, appear to be calling for action similar to the Senate legislation.

The House bill would require the board to determine the identity of members of Communist organizations and would require the Attorney General to enter these names in the public register.

"Instead of requiring the member of register we would require the Attorney General to keep a list." "If I had been a member of the Supreme Court I too would have held that admitting to be a Communist is so degrading that a person should not be compelled to admit it."

ALLUDES TO PUBLICITY

Mr. Willis also said the bill would give the five-member Subversive Activities Control Board, which administers the act, something to do. He alluded to recent publicity concerning President Johnson's appointment of Simon F. McHugh Jr., the husband of a former secretary to the President, to the board at a salary of $26,000 a year.

"It disturbs me no end to hear people holler politics and go after the hide of the S.A.C.B.," Mr. Willis said. "It is not the fault of the S.A.C.B. that it is not busy"

The first witness, Representative Durward G. Hall, Republican of Missouri, suggested that the legislation be broadened to include the registration of all those "who in fact preach murder, riot, sedition and anarchy."

"In the past few years we have observed the emergence of a new type of subversive organization, the militant, violent orientated racist groups which advocate guerrilla warfare within our cities," he said.

Mr. Willis agreed that "subversive elements are far broader than Communists" but reminded Mr. Hall that the committee would go into subversive elements involved in racial rioting in separate hearings that will begin later.

He noted that the committee staff had been investigating subversion in racial disorders for 10 months.

"We are going to hold hearings and let the chips fall where they may," Mr. Willis said.

During the hearing, a group called the National Committee to Abolish H.U.A.C. distributed copies of a critique of the bill by Vern Countryman, professor of law at Harvard.

Mr. Countryman wrote that the bill would "drastically abridge freedom of speech" and was "patently inadequate to overcome the constitutional and operational defects in the McCarran Act, though they may inspire the members of the board to restir themselves for a new round of harassing but ultimately bootless activity."

[From the Washington (D.C.) Evening Star, Aug. 15, 1967]

NEW BILL MAY GIVE SACB FRESH LEASE ON LIFE

(By James J. Kilpatrick)

The Subversive Activities Control Board, or what little remains of it, occupies a pleasant suite on Vermont Avenue. From the spacious windows of their paneled offices, the board members can catch a nice glimpse of Lafayette Square. It is about all they have to look at.

Created by Congress in 1950, the board today is just about defunct. In the 17 years of its precarious existence, the agency has dealt with only 68 proceedings. Its orders languish unobeyed. The last petition it received from the attorney general, directed against the W.E.B. Du Bois Clubs, was filed in March 1966. The board has not conducted an evidentiary hearing in more than two years.

As the workload has declined from nil to nothing, the staff has dwindled sadly. Once the board had two hearing examiners; now it has none. Thirteen employes have been riffed, as the saying goes, in the last two years. Apart from the five board members, each of them drawing $26,000 a year, only nine employes remain. They rattle around in the empty offices, contemplating the puzzles of 21-down and 14-across, and praying that Congress will bring the agency back to life.

Bills now pending in the House and Senate would have that effect. The House Committee on Un-American Activities has scheduled hearings this week on one of these measures, sponsored jointly by 25 Democrats and 25 Republicans. Peering through the smoke of this summer's riots, one perceives a strong probability that the bill will pass.

In my own view, the bill ought to pass. Given a workable law, with a reasonable prospect of surviving court attack, the Subversive Activities Control Board is capable of performing a useful job. Here and there in the country, one may encounter a few children who doubt the existence of an internal Communist conspiracy. Grown men know better. In his just-published book, "Road to Revolution," former Communist Phillip Abbott Luce has provided chilling documentation of a danger that is real and not imagined.

Under existing law, the SACB is helpless to cope with the danger. The 1950 act was based on a scheme of registration. The board was to receive petitions from the attorney general, asking that organizations and individuals be tagged as Communist; if so, they were to register as such. But in a series of decisions, dragged out over 17 years, the courts now have declared the registration requirement void

In place of this requirement, the pending bills contemplate a new procedure. The board could not order anyone to do anything. It could only hear evidence and come to "determinations." If the board determined that an organization was a Communist front, or so deeply infiltrated that it was under Communist control, the board would issue a pronouncement to that effect. The stigmatized organization thereafter would have to identify its propaganda, in the fashion of foreign agents, with a notation of the SACB's finding.

There is reason to believe this scaled-down procedure might win approval from the U.S. Supreme Court. In its 5–4 decision of 1961, suspending the registration plan, the court seemed to agree that once the objection of self-incrimination was removed, a federal disclosure law might well be upheld.

Such an approach likely would command strong support in Congress. Senator Everett M. Dirksen, R-Ill., last month made it clear that he would not stand by quietly "and see the board shoved into limbo." Veterans' groups are clamoring for the board's continued existence. The general feeling on the Hill is to abolish the SACB or give it something to do. Every Molotov cocktail contributes to the board's rising prospect for survival.

As a general proposition, conservatives and liberals alike are opposed to government meddling in private organizations. Such a complaint has no relevance here. These Communist fronts are not private organizations. They are the troublemaking hands and arms of the international Communist apparatus. A Congress dedicated to truth-in-labeling should not hesitate in giving the SACB new power to pin on some labels where the people can see them.

[From the Washington (D.C.) Star, July 30, 1967]

NEW WHITTAKER

("Road to Revolution." By Phillip Abbott Luce. Viewpoint Books 165 pages. Paperback, $1)

Already called the "Whittaker Chambers" of his generation, Phillip Abbott Luce has chosen an appropriate time for the publication of his second book, "Road to Revolution."

In the midst of 1967's "long hot summer," Luce has provided us with a first-hand report of the perspective in which such events are held by Communists, to whom they are "rebellions," and not riots. Beyond this, his message is an alarming one. It describes in great detail, and with thorough documentation, the plans for guerrilla warfare in the streets of our cities already devised by domestic radicals.

Phil Luce at 29 is a former leader of the "New Left," organizer of two student trips to Cuba in 1963 and 1964, an officer of the Progressive Labor Party and editor of its monthly magazine, Progressive Labor, until his defection in January, 1965. He has written about his experiences in his first book, "The New Left," and one of the major reasons for his disillusionment with communism came when he found himself "involved in a series of plans in which the participants had no idea of the consequences . . . I left when it became obvious that the individual lives of the members of PL, let alone society, meant less than an abstract Communist catechism as envisioned by the 'gurus' of the movement." According to Luce his defection ranks him "somewhere near President Johnson and J. Edgar Hoover" as the "most maligned enemy" of PL.

STORED GUNS

Progressive Labor, the pro-Communist Chinese offshoot of the United States Communist Party, passed a resolution at its 1965 national convention stating that "black liberation" was the path for the coming guerrilla war in the United States. "The key to revolution in the United States," the convention declared, "lies within the interlocking interests in the black liberation movement and the working class struggle for socialism."

Just before the Harlem riots of 1964, William Epton, vice chairman of PL, said this to an open air rally: "We will not be fully free until we smash this state completely and totally . . . in the process . . . we're going to have to kill a lot of these cops, a lot of these judges, and we'll have to go against the army." Epton was later tried and found guilty of criminal anarchy.

Luce states: "While I was an officer of PL, I learned of a number of projects in which people where being prepared for a future guerrilla operation. Not only did we store guns in New York City, but target practice was held on Long Island prior to the Harlem riots. I was personally asked to find a hiding place suitable for target practice."

Another of the organizations planning such violent activity is the Revolutionary Action Movement, known as RAM. Max Stanford, leader of the group, said that "the black revolution will use sabotage in the cities—knocking out the electrical power first, then transportation and guerrilla warfare in the

countryside of the South. With the cities powerless, the oppressor will be helpless."

VIOLENCE PLANNED

Luce points to a third organization which, he says, is rapidly becoming a part of this guerrilla movement—the Student Nonviolent Coordinating Committee, no longer either nonviolent or dominated by students. He reports an August 29, 1966 SNCC fund-raising dinner in Harlem that featured an interesting trio of speakers—Stokely Carmichael, then chairman, along with Max Stanford of RAM and William Epton of PL. Carmichael said that in "Cleveland they're building stores with no windows. All brick. I don't know what they think they'll accomplish. It just means we have to move from Molotov cocktails to dynamite." He added: "They say we're stupid and don't do anybody any good and we deserve to be called that, because if we had any sense we'd have bombed these ghettos long ago."

Luce makes it clear that most Negro leaders have condemned the concept of "black power," and the exhortation to violence. As a result, they are as much the targets of violence as the white community. Only recently members of RAM, including Max Stanford, were arrested in an assassination plot. The targets: Roy Wilkins of the NAACP and Whitney Young of the Urban League.

Phil Luce repeatedly stresses that Communists do not begin trouble but take advantage of it, incite it, and exploit it. He understands, as some seem not to, that there are real grievances in the ghettos, lack of jobs, poor housing, inadequate recreation facilities. Yet others tend to minimize the influence of these radical organizations and their very real plans for revolution on our city streets.

In a balanced and provocative volume, he does not blame all evil on "outside agitators." Yet the public should understand the plans which Communists have for our cities. Phase one, as recent violence indicates, has already occurred. Armed with Luce's warning and our own awareness of the problems which must be solved, we may yet be able to avoid phase two.—ALLAN C. BROWNFELD.

Mr. DIRKSEN. Mr. President, I reserve the remainder of my time.

Mr. PROXMIRE. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I am happy to yield to the Senator from Wisconsin.

Mr. PROXMIRE. I should like to ask the distinguished Senator, is it not true that the letter which he received from Attorney General Ramsey Clark states:

> The bill provides the Attorney General "shall file . . ." proceedings with the Subversive Activities Control Board under the standards set forth. If it becomes law, S. 2171 will be enforced. Proceedings will be initiated with the Board as evidence warrants, consistent with the Constitution and the standards of the Act.

I want to ask the distinguished Senator from Illinois, the author of this proposal, if he can conceive of any Attorney General answering this any differently.

Is it not true that, after all, when we ask the Attorney General to enforce the law, that is his job? His job is that of principal enforcing officer of the Government.

He did not say a word about whether he welcomed the bill, or whether the bill would help in the fight against internal communism; but he did say:

> Proceedings will be initiated with the Board as evidence warrants, consistent with the Constitution and the standards of the act.

What we have done, last week, is to place in the RECORD argument after argument by some of the most distinguished constitutional authorities in the country that the law will still have serious constitutional defects.

The law cannot be enforced because it does have those constitutional defects. I submit that when the Attorney General says that proceedings will be initiated consistent with the Constitution, he is not telling us his opinion as to whether or not he feels that he can comply with the Constitution; that he can, in fact, enforce the law, that he will use it.

Mr. DIRKSEN. Mr. President, is this colloquy on my time?

The PRESIDING OFFICER. Yes.

Mr. PROXMIRE. Let the balance of this colloquy be on my time or the time of the majority leader.

The PRESIDING OFFICER. The time from now on will be charged against the Senator from Wisconsin.

Mr. PROXMIRE. During this colloquy.

The PRESIDING OFFICER. Very well.

Mr. DIRKSEN. In the first place, I would not expect the Attorney General to make any reply other than what he made. Had I been the Attorney General, I would have sent the same type of letter: "If you are going to put it on the law books, I will enforce it"; and obviously, within the framework of the Constitution, that must apply to every piece of legislation that goes across this floor.

Mr. PROXMIRE. Exactly. The minority leader is saying that the Attorney General, in reply to the letter of the minority leader, is not telling us whether or not the law will be enforced. He says it will be consistent with the Constitution, but the whole issue is whether this law is consistent with the Constitution.

Mr. DIRKSEN. Why should we ask the Attorney General if he is going to enforce the law? That is our business. If he does not enforce it, the minority leader is going to be around these vineyards to do something about it and take it out of his hands and not leave that discretionary power there.

Mr. PROXMIRE. But our principal business is to determine whether or not legislation we pass is constitutional and can be enforced. The great weakness of the 1950 act is that it did not comply with the Constitution. The minority leader supports the decision of the Supreme Court in the Albertson case. He says he is not arguing with that decision. We made a serious mistake at that time in not seeing to it that the Subversive Activities Control Act did not conform with the Constitution. Congress did not get adequate constitutional advice then. We certainly are not getting it now. And the constitutional authorities who have spoken out unanimously oppose this bill on constitutional grounds.

What I am saying now is that we do not have any assurance from the Attorney General that he believes this bill is in compliance with the Constitution. We should have the Attorney General's opinion on that. After all, he is the principal legal officer of this Government. He is the agent of the President of the United States. If we do not get his view on the record as to whether or not this bill is constitutional, we simply do not know whether we are passing an act which will have any effect.

Mr. DIRKSEN. I thought that was one of the responsibilities of a member of the legislative branch when he goes up to that desk, holds up his hand, and takes an oath to uphold the law and the Constitution. We have as much of an interest in that document as has the Attorney General.

It is rather strange that, in a period of 17 years, only now the question of the compulsory self-registration has come up. If that weakness was there and the former Attorney General who spoke so eloquently, but without logic, in my judgment, on the floor, put any faith in it, why, when he was Attorney General for 3 years, did he not come up here and say, "Abolish the law. Take it off the books. Repeal it"?

Can the Senator recall any moment when the distinguished Senator from New York, when he was Attorney General, came before this body and asked to have this law removed from the statute books? Certainly not. He was a johnny-come-lately in that respect. Only now does he come before us——

Mr. PROXMIRE. May I say to the distinguished Senator from Illinois that the Albertson decision was handed down after Senator KENNEDY was Attorney General. He was a Senator at the time the Albertson decision was handed down. It was only then that the statute was interpreted by the court. It was only then that there was a full opportunity to have a decision made by the court.

Mr. DIRKSEN. The Senator just got through saying that the Attorney General has to determine whether or not he is going to enforce the law, not wait for the Supreme Court. When the Senator from New York was Attorney General, was he not supposed to take cognizance of this law? That is quite aside from the Albertson decision of the Supreme Court and quite aside from the decision in the Second Circuit Court of Appeals.

Mr. PROXMIRE. The Senator knows perfectly well that this case was in the courts for years. The law was being tested. It took a long time to go the route to the Supreme Court. The former Attorney General made the statement that he did not receive one scrap of evidence from the Subversive Activities Control Board that the FBI and the Attorney General did not have. However, I think he was perfectly justified in letting the process work to its ultimate end before recommending to the Congress of the United States that the Board be abolished.

Mr. DIRKSEN. I just got through saying that this is not an investigatory board. That is the FBI's business. This Board, under the law, has to wait for a petition from the Attorney General, and then it acts by holding a hearing and ultimately making a determination.

Mr. PROXMIRE. May I say to the distinguished minority leader that he made a big issue of the argument that hearings were held on the bill; that hearings were held in June, 1966, and May 1967;

that the subcommittee held hearings. The legislation, however, at that time did not have a number. It had not been formally introduced. It was not introduced until August of this year, as I understand it.

May I say that this is very puzzling for a Member of the Senate who is not a member of the Judiciary Committee. As I understand the purpose of hearings, it is to inform Members of this body. The purpose of subcommittees is to have hearings so we can have a legislative record on specific legislation, so we can have copies of the hearings before us. I do not see anything that indicates a hearing was held on this bill. So, however useful it may have been to the Senator from Illinois to have had the hearings of last year, they have not been brought to the attention of Senators on this bill. Senators are not aware of these hearings, and after all this is the whole purpose of hearings to inform Senators who vote on the legislation.

Mr. DIRKSEN. In the first place, it is not unusual practice for the committee to work on other than printed hearings.

Mr. PROXMIRE. It may not be unusual, but why not have the hearings before us? Why the big secret?

Mr. DIRKSEN. May I add that there has been a lack of diligence somewhere along the line, because the hearings are available. I have never had difficulty in obtaining copies of hearings. I do not see any purpose in piling the hearings up high until they look like high-rise buildings. We had the hearings on the poverty bill on our desks. They were so high we could not see around the corner.

Mr. PROXMIRE. For the last week, Senator after Senator has risen in the Chamber and said, "We should have hearings on the proposed legislation." They made the point, over and over again, that we do not have a record on it.

The Senator from Illinois has been silent, until just a few minutes before we shall vote. We are going to vote on final passage today. Under the circumstances, we shall vote without having had anything in the way of a record before any Senator. Merely to say that a subcommittee had hearings on similar legislation last year and this year is not very helpful.

Mr. DIRKSEN. I never have any difficulty in getting hearings and other documents, because they are available. One little call to the clerk of the Judiciary Committee would have unearthed everything that even my distinguished friend from Pennsylvania [Mr. CLARK] wanted.

Mr. PROXMIRE. If the distinguished minority leader, who is as able and competent a legislative craftsman as we have in this body, and who has been a Member of the House and Senate for so many years, feels that those hearings really applied to the bill, I cannot understand why they are not available and brought to the attention of Senators, when day after day the Senator from Pennsylvania [Mr. CLARK], the Senator from Oregon [Mr. MORSE], the Senator from New York [Mr. KENNEDY], and the Senator from Massachusetts [Mr. KENNEDY] have asked, "Where are the hearings?" We have been kept in the dark until now.

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

Mr. DIRKSEN. On the time of the Senator from Wisconsin.

Mr. PROXMIRE. I yield.

Mr. CLARK. I want only a minute or so, since the Senator has been kind enough to mention my name.

It seems to me that my friend from Illinois is in a procedural doghouse. He brought the bill to the floor of the Senate without a report or hearings. I have the feeling that he is trying to muscle it through. I think this sets an unfortunate precedent in this body of decorum and demeanor.

Mr. DIRKSEN. The only response I have is that I hope the Senator will be around sometime when I really try to muscle a bill through the Senate.

Mr. CLARK. I should not think I would need any other experience than this one.

Mr. DIRKSEN. It will be a great adventure, I assure the Senator.

Mr. CLARK. I thank the Senator from Wisconsin for yielding.

Mr. PROXMIRE. Mr. President, I should like to invite the attention of the Senate to the opinions of some of the most competent constitutional experts. They are in addition to those whose names I stated last week.

The first telegram I shall read states:

OCTOBER 17, 1967.

Senator WILLIAM PROXMIRE,
United States Senate, Washington, D.C.:

We believe S. 2171 to revive McCarran Act is unconstitutional, wholly unnecessary, and threatens basic freedoms of thought and expression. We also protest tactics of bills sponsors in attempting rush bill through Senate without hearings.

Professors Donald Trautman, Arthur Sutherland, Jerome Cohen, Charles Nesson, David Cavers, Morgan Shipman, Livingston Hall, Verne Countryman, and Frank Michelman, Harvard Law School, Cambridge, Mass.

The second one reads:

OCTOBER 19, 1967.

Senator WILLIAM PROXMIRE,
Senate Office Building, Washington, D.C.

S. 2171 perpetuates major constitutional and policy defects of Subversive Activities Control Act of 1950. The act as amended would constitute serious threat to freedom of speech and association and would serve no legitimate or useful purpose. This bill should not be enacted without thorough reexamination of entire subject.

NATHANIEL L. NATHANSON,
Professor of Law,
Northwestern University.

This is a telegram from Harry Kalven, Jr., professor of law, University of Chicago, in the Senator's State of Illinois:

On my view Senate Bill 2171 to revive the McCarran Act has great constitutional weaknesses and represents a threat to the climate of freedom in America. These difficulties are aggravated by the fact that it appears to be a wholly unnecessary measure at this time. Moreover, it is most upsetting that a measure of this sort should come to the floor without any public hearings having been held. I hope you will continue in your vigorous opposition to the bill.

This is from Norman Dorsen, professor of law and director of the Arthur Garfield Hayes Civil Liberties Program, New York University:

Seriously concerned over Senate Bill 2171 designed to reactivate Subversive Activities Control Board. If bill passes consequences would be major inroads on freedom of expression and association. This especially harmful during wartime when pressures mount to stifle dissent. Fact that bill might be passed without hearings and opportunity for public criticism. Under score problem posed for all concerned with viable democracy.

This is from Thomas L. Shaffer, professor of law at the University of Notre Dame:

S-2171, HR 12601 promises to retard freedom of speech, thought, and association. Those who are not afraid of a free society applaud and support your courageous fight.

This is from Walter Gellhorn:

I warmly commend you for seeking committee hearings and careful Senate deliberation of Senate bill 2171. The bill seems to me to raise grave constitutional questions that need full exploration the necessity for any additional legislation at this time is highly debatable. In any event great care should be taken to avoid unintended impairment of hard won freedoms.

Finally, Mr. President, a wire from Saul Mendlovitz, professor of law, Rutgers University:

A number of my colleagues and I yesterday sent a telegram to Attorney General stating our opposition to Senate Bill 2171 which would effectively revive McCarran Act. We feel strongly that failure to hold hearings especially when there is good reason to believe the bill is unconstitutional, is highly arbitrary legislation dealing with freedom of expression.

And he specifies other reasons I have already put in the RECORD.

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

Mr. PROXMIRE. I yield.

Mr. DIRKSEN. How did it happen the Senator got seven from Harvard, and only one from Notre Dame?

Mr. PROXMIRE. Well, I am sure there would be more from Notre Dame if we had made an attempt to round up all the support. This was done in a hurry, in a very short period of time.

I should, however, like to ask the Senator from Illinois why he got none out of Notre Dame, none out of the University of Chicago, none out of the University of Illinois, the faculties of all of which, I am sure, are proud of the great Senator from Illinois and his record as minority leader. How does it happen the Senator does not have any telegrams?

Mr. DIRKSEN. In the first place, I did not even so much as turn a little finger to get any.

Mr. PROXMIRE. Neither did the Senator from Wisconsin. These are all unsolicited.

Mr. DIRKSEN. Second, it only goes to show what you can get out of a law faculty today.

Mr. PROXMIRE. Maybe it does; but I submit that the law faculties today are the best repositories of wisdom on the U.S. Constitution; among the best, certainly, together with the courts and the best of the distinguished practicing lawyers throughout the country.

After all, while I have the greatest respect for the veterans' organizations, I have talked with a number of veterans in my State during the past weekend and the weekend before about this issue, and have found a number of veterans in opposition to the distinguished Senator from Illinois, although I agree that there are some distinguished veterans who have wired the Senator supporting his position.

But I submit that when a question of constitutional law is involved, I will take the word of the outstanding constitutional authorities in this country, who have devoted their lives to the problem and have been recognized for their excellence in this area, rather than that of those who have been honored, however well deserved the honor may be, as the heads of veterans' organizations.

Mr. DIRKSEN. Well, I will just wind this up by saying that, after all, it is only a question of how liberal some of these gentry want to be, considering the Communist menace in this country.

Mr. PROXMIRE. May I say to my good friend from Illinois that there is no Senator, I am sure, Republican or Democratic, who is not deeply concerned with the Communist menace. I am sure that the Senator from Illinois is not impugning patriotism.

Mr. DIRKSEN. Oh, no.

Mr. PROXMIRE. We are all concerned with it. But I say we should fight it effectively. We should fight it with people in positions of authority who have competence to fight it, people who have had experience in the FBI, in the Central Intelligence Agency, in Army, Navy, or Air Force intelligence, or in the judicial system of our country, rather than, for example, a person who simply happens to be the husband of the personal secretary of the President of the United States, and who spent 6 months in the Small Business Administration. That is not the kind of man who is in the best position to deal with the threat of internal subversion. We have excellent personnel and organizations for dealing with such matters in the Department of justice, or, for example, in the excellently staffed Internal Security Subcommittees of the Committees on the Judiciary of the House of Representatives and the Senate.

