and the face-to-face confrontation with the demonstrators was remarkable. They swallowed humiliation and never once lost their composure.

As I mingled amongst the dissenters I have never seen such a group of confused, selfish, and malicious young people. They were a real dedicated bunch of draft dodgers.

After leaving this disgusting scene I talked to bushy-haired Jerry Rubin, a codirector for the march and Peking-oriented leader of the Progressive Labor Party. Rubin, who has been active in violent protest demonstrations throughout the country, told me that a "revolution has begun and no power can stop it."

I witnessed the military warn the protesters that the agreed time for the march to end had arrived. The protesters, who had previously agreed to the terms of the march, refused to leave. It was necessary to carry them bodily from the steps to awaiting police vans to be arrested.

The entire group represented a real waste of humanity—young derelicts with no purpose or direction—a ship without a rudder.

While we as a free people, and as a government, will continue to jealously guard and protect the right of every American to dissent—the fact remains that these misled young followers have provided incriminating propaganda to Communist countries. Their demonstrations are not patriotic, nor do they provide the morale needed in Vietnam. Instead it is aiding and abetting the enemy. Make no mistake how the Communists will interpret this demonstration. They see it as a weakening of America's attitude toward the war.

It behooves us as citizens of our country to act immediately to correct a condition that may very well give seed to our own destruction as a free country.

The financial cost of handling this pro-Vietcong rally held last week was estimated at over $1 million. This does not include the value of the large amount of planning and staff time by the Government that went into preparing for the 2-day demonstration, nor does it include the cost, estimated at $350,000, of the military man-days of the Federal troops that defended the Pentagon.

The cost of this demonstration to our Nation's security is indeterminable.

SENATE

MONDAY, OCTOBER 30, 1967

The Senate met at 12 o'clock meridian, and was called to order by the Acting President pro tempore (Mr. METCALF).

Rev. Benedetto Pascale, pastor, Silver Lake Baptist Church, Belleville, N.J., offered the following prayer:

Eternal God, our Father, Creator of heaven and earth, from whom all blessings flow, and in whom we live, move, and have our being: we give Thee thanks for Thy goodness, love, and truth revealed to us. Grant us clear vision of our task and deep devotion to service. No one can flee from Thy presence or escape from personal responsibility. Thou livest in our midst and within us all. We seek Thy discipline, Thy correction, and Thy guidance. Thou hast been our guide in ages past, and Thou art our hope for years to come. Thee we acknowledge and call for help in this perplexed hour in which we live.

Bless the Members of this august Senate; give each one divine inspiration, wisdom, and steadfastness; for whatever is legislated here affects the individual citizen, the Nation, and the world.

Bless our Nation, O God, and help us to bear each other's burdens; giving a helping hand rather than pointing a finger. Our fathers trusted in Thee and were rewarded. Help us to value so great a heritage entrusted to us, that we may bring it to greater heights of glory.

We pray for peace on earth and good will among all men. In Jesus' name. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Jones, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed a bill (H.R. 13510) to increase the basic pay for members of the uniformed services, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 1160) to amend the Communications Act of 1934 by extending and improving the provisions thereof relating to grants for construction of educational television broadcasting facilities, by authorizing assistance in the construction of noncommercial educational radio broadcasting facilities, by establishing a nonprofit corporation to assist in establishing innovative educational programs, to facilitate educational program availability, and to aid the operation of educational broadcasting facilities; and to authorize a comprehensive study of instructional television and radio; and for other purposes, and it was signed by the Acting President pro tempore.

HOUSE BILL REFERRED

The bill (H.R. 13510) to increase the basic pay for members of the uniformed services, and for other purposes, was read twice by its title and referred to the Committee on Armed Services.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, October 27, 1967, be dispensed with.

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

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

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

ORDER FOR RECOGNITION OF SENATOR HARRIS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the transaction of routine morning business, the distinguished Senator from Oklahoma [Mr. HARRIS] be recognized for up to 30 minutes.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

The PRESIDING OFFICER (Mr. SPONG in the chair). Without objection, it is so ordered.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT—ENROLLED BILLS SIGNED

Under authority of the order of the Senate of October 27, 1967,

The Secretary of the Senate, on October 27, 1967, received the following message from the House of Representatives:

That the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H.R. 1499. An act to provide for the striking of medals in commemoration of the

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

300th anniversary of the explorations of Father Jacques Marquette in what is now the United States of America;

H.R. 5894. An act to amend titles 10, 32, and 37, United States Code, to remove restrictions on the careers of female officers in the Army, Navy, Air Force, and Marine Corps, and for other purposes;

H.R. 10105. An act to provide for the striking of medals in commemoration of the 150th anniversary of the founding of the State of Mississippi;

H.R. 10160. An act to provide for the striking of medals in commemoration of the 50th anniversary of the founding of the American Legion;

H.R. 10196. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1968, and for other purposes; and

H.R. 13212. An act to provide for the striking of medals in commemoration of the 200th anniversary of the founding of San Diego.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

PLANS FOR WORKS OF IMPROVEMENT UNDER PROVISIONS OF WATERSHED PROTECTION AND FLOOD PREVENTION ACT

A letter from the Secretary, Department of Agriculture, transmitting, pursuant to law, plans for works of improvement which have been prepared under the provisions of the Watershed Protection and Flood Prevention Act, as amended; (with accompanying papers) to the Committee on Agriculture and Forestry.

PROPOSED AUTHORIZATION FOR THE DEPARTMENT OF COMMERCE TO MAKE SPECIAL STUDIES, PROVIDE SERVICES, ENGAGE IN JOINT PRACTICES, ET CETERA

A letter from the Acting Secretary of Commerce, transmitting a draft of proposed legislation to authorize the Department of Commerce to make special studies, to provide services, and to engage in joint projects, and for other purposes (with an accompanying paper); to the Committee on Commerce.

PROPOSED AMENDMENT OF ACT TO PROVIDE BETTER FACILITIES FOR THE ENFORCEMENT OF CUSTOMS AND IMMIGRATION LAWS

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws," to increase the amount authorized to be expended, and for other purposes (with accompanying papers); to the Committee on Finance.

ANNUAL REPORT OF CIVIL AIR PATROL

A letter from the commander, Civil Air Patrol, Department of the Air Force, transmitting, pursuant to law, the Annual Report of the Civil Air Patrol for the calendar year 1966 (with an accompanying report); to the Committee on the Judiciary.

PLANS FOR WORKS OF IMPROVEMENT UNDER WATERSHED PROTECTION AND FLOOD PREVENTION ACT

A letter from the Secretary of Agriculture, transmitting, pursuant to law, plans for works of improvement which have been prepared under the provisions of the Watershed Protection and Flood Prevention Act, as amended (with accompanying papers); to the Committee on Public Works.

PETITIONS AND MEMORIALS

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

By the PRESIDING OFFICER:

A resolution adopted by the City Council of the City of Tustin, Calif., remonstrating, against the principle of Federal tax sharing; to the Committee on Finance.

A resolution adopted by the Inter-American Federation for Democracy in Greece, New York City, N.Y., relating to the restoration of democracy and freedom in Greece; to the Committee on Foreign Relations.

A resolution adopted by the board of supervisors of San Bernardino County, Calif., praying for action by the Congress to take action to clarify the intent of the Congress relating to the Common Varities Act; to the Committee on Interior and Insular Affairs.

BILLS INTRODUCED

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

By Mr. DIRKSEN:

S. 2597. A bill for the promotion of the progress of useful arts by the general revision of the Patent Laws, titles 35 of the United States Code, and for other purposes; to the Committee on the Judiciary.

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

By Mr. KENNEDY of Massachusetts:

S. 2598. A bill to amend the National Science Foundation Act of 1950, making changes and improvements in the organization and operation of the Foundation, and for other purposes; to the Committee on Labor and Public Welfare.

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

PROMOTION OF THE PROGRESS OF THE USEFUL ARTS BY THE GENERAL REVISION OF THE PATENT LAWS

Mr. DIRKSEN. Mr. President, I introduce, for appropriate reference, a bill for the promotion of the progress of the useful arts by the general revision of the patent laws—that is title 35 of the United States Code—and for other purposes.

This bill updates and renovates our patent laws while preserving essential features of the U.S. patent system which provide incentives to individuals and to businesses, large and small, to promote the progress of the useful arts. Underlying our patent system is the equitable principle that a patent should be granted to the person who first makes the invention as distinguished from the expedient used in most foreign countries of granting the patent to the first person who files an application. A second, and interrelated, feature of the U.S. patent system is the period of 1 year which is accorded an inventor to apply for a patent after public use or publication of the invention. Together, these two unique features of the U.S. patent system permit and encourage many desirable activities to take place before filing the patent application, including:

First. Inventors may exchange information with others;

Second. Inventions may be published;

Third. Development of inventions may be completed;

Fourth. Inventors may obtain advice on technical, marketing, and other problems;

Fifth. The invention may be publicly tested;

Sixth. The invention may be exploited commercially; and

Seventh. Patent applications may be carefully and completely prepared for those inventions which are considered worth while.

Unlike most foreign countries, the vast majority of the patents issued in the United States are issued to citizens of this country, and it is the interests of our citizens which are paramount in any consideration of revision of the patent laws.

This bill preserves the unique features of the American patent system which enable individuals and small businesses to compete with international industrial giants in developing and exploiting inventions according to the basic American tradition of free enterprise. At the same time, this bill revises the patent laws in a manner to improve and strengthen the U.S. patent system.

To improve the quality and reliability of patents, this bill eliminates some of the uncertainties concerning patents by defining more precisely the "prior art" against which the patentability of an invention must be measure. Also, before a patent is issued, any interested person may present evidence affecting the patentability of the invention, thereby reducing the possibility that a patent may subsequently be found to be invalid. Uniform interpretation of the standards of patentability will result from the consolidation of all review of Patent Office decisions in the Court of Customs and Patent Appeals.

Many provisions of this bill streamline rigid and technical requirements of the present law to reduce the time and expense of issuing patents. So the Patent Office may more expeditiously ascertain the "prior art" pertinent to an application for patent, this bill provides for a research program to improve and expedite storage and retrieval of patents and other scientific and technical information. Strict provisions of the present statute are relaxed to permit owners, as well as inventors, to file applications. Provisions concerning joint inventors have been liberalized. Signatory requirement for certain related applications are eliminated.

Computation of the term of a patent from its filing date rather than its issue date will encourage applicants to act promptly; any dilatory practice by an applicant will, in effect, curtail the life of the patent. Interferences between pending patent applications are eliminated, as are civil actions based upon Patent Office decisions in inter partes cases. Unnecessary examination of many applications will be avoided by provision for voluntary publication and abandonment of applications without loss of effective filing dates or other rights.

In *Sperry* v. *State of Florida*, 373 U.S. 388, 83 S. Ct. 1322 (1963), the Supreme Court reiterated its earlier holding that the preparation and prosecution of patent applications before the Patent Office involves the practice of law in its most intricate and complex sense. But the Court also found that the Congress, by the present patent statute, has au-

thorized nonlawyers to engage in such legal practice before the Patent Office, so the States cannot interfere with what would otherwise be the unauthorized practice of law. To correct this undesirable situation, this bill will limit practice before the Patent Office to members of the bar, with appropriate safeguards for nonlawyers who have already been admitted to practice before the Patent Office.

Without affecting the security of the United States in any way, some rigid requirements with respect to licenses for filing in foreign countries have been relaxed and provisions for granting retroactive licenses liberalized; courts are given the power to grant retroactive licenses or declare patents invalid for failure to comply with the licensing provisions.

To avoid different interpretations by a variety of courts of the application of antitrust laws to the use of patent property, this bill defines certain activities in which a patent owner may engage without jeopardizing his patent rights. Provision is made for preventing the importation of products made abroad by a process patented in the United States and for recovery of damages for unauthorized use of an invention after the patent application is published. Uncertainties resulting from the issuance of two or more patents on related inventions can be eliminated where the patents expire on the same date rather than risk the present inequitable situation where both patents may be held invalid.

In conjunction with the enlargement of the jurisdiction of the Court of Customs and Patent Appeals, provision is made for the employment of additional judges, at least some of whom are to be qualified in patent law. Such appointments will provide a nucleus of experienced patent judges who will be available, upon request, to assist other courts in handling the heavy load of complex and frequently protracted patent cases. Rather than propose legislation especially applicable to the trial of patent cases, it is believed the time and expense necessary for the trial of patent cases will likely be reduced as a result of the continuing review and revision of the Federal Rules of Civil Procedure and the continuing development of pretrial techniques in the Federal courts.

In summary, this bill is offered as a compromise between S. 1042 and S. 1691 of the 90th Congress, because it modernizes our patent laws without destroying the proven principles upon which the U.S. patent system is based solely for the sake of international standardization of inferior patent systems used in other countries.

Mr. President, this is a very considerable revision of our patent code. It has the approval of the American Bar Association, and, very particularly, the patent section of the association. I think it would be in the public interest if the bill were set out in full in the RECORD, because lawyers all over the country will be saved the trouble of sending to the document room for a copy, when it is available in the RECORD in their local libraries. I ask unanimous consent, therefore, that the bill be printed in the RECORD.

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

The bill (S. 2597) for the promotion of the progress of the useful arts by the general revision of the patent laws, title 35 of the United States Code, and for other purposes, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 2597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 35 of the United States Code, entitled "Patents", is hereby amended in its entirety to read as follows:

"TITLE 35—PATENTS

"Part	Sec.
"I. Patent Office	1
"II. Patentability of Inventions and Grant of Patents	100
"III. Patents and Protection of Patent Rights	251

"PART I—PATENT OFFICE

"CHAPTER	
"1. Establishment, Officers Functions	1
"2. Proceedings in the Patent Office	21
"3. Practice Before the Patent Office	31
"4. Patent Fees	41

"CHAPTER 1.—ESTABLISHMENT, OFFICERS, FUNCTIONS

"Sec.
"1. Establishment.
"2. Seal.
"3. Officers and employees.
"4. Restrictions on officers and employees as to interest in patents.
"5. Bond of Commissioner and other officers.
"6. Duties of Commissioner.
"7. Board of Appeals.
"8. Library.
"9. Classification of patents.
"10. Certified copies of records.
"11. Publications.
"12. Research and studies.

"§ 1. Establishment

"The Patent Office shall be an Office in the Department of Commerce, where records, books, drawings, specifications, and other papers and things pertaining to patents and to trademark registrations shall be kept and preserved, except as otherwise provided by law.

"§ 2. Seal

"The Patent Office shall have a seal with which letters patent, certificates of trademark registrations, and papers issued from the Office shall be authenticated.

"§ 3. Officers and employees

"(a) A Commissioner of Patents, one first assistant commissioner, two other assistant commissioners, and not more than twenty-four examiners-in-chief shall be appointed by the President, by and with the advice and consent of the Senate. The assistant commissioners shall perform the duties pertaining to the office of Commissioner assigned to them or by the Commissioner. The first assistant commissioner, or, in the event of a vacancy in that office, the assistant commissioner senior in date of appointment, shall fill the office of Commissioner during a vacancy in that office until a Commissioner is appointed and takes office. The Secretary of Commerce, upon the nomination of the Commissioner in accordance with law, shall appoint all other officers and employees.

"(b) The Secretary of Commerce is authorized to fix the per annum rate of basic compensation of each examiner-in-chief in the Patent Office at not in excess of the maximum scheduled rate provided for positions in grade 17 of the General Schedule of positions referred to in section 5104 of title 5, United States Code, and of the assistant commissioners at not in excess of the rate provided for positions in grade 18.

"§ 4. Restriction on officers and employees as to interest in patents

"Officers and employees of the Patent Office shall be incapable, during the period of their appointments and for one year thereafter, of applying for a patent and of acquiring, directly or indirectly, except by inheritance or bequest, any patent or any right or interest in any patent, issued or to be issued by the Office. In patents applied for thereafter, they shall not be entitled to any priority date earlier than one year after the termination of their appointment.

"§ 5. Bond of Commissioner and other officers

"The Commissioners and such other officers as he designates, before entering upon their duties, shall severally give bond, with sureties, the former in the sum of $10,000, and the latter in sums prescribed by the Commissioner, conditioned for the faithful discharge of their respective duties and that they shall render to the proper officers of the Treasury a true account of all money received by virtue of their offices.

"§6. Duties of Commissioner

"The Commissioner, under the direction of the Secretary of Commerce, shall superintend or perform all duties required by law respecting the granting and issuing of patents and the registration of trademarks; and he shall have charge of property belonging to the Patent Office. He may establish regulations, not inconsistent with law, for the conduct of proceedings in the Patent Office.

"§ 7. Board of Appeals

"(a) The Commissioner, the assistant commissioners, and the examiners-in-chief shall consttiute a Board of Appeals in the Patent Office. The examiners-in-chief shall be persons of competent legal knowledge and scientific ability.

"(b) The Board of Appeals shall:

"(1) Review adverse decisions of the examiners upon applications for patents as provided in section 134 of this title.

"(2) Review or consider actions arising under sections 136 and 137 of this title in accordance with regulations established for such purpose.

"(3) Perform the functions specified as being performed by a Board of Patent Interferences in Public Law 593, Eighty-second Congress (ch. 950, 66 Stat. 792, section 1), and in other Acts of Congress and when performing said function shall constitute a Board of Patent Interferences.

"(c) Each appeal or other action shall be heard or considered by at least three members of the Board of Appeals. The Board of Appeals has sole power to grant rehearings.

"(d) Whenever the Commissioner considers it necessary to maintain the work of the Board of Appeals current, he may designate any patent examiner of the primary examiner grade or higher having the requisite ability, to serve as acting examiner-in-chief for periods not exceeding six months each. An examiner so designated shall be qualified to act as a member of the Board of Appeals. Not more than one acting examiner-in-chief shall be a member of the Board of Appeals hearing an appeal or considering a case. The Secretary of Commerce is authorized to fix the per annum rate of basic compensation of each acting examiner-in-chief in the Patent Office at not in excess of the maximum scheduled rate provided for positions in grade 16 of the General Schedule of positions referred to in section 5104 of title 5, United States Code. The per annum rate of basic compensation of each acting examiner-in-chief shall be adjusted, at the close of the period for which he was designated to act as examiner-in-chief, to the per an-

num rate of basic compensation which he would have been receiving at the close of such period if such designation had not been made.

"§ 8. Library

"The Commissioner shall maintain a library of scientific and other works and periodicals, both foreign and domestic, in the Patent Office to aid the officers in the discharge of their duties.

"§ 9. Classification of patents

"The Commissioner shall maintain a classification by subject matter of published specifications of United States patents and applications and of such other patents and applications and other scientific and technical information as may be necessary or practicable, for the purpose of determining with readiness and accuracy the novelty of inventions for which applications for patent are filed.

"§ 10. Certified copies of record

"The Commissioner may, upon payment of the prescribed fee, furnish certified copies of records of the Patent Office to persons entitled thereto.

"§ 11. Publications

"(a) The Commissioner may publish, or cause to be published, in such format as he shall determine to be suitable under applicable laws and regulations, the following:

"(1) Patent applications and parts thereof, subject to the provisions of this title, patent abstracts and patents, including specifications and drawings, together with copies of the same.

"(2) Certificates of trademark registrations, including statements and drawings, together with copies of the same.

"(3) The Official Gazette of the United States Patent Office.

"(4) Annual indices of patents and patentees, published applications and applicants, and of trademarks and registrants.

"(5) Annual volumes of decisions in patent and trademark cases.

"(6) Classification manuals and indices of the classifications of patents.

"(7) Pamphlet copies of the patent laws and rules of practice, laws and rules relating to trademarks and circulars or other publications relating to the business of the Office.

"(b) The Patent Office may print the headings of the drawings for patents for the purpose of photolithography.

"§ 12. Research and studies

"(a) The Commissioner shall conduct a program of research and development to improve and expedite the handling, classification, storage and retrieval of patents and other scientific and technical information.

"(b) The Commissioner shall conduct and sponsor studies to aid in analyzing the contemporary needs of the patent system and in evaluating the effectiveness of the patent system in serving the public interest.

"CHAPTER 2.—PROCEEDINGS IN THE PATENT OFFICE

"Sec.

"21. Day for taking action falling on Saturday, Sunday, or holiday.
"22. Printing of papers filed.
"23. Testimony in Patent Office cases.
"24. Subpenas, witnesses.
"25. Oath; declaration in lieu of oath.
"26. Effect of defective execution.

"§ 21. Day for taking action falling on Saturday, Sunday, or holiday

"When the day, or the last day, for taking any action or paying any fee in the United States Patent Office falls on Saturday, Sunday, or a holiday within the District of Columbia, the action may be taken, or the fee paid, on the next succeeding secular or business day.

"§ 22. Printing of papers filed

"The Commissioner may by regulation prescribe the form, and manner of reproduction, of papers filed in the Patent Office.

"§ 23. Testimony in Patent Office cases

"The Commissioner may establish rules for taking affidavits and depositions required in cases in the Patent Office. Any officer authorized by law to take depositions to be used in the courts of the United States, or of the State where he resides, may take such affidavits and depositions.

"§ 24. Subpenas, witnesses

"The clerk of any United States court for the district wherein testimony is to be taken for use in any contested case in the Patent Office, shall, upon the application of any party thereto, issue a subpena for any witness residing or being within such district, commanding him to appear and testify before an officer in such district authorized to take depositions and affidavits, at the time and place stated in the subpena. The provisions of the Federal Rules of Civil Procedure relating to the attendance of the witnesses and to the production of documents and things shall apply to contested cases in the Patent Office.

"Every witness subpenaed and in attendance shall be allowed the fees and traveling expenses allowed to witnesses attending the United States district courts.

"A judge of a court whose clerk issued a subpena may enforce obedience to the process or punish disobedience as in other like cases, on proof that a witness, served with such subpena, neglected or refused to appear or to testify. No witness shall be deemed guilty of contempt for disobeying such subpena unless his fees and traveling expenses in going to, and returning from, and one day's attendance at the place of examination, are paid or tendered to him at the time of the service of the subpena; nor for refusing to disclose any secret matter except upon appropriate order of the court which issued the subpena.

"§ 25. Oath; declaration in lieu of oath

"(a) An oath to be filed in the Patent Office may be made before any person within the United States authorized by law to administer oaths, or, when made in a foreign country, before any diplomatic or consular officer of the United States authorized to administer oaths, or before any officer authorized to administer oaths in the foreign country in which the applicant may be, whose authority shall be proved by certificate of a diplomatic or consular officer of the United States, and such oath shall be valid if it complies with the laws of the state or country where made.

"(b) The Commissioner may by rule prescribe that any document to be filed in the Patent Office and which is required by any law, rule, or other regulation to be under oath may be subscribed to by a written declaration in such form as the Commissioner may prescribe, such declaration to be in lieu of the oath otherwise required.

"(c) Whenever such written declaration is used, the document must warn the declarant that willful false statements and the like are subject to punishment including fine or imprisonment, or both.

"§ 26. Effect of defective execution

"Any document to be filed in the Patent Office and which is required by any law, rule, or other regulation to be executed in a specified manner may be provisionally accepted by the Commissioner despite a defective execution, provided a properly executed document is submitted within such time as may be prescribed.

"CHAPTER 3.—PRACTICE BEFORE PATENT OFFICE

"Sec.

"31. Regulations for agents and attorneys.
"32. Suspension or exclusion from practice.
"33. Unauthorized representation as practitioner.

"§ 31. Regulations for agents and attorneys

"The Commissioner may prescribe regulations governing the recognition and conduct of agents, attorneys, or other persons representing applicants or other parties before the Patent Office, and may require them, before being recognized as representatives of applicants or other persons, to show that they are of good moral character and reputation and are possessed of the necessary qualifications to render to applicants or other persons valuable service, advice, and assistance in the presentation or prosecution of their applications or other business before the Office. Only members of the bar of a State, Territory, District, Commonwealth or Possession of the United States may be recognized as representatives of applicants, or practice before the Patent Office, except those representatives recognized prior to the effective date of this Act.

"§ 32. Suspension or exclusion from practice

"The Commissioner may, after notice and opportunity for a hearing, suspend or exclude, either generally or in any particular case, from further practice before the Patent Office, any person, agent, or attorney shown to be incompetent or disreputable, or guilty of gross misconduct, or who does not comply with the regulations established under section 31 of this title, or who shall, by word, circular, letter, or advertising, with intent to defraud in any manner, deceive, mislead, or threaten any applicant or prospective applicant, or other person having immediate or prospective business before the Office. The reasons for any such suspension or exclusion shall be duly recorded. The United States District Court for the District of Columbia, under such conditions and upon such proceedings as it by its rules determines, may review the action of the Commissioner upon the petition of the person so suspended or excluded.

"§ 33. Unauthorized representation as practitioner

"Whoever, not being recognized to practice before the Patent Office, holds himself out or permits himself to be held out as so recognized, or as being qualified to prepare or prosecute applications for patent, shall be fined not more than $1,000 for each offense.

"CHAPTER 4.—PATENT FEES

"Sec.

"41. Patent fees.
"42. Payment of patent fees; return of excess amounts.

"§ 41. Patent fees

"(a) The Commissoner shall charge the following fees:

"(1) On filing each application for an original patent, except in design cases, $65; in addition, of filing or on presentation at any other time, $10 for each claim in independent form which is in excess of one, and $2 for each claim (whether independent or dependent) which is in excess of ten. Errors in payment of the additional fees may be rectified in accordance with regulations of the Commissioner.

"(2) For publishing under section 123 of this title each application for an original or reissue patent, $50; in addition, $10 for each page or portion thereof) of specification as printed, and $2 for each sheet of drawing.

"(3) For publishing under section 151 of this title each application for an original or reissue patent which was not previously published under section 123 of this title, $50; in addition, $10 for each page (or portion thereof) of specification as printed, and $2 for each sheet of drawing.

"(4) For publishing under section 151 of this title any changes in an application previously published under section 123 of this title, $10 for each page (or portion thereof) of changed specification as printed, and $2 for each sheet of changed drawing.

"(5) For issuing each original or reissue patent, except in design cases, $50.

"(6) In design cases:

"a. On filing each design application, $20.

"b. On issuing each design patent: For three years and six months, $10; for seven years, $20; and for fourteen years, $30.

"(7) On filing each application for the reissue of a patent, $65; in addition, on filing or on presentation at any other time, $10 for each claim in independent form which is in excess of the number of independent claims of the original patent, and $2 for each claim (whether independent or dependent) which is in excess of ten and also in excess of the number of claims of the original patent. Errors in payment of the additional fees may be rectified in accordance with regulations of the Commissioner.

"(8) On filing each disclaimer, $15.

"(9) On appeal for the first time from the examiner to the Board of Appeals, $50; in addition, on filing a brief in support of the appeal, $50.

"(10) On filing each petition for the revival of an abandoned application for a patent or for the delayed payment of the fee for issuing each patent, $15.

"(11) For certificate under section 255 or under section 256 of this title, $15.

"(12) As available and if in print: For uncertified printed copies of specifications and drawings of published applications and patents (except design patents), 50 cents per copy; for design patents, 20 cents per copy; the Commissioner may establish a charge not to exceed $1 per copy for published applications and patents in excess of twenty-five pages of drawings and specifications and for plant patents printed in color; special rates for public libraries in the United States which maintain copies of patents for use of the public, $50 for patents issued in one year. The Commissioner may, without charge, provide applicants with copies of specifications and drawings of published applications and patents when referred to in a notice under section 132.

"(13) For recording every assignment, agreement, or other paper relating to the property in a patent or application, $20; where the document relates to more than one patent or application, $3 for each additional item.

"(14) For each certificate, $1.

"(15) For delayed payment pursuant to section 151(d) of this title, $25.

"(b) The Commissioner may establish charges for copies of records, publications, or services furnished by the Patent Office, not specified above.

"(c) The fees prescribed by or under this section shall apply to any other Government department or agency, or officer thereof, except that the Commissioner may waive the payment of any fee for services or materials in cases of occasional or incidental requests by a Government department or agency, or officer thereof.

"(d) The Commissioner shall prescribe by regulations, consistent with the provisions of this title, the time for payment of the fees to be paid under this title. If payment of the fees in connection with the examination, publication or issuance of a patent application are not timely made, the application shall be regarded as abandoned. An applicant shall be given at least thirty days following notice of a fee due pursuant to section 123 or 151 of this title in which to pay the fee.

"(e) The Commissioner may prescribe by regulations when copies of Patent Office records and publications may be provided without charge or in exchange for records or publications of foreign countries.

"§ 42. Payment of fees; return of excess amounts

"All fees shall be paid to the Commissioner, who shall deposit the same in the Treasury of the United States in such manner as the Secretary of the Treasury directs, and the Commissioner may refund any sum paid by mistake or in excess of the fee required.

"PART II—PATENTABILITY OF INVENTIONS AND GRANT OF PATENTS

"Chapter Sec.
"10. Patentability of Inventions 100
"11. Application for Patent 111
"12. Examination of Applications 131
"13. Review of Patent Office Decisions 141
"14. Issue of Patent 151
"15. Plant Patents 161
"16. Designs 171
"17. Secrecy of Certain Inventions and Filing Applications Abroad 181

"CHAPTER 10.—PATENTABILITY OF INVENTIONS

"Sec.
"100. Definitions.
"101. Right to patent: inventions patentable.
"102. Conditions for patentability; novelty and loss of right to patent.
"103. Conditions for patentability; non-obvious subject matter.
"104. Invention made abroad.
"107. Abandonment of invention.

"§ 100. Definitions

"When used in this title unless the context otherwise indicates—

"(a) The term "invention" means invention or discovery.

"(b) The term "process" means process, art or method and includes a new use of a known process, machine, manufacture, composition of matter, or material.

"(c) The terms "United States" and "this country" means the United States of America, its territories and possessions, and the Commonwealth of Puerto Rico.

"(d)) The term "applicant" means any person who has filed or who owns an application for patent as provided in this title.

"(e) The term "patentee" includes not only the person to whom the patent was issued but also the successors in title to such person.

"(f) The term "effective filing date," when used in reference to an application for patent, includes the filing date to which such application, or the subject matter of any claim thereof, may be entitled under the provisions of section 119 or 120 of this title. An application or the resulting patent may contain separate claims for subject matter having different effective filing dates.

"(g) The term "useful" shall include, but shall not be limited to, utility in agriculture, commerce, industry, health, or research.

"(h) The term "prior art" means:

"(1) A published United States patent application or United States patent of another which has an actual filing date in the United States before the invention thereof by the inventor named in the applicant's application; or

"(2) Subject matter known or used by others in this country before the invention thereof by the inventor named in the applicant's application; or

"(3) A patent or publication in this or a foreign country reasonably available before the invention by the inventor named in the applicant's application, or more than one year prior to the effective filing date of the application for patent in the United States; or

"(4) Subject matter sold or in public use in this country more than one year prior to the effective filing date of the application for patent in the United States.

"§ 101. Right to patent: inventions patentable

"Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, or his successor in title, may obtain a patent therefor, subject to the conditions and requirements of this title.

"§ 102. Conditions for patentability; novelty and loss of right to patent

"An applicant shall be entitled to a patent unless:

"(a) The invention sought to be patented is identically disclosed or described by the prior art; or

"(b) The applicant has abandoned the invention; or

"(c) The invention was first patented or caused to be patented by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application filed more than twelve months before the filing of the application in the United States; or

"(d) The inventor named in the applicant's application did not himself invent the subject matter sought to be patented; or

"(e) Before the invention thereof by the inventor named in the applicant's application, the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention, there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

"§ 103. Conditions for patentability; non-obvious subject matter

"A patent may not be obtained though the invention is not identically disclosed or described in the prior art if the differences between the subject matter sought to be patented and the prior art are such that said subject matter as a whole would have been obvious at the time the invention was made, or more than one year prior to the effective filing date of the application, to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

"§ 104. Invention made abroad

"In proceedings in the Patent Office and in the courts, an applicant for a patent, or a patentee, may not establish a date of invention by reference to knowledge or use thereof, or other activity with respect thereto, in a foreign country, except as provided in section 119 of this title. Where an invention was made by a person, civil or military, while domiciled in the United States and serving in a foreign country in connection with operations by or on behalf of the United States, he shall be entitled to the same rights of priority with respect to such invention as if the same had been made in the United States.

"§ 107. Abandonment of invention

"(a) Abandonment of an application for patent does not of itself establish abandonment of an invention disclosed therein.

"(b) Publication of an application under the provisions of section 123 or 151 of this title refutes any inference that an invention disclosed therein was abandoned after the effective filing date thereof.

CHAPTER 11.—APPLICATION FOR PATENT

"Sec.
"111. Application for patent.
"112. Specification.
"113. Drawings.
"114. Models, specimens.
"115. Oath of applicant.
"116. Joint inventors.
"117. Death or incapacity of inventor.
"119. Benefit of earlier filing date in foreign country; right of priority.
"120. Benefit of earlier filing date in the United States.
"121. Divisional applications.
"122. Confidential status of application.
"123. Publication.

"§ 111. Application for patent

"(a) An application for patent may be filed by either the inventor or the owner of the invention sought to be patented. The application shall be made in writing to the Commissioner, shall be signed by the applicant and shall include or be amended to include the name of each person believed to have made an inventive contribution, and shall be accompanied by the prescribed fee. An application filed by a person not the inventor shall include, at the time of filing, a statement of the facts supporting the allegation of owner-

ship of the invention, which statement may be amended.

"(b) For purposes of filing a patent application and securing a filing date, an application may be signed by an agent of the inventor or owner provided the application is ratified by the signature of the inventor or owner within six months thereafter.

"(c) When the application is signed by the owner or his agent, the owner, within ten days after filing an application for patent, shall serve a copy of the application on the inventor; service may be effected by mailing a copy of the application, first class mail, to the last known address of the inventor.

"(d) An application for patent shall include:

"(1) A specification as prescribed by section 112 of this title;

"(2) A drawing as prescribed by section 113 of this title; and

"(3) An oath prescribed by section 115 of this title.

"(e) In an application, omission of an inventor's name or inclusion of the name of one not an inventor, without deceptive intent, may be corrected at any time, in accordance with regulations established by the Commissioner.

"(f) When the Commissioner requires or publishes an abstract of the technical disclosure of an application, such abstract shall not be used either in the Patent Office or after the issuance of a patent to determine or interpret the scope of the invention claimed.

"§ 112. Specification

"(a) The specification shall contain a written description of the invention, and of the manner and process of making it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the same, and shall set forth the best mode contemplated by the applicant of carrying out the invention. The specification shall also indicate the use of said invention.

"(b) The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant desires to secure by letters patent. A claim may be written in independent or dependent form, and if in dependent form, it shall be construed to include all the limitations of the claim incorporated by reference into the dependent claim.

"(c) An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.

"§ 113. Drawings

"When the nature of the case admits, the applicant shall furnish a drawing.

"§ 114. Models, specimens

"The Commissioner may require the applicant to furnish a model or specimen of convenient size to exhibit advantageously the several parts of his invention.

"When the invention is related to a composition of matter, the Commissioner may require the applicant to furnish specimens or ingredients for the purpose of inspection or experiment.

"§ 115. Oath of applicant

"(a) The applicant, if he is the inventor, shall make oath that he believes himself to be the original and first inventor of the subject matter sought to be patented and shall state of what country he is a citizen.

"(b) The applicant, if he is not the inventor, shall make an oath that he believes the named inventor to be the original and first inventor of the subject matter sought to be patented and shall state of what country the named inventor is a citizen; such oath shall verify the statement of facts supporting the allegation of ownership of the invention.

"(c) The applicant of an application filed pursuant to section 117 of this title may make the oath required by subsection (b) of this section, so varied in form that it can be made by him.

"§ 116. Joint inventors

"(a) When two or more persons have made inventive contributions to subject matter claimed in an application, they shall apply for a patent jointly and each sign the application and make required oath, or, if the application is filed by some other person having the right to do so, they shall be named as the inventors.

"(b) In an application for patent for a joint invention, it shall not be necessary for each person named as joint inventor to be a joint inventor of the invention asserted in each claim.

"(c) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself and the omitted inventor. The Commissioner, on proof of the pertinent facts and after such notice to the omitted inventor as he prescribes, may publish the application and grant a patent to the inventor making the application, subject to the same rights which the omitted inventor would have had if he had been joined. The omitted inventor may subsequently join in the application.

"§ 117. Death or incapacity of inventor

"Legal representatives of deceased inventors and of those under legal incapacity may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor.

"§ 119. Benefit of earlier filing date in foreign country; right of priority

"(a) An application for patent for an invention filed in this country by any person who has, or whose predecessor or successor in title has, previously regularly filed an application for a patent for the same invention by the same inventor in a foreign country which affords similar privileges in the case of applications filed in the United States or to citizens of the United States, shall have the same effect as the same application would have if filed in the United States on the date on which the application for patent for the same invention was first filed in any such foreign country, if the application in this country is filed within twelve months from the earliest date on which such foreign application was filed.

"(b) No application shall be entitled to a right of priority under this section, unless the applicant makes a claim therefor at the time the application is filed and complies with such requirements as the Commissioner may prescribe by regulations; amendment of such claim may be made during examination or reexamination of the application as provided in Chapter 12 of this title.

"(c) In like manner and subject to the same conditions and requirements, the right provided in this section may be based upon a subsequent regularly filed application in the same foreign country instead of the first filed foreign application, provided that any foreign application filed prior to such subsequent application has been withdrawn, abandoned, or otherwise disposed of, without having been laid open to public inspection and without leaving any rights outstanding, and has not served, nor thereafter shall serve, as a basis for claiming a right of priority.

"§ 120. Benefit of earlier filing date in the United States

"(a) An application for patent for an invention shall have the same effect as to such invention as though filed on the date a prior application was filed, or the date to which a prior application is directly or indirectly entitled under this subsection (a) or under section 119 of this title, if:

"(1) The two applications have the same applicant;

"(2) The invention is disclosed in the prior application in the manner provided by the first paragraph of section 112 of this title;

"(3) The later application is filed before the abandonment of, or the issuance of a patent on, the prior application, and

"(4) The applicant specifically claims the benefit of such date for subject matter claimed in the later application at the time of filing the later application, or by amendment thereof.

"(b) The Commissioner may by regulation dispense with signing and execution in the case of an application directed solely to subject matter described in a prior application of the same applicant.

"§ 121. Divisional applications

"(a) If two or more independent and distinct inventions are claimed in one application, the Commissioner may require the application to be restricted to one of them. A requirement for an election of species is a requirement for restriction and, in the event of such requirement, each separate species shall be considered a separate and distinct invention.

"(b) The validity of a patent may not be questioned for failure of the Commissioner to require the application to be restricted under subsection (a) of this section, nor may the validity of either of two or more patents resulting from and in accordance with a requirement under said subsection (a) be questioned solely because of the existence of several patents, if the subsequent application is filed in accordance with the provisions of section 120 of this chapter.

"§ 122. Confidential status of applications

"Applications for patents shall be kept in confidence by the Patent Office and no information concerning the same given without authority of the applicant or owner unless necessary to carry out the provisions of any Act of Congress or in such special circumstances as may be determined by the Commissioner.

"§ 123. Publication

"(a) An applicant may, upon the payment of the prescribed fee, request publication of his pending application and publication of the pending application shall occur as soon as practicable after the request.

"(b) Before publication of an application under this section, the applicant may be required, subject to sections 132 and 133 of this title, to place the application in proper form for publication.

"CHAPTER 12.—EXAMINATION OF APPLICATION

"Sec.
"131. Examination of application.
"132. Notice of rejection; reexamination.
"133. Time for prosecuting application.
"134. Appeal to the Board of Appeals.
"136. Reexamination after publication.
"137. Priority of invention.

"§ 131. Examination of application

"The Commissioner shall cause an examination to be made of the application and the alleged new invention; and if on such examination it is determined that the applicant is entitled to a patent under the law, the Commissioner shall issue a patent therefor as hereinafter provided. The granting of a patent shall not be refused solely on the ground that if it occurred there would then exist more than one patent for the same invention where the patents will expire on the same date as a result of filing on the same date or as a result of a terminal disclaimer pursuant to section 253 of this title, so long as the right to sue for infringement of said patents is in the same legal entity. Insofar as reasonably feasible, the examination shall be in the order of the application's earliest effective filing date.

"§ 132. Notice of rejection; reexamination

"Whenever, on examination, any claim of an application is rejected, or any objection

or requirement made, the Commissioner shall notify the applicant thereof, stating the reasons therefor, together with such information and references as may be useful in judging the propriety of continuing the prosecution of the application; and if after receiving such notice, the applicant requests reexamination, with or without amendment, the application shall be reexamined. No amendment shall introduce new matter into the disclosure of the invention.

"§ 133. Time for prosecuting application

"Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

"§ 134. Appeal to the Board of Appeals

"An applicant for a patent, any of whose claims has been finally or twice rejected, may appeal from the decision of the primary examiner to the Board of Appeals, having once paid the fee for such appeal.

"§ 136. Reexamination after publication

"(a) Any person may notify the Commissioner of patents or publications which may have a bearing on the patentability of a published application, and the Commissioner may cause the application to be examined or reexamined in the light thereof.

"(b) If such notification explains in writing the pertinency of the patents or publications cited and is received within three months, or within such longer time as the Commissioner appoints but not more than six months, after publication of the application under section 151 of this title, the citations shall be considered by the Patent Office; such consideration shall be an examination in accordance with sections 131 and 132 hereof.

"(c) The identity of the person making the citations under subsection (a) or (b) of this section shall be kept in confidence by the Patent Office, and no information concerning the same shall be given without the authority of such person, unless necessary to carry out the provisions of an Act of Congress or in such special circumstances as may be determined by the Commissioner.

"(d) Any person may notify the Commissioner within such time as the Commissioner appoints, not less than three months nor more than six months after publication of an application under section 151 of this title, that:

"(1) Subject matter had been sold or was in public use in the United States which disclosed the invention claimed in such application more than one year prior to the effective filing date of the application; or

"(2) The inventor named in such application did not himself invent the subject matter sought to be patented; or

"(3) Before the invention thereof by the inventor named in the application, the invention was made in this country by another who had not abandoned, suppressed or concealed it.

If such person within the time specified above makes a prima facie showing and offers to present evidence in support of such showing, the matter shall be determined in such proceedings as the Commissioner shall establish by regulations. Such regulations shall require consideration or review by the Board of Appeals and shall prescribe for matters under subsections (d)(2) and (d)(3) of this section the same kind of proceeding.

"(e) A refusal of the Commissioner to reject any claim of an application on the basis of a notification under this section shall not be subject to direct judicial review, except that an applicant claiming the same subject matter as that involved in a proceeding under subsection (d)(2) or (d)(3) of this section may include such refusal on appeal under section 134 of this title and when seeking review under Chapter 13 of this title.

"(f) Whether or not any person chooses to proceed in accordance with the provisions of this section, he shall not be foreclosed or in any way prejudiced with respect to asserting comparable grounds in defense of an infringement suit or as a basis of affirmative relief under declaratory judgment proceedings.

"§ 137. Priority of invention

"(a) Whenever a claim of an otherwise allowable application is for the same invention as a claim of an issued patent, or for the substance thereof, and the applicant makes a prima facie showing that before the effective filing date of the application for said patent, the inventor named in the said application made the invention in the United States and has not abandoned, suppressed or concealed it, and the applicant offers to present evidence in support of such showing, the matter of priority of invention under section 102(e) of this title shall be determined in such proceedings as the Commissioner shall establish by regulation pursuant to section 136(d) of this Chapter.

"(b) A claim for the same subject matter as a claim of an issued patent, or for the substance thereof, may not be made in any application unless such claim is made prior to six months after the date on which the patent was granted.

"CHAPTER 13.—REVIEW OF PATENT OFFICE DECISIONS

"Sec.
"141. Appeal to Court of Customs and Patent Appeals.
"142. Notice of appeal.
"143. Proceedings on appeal.
"144. Decision on appeal.
"145. Civil action.

"§ 141. Appeal to Court of Customs and Patent Appeals

"(a) An applicant, or his successor in title, dissatisfied with the decision of the Board of Appeals refusing a patent or any claim, may appeal to the United States Court of Customs and Patent Appeals, thereby waiving his right to proceed under section 145 of this title.

"(b) An applicant, or his successor in title, dissatisfied with the decision of the Board of Appeals in a proceeding involving another applicant under section 136(d)(2), 136(d)(3), or 137 of this title, may appeal to the United States Court of Customs and Patent Appeals.

"§ 142. Notice of appeal

"When an appeal is taken to the United States Court of Customs and Patent Appeals, the appellant shall file in the Patent Office a written notice of appeal directed to the Commissioner, within such time after the date of the decision appealed from, not less than sixty days, as the Commissioner appoints.

"§ 143. Proceedings on appeal

"The Patent Office shall transmit to the United States Court of Customs and Patent Appeals certified copies of all the necessary papers and evidence designated by the appellant and any additional papers and evidence designated by the Commissioner or the appellee. The court shall, before hearing an appeal, give notice of the time and place of the hearing to the Commissioner and the parties thereto.

"§ 144. Decision on appeal

"The United States Court of Customs and Patent Appeals shall hear and determine such appeal on the evidence produced before the Patent Office and transmitted to the court under the provisions of section 143 of this title. Upon its determination, the court shall return to the Commissioner a certificate of its proceedings and decision, which shall be entered of record in the Patent Office and govern the further proceedings in the case.

"§ 145. Civil action

"An applicant, or his successor in title, dissastisfied with the decision of the Board of Appeals refusing a patent or any claim, may, unless appeal has been taken to the United States Court of Customs and Patent Appeals under section 141 of this title, have remedy by civil action against the Commissioner in the United States Court of Customs and Patent Appeals if commenced within such time after such decision, not less than sixty days, as the Commissioner appoints. The court may adjudge that such applicant is entitled to receive a patent for his invention, as specified in any of his claims involved in the decision of the Board of Appeals, as the facts in the case may appear, and such adjudication shall be entered of record in the Patent Office and govern further proceedings in the case.

"CHAPTER 14—ISSUE OF PATENT

"Sec.
"151. Publication and issue of patents.
"153. How issued.
"154. Contents and term of patent.

"§ 151. Publication and issue of patent

"(a) If it is determined that an applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant. The notice shall specify a publication fee and an issue fee; upon payment of the publication fee within the time established, the application shall be published.

"(b) Applications which have been published under section 123 of this title need not be published in full under this section, but in lieu thereof a notice that the application has been allowed together with any changes may be published.

"(c) If no action under section 136 of this title has been taken, and provided the fee prescribed for issuance of a patent has been paid within the time established, the Commissioner shall issue the patent. If an action under section 136 of this title has been commenced, the patent shall be issued after the conclusion of the proceedings if then warranted.

"(d) If any payment required by this section is not timely made, but is submitted with the fee for delayed payment within three months after the due date and sufficient cause is shown for the late payment, it may be accepted by the Commissioner as though no abandonment or lapse had ever occurred.

"§ 153. How issued

"Patents shall be issued in the name of the United States of America, under the seal of the Patent Office, and shall be signed by the Commissioner or have his signature placed thereon, and shall be recorded in the Patent Office.

"§ 154. Contents and term of patent

"(a) Every patent shall contain a grant to the applicant, his heirs or assigns, of the right, during the term of the patent to exclude others from making, using, or selling the invention throughout the United States, referring to the specification for the particulars thereof. A copy of the specification and drawings shall be annexed to the patent and be a part thereof.

"(b) The term of a patent shall expire twenty years from the date of filing the application in the United States or, if the benefit of the filing date in the United States of a prior application is claimed, from the earliest such prior date claimed. In determining the term of the patent, the date of filing any application in a foreign country which may be claimed by the applicant shall not be taken into consideration.

"CHAPTER 15.—PLANT PATENTS

"Sec.
"161. Patents for plants.
"162. Description, claim.
"163. Grant.

"164. Assistance of Department of Agriculture.
"§ 161. Patents for plants
"(a) Whoever invents or discovers and asexually reproduces any distinct and new variety of plant including cultivated sports, mutants, hybrids, and newly found seedlings, other than a tuber propagated plant or a plant found in an uncultivated state, may obtain a patent therefor, subject to the conditions and requirements of this title.
"(b) The provisions of this title relating to patents for inventions shall apply to patents for plants, except as otherwise provided.
"(c) The provisions of this title relating to any publication of applications under sections 123 and 151 shall not apply to applications for patents for plants.
"§ 162. Description, claim
"No plant patent shall be declared invalid for noncompliance with section 112 of this title if the description is as complete as is reasonably possible.
"The claim in the specification shall be in formal terms to the plant shown and described.
"§ 163. Grant
"In the case of a plant patent the grant shall be of the right to exclude others from asexually reproducing the plant or selling or using the plant so reproduced.
"§ 164. Assistance of Department of Agriculture
"The President may by Executive Order direct the Secretary of Agriculture, in accordance with the requests of the Commissioner, for the purpose of carrying into effect the provisions of this title with respect to plants (1) to furnish available information of the Department of Agriculture, (2) to conduct through the appropriate bureau or division of the Department research upon special problems, or (3) to detail to the Commissioner officers and employees of the Department.
"CHAPTER 16.—DESIGNS
"Sec.
"171. Patents for designs.
"172. Right of priority.
"173. Term of design patent.
"§ 171. Patents for designs
"(a) Whoever invents any new, original and ornamental design for an article of manufacture may obtain a patent therefor, subject to the conditions and requirements of this title.
"(b) The provisions of this title relating to patents for inventions shall apply to patents for designs, except as otherwise provided.
"(c) The provisions of this title relating to any publication of applications under sections 123 and 151 shall not apply to applications for patents for designs.
"§ 172. Right of priority
"The right of priority provided for by section 119 of this title, and the time specified in section 102(c) of this title shall be six months in the case of designs.
"§ 173. Term of design patent
"Patents for designs may be granted for a term measured from the date of issue of three years and six months, or of seven years, or of fourteen years, as the applicant, in his application, elects.
"CHAPTER 17.—SECRECY OF CERTAIN INVENTIONS AND FILING APPLICATIONS IN FOREIGN COUNTRIES
"Sec.
"181. Secrecy of certain inventions and withholding of patent.
"182. Abandonment of invention for unauthorized disclosure.
"183. Right of compensation.
"184. Filing of application in foreign country.
"185. Patent barred for filing without license.
"186. Penalty.
"187. Nonapplicability to certain persons.
"188. Rules and regulations, delegation of power.

"§ 181. Secrecy of certain inventions and withholding of patent

"(a) Whenever publication or disclosure of an invention in which the Government has a property interest might, in the opinion of the head of an interested Government agency, be detrimental to the national security, the Commissioner upon being so notified shall order that the invention be kept secret and shall withhold publication thereof and the grant of a patent under the condition set forth hereinafter.

"(b) Whenever the publication or disclosure of an invention in which the Government does not have a property interest, might, in the opinion of the Commissioner, be detrimental to the national security, he shall make the application for patent in which such invention is disclosed available for inspection to the Atomic Energy Commission, the Secretary of Defense, and the chief officer of any other department or agency of the Government designated by the President as a defense agency of the United States.

"(c) Each individual to whom the application is disclosed shall sign a dated acknowledgment thereof, which acknowledgment shall be entered in the file of the application. If, in the opinion of the Atomic Energy Commission, the Secretary of a Defense Department, or the chief officer of another department or agency so designated, the publication or disclosure of the invention would be detrimental to the national security, the Atomic Energy Commission, the Secretary of a Defense Department, or such other chief officer shall notify the Commissioner and the Commissioner shall order that the invention be kept secret and shall withhold publication and the grant of a patent for such period as the national interest requires, and notify the applicant thereof. Upon proper showing by the head of the department or agency who caused the secrecy order to be issued that the examination of the application might jeopardize the national interest, the Commissioner shall thereupon maintain the application in a sealed condition and notify the applicant thereof. The applicant whose application has been placed under a secrecy order shall have a right to appeal from the order to the Secretary of Commerce under rules prescribed by him.

"(d) An invention shall not be ordered kept secret and publication withheld for a period of more than a year. The Commissioner shall renew the order at the end thereof, or at the end of any renewal period, for additional periods of one year upon notification by the head of the department or the chief officer of the agency who caused the order to be issued that an affirmative determination has been made that the national interest continues so to require. An order in effect, or issued, during a time when the United States is at war shall remain in effect for the duration of hostilities and one year following cessation of hostilities. An order in effect, or issued, during a national emergency declared by the President shall remain in effect for the duration of the national emergency and six months thereafter. The Commissioner may rescind any order upon notification by the heads of the departments and the chief officers of the agencies who caused the order to be issued that the publication or disclosure of the invention is no longer deemed detrimental to the national security.

"§ 182. Abandonment of invention for unauthorized disclosure

"The invention disclosed in an application for patent subject to an order made pursuant to section 181 of this title may be held abandoned upon its being established by the Commissioner that in violation of said order the invention has been published or disclosed or that an application for a patent therefor has been filed in a foreign country by the inventor, his successors, assigns, or legal representatives, or anyone in privity with him or them, without the consent of the Commissioner. The abandonment shall be held to have occurred as of the time of violation. The consent of the Commissioner shall not be given without the concurrence of the heads of the departments and the chief officers of the agencies who caused the order to be issued. A holding of abandonment shall constitute forfeiture by the applicant, his successors, assigns, or legal representatives, or anyone in privity with him or them, of all claims against the United States based upon such invention.

"§ 183. Right to compensation

"An applicant, his successors, assigns, or legal representatives, whose patent is withheld as herein provided, shall have the right, beginning at the date the applicant is notified that, except for such order, his application is otherwise in condition for allowance, or February 1, 1952, whichever is later, and ending six years after a patent is issued thereon, to apply to the head of any department or agency who caused the order to be issued for compensation for the damage caused by the order of secrecy and/or for the use of the invention by the Government, resulting from his disclosure. The right to compensation for use shall begin on the date of the first use of the invention by the Government. The head of the department or agency is authorized, upon the presentation of a claim, to enter into an agreement with the applicant, his successors, assigns, or legal representatives, in full settlement for the damage and/or use. This settlement agreement shall be conclusive for all purposes notwithstanding any other provision of law to the contrary. If full settlement of the claim cannot be effected, the head of the department or agency may award and pay to such applicant, his successors, assigns, or legal representatives, a sum not exceeding 75 per centum of the sum which the head of the department or agency considers just compensation for the damage and/or use. A claimant may bring suit against the United States in the Court of Claims or in the District Court of the United States for the district in which such claimant is a resident for an amount which when added to the award shall constitute just compensation for the damage and/or use of the invention by the Government. The owner of any patent issued upon an application that was subject to a secrecy order issued pursuant to section 181 of this title, who did not apply for compensation as above provided, shall have the right, after the date of issuance of such patent, to bring suit in the Court of Claims for just compensation for the damage caused by reason of the order of secrecy and/or use by the Government of the invention resulting from his disclosure. The right to compensation for use shall begin on the date of the first use of the invention by the Government. In a suit under the provisions of this section the United States may avail itself of all defenses it may plead in an action under section 1498 of title 28. This section shall not confer a right of action on anyone or his successors, assigns, or legal representatives who, while in the full-time employment or service of the United States, discovered, invented, or developed the invention on which the claim is based.

"§ 184. Filing of application in foreign country

"(a) Except when authorized by a license obtained from, or a general license established by, the Commissioner, a person shall not file or cause or authorize to be filed in any foreign country an application for patent or for the registration of a utility model, industrial design or model in respect of an invention made in this country prior to six months after filing an application for patent on the same invention under section 111 of

this title, or prior to four months after filing an application for patent on the same ornamental design under section 171 of this title. The Patent Office is hereby established as the sole governmental agency to grant a license or establish a general license. A license shall not be granted with respect to an invention subject to an order issued by the Commissioner pursuant to section 181 of this title without the concurrence of the heads of the departments and the chief officers of the agencies who caused the order to be issued. Upon compliance with regulations established by the Commissioner, a license shall be granted retroactively where an application has been filed abroad and the application does not disclose an invention within the scope of section 181 of this title.

"(b) The term 'application' when used in this Chapter includes applications and any modifications, amendments, or supplements thereto, or divisions thereof.