Mr. DIRKSEN. But the Senator wanted to fight it by abolishing the Board. You do not deal effectively with a problem by abolishing the agency set up to deal with it.

Mr. PROXMIRE. Yes, and to transfer its functions to the Attorney General.

Mr. DIRKSEN. But the Senator does not want to have any instrumentality except the Attorney General?

Mr. PROXMIRE. I want an effective instrumentality. I do not want a sinecure, a board that has not controlled a single subversive in this country in the 17 years it has existed and has held no hearings in at least 20 months, which has been idle, wasting the taxpayers' money. I submit that the Mansfield-Proxmire amendment—or the Mansfield-Proxmire-Dirksen amendment, now, since I understand the Senator will support it—which is before the Senate today, will result in a death sentence for the Board, which, in my view, is what the result ought to be.

Mr. DIRKSEN. I ask the Senator to read the last sentence I have asked to have put in that amendment.

Mr. PROXMIRE. I have read the last sentence, and I think it is perfectly all right for Congress to state its legislative convictions on this matter, depending on what the Attorney General does and what the courts decide. But I still say that this will be the death sentence for the Subversive Activities Control Board and the people there who are getting $500 a week each for doing nothing.

Mr. DIRKSEN. And the Senator is greatly concerned about their jobs not being sinecures.

Mr. PROXMIRE. The amendment which I suggested to the majority leader, which is now before the Senate, will either put them to work or end their jobs. I submit that that is a logical position to take.

The PRESIDING OFFICER. Who yields time?

Mr. DIRKSEN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Illinois has 12 minutes remaining.

Mr. DIRKSEN. I yield 5 minutes to the Senator from Colorado.

Mr. ALLOTT. Mr. President, for a moment let us examine just what is proposed by amendment 415 to S. 2171, a bill to amend the Subversive Activities Control Act of 1950, so as to accord with certain decisions of the courts. It is simply this: the possibility that Congress is once more abdicating its responsibility for legislative oversight. Passage of this amendment would establish a procedure whereby the existence of the Subversive Activities Control Board would depend upon publication in the Federal Register by the Attorney General containing his determination as to whether proceedings of hearings had been instituted before the Board from the date of the passage of this amendment to December 31, 1968. The amendment requires nothing with regard to the nature of the hearings or determinations made by the Subversive Activities Control Board during this period. I, for one, would hope that passage of this amendment would not be interpreted as an interest by the Senate to satisfy or silence recent critical pronouncements about the way the Board has been functioning during the past 17 months.

Mr. President, let us not cloud the issue. The issue is not the President's most recent appointment to the Board; the issue is simply how does Congress expect the Subversive Activities Control Board to discharge its responsibilities under the law.

Congress has already spoken on this matter. Section 12(c)—and I think this should be emphasized—requires the Board to file a report at the end of each fiscal year with both Congress and the President stating in detail the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees of the Board, and an account of all moneys it has disbursed.

Mr. President, I suggest that Congress might have precluded the pantomime and travesty which trammels the stature of the Board had it exercised the legislative oversight required by present law. Obviously, the President understood the true status of the Board when he made a $26,000 a year addition to this empty, fossilized shell.

I fear that the Senate may be going further out on a limb with the passage of this amendment when it says to the Attorney General that he may, as of a particular date, tell the Congress, by simple publication in the Federal Register, whether the Subversive Activities Control Board shall continue to exist. Thus, we may be further separating ourselves from the proper functioning of the Board in the discharge of its responsibilities. Even though I shall vote for this amendment, I want to serve notice on the Board that I shall insist on the operation of the law—referring particularly to section 12(c)—by examining in detail the report which is required to be filed by the SACB as of the end of this fiscal year. If it is necessary, I think Congress should make the conscious effort with regard to the demise of the Board. I am going to be watching this question very closely. I shall not be waiting for some publication in the Federal Register to tell me whether or not a congressional creature shall continue to exist.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, the distinguished minority leader talked about hearings before the Internal Security Subcommittee.

It is interesting, as has been pointed out, that the bill was not even introduced until long after those hearings took place. There are more or less continual hearing before the Internal Security Subcommittee. But the distinguished minority leader was unable to specify one single constitutional authority in the country, one professor of law, one judicial expert who supported the bill and stated that it is constitutionally sound.

I do not know what the hearings could have accomplished in 10 days, if they did not do this much.

The bill was introduced because of the decision by the Supreme Court declaring a provision of the law to be unconstitutional. If the hearings had any meaning at all, they would have been largely confined to developing constitutional support for an amendment to the bill.

I point out further that the Senator from Illinois challenged me to name more than one professor from Notre Dame who supported this measure. In the couple of minutes time that have intervened since the inquiry, I have found the names of some others. They are in addition to Prof. Thomas L.

Shaffer, also Prof. Bernard J. Ward, and Prof. Roger Paul Peters. I am sure that I could get many more names, but would probably be unable to do so before we vote on the measure.

Mr. President, I may be ready to yield back the remainder of my time. I would appreciate it if we could wait, however, until the majority leader is present on the floor. It is his amendment, and I should like to ask him a question about it.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally against both sides.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. PROXMIRE. I ask this of the distinguished majority leader: If the amendment should be adopted, as I understand, this bill would go to the House, and it might be referred to the Judiciary Committee in the House or the House Un-American Activities Committee. It is possible that the amendment might not survive in the House, in which event the bill would come back for a conference. I ask the majority leader if he would feel, in view of the fact that it is his amendment—and I anticipate that the amendment will receive strong support in this body—that the Senate should take a very strong position in support of the amendment and recognize that it should be an integral part of the bill and part of the condition under which the bill is adopted by the Senate.

Mr. MANSFIELD. I feel very strongly in the affirmative about what the distinguished Senator has said about the Proxmire-Dirksen-Mansfield proposal. That amendment was offered in good faith. I would expect the Senate conferees to hold firm, and I would hope that it would be referred to the House Judiciary Committee, where I believe it would receive the consideration it deserves, as this measure, I believe, comes within the purview of that committee.

Mr. PROXMIRE. Mr. President, I thank the distinguished majority leader, and I am happy to support our amendment.

Mr. KENNEDY of New York. Mr. President, in the course of his presentation, the distinguished Senator from Illinois made several comments concerning my remarks on the Subversive Activities Control Board. I should like to respond briefly.

The Senator from Illinois asserted that the Board does not have any investigative power. I ask this body to examine section 792(c) of the original act.

That section states that the Board shall hold hearings, that it has the power to "require by subpena the attendance and testimony of witnesses and the production of books, paper, correspondence, memoranda, and other records." Its order to appear is binding—and a refusal to obey that order can be punished by contempt. It must, under the proposal of the Senator from Illinois, make final determinations concerning organizations and individuals. And then findings, supported by subpenas and required records, may subject groups and individuals to a range of civil—and perhaps criminal—sanctions.

In this sense the Board is investigating—even though it is not an FBI or congressional committee. It is in this sense that important questions, both of self-incrimination and associated freedom, arise. And it is in this sense that S. 2171 is inadequate.

The distinguished minority leader further asks why I, an Attorney General, did not come before the Congress and ask for the Board's abolition. As I pointed out twice before on the Senate floor, we tried to implement the act when I was Attorney General. It was after I left that post that the crucial decisions were handed down. It was the failure of these attempts, and the constitutional directives set down in their decisions, that convinced me that S. 2171 is inadequate.

FAVORING ABOLITION OF SUBVERSIVE ACTIVITIES CONTROL BOARD

Mr. YOUNG of Ohio. Mr. President, I will support the Mansfield-Proxmire amendment to give the Attorney General of the United States authority to abolish the Subversive Activities Control Board by 1969 if the Board has, in fact, remained inactive.

In my estimation this is a sensible attempt to place in the hands of the individual responsible for enforcing the legislation, the Attorney General, who has the wisdom and discretion and authority to make a sound and fair judgment at the end of a year as to whether or not the Board is an effective instrument of Federal policy.

Our colleague from Wisconsin should be highly commended for his efforts to work out a compromise with our distinguished majority leader after expressing so forcefully the concern felt by many of us regarding the wisdom of passing the Dirksen bill without hearings or a report from the Attorney General. The solution is by no means a perfect one. Nevertheless, Senator PROXMIRE's efforts to make sure that the Senate gave this hastily reported bill proper consideration before final passage have brought about an amendment that should result in the eventual abolition of the Board. It will result in the death of the Board, in my estimation, with substantial savings to the taxpayers of the United States.

Mr. CLARK. Mr. President, I shall vote today for the Mansfield-Proxmire amendment because I believe it will ultimately bring about the death of the Subversive Activities Control Board. The reluctance of the Attorney General to come out in support of the Dirksen bill, his deep concern over fundamental human freedoms, and his wisdom in interpreting the law, all lead me to believe that he will use the authority conferred upon him by the amendment to abolish the Board.

The amendment itself, in my estimation, is a tribute to the efforts of Senators so involved in debate on this legislation to reach some sort of compromise which will permit us to take up other business. The lengthy debate of last week surely was necessary in view of the failure of the Judiciary Committee to hold hearings on the Dirksen bill, or even to receive a report from the Attorney General. In fact, the wisdom of the debate is demonstrated by this amendment which arose out of a suggestion by Senator PROXMIRE, and was drafted and introduced by the majority leader. I commend the senior Senator from Wisconsin for his leadership, his eloquence, and his exceptional legislative adroitness in achieving this compromise which should be a death warrant for the Subversive Activities Control Board.

Mr. KENNEDY of Massachusetts. Mr. President, I find it somewhat difficult to determine what my vote on the pending motion should be. On the one hand, it might appear that by leaving the future of the Subversive Activities Control Board in the hands of the Attorney General, we are creating a situation where he will be under tremendous pressure to bring cases, whether or not the interests of internal security so require, merely in order to ensure the continued life of the Subversive Activities Control Board. Those who take this view fear that the result might be a witch hunt for subversives between now and the end of 1968.

Upon careful consideration of this matter, however, I am convinced that if the pending bill is passed, it would be better to have it passed with the Mansfield-Proxmire amendment than without that amendment. I am persuaded toward this conclusion by three factors: First, the distinguished majority leader has assured us that if this amendment is included, he will expect and seek insistence on its retention in any conference. Second, I believe that by our action in adopting this amendment, we are making clear that we are surrendering our authority to determine the future of the Subversive Activities Control Board, and we are delegating that responsibility to the Attorney General. As the distinguished minority leader has pointed out, if I understand his remarks correctly, by adopting this amendment we would indicate that we are giving the Attorney General full discretion to bring cases before the Board or not, as he sees fit. That is, he need bring proceedings against any groups or individuals only if he believes that the interests of internal security require such action. If he believes that the interests of internal security can be protected in other ways, that the bringing of proceedings would be superfluous, duplicative, unavailing, or unproductive, and would thus merely require the Department of Justice, the FBI, and the Board itself to incur a needless expenditure of manpower and money, then he can feel fully free just to wait for the expiration of the test period, and then announce his determination that the functions of the Board should be terminated.

The third, and perhaps the most compelling, reason why I am constrained to vote for this amendment, is that I can conceive of no circumstances by which the present incumbent would not continue to hold the office of Attorney General throughout the test period, and until January 10, 1969, the date when the final determination regarding the Board's future would be made by the Attorney General. Having the fullest confidence in the integrity, wisdom, and judgment of the Attorney General, I am convinced that no matter what the pressures, and from whom the pressures came, the Attorney General would not countenance anything resembling a witch hunt. He would certainly be the one who will make the determination as to the necessity for any investigations, petitions, or proceedings, and I am willing to rely on his good faith in making such determinations.

I should point out and emphasize that I oppose the pending bill, and I will vote against it on both procedural and substantive grounds. But again I say, that if this bill is going to be enacted, we are better off adding to it a provision which gives a good Attorney General a chance to terminate the Board's activities if he finds that their continuance is not justifiable.

I think the majority leader and the Senator from Wisconsin should be commended for making possible this significant limitation on what many of us consider an unjustified, but apparently unbeatable, measure.

Mr. DIRKSEN. I yield back the remainder of my time.

Mr. MANSFIELD. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Pursuant to the previous unanimous-consent agreement, there will now be a quorum call. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Washington may be recognized for 3 minutes, notwithstanding the agreement.

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

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION APPROPRIATION BILL, 1968—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12474) making appropriations for the National Aeronautics and Space Administration for the fiscal year ending June 30, 1968, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of October 23, 1967, p. 29596, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MAGNUSON. I move the adoption of the conference report.

The report was agreed to.

The PRESIDING OFFICER. The clerk will state the first amendment in disagreement.

The ASSISTANT LEGISLATIVE CLERK. The House recedes and concurs with an amendment to Senate amendment No. 1, as follows:

In lieu of the sum proposed by said amendment, insert "$3,909,500,000."

The House insists upon its disagreement to Senate amendment No. 2.

Mr. MAGNUSON. I move that the Senate disagree to the House amendment to Senate amendment No. 1; that the Senate further insist upon its amendment No. 2; that the Senate ask for a further conference thereon; and that the Chair be authorized to appoint the conferees.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. ELLENDER, Mr. RUSSELL, Mr. HOLLAND, Mr. PASTORE, Mr. ANDERSON, Mr. ALLOTT, Mrs. SMITH, and Mr. HRUSKA conferees on the part of the Senate, at the further conference.

Mr. MAGNUSON. The two amendments in question probably can be resolved in the conference in a very short time. I hope the House can meet with us tomorrow morning, so that we can then return to the Senate and complete the NASA appropriation bill.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12474) making appropriations for the National Aeronautics and Space Administration for the fiscal year ending June 30, 1968, and for other purposes; that the House receded from its disagreement to the amendment of the Senate numbered 1 to the bill and concurred therein, with an amendment, in which it requested the concurrence of the Senate, and that the House insisted on its disagreement to the amendment of the Senate numbered 2 to the bill.

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.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the Mansfield amendment. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I aning voted in the affirmative). On this vote I have a live pair with the senior Senator from Rhode Island [Mr. PASTORE]. If he were present and voting he would vote "yea." If I were permitted to vote I would vote "nay." I withdraw my vote.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the Senator from Oklahoma [Mr. HARRIS]. If he were present and voting he would vote "yea." If I were permitted to vote I would vote "nay." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from Washington [Mr. JACKSON], the Senator from Oregon [Mr. MORSE], the Senator from Rhode Island [Mr. PASTORE], are absent on official business.

I also announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Indiana [Mr. HARTKE], the Senator from Minnesota [Mr. MCCARTHY], the Senator from South Dakota [Mr. MCGOVERN], and the Senator from Utah [Mr. MOSS], are necessarily absent.

On this vote, the Senator from Washington [Mr. JACKSON] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting, the Senator from Washington would vote "yea" and the Senator from Oregon would vote "nay."

I further announce that, if present and voting, the Senator from Alaska [Mr. GRUENING] would vote "nay."

Mr. DIRKSEN. I announce that the Senators from Kentucky [Mr. COOPER and Mr. MORTON], the Senator from Michigan [Mr. GRIFFIN], the Senator from Oregon [Mr. HATFIELD], the Senators from California [Mr. KUCHEL and Mr. MURPHY], the Senator from Iowa [Mr. MILLER], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from South Carolina [Mr. THURMOND] are necessarily absent.

If present and voting, the Senator from Michigan [Mr. GRIFFIN], the Senator from Oregon [Mr. HATIFIELD], the Senators from California [Mr. KUCHEL and Mr. MURPHY], the Senator from Iowa [Mr. MILLER], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from South Carolina [Mr. THURMOND] would each vote "yea."

The result was announced—yeas 74, nays 2, as follows:

[No. 296 Leg.]

YEAS—74

Aiken	Brewster	Cotton
Allott	Brooke	Curtis
Anderson	Byrd, Va.	Dirksen
Baker	Cannon	Dominick
Bayh	Carlson	Eastland
Bennett	Case	Ellender
Bible	Church	Ervin
Boggs	Clark	Fannin

Fong	Magnuson	Ribicoff
Hansen	McClellan	Russell
Hart	McGee	Smathers
Hayden	McIntyre	Smith
Hickenlooper	Metcalf	Sparkman
Hill	Mondale	Spong
Holland	Monroney	Stennis
Hollings	Montoya	Symington
Hruska	Mundt	Talmadge
Inouye	Muskie	Tower
Javits	Nelson	Tydings
Jordan, N.C.	Pearson	Williams, N.J.
Jordan, Idaho	Pell	Williams, Del.
Kennedy, Mass.	Percy	Yarborough
Lausche	Prouty	Young, N. Dak.
Long, Mo.	Proxmire	Young, Ohio
Long, La.	Randolph	

NAYS—2

Bartlett Kennedy, N.Y.

NOT VOTING—24

Burdick	Harris	Miller
Byrd, W. Va.	Hartke	Morse
Cooper	Hatfield	Morton
Dodd	Jackson	Moss
Fulbright	Kuchel	Murphy
Gore	Mansfield	Pastore
Griffin	McCarthy	Scott
Gruening	McGovern	Thurmond

So Mr. MANSFIELD's amendment was agreed to.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I should like to ask the majority leader, inasmuch as many Senators are in the Chamber, about the possibility of considering the so-called interim resolution with respect to those appropriation bills which have not yet been enacted into law, and whether it is likely it will be considered tomorrow.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, it is my understanding that the NASA and independent offices appropriation conference reports may very well be ready for consideration by the Senate tomorrow.

Mr. MAGNUSON. They very well may be; yes.

Mr. MANSFIELD. Perhaps one or two others. It is the intention of the leadership to lay down the joint resolution making continuing appropriations for the fiscal year 1968 at the conclusion of business today.

It is the leadership's understanding that the distinguished Senator from South Dakota [Mr. MUNDT] would like to make a few remarks——

Mr. MUNDT. Yes. I should like to lay down my amendment and make a few remarks thereon.

Mr. MANSFIELD. Also the distinguished Senator from New York [Mr. JAVITS], will speak for about 30 minutes on matters affecting a number of Senators in the field of certain legislation.

I therefore believe that the Senate should be on notice that even though the joint resolution making continuing appropriations for fiscal year 1968 will be the pending business, it is the intention of the leadership to bring in privileged matters such as conference reports which have been agreed to during the course of this consideration.

ORDER FOR ADJOURNMENT TO TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

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

ORDER FOR RECOGNITION OF SENATOR HARTKE, OF INDIANA, AT CONCLUSION OF MORNING BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of morning business tomorrow, the distinguished Senator from Indiana [Mr. HARTKE] be recognized for up to 30 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and 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. BROOKE. 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. On page 12, after line 17, insert the following new section:

SEC. —. Notwithstanding any amendment made by this Act or any other provision of law, the Subversive Activities Control Board shall cease to exist on January 1, 1968.

Mr. BROOKE. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the unanimous-consent agreement, time is controlled by the majority and minority leaders, the Senator from Montana [Mr. MANSFIELD] and the Senator from Illinois [Mr. DIRKSEN].

Who yields time?

Mr. MANSFIELD. Mr. President, I yield 15 minutes to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, the Senate has now consumed several sessions debating the merits of S. 2171, Senator DIRKSEN's bill to amend the provisions of the Subversive Activities Control Act of 1950 so as to accord with certain decisions of the courts. For the most part, the debate has transcended the questions raised by S. 2171. Rather, it has centered upon the merits of the provisions of the Subversive Activities Control Act itself, and upon the desirability of having a Subversive Activities Control Act itself, and upon the desirability of having a Subversive Activities Control Board at all.

Last week's discussion clearly polarized between those who believe that a strong Board is desirable as a defense against the Communist threat to the United States, and those who assert that the Board is not only irrelevant to the defense against communism, but also poses a positive threat to the civil liberties of the American people.

Mr. President, I believe that we have lost sight of a fundamental proposition during the discussion of S. 2171. Passage of this legislation will not strengthen the present Subversive Activities Control Board, nor broaden the scope of its activities. Defeat of the bill will neither abolish the Board, nor reduce the powers with which it is presently vested.

S. 2171 amends the Subversive Activities Control Act of 1950 so that the act will conform to two recent judicial decisions: Albertson against Subversive Activities Control Board, decided by the U.S. Supreme Court in 1965; and Communist Party U.S.A. against United States, decided by the U.S. Court of Appeals for the District of Columbia Circuit in March of this year. The Albertson case determined that the provisions of the Subversive Activities Control Act requiring registration by members of an association found by the Board to be a "Communist-action organization"—in the absence of registration by the organization itself—were invalid as in conflict with the guarantee against self-incrimination contained in the fifth amendment to the U.S. Constitution.

Pursuant to the authority of the Albertson case, the circuit court later ruled in the Communist Party case that the requirement of registration by an organization found to be a "Communist-action organization" within the terms of the act was likewise a violation of the fifth amendment. The purpose of S. 2171 is is to remove from the Subversive Activities Control Act the provisions which these courts have determined to be unconstitutional; namely, those sections which require registration by individuals and organizations found by the Board to be Communist-action or Communist-front organizations.

Consequently, I believe it is clear that action upon S. 2171 in and of itself can never conclude the debate upon the merits of the Subversive Activities Control Board. The bill alters certain sections of the Subversive Activities Control Act to conform to relevant judicial rulings. Thus, the bill really contemplates no changes which have not already been announced by the judicial decisions in question. Nor will defeat of the measure prevent the implementation of such decisions, for the statutory provisions ruled uncontitutional have automatically already ceased to be effective, and will continue so irrespective of the action or inaction of Congress.

Mr. President, action upon S. 2171 will not resolve the debate upon the Subversion Activities Control Board. If the Senate is really concerned about the Board and its powers, let us turn our attention to the statutes which created the Board and which grant it its operating authority.

Mr. President, I am convinced that the time has come to recognize the unmistakable fact that the Subversive Activities Control Board has become an expensive and totally unnecessary encumbrance. It is time that we were rid of it. And it is for this reason that I ask consideration

of my amendment, pursuant to which the Board will cease to exist as of January 1, 1968. With each passing day of this debate, it is becoming increasingly clear that the Board not only poses a potential threat to the civil liberties of the American people, but that it also has become meaningless to the defense of the United States against communism or other subversive activities.

I would like to address myself first to the question whether the Board is playing a significant part in the protection of the United States against subversives. Last Tuesday, the distinguished senior Senator from South Dakota posed certain questions on the floor of the Senate. He asked, among others, the following:

1. Is Communism a menace to our way of life and our constitutional concepts of our individual freedoms and representative democracy?

2. Is it appropriate that a free society such as ours finds a means to protect its constitutional freedoms against the subversive attacks of the Communists?

Mr. President, not a Member of this body could do otherwise than to respond with a ringing "yes" to such inquiries. But do such questions go to the heart of the issue which confronts us? Should we not ask instead whether we have developed the proper machinery to protect our free society against the admitted threat posed by Communist organization and activity?

I suggest that we have developed the proper machinery. The task of investigating Communist activities within the United States has been assigned primarily to the Department of Justice, specifically to the Federal Bureau of Investigation. The record of the FBI speaks for itself. The Bureau has the personnel, the equipment, and the expertise to undertake what is primarily a problem of investigation. If material is uncovered, the FBI is best equipped to present it to other branches of the Justice Department for presentation to grand juries and subsequent prosecution.