"(c) No license shall be required subsequent to the filing of a foreign application for any modifications, amendments or supplements to that foreign application, or divisions thereof, which do not alter the nature of the invention originally disclosed, which are within the scope of the invention originally disclosed, and where the filing of the foreign application originally complied with the provisions of this section.

"(d) A retroactive license may be granted at any time notwithstanding the fact that a corresponding United States application has matured into a patent. Such license shall have the same force and effect as if granted during the pendency of the application.

"§ 185. Patent barred for filing without license

"Notwithstanding any other provisions of law any person, and his successors, assigns, or legal representatives, shall not receive a United States patent for an invention if that person, or his successors, assigns, or legal representatives shall, without procuring the license prescribed in section 184 of this title, have made, or consented to or assisted another's making, application in a foreign country for a patent or for the registration of a utility model, industrial design, or model in respect of the invention. A United States patent issued to such person, his successors, assigns, or legal representatives may be held invalid by a court of competent jurisdiction, or such court may order the issuance of a retroactive license under section 184 of this title.

"§ 186. Penalty

"Whoever, during the period or periods of time an invention has been ordered to be kept secret and the grant of a patent thereon withheld pursuant to section 181 of this title, shall, with knowledge of such order and without due authorization, wilfully publish or disclose or authorize or cause to be published or disclosed the invention, or material information with respect thereto, or whoever, in violation of the provisions of section 184 of this title, shall file or cause or authorize to be filed in any foreign country an application for patent or for the registration of a utility model, industrial design, or model in respect of any invention made in the United States, shall, upon conviction, be fined not more than $10,000 or imprisoned for not more than two years, or both.

"§ 187. Nonapplicability to certain persons

"The prohibitions and penalties of this Chapter shall not apply to any officer or agent of the United States acting within the scope of his authority, nor to any person acting upon his written instructions or permission.

"§ 188. Rules and regulations, delegation of power

"The Atomic Energy Commission, the Secretary of a Defense Department, the chief officer of any other department or agency of the Government designated by the President as a defense agency of the United States, and the Secretary of Commerce, may separately issue rules and regulations to enable the respective department or agency to carry out the provisions of this Chapter, and may delegate any power conferred by this Chapter.

"PART III—PATENTS AND PROTECTION OF PATENT RIGHTS

"Chapter Sec.
"25. Amendment and correction of Patents ---------- 251
"26. Ownership and Assignment---------- 261
"27. Government Interests in Patents--- 266
"28. Infringement of Patents---------- 271
"29. Remedies for Infringement of Patent and Other Actions---------- 281

"CHAPTER 25.—AMENDMENT AND CORRECTION OF PATENTS

"Sec.
"251. Reissue of defective patents.
"252. Effect of reissue.
"253. Disclaimer.
"254. Certificate of correction of Patent Office mistake.
"255. Certificate of correction of applicant's mistake.
"256. Correction of named inventor.

"§ 251. Reissue of defective patents

"(a) Whenever any patent is, through error without any deceptive intention, deemed wholly or partly inoperative or invalid, by reason of a defective specification or drawing, or by reason of the patentee claiming more or less than he had a right to claim in the patent, the Commissioner shall, on the surrender of such patent and the payment of the fee required by law, reissue the patent for the invention disclosed in the original patent, and in accordance with a new and amended application, for the unexpired part of the term of the original patent. No new matter shall be introduced into the application for reissue.

"(b) The provisions of Chapters 12, 13 and 14 of this title relating to applications for patent shall be applicable to applications for reissue of a patent.

"(c) No reissued patent shall be granted enlarging the scope of the claims of the original patent, unless applied for within one year from the grant of the original patent, except to claim the same subject matter as a claim of an issued patent pursuant to section 137 of this title.

"§ 252. Effect of reissue

"(a) The surrender of the original patent shall take effect upon the issue of the reissued patent, and every reissued patent shall have the same effect and operation in law, on the trial of actions for causes thereafter arising, as if the same had been originally granted in such amended form, but insofar as the claims of the original and reissued patents are identical, such surrender shall not affect any action then pending nor abate any cause of action then existing, and the reissued patent, to the extent that its claims are identical with the original patent, shall constitute a continuation thereof and have effect continuously from the date of the original patent.

"(b) No reissued patent shall abridge or affect the right of any person or his successors in business who made, purchased or used prior to the grant of a reissue anything patented by the reissued patent, to continue the use of, or to sell to others to be used or sold, the specific thing so made, purchased or used, unless the making, using or selling of such thing infringes a valid claim of the reissued patent which was in the original patent. The court before which such matter is in question may provide for the continued manufacture, use or sale of the thing made, purchased or used as specified, or for the manufacture, use or sale of which substantial preparation was made before the grant of the reissue, and it may also provide for the continued practice of any process patented by the reissue, practiced, or for the practice of which substantial preparation was made, prior to the grant of the reissue, to the extent and under such terms as the court deems equitable for the protection of investments made or business commenced before the grant of the reissue.

"§ 253. Disclaimer

"(a) Whenever, without any deceptive intention, a claim of a patent is invalid the remaining claims shall not thereby be rendered invalid. A patentee, whether of the whole or any sectional interest therein, may, on payment of the fee required by law, make disclaimer of any complete claim, stating therein the extent of his interest in such patent. Such disclaimer shall be in writing and recorded in the Patent Office; and it shall thereafter be considered as part of the original patent to the extent of the interest possessed by the disclaimant and by those claiming under him.

"(b) In like manner any patentee or applicant may disclaim or dedicate to the public the entire term, or any terminal part of the term, of the patent granted or to be granted.

"§ 254. Certificate of correction of Patent Office mistake

"Whenever a mistake in a patent, incurred through the fault of the Patent Office, is clearly disclosed by the records of the Office, the Commissioner may issue a certificate of correction stating the fact and nature of such mistake, under seal, without charge, to be recorded in the records of patents. A printed copy thereof shall be attached to each printed copy of the patent, and such certificate shall be considered as part of the original patent. Every such patent, together with such certificate, shall have the same effect and operation in law on the trial of actions for causes thereafter arising as if the same had been originally issued in such corrected form. The Commissioner may issue a corrected patent without charge in lieu of and with like effect as a certificate of correction.

"§ 255. Certificate of correction of applicant's mistake

"Whenever a mistake of a clerical or typographical nature, or of minor character, which was not the fault of the Patent Office, appears in a patent and a showing has been made that such mistake occurred in good faith, the Commissioner may, upon payment of the required fee, issue a certificate of correction, if the correction does not involve such changes in the patent as would require reexamination. Such patent, together with the certificate, shall have the same effect and operation in law on the trial of actions of causes thereafter arising as if the same had been originally issued in such corrected form.

"§ 256. Correction of named inventor

"Omission of an inventor's name or inclusion of the name of a person not an inventor, without deceptive intent shall not affect validity of a patent, and may be corrected at any time by the Commissioner in accordance with regulations established by him or upon order of a Federal court before which the matter is called in question. Upon such correction the Commissioner shall issue a certificate accordingly.

"CHAPTER 26.—OWNERSHIP AND ASSIGNMENT

"Sec.
"261. Ownership; assignment.
"262. Joint owners.
"263. Transferable nature of patent rights.

"§ 261. Ownership; assignment

"(a) Subject to the provisions of this title, patents shall have the attributes of personal property.

"(b) Applications for patent, patents, or any interest therein, shall be assignable in law by an instrument in writing. The applicant, patentee, or his assigns or legal representatives may in like manner grant and convey an exclusive right under his application for patent, or patents, to the whole or any specified part of the United States.

"(c) A certificate of acknowledgment under the hand and official seal of a person authorized to administer oaths within the United States, or, in a foreign country, of a diplomatic or consular officer of the United States or an officer authorized to administer oaths whose authority is proved by a certificate of a diplomatic or consular officer of the United States, shall be prima facie evidence of the execution of an assignment, grant or conveyance of a patent or application for patent.

"(d) An assignment, grant or conveyance shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, unless it is recorded in the Patent Office within three months from its date or prior to the date of such subsequent purchase or mortgage.

"§ 262. Joint owners

"In the absence of any agreement to the contrary, each of the joint owners of a patent may make, use or sell the patented invention without the consent of and without accounting to the other owners.

"§ 263. Transferable nature of patent rights

"(a) Applications for patent, patents, or any interests therein may be licensed in any specified territory, in the whole, or in any specified part, of the field of use to which the subject matter of the claims of the patent are directly applicable, and

"(b) A patent owner shall not be deemed guilty of patent misuse because he agreed to contractual provisions or imposed conditions on a licensee or an assignee which have:

"(1) A direct relation to the disclosure and claims of the patent, and

"(2) The performance of which is reasonable under the circumstances to secure to the patent owner the full benefit of his invention and patent grant.

"(c) In determining the reasonableness of such provisions or conditions under this section, the courts shall, in each case, consider all factors involved in the exploitation of the patented invention and the economic effect of such provisions or conditions.

"CHAPTER 27.—GOVERNMENT INTEREST IN PATENTS

"Sec.
"267. Time for taking action in Government applications.

"§ 267. Time for taking action in Government applications

"Notwithstanding the provisions of sections 133 and 151 of this title, the Commissioner may extend the time for taking any action to three years, when an application has become the property of the United States and the head of the appropriate department or agency of the Government has certified to the Commissioner that the invention disclosed therein is important to the armament of defense of the United States.

"CHAPTER 28.—INFRINGEMENT OF PATENTS

"Sec.
"271. Infringement of patent.
"272. Temporary presence in the United States.

"§ 271. Infringement of patent

"(a) Except as otherwise provided in this title, whoever without authority makes, uses or sells any patented invention, within the United States during the term of the patent therefor, infringes the patent.

"(b) Whoever, without authority of the patentee, imports into the United States a product made in another country by a process patented in the United States shall be liable as an infringer.

"(c) Whoever actively induces infringement of a patent shall be liable as an infringer.

"(d) Whoever sells a component of a patented machine, manufacture, combination or composition, or a material or apparatus for use in practicing a patented process, constituting a material part of the invention, knowing the same to be especially made or especially adapted for use in an infringement of such patent, and not a staple article or commodity of commerce suitable for substantial noninfringing use, shall be liable as a contributory infringer.

"(e) No patent owner otherwise entitled to relief for infringement or contributory infringement of a patent shall be denied relief or deemed guilty of misuse or illegal extension of the patent right by reason of his having done one or more of the following: (1) derived revenue from acts which if performed by another without his consent would constitute contributory infringement of the patent; (2) licensed or authorized another to perform acts which if performed without his consent would constitute contributory infringement of the patent; (3) sought to enforce his patent rights against infringement or contributory infringement.

"(f) Whoever, during the interim period after publication of an application and before grant of a patent, performs an act which would make him liable for infringement of a valid claim of the patent shall be liable as an infringer if a like claim appears in the application for the patent.

"§ 272. Temporary presence in the United States

"The use of any invention in any vessel, aircraft or vehicle of any country which affords similar privileges to vessels, aircraft or vehicles of the United States, entering the United States temporarily or accidentally, shall not constitute infringement of any patent, if the invention is used exclusively for the needs of the vessel, aircraft or vehicle and is not sold in or used for the manufacture of anything to be sold in or exported from the United States.

"CHAPTER 29.—REMEDIES FOR INFRINGEMENT OF PATENT AND OTHER ACTIONS

"Sec.
"281. Remedy for infringement of patent.
"282. Presumption of validity; defenses.
"283. Injunction.
"284. Damages.
"285. Attorney fees.
"286. Time limitation on damages.
"287. Limitation on damages; marking and notice.
"288. Action for infringement of a patent containing an invalid claim.
"289. Additional remedy for infringement of design patent.
"290. Notice of patent suits.
"292. False marking.
"293. Nonresident patentee, service and notice.

"§ 281. Remedy for infringement of patent

"A patentee shall have remedy by civil action for infringement of his patent.

"§ 282. Presumption of validity; defenses

"(a) A patent shall be presumed valid. Each claim of a patent (whether in independent or dependent form) shall be presumed valid independently of the validity of other claims; dependent claims shall be presumed valid even though dependent upon an invalid claim. The burden of establishing invalidity of a patent or any claim thereof shall rest on the party asserting it.

"(b) The following shall be defenses in any action involving the validity or infringement of a patent and shall be pleaded:

"(1) Noninfringement, absence of liability for infringement, or unenforceability.

"(2) Invalidity of the patent or any claim in suit on any ground specified in Part II of this title as a condition for patentability, provided, however, that the validity of a patent may not be questioned solely because of the existence of two or more patents where said patents will expire on the same date as a result of filing on the same date or as a result of a terminal disclaimer pursuant to section 253 of this title so long as the right to sue for infringement of said patents is maintained in the same legal entity.

"(3) Invalidity of the patent or any claim in suit for failure to comply with any requirement of section 112 or 251 of this title.

"(4) Any other fact or act made a defense by this title.

"(c) In actions involving the validity or infringement of a patent, the party asserting invalidity or noninfringement shall give notice in the pleadings or otherwise in writing to the adverse party at least thirty days before the trial, of the country, number, date, and name of the patentee of any patent, the title, date, and page numbers of any publication to be relied upon as anticipation of the patent in suit or, except in actions in the United States Court of Claims, as showing the state of the art, and the name and address of any person who may be relied upon as the prior inventor or as having prior knowledge of or as having previously used or sold the invention of the patent in suit. In the absence of such notice, proof of the said matters may not be made at the trial except on such terms as the court requires.

"§ 283. Injunction

"(a) The several courts having jurisdiction of cases under this title may grant injunctions in accordance with the principles of equity to prevent the violation of any right secured by patent, on such terms as the court deems reasonable.

"(b) No injunction shall be granted with respect to subsequent use or sale of machines, manufactures, or compositions of matter made prior to grant of the patent and for which damages are awarded under section 284(b) of this title.

"§ 284. Damages

"(a) Upon finding for the claimant, the court shall award the claimant damages adequate to compensate for the infringement but in no event less than the infringer's profits attributable to the infringement, or less than a reasonable royalty for the use made of the invention by the infringer, whichever shall be greater, together with interest and costs as fixed by the court.

"(b) Damages for acts set forth in section 271(f) of this title shall be awarded only for acts occurring after actual notice to the infringer stating how his acts are considered to infringe a claim of a published application and shall be limited to royalties reasonable in the circumstances.

"(c) When the damages are not found by a jury, the court shall assess them. In either event the court may increase the damages up to three times the amount found or assessed.

"(d) The court may receive expert testimony as an aid to the determination of damages or of what royalty would be reasonable under the circumstances.

"§ 285. Attorney fees

"The court in exceptional cases may award reasonable attorney fees to the prevailing party.

"§ 286. Time limitation on damages

"(a) Except as otherwise provided by law, no recovery shall be had for any infringement committed more than six years prior to the filing of the complaint or counterclaim for infringement in the action.

"(b) In the case of claims against the United States Government for use of a patented invention, the period before bringing suit, up to six years, between the date of receipt of a written claim for compensation by the department or agency of the Government having authority to settle such claim, and the date of mailing by the Government of a notice to the claimant that his claim has been denied shall not be counted as part of the period referred to in the preceding paragraph.

"§ 287. Limitation on damages; marking and notice

"Patentees, and persons making or selling any patented article for or under them, may give notice to the public that the same is patented, either by fixing thereon the

word "patent" or the abbreviation "pat.", together with the number of the patent, or when, from the character of the article, this cannot be done, by fixing to it, or to the package wherein one or more of them is contained, a label containing a like notice. In the event of failure so to mark, no damages shall be recovered by the patentee in any action for infringement, except on proof that the infringer was notified of the infringement and continued to infringe thereafter, in which event damages may be recovered only for infringement occurring after such notice. Filing of an action for infringement shall constitute such notice.

"§ 288. Action for infringement of a patent containing an invalid claim

"Whenever, without deceptive intention, a claim of a patent is invalid, an action may be maintained for the infringement of a claim of the patent which may be valid. The patentee shall recover no costs unless a disclaimer of the invalid claim has been entered at the Patent Office before the commencement of the suit.

"§ 289. Additional remedy for infringement of a design patent

"(a) Whoever during the term of a patent for a design, without license of the owner, (1) applies the patented design, or any colorable imitation thereof, to any article of manufacture for the purpose of sale, or (2) sells or exposes for sale any article of manufacture to which such design or colorable imitation has been applied shall be liable to the owner to the extent of his total profit, but not less than $250, recoverable in any United States district court having jurisdiction of the parties.

"(b) Nothing in this section shall prevent, lessen, or impeach any other remedy which an owner of an infringed patent has under the provisions of this title, but he shall not twice recover the profit made from the infringement.

"§ 290. Notice of patent suits

"The clerks of the courts of the United States, within one month after the filing of an action under this title, shall give notice thereof in writing to the Commissioner, setting forth so far as known the names and addresses of the parties, name of the inventor, and the designating number of the patent upon which the action has been brought. If any other patent is subsequently included in the action he shall give like notice thereof. Within one month after the decision is rendered or a judgment issued the clerk of the court shall give notice thereof to the Commissioner. The Commissioner shall, on receipt of such notices, enter the same in the file of such patent.

"§ 292. False marking

"(a) Whoever, without the consent of the patentee, marks upon, or affixes to, or uses in advertising in connection with anything made, used, or sold by him, the name or any imitation of the name of the patentee, the patent number, or the words 'patent,' 'patentee,' or the like, with the intent of counterfeiting or imitating the mark of the patentee, or of deceiving the public and inducing them to believe that the thing was made or sold by or with the consent of the patentee; or

"Whoever marks upon, or affixes to, or uses in advertising in connection with any unpatented article, the word 'patent' or any word or number importing that the same is patented, for the purpose of deceiving the public; or

"Whoever marks upon, or affixes to, or uses in advertising in connection with any article, the words 'patent applied for,' 'patent pending,' or any word importing that an application for patent has been made, when no application for patent has been made, or if made, is not pending, for the purpose of deceiving the public—

"Shall be fined not more than $500 for every such offense.

"(b) Any person may sue for the penalty, in which event one-half shall go to the person suing and the other to the use of the United States.

"§ 293. Nonresident patentee; service and notice

"Every patentee not residing in the United States may file in the Patent Office a written designation stating the name and address of a person residing within the United States on whom may be served process or notice of proceedings affecting the patent or rights thereunder. If the person designated cannot be found at the address given in the last designation, or if no person has been designated, the United States District Court for the District of Columbia shall have jurisdiction and summons shall be served by publication or otherwise as the court directs. The court shall have the same jurisdiction to take any action respecting the patent or rights thereunder that it would have if the patentee were personally within the jurisdiction of the court."

TRANSITIONAL AND SUPPLEMENTARY PROVISIONS

SEC. 2. (a) Chapter 9 of title 28, United States Code, Judicial Code and Judiciary, is amended to read as follows:

"CHAPTER 9.—COURT OF CUSTOMS AND PATENT APPEALS

"Sec.
"211. Appointment and number of judges.
"212. Duties of chief judge; precedence of judges.
"213. Tenure and salaries of judges.
"214. Sessions.
"215. Divisions; powers and assignments.
"216. Publication of decisions.

"§ 211. Appointment and number of judges

"The President shall appoint, by and with the advice and consent of the Senate, a chief judge and eight associate judges who shall constitute a court of record known as the United States Court of Customs and Patent Appeals. At least six judges of the Court of Customs and Patent Appeals shall be specially qualified in the law of patents. Such court is hereby declared to be a court established under Article III of the Constitution of the United States.

"§ 212. Duties of chief judge; precedence of judges

"The chief judge of the Court of Customs and Patent Appeals, with the approval of the court, shall supervise the fiscal affairs and clerical force of the court. The chief judge shall assign or reassign, under rules of the court, any case for trial, hearing, or determination; and promulgate dockets.

"The chief judge shall have precedence and preside at any session of the court which he attends. If he is temporarily unable to perform his duties as such, they shall be performed by the judge in active service, who is present, able and qualified to act, and next in precedence.

"The associate judges shall have precedence and preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age.

"§ 213. Tenure and salaries of judges

"Judges of the Court of Customs and Patent Appeals shall hold office during good behavior; each shall receive a salary of $33,000 a year.

"§ 214. Sessions

"The Court of Customs and Patent Appeals may hold court at such times and places as it may fix by rule.

"§ 215. Divisions; powers and assignments

"(a) Judges of the Court of Customs and Patent Appeals shall sit on the court and its divisions in such order and at such times as the court directs.

"(b) The Court of Customs and Patent Appeals shall have an appellate part to hear and determine matters within the appellate jurisdiction of the court; in such appellate part, the Court of Customs and Patent Appeals may authorize the hearing and determination of cases and controversies by separate divisions, each consisting of three judges. A hearing or rehearing of any matter within the appellate jurisdiction of the court may be ordered by a majority of the judges of the Court of Customs and Patent Appeals in regular, active service. The court en banc shall consist of the judges of the Court of Customs and Patent Appeals in regular, active service. A judge of the Court of Customs and Patent Appeals who has retired from regular service shall also be competent to sit as a judge of the court en banc in the rehearing of a matter if he sat on the court or division at the original hearing thereof.

"(c) The Court of Customs and Patent Appeals shall have a trial part to hear and determine matters within the original jurisdiction of the Court of Customs and Patent Appeals; business of the trial part of the Court of Customs and Patent Appeals shall be divided among the judges as provided by the rules and orders of the court. The chief judge shall be responsible for the observance of such rules and orders, and shall divide the business and assign the cases so far as such rules and orders do not otherwise prescribe.

"(d) The chief judge may sit in any division of the appellate part or as a judge of the trial part. He may, when necessary, assign other judges to any division of the appellate part or to sit as a judge of the trial part.

"§ 216. Publication of decisions

"All decisions of the Court of Customs and Patent Appeals shall be preserved and open to inspection. The Court shall forward copies of each decision to the Commissioner of Patents who shall publish weekly such decisions as he or the court may designate and abstracts of all other decisions."

(b) Section 832 of title 28, United States Code, Judicial Code and Judiciary, is amended to read as follows:

"§ 832. Marshal

"The Court of Customs and Patent Appeals may appoint a marshal and deputy marshals, who shall serve within the District of Columbia and shall be subject to removal by the court.

"The marshal and his deputies shall attend the court at its sessions, and shall serve and execute all processes and orders issuing from it, and exercise the powers and perform the duties concerning all matters within such court's jurisdiction assigned to them by the court. The marshal shall purchase books and supplies, supervise the library and perform such other duties as the court may direct. Under regulations prescribed by the Director of the Administrative Office of the United States Courts, the marshal shall pay the salaries of judges, officers, and employees of the court and disburse funds appropriated for the expenses of the court.

"United States marshals for other districts where sessions of the court are held shall serve as marshals of the court."

(c) Section 833 of title 28, United States Code, Judicial Code and Judiciary, is amended by adding the following paragraph at the end thereof:

"(d) The court shall appoint one or more court reporters to attend at each session of the trial part of the court. The number and qualifications and all other matters concerning such court reporters shall be determined in accordance with section 753 of this title."

(d) Section 1256 of title 28, United States Code, Judicial Code and Judiciary, is amended to read as follows:

"§ 1256. Court of Customs and Patent Appeals; certiorari; certified questions

"Cases in the Court of Customs and Patent Appeals may be reviewed by the Supreme Court by the following methods:

"(1) By writ of certiorari;

"(2) By certification of any question of law by the Court of Customs and Patent Appeals in any case as to which instructions are desired, and upon such certification the Supreme Court may give binding instructions on such questions."

(e) Section 1338 of title 28, United States Code, Judicial Code and Judiciary, is amended to read as follows:

"§ 1338. Patents, copyrights, trade-marks and unfair competition

"(a) Except as provided in Chapter 93 hereof, the district courts shall have original jurisdiction of any civil action arising under any Act of Congress relating to patents, copyright and trade-marks. Such jurisdiction shall be exclusive of the courts of the states in patent and copyright cases.

"(b) The district courts shall have original jurisdiction of any civil action asserting a claim of unfair competition when joined with a substantial and related claim under the copyright, patent or trade-marks laws."

(f) Chapter 93 of title 28, United States Code, Judicial Code and Judiciary, is amended to read as follows:

"CHAPTER 93.—COURT OF CUSTOMS AND PATENT APPEALS

"Sec.
"1541. Powers generally.
"1542. Customs Court decisions.
"1543. Patent Office decisions.
"1544. Tariff Commission decisions.

"§ 1541. Powers generally

"The Court of Customs and Patent Appeals and each judge thereof shall possess all the powers of a district court of the United States for preserving order, compelling the attendance of witnesses and the production of evidence.

"§ 1542. Customs Court decisions

"The Court of Customs and Patent Appeals shall have jurisdiction to review by appeal final decisions of the Customs Court in all cases as to the construction of the law and the facts respecting the classification of merchandise, the rate of duty imposed thereon under such classifications, and the fees and charges connected therewith, and all appealable questions as to the jurisdiction of the Customs Court and as to the laws and regulations governing the collection of the customs revenues.

"§ 1543. Patent Office decisions

"(a) The Court of Customs and Patent Appeals shall have original jurisdiction of all civil actions arising under section 145 of title 35. Such jurisdiction shall be known as the trial jurisdiction of the court.

"(b) The Court of Customs and Patent Appeals shall have jurisdiction of:

"(1) Appeals from all final decisions of the trial part of the Court of Customs and Patent Appeals;

"(2) Appeals from decisions of the Board of Appeals of the Patent Office as to patent applications and patents as provided in Chapter 13 of title 35, Patents, United States Code;

"(3) Appeals from decisions of the Commissioner of Patents and the Trademark Trial and Appeal Board as to trademark applications and proceedings as provided in section 1071 of title 15.

"§ 1544. Tariff Commission decisions

"The Court of Customs and Patent Appeals shall have jurisdiction to review, by appeal on questions of law only, the findings of the United States Tariff Commission as to unfair practices in import trade, made under section 1337 of title 19."

(g) Title 28, United States Code, Judicial Code and Judiciary, is amended by adding new section 2603, reading as follows:

"§ 2603. Patent Office cases

"Federal Rules of Civil Procedure for the United States district courts shall govern the procedure in all cases within the trial jurisdiction of the Court of Customs and Patent Appeals arising under section 145 of title 35."

(h) The section analysis of Chapter 167—Court of Customs and Patent Appeals Procedure, of title 28, United States Code, Judicial Code and Judiciary, preceding section 2601 is amended by adding the following line:

"2603. Patent Office cases."

SEC. 3. If any provision of title 35 Patents, United States Code, as amended by this Act, or any other provision of this Act, is declared unconstitutional or is held invalid, the validity of the remaining provisions shall not be affected.

SEC. 4. (a) This Act shall take effect on the day six months after enactment.

(b) Applications for patent actually filed in the United States prior to the effective date of this Act shall continue to be governed by the provisions of title 35 in effect immediately prior to the effective date, except that any such application may be published by the Commissioner in accordance with the provisions of section 123 of title 35 as enacted by this Act.

(c) Applications for patent actually filed in the United States within one year after the effective date of this Act and not relying on a prior application shall continue to be governed by the provisions of Chapter 10 and by the provisions relating to interferences in Chapters 12 and 13, of title 35 in effect immediately prior to the effective date.

(d) The amendment of title 35, United States Code, by this Act, shall not affect any rights or liabilities existing under title 35 in effect immediately prior to the effective date of this Act.

SEC. 5. This Act may be cited as "The Patent Act of 1967."

NATIONAL SCIENCE FOUNDATION ACT AMENDMENTS OF 1967

Mr. KENNEDY of Massachusetts. Mr. President, for 2 consecutive years the House of Representatives has overwhelmingly approved a bill amending the National Science Foundation Act of 1950. The bill would make changes in four basic areas:

First, it would give added force to the Foundation's basic missions and give statutory authority to several of the reorganization plans affecting the Foundation;

Second, it would strengthen the National Science Board, the governing body of the Foundation, and add several functions to it;

Third, it would unify and supplement the operating authority of the Director of the National Science Foundation; and

Fourth, it would modify and modernize the structure and organization of the Foundation.

At the conclusion of my remarks today, I will introduce a bill somewhat similar to H.R. 5404, the bill which passed the House on April 12, 1967, by a 391-to-22 record vote. The bill I will introduce adopts certain changes in H.R. 5404 suggested by the various Federal departments and agencies, and it is my hope that it will stimulate a wide-ranging discussion of the reasons for the differences.

Also, I am happy to announce that on Wednesday, November 1, and Thursday, November 2, a subcommittee of the Senate Labor and Public Welfare Committee will hold hearings on these two bills. I have the honor of being the chairman of the subcommittee holding these hearings. Serving with me on the subcommittee are the junior Senator from Rhode Island [Mr. PELL] and the junior Senator from Michigan [Mr. GRIFFIN].

As witnesses, we will, of course, hear from the Director of the National Science Foundation, Dr. Leland J. Haworth, and the Chairman of the National Science Board, Dr. Philip Handler. We have extended invitations as well to Senator FRED HARRIS, the chairman of the Senate Subcommittee on Government Research, and Congressman EMILIO DADDARIO, the chairman of the House Subcommittee on Science, Research, and Development. Both of these distinguished legislators have done much to advance the cause of a coherent national policy for federally aided scientific research, and I look forward to hearing their views and recommendations.

We have also invited the Director of the Office of Science and Technology in the Executive Office of the President, Dr. Donald F. Hornig, and the President of the National Academy of Sciences, Dr. Frederick Seitz. Dr. Harvey Brooks, a member of the National Science Board, will also appear.

I am confident that these witnesses will give the subcommittee a full range of opinion on the various suggested amendments to the National Science Foundation Act.

The National Science Foundation has a proud and distinguished history. Dr. Vannevar Bush, the Director of the Office of Scientific Research and Development during World War II, submitted a report to President Truman in 1945 titled "Science, the Endless Frontier." The report was originally requested by President Roosevelt, who was concerned that the unrivaled scientific research organizations developed in World War II would be dissipated without some strong Federal effort to preserve them.

The principal recommendation of the report was that a new agency, to be called the National Research Foundation, be organized to carry out the scientific advances begun under Dr. Bush's leadership during the war.

As finally passed and approved in 1950, the legislation established a National Science Board, with broad autonomy for determining research policies, and a National Science Foundation, to actually carry out these policies. Both the members of the Board and the Director of the Foundation are appointed by the President and confirmed by the Senate.

The National Science Foundation Act sets out eight separate functions to be performed by the Foundation. These eight items can, I think, be reduced to a single phrase: a national program for enhancing the health of basic American science and science education. In carrying out its responsibilities, the National Science Foundation has had a profound impact upon this country's scientific and engineering community, whether it be in

government, on campus, or in industry. It is important, I think, that its support for the sciences has extended to all parts of the country, to all aspects of industry, and to all forms of higher education.

There are five principal mechanisms through which the National Science Foundation supports the sciences.

First, through basic research. The National Science Foundation supports individual scientists who are pursuing basic research projects, and in fiscal 1967 awarded 3,647 separate grants totaling over $173 million. About 50 percent of this research takes place in universities; the remainder in industrial, nonprofit or Federal laboratories. The National Science Foundation also supports national research programs, usually through consortiums of varying types. An example would be the ocean sediment coring program. Finally, the National Science Foundation supports national research facilities, such as the Kitt Peak National Observatory in Arizona, which is operated by an independent, nonprofit corporation composed of a number of universities.

Second, through science education. Support of basic research assures the health of U.S. science, while support of science education assures a continuing supply of topflight scientists. This science education support takes three forms: to assist qualified individuals to pursue their scientific training, to improve the quality of teaching materials and methods, and to improve the teachers of science. Included among the specific activities are fellowships and traineeships, teacher training, course improvement, research participation, and instructional equipment. In fiscal 1967, the National Science Foundation allocated $121.6 million for support of science education.

Third, through institutional development. Under this program, the National Science Foundation carries out two complementary efforts: assisting institutions of higher learning to upgrade their scientific research programs and science education capabilities; and assisting other institutions to maintain their strength in the sciences where it already exists. The National Science Foundation obligated $111.7 million for institutional development in fiscal 1967.

Fourth, through science information. Progress in science depends in part on a prompt and effective information exchange, as this avoids duplicative efforts and stimulates more rapid pursuit of research projects. The National Science Foundation has sponsored pioneering research into the process of information transfer, methods of abstracting, electronic compilation of statistical material, and so forth. It has committed $10.8 million for this science information function in fiscal 1967.

Fifth, through a number of other activities, including the National Sea Grant College program, planning and policy studies, and international scientific cooperation activities. Obligations in fiscal 1967 totaled about $4.6 million for these three National Science Foundation functions.

In sum, these activities give the National Science Foundation a primary role in support of the basic sciences in the United States. It is a primary role, however, not because of the funds appropriated to the National Science Foundation, but because of how the funds are directed. To illustrate, more than 40 agencies of the Government support scientific education and research, and this support in fiscal 1966 totaled about $9.7 billion. Of this amount, only $480 million, or 5 percent, was appropriated to the National Science Foundation. Federal funds for the conduct of basic research totaled $1.9 billion in fiscal 1966, of which $250 million, or 13 percent, was appropriated to the National Science Foundation.

Consequently, it is not the aggregate of funds which makes the National Science Foundation so important. Rather, it is because these funds are directed to the very heart of the science development process: science education improvement and science research project support. There is not, and never will be, any substitute for this support if the United States is to continue its technological advance.

The amendments to the National Science Foundation Act which the House bill and the bill I introduce today would make are needed to strengthen the activities of the Foundation. There has been, since the Foundation was established in 1950, no thorough examination by both Houses of Congress of the basic legislation, and that is why I consider Senate action this session so important.

There are a number of questions raised by the two bills, which the hearings must help us resolve. Among these questions are the authorization of applied research, the relationship between the NSF and the Department of State in international science activities, and the role of the National Science Board in policymaking.

Let me conclude by reaffirming my support for the important role the National Science Foundation has played in the advancement of science in this country. There are some who criticize a few of the specific projects supported by the NSF. To those, let me say that a scientific breakthrough such as a cancer cure, a laser, a communications satellite, a chemical synthesis, or any of thousands more—each breakthrough is like a jigsaw puzzle, made up of many pieces. The omission of one piece is sufficient to prevent completion of the puzzle.

Mr. President, I introduce, for appropriate reference, a bill to amend the National Science Foundation Act of 1950, and I ask that it be printed at this point in the RECORD.

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

The bill (S. 2598) to amend the National Science Foundation Act of 1950, making changes and improvements in the organization and operation of the Foundation, and for other purposes, introduced by Mr. KENNEDY of Massachusetts, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2598

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be known as the "National Science Foundation Act Amendments of 1967."

SEC. 2. Section 3 of the National Science Foundation Act of 1950 is amended to read as follows:

"FUNCTIONS OF THE FOUNDATION

"SEC. 3. (a) The Foundation is authorized and directed

"(1) to initiate and support basic scientific research and programs to strengthen scientific research potential in the mathematical, physical, medical, biological, engineering, social, and other sciences, by making contracts or other arrangements (including grants, loans, and other forms of assistance) to support such scientific activities and to appraise the impact of research upon industrial development and upon the general welfare;

"(2) to award, as provided in section 10, scholarships and graduate fellowships in the mathematical, physical, medical, biological, engineering, social, and other sciences;

"(3) to foster the interchange of scientific informaton among scientists in the United States and foreign countries;

"(4) to evaluate the status and needs of the various sciences as evidenced by programs, projects, and studies undertaken by agencies of the Federal Government, by individuals, and by public and private research groups, employing by grant or contract such consulting services as it may deem necessary for the purpose of such evaluations; and to take into consideration the results of such evaluations in correlating the research and educational programs undertaken or supported by the Foundation with programs, projects, and studies undertaken by agencies of the Federal Government, by individuals, and by public and private research groups;

"(5) to maintain a current register of scientific and technical personnel, and in other ways to provide a central clearinghouse for the collection, interpretation, and analysis of data on the availability of, and the current and projected need for, scientific and technical resources in the United States, and to provide a source of information for policy formulation by other agencies of the Federal Government; and

"(6) to initiate and maintain a program for the determination of the total amount of money for scientific research, including money allocated for the construction of the facilities wherein such research is conducted, received by each educational institution and appropriate nonprofit organization in the United States, by grant, contract, or other arrangement from agencies of the Federal Government, and to report annually thereon to the President and the Congress.

"(b) When requested by the Secretary of State or the Secretary of Defense, the Foundation is authorized to initiate and support specific scientific activities in connection with matters relating to international cooperation or national security by making contracts or other arrangements (including grants, loans, and other forms of assistance) for the conduct of such scientific activities.

"(c) In addition to the authority contained in subsection (a) and (b), the Foundation is authorized to initiate and support scientific research, including applied research, at academic and other nonprofit institutions. When so directed by the President, the Foundation is further authorized to support, through other appropriate organizations, applied scientific research relevant to national problems involving the public interest. In exercising the authority con-

tained in this subsection, the Foundation may employ by grant or contract such consulting services as it deems necessary, and shall coordinate and correlate its activities with respect to any such problem with other agencies of the Federal Government undertaking similar programs in that field.

"(d) The Board and the Director shall recommend and encourage the pursuit of national policies for the promotion of basic research and education in the sciences.

"(e) In exercising the authority and discharging the functions referred to in the foregoing subsections, it shall be one of the objectives of the Foundation to strengthen research and education in the sciences, including independent research by individuals, throughout the United States, and to avoid undue concentration of such research and education.

"(f) The Foundation shall render an annual report to the President for submission on or before the 15th day of January of each year to the Congress, summarizing the activities of the Foundation and making such recommendations as it may deem appropriate. Such report shall include information as to the acquisition and disposition by the Foundation of any patents and patent rights."

SEC. 3. Section 4 of the National Science Foundation Act of 1950 is amended to read as follows:

"NATIONAL SCIENCE BOARD

"SEC. 4. (a) The Board shall consist of twenty-four members to be appointed by the President, by and with the advice and consent of the Senate, and of the Director ex officio. In addition to any powers and functions otherwise granted to it by this Act, the Board shall establish policies to guide the Foundation.

"(b) The Board shall have an Executive Committee as provided in section 6, and may delegate to it or to the Director or both such of the powers and functions granted to the Board by this Act as it deems appropriate.

"(c) The persons nominated for appointment as members of the Board (1) shall be eminent in the fields of the basic, medical, or social sciences, engineering, agriculture, education, or public affairs; (2) shall be selected solely on the basis of established records of distinguished service; and (3) shall be so selected as to provide representation of the views of scientific leaders in all areas of the Nation. The President is requested, in the making of nominations of persons for appointment as members, to give due consideration to any recommendations for nomination which may be submitted to him by the National Academy of Sciences, the National Association of State Universities and Land Grant Colleges, the Association of American Universities, the Association of American Colleges, or by other scientific or educational organizations.

"(d) The term of office of each member of the Board shall be six years; except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Any person, other than the Director, who has been a member of the Board for twelve consecutive years shall thereafter be ineligible for appointment during the two-year period following the expiration of such twelfth year.

"(e) The Board shall meet annually on the third Monday in May unless, prior to May 10 in any year, the Chairman has set the annual meeting for a day in May other than the third Monday, and at such other times as the Chairman may determine, but he shall also call a meeting whenever one-third of the members so request in writing. A majority of the members of the Board shall constitute a quorum. Each member shall be given notice, by registered mail or certified mail mailed to his last known address of record not less than fifteen days prior to any meeting, of the call of such meeting.

"(f) The election of the Chairman and Vice Chairman of the Board shall take place at each annual meeting occurring in an even-numbered year. The Vice Chairman shall perform the duties of the Chairman in his absence. In case a vacancy occurs in the chairmanship or vice chairmanship, the Board shall elect a member to fill such vacancy.

"(g) The Board shall render an annual report to the President, for submission on or before the 31st day of January of each year to the Congress, on the status and health of science and its various disciplines. Such report shall include an assessment of such matters as national scientific resources and trained manpower, progress in selected areas of basic scientific research, and an indication of those aspects of such progress which might be applied to the needs of American society. The report may include such recommendations as the Board may deem timely and appropriate.

"(h) The Board is authorized to establish such special commissions as it may from time to time deem necessary for the purposes of this Act.

"(i) The Board is so authorized to appoint from among its members such committees as it deems necessary, and to assign to committees so appointed such survey and advisory functions as the Board deems appropriate to assist it in exercising its powers and functions under this Act."

SEC. 4. Section 5 of the National Science Foundation Act of 1950 is amended to read as follows:

"DIRECTOR OF THE FOUNDATION

"SEC. 5. (a) The Director of the Foundation (referred to in this Act as the 'Director') shall be appointed by the President, by and with the advice and consent of the Senate. Before any person is appointed as Director, the President shall afford the Board an opportunity to make recommendations to him with respect to such appointment. The Director shall receive basic pay at the rate provided for level II of the Executive Schedule under section 5313 of title V, United States Code.

"(b) Except as otherwise specifically provided in this Act (1) the Director shall exercise all of the authority granted to the Foundation by this Act (including any powers and functions which may be delegated to him by the Board), and (2) all actions taken by the Director pursuant to the provisions of this Act (or pursuant to the terms of a delegation from the Board) shall be final and binding upon the Foundation.

"(c) The Director may from time to time make such provisions as he deems appropriate authorizing the performance by any other officer, agency, or employee of the Foundation of any of his functions under this Act, including functions delegated to him by the Board; except that the Director may not redelegate policymaking functions delegated to him by the Board.

"(d) The formulation of programs in conformance with the policies of the Foundation shall be carried out by the Director in consultation with the Board.

"(e) The Director shall not make or revoke any contract, grant, or other arrangement pursuant to section 11(c) without the prior approval of the Board, if, in his opinion, such action involves a policy determination of the nature reserved to the Board.

"(f) The Director, in his capacity as ex-officio member of the Board, shall, except with respect to compensation and tenure, be coordinate with the other members of the Board. He shall be a voting member of the Board and shall be eligible for election by the Board as Chairman or Vice Chairman of the Board."

SEC. 5. The National Science Foundation Act of 1950 is further amended by striking out section 8, by redesignating sections 6 and 7 as sections 7 and 8, respectively, and by inserting after section 5 the following new section:

"DEPUTY DIRECTOR AND ASSISTANT DIRECTOR

"SEC. 6. (a) There shall be a Deputy Director of the Foundation (referred to in this Act as the 'Deputy Director'), who shall be appointed by the President, by and with the advice and consent of the Senate. Before any person is appointed as Deputy Director, the President shall afford the Board and the Director an opportunity to make recommendations to him with respect to such appointment. The Deputy Director shall receive basic pay at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code, and shall perform such duties and exercise such powers as the Director may prescribe. The Deputy Director shall act for, and exercise the powers of, the Director during the absence or disability of the Director or in the event of a vacancy in the office of Director.

"(b) There shall be four Assistant Directors of the Foundation (each referred to in this Act as an 'Assistant Director'). Each Assistant Director shall receive basic pay at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code, and shall perform such duties and exercise such powers as the Director may prescribe."

SEC. 6. The section of the National Science Foundation Act of 1950 redesignated as section 7 by section 5 of this Act is amended to read as follows:

"EXECUTIVE COMMITTEE

"SEC. 7. (a) There shall be an Executive Committee of the Board (referred to in this Act as the 'Executive Committee'), which shall be composed of five members and shall exercise such powers and functions as may be delegated to it by the Board. Four of the members shall be elected as provided in subsection (b), and the Director ex officio shall be the fifth member and the chairman of the Executive Committee.

"(b) At each of its annual meetings the Board shall elect two of its members as members of the Executive Committee, and the Executive Committee members so elected shall hold office for two years from the date of their election. Any person, other than the Director, who has been a member of the Executive Committee for six consecutive years shall thereafter be ineligible for service as a member thereof during the two-year period following the expiration of such sixth year. For the purposes of this subsection the period between any two consecutive annual meetings of the Board shall be deemed to be one year.

"(c) Any person elected as a member of the Executive Committee to fill a vacancy occurring prior to the expiration of the term for which his predecessor was elected shall be elected for the remainder of such term.

"(d) The Executive Committee shall render an annual report to the Board, and such other reports as it may deem necessary, summarizing its activities and making such recommendations as it may deem appropriate. Minority views and recommendations, if any, of members of the Executive Committee shall be included in such reports."

SEC. 7. The section of the National Science Foundation Act of 1950 redesignated as section 8 by section 5 of this Act is amended to read as follows:

"DIVISIONS WITHIN THE FOUNDATION

"SEC. 8. There shall be within the Foundation such Divisions as the Director, in consultation with the Board, may from time to time determine."

SEC. 8. Section 9(a) of the National Science Foundation Act of 1950 is amended

by striking out "section 3(a)(7)" and inserting in lieu thereof "section 4(h)".

SEC. 9. Section 10 of the National Science Foundation Act of 1950 is amended.

(1) by striking out "section 17" and inserting in lieu thereof "section 16";

(2) by inserting "social," after "engineering,"; and

(3) by striking out "among the States, Territories, possessions, and the District of Columbia" and inserting in lieu thereof "throughout the United States".

SEC. 10. (a) Section 11(c) of the National Science Foundation Act of 1950 is amended

(1) by striking out "basic";

(2) by striking out "research" each place it appears;

(3) by inserting "Secretary of State or" before Secretary of Defense"; and

(4) by striking out "the national defense" and inserting in lieu thereof "international cooperation or national security".

(b) Section 11(d) of such Act is amended by striking out "research" and inserting in lieu thereof "activities".

(c) Section 11(h) of such Act is amended by striking out "section 5 of the Act of August 2, 1946 (5 U.S.C. 73b–2)" and inserting in lieu thereof "section 5703 of title 5, United States Code,".

(d) Section 11 of such Act is further amended by the addition of a new subsection (j) as follows:

"(j) to arrange with and reimburse the heads of other Federal agencies for the performance of any activity which the Foundation is authorized to conduct."

SEC. 11. Section 13(a) of the National Science Foundation Act of 1950 is amended

(1) by striking out ", with the approval of the Board, "; and

(2) by striking out "section 16(d)(2)" and inserting in lieu thereof "section 15(d)(2)".

SEC. 12. Section 14 of the National Science Foundation Act of 1950 is repealed.

SEC. 13. (a) Section 15 of the National Science Foundation Act of 1950 is redesignated as section 14 and is amended to read as follows:

"MISCELLANEOUS PROVISIONS

"SEC. 14. (a) The Director shall, in accordance with such policies as the Board shall from time to time prescribe, appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act. Except as provided in section 4(h), such appointments shall be made and such compensation shall be fixed in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates: *Provided*, That the Director may, in accordance with such policies as the Board shall from time to time prescribe, employ such technical and professional personnel and fix their compensation, without regard to such provisions, as he may deem necessary for the discharge of the responsibilities of the Foundation under this Act. The members of the special commissions shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

"(b) Neither the Director, the Deputy Director, nor any Assistant Director shall engage in any other business, vocation, or employment while serving in such position; nor shall the Director, the Deputy Director, or any Assistant Director, except with the approval of the Board, hold any office in, or act in any capacity for, any organization, agency, or institution with which the Foundation makes any grant, contract, or other arrangement under this Act.

"(c) The Foundation shall not, itself, operate any laboratories or pilot plants.

"(d) The members of the Board and the members of each special commission shall receive compensation at the rate of $100 for each day engaged in the business of the Foundation pursuant to authorization of the Foundation and shall be allowed travel expenses as authorized by section 5703 of title 5, United States Code.

"(e) Persons holding other offices in the executive branch of the Federal Government may serve as members of special commissions, but they shall not receive remuneration for their services as such members during any period for which they receive compensation for their services in such offices.

"(f) In making contracts or other arrangements for scientific research, the Foundation shall utilize appropriations available therefor in such manner as will in its discretion best realize the objectives of (1) having the work performed by organizations, agencies, and institutions, or individuals in the United States or foreign countries, including Government agencies of the United States and of foreign countries, qualified by training and experience to achieve the results desired, (2) strengthening the research staff of organizations, particularly nonprofit organizations, in the United States, (3) aiding institutions, agencies, or organizations which, if aided, will advance scientific research, and (4) encouraging independent scientific research by individuals.

"(g) Funds available to any department or agency of the Government for scientific or technical research, or the provision of facilities therefor, shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Foundation for such use as is consistent with the purposes for which such funds were provided, and funds so transferred shall be expendable by the Foundation for the purposes for which the transfer was made.

"(h) For purposes of this Act, the term 'United States' when used in a geographical sense means the States, the District of Columbia, the Commonwealth of Puerto Rico, and all territories and possessions of the United States."

SEC. 14. Sections 16 and 17 of the National Science Foundation Act of 1950 are redesignated as sections 15 and 16, respectively. Subsection (a) of the section redesignated as section 15 is amended by striking out "1946" each place it appears and inserting in lieu thereof "1954". Subsection (b) of the section redesignated as section 15 is amended by striking out "section 15(h)" in paragraph (1) and inserting in lieu thereof "section 14(g)".

SEC. 15. (a)(1) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(19) Director of the National Science Foundation."

(2) Section 5314 of such title is amended by striking out paragraph 40, and by inserting in lieu thereof the following new paragraph:

"(40) Deputy Director, National Science Foundation."

(3) Section 5316 of such title is amended by striking out paragraph (66), and by inserting in lieu thereof the following new paragraph:

"(66) Assistant Directors, National Science Foundation (4)."

(4) The amendments made by this subsection (and the amendments made by sections 3 and 4 of this Act insofar as they relate to rates of basic pay) shall take effect on the first day of the first calendar month which begins on or after the date of the enactment of this Act.

(b) Section 902(c) of the National Defense Education Act of 1958 is amended by striking out "$50" and inserting in lieu thereof "$100".

SEC. 16. Except as otherwise specifically provided therein, the amendments made by this Act are intended to continue in effect under the National Science Foundation Act of 1950 the existing offices, procedures, and organization of the National Science Foundation as provided by such Act, part II of Reorganization Plan Numbered 2 of 1962, and Reorganization Plan Numbered 5 of 1965. From and after the date of the enactment of this Act, part II of Reorganization Plan Numbered 2 of 1962, and Reorganization Plan Numbered 5 of 1965, shall be of no force or effect; but nothing in this Act shall alter or affect any transfers of functions made by part I of such Reorganization Plan Numbered 2 of 1962.

ADDITIONAL COSPONSORS OF BILLS

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Maryland [Mr. TYDINGS] I ask unanimous consent that, at its next printing, the name of the Senator from Pennsylvania [Mr. SCOTT] be added as a cosponsor of the bill (S. 989) to provide improved judicial machinery for the selection of Federal juries, and for other purposes.

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

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wisconsin [Mr. NELSON] I ask unanimous consent that, at its next printing, the name of the Senator from New York [Mr. KENNEDY] be added as a cosponsor of the bill (S. 2410) to provide a program of economic incentives to assist and encourage industry to assume its responsibility for abating and preventing the pollution of the atmosphere by wastes from industrial sources, and for other purposes.

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

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, October 30, 1967, he presented to the President of the United States the enrolled bill (S. 1160) to amend the Communications Act of 1934 by extending and improving the provisions thereof relating to grants for construction of educational television broadcasting facilities, by authorizing assistance in the construction of noncommercial educational radio broadcasting facilities, by establishing a nonprofit corporation to assist in establishing innovative educational programs, to facilitate educational program availability, and to aid the operation of educational broadcasting facilities; and to authorize a comprehensive study of instructional television and radio, and for other purposes.

HEARING ON TAX COURT BILL—S. 2041

Mr. TYDINGS. Mr. President, as chairman of the Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I wish to announce a hearing for the consideration of S. 2041. This bill would remove the Tax Court from the executive branch of the Government and make it an article III court.

The hearing will be held at 10 a.m.

on Thursday, November 9, 1967, in the District of Columbia hearing room, 6226 New Senate Office Building.

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, room 6306, New Senate Office Building.

CHARLIE HASLET'S 43 YEARS OF DISTINGUISHED SERVICE

Mr. CARLSON. Mr. President, tomorrow the Kansas congressional delegation will lose one of its most respected and effective members of the press, when Charles C. Haslet retires after 43 years of distinguished service with the Associated Press. He is probably one of the few men who have ever served that long with AP.

Charlie was born in Wellington, Kans., and had his first newspaper job with the Wellington Daily News. He joined AP in 1924 in Chicago. Shortly after that he was transferred to Oklahoma City and covered the Oklahoma State Legislature until March of 1937, when he was sent to Washington, D.C., where he has served ever since.

I was a comparatively new Member of the House of Representatives when Charlie was transferred here to cover news involving Kansas, Oklahoma, and Missouri. I shall never forget the first day he called on me and introduced himself. I was getting ready to go to a baseball game and invited Charlie to go along. He laughingly said he had never seen a major league baseball game, but he had too much work to do to go. I picked up the telephone and called the AP desk downtown and told them that if they expected Charlie to cover me that day, he would have to go to the baseball game. Permission was naturally granted, and Charlie and I have been the best of friends ever since.

I am sure that few people in Kansas realize it, but Charlie Haslet is the one person who has reliably kept them advised on happenings in Washington for the past 30 years. He has probably written more words on this subject than anyone else.

I could not have hoped for a better relationship with the press than I have had all these years with Charlie Haslet. Nothing has ever been too small or too big for him to cover. His word is his bond, and never has he violated a release date or my confidence in any way.

I will personally miss Charlie Haslet very much, and it will seem quite strange to deal with his replacement. However, I take this opportunity to wish Charlie and Mrs. Haslet many years of happiness and contentment. I do hope, however, that he will come into Washington from his nearby Virginia residence every now and then to see his many friends on the Hill.

THE TRUTH FROM OUR FIGHTING MEN IN VIETNAM

Mr. YOUNG of Ohio. Mr. President, recently at the White House, Secretary Rusk proudly read a letter he received from a GI fighting in Vietnam who wrote he had "never met a single U.S. soldier who said 'get out of Vietnam.'" Neither President Johnson nor our warhawk Secretary of State Rusk chose to refer to another letter from an Ohio GI fighting in Vietnam. The letter of this youngster, an Akron boy, was recently published in the Akron Beacon Journal, one of the great newspapers of my State of Ohio. Portions of this letter are as follows:

DEAR MOM AND DAD: Today we went on a mission and I'm not very proud of myself, my friends, or my country. We burned every hut in sight. It was a small rural network of villages and the people were incredibly poor. My unit burned and plundered their meager possessions. The huts are thatched palm leaves. Each one has a dried mud bunker inside. These bunkers are to protect the families. Kind of like air raid shelters. My unit commanders, however, chose to think that these bunkers are offensive. So every hut we find that has a bunker we are ordered to burn to the ground.

When the ten helicopters landed this morning, in the midst of these huts, and six men jumped out of each "chopper," we were firing the moment we hit the ground. We fired into all the huts we could. It is then that we burn these huts and take all men old enough to carry a weapon. And the "choppers" come and get them (they take them to a collection point a few miles away for interrogation). The families don't understand this. The Viet Cong fill their minds with tales saying the GI's kill all their men.

So, everyone is crying, begging, and praying that we don't separate them and their husbands and fathers, sons and grandfathers. The women wail and moan. Then they watch in terror as we burn their homes, personal possessions and food. Yes, we burn all rice and shoot all livestock.

Some of the guys are so careless. Today a buddy of mine called "La dai" (come here) into a hut and an old man came out of the bomb shelter. My buddy told the old man to get away from the hut and since we have to move quickly on a sweep, just threw a hand grenade into the shelter.

As he pulled the pin, the old man got excited and started jabbering and running toward my buddy and the hut. A GI, not understanding, stopped the old man with a football tackle just as my buddy threw the grenade into the shelter. (There is a 4-second delay on a hand grenade.)

After he threw it, and was running for cover (during this 4-second delay) we all heard a baby crying from inside the shelter. There was nothing we could do.

After the explosion we found the mother, two children, and an almost newborn baby. That is what the old man was trying to tell us. The shelter was small and narrow. They were all huddled together. The three of us dragged out the bodies onto the floor of the hut. It was horrible. The children's fragile bodies were torn apart, literally mutilated. We looked at each other and burned the hut. The old man was just whimpering in disbelief outside the burning hut. We walked away and left him there. Well, Dad, you wanted to know what it's like here. Does this give you an idea?

YOUR SON.

Mr. President, while at the White House Secretary Rusk could also have read the views of Dan Burdekin, a 25-year-old Army veteran who served as an artillery officer in Vietnam and is now a student in social welfare at Ohio State University. In the Cincinnati Post and Times-Star, a member of the Scripps-Howard chain and a great newspaper in Ohio, there appeared on October 19 an article entitled "How One GI Lost Faith in Vietnam War." Portions of this article are as follows:

"When I went over in August, 1966, I had the position America, right or wrong," Burdekin said.

"It wasn't until I was there quite a while that I started coming to some definite conclusions in the other direction, and it really shook me up."

Burdekin began to have doubts, he said, when he heard about artillery units dropping rounds into villages and about American soldiers burning down villages in the fight against Viet Cong infiltrators. He said he began to wonder if he were doing the Vietnamese people more harm than good.

"The average person there has no more than the land he was raised on and if he loses that he loses everything," Burdekin said.

"I think it's wrong for us to go over there and say that we're going to win the war for you, but if we have to kill you all in the process, that's all right too.

"That's what really set me off. It's not an overt attitude, but it's in everything we do."

Burdekin says American shelling, bombing and defoliating schemes are leveling Vietnam, destroying forests and farm lands.

And after talking to Viet Cong prisoners and South Vietnamese villagers, he wonders what the point of it is.

"I hate to hear American mothers say their sons died fighting communism in Vietnam, because they really didn't," Burdekin said.

The North Vietnamese are Socialists and the Viet Cong leaders are Communist, but they're both more interested in nationalism.

In addition, Burdekin said most South Vietnamese would rather be governed by the Hanoi government than continue the war.

"There's a growing resentment against Americans because to the Vietnamese people our presence means continuation of the war," he said.

He said a lot of South Vietnamese he talked to throughout the country would rather be governed by Ho Chi Minh than by the Saigon government anyway.

Mr. President, it is evident that our Secretary of State is beginning to believe his own propaganda, to believe only what he wants to believe. I—and I am sure all Senators—receive many letters from GI's, sailors, and airmen deploring our involvement in the civil war in Vietnam, our continuing destruction of that little country, and the killing and maiming of thousands of civilian men, women, and children both north and south of the 17th parallel.

It is obvious that the Secretary of State heeds the advice and counsel only of those who agree with his warhawk policies. He scornfully disregards his critics and the belief of the majority of Americans who—according to all reliable polls—now feel that it was a tragic mistake for our Nation to have become involved in an ugly civil war in Vietnam, a nation of no strategic or economic importance to the defense of the United States.

In the many speeches and statements regarding Vietnam made by Secretary of State Dean Rusk in recent years he invariably denounces "aggression from the north" using that phrase many, many times, untruthfully ignoring the fact that there has been a civil war in South Vietnam for more than 10 years between the Vietcong, or forces of the National Liberation Front, and the Saigon regime of generals who fought on the side of the French colonial oppressors from 1946 to Dienbienphu in 1954.

Also Secretary Rusk ignores the fact that historically for thousands of years there never was a North Vietnam and a South Vietnam. And the Geneva accords recognized this fact by terming the division at the 17th parallel as a temporary demarcation line and not a national boundary. Also he is prone to denounce the Vietcong for "contemptible sneak attacks in the darkness of night." Did George Washington perpetrate a sneak attack crossing the Delaware in the darkness of night on Christmas night 1776, marching his small force in silence on the Hessian mercenaries at Trenton killing and capturing 2,000?

Mr. President, it is crystal clear that for many months now Secretary of State Rusk has been unable to be objective regarding the administration's Vietnam policies which I fear he has advised and plotted, and which our President unfortunately has followed. His ludicrous issuance of one loophole-ridden justification after another for these aggressive policies has resulted in causing heads of state of many countries to regard the United States as an aggressor nation. If he continues his present policies and his peculiar views and if his unsound and utterly fallacious arguments are persuasive to President Johnson, the Secretary may well lead this Nation into a third world war. His resignation would be welcomed at home and abroad. I refer particularly to heads of state of the United Kingdom, France, Japan, Pakistan, India, the Philippine Republic, and Indonesia, to name a few nations.

DISCRIMINATION IN INTEREST RATES

Mr. WILLIAMS of Delaware. Mr. President, last week the Johnson administration established another new record by pushing interest rates to another 46-year high. This week the Treasury Department in financing the Federal debt is being forced to pay 5¾ percent interest on bonds with 7-year maturity. This 5¾ percent being paid to the bankers compares to the 4¼ percent which they pay to the small investors in the series E bonds. This practice of discriminating against the small investor is earning for the administration the title of "the bankers' best friend."

I ask unanimous consent that an article by Mr. Lee M. Cohn, which appeared in the Washington Evening Star of Friday, October 27, 1967, entitled "Forty-six Year High Hit in Cost of Treasury Borrowing" be printed at this point in the RECORD.

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

FORTY-SIX-YEAR HIGH HIT IN COST OF TREASURY BORROWING

(By Lee M. Cohn)

The spiraling cost of credit is forcing the Treasury to pay 5¾ percent interest—the highest comparable rate in 46 years—to borrow money.

Furthermore, financial analysts warned today, interest rates probably will climb much higher unless Congress raises taxes to curb inflation and hold down the federal budget deficit.

The Treasury announced yesterday plans to borrow about $12.2 billion by selling $1.5 billion of 7-year notes paying 5¾ percent interest, and $10.7 billion of 15-month notes paying 5⅝ percent.

Not since 1921 has the Treasury paid as much as 5¾ percent on securities outside the bill area. The rate rose to 6.32 percent on an issue of 6-month bills during last year's credit squeeze.

Notes, bonds and certificates—known as coupon securities—pay interest periodically. Bills have shorter maturities and are sold at discounts from their redemption values, instead of paying interest.

After a brief period of relief earlier this year, interest rates have soared on debt securities sold by the Treasury, other federal agencies, corporations and municipalities, basically because the federal budget deficit is expected to be the largest since World War II.

The big deficit will require a huge volume of Treasury borrowing, and threatens to cause an inflationary boom in industry by overstimulating the economy.

With the Treasury borrowing heavily and a boom spurring business borrowing for expansion, the demand for credit is expected to strain the supply of loanable money.

When borrowers have to scramble for funds, they bid up the price of credit—interest rates.

Besides the overwhelming demand for credit, there is a real prospect that the Federal Reserve may restrict the supply by tightening monetary policy to fight inflation.

The threat of extremely high interest rates is a major reason why President Johnson has recommended tax increases—to limit the size of the deficit and thus the amount of Treasury borrowing, and to minimize the need for anti-inflationary action by the "Fed."

Congress has balked at raising taxes, and financial markets have reacted by pushing interest rates up. Borrowers are rushing to get their money before interest rates climb still higher, and lenders are holding out for the higher rates they expect later.

Each 3-month delay in raising taxes increases the government's borrowing requirements by $1.8 billion to $2 billion, Treasury Undersecretary Frederick L. Deming told a news conference yesterday.

If taxes are not raised, he said, the government may have to borrow about $21 billion this fiscal year. Adding this to non-federal borrowing, he said, total demand for credit might total $87 billion—exceeding the anticipated supply of $70 billion.

The Treasury and big borrowers would get the credit they need, he said, but other worthy borrowers would be shoved aside, even if they were willing to pay high interest rates.

Of the $12.2 billion to be borrowed, Deming said, $10.2 billion will be used to pay off that amount of bonds and notes maturing Nov. 15.

The $2 billion balance should take care of the Treasury's requirements for new cash to finance the deficit through December, he said. The Treasury has borrowed $14 billion of new cash so far during the second half of calendar 1967.

Investors may subscribe for the new notes at the Treasury or Federal Reserve banks, or through securities dealers, only next Monday. Since subscriptions normally exceed the amount offered, investors generally will be allotted only a fraction of the notes they ask for.

The notes will be delivered and must be paid for Nov. 15.

Only about $4.6 billion of the notes will be sold to the public. The Federal Reserve and government trust accounts are expected to buy at least $7.6 billion to replace their holdings of the maturing securities.

This is the first time in recent history that the Treasury has sold any securities with maturities longer than five years at an interest rate above 4¼ percent.

Congress earlier this year relaxed the legal 4¼ percent ceiling, allowing the Treasury to exceed that rate on securities with maturities up to seven years. The limit had been five years.

VIETNAM: HOW NOT TO UTILIZE AIRPOWER—V

Mr. SYMINGTON. Mr. President, with respect to the utilization of airpower in Vietnam—and this is the fifth summary I have made on this subject in recent days—I ask unanimous consent that additional testimony contained as part of the interrogation of Maj. Gen. Gilbert L. Meyers by counsel for the Senate Preparedness Investigating Subcommittee, having to do with the fact that authorized targets were lost if not hit within a certain time period, be printed in the RECORD.

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

LOST TARGETS IF NOT HIT IN SPECIFIED TIME FRAME

(Testimony by Gen. Gilbert L. Meyers, USAF, retired, before Senate Preparedness Investigating Subcommittee, August 29, 1967)

Mr. KENDALL. If you did not fly them within that period, what happened to them?

General MEYERS. Well, we lost them.

Mr. KENDALL. You lost them?

General MEYERS. Right.

Mr. KENDALL. So I assume that——

General MEYERS. The same thing was true of the targets. If we did not hit them within the specified [deleted] series, we lost them.

Many times they were rescheduled in a subsequent [deleted] series, but we did not have automatic approval to keep going.

Mr. KENDALL. So if you got a target—one a week and later on, I believe, it was three every 2 weeks—and if you did not hit that target within that period, then it became not valid for strike?

General MEYERS. That is correct.

Senator SYMINGTON. That is one of the most incredible aspects of all these rules and regulations laid down from Washington.

Senator THURMOND. Asinine.

Mr. KENDALL. It would seem to me as a layman that that would generate a great deal of pressure on your people to get that target during that particular period even though you might have to fly through questionable weather and things of that nature to do it; would that be accurate?

General MEYERS. That is correct. We used larger numbers of sorties to attack these targets than we thought was militarily advisable, based on the defenses that existed. This was done so we would not lose sorties in the next allocation of [deleted] series.

Mr. KENDALL. Were you ever given an explanation for this type of control, either on the number of sorties or the target being valid only for a particular period?

General MEYERS. No, but it goes back again to the philosophy of the graduated pressure.

In conformance with the policy, they apparently did not want to put too many sorties over North Vietnam at a given point in time. They wanted to increase the air effort gradually, which, in turn, increased the pressure on the enemy.

THE BRINK OF CHAOS

Mr. YOUNG of Ohio. Mr. President, two highly respected newspapers in Ohio, both with large circulations in their respective areas, the Daily News of Port Clinton, a city on Lake Erie, and the Daily Herald of Delphos, a city in the westerly section of Ohio, recently

expressed editorially their complete disagreement with the administration position and recent remarks of President Johnson concerning the war in Vietnam. In a letter addressed to Mr. Whitney Shoemaker, assistant to President Johnson, Murray Cohen, publisher of the Port Clinton Daily News and the Delphos Daily Herald, expressed his regret that he must continue to disagree with statements made by President Johnson seeking to defend turning a civil war in Vietnam into an American ground war.

Murray Cohen, an extremely knowledgeable and well-known publisher and journalist in Ohio, stated in his letter:

I and an increasingly larger number of people who believe they are acting out of dedication to what this nation stands for, are becoming more and more alarmed over the carnage in Viet Nam and the potential for future carnage as the escalation grows. We are, by and large, the group that held silent in hopes that our silence would produce a settlement that would end the killing. Now, it seems almost too late.

Surely the views of nearly the entire rest of the world, including those who traditionally have been our closest allies cannot be so totally ignored?

President Johnson must attempt to use protracted deescalation as the path to peace, or he must be replaced, just as President Eisenhower succeeded a Democrat in office.

One more word. The editorial, which appeared in two newspapers, did not result in a single critical response from any person in the two Ohio communities. Considering the number of armed forces personnel from our areas now in Viet Nam, the response should have been strongly negative by many people if there were not a widespread feeling that our course is immoral, dangerous and harmful to this nation.

I would give everything if only the present course were right, but I know now it is not.

Mr. President, at the time I first read this editorial, I was startled to read the official report from Saigon dated October 26:

U.S. casualties in the Vietnam war last week rose slightly and were more than double those of the South Vietnamese forces for the same period, the U.S. Command reported today.

Spokesmen said 193 Americans were killed in action, while 81 South Vietnamese were killed and approximately 400 wounded.

Of the 949 Americans wounded, 573 required hospital treatment.

It is with a feeling of sadness, Mr. President, that I report this continuing sacrifice of the lives of the young Americans in a civil war in which we should never have become involved, and which we have now turned into an American ground and air war.

These most recent casualty figures speak louder than words of the urgency for deescalating the ground war and stopping the bombing of North Vietnam in the hope that this will lead to negotiations and a cease-fire and an armistice. The editorial which appeared in the Port Clinton Daily News and the Delphos Herald clearly and concisely points out the sound logic for doing so. I ask unanimous consent that the fine editorial, "The Brink of Chaos," be printed in the RECORD.

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

THE BRINK OF CHAOS

Most of the critics of the Johnson Vietnam policy would cease their criticism immediately, as the President asked Friday night, if they thought their silence would contribute to the defeat of the North Vietnamese and the Viet Cong, a shortening of the war, a lessening of the injury and killing of American soldiers, the advancement of democratic principles, or a reduction in the chances for a nuclear World War III. Indeed, the vast majority of those who view the Johnson policy with increasing alarm would never have joined the rank of those who have opposed the administration in its escalation if they had not felt that we are headed for the brink of disaster.

Friday night's speech by President Johnson went wrong for most of the critics when he referred to the Vietnam conflict as being caused by foreigners. The truth about the war in Vietnam that is now becoming known to an increasing number of people in the United States is that it is in virtually every respect a civil war. One of the groups of "foreigners" involved is the group of generals from North Vietnam who fought with the French in the war of independence and now have taken over South Vietnam. If this isn't a civil war, there never was one in the history of the world.

Many of the critics involved, including this newspaper, held their silence in hopes that the "united front" would somehow produce results. Instead, the situation continued to deteriorate.

United States troops switched to take the lead on the battlefield and the numbers grew from 100,000 to 200,000 and then 300,000, again, 400,000, a half a million. When American bombers attack targets daily that are within one minute of China, when the familiar arguments begin to sound for invading North Vietnam—a step that will, at the minimum, require a doubling or quadrupling of U. S. troop commitments—and when the weaponry on both sides heads closer to nuclear disaster, there doesn't seem to be much point in further silence. The right direction seems to be deescalation, a cessation of the bombing, rather than further escalation.

Meanwhile, the most humanitarian nation in the world, the nation that is the symbol and the hope of this world in its actions and preachments, continues to descend to the level of a barbaric Asiatic civilization. The United States loses a portion of its moral position before the world every day the bombing continues.

As for the Johnson quotations from the Asiatic nations in support of staying in Vietnam, let them put up with economic and troop commitments what their speeches indicate they will do. By and large, they have not done so to date.

The question is not withdrawal. The question is deescalation or escalation. The President has deliberately confused deescalation with abandonment.

Increasing the fury of this horrible war and slowing the pace both have their risks. The increasing number of critics, including our closest allies, favor taking the risk of deescalation as the road to peace.

The PRESIDING OFFICER. Is there further morning business?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DISTRICT OF COLUMBIA COUNCIL NOMINEES

Mr. DOMINICK. Mr. President, on Friday, October 20, 1967, the Senate District of Columbia Committee conducted hearings on the nominations for Chairman, Vice Chairman, and members of the District of Columbia Council.

At that time I raised certain questions with respect to possible conflicts of interest and conflict of duties as far as two nominees were concerned. I also raised questions with respect to the American Bar Association Canons of Ethics and their effect on one nominee, Mr. Thompson. Because of the nature of my questions and the considerable attention which they have received, I want to make my position clear prior to consideration of the nominations by the Senate.

First, let me emphasize that I do not question the qualifications of Mr. Thompson. I have been most favorably impressed with his background, education, and experience, and in my contact with him since his appointment. He has been at all times very cooperative.

However, during his testimony before the committee Mr. Thompson stated his intention to continue his partnership with the other members of his law firm during his service as a member of the Council. Certainly, it is not improper for him to do so, but the potentiality for possible conflicts of interest is obvious unless certain safeguards are met.

I am deeply concerned that our first Council under the newly reorganized government for the District of Columbia get off to a start with a clean bill of health.

To this end I have endeavored, while at the hearings and during this past week, to explore thoroughly and bring to the forefront items which in my mind should be fully aired now and not later. Since Mr. Thompson is a well-qualified attorney and member of the American Bar Associaton who is seeking public office, the canons of ethics of that association seem to me to be legitimate matters for public inquiry.

Mr. President, I do not view the Senate District of Columbia Committee or the Department of Justice as judge of what is proper under the canons of ethics of the American Bar Association. Indeed, I would resist any attempt by either to assume such a role. Procedures are available to Mr. Thompson and the members of his firm, if they feel it necessary, to seek out an opinion on any potential conflicts from the Standing Committee on Professional Ethics of the American Bar Association.

But the Senate District of Columbia Committee or any Senate committee with the responsibility for reviewing nominations and making recommendations for or against confirmation has a duty, in my judgment, not only to study the nominee's qualifications but to fully disclose matters in which the interest of the public is a part.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Colorado [Mr. DOMINICK] may be permitted to proceed for 10 additional minutes.

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

Mr. DOMINICK. I thank the distinguished Senator from West Virginia.

The time lapse which it has taken to look into the ethics issue should not be construed to mean the committee felt a definite conflict existed. Nor should a favorable report on the Thompson nomination by the committee be construed to mean potential future conflicts have been precluded.

Mr. President, with the caution that the canons and ethics opinions of bar associations are subject to interpretation, I would like to make some legislative history as to the reasons for my concern.

I have previously made available to Mr. Thompson the citations to the opinions which have troubled me.

One opinion of the Colorado Bar Association is particularly illustrative. In ethics opinion 18, the Colorado Bar Association held that neither a city councilman nor members of his firm could represent a client before any administrative departments or agencies of the city. I hasten to add, of course, that that opinion is not applicable to Mr. Thompson since he is not a member of that association.

I have examined a number of opinions, both formal and informal, of the American Bar Association to which he does belong. To the best of my knowledge, but not surprisingly, there has been no decision directly in point. Three opinions in particular caught my eye.

In formal opinion 192 one of the issues was to what extent it was proper for a firm, one of the members of which had accepted public office, to accept professional employment requiring dealings with the employer of the firm member.

The decision held:

> There is no objection to his retaining his membership in a law firm or in sharing the earnings of the law firm, provided such firm does not represent interests adverse to the employer. . . .

In formal opinion 306 the ABA Ethics Committee decided to permit members of a law firm to appear before legislative committees even though a member of the firm is also a member of the legislature.

I might say at this point, Mr. President, that this is a change from ethics rulings which had previously been issued by the American Bar Association Ethics Committee. Prior to this particular ruling, the ABA committee had held that it was not ethical for any member of a firm to appear before a legislative committee or a legislative body on behalf of a client, where a member or an associate of that firm was a member of the legislative body. This was true even though the member of the legislative body had said that he would not share in the profits of his law firm while he was holding such position.

So this formal opinion No. 306 is a change, and it indicates, once again, the difficulty of the Senate District of Columbia Committee trying to interpose itself as a judge in this type of situation. Even ethics committee rulings change from time to time.

Opinion No. 306 went on to say that such appearances are authorized whenever there are constitutional, statutory, or legislative provisions which expressly or by necessary implication recognize such action as proper, or where a provision permits a member of the legislature to disclose his conflict and withhold his vote on the matter. It may be that the Federal conflict of interest law, in particular, 18 United States Code 207, is the type of consent contemplated by this opinion.

Finally, I would call the attention of the Senate to formal opinion No. 315. Decided in 1965, this opinion involved, among other issues, the nature of business which a firm could conduct after one of its members was elected Governor of the State and remained a partner of the firm. The ethics committee referred to formal opinions Nos. 192 and 306, and in its conclusions cautioned:

> The firm must be extremely careful to avoid any representation which involves even the appearance of a conflict with the governor's duties.

Mr. President, the four opinions which I have just mentioned—Colorado Bar Association Opinion No. 18 and ABA Opinions Nos. 192, 306, and 315—are important, and I feel it is in the public interest that these as well as three others—ABA Informal Opinions Nos. 691, 700, and 855—receive widespread distribution. I ask unanimous consent that they be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. DOMINICK. In order that the record may be complete, I would merely mention that other opinions which have been considered as possibly having some relation to the problem are: ABA Formal Opinions Nos. 16, 30, 34, 49, 128, 135, 186, 262, and 278, and ABA Informal Opinions Nos. 564, 620, 674, and 772.

Prior to Senator BIBLE's departure from Washington, I asked the staff and the chairman if it would be possible for us to obtain a letter from Mr. Thompson's firm with respect to these issues, indicating specifically what they would and what they would not be willing to do. Such a letter was received. In general, Mr. Thompson has said that he would not represent any client against the District, that his firm would not represent any client before an administrative agency over which the council has jurisdiction, and that he would not, of course, act adversely to the interests of the District in any situation that might arise.

I believe this is an indication of the high quality of Mr. Thompson and his ethical considerations, and I am deeply appreciative of his cooperation and the effort that he has made to resolve these possible conflicts.

There is one other question which I would like to take up, and that is as to another nominee, Mr. Anderson. He is a highly qualified man also, and a very fine person. However, at the time he was nominated to the Council for the District of Columbia, he was a GS–13 working for the District of Columbia in the Recreation Department. That created an impossible situation as to him, because his Recreation Department job provided him with more personal funding than the Council job, and he would, as a Council member, have had jurisdiction over the very role that he was playing as a salaried employee.

All of a sudden, the administration came up with a new job for Mr. Anderson. If his nomination is confirmed by the Senate, he will be employed by HEW in the Children's Bureau as Youth Services Adviser. I am not sure whether his salary range will be any different, but it seems to me we still have the same problem in a slightly different context. No longer will he have jurisdiction over his own job, as he would had he remained with the District of Columbia Recreation Department, but he does have a situation where he is being given a job in the Children's Bureau, an area in which the administration claims his services are badly needed. Yet at the same time he will promptly be given an enormous amount of time off to start out on District of Columbia council work. A broad question in my mind is whether any Federal employee, at least initially, should serve on a city council, when we know that the work of the council is going to take so much time that the Federal employee would very patently not be able to spend the amount of time that has heretofore been considered necessary in the Federal job in which he has been employed or to which he is being appointed.

I believe this should be a matter of serious concern to all of us. What we can do about it I do not know. There is no law against it, as far as I am able to determine, at the present time. We do have a personnel problem, it seems to me, of major importance; and I should like to discuss the matter at greater length at a later time.

I do wish to say publicly, as I have said before to the staff and to the committee members, that I do not intend to oppose any of these nominees, but I do wish to bring the questions out, so that Senators can look at the problems and determine what they want to do, in the interests of future policy.

In concluding I would like to express my appreciation and extend my compliments to the staff of the District of Columbia Committee, particularly to Mr. Chet Smith, staff director, for the work which has been done since our hearings. Chet has been in daily contact with my own staff in an effort to resolve all of my

questions regarding the nominees, and I would just like the RECORD to reflect my own high regard for the quality of the materials which I have received as a result.

I thank the Senator from West Virginia for giving me this time.

EXHIBIT 1

[Colorado Bar Association]

OPINION NO. 18, ADOPTED JANUARY 20, 1961

SYLLABUS

It is improper for an attorney who is also a city councilman (a) to appear on behalf of a defendant who is charged with violation of a city ordinance in the municipal court of that city; and (b) to represent a client before administrative departments or agencies of that city. It is also improper for a member or associate of the law firm of which the city councilman is a member to act as an attorney in either of the above situations.

FACTS

An attorney in the private practice of law is also a member of the city council. The city council does not appoint municipal judges or administrative department or agency heads, but does appoint the members of the board of adjustment which hears zoning and building appeals. The limits of the salaries of municipal judges are established by city charter but the council has authority to fix the salary within such limits. The council approves the budget of the municipal court and appropriates funds for the operation of that court as well as all city departments and agencies.

OPINION

In Opinion No. 14 this Committee concluded that in a situation where the city council hired the municipal judge and fixed his salary it was improper for an attorney-councilman to practice in the municipal court on behalf of defendants charged with violations of city ordinances. The practice there condemned is equally improper where the council, although not directly appointing the judge, must approve the court's budget and appropriate funds for its operation.

The same conclusion must be reached with respect to the representation of a client by an attorney-councilman before an administrative department or agency of the city. Even though the conduct of both the department and the attorney is scrupulously correct, it is likely that an individual client, or the public, will believe that an attorney-councilman would receive a more favorable reception from a municipal department or agency than would a noncouncilman. An attorney who is also a public officer has an obligation to avoid any appearance of possible impropriety resulting from his dual position.

The pertinent rule regarding the appearance before municipal courts, departments or agencies of other members of the firm of which the attorney-councilman is a member has been stated as follows:

"The relations of partners in a law firm are such that neither the firm, nor any member or associate thereof, may accept any professional employment which any member of the firm cannot properly accept." Opinions 49 and 72 of the Committee on Professional Ethics of the American Bar Association. To the same effect are Opinions 33 and 103 of the same committee.

The foregoing rule is frequently harsh in its application, particularly where, as here, an entire firm is precluded from a substantial area of private practice because one firm member, often at a financial sacrifice, serves part time in a public or political position. The rule, and the policy considerations upon which it is based, are nevertheless too firmly established to permit of modification at this time.

AMERICAN BAR ASSOCIATION FORMAL OPINION 192 (FEBRUARY 18, 1939)

A firm member who accepts permanent full-time employment with a private employer or government agency may continue to serve the firm and the firm may continue to use his name; however, if he remains a firm member or the firm retains his name, then the firm may not represent interests adverse to those of the member's employer.

If a firm member accepts temporary full-time employment with a private employer or government agency and retains his membership in the firm, then the firm may represent parties adverse to the firm member's employer only after such employment ceases and only in connection with matters arising subsequent to the termination of employment.

A firm member who accepts full-time employment with a private employer or government agency should not habitually recommend the employment of his former firm.

CANONS INTERPRETED: PROFESSIONAL ETHICS 6, 27, 33, 36

A member of the Association presents the following inquiries:

(1) Is it ethical or professionally proper for an attorney, after accepting public office or full-time employment, whether by local, state or federal governments, to continue to be a member of a private law firm or to allow his name to be used as a part of the name of the law firm?

(2) Is it ethical or professionally proper for an attorney who individually and personally accepts full-time private employment, especially from an institution such as a bank, railroad, insurance company, utility, to remain a member of a law firm or to allow his name to continue to be a part of the firm name?

(3) To what extent is it ethical or professionally proper for the firm, a member of which has accepted such employment as is described in (1) and (2), to accept professional employment which requires dealings with the employer of the firm member or former firm member?

(4) Is the situation in any way changed if the attorney who accepts public or private employment such as that described ceases to be a member of the firm but allows his name to be retained as a part of the firm name? What is the duty of the member of the firm and of the firm in case the employment is temporary rather than permanent?

(5) Is it ethical or professionally proper for one who has accepted public or private employment of the kind hereinbefore described, to habitually recommend to those with whom he comes in contact in his new employment that they employ the same firm of which he is still a member, or the firm name which still contains his name? Is the situation changed if he withdraws from the firm and the firm name is changed so as to exclude his name therefrom?

The opinion of the committee was stated by Mr. HAUGHTON, Messrs. Arant, Phillips, Miller, Brown, Jones and Evans concurring.

The foregoing questions involve considerations of Canons:

6. Relating to adverse influences and conflicting interests,

27. Relating to advertising, either direct or indirect,

33. Relating to partnerships, and

36. Relating to conduct of attorneys on retirement from public employment.

Many opinions have been written by this committee applying each of these Canons. *Opinions 16, 30, 34, 77, 118* and *134* relate to *Canon 6*, and pass on questions concerning the propriety of the conduct of an attorney who is a public officer, in representing private interests adverse to those of the public body which he represents. The principle applied in those opinions is that an attorney holding public office should avoid all conduct which might lead the layman to conclude that the attorney is utilizing his public position to further his professional success or personal interests.

In general, when an attorney accepts employment, either public or private, his name may properly be carried by his firm. If the conditions of his employment require that he sever all other connections, he can no longer remain a member of the firm, and in such case should not permit his name to be used by the firm. In the absence of such conditions or of a law requiring the attorney to refrain from private practice, "there is no objection to his retaining his membership in a law firm or in sharing the earnings of the law firm, provided such firm does not represent interests adverse to the employer," and the public is not misled.

Questions (1) and (2) may be considered together. The only difference between them is that in (1) the lawyer is employed by a governmental agency, and in (2) by a private agency. The question is whether if he accepts full-time employment, by either governmental or private agency, he may continue to be a member of a law firm, or allow his name to be used in the firm name. In the absence of legislation forbidding this, there is no impropriety in his continuing to be a member of the firm so long as the firm refrains from representing interests adverse to the employer. In such case there is no conflicting interest and no chance for any conflict of interests. If, however, the firm is to represent interests adverse to the employer, it is otherwise. There may be instances in which there is no conflict, but we think that if there is a conflict, or even if there is apt to be a conflict, the attorney should withdraw from the firm, and the firm should no longer carry his name.

Question (3). We assume that the inquiry here is whether the firm may accept professional employment which is adverse to the employer of the firm member, or former firm member. The answer to this is indicated by what has been said previously. Such employment may be accepted only if the former firm member has severed all connections with the firm and is no longer a member of it; then there is and can be no possibility of a conflict between the interests represented by the attorney and his former firm.

Question (4). The situation is not changed if the attorney ceases to be a member of the firm and allows his name to be retained as a part of the firm name. So long as his name is retained by the firm, such firm should not represent interests adverse to the employer, either public or private, of the firm member. If the employment of the member of the firm is merely temporary, when such employment ceases, the firm may again represent interests adverse to the former employer, arising subsequent to the termination of the employment, and in no wise related to such employment. *Canon 36.* Departments or divisions are here regarded as the employer—not the government as a whole.

Question (5). A former member of a firm who later accepts public or private employment should not recommend habitually the employment of his former firm. This approaches touting. Upon inquiry he may recommend the retainer of his former firm in matters not adverse to his employer.

FORMAL OPINION 306 (MAY 26, 1962)

Wherever under constitutional or statutory provisions or legislative rules consent has been given, expressly or by necessary implication, a lawyer may properly engage in lobbying on behalf of a client before a legislative committee or otherwise where a member of his firm or associate is a member of the legislature.

CANON INTERPRETED: PROFESSIONAL ETHICS 6

This Committee said in formal Opinion 296, dated August 1, 1959, in effect, that there was a necessary conflict of interest where a partner or associate of a law firm was in the legis-

lature, for another representative of the firm to appear before the legislature and sponsor or oppose legislation in the interest of one of the clients of the firm; and since the public was involved, consent to the dual representation could not be given, so as to meet the requirements of Canon 6, wherein it is provided (in part) that it is unprofessional to represent conflicting interests except by express consent of all concerned given after a full disclosure of the facts.

We have been advised that in some states, particularly some of the smaller states, our ruling has had the effect of cutting down on the number of lawyers in the legislature, and has deterred many able young lawyers employed by law firms from standing for positions in the legislature; and as requested by some members of the Bar from certain of these states, we have given consideration to Opinion 296. While we adhere to the basic principles of that opinion, we have concluded that it should be modified and supplemented as hereinafter set out.

We have concluded that if in any particular state there are constitutional or statutory provisions or legislative rules which expressly or by necessary implication recognize the propriety of a lawyer appearing before legislative committees, or otherwise lobbying in the legislature for a client where a member of his firm or associate was at the time a member of the legislature or where provision has been made permitting a member of the legislature to disqualify himself from voting on or participating in the discussion of the matter involved, consent has been given resolving the conflict of interest questions, either by the people through the constitution or by the Legislature speaking for the state.

Section 22 of the Article III of the Constitution of the State of Texas reads as follows:

"A member who has a personal or private interest in any measure or bill, proposed, or pending before the Legislature, shall disclose the fact to the House of which he is a member, and shall not vote thereon."

While no effort has been made to check the constitutions of all the states, such check as the Committee has made discloses that several other states have provisions substantially the same as that contained in the Texas Consitution but that so such provisions appear in the constitutions of a number of other states.

Such provisions have been construed as not disqualifying a legislator whose interest is merely that which is common to large segments of the public (such as a bill dealing with veterans of wars). While such provisions were probably never intended to apply to the situation we now have under discussion, such provisions are very broad and it seems to the Committee they might appropriately be considered as applicable to a legislator-lawyer whose firm was employed by a client to lobby for or against certain legislation. As a member or associate of the law firm he has a "personal and private interest" in the activities of the firm in behalf of the client. Accordingly, it is the opinion of the Committee that in states having a constitutional provision of this kind, the public in its basic law has consented to appearances by lawyers under such circumstances and has removed the question of conflict by providing that the legislator in question should disclose the interest and not vote upon the measure.

Even in States which do not have such constiutional provisions (assuming no conflict with existing constitutional provisions) the Committee is of the opinion that Consent of the public may properly be given by an act of the legislature or legislative rule substantially to the effect of the aforesaid constitutional provisions, or in any other manner recognizing the possible conflict of interest and either expressly or by necessary implication permitting it under prescribed circumstances.

Without such constitutional or statutory provisions or legislative rules the mere disclosure by the lawyer-legislator of the conflict of interest and a voluntary disqualification on his part to participate in the legislation involving such conflict is not sufficient to meet the requirements of Canon 6, as interpreted by this Committee. This would seem to involve, in part at least, the abdication of the functions for which the legislator was elected, without constitutional or legislative permission therefor. With such constitutional or legislative provisions the public policy of the state has been declared.

A number of states have adopted so-called lobbyists registration statutes, generally providing (in substance) that anyone acting in a representative capacity who appears before a legislative committee or contacts any member of the legislature for or against any pending legislation shall file with the legislative body a statement showing the name of his client and giving the measure or general subject matter in which the client is interested. It has been suggested to our Committee that compliance with such lobbyist registration statutes is sufficient to take the case out from under our *Opinion 296*, and resolve the question of conflict of interest. We do not so hold. Such statutes are designed to give the legislature and the public notice of the client or person represented and of the legislation which it advocates or opposes through its representative. While such statutes are of general application, they do not purport to deal with the question of conflict of interest. Accordingly, we hold that they are not sufficient to give an implied consent by the public, resolving the question of conflict of interest, where a law firm appears before a legislature committee or otherwise contacts members of the legislature on behalf of a client for or against a pending measure, and where at the same time a partner or associate in said firm is a member of the legislature.

To the extent herein provided, formal *Opinion 296* is modified and qualified; but otherwise said *Opinion 296* is adhered to.

FORMAL OPINION 315 (DECEMBER 11, 1965)

As long as the laws of the state do not forbid it, there is nothing ethically improper in continuing in the firm name and carrying on the firm's letterhead the name of a partner who has been elected to the office of governor of the state, providing the following conditions are met; (1) he must continue to be responsible and liable as a partner to avoid possible deception; (2) the firm must be extremely careful to avoid any representation which involves even the appearance of a conflict with the governor's duties.

The same principles apply to listings in law directories, where his name may be followed by the words "on leave," but without showing the public office held.

CANONS INTERPRETED: PROFESSIONAL ETHICS 6, 33

The opinion of the Committee has been requested as to the propriety of a law firm continuing in the firm name the name of a member of the firm who has been elected to the office of governor of a state, when he intends to return to the law firm at the expiration of his term or terms of office. It is stated that by reason of the duties and burdens of his office, the officeholder will not be able to practice law during his incumbency as governor and, therefore, will not participate in fees earned by the firm while he is in office. It is also proposed that the name of the officeholder be shown in the list of individual lawyers named on the letterhead, with the notation "on leave." It is further proposed to carry the name of the officeholder in the various legal directories wherein the firm is listed, showing the public office held and the notation "on leave."

The Committee has also been asked if it would be improper to add to an announcement being sent out by the firm, in the customary manner showing the name of a new member of the firm, an announcement to the effect that the public officeholder had withdrawn from the firm during the term of his public office.

Canon 33, entitled "Partnerships—Names" holds, in part:

"In the formation of partnerships and the use of partnership names care should be taken not to violate any law, custom, or rule of court locally applicable. . . . The continued use of the name of a deceased or former partner, when permissible by local custom, is not unethical, but care should be taken that no imposition or deception is practiced through this use."

In *Opinion 192* the Committee was asked the question:

"Is it ethical or professionally proper for an attorney, after accepting public office or full-time employment, whether by local, state or federal governments, to continue to be a member of a private law firm or to allow his name to be used as a part of the name of the law firm?"

With respect to this inquiry, the Committee held:

"The question is whether if he [the lawyer] accepts full-time employment, by either governmental or private agency, he may continue to be a member of a law firm, or allow his name to be used in the firm name. In the absence of legislation forbidding this, there is no impropriety in his continuing to be a member of the firm so long as the firm refrains from representing interests adverse to the employer. . . . If, however . . . there is a conflict, or even if there is apt to be a conflict, the attorney should withdraw from the firm, and the firm should no longer carry his name."

Opinion 296 of this Committee held that a law firm may not accept employment to appear before legislative committees while a member of the firm is serving in the legislature, even though full disclosure is made to the committee and even though the member of the firm serving in the legislature does not share in any fees received thereby.

Opinion 306, while adhering to the basic principles of *Opinion 296*, modified that opinion by stating:

"We have concluded that if in any particular state there are constitutional or statutory provisions or legislative rules which expressly or by necessary implication recognize the propriety of a lawyer appearing before legislative committees, or otherwise lobbying in the legislature for a client where a member of his firm or associate was at the time a member of the legislature, or where provision has been made permitting a member of the legislature to disqualify himself from voting on or participating in the discussion of the matter involved, consent has been given resolving the conflict of interest questions, either by the people through the constitution or by the legislature speaking for the state."

Assuming that the conditions of the acceptance of the office of governor do not legally require the successful candidate to sever any or all of his other connections, in general his name may properly be continued in the firm name and carried on the firm letterhead if there is no statute opposing it. However, if a state statute exists prohibiting the governor from practicing law, then his name should be taken out of the firm name. The same principles would apply to listing the name of the governor in the various legal directories wherein the firm is listed, with the notation "on leave" after his name in the list of individual lawyers, but without showing the public office held.

In the event the officeholder's name is so continued in the firm name, whether or not he receives compensation from the firm, he must be responsible as a partner of the firm and liable as such in order to avoid possible deception.

If the name of the officeholder is retained in the firm name, then the firm must be extremely careful to avoid any representation which will or might appear to be in conflict with the duties of the governor where there might be any possible statutory or ethical conflict. At any time when it appears that such conflict might appear, the firm must disqualify itself.

Canon 27 prohibits all forms of advertising, direct or indirect, or solicitation or self-laudation, and it has been argued that the continued use in a firm name of the name of a holder of high public office, especially of a governor, not actually practicing with the firm during the term of his public office, would result in attracting clients, either because of the official's fame and stature, or, because of a feeling that the firm might have special influence in high places.

A majority of the Committee, however, are of the opinion that the general public would know of their governor's law office connection when he ran for office and that continuing his name on the firm letterhead in the manner here proposed would have no additional effect in connection with attracting new clients.

In conclusion, therefore, it is the opinion of the majority that if the safeguards and conditions set forth above are observed, it would not be unethical for a governor's name to be retained in the firm name under the circumstances stated.

Answering the second part of the inquiry, in *Opinion 301* it was held proper for announcement cards by lawyers entering or returning to private practice from governmental service to contain a brief and dignified reference to the position occupied with the government immediately prior to such entry or return. In view of the reasoning in that opinion, it would not be improper for the public officeholder's firm to send out, in the customary manner, an announcement showing the name of a new member of the firm together with an announcement to the effect that the public officeholder had withdrawn from the firm during the term of his public office.

This opinion affirms formal *Opinions 192* and *296* (modified by *Opinion 306*) as they apply to the questions covered herein. Any informal opinions inconsistent with the reasoning and conclusions in this *Opinion 315* are hereby overruled.

The opinion of the Committee is concurred in by Messrs. Benton E. Gates, Samuel P. Myers, E. B. Smith, Lewis H. Van Dusen, Jr., and Walter P. Armstrong.

Mr. Joiner concurred in the majority opinion but would add the following language to it:

"I believe that a firm which contains the name of an officeholder, in addition to being extremely careful to avoid representation which will or might appear to be in conflict with the duties of the officeholder, such as representing a client against the government of which the officeholder is a part, where their might be a conflict of interest, is also bound not to represent clients before courts or administrative agencies containing members appointed or subject to appointment by the man who is listed as a partner in the firm. In such cases the firm should disqualify itself."

Messrs. Carson and Johnston disagree with *Opinion 315* as approved by the majority and have filed this minority opinion for the purpose of expressing their reasons and setting forth their views.

Opinion 192, February 18, 1939, is summarized in its following paragraph:

"In general, when an attorney accepts employment, either public or private, his name may properly be carried by his firm. *If the conditions of his employment require that he sever all other connections, he can no longer remain a member of the firm, and in such case should not permit his name to be used by the firm.* In the absence of such conditions or of a law requiring the attorney to refrain from private practice, there is no objection to his retaining his membership in a law firm, provided such firm does not represent interests adverse to the employer, and the public is not misled." [Emphasis added.]

Opinion 286, August 1, 1959, and *Opinion 306*, May 26, 1962, which modified *Opinion 286*, together are to the effect that if a member or associate of a law firm is a member of a legislature, neither the firm nor any of its members or associates may appear before any committee of that legislature or otherwise lobby before it for a client, unless either (a) the propriety of such activity is recognized expressly or by necessary implication by statutory provisions or by legislative rules, or (b) provision has been so made for the lawyer-legislator to disqualify himself from voting on or participating in discussion of the particular matter and he has so disqualified himself and acts accordingly. These two opinions related principally to *Canon 36* and *Canon 32*. Neither *Canon 77* nor *Canon 33* was mentioned or discussed or involved in either opinion.

In its *Informal Decision 120*, date unknown, the Committee held, according to the summary on page 633 of the published opinions of the Committee (1957 bound volume), that a lawyer's letterhead should not state that he is a member of a stated bar association, or a senator or governor, or a member of Congress. This would apply to the letterhead of a law firm as well, and *120* apparently has not been overruled or superseded. It is not referred to in the majority's *Opinion 315*.

Informal Decision C–620, March 13, 1963, was concerned with the propriety of continuing to use in the firm name the name of the incumbent of a high local office, described as being equivalent to the office of mayor of a major city, which as a practical matter would preclude the lawyer from practicing law because of the burdens of the office, although there was no legal prohibition against his doing so. In that decision (*C–620*), the Committee quoted *120*, implying approval of it in 1963, and also quoted formal *Opinion 192* and in discussing it said:

"Where members of the legal profession are elected to the United States Senate, to the House of Representatives, and to state and local offices, it is not uncommon for them to continue the use of their names in the firms of which they are members. Doubtless this practice has been established because these positions were at least originally considered part-time only. In recent years, of course, a United States Senator or Representative is in fact pretty well occupied full time in Washington, except for a limited vacation period."

We believe that such discussion *clearly implies serious doubt on the part* of the Committee in 1963 as *to the propriety of continuing the use in a firm* name of the *name of the incumbent of high public office*, even if he is not by law required to "sever all connections," *if, as a practical matter because of* the demands of the office, he simply *does not have time to engage in* the practice of law. The Committee, in *C–620* in 1963, also quoted the following from *Informal Decision C–403*, date unknown, having to do specifically with the office of governor:

"The position of Chief Executive of a State is of such importance that it requires a member of the law firm to sever all relations with his firm during his term of office. The retention of his name, even with the addition of qualifying words, would create the impression that the firm has influence with the Governor that other law firms would not have. *The advertising of such relationship in the firm name would be improper.*" [Emphasis added.]

It was felt by some members of the Committee at the time *C–620* was issued that the reasoning and principles of *C–403* were also applicable to the local office under consideration, but the conclusion of the majority was that, while a borderline case, it would not be improper to continue using the name of the incumbent of the local office if certain measures were taken to avoid a partnership name which was either "misleading" or the use of which would amount to "deception" in violation of *Canon 33*. The majority was of the opinion that the use of the officeholder's name would be "misleading"

". . . *unless it was shown that he was no longer a member of the firm*, since otherwise there might be some implied representation that he was engaged in practice with the firm when in fact he is not in a position to [do so]. Accordingly . . . [if his name] is retained in the firm it should be indicated where his individual name appears on the side of the letterhead, either that he is retired from the firm in 1962 [apparently the year of incumbency], or that he is on 'leave of absence.'" [Emphasis and words in brackets added.]

Informal Decision C–414, February 24, 1961, as summarized on page 55 of the 1963–1964 supplement to the 1957 bound volume of the opinions, held that it was proper for a law firm and a firm member "leaving" to accept an important government position to make announcements warranted by former relationships, to avoid inference that there has been a split in the firm.

Formal Opinion 301, November 27, 1961, held that it was permissible for a lawyer "upon return to private practice" to send to persons concerned announcements explaining the "absence from private practice" by a dignified reference to the immediate past position with the government, so long as the guidelines and restrictions regarding the character of the announcements and the persons to whom they were sent were observed.

We concur with the majority in holding that in any case the lawyer-incumbent of the office of governor and his firm must adhere strictly to the principles of *Canon 6, Canon 26, and Canon 32*.

We believe, however, that the majority has not given proper construction or sufficient consideration to the language and principles of *Canon 33* or *Canon 27*.

Canon 33 provides in part as follows:

". . . *In the selection and use of a firm name, no false, misleading, assumed or trade name should be used.* The continued use of of the name of a deceased or former partner, when permissible by local custom, is not unethical, but care should be taken that no imposition or deception is practiced through this use. *When a member of the firm, on becoming a judge, is precluded from practicing law, his name should not be continued in the firm name.*" [Emphasis added.]

The sentences in italics were omitted from the quotation from *Canon 33* contained in the majority opinion. We deem them to be of crucial importance.

Canon 27 states that it is unprofessional to solicit professional employment in any way and that indirect advertising, such as inspiring newspaper comments in connection with the importance of the lawyer's position, and all other like self-laudation offend the traditions and lower the tone of the legal profession and are reprehensible.

We are of the opinion that *Canon 33* prohibits the continuation in the firm name of any partner who has ceased to practice law actively with the firm, except in the case of a deceased or former partner when this is permitted by local custom.

In the case of a judge who is "precluded from practicing law," the prohibition of *Canon 33* is specific. We believe that the same principle is applicable to any high national or state office if the incumbent, either by statute or rule of court or by reason of

the duties and nature of office, is precluded from engaging in the private practice of law.

The only exception in *Canon 33* is the name of a deceased or former partner when permitted by local custom. We read "former" to mean a former partner who is retired, and not a former partner who in full vigor has ceased practicing only because he has become a high public official and is unable to practice. The Committee in 1939, in *Opinion 192*, quoted above, condoned the continued use of the name of a public official but not with specific reference to the office of governor. Subsequently, in *Informal Decision C–403*, the Committee specifically disapproved of the use of the name of a governor of a state in the name of a law firm. In 1963, in *Informal Decision C–620*, the Committee, with some difficulty and not unanimously, was able to distinguish between the high office of governor and an important local office, but did not disapprove *C–403*.

We agree with the majority that if, as a condition of acceptance of office a public official must cease to engage in the private practice of law and sever all former connections, his name may not be used in the firm name while he is in such office. Reluctantly, we concur with *Formal Opinion 192* and *Informal Decision C–620* insofar as they relate to local offices only, but we do not believe their principles should be extended to offices as high as that of governor of a state.

To use in the firm name the name of a public official who, by reason of his office, has ceased to practice law in our opinion is misleading and is in the nature of an assumed or trade name because the official in fact is not practicing with the firm, and thus contravenes the spirit of *Canon 33*. The exception for the names of deceased or retired partners is not approved wholeheartedly by the profession as a whole, and it should not be extended to permit the use of names of high state and federal officials. An explanatory note on the firm letterhead that the official is not truly an active partner does not cure the vice of a misleading firm name, as the explanation is not likely to be received by a prospective client, but only by those who in fact have become clients.

Canon 27 also is applicable. Its prohibition of all forms of advertising or solicitation or self-laudation to bring in prospective clients applies with equal force to law firms as well as individual lawyers. Continued use in a firm name of the name of a high public official not actually practicing with the firm can only result in exploitation of the probabilities that, because of his name and connection with the firm, prospective clients will recognize his name and thereby be attracted to the firm, either because of the official's fame and stature or, even worse, because of a feeling that the firm might have special influence in high places.

The vice is especially apparent in the case of high federal offices, such as President or Vice President, or governors of states, whose terms are usually at least two years and often more. While the same possibilities may exist with respect to local and lesser state offices, the danger is not as great because of the nature of such offices and the nature of the duties and prominence of the incumbents.

AMERICAN BAR ASSOCIATION, STANDING COMMITTEE ON PROFESSIONAL ETHICS

Re: Informal Opinion No. 691, October 14, 1963: Private Practice by City Solicitor.

You have requested answers from us to questions you have asked growing out of the following state of facts:

As *City Solicitor* for the City of (——), you spend *two days each week* strictly on City business and exercise an over-all supervision of the conduct of the City Solicitor's office for the balance of the week. You have *two assistants*, each of whom *spends a day-and-a-half each week* in the City office, and each of whom is generally available at other times for the City's work. Each of you is a member of your own individual law firm.

The questions you ask are:

1. "Is it proper for a *partner* or associate of the City Solicitor to represent a property owner *in an appeal before* the *City's Zoning Board of Adjustment?*

2. "Is it proper for the City Solicitor or his *associate* in private practice to represent a property owner *in connection with entering into a Developer's agreement with the City?*

3. "Is it proper for an *associate or partner* of the City Solicitor *to file suit against the City* on behalf of a client who has either a claim against the City, based on the City's alleged negligence, or a Court appeal from Decision of Zoning Board?"

Canon 6 of the Canons of Professional Ethics of the Association is involved and provides (in part) that:

"It is unprofessional to represent conflicting interests, except by express consent of all concerned given after a full disclosure of the facts. Within the meaning of this Canon, a lawyer represents conflicting interests when, in behalf of one client, it is his duty to contend for that which duty to another client requires him to oppose."

The materiality of certain of the facts should first be determined. That you as City Solicitor and the two assistants *are only part-time employees* of the City is *not material.*

The Comprehensive Formal Opinion of this Committee, No. 28 (March 15, 1935), considered the position of a part-time employee of a code authority and found that in considering whether there was a conflict of interests *no distinction* is to be made *between a part-time and full-time employee.*

The Opinions of the Committee in the field of conflict of interests, make no distinction between an associate in a law firm and a partner in a law firm. This Committee's Opinion in considering a conflict-of-interests question in Formal Opinion No. 306 (May 26, 1962) in two places refers to a member of the firm and to an associate as being in the same category. Both are attorneys acting for and engaged in carrying on the practice of the firm and no distinction can be made in this consideration as between a partner and an associate.

It is *not material* that the property owner or claimant is a *client of a member of the firm who is not employed by the City.* We quote from Formal Opinion No. 128 (March 15, 1935):

"In Opinions 33, 49, 50, 72, and 103, we held in substance that a *partnership could not undertake any professional relationships which any one of the partners, because of adverse influence and conflicting interests, could not ethically undertake.*"

This statement you have given to us does not present the element of consent to representation of conflicting interests, but we mention that in a series of Opinions this Committee has held that the consent which may make representation of conflicting interests unobjectionable cannot be utilized by a person standing in an official position. (Formal Opinions 16, 34, 71, 77, and 192.)

We assume from the statement you have given and the questions you have asked, that under your procedure you, as City Attorney, will represent the City in an appeal before the City Zoning Board of Adjustment. Therefore, you could not represent a property owner and neither can one of your partners nor an associate represent a property owner in an appeal before the Zoning Board. The answer to question No. 1 is, "No".

We assume also that it may be your duty as City Solicitor to see that the City is properly protected by the Developer's Agreement with the City. You therefore, could not properly represent the property owner and neither can your associate who is in private practice represent the property owner when you are representing the City. The answer to question No. 2 is, "No".

It must follow from what has been said that the answer to question No. 3 is "No".

For your information and the record, we mention that in the preparation of this Informal Opinion (in addition to the Opinions already mentioned in this letter, which are Formal Opinions), we have considered the following Informal Opinions: No. 518, Conflict of Interests—Borough Attorneys; No. 564—Conflict of Interest; No. 647, Former Deputy City Attorneys—Conflict of Interests; No. 674, Firm Representing Client in Claim Against State Where Associate is Part-time Assistant Attorney-General.

AMERICAN BAR ASSOCIATION, STANDING COMMITTEE ON PROFESSIONAL ETHICS

Re: Informal Decision No. C 700—March 13, 1964: Conflict of Interest in Negligence Case.

You have given us the following facts:

Claimant C sustained serious injuries in a motor vehicle accident involving the negligence of three persons, D–1, D–2, D–3. C retained the services of lawyer L–2. L–2 presented claims against D–1 and D–2, telling C that he did not wish to handle the claim against D–3 and if C wished to pursue it he would have to seek other counsel. L–2 then settled the claims against D–1 and D–2. At that time L–1 was an associate of a law firm who represented D–2. There is no legal relationship between D–3 and the other defendants. The question is whether or not it is proper for L–1 to represent C in his claim against D–3 after having been actively engaged in the defense of D–2.

Canon 7 of the Canons of Professional Ethics provides:

"It is the duty of a lawyer at the time of retainer to disclose to the client all the circumstances of his relations to the parties, and any interest in or connection with the controversy, which might influence the client in the selection of counsel.

"It is unprofessional to represent conflicting interests, except by express consent of all concerned given after a full disclosure of the facts. Within the meaning of this canon, a lawyer represents conflicting interests when, in behalf of one client, it is his duty to contend for that which duty to another client requires him to oppose.

"The obligation to represent the client with undivided fidelity and not to divulge his secrets or confidences forbids also the subsequent acceptance of retainers or employment from others in matters adversely affecting any interest of the client with respect to which confidence has been reposed."

The answer to your question would depend on the circumstances. If during his representation of D–2, L–1 received any confidential communication regarding the accident from D–3, directly or indirectly, he could not accept the case. Should there be any doubt it must be resolved in favor of D–3.

If, as seems to be the case here, no claim was pursued against D–3 and L–1 had no communication of a confiential nature with D–3 there is no reason why he should not accept the case.

You have asked an opinion on a second question, i.e., when an attorney is retained by a town and takes an active part at all meetings of the Town Board and the Board of Appeals, is it proper for another member of his law firm to represent an applicant appearing before one of those boards seeking a variance in the zoning laws.

We call your attention to the second paragraph of Canon 6 above.

In Opinion 16 this Committee held that where the public is concerned it cannot consent. This opinion also held that a member of a firm could not represent a defendant when it was the duty of another member of the firm to prosecute the defendant.

The Committee believes that opinion is

sound. Should a member of a law firm be retained by a town to take an active part in meetings of the Town Board and Board of Appeals, none of his partners should represent an applicant seeking a variance in a zoning matter.

AMERICAN BAR ASSOCIATION, STANDING COMMITTEE ON PROFESSIONAL ETHICS

Re: Informal Opinion No. 855—May 31, 1965: Conflicts of Interest.

Your letters of December 17, 1964 and December 21, 1964 to this Committee present questions of ethics concerned primarily with Canon 6 relating to actual and possible conflicts of interests, and Canon 37 on the duties of a lawyer to preserve the confidence of a client, as well as the obligations of a lawyer in public office.

You present a situation in which many attorneys hold municipal offices in (City) either elective or appointed by the Mayor substantially as follows:

1. City Judge, full time, elected;
2. Acting City Judge, two year term, part time, appointed by Mayor;
3. Corporation Counsel, part time, at will, appointed by Mayor;
4. Counsel for Urban Renewal Board, at will, appointed by Mayor;
5. Counsel for Commissioner of Public Works, at will, appointed by Mayor;
6. Counsel for Director of Civil Defense, at will, appointed by Mayor;
7. Member of City Zoning Board, five years, appointed by Mayor;
8. Attorney's Secretary for Police Commissioner, appointed by Mayor;
9. Attorney for Housing Authority, appointed by authority;
10. Attorney for Police Benevolent Association;
11. Attorney for Board of Education, appointed by elected Board.