The Subversive Activities Control Board has been, and will continue to be, superfluous. Communist activities in the United States pose problems best handled by police and investigative agencies, not by administrative boards whose functions are public and likely to be extremely protracted. Even should the administrative agency conclude that a given organization is Communist-inspired, the Department of Justice will still have to undertake the investigative and other preparatory steps necessary before prosecution can be commenced.

It is clear that the Board has completely failed to be of even the most elementary assistance to the Department of Justice. In the 15 years of its existence prior to the Albertson decision, the Board did not manage to compel the registration of a single Communist organization or member of such an organization. The Board has not had a meeting for close to 2 years. The irrelevance of the Board's activities—to the extent that there are activities at all—to the work of the Justice Department was dramatized on the floor of the Senate last Tuesday by Senator KENNEDY of New York, the former Attorney General of the United States, when he stated:

When I was Attorney General, we did not receive, to my knowledge, one piece of information from the Subversive Activities Control Board in connection with communism in the United States that we had not uncovered in other ways.

This must inevitably be the case. The Department of Justice is equipped to investigate threats posed by Communist organizations to the security of the United States, and the Subversive Activities Control Board is not. We have been supporting with sizable appropriations an agency whose work can be, at the very best, a duplication of that already done by the Federal Bureau of Investigation.

At the same time, Mr. President, I believe that even the powers still vested in the Subversive Activities Control Board after the Albertson and Communist Party decisions are undesirable. Membership in the Communist Party makes an individual liable to prosecution. Obviously, therefore, the original registration requirements of the 1950 act placed the registrant in clear jeopardy insofar as prosecution was concerned, and it was inevitable that the provisions requiring such registration would be determined to be unconstitutional.

But it is still within the power of the Board to conduct public hearings at which witnesses may be compelled to appear to decide whether certain organizations are Communist infiltrated or otherwise Communist inspired. The very holding of such a hearing creates a threat to the individuals or organizations which are its subject. Such individuals or organizations are required to come forward and give public testimony with respect to their activities, despite the existence of Federal statutes under which association with the Communist Party or other subversive groups is designated to be criminal.

I am aware of the fact that an individual may claim before the Board the same fifth amendment right against self-incrimination which is available to him in judicial proceedings. Although this may technically satisfy the Constitution, as a practical matter it is not sufficient fully to protect the individuals involved. Assertion of fifth amendment privileges during public hearings held by the Subversive Activities Control Board will inevitably stamp the persons relying upon the privilege as Communists in the eyes of many.

If an individual or an organization is to be labeled a "Communist" and subjected to the public scorn and scrutiny which invariably follows, it should not be done by an administrative agency, but by a judicial tribunal where the rights of the defendants will be scrupulously observed, and where a final determination may be arrived at more fully and quickly.

Other undesirable provisions still remain in the Subversive Activities Control Act despite the effect of the recent judicial decisions. The definitions of the subversive groups to be examined and identified by the Board are extremely vague. They may be vague to the point of being unconstitutional themselves. The U.S. Supreme Court has been very clear to the effect that broad definitions of undesirable groups are unacceptable because of the risk that they will lead to the suppression of legitimate association and activity.

Mr. President, it is time for Congress to recognize that the Subversive Activities Control Board is contributing nothing to the protection of the United States. We already have an effective statutory framework which defines association with subversive organizations as criminal. We should continue to rely upon our regularly constituted investigative and judicial bodies to identify and to convict individuals and organizations guilty of subversive activity. It is time for Congress to admit that the Subversive Activities Control Board has been an expensive and inactive luxury, whose actions, such as they have been, have either duplicated the activities of other more skillful departments, or trespassed upon the constitutional rights and liberties of the American people.

Mr. President, I ask that the Subversive Activities Control Board be abolished. I ask for favorable consideration of this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. DIRKSEN. Mr. President, I yield 3 minutes to the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, on last Friday I made a brief statement in the Senate concerning information about the origin, planning and carrying out of the demonstration then planned for last Saturday. I said, among other things, that the demonstration was planned, at least in part, by members of the Communist Party in the United States and Communist-front organizations.

I pointed out at that time the dates and places of like demonstrations elsewhere—almost around the world; at least a dozen of them—that had been scheduled some time ago, though the fact was not known to us then, to be held on the same date, October 21, and following the same theme: anti-America; anti-Vietnam.

I believe the happenings of last Saturday—which fortunately were not more serious than they were, due to some very fine planning by the military and others to take care of the situation—bore out those predictions and confirmed them in every important respect. I believe, moreover, that the demonstrations served to open the eyes of a great many American people to the practical side of the situation we face, not only as to the war but as to other procedures, disturbing influences, propaganda, and methods of expression.

Although the power and authority of the Subversive Activities Control Board has been reduced by a series of Supreme Court decisions, it nevertheless can have a high value to our national security. There is an urgent need for some official

agency or board acting in behalf of the entire U.S. Government to identify individuals and organizations that are Communists or serve as Communist fronts.

Further, we need them if they do nothing more than make official statements for the benefit of informing the people, the editorial writers, the columnists, and other writers. Members of Congress and officials, to help foster enlightened comment on the identification of people as well as the analysis of events that occur.

We cannot close our official eyes to the fact that such information and such identification by some agency of the Government is necessary.

We must not close our eyes to the fact the Communist Party is working within our own country. For the U.S. Government to say it will not identify those persons and organizations known to be Communist or Communist fronts is to leave the American people helpless. Some Americans wish to avoid helping the Communist groups. That is a duty the movement generally. No private individual or organization can ferret out Communist groups. That is a duty the Government owes to its citizens.

This Board would render a valuable service if all it did was to point out individuals and organizations who support the Communists and who are opposed to our Government.

It is an obligation of our Government to provide this service.

We should be doing more against the spread of communism in the United States, not less.

I believe that this debate has been an illumination—although there could have been more with hearings—of the entire subject and the entire problem and for the reasons I have stated, I believe that the amendment should be defeated and the bill forthwith passed.

I ask unanimous consent to have printed in the RECORD at this point a portion of a statement I made last week, prior to last Friday.

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

Mr. STENNIS. Mr. President, I am greatly concerned that while we are sending men to fight a war against Communists ten thousand miles away, we are not fighting Communism as hard and effectively as we should be in our own country. It is a great disappointment to me that in the 17 years since we passed the Internal Security Law of 1950, which required all Communists to register or go to jail, *not a single Communist* has been forced to register or pay the penalty for not registering.

Through a series of Supreme Court decisions in their favor the Communists have been so successful in avoiding prosecution under that law and they have become so bold that they held a national convention in New York last year and announced they will have a candidate for President of the United States in 1968.

For some time, the Communist Party has been involved in anti-American activities in this country that are calculated to hinder the war effort and to disrupt our society. The Honorable J. Edgar Hoover, Director of the Federal Bureau of Investigation, told a Congressional Committee recently that the FBI has approximately 150 *known* or *suspected Communist front* or *Communist*-infiltrated organizations under active investigation. He said further, that one of the primary recruiting targets of the Communist Party is the youth of America and that the Party has continued its intensified program aimed and directed at our youth. It is common knowledge, admitted by university officials and reported in the press, that the Communists were involved in many of the student rebellions that have rocked our campuses in recent months.

Mr. Hoover stated also that the Communists have either started or have been active in every major demonstration against the Vietnam war. They have been particularly active in Stop the Bombing demonstrations.

There is a definite Communist move on in South and Central America.

I know of no problem more urgent than controlling Communism in the U.S. for if we are to send our men into battle halfway around the world to oppose the spread of Communism, we certainly should do everything within our power to stop it here in our own country.

This threat in the next ten years may prove to be more serious than any international problem, so-called, that we may have. It is absolutely necessary that we take all steps possible to strengthen the law and stop Communist activity in this country. They will not overcome us, nor be able to infiltrate us successfully; but their attempt to do so may prove to be one of the gravest and most far-reaching problems we have on the home front.

We should pass this bill now and also follow through until it becomes the law of the land. Then our interest should continue by insisting and urging the enforcement of its terms to the utmost by the Department of Justice.

Mr. DIRKSEN. Mr. President, I yield 1 minute to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, the timely remarks of the able Senator from Mississippi [Mr. STENNIS] again focuses our attention on the unwarranted attempts to interfere with the processes of government. I add that a key organizer, and perhaps the chief proponent of the march on the Pentagon, Mr. David Dellinger, stated while he was in the Capital City that he was a Communist.

According to news reports, he qualified his allegiance to that world doctrine by describing himself as a "non-Soviet Communist." It is a fact, however, that such elements were present in planning and carrying forward this disruptive demonstration. The impact of such leadership certainly contributed to the violence which did take place late in the afternoon of last Saturday.

Mr. DIRKSEN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 11 minutes remaining.

Mr. DIRKSEN. Mr. President, the amendment offered by my distinguished friend from Massachusetts—who is, incidentally, a very distinguished lawyer—should be defeated.

The Senator makes the same mistake that the distinguished former Attorney General, now a Member of this body from the State of New York, made in the course of his remarks last week. He persisted in confusing the functions of this Board as including investigatory powers.

The Subversive Activities Control Board does not have investigatory powers. It relies on the Department of Justice, and specifically on the FBI. It was set up as a quasi-judicial body, to hear testimony and arrive at a judgment, and can enter an order, although, under the Supreme Court ruling, it cannot take a compulsory self-confession, because that would be self-incriminatory and in violation of the fifth amendment.

But I emphasize now what I have emphasized before, that it sits as a court, as it were; it sits as a board to take testimony and examine and evaluate all the data presented to it. The Board exposes.

That was the purpose of putting it in the 1950 act, in the first instance. The purpose was to bring these people out into the light. Why? There is a reason. Here is a list of organizations that at one time or another have come before the Board:

Communist Party of the United States of America.

Labor Youth League.

International Workers Order.

National Council of American-Soviet Friendship, Inc.

Joint Ant'-Fascist Refugee Committee.

Civil Rights Congress.

Jefferson School of Social Science.

Veterans of the Abraham Lincoln Brigade.

America Committee for Protection of Foreign Born.

California Labor School, Inc.

The Washington Pension Union.

Committee for a Democratic Far Eastern Policy.

I shall place the rest of the names in the RECORD. But the reason I submit these names now is for a very specific purpose. These are people who go out and solicit memberships as well as subscriptions. Surely, the FBI knows where they are. But the FBI does not disclose that.

The purpose of the Board is disclosure, so that this insane and nefarious business can be stopped once for all; so that such organizations cannot delude any segment of the American people and coax dollars out of their pockets, simply because they bear some very fancy, glossy, high-faluting name.

Another one is the American Peace Crusade. Who would not be overwhelmed somewhat by such a name? Are they given to a peace crusade? It is something that is easy to join until we find out that it is a "front" organization.

Another one is the Colorado Committee To Protect Civil Liberties. That is fancy, I must say. It ought to get attention out in California and coax some nuggets out of people's pockets. That is a thing that has to be stopped. That is the reason why this amendment ought to be rejected.

Mr. President, I ask unanimous consent that the names of the organizations and information pertaining to them be printed at this point in the RECORD.

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

ORGANIZATION PROCEEDINGS BEFORE THE SACB

Docket No.	Name of respondent	Petition filed	Location of hearing	Heard by—	Record pages	Number of exhibits	Completed by board	Disposition	Final court action	Disposition
51-101	Communist Party of the United States of America.	Nov. 20, 1956	Washington, D.C., New York, N.Y.	Panel	16,824	726	Apr. 20, 1953	Order of registration	Apr. 30, 1956	Reversed and remanded.
51-101	Communist Party of the United States of America (1st remand).		Washington, D.C.	Board	745		Dec. 18, 1956	Registration order of Apr. 20, 1953, reaffirmed.	Jan. 9, 1958	Remand.
51-101	Communist Party of the United States of America (2d remand).		do	Member	976		Feb. 9, 1959	do	June 5, 1961	Registration order affirmed.
102-53	Labor Youth League	Apr. 22, 1953	Washington, D.C., New York, N.Y.	do	5,583	187	Feb. 15, 1955	Order of registration	Jan. 8, 1962	Remand.
102-53	Labor Youth League (remand).		Washington, D.C.	Board	105	2	Feb. 2, 1962	Determination that there was not such a permanent dissolution so as to affect order of registration.	Apr. 25, 1963	Remand to place case in an indefinitely inactive status.
103-53	International Workers Order, Inc.	Apr. 22, 1953	do	do	343		Jan. 14, 1954	Order of registration	Nov. 19, 1954	Petition of Attorney General ordered dismissed.
104-53	National Council of American-Soviet Friendship, Inc.	do	do	Member	6,965	300	Feb. 7, 1956	do	May 16, 1963	Registration order vacated and petition dismissed.
105-53	Joint Anti-Fascist Refugee Committee.	do	do	Board	270		June 1, 1955	Order granting motion to dismiss petition without prejudice.		
106-53	Civil Rights Congress	do	Washington, D.C., New York, N.Y.	Member	7,211	372	July 26, 1957	Order of registration	Jan. 8, 1962	Remand.
106-53	Civil Rights Congress (remand).		New York, N.Y.	Board	39		July 11, 1962	Determination that CRC had not dissolved—Order of registration unaffected.	May 23, 1963	Motion to vacate order of registration denied. Order became final for failure to pursue appeal.
107-53	Jefferson School of Social Science.	Apr. 22, 1953	Washington, D.C., New York, N.Y.	Member	4,555	267	June 30, 1955	Order of registration	Jan. 8, 1962	Remand.
107-53	Jefferson School of Social Science (remand).		New York, N.Y.	Board	128	41	Feb. 2, 1962	Determination that school had not dissolved—Order of registration unaffected.	Dec. 17, 1963	Registration order affirmed.
108-53	Veterans of the Abraham Lincoln Brigade.	Apr. 22, 1953	Washington, D.C., New York, N.Y.	Members	5,557	320	Dec. 21, 1955	Order of regi tration	Apr. 26, 1965	Remand.
108-53	Veterans of the Abraham Lincoln Brigade (remand).						Apr. 20, 1966	Registration order vacated and petition dismissed on joint motion of parties.		
109-53	American Committee for Protection of Foreign Born.	Apr. 22, 1953	Washington, D.C.	Examiner	8,447	567	June 27, 1960	Order of registration	Jan. 8, 1962	Do.
109-53	American Committee for Protection of Foreign Born (1st remand).		do	Board	32	4	Mar. 8, 1962	Recommendation that order of registration be affirmed.	Apr. 26, 1965	Do.
109-53	American Committee for Protection of Foreign Born (2d remand).						Apr. 6, 1966	Registration order vacated and petition dismissed on joint motion of parties.		
110-53	Council on African Affairs, Inc.	Apr. 22, 1953					Sept. 15, 1955	Order granting motion to dismiss without prejudice.		
111-53	United May Day Committee.	do	Washington, D.C.	Member	2,036	426	Apr. 27, 1956	Order of registration	Dec. 17, 1963	Registration order affirmed.
112-53	American Slav Congress	do	do	Examiner	88	7	Apr. 14, 1955	Order dismissing petition on ground that jurisdiction was not obtained over respondent.		
113-53	Committee for a Democratic Far Eastern Policy.	do	do	do	116	5	May 9, 1955	Order dismissing petition on ground that jurisdiction was not obtained over respondent.		
114-55	Washington Pension Union.	Dec. 29, 1954	Seattle, Wash.	Member	5,912	201	Apr. 14, 1959	Order of registration	Jan. 8, 1962	Remand.
114-55	Washington Pension Union (remand).		do	Board	143	8	June 20, 1962	Determination that respondent had not dissolved—registration order unaffected.	June 6, 1963	Petition for review dismissed for lack of party-petitioner. Registration order become final under statutory provisions.
115-55	California Labor School, Inc.	Mar. 31, 1955	Washington, D.C., San Francisco, Calif.	Member	3,085	281	May 21, 1957	Order of registration	Mar. 2, 1962	Remand.
115-55	California Labor School, Inc. (remand).		San Francisco, Calif.	Board	79		June 20, 1962	Determination that respondent had not dissolved—registration order unaffected.		Motion to vacate registration order and dismiss retention denied. Respondent abandoned appeal and registration order became final.
116-56	International Union of Mine, Mill and Smelter Workers.	July 28, 1955	Washington, D.C.	Member	10,384	388	May 4, 1962	Determination that respondent is a Communist-Infiltrated Organization.	Nov. 1, 1965	Remand.
116-56	International Union of Mine-Mill and Smelter Workers (remand).						June 16, 1966	Order determining union to be Communist-infiltrated vacated and petition dismissed on joint motion of the parties.		
117-56	American Peace Crusade	Aug. 1, 1955	Washington, D.C.	Member	1,235	199	July 26, 1957	Order of registration	Jan. 8, 1962	Do.
117-56	American P eace Crusade (remand).		do	Board	72		July 6, 1962	Determination that there has been no change in respondent so as to affect order of registration.	June 6, 1963	Remanded to place case in status of indefinite abeyance.
118-56	National Negro Labor Council.	Sept. 28, 1955					Sept. 23, 1957	Order granting motion of Attorney General to dismiss petition without prejudice.		
119-56	United Electrical Radio and Machine Workers of America.	Dec. 20, 1955	New York, N.Y.	Member	1,107	10	Mar. 30, 1959	Order granting motion of Attorney General to dismiss petition.		
120-57	Colorado Committee to Protect Civil Liberties.	Aug. 9, 1956	Denver, Colo.	do	505	19	Apr. 15, 1959	Order of registration	Jan. 8. 1962	Remand,
120-57	do		Washington, D.C.	Board	106		Julh 30, 1962	Recommendation that court fix a time within which evidence as to dissolution be taken or deny motion to dismiss and vacate order.	June 6, 1963	Remand to place case in status of indefinite abeyance.
121-57	Connecticut Volunteers for Civil Rights.	Aug. 9, 1956	Hartford, Conn.	Member	255	78	Apr. 14, 1959	Order of registration. Order became final when respondent failed to appeal.		

ORGANIZATION PROCEEDINGS BEFORE THE SACB—Continued

Docket No.	Name of respondent	Petition filed	Location of hearing	Heard by—	Record pages	Number of exhibits	Completed by board	Disposition	Final court action	Disposition
122-57	Save Our Sons Committee						Sept. 20, 1957	Order granting motion of Attorney General to dismiss petition.		
123-57	California Emergency Defense Committee.	Oct. 1, 1956	Los Angeles, Calif., San Francisco, Calif.	Member	574	152	Apr. 14, 1959	Order of registration. Order became final when respondent failed to appeal.		
124-57	Committee To End Sedition Laws.	do	Pittsburgh, Pa	do	943	45	Sept. 17, 1957	Order granting motion of Attorney General to dismiss petition without predjudice.		
125-62	Robert F. Kennedy, Attorney General of the United States (Mine-Mill Redetermination case.)	May 31, 1962	Washington, D.C., San Francisco, Calif.	do	2,405	98	Dec. 20, 1963	Order dismissing redetermination petition.	Nov. 1, 1965	Remand.
125-62	Robert F. Kennedy, Attorney General of the United States (redetermination remand.)						June 16, 1966	Order vacating order of Dec. 20, 1963, and dismissing proceeding as moot.		
126-63	Advance and Burning Issues Youth Organization.	Jan. 10, 1963	New York, N.Y	Examiner	2,552	36	Sept. 10, 1965	Order placing case in status of indefinite abeyance on motion of intervenor consented to by Attorney General.		
127-66	W. E. B. DuBois Clubs of America.	Mar. 4, 1966								

INDIVIDUAL PROCEEDINGS BEFORE THE SACB

1-1-62	William Albertson	May 31, 1962	Washington, D.C	Board	390	4	Oct. 29, 1962	Order of registration	Nov. 15, 1965	Registration order vacated.
1-2-62	Miriam Friedlander	do	do	do	407	4	Nov. 2, 1962	do	do	Do.
1-3-62	Arnold Samuel Johnson	do	New York, N.Y	Member	375	4	N v. 27, 1962	do	do	Do.
1-4-62	William L. Patterson	do	do	Examiner	424	3	Dec. 18, 1962	do	do	Do.
1-5-62	Betty Gannett Tormey	do	do	Member	541	4	Dec. 19, 1962	do	do	Do.
1-6-62	Louis Weinstock	do	do	do	523	4	Jan. 16, 1963	do	do	Do.
1-7-62	Dorothy Healey	do	Los Angeles, Calif	Board	298	5	Dec. 18, 1962	do	do	Do.
1-8-62	Albert Jason Lima	do	San Francisco, Calif.	Member	263	6	Jan. 17, 1963	do	do	Do.
1-9-62	Burt Gale Nelson	do	Seattle, Wash	do	241	2	Jan. 21, 1963	do	do	Do.
1-10-62	Roscoe Quincy Proctor	do	San Francisco, Calif.	do	206	2	Jan. 18, 1963	do	do	Do.
1-11-63	Samuel Krass Davis	Dec. 6, 1962	Washington, D.C	Board	206	7	Mar. 8, 1963	do	do	Do.
1-12-63	Claude Mack Lightfoot	do	Chicago, Ill	do	299	4	Mar. 5, 1963	do	do	Do.
1-13-63	Flora Hall	do	Washington, D.C	Examiner	226	2	Apr. 26, 1963	do	do	Do.
1-14-63	Samuel Kushner	do	do	do	228	2	do	do	do	Do.
1-15-63	George Aloysius Meyers	Apr. 11, 1963	Baltimore, Md	do	213	1	Dec. 4, 1963	do	do	Do.
1-16-63	Thomas Nabried	do	Philadelphia, Pa	do	251	0	do	do	May 12, 1965	Do.
1-17-63	Mildred McAdory Edelman	do	New York, N.Y	Member	319	3	do	do	Nov. 15, 1965	Do.
1-18-63	Irving Potash	do	do	do	399	3	do	do	do	Do.
1-19-63	William Wolf Weinstone	do	do	do	373	3	do	do	do	Do.
1-20-63	Mortimer Daniel Rubin	do	do	do	235	0	do	do	do	Do.
1-21-63	John William Stanford Jr	June 13, 1963	Washington, D.C	do	174	2	Dec. 20, 1963	do	do	Do.
1-22-63	Benjamin Dobbs	do	do	do	140	0	do	do	do	Do.
1-23-63	William Cottle Taylor	do	do	do	200	0	do	do	do	Do.
1-24-63	Frances Gabow	do	Philadelphia, Pa	do	299	0	do	do	do	Do.
1-25-63	Aaron Libson	do	do	do	283	0	do	do	do	Do.
1-26-63	Lionel Joseph Libson	do	New York, N.Y	Examiner	203	1	May 21, 1964	do	do	Do.
1-27-63	James Joseph Tormey	do	do	do	262	1	Sept. 28, 1964	do	do	Do.
1-28-64	Michael Saunders	Nov. 19, 1963	Chicago, Ill	do	179	0	Nov. 13, 1964	do	do	Do.
1-29-64	Daniel Lieber Queen	do	do	do	244	0	do	do	do	Do.
1-30-64	Ralph William Taylor	do	St. Paul, Minn	Board	113	2	May 1, 1964	do	do	Do.
1-31-64	Betty Mae Smith	do	do	do	113	2	do	do	do	Do.
1-32-64	Marvin Joel Markman	do	New York, N.Y	Examiner	622	6	Jan. 13, 1965	do	do	Do.
1-33-64	Meyer Jacob Stein	do	do	do	620	6	do	do	do	Do.
1-34-64	Norman Haaland	do	Portland, Oreg	Board	444	6	July 22, 1964	do	do	Do.
1-35-64	Benjamin Gerald Jacobson	do	do	do	440	6	do	do	do	Do.
1-36-64	Milford Adolf Sutherland	do	Tacoma, Wash	do	558	0	do	do	do	Do.
1-37-64	Donald Andrew Hamerquist	do	do	do	559	5	do	do	do	Do.
1-38-65	Hyman Lumer	Sept. 30, 1964	New York, N.Y	Examiner	252	3	July 30, 1965	do	do	Do.
1-39-65	Elmer Charles Kistler	do	Seattle, Wash	do	222	0	do	do	do	Do.
1-40-65	Ralph Nelson	do	Portland, Oreg	Member	452	0	do	do	do	Do.
1-41-65	Otis Archer Hood	do	Boston, Mass	Examiner	420	0	do	do	do	Do.
1-42-65	Lewis Martin Johnson	do	do	do	418	0	do	do	do	Do.
1-43-65	Edward S. Teileira	do	do	do	410	0	do	do	do	Do.
1-44-65	Anne Burlak Timpson	do	do	do	418	0	do	do	do	Do.

Mr. DIRKSEN. Mr. President, we took action on the Mansfield-Dirksen-Proxmire amendment. It was approved by the Senate by a vote of 74 to 2. It gives the Board 18 months of life.

The amendment offered by the distinguished Senator from Massachusetts [Mr. BROOKE] would give it life for just about 75 days, until January 1; then the Board would be abolished.

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

Mr. DIRKSEN. I yield.

Mr. BROOKE. Eighteen months subject to the institution of proceedings; so the time might be extended indefinitely.

Mr. DIRKSEN. That is correct.

Mr. BROOKE. Eighteen months is not a time certain.

Mr. DIRKSEN. I am expecting that it will go on indefinitely. I expect to make it my business to see that it does go on, insofar as it resides within my power to give it authority, because the Government cannot be without an instrumentality to pursue people who are committed to destroy it, destroy its foundations, and destroy its very institutions. There has to be an agency to do it, and this is all we have.

Mr. BROOKE. Mr. President, will the Senator further yield?

Mr. DIRKSEN. I yield.

Mr. BROOKE. Does the Senator agree that we have the Department of Justice, the Attorney General, and the Federal Bureau of Investigation, and the entire judicial system of this great Nation to do exactly what the Board was authorized and created to do?

The names which have been called off by the distinguished senior Senator from Illinois are names which appear in the files of the Department of Justice and the Federal Bureau of Investigation.

Mr. DIRKSEN. The Senator has never been in greater error in his life. They have 6,600 field agents in the Federal Bureau of Investigation. They have all the data down there. But try to get it. Try to let the American people get the information on the front page.

When these people go around with their tin cups to collect subscriptions and sign up members, try to get a warning to the American people: "This is a Red outfit. This is a front outfit." The information never gets to them. Exposure is the only weapon I know of, and that is the very essence of the matter. We must expose them.

Mr. BROOKE. In our system of jurisprudence, is it not the position of this Na-

tion that it should provide sufficient evidence to bring about the public indictment of an individual or organization, and is it not true that our Justice Department operates under that great American tradition? The fact that it has information in its files and does not expose the concerned individual may very well mean that it does not have sufficient evidence to bring forth such an indictment.

Mr. DIRKSEN. I am afraid the Senator forgets in connection with the Federal Bureau of Investigation that it has operated in exactly the way it operates now ever since it was created and ever since J. Edgar Hoover became the Director of the Federal Bureau of Investigation. However, we do not get the exposure that is necessary and that is superbly necessary today as never before.

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

Mr. DIRKSEN. I yield.

Mr. JAVITS. Mr. President, will the distinguished Senator from Illinois put in the RECORD the role in these matters of the House Un-American Activities Committee and of the Senate Internal Security Subcommittee?

I have always felt that when we entrust these inquiries to the Judiciary Committee, at least we have lawyers and a great body of tradition with respect to the handling of witnesses, executive hearings before public hearings, and the general precautions which get us away from the sort of disclosures which characterized the worst excesses during the period Senator McCarthy held forth. I wonder if the Senator should not complete the record—however Senators may vote—by delimiting the matter.

The proposal raised by the Senator from Illinois and the Senator from Montana will probably stay with us. I may very well support the proposal of the Senator from Massachusetts. I think that it would be very useful, however, as legislative history, if the Senator were to delimit the role of the congressional committees which will continue to have jurisdiction—the House Un-American Activities Committee and the Senate Internal Security Subcommittee.

Mr. DIRKSEN. My friend, the senior Senator from New York was a member of the Judiciary Committee, and I do not recall that he offered that proposal when he was a member.

Mr. JAVITS. The proposal is not germane here.

Mr. DIRKSEN. The Senator is correct. I am speaking of the time when the Senator was a member of the Judiciary Committee.

Mr. JAVITS. The proposal is not germane here. In the Senate the question is in the hands of the Judiciary Committee.

Mr. DIRKSEN. The Senator is correct.

Mr. JAVITS. It is in the House that it is not in the hands of the Judiciary Committee.

I suggest that it might be well to have the record show, as the Senator analyzes the whole question, where he feels the work of the Internal Security Committee fits.

I have always felt that this kind of inquiry belongs in the Judiciary Committees of the House and the Senate. And I felt that it would be very useful if the Senator would outline here where the congressional committees fit in the scheme he has in mind—which would include the Board.

Mr. DIRKSEN. That is hardly my function. That ought to be the function of the Committee on Rules and Administration, if they are going to delimit a committee. But the Internal Security Committee, in the very nature of the work it does, has to carry on a good deal of the work behind closed doors. It is an investigatory body. The Subversive Activities Control Board is not. It cannot move a muscle until there is an application or a petition by the Attorney General, and that discretionary power in the law will have to be changed also in order to make it effective.

The House is dealing with the matter. They reported a bill infinitely more stringent than the pending bill, and we are going to have this matter before us whether or not. And when finally we go to conference, there will be the four corners of two bills, and within that frame we will have to work out something to satisfy both bodies.

The PRESIDING OFFICER (Mr. MCGEE in the chair). The time of the Senator from Illinois has expired.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

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

Mr. JAVITS. Mr. President, I think it would be well to have the Senator state why he does not consider it incompatible to have a board and the Internal Security Subcommittee look into the same matter.

Mr. DIRKSEN. The Internal Security Subcommittee has its own investigators. For the Board, the Federal Bureau of Investigation and the Justice Department and the Attorney General and the Assistant Attorney General are the ones who appear and supply the evidence in connection with any of these organizations that the Attorney General sends to the Board. Exposure is the only answer.

It is not a case of sending them to jail. It was the very fact of exposure that caused these Reds to yelp like hit dogs. That is what they did not want. They did not mind going to jail, but they did not want to be exposed and put in the public eye, where all the world could see. Their pride was a little too much for that shame. And that is still one of the great weapons in a free country.

Mr. BROOKE. The distinguished Senator from Illinois said that public exposure is a great weapon and that it should be used by the Subversive Activities Control Board.

Exposure has been in the past, and can still be, very detrimental to this Nation, can be unconstitutional, and can violate the civil liberties and rights of American people, as it has done in the past.

It seems that we would better achieve our purposes to effectively combat the Communist menace in this country by utilizing the vast resources of the Federal Bureau of Investigation, the Justice Department, and the Attorney General who give maximum protection to the rights of all American citizens, who do not expose individuals or organizations without having sufficient evidence to warrant an indictment, and without holding public hearings, beyond the mere fact of calling witnesses before the committee to create the impression among people all over the country that persons who appear before the committee are either Communists or affiliated with Communist organizations.

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

Mr. BROOKE. I ask unanimous consent that I may proceed for 2 additional minutes.

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

Mr. BROOKE. I believe that this country is great enough to give the rights of all American citizens maximum protection and at the same time protect itself against the Communist menace. We did it prior to 1950. We have done it since 1950 without the effective support of the Subversive Activities Control Board, for that Board has not rendered a service to the American people. I defy anyone to point to any cases that the Subversive Activities Control Board has brought before the courts which have brought out any facts about Communists or Communist-front organizations which were not already contained in the records of the duly constituted law enforcement agencies of this country.

Therefore, Mr. President, I believe that this Board should be abolished, that its life tenure should not be extended for 18 months or certainly even beyond that. I believe we are justified in abolishing this Board, not only because it has not done its job, but also because it is a potential threat to the civil liberties of the American people.

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

Mr. BROOKE. I yield.

Mr. JAVITS. What does the Senator say about the congressional committees that do investigating and disclosing? Is any of his argument based upon the fact that we do have a House Un-American Activities Committee and a Senate Internal Security Subcommittee, which investigate and expose all the time?

Mr. BROOKE. Yes. I believe the distinguished senior Senator from New York has well brought out the point that we do have these committees on the House side and on the Senate side. Even these committees have investigators who make investigations and report events to them, which the Subversive Activities Control Board does not have, other than the FBI and the Department of Justice. I believe it is a duplication of effort.

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

The question is on agreeing to the amendment of the Senator from Massachusetts. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TYDINGS (when his name was called). On this vote I have a pair with the Senator from Rhode Island [Mr.

PASTORE]. If he were present, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the Senator from Michigan [Mr. HART]. If he were present, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withdraw my vote.

The legislative clerk resumed and concluded the call of the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. GRUENING], the Senator from Washington [Mr. JACKSON], the Senator from Oregon [Mr. MORSE], the Senator from Rhode Island [Mr. PASTORE], and the Senator from Arizona [Mr. HAYDEN] are absent on official business.

I also announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Michigan [Mr. HART], the Senator from Indiana [Mr. HARTKE], the Senator from Minnesota [Mr. MCCARTHY], the Senator from South Dakota [Mr. MCGOVERN], and the Senator from Utah [Mr. MOSS] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. GRUENING] would vote "yea."

On this vote, the Senator from Washington [Mr. JACKSON] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting, the Senator from Washington would vote "nay," and the Senator from Oregon would vote "yea."

Mr. DIRKSEN. I announce that the Senators from Kentucky [Mr. COOPER and Mr. MORTON], the Senator from Michigan [Mr. GRIFFIN], the Senator from Oregon [Mr. HATFIELD], the Senators from California [Mr. KUCHEL and Mr. MURPHY], the Senator from Iowa [Mr. MILLER], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from South Carolina [Mr. THURMOND] are necessarily absent.

If present and voting, the Senators from California [Mr. KUCHEL and Mr. MURPHY], the Senator from Iowa [Mr. MILLER], and the Senator from Pennsylvania [Mr. SCOTT] would each vote "nay."

On this vote, the Senator from Oregon [Mr. HATFIELD] is paired with the Senator from South Carolina [Mr. THURMOND]. If present and voting, the Senator from Oregon would vote "yea," and the Senator from South Carolina would vote "nay."

The result was announced—yeas 17, nays 58, as follows:

[No. 297 Leg.]

YEAS—17

Bartlett	Inouye	Mondale
Brewster	Javits	Nelson
Brooke	Kennedy, Mass.	Pell
Case	Kennedy, N.Y.	Proxmire
Church	McGee	Young, Ohio
Clark	Metcalf	

NAYS—58

Aiken	Bible	Cotton
Allott	Boggs	Curtis
Anderson	Byrd, Va.	Dirksen
Baker	Byrd, W. Va.	Dominick
Bayh	Cannon	Eastland
Bennett	Carlson	Ellender
Ervin	Long, La.	Smathers
Fannin	Magnuson	Smith
Fong	McClellan	Sparkman
Hansen	McIntyre	Spong
Harris	Monroney	Stennis
Hickenlooper	Montoya	Symington
Hill	Mundt	Talmadge
Holland	Muskie	Tower
Hollings	Pearson	Williams, N.J.
Hruska	Percy	Williams, Del.
Jordan, N.C.	Prouty	Yarborough
Jordan, Idaho	Randolph	Young, N. Dak.
Lausche	Ribicoff	
Long, Mo.	Russell	

NOT VOTING—25

Burdick	Hatfield	Morton
Cooper	Hayden	Moss
Dodd	Jackson	Murphy
Fulbright	Kuchel	Pastore
Gore	Mansfield	Scott
Griffin	McCarthy	Thurmond
Gruening	McGovern	Tydings
Hart	Miller	
Hartke	Morse	

So Mr. BROOKE's amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. PROXMIRE. Mr. President, I have three technical amendments which have been cleared with the distinguished author of the bill. I understand they are necessary to clear up the bill.

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk read as follows:

On page 6, line 1, after "(a)" strike out "(I)" and insert "(1)"; at the beginning of line 8, strike out "(II)" and insert "(2)"; in line 14, after the word "part", strike out "(I)" and insert "(1)" in the same line after the word "part" where it appears the second time, strike out "(II)" and insert "(2)"; on page 12, after line 17, insert a new section, as follows:

"SEC. 12. Subsection (f) of section 4 of the Subversive Activities Control Act is amended by striking the last sentence of the subsection."

And on page 12, after the amendment just above stated insert a new section, as follows:

"SEC. 13. Subsection (3) of section 3 of the Subversive Activities Control Act is amended by striking '(a)' and by striking the whole of paragraph (b)."

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from Wisconsin [Mr. PROXMIRE]. [Putting the question.]

The amendments were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

Mr. DIRKSEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the Senator from Oregon [Mr. MORSE]. If he were present and voting he would vote "nay." If I were permitted to vote I would vote "yea." Therefore, I withdraw my vote.

Mr. MONDALE (after having voted in the negative). On this vote I have a live pair with the senior Senator from Rhode Island [Mr. PASTORE]. If he were present and voting he would vote "yea." If I were permitted to vote I would vote "nay." I withdraw my vote.

Mr. YARBOROUGH (after having voted in the affirmative). On this vote I have a live pair with the Senator from Michigan [Mr. HART]. If he were present and voting he would vote "nay." If I were permitted to vote I would vote "yea." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. GRUENING], the Senator from Washington [Mr. JACKSON], the Senator from Oregon [Mr. MORSE], and the Senator from Rhode Island [Mr. PASTORE] are absent on official business.

I also announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Tennessee [Mr. GORE], the Senator from Michigan [Mr. HART], the Senator from Indiana [Mr. HARTKE], the Senator from Minnesota [Mr. MCCARTHY], the Senator from South Dakota [Mr. MCGOVERN], and the Senator from Utah [Mr. MOSS] are necessarily absent.

I further announce that, if present and voting, the Senator from Washington [Mr. JACKSON], would vote "yea."

On this vote, the Senator from North Dakota [Mr. BURDICK] is paired with the Senator from Alaska [Mr. GRUENING]. If present and voting, the Senator from North Dakota would vote "yea," and the Senator from Alaska would vote "nay."

Mr. DIRKSEN. I announce that the Senators from Kentucky [Mr. COOPER and Mr. MORTON], the Senator from Michigan [Mr. GRIFFIN], the Senator from Oregon [Mr. HATFIELD], the Senators from California [Mr. KUCHEL and Mr. MURPHY], the Senator from Iowa [Mr. MILLER], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from South Carolina [Mr. THURMOND] are necessarily absent.

If present and voting, the Senator from Michigan [Mr. GRIFFIN], the Senators from California [Mr. KUCHEL and Mr. MURPHY], the Senator from Iowa [Mr. MILLER], and the Senator from Pennsylvania [Mr. SCOTT] would each vote "yea."

On this vote, the Senator from South Carolina [Mr. THURMOND] is paired with the Senator from Oregon [Mr. HATFIELD]. If present and voting, the Senator from South Carolina would vote "yea," and the Senator from Oregon would vote "nay."

The result was announced—yeas 65, nays 10, as follows:

[No. 298 Leg.]

YEAS—65

Aiken	Curtis	Hollings
Allott	Dirksen	Hruska
Anderson	Dominick	Inouye
Baker	Eastland	Jordan, N.C.
Bayh	Ellender	Jordan, Idaho
Bennett	Ervin	Lausche
Bible	Fannin	Long, La.
Boggs	Fong	Magnuson
Brewster	Hansen	McClellan
Byrd, Va.	Harris	McIntyre
Byrd, W. Va.	Hayden	Metcalf
Cannon	Hickenlooper	Monroney
Carlson	Hill	Montoya
Cotton	Holland	Mundt

Muskie	Ribicoff	Talmadge
Nelson	Russell	Tower
Pearson	Smathers	Tydings
Pell	Smith	Williams, N.J.
Percy	Sparkman	Williams, Del.
Prouty	Spong	Young, N. Dak.
Proxmire	Stennis	Young, Ohio
Randolph	Symington	

NAYS—10

Bartlett	Clark	Long, Mo.
Brooke	Javits	McGee
Case	Kennedy, Mass.	
Church	Kennedy, N.Y.	

NOT VOTING—25

Burdick	Hatfield	Morton
Cooper	Jackson	Moss
Dodd	Kuchel	Murphy
Fulbright	Mansfield	Pastore
Gore	McCarthy	Scott
Griffin	McGovern	Thurmond
Gruening	Miller	Yarborough
Hart	Mondale	
Hartke	Morse	

So the bill (S. 2171) was passed.

Mr. MANSFIELD. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. BYRD of West Virginia. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

CONTINUING APPROPRIATIONS, 1968

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 656, House Joint Resolution 888.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The LEGISLATIVE CLERK. House Joint Resolution 888 making continuing appropriations for fiscal year 1968, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MANSFIELD. Mr. President, for the information of the Senate, there will be no further votes tonight, but I understand that the distinguished Senator from South Dakota [Mr. MUNDT] intends to offer an amendment. The chairman of the committee will make some remarks at the conclusion of the morning business tomorrow.

I believe that the Senator from New York [Mr. JAVITS] also intends to make some remarks this afternoon.

Mr. JAVITS. Yes. I hope it will suit the convenience of the majority leader. It would help me greatly if I could follow the Senator from South Dakota.

Mr. MANSFIELD. It is up to the Chair.

Mr. MUNDT obtained the floor.

Mr. HOLLAND. Mr. President, will the Senator from South Dakota yield?

Mr. MUNDT. I yield.

AMENDMENT NO. 418

Mr. HOLLAND. Mr. President, I submit an amendment to the pending bill, and ask unanimous consent that it be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received and printed and will lie on the table.

AMENDMENT NO. 419

Mr. MUNDT. Mr. President, at this point, I submit an amendment and ask that it be read and printed in the RECORD in full.

The PRESIDING OFFICER. The Chair advises the Senator that the committee amendments must be agreed to first.

Mr. MUNDT. Mr. President, I am not calling up my amendment. I merely ask that it be printed in full in the RECORD.

The PRESIDING OFFICER. The Senator from South Dakota may proceed.

The amendment of the Senator from South Dakota is as follows:

In lieu of the matter proposed to be stricken by the Committee amendment on page 1, line 6, beginning with the word "and", insert the following:

"SEC. 2. (a) Subsequent to the enactment into law during the first session of the Ninetieth Congress of the appropriation bills for fiscal year 1968, the executive branch is directed, subject to subsection (b), to reduce by at least 5 per centum each line item appropriation (other than appropriations for military functions and those items determined by the Director of the Bureau of the Budget not to be subject to administrative control) contained in such bills.

"(b) In order to provide for the most effective use of appropriations reduced in accordance with subsection (a), the President may make such transfers between appropriation accounts as may be necessary, but no such transfer shall cause any item of appropriation to be increased to an amount in excess of the amount provided in the appropriation bill."

Mr. MUNDT. Mr. President, the decision before the Senate on the continuing resolution is, in my opinion, one of the most important and far-reaching decisions which Senators will be called upon to make during the remainder of this session.

As I view it, there are three possible choices before the Senate. It can take the action as reported from the committee the other day with four dissenting votes, which is a simple continuing resolution, suggesting a delayed date for making renewed consideration of the appropriation bills possible.

At this point, by the way, Mr. President, I would ask that the pages in attendance in the Senate place on the desk of each Senator, the legislation, printed amendments, and the hearings, because I think they should be made available for study overnight.

Mr. President, if we were to take only the committee action, in my opinion, we would be guilty of engaging in a sharp repudiation and rejection not only of the House of Representatives which sent the bill to us with a vote of 253 to 143—an even majority of 110 votes—but also of the House Appropriations Committee itself which labored long and hard and came up with a formula for economizing.

The particular formula brought out by the House committee was amended, changed, tightened, and expanded by amendments adopted by the House of Representatives voting as a whole.

But if the Senate were simply to say, "We are disinclined to do anything about effectuating some economies now"; if we were to pass this simple Senate continuing resolution, in my opinion we would be doing nothing more than making a blunt rejection and a rebuke both of the action of the House as a whole and the action of the House Committee on Appropriations. I doubt very much that there are very many Senators who want to participate in that kind of repudiation of the House efforts to economize at this juncture in our fiscal history.

I expect to show, in the course of my remarks today and tomorrow, some reasons why I think that would be the height of irresponsibility on the part of the Senate of the United States.

The second alternative is to adopt the House action as a substitute for the committee's continuation resolution. I understand that the Senator from Delaware at least has contemplated making that particular proposal. I think there were good and valid reasons why the Senate committee action did not take the House action in the form in which it came to us, because, in the first place, it was a House floor amendment which had not been considered at all in the hearings of the House Appropriations Committee and its exact ramifications are not clearly evident. It involved some areas of economy which it is doubtful whether the House Members themselves desired to be implemented and, as we held hearings before the Senate Appropriations Committee, it was brought out that certain House actions would need to be corrected and changed in the national interest.

So if we were to adopt the House action without modification or alteration or amendments, we would be freezing without change that particular action on appropriations which I do not think is a prudent way to proceed in this area under the circumstances as brought out in the Senate hearings, copies of which I hope are now being distributed to the desks of Senators.

The third alternative, Mr. President, is to adopt the amendment which I have sent to the desk, which I believe is a prudent and proper compromise by Congress that will put in conference all the alternatives before the two bodies in terms of bringing about some meaningful economies in public spending. It will recognize the merit of House action—by a majority over 100 Members—in trying to effectuate some economies; it will support that purpose; and it will leave to action by the conference the precise procedures to be followed in approaching that objective.

I fully grant that there may be a fourth, or fifth, or sixth alternative in the form of amendments, of which I know nothing, but, at all events, our choice is significant and clear. In my opinion we should take some purposeful, constructive action now and equivocate no longer. Either we reject the economy drive of the House forthwith, if we accept the Senate committee's simple continuing resolution; or we accept that which they have done unquestioningly and assume the responsibility for all the ramifications flowing from a proposal which had not been subjected to hearings, and on which we had no testimony, and which, as was indicated in our hearings, would have results which I doubt many Members of the Congress would want to endorse; or we can accept my amendment or some other course which would be a meaningful demonstration of the desire of the Members of the Senate to do something effective about economy.

I speak in behalf of my amendment be-

cause it seems to me this gives us the tools required to build some economy into the current budget situation. The House has already spoken. Wisely or unwisely, the House has said it thinks there should be some reduction in expenditures. The House committee said it by an overwhelming vote, after it studied the matter. The House itself said, "This is good, but it does not go far enough," and added some cuts. But at least the House has demonstrated to the country that it wants some economy in Government and it wants it now. It is not willing to postpone action, in the middle of October, until the middle of November, or to postpone facing this issue. It has said, "We will dodge it no longer. We will duck it no longer. We will delay it no longer. We will face up to the emergency financial situation which prevails."