As you are perhaps aware, Canon 6 provides in part as follows:

"It is unprofessional to represent conflicting interests, except by express consent of all concerned given after a full disclosure of the facts. Within the meaning of this Canon, a lawyer represents conflicting interests when, in behalf of one client, it is his duty to contend for that which duty to another client requires him to oppose.

"The obligation to represent the client with undivided fidelity and not to divulge his secrets or confidences forbids also the subsequent acceptance of retainers or employment from others in matters adversely affecting any interest of the client with respect to which confidence has been reposed."

Canon 37 provides in part as follows:

"It is the duty of a lawyer to preserve his client's confidences. This duty outlasts the lawyer's employment, and extends as well to his employees; and neither of them should accept employment which involves or may involve the disclosure or use of these confidences, either for private advantage of the lawyer or his employees or to the disadvantage of the client, without his knowledge and consent, and even though there are other available sources of such information. A lawyer should not continue employment when he discovers that this obligation prevents the performance of his full duty to his former or to his new client."

Generally speaking, any persons in public offices, including attorneys, have as their primary duty that of performing the functions of the office in a wholly honest, impartial, and ethical manner.

Under both the foregoing Canons the duties and considerations of possible conflicts are such that what a lawyer cannot do because of these ethical precepts relating to other parties neither his partner, his associate, nor one with whom he shares offices, may do.

If there is no conflict of interest nor violation of confidence, an attorney who happens to be an appointee of a Mayor in one capacity may properly appear before other appointees or appointed bodies of the same Mayor in other related boards, or offices, or courts, and may likewise make claims against the city in fields which are not related to his office in the city.

It is improper for an attorney who is associated with or shares office space with the Acting City Judge to appear before such Judge in any capacity as an attorney for anyone.

On the matter of the practice of the Acting City Judge in his capacity as an attorney we believe it would be improper for him to appear on behalf of clients before the City Judge.

In Formal Opinion 242 it was held that a City Police Judge whose jurisdiction is limited to trials of misdemeanors and examination on felony cases, may not ethically represent criminal defendants in the Circuit Court. Whether or not your Acting City Judge has a relationship to the functions of the City Judge would depend upon the jurisdiction of each. It has been said that a Judge should not practice in a Court over which he occasionally presides, and neither should a partner nor associate practice in the Court over which such Judge occasionally presides. However, it would appear that there is a matter of degree involved, in that it has been held that one who occasionally sits as a special or pro tem Judge when the regular Judge of the Court cannot sit, receives only temporary compensation, and is engaged primarily in the practice of the law, may properly practice in such Court, if he scrupulously refrains from acting in any matters where there might be even the slightest conflict of interest.

It would not be unethical per se for the Board of Education member lawyer to practice before either the elected City Judge, the appointed part time Acting City Judge, or any other municipal boards.

It would be improper and unethical for an attorney sharing space or associated with the Attorney for the Board of Education, to represent claimants against the Board of Education, regardless of whether or not the Board was insured on its liability on such claims. However, it would not be improper per se for another attorney holding an appointive office of some character under the Mayor, or his associates, to handle claims aaginst other boards or departments of the city, merely because those other boards were also appointed by the Mayor.

Not knowing the duties or powers of your Police Benevolent Association and its attorney, nor those of the attorney who is Secretary to the Police Commissioner, it is difficult to say whether there would be any ethical improprieties in their being associated with each other in the practice of law or sharing office space. These relationships again should be considered under the spirit and the letter of the Canons of Ethics, having regard to the nature of the positions, the duties, and powers.

AUTHORITY TO SIGN BILLS AND RECEIVE MESSAGES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the adjournment of the Senate until noon tomorrow, the Secretary of the Senate be authorized to receive messages from the President of the United States and from the House of Representatives, and that the President pro tempore or the Acting President pro tempore be authorized to sign enrolled bills.

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

ORDER FOR ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon tomorrow.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Tennessee [Mr. BAKER] be recognized for 20 minutes.

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

CONGRESSIONAL REAPPORTIONMENT

Mr. BAKER. Mr. President, on Thursday the House of Representatives accepted by a vote of 241 to 105 the report of a Senate-House conference which, in my judgment, attempts to delay fair redistricting of congressional seats for 5 years.

The vote, nevertheless, was encouraging to those of us who are hopeful that the Senate will adhere to its previous position on this legislation and soundly reject the report when it comes up for our consideration this week.

I am encouraged because the House debate shows increased awareness in the Congress of the disturbing effects of such legislation. It also demonstrates the development within the past few months of truly bipartisan opposition to it.

When the same basic issue was raised earlier this session in the House, on April 27, that body approved antidistricting legislation by an overwhelming vote of 289 to 63.

By last Thursday, the proponents of one-man, one-vote had attracted a net increase of 42 Members. That the opposition to this mischievous legislation was equally based in both parties was shown by the fact that, of the negative votes, 53 came from the Republican side, and 52 from the Democratic side.

The debate on the floor of the House confirmed the serious questions many of us have asked about the constitutionality of this legislation. It further confirmed that this proposal, which has never been subjected to the scrutiny of public hearings, simply cannot stand the light of day.

When properly examined, its provision that no State be required to redistrict until a time-consuming, expensive, and unnecessary special Federal census is available is nothing more than an attempt to set back in 18 States efforts to achieve fair districting that permits each

man's vote to count as much as the next man's.

On June 8, the Senate passed by a convincing margin, 55 to 28, legislation that would set definite legislative standards implementing and fully consistent with the Federal Constitution's one-man, one-vote requirement. That legislation would have banned gerrymandering and would have permitted only a 10-percent variance between the largest and the smallest congressional districts in a State.

Neither of these latter provisions are in this new conference report. Because the report ignores the clear mandate of the full Senate, I think it is imperative, and I further think the prospects are reasonably good, that a majority of the members of the Republican Party, as well as a majority of the members of the Democratic Party, join to reject the report.

The House debate indicates that the proponents of the report had a difficult time establishing both its propriety and its constitutionality. One advocate of the report admitted that there "is the depressing atmosphere of a funeral service about this debate today." I fully agree and my only regret is that the majority of the House did not see fit to complete the funeral ceremony and reject and bury this proposed legislation which is not worthy of either body of the Congress.

The debate reflected considerable confusion about whether the special census provision is constitutional. The distinguished chairman of the House Judiciary Committee, the leading proponent of the measure, seemed to admit that the special census provision was unconstitutional and therefore could only be regarded as an "admonition" to the courts, although the chairman further stated that he was "quite sure" the courts would accept the admonition, presumably thereby overruling themselves.

I do not propose at this time to detail again why I think the legislation proposed by the report is unconstitutional.

The RECORD of October 19, 1967, at page 29507, contains an elaboration of the remarks made at that time. A very excellent exposition of the constitutional questions presented by Mr. CONYERS during the House debate on Thursday, October 26, 1967, appears at page 30246.

However, I would like to reiterate two points. First, it will not be necessary for those Senators who wish to abolish at-large elections for Congressmen to vote for the Senate-House report. The report does contain such a prohibition, but that is an inseparable part of the entire package, another part of which—the census provision—is clearly unconstitutional. Thus, when the census provision is declared unconstitutional, the at-large elections prohibition will be, too. If the legislation were to be ruled unconstitutional sometime next spring, some courts might find it necessary at that late date to require Congressmen in several States to run at large. Therefore, it is fair to say that a vote for the conference report heightens the possibility of at-large elections. From this point of view, it would be better if there were no bill at all.

The best circumstances, of course, would be to pass separate legislation, unclouded by doubts of constitutionality, that immediately and finally bans at-large elections in all States. I have stated before, and I want to reiterate, that I intend to attach to some pending business in the Senate an amendment that will accomplish this purpose. I feel that both bodies of Congress will accept it. This is the most effective way to deal with the at-large election issue.

Finally, I would like to comment briefly on the delay and expense that will be caused if the special census provision is enacted. There are 18 States which are under a court order to redistrict, or which are involved in pending court challenges to their district lines; or which have district lines which do not conform to the Supreme Court requirements. The Census Bureau has said that if as many as 10 of these States requests a special census, it will take the Bureau about 8 months to complete the work in the smaller States and about 15 or 16 months to complete the work in the larger States.

This would delay redistricting well into 1969 and 1970 for most of these 18 States which are now electing their total of 259 Congressmen on the basis of lines which are constitutionally vulnerable.

And the expense of this elaborate and unnecessary procedure should not be minimized. If a State elects to voluntarily redistrict and avoid the expense of a special census—as the report would permit—that might require the expense of a special session of the legislature. If all of the States elect or are required to conduct a special census, the total cost would be about $35 million. And I might remind my colleagues that most of our financially hard-pressed States will not be enthusiastic about appropriating up to $6 million—which would be the approximate cost in the largest States—New York and California—for such a census.

The onerous expense is more difficult to justify when one considers that the proponents of the conference report are saying that 1960 census data is good in some instances, and not good in some others. For example, under the conference proposal, if a State voluntarily elects to redistrict, it may use 1960 data. If a State is required to redistrict, 1960 census data may not be used. And the latest inconsistency appeared in the House debate on Thursday, when the chairman of the Judiciary Committee suggested that if a court decree decides to draw the district lines, it may elect to use 1960 census data.

If the justification for the special census provision is that the 1960 census data is outdated, then the proponents of the conference report ought to explain to the Senate why they have decided the data is good in some instances but not good in some others.

Mr. President, I ask unanimous consent to have printed in the RECORD for the benefit of my colleagues the estimated cost of the special Federal census in those 18 States where there should be redistricting. The estimated cost is computed by multiplying the 1960 population of the State by 33 cents, which is the approximate method of computing this cost suggested to me by the Census Bureau.

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

States with unconstitutional district lines—Estimated State cost of special Federal census

(Computed on basis of 33 cents × 1960 population)

California	$5,186,677.32
Indiana	1,538,624.34
New Jersey	2,002,038.06
Texas	3,161,293.41
Missouri	1,425,538.29
Ohio	3,203,111.01
New York	5,538,160.32
Florida	1,634,014.80
Colorado	578,022.51
Connecticut	836,627.22
Georgia	1,301,228.28
Iowa	909,987.21
Louisiana	1,074,817.26
Minnesota	1,126,575.12
Nebraska	465,738.90
Pennsylvania	3,735,390.78
Washington	941,560.62
West Virginia	613,938.93
Total	35,273,344.38

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

"AMERICA CAN BE BEAUTIFUL"—ADDRESS BY MILTON J. SHAPP

Mr. CLARK. Mr. President, one of our outstanding Pennsylvania Democrats is Milton J. Shapp, our candidate for Governor of the Commonwealth in 1966.

Mr. Shapp, despite his defeat—from my way of thinking, his unfortunate defeat—by the present incumbent of the Governor's chair in Harrisburg, is continuing his active interest in public affairs and in the economy and environment of Pennsylvania.

On October 18, at LaSalle College in Philadelphia, Pa., Mr. Shapp made a most interesting address entitled "America Can Be Beautiful—It's All a Matter of Priorities."

Mr. President, I find myself in substantial agreement with the points made by Mr. Shapp in this stimulating address.

Mr. President, I ask unanimous consent to have printed in the RECORD the address by Milton J. Shapp.

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

AMERICA CAN BE BEAUTIFUL—IT'S ALL A MATTER OF PRIORITIES

(Address by Milton J. Shapp, October 18, 1967, LaSalle College, Philadelphia, Pa.)

You have asked me to speak here today on the problems of our City in relation to taxes and constitutional revision. This I shall do, but it is important first to put these issues in proper perspective. Neither the City of Philadelphia nor the Commonwealth of Pennsylvania exist in a vacuum. Both are entities within the U.S.A., and their welfare is influenced more by national policies and priorities than by actions taken by local leaders.

To present the overall picture, it is necessary first to portray the national scene and then superimpose the state and local issues on this larger canvas.

We are reaching the end of our era in the development of our American social structure. Unfortunately, too many political leaders with their eyes glued to the Far East fail to understand the nature of the internal revolution gripping this nation; too large a majority of our affluent citizens wish the problems would simply go away and not interfere with golf dates, business as usual, or even with their consciences.

The riots in our cities last summer reflect the surfacing of the massive change that is taking place in America. We have yet to feel the major thrust of the revolution. The advent of cooler weather is of no benefit unless we use the time gained to institute programs that will bring measurable change. Anything less will increase the likelihood that there will be more intensive explosions next year—a "longer, hotter summer" and even longer, hotter ones that will follow.

We have reached the moment of truth. Either we believe in our constitution that claims all citizens shall have equal rights or we do not. If we believe this strongly, then in our own cities, as in Saigon, we will resolve that no problems are too expensive or difficult to overcome.

We must find the way to eliminate ghetto slum life in our cities. Failure will result in cataclysm.

Against this backdrop of realism, let us consider our course of action. Importantly, we must recognize that the myriad of present government and private programs dealing with poverty, housing, education, health, welfare, etc., merely add fuel to the fires of discontent because they are accompanied by press releases that whet the appetites of the poor for a better life way out of proportion to any benefits that can be obtained even if present programs were fully and properly implemented.

However, because of lack of imagination at the planning levels; lack of desire on the part of many officials at the operating levels; and lack of adequate funds at the "people" levels, these programs have created frustration and bitterness in the minds of those who have been promised too much and received too little too slowly.

Basic changes in attitudes and methods are required if we are to be successful in averting chaos.

The first change in attitude requires recognition that high government priorities must be set to achieve *this* goal. Such attitudes do not exist at this time in Washington. In fact, the opposite views are held.

National priorities are being set today by a handful of generals and political leaders who feel it is of greater urgency to conduct the war in Asia than to build for peace in America. I am not a member of the group that cries for peace at any price in Viet Nam; but I disagree strongly with those who want victory at any cost. I believe emphatically that first things must come first. I have grave doubts about what we will really win even if or when we win the war in Viet Nam, but I know precisely what we will lose if we fail to win the battle here in our cities. We will lose our American way of life, and with it the civil freedoms that have made this nation great.

I am greatly disturbed by Washington's present schedule of priorities that stresses greater action 10,000 miles from our shores than without our cities.

This year, the Viet Nam price tag to force Ho Chi Minh to the peace table along with other Defense Department expenditures will total in excess of $75 billion. Other major items in our national budget include $14 billion for interest charges (chiefly resulting from the costs of this and previous wars), an additional $5 billion for veterans' benefits; $9 billion for federal salaries; $3.2 billion for space and $1 billion for the "postal deficit resulting from third-class mail subsidies."

The total costs of aid to education, national health programs, school lunches, housing, urban redevelopment, food stamps, aid-to-families with dependent children, anti-poverty programs and food for the hungry of the underdeveloped nations is about $13 billion. Yet, it is here that Congress would cut $5 billion.

I consider it sheer folly for our government to spend $5 billion on the first stages of a thin anti-missile system to protect our cities from a mythical attack from Red China while Congress demands a $5 billion cut in the programs that would improve life within our cities.

Most of you were either unborn or mere infants when World War II began. But history tells how France was afflicted with a Maginot Line and a Maginot Line philosophy based upon static defense. Today, our turn seems to have arrived. Apparently, we have failed to learn that for every static defense there is specially designed mobile offense. Neither moats, nor Chinese walls, nor minefields, nor electronic fences have prevailed. And, as the Israeli Air Force recently proved, even a radar screen is penetrable.

Further, the building of this Maginot "Air Line," combined with our complete dedication to affairs in the Far East, is putting a great strain on the dollar and contributing to a recession in Britain, which itself is going to extremes to save the pound. It will help little for us to win a doubtful military victory if in the process our closest ally is forced into third-class nationhood. The Communist world wants nothing more than to see America bled dry on foreign battlefields, weakened through internal upheaval and its friends cast adrift.

To put $5 billion into the start of an anti-missile system to protect us from Mao while admitting that it is impossible to build a similar system to protect us against Soviet missiles indicates the low level of intellectual thought and the high level of emotion upon which major decisions are being reached today in our Nation's capitol.

When Congress voted recently not only to prevent feeding poison to rats, but also to reduce funds for feeding nutritious food to hungry children; when on the same day last month a House Agriculture Committee defeated a $75 million appropriation to combat starvation in the United States, and the Senate approved an appropriation of $142.5 million to subsidize the construction of a new huge supersonic plane, it again revealed the sickness of our era.

That supersonic plane, when built, will probably be unuseable anywhere near our cities because the supersonic boom will deafen its inhabitants and damage buildings. Additional billions will be required for construction of these planes before the first one flies. When built, the plane will reduce air travel time between New York and Los Angeles by an estimated two hours. Since local traffic congestion will probably have increased by that time, it will probably take two additional hours to reach Manhattan and Hollywood from the distant airports required to land the new giant aircraft.

Meanwhile, because the stress upon military, aircraft and space ventures takes increasing priority in our national scheme, our city dwellers breathe air that becomes increasingly polluted; live in houses that become more unfit; attend schools that fall farther and farther behind meeting the educational needs of our youth; walk in greater fear along streets that breed violence.

Taxes rise to meet increased costs for police protection; for caring for the mentally and physically ill, for welfare and unemployment compensation; and yes, for building new prisons and detention homes.

It is to be hoped that some day soon our national leaders will recognize that building a Great Society here in America cannot be accomplished unless the major resources of this nation are massed for this project. Only then can our states and cities receive the monetary support and national direction needed to overcome the decades of neglect that has brought the nation to its present internal plight.

Now let me turn to the state and local actions required to relieve pressures in our cities.

In December, delegates will gather in Harrisburg to rewrite Pennsylvania's ancient Constitution. Testimony recently presented to a Senate Committee in Harrisburg indicates there is greater danger that the efforts of the convention will result in our present 1873 Constitution being rewritten to conform more to the needs of 1838 than to those of 1968 and 1978.

Spokesmen for too many potent state organizations (particularly those representing the Pennsylvania Bar Association) have urged that we retreat into the past instead of striking out for higher ground.

If Pennsylvania is to make progress it is imperative that our constitution eliminate the present million dollar constitutional debt limit. It must remove restrictions on the state's ability to loan money to lower government units, and remove limitations on the amount of money that cities, townships and other local governments may borrow to meet needs. Option should be granted to voters to eliminate inefficient and overlapping governmental structures.

In the metropolitan area of Philadelphia there are over 800 separate governmental agencies, each with its own elected officials. Under these circumstances, there is no efficient plannnig for common water, sewerage and transportation systems; for proper local use and effective control of air and water pollution. Costs for police and fire protection are higher than need be. Fragmented school districts perpetuate expensive, inflexible educational programs. Suburbia sprawls over the countryside.

The township form of government, originally conceived by our great, great, great grandfathers as a way to conduct the affairs of rural, scarcely populated areas, operates in the now densely populated sections of the metropolitan area with all the verve of 18th century efficiency. Tax collectors and justices of the peace still ply their trades and are compensated by a percentage of their take.

The central city of Philadelphia suffers greatly from the obsolescence of the methods of government operation in its suburbs. The city is the area's center of culture with its museums, libraries, theatres and academies. The City maintains the airport, Zoo, port and other facilities used by all in the region. Suburban dwellers by the hundreds of thousands work in Philadelphia but live and pay real estate taxes in the suburbs.

Suburban dwellers want no part of the city's problems. They prefer to drive to work along the expressways and park drives and to bypass the slum areas. It is their cars that jam the downtown streets within the city and create the parking crisis.

Suburbanites don't want to see the ghettos into which the slum dwellers are crowded, nor share the school and hospital problems with these people.

They live only a few miles away, but are worlds apart.

Because of Pennsylvania's Sterling Act that prevents a municipality from taxing anything taxed by the Commonwealth, Philadelphia depends primarily upon real estate and wage taxes to support its needs. The suburban dwellers resist paying a share of the wage tax to the city to support the city services they receive and the institutions they use. Attempts are now being made in

the State Legislature to prevent the city from collecting these revenues.

The retreat of the affluent to suburbia has weakened the city's major tax base—real estate—while leaving the city with the hard-core problems of poverty and discrimination; under-education, bad housing and urban blight.

These are the problems. What are the solutions?

First and foremost is the establishment of national priorities that recognize we can neither sustain economic growth in this nation now achieve internal peace unless we make our cities livable from every standpoint. Neither our states nor cities have sufficient money or expertise to solve these complex problems by themselves. Only the federal government, by turning its attention away from Saigon and Hanoi and directing constructive programs in Philadelphia, Los Angeles, Detroit, Newark, Cleveland and all of our major centers, can set the stage for rebuilding our cities and with it the fabric of richer American life.

The state and cities must pick up the challenge from here.

Our State Legislature, dominated as it has been for two centuries by rural districts, must be altered to represent the interests of urbanites who today represent over three-fourths of the population.

Our State Constitution must be streamlined to permit greater efficiency and flexibility in government and to introduce modern investment principles into its financial operation. Our Legislature should be empowered to authorize revenue bonds in any amounts where it can be shown that the use of these funds will increase the economic growth rate of the Commonwealth at a pace sufficient to meet interest and debt repayment schedules out of tax revenues without increasing tax rates.

For example, in the field of housing, it is not difficult to estimate accurately the rent returns that can be generated directly by the utilization of funds used to build low and medium cost projects desperately needed today by the slum dwellers. We are already obeying this principle in the state by applying the collection of gasoline taxes to support highway construction.

In the field of education, it is obvious to anyone who has studied the problem that we cannot possibly expand our schools to meet the needs of our children—and adults too—by financing the needed programs on an on-going basis—out of tax collections. This is particularly true in Philadelphia where the major revenue to support education is derived from real estate taxation.

There is absolutely no relationship whatsoever between the assessed value of a house or factory and the value of our children's education. This is creating a situation where many of those being taxed, not being direct beneficiaries of the programs for which this money is being used, are in political revolt against any increase in their taxes.

In 1776 our great revolution flared over the issue of "taxation without representation." Under today's circumstances of taxation without relationship, it is political suicide for an elected official to urge a real estate tax increase to meet the expanded costs of education.

As one example of the gravity of the problem, analyze the recent record regarding the needs of Philadelphia schools. Last winter a special Blue Ribbon Committee estimated that to provide quality education, our schools should require a minimum of $350 million annual budget. When the new superintendent, Dr. Mark R. Shedd assumed his post this past spring, he declared Philadelphia schools needed $400 million a year to fulfill its proper mission. He declared that a minimum of $20 to $30 million increase was necessary each year for the next decade to overcome past neglect. Yet, when this year's budget was finally submitted, it called for only $212 million, which required only $8.5 million in new taxes. Despite this tremendous cut in requirements, and the relatively low amount of new taxes required, so far authorization for even this new tax money has not been forthcoming from the political leaders in Harrisburg.

Yet, what are we to do—throw up our hands and permit the deterioration of our schools and with it the scuttling of our educational system? Are we to fail our youth by not providing them with the quality education required to obtain and hold good paying jobs in our modern technological society?

Are we to permit the present educational imbalance between white and colored youth that virtually locks the Negroes into low paying jobs and second class citizenship and generates the seeds of the slum revolution that is engulfing our cities?

The answer to all these questions must be a resounding no. The solution to our fiscal problems here in Pennsylvania is twofold.

First we need to plug all the many existing loopholes in our tax laws that permit large corporations to escape paying their fair share of taxes both to the state and local communities. Hundreds upon hundreds of millions of dollars are skimmed away from the public each year through these gaping loopholes.

Second, we need a simple constitutional change that will allow all capital expenditures—including those for education—to be separated from operating budgets at both state and local levels.

First let's take a look at some of the unholy tax loopholes that allow wealthy corporations to escape paying their fair share of taxes and thereby impose a heavy hardship upon those who cannot afford to support lobbyists to look out for their special interests in Harrisburg.

Foremost is the utility company real estate exemption. Pennsylvania, alone among the fifty states, allows the privately owned public utilities—the electric, telephone, water, gas and railroad companies—to avoid payment of any real estate taxes on operating properties. No house owner, ordinary business firm or farmer rides such a magnificent gravy train. It is estimated that between $135 and $200 million per year are not paid into Pennsylvania's municipal and school taxing districts because of this loophole, which has existed since 1828. It is impossible to calculate the many billions of dollars that haven't been available to finance government projects in the Commonwealth because of this tax loophole.

Then there are the sales tax benefactors—that group of companies which are granted the privilege of not paying 5 percent extra for products they buy. Included in this group again are the utility companies, large manufacturers and (soon-to-be) processors of materials. A farmer pays 5 percent into the coffers of the state if he buys a tractor to pull a plow in his fields. A utility company pays no sales tax if it buys a similar tractor to pull a plow for digging a cable trench.

A student here at LaSalle pays 5 percent at the time he buys a typewriter, but a large manufacturer pays no sales tax on a typewriter he buys unless he determines—after the purchase—that the typewriter is not used for manufacturing purposes, and reports this transaction and his decision to the Commonwealth at a later date.

Now, under a new bill approved by the Senate the same day it passed the new five cent tax increase on cigarettes, any company engaged in processing (and whatever that will ultimately include is unknown) will be exempt from paying the sales tax on purchases of equipment.

Another gaping tax loophole gives a special privilege to Sun Ship Yard in Chester. They are not required to pay a sales tax on any material they purchase. In this respect they're not like you and me, but after all, it isn't every company that can afford to keep a private lobbyist on its payroll in Harrisburg to look out for its interests.

Then there's the manufacturer's exemption tax that prevents local real estate assessors from levying taxes on machinery. This allows untold millions of dollars worth of valuable property to go unscathed, and deprives many communities and school districts from collecting a fair share of taxes from the big companies who often are or should be the main sources of revenue to support local needs.

A steel company for example simply by calling the roof of its plant a lid to support a moving crane used in the manufacturing of its product, and by using similar tax avoidance methods, greatly reduces its tax assessments. If the new bill which exempts processors from paying the state sales tax passes the House and is signed into law by the Governor and the definition of processor contained in this bill is then used at the local level to permit real estate taxes from being imposed upon processing equipment, many millions of dollars of exemptions will result, depriving communities and school districts of desperately needed revenues.

Pennsylvania must plug up these unfair and unjustified exemptions. It's not fair to those who pay their fair share of taxes; it deprives the state and communities of too many needed dollars.

Now let me turn to the second requirement to help finance our local and state obligations—a constitutional change to permit the sale of revenue bonds to finance expenditures for all levels of education.

We should treat all educational expenditures as an investment—an investment in the income-producing potential of our most important asset—people.

We should sell bonds to the investing public to finance this investment. These bonds will be repaid many times over without increasing existing tax rates by the increased tax collections resulting from economic growth generated in our communities and within the Commonwealth by a better educated, better trained work force that will earn more money for themselves and attract many new industries to the state.

Last year when I suggested such a bond program during the gubernatorial campaign, my opponent called me fiscally irresponsible. Since then, the State of Illinois has passed legislation similar to that which I have suggested and the City of Chicago has sold $76 million worth of bonds to substantial investment houses to meet the ongoing costs of education. In the meantime, the present governor who called me fiscally irresponsible when I made the proposals has done nothing to help solve the financial plight of our schools, or to meet his campaign pledge that the state would pick up at least 50 percent of Philadelphia's school cost burden.

It's going to take "ground breaking" action to resolve the problems that beset our nation. It's time we start to break ground here in Pennsylvania during the forthcoming Constitutional Convention and lay the foundation for an era of growth.

In summary, if we are to resolve the grave problems of our urban centers, and these are the severest tests facing our nation today, we must focus attention on Detroit, Newark, Cleveland, Philadelphia, Los Angeles, Milwaukee and our major cities and devote less of our national monetary physical and manpower resources attempting to solve the age old problems of Asia. Viet Nam has become a curse—not a course of action. It is imperative to back up our boys in the service by making sure they have decent homes in peaceful surroundings, good educational facilities and important job opportunities to come home to.

If we were to take but a minor fraction of what the Viet Nam war is costing and put

these funds into major programs to eliminate slums, build and staff schools and health centers, feed our children, care for our senior citizens, create modern transportation facilities, purify our streams and the air we breathe, and to encourage the development of cultural forms—art, music, literature, drama, dance—then we would eliminate the causes of friction in our cities and make the American dream a reality.

We have the capital, productive capacity, resources and above all, the skilled people to accomplish this goal. All it takes is the willingness to be bold and the will to do so, and the job can be done.

America can be beautiful. It's all a matter of priorities.

VIETNAM

Mr. CLARK. Mr. President, despite the efforts of many well-meaning people to "cool it off" the debate on Vietnam continues without relaxation. My views are well known and I shall not undertake to reiterate them at this time.

However, an extremely able individual, and a good friend of mine, Arthur Schlesinger, Jr., one of our leading American historians, has recently sent me a statement he made entitled "Vietnam and the 1968 Elections" under date of October 8. To my way of thinking, this is one of the most thoughtful and soundly argued arguments in support of a substantial change in our present policy.

I ask unanimous consent that the statement of Mr. Schlesinger be printed in the RECORD at this point in my remarks.

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

VIETNAM AND THE 1968 ELECTIONS

(By Arthur Schlesinger, Jr., at the National Assembly for Negotiation Now, Washington, D.C., October 8, 1967)

Thirty-two months ago, in February 1965, the American government embarked on a new course in Vietnam—a course marked, first by the bombing of North Vietnam, and second, by the commitment of American combat units to the war in South Vietnam. These two and two-thirds years have seen a steady increase in both efforts—an increase which, in the melancholy jargon of our age, designed to hold horror at one remove and make it schematic and technical, has won the name "escalation."

Our planes, originally bombing North Vietnam under careful rules and limitations, now roam across the country, dropping more explosives than we used to drop on Nazi Germany, striking the major cities, striking within a few miles of the Chinese border, on occasion invading Chinese air space itself. Our ground troops, originally sent to stiffen and supplement South Vietnamese resistance, have now taken over almost all the fighting. We have over half a million soldiers in Vietnam today—more than we had in Korea at the height of the Korean War; more than we have had in the field in any war in our history, except for the Civil War and the two World Wars.

Since February 1965 the administration has operated on the assumption that the steady intensification of military pressure would end the war and force Hanoi to the negotiation table—that widening the war would prove the best way to shorten it. For most of this period, the escalation policy has commanded the backing of a sizable majority of the American people. But recent weeks and months have shown a visible and widespread increase in doubt and disquietude over this policy. The Harris poll of October 2 reported a sharp decline since July in support of the war, a sharp increase in the opposition to the bombing of North Vietnam, a sharp increase in the number of Americans who want to get out of South Vietnam as quickly as possible, a decline in the number who favor the pursuit of total military victory. Less than a third now express confidence in President Johnson's handling of the war.

The Democratic Party has long been divided on the Vietnam policy. It is increasingly evident today that the divisions are equally deep in the Republican Party. More and more newspapers criticize the bombing of the North. Here in Washington, the *Star*, long a supporter of the war, has proposed a halt to the bombing. There are even signs the *Post* is entertaining second thoughts after its long and able defense of escalation. Such meager support as escalation has ever had abroad is ebbing away. In the United Nations our European allies urge an end to the bombing. On October 1, the *London Sunday Times*, an unimpeachably conservative paper, declared in a lead editorial:

"The time has come for the Americans unconditionally, and for an indefinite period, to stop bombing North Vietnam . . . The argument for stopping the bombing has become so strong that to withstand it any longer is going to make it far harder for the friends and allies of the U.S. to understand and support her case."

The reasons for both the initial support and the spreading disenchantment are not too mysterious. Vietnam has always been a highly complicated problem. The proper line of policy was not clear and self-evident. No one could be sure in February 1965 what would be the best course for the United States to follow. Given the murkiness of the situation, the administration, after earnest and conscientious consideration, made a choice and settled upon a certain hypothesis. This hypothesis was based on a number of premises which, when the escalation policy began, may have had—for many thoughtful people, did have—a strong *prima facie* plausibility. What has happened in the last 32 months has been the testing of these premises—the testing under fire.

How do the assumptions behind the escalation policy stand up after this period of trial? Let us cast a balance on the seven basic propositions on which this policy has been based:

1. *That escalation would break the will of North Vietnam and bring Hanoi to the conference table.* "The objective of our air campaign," said General Taylor two years ago, "is to change the will of the enemy leadership." After 32 months what has been the result? Newspapermen and others who have visited Hanoi are almost unanimous in testifying that the effect of the bombing has been, not to break, but to harden the will of North Vietnam. The Secretary of Defense recently said: "There is no basis to believe that any bombing campaign, short of one which had population as its target, would by itself force Ho Chi Minh's regime into submission." To those who say that we just haven't bombed the North Vietnamese enough, Mr. McNamara replies:

"As to breaking their will, I have seen no evidence in any of the many intelligence reports that would lead me to believe that a less selective bombing campaign would change the resolve of N.V.N.'s leaders or deprive them of the support of the North Vietnamese people."

Moreover, far from bringing the Hanoi regime to the negotiating chamber, our bombing of the North is at present the insuperable obstacle to having any negotiation at all. The Hanoi regime has made it abundantly clear that, so long as the bombing continues, it will not come near the conference table. In short, experience has plainly disproved the first premises of the escalation policy.

2. *That escalation would reduce the infiltration of supplies and men from North to South Vietnam.* Again this proposition had a certain initial plausibility. But does it stand up after 32 months of testing? Though our bombing has certainly increased the cost of infiltration, it has at the same time increased the quantity of men and the quality of arms infiltrated. The reason for this is that our escalation has invariably stimulated counter-escalation on the part of our enemy.

The administration has always assumed that, while we escalate, the other side would sit still; and that we would therefore improve our relative position. This has been the reasoning behind every step of escalation. It has always proved wrong. The other side, instead of obliging us and sitting still, has escalated too. Far from achieving a clear margin of superiority, all we have done is to make the stalemate more bloody and explosive.

Thus, in March 1965, after the bombing had started, the Hanoi regime, according to our own Department of Defense, had only 400 regular troops in South Vietnam. Today it has 50,000. In March 1965 our adversaries in South Vietnam were fighting with small arms and mortars. In the months since, with each new escalation on our part, that weaponry has grown more sophisticated and effective. As for stopping infiltration, Secretary McNamara has pointed out that "the quantity of externally supplied material other than food required to support the VC–NVN forces in South Vietnam at about their current level of combat activity is very, very small—significantly under 100 tons a day—a quantity that could be transported by only a few trucks." Nor does he see any reason to suppose that even wider bombing could miraculously achieve what the present very wide bombing has failed to achieve. "No improvements and refinements," Mr. McNamara has told us, "can be expected to accomplish much more than to continue to put a high price tag on NVN's continued aggression." So, too, the second proposition falls by the wayside.

3. *That escalation would lessen American casualties in the war.* This is the argument for the ever wider bombing of North Vietnam which has had the greatest influence with the American people. On occasion, this argument has even taken the contemptible form of suggesting that those who oppose the widening of the war are responsible for the deaths of young Americans. If this is the level on which our leaders desire to conduct the debate, they should consult their own statistics.

These statistics show that more than half the Americans killed in the whole length of the Vietnam war, from 1961 to the present, were killed since the beginning of this year—killed, in short, during the period of the most intense escalation. The statistics also show that the number of American deaths declined during the bombing pause last February. The statistics, in short, strongly suggest that the way to increase casualties is to escalate the war—and that the way to reduce casualties is to slow down the war. And, of course, the way to end casualties is to end the war. So, after 32 months and 13,000 deaths, one more premise of the escalation policy has been condemned by events.

4. *That escalation would strengthen the government and will of South Vietnam.* This was one of the three reasons cited by President Johnson in April 1965 when he explained the decision to start bombing North Vietnam; and there is reason to believe that it may in fact have been the major reason. How does this argument look 32 months later?

On the political side, it is true that South Vietnam has had an election and now boasts a "constitutional" government. It is only co-

incidental, no doubt, that the new government consists of essentially the same faces as the military junta which preceded it. But the presidential election took place after the disqualification of the two most formidable opposition candidates, Au Truong Thanh and General Big Minh, both of whom were advocates of a negotiated solution—an action which meant that the election was rigged long before the voting took place. As for the voting itself, though given the seal of approval by President Johnson's team of Innocents Abroad, it was regarded with less enthusiasm by the Special Election Committee of South Vietnam's Constituent Assembly, which voted 16–2 to invalidate the results. In the end, the Assembly itself was induced to confirm the results only by a vote of 58–43.

Moreover, the winner, General Thieu, and the escalation policy received only 34.8 per cent of the vote; while the next three candidates, all of whom were for peace, received together 38 per cent. As for "constitutional" government, the Saigon police since the election have detained Truong Dinh Dzu, who ran second in the election, as well as Au Truong Thanh; and, though the constitution expressly forbids press censorship, the Saigon government has suspended four Vietnamese-language dailies in the last month. All this hardly suggests that the escalation policy has strengthened the commitment of the people of South Vietnam to their government or to the war.

The sharper test, of course, is the Army of South Vietnam. There are nearly 700,000 troops—certainly an impressive number for a small country. But the soldiers are miserably paid and miserably led. They have no faith in their officers; indeed, of the officers of the rank of lieutenant colonel or higher, only two fought against the French in the war for Vietnamese independence. They have no faith in their government or their cause. Naturally many of them go over the hill whenever they can.

They don't fight at night. They don't fight on weekends. "Most of the troops," Peter Arnett of AP recently reported from Vietnam, "insisted on a 5½ day week, taking Saturdays and Sundays off, while their allies and the Viet Cong go on fighting." According to the *National Observer* of September 25, "Collecting tales about the incredible inefficiency, slovenliness and laziness of South Vietnam's Army is perhaps the easiest work in all of the country. The Army is the No. 1 scandal of the war, and it is the No. 1 failure of the American military command."

Our escalation of the war, far from strengthening the government and will of South Vietnam, has had precisely the opposite effect. The more we do, the less they do; and, in consequence, the less they do, the more we do. In some months more Americans are killed than South Vietnamese are drafted. We have taken over the fighting. We are taking over the management of the economy. We are beginning to take over pacification. And, in the meantime, the weight of our presence crushes the frail fabric of Vietnamese society; our money degrades and debauches the people we are trying to save. We leave in our trail, not rising purpose and commitment, but deepening corruption and contempt. So, after 32 months, still another proposition turns out wrong.

5. *That we are holding the line against general communist aggression.* This, of course, has been the fundamental defense of the escalation policy. If this were simply a local war in Vietnam, no one would dream of sending half a million American soldiers there. But from the start the administration has conceived this conflict in loftier terms. Expounding the escalation policy in April 1965, the President said:

"There are great stakes in the balance. Let no one think for a moment that retreat from Vietnam would bring an end to the conflict. The battle would be renewed in one country and then another. The central lesson of our time is that the appetite of aggression is never satisfied. To withdraw from one battlefield means only to prepare for the next."

He repeated this theme the other day in San Antonio, calling Southeast Asia "the arena where communist expansionism is most aggressively at work in the world today" and concluding, "I would rather stand in Vietnam, in our time, and by meeting this danger now, and facing up to it, thereby reduce the danger for our children and for our grandchildren."

The President's words deserve the most careful attention. What does he mean when he talks about "communist expansionism"? Though on occasion he likes to compare Ho Chi Minh to Jack Dempsey, he cannot seriously believe that Ho and his ragged bands present America and the world with a threat comparable to that presented by Hitler in the thirties or by Stalin in the forties. If his statement makes any sense at all, it can only be on the assumption that communism is still some sort of coordinated, unified, centrally controlled world movement, that nothing important has happened to communism since the days of Stalin, that polycentrism is a delusion and national communism a fraud and that Hanoi and the Viet Cong are the spearhead of a Chinese program of aggression in East Asia.

The proposition that Hanoi and the Viet Cong are the obedient instrumentalities of Chinese expansionism is absolutely crucial to the President's San Antonio argument. Otherwise the speech makes no sense at all. Yet the administration has at no point produced convincing evidence to sustain this proposition. Nor is there any reason to suppose that North Vietnam has been, is or will be a puppet of Peking's. If communist North Korea, which would not even exist had it not been for Chinese intervention in the Korean War, now declares its independence of Peking, why should anyone suppose that North Vietnam, whose whole history has been shaped by resistance to China, would become a compliant adjunct to the Red Guard? As good a probability—and for a long time in the past a much better probability—is that North Vietnam, with its vast Russian support, would resist Mao's pressure and Chinese expansionism—and do so a good deal more effectively than the parade of gimcrack regimes we have sponsored in Saigon. The long-run bulwark against China in Asia will be, not white intervention from across the seas, but local nationalism, even if that nationalism sometimes assumes a communist form.

In Cambodia, for example, that inveterate and wily neutralist Prince Sihanouk has begun a purge of Chinese influence in his government and his society. The State Department no doubt thinks this is the consequence of our presence in Vietnam. But Sihanouk doesn't. In the midst of his campaign against the Chinese, he continues to urge us to pull out of Vietnam: "If the American government . . . one day took such a decision, the whole world, including Cambodia, would cheer America. For once America would be popular."

Our escalation policy in the last 32 months, far from discouraging North Vietnam from serving as an instrument of Chinese aggression, has had precisely the opposite effect: it has increased North Vietnam's dependence on China, increased the number of Chinese in North Vietnam, driven the two states closer together than they ever were before. Again, a basic premise of the administration argument has been refuted by events.

6. *That escalation proves we will keep our commitments everywhere.* This has been another fundamental thesis in the administration's case for widening the war. We are in Vietnam, the Secretary of State said in 1966, "because we made a promise. We have made other promises in other parts of the world. If Moscow or Peking ever discovers that the promises of the United States do not mean what they say, then this world goes up in smoke."

How does this piety stand up under the test of events? Has our deepening involvement in Vietnam persuaded anyone that we will involve ourselves equally elsewhere in new cases of aggression? Quite the contrary: on this point, let us consult the hawkiest hawk in the nation, Richard M. Nixon. (At least he has been the hawkiest hawk up to now: as he studies the public opinion polls, we may confidently expect that our flexible former Vice President will, in due course, stop screaming and start cooing—and I trust that you will continue to give his views on world matters the respect they deserve). Mr. Nixon puts it this way:

"One of the legacies of Vietnam almost certainly will be a deep reluctance on the part of the United States to become involved once again in a similar intervention on a similar basis . . . If another friendly country should be faced with an extremely supported communist insurrection—whether in Asia or in Africa or even Latin America—there is serious question whether the American public or the American Congress would now support a unilateral American intervention, even at the request of the host government."

The storm of senatorial criticism when we sent three innocuous Air Force jet transports to the Congo last July proves Mr. Nixon's point.

Escalation has thus gravely damaged our national credibility as a keeper of promises politically. It has also done so militarily. For, if our assistance were sought today in some other part of the world, what in fact *could* we do—with 40 per cent of our combat-ready divisions, more than 50 per cent of our air power and more than a third of our naval power tied down in a small country 10,000 miles from the United States? Moreover, if the United States, with its fantastic military strength, cannot defeat the guerrillas of Vietnam, and, if in the attempt it wrecks the country it is trying to protect, why should any rational nation ever seek our protection again?

The administration denounces its critics as isolationists. But the real isolationists are surely those who, in their dedication to the escalation policy, have isolated the United States from its traditional allies and from the people of the world. At San Antonio the President went through the litany of the Asian leaders who have given our policy verbal support. But words are cheap. Except for our client state, South Korea, no nation in the world has sent us the support which counts—that is, a combat detachment of any size in Vietnam. We are going it alone as a nation in a way we have not done for thirty years.

More than this, the escalation policy has set in motion through our land a basic questioning of the whole idea of overseas commitments. Not in our time has there been such doubt about our military, economic and political ties with other nations. The lesson of Vietnam is not, as the administration keeps saying, that America will meet its commitments everywhere on earth.

The lesson of Vietnam, as read not only by the American Congress and people but by our friends and enemies around the world, is: "No more Vietnams." The escalation policy, after 32 months of trial, far from proving that we will keep our promises elsewhere, has had precisely the opposite effect: it has been the greatest stimulus and boon to American isolationism in the last thirty years. So one more proposition must be struck off the list.

7. *That military men know how to win*

wars. We have embarked on the escalation policy because the Joint Chiefs of Staff have told the President that this is the way to win the war. In recent months the military has boldly escalated its own campaign with Congress and the public. Admiral Sharp has said that a bombing pause would be "a disaster for the United States." General Wheeler has promised that the war could be ended in a "relatively short time" if we bombed the port of Haiphong and all lines of transport from South China. General Greene has had the presumption to tell the American people that the war in Vietnam is more important than the crisis of the American city.

Let us not make the mistake of condemning all military men. Such generals as James M. Gavin, Matthew Ridgway, David M. Shoup have offered searching criticism of the escalation policy. Within the Defense Department itself, Secretary McNamara has evidently—though with decreasing success in recent months—stood against the program of insensate escalation. Nor can one condemn the present Joint Chiefs of Staff for their insistence on a military solution. That is their business. The fault lies not with those who give such advice but with those who take it. There is nothing infallible about the JCS. I know what they recommended during great crises of the Kennedy Administration—the Bay of Pigs, the Berlin crisis of 1961, the missile crisis of 1962, the test ban debate of 1963—and in each case their recommendations were plainly wrong. President Kennedy took their advice on his great decisions once—before the Bay of Pigs. He did not make that mistake again. I know of no reason to suppose that the present Chiefs are wiser than their predecessors.

This sudden worship of the military is not in the American tradition. When General MacArthur carried his campaign for the escalation of the Korean War to Congress and the public, President Truman fired him. When Union generals in the Civil War showed that they could not succeed, President Lincoln fired them, one after another. Judging by the record, the present military leadership in South Vietnam is as disastrous as any we have had in the life of our nation. With over 500,000 American troops, better equipped than any troops in history, with 700,000 South Vietnamese, with 50,000 South Koreans, with total command of the air, with total command of the sea and, until recently, with total monopoly of heavy artillery, we have been fought to a standstill by 280,000 characters in black pajamas mostly armed, until recently, with rifles and mortars. In the last month, at Con Thien, our generals, in their wisdom, placed a group of gallant Marines in—and I quote that superhawk Joseph Alsop—"just about the only position in the entire country where the North Vietnamese can hope to attain relative parity in heavy weapons when battle is engaged." Because, as General Westmoreland has elegantly put it, "There is more firepower concentrated in that area than on any single piece of real estate in the history of warfare," we have evidently staved off the assault; but the question remains whether the strategy of putting the men in this terribly exposed position made sense.

The inescapable conclusion is that our military leadership has grossly misjudged and misconceived the character of the war. The foremost authority in the west on counter-insurgency and the leading British expert on Vietnam, where he headed the British Advisory Mission for three and a half years, is Sir Robert Thompson, who organized the defeat of the guerrilla uprising in Malaya. Sir Robert recently pointed out that General Giap's strategy "has one main aim, to keep the American combat forces fully occupied on 'search and destroy' type operations in the Demilitarised Zone and in the spinal column of the Annamite mountain chain as far south as Zone D. . . . These are areas where he can most easily deploy his main units and where American forces can achieve, in comparatively unpopulated mountain and jungle, no permanent gains." The costs of this strategy for North Vietnam, Sir Robert says, are quite acceptable. If they lost twice as many troops per year as we claim they are losing, "it would still be less than half one annual age group (and there is an enormous reserve of these age groups between 18 and 30)." And American strategy, Sir Robert points out, is exactly what General Giap wants. It plays exactly into his hands. And the result? As Rowland Evans reported from Vietnam a few days ago, "The US position here in the critical northern provinces of South Vietnam is deteriorating as the communists press their remorseless campaign of attack, parry and retreat."

Let us liberate ourselves from the illusion of the infallibility of generals. Stewart Alsop, the wiser brother, recently wrote in the *Saturday Evening Post*, after citing the historical record, "Almost all generals are almost always wrong about all wars. Generals should be listened to with skeptical respect, but never with reverent credulity." If the experience of the last 32 months proves anything, it proves that the administration's 7th assumption is as wrong as all the rest.

In February 1965 it was permissible to suppose that some, or all, of the administration's assumptions might be right. No one then could be certain whether or not the escalation policy would work. But now, for 32 long, terrible months, war has put to trial the validity of the propositions on which this policy is based. What may have seemed plausible in the abstract in February 1965 has received the laboratory test. It is no longer a question of speculation but of verification. The evidence is concrete. It is overwhelming. It is irrefutable.

History is the great executioner; and, in these months and years, as the basic assumptions, one after another, have run the gantlet of experience, none has survived. We are a pragmatic people. We believe in the process of trial and error, of experimentation. But we also believe in heeding the results of experiment. As Franklin Roosevelt once said, "it is common sense to take a method and try it. If it fails, admit it frankly and try another."

That is the way most Americans think—and this, I submit, is why there has been in recent months so marked a disillusion with the escalation policy. Some of us may have known from the start that the policy would not work. But let us be charitable to those who preferred to suspend judgment until the results were in. Let us unite now in the determination to slow down this ghastly war and move as speedily as possible toward a negotiated settlement.

This is the way most Americans are coming to think. But is it the way the American government is coming to think? So far as one can tell, our leaders remain stubbornly unimpressed by the collapse of their case for escalation. They continue to reiterate the proposition which experience has so cruelly disapproved. Lashed to their own past policies, they seem incapable of admitting error or changing direction.

And so their only response to the failure of escalation is more escalation—like a doctor, when the medicine fails to cure, doubles the dose.

Their only response to the misconceptions of our generals is to capitulate more and more to their demands.

Their only response to frustration and stalemate is to issue ever more fatuous statements about turning the corner of the war, turning the tide, the beginning of the end, victory in sight and so on.

It is difficult to see how serious men can, year after year, with the straight face, repeat the same optimistic predictions and do so, very often, in the identical words. Nor should we forget that herald angel of the hawks, Joseph Alsop, in this connection. *The Washington Post* on October 4 adorned his most recent effusion with the encouraging headline: "Vast Gains in Vietnam War Evident in Last Few Months." Hark how this herald angel has sung through the years. Thus February 1964, "In Communist North Vietnam . . . the situation is close to desperate"; in September 1965, "The whole pattern of the war has been utterly changed. . . . At last there is light at the end of the tunnel"; in October 1965, "Final defeat is beginning to be expected, even in the ranks of Viet Cong hard-core units"; in February 1966, "The enemy's backbone of regulars can even be broken this year. And when and if that happens, this war will be effectively won"; in April 1966, "The Vietnamese and American forces are now imposing a rate of loss on the Viet Cong which the enemy cannot indefinitely withstand"; in October 1966, "Within six, eight, ten or twelve months—before the end of 1967 at any rate—the chances are good that the Vietnamese war will look successful." Now in October 1967, just at the time when this last gorgeous prophecy is due for fulfillment, Mr. Alsop finds improvement so great that "the contrast between then and now is all but incredible." One is compelled to conclude that it is not the contrast but the columnist who is incredible. How consistently silly can an intelligent man be?

How do our leaders explain the failure of the escalation policy to produce the results so glowingly promised at such regular intervals? For some time, of course, they have been building their alibi. We all know what it is: that dissent in the United States is responsible for frustration in Vietnam. This is a familiar reflex of military disaster. One need only remember the *Dolchstegosslegende*—the stab-in-the-back myth concocted by the German generals to account for their defeat in the First World War.

The argument, like the escalation theory itself, has a certain initial plausibility. But let us consider what it really means—and the best way to do that is simply to invert it. If it means anything, it must mean that, if only everybody in the United States would shut up and rally behind their President, then Ho Chi Minh and his friends would stop doing what they are doing, and the war would be over. Simply to state this proposition is to demonstrate its absurdity. Serious leaders base their military decisions on the actual battlefield balance of force, will and opportunity, not on speculations about anti-war protests on the other side of the world. Our adversaries are fighting not because they count on protest at home but because they believe fanatically in their cause and because they have not been beaten in the field of battle. They would fight just as hard if everyone in America thought the escalation policy was perfect.

The rise of the Great Alibi has been paralleled by a curious sense of persecution within the administration as if it were some sort of beleaguered and impotent minority. A good example of this cry-baby reaction is the speech that Ambassador Gronouski gave this August at the University of Wisconsin. "Those charged with the conduct of foreign policy," the Ambassador said in his long wail of self-pity, ". . . find it difficult to maintain an attitude of rapport with a group (the intellectual community) which incessantly challenges their motives and morality."

Let us be clear about this. We are not questioning the motives and morality of the makers of policy; we are questioning their judgment, which is a very different matter. I know a good many of the men who have sponsored the escalation policy. They are not evil men. They are, as I suggested earlier, earnest and conscientious men. They are doing what they are doing because they pro-

foundly believe it serves the interests of American security and world peace. They are doing their best for their country according to their lights. But it may justly be said, I think, that, in certain cases at least, their lights are dim. Historians have sometimes noted that the most underrated factor in the conduct of public affairs is stupidity.

Fortified by this sense of persecution, exonerated by their Great Alibi, deluded by their own propaganda and prophecy, still convinced that escalation is the road to peace, our leaders persist in their course. And, as they do so, another political year approaches. The 1968 election will provide, I believe, a test of the adequacy of our political process. For, given the size and intensity of dissent in our land, if this election does not offer the country a clear choice on the question of Vietnam, then something will have gone badly wrong with our political system. Now no political system works automatically. People make it work—and they may make it work well, or they make it work badly. It is up to us, and people like us through the country, to do our best to make sure that our system meets its responsibilities.

Our objective is to bring the war in Vietnam to the end. We must not be under any illusions about the ease of a negotiated solution. While I have little doubt that an unconditional halt of the bombing of the north would soon lead to talks with Hanoi and the Viet Cong, I have considerable doubt that these talks would lead very soon to a mutually acceptable solution. So far as one can tell at present, each side continues to insist on terms which would mean, in effect, the defeat and humilitation of the other side. So long as this remains the case, no settlement will be possible. What both sides must come to in the end, I believe, is agreement on the creation of a structure in South Vietnam within which contending forces, including the communists, may compete by peaceful means for political representation and control. Such a structure would require some form of international supervision for a stated period in order to guarantee against reversion to terrorism and guerrilla warfare. It will take time—perhaps a long time—for such a solution to win mutual acceptance.

How do we move in this direction? The first necessity obviously is to slow down the war—to stop the bombing of the north, to reduce the fighting in the south, to do everything we can to lessen the killing.

The next necessity is to make it clear that we will keep an American military presence in South Vietnam until a negotiated settlement can be achieved. Let us have no confusion here. There will be no chance of negotiation if the other side thinks it is going to win; therefore a military stalemate is a self-evident precondition to negotiation. The advocates of a political solution and the advocates of unilateral withdrawal agree on the indispensibility of slowing down the war; but, after this point, it seems to me, their paths diverge and their policies become incompatible. One cannot, of course, wholly exclude the possibility of unilateral withdrawal; it would not be America's finest hour, but it would obviously be greatly preferable to a policy of unlimited escalation. But the option of withdrawal is always open to us. It would be foolish to rush at once to that extreme without exhausting the possibilities of negotiation. It need hardly be said that, up to this point, we have not, despite fine words, pursued negotiation with a fraction of the zeal, ingenuity and preservance with which we have pursued war.

This leads to the third necessity: we will not have a negotiated solution until we have a leadership which desires a negotiated solution—which has freed itself from the obsession with the idea of a military victory, or at least of a spectacular and favorable reversal of the present military balance: the obsession which evidently continues to possess the present administration. If our present leadership can think of nothing better than persistence in the policies which, after full and fair trial, for 32 bitter months, have proved a dismal failure, then this country, if it is to save itself, requires new leadership.

How do we make sure that the 1968 election offers an alternative? Let us be clear about another thing: the idea of a third party is an illusion. A third party based on the Vietnam war would get nowhere in the elections; it would run well behind George Wallace in the electoral college; and the only result would be drastically to understate the size of the opposition to the escalation policy and thereby to discredit the cause of peace. The serious issue must remain within the major parties. This means, I think, that the Republicans among us must work for anti-escalation candidates in their party—and that all of us must work for delegates to the party conventions pledged to an anti-escalation platform. As we do this, we may all be encouraged by the expectation that disenchantment with the war is bound to grow in the weeks and months ahead.