My plea to the Senate is that we be equally diligent in refusing to dodge, duck, and delay this most important consideration which must be made, and the most important issue which must be met. The Senate has to accept its responsibility, along with the House and the administration, for doing something meaningful about public spending, which has gotten out of hand.

My amendment assures the President and the executive departments that the Congress is willing to cooperate with them in reducing the current expenditures and the budgetary figures. The Senate will use these tools, we say to the President, to work with him at the workbench of economy, trying to do something together to bring about a reduction in expenditures.

If there are those in this body, and if there are, they are very few in number, or if there are those in the executive departments, and I hope they are also limited in number, who do not want to have any economies effectuated at all, who want to rely entirely on the prospect of higher and higher and higher taxes and costlier and costlier and costlier inflation to solve our problems, to them I submit my amendment has no appeal.

Or to those who say, "We think we should economize, but we did not do it last month when we had it before us and we gave a continuing resolution, and we do not want to do it now, so we should defer it until the 15th of November, and we will not want to do it then because the final supplementary measure will not have passed the Senate," and who will not want to do it when we finally pass the final supplementary measure at midnight or 2 o'clock in the morning before we adjourn—to those who want to kill the economy drive by delaying action on it or confusing or obscuring the issue, my amendment will have no appeal.

Finally, to those who do not want to either raise taxes or economize or take a look at whether or not this rich country can really afford to have bread and cake and guns all at the same time in this war—to them my amendment will have no appeal.

But to all others, I submit that this amendment proposes an honest, effective, across-the-board, objective formula for practical economy. It is a fair and a workable formula for breaking the logjam which the Nation knows now confronts the Congress and the country.

Mr. President, we all know what the logjam is. It has been a great buckpassing carnival. The Congress, the House, the Senate, the Ways and Means Committee, the Finance Committee—everybody says, on the congressional side, "Mr. President, you ought to economize. Tell us where you are going to effectuate some economies and engage in some cutbacks. We will not even continue hearings on taxes, as the Ways and Means Committee of the House has voted and announced, until you tell us when and where and how much you are going to economize."

The President passes the buck back to the Congress and says, "You tell me what I ought to do. You are the appropriations body. You are the tax-raising body. You make the cuts."

Congress rejoins, "We have to know the dimensions of the cloth before we can tailor the suit. We have to know just how much economy has to be made. Mr. President, you act first."

So what happens? We continue to spend. I do not think the taxpayer is too much enhanced or enchanted by this buckpassing game. I propose to bring it to an end. I propose to break the logjam. I propose to tell the President, "We want some economy. We would like at least a 5-percent reduction. We would like to have it across the board, but we recognize that in terms of competent management we cannot always horizontally wisely reduce expenditures.

"So you have the right to deviate from that a little bit. You have a right to cut some areas more than others. But the amendment provides you have no right to use any of the money to increase expenditures in any area. Your economies, your changes, your flexibility move downward only, in terms of expenditures."

Mr. President, I think it is important that this body go on record for some definite steps in terms of economy, for some specific suggestions for taking these pious speeches we all have been making for 90 days or 6 months, and doing something to give real meaning to them. I think it is time, sir, to either fish or cut bait. If we are going to fish, we shall have to say where and we shall have to say how, and we shall have to produce practical, specific, meaningful evidence of our good intentions.

So I submit that this is a good faith amendment. It is not, of course, a perfect amendment. We toyed around with diferent ideas. It was originally thought that perhaps we would give flexibility to the administration only to the extent of 3 percent, that we would make this a minimum 2-percent cut, right across the board, of all the controllable expenditures, and let the President move around with the 3 percent as his area of flexible determination.

There is some merit to that. I doubt that there is an agency of the Government that could not afford to save 2 pennies out of every dollar it receives. I doubt that there is a single one that could not buy a few less paper clips, turn the lights out a little earlier, do away with some overtime pay, reduce the payroll by an individual or two, or find some other way to save 2 cents out of a dollar. However, I was disappointed in the committee, where my amendment lost on a tie vote of 10 to 10.

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

Mr. MUNDT. I yield.

Mr. HOLLAND. Was that a different amendment, or this amendment?

Mr. MUNDT. For all intents and purposes, this one. We left one paragraph flexible, for the staff to fill in.

Mr. HOLLAND. It was my recollection that the Senator was calling for a $3 billion cut.

Mr. MUNDT. No; the Senator is mistaken. This was the amendment in connection with which we decided to let the clerks write in substitute language for the phrase "locked in expenditures." They have now substituted a more meaningful phrase. It applies to controllable expenditures.

There was some suggestion also that perhaps the President is going to try to abuse Congress, that maybe he is going to vent some partisan spleen on the country; that if we do not put any limit on it, perhaps he will cut too much out of one area, and not enough out of another.

He can, of course, do that. I intend to show, from the record, that he can do it anyway. We already have written that in the law.

But, speaking as one fairly partisan Republican, Mr. President, I wish to submit to the President of the United States a good-faith proposal, relying on him to do the right and proper and effective thing. We will rely on him to make those cuts, without any minimum or maximum limitation, but in conformity with the legislative history of the bill and the language of the amendment.

Let us assume the worst, that the President will say, "Well, Congress has insisted that I economize. All right, fellows, I will give it to you hard, where you do not want it," and he will try to make the economy cuts as distasteful and as malicious as he can.

He could do a pretty good job of it, Mr. President, one time. But we are not going to abolish Congress. We are not going to eliminate the Appropriations Committees of the House and of the Senate. So we have the power. We have the tools. We have the weapons; and if he should do such a thing, we would also then have the motivation to stop that kind of capricious playing around with the public interest. He could never engage in such a punitive practice again.

I do not believe the President will do it now. I am willing to trust him that far. I want to give him a good-faith proposition, and say, "Look, let's work together and break this logjam. We have suggested how much be cut, we have suggested the areas, we have spelled out the agencies and bureaus over which you and we can control expenditures. We have suggested the procedure, across the board. You go ahead and use your good judgment. If there are areas which should not be cut at all, cut some others a little more, and come up with the aggregate 5-percent reduction."

I think we ought to pay a little attention, Mr. President, to another factor which has not been considered very carefully by Congress, and that is the exact status of the Federal budget.

The question of the amount of the deficit for 1968 is a matter that has received considerable attention recently. I wish to review briefly the various estimates used by the administration.

If we look at the President's budget that was submitted in January, we find an administrative budget deficit of $8.1 billion—"if," said the President, "Congress enacts legislation providing for an additional $5.5 billion in revenue."

That was the benchmark from which we started. That was the first ante. That was the beginning of the game. You will find it in the budgetary message last January.

In August there were some changes. The President revised his estimates and told us in August that we will have an administrative budget deficit of $14 billion, provided Congress enacts legislation providing for an additional $7.4 billion in revenue.

Stated differently, he was telling us we have a deficit of $21.4 billion, which could be reduced with a request for a $7.4 billion tax bill, provided Congress enacts such a tax bill.

Time marches on. They revised it again last week. Mr. Schultze, the Director of the Budget, referred to a possible deficit of $26 billion. You will find it in the record of the hearings on your desk—and I interpolate to suggest that every Senator read those hearings. They are brief. Senators who have not had the benefit of rapid reading courses can read them in 45 minutes or an hour. If you have taken the course, you can read them in about 20 minutes, I suppose. The record is very compact, very concise, very thorough, and very significant.

In those hearings, the Director of the Budget said that we are now facing a probable deficit of $26 billion, which allows for an increase of $4 billion in expenditures for the war in Southeast Asia, and assumes that Congress does not enact an increase in taxes.

So, Mr. President, the record is pretty clear. In voting on the amendment I have proposed, Senators should bear in mind that we are facing a deficit of $26 billion, which will be the largest since fiscal years 1943, 1944, and 1945, the peak years of World War II, when the deficits ran about $54 billion a year. The figures I have recited should be enough to convey to every Senator the realization that a slowdown in appropriations is in order. We are not legislating in normal fiscal times.

But even these figures do not give the complete picture. I call attention to table 10, entitled "Balances of Obligational Authority," found on page 51 of the President's budget. It will be noted that with respect to the administrative budget, it is estimated that at the beginning of the current fiscal year, there will be an obligated but unexpended total of $75.3 billion.

At this point, I remind the Senate that those are firm obligations, made pursuant to appropriations, that will not result in expenditures during fiscal year 1968.

Now, let us take a look at the estimate of the obligated totals at the end of fiscal year 1968. We find that item listed as $83.2 billion—or another increase of $7.9 billion. Mr. President, these are the Government's figures. These are the updated items. These are the bills that will have to be paid by the Government. There is no way, unless we rescind something or reduce something, that we can curtail that tremendous $83.2 billion figure. My amendment at least starts us on a constructive and corrective course.

When these obligations are considered, while it is clear that on an expenditure basis the Government will operate in the red during fiscal year 1968 to the tune of only $26 billion—which is more than three times the estimate we were given last January for fiscal year 1968—the new total deficits are substantially higher. Surely, the least we can do now, in the Senate this week, is to call a halt to these sharp increases in expenditures, and to adopt an amendment to start retrenching on some of the expenditures which we are still able to control. That, after all, is the purpose of what we are endeavoring to do in this area, in consideration of my amendment.

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

Mr. MUNDT. I yield.

Mr. HOLLAND. The Senator from South Dakota was present and heard the very able remarks of the Director of the Budget throughout our hearings several days ago, as I recall.

Mr. MUNDT. I was present. I heard it all.

Mr. HOLLAND. The Senator remembers, does he not, that the Director of the Budget agreed that the passage of the six annual appropriation bills which have already been passed in Congress reduce the President's budget by $2 billion?

Mr. MUNDT. Yes, I do. The Senator is anticipating part of my speech, but he may go ahead.

Mr. HOLLAND. The Senator recalls, does he not, that in estimating the reductions in the President's budget on the nine remaining bills which have not yet been acted upon by both Houses of Congress and have not gone to the President, the Director of the Budget estimated that the additional reduction would be about $2.5 billion, making a total reduction of $4.5 billion from the President's budget.

Mr. MUNDT. I think the Senator has hiked the ante from $2 billion to $2.5 billion. I am not sure the Senator can charge that estimate to the Director of the Budget. I think it can be charged to the discussion had around the table among the Senators who are going to have to say something about it. It was said that we hope to effectuate another $2 billion savings. The Senator is correct.

Mr. HOLLAND. I hope the distinguished Senator will look at the record. If he does, he will find that the Director of the Budget testified that in his judgment the additional cuts would be sufficient to bring the total reduction in the President's budget up to $4.5 billion. And I insisted that I thought it would be nearer to $5 billion. Does the Senator recall that?

Mr. MUNDT. I recall the colloquy. As I say, I do not think the Director of the Budget is the world's best authority on what Congress will do. The Senator from Florida is much more competent to judge that than is the Director of the Budget.

Mr. HOLLAND. At any rate, the Director of the Budget did, if the Senator will check the record, state that in his opinion the President's budget would be reduced by a total of $4.5 billion when all the appropriation bills of this session are finally passed upon.

Mr. MUNDT. I think I heard that figure booted about. He said he thought it would be $4 billion, but certainly $4.5 billion would be a pleasant surprise and a gratifying result to me.

Mr. HOLLAND. The distinguished Senator realizes that even after we pass the appropriation bills and even if we reduce the President's budget by $4.5 billion—and it is my feeling that it will be nearer $5 billion than $4.5 billion—if Congress should agree to the amendment of the Senator from South Dakota, there would be a mandate to the President to cut 5 percent on all items—reading from the parenthesis—other than appropriations for military functions and those items determined by the Director of the Bureau of the Budget not to be subject to administrative control.

Mr. MUNDT. The Senator is correct.

Mr. HOLLAND. The distinguished Senator then feels that even after Congress has done its best, and even though we may reduce the President's budget by $4.5 billion, and the Director of the Budget thought that was the better figure—or $5 billion—as I think is probably the better figure—we should still, notwithstanding that very heavy cut, direct the President to cut all line items, except those few that are excepted, by 5 percent.

Mr. MUNDT. Subject to the transferability authority.

Mr. HOLLAND. But the total amount to be cut will amount to 5 percent on all line items other than those which are excepted.

Mr. MUNDT. The Senator is correct, and the Senator from South Dakota believes and would hope that it would amount to a substantial cut in addition, between $1.5 billion and $2 billion.

If the Senator from Florida is correct in his very optimistic prediction that we will save $3 billion more, to make a total of $5 billion, then we would have to do it by the use of items against which the 5 percent also works. So, my amendment would then produce less savings.

If we follow tradition and do not quite live up to expectations, my amendment would effect a little greater savings. If we achieve the cut which I think we should make, we would reduce the total then by an amount of between $6 billion and $7 billion, which is what the administration is now trying to raise by a 10-percent tax imposed on the taxpayers of America. It almost hits the figure on the nose.

Mr. HOLLAND. Under the wording of the Senator's amendment, is it not true

that within the amount to be cut would be included 5 percent of all appropriations for the Veterans' Administration, except those for retirement and pensions and disability payments?

Mr. MUNDT. No; it is not true that it would take 5 percent off the Veterans' Administration for the reason I gave earlier, that we leave to the President's discretion in terms of efficient management, the right not to cut any particular function or agency which in his opinion on the basis of facts supplied by the Bureau of the Budget and by the record itself, he finds to be undesirable to cut. So, if the Veterans' Administration, in his judgment, needs the money appropriated, my amendment would have no impact on that.

Mr. HOLLAND. The Senator has said that the 5 percent of all items for the Veterans' Administration, other than retirement, pensions, and disability benefits——

Mr. MUNDT. Other than all noncontrollable items.

Mr. HOLLAND. Would have to be cut either off the Veterans' Administration appropriation or off some other appropriation.

Mr. MUNDT. That is a horse of an entirely different paint job. That being a Government function, if the President should figure they need all that is appropriated, they would get it. However, if the President does not happen to like the Veterans, he could cut the amount by 20 percent. But he will not do it. He will take the money from areas where the cuts can be better made in the public interest. If the veterans need every dime appropriated, they will get it under my amendment.

Mr. HOLLAND. Is the Senator suggesting that 20 percent might easily be cut from certain appropriations less acceptable to the general public and to the Congress than is the Veterans' Administration appropriation?

Mr. MUNDT. I have voted for some substantial reductions in appropriations already made, and I believe the Senator from Florida has, too. And the RECORD will show, by our votes, that we must have felt that some meaningful cuts could be made in the appropriations already passed.

Mr. HOLLAND. The Senator must understand that in addition to the cuts voted for by him and by Congress——

Mr. MUNDT. I am talking about the cuts which failed.

Mr. HOLLAND. And many have been heavy cuts, the President would be directed by the amendment of the Senator to cut an additional 5 percent with the exception of the matters listed in the Senator's amendment.

Mr. MUNDT. The Senator runs out of breath before he gets the sentence completed. It is with the exception of the items in parentheses and with the exception of the transferability authority which enables the President to keep them at the same figure. He cannot increase them.

I recall that the Senator from Florida voted with me on cuts in some appropriation bills which did not prevail. We succeeded in getting some. However, we did not prevail on others.

I would hope that the President, in looking over those items would make some sharp cuts in those areas where a substantial number of Senators felt there should be cuts. I would put it up to him. This is a good-faith amendment.

We are trusting him to make the proper and the necessary cuts.

Mr. HOLLAND. Does the distinguished Senator feel that the adoption of his amendment would indicate that Congress has more confidence in the President's judgment than it has in the judgment of a majority of Congress?

Mr. MUNDT. I do not think that. I think it simply recognizes the facts of life, that since we passed on appropriation bills, some of them several months ago, the financial situation has gotten tighter, the war has gotten more costly, the problems involving a tax increase have gotten more complicated, the fires of inflation are substantially hotter and we are taking a second look at conditions, as we should do now, and not 60 days from now or 90 days from now.

Mr. HOLLAND. The Senator knows that we have a right to take an additional look from this time forth at the nine appropriation bills that have not yet been passed, does he not?

Mr. MUNDT. For the nine that have not been passed; that is correct.

Mr. HOLLAND. If the Senator has more confidence in what the President will do after we have taken that look and after we have acted, in the light of our view that economies should prevail, he has more confidence in the President than he has in the righteousness of what Congress will do, has he not?

Mr. MUNDT. No. Because I have this much confidence in the President, I do not want the Senator from Florida to put me in the spot of implying I have complete confidence in everything the President does. I believe it manifestly unfair to give to a selected number of government activities, on whose appropriations we may already have acted, the right to continue at that level, and to effectuate all our economies in those that come later in the priority list. I do not believe it is fair or right or essentially effective.

Mr. HOLLAND. If that is the philosophy of the distinguished Senator, why does he not confine his amendment to the six bills which have already passed?

Mr. MUNDT. Because I want this to apply equally to all the bills. This is something which I believe we can reduce. It is true that since we have nine bills still to consider, members of the Committee on Appropriations may well reflect upon that as they arrive at the final figures. But I am convinced that few, if any, items in those bills which remain should not be subjected to the same type of scrutiny.

I believe it would be salutary in this country for every activity of Government to stop expanding for awhile and start examining the costs and the consideration of the taxpayer, and I am attempting to express this in an amendment.

Mr. HOLLAND. So far as the Senator from Florida is concerned, that is one thing the Senator from South Dakota has said with which I can agree. The action of the Senator from Florida in the handling of his bill on the agricultural appropriations would so indicate, because it has been passed at a figure decidedly less than that in the Presidential budget. That attitude of the Senator from Florida is also being reflected, bill by bill, in the matters which are now being passed upon by conference.

But my question was this: If the Senator is trying to aim his action at the six bills already passed, why does he not say so in the amendment, rather than to discourage conferees on the nine remaining bills, and Senators and Representatives who are considering them, from making what they regard as maximum cuts on those bills?

Mr. MUNDT. I would hope that it would be a matter of encouragement, not discouragement, because they would have before them the mandate of Congress that it was highly interested in making some significant economy. The Senator from Florida can guess and I can guess. I do not know how our colleagues will react and neither does he. But I believe it would be encouraging to know that we have expressed this determination to have belt tightening all across the board except in those areas where the President finds it would be detrimental to the public interest. To that extent, certainly, I have confidence in the President.

Mr. HOLLAND. The Senator from Florida believes that the result in passing on the nine appropriation bills yet to be passed, the result upon the conferees, and the result upon individual Members of the House of Representatives and of the Senate would be disappointing and would be unfavorable and would not lead toward the economy which the Senator so ardently desires; because both Houses would be advised—if the Senator's amendment were adopted and the resolution as adopted were passed—that however much they cut each item, it was still going to be cut an additional 5 percent, or at least was subject to being cut an additional 5 percent.

Mr. MUNDT. In response to the Senator from Florida, I say that I respect his right to speculate as to how our colleagues will react to anything we do, as he, of course, must respect mine, because neither of us has a diploma as a crystal-ball gazer. We must guess.

On the basis of what has happened so far in our conference committees in reaction to the House, it would be my conviction that if we take this action, it will have a salutary effect in inducing, in the nine remaining bills and the conferences which remain, a new energy displayed toward economy. Even the action that the House has taken so far in resubmitting bills and passing resolutions of this nature has resulted, as the Senator knows, in some of the conferences which we jointly attend, in the House remaining adamant on positions of economy which have been greater than those we have taken on the Senate side.

I agree with the Senator that we have made some major successful efforts—not adequate to meet the conditions of the time—to reduce the President's budget.

Otherwise, we would not have saved the $2 billion we already have saved.

Mr. HOLLAND. Mr. President, the Senator from Florida has heard of legislative actions to indicate no confidence, but it was always no confidence in somebody else. But the amendment of the distinguished Senator from South Dakota appears to the Senator from Florida to be an invitation to the Senate to vote no confidence in itself, in its own actions, in the actions of the other body, and in the final actions of Congress. The Senator from Florida admits that he has not seen any such proposal ever made during his service in the Senate—more than 21 years—because, in truth and in fact, this is an admission in the RECORD that those voting for this amendment believe that Congress will not have done its duty toward economy and that, on the contrary, after they have done what they may regard as their duty, it believes that the President should cut an additional 5 percent.

It seems to the Senator from Florida that the amendment is very unfortunate, and it would be very unfortunate for it to be attached to the resolution.

Mr. MUNDT. This may reveal the difference of opinion which we have, because the Senator from South Dakota is not satisfied with the economy effort made thus far by Congress. If the Senator from Florida is, so be it; he should then oppose this amendment. If he believes we have done the best we could do or should do, he should oppose it. I do not believe we have. Under the circumstances as they confront us at this late date in October, I believe we should take another look and do some further economizing.

I believe we should set up a formula under which we can meet the problems of our times fiscally. I am unhappy with what we have done. If the Senator is happy with the situation, I can understand why he would say we should not make any change. This is not the first time we have done this. We did it in 1951 and at other times. We have passed legislation of this nature whereby we tighten our belt as we meet new conditions.

Some of the appropriation bills about which the Senator from Florida is talking were passed several months ago. Our financial conditions have vastly changed, and they have changed for the worse. Perhaps the Senator from Florida is not receiving mail from people concerned about inflation. I am. About the threat of high taxes. I am. About the fact that they, at least, are not satisfied with the job we have done up to date. And they say, "Cut it some more." I believe we should. This is one device to do it.

Mr. HOLLAND. The Senator from Florida believes that if in Congress we are successful in reducing the President's budget by $5 billion—and that is what he is working toward—we will have done a splendid job, the like of which has not been done at least in 21 years; and he would not want to put in the RECORD a confession that that is not a good job and that we want an additional 5 percent struck from all line items except a very few.

The Senator from Florida could not support this amendment because it seems to him that it is quite simply an expression of no confidence in Congress, and I do not feel that way about Congress as a whole, or about the Senate or the House of Representatives. We all know that economy must prevail.

He thinks that if we do cut the budget by $5 billion, which is what we are shooting toward, we will have done a good job which would entitle us to the commendation of the entire public.

I thank the Senator for yielding to me.

Mr. MUNDT. The difference between the point of view of the Senator from Florida and me seems to be primarily how much we should cut. We know we have cut $2 billion and I hope we can cut $2 billion more. The Senator from Florida first thought the figure should be $2.5 billion and now he thinks it should be $3 billion more. That is fine. I shall help him try to do it. I think it is still inadequate. The House of Representatives thinks it is inadequate. They proposed $7 or $8 billion and it was carried by a 110-vote majority in a rollcall vote. The other body is a little closer to the feeling of the people in connection with the economy than the Senate is.

In all events I appreciate the suggestion of the Senator from Florida. We discussed this matter on the same basis while in committee. All I can do is point out a formula which I think will save more money if it can be agreed to.

Mr. President, inasmuch as the Senator is in the Chamber who asked me how long I was going to be, and I had told him I would be finished by 5 o'clock, I think I should hurry along so that he will not be inconvenienced. However, if there is something more which my friend, the Senator from Florida, wishes to say I yield to him.

Mr. HOLLAND. I direct the attention of the Senator to page 46 of the printed record of hearings, 10 lines from the bottom, where Mr. Schultze stated:

> My own judgment would be, on a conservative basis, that it looks as if Congress will have reduced appropriations by $4.5 billion. I may be a little too conservative, a little too optimistic, but somewhere in that ball park.

Does the Senator from South Dakota find that quotation?

Mr. MUNDT. Yes. Mr. Schultze said, "somewhere in that ball park"; any place between $4 and $5 billion. I submit that he is not the best authority on that. He participates in no congressional debates, and he does not vote on appropriations. He is looking through a knothole in the fence of the ball park and making a speculation, but he is not and cannot be an authority in the field of speculating on future congressional actions. That is not his field of authority or expertise.

Mr. HOLLAND. We called him to testify because we wanted his advice.

Mr. MUNDT. The Senator is correct.

Mr. HOLLAND. I remember that the Senator from South Dakota was eager to have him testify and to have his views.

Mr. MUNDT. I was more interested in those areas in which he has expertise than where he has to look through the knothole in the fence to see the ball park. He has no way at all to know. Any one of our youngest Senators knows more about the actions in the Senate than somebody at the other end of the avenue just called to testify. He made a pretty adroit answer: He said he was being maybe a little too conservative, and maybe a little too optimistic. How can he be wrong?

Mr. HOLLAND. He told us about the $2 billion which we agreed on. Then, he suggested $2.5 billion more would be cut and he stated that was a conservative estimate.

Then, later on, in respect to my statement, I said, on page 62:

> My own feeling is that these reductions will probably be more than that; between four and a half and five billion. Are you predicting your estimate upon possible cuts in these different fields? Foreign aid, independent offices, space, military construction, antipoverty, and State, Justice, and Judiciary?

Mr. Schultze said, "Yes."

I was trying to make sure we were looking at the same picture. I wanted to call the attention of my distinguished friend very definitely to the fact that the two figures that were mentioned were $4.5 billion and $5 billion, rather than $4 billion, which he mentioned.

Mr. MUNDT. In justice to the Director, we should quote him precisely. He said:

> I may be a little too conservative, a little too optimistic, but somewhere in that ball park.

He left the matter open at both ends. That is why I say he was adroit and could not miss. He protected himself on both ends.

Mr. HOLLAND. Of course, the Director is proceeding not only on what he saw in the two bills, but on the basis of his knowledge of the difference in the House bill and the Senate bill in the six fields mentioned by me, which is what he said he was looking at. The Senator from Florida and the Senator from South Dakota are conferees on most of those additional bills.

Mr. MUNDT. The big bill is foreign aid, which I have not been estimating.

Mr. HOLLAND. It is my estimate we have a better chance to make a $5 billion cut and that is what my sights are on at this time.

Mr. MUNDT. I will help the Senator in every way I can to achieve the total $5 billion goal, which however, I believe is still inadequate. My proposal would give us $6 billion in total congressional savings which I think we should make, and that is what the President asks we provide in a new 10-percent surtax bill.

Mr. President, I ask unanimous consent to have printed in the RECORD a fact sheet concerning the Mundt amendment, indicating precisely what it does. I have set out estimated savings and how the figures go up or down.

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

FACT SHEET: THE MUNDT AMENDMENT

1. Senator Karl Mundt will offer the following amendment to House Joint Resolution 888, a Resolution to continue the authority of the existing Continuing Resolution, providing obligational authority to those

departments and agencies of the Government for which appropriation bills have not been enacted:

At the end of the Resolution, insert:

"SEC. 2. (a) Subsequent to the enactment into law during the first session of the 90th Congress of the appropriation bills for fiscal year 1968, the executive branch is directed, subject to subsection (b), to reduce by at least 5 per centum each line item appropriation (other than appropriations for military functions and those items determined by the Director of the Bureau of the Budget not to be subject to administrative control) contained in such bills.

"(b) In order to provide for the most effective use of appropriations reduced in accordance with subsection (a), the President may make such transfers between appropriation accounts as may be necessary, but no such transfer shall cause any item of appropriation to be increased to an amount in excess of the amount provided in the appropriation bill."

2. *House-passed version of H.J. Res. 888:* As it passed the House of Representatives, this Resolution—

a. Provided for a 30-day extension of the authority granted in the existing Continuing Resolution;

b. Provides for various limitations on fiscal year 1968 expenditures which the Bureau of the Budget estimates will total approximately $7 billion in reductions in 1968 expenditures.

c. Imposes new maximum level of obligations under the Continuing Resolution with respect to the programs of the Agency for International Development and Office of Economic Opportunity.

3. *H.J. Res. 888, as reported:* Recommends—

a. An extension of the existing Continuing Resolution authority to November 15, 1967; and

b. Deletion of those provisions in the House-passed Resolution limiting fiscal 1968 expenditures and imposing new levels of maximum obligations with respect to the Agency for International Development and Office of Economic Opportunity.

4. *The Mundt Amendment:*

a. *Applicability:* Appropriations for all departments and agencies of the Government—the Executive, Legislative, and Judicial Branches.

b. *Effect:* Imposes a reduction of 5 per centum in each appropriation made for fiscal year 1968, including appropriations in those bills already enacted and those to be enacted with the following two *exceptions:*

(1) Funds appropriated to the Department of Defense for *Military Functions;* and

(2) Those items determined by the Director of the Bureau of the Budget not to be subject to *administrative control.*

c. *Implementation:* Subsection (b) of the amendment authorizes the President to make transfers between appropriations as may be necessary to effect the 5% reductions, but provides that no appropriation can be increased over the enacted amount as the result of such transfers.

d. *Estimated savings:* The requests in the President's budget for appropriations (new obligational authority) for fiscal year 1968 total $145.2 billion. The Director of the Bureau of the Budget advised the Committee on Appropriations of the Senate that approximately $38 billion of this total was subject to administrative control. This total excludes appropriations of approximately $74.6 billion to the Department of Defense for *Military Functions* and $32.6 million for programs and activities that are not subject to administrative control, such as interest on the national debt, postal operations, veterans' benefits, and certain agricultural programs. When the proposed 5% reduction is applied to these controllable programs, which total $38 billion, a reduction of $1.9 billion results. However, it must be recognized that the Congress has already made some reductions in funds requested for these programs, and further reductions will be made in those appropriations included in the bills that have not been enacted. When these specific reductions are considered, it is likely that the Mundt amendment will result in further reductions of $1.6 to $1.7 billion in appropriations. It is estimated that such a reduction in appropriations will result in a reduction of from $700 million to $1 billion in expenditures, with the balance of the reduction to follow in later years.

5. *Precedent:* The Mundt amendment is in the nature of a general reduction in appropriations—not a limitation on expenditures. It is patterned after the following provision that was included in the General Appropriation Act, 1951 (Public Law 759, 81st Congress):

"SEC. 1214. Appropriations, reappropriations, contract authorizations, and reauthorizations made by this Act for departments and agencies in the executive branch of the Government shall, without impairing national defense, be reduced in the amount of not less than $550,000,000 through the apportionment procedure provided for in section 1211 of this Act."

6. *Not an "item" veto:* The proposed Mundt amendment does not grant to the President any authority that can be termed an "item" veto. The amendment does grant to the President the authority to make transfers between appropriations, to the extent necessary, to efficiently accomplish the 5% reductions required under the proposed Mundt amendment. It should be remembered that under existing statutory authority the President, through the apportionment process, can refuse to obligate funds provided by the Congress.

This authority is to be found in P.L. 759—81st Congress, General Appropriations Act of 1951.

Mr. MUNDT. I wish to point out further that we have had Congresses before which have faced up to this problem. They have not been too much concerned about whether they were criticizing themselves, the administration, or each other; but we have passed Economy Acts and rescission bills. I think this is a very serious problem. I do not think that a $5 billion cut from inflated estimates when there is a $26 billion deficit is anything to go home and brag about. I think we should do more. I think the White House should still do more if we cut this by $6 billion. If the President gets his tax bill through and raises $6 billion, that is $12 billion, at a time when we have a large national debt and a deficit which is creating certain signs of very dangerous inflation. I hope that beyond such cuts the President can slow down certain expenditures so we can begin to get the budget under control. We have more to consider than the personal feelings of each other on these problems. We must respond to the fiscal problems of our country and we must face up to them. I shall have more to say on this matter tomorrow when we come to the consideration of the amendment.

I join the Senator from Florida in hoping that Senators read the hearings which appear on pages 49 through 73, which incorporate what the Senator from Florida has said. Before that we had listened for almost 2 days to the Budget Director saying that it cannot be cut this way, that way, and so on. I said, "Mr. Budget Director, let us think ahead. This is a real problem." I told him I wanted him to say whether he thought it was a real problem or was not. The Senators will find that he did. It will be found in the hearings. We have his statements about it. I submit it is something we should consider carefully. If someone can present a better system for reducing the budget, so be it. I shall consider it and support it, but I want to get the problem understood and I believe we should take prudent and effective action now.

I was distressed by an editorial which appeared in the St. Louis Globe-Democrat under date of October 16, 1967. It said some pretty unkind things about the Senate and it said some pretty nice things about the House of Representatives. It said that the House of Representatives was facing up to the problem and that they were trying to do something about it over there, but that the Senate was thinking of one reason, one alibi, or another, for doing nothing. I hope before the Senate adjourns we do something. I have no pride in authorship in my amendment but it is an important step in the right direction.

I would welcome the support of the Senator from Florida to come up with a savings of $7 billion or any additional amount, or 8 percent instead of 5 percent, but I want to get started in the right direction. This is the most effective and reasonable way that I know. This is a good-faith approach. If any Senator has a better one, let him produce it. But by all means let us not settle now for doing nothing.

Mr. President, I ask unanimous consent that the editorial to which I have referred may be printed in the RECORD.

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

In view of its recent irresponsible behavior in approving money bills calling for even greater expenditures than President Johnson's excessive budget requests, the United States Senate has lost a great deal of prestige in the eyes of Americans who expected far better from the highest legislative body in the country.

There appears an air of unreality in the Senate. Its members show no sign that the nation faces a $29 billion deficit from President Johnson's out-of-control budget.

In its latest action the Senate approved a $4.77 billion public works bill (better known as the "pork barrel" bill) that tops the House-passed version by $1.53 billion.

The Senate has tacked on $1.57 billion to the already huge $4.95 billion agriculture money bill approved by the House. In recent days its members also have added $198 million to the anti-poverty bill, seeking $2.25 billion for this fiscal year, and have passed a space budget in excess of $4 billion that also topped the House version.

The House by contrast, is taking a stand against the President's drive to railroad through virtually all of his $143 billion budget.

Refusal of the Senate to cooperate in the House budget-cutting efforts has tipped the balance in Mr. Johnson's favor, encouraging him to turn the screws on House members by freezing all government spending for rivers and harbors projects, military housing and other programs, rather than prune the budget.

Unless members of the Senate quit playing politics with the people's money, the

near chaotic standoff between the House and the President can be expected to continue, greatly damaging the nation's economy and undermining confidence in Congress.

Members of both parties in the Senate should shake off this political stupor before the present impasse inflicts much greater harm to those they supposedly represent.

THE DOMESTIC DEVELOPMENT BANK AND THE ECONOMIC OPPORTUNITY CORPORATION

Mr. JAVITS. Mr. President, I am sorry that events have kept us to this late hour. I had hoped not to keep my colleagues so late on this matter, but I believe the bills I am introducing today are critically important to relieve the situation facing the whole war on poverty as to require some elucidation to Senators.

The PRESIDING OFFICER. Without objection, the bills will be received and appropriately referred.

Mr. JAVITS. Mr. President, I ask unanimous consent that the text of the bills may be printed at the end of my remarks.

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

(See exhibit 1.)

Mr. JAVITS. Mr. President, I introduce, for myself and Senators ALLOTT, BOGGS, BROOKE, CARLSON, CASE, COOPER, DOMINICK, GRIFFIN, HATFIELD, JORDAN of Idaho, KUCHEL, MURPHY, PEARSON, PERCY, PROUTY, SCOTT, TOWER, and YOUNG of North Dakota, a bill to establish a Domestic Development Bank to assist in the development of employment and business opportunities in certain urban and rural areas.

The second bill would amend the Economic Opportunity Act of 1964 to charter an Economic Opportunity Corporation to encourage the participation of private enterprise in the effort to rebuild urban slums and eliminate poverty in the United States.

There are 22 sponsors of this bill, which I introduce for myself and Senators AIKEN, ALLOTT, BAKER, BOGGS, BROOKE, CARLSON, CASE, COOPER, DOMINICK, GRIFFIN, HATFIELD, JORDAN of Idaho, KUCHEL, MUNDT, MURPHY, PEARSON, PERCY, PROUTY, SCOTT, TOWER, and YOUNG of North Dakota.

Now, Mr. President, it is well known that for many years I have urged the concept upon the minority of suggesting and recommending feasible alternatives. This is certainly one of the most important of those efforts which have been made and it is offered in the greatest spirit of cooperation and in the hope that it may appeal to enough members of the majority to make it law. But I think it is so important that a large body of members of my party have gathered to sponsor a very major effort in the poverty field as to very richly justify putting it forward as an alternative which was offered at this time solely by the minority.

It is most instructive, on one of these bills, that 22 Republican Senators commit themselves to an affirmative and most constructive antipoverty program, thereby, I think, answering decisively any doubts about whether the great body of Republicans will really enlist in this fight. I think it is, in that respect, extremely constructive and extremely important.

1. THE NEED FOR A NEW STRATEGY

For several decades, the phenomenon of urbanization has been the dominant domestic trend in this country—a trend far outrunning our ability to comprehend it and deal with it. Urbanization has proliferated the big city slum, the slum which over the past summer repeatedly gave birth to riot and tragic destruction of life and property.

But the crisis of the core city is also a crisis for rural America, whose people are taking flight to the cities as farm manpower needs diminish. No program or effort which seeks to resolve the problems of the city slum can stand alone—rural migration needs to be halted or at least slowed and the economy of rural America brought back into equilibrium.

The legislation which my Republican colleagues and I are offering today seeks to deal with two related problems which are fundamental to the substance of rural and urban poverty. This legislation is aimed primarily at resolving the problems of unemployment in both these areas and at raising the level of business activity owned and managed by local people in order that they may build an economic stake in the community.

But our strategy in this legislation is somewhat different from that which has dominated Federal programs to date. For in these bills, primary reliance is placed upon the forces of private enterprise with Government fund and resources being used essentially as levers to move those private forces into paths that will alleviate conditions of poverty and solve social problems.

A great many people, both citizens and politicians, are restless and impatient with the present antipoverty and welfare programs. Very few of these people would, I think, disagree with the goals of the war on poverty. Rather, they are concerned that these goals are not being reached and that we are not breaking the cycle of poverty and dependency. To some extent, such criticisms are premature, for the antipoverty programs are of only very recent origin and have been continually plagued by congressional delays in funding and by inadequate appropriations. Nevertheless, there are grounds to doubt the adequacy of the antipoverty effort, and too many of our programs are mere bandaids or palliatives which comfort the victim but offer him no cure for his condition. The bills I present today are designed to break this cycle, to advance beyond the band-aid approach.

These bills seek to tap the resources of what can be our greatest ally in the war on poverty—the private sector. Government by itself simply cannot marshal the funds nor the talent to solve this problem. But when used in conjunction with and to stimulate private efforts, Government funds can have a multiplier effect and hence a far greater impact.

Let me be perfectly clear on one point: As of now, with our present approaches, we are not winning the war on poverty and we may in fact be losing it. The gap between rich and poor is growing in this country. The unemployment rates in many rural and poverty areas are going up. It is no longer simply a matter of pious statement that it would be nice if private enterprise came to our aid in this struggle. Private enterprise should enter this struggle and Government must see to it that it does. Unless Government funds are used to this end and with this multiplier effect, results will not be forthcoming which are needed to sustain public support for the antipoverty program.

The legislation which I propose today would create two new vehicles, a Domestim Development Bank and an Economic Opportunity Corporation, to encourage and facilitate the participation of private enterprise in urban and rural antipoverty efforts. Each of these bills draws upon the experience of successful international institutions which are engaged in economic development and antipoverty activities abroad. I wish to emphasize that neither of these programs would replace the Office of Economic Opportunity or the present antipoverty program, but they would add a new dimension to it. With a greater involvement of private money and talent, Government would have a partner in the war on poverty and may find it possible to expand its own efforts more modestly.

I have received the important suggestions of a number of my Republican colleagues—suggestions which have been incorporated in these bills. Moreover, this legislation had had a great deal of study and analysis involving business, labor, foundation executives, professors, and economists. I first introduced a bill to establish an Economic Opportunity Corporation in June 1966, and these two bills being introduced today are refinements of that original measure.

II. THE DOMESTIC DEVELOPMENT BANK

First. The heart of the problem—unemployment and lack of business opportunity. The problems of unemployment and lack of business opportunity are the touchstones of this legislation.

We have been aware of massive and chronic unemployment in this country for sometime, but a series of 10 Labor Department slum surveys conducted in November 1966, gave us a first clear idea of the staggering dimensions of the problem. These surveys showed that the unemployment rate in these areas was about 10 percent, or three times the average for the rest of the country, and that "unemployment—or subemployment—in city slums is so much worse than it is in the country as a whole that the national measurements of unemployment are utterly irrelevant." Moreover, there is evidence that the situation is deteriorating—the Labor Department reports that "social and economic conditions are getting worse, not better, in slum areas."

The second fundamental problem, one which we have tended to overlook in terms of Federal programs, is the lack of involvement of the rural or urban poverty area resident in the ownership and management of the business community which serves him. The riots have shown us the depths of this alienation and resentment in the cities as white-owned

stores were burned and looted while "soul brother" establishments were spared. Though he is tragically mistaken, the slum Negro sees himself as having no stake in the economic life of his community and no realistic possibility of becoming a part of it—hence there is no community morality against destroying it.

We pride ourselves on our system of private enterprise, secure in the belief that where everyone shares in the responsibilities and benefits, all will remain guardians of the system and will prosper. We must now ask what we are prepared to do to insure that all groups do in fact participate and have a stake in the preservation of the economic system. We must now seek to train and assist men to become owners and entrepreneurs in our society with as much vigor as we are now training them to become other people's employees.

Nor is small business ownership important only for the city slum residents—in depressed rural areas too, the development of small business opportunities would aid to stabilize the local economy, check outmigration, and offer a kind of economic opportunity heretofore denied to the rural poor.

Statistics on this problem of lack of business opportunity are hard to come by, particularly in rural areas, but the Interracial Council for Business Opportunity, which provides technical assistance to minority group businessmen, has developed the following data:

New York City, with a Negro population of about 1,100,000, has only about a dozen Negro-owned or managed enterprises employing as many as 10 persons;

Over half of Newark's 400,000 residents are Negroes, but only a little over 10 percent of its 12,172 licensed businesses are Negro owned;

In Los Angeles, with an estimated 600,000 Negro residents, there are 131,039 licensed businesses of which almost an invisible fraction is owned by the Negro minority;

In Washington, D.C., where 63 percent of the citizens are nonwhite, only 13 percent of the businesses are owned by Negroes;

The Department of Labor's statistics show that of the 3,000,000 self-employed persons in the United States, only 70,000 or less than 3 percent, are nonwhite;

According to a Fortune article, from 1950 to 1960 there was actually a decline of one-fifth in Negro ownership and operation of business enterprises.

The Interracial Council for Business Opportunity concluded, after reviewing this data, that "violent appeals will be less likely to occur in communities where the stabilizing influence of a successful Negro business class exists."

Second. The role of economic development: It is apparent that if the forces that stimulate business formation and location could be put to work in or near poverty areas, we would have a technique which at one time strikes at both unemployment and lack of business opportunity. Under such an economic development strategy, the aim would be to create businesses which would be both job producing and which would open presently closed doors to business ownership for residents of urban and rural poverty areas.

We cannot, however, rely upon present private market forces and the continued growth and prosperity for the average citizen to solve the problem of rural and urban poverty. For, as the Department of Labor slum survey concluded:

> No conceivable increase in the gross national product would stir these backwaters.

And, in fact, present trends in economic development are contributing to a worsening of the situation, for businesses are leaving the core cities and the depressed rural areas.

Between 1954 and 1965, almost two-thirds of all new industrial buildings and a little over half of all new stores were constructed outside the central cities. In some cities, the flight of new construction was even greater—rising in Los Angeles to 85 percent of the new industrial buildings and 63 percent of the stores.

A report entitled "Program Planning for Economic Development," prepared by the Economic Development Administration, projected employment, income and population changes for each county in the United States and concluded that by 1975—

> Even if all the labor force absorbed by expanding job opportunities in suburban and outer-ring counties comes from the central cities, 9.8 percent of the population of the 25 largest metropolitan areas still must either migrate to smaller, rapidly growing counties or find jobs at home not projected by our analysis. This 9.8 percent is an enormous figure in absolute numbers—7.1 million persons (or 2.9 million jobs).

The situation in the depressed rural areas is just as serious, and can be measured by the migration statistics. Some 11,000,000 Americans migrated from rural to urban areas between 1950 and 1960 and there is every indication that the trend will continue at least through the mid-1970's. The effects in individual cities are startling: for example, it is estimated that 1,000 displaced farmworkers pour into Watts every month. The magnitude of the in-migration trend is staggering: between 50 and 60 percent of nonwhites in those six Northern and Western cities of greatest Negro population—New York, Chicago, Philadelphia, Detroit, Washington, and Los Angeles—are in-migrants, and about 80 percent of those came from the South.

A new strategy of economic development, balanced between rural and urban areas, is urgently called for. This strategy must be carefully developed, in my view, so that it does not point irrevocably toward black core cities surrounded by white suburbs. Great care must also be taken to insure that, in the cities, this strategy focuses upon the right kind of business development and ownership. Certain kinds of establishments are typically more able than others to thrive in the core cities. These urban industries include service companies, office buildings, construction firms, distribution companies, and light manufacturing—enterprises which do not require extensive land and/or produce massive displacement, and which do not have substantial air and noise pollution attributes.

Third. The leverage of financing: For these kinds of businesses, a key inhibition to location or development in a rural or urban poverty area is an inability to get financing for the construction or purchase of fixed assets or for working capital. This is particularly a problem for minority group businessmen. At the present time no significant amount of long-term, low-interest mortgage money is available from public or private sources for such industrial and commercial projects; a particularly severe problem is the lack of financing for most of project costs; for example, 90-percent mortgage loans. Typically, the only mortgage loans for commercial purposes which are now available would be on the order of 15- to 20-year loans of 50 percent of project costs at a "constant factor"—interest plus amortization of principal—of 9 or 10 percent. Such loans would be available in poverty areas only to well established, credit worthy borrowers. At these terms, there is no incentive to locate facilities in a poverty area and no opportunity for any other than the most credit worthy businessman to get financing.

By far the larger number of potential borrowers in poverty areas cannot get loans at all, despite the fact that a great many are excellent credit risks. Virtually no loans are available to "speculative builders" who would construct office or loft buildings without previously leased or sold all of the space. The fact is, quite simply, that the banks, insurance companies, and other lending institutions have better risks elsewhere, given the demand for money in this tight credit market. Perhaps the only companies which would not have these credit problems on moving into a slum area are the large corporations—the General Electrics and U.S. Steels—who tend to finance their expansion activities from internal capital or by selling their own notes on the market.