It is bound to grow so long as the present leadership remains frozen in its ideas, locked into its system of error, unable to think of anything to do but more of the same. How much more proof will they require before they recognize that the escalation policy has been a disaster? They began that policy in February 1965. Today, after 32 months, after the death of more than 13,000 American soldiers and of countless Vietnamese, after the expenditure of nearly $90 billion, after our increasing isolation in the world, after the irresponsible and dangerous neglect of the urgent problems of our national community—to which President Johnson's Great Society was so prominently dedicated—after all the blood and killing and waste and degradation, are we any closer to a solution than we were when we began? Are we nearer to winning the war? to establishing a healthy society in South Vietnam? to pacifying the countryside? to winning world confidence in American purpose and American sense? Are we not ever more deeply and hopelessly mired in the quicksand?

I say again: how much longer do our leaders insist on reinforcing error and dragging us down this dirty and hopeless road? Can nothing demonstrate to them the futility and folly of their course? "My bretheren," said Cromwell, "I beseech you, in the bowels of Christ, think it possible that you may be mistaken." If this administration lacks the moral or the intellectual courage to conceive the possibiilty that it may be wrong, then the American people, I hope and believe, will turn next year to leadership determined to meet this tragic problem with the realism, the rationality and the high idealism that have marked the finest moments of our history.

Mr. CLARK. Mr. President, it is interesting that Mr. Schlesinger, in discussing the assumptions which are behind the escalation policy, casts a balance sheet of the seven basic propositions on which this policy has been based and then undertakes to show how each of those assumptions has turned out in history to be wrong.

The first assumption is that escalation would break the will of North Vietnam and bring Hanoi to the conference table. This, so far at least, has turned out to be entirely false.

The second assumption is that escalation would reduce the infiltration of supplies and men from North to South Vietnam. As Mr. Schlesinger points out, the fact is quite to the contrary. Infiltration, according to the best information we can get, continues at whatever rate the North Vietnamese wish to infiltrate. I believe it is beyond question that Ho Chi Minh has 15 well-trained divisions in North Vietnam which he has not committed as yet to the struggle in South Vietnam.

The third assumption is that escalation would lessen American casualties in the war. We all know how false that is with over 13,000 American dead, most of them in the last couple of years, and I believe over 100,000 wounded, although it is true that many of the wounded are not hospitalized and are returned reasonably quickly to action.

The fourth assumption is that escalation would strengthen the Government and will of South Vietnam. This would appear to be far from the facts, as Mr. Schlesinger ably points out.

The fifth assumption is that we are holding the line against general Communist aggression. In my opinion, his argument demolishing this assumption is most persuasive.

The sixth assumption is that escalation proves we will keep our commitments everywhere. Again I leave to Mr. Schlesinger the annihilation of this particular premise, which I believe to be quite unsound.

The seventh premise is that the military men know how to win wars. I think that Mr. Schlesinger makes pretty clear that this sudden worship of the military is not in the American tradition. It just is not true and has been proven untrue from the Civil War down to the present time, although we have been fortunate, indeed, in many of our outstanding generals, some of whom have gone on to become President of the United States.

Nevertheless, Mr. Schlesinger deplores the worship of the military which seems to be a part of our present thinking in this country.

In this connection there is no greater worshiper of the military than the well-known columnist Joseph Alsop, and in the style of what I am afraid I must refer to as his usual petulance, arrogance, and bad temper, he has a column this morning taking to task practically everybody in the United States except the military and Mr. Alsop. His column is entitled "Nation's Plunge Into Nonsense or This Is Where We Came In." Mr. Alsop takes on quite a wide variety of Americans of all generations, going back to the early days of the depression, in his disapproval of the point of view of what I believe to be a majority of our fellow countrymen. Mr. Alsop, of course, has been telling us for a long, long time that we are winning the war in Vietnam. As his predictions are increasingly unmasked as untrue, he becomes more and more petulant and more and more arrogant.

In this connection, Mr. Schlesinger in his article referring to Stewart Alsop—I think correctly—as the wiser brother, quotes Stewart as saying:

> Almost all generals are almost always wrong about all wars. Generals should be listened to with skeptical respect but never with reverent credulity.

I believe that Stewart is the younger of the two brothers. I regret that he went to Yale while Joe went to Harvard. But

I do think, in this instance, that Cambridge could learn something from New Haven.

Mr. Schlesinger points out in his article, which I have had inserted in the RECORD, it is difficult to see how serious men can, year after year, repeat the same optimistic predictions with a straight face and do so very often in identical words.

He suggests that we should not forget that the herald angel of the hawks is Mr. Alsop. He goes on to point out how often Mr. Joseph Alsop has been wrong in his predictions of upcoming military victories in Vietnam.

Mr. President, I ask unanimous consent to have printed in the RECORD the quotations from Mr. Alsop in Mr. Schlesinger's article beginning with 1964 and continuing on down to the present column, which have consistently been at variance with the facts as they were developed; together with Mr. Alsop's article of today to which I have earlier referred.

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

The Washington Post on October 4 adorned his most recent effusion with the encouraging headline: "Vast Gains in Vietnam War Evident in Last Few Months." Hark how this herald angel has sung through the years. Thus February 1964, "In Communist North Vietnam . . . the situation is close to desperate"; in September 1965, "The whole pattern of the war has been utterly changed. . . . At last there is light at the end of the tunnel"; in October 1965, "Final defeat is beginning to be expected, even in the ranks of Viet Cong hard-core units"; in February 1966, "The enemy's backbone of regulars can even be broken this year. And when and if that happens, this war will be effectively won"; in April 1966, "The Vietnamese and American forces are now imposing a rate of loss on the Viet Cong which the enemy cannot indefinitely withstand"; In October 1966, "Within six, eight, ten or twelve months—before the end of 1967 at any rate—the chances are good that the Vietnamese war will look successful." Now in October 1967, just at the time when this last gorgeous prophecy is due for fulfillment, Mr. Alsop finds improvements so great that "the contrast between then and now is all but incredible." One is compelled to conclude that it is not the contrast but the columnist who is incredible. How consistently silly can an intelligent man be?

[From the Washington Post, Oct. 30, 1967]

NATION'S PLUNGE INTO NONSENSE OR THIS IS WHERE WE CAME IN!

(By Joseph Alsop)

"This is where we came in, for God's sake." Any traveler returning to the United States at this juncture, who is also old enough to remember the nonsense-ridden '30s, cannot easily repress the foregoing horrified exclamation.

In the '30s, the younger generation of Americans, and all those older men who hankered to be "in the movement," had briskly rejected the whole experience of the past. The result was driveling nonsense about the Communist Party; nonsense about the Soviet Union, then bathed in innocent blood; nonsense about the causes of wars, resulting in the idiotic Nye Neutrality Act, and nonsense in general about the role of power in history.

The same sort of plunge into nonsense clearly threatens in America today, if it has not occurred already. The younger generation are easily forgivable, for they do not even remember what happened in Korea. But the older men, still prancing along "in the movement," mouthing the new slogans, are very much less forgivable today than they were in the '30s.

Take the scores of eminent anti-Johnson Democrats—historians and college professors, journalists and Senators, all remorsely articulate—who were already active in the era of President Harry S. Truman. Not a one of them that you can think of failed to support President Truman's decision to intervene in Korea. Just about all of them have gone on, ever since, rightly praising President Truman's wisdom and courage on that occasion.

(One of the more celebrated journalists, to be sure, had an article ready—written to the effect that we could not and must not intervene in Korea. But the news of intervention came that afternoon, and the article was rewritten to support the President.)

If these distinguished liberal Democrats, who supported Truman and now vilify President Johnson, can make any distinction at all between the Korean and Vietnamese wars, they have yet to say what it is. In Korea, we were fighting on the Asian mainland, as we are today; and in Korea, too, mainly because of Gen. Douglas MacArthur, we had to meet Chinese as well as North Korean manpower.

In Korea again, there were two primary stakes that the United States was engaged to defend. First, there was the American position as a Pacific power. In the second World War, blood and treasure had been lavishly poured out to defend and strengthen this American position. It was, and is, of cardinal importance.

President Truman rightly recognized that the whole Pacific position would be irrevocably compromised if the Korean challenge were not met. In play was not Korea alone, but the future alignment of Japan and the Philippines, the eventual tendency of Southeast Asia, and, in fact, the direction of the bandwagon of history in the whole of Asia.

On the same subject, just 15 years later, Gen. Maxwell Taylor accurately told President Johnson that he had the choice between meeting the challenge in Vietnam or being thrown "back to Hawaii." And surely this first stake, this American position in the Pacific, when Taylor gave this advice, deserved even greater consideration since we had already fought a second major war in its defense.

As for stake number two, it was, and is, quite simply the credibility of American commitments, such as our pledges to the South Vietnamese, the Thais and a good many other people in the present instance. This stake was far less important in Korea, which we had publicly put on its own, than it was in Vietnam. But either way, the great power that enters into pledges and then chooses to ignore them has taken a road that may at first seem smooth, but will always turn cruelly rocky and downhill in the end.

There is a third stake, too, in the Vietnamese war that was really invisible in the Korean war. The Pacific, in brief, now promises to become another "world lake" quite as important as the Atlantic, if not more important. But this vast process, so greatly enhancing the significance of stakes I and II, requires a further, more detailed report.

How then can these distinguished liberal Democrats talk out of one side of their mouths about Korea, and out of the other side about Vietnam? None has tackled that question with sober honesty, with the sole, highly, honorable exception of Richard Rovere in "The New Yorker" and Rovere's attempt to offer an answer would satisfy no one searching for a serious national policy.

Meanwhile, it must also be noted that there is the widest imaginable difference between our last round of nonsense and the present one. In the 1930s, the U.S. was a strictly perhipheral power, without a serious foreign policy, even lacking serious foreign relations. In the '30s, therefore, the conversation of a majority to a nonsense-view of the rest of the world had hardly any lasting effects.

Now, however, the U.S. is the central, giant power. And if the U.S. takes the final plunge into nonsense in this quite new situation, the sure and certain consequence will be a third world war.

Mr. CLARK. Mr. President, an extremely perceptive and, to my way of thinking, sound article was published in the Saturday Review under date of October 21, 1967, is written by Theodore C. Sorensen, the one individual who was probably closer to President John F. Kennedy than any other in the White House.

The article is entitled "The War in Vietnam—How We Can End It."

I find Mr. Sorensen's article most persuasive and I ask unanimous consent to have it printed in the RECORD.

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

[From the Saturday Review, Oct. 21, 1967]

THE WAR IN VIETNAM—HOW WE CAN END IT

(By Theodore C. Sorensen, former Special Counsel to Presidents Kennedy and Johnson, is an Saturday Review editor-at-large)

I have not previously spoken out publicly against our course in Vietnam. My years in the White House made me more conscious than most private citizens of the burdens our President bears, more aware of his unique access to information, and more unwilling to add fuel to the fires of dissension within my party and country. But I believe that the President's friends and supporters today can best serve him as well as the country by speaking out: Not by offering over-simplified solutions or personal criticisms; not by questioning anyone's motives or credibility; not by reflecting on the skill and courage of our fighting forces; but by helping to seek before it is too late a reasonable, feasible course in Vietnam that offers some hope of achieving an early peaceful settlement—a course with costs and risks more proportionate to America's interests than this present avenue of expanding escalation and slaughter.

"Your government should understand," a Russian diplomat said to me as we lunched last August in Moscow, "that we are obligated to do for the North Vietnamese whatever they ask us to do. If they ask us to send bombers, we will send bombers. If they ask us to send men, we will send men." This was not delivered as a threat nor was it surprisingly new. But it helped point up for me the urgency of our stopping World War III now before it starts.

I realize that it is difficult for a great power to alter its course—but the Soviet Union pulled its missiles out of Cuba (and received world praise for doing so). I realize that it is difficult for our proud nation to acknowledge error instead of compounding it—but we did exactly that at the Bay of Pigs.

I do not say that we have wholly erred in Vietnam or that we should precipitously pull out our troops. Nor am I concerned here with many of the other disputes surrounding that war. The Senate will long debate the legal basis for our involvement, the alleged choices between Europe and Asia, and the effect of the war on our prestige, politics, and priorities. Historians will long debate over how and why we got into Vietnam, who first breached the Geneva Agreement, whether it was originally a civil war, whether another President would have acted differently, whether Congress was consulted adequately, and whether the various past precedents cited—from Munich to Malaya—are mean-

ingful. What concerns me now is not the past but the future.

What concerns me now is the prospect of an endless war in which the original issues (to say nothing of the Vietnamese people) will have long been forgotten, in which each gradation of American escalation will continue to be offset by more troops from the North and less help from the South. What concerns me is the prospect of a frustrated, aggravated, bitterly divided America, irritated at its increasing isolation from the world, unable to accept its inability to bring this upstart to heel, under growing pressure from a growing military establishment, consequently pouring in more men, bombing out more targets, and finally, in desperation, mining or blockading the Haiphong harbor or even invading the North by means of a permanent excursion across the demilitarized zone or an "Inchon-type" landing behind that front line. Then the entry of Chinese and possibly Russian "volunteers" will be a very real threat and possibly—even without our destroying North Vietnamese dikes, bombing MIG bases in China, or occupying Hanoi—an inevitable fact, as inevitable as the fact that their entry will lead eventually to a world-wide nuclear war. The tragic irony of it is that all this could happen without our advancing one single step nearer to our original goal of a terror-free South Vietnam.

We have already moved in recent years from limited counterinsurgency to all-out combat, from 15,000 advisers to 500,000 troops, from a war fought largely by South Vietnamese forces in the South to a war fought largely by American forces both North and South. Each stage of escalation has brought a response from the other side requiring more escalation, bringing a further response from the other side requiring still more escalation. When two doses of penicillin failed to help the patient, we gave him four, then six, now eight. It is high time we realized that penicillin is not what this patient needs, and more can only poison him.

To be sure, we cannot now lose the war. We have prevented the kind of large-scale North Vietnamese assaults that might have destroyed all hope for self-determination and survival in the South. There is no prospect now that the Communists can push our forces into the sea or impose their rule by conquest. Nor is there any prospect now that we will abandon to slaughter those South Vietnamese who stood up against a Communist military takeover. But this country has to face the unaccustomed and uncomfortable fact that, despite all the brilliance and valor of our fighting forces, their lives are being given for a war which—in terms of achieving our *total* objectives, political and moral as well as military, in all Asia as well as Vietnam—we are not "winning" in the traditional sense and cannot ever expect to "win."

We are not "containing" the Red Chinese when we create a vacuum on their borders into which they will inexorably move unless we stay forever—when we increase North Vietnam's dependence on Chinese imports—or when we erode South Vietnam's institutions, traditions, economy, independence, and spirit.

We are not "winning the war for men's minds" among the South Vietnamese people, much less "pacifying" their country, when we level their villages, burn their crops, dominate and prolong their war, work primarily with the privileged few entrenched in both their military and government, and place half a million free-spending Americans into that tiny, impoverished, and now inflation-ridden country.

We are not demonstrating the futility of Communist "wars of liberation" to any army that soon returns to rule by night those areas from which we have temporarily driven it; nor are we deterring similar attacks in Thailand or elsewhere when we stretch our forces thin in Vietnam.

We are not "defending our national interest" when we endlessly divert more than two billion tax dollars a month away from our cities and schools and overseas friends for a war that, much as we dislike the word, is producing at best only a stalemate.

I read all the predictions that victory is just around the escalation corner—but I heard those same predictions three and four and even five years ago. I read all the rosy statistics on how many Communists we have killed and captured and induced to defect—but still their number keeps growing. I read all the claims on our bombing successes in the North—but still the infiltration southward continues. I read all the statements that this is a joint effort with South Vietnam and others—but still we are doing more and more of the fighting and dying. And, finally, I read all the assurances that neither the Russians nor the Chinese will intervene—but at the same time Washington experts acknowledge that neither Peking nor Moscow could tolerate a North Vietnamese defeat.

General Westmoreland calls it a war of attrition. That it is—a war of attrition pitting American youth on the Asian mainland against an Asian foe which has not yet begun to tap its immense manpower reserves. Most of the time that foe is a Vietnamese guerrilla—a tough, cunning, elusive warrior who knows every hiding place in his native land, who is fed and shielded by the people we are supposedly there to defend, and who believes that someday his children will push out the Americans just as his elders pushed out the French.

Even if the old-fashioned kind of military victory in Vietnam were possible, it would require an indefinite occupation of that country by American troops under constant attack from such guerrillas. But such a victory is not possible against an enemy that keeps coming and fighting, as it has for twenty years and as it seemingly can for twenty more, suffering heavy casualties but also inflicting them, hiding in the hills or brush, disappearing literally underground or by mingling with civilians, eluding our "search and destroy" missions and then returning, controlling or terrorizing virtually as many villages and roads, and assassinating or kidnaping virtually as many South Vietnamese local leaders, as it did before we arrived.

If countering this kind of guerrilla warfare requires, as the Pentagon has said, that our forces outnumber theirs by a lopsided ratio of 3 or 4 or even 10 to 1—and if, in addition, we must take over the immense and unfamiliar task of nonmilitary "pacification," and do it without a nonpartisan civil service, without the goodwill of the people, without effective land distribution or respect for the South Vietnamese troops or cooperation from their intellectuals—then where do we obtain the manpower to offset the gradual tapping of Communist reserves? Not from our Asian and Pacific allies who have, on the whole, shown very little enthusiasm for propping up with their own forces what we have warned could be the first of the falling dominoes. Nor are there unlimited reserves still available to the South Vietnamese army, whose brave but poorly paid and dispirited soldiers are still too often led by corrupt and politically controlled officers more imitative of the Vietcong in brutally interrogating civilians and prisoners than in risking their own comfort in combat.

It is small wonder, then, that one American military leader has said that 2,000,000 U.S. troops will be required to root out the terrorists in the South, village by village. But if the other side keeps growing through recruitment and reinfiltration, despite escalated bombings and electronic barriers, even 2,000,000 may not be enough. And what would an American commitment of 2,000,000 men do to our force levels at home and around the world? What, finally, would it do to the South Vietnamese themselves?

"In the final analysis," said President Kennedy in the fall of 1963, "it is their war. They are the ones who have to win it or lose it . . . the people of Vietnam." But as we pour in more troops, destroying in the process their economic stability more effectively than the Communists have ever done, it has become *our* war. We have the largest fighting force. We suffer the largest fatalities. The South Vietnamese people, weary after twenty years of warriors and foreigners, divided by rival sects and provincial politics, seem simultaneously to resent and prefer our taking over their battle. Many of the young leaders and scholars upon whom the country's liberation must ultimately depend are reported openly cynical and skeptical of the American presence. The present military government with which we are identified—now popularly elected but still far from universally accepted—seems incapable of understanding any real opposition or dissent, and incapable of undertaking any serious land reforms or serious peace negotiations.

A more viable, representative, and reform-minded civilian government, possessing real strength in the grassroots as well as the cities, rallying the people after the fashion of the Philippines' Magsaysay, and offering true amnesty and amity to the Vietcong and true reconciliation to the North Vietnamese, might have at least been able to increase the rate of Communist defectors to a level exceeding South Vietnamese desertions. That has not happened, nor will it. But the strength, the morale, and the legitimacy of the present government in Saigon are at least sufficient now to permit our own country to pursue a different course.

I wrote in my book *Kennedy* that that Administration's objective in Vietnam was to gain time—time for the South Vietnamese, with our help and protection, to achieve a society sufficiently cohesive politically and militarily to negotiate a balanced settlement. There is no reason now for us to refrain from concluding that such time is finally near at hand. The South Vietnamese have expressed through their elections a longing for peace and the beginning of constitutional rule. The Communists have reason to know that they cannot win a final military victory. The Red Chinese, beset by internal strife and external setbacks, may be less able to interfere with negotiations. The Soviets prefer peace to a widening war. The National Liberation Front has dropped its resistance to the inclusion of other South Vietnamese in a postwar government; and the North Vietnamese, at least in the view of some, may again be indicating a genuine willingness to talk peace.

Their willingness, to be sure, has been conditioned upon our suspending indefinitely and unconditionally the bombing of the North. If that bombing had been clearly curtailing Communist infiltration and operations within the South, one could more readily accept our refusal on the ground that such attacks were a more effective way of saving American lives than attempting to interdict North Vietnamese lines in the South. But in fact, despite our constant expansion of targets to include all those of genuine military importance. Secretary of Defense McNamara has acknowledged that the infiltration of North Vietnamese forces has continued to grow—infiltrating over countless routes, by boat and truck and bicycle and foot, under cover of jungle or darkness. In the South they live off the land whenever their supply trains are delayed. In the North, they obtain replacements overland through China whenever their supply depots are destroyed. On balance, the continued bombing, by increasing an embittered militancy in the North and thus prolonging the war, appears

to be costing more American lives in the long run than it actually saves.

Heavy bombing has never been wholly decisive in any war. No one promised that it would be in this one. But let us leave aside the various inconsistencies in the various statements explaining our original reasons for bombing. The overwhelming weight of the evidence still fails to indicate that pounding that largely primitive peasant economy with more bombs than we unloaded on all of Europe in World War II has brought us a single day closer to the hour of peaceful settlement. The overwhelming weight of the evidence still fails to indicate that the North Vietnamese resolves to resist has been weakened instead of hardened by these massive attacks on their homeland. The overwhelming weight of the evidence still fails to indicate that any feasible amount of bombing can ever prevent the North Vietnamese from infiltrating into the South all the men, arms, and food needed to sustain a low-level guerrilla war indefinitely.

To be sure, the bombing is not without effect. It not only boosts the morale of the Saigon government—a somewhat dubious justification—but punishes and pressures and pains the North Vietnamese. It makes their maintenance of reserves and supply lines, and particularly their transportation of large cadres and heavy artillery pieces, more difficult and more costly. It makes life harder and poorer for their citizens and their soldiers. But their life has always been hard and poor. They have never depended on cities or industries. They have known very little but war against the Japanese, the French, and the Americans during most of their lives. A still lower standard of living now, an inconvenient mobilization of manpower to repair bridges and railroads, an increase in shortages and terrors and casualties, do not add up to grounds for surrender, now that they have endured this much this long and have so little to lose but their lives.

There seems little to be gained, then, by our insisting upon a continuance of the bombing in the North. Suspending it will not produce a Communist military victory in the South, nor will it bring the collapse of any Saigon government worthy of our attention. But suspending it will, possibly with the aid of the new electronic "fence," confine the war to the South, where it must be won anyway. It will end the strain on U.S. aircraft crews badly needed for air support in the South, while reducing the costly loss of our aircraft and the humilitation of our captured pilots. It will limit the area our dollars must surely rebuild when the war is over. It will end the toll of North Vietnamese civilian casualties which embarrassingly but unavoidably grows as the list of our targets is expanded. And it will eliminate the single largest barrier to world support for our position and the single largest barrier to negotiations with Hanoi.

Bombing, we have now learned, cannot force negotiations but it may well be preventing them. There is no possibility of the North Vietnamese engaging in talks while their homeland is being bombed. Inasmuch as the bombing can no longer be regarded as an indispensable means for securing our forces and objectives in the South, the time has come for us to suspend indefinitely and unconditionally our bombing of the North in order to test Hanoi's sincerity and see how it will reciprocate.

Accompanying such a suspension with conditions and deadlines will not work. The North Vietnamese will not respond to an ultimatum. Nor will they respond to our demand or even "expectation" that in exchange they stop sending men and supplies to South Vietnam—in effect stop fighting the war altogether—while we continue to fight. Naturally, no American is going to like it if and when the North's flow of troops and supplies to the South increases during such a suspension. We did not like it when fighting continued in Korea during the truce talks; but had we refused to talk, the loss of American lives there would surely have been higher. Today we must face the facts that prolonging the bombing cannot end the war or even the infiltration and that this impasse is costing us more lives than the bombing saves. Let us also face the fact that someday we will stop it—and the longer we put it off, the more difficult it will be for both sides to negotiate a reasonable settlement.

Indeed, there is already a danger that we have passed the point of no return beyond which neither the Hanoi regime nor the Administration in Washington could reach an accommodation with the other without the risk of being turned out of office. Bitterness and distrust are rapidly rising in both camps. Militants and military chieftains are gaining influence in both capitals. Each side is fearful that a cease-fire will cause a loss of momentum and morale, that negotiations will be only a cover for reinforcements. Each side believes that the other should pay the price of aggression, accept the blame, and make the first concession. Each side would prefer to postpone negotiations until he is clearly winning (at which time, of course, the other side would not negotiate).

Perhaps even now the North Vietnamese and the National Liberation Front are not interested in serious negotiations. Their recent public statements about peace talks have been largely bellicose, rude, and inconsistent. They appear convinced of their ability to outlast us, meanwhile bleeding us white. They do not wish to offend their largest neighbor, protector, and potential supplier, Red China, which would obviously prefer to see us hopelessly bogged down in Vietnam without risking one Chinese casualty, and which might well threaten the North Vietnamese with a disastrous interruption of supplies if they even talk with the Americans. The pro-Chinese faction in the Hanoi government is already said by some to be on the ascendency.

But even if Hanoi is not now ready to negotiate, we can—instead of continuing the present treadmill into ever more dangerous, divisive, and self-destructive escalation—prudently de-escalate our war effort without harming our interests and with some hope that Hanoi will de-escalate also. Limiting our military commitments, objectives, investment, and assaults, meanwhile consolidating our position in the most populous areas of the South, would cost us fewer lives, less money, no territory, and no "face," while better enabling us to wait until outside events—such as divisions in the Communist camp—make negotiations more possible. Certainly our present course is not dividing the Vietcong from Hanoi or Hanoi from Peking, and indeed may end up helping to unite China for Mao or even Peking with Moscow.

But in fact we do not know with any certainty whether Hanoi and the Vietcong—together or separately—are now ready to negotiate. We have not stopped the bombing indefinitely to find out. We have not since one thirty-seven-day pause nearly two years ago accompanied our talk of negotiations with real deeds of de-escalation demonstrating our earnest good faith. We have not given to the pursuit of peace the same effort, ingenuity, and relentless consistency we have given to prosecuting the war. We have not prevented the Saigon regime from torpedoing the rise of civilian neutralist forces in the South capable of negotiating with the North and the National Liberation Front. We have not left those voices in Hanoi who might once have been concerned about their economy with much reason now to justify a cease-fire. We have not, to the best of my knowledge, adopted a concrete, mutually acceptable plan for negotiations—as distinguished from admirable but vague statements of principle—and communicated that plan to the North. Publicly, at least, we have not offered any of the concessions and compromises required by the military and practical situation for a realistic settlement, frequently implying instead only that we stand ready to negotiate the surrender of the Vietcong.

Most serious of all, we have not been sufficiently forthright or forthcoming in response to what may have been actual opportunities to start or explore negotiations. Perhaps we were looking for a different kind of "signal" and missed the one they sent. Perhaps we were plagued by poor translations, poor communications, or poor coordination on both sides. But whatever the reasons and whoever is to blame—and assessing it now will not help—we must in the future take more care not to spurn or ignore potential opportunities for negotiation, much less deny their existence or escalate in response to them.

Such a posture would involve no weakening of our resolve or responsibility. President Johnson has called "the path of peaceful settlement . . . the only path for reasonable men." President Kennedy obtained withdrawal of the Soviet missiles from Cuba by giving attention to the olive branch as well as the arrows—by adopting a carefully measured combination of defense, diplomacy, and dialogue. Perhaps his ploy in that crisis of interpreting a Communist demand in his own terms, his response thus necessitating their reply, could be used now to initiate negotiations with Hanoi. Perhaps the good offices of U Thant, a resolution by the U.N. General Assembly, or a reconvening of the Geneva Conference could initiate talks without either side worrying about protocol or precedent. Perhaps we could invite the other side to the President's next summit meeting with our Asian allies. It would be more realistic, in my view, to seek a secret conference, with no mediator, arbitrator, or press releases, thus alleviating potential Chinese and other pressures. But the essential step is to bring together the combatants—and that necessarily means all the combatants, including the Vietcong.

Such talks are not doomed to end in disagreement and disappointment. After all, *both* sides are pledged to work:

First, for a return to the Geneva Agreement of 1954;

Second, for an end to hostilities and the withdrawal of all foreign troops and bases;

Third, for a neutral, peaceful, independent South Vietnam, free to determine in new elections its own political, economic, and social system, and its relationship or reunification with the North;

Fourth, for a government—if necessary (though neither Saigon nor the NLF has squarely faced this), a coalition government composed of all parties, as in the Laotian settlement of 1962—acting on behalf of all South Vietnamese citizens in accordance with the principles of universal suffrage, free speech, free worship, and meaningful land redistribution.

Agreement on the interpretation and implementation of these principles will not be reached quickly or easily. Such words as "freedom," "independence," and "neutrality" mean very different things to the two sides. Some form of international guarantees and supervision will be essential at least at the outset. But agreement should not be impossible.

Such an ending, while restoring South Vietnamese self-determination and preventing its conquest, would not leave the United States and its allies with any better position militarily than they had before the war began—but neither did the ending of the Cuban crisis or the Berlin crisis or even the Korean war. Such a settlement would also involve grave risks. It would endure only if both sides felt as a matter of practical self-interest that this kind of peace was preferable to war. Even then there would be no way of assuring the American people of the elimination of terrorists from the South, of the early departure of all American troops from Asia, or of the nonparticipation in the

South Vietnamese government of one variety or another of Communists. Indeed, there is *no* negotiated solution possible that would not lend itself to bitter attacks in the Congress and pose continuing dangers for the future.

Thus, whatever quantities of national courage, understanding, and unity are required on our part today to fight and accept the war in Vietnam, they will be needed in twice those amounts to find and accept the peace. But find it we must. While we cannot overlook any dangers, neither can we overlook any opportunities. A new opportunity may now be approaching in the holiday season. We have been able to arrange in recent years a Christmas cease-fire in Vietnam. If we plan and work for it now, we can be prepared this Christmas to have the firing cease forever.

The PRESIDING OFFICER. Is there further morning business?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

PAY SCALE OF DEPUTY U.S. MARSHALS

Mr. MONDALE. Mr. President, the Senate will soon have before it for consideration legislation dealing with Federal pay increases. It is my understanding that the distinguished Senator from Indiana [Mr. HARTKE] is planning to submit an amendment that will make adjustments in the pay scale for deputy U.S. marshals.

Recently Mr. Robert L. Allie, executive vice president of the National Association of Deputy U.S. Marshals, furnished me with an informational sheet on the dangers inherent in the role of deputy marshal. I ask unanimous consent that this very short statement be printed in the RECORD.

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

NATIONAL ASSOCIATION, DEPUTY U.S. MARSHALS,
October 25, 1967.

Deputies from the State of Minnesota were on duty in 1962 at Oxford, Mississippi during the "Ole Miss" riot and have participated in numerous other "special duty details" around the country since. The most recent being the anti-war demonstration which were held all over the country last week.

The deputy marshal has been the mainstay in all racial crises (Little Rock, Montgomery, Oxford, etc.) and the recent trial in Mississippi where history was made with the conviction of the perpetrators of a heinous crime.

In 1965 a deputy marshal was critically wounded in Minneapolis while making an arrest and after an eight hour operation to sew up the bullet holes and two weeks in the hospital was back on duty, within a short time, and has made numerous arrests since.

In 1966 a deputy mashall from St. Paul was assaulted with a gun, disarmed and kidnapped. After a long ride in the country north of St. Paul in the deputies car he got a chance to jump the man and after a bitter fight, during which the gun was discharged into the deputies car, he made the arrest.

In 1966 a deputy was running after a narcotic suspect when suddenly the man turned and fired three times at close range at the deputy. The deputy shot the suspect and he and other officers then effected the arrest.

In 1966 a deputy marshal in Minneapolis was shot in the right foot by a sniper who was never found. The deputy has since quit the department to take a local police job which pays more money.

There are many more incidents in which this small force of seven deputy United States Marshals have faced danger. Only one out of this group has not either been shot or shot at in the last two and one half years and this man was almost run over by a narcotic suspect's car two weeks ago.

Deputy marshals' lives are in danger every day in upholding law and order in the United States.

ROBERT L. ALLIE,
Executive Vice President.

THE REDWOOD NATIONAL PARK BILL

Mr. MORSE. Mr. President, it is my understanding that Tuesday the Senate will take up the Redwood National Park bill, S. 2515. I have received a number of communications from people in my State of Oregon, and elsewhere, expressing divergent views on this legislative proposal.

I ask unanimous consent that these items be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. MORSE. Mr. President, in particular, I call attention to a comprehensive letter dated October 25 from Mr. Wendell B. Barnes, executive vice president of the Western Wood Products Association, of Portland, Oreg., Mr. Barnes, who served very effectively as Small Business Administrator several years ago, is a respected and able spokesman for his association. He has asked 11 cogent questions which I have submitted to the chairman of the Interior and Insular Affairs Committee. It is my hope these will be answered as the bill is discussed in the Senate.

Other important communications from industry representatives, either opposing or expressing reservations concerning S. 2515, are included in the materials I am inserting in the RECORD today. Among them are letters from the Gilchrist Timber Co., Gilchrist, Oreg., the Simpson Timber Co., the Miller-Rellim Redwood Co., and the National Forest Products Association.

The views of conservationists concerning this legislative proposal are well expressed in communications I have inserted in the RECORD, brought to my attention by the Sierra Club; the American Forestry Association; the Izaak Walton League; the National Wildlife Federation; the North American Wildlife Foundation, and the Wildlife Management Institute. Letters and telegrams from Oregon conservationists, including Dr. George Selke, who has devoted scores of years of outstanding work in the cause of conservation, are also included in the materials I have inserted today. All of these items deserves serious consideration by my Senate colleagues.

EXHIBIT 1

WESTERN WOOD PRODUCTS ASSOCIATION,
Portland, Oreg., October 25, 1967.

HON. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR MORSE: There may be some who would consider that those of us in Oregon might have no direct concern with legislative proposals involving redwood or California but this is certainly not the case. Three of the landowners affected are also Oregon taxpayers and employers, and as you know, we have 10,000 acres of redwood forest in Oregon. Since Oregon is the largest single producer of timber products among the fifty states, we must concern ourselves with any legislation which appears to be inimical to the best interests of the industry, the timber grower, the forest dependent communities, the taxpayers or the consumers.

S. 2515 is a new redwood park bill approved by the Senate Interior and Insular Affairs Committee. It might fall into that inimical category unless carefully studied and amended.

One concern is whether the authorization of $100 million for a redwood national park, having what is considered by proponents of the park to be an emergency priority, will supersede in priority appropriations for federal parks, seashores and recreation areas in Oregon and other states in various parts of the country where need for public recreation is more immediate. It is my understanding that bills have already passed both the Senate and the House authorizing parks which cost $400 million but that appropriations for all these projects are slow in forthcoming. This would mean delays in acquisition of these land areas in other states if the $100 million for the redwood park is moved to the top of the list.

Specifically, with respect to the Committee Report supporting S. 2515, there are questions which need answering before the bill is brought to the Senate floor for action:

1. S. 2515 presents a wholly new park proposal, parts of which have not been the subject of hearings. Shouldn't there have been appropriate opportunity for consideration of the views of local citizens, the companies affected, the State of California or officials of government agencies and local communities where jobs, schools and economic well-being are involved?

2. Has adequate consideration been given in the Report to the fact that 141,719 acres of coast redwoods (more than 200 square miles) are already in park and reserve status in the State of California? Won't many people receive the impression that there is an emergency endangering the last of the redwoods? This is simply not the fact, and legislation should not be hurriedly passed on that assumption.

3. What is the basis for the statement in the Report that "The Committee believes that no company which has a genuine interest in staying in the redwood timber business will be obliged to cease operations as a result of the enactment of S. 2515?" Apparently at least one company will have to cease operations there and others will be damaged.

4. Does the Committee have evidence to substantiate the Report's contention that "any initial adverse impact of the creation of the park on the local economy will be temporary?" I've heard some 600 jobs would be eliminated and service industries also affected. This is a fact which can and should be determined from officials in the communities directly affected.

5. Is it relevant with respect to S. 2515 to cite in the Report correspondence from the Deputy Director of the Bureau of the Budget, the Governor of California, and the Secretary of the Interior when all the letters in

question dealt specifically with earlier and much different national redwood park bills? Their opinions of this bill, S. 2515, should be available to the Senate.

6. Does the fact that the Report ignored months of negotiations between Federal and State officials, reported in the press, with respect to land exchanges mean that such agreements as had been reached will not be applicable under the park proposal in S. 2515? Isn't this a slap at the California State Administration which cannot be justified on the basis of fair and equitable dealing in relations between the Federal and State governments?

7. What are the actual figures with respect to quantities and values of redwood timber being cut or available for cutting on the Northern Purchase Unit? There is a variation between the statements by the Deputy Director of the Bureau of the Budget and the Forest Service as cited in the Report and published elsewhere.

8. Since S. 2515 takes almost double the estimated volume of timber out of useful production as compared with S. 1370, does not the Report fail to justify its assumption that "the impact of land acquisition will not materialize under the bill reported by the Committee?"

9. Since the Report indicates that federal acquisition of the key state parks is not necessary and that the Committee "does not feel it appropriate to condition the creation of the Redwood National Park on that event", and since all testimony of qualified witnesses leads to the conclusion that the private lands proposed for the park fail to meet the established criteria of quality for a national park, does not S. 2515 violate the legislative intent and policies of the National Park Service and the National Park Act (H.R. 15522, 64 Cong. 1 Sess. Stat. 39)?

10. Are the cost estimates of $100 million for acquisition of the park realistic and demonstrably true? Responsible estimates are more than twice that amount.

11. Does the Federal government plan any method of restitution to the displaced workers and their families, numbering as many as thousands, who will be deprived of their livelihoods on the Oregon border and will tend to gravitate to the nearest major centers in Oregon for job opportunities?

Although neither our Association nor I have any direct interest or responsibility for the management of redwood lands, I am most earnest in raising these questions, because I know you and other Senators are fully conscious of the direct correlation between productive land and timber resources, community stability, the deteriorating tax base or areas where private lands are withdrawn for exclusive recreational use, and the needs of our citizens and industry in the Pacific Northwest. These issues are briefly discussed by me in the editorial in the current issue of "Progress Round Up," our Association trade magazine.

As one of our leading Northwest citizens declared some years ago, "Recreation can supplement the economy, but it cannot become the economy." It would appear this truism is not reflected in the redwood park proposal approved by the Senate Interior and Insular Affairs Committee.

Sincerely,

WENDELL B. BARNES,
Executive Vice President.

GILCHRIST TIMBER CO.,
Gilchrist, Oreg., October 26, 1967.

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

DEAR SENATOR MORSE: My telegram, which was sent to you on October 18th, concerning the Redwood Park Bill S. 2515 mainly requested a postponement until further study was done. Your reply requested special objections, which I will try to list. I am sorry for the delay in replying but I do hope this letter reaches you prior to October 31st.

Any action on the bill should be postponed so the effects of the bill, which is a brand new one, can be studied. Final action also should await recommendations from industry, the forest-dependent communities which are affected, counties and the state. We believe that employment and prosperity in the local communities will be seriously affected.

The cost of parks for recreation during the current budget review of civilian items should be carefully scrutinized.

The bill substantially shrinks the raw material base for the forest products industry at great public expense while demands for forest products for the nation's housing will constantly increase in the future.

Basically, this bill is not needed. The fact is that virtually all the truly park-like redwoods are already preserved. There are more than a million and a half trees of more than 8 feet in diameter on more than 115,000 acres of state parks. These are in the finest groves there are, and are enough huge trees to make a row from San Francisco to New York City. These are in 30 California state parks, and regional and district parks in the area contain another 14,688 acres with redwood stands.

There are a few park-like groves not already in parks, but these are being held by the industry and other private land owners for park acquisition. It is puzzling that proponents of a national redwoods park are not even urging the inclusion of these choice private groves. Private lands proposed for park status in the current bill do not contain the kind of stands which give the redwoods their fame.

The bill proposes expenditures of federal money to buy commercial timberland clearly not needed for park purposes.

As you know, some 43.5 percent of the land in the 12 Western states—52 percent in Oregon and 44 percent in California—is now in federal ownership. It is extremely doubtful that this percentage needs to be increased.

I personally do not believe we need S–2555, the bill which you introduced, which provides for a study by the Secretary of Interior of the Cascades in Oregon, ranging from Crater Lake to the Columbia River, to determine their potential as a national park or some other administrative unit of the National Park Service. I believe these lands are being competently managed by the Department of Agriculture through the United States Forest Service under the Multiple Use concept.

Yours very truly,

FRANK A. GILCHRIST,
President.

SEATTLE, WASH.,
October, 27, 1967.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

S. 2515 authorizes a Redwood National Park at an estimated cost of $100 million.

Contrary to the Interior Committee report this proposal will force Arcata Redwood Company out of business and have additional adverse effect on other companies and dependent communities. The cost will be at least double the authorization.

The proposed park boundary includes several thousand acres of young growth Redwood managed for sustained operations by Simpson Timber Company. This young growth is essential to support major long-term investments in the area and is of minor value to a redwood park.

There are alternative plans that would create a significant Redwood National Park and not severely damage the jobholders, communities, and investors in the area.

We strongly urge that you request S. 2515 be modified to achieve a good park at a reasonable cost to the taxpayer and still maintain industry and jobs in this rural area.

STARR W. REED,
Vice President, Timberlands, Simpson Timber Co.

PORTLAND, OREG.,
October 26, 1967.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I understand that at long last a sensible bill for a Redwood National Park (S. 2515) has come to the floor of the Senate, one which will incorporate and protect the finest groves. I also understand that a compromise has been worked out with the lumber companies which calls for an exchange of the so-called Northern Redwood Purchase Unit of 14,000 acres, and that the Forest Service is opposing this exchange. Since this tract is currently being logged, I see no reason for its remaining under forest service management other than bureaucratic self-protection.

I certainly hope that the bill will pass the Senate, and given the fact of adequate compensation having been arranged for the private companies involved, I trust it will receive your support.

Yours sincerely,

T. PRICE ZIMMERMANN.

LAW OFFICES, RAGAN & MASON,
Washington, D.C., October 25, 1967.

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

MY DEAR SENATOR MORSE: As Counsel for the Miller-Rellim Redwood Company we have heretofore corresponded with you in connection with the proposed Redwood National Park.

A bill has now been reported by the Senate Interior Committee. It is a considerable improvement over the previous bill, although too much land is taken from private interests. With the continued inclusion in the bill of an exchange of the 14,000 acre Redwood Northern Purchase Unit in Del Norte County, California, presently under custodial control of the Forest Service for the private lands taken, the Miller-Rellim Redwood Company can stay in business. As you know, the previous bill was fatal to their continuation.

Without going into other specifics of the bill it is the purpose of this letter to urge your support for the continuation of the exchange provision in this proposed legislation. We have briefly set forth below the arguments that have been made against the exchange and the arguments retaliatory thereto. We sincerely believe that the arguments against the exchange are specious.

1. The Purchase Unit has, in fact, been logged since 1954. The Secretary of Agriculture has, himself, stated the Unit is not park-like quality. Since the Redwood Park has become an issue no contracts have been let for logging in the Purchase Unit. Thus, the Unit is not suitable for park purposes and is allegedly only good for commercial use and is not being so utilized.

2. Without the Purchase Unit included not one but two companies may well have to close their doors.

3. Both the Sierra Club and Save-the-Redwoods League support the exchange provision.

4. The Forest Service states that if the exchange provision stays in public forest lands will be deprived from multiple-use management. The redwood companies are the leading multiple-use proponents in the Nation's forest industry and presently have over 365,000 acres so dedicated.

5. The Forest Service claims that it would eliminate valuable research and demonstration capabilities. The research heretofore

taken place has been limited to old-growth and continuation of virgin trees. If the bill passes as presently written this research would no longer be required.

6. The Forest Service claims the exchange provision would hurt the operators who have used the Purchase Unit. The fact of the matter is, the Purchase Unit has been closed for bidding since the issue of the Redwood Park was presented to Congress.

7. The Forest Service points out that the Purchase Unit is on a sustained yield basis. In private hands it would have to continue on a sustained yield basis.

8. Lastly, the Forest Service points out the exchange of lands, would be a dangerous precedent. It would be a dangerous precedent not to exchange the lands. The precedent involved is that never before has a National Park been superimposed over and to the destruction of an industry and jobs. Without the exchange provision this will be the result. Clearly, if we are to preserve our national resources, we have the same obligation to our people.

The Forest Service maintains over 186,000,000 acres of land. The 14,000 acres here involved constitutes less than one one-hundredth of this total. Yet in the State of California forty-eight percent (48%) of the land is now federally owned—twenty-two million acres alone by the Department of Interior.

The 14,000 acres is *de minimis* to these totals, but it is not *de minimis* to the people of Del Norte County, who must survive economically. Del Norte County is seventy-three percent (73%) owned by the Federal Government. If this 14,000 acres makes a difference of economic security to the people of that County the support of this exchange is mandatory and the exchange does make that difference.

I would be very pleased to discuss or substantiate any points set out above with you or any member of your staff with or without representatives of the Forest Service present.

Very truly yours,

RAGAN & MASON,
WILLIAM F. RAGAN.

[News from the National Forest Products Association, Washington, D.C.]

INDUSTRY ESTIMATES NEW SENATE REDWOOD PARK BILL WILL ACTUALLY COST DOUBLE AMOUNT IT AUTHORIZES

WASHINGTON, D.C., October 27.—Actual costs of a newly proposed redwood national park in Northern California will be more than double the $100 million authorized by the Senate Interior Committee and would be considerably more if the proposal to exchange federal lands is rejected.

This estimate was announced here today by Mortimer B. Doyle, Executive Vice President of National Forest Products Association, for the five redwood timber companies whose land would be taken under the new 66,384-acre park plan. He termed the bill's $100 million authorization ceiling "totally unrealistic."

S. 2515 calls for a two-unit park in Humboldt and Del Norte Counties. It was approved earlier this month by the Senate Interior Committee after consideration of three differing park proposals. Floor action is expected next week.

Doyle stated that current value of the 32,989 acres of private land to be acquired is "well over $100 million." Since one of the companies involved has publicly announced that the park would force it out of business, he asserted, resulting damages to a permanent operation would bring private property acquisition costs to more than double the $100 million authorized.

The industry's cost figure reflects the bill's recommendation that the 14,567-acre federal Northern Purchase Unit near the Klamath River be exchanged with private land owners to ease the adverse economic impact locally.

Without the exchange provision, Doyle warned, a second large redwood manufacturing company would be crippled and costs of the park would "rise tremendously."

He valued the Purchase Unit somewhere between the $60 million estimate given by a Senator sponsoring the bill and the $10 million value set by the Secretary of Agriculture.

Doyle listed other federal costs totalling $66.4 million that have been linked with the national park by the Bureau of the Budget in both Senate and House Interior Committee testimony:

Development, $30 million: companion grants-in-aid, $15.4 million; accelerated road-building in Six Rivers National Forest to aid local timber operators, $11 million; new park road between the two units, $6 million; accelerated National Forest recreational facility development, $3 million; coastal parkway right-of-way acquisition, $1 million.

To the costs of S. 2515, now up above the $300 million range, Doyle said, must be added such hidden costs as increased financial aid to the economically depressed areas, loss of tax income at all levels of government and serious local economic side effects. He warned of the harmful aspects of underestimating the costs to the people of the area and cited the original $14 million authorization for nearby Point Reyes National Seashore, which five years later is now estimated to be in excess of $60 million.

"No one but the people directly involved has yet considered in dollars the crippling effects on the families, companies and the communities that will lose a substantial part of their timber economy base," Doyle asserted.

"The excessive loss of producing forest lands embodied in S. 2515 means even more personal and economic hardship in an area that is already classified as a depressed area," he added.

He emphasized that the present Senate bill makes no provision for in lieu payment of tax losses in Humboldt and Del Norte Counties, where the federal government already has large holdings. An in-lieu clause, designed by the Administration to ease local impact of the park, was stricken from the new Senate bill.

"The industrial timber growers whose properties are taken for a park will receive a fair payment under constitutional provisions," Doyle said. "But the thousands of people in the two areas dependent on the redwood industry will receive nothing when their livelihoods are taken away by this bill."

Doyle held that the industry's preliminary estimates of potential costs of the park may be conservative because many of the details are not yet available to the companies.

SIERRA CLUB,
Mills Tower, San Francisco,
October 20, 1967.

Hon. WAYNE LYMAN MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: As I am sure you know, few opportunities remain anymore in America to create classic national parks. Most have already been set aside. For over a century, however, there has been a notable omission: California's coastal redwoods.

For three years now debate has focused on the remaining opportunities to rescue some of the surviving redwoods for a Redwood National Park. We have advocated a national park centered on Redwood Creek, while others have pointed to other areas. Recently, the Senate Interior Committee reported out a bill that attempts to resolve the differences through a composite plan. While it is not optimum, the bill does as good a job as probably can be done at present in extending protection to superb and endangered redwood forests. We believe, however, that the ceiling on authorized size should be raised to 70,000 acres (from 64,000 acres) to permit flexibility in fleshing out the boundaries in certain areas of Redwood Creek. We believe this can be done within the leeway implicit in the authorized price of $100 million.

The key to the financing of the compromise bill of the Committee is use of the Northern Redwood Purchase Unit, which the federal government now owns, on an exchange basis to acquire needed parkland. This 14,000 acre tract north of the Klamath River was purchased in the early 1940's by the Forest Service as part of a now defunct program to acquire enough lands for a Redwood National Forest of 863,000 acres. Because of a failure to gain necessary monies, this unit stands as a lone remnant of an admirable but abortive effort. However, the value of the unit has appreciated from the $440,000 paid to between $30–$75 million today. These Forest Service redwoods are being logged, with the timber sold to private concerns, and the receipts remitted to the federal treasury. The unit itself does not lend itself to park management. The Committee felt, and we agree, that it makes good sense to phase out this abortive redwood program to enable the National Park program to succeed. No adverse precedent is intended as these lands are not regular national forest lands and have never served their intended purpose.

We understand that a vote may come on this bill in early November. We would welcome the opportunity to talk this matter over with you and your staff. Our Conservation Director, Michael McCloskey, will be in Washington soon and will call upon you.

Sincerely yours,

EDGAR WAYBURN, M.D.,
President.

[Copy of telegram]

OCTOBER 27, 1967.

Hon. LYNDON B. JOHNSON,
The White House,
Washington, D.C.:

We support a Redwoods National Park and are looking to you to uphold the outstanding conservation record of your administration as well as long established policy that National Forest lands of this country not be used as trading stock in support of unrelated Federal programs. Specifically, we are opposed to provisions in the current Redwood National Park Bill which would exchange National Forest lands for private timber lands. We can see no purpose in subordinating the broad public interest to the pressures of some California interests.

American Forestry Association, Kenneth Pomeroy, Chief Forester; Boone and Crockett Club, John E. Rhea, Conservation Committee Chairman; Izaak Walton League of America, Joseph W. Penfold, Conservation Director; National Rifle Association of America, Frank C. Daniel, Secretary; National Wildlife Federation, Thomas L. Kimball, Executive Director; North American Wildlife Foundation, C. R. Gutermuth, Secretary; Sport Fishing Institute, Philip A. Douglas, Executive Secretary; Wildlife Management Institute, Ira N. Gabrielson, President.

PORTLAND, OREG.,
October 9, 1967.

Mr. PHILIP R. GEORGE,
Care of Senator Morse's Office,
Portland, Oreg.

DEAR MR. GEORGE: May I please prevail upon you to convey the following information to Senator Morse as promptly as possible:

It has come to my attention that efforts are being made by the Chairman of the Senate Committee on Interior and Insular Affairs to have the Committee endorse the proposition espoused by Governor Reagan of California to approve the exchange of National Forest lands in California for privately

owned lands which would be included in a proposed redwoods national park. Opposition to this proposal has been expressed by the President, the Bureau of the Budget, the Secretary of Agriculture, and the Chief of the Forest Service.

It is my opinion that the proposal of Senator Jackson is indeed very unwise and would set a most dangerous precedent for future similar actions. It would mean that every time a federal agency would find it necessary to acquire private lands for any project whatsoever, it would merely recommend that lands in National Forests, the Bureau of Land Management, or any federal lands wherever located, could be transferred in exchange for the privately owned lands desired. This would mean that such new projects would not need to justify their actual outlays.

All of us recall the recent incident which involved BLM lands in the Stoddard-Getty episode. The tendency in such exchanges is usually in favor of those who "have" and not in favor of the general public, especially those who "have not". The general public, as you know, was strongly opposed to such action.

I thank you for your willingness to bring my point of view to the immediate attention of Senator Morse. I am sending you this message in my capacity as a private citizen.

Sincerely yours,

GEORGE A. SELKE.

THE AMERICAN FORESTRY ASSOCIATION,
Washington, D.C., October 26, 1967.

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

MY DEAR SENATOR MORSE: We are concerned about a provision in the Redwood National Park bill, S. 2515, to use national forest land in the Redwood Purchase Unit as payment in kind for private lands desired for park purposes.

This Federal land was acquired by the Forest Service under the Weeks Act of March 1, 1911 for the practice of multiple use, sustained yield forestry. It is being managed efficiently for this purpose. Trading this land for other land to be used as a park will defeat the purpose for which national forests are established.

The annual harvests of timber from the Redwood Purchase Unit supports ten small lumber companies and their employees. One-quarter of the receipts from timber sales, a substantial sum, goes to Del Norte County in lieu of taxes. This 25 percent fund exceeds the amount of taxes received from comparable land in private ownership.

Therefore, it is clear that giving four large landowners this Forest Service land will not benefit the local economy. It merely aids four large companies at the expense of ten small companies.

Neither will such an exchange improve the tax base of Del Norte County.

Of even greater concern is the precedent to be established by such action. It will open the flood gates to demands by all sorts of special interests and land grabbers. Some of these already have appeared.

Consequently, we urge you to delete all references to the Redwood Purchase Unit from S. 2515 and to preserve this tract for the purposes for which it was acquired.

Sincerely yours,

KENNETH B. POMEROY,
Chief Forester.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, October 20, 1967.

Hon. WAYNE MORSE,
U.S. Senate.

DEAR SENATOR MORSE: You will shortly be considering S. 2515, a new bill to establish a Redwood National Park. The Department of Agriculture actively supports the establishment of such a Park.

However, this Department vigorously and strongly objects to the feature of S. 2515 which would use National Forest land as trading stock to obtain land for the Park. This commandeering of the National Forest land in the Redwood Purchase Unit is not necessary in order for the Nation to have a Redwood Park.

Using National Forest land for trading stock in this important case endangers land administered by the Forest Service all over the country. It threatens the integrity of the National Forests, a principle of long-standing.

It would open the floodgates. Right now, and repeatedly in the past, there have been made demands in other parts of the country that National Forest lands be used to pay for parks, or for reservoirs, or for highway rights-of-way. Any and every instance of such a taking of National Forest land makes the later pressures that much harder to resist.

This is why past actions of Congress have resoundingly rejected use of National Forest land for this kind of trade-off.

There are other reasons for not appropriating these National Forest lands to pay for Parks:

1. Savings derived from trading off the National Forest land would be a small part of the total cost of the proposed Park. On an acre-for-acre basis, the value of the National Forest land in the Purchase Unit, estimated at $25 million, falls far short of the value of the old-growth groves proposed for inclusion in the Park. This is a very small sum to endanger a very basic principle of conservation.

2. The four main companies involved do not need the limited acreage of land that could be made available to them in order to continue operating for a significant number of years. The company that would experience the greatest impact could continue at its present rate of operation for 15 years or longer.

3. A move to make these companies partially whole would be at the cost of withdrawing supplies now used by smaller operators who buy the stumpage that would be transferred to the four larger, stronger companies. In recent years, 10 operators in the area have used the timber that this action would turn over to only four large companies. Thus, a trade-off of land would not create any new jobs. It would favor four large companies at the expense of 10 smaller ones.

A Redwood National Park is in the national interest. The USDA supports strongly that objective. But a raid on the National Forests and the establishment of a dangerous precedent in violation of long-standing, sound conservation principles is neither necessary nor wise.

Sincerely yours,

ORVILLE L. FREEMAN.

PORTLAND, OREG.,
October 26, 1967.

DEAR SENATOR MORSE: I am writing to urge you to support S. 2515—with, hopefully, an increase in acreage to at least 70,000. Also, although I see some reason to object to the purchase unit trade feature of the bill I hope that you will not oppose this too strenuously if such opposition might seriously damage the chances for passage. It seems to me to be already very late for the establishment of a Redwood National Park.

Sincerely,

J. B. ROBERTS.

CORVALLIS, OREG.,
October 28, 1967.

Senator WAYNE MORSE,
Washington, D.C.:

Urge passage of Redwood National Park bill S. 2515 including proposed Redwood National Forest Timberland Exchange. Bill is in best public interest except park should be larger.

Mr. and Mrs. ROBERT E. FRENKELL.

BEND, OREG.,
October 28, 1967.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

We sincerely hope that when it reaches the Senate floor you will support S. 2515 as reported by Senate Interior Committee including the purchase unit exchange, but hopefully with the Redwook Creek unit increased by a minimum of 10,000 acres to include the Emerald Mile and other desirable contiguous areas.

PHIL and JO CHASE.

HOOD RIVER, OREG.,
October 26, 1967.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Urge your support of bill S. 2515. We believe the exchange clause of bill should be maintained but that size of park should be increased to 70,000 acres.

Dr. and Mrs. D. L. COYIER,
Mr. and Mrs. L. R. STEEVES.

CORVALLIS, OREG.,
October 28, 1967.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

The new bill to establish the Redwood Park S. 2515 is worthy of your support. However, at least 70,000 acres should be added to the proposal including the emerald mile and the Lower Redwood Creek area. Also the purchase unit from the forest service must be kept in the bill.

THOMAS WILL.
DIANA DIETZ.

EUGENE, OREG.,
October 26, 1967.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am writing to lend my support to two conservation measures that will soon be before you. One, the Redwoods of Northern California need saving and I believe Senate Bill 2515 is a reasonable compromise. Even though some land will need to be either traded for or purchased, I believe it is to the public good that this be done.

The other bill I am particularly interested in concerns the North Cascades National Park in Washington. I am familiar with this area and it is extremely rugged and beautiful. Fortunately little timber is involved for so much of it is near or above the timber line. I am convinced that it could be developed as a park so that many could enjoy it and I know of few natural areas that deserve to be saved.

Sincerely,

EWART M. BALDWIN.

MOUNT ANGEL COLLEGE,
Mount Angel, Oreg., October 25, 1967.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Please support the general plan outlined by the Senate Interior Committee regarding the Redwood National Park (S. 2515), but, if possible, try to increase the size to the least 70,000 acres. We urge you, also, to vote to keep the Exchange of the Northern Redwood Purchase Unit in the plan.

We feel that conservation of our few remaining natural resources, especially those of such beauty and grandeur as the redwoods, is of vital importance to our country, and we urge you to support conservationists in every way possible.

Once again we want to express our appreciation for your stand against the Johnson war policies.

Sincerely,

LELAND AND AMELDA JOHN.
SILVERTON, OREG.

PORTLAND, OREG.,
October 26, 1967.

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

DEAR SIR: We urge your support of S. 2515 and modifying it to increase the size to at least 70,000 acres. It seems to us important to keep the Purchase Unit in the plan. We hope this will at long last secure a Redwood National Park.

Respectfully yours,

CARROLL S. HIGGINS.
LUCILE H. HIGGINS.

OCTOBER 23, 1967.

Subject: Redwoods National Park.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Board of Directors of the Izaak Walton League, which represents the Nation-wide membership, held its regular fall meeting over the past weekend. The Board discussed the Redwoods National Park proposal and your Committee bill S. 2515, one of the key conservation issues of the 90th Congress. Copies of the bill and the Committee Report had previously been distributed.

The Board was highly commendatory of the Committee for working its way through all the complexities of the issue and reaching agreement on a workable plan for a worthwhile National Park.

The Board unanimously agreed on the following points:

1. To support the Committee's recommended two-unit Park;

2. To support full funding for acquisition of lands for the Park;

3. To oppose use of the Northern Redwoods Purchase Unit as trading stick for lands to be acquired.

The League over the years has supported and now supports land exchanges when that serves to block upholdings, to achieve more effective and efficient administration and management or to eliminate undesirable inholdings. The League as consistently has opposed proposals to use national forest lands as payment in kind when Federal acquisition is necessary for other projects of broad public interest. The League does not believe that the choice lies between a national park on one hand and national forest lands on the other—both are needed. Rather, the League believes that the Country can afford to acquire directly the lands necessary to establish the National Park approved by your Committee.

The League's opposition to one provision of S. 2515 in no way detracts from our evaluation of the Committee's accomplishment in reporting out this important measure.

Sincerely yours,

J. W. PENFOLD,
Conservation Director IWLA.

SALEM, OREG.,
October 26, 1967.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Please support acquisition of Redwood National Park by purchase rather than exchanging national forest lands.

OREGON STATE RIFLE ASSOCIATION.

PORTLAND, OREG.,
October 26, 1967.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Urge enthusiastic support of S. 2515. Modify to increase Redwood National Park to at least 70,000 acres. For instance, increase protection of stream side area with wider buffer zone. National redwood purchase unit exchange important for partial funding of park and should be supported.

LESLIE SQUIER.
ANNE SQUIER.

PORTLAND, OREG.,
October 26, 1967.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Support S. 2515. Urge expansion to 70,000 acres purchase unit exchange seems wise.

WILLIAM BLOSSER.

PORTLAND, OREG.,
October 25, 1967.

Senator WAYNE MORSE,
Washington, D.C.:

Urge your strong support S. 2515 Redwood National Park. Would recommend increase to 70,000 acres plus retention purchase unit exchange Forest Service land to preserve more Lower Redwood Creek and Emerald Mile Area.

JAMES W. GAMWELL.

PORTLAND, OREG.,
October 25, 1967.

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

We favor the Redwood National Park concept; are opposed to the exchange of our National Forest land for this accomplishment.

RICHARD L. HUBBARD,
President, Oregon Division, Izaak Walton League of America.

CORVALLIS, OREG.,
October 25, 1967.

Senator MORSE,
Washington, D.C.:

I encourage you to support the new Interior Committee Redwood Park bill, S. 2515, with the modifications advocated by the Sierra Club to increase the size of the park to a minimum of 70,000 acres.

Sincerely,

RICHARD B. NORGAARD.

DISSENT ON VIETNAM

Mr. McGEE. Mr. President, Columnist Howard K. Smith pointed to the unilateral escalation of America's domestic critics in his Sunday offering in the Washington Star. His column, in fact, makes a good point: that the dissenters in our own country have been so carried away with their own arguments that they have convinced themselves, that they tailor facts to fit their preconceived notions, that their dissent feeds on itself to grow ever larger in its irrationality. They have caused a general degeneration of the so-called debate over U.S. policy, Mr. President, and seem to be debating, not the administration, but a bogey man of their own making.

Mr. President, I ask unanimous consent that Howard K. Smith's column, "The Unfair War Dissenters," be printed in the RECORD.

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

THE UNFAIR WAR DISSENTERS

(By Howard K. Smith)

The impression is being cultivated that both sides in the Vietnam "debate" have now escalated their arguments beyond the level of fairness and that together they threaten the nation's moral fabric. Both, says James Reston, should now "elevate them guns a little lower."

In fact, equating the two is a false exercise. It is the dissenters alone who have departed from reason and fairness. It is the baby doctor from Ohio and the preacher from Yale who have encouraged young people to stop thinking and break the law—not their opponents. Consider the great contrast between the quality of the two demonstrations of last weekend—Doctor Spock's in Washington and that in New York by the Committee for Responsible Patriotism. Guess which of the two got the most television coverage?

Administration supporters have said that the hysterical dissenters are encouraging Ho Chi Minh to pile higher the mound of lives on which to build his ideological empire. Hanoi promptly confirmed it and set up a committee for liaison with its American sympathizers.

Secretary Rusk made the unoriginal point that China has made herself the essential enemy, a fact confirmed daily by Peking. Marshal Lin Piao, Mao's heir-designate, said in his party line-setting treatise that "the colossus of U.S. imperialism can be split up" and "destroyed" by methods invented and supplied by Peking.

If their success has been limited so far, intimidation may become more forceful when China soon gets her stock of nuclear weapons. Mr. Reston finds that "silly" and has dredged up the Kaiser's old racist and demagogic cry of "Yellow Peril" to discredit Mr. Rusk, perhaps the least race-minded of U.S. officials. The two arguments are not equal. One is fair and the other is not.

The quality of dissent attains a kind of peak in Walter Lippmann's arguments. Mr. Lippmann has published an essay proposing that we get out of Asia and put our forward base in Australia instead. The thought is attractive and I vote for it. But first I want some minimal reasoning to show that we won't, because of such a move, have to fight a much worse war a little later.

Mr. L. doesn't provide any such reasoning, and the thinking he does on the way to his conclusion is not convincing. He says, for example, that Presidents Eisenhower and Kennedy kept us out of a big war in Vietnam, and that it was Mr. Johnson who violated the American tradition (by the way, what tradition?) and got us into it. That is about as sound as praising Presidents Coolidge and Hoover for keeping us out of World War II and criticizing President Roosevelt for breaking with tradition and getting us into it.

He says "it has always been axiomatic that we must exert our power offshore and must never allow ourselves to get sucked deeply onto the mainland." Where does this piece of history come from? U.S. forces brought the decision in World War I, but there is no record that they remained in boats afloat in the North Sea. Did the D-Day invasion of 1944 really not happen? Were the Greeks and the South Koreans stimulated to keep their independence by armies of Americans cheering from offshore? This is a world of dreams fashioned to fit a thesis; not a thesis designed to fit the world.

Mr. L. says that we are fighting a "war to exchange casualties with the inexhaustible masses of the Asian continent." By my count we are a nation of nearly 200 million people and we are fighting a nation of 17 million people with its quarter-million recruits in the South. It may be that Lippmann has predicted China would come into the war so often that he has persuaded himself that it is a fact.

The degeneration of the "debate" on Vietnam is a unilateral act. The irrational little mob who assaulted the Pentagon (fewer, by the way, than the number of young Americans who volunteered for the armed services in the same month) and those respectable pundits who provide them with a theoretical justification, have to de-escalate. Nobody else has escalated.

THE BUTTER SUBSIDY BILL

Mr. MONDALE. Mr. President, the Land O'Lakes Creameries, Inc., one of the largest processors of dairy products

in the world, has given strong support to S. 2527, which I introduced a short time ago in the Senate. I ask unanimous consent that an editorial, contained in their October 1967 publication Smoke Signals be printed in the RECORD.

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

LAND O'LAKES SUPPORTS BUTTER SUBSIDY BILL

Land O'Lakes Creameries came out with strong support for the bill introduced today by Senator Walter F. Mondale (D-Minn.). The bill would empower the Secretary of Agriculture to encourage the movement of surplus butter into commercial domestic consumption instead of into government storage by effecting a reduction in prices to consumers by payment made to processors of butterfat used in butter.

Lank O'Lakes supports the Mondale bill, according to D. H. Henry, General Manager, because they believe that dairy farm income could better be strengthened by providing payments to processors, which would make possible a decrease in the consumer price of butter—actually a "consumer subsidy".

Land O'Lakes believes that the Senator's bill will prevent butter from piling up in government hands and enable butter to move in domestic markets.

Under Mondale's bill the existing dairy price support would be continued with the Secretary of Agriculture announcing the price support level per hundred weight of milk to the dairy farmer in the same manner that he does with the current price support program.

But this bill adds a new feature. If commercial butter markets become sluggish, this legislation would enable the Secretary to take remedial action. But, instead of purchasing butter in the market to support the price as he does currently, he could reduce the retail price to encourage the purchase of all butter production by consumers. Consumers would accordingly have the benefit of lower retail prices.

There would be no government purchases or storage except to the extent that the Secretary might wish butter to fill government program requirements.

Mondale called attention to the fact that during World War II a similar program maintained milk production to meet wartime needs. Prices to plants and consumers were fixed at relatively low levels and payments were made through plants to encourage dairy farmers to maintain their production.

In 1945, while this program was in effect, the per capita consumption of butter was nearly 11 pounds. At present prices and competitive conditions commercial consumption of butter is scarcely 5.5 pounds.

One of the oldest economic concepts of the dairy industry is that butter is the economic balance wheel. A strong butter market is necessary for the maintenance of the prices of fluid milk and other dairy commodities for all dairy farmers. A surplus of milk-fat above immediate market requirements for other products is manufactured into butter.

Land O'Lakes spokesmen note that figures show that as the spread between the price of substitutes and butter widens, butter consumption drops.

In calling for the passage of the Mondale bill, Land O'Lakes notes that the main problem of the dairy industry is butterfat. They believe that Senator Mondale's bill will move butter into the domestic consumer market, benefiting the farmer with a greater income and the consumer with a lower retail price for butter.

A similar program of direct consumer subsidy on butter in Canada has been very successful in increasing the per capita consumption of butter over the past few years.

ALEXANDER WILEY

Mr. FULBRIGHT. Mr. President, it was with sorrow that I learned of the death last week of Alexander Wiley, a good friend, a colleague of many years, and former chairman of the Committee on Foreign Relations.

I knew Alexander Wiley, who was chairman of the committee from 1953 to 1955, as a hard-working, conscientious, and fair leader. He enjoyed hard struggle in support of his beliefs, but he never stooped to unfair or dishonest tactics. His willingness to give fair treatment and hearing to those who espoused positions contrary to his own was one of his most admirable qualities.

Alex Wiley was a man of warmth and deep affection. He loved his family, his Senate, and his country.

His bouncy step, often heard in the corridors of the Senate even after departure, will be missed.

I offer my condolences to his wife, Dorothy, and the members of his family.

"PASSING UP THE PORK"—A SENSIBLE APPROACH TO BUDGET CUTTING

Mr. PROXMIRE. Mr. President, recent congressional moves tend to strengthen the feelings of those of us who say that public economic policy is the key to current economic ills. More people—lawmakers and constituents alike—are coming upon the dichotomy between what is happening in the Government sector and what is going on in the private sector. They see Government continuing to undertake expensive but low-return projects, at the same time that predictions multiply of an impending inflationary spiral accompanied by low-capacity utilization and rising unemployment levels.

The present economic dilemma is often simplified as a guns and butter trade off. But, we can have both—if returns to investments justify the commitment. Government policies which misallocate resources by employing unrealistic investment evaluations must be eliminated.

One area in which Government policies have created significant dislocations is the huge and expensive public works program. Government cost-benefit analysis has employed what economists term an unrealistically low discount rate. The result has been gross overinvestment in public works projects as well as increasing inflationary pressures—because these low-return projects compete for scarce resources with many other higher return investments—and lower economic growth.

However, the picture seems to be changing. Given a choice between a tax increase and lower public works expenditures, the public would opt for spending cuts. The slats of the pork barrel are falling off; the long-used argument of political suicide by advocating public works budget slashes is proving untrue.

According to an article in last Friday's Wall Street Journal:

The old fashioned pork barrel seems to be suffering a decline in relative esteem.

The voter is realizing the need for some sort of Government spending priorities. Budget cuts cannot be indiscriminate. There must be some system to show relative payoffs of alternative proposals. Congress must act as soon as possible to rectify policies which justify wasteful investments. And Congress must also establish a rational and realistic ordering of budget needs.

I ask unanimous consent that the Wall Street Journal article entitled "Passing Up the Pork," be printed in the RECORD.

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

PASSING UP THE PORK: LEGISLATORS, HOME FOLK QUIETLY ACCEPT FREEZE ON PUBLIC WORKS PLANS—MANY AGREE THE PET PROJECTS SHOULD YIELD TO ECONOMY—SCHOOL AID IS STILL SOUGHT—BUT SOME CONTINUE TO FIGHT

(By Arlen J. Large)

WASHINGTON.—A $368,000 contract for an anti-erosion job on a beach at Hunting Island, S.C., is on the list of public works ordered "frozen" by President Johnson in the Government's current budget squeeze.

"Local interest is high," warns the Army Corps of Engineers in its confidential inventory of the frozen projects. "Efforts have extended over several years with local money now available. Considerable public criticism anticipated."

Yet South Carolina's two Senators so far have heard no cries of outrage from the area, and neither has the Congressman from that district, Democrat Mendel Rivers. "The people down there are willing to take their medicine," says Mr. Rivers.

The largest project on the Engineers' freeze list is an $8.2 million contract for construction of the Rend Lake Dam in southern Illinois. The home folks aren't in revolt, reports Democratic Rep. Kenneth Gray, "because I've assured them that it's only temporary; the President doesn't intend to stop the project."

Both Reps. Rivers and Gray are quick to stress the great worth of these vital projects, and both think the freeze is a bad mistake. But their relatively docile response points up a significant shift in Congressional and public attitudes toward the supposedly alluring morsels in the traditional "pork barrel."

NEW FASHIONS IN SPENDING

Dams, watershed projects, river dredging, new Federal buildings and the like have historically been symbols of a lawmaker's influence in Washington, and they still are. But in recent years new fashions in Federal spending have boosted the relative glitter of cash for schools and colleges, aid in fighting water pollution and more generous benefits for veterans and the elderly.

Until lately, Uncle Sam has bestowed the old and new kinds of Federal bacon with roughly equal generosity. But both Congress and the public now face hard choices about Government spending priorities, and the old-fashioned pork barrel seems to be suffering a decline in relative esteem.

Democratic Sen. Jennings Randolph of West Virginia, chairman of the Senate Public Works Committee, says he has heard only scattered grumbling from colleagues about the $66 million in frozen Corps of Engineers projects. In contrast, "nearly every Senator" has beefed to him about the Administration's threatened stretch-out of highway construction funds, he says.

"A dam that helps prevent a flood can be vital," observers Sen. Randolph, "but there's a detachment about that kind of project that you don't get with money for highways or schools. Those things are more personal to people than regular public works."

UNPUBLICIZED CUTBACKS

The idea that people have become disenchanted with old-style pork can surely be overdrawn; the Corps of Engineers hasn't widely circulated its list of frozen projects, and the lack of protest may be due partly to ignorance. But consider the experience of Democratic Rep. Richard Fulton with his celebrated Federal courthouse annex in Nashville, which comprises the bulk of his district.

Early this month Mr. Fulton asked the Budget Bureau to deter construction of the $8 million annex "in the interest of economy and the economic health of the nation." The gesture was hailed for its novelty on a national TV news show, and Mr. Fulton received praise in newspaper editorials across the land. He also is receiving a freshet of favorable mail from Nashville and elsewhere.

Wrote a Federal employe who works in the existing cramped courthouse: "I would much rather continue working in this building than to see this money being spent at a time when we sorely need to economize."

"Please let me know when you need some campaign money from a Republican source," offered a man in Bronxville, N.Y. A Kingsport, Tenn., lawyer sent a $1 contribution toward a "Richard H. Fulton memorial statue."

AN ORDER OF PRIORITIES

Mr. Fulton says he hasn't received a single complaint about delay of the courthouse annex. He makes clear his own priorities for economizing: "It doesn't include the things that affect the health and welfare of the individual." He says he never would have suggested a cutback in school-aid money for his district or lower outlays for the heart-cancer-stroke research center in Nashville.

Some other lawmakers are also showing untraditional restraint on certain public works projects for their home districts.

Each year the Administration sends Congress a list of Corps of Engineers rivers and harbors projects for which money is needed. The mark of a successful lawmaker is to get his own pet unbudgeted projects added to the final appropriations bill. Last July Democratic Sen. John Pastore of Rhode Island wrote a note to Chairman Allen Ellender of the Senate Appropriations subcommittee on public works asking him to insert $80,000 for an "essential study" of repairs to the Cliff Walk, a scenic seaside footpath near Newport threatened with wave erosion. Sen. Ellender, a Louisiana Democrat, obliged.

By the time the public works appropriations bill reached the Senate floor this month, however, the atmosphere had changed. The President's request for a tax increase had been rebuffed; lawmakers had worked themselves into an economy lather, at least in their speeches. Republican Sen. John Williams of Delaware moved to delete from the bill unbudgeted funds for the 41 projects that various Representatives and Senators had added. Voting with Mr. Williams, and thus against the "essential" Cliff Walk project, was Sen. Pastore.

Sen. Pastore says that because of the budget situation, "We should set an example by eliminating all projects that may be desirable but not essential." He is insisting, though, that the Cliff Walk money shouldn't be taken out of the bill unless the other unbudgeted projects are removed. "I don't want to be discriminated against," he says. "After all, that $80,000 isn't going to balance the budget."

Another liberal Democrat, Sen. Joseph Clark of Pennsylvania, also voted for the Williams amendment, though it would chop a small project in his state. It's a question of priorities, he told the Senate, urging higher outlays against urban poverty and crime: "To me that should have a higher priority than any public works project," he declared.

Still, the more reserved Congressional attitude toward the pork barrel is far from a wholesale reversal. In fact, only nine other Senators voted with Sens. Williams, Proxmire and Clark for cutting out the unbudgeted projects. And of the 41 other projects then in the bill, 19 have since survived a House-Senate conference on the measure; included is the Cliff Wall project.

Long-standing proposals for some projects have almost assumed a political life of their own, which lawmakers can't ignore; Sen. Carl Hayden fights in peace and war for his beloved central Arizona water supply project; Maine's Congressional delegation is ready to bleed for the hotly disputed Dickey-Lincoln School power dam; Republican Sen. Hiram Fong of Hawaii laments denial of funds to put more sand on Waikiki Beach and vows to try again next year.

COMPLAINTS MAY MOUNT

Though there has been little squawking so far about the President's freeze of nearly $66 million on contracts for Corps of Engineers projects, complaints may mount as the suspension of work continues. "We've not had too much repercussion," reports a corps official. "A delay of only a couple of weeks can't make much difference. But it will start hitting harder as time goes on." Warns the tolerant Rep. Gray, discussing the frozen contract for Rend Lake Dam in Illinois: "If Congress adjourns and then comes back in January to find the freeze still on, it will be a different story."

When the newer, more glamorous varieties of "pork" are threatened, the howls can be lusty. The new Federal program for fighting water pollution—a popular cause with the voters—consists mainly of grants for local sewage treatment plants. The Senate increased the Administration's $203 million appropriation request for this year by 10%, and lawmakers accusing the President of stinginess already are talking about an extra appropriation early in the next session.

Neither of California's Senators has complained about the freezing of some small old-fashioned levee and flood control projects in their state. But both exploded when West Virginia's Sen. Randolph and his coal-state colleagues proposed a cut in nuclear reactor research money. The cut would have set back the new nuclear-powered ocean water desalting plant scheduled for construction south of Los Angeles. The successful plea of liberal Republican Thomas Kuchel and conservative Republican George Murphy: Cut something else.

JUSTIFYING PROJECTS

The current budget pinch has encouraged a louder assault on the Corps of Engineers' traditional method of justifying rivers-and-harbors projects: The cost-benefit ratio. For a 50-year period, a project must show a return of more than $1 in benefits for every $1 spent or face rejection. Such critics as Democratic Sen. William Proxmire of Wisconsin contend the benefits often are inflated and costs are minimized in computing cost-benefit ratios.

Yet the corps' own figures helped doom a famous symbol of pork-barrel enterprises—the proposed Lake Erie-Ohio River canal, also known as "Mike Kirwan's Ditch." Pushed for years by Youngstown's Democratic Rep. Michael Kirwan, the $1 billion-plus project originally carried a rather impressive 3-to-1 cost-benefit ratio. But the engineers revised estimates downward, and the canal's many foes in Ohio and Pennsylvania contended the latest ratio of 1.2-to-1 was too low. Mr. Kirwan sadly dropped the project this year when Gov. Raymond Shafer of Pennsylvania formally notified the corps he wouldn't cooperate on the project.

A low cost-benefit ratio isn't always fatal. The current public works appropriation bill provides an unbudgeted $150,000 for planning the control of natural salt pollution in the Wichita River in Texas. The project strongly backed by local officials, has a cost-benefit ratio of 1.1 to 1.

Nor is a high ratio a guarantee of success. The corps calculates Sen. Fong's Waikiki Beach project would bring benefits of $15.90 for every $1 spent on spreading more sand and building erosion-control devices. That, says the frustrated Senator, is one of the highest ratios for any proposed project. The high benefits are attributed to more tourist business for nearby hotels if the famous beach is enlarged.

BUTTER LEGISLATION

Mr. MONDALE. Mr. President, the Dairy Record, the No. 1 trade magazine for the dairy industry, in its October 18, 1967, issue editorialized on S. 2527, the so-called butter legislation.

I ask unanimous consent that this very favorable editorial be printed in the RECORD.

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

NEEDS INDUSTRY SUPPORT

The bill introduced by Senator Walter F. Mondale of Minnesota to subsidize the price of butterfat used in butter, which would make it possible to reduce the retail price to encourage its use by consumers, is one that should receive the dairy industry's full support and endorsement.

The measure, in effect, is a consumer subsidy and it is legislation that every major dairy organization throughout the country has endorsed.

While, at this writing, we have not seen a copy of the Mondale bill, the salient points of it are that it empowers the Secretary of Agriculture to move surplus butter into commercial domestic consumption rather than into government storage by effecting a reduction in price to consumers by payments made to processors of butterfat used in butter.

Another feature of the bill is that the existing dairy price support program would be continued with the Secretary of Agriculture announcing the price support level per hundredweight of milk to the dairy farmer, as under the present support program.

However, something additional has been added in the Mondale bill. If commercial butter markets drag, the secretary, instead of buying butter in the market to support price, could reduce the retail price to encourage butter purchases by consumers. There would be no actual butter purchases or storage, except that which is needed to fill the requirements of the government programs.

It will be recalled that during World War II, prices of butter were rolled back and a subsidy was paid to dairy farmers through the plants. At that time, the dairy industry was critical of the Roosevelt Administration because of the rollback in butter prices, because consumers came to regard the rollback prices as what the real price of butter should be. Consumers, of course, did not take into account that a subsidy was being paid.

The situation then and now, however, is very much different. Even during rationing in 1945 while the program was in effect, the per capita consumption of butter was almost 11 pounds. At today's prices and competitive conditions, commercial consumption is about 5.5 pounds per capita.

The butter industry, during and immediately after World War II, was in a much healthier condition. Today it is in a surplus situation because of an unfortunate series of incidents, such as the cholesterol theory jag, the diet craze, the encouragement that the government has given to the oleomargarine industry and also the government's stubborn refusal to do something about imports until this country became a dumping ground for subsidized foreign dairy products.

LAW OF THE SEA

Mr. BARTLETT. Mr. President, in June of this year a Second Annual Summer Conference of the Law of the Sea Institute was staged at the University of Rhode Island. Among the participants was William C. Herrington, former Special Assistant to the Secretary of State for Fisheries and Wildlife.

Mr. President, I found the paper delivered to the conference by Mr. Herrington to be extraordinarily informative. Even though I have become reasonably familiar with the Geneva Convention on Fishing and the Conservation of the Living Resources of the Sea, as chairman of the Merchant Marine and Fisheries Subcommittee of the Senate Commerce Committee, I found reading Mr. Herrington's paper to be so educational that I would like others to have the same opportunity. Therefore, I ask unanimous consent that Mr. Herrington's paper, entitled "The Future of the Geneva Convention on Fishing and the Conservation of the Living Resources of the Sea," be printed in the RECORD.

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

THE FUTURE OF THE GENEVA CONVENTION ON FISHING AND THE CONSERVATION OF THE LIVING RESOURCES OF THE SEA

(By William C. Herrington)

Last year at the first Rhode Island Law of the Sea Conference, at the end of my paper on the "1958 Geneva Convention on Fishing and Conservation of Living Resources" I commented as follows:

"Now, eight years since the Geneva Fisheries Convention was negotiated, we must admit that much of the world has not yet caught up with its provisions, in practice at least. With this in mind the U.S. has recently begun to talk up a proposal that the FAO convene a World Fishery Conference that would consider, among other fishery matters, how the convention could be most effectively implemented and encourage more ratifications. Such a conference could also consider auxiliary procedures, such as the development of joint enforcement measures, which would make the provisions of the Geneva Convention more effective."

I understand that the informal reaction to this sounding out from fisheries people of other countries has been something less than enthusiastic. You should keep this reaction in mind in connection with some of my later comments on the possibility of improving the convention.

I have been asked to discuss at this Conference the future of the Geneva fisheries convention. I propose to approach the subject by first considering what countries have ratified the convention, speculate on the reasons behind their action, and then discuss the possibilities of further accessions and the likely motivating considerations. This will point up some of the strengths and limitations of the convention and the modifications needed to make it more effective. It will also provide a background for evaluating the possibility of achieving these modifications and, failing this, the possible alternatives.

WHO HAS ACCEPTED THE CONVENTION

As of June 1, 1967, the following countries were parties to the Geneva Fisheries Convention: Australia, Cambodia, Colombia, Dominican Republic, Finland, Haiti, Jamaica, Malagasy Republic, Malawi, Malaysia, Mexico, Netherlands, Nigeria, Portugal, Senegal, Sierra Leone, South Africa, Switzerland, Tobago, Trinidad, Uganda, U.K., U.S.A., Venezuela, Yugoslavia.

The combined catches of these countries in 1965 made up about 14% of the World total. Three of the countries accounted for more than ⅔ of this 14%, the next four accounted for about ⅓, while the remaining 18 produced about ⅓. The average catch of the 18 was about 50,000 m.t. each. Only the first three countries, together accounting for about 10% of the World total, generally would be classed as major fishing countries.

Why have these countries become parties to the Convention? I expect mostly because they favor the development of an international fishery regime based on law and order and consider the Fisheries Convention, while not fully satisfactory, is an improvement over the existing situation. Few of them will have their current problems substantially helped or hindered by the Convention in its present form. The majority I expect made no sophisticated analysis of the impact of the Convention on their long range fishery interests.

NOW LET US CONSIDER THE NONMEMBERS

The reasons why these countries have not become parties to the Convention are more varied and perhaps in many cases more deep seated than the reasons for most ratifications.

One group led by the USSR presumably favors most of the provisions of the Convention. However, the members of this group will not accept the requirements for obligatory settlement of differences concerning the conclusions to be drawn from scientific data bearing on the need for and nature of conservation measures. (Yet without this provision each country if it desires to prevent or delay action on regulations, is free to bicker as long as it wishes regarding the conclusions that should be reached concerning conservation requirements.)

There is another group of countries made up largerly of coastal states which would like to have broad jurisdiction over the fishery resources in waters adjacent to their coasts. They do not join primarily because they fear that such accession would handicap their efforts to develop such broad jurisdiction.

A third group is made up of conservatives, mostly sophisticated European fishing countries (and Japan), which hold back official recognition of any special rights of the coastal states for fear it will adversely affect their overseas fishing operations. However, some of this group with substantial coast lines (and coastal fisheries) of their own may be experiencing growing internal conflicts as their long range fishing operations are increasingly and effectively challenged by competition from relative newcomers to long range high seas fishing, and their coastal fisheries suffer increasingly from the aggressive operations of these same newcomers. If the position of such countries should change, it probably would be to support measures that would give substantially more protection to established inshore fisheries than does the present convention.

There is still a fourth group which is made up of countries that generally favor the provisions of the Convention but are not at present involved in any serious fishing controversy or, if they are, do not see that the Convention would provide any near time help in solution of their current problems. Since the Convention has not been accepted (and is not likely to be) by an overriding majority of countries, including most of the substantial fishing countries, its provisions do not have the force of international law. They apply only to those who are members of the Convention and this group does not include most of the parties to current major fishing disputes. In such disputes the Convention at best serves as a guide or precedent. For this reason the party to the dispute whose position is most at odds with the general provisions of the Convention, is less than ever inclined to join up for fear of strengthening the position of the other party. Meanwhile this other party can see little to be gained from joining since the provisions of the Convention would not be binding on the non-member.

Countries not involved in fishing disputes generally lack urgent and practical incentives for accession. In such situations we often find action on accession rather low on the priority lists of their Foreign Offices where it must compete for attention with more pressing and in their view more practical matters.

If fishery disputes could be taken to the World Court for settlement in fact as well as in theory, some countries would have a substantially greater incentive to accede to the Convention, for the greater the membership the more influence its provisions would have on the Court. However, such disputes rarely reach the Court for one party or the other which is dubious of the soundness of its case under international law (as influenced by the 1958 Law of the Sea Conference and resulting Convention), refuses to make use of the services of the Court.

To substantially alter this membership situation would require some new development that would provide a practical incentive for immediate action (such as the discovery of gas and oil in the European continental shelf did for the Continental Shelf Convention). At the moment I do not see such a development on the near horizon and therefore conclude that we are not likely to soon see any substantial number of new accessions, certainly not enough to give the Convention the force of international law.

For these reasons the principal effect of the Convention will continue to be its moral and technical influence. By and large countries will continue to seek solutions to their fishery problems through bilateral and multilateral agreements which from time to time may borrow provisions from the Geneva Convention. For example, the setting up of an independent committee of experts in population dynamics by the International Whaling Commission, which played a key role in initiating a realistic conservation program for the Antarctic whale stocks, could not have been engineered except for the precedent of the 1958 Geneva Fishing Convention. (Progress on this program has been seriously handicapped by enforcement problems.) Furthermore, because of the status of the Convention, deriving from its origin in a Law of the Sea Conference convened by the UN and the strong support it received at that Conference, most responsible fishing countries involved in fishery controversies will seek to develop positions which are not inconsistent with the general provisions of the Convention.

LIMITATIONS ON EFFECTIVENESS

The primary limitation on the effectiveness of the Convention stems from the limited membership I have just discussed. However, even should this limitation be removed by a flood of ratifications, other serious limitations would remain.

One of the most serious is the lack of provision to handle the problems generated by large numbers of fishing vessels operating together in fleets. Such fleets have the capacity to rapidly concentrate tremendous fishing power on one area or stock of fish, and just as rapidly to shift this power successively to other areas at distant or intermediate points. Where the fish stock is relatively limited in numbers such a concentration can rapidly reduce the availability of fish to a level indicating severe and at least localized and temporary overfishing. If this stock is relatively independent of the stocks in other areas it may take years to recover. If there is considerable intermigration between this stock and those in nearby

areas, it will recover more rapidly, provided adequate conservation measures are adopted and the other stocks are not similarly reduced. The mobile fleet of large vessels is not particularly handicapped in this situation for it can move to other areas (provided massed fishing intensity has not similarly over-fished these areas). However, the smaller, short range coastal vessels may be severely affected, for they must continue to make their living from the nearby fishing grounds. Under this system the massive long range fishing fleets presently would dominate the coastal fisheries even though they may not provide the best means for harvesting the resources, either economically or socially.

This is a relatively new problem, at least in the Western Hemisphere, and the Fisheries Convention provides no remedy. It cannot be argued in defense of this new fishing method, at least when the coastal fishery already is making full use of the resource, that large boat fleet fishing will add to the World food supply, nor can it generally be argued per se that such long range fishing is more economic than coastal fishing. Unless effective provisions can be developed and applied which will prevent long range fishing operations from destroying or seriously damaging coastal fisheries, many countries will look to other vehicles than the Fisheries Convention for a solution to their problems for I do not believe that the countries of the world will allow the general destruction of coastal fisheries by fleet fishing. For those interested in securing full utilization of the World's fishery resources to feed a hungry World the problem will be to secure a solution that gives adequate protection to coastal fisheries without resulting in extensive under utilization of the coastal resources.

A second major shortcoming of the Fisheries Convention is the lack of enforcement provisions. Under the present convention even when countries through painstaking research, long drawn out discussion, and painful and sometimes debilitating compromise, finally reach unanimous agreement, there is no machinery for assuring the enforcement of the measures agreed upon. This defect is becoming increasingly important as long range fishing operations increase and fishing vessels operate at long distances from their own coasts and the fishery enforcement vessels of their own country. Efforts to secure agreement on joint enforcement measures, which would increase immeasurably the prospects for effective enforcement, have been unsuccessful except in the case of a few specialized fisheries (North Pacific Fur Seal Convention and the International North Pacific Convention in cases involving abstention. Under these conventions arrests for violation can be made by any Party, but prosecution takes place in the flag country.) The U.S. delegation to the 1958 Geneva Conference on Law of the Sea sounded out the prospects for including provisions for joint enforcement in the Fisheries Convention but encountered such strong opposition that no formal proposal was made. About the most that can be said of efforts since the 1958 Conference to secure agreement on joint enforcement provisions is that in some instances there has been partial agreement in principle, but none in practice. (Very recently efforts in the North Atlantic seem to be making limited progress.) In the absence of agreement on measures for international enforcement, joint enforcement, or at least effective international observers, the world must depend on the honor system. By and large international honor systems have left much to be desired. Furthermore, even when the will is present, it generally is impossible for a country to control in detail the activities of its fishermen when they operate thousands of miles away off the coasts of other countries.

A third limitation on the effectiveness of the Fisheries Convention stems from delays in getting agreement on and implementation of needed and effective conservation measures, particularly when one or more of the parties wishes to prevent or delay any restriction on the operations of its fishermen. This limitation is similar in kind but substantially less in degree than that in most present international fishery agreements. The drafters of the Fisheries Convention strove mightily to resolve this problem, and they did so up to a point. There are many ways of stalling. Perhaps the most sophisticated is to require an absoluteness of supporting evidence which as a practical matter is impossible to achieve or which requires such a span of time and expenditure of scientific skill and financing that excessive damage is done to the resource before agreement is reached and implemented. The Antarctic whale resource is a striking example. The groundfish of the NW Atlantic may be another.

The Geneva Fisheries Convention pioneered a number of measures designed to resolve this problem. Time limits are set for reaching agreement on necessary conservation measures and provision is made for referral of the question to a special commission of experts when the time limits are not met. Furthermore, in urgent situations in coastal waters, the Coastal State is authorized to regulate unilaterally pending a determination by the special commission. These provisions of the Fisheries Convention are a great advance over preceding fishery agreements and probably would assure a speed of decision-making generally adequate for fishery developments of ten years ago. However, the tempo of fishery development and exploitation has accelerated since then, and with increasing attention being directed to utilization of the ocean's resources the acceleration is likely to continue.

Now to sum up the limitations on the effectiveness of the Convention: First of all and most important, the parties to the Convention are not at present adequate in number and makeup to give it the status of international law. Consequently its provisions for determining conservation measures and expediting action can be applied only among those party to the Convention. They make up a relatively small club which does not include both or all of the participants in most of the current and urgent international fishing problems. Unless this shortcoming can be remedied, then other modifications to make the Convention more effective will have no very great impact.

Correction of the other principal shortcomings—control of the impact of massive long range fleet fishing on developed coastal fisheries, international enforcement provisions, and speeding up action on needed conservation measures, all require modifications which would make the Convention less acceptable than at present to some countries. Thus efforts to strengthen the provisions of the Convention to a substantial extent operate at cross purposes with efforts to increase membership. If time were available as in the past to laboriously work toward these improvements they might in time be accepted. However, the rapidly growing world population with its pressure for more food and other raw materials which the sea can supply (at a price) is not likely to grant time as in the past for the slow evolution of international fishery procedures.

As science and engineering develop economic means to make use of the ocean's resources pressures will increase to establish a legal system that will make such use practicable. We are seeing how rapidly this is taking place with resources of the continental shelf once the family of nations settled the jurisidction problem in a way that made it practical and attractive for investors to commit large sums of money and brains to exploration and development of the latent resources of the sea bed. The problems of development, management, and control of the ocean's resources increase rapidly in complexity as we move from mineral resources, to immobile living resources (example: pearl oysters), to living resources which move in constant contact with the sea bed (king crab), to living resources which swim but within a relatively restricted area (flounders), to those which roam over great areas of the high seas (skipjack). Neverthless, I have no doubt that man will learn to develop and manage these resources with suitable allowance for their intermingling stocks and overlapping ranges in such a manner as to maximize the overall yield. Where actual "sea farming" is possible (increasing the productivity of a stock of fish, invertebrates, or sea weed, through improved breeding, feeding conditions, environment, etc.) experience teaches us that the responsible individual or organization must have control of the operation and of the harvest if the project is to realize its potential. If we are to succeed to any major degree in realizing the great potential of the oceans about which so much now is being said. I would judge that both international law and domestic law must evolve toward a greater degree of individual or group ownership, or at least control. The longer and more bitterly the overseas fishing countries (those who fish principally off the coasts of other countries) resist this development the more extreme and arbitrary the final solution is likely to be.

The World appears to be ready, in a scientific and technical sense, for a major advance in fuller utilization of the resources of the oceans. Perhaps the principal remaining legal (or political) question regarding jurisdiction is: will this problem be resolved "de facto" or "de jure"?

JUDGE ADVOCATE SERVICE AND ADMISSION ON MOTION

Mr. TYDINGS. Mr. President, the October 1967, issue of the American Bar Association Journal contains an article entitled "Does Judge Advocate Service Qualify for Admission on Motion?" written by H. Thomas Howell, of the Maryland bar, a young attorney who was graduated from Princeton University with an A.B. in 1959 and from the Yale Law School with a LL. B. in 1962.

Mr. Howell's thesis is that State bar admission rules permitting the admission on motion of attorneys admitted in other States who have practiced in good standing for a specific term, but precluding inclusion of military legal experience in the computation of the specified term, are based upon the erroneous and unreasonable preconceptions that military legal experience is of little value and is not professionally the equal civilian legal experience.

I commend this article to my fellow Senators most strongly, not only because Mr. Howell is a promising attorney, who has served both as law clerk to Judge Simon E. Sobeloff, chief judge of the U.S. Court of Appeals for the Fourth Circuit and as a member of the Army Judge Advocate General's Corps, but because he states the case for abolition of this discrimination against military lawyers most persuasively. I heartily endorse the arguments Mr. Howell propounds, and invite Senators to read his excellent support brief.

I ask unanimous consent that Mr. Howell's article be printed in the RECORD.

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

DOES JUDGE ADVOCATE SERVICE QUALIFY FOR ADMISSION ON MOTION?

(By H. Thomas Howell)

The professional career of William H. Babcock began in typical fashion: success on the Maine bar examination, admission to practice and long hours as a fledgling attorney. Then came the Korean conflict, and his private practice was curtailed by a summons to active duty. Determined to pursue his calling as a lawyer, he accepted a commission in the Judge Advocate General's Corps of the Air Force. During the next ten years he performed legal assignments at military bases in the United States, Norway and Morocco. In 1962, deciding to resume civilian practice, Babcock resigned from the Air Force and departed with his family for Sitka, Alaska, where he promptly moved for admission to the Bar.

Like thirty-eight sister states and the District of Columbia, Alaska does not require a written examination of attorneys licensed elsewhere who have actively practiced for specified period of years[1] and who comply with standards as to residence, age, education and character. No constitutional mandate compels a state to make this concession.[2] Whether authorized by statute or by rule of court, admission on motion is a matter of comity—a principle by which one jurisdiction confers the privilege upon a practitioner licensed in another. Professional fitness is measured in terms of actual experience instead of by formal examination.[3]

In contrast, a minority of eleven states[4] continues to impose written examinations upon all out-of-state applicants, irrespective of demonstrated competence. The ostensible purpose is to promote high standards protective of the public, but a cynic might wonder if the public shield does not conceal a sword against unwanted competition.[5] It may or may not enable the local Bar to "gain a momentary respite from the pressure of events by the simple expedient of shutting its gates to the outside world".[6]

But even though Alaska officially recognizes comity, its gates remained shut when Babcock applied. The Board of Law Examiners rejected his petition and an appeal to the Supreme Court of Alaska met with this response:

We do not believe that it can be reasonably said of a lawyer in the military service, even though he be assigned to do work only of a legal nature, that he is engaged in the business or profession of practicing law. His business or profession while in the Armed Forces, as we see it, is that of being a soldier, a man in the service of his country.[7]

As far as his chosen profession was concerned, Babcock might as well have been piloting jets or requisitioning supplies. What he did in fact is outlined in the court's own opinion:

His practice of law in the Air Force was a full-time assignment as a Judge Advocate and encompassed a wide range of legal endeavor. He participated in almost a thousand trials, as either prosecutor, defense counsel, or law officer (judge). He acted as legal advisor to staff agencies and took part in contract negotiations, tax matters and administrative hearings.[8]

If a record as comprehensive as Babcock's falls short of "practice of law", then it surely follows from the court's pronouncement that many lawyers in military service are wasting their careers. This could be said of any one of the 3,000 judge advocates in the Army and Air Force and legal specialists in the Navy who fully constitute 1 per cent of the entire profession and who regard themselves, now and forever, as an integral part of it; or of bygone gentlemen (Major Henry Wheaton, Brigadier General Hugh S. Johnson, Major Henry L. Stimson, Lieutenant Colonel Patrick Hurley) and scholars (Colonel John H. Wigmore, Major John Chipman Gray, Colonel Edmund P. Morgan) who, as lawyers in uniform, were assuredly lawyers in fact;[9] or even perhaps of Major Felix Frankfurter, the reserve judge advocate with a healthy contempt for "pipsqueak colonels".[10] The indictment is conceivably broad enough to embrace a Deputy Judge Advocate General who later became Chief Justice of the United States, although his biographer assures us that "Valley Forge was a better training for Marshall's peculiar abilities than Oxford or Cambridge might have been."[11]

The military segment of the profession deserves greater consideration than the *Babcock* decision accords to it. Only a few months earlier, the Supreme Court of New Mexico had no qualms in holding, under a rule similar to the Alaska statute, that a career judge advocate had "actively and continuously practiced law" in the Army.[12] The Alaska court was aware of the latter ruling and actually cited it in its own opinion. Nonetheless, it fastened its own independent value judgment upon the comity statute and wound up "finding no reasonable basis for enlarging the words 'practice of law' as used in the proviso to include the performance of legal work assigned by the Judge Advocate General . . .".[13]

The Alaska legislature has since responded with an amendment which pointedly includes "legal duties as a member of one of the Armed Services" within the statutory definition of "practice of law."[14] While the sting of the *Babcock* decision is gone, the value judgment may yet linger to cloud the interpretation of comity rules in other jurisdictions.

In fairness to the Supreme Court of Alaska and those inclined to its viewpoint, it may be said that military service has not always been conducive to bona fide practice. Fighting men have been slow to realize why anyone should "appear before a general Court Martial to interrogate, to except, to plead, to teaze [*sic*], perplex and embarrass by legal subtilities [*sic*] and abstract sophistical distinctions".[15] We need not go far back into history to find hideous examples of drumroll travesties, duly presided over by judge advocates. Within the legal profession itself there is persistent doubt and speculation whether the Uniform Code of Military Justice, for all of its paper reforms, really amounts to much in practice.[16] Even lawyers with charitable dispositions are prone to conceive the function of judge advocates solely in terms of the court martial.

Downgrading the defense establishment and scorn for the military mind have become so traditional that few among us are prepared to swallow whole the notion that law practice can actually thrive in such other-wordly conditions.[17] The less this branch of practice is understood, the easier it is to indulge in abstract criticism of lawyers engaged in it. This article does not urge the admission on motion of every military applicant who tenders the fee. Nor is it directly concerned with the droves who enter the Judge Advocate General's Corp to discharge minimum service obligations[18] and then flee back to civilian life at the first opportunity.[19] Rather, the suggestion here is that lawyers who devote their prime years and talents to military practice and contribute to its development should not be penalized without consideration of the realities of such practice. If the benefits of comity are to be withheld from lawyers in uniform, it at least seems incumbent upon the decision-

---

[1] Usually five years of prior practice. Two years are required in Montana; three years in Arkansas, Illinois, Maine, Michigan, Utah and Vermont; seven years in New Mexico and Texas; eight years in Pennsylvania; ten years in Rhode Island.

[2] Admission to the Bar of one state confers no reciprocal right to practice in another. *Petition of Avery*, 44 Haw. 597, 358 P. 2d 709 (1961); *In re Rodgers*, 194 Pa. 141, 46 Atl. 668 (1900); *Application of Stone*, 77 Wyo. 1, 305 P. 2d 777, *cert. denied* 352 U.S. 1026 (1957). It is not regarded as a constitutional "privilege or immunity". *Bradwell* v. *Illinois*, 16 Wall. 130 (1873).

[3] *Petition of Jackson and Shields*, 95 R.I. 393, 187 A. 2d 536, 539 (1963).

[4] Alabama, Arizona, Florida, Hawaii, Idaho, Louisiana, Nevada and New Jersey. Attorney's examinations are required in California, Oregon and Washington.

[5] Dalton & Williamson, *State Barriers Against Migrant Lawyers*, 25 U. KAN. CITY L. Rev. 144 (1957); Note, 98 U. PA. L. REV. 710 (1950). See also, Note, *Attorneys, Interstate and Federal Practice*, 80 HARV. L. REV. 1711 (1967).

[6] *Edwards* v. *California*, 314 U.S. 160, 173 (1940).

[7] *Application of Babcock*, 387 P. 2d 694, 697–698 (Alaska, 1963).

[8] *Id.*, 694–695.

[9] Fratcher, *History of the Judge Advocate General's Corps, United States Army*, 4 MIL. L. REV. 89 (1959).

[10] PHILLIPS, FELIX FRANKFURTER REMINISCES 114–115 (1960). Frankfurter attributed to a former Judge Advocate General "one of the best professional brains I've encountered in life". *Id.*, 59.

[11] 1 BEVERIDGE, THE LIFE OF JOHN MARSHALL 119 (1916).

[12] *Lanning* v. *State Board of Bar Examiners*, 72 N.M. 332, 383 P. 2d 578. (1963), noted 49 A.B.A.J. 1015 (1963). See also *Warren* v. *Board of Bar Examiners*, 409 P. 2d 263 (N.M. 1966) (attorney for the Atomic Energy Commission with prior experience as a judge advocate).

[13] *Application of Babcock*, *supra* note 7, at 698.

[14] ALASKA STAT. § 08.08.245(4) (1966 Supp.). See *In re Payne*, 36 Law Week 2078 (Alaska, 1967) (legal service as attorney for United States Army Corps of Engineers constituted "active practice of law" for purposes of admission on motion to Alaska Bar).

[15] General James Wilkinson, speaking in 1809 as Army Chief of Staff. Wiener, *Courts Martial and the Bill of Rights: The Original Practice*, 72 HARV. L. REV. 1, 28 (1958). Such attitudes find no favor in the military hierarchy today. Hamlett, *A Commanders' View of the Judge Advocate*, 50 A.B.A.J. 533 (1964).

[16] Compare, Keefe & Moskin, *Codified Military Injustice*, 36 CORNELL L.Q. 151 (1949) with Ward, *UCMJ—Does It Work?* 6 VAND. L. REV. 186 (1953), and White, *The Uniform Code of Military Justice—Its Promise and Performance*, 35 ST. JOHN'S L. REV. 197 (1961).

[17] *E.g.*, *Washington ex rel. Laughlin* v. *Washington State Bar Association*, 26 Wash. 2d 914, 176 P. 2d 301, 311 (1947) (Army legal career "interesting" but incompatible with "practice of law").

[18] Nearly 80 per cent of all newly commissioned judge advocates resign after a single tour of duty and therefore lack the requisite years of practice for admission on motion. See note 1, *supra*.

[19] Often in fear that they would be missing the "real" practice by remaining in uniform. For conflicting viewpoints of young judge advocates over the nature of military practice, see letters appearing in 53 A.B.A.J. 204, 507, 508 (1967). These fears are heightened by knowledge that civilian jurisdictions do not always recognize military practice in their comity rules. This accounts in part for the mass exodus from the Armed Services of many of its promising lawyers and is cause for constant soul-searching on the part of those who do remain.

makers to eschew preconceived value judgments and to acquaint themselves with the facts of legal life in the Armed Services.

Excellent literature is available on the subject to anyone willing to consult it.[20] Suffice it to say that all judge advocates are lawyers, selected because they are lawyers and entrusted with assignments that only lawyers can handle. To qualify for a commission today, a candidate must compile a superior record in an approved law school and be admitted to practice before his state's highest court. Competition is intense; three out of four who qualify must be turned away.[21]

Once commissioned, the military lawyer accumulates practical experience at the same rate as his civilian brethren. At some point in service he may participate in courts martial but will more often than not be deeply involved in civil-oriented fields of law. Depending upon his particular assignment, a judge advocate may be called upon to draft wills, contracts and leases for service personnel and their families; to advise them in state and federal tax matters, commercial transactions of all kinds, voting and civil rights, and the whole gamut of divorce, adoption and naturalization proceedings;[22] to analyze patents; to supervise the award and preparation of multimillion-dollar procurement contracts; to render advice as to union representation and labor disputes on government installations; to instruct commanding officers and staff agencies as to their statutory duties; to settle claims by and against the government; to prepare litigation briefs; to represent the Armed Services before civilian boards and commissions; to interpret treaties and apply precepts of international or domestic foreign law to the myriad situations arising from our far-flung global commitments.[23] No one judge advocate does all of these things, of course, but many of these challenges do occur in the course of extensive service.

In short, opportunities to cultivate a well-rounded legal background or to perfect a specialty do exist in fact. It would be an overstatement to say that all make the most of these opportunities. The military segment of the profession has its share of time-servers and dilettantes who manage somehow to survive annual efficiency reports and periodic reductions in force. At the same time, no civilian Bar is immune from parasites or more diligent in its efforts to weed them out. Practice in a military environment is neither a badge of incompetence nor an absolute guarantee of qualification for admission on motion. It does provide a suitable basis for inquiring on a case-by-case basis into what the applicant has actually accomplished.

In some states, comity admission is denied if the applicant lacks trial experience.[24] Judge advocates rarely argue cases in *civilian* courts, conduct of Armed Services litigation being vested in the Department of Justice.[25] It is usually a judge advocate who puts the case together for trial or who drafts the brief; he may sit at the counsel table as a trial consultant. Some Navy lawyers do appear before admiralty tribunals, and, now and then, a judge advocate is court-appointed to represent an indigent accused in a civilian proceeding.[26] However, the general court martial is still the primary forum for the art of advocacy. It remains a unique institution, but one which has matured so rapidly as to constitute a major achievement of the modern legal profession. No fair-minded observer would deny that the safeguards afforded the accused, the procedural steps from arrest to final review, and the range and vigor displayed by counsel on either side compare favorably with any state or federal prosecution.[27] (Surely the scores of civilian attorneys who have participated would resent any inference that *they* were not practicing law while so engaged!)

Even assuming for agrument's sake that court-martial practice falls short of trial experience, should a lawyer in uniform—or any lawyer, for that matter—be precluded from demonstrating that his over-all proficiency renders him eligible for comity admission? Few would disagree that trial participation is a reliable gauge of professional worth. But there are many other ways to measure up as a lawyer. It is as true now as it was thirty years ago that:

> Court litigation constitutes but a small fraction of the work of the legal profession today. It would, I believe, amaze even us, the members of the legal profession, if we could obtain a reasonably accurate appraisal of the volume of court litigation as compared to the volume of general legal business, to find out how small a part it plays in the practice of law today.[28]

Many able practitioners seldom, if ever, engage in trial work.[29] As we regret the declining pre-eminence of the trial lawyer,[30] we tend to venerate the ideal. Yet, for all our nostalgia, we "suspect that the romantic vision of the old-fashioned barrister as a knight in shining armor, ready to try any lance offered to him, was never quite so true in the United States, as we like to think".[31] Formal distinctions between barristers and solicitors vanished long ago from our jurisprudence.[32] Why conjure up ghosts for the sake of comity admissions?

A more serious impediment to military lawyers is the rule enforced in several jurisdictions calling for actual practice in the state of admission. Frequent assignment changes and widely scattered tours of duty make it impossible for judge advocates to sink roots in any one spot, much less the state of original admission. After prolonged absence, contacts there may be more sentimental than real.

Construed literally, the single-state test could be used to exclude lifelong practitioners, military or otherwise.[33] Viewed in broader perspective, it is but a sensible maxim that lawyers performing under the vigilance of local judges and fellow attorneys are usually better risks for admission on motion than will-o'-the-wisp migrants. All that is intended, one court has said, "is to have the applicant put to the test of the reputation which he would acquire in five years in one locality".[34]

Without sacrificing this purpose, comity among states is also capable of being applied to the federal system and to those who practice in it. As a practical matter, the Armed Services constitute a self-contained jurisdiction important both in terms of population and territory.[35] For lawyers practicing within it, professional reputation is at once a subject of constant scrutiny and a matter of official record. Choice of assignments, promotion and retention depend upon it. A judge advocate may be sent from place to place, but a thoroughly documented file goes with him, and so do the studied opinions of his associates. He does not fit the description of "the unsuccessful lawyer, who, having failed to make good in one jurisdiction, determines to try his luck in another".[36] Why, then, should he be casually lumped together with the drifters, the misfits, the disbarred and the other flotsam and jetsam against which the comity rules were purposely designed?