This analysis suggests, of course, the provision of long-term, low-cost credit as a vehicle for producing the desired economic development. An alternative approach has been suggested in two bills which would use tax incentives for economic development. Both of these tax incentive bills have been coauthored by my colleague, Senator PEARSON, of Kansas, and I myself am a cosponsor of one of them. I want, for a moment, to sketch out the connections and distinctions between this and a tax approach. I am convinced that they are not mutually exclusive. In the first place, a tax incentive will only stimulate the development or location of a business in a rural or urban poverty area if the businessman already has the credit to become established. Tax deductions and credits come into operation only after the business is established and is making a profit; such incentives do not aid the businessman to get his initial mortgage money or working capital. Since only the biggest and most credit worthy companies are eligible in today's money market for credit to establish facilities in these poverty areas, a tax incentive approach alone would tend to favor only the larger and more estab-

lished corporations. But an economic development strategy for the core cities must also appeal to other than such corporations, for large manufacturing plants with large land requirements are not always well suited to urban location. Aside from air and noise pollution problems, they would tend to produce severe relocation difficulties for displaced residents and may not be physically desirable in most ghettos, which are essentially residential areas. Moreover, they would almost always be absentee owned operations, and typically would not provide the important psychological advantages of local ownership which a small- and middle-sized business assistance program might produce. Finally, important questions arise as to the relative effectiveness of a tax approach. Tax incentives tend to be on inflexible instrument, and cannot be readily tailored to fit the needs of individual industries, businessmen, or geographic areas. Moreover, because of the size of the incentive has to be determined in advance, it may later prove to be a windfall for some businessmen or too small to provide adequate incentives for others.

At any rate, the tax incentive approach should be coupled with the credit approach so that there is encouragement both at the establishment stage and during the ongoing operation of the business. The target of these two approaches tends to be different, both in terms of the point in time at which the incentive comes into play and the nature of the business to which it is most appealing.

Credit for plant construction and purchase of machinery is just as serious a problem in rural areas as it is in the cities. Many communities have issued industrial revenue bonds to finance land purchases and plant construction, but such bonds depend on the credit worthiness of the company and hence tend to be a source of financing only for the largest and best established corporations. Moreover, this use of tax-exempt bonds is under strong attack in the Congress and may itself be eliminated. In short, the provision of long-term, low-interest financing is also a keystone of rural economic development.

An economic development approach stressing credit would not, of course, eliminate the need for Federal programs in other areas. Small business management counseling and training programs must accompany any effort to provide credit, and I am hopeful that the new small business technical assistance program which I have authored under title IV of the Economic Opportunity Act will be approved by the Congress and will help to fill that need. Manpower training programs must also be continued and expanded, for it makes no sense to induce the location of job-producing industries in areas of high unemployment unless assistance is available to employers to upgrade and train those poverty area residents.

Fourth. The Domestic Development Bank legislation: The first bill that I am introducing today would propose the establishment of a Domestic Development Bank as a source of needed low-cost financing in high-risk areas. Aside from financing, it would also provide supportive technical assistance, insurance, and the opportunity for borrowers to avoid the redtape of a governmental program. In essence, it would be very much like the highly successful World Bank in its purposes, operations, and structure. The World Bank has demonstrated that the provision of attractive credit is a powerful development tool in underdeveloped areas and that such a venture can be economically sound—the Bank earned $169 million in net profits in the year ending June 30, 1967, and has never been required to call upon its reserves of government guarantees. The World Bank has made over $10 billion in loans and has raised over $3.4 billion from private investors for its development activities.

Another example of a banking institution of this type is Pridco—the Puerto Rican Industrial Development Company. Pridco has grown from a modest beginning to a $150 million organization with a gross income of $9.6 million in 1966, and has successfully sold several bond issues. It provides industrial facilities for sale or lease to industry, develops tourist facilities, grants short- and long-term loans to industry and engages in promotion and research activities. With the help of Pridco as the financing and real estate arm of its economic development program, Puerto Rico has attracted over 1,300 manufacturing enterprises to the island.

The Domestic Development Bank would be established by an act of Congress as a profitmaking corporation authorized to finance business and commercial projects where capital is not otherwise available on reasonable terms. The Bank would be empowered, in connection with such projects, to make loans, guarantees or participate in loans for plant, equipment, and working capital, and would be authorized to undertake insurance arrangements in connection with such facilities.

Such insurance arrangements might take the form of self-insurance on a project by the Bank, coinsurance between the Bank and the borrower, or reinsurance arrangements concluded by the Bank with insurance companies to protect the facility against casualty loss. Construction loans could also be made to construction companies in connection with the development of such business and commercial facilities.

Loans could go to businesses and projects of all sizes, both the large and middle sized job-producing enterprises and small business establishments which would tend to be locally owned. With small business loans, the Bank might choose to operate through guarantees to local banking and financial institutions or by using local banks as agents in handling the loans. Financing could also be made available to public or private organizations for essential infrastructure, such as transportation or power facilities, which could not be financed through other sources and which are needed to support private development, but this would not be the major purpose of the Bank. Mortgage loans, for example, would be on the order of 30-year terms for 90 percent of project cost at rates of about 6¼ or 6½ percent interest—or 7½ percent including amortization of principle. As a condition on financing the Bank would have to be satisfied that the borrower had adequate equity or other financial interest in the facility to insure his careful and business-like management of the project and to guard against fly-by-night operations; the share which the borrower would have to put up would vary according to conditions.

The Bank would not be authorized to make mortgage loans for residential facilities, since Government agencies—FHA—are now engaged in such housing financing programs on terms which the profitmaking Bank probably could not better. But where housing is integrated with business facilities, as on the upper floors over retail stores, the mortgage loan could cover the entire project.

The Bank could take the initiative in bringing management and capital together for projects and could itself act as developer or owner of the particular facility until such time came when a private purchaser could be found. Unlike a tax incentive economic development scheme, which is essentially passive, the Bank approach would provide an active entrepreneurial agent.

The primary condition on all loans, would be that the project would have to be first, located in urban or rural poverty areas designated by the Secretary of Labor as an area having a high proportion of concentration or unemployed or low-income persons; or, second, generate new jobs of which at least 25 in number and not less than 50 percent are to be held by persons who prior to such employment were unemployed or low-income residents of eligible poverty areas. Indian reservations would qualify as eligible areas.

I think it is important to offer this alternative for at least two reasons:

First, it makes little sense to insist that a plant be located in a slum area if it could be located, at less cost and at less disruption to the community, outside that area and still provide the needed job opportunities. Transportation assistance for workers can be provided as necessary under existing Government programs.

Second, and more important, it is probably unwise in the long run simply to focus on the slum itself by bringing jobs and plants within those areas. Efforts to improve the ghetto must be matched with efforts to open opportunities for its inhabitants outside. Otherwise, we only increase the magnet of the central city for the rural migrant, and we point resolutely in the direction of Negro occupied cities surrounded by white suburbs. At the present time, the tax incentive proposals are not drawn up in a manner which offers this option and opportunity for integration, and I am hopeful that the authors of those bills will accommodate this strategy. Certainly, to take the case of New York City, it does not make sense to insist that a large manufacturing company be located in Harlem if land is available in a nearby industrial park and if transportation can be arranged to get the workers from the ghetto to the job.

The borrower would have to be certified by appropriate local officials regarding acceptability of its proposed location, architectural design, and the provision of adequate relocation assistance for any families or businesses displaced. Further conditions would require that the Bank consult with and encourage the participation of local banking institutions, that it emphasize financing for facilities which will be owned by residents of eligible areas or in which opportunity for such ownership is made available, and that unemployed and low-income persons resident in the eligible area would be given preference in employment in the facility and in its construction. Other benefits, such as the generation of new small business opportunities in the supportive service trades and the esthetic benefits of new construction, would automatically accrue to the area.

The Bank would issue $2 billion in capital stock subscribed by the Federal Government. As was true of the World Bank, 20 percent of the Government subscription would be paid in initially—$400 million—with the Bank having a call on the remaining 80 percent —$1.6 billion— as a reserve to meet the Bank's liabilities on its own borrowings on the private bond market. In this manner, there would be a guarantee or reserve for private investors in the Bank's bonds. It would sell bonds at market interest rates, just like the World Bank, in order to raise the bulk of its loan funds; expected interest rates on the bonds would be approximately 6 percent. The initial $400 million paid in by the Government would be raised by the Secretary of the Treasury through sale of United States obligations on the market, so that there would be no draw on tax revenues to finance the Bank. This is the manner in which most of the U.S. Government contributions for the international development banks have been raised, including the World Bank, the Inter-American Bank, and the Export-Import Bank. Through this technique, only the credit of the United States is called upon; all the funds for the Bank's activities would come ultimately from private investors without burden on the taxpayer. The Government stock would earn dividends for the Treasury which should more than offset the cost to the Government of paying the interest and principle due on the Treasury bonds sold to finance its subscription to Bank stock.

This method of financing, using the sale of U.S. Government bonds rather than congressional appropriations, is necessary to insure private bond holders that the Government guarantee will be made good on the Bank's bonds. Otherwise, the Bank would have to go through the risky appropriation process whenever it called upon its reserves of Government stock.

The Bank would be organized through the establishment of a commission which would appoint incorporators. The Commission would be composed of the Vice President, the Secretary of the Treasury, the Secretary of Commerce, the Secretary of Labor, the Director of the Office of Economic Opportunity, and the majority and minority leaders of the Senate and House of Representatives. The Commission would appoint incorporators, who would serve as the initial board of directors, two-thirds of whom would be representatives of the private sector and one-third Government officials or employees. The President would thereafter appoint the 18 directors, with the advice and consent of the Senate, for 4-year terms on a staggered basis—nine directors appointed every 2 years. Two-thirds of the directors would be from the private sector—six from business and finance, two from organized labor, two from private social welfare organizations or foundations which deal with the problems of poverty, and two representing the general public. The remaining six directors would be from government, including Federal, State, and local government.

The economic incentive provided by the availability of low-cost credit would be enormous. On the one hand, it would allow rents in business and commercial facilities to be up to one-third less than in areas where this financing was not available. Moreover, by providing a substantial percentage of project costs, the Bank would enable developers and industrialists to get their equity back within a very few years by use of the deductions presently available under the Internal Revenue Code. The Bank's bonds would be sold at competitive rates and I would hope that they would be particularly attractive investments for labor-management pension funds, foundations, insurance companies, and other investing organizations would like to put their capital to work in a socially useful as well as profitmaking manner.

III. THE ECONOMIC OPPORTUNITY CORPORATION

First. The need for a national technical assistance organization: Beyond encouraging a flow of private loan and investment capital into rural and urban poverty areas, there is a need to engage the talents and personnel of businesses, labor unions and other organizations in the private sector in solving the problems of poverty. A preliminary review of the degree of business interest in solving poverty problems indicates a dramatically growing willingness to participate.

There is not now any organization which is specifically concerned with encouraging such private sector participation in antipoverty related activities, despite the tremendous potential. And, of course, to the extent that the private sector can be enlisted in the war on poverty in a whole variety of local efforts across the United States, the cost burden on the Government becomes correspondingly less. At the present time, there is no central point to which businessmen, union leaders, and others can go for information on the kinds of activities which they might undertake. People in city X can discover what is happening in city Y only by chance. There is no mechanism through which local civic groups or business firms can learn from the successes and failures of similar organizations in other areas. Moreover, there are a great many individual private initiatives spotted around the country. For example, in Rochester a group of employers has organized a prevocational and training program and has hired a private corporation to deliver the basic educational services. In California, innovative techniques have been employed to persuade businesses to lower their entrance requirements and to hire the hard core poor. In one of the better known examples, a business group is working in the Bedford-Stuyvesant community of Brooklyn to promote business development and training activities in that area. In that particular case, I serve on the board of directors of that group, and have personally received comments from several of its members that they would have been materially aided had there been some national group or central source to which they could have gone for information and technical assistance in the early stages.

Not only are interested private parties inadequately aware of what is going on in other areas of the country, but they are not generally informed about the wide variety of Government aids and incentives which are now available. There has been and will continue to be a proliferation of Government incentive programs which some one organization should be in a position to communicate and interpret to the business community and to other elements of the private sector. Moreover, in establishing and refining these incentive programs, I feel that the Government badly needs a top-level institution with which it can work and which will represent the views of the private individuals and organizations which wish to become involved.

Furthermore, there is clearly a need, in my view, for some central organization which will encourage business to participate more broadly in the solution of social problems by undertaking on a contract basis what have up to now been Government functions. To the extent that industry is willing to take on these functions, we can avoid building up more Government bureaucracies and can further contribute to the strength of the private economy.

Second. The Economic Opportunity Corporation: The second bill I am introducing today would establish an Economic Opportunity Corporation whose authority would be tailored to fit these needs. It would be a nonprofit, federally chartered corporation which would concentrate in three major areas.

First. The Corporation would be an information center and provide a source of technical assistance to the private sector in connection with antipoverty activities. It would conduct the first survey of what U.S. business and labor is currently doing to combat rural and urban poverty and slum conditions and would make a wide variety of case studies of battle-tested approaches available to firms and other organizations which propose to enter the field. It would be empowered to carry on pilot or demonstration projects with businesses to develop new forms of antipoverty participation, and would make informed personnel available on request to assist private groups in the initiation of their projects. The Corporation would also provide in-

formation and assistance on Government aids and incentives to interested parties and would cooperate with Government in refining and communicating those Federal programs to the private sector. All this would be accompanied by educational efforts communicating case studies and information by way of conferences, mailings, periodical publications, and the like.

The Corporation could be particularly useful to the local urban coalitions which are now in the process of formation throughout the country and which at present have no national umbrella organization to look to for any substantial assistance. The Corporation could provide a crucial service in making available program ideas, information and technical assistance to these coalitions.

Second. The Corporation would be a center for information, research and demonstration projects designed to develop opportunities for business to undertake on contract the performance of public services. As already mentioned, contracting to perform systems analysis and management functions in social welfare programs would be particularly important. Another area of particular promise for the establishment of profitmaking public service opportunities is in the area of manpower training. The Federal Government is now experimenting on an ever greater scale with hiring private firms to undertake such training on a contract basis, and private firms themselves are letting substantial contracts to organizations which can provide them with skilled labor—for example, the steel industry has given the Board for Fundamental Education a $1 million contract for an in-plant training program.

Third. The Corporation would develop the types of business enterprise which will benefit rural and urban poverty areas and at the same time be attractive ventures for private interests. The legislation provides that the Corporation could establish profitmaking subsidiary organizations which would serve as small business development and investment companies. Such subsidiaries would perform the initial research and feasibility studies on business opportunities and then would seek out appropriate entrepreneurs to implement them. For example, such business opportunities might be developed as joint ventures between the existing companies—for example, a sewing machine company and a textile company could collaborate on establishing sewing centers for poverty area residents, who could rent the machines and purchase mill ends. Alternatively, such businesses might be initially owned by the subsidiaries of the Corporation, if they were too risky to interest any private businessmen until proven out, or they might be franchised to the local entrepreneurs on a nationwide basis. The emphasis in these activities would, of course, be on developing local entrepeneurship and management by poverty area residents. In taking on the research, feasibility studies, and demonstration projects, the Corporation would be minimizing the risk for local entreprenurs and providing the entrepreneurial talent to put projects together.

This kind of activity has been pursued successfully on the international level by the International Basic Economy Corporation. Through IBEC, new business opportunities ranging from factories to fishing fleets have been identified and developed with the help of U.S. technical assistance and capital. Similar economic research, feasibility studies, and seed money financing made available in our domestic urban and rural poverty areas could have the same productive effects.

These subsidiary organizations should be profitmaking enterprises and might even be able to issue stock or securities to the public to raise investment and seed money capital. The parent Economic Opportunity Corporation would earn dividends on the operations of the subsidiaries and these funds could support the nonprofit or loss operations of the parent company. In this manner, it is hoped that the whole venture could be self-supporting.

The Corporation itself would be established as a nonprofit organization chartered in the District of Columbia. As with the Bank, it would be organized through a Commission composed of public officials who would appoint the incorporators who would then serve as the first Board of Directors. Five members of the 15-member Board would be appointed by the President, with the advice and consent of the Senate, and 10 members of the Board would be elected by the private members of the Corporation. Any individual, corporation, labor union, or other organization could become a member of the Corporation either by making a stated minimum contribution to it, in which case the contributor would be entitled to a tax deduction, or by buying bonds of the Corporation. It is anticipated that funds would initially be raised from the private sector largely by the contributory approach, although if the Corporation were later to prove to be self-sustaining, it might be able to offer its bonds at competitive rates on the market. The initial seed money for the Corporation would be in the form of a Federal grant of $10 million, with provisions for up to an additional $10 million in Federal funds to match private contributions.

IV. CONCLUSION

I am offering these proposals today together with my Republican colleagues as what we hope to be constructive alternatives to present governmental policy and to give greater assurance than we now have that the war on poverty will succeed.

This is not, however, intended to be partisan legislation; I am hopeful that we will soon be joined by a number of our colleagues from across the aisle whom I know to be sympathetic with the goals of these bills and with the need for bringing the private sector fully into the war on poverty.

I am hopeful, too, that the administration will join us in support of these programs. Secretary Wirtz put the matter concisely in his press conference of October 3 with Secretary Trowbridge:

I think jobs are the live ammunition in the war on poverty, and I think the right kind of jobs are jobs in private employment, and that the best kind of training of the hard-core unemployed for these jobs is what we have come to call on-the-job training.

I agree, and the provision of jobs and jobs in the private sector is one of the fundamental purposes of this legislation.

We are introducing these proposals now in the knowledge that they will probably not receive hearings and legislative action this year, but in the hope that they will spark deep consideration and analysis of the private sector role in the months ahead.

If we can give the private sector the incentives, the framework and the wherewithal in which to operate to become effectively involved in the creation of new jobs, in manpower training and in the establishment of business opportunities in poverty areas, we will have made a great advance in the war on poverty. No other approach offers greater promise of success.

EXHIBIT 1

By Mr. JAVITS (for himself, Mr. ALLOTT, Mr. BOGGS, Mr. BROOKE, Mr. CARLSON, Mr. CASE, Mr. COOPER, Mr. DOMINICK, Mr. GRIFFIN, Mr. HATFIELD, Mr. JORDAN of Idaho, Mr. KUCHEL, Mr. MURPHY, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. SCOTT, Mr. TOWER, and Mr. YOUNG of North Dakota):

S. 2572. A bill to establish a Domestic Development Bank to assist in the development of employment and business opportunities in certain urban and rural areas; to the Committee on Banking and Currency:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Domestic Development Bank Act".

PURPOSE

SEC. 2. It is the purpose of this Act to contribute to the elimination of poverty in the Nation by—

(1) promoting the economic development or urban slum areas and of depressed rural areas characterized by substantial outmigration of persons, by providing financing on attractive terms for the establishment and improvement of business and commercial facilities and supporting public development facilities in or accessible to such areas, in order to make job and business opportunities available for residents to contribute to the physical improvement of such area;

(2) stimulating private investment in such facilities;

(3) seeking to bring together in such areas investment opportunities, public and private capital, and capable management;

(4) providing technical and other supportive assistance to aid in such economic development; and

(5) seeking to achieve these purposes primarily by the application of the financial, management and technical assistance resources of the private sector.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "eligible area" means a rural or urban area designated by the Secretary of Labor pursuant to section 101(a).

(2) The term "business or commercial facility" means a fixed place of business, in or from which a manufacturing, processing, assembling, sales, distribution, storage, service, or construction business is carried on, including but not limited to—

(A) an office building or place of management,

(B) a factory, plant, laboratory, service center, or other workshop,

(C) a store or sales outlet,

(D) a storage, transportation or shipping facility, and

(E) any combination thereof, including a combination of any of these facilities in the same building with residential housing.

(3) The term "supporting public development facility" means an element of infrastructure, typically developed and owned by a public agency or private utility company, which is necesary to support economic development activities under this Act, such as a transportation or power facility.

(4) The term "low-income person" means a person whose adjusted gross income (as defined in section 62 of the Internal Revenue Code) in a particular period is less than an amount specified by the Secretary of Labor as the minimum amount reasonably necessary, in the area in which he resides, to adequately support himself and his family.

(5) The term "eligible job" means a new employment position, which did not exist prior to the provision of assistance under this Act, at the business or commercial facility or the supporting public development facility assisted, and for which the wages paid shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employment under the Fair Labor Standards Act of 1938 if section 6 of such Act applied to the participant and he was not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rate of wages in the area for similar work.

TITLE I—DESIGNATION OF ELIGIBLE AREAS

SEC. 101. (a) The Secretary of Labor, in consultation with the Director of the Office of Economic Opportunity, shall identify and designate as eligible areas within the meaning of this Act—

(1) those urban areas which have high concentrations of unemployed and low-income persons;

(2) those rural areas which have high concentrations or proportions of unemployed and low-income persons and which are characterized by substantial outmigration of persons as a result of inadequate employment opportunities; and

(3) those Indian reservations which the Secretary of the Interior determines should be subject to the provisions of this Act.

The identification and designation of such areas may be made without regard to political or other subdivisions or boundaries and shall be made in coordination with similar identifications and designations under the Economic Opportunity Act of 1964 and other relevant laws.

(b) The Secretary of Labor, with the cooperation of the Bureau of the Census, shall prepare and publish maps showing the location and boundaries of such eligible areas.

(c) The Secretary of Labor shall, upon the request of the Domestic Development Bank, promptly certify whether any specified location is within an eligible area, including such an area whose boundaries might not yet have been defined.

TITLE II—ESTABLISHMENT OF A DOMESTIC DEVELOPMENT BANK—CREATION OF BANK

SEC. 201. There is hereby authorized to be created a corporation for profit to be known as the "Domestic Development Bank" (hereinafter referred to as the "Bank") which shall be an instrumentality of the United States Government. The Bank shall be subject to the provisions of this Act and, to the extent consistent with this Act, to the District of Columbia Business Corporation Act. The right to repeal, alter, or amend this title at any time is expressly reserved.

PROCESS OF ORGANIZATION

SEC. 202. There is hereby established a Commission for the appointment of incorporators of the Bank. The Commission shall be composed of the Vice President of the United States, who shall serve as Chairman, the Secretary of the Treasury, the Secretary of Commerce, the Secretary of Labor, the Director of the Office of Economic Opportunity, and the majority and minority leaders of the Senate and the House of Representatives. The Commission shall meet within thirty days after the enactment of this Act and shall appoint incorporators, by and with the advice and consent of the Senate, who shall serve as the initial board of directors until their successors are selected and qualified. The incorporators shall include appropriate representatives of business, finance, labor, Government, social welfare organizations, and other relevant fields, but not more than one-third of such incorporators may be Government officials or employees. Such incorporators shall take whatever actions are necessary consistent with this Act to establish the Bank, including the filing of articles of incorporation, as approved by the President.

DIRECTORS AND OFFICERS

SEC. 203. (a) The Bank shall have a Board of Directors consisting of eighteen individuals who are citizens of the United States, of whom one shall be elected annually by the Board to serve as Chairman. Members of the Board shall be selected as follows:

(1) The President of the United States, by and with the advice and consent of the Senate, shall appoint six members of the Board who shall be officials or employees of government, including Federal, State and local government. The terms of directors so appointed shall be for four years, except that (A) the terms of such directors first taking office shall expire as designated by the President at the time of appointment, three at the end of two years, and three at the end of four years after such date; and (B) any director so appointed to fill a vacancy occuring before the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. At the discretion of the President, any individual who ceases to be an official or employee of government during his term as director may, notwithstanding that fact, complete his term.