Gone is the era when the likes of Colonel Winthrop could arrive at a new duty station and be admitted to the local Bar a few weeks later.[37] Nor are we likely to witness

---

[20] Murray, *The Military Practice*, 50 A.B.A.J. 938 (1964); Walsh, *Can the Military Cope with Thirteen Books?*, 50 A.B.A.J. 67 (1964); Davis & Wiley, *The Life and Work of an Army Judge Advocate*, 7 STUDENT LAW. J. 6 (1962); Hodson, *The Judge Advocate Lawyer*, 34 BAR EXAM. 56 (1965); Bracken, *Remarks*, 29 BAR EXAM. 43 (1960).

[21] Murray, *supra* note 20, at 939.

[22] The legal assistance program, cosponsored by the American Bar Association, has at present an annual caseload of 1,000,000 in the Army alone. Winkler, *Legal Assistance for the Armed Forces*, 50 A.B.A.J. 451 (1964).

[23] See, *e.g.*, Auerbach, *The Military Lawyer in the Republic of Vietnam*, 53 A.B.A.J. 63 (1967).

[24] "Actual practice in the highest court of original jurisdiction provides a crucible for testing legal knowledge and its practical application in behalf of clients." *Application of Plantamura*, 149 Conn. 111, 176 A. 2d 61, 62 (1961), *cert. denied* 369 U.S. 872 (1962) (trial work an absolute prerequisite to admission on motion). But *see In re Hunt*, 230 A. 2d 432 (Conn. Sup. Ct. 1967) (salaried corporate house counsel eligible for admission on motion). Maryland recently abandoned such a trial-work requirement. See text accompanying note 48, *infra*.

[25] 5 U.S.C. § 306 *et seq.*

[26] Counsel for petitioner in *Escobedo* v. *Illinois*, 378 U.S. 478 (1964), was an Army judge advocate at the time of his appointment. Hodson, *supra* note 20, at 59.

[27] See generally, Warren, *The Bill of Rights and the Military*, 37 N.Y.U.L. REV. 181 (1962); Note, *Constitutional Rights of Servicemen Before Courts-Martial*, 64 COLUM. L. REV. 127 (1964); Wiener, *The Army's Field Judiciary System: A Notable Advance*, 46 A.B.A.J. 1178 (1960); Melnick, *The Defendant's Right To Obtain Evidence*, 29 MIL. L. REV. 1 (1965); Christensen, *Pretrial Right to Counsel*, 23 MIL. L. REV. 1 (1964); Maguire, *The Warning Requirement of Article 31(b)*, 2 MIL. L. REV. 1 (1958).

[28] Clark, *Limitation of Admission to the Bar*, 23 A.B.A.J. 48 (1937).

[29] "Under the growing problems and complexities confronting clients today, many outstanding lawyers devote themselves exclusively to office work, and refer court matters to counsel experienced in this field of the law." *Application of Plantamura*, 22 Conn. Sup. Ct. 213, 166 A. 2d 859, 862 (1960) (patent lawyer nonetheless held ineligible for admission on motion; *In re Hunt*, 230 A. 2d 432) Conn. Sup. Ct. (1967) (corporate house counsel eligible).

[30] Rhoads, *The Lawyer's Image*, 51 A.B.A.J. 621 (1965); Kaufman, *The Trial Lawyer: The Legal Profession's Greatest Asset*, 50 A.B.A.J. 25 (1964).

[31] Rostow, *The Lawyer and His Client*, 48 A.B.A.J. 25, 27 (1962).

[32] *Id.*, 28. "No valid distinction can be drawn between the part of the work of the lawyer which involves appearance in court and the part which involves advice and the drafting of instruments." *State Bar Association* v. *Connecticut Bank & Trust Co.*, 145 Conn. 234, 140 A. 2d 863, 870 (1958).

[33] This at present is the state of affairs in four jurisdictions. See note 50, *infra*. The rule in Rhode Island also require practice in the state of admission, but this requirement has been waived in the case of qualified military lawyers. *In re Shields' Petition*, 192 A. 2d 430 (R.I. 1963), noted 49 A.B.A.J. 1014 (1963).

[34] *Edmonds* v. *Webb*, 182 Md. 60, 32 A. 2d 702, 703 (1943) (interpretation of former Maryland rule). See also, *In re Hunt*, 230 A. 2d 432, 434 (Conn. Sup. Ct. 1967) ("continuity of exposure").

[35] *Lanning* v. *State Board of Bar Examiners*, *supra* note 12 (legal assignments at various military bases constitute practice of law within a single jurisdiction).

[36] Riordan, *The Itinerant Attorney With a Past*, 23 A.B.A.J. 15, 17 (1937).

[37] The esteemed military scholar was admitted on motion by the Supreme Court of California in 1883. Prugh, *Colonel William Winthrop: The Tradition of the Military Lawyer*, 42 A.B.A.J. 126, 129 (1956).

another spate of legislation such as followed World War II, when fourteen states waived bar examinations for all veterans and fifteen granted comity solely on the basis of military service—*any* kind of service.[38] The present generation of lawyers in uniform has sought neither concessions nor waivers but simply forthright recognition as professional equals.

To achieve this end, the House of Delegates of the American Bar Association adopted the following resolution in 1959:

Whereas, The American Bar Association is advised that many lawyers, who have completed their service with the Armed Forces of the United States during which they were primarily, if not exclusively, engaged in the general practice of the profession of law and who are already admitted to practice before the bar of one state, have been denied admission to practice before the bars of certain states under existing reciprocity agreements of admission on the theory that they are not entitled to cumulate, for length-of-practice purposes, the time spent practicing as a military lawyer with the time spent practicing as a civilian lawyer;

Now, Therefore, Be It Resolved, That the American Bar Association urges that the appropriate authority of the several states, in determining the length-of-practice under reciprocity agreements on admission, give credit for the practice of the profession while in the Armed Forces by those lawyers who otherwise meet the requirements for admission under reciprocity agreements.[39]

Behind the energetic leadership of John P. Bracken [40] and its present chairman, Frank B. Gary, the Standing Committee of Lawyers and Legal Services in the Defense Establishment has endeavored to carry out this noteworthy commitment.[41] The success of this committee—composed of civilians—is mirrored in the wide-scale response to its unflagging efforts.

It is always easier to define an issue than to solve it. For all the committee work, the resolution would have become a dead letter [42] without the voluntary intervention of bar examiners, lawmakers and judicial bodies at state and local levels. From a mere handful, the number of states granting some form of recognition to military lawyers has grown steadily. It now represents a clear-cut majority (thirty-one in all), according to a recent informal poll of bar admissions officials in the thirty-nine comity states. Eight of them [43] have adopted rules or statutes which expressly authorize admission on motion upon certificate by The Judge Advocate General as to the nature, quality and extent of legal work actually performed by the applicant. In three others,[44] which have no special military rule, such a certificate will usually be accepted as *prima facie* compliance with existing "active practice of law" standards. Authorities in seventeen states,[45] without committing themselves to a fixed interpretation of rules, have indicated that circumstances of military practice are entitled to full consideration on a case-by-case basis. In three states,[46] prior practice requirements have been waived in favor of judge advocates.

And the returns are still coming in. Within the last several months, Kansas, Maine, Tennessee and Vermont for the first time admitted lawyers whose professional experience consisted entirely of legal work in the Armed Services. Last May, Oklahoma bar examiners entertained seven comity petitions and rejected all but one. The successful applicant was a law professor who had just retired from the Army after serving on the staff and faculty of the Judge Advocate General's School at Charlottesville, Virginia.

Full-time active service as a judge advocate will henceforth be considered as the practice of law for admissions purposes, according to a statutory amendment passed by the Michigan legislature last May.[47] In Maryland a rules amendment went into effect on January 1, 1967, which eliminated a test of "active and responsible participation in the trial of cases", which had been construed to render ineligible most military lawyers. The amended version adopted by the Court of Appeals of Maryland now permits consideration of the nature and extent of professional duties performed by a lawyer while a member of the Armed Services.[48] From Mississippi it is reported that the State Bar is taking a second look at a blanket prohibition against comity admission of "attorneys working for governmental agencies".[49]

Gaining the understanding and confidence of civilian decision-makers has not been an overnight proposition. Pockets of resistance still abound. No fewer than nineteen states either officially discourage military applicants [50] or else have no comity arrangements whatsoever.[51] It is one thing to lock the door to all outsiders and quite another to label it "civilians only". Barriers of the latter kind are seldom designed as such. Nor are they necessary to the preservation of professional standards, if we accept the expressions of policy now in force in a majority of states. While the present trend is encouraging, it remains incomplete. Only when the entire legal fraternity accords rightful status to its military members in good standing will there be cause for genuine satisfaction.

---

[38] Gerhart, *Admission to the Bar: Survey of Present Requirements in the States,* 33 A.B.A.J. 995 (1947). The author "concluded that these relaxations in favor of veterans have not resulted in any wholesale reduction of admission standards". *Id.,* 1000. Arkansas still waives practice requirements if the applicant is unable to comply by reason of military service.

[39] 84 A.B.A. Rep. 511–512 (1959).

[40] Former chairman of the standing committee that sponsored the American Bar Association resolution.

[41] Particular responsibility is vested in a comity subcommittee of which Rignal W. Baldwin is the chairman.

[42] Formalistic barriers were proving "almost unscalable" at the time of its adoption. Dalton & Williamson, *supra* note 5, at 145.

[43] Alaska (1965), Colorado (1962), Iowa (1965), Michigan (1967), Missouri (1964), South Carolina (1962) and West Virginia (1956). A 1966 Wisconsin statute more comprehensively recognizes "actual legal service in any department of the United States government". A local rule in the District of Columbia is to the same effect. Clark & Smith, *Bar Admission Requirements and the Military Lawyer,* 3 JAG BULL. 16, 18 (1961).

[44] Illinois, Kentucky and New Hampshire. The Illinois policy toward judge advocates is outlined in Smith, *Remarks on What Constitutes Practice,* 34 BAR EXAM. 54, 55 (1965).

[45] Delaware, Georgia, Indiana, Kansas, Maine, Maryland, Massachusetts, Minnesota, Montana, New Mexico, Ohio, Oklahoma, Tennessee, Texas, Vermont, Virginia and Wyoming.

[46] Arkansas (by express rule) and Rhode Island (by judicial decision: *In re Shields' Petition, supra* note 33). Graduates of accredited law schools, including virtually all judge advocates, are exempt from the bar examination in Nebraska.

[47] MICH. LAWS § 600.946(3) (1967).

[48] Rule 14, Rules of the Court of Appeals. Pursuant to the amended rule, the Court of Appeals of Maryland recently admitted on motion a former Navy captain with twenty years' continuous military legal service.

[49] Rule IV § 1 (e), Rules of Mississippi Board of Bar Admissions. The Executive Director of the Mississippi State Bar informs the writer that a proposal is being considered to credit judge advocate service in connection with the five-year practice requirement.

[50] Connecticut and Pennsylvania rules literally contemplate trial work in civilian courts. New York, North Dakota, South Dakota and Utah require practice in the state of admission. See, *e.g., Application of Waller,* 278 N.Y.S. 2d 949 (App. Div. N.Y. 1967). Mississippi and North Carolina do not currently equate military legal experience with practice of law. But see note 49, *supra.*

[51] See note 4, *supra.*

UNITED STATES, THE UNITED NATIONS, AND THE HUMAN RIGHTS CONVENTIONS

Mr. PROXMIRE. Mr. President, last week the 22d anniversary of the United Nations was observed throughout the world. Even the most partisan supporter of the United Nations would be hard pressed to celebrate jubilantly the 22d anniversary of the U.N.

The saga of the U.N. has been both success and failure. The very fact that the world has been free of total war since 1945 stands as a tribute to the existence and effectiveness.

In order to evaluate the United Nations as it attains its majority, I think it is beneficial to recall the words of the American businessman and economist, Beardsley Ruml, who wrote in 1945:

> At the end of five years you'll think the U.N. is the greatest vision ever realized by man. At the end of fifteen years, you'll believe the U.N. cannot succeed. You'll be certain that all the odds are against its ultimate life and success.
>
> It will only be when the United Nations is 21 years old that you will revere and laud the dedication of those who devoted their energies to it through its turbulent course, for you then will know that the U.N. is the only alternative to the demolition of the world.

The U.N. is still new. But the hope and dream which inspired the creation of the U.N.—the quest for peace with justice—is as old as man.

The successes of the United Nations have been almost directly proportional to the willingness of nations to reject the discredited doctrine of absolute sovereignty. The failures of the U.N. can almost all be traced to nations' unwillingness to sacrifice an iota of that same absolute sovereignty.

The Human Rights Conventions are a perfect example in point. These conventions were initiated and adopted as living evidence of the belief that human dignity is universal and that the individual human is soverign.

No government, no regime, has the inherent right, either divine or secular, to impose forced labor upon its citizens. No government properly exercises its authority by depriving half its citizenry equal participation in the nation's political life.

Yet, the United States has shrunk from this bold new challenge. The United States has yet to become a partner in the worldwide effort to establish universal standards of human dignity. The United States is not a party to a single Human Rights Convention.

I once again urge the Senate to reverse this pointless policy of indifference by our Nation and to give its advice and consent to the Human Rights Conven-

tions on Forced Labor, Freedom of Association, Genocide, Political Rights of Women, and Slavery.

THE UNITED STATES—NOW AND IN THE THIRTIES

Mr. McGEE. Mr. President, as one who can well remember the nonsense-ridden thirties and who has come from that period to this with an appreciation of the role of power in history, I cannot help but second the thoughts expressed today by Joseph Alsop in his column, printed in the Washington Post. The Nation, he writes, is threatened with a new period of nonsense which rejects the lessons of the past and, in particular, the appreciation of power.

There is a wide difference between the nonsense-ridden thirties and today, however, as Mr. Alsop points up. It boils down to the fact that in the thirties the United States was but a peripheral power. Today the United States is the central, giant power on the globe. History, certainly, will judge our Nation severely if it descends again to the nonsense level and precipitates a third world war.

Mr. President, I ask unanimous consent to have Mr. Alsop's column from the Washington Post for October 30 printed in the RECORD.

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

NATION'S PLUNGE INTO NONSENSE OR THIS IS WHERE WE CAME IN!

"This is where we came in, for God's sake." Any traveler returning to the United States at this juncture, who is also old enough to remember the nonsense-ridden '30s, cannot easily repress the foregoing horrified exclamation.

In the '30s, the younger generation of Americans, and all those older men who hankered to be "in the movement," had brisky rejected the whole experience of the past. The result was driveling nonsense about the Communist Party; nonsense about the Soviet Union, then bathed in innocent blood; nonsense about the causes of wars, resulting in the idiotic Nye Neutrality Act, and nonsense in general about the role of power in history.

The same sort of plunge into nonsense clearly threatens in America today, if it has not occurred already. The younger generation are easily forgivable, for they do not even remember what happened in Korea. But the older men, still prancing along "in the movement," mouthing the new slogans, are very much less forgivable today than they were in the '30s.

Take the scores of eminent anti-Johnson Democrats—historians and college professors, journalists and Senators, all remorselessly articulate—who were already active in the era of President Harry S. Truman. Not a one of them that you can think of failed to support President Truman's decision to intervene in Korea. Just about all of them have gone on, ever since, rightly praising President Truman's wisdom and courage on that occasion.

(One of the more celebrated journalists, to be sure, had an article ready—written to the effect that we could not and must not intervene in Korea. But the news of intervention came that afternoon, and the article was rewritten to support the President.)

If these distinguished liberal Democrats, who supported Truman and now vilify President Johnson, can make any distinction at all between the Korean and Vietnamese wars, they have yet to say what it is. In Korea, we were fighting on the Asian mainland, as we are today; and in Korea, too, mainly because of Gen. Douglas MacArthur, we had to meet Chinese as well as North Korean manpower.

In Korea again, there were two primary stakes that the United States was engaged to defend. First, there was the American position as a Pacific power. In the second World War, blood and treasure had been lavishly poured out to defend and strengthen this American position. It was, and is, of cardinal importance.

President Truman rightly recognized that the whole Pacific position would be irrevocably compromised if the Korean challenge were not met. In play was not Korea alone, but the future alignment of Japan and the Philippines, the eventual tendency of Southeast Asia, and, in fact, the direction of the bandwagon of history in the whole of Asia.

On the same subject, just 15 years later, Gen. Maxwell Taylor accurately told President Johnson that he had the choice between meeting the challenge in Vietnam or being thrown "back to Hawaii." And surely this first stake, this American position in the Pacific, when Taylor gave this advice, deserved even greater consideration since we had already fought a second major war in its defense.

As for stake number two, it was, and is, quite simply the credibility of American commitments, such as our pledges to the South Vietnamese, the Thais and a good many other people in the present instance. This stake was far less important in Korea, which we had publicly put on its own, than it was in Vietnam. But either way, the great power that enters into pledges and then chooses to ignore them has taken a road that may at first seem smooth, but will always turn cruelly rocky and downhill in the end.

There is a third stake, too, in the Vietnamese war that was really invisible in the Korean war. The Pacific, in brief, now promises to become another "world lake" quite as important as the Atlantic, if not more important. But this vast process, so greatly enhancing the significance of stakes I and II, requires a further, more detailed report.

How then can these distinguished liberal Democrats talk out of one side of their mouths about Korea, and out of the other side about Vietnam? None has tackled that question with sober honesty, with the sole, highly honorable exception of Richard Rovere in the New Yorker; and Rovere's attempt to offer an answer would satisfy no one searching for a serious national policy.

Meanwhile, it must also be noted that there is the widest imaginable difference between our last round of nonsense and the present one. In the 1930s, the U.S. was a strictly peripheral power, without a serious foreign policy, even lacking serious foreign relations. In the '30s therefore, the conversation of a majority to a nonsense-view of the rest of the world had hardly any lasting effects.

Now, however, the U.S. is the central, giant power. And if the U.S. takes the final plunge into nonsense in this quite new situation, the sure and certain consequence will be a third world war.

CORDIAL RELATIONS BETWEEN PEASE AIR FORCE BASE, PORTSMOUTH, N.H., AND SURROUNDING COMMUNITIES

Mr. COTTON. Mr. President, I have taken considerable pride throughout the years in the excellent relations which consistently have existed between Pease Air Force Base at Portsmouth, N.H., and the surrounding communities. Each successive commander of this great SAC installation has made it his business, not only to avoid friction with the base's civilian neighbors, but to affirmatively cultivate a harmonious working relationship. In this, the military has been dramatically successful. It goes without saying, of course, that equal credit should be given the fine people of New Hampshire's seacoast area who have done so much in extending the hand of friendship. The Exeter, N.H., News-Letter for Thursday, October 5, contains an excellent report on this subject by its publisher, Mr. James P. Lynch, a keen observer of national and local affairs. I ask unanimous consent that his column, entitled "Down in Our Corner," be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. COTTON. Mr. President, the new commander of the 817th Air Division at Pease, Brig. Gen. Morgan S. Tyler, Jr., evidently feels as strongly as did his predecessors about the necessity for establishing and maintaining good public relations. I have every confidence that General Tyler will continue in the same fine constructive spirit of give and take that has characterized military contacts with the civilian population and made Pease a welcome addition to our State. As Mr. Lynch points out, it is noteworthy that so many of those who are assigned to New Hampshire for duty decide to remain with us permanently upon retirement. This is tangible proof of the congenial and cordial relations which prevail.

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

DOWN IN OUR CORNER

(By James R. Lynch)

"It's not a one-way street," assured Brigadier General Morgan S. Tyler Jr. at a get-acquainted luncheon the other day. The new commander of the 817th Air Division at Pease Air Force Base emphasized the strong mutual respect personnel at this installation has for their neighbors in the area.

In lauding the public for the cooperative spirit which exists, General Tyler stated: "Pease is noted for its outstanding relationship between military and civilian personnel on the base and in the surrounding communities."

He mentioned the high respect that military leaders such as General Joseph Nazzaro, commander-in-chief of the Strategic Air Command, and others hold toward the people in this section of the country.

General Tyler is new at Pease but he has been quick to establish good public relations. He fully realizes the value of friendship.

Prior to his assignment at Pease, General Tyler was stationed in Okinawa. He was considered an outstanding ambassador for this country while in that area.

It is not difficult for him to make friends for he likes people. He knows that one of our greatest assets is to exemplify goodwill toward our fellow man.

It is not always easy on military personnel to go into a strange territory and make new friends. Yet, because of their desire to assist communities in various projects, they are wholeheartedly accepted.

QUITE REWARDING

It was not always this way as many can testify. Thus it was rewarding the other day for civilians within the area to hear General Tyler speak words of praise about the people in the various communities.

General Tyler wasn't doing this to gain quick support, for the support is already there. He gained his knowledge from the experience of others who served at Pease.

PREVIOUS NEW ENGLAND ASSIGNMENT

Although never stationed at Pease, the general did at one time serve at another installation in New England. Several years ago he was stationed at Loring Air Force Base, Maine.

Like his predecessors he wants Pease to continue as an outstanding base. To this he is dedicated. He knows that when military leaders such as General Nazarro make it a point to praise this installation, then it is living up to its reputation as "the world's greatest."

CLOSE WATCH

General Nazarro has had a close eye on Pease for a number of years. Back when he was at Eighth Air Force at Westover Air Force Base, Massachusetts, he was a frequent visitor to this base. Since becoming commander-in-chief at Strategic Air Command headquarters in Nebraska this close relationship has continued.

WELL BALANCED

When General Tyler assumed command at Pease in August no major problems confronted him at Pease. He found an outstanding organization under the command of Colonel Madison M. McBrayer, 509th Bomb Wing commander.

Colonel McBrayer has been at Pease since early in the year when he replaced Col. James O. Frankosky who was transferred to a new assignment at the Pentagon.

RECORD TIME

Whenever a change is made there is always the uncertainty of the public relations image. Colonel McBrayer soon erased any doubts and he won friends in record time.

Mild-mannered in appearance, he is known for getting things done. Not only quickly, but also thoroughly. He strives to cooperate and has done much to build lasting friendship between military and civilians.

Colonel McBrayer undoubtedly takes the position that we are all in this together and let's join forces.

PROUD OF AIR FORCE

He likes to give the public a chance to see the job the Air Force is doing for the country and the world. Just a couple of months ago he illustrated this by having the internationally famous Air Force Thunderbirds appear at Pease for one of their outstanding air shows.

At the same time the public had an opportunity to see the various other aircraft fly over Pease. Some of these are assigned to Pease while others came from various bases.

RENEWED FAITH

The public left that afternoon more convinced than ever that the United States has exceptional military strength. They had the opportunity to see aircraft similar to that which makes the headlines daily in the conflict in Southeast Asia.

Because of the mission of the Strategic Air Command, access to Pease is not easy for the general public. Thus, when there is an open house the people quickly grasp the opportunity to visit and see the various aircraft.

PROUD OF STRENGTH

To some extent at the last open house they were bewildered by the size of the planes even though they have often heard them passing overhead. They departed somewhat proud and more enriched in the knowledge of our Air Force might and determination.

No one can accuse Colonel McBrayer of being loquacious, but he is not at a loss for words when it comes to cooperating with the public. To him it is more than a gesture. It is in a sense a responsibility.

OF NO HELP

When he arrived at Pease from a southern base the weatherman was not very cooperative. Nevertheless, the 509th Bomb Wing commander knew that eventually the snow would go and ideal conditions would prevail.

He found, too, that there were plenty of warm hearts around the area that helped the McBrayers forget the extremeties outside.

GOOD ADVISER

It is more than likely that Colonel McBrayer briefed General Tyler on the cordiality of the public in the surrounding communities.

Furthermore, it is quite probable that the division commander was rather pleased with the similarity of General Nazarro's opinion and that of Colonel McBrayer.

This enriched and rewarding relationship did not come overnight. Nor was it one-sided.

MORE EMPHATIC

General Tyler in his remarks last week emphasized, "It's not a one-way street." To those who have been around Pease down through the years they are in hearty agreement with General Tyler although they probably would be more emphatic.

The military had made it a two-way thoroughfare quicker than many expected. Not only did they accomplish this, but they made certain that it continued down through the years.

QUITE HELPFUL

They have helped in various civilian projects. Their children attend schools in the areas. Parents are quick to participate in Parent-Teacher Association and other worthwhile endeavors.

In times of emergency the men willingly give their time aiding emergency crews in fighting fires, rescue work or assisting at nearby hospitals.

They do not seek recognition, for they figure they derive full satisfaction in helping their fellow man.

WORKING TOGETHER

General Tyler called it an "outstanding relationship." His men as well as the majority of civilians are in agreement, although they may add that it is a primary rule of good citizenship. True Americanism is displayed at its fullest when all factions work together.

This progress of walking and working together is not always evident in various sections of the country. Even in the early days of planning to build the Pease installation, there was much confusion and, in some quarters, considerable animosity.

GREAT HEALER

Time, though, seemed to accomplish many wonderful and extremely important victories. The opposition which appeared to be insurmountable in the early stages of planning, finally gave way to a more cooperative understanding.

The credit goes not to one or a few individuals but to the many thousands who have down through the years worked together for a common goal. The young airmen, who display the conduct of a real gentleman, are equally as impressive as the commanders in promoting a good public image for Pease.

VARIOUS PROBLEMS

Back in the early days of Pease there were many problems to be ironed out between the military and the civilian communities. Some critics were unnecessarily harsh with the treatment they accorded the military.

Instead of getting riled up over the matter, the military endeavored to show that they were quite interested in the various cities and towns.

A GOOD LESSON

At first this did not make any real impression among their adversaries. Nevertheless, they wanted to prove their point and refused to give up easily. In time they won their battle. It was a good lesson in perseverance.

In fact when the early commanders stressed that they wanted to be part and parcel of the area, they were not giving just a sales pitch. They were quite sincere as most people eventually found out.

LONG BEFORE

The first base commander came to the area long before any buildings were erected or any flightline was visualized. He arrived on the scene without any welcoming committee, but this did not bother him.

He knew that in due time he would be able to build a friendship regardless of the various foes who were quite vocal in their opposition at the time.

Certain ones looked on him as a temporary resident. He purchased a home in Portsmouth, but even this did not influence their thinking.

DID COME BACK

At the time, he was a lieutenant colonel. The longer he stayed in the area the more he liked the community. When he departed from Pease as a full colonel, Andreas A. Andreae said he would be back. He kept his word. Now retired from military duties, he is engaged in the automotive field in Portsmouth and lives in Rye.

RETURNING HERE

Even the first division commander at Pease, Major General Walter E. Arnold, showed a fondness for the area that continues right up to the present time. He is scheduled to retire later this year, and more than likely will settle in one of the nearby communities.

These are only a couple of the many military families who somehow or other got to like the spirit that prevails in this area.

Just a few weeks ago another former division commander, Lieutenant General Jack J. Catton came "home" to Pease to address a kickoff dinner of the Air Force Association. Catton was high in his tribute to the various military in discussing the area.

MADE HIS MARK

General Catton did much to promote a close relationship between civilians and military. When he departed from Pease, he left behind a part of his heart. He will always be remembered for his desire to promote a mutual attachment between the military and the civilians.

His men held him in high esteem. To them he was an outstanding commander. To the public he was an exceptional leader.

Since his departure he has held several assignments, yet he still looks back to the days at Pease and the many friends he and his family made.

Others followed General Catton and they, too, contributed to establishing a close and lasting understanding between the base and the various communities.

It all boils down to recognizing your fellow man's mission in life and trying to work together toward a common goal of goodwill.

STRONGER ADAPTATION

General Tyler's words, "It's not a one-way street," does not only apply to the relationship between Pease personnel and civilians. It should be the guiding light on all our endeavors throughout life.

Working together requires a two-way street. It is the American way. It strengthens rather than weakens this country's image.

SET THE PATTERN

While leaders like General Tyler and Colonel McBrayer express deep satisfaction over the cooperative spirit that prevails between military and civilian, the fact remains that this has been accomplished because the military set the pattern.

Colonel McBrayer, since coming to Pease, has exemplified the real meaning of leadership by the way he has carried out his duties as commander. Although his task is primarily

military, he has not overlooked the need for working in close harmony with many civilians.

GOOD TEACHERS

As a matter of fact, these military leaders could teach some of the politicians the art of creating a better image. Not that we expect to see General Tyler or Colonel McBrayer invade the political field.

They draw the line at getting involved in such subjects. Their forte is strictly military and they have no desire to invade anyone else's ballfield.

Not that they couldn't quickly adapt themselves to the change. Assuredly they would be able to win votes if they followed this route.

Nevertheless, they prefer the life of a military man. Fortunately for this nation we have men of their caliber commanding our forces.

MANY INTERESTED

On various occasions military officers after retiring have invaded the field of politics. Some have been very successful, while others went down to defeat.

Former President Dwight Eisenhower was an example of success. While in uniform, he was groomed as a Presidential candidate. Upon his return to the country he doffed the uniform of a general and donned campaign togs. His success story has been the envy of most politicians, even those who were close to him.

NOT SO SUCCESSFUL

But another general, the late Douglas MacArthur, never was able to achieve political success. Some say he never really tried, yet this is not quite accurate. MacArthur definitely wanted political recognition.

The attempt to win the Republican nomination in the 1952 convention in Chicago was good evidence. It also proved MacArthur was taking the advice from has-been leaders.

As a commander, he should have readily seen their ineffectiveness long before the call of the convention. This would have saved him much embarrassment.

OUT OF FOCUS

MacArthur was never quite able to get a political image in focus even though he was desirous of such recognition. Possibly he would have been more successful if he had surrounded himself with more astute political chieftains who were abreast of the times.

Already another general is being groomed for Presidential recognition. There is a movement on in behalf of General Curtis E. LeMay, former chief of staff of the U.S. Air Force.

LeMay, who at one time served as commander-in-chief of the Strategic Air Command, has not made any outright move in this direction. However, there has been considerable discussion concerning the possibility of entering his name in several primary campaigns throughout the country.

NO CERTAINTY

Whether his forces will be able to get a campaign on his behalf off the ground is problematical at this time. They seem to be groping rather than grasping in their quest for support.

LeMay should not be caught in the same position as MacArthur. If he has a strong desire to be a candidate, then he should start moving in that direction. Surely at this point not too many of the nation's political leaders are looking in his direction.

LIKED BY PUBLIC

But this does not mean he would be overlooked by the electorate, if he waged a fight for the post. LeMay has had an illustrious image for years. Although he was chief of staff, more people will remember him for his brilliant leadership as commander-in-chief of SAC.

Regardless of whether he succeeds in the political arena, the candidates should heed his statements. He does not talk just to be heard. His voice is a warning that should not go astray.

NOT SO WILLING

Republicans are jubilant when he speaks out against the administration, but they are not so willing to give him recognition for fear he will endanger such candidates as former Vice President Richard Nixon, Governor George Romney, Senator Charles Percy or Governor Ronald Reagan. Anyone of them would like to have him as a supporter and not an opponent.

Actually the Republicans would profit by recognizing LeMay. His astute leadership in the military field would renew the confidence of the American public in regard to the conflict in Southeast Asia and other dangerous spots throughout the world.

GOOD FIGHTER

LeMay pulls no punches. He is no appeaser. He is proud of his country, and does not desire to see it relinquish its number one position as world leader. He helped personally to attain the top position, and thus has no desire to yield.

Whether LeMay makes any headway is a matter of conjecture. Nevertheless, his valuable knowledge of world conditions should not be overlooked. The Republicans would be quite lax if they ignored him during the campaign.

HAS AN INTEREST

General James Gavin is another military leader who is much in the news these days. He, too, has plenty of supporters who would like to see him in the White House. They seem rather confused, though, on what ticket would be more attractive.

Gavin at one time was a key member on a Democratic organization. He resigned when he was at odds with the administration concerning certain policy.

He would be unable to cope with the political atmosphere that is part and parcel of a convention. When the professional politicians swing into operation, the weaker candidates find it rather difficult to keep attuned to the proceedings.

HAD HOPES

Here in this state last year there was quite a drive on behalf of a bridgadier general in the Air Force who retired to seek the post of U.S. senator. Without any previous political experience, Harry Thyng, decided to run for the office held by U.S. Senator Tom McIntyre.

The primary battle had Thyng pitted against some who were considered strong political leaders. Among them were former governors.

AS EXPECTED

The Thyng forces figured that the other candidates would split the votes among them and he would emerge the victor. That is exactly what happened.

Once he won the nomination the Republicans began boasting about the new blood within their organization. They forgot about some of the other candidates and started placing the emphasis on Thyng.

At the end this was costly even to Thyng. He went down to defeat as well as the GOP gubernatorial hopeful, former Governor Hugh Gregg.

AT A STANDSTILL

What seems rather surprising to many people is the fact that no effort has been made in recent months to keep the road open for possible political ventures of the former general. Surely his staunch supporters are not now writing him off the books as a liability.

Just a year ago he was being groomed as the greatest asset the Republicans have had in recent years. He was supposedly unbeatable, although the electorate proved otherwise.

RATHER QUIET

It seems utterly fantastic that he is now relegated to the mothball status. There is a strong possibility that this is being done deliberately in order to spring him as a candidate for high office next year.

If this is the plan, the only opening seems to be the gubernatorial post. It would be highly unlikely that he would attempt to oppose U.S. Senator Norris Cotton. Thus, the only opportunity seems to be a candidate against Governor John King.

He would most likely have to face plenty of opposition, but he has done this before and succeeded. Another battle wouldn't bother him too much.

There is a possibility he would be more acceptable than many of the often-mentioned prospects. He will be interesting to watch in the months ahead.

REPORT ON KOREA BY GEORGE CHAPLIN, EDITOR, HONOLULU ADVERTISER

Mr. INOUYE. Mr. President, George Chaplin, editor of the Honolulu Advertiser and one of Hiawaii's most distinguished editors and writers, recently returned from an extensive visit to Korea which ranged from Panmunjom at the DMZ to Pusan, the key port of the south.

Because of Mr. Chaplin's extensive knowledge of the Far East, I am confident that his report will be of great interest to the Senate. I ask unanimous consent that his eight-part series of articles be printed in the RECORD.

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

KOREA

(NOTE.—While the war rages in Vietnam, what of Korea, where Free World and Communist troops continue to face each other across a shaky truce line? To get the answers, the writer flew to the Far East on a Pan Am jet for a firsthand look from Panmunjom, at the DMZ, to Pusan, the key port in the South. This is the first of his reports.)

(By George Chaplin)

Korea is on the way.

One senses it these days in the countryside, where a fresh spirit of confidence and hope blows like a strong wind over the jagged mountains and down the ancient cultivated valleys.

One sees it in the towns and cities, with their rising buildings and rising expectations, and in the glistening machinery of young industrial plants.

And one recognizes it in the mood and policies of the government, a one-time military junta which President Chung Hee Park thus far is moving down the long road—with some vexing detours—toward a democracy the people have never really known.

A Korean cabinet officer put it to me this way: "We say, 'Instead of lying idle, stand up.' Then we say, "Instead of standing still, move forward.'"

A high-ranking American official said, "The transformation, especially in the last three years, has been extraordinary."

PRODUCTION AND EXPORTS UP

Here are some indices:

The gross national product (after adjustment for price changes) has been rising since 1963 at 9 percent a year—one of the most impressive rates in Asia—and last year reached 13.4 per cent.

Agricultural production has climbed 46 per cent in five years. And during the same period, while Korea is still basically a farming country, industrial output has almost doubled.

Exports have more than tripled since 1962, to $205.3 million last year. Also significantly, manufactured items now represent more than 60 per cent of exports, compared with 12 per cent six years ago.

As one U.S. bank report observes, "Koreans take pride (that) they are now exporting ski sweaters to Sweden, transistor radios to Japan, guitars to the U.S. and sewing machines to Germany."

But for all this progress and more to come, Korea is still a desperately poor nation, with its people scrabbling for a living. Per capita income is still extremely low—about $110 a year. (Some say less.) During each of the last four years it has moved up an average of 6.2 per cent, but from a very meager base.

In the packing-crate shacks so evident around the capital of Seoul—with almost 3.8 million people the 13th largest city in the world, just behind Chicago and ahead of Manila, Paris and Berlin—there is still considerable misery. I was told that five or six abandoned babies are found daily.

UNEMPLOYMENT IS STILL HIGH

Throughout Korea there is still very heavy unemployment and underemployment. Of the country's 30 million population 42.3 per cent is under 14, 55 percent under 19—a lot of people to be coming into the labor force.

Housing remains in short supply and even the better houses are small. Since most lack a living room, it's customary to invite friends to a public teahouse, for a cup and music (sometimes played by a disc jockey).

But Korea's problems are relative. A western diplomat with experience in India said, "What strikes me is that the children here have shoes. Children have no distended bellies, no sharply etched ribs and no hopeless, despairing faces. Kids here in winter-time are clothed in sweaters and in solid pants, carrying their books in bags or briefcases."

Less than 14 years ago a war never officially ended left Korea divided and devastated. Divided it still remains—like Berlin and Vietnam—with the Communist in control of the north.

COUNTRY'S INFLUENCE WIDENS

Great opposing armies continue to stand at the ready. But behind the military shield, here in the overcrowded south the people of the Republic of Korea are beginning to write an exciting and impressive Asian success story.

Some of the early "chapters":

Korea in December, 1965 ratified a normalization treaty with Japan, a traditional enemy, providing for $800 million in Japanese grants, loans and commercial credits.

Also in December, 1965 Korea was one of the signers of the agreement to set up the Asian Development Bank and pledged a $30 million subscription.

The country has become increasingly active in international conferences. "You might think Seoul was the end of the line," but in the last couple of years it has hosted a long list of important conferences. In June of last year it stimulated a 10-nation meeting of foreign ministers which formed the Asian and Pacific Council (ASPAC) for regional cooperation.

In 1950–53 Korea needed the armed assistance of the U.S. and other U.N. nations to thwart Communist aggression. In 1965 this once-helpless land proudly began sending crack combat units to the aid of South Vietnam—and now has 45,000 troops there.

Korea's progression from wartime rubble to reconstruction to rapid new growth was fueled by $6 billion in U.S. aid, more than half of it economic. But it is now starting to function effectively with a lower level of assistance. (In 1964, 36.7 per cent of the government budget was supported by U.S. aid. Last year the figure had dropped to 23.4).

SHARP CHANGE IN ATTITUDES

I asked a knowledgeable American official, who travels a great deal in the countryside, about the Korean reaction to some of these recent developments.

He replied there's been a dramatic change in attitudes. Not so long ago he used to be asked two questions. One was, "Why is the U.S. abandoning us to the Japanese?"—an emotional if outdated response to the new treaty with Japan, which had harshly occupied Korea for the 36 years from 1910 through the end of World War II, and left a legacy of bitter memories. The other question, "Why is the U.S. cutting down on aid?"

"These questions got so boring," the official said. "But now I travel and people have an entirely different outlook. They say, 'Come and see what we are doing.' 'Come to my factory and see what I'll export next year.' Or, 'Come see our land reclamation project.' "

Two and a half years ago, the U.S. shipped Korea 200,000 fewer tons of grain than the year before. "Everybody," the American recalled to me, "said it's a terrible thing, cutting aid. We said, 'Look, you ought to say it's wonderful; Korea is more self-sufficient.' "

The next year another 200,000 tons were trimmed and the Park government put out a statement that the cut was a tribute to the Korean farmer. "Now they're boasting about food production—and hope to be self-sufficient in two or three years."

A NEW SPIRIT OF CONFIDENCE

Clearly, the Koreans are in a hurry, so much so that I sensed a concern in some quarters that they may be trying to do too much too fast, over-extending themselves domestically.

But the over-riding "plus" is that their outlook and actions have changed from those of the mendicant to those of the confident man. This self-esteem has been evolving over six or seven years but has become really noticeable in the last three or four years. And it should be of great satisfaction to the U.S.

As one U.S. expert said:

"We've put in a lot of money. Many times it looked hopeless. Many called it 'an open hole.' But it's working and with good luck and judgment it should continue to work.

"Ideas are just as important as money. These people are not afraid of ideas. There's also a good rapport. We can suggest good ideas without their feeling they're being patronized. Americans and Koreans enjoy each other. After all, we fought together; we established a partnership."

A Western economist expanded on this:

Korea "has the best climate of any Asian country for acceptability of American programs and the initiative for self-help. The people work hard, they take responsibility, they have pride in their country.

"Next to Taiwan, Korea is probably the best example of American government investment paying off. There's more mature perception in politics and about social and economic matters—like the tax program to curb inflation, and the raising of interest rates to stimulate savings."

BASE IS LAID FOR PROGRESS

Inflation is still a big problem, but its rate is declining. In 1963 the overall price increase over the previous year 25 per cent. The 1965 increase over 1964 was only seven per cent and that for 1966 over '65 remained under 10 per cent.

"The economy," I was told, "is so much freer these days that the politicians don't have too much to play around with. One doesn't have to buy export licenses. There's a greater volume of savings, more credit to distribute and less chance for favoritism. Also there's a highly critical press."

In the recent presidential election, charges of corruption were hurled by General Park's opponent, and at his inaugural Park himself took note of this problem. An informed source I asked about it said: "There is the usual corruption of low-paid civil servants and big businessmen. The 'kickbacks' on contracts is almost a routine thing and bribery to obtain favored treatment on imports is fairly common. However, the situation is no worse or more extensive than in the other nations of the region."

He switched to a more positive note: "It's fair to say the foundation has been laid for steady continued progress, and the potential for it exists.

"There's a reasonable degree of stability. Whether it keeps up depends on what the Koreans do and on what we do, barring bad harvests or war.

"The harvests have been wonderful. There's more available land through bench terracing, the scientific approach. Presently 25 per cent of the land is arable. They expect to add one-fourth more through reclamation in the next four years."

THERE'S HOPE OF BETTER LIFE

To the Korean plodding down the country road with the shoulder-strapped A-frame on his back piled high with a heavy load this means gradually achieving a better life, starting with electricity in his home. He's already buying a radio and in time will be able to afford a bicycle.

Several years ago, the Korean Deputy Prime Minister Ki-yong Change likened his country to a leaky ship, with a plugged hole below the waterline, with little freeboard and some help needed for sails.

Recently, in briefing a U.S. Congressional committee, this same official updated the image. The Korean economy, he said, "is like an airplane which has just taken off. The no-smoking sign is out, but the fasten-seat-belt sign is still on."

KOREA PLANS BIG: MEANS TO MAKE GOOD

(By George Chaplin)

The hottest word in the Korean language nowadays is not "kimchi"—the world's spiciest concoction of cabbage and turnips—but "planning."

It has Number One priority. The most telling clue is that the official in charge of planning, Deputy Premier Ki-yong Chang, is also in charge of the national budget.

Last Dec. 31 Korea finished its first five-year plan and the very next morning launched its second with all the expectancy and excitement of a rocket takeoff.

"We're thinking young and acting young," one official commented to me. "Our top people are pretty young." President Park, recently reelected, is 49 and the average age of his cabinet is in the mid-40's.

Before I went to Korea some of the government literature I'd read about economic planning seemed heavily propagandistic in tone. I wondered how much was conversation and how much was achievement.

But on the scene, I was deeply impressed by the quality of the Korean planners, by the high regard in which they are held by American planners, by their record to date and the apparently realistic goals they've set for the new plan now in effect.

BASIC FACILITIES STRESSED

The first five-year plan foresaw an annual average growth of 7.1 per cent. Despite bad weather and poor crops in the early period (1961–62) it finished up at 9 per cent. The prediction for the new five-year plan is 10 per cent growth each year.

"We have to build basic facilities—ports, highways, railroads, power," one of the country's top planners told me. "Our emphasis has to be on the infrastructure, the basic foundation."

There are several reasons:

The Korean War did $3 billion in damage to what was at best a weak economy. Then the division of the country compounded the problem. Most of the land, most of the iron and coal, most of the heavy industry and 70

per cent of the electric power capacity was in the north, to which the Communists gained control.

So the south—the Republic of Korea—has had to move forward from a base of multiple handicaps: meager resources, over-population, a shortage of managerial and technical skills, and the necessary burden of maintaining the fourth largest army in the world. (The military cost alone takes one-third of the national budget, with some relief from U.S. aid.)

But the Koreans are a tough, tenacious people, eager and quick to learn, and deeply determined to build a modern society. The once "Hermit Kingdom" is pulsing with ambition and considerable economic progress.

MORE POWER, BETTER TRAINS

I asked the government planner I was interviewing about electricity. He, three of his colleagues and I sat around a coffee table piled high with reports and charts. But except for an occasional double-check, his figures flowed easily.

"In 1961 our average power outpost was 300,000 kilowatts. Industrial development was held back. We had to ration power to factories. And city dwellers received a limited supply—from sunset to 9 or 10 a.m. Now we have peak capacity of 770,000 kilowatts and no rationing." The 1971 goal (with eight new plants) is 17 million kilowatts.

It's the same story with the railroads.

"We've been using coal-shovel locomotives. By the end of this year all of our locomotives should be completely dieselized."

The U.S. has provided $15 million in "diesel loans" for the conversion, will be supplying another $12 million to buy 62 new locomotives to add to the present 188.

Track construction is also expanding. A double track from Seoul to the port of Inchon was opened in 1965. There's now a six-hour express train from Seoul to Pusan, over 300 miles. And more lines are fanning out to help move basic commodities.

"Before," the planner explained, "for lack of transport we couldn't properly exploit the coal which we have in the east coast mountains. So the coal price would go up.

"Before, we used to import $60 million in chemical fertilizer, mainly through (the port of) Pusan. We would get it to Pusan on time, but not to the west coast farms on time. So the rice price would go up.

"We have overcome this problem, not only as to movement, but as to supply. We have built five new fertilizer plants. The last three—two at Ulsan (a new industrial center near Pusan) and one in Chinhae (a southern port)—were completed early this year and are now beginning production."

That at Chinhae is a joint venture of the Republic of Korea and Gulf Oil with $10 million from each, plus a $25 million loan from AID, the Agency for International Development.

Once the three new plants are fully operating, Korea will have a surplus rather than a deficit of fertilizer.

The country is also nearing self-sufficiency in cement. The level reached a year ago was adequate, but higher use and export of 100,000 tons to Vietnam caused a shortage. Now there are discussions on building the largest cement plant in Asia, with Japanese finance.

The near future should also bring Korea's first integrated steel mill—processing ore all the way from the blast furnace to finished steel—with a starting capacity of 500,000 tons.

Deputy Premier Chang said financing would be by a consortium of U.S., British, Italian and West German firms, with a possible inclusion of French and Japanese interests.

The government is also interested in developing petrochemicals to provide a raw material base. There's already one oil refinery, managed and one-quarter financed by Gulf Oil, and two others are planned.

FARMING SHOWS PROMISE, TOO

Less dramatic than the industrial development but greatly heartening is the advance in Korea's problem-ridden agriculture, still the backbone of the country.

Fertilizer is more scientifically used, double-cropping has increased, there's been progress in irrigation and flood control, and new land is being developed.

Bench terracing has enabled the effective use of 335,000 acres of previously unproductive upland, with another 500,000 acres to be reclaimed between now and '71.

Improved seed is yielding better crops and more rural people are raising pigs and chickens, creating cash income. This is important because most Korean land-holdings are uneconomically small and densely populated.

The census in October of last year showed 48.8 per cent of the population as farming and 51.2 as non-farming, although some of the latter live in the countryside. Since two years ago more than 50 per cent of the people were in agriculture, the urban movement is evident.

The city lights beckon, but often falsely, with neither jobs nor housing for many of the newcomers. Population has been growing at 2.7 per cent annually but the birth control program is seeking to reduce this to 2 per cent.

MAIN CROPS: RICE, BARLEY

The government's aim is for Korea to grow enough to feed itself four years from now.

The prime crop, domestically and for export, is still rice. And any number of Koreans made it a point to tell me it's the best in the world, that even Japan has to get rice from Korea since "good sushi requires our rice." One man proudly recalled that during the occupation by the Japanese, the Emporer used to get his rice from near Kimpo (the site and name of the Seoul airport).

Barley is the second major crop, others being wheat, potatoes, vegetables and fruits (from garlic to melons, from red pepper to pears), ginseng (for herb medicine popular in the Orient), and tobacco. There are five tobacco factories and the newest one at Sintanjin can turn out nine billion cigarettes a year.

Farming, forestries and fishing (annual catch of about a half-million tons, from shrimp to tuna) now provide about one-third of Korea's gross national product. Manufacturing and construction add another one-fifth. Services make up the rest.

The planners' eyes and studies roam restlessly over this whole spectrum. They're sometimes under criticism, in the press and in the universities, over the fact the country hasn't yet developed substantial heavy industry. The major emphasis is still on transport and power, but with a strong tendency toward balance—which for some makes the evidence of economic growth hard to see.

I asked a knowledgeable American in Seoul for his estimate of the quality of Korean planning. He said:

"Projections are now honest and reasonably accurate—against a feeling that certain past statistics were not. The government's Economic Planning Board works closely with USOM (United States Operations Mission), which considers the goals attainable.

"There are a number of very capable Korean administrators qualified in economics, all top people who have studied abroad, including many in the U.S. There's a considerable level of expertise in this economic planning."

He summed up: "This country is moving."

PUSAN AND PROBLEMS

In Korea, the planning fever is not only national, but municipal.

Seoul has an estimated 3.8 million people but sees a total of 5 million in another five years. The mayor envisions a brand new city in 20 years.

Downtown Seoul is building pedestrian overpasses and underpasses. Zoning is in the works, and I was told that a U.S. city planner, Oswald Nagler, is involved in this.

The country's second city, Pusan, is also planning-minded. As recently as three years ago it had the appearance of an oversized slum, going nowhere. Today it's modernizing and no longer has as much of the grimy, sleazy look.

Pusan now has 1,460,000 people. But when the original city plan was adopted in 1936 it had only 180,000 with a projection for this year of 500,000.

The current master plan stresses the building of streets, expanding the water supply, and developing the suburbs under zoning. Because Pusan is hemmed in by water on one side and mountains on another, it's not easy.

The hardest problem is the expansion of the narrow streets and roads to up to six lanes plus sidewalks. Downtown this has been helped by relocating a railroad station which had occupied the heart of the business area.

As Korea's major port, development of Pusan is essential. Seventy per cent of Korea's 1966 exports of $255 million were shipped through this port and $55 million of those originated in Pusan. A City Hall official said: "We used to be consumers only; now we're also producers."

I was told that Pusan's industrial production is greater than Seoul's, turning out 40 per cent of the country's steel products and supplying 20 per cent of its electricity. Pusan has a surplus of power because it augments its steam plants with a diesel generator ship which I saw "parked" at the downtown wharf.

New factories—including a synthetic fiber plant with a $3 million AID loan—are in the works and the job picture is becoming brighter. But there's still a lot to do and City Hall is the first to concede it.

Of 260,000 Pusan households, 80,000 live in slum conditions. The city is developing land, selling it to individuals on a house loan program. It is also putting up some low-cost units, but so far only 700 a year. "Small, but a start," the Mayor's office said.

Water continues a problem. In 1945 the supply was 40,000 tons a day. Today it is 135,000 tons, but the demand is for 200,000. For the end of next year the target is to produce 250,000 tons daily—"level with the demand" then foreseen.

Eighty-four per cent of Pusan's people are connected to the municipal water supply. The other 16 per cent rely on wells, with the city providing sterilizing chemicals without charge. I was told that the per capita water consumption is 32 gallons a day compared to the worldwide figure of 50 and Chicago's average of 100.

KOREAN INDUSTRY: EXPORTS UP SHARPLY

(By George Chaplin)

Ulsan, a seaside community 186 miles south of Seoul, used to be known for two things. It had some excellent whalers, with a fleet of 25 to 35 boats. And the farms behind the town grew the best peas in the country.

Today, Ulsan is on the way to becoming the "little Pittsburgh" of Korea.

In a newly created industrial area, 14 plants are operating or under construction, with 50 seen by 1981. The population, 80,000 five years ago, is now close to 120,000 and is expected to grow to 300,000.

Petroleum, fertlizer, synthetic fibers and caustic soda are among the present products, with steel and aluminum soon to join them.

Investment in Ulsan is about $130 million from domestic sources and $140 million from foreign, including heavy sums from Japan as a result of the new normalization treaty. The Korean government is spending millions for roads, water and harbor improvements.

Ulsan has a good natural harbor on the Sea of Japan—being developed to take 40,000-

ton ships—and a good water supply. The southwest winds blow the industrial smoke to sea.

REFINERY HAS LARGE IMPACT

I stopped in there at the country's first refinery for a chat with manager Claude Booth, a veteran of the Gulf refinery in Philadelphia.

He explained that Gulf had put in 25 per cent, the Republic of Korea 75 per cent. The three-year-old refinery was designed for a capacity of 35,000 barrels a day but this past spring was expanded to produce 55,000 (distributed in Korea-made drums).

Booth said they're turning out 13 products—gasoline, jet fuel, everything from propane to asphalt. But with the need three years from now put at 170,000 to 200,000 barrels a day, two more refineries are being scheduled, one due for completion within 18 months.

I asked Booth about the impact of his operation.

"It's the keystone of development, this refinery, directly related to industries. When I came in August, 1963, cars and taxis were scarce. Now Seoul is jammed with cars and they're building overpasses and underpasses.

"We make heavy fuel for power plants and heavy industry. They're building three fertilizer plants (to raise production five-fold). They need naphtha to make ammonia and naphtha comes from the refinery."

Booth termed the Koreans "the world's hardest-working people." The refinery employs 608, about 40 of them college graduates. Until recently, he said, Korea had graduate chemical engineers for whom no jobs existed.

In Ulsan when I talked with Booth were 177 foreigners, 65 of them Americans, the other 112 being Japanese engineers for a new fertilizer plant, the country's fifth.

A VISIT TO RADIO-TV FIRM

Forty miles south of Ulsam is the port of Pusan and I visited several industries there, beginning with the Gold Star Co., Ltd., which typifies Korea's recent industrial expansion.

Gold Star last year made 240,000 radios, 140,000 of these for export (all other companies made just over 600,000). This year's Gold Star goal is 300,000, with most being shipped to the U.S. (Eight years ago, Korea made only 40 per cent of its own radios; today it makes 85 per cent.)

Gold Star is also Korea's only TV manufacturer, turning out its first batch of 30,000 sets last year (with picture tubes made in Japan) and projecting 36,000 this year, in the $200 to $250 range. Presently there are only 100,000 sets in the country.

Other Gold Star products:

Refrigerators, 5,000 a year; electric fans, 60,000 this year; telephones, 55,000 a year; automatic switchboards, 42,000; motors, 11,000; Watt-meters, 250,000. Gold Star is also affiliated wth companies making products ranging from chemicals to toothpaste and soap to cable and wire.

The firm was established in 1958 and built in 1963 on the 16-acre site I visited. It has 3,800 workers—up 1,600 in a year. Of these, 1,600 are women and girls, mostly on the assembly line, working with equipment bought with a $1.25 million loan from West Germany.

Gold Star began exporting four years ago, reached $1.5 million last year, mostly in radios. A New York general merchandise company is its biggest buyer, but it also has customers in Canada, Panama, Southeast Asia and Africa (Kenya, Uganda, Tanzania).

The company has top engineers but needs skilled labor, so it runs its own technical school, partly financed by the government. Graduates immediately get 50 to 60 per cent more pay than unskilled workers.

For those who wish them, the company provides houses and dormitories.

SAWMILL NOW BIG ENTERPRISE

After Gold Star, I went through the Tong Myung Timber Co., which was founded as a small sawmill in 1925, began making veneer plywood after World War II and started exporting in 1961.

Tong Myung employs 2,200—30 per cent of them single women about 19 or 20—and expects this total to go to 3,500 when a second plant is completed this year.