(2) The President of the United States, by and with the advice and consent of the Senate, shall appoint the remaining twelve members of the Board from among representatives of the private sector. Of the twelve persons so appointed, six shall be from among representatives of business and finance, two from among representatives of organized labor, two from among representatives of social welfare organizations or foundations dealing with problems of poverty, and two from among representatives of the general public. The terms of directors so appointed shall be for four years, except that (A) the terms of such directors first taking office shall expire as designated by the President at the time of appointment, one-half of the members of each category at the end of two years, and one-half of the members of each category at the end of four years after such date; and (B) any director so appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term and shall be chosen from among representatives of the same category as his predecessor.

(b) The Board of Directors shall appoint a president of the Bank and such other officers and employees as it deems necessary to carry out the functions of the Bank. Such appointments may be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and persons so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. The president of the Bank shall be an ex officio member of the Board of Directors and may participate in meetings of the Board, except that he shall have no vote except in case of an equal division. No individual other than a citizen of the United States may be an officer of the Bank. No officer of the Bank shall receive any salary, other than a pension, from any source other than the Bank during the period of his employment by the Bank.

(c) No director, officer, attorney, agent, or employee of the Bank shall in any manner, directly or indirectly, participate in the deliberation upon or the determination of any question affecting his personal interests, or the interests of any corporation, partnership, or association in which he is directly or indirectly personally interested.

ADVISORY COMMITTEES

SEC. 204. (a) There shall be an Advisory Committee of not less than nine persons, selected by the Board of Directors on the recommendation of the president of the Bank, which shall be broadly representative of industry, commerce, finance, labor, private social welfare agencies, and government at all levels. The Committee shall meet annually and at such other occasions at the call of the president of the Bank, and shall advise the Bank on general policy and on such other matters as the Bank may direct. Members of the Committee shall serve for such terms as the Board of Directors may from time to time determine and they shall be paid their reasonable expenses incurred on behalf of the Bank.

(b) The Board of Directors may appoint such other advisory committees and councils as it deems desirable.

(c) Any official or employee of the United States Government may accept appointment and serve on any advisory committee or council established pursuant to this section, any other provision of law notwithstanding.

CAPITALIZATION OF BANK

SEC. 205. (a) Subject to the provisions of this section, the Bank is authorized to issue from time to time and to have outstanding capital stock of an aggregate purchase price not to exceed $2,000,000,000. Shares of such stock shall be nonvoting and without par value, and shall be eligible for dividends.

(b) The Secretary of the Treasury is authorized to and shall subscribe for and acquire on behalf of the United States, upon request of the Board of Directors, the full amount of the stock of the Bank of an aggregate purchase price of $2,000,000,000. The subscription of the United States shall be divided into two parts as follows:

(1) Twenty per centum shall be paid at the time of subscription shall be available as needed by the Bank for its operations.

(2) The remaining 80 per centum shall be subject to call by the Bank only when required to meet obligations of the Bank created under section 206(c), except that not more than 5 per centum of such amount may be called in any period of three months.

The Secretary of the Treasury is authorized and directed to pay the subscription of the United States to stock of the Bank from time to time when payments are required to be made to the Bank. For the purpose of making these payments, the Secretary of the Treasury is authorized to use as a public-debt transaction $2,000,000,000 of the proceeds of any securities hereafter issued under the Second Liberty Bond Act as amended, and the purposes for which securities may be issued under that Act are extended to include such purpose. Payment under this paragraph of the subscription of the United States to the Bank and repayments thereof shall be treated as public-debt transactions of the United States.

(c) Stock and other securities issued by the Bank pursuant to this section and section 206(b) shall be exempt securities under section 3 of the Securities Act of 1933 (15 U.S.C. 77c).

OPERATIONS AND POWERS OF THE BANK

SEC. 206. (a) In order to carry out the purposes of this Act, the Bank is authorized to—

(1) make, participate in, or guarantee loans or provide other financing for real or personal property or for working capital to any public agency or private organization or individual for the establishment, expansion, or preservation of any business or commercial facility or supporting public development facility which (A) is to be established or is located in an eligible area, or (B) will provide eligible jobs of which at least twenty-five in number and not less than fifty per centum shall be held by persons who prior to such employment were unemployed or low-income residents of eligible areas;

(2) make, participate in, or guarantee loans or provide other interim financing for the construction or improvement of such facilities to building contractors, subcontractors, or other persons engaged in such work;

(3) provide or assist in the provision of insurance to protect any agency, organization, or individual receiving financing for a business or commercial facility or a supporting public development facility under paragraphs (1) and (2) against damage or casualty loss in connection with such facility;

(4) plan, initiate, own, and manage such facilities where no appropriate party is available and where the Bank determines that there is reasonable ground to believe that it can later terminate its ownership on satisfactory terms;

(5) provide such technical and other supportive assistance as may be necessary in connection with its financing operations;

(6) seek to bring together investment opportunities in such facilities, capital, and capable management; and

(7) carry on such other activities as would further the purposes of this Act.

(b) The Bank is authorized to—

(1) issue bonds, debentures, and such other certificates of indebtedness as it may determine and may issue such securities on a competitive or negotiated basis at the discretion of the Board of Directors;

(2) invest funds not needed in its financing operations in such property and obligations as it may determine;

(3) buy and sell securities it has issued or guaranteed or in which it has invested; and

(4) guarantee securities in which it has invested for the purpose of facilitating their sale.

(c) Whenever necessary to meet contractual payments of interest, amortization of principal, or other charges on the Bank's own borrowings, or to meet the Bank's liabilities with respect to similar payments on loans guaranteed by it, the Bank may call an appropriate amount of the unpaid subscription of the United States in accordance with section 205(b)(2). Moreover, if it believes that a default on financing provided by it may be of long duration, the Bank may call an additional amount of such unpaid subscriptions for the following purposes—

(1) to redeem prior to maturity, or otherwise discharge its liability on, all or part of the outstanding principal of any loan guaranteed by it with respect to which the debtor is in default; and

(2) to repurchase, or otherwise discharge its liability on, all or part of its own outstanding borrowings.

(d) The Bank is authorized to establish a principle office and branch offices in such locations as it may determine. It may establish regional offices and determine the location of, and the areas to be covered by, each regional office. It may make arrangements with public or private organizations at the regional, State and local levels, including banking organizations and other financing institutions, to act as agents or otherwise to assist the Bank in the conduct of its business.

(e) To carry out the foregoing purposes, the Bank shall have such additional powers as are conferred upon a stock corporation by the District of Columbia Business Corporation Act.

OPERATING PRINCIPLES

SEC. 207. The operations of the Bank shall be conducted in accordance with the following principles:

(1) The Bank shall undertake its financing, technical assistance, and other operations on such terms and conditions and for such fees as it considers appropriate, taking into account the requirements of the enterprise, the risks being undertaken by the Bank, the benefits to the eligible area or to the residents of such areas, and the conditions under which similar financing might be available from private investors.

(2) The Bank shall consult with and shall seek to encourage local banking and other financial institutions to participate in its financing and other activities.

(3) The Bank shall, to the extent feasible, give emphasis in its activities to providing financing and other assistance to facilities owned in whole or in part by residents of eligible areas or to facilities in which such ownership is made available to such persons.

(4) The Bank shall seek to revolve its funds by selling its loans, guarantees and other investments to private investors whenever it can appropriately do so on satisfactory terms.

(5) The Bank shall, to the extent feasible, deposit or invest funds not needed in its financing operations in order to benefit eligible areas, including the depositing of such funds in local banks, credit unions, and other lending institutions serving such areas.

(6) No director, officer, attorney, agent, or employee of the Bank shall participate in the deliberation upon or the determination of any question affecting his personal interests, or the interests of any corporation, partnership, or association in which he is directly or indirectly personally interested.

(7) The Bank shall not engage in political activities nor provide financing for or assist in any manner any project or facility involving political parties or used or to be used for sectarian instruction or as a place for religious worship, nor shall the directors, officers, or employees of the Bank in any way use their connection with the Bank for the purpose of influencing the outcome of any election.

LIMITATIONS ON FINANCING

SEC. 208. The Bank shall not provide financing for any business or commercial facility or public development facility, nor shall it plan, initiate, own or manage such a facility, unless it determines that—

(1) other public or private financing could not be obtained on reasonable terms and conditions;

(2) adequate arrangements have been made to insure that the proceeds of any loan or other financing are used only for the purposes for which the financing was provided, with due attention to considerations of economy and efficiency;

(3) the borrower or other recipient of financing has an adequate equity or other financial interest in the facility to insure his careful and businesslike management of the project;

(4) the governing body of the city or, as appropriate, the governing body of the county, parish, or other political subdivision in which the facility is located or is to be established, or an agency or other instrumentality of such political subdivision designated by such body, has certified to the Bank its approval of (A) the establishment of the facility at the particular location, (B) the proposed standards of construction and design, and (C) provisions for the relocation of any residents or businesses to be displaced;

(5) the establishment, expansion, or preservation of the facility in the particular location will contribute to raising standards of living and skills levels for residents of the eligible area;

(6) unemployed or low-income residents of eligible areas will be given preference in filling employment opportunities created by the establishment, expansion or preservation of the facility, including the construction thereof; and

(7) no person shall, on the grounds of race, color, religion, or national origin, be excluded from employment in any facility, or in the construction or other physical improvement of any facility, which is financed or otherwise assisted by the Bank.

EXEMPTION FROM FEDERAL TAXES

SEC. 209. For the purpose of the Internal Revenue Code of 1954, the Bank shall be considered to be an instrumentality of the United States and exempt from Federal income taxes.

AUDIT AND REPORT

SEC. 210. (a) The financial transactions of the Bank shall be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files and all other papers, things, or property belonging to or in use by the Bank and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians. The audit shall cover the fiscal year corresponding to that of the United States Government.

(b) A report of each such audit shall be made by the Comptroller General to the Congress not later than January 15 following the close of the fiscal year for which the audit was made. The report shall set forth the scope of the audit and shall include a statement of assets and liabilities, capital and surplus or deficit; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep Congress informed of the operations and financial condition of the Bank, together with such recommendations with respect thereto as the Comptroller General may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the President and to the Bank at the time submitted to the Congress.

ANNUAL REPORT

SEC. 211. Not later than one hundred and twenty days after the close of each fiscal year the Bank shall prepare and submit to the President and to the Congress a full report of its activities during such year.

TITLE III—AMENDMENTS TO OTHER ACTS

AMENDMENTS RELATING TO FINANCIAL INSTITUTIONS

SEC. 301. (a) The sixth sentence of paragraph Seventh of section 5136 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by inserting before the comma after the words "or obligations, participations, or other instruments of or issued by the Federal National Mortgage Association" the following: ", or debentures or other obligations of the Domestic Development Bank".

(b) Section 5200 of the Revised Statutes, as amended (12 U.S.C. 24), is amended by adding at the end thereof the following:

"(14) Debentures or other obligations of the Domestic Development Bank shall not be subject to any limitation based upon such capital and surplus."

(c) The first paragraph of section 5(c) of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464(c)), is amended by inserting before the semicolon in the second proviso following "any political subdivision thereof" the following: "; or in debentures or other obligations of the Domestic Development Bank".

By Mr. JAVITS (for himself, Mr. AIKEN, Mr. ALLOTT, Mr. BAKER, Mr. BOGGS, Mr. BROOKE, Mr. CARLSON, Mr. CASE, Mr. COOPER, Mr. DOMINICK, Mr. GRIFFIN, Mr. HATFIELD, Mr. JORDAN of Idaho, Mr. KUCHEL, Mr. MUNDT, Mr. MURPHY, Mr. PEARSON, Mr. PERCY, Mr. PROUTY, Mr. SCOTT, Mr. TOWER, and Mr. YOUNG of North Dakota):

S. 2573. A bill to amend the Economic Opportunity Act of 1964 to charter an Economic Opportunity Corporation to encourage the participation of private enterprise in the effort to rebuild urban slums and eliminate poverty in the United States; to the Committee on Labor and Public Welfare:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Economic Opportunity Corporation Act of 1967".

SEC. 2. The Economic Opportunity Act of 1964 is amended by adding at the end thereof a new title IX as follows:

"TITLE IX—ECONOMIC OPPORTUNITY CORPORATION

"FINDINGS AND PURPOSE

"SEC. 901. (a) The Congress hereby finds that—

"(1) conditions of rural and urban poverty and widespread urban blight threaten the general welfare and domestic security of the country and require an expanded dedication of effort and commitment of resources aimed at their elimination;

"(2) the major resources and strength of this country reside in the private sector of the Nation's economy and any successful effort to eliminate poverty and urban blight must involve a massive application of private resources;

"(3) a substantial number of individuals and organizations in the private sector, including business firms, labor unions, foundations, educational institutions, and professional and civic organizations, are willing to contribute to the solution of these problems but their participation is often inhibited by the lack of any central source of information about successful private initiatives, the unavailability of talented management personnel, and a lack of seed money from private sources; and

"(4) the full and effective involvement of the private sector in the solution of these problems can be facilitated by the Federal government but the organization and control of this effort is best left with the private sector.

"(b) It is the purpose of this title to establish a private, nonprofit corporation to stimulate greater participation by the private sector—agencies, organizations and individuals—in public and private anti-slum and antipoverty programs by—

"(1) providing a central source for information and research on opportunities for private sector participation in such programs;

"(2) furnishing technical assistance to private organizations and individuals in planning and carrying out such programs;

"(3) providing financial assistance to such organizations and individuals to serve as seed money and to stimulate the provision of capital by private sources;

"(4) initiating and participating in pilot business ventures designed to provide needed products and services and to increase local business ownership in urban slum areas; and

"(5) developing, in conjunction with public and private organizations, methods of applying modern business management techniques to the solution of social problems, and otherwise encouraging increased participation by the private enterprise in such programs and in providing needed public services.

"CREATION OF CORPORATION

"SEC. 902. (a) There is hereby established a nonprofit Economic Opportunity Corporation (hereinafter referred to as the Corporation) which will not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of this title and, to the extent consistent with this title, to the District of Columbia Nonprofit Corporation Act. The right to repeal, alter, or amend this title is expressly reserved.

"(b) No part of the net earnings of the Corporation shall inure to the benefit of any private person, and it shall qualify as an 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.

"PROCESS OF ORGANIZATION

"SEC. 903. There is hereby established a Commission for the appointment of incorporators. The Commission shall be composed of the Vice President of the United States, who shall act as Chairman, the Speaker of the House of Representatives, the Director of the Office of Economic Opportunity, the Secretary of Labor, the Secretary of Commerce, and the Majority Leader and Minority Leader of the Senate and of the House of Representatives. The Commission shall meet within thirty days after the enactment of this title and shall appoint incorporators, by and with the advice and consent of the Senate, who shall serve as the initial board of directors until the first annual meeting of members or until their successors are selected and qualified. The incorporators shall take whatever actions are necessary to organize the corporation, including the filing of articles of incorporation under the District of Columbia Nonprofit Corporation Act.

"DIRECTORS AND OFFICERS

"SEC. 904. (a) The Corporation shall have a board of directors consisting of fifteen individuals who are citizens of the United States, one of whom shall be elected annually by the board to serve as chairman. Five members of the board shall be appointed by the President of the United States, by and with the advice and consent of the Senate, for terms of three years except that (1) the terms of the directors first taking office shall be effective on the date on which other members of the board are elected and shall expire as designated by the President at the time of appointment, one at the end of one year, two at the end of two years, and two at the end of three years after such date and (2) any director so appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Ten members of the board shall be elected annually by the members of the Corporation.

"(b) The Corporation shall have a president, and such other officers as may be named and appointed by the board of directors, at rates of compensation fixed by the board, and serving at the pleasure of the board. No individual other than a citizen of the United States may be an officer of the Corporation. No officer of the Corporation shall receive any salary from any source other than the Corporation during the period of his employment by the Corporation.

"MEMBERSHIP IN THE CORPORATION

"SEC. 905. (a) Any person may become a member of the Corporation by—

"(1) purchasing from the Corporation one or more of the debentures of the Corporation referred to in section 906(a); or

"(2) donating to the Corporation money or property (taken at fair market value) in an amount or amounts to be determined by the board, but in no event less than $100.

"(b) Each member shall be entitled to one vote regardless of the amount of debentures held by him or the amount donated by him to the Corporation.

"(c) Any donations to the Corporation shall qualify as charitable contributions within the meaning of section 170 of the Internal Revenue Code of 1954.

"FINANCING OF THE CORPORATION

"SEC. 906. (a) The Corporation may issue such bonds, debentures, or other certificates of indebtedness at such times and on such terms and conditions as the board may determine to be required for the fulfillment of the purpose of the Corporation.

"(b) The Secretary of the Treasury is authorized to make grants to the Corporation to assist it in meeting its organizational expenses and in carrying on its activities. There is authorized to be appropriated not to exceed $20,000,000 for the purpose of providing financial assistance under this subsection, except that $10,000,000 shall be made available to the Corporation at the time of its incorporation and additional amounts, not to exceed in aggregate $10,000,000, shall be made available from time to time to match donations or purchases of debentures made pursuant to section 905(a). Appropriations authorized under this subsection shall remain available until expended.

"ACTIVITIES AND POWERS OF THE CORPORATION

"SEC. 907. (a) In order to carry out the purposes of this title, the Corporation is authorized to—

"(1) establish an information and research center on how private individuals and organizations can participate in antislum and antipoverty projects, including information on existing government programs and incentives and on promising privately sponsored projects, and including research on new governmental and private incentives or forms of organization which would be helpful;

"(2) organize educational programs, including the use of conferences and mailings, to disseminate information in order to encourage private individuals, agencies, organizations and business enterprises to participate in antislum and antipoverty activities;

"(3) provide technical assistance to public and private agencies and organizations in the planning and operation of projects;

"(4) stimulate the establishment of, invest in and operate new business enterprises which, by reason of their location, employment effect, or products or services produced, would ameliorate conditions of poverty and urban blight, including new business enterprises operated for profit by the Corporation as well as enterprises which would be owned by existing firms or by other organizations or individuals;

"(5) establish one or more subsidiary corporations, including one or more corporations which qualify as small business investment companies under title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.), to invest in or operate such new business enterprises;

"(6) provide technical and financial assistance to private lending institutions and other private organizations in order to stimulate the provision of capital to new and existing enterprises located in urban areas of high concentration of low-income persons or owned by low-income persons;

"(7) develop in conjunction with public and private agencies and organizations methods for the application of modern business management techniques to the solution of social problems, and otherwise encouraging the participation of private agencies and organizations in providing needed public services; and

"(8) carry on such other activities as would further the purposes of this title.

"(b) In the performance of the functions set forth in subsection (a), the Corporation is authorized to—

"(1) enter into such contracts, leases, cooperative agreements, or other transactions as the board of directors deems appropriate to conduct the activities of the Corporation;

"(2) charge such fees as the board of directors deems reasonable and appropriate;

"(3) carry out its activities, wherever desirable, on a State or local basis through such entities as the board of directors deems appropriate;

"(4) accept and use with their consent, with reimbursement, such services, equipment and facilities of agencies of the Federal government, State government or other local political subdivisions as are necessary to conduct the activities of the Corporation efficiently, and such agencies are authorized to loan, with reimbursement, such services, equipment and facilities to such corporation; and

"(5) exercise all powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act.

"REPORTS TO THE CONGRESS

"SEC. 908. The Corporation shall transmit to the President and Congress, annually and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities and accomplishments under this title."

A REBIRTH OF RESPONSIBILITY

Mr. PERCY. Mr. President, I am pleased and proud to lend my support to two bills which the Senator from New York [Mr. JAVITS] has introduced today.

I am pleased because the Economic Opportunity Corporation and the Domestic Development Bank will provide the procedural machinery necessary to involve the private sector of our economy in the solution of important public problems. Only by such an involvement and partnership will we begin to make a significant impact on our complex and difficult urban problems.

I am proud because these two unique and original proposals represent sound Republican thinking. These bills manifest the best in Republican philosophy in that they call upon Government to do what it can do best and upon the private sector for what it can do better.

I have talked for many years about the need for an Alliance for Progress here at home where the public and the private sectors would cooperate in solving our domestic problems. However, rhetoric without machinery is meaningless. From my own experience in developing the National Home Ownership Foundation Act. I know that it is not always easy to conceive workable and practical procedures whereby this alliance can be accomplished. However, the distinguished Senator from New York has provided an outstanding service in thinking through the problems we face, deciding how the private sector can be most effective and then engineering the instruments through which these programs can be implemented.

The time has come for America to realize that Government cannot solve every problem. Government does not have sufficient financial resources or expertise to tackle the variety and scope of contemporary American problems. We here in the Congress must open new doors, travel new avenues, and test new programs in the hope of finding the most effective procedures with which we can meet the challenge of the future as well as the problems of the past.

If the Federal Government will take the lead in establishing quasi-public-private organizations like Comsat, the National Home Ownership Foundation, the Economic Opportunity Corporation, and the Domestic Development Bank, which will test the will and the ability of the private sector to contribute, I am confident that the American people will respond and we will see a rebirth of individual and organizational responsibility in our Nation which will result in the betterment of American life for all.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, I am prepared to move that the Senate adjourn, but in the event that any other Senators has something to say, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. 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. JAVITS. 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 5 o'clock and 52 minutes p.m.) the Senate adjourned until Tuesday, October 24, 1967, at 12 noon.

EXTENSIONS OF REMARKS

Seventy-three Percent Vote "No" on Gun Control

EXTENSION OF REMARKS

OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 23, 1967

Mr. DINGELL. Mr. Speaker, pursuant to permission granted, I insert in the CONGRESSIONAL RECORD the results of a poll conducted in Columbus, Ohio, on October 9, 1967.

In that poll following the 6 p.m. news program on channel 4, the question was asked, "Do you favor gun-control legislation?" Persons in the audience were to call one telephone number to vote "yes" and another number to vote "no."

The results were announced on the 11 p.m. news that same evening. Twenty-seven percent of those responding voted "yes" and 73 percent voted "no."

This tends to indicate again, Mr. Speaker, the strong opposition of the American people to legislation restricting the right of law-abiding citizens to acquire firearms for legitimate sporting and defense purposes.

Questions in the 1970 Census

EXTENSION OF REMARKS

OF

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 23, 1967

Mr. FISHER. Mr. Speaker, I desire to join with those who question the need and propriety of so many clearly nonessential questions being included in the 1970 Decennial Census of Population and Housing. It would seem to me that only the essential questions should call for compulsory answers; answers to any others should, at best, be on a purely voluntary basis.

Basically, the purpose of the census is to provide the Congress with information needed to decide on a basis of population how the seats in Congress should be distributed among the various States. Any other purpose that is served becomes incidental.

I have examined the 67 subject items tentatively proposed to be included, with answers to each made mandatory. One who fails to answer any of the questions becomes subject to Federal prosecution, with a possible penalty of 60 days in jail or a $100 fine.

As I see it, essential questions should be those which relate to names, addresses, relationship of the head of the household, sex, birth dates, race or color, and marital status. A bill to that effect has been introduced.

It is proposed, for example, that the census taker ask whether you share your shower, how you enter your home, where you lived at a certain time in the past, whether you use a flush toilet or a refrigerator, the amount of rent you pay, and how many of the rooms in your home have running water.

It seems clear to me that many of the