At that time it will be the largest hardwood plywood producer in the Orient, turning out 80 million square feet of one-eighth-inch-thick plywood each month. Its final products range up to an inch in thickness and are used for furniture, packing, boats and housing.

The two-square-million-foot-plant operates around the clock, sometimes seven days a week. Most of its logs (120 million board feet a year) come from the Philippines and Borneo.

The firm has been supplying the U.S. Army in Korea for a decade but in 1965 exported to the U.S. for the first time and last year began supplying the U.S. military installations in Vietnam.

Tong Myung exports 85 per cent of its output (about $20 million this year, from $2 million in 1963). Also this year it will begin shipping finished instead of unfinished plywood. U.S. shipments go to Tacoma, Los Angeles, Longview, Calif., Houston, Norfolk.

PRODUCER OF BARGAIN GOODS

Korea is still running a trade deficit—its imports last year of $716.4 million ($253.7 million from U.S.) ran far ahead of its $250.3 million in exports—so it is urgent that the country sharply step up its overseas sales.

(But the foreign earnings picture—$454 million last year—has been greatly helped by remittances from the 45,000 Korean troops and 10,000 civilian workers in Vietnam. Through purchase of supplies, the Vietnam war, in fact, is giving the Korean economy the same kind of boost the Korean War gave Japan during 1950–53).

In years past, Japan and Hong Kong were the places where American and other western buyers went for bargain-basement merchandise. Today, it's increasingly becoming Korea.

A reporter visiting Seoul for The Daily News Record, one of the Fairchild business papers in New York, recently called South Korea "the last frontier where the current generation of economic missionaries can still find the required formula of an abundant low-wage, literate, easily-trained labor force under a government that combines stability with an eagerness to attract foreign capital."

In the lobby of the Bando Hotel in Seoul I chatted with two New Yorkers who were in Korea to buy cheap beaded sweaters. They said a local operator could hang out a sign for 600 unskilled women and train them well enough in two weeks for them to make acceptable sweaters in their own homes. (A latter-day version of New York's East Side "piece work" thousands of miles removed!)

The Daily News Record listed these wage scales: Assembly-line girls, $10 to $15 a month (which usually include 25 workdays); men laborers, $21 a month; women, $15; semiskilled men, $33; women, $23; skilled men, $44; women, $30. Not only considerably lower than Hong Kong and Japan but about 15 to 20 per cent under Taiwan.

The Bank of Korea lists the following as the average daily cash wages by industry: machinery, 61 cents a day; textiles, 65; leather products, 65; rubber products, 74; paper, 78; metal products, 78; chemicals, 79 cents; petroleum and coal, 84; electronics, 88; stone, glass and clay products, 89; food processing, 91; beverages, $1.02 a day; wood products, $1.06; printing, $1.11; and basic metals, $1.14.

U.S. FIRMS LOOK TO FUTURE

Despite the low-wage level, a program has begun for inspection of outgoing merchandise, in an effort for quality control. More and more of even the larger American firms are buying in Korea—among them, R. H. Macy & Co., May Department Stores, Woolworth's.

It's further encouraging that several major U.S. financial institutions have opened branches: Bank of America, First National City Bank of New York and Chase Manhattan.

Several months ago, Chase Manhattan Bank put out an economic survey of the country. To finance economic development under the present five-year plan, it says, "$2.2 billion of investment is scheduled to come from Korean taxes and domestic savings over a five-year period, much more than in any previous period.

"To accomplish this, the Koreans will have to save a third of the anticipated increase in their earnings. In addition, the plan looks for $1.4 billion of public and private capital from abroad, an increase of one-sixth over the amount Korea attracted in the last five years.

"To succeed, government officials recognize the need to pursue fiscal and monetary policies that keep the stepped-up volume of investment in line with the nation's overall resources. Only in this way can they preserve the nation's recent gains in financial stability.

"This is a big order, but not impossible. The government is doing its part by restraining its spending and reducing the government deficit. This has made it easier for Korea's monetary authorities to curb credit expansion. As a result, the private sector has been encouraged to increase savings, investments and export sales."

Last March former Undersecretary of State George W. Ball, now with Lehman Brothers International, headed a U.S. industrial investment mission to Korea. Of the 23 firms represented, 18 decided to follow up with further investigation of investment possibilities.

FOREIGN INVESTMENT SPURRED

As one aid to foreign investment, a Korean law has been revised to permit an unlimited takeout of profits. Before the limit was 20 per cent of the capital base.

Other main features of the amended law: foreign-invested enterprise can have a five-year tax holiday, then three years at 50 per cent of the rate; and machinery and raw materials can be imported duty-free until an enterprise is established. (If a firm is 100 per cent in the export business then the duty-free aspect is on a permanent basis).

While many countries at Korea's present stage of development are ultra-nationalistic, Korea does not insist on joint venture or on any maximum or minimum equity by foreigners. Outsiders can come in and give technical knowledge or they can come in and own 100 per cent.

Korea has set up an investment promotion office but wants to make sure the climate is "right" before putting out its calling card by having offices overseas. At present, I was told, there's enough interest to keep the main office busy without any heavy promotion. However, the Korea Trade Promotion Corporation (KOTRA) has 11 offices overseas.

TOURISM SHOWS A REAL POTENTIAL BUT GETS LITTLE OFFICIAL SUPPORT

Tourism is one of Korea's real potentials—but thus far it's had a rather low priority in terms of official support.

A government agency does exist, however—the Korea Tourist Service, Inc. (KTS), the stock 100 per cent owned by the Finance Ministry and its operations controlled by the Transportation Ministry. Its head is named by the President of Korea and the directors by the Transportation Ministry.

KTS, which tries to operate as if it were in free enterprise, owns and manages a number of hotels and tourist attractions. These include the Bando Hotel (111 rooms), the best in Seoul; the nearby Walker Hill resort (265 rooms); and the Bando-Chosun arcade, which is lined with fascinating little shops stocking everything from jewels to neckties. The Chosun was closed in July and

is being demolished. It will be replaced by an $11 million 500-room hotel to be built and operated by American Airlines and Korean government.

KTS also operates a travel agency and foreign commissaries in several cities, which sell canned foods, liquors, cigaret and other items tax-free to foreigners, on display of passports. To cap it, KTS runs a taxi service which caters to U.S. and U.N troops.

KTS represents Korea in international tourism, being a member of the Pacific Area Travel Assn. and a charter member of the East Asia Travel Assn., which it helped organize in Tokyo along with Japan, Taiwan, Hong Kong, the Philippines and Thailand.

It's soon obvious to a visitor that Korea is short on tourist facilities and will be for a long time, unless there's more outside financing. The government regards tourism's profitability as low compared with other industries. Those in tourism cite its value in producing foreign exchange and in contributing to economic development.

"Each hotel room in Korea produces two to three jobs," I was told. "Each tourism dollar turns over 3.4 times, since it flows out to the laundries, to feed people, to mechanics and others."

Despite inadequate accommodations visitors last year totaled 67,965, up 100 per cent over 1965. This was primarily due to the new regulation that you can travel to Hong Kong or Bangkok by way of Seoul without extra air fare.

KOREA'S SCHOOL NEEDS OUTRUN FUNDS

(By George Chaplin)

Koreans, one of them said to me, are "big in the head, but not so big in the stomach."

It was his way of saying that interest in higher education has outrun the ability of the economy to absorb graduates.

"Of every 1,000 population, we now have 6.7 students at the university level," I was told. "This makes Korea rank fourth, just after Canada, Japan and the United States. We hope to cut this to 5.5 per thousand. As an example, a quota has been placed on law students."

Since about 30 per cent of high school graduates go on to higher learning, Korea now has 140,000 students—"more than England"—in 117 colleges and universities. Some of the schools are first-rate, some just diploma mills.

These 117 include six national universities, six national and two other public colleges 56 private universities and colleges; 47 junior colleges, 13 of them specializing in education. (Almost three-quarters of the students are in private institutions). Overall, 17 kinds of bachelor's and master's and 11 kinds of doctoral degrees are offered.

(By contrast, at the end of World War II, there was only one university, Keijo Imperial University, and 19 junior colleges established during the Japanese occupation).

"Today, 60 to 65 per cent of the graduates of a top university can get jobs at once—but the other 35 cannot, at least not on a level one associates with a degree."

The educator who said this added that part of the pressure is taken off by the fact some are drafted into military service the year they graduate.

TOO MANY STUDY CLASSICS

The surplus of graduates is but one part of the problem. The other is that too many of the graduates are in the liberal arts, while Korea's need is for more scientific skills.

Traditionally, the Confucianist influence built respect for classical studies. Technical training lacked status and was something reserved for the lowly members of society.

"Everyone respects the white collar," it was explained, "but in recent years the government has been stressing the blue collar."

Despite the prestige hurdle, the program is gradually catching on, partly because it pays off economically.

"There used to be emphasis on, say, political science. Now the cream of the high schools goes into chemistry, civil engineering, bio-chemistry and such. It's easier for them to get jobs."

With one five-year plan completed and the second underway, Korea is feverishly seeking to build an industrial base—and in part this is dependent upon having the right talent in the right numbers.

TECHNICAL JOBS UP SHARPLY

Sang-kun Chun, an official of the Economic Planning Board, sees the employment of scientific and technical workers increasing at an annual average rate of 10.1 per cent as against 3.6 per cent for total employment.

The greatest annual increase between now and 1971 is expected in construction (18.8 per cent), followed by electrical, plumbing and sanitation work (14.8), with manufacturing jobs third (12.8).

This trend had produced a growing emphasis on vocational training below the full college level.

Throughout the country vocational education—agricultural, commercial, technical—is offered by 205 public and 107 private high schools, with 172,436 pupils. There are also eight technical colleges—four public, four private—with the average college graduate 20 years old. Those drafted at 21 put in three years of service, during which they may continue technical training at army depots.

In Seoul I visited Kyunggi Technical College, which is a daytime junior college for 600 youths and doubles at night as a technical high school for 780.

The junior college is entered at the 10th grade and provides three years of senior high and two of college.

Kyunggi has been operating for only three years. The first year it graduated 62, found jobs for all. Last year it graduated and placed 40. This past February it again turned out 62, with assured employment.

EQUIPMENT IS ANTIQUATED

At Kyunggi there are four departments: mechanical engineering, civil engineering, architecture and industrial arts. The rooms are drab and drafty and the workshop equipment is old, having been donated by UNKRA—the United Nations Korean Reconstruction Agency—10 years ago, after the Korean War.

A mimeographed sheet handed me as I toured the school said: "We cannot replace these old things because of our financial situation. As you know well, our national expense go almost to the national defense. We are not able to spend much money in education. We are doing our best under the circumstances."

Korea spends about 16 per cent of its budget for education, with 69 per cent of the funds going to elementary instruction. The backlog of needs is so massive and the school population growth so great that facilities and equipment are highly inadequate.

There's a current shortage of 16,000 classrooms and of 10,000 elementary, 15,000 middle school and 10,000 high school teachers. (Even so, teaching standards have risen. Until six years ago, normal school graduates were regarded as qualified to teach the elementary grades. Now, a two-year teachers' college course is required).

The country really had to start its school system almost from scratch after the Korean War, in which half the classrooms and most of the libraries and labs were destroyed and thousands of teachers killed or wounded.

Schools had to be rebuilt, teachers recruited and trained, books written and printed, vocational education expanded and the campaign against literacy widened.

LITERACY LEVEL MUCH HIGHER

Literacy in 1945 was estimated at only 22 per cent. The claim now is 90 per cent (of those over six), achieved through compulsory education and adult classes in the villages, often conducted by volunteers.

One is officially literate if he can write the 24-letter "hangul" alphabet, which has come down from the 15th century. But since this can be learned in several hours, the standard of literacy is still low.

Perhaps the most impressive aspect of Korean education is the dramatic increase in student totals. Since the end of World War II, the general population has risen from 20 million to 30. But elementary enrollment has tripled and that at secondary and college levels has jumped 20 times.

The latest elementary education figures I saw were of five million pupils. They are instructed by 79,164 teachers (three-quarters of them men) in 5,125 schools—with the high pupil-teacher ratio of 62.3 to 1.

Yearly pupil increases of 300,000 are seen until at least 1971. Attendance is compulsory through the sixth grade and the Ministry of Education hopes to extend this through the ninth grade in the next 10 to 15 years.

Tuition is free, but textbooks and school supplies are not, although the government assists families too poor to afford these.

In the secondary schools—middle schools for grades 7 through 9; high schools for grades 10 through 12—admission is by competitive examination, and an entrance fee and modest tuition are charged.

There are some 695 public and 513 private middle schools with 751,341 students and 19,067 teachers; and 385 public and 316 private high schools with 426,531 students and 14,108 teachers. I gather that almost 90 per cent of the teachers have a higher student ratio than the standard of 50 to 1.

PARENTS EXPECT TOO MUCH

An article in the Korea Journal by Tai-se Chung, Secretary-General of the Korean Federation of Education Associations, says, "Considering the fact that the teacher and the parent share the child's day, a teacher can be compared to parents who have 60 to 70 children.

"Yet parents expect teachers to take care of their children with the same loving understanding they themselves give. We (teachers) cannot look on unconcerned while the size of classes continues to increase.

"The teaching load is certainly too heavy for teachers to fulfill their mission of educating youth. The teacher becomes a mere machine for cramming facts and figures in immature heads. . . Most teachers work at least 13 hours in addition to their 44-hour week."

The article also pleads for higher teacher's pay, pointing out that while the average married male teacher supports a family of 4.25 persons, he's only paid $22 U.S. monthly in primary schools and about $33 in high schools.

The school year in Korea starts in March, ends in February, with 40 days of vacation in summer, 30 in winter. The youngsters go to school six days a week.

The classroom and teacher scarcity in primary schools requires a two-shift system (8 a.m. to noon and 1 p.m. to 5), even three shifts in certain densely populated areas for lower grades.

STRENGTHS AND WEAKNESSES

One major weakness of the system is its inflexibility, making for a lack of rapport between student and teacher. There are strong points, too. One is in the teaching of English from the 7th grade up, which, I was told, is done more effectively than in Japan.

At the university level there is often not enough interchange between departments. Again, too much rigidity. There also has been a history of strong faculties and weak presidents, but I gather the quality of administrative leadership has improved.

I visited only one university—Ewha Woman's University in Seoul, the largest women's institution of higher learning in Asia and the ninth largest in the world. On its 100-

acre campus, 8,000 students pursue four-year programs leading to B.A. degrees. It also has graduate schools offering masters' and doctors' degrees.

Interestingly, Ewha was started as a primary school, with four pupils, in 1886, by Mrs. Mary F. Scranton, the first woman Methodist Episcopal missionary to Korea.

In 1904 it was expanded to include a high school and in 1910 a college, with a freshman class of five. (Korea's first college, Soong Sil, had opened three years earlier in Pyongyang). In 1945, after liberation from Japan, Ewha became a university.

When the Communists occupied Seoul in 1950, the school moved south to Pusan, called itself a "campus in exile" and went on operating. After the truce it moved back to Seoul, with 2,000 enrolled.

Of today's 8,000 students, only 800 live in dorms, the rest commuting. The faculty is 500, of whom 300 are full time.

EMPLOYMENT IS HARD TO GET

Ewha's freshmen, mostly 18, have finished 12 years of schooling—six primary grades, three in middle school, three in high. Admission is by exam and three times as many apply as can be absorbed—6,000 for 2,000 openings. Five per cent of the students get Ewha scholarships and some others are helped by government.

Courses leading to degrees include liberal arts and sciences (about half the graduates are in liberal arts), education, music, fine arts, physical education, law and political science, medicine, pharmacy and home economics. Of the some 2,000 receiving degrees each year, fewer than 200 go to graduate school.

Ewha's graduates mostly become teachers, social workers and office personnel. Jobs are not easy to get except for the teachers; these prefer to stay in Seoul rather than going into the countryside, where a heavy need for them also exists. (Nationally, to attract more teachers quickly, three-to-six month special training is being offered in such subjects as music and physical education to liberal arts graduates who have not majored in education).

Ewha still has strong U.S. Methodist backing; also support from the United Church of Canada. One official at the university said, "We look for Christian leaders from women. We try to prepare these. We put emphasis on religion and there is chapel every day."

MANY KOREANS STUDY ABROAD

Quite a few Koreans prefer overseas study and they range over 30 countries, from Taiwan (97 Korean students) to Switzerland (38), but most come to the U.S. (presently 4,000 to 5,000 in undergraduate and graduate fields and some 600 Ph.D.'s, largely working for universities or the Federal government).

To help attract them back to Korea and stop the "brain drain," there's a new civil service act providing that scientists be paid as well as, if not better than, administrators.

Related to this is a new Korean Institute for Science and Technology, for which the U.S. is providing $150 million. Ground formally was broken just after President Johnson's visit last fall and 45 scientists now abroad will return as staff.

In sum, Korea is making substantial progress in education but its needs are formidable and its ability to pay the bill is highly limited. The story is the same as in all the developing countries.

KOREA'S HISTORY IS ONE OF WAR AND WOE

(By George Chaplin)

Korea is a land that wanted to be left alone—but never was for long.

It is largely a victim of its geography—a peninsula jutting 600 miles south from China's Manchuria and the Soviet Union's Maritime Provinces and yet so close to Japan that Japanese TV programs are clearly received in the Korean port of Pusan.

For centuries, as even today, Korea has borne the brunt of big-power rivalries. Kublai Khan, the Mongol leader, used Korea to launch assaults on Japan in 1274 and 1281. And in 1592 the Japanese shogun Hideyoshi landed thousands of troops in Korea in an invasion directed at China.

Korea knew no peace. Its description as the Land of the Morning Calm was pleasant, but rhetorical. When it was not the Mongols occupying, it was the Manchus or the Japanese. Official envoys extracted concessions. Foreign pirates plagued the coasts.

Through most of its early history, Korea held a sort of junior status to China, at some times more willingly than at others. The result was a heavy Chinese impact on Korean culture, philosophy and government structure.

HAD WELL-ADVANCED CULTURE

By the 15th century, well before Gutenberg, Koreans were printing from movable metal type. They built great pagodas and opened a royal college of literature. Their scholarly pursuits ranged from geology to astronomy.

But too much of their energies and resources were diverted to resisting outsiders. They yearned to seal themselves off from the world, to be the Hermit Kingdom, and their efforts were fairly successful through the 17th and 18th centuries.

Internally, the almost 500-year-old Yi Dynasty began to crumble before the feuding of political cliques and the growing separation of the court and academicians from the Korean people. Externally, Japan and Russia and the West were all contesting for Pacific power and trade.

Korea was about to be "opened up", but not without showing its displeasure.

In 1866 a grounded American trading schooner, the General Sherman, was burned and its crew murdered. And nine European Catholic priests who had been quietly seeking converts were also killed.

In 1871 the U.S. Minister to China, Frederick F. Low, was sent to Korea with five American naval vessels to negotiate both a trade treaty and a shipwreck convention. The ships ran into shore battery fire, retaliated and withdrew.

UNITED STATES SIGNED TREATY IN 1882

In 1876 Japan maneuvered a diplomatic pact with Korea and in 1879 sent its first minister to Seoul. In 1882, the U.S. was able to conclude the first Western treaty ("of peace, amity, commerce and navigation") with Korea, whose king had first obtained the consent of the Chinese government.

Our first minister, Lucius H. Foote, presented his credentials in May and that August two Korean ministers came to the U.S. to study our customs and postal services, public schools and fortifications.

By spring of 1886 Korea had also signed treaties with Russia and France. But the "open door" brought no peace. In 1894 a revolt attracted troops of first China, then Japan—and the two countries began a war on Korean soil.

China was quickly defeated, ceded Formosa to Japan and recognized Korea's independence. Japan then forced a pro-Japanese cabinet on the Korean king, but he fled to the Russian legation and tried to rule from there.

Relations between Japan and Russia worsened—over both Korea and Manchuria—and in 1904 Japan declared war. Japanese troops landed in Korea to use it as a base. The Korean ruler, who wanted to be neutral, was forced to become a Japanese ally, to hand over control of the mail, telephone and telegraph systems, and to accept Japanese advisors throughout government.

Like China a decade before, Russia was defeated and recognized—as did the U.S. and Britain—that Japan had paramount interest in Korea.

JAPAN TAKES OVER KOREA

The Korean emperor (he'd upgraded his title from king) reluctantly signed a treaty giving Japan control of Korea's foreign affairs—and from Tokyo Prince Ito Hirobumi came in 1906 as the first resident-general.

The U.S. legation in Seoul and the Korea legation in Washington were closed, and representatives withdrawn. In 1907 the Korean emperor was forced to abdicate in favor of a retarded son who approved annexation to Japan on August 20, 1910.

The first governor-general, Count Terauchi, stated as Japan's aim: "The transformation of a decayed kingdom into a prosperous and rich country and the gift of good administration and peace to the new subjects of the empire."

For years there was Armed Korean resistance (70 incidents in the first 36 months), but it was called the work of "brigands" and put down by force. Tight political control was maintained—posts down to the level of magistrate and village leader being filled by Japanese, with Koreans confined to clerical jobs. Japan set out to develop the country while methodically seeking to Japanize the culture.

The country's finances were improved. Japanese industrial capital poured in. Excellent hydroelectric systems were built in the north. New railways, roads and harbors were constructed. (A deluxe train ran from Pusan to Paris, via Siberia).

Fishing and forestry were expanded—often with the use of immigrants from Japan. (Most of the industrial development was in the north, later tying in with Manchuria; the south remained largely agricultural).

THINK AND ACT JAPANESE

But the economic gains were at the expense of the Korean culture. The school system and curriculum were revamped and more primary schools opened to make the Koreans "good and loyal subjects of the Empire." The Japanese language was stressed and soon became dominant in the classroom and newspapers. (Between 10 and 15 per cent of the people—those over 35—can still speak Japanese).

People were supposed to think and act Japanese, and heavy military and police forces were on hand to back up official policy, and break any resistance.

But Korean leaders, never daunted, sought a way to dramatize their resentment. The time was March 1, 1919. It was a time when Woodrow Wilson's doctrine of self-determination was stirring nationalistic pride around the world. It was also a time when impending burial ceremonies for the Korean king who had abdicated in 1907 enabled people to gather in Seoul without undue suspicion.

Thirty-three distinguished Koreans—including clergymen of Buddhist and Christian faiths and the nationalistic Chondokyo sect—signed a proclamation of independence drawn up by a noted author, Choe Namson. Then 30 of them met in Pagoda Park in the center of Seoul, dispatched their declaration to the Japanese governor-general, called the police and waited to be arrested.

Their imprisonment—and the prearranged reading of the proclamation throughout Korea—set off a vast wave of demonstrations, mostly peaceful. The Japanese harshly retaliated, but when details leaked to the world despite a tight censorship, the pressure of opinion forced an easing of occupation policies.

STUDENT RIOTS PROVE FUTILE

The freedom movement had carried the slogan, "May Korea be free for 10,000 years"—dai han tongnip mansei—but this soon became called just "mansei", the Korean equiv-

alent of banzai, and is still referred to in that way.

In the 1920's there were several student riots, but they achieved little. Beginning in 1931, when the Japanese moved into Manchuria, controls in Korea again were tightened. They remained so as Japan went to war in China proper in 1937—using Korea as a staging area—and then moved to World War II.

Korea became a part of the Japanese war machine and in 1942 was made a part of Japan proper, and placed under a domestic ministry.

The next year, at the Cairo Conference of December, 1943, the U.S., Great Britain and China declared that "the aforesaid three great powers, mindful of the enslavement of the people of Korea, are determined that in due course Korea shall become free and independent."

Russia, which subsequently affirmed this, began to figure in Allied deliberations on Korea, both at Yalta in February, 1945 and Potsdam in July, 1945. At Yalta, President Roosevelt was eager for Russia to enter the war against Japan. Stalin, no easy bargainer, wanted acknowledgement that Korea fell within the Soviet sphere of influence.

Russia finally went to war against Japan, only a week before the latter's surrender, on Aug. 14, 1945. And beginning the day before—on Aug. 13—close to a quarter-million Russians crossed into Korea. The Americans, fewer than 80,000, did not start landing at Inchon, the port for Seoul, until Sept. 8, almost a month later.

COUNTRY SPLIT AT THE 38TH

The 38th Parallel, which was supposed to have divided the zones for Russian and American military efforts against the Japanese, now became something else. The Russians were to accept the surrender of the Japanese north of the 38th, the Americans to handle it in the south.

Historian Alexander De Conde says, "If there had been no division along the 38th Parallel, the Soviets probably could have over-run the country before the Americans arrived. Since the line limited the area of Communist control, it favored the U.S."

The 38th soon became frozen into a barrier—as efforts to unify Korea failed because neither the U.S. nor the Soviet Union would permit an agreement that gave the other a dominant role. (An agreement between the U.S. and Russia for a four-power trusteeship for up to five years stirred violent resistance in a Korea hungry for independence).

The U.S. carried the problem in late 1947 to the United Nations, which named a commission to seek unification and elections.

When the Russians refused to let the commission enter the north, the Republic of Korea was established in the south (succeeding our military government) and Syngman Rhee was elected president in mid-1948. In the north, the Russians at first ruled through Korean People's Committees—well trained in Moscow—then set up the "Democratic People's Republic of Korea", with the capital in Pyongyang.

WAR ERUPTS, U.N. SENDS HELP

Russian troops pulled out of Korea in 1948, the Americans in 1949. The next year—June 25, 1950—the north, heavily armed and supplied by the Russians, attacked the south.

The U.S. Security Council—with the Russians fortuitously absent and unable to vote—voted to help the south. Sixteen nations sent troops, seven others provided medical and other help.

The war seesawed up and down the peninsula, at a staggering cost. The U.S. lost 33,000 dead, 107,000 wounded and missing, and spent $15 billion. The South Koreans lost 250,000 killed in battle and suffered another two million civilian casualties.

In mid-1951, with battle lines largely stabilized at the 38th Parallel, truce talks began and two years later led to the shaky agreement which still obtains.

With the truce, Korea remained divided, as it does even now, 14 years later. Unification is still the much-discussed dream of the Koreans, but its achievement, if ever, lies in the vague future.

AT PANMUNJOM: KOREAN WAR IS STILL ON

(By George Chaplin)

A U.N. patrol is ambushed by Communist infiltrators.

South Korean ships and North Korean shore batteries exchange shellfire.

North Korean grenades blow up two U.S. Army huts.

In 1967, the Korean War still goes on—sometimes in armed clashes along the truce line, then in heated words in a quonset at Panmunjom, where a military commission supervises the longest armistice in modern history.

I rode the 35 miles from Seoul to Panmunjom in a U.S. Army car, over an inhospitable landscape socked in at times by a smoky gray haze which cancelled my plans to fly in by helicopter.

On the way, I saw a kaleidoscope of contemporary rural Korea—villagers in the fields; women walking alongside the road gracefully balanced loads on their heads; men pushing handcarts with cabbage for kim-chi or carrying towering cargoes on shoulder-strapped A-frames resting on their backs; 2½-ton trucks and jeeps unrolling dust clouds; kids playing and shouting and running; quonsets and camouflage and uniforms everywhere; the omnipresent rocky hills, with gun emplacements and bunkers on those near the border.

A REMINDER OF BERLIN WALL

In Korea, the heavy military presence is an accepted part of the scenery and a Cold War fact of life. In the north the Communists have 350,000 soldiers, equipped by the Russians, trained by the Chinese. In the south are 50,000 U.S. troops and 560,000 Koreans, the Free World's third largest force.

The vast majority of the Korean troops are in the army, with 26,000 in the air force, 24,000 in the marine corps, 17,000 in the navy. Other than Americans, the Thais are the only other foreign combat troops—350 stationed with the U.S. 7th Division. Turkey pulled out last summer, except for a token honor guard.

As the car moved along, I suddenly saw barbed wire on both sides of the road and signs warning of land mines in the surrounding countryside. I was almost at the DMZ, the demilitarized zone which divides and serves as buffer between the north and south. (I began to feel as I had when I first saw Checkpoint Charlie and the Berlin Wall).

This was the front line on which the Free World and Communist forces faced each other when a truce was signed on July 27, 1953. Negotiations had begun on July 10, 1951 in a teahouse at Kaesong, in North Korean territory, but Admiral C. Turner Joy, the senior U.S. spokesman, was so harassed there that he insisted upon changing the site to Panmunjom, then a devastated village.

SOME 18 MILLION WORDS LATER

At first the meetings were held in tents by representatives of the U.N. on one side, of the Korean People's Army (KPA) and Chinese People's Volunteers (CPV) on the other.

Two years and 17 days, 225 meetings and 18 million words later, the 18 copies of the armistice agreement were signed and opposing negotiators walked out without speaking. The Republic of Korea (ROK), having had an observer status, did not sign the pact but abides by it.

The agreement provided for a political conference on unification and withdrawal of foreign troops, and one was held in Geneva in April, 1954. But the Communists, under China's Chou En-lai, scuttled it.

Thirteen years later, the uneasy northbound boundary remains the DMZ, marching 151 miles across the Korean peninsula. It is two and a half miles deep and along its center runs the MDL, the military demarcation line, studded with 1,292 warning markers inscribed in Korean and Chinese on the north side, Korean and English on the south.

It is here where up to 1,000 personnel—the agreed maximum—patrol for each side. (The 1,000 in the southern part of the DMZ consist of 300 U.S. and 700 ROK troops). It is here where patrols sometimes clash, usually at night.

And it is also here at Panmunjom—in a circular "Joint Security Area" a half-mile wide—where the Military Armistice Commission meets on the complaint of either side. Since 1953 more than 200 meetings have been held.

HOW ARMISTICE SUPERVISED

The armistice commission has five members selected by each side. The top U.N. representative is an American major general or rear admiral, with the post rotated every six months among the U.S. Army, Air Force, Navy and Marines. Serving with him are representatives of the Republic of Korea and of the U.N. Command Advisory Group.

The other side is represented by four North Korean army officers, one of whom is also the senior member, and a Communist Chinese.

As U.N. observers there are Swiss and Swedish delegations on our side, Czech and Polish on the other. Each has eight to nine members, including three general officers and a colonel, and they meet in a building next to the armistice commission's.

I gathered that the Poles and Czechs dislike their duty since they are "virtual prisoners" of the North Koreans, who suspect them as "revisionists" and highly restrict their movements.

At Panmunjom, the U.S.'s four buildings are painted blue, the Communists' four are green. I was told the Communists has pigeons called "peace doves" which are trained to mess up the blue buildings—skipping the green—as a way of showing disdain for the U.N. representatives.

COMPETITION HAS GRIM MOOD

This tactic of trying to demean the opposition is old and standard stuff with the Communists. Admiral Joy has recalled that back at his first Kaesong meeting in 1951, he "almost sank out of sight. The Communists had provided a chair for me which was considerably shorter than a standard chair.

"Across the table . . . General Nam Il (of North Korea) protruded a good foot above my cagily diminished stature. This had been accomplished by providing stumpy Nam Il with a chair about four inches higher than usual . . ."

At first at Panmunjom there was a contest as to who would fly the higher flag. Each side tried to outdo the other, but it got so ridiculous, this field was finally yielded to the Communists.

On the main conference table where the armistice commission holds its official discussions, the miniature green flag of the Communists flies a quarter-inch higher than ours and is just a bit larger.

This would all seem rather juvenile were it not in an atmosphere of grimness and tension where implacable enemies stare icily through each other and fire official insults, sometimes for hours on end.

(Small things loom large here. The Communists once convened a meeting to bitterly complain that an American MP had thrown a snowball at a North Korean soldier.)

AVERAGE SESSION 4 HOURS

The demarcation line bisects the armistice commission's four-foot-wide table, so that the Communists are sitting in North Korea,

the U.N. delegates in South Korea. (Outside, where visitors are reasonably free to wander about within the Joint Security Area, this is the only place where an American or South Korean can stand on North Korean soil without being shot or arrested.)

The average armistice commission meetings last four hours. The shortest has been under an hour, the longest 10 hours. Once the main representatives sit down at the table—their staffs behind them—they remain without a recess until the meeting ends, whatever its length.

I was told that they prepare like athletes for these sessions. The day before they dehydrate themselves since there are no restroom breaks. Such are the distorted symbols of the Cold War that for anyone on either side to leave the table, for whatever reason, would be a sign of weakness. No place for weak wills or weak bladders.

The side whose allegation of armistice violations has brought the meeting opens up first, with translations in English, Korean and Chinese blaring out in the room, in other buildings and on the outside as well, through a loudspeaker system.

Once charges are voiced, they are met with counter-charges and the battle of psychology and propaganda is joined.

EASY TO LOSE PATIENCE

The top U.N. commander when I visited was Major General Richard G. Ciccolella, who had come from a Strike Command post at McDill Air Force Base, Tampa, Florida. I asked him about the patience level in his job.

"It's easy to lose your patience," Ciccolella said. "They regard themselves as being at war with us. They're completely hostile. They come prepared with a sheaf of propaganda and rarely address themselves to the issue at hand."

The meeting I witnessed, looking through windows and listening to the PA system, had been called by the Communists to complain of an alleged infringement of a North Korean waterway.

Ciccolella noted the charges and said he would investigate. But first he demanded to know why the Communists had not responded to his earlier complaint over the killing of six American soldiers and one South Korean during a night patrol.

Ciccolella's tone was cold and measured. He used phrases such as "vicious bloodthirsty killers," which are mild compared to the Communists' language.

(Arthur H. Dean, who was the key U.N. and U.S. negotiator at post-armistice talks at Pammunjom, recently recalled in a New York Times Sunday magazine article that he'd habitually been called "a capitalistic crook, a rapist, thief, robber of widows, stealer of pennies from the eyes of the dead, mongrel of uncertain origin . . . a murderer lying in the gutter with filthy garbage . . .").

TALK BETTER THAN GUNFIRE

Ciccolella knew he would get nowhere—the Communists have admitted to only two of more than 5,000 alleged violations, and this very early in the game.

But the monologues are part of the Cold War ritual. And talking is preferable to big-scale shooting. The U.N. Command has admitted about 90 of more than 42,000 Communists charges, most of which are brought for propaganda rather than substance.

(In April, to counter claims by the North Korean senior delegate that the U.S. is an enemy of the Korean people, Ciccolella showed a film of Seoul's thunderous welcome to President Johnson last fall. The North Koreans walked out—the lesser aides reluctantly—but in 10 minutes some of the staff returned. Ciccolella complained of the "illegal disruption.")

Each side at Panmunjom apparently feels that it picks up points by permitting visitors. From the Free World last year came some 30,000 visitors, compared to 18,000 in 1965. From the north came about 500, down from 1,100 in 1965.

In winter, the temperature on the truce line drops to 10, sometimes 20, below zero, because of the chill blasts from Manchuria. I was there on a mild day, but still needed woolen pants and shirt, a sweater, a corduroy jacket and topcoat.

After watching the stern commission proceedings for a while, I went to the duty officer's building. The arguments followed me over the loudspeaker system.

COMMIES WARY OF DEFECTION

In this office two duty officers, an American and a North Korean, meet each noon, except on Sundays and holidays, to convey messages to their seniors and discuss such routine matters as arrival and departure of military personnel.

(The conference area is policed by both U.S. and North Korean soldiers, with no more than 35 allowed for either side at one time. I had been told that some 90 per cent of the North Koreans in uniform at Panmunjom are Communist Party members. "They never walk by themselves because the government is wary of defection").

Over a cup of coffee, I chatted with the U.N. duty officer, Lt. Cmdr. Philip A. Barnes, a Sacramento native. He has been in Hawaii several times dating back to 1950 and said he might retire in the Islands.

In one end of the office was a bookcase, with highly varied contents: paperbacks such as "The Story of Jazz" and "The Last of the Mohicans," the current issue of Army Digest, a hardcover book, "Korea Moves Ahead" and then—donated by Polish and Czech observers—"Contemporary Art in Czechoslovakia," a concise Statistical Yearbook of Poland, 1964" and issues in English of two Life-sized magazines, "Life in Poland" and "Czechoslovak Life."

I moved outside again and saw "Freedom House," a temple like building put up in September, 1965 by the Republic of Korea and given to the U.N. commission. Inside are exhibits of art and industry. Nearby, I saw the "peace pagodas" erected by the Communists.

As I continued walking, I couldn't help but notice the Communists' buildings were heavily curtained and built on a more permanent basis than ours. Presumably, they expect the talks to go on for a long, long time.

PLANNING ARMED HAMLETS

Meanwhile, the propaganda battle even extends to two villages permitted in the area. One in ROK territory is "Freedom Village," with a population of 221, in 37 families.

It is self-governing and the people pay taxes to their own little government and not to the Republic of Korea. Medical care and other help are provided by the U.S. Army. A man can bring a bride back to the village, but a woman can't bring a groom.

From the village, propaganda is broadcast across the line to a Communist "Freedom Village," which claims 2,000 population. However, intelligence sources say there are only about 100 caretakers there, with windows painted on empty shacks and with no farming of any consequence.

Currently, the Republic of Korea is planning to establish a system of 100-family "reconstruction hamlets" immediately south of the DMZ, in an area previously barred to regular farming. Two pilot projects will be set up this year, with 200 families; the goal for 1968 is 2,000 families, for 1971 some 13,000 families.

One objective is to raise needed grain. But another is to provide a defense system modeled after Israel's kibbutzim along the Arab borders, where farmers can use a gun as well as a plow. To protect themselves against Communist infiltrators from the north, the Korean farmers will receive military training and equipment and each hamlet will be commanded by a former soldier.

Thus continues the Korean War, a war now essentially of words, occasionally of bullets and increasingly of frustration.

A VISIT TO A ROK LOOKOUT

After visiting Panmunjom, I traveled in an armed jeep to a mountain-top observation post of the 25th ROK Division.

I was met by Colonel Tae Hyong Pak, the chief of staff, and escorted through a sandbagged entrance to a parapet which gave an unobstructed view of opposing territory, valleys and mountains, for many miles.

A large table held a model of the terrain, appropriately marked. I checked one point on the model, then aiming binoculars through the lookout slots located the actual place a long way ahead of the OP.

When I asked about several smoke plumes out forward, the colonel explained these had been set by U.N. forces to prepare clearer fields of fire. This was an important OP because the area was one used by agents infiltrating into the south. The OP's job was to spot such movements. Needless to say, such a visit reminded that these people are on a no-nonsense war footing.

On the return to Seoul, threading through the rocky hills, it was easy to envision what fighting in such terrain was like and how such names as Bloody Ridge, Old Baldy, the Punchbowl, Pork Chop Hill and Heartbreak Ridge became part of our geography lesson.

The current scene was more like that associated with maneuvers, except the installations looked more permanent. A company nestled here, a signal corps detachment there, a battery just down the road. And everywhere, especially in U.S. areas, the three flags—ROK, U.S. and UN Command.

Korean youngsters who've known nothing else think it's this way every place.

RED TEAMS TRYING TO SUBVERT SOUTH KOREA

(By George Chaplin)

North Korea, in addition to its raids on DMZ outposts, seeks through subversion, infiltration and propaganda to build an underground organization and create unrest in South Korea.

The Seoul government reported in mid-June that 30 well-armed North Korean guerrillas had managed to infiltrate into the southeast, presumably to raid and sabotage.

An operation of this size is exceptional. Usually, one knowledgeable source said, the Communists work in much smaller units, such as three-man teams.

There are probably 250 North Korean agents in the south at any one time, I was told. They're well supplied with three currencies—green money (meaning U.S. dollars) Japanese yen and South Korean won.

"One of the team is a hard-liner assigned to make sure none of them is taken alive. Some of them do get caught or killed trying to cross the border from the north; (South Korean) soldiers receive a bonus for getting infiltrators. But a lot of them get through safely."

TRYING TO DISRUPT SOUTH

At the ROK Defense Ministry I was told that the Communist operations are primarily psychological warfare:

"They try to undermine, to create dissension, to make people wonder if we can really spare troops for South Vietnam or whether the internal threat here is so real as to make it better to keep the troops at home.

"North Korea is not happy with the progress made in the south. The Communists know that our stability of power depends upon the stability of the economy.

"So," the spokesman continued, "they want to slow the pace in the economic area by breeding disquiet in the social structure and by trying to create doubts internationally about our stability and thus inhibit investments.

"But we feel we have the situation under control."

The south matches the Communist propa-

ganda with its own broadcasts to the north. There is, I was told, this difference—people in the south can listen to the north, but in the north it's a jailable offense to listen to the south.

NORTH PUMPS IN PROPAGANDA

"There's plenty of reason for vigilance here," an American with extensive duty in Korea said.

"This country lives on the border of communism. It has fought against communism. And it has more adults who have lived under communism and fled than any other place in the world.

"Some were refugees from the Russians (who occupied the north) in 1945. There was a steady flow in the rest of the 1940's and then, during the Korean War (1950–53), a big upsurge.

"A million came down at one time with our army during the retreat from the Yalu.

"But the young people in the south have had no direct experience with communism. This propaganda from the north sweeps into them. The kids wonder why north and south can't unify."

This frustration is just what North Korean Premier Il Sung Kim wants. He dare not again take on U.S. and South Korean forces in conventional combat. Instead, he hopes to overthrow the South Korean government through disruption and unrest.

Kim has said at (Communist) Workers' Party congresses: To win "against imperialism and feudalism, it is necessary for the South Korean people to take Marxism-Leninism as guidance and have a revolutionary party which represents the interests of the workers, farmers and general public broadly."

SEEKS A COMMUNIZED SOUTH

He has also said that "after the unification . . . it is our duty to carry out a democratic reform in South Korea, including land reform and nationalization of important industries.

"The achievement of the democratic revolution will be followed by socialist building and after that our country will gradually become a Communist state. We can say that we have fulfilled the mission assigned to us in world revolution when we have carried out all of these successfully."

So to Kim "peaceful unification" and communizing the south are the same.

The question is on the United Nations agenda each year. (The U.N. regards the Republic of Korea as the only legitimate government on the peninsula.) The so-called Stevenson Plan voices the U.S. and South Korean position that unification should be achieved as soon as possible by free elections under U.N. supervision.

The Communists want a resolution condemning the U.S. and the Republic of Korea, want U.S. troops removed forthwith and say they can achieve unification by South and North Korea getting together with the help of Asian nations.

NATIONALISM RUNS STRONG

Last December, the U.S. came out as well numerically in the U.N. vote against North Korea as in the past. Washington didn't altogether oppose seating North Korea delegates to discuss the issue, but wanted them first to recognize the legitimacy of the U.N. and its presence in Korea. South Korea's government went along—but the north predictably refused to.

It must be remembered that on reunification, the Koreans are genuinely nationalistic.

"Look at their history," one Western student of the country observed. "This little band of ethnically unique people have preserved this integrity for 4,000 to 5,000 years with the Japanese, Chinese and Mongols pressing them.

"One Korean was asked if he'd ever heard of the Koreans being described as 'the Irish of the Orient'. No. he said, but he had heard of the Irish as 'the Koreans of Europe.' "

In short, they're proud of their national identity and want reunification. But in the south they don't want it on Communist terms.

The North Koreans have picked up some propaganda points by offering postal exchanges. And there is some feeling that the south should present a less rigid posture about at least exploring such modest possibilities.

PART OF A LARGER PICTURE

A basic impression I got during my visit is that President Park is trying to build an economy, then move politically toward unification. But any meaningful action is years off—for Korea is part of the larger contest between the Free and Communist worlds.

As one substantial American military figure said to me:

"Sometimes people look toward Korea, Southeast Asia, India separately. This is a mistake. Our position in Korea is a major element of our deterrent to Communist China."

"Our position, unless attacked, is defensive. Our strength here is pretty real. There is a full and ample deterrent against North Korea and they're aware of this. If the Chinese Communists joined up with them again, we would have to use additional strength—but we have it in pocket.

"From the Chinese Communist point of view, this is a hunk of land on the Asian continent which defends Japan. From their view, this is close to Peking and close to 75 per cent of Chinese heavy industry—including the small military industry in the old Manchurian industrial crescent involving Harbin and Mukden.

"In terms of power politics, this is a local area which the Chinese do not disregard when they think of military advance in Asia, particularly Southeast Asia."

He leaned back in his chair and continued.

"The U.S. in 10 years has produced a good ROK army, navy and air force. Some hotheads even say they wish North Korea would start something. But Park is trying to move the country along.

MILITARY EDUCATES KOREANS

"The U.S. military has helped considerably—by training soldiers, by sending thousands of Korean officers and non-coms back to the States. The people who have been to Benning and Leavenworth were exposed to the meaning of American democracy. There's been 10 years of osmosis.

"In Korean military camps we have helped teach the soldiers electronics and technical skills and in the process began to inculcate the idea of the military man serving his country rather than himself.

"Kids from all over Korea have been given a reasonably good several-year science education, with a leavening of social studies and economics. They learn about 'duty, honor, country.' There's now a pretty widespread military conception of duty-above-self.

"It's had a good impact on the younger generation."

He said a combination of three things has changed Korea, in the sense of a nation coming of age in the modern world:

The first is the beginning of an economic upswing.

The second is the contribution to the defense of the Free World.

"It warms the heart to hear them say, 'You came and fought for us, now we are the only ones in Asia to fight for the Vietnamese defense of freedom.'

"The Koreans in Viet Nam are our best propagandists. They tell the Vietnamese, 'Don't talk about Americans like they were French. We know. They saved our country and they don't want anything for it.'

"They're really effective in Vietnam. The Koreans are proud, they're standing tall—not like the inferiority complex of a decade ago."

RAPPORT THIN, BUT THERE

The third thing, he said, which has changed Korea is the very genuine beginning of being an important political force. They generated ASPAC—the Asian and Pacific Council. They're gung ho. Before the Manila conference (in late '66), Asian countries talked about Asia; Korea shifted it to the Pacific.

"In Korea, we've begun to establish a mutuality of understanding with a genuinely Asian country on a sound basis. The rapport is only one layer deep, but it's there."

KOREAN DEMOCRACY IS YOUNG, FRAGILE

(By George Chaplin)

Korea's hopes continue to ride on a small, wiry, taciturn farmer's son who came to power in a military coup, then went on to win two national elections, the second one last May.

President Chung Hee Park is small in size—five feet four inches; about 130 pounds—and stony-faced. He's neither baby-kisser, nor handshaker, and he probably was appalled at the way President Johnson "worked" the Seoul crowds last fall.

But Park is tall in his sense of mission, in the feeling that his role in history is to draw Korea up out of the morass and make something of it. With his own brand of political magic, he effectively conveys this to most of the Korean public.

"The growth of Korean confidence, from a mendicant status to real gung ho, is almost frightening," one authoritative American observer said to me. "Park is responsible for much of this. He himself has grown a great deal."

"It's been fascinating to watch him—a soldier who came to power in 1961 knowing only the military—adapt himself to the political environment. Now he'll listen to an economist for three hours, take notes, then ask embarrassing questions of his own advisors."

HE HAS SUCCESS STORIES

Were it not for Park, there probably would have been no settlement of long-time differences between Korea and Japan. There probably would be no South Korean troops in Vietnam, and inflation likely would be worse.

Three years ago student-and-professor demonstrations and rioting against the Korea-Japan treaty threatened the country with crisis. An American there at the time told me that "only about 150 to 200 started the whole thing."

He quoted Park that, "I think students have the right to study and professors have a right to teach and I intend to protect that right."

"Park closed the local Ivy League for some months. Later some of the professors and students involved were reinstated—and the treaty is a fact of life which is good for Korea.

When Park's junta first took control, it began with an extremely authoritarian government—which has been transformed into an elected civilian administration.

In the 1963 election, Park got 43 per cent of the votes for president, only 156,000 more than his nearest rival, former president Po Sun Yun. His party received only 34 per cent in the subsequent National Assembly elections. Park, who comes from Taegu, did well in the southern area but failed to carry Seoul, the capital, and the northern countryside.

I was told that "the election was fair enough, but some people resented the junta."

WON BY CONSIDERABLE MARGIN

Park worked hard to improve the economy and broaden Korean influence in Asian affairs. His success in both paid off in his reelection this past May 3 when he drew more than 50 percent of the votes.

Eighty-two percent of the eligible voters

turned out—11.5 million. Park got close to six million ballots, with his only serious contender, again Po Sun Yun, receiving under five million. Five minor rivals split the rest.

Park once more lost Seoul to Yun, but only by 80,000, as against 430,000 last time.

The election was monitored by the U.N. Commission for the Unification and Rehabilitation of Korea, which spot-checked polls and tallying centers.

Its members, foreign observers and American newsmen generally agreed with Park's claim that it was the "fairest and freest" election in Korea's exposure to democratic procedures.

DEMOCRACY STILL NEW IDEA

That exposure, it should be remembered, covers only 20 years, and even that period was interrupted by war and chaos. Before then, the Japanese occupied Korea for 35 years and there was no way to learn democracy. A long-time student of the Korean political scene put it to me this way:

"In more than 4,000 years, democracy is something the Koreans never had. Nowadays, the educated understand it. As yet, the vast majority don't.

"Lots of Koreans, through missionaries, had an American education. At certain levels there is a strong feeling for democracy, but no real training for it among the rest.

"Even so, Korea has the institutions of democracy in the elected President and National Assembly, which criticizes and modifies legislative proposals by the administration. The government has to take the assembly into account. It can crack the whip but it's no dictatorship.

"A bipartisan policy is as yet unknown. The opposition's idea is to oppose, flat out. The emphasis is on personal power and prestige and not on the issues. But remember that the democratic process is a very young and fragile thing here."

INTIMIDATION IN JUNE VOTE

This was borne out on June 8, just a month after Park's re-election, when balloting was conducted for the 175-seat unicameral National Assembly.

The Democratic Republican Party, which held 110 seats, faced possible inroads from the New Democratic Party—and this led to the discouraging use of muscle by pro-administration elements.

Opposition voters and election watchers were intimidated by boisterous groups, newsmen were manhandled and at least one election official was stabbed.

The violence caused Dr. Chin-o Yu, the leader of the New Democratic Party, which won 44 seats while the DRP rose to 130, to exclaim, "This is not an election, but a war."

There'd been vote-buying on both sides, but Korean students and the press felt the actions of the government and the Democratic Republican Party to be the more reprehensible because of their abuse of power.

Thousands of students clashed with police and as the rock-throwing protests continued, Seoul National University and more than 20 others, as well as many high schools, suspended classes.

SITUATION NOW IN STALEMATE

Interestingly, despite President Park's limited campaigning for his party's assembly candidates, most lost by wide margins in major cities, including some where he had piled up a landslide vote a few weeks before.

He instructed the prosecutor's office to act on some 1,200 charges of election law violations—but the vast majority of these were against opposition party backers.

The political scene is now in deadlock. The opposition has refused to enter the National Assembly and is insisting that President Park must:

1. Apologize to the people and admit that the elections were totally rigged;

2. Arrange for new national elections;

3. Dismiss the high officials responsible for the election rigging;

4. Guarantee that constitutional measures will be taken to ensure no repetition of election irregularities.

For its part, the government and the Democratic Republican Party maintain that they have done all they legally can to correct the situation.

President Park, unwilling and possibly legally unable to meet all of the demands, insists that the opposition should seek redress for its grievances through the courts and by taking part in the Assembly.

Until four days ago the government and Democratic Republican Party were unwilling to operate the Assembly unilaterally. But with the budget pending, something had to give, and they decided to convene the Assembly despite the opposition boycott.

HISTORY ONE OF RESTRICTION

This all adds up to the fact that it will take time for Korea to work itself away from the tradition of authoritarian governments and rigged elections. Most of its experience has been sadly restrictive.

After the Japanese surrender at the end of World War II, U.S. forces ran a military government for three years. When efforts to unify Korea failed, the Republic of Korea was established in the south, elections were held in the summer of 1948 under U.N. supervision and Syngman Rhee became president.

Rhee had been in exile much of his adult life because of his views against the monarchy and later the occupying Japanese. He had pleaded the cause of Korean independence in the U.S. and before the League of Nations. When he returned to Korea in 1945 he was already an old man of 70.

That he deeply loved his country and was a rallying point in resistance to communism is beyond question. But he was excessively self-centered, often harsh and repressive, and increasingly out of touch. Many close to him exploited the relationship, with resultant graft and corruption.

BRUTALITY, RIOTS AND EXILE

Political opposition to Rhee was actively discouraged—with methods ranging to the extreme—and he won several re-elections. But his fourth—in March, 1960—occurred in an atmosphere of rigged balloting, growing violence and intolerable police brutality, especially against students.

When police shot more than 100 youths during a Seoul protest march, the explosion point was reached. Full-scale rioting began—with the military in accord—and on April 27, Rhee resigned and fled to his final exile in Hawaii.

That August of 1960 Po Sun Yun was elected president and John Myun Chang became prime minister.

Their party was democratic, with true local autonomy, but it had inherited a mess which it was unable to clean up. Corruption, black-marketing, inflation rocked the country.

The following May the military took over and after some junta in-fighting General Park emerged as the chairman. His nephew-in-law, Chong Pil Kim, then head of Korea's extremely potent Central Intelligence Agency and the architect of the revolutionary coup, ranked second.

Yun continued as a presidential figurehead, but quit in March, 1962. Park took over as acting president, then resigned his army commission as a general and won popular election in 1963—running for the new Democratic Republican Party which Chong Pil Kim had organized after resigning from the C.I.A. and the junta.

AN INTERVIEW WITH KIM

Next to Park, Kim continues as probably the most powerful man in Korea, as chairman of the ruling party. He is also a member of the National Assembly.

In an hour-long interview at party headquarters, Kim talked articulately and persuasively about progress and stability, about Park's record. Korea, he said, is a "cardinal example of how much competent leadership can achieve in a country so unstable in the past." It was, he observed, a good example for other developing nations.

Kim cited the Korea-Japan treaty "after 300 years of hostility"; the sending of Korean troops to Vietnam; the fact that "we no longer have hunger and starvation—Korea has been brought to a point where famine is eliminated."

He said his country "cannot forget the positive part played by the United States. We have begun to repay (commercial) debts and obligations (to the U.S.) and have started making contributions to the Asian Community. If we continue this pace for a few more years we will be able to lay a firm foundation for the country."

Kim and President Park are very close politically, with Kim's marriage to Park's niece representing a highly important relationship because of the close Korean family traditions. But in a sense it inhibits Kim as the junior member of the relationship.

This is difficult for Kim, for his ability is matched by his ambition. He has been characterized as "the Bobby Kennedy of Korea," with the strongest aspirations for the Presidency.

POLITICALLY, WHAT LIES AHEAD?

Park cannot run in 1971 without a constitutional amendment permitting a third term. This would require a two-thirds approval in the National Assembly, plus a majority vote in a national referendum.

Park has stated he does not intend to seek a third-term amendment. Should he change his mind, opposition from all sides, including some ambitious persons within his own party, would be such that Park would have to use extremely forceful measures.

Even so, he could not be certain that the army would tolerate the flouting of public will.

As against a possible third-term provision, there is speculation that perhaps an effort might be made to lengthen Park's second term. But knowledgeable observers regard this as highly unlikely.

One of them said to me, "Instead of asking about a change in presidential terms, a more realistic question would be about prospects for dictatorship." He added he was not suggesting an apprehension, but a possibility.

The only certainty on the political scene is that whatever happens in the next few years will tell how near to democracy—or how far from it—the Korea of our time really is.

VOCAL PRESS LARGELY FREE

The press in Korea is as free as any in the Far East excepting Japan, Hong Kong and the Philippines.

It's extremely vocal and, traditionally, has been predominantly in opposition to government. The government controls the newsprint supply and could cut it off in reprisal, but this has not kept the press from taking the administration to task.

In the summer of 1964 the government tried to ramrod through a so-called press ethics law. The newspapers violently objected and although the government was able to pass the law, it has not implemented it.

The press then formed its own ethics commission to keep an eye on newspaper performance. A number of incidents have been reviewed.

There has been one example of what most journalists regard as a grossly improper use of the press. This concerned B. C. Lee, a tycoon who not only has a powerful press combine but is in many other businesses.

When an executive of a fertilizer company dominated by Lee was involved in the smuggling of saccharine, Lee and his operations were defended by his own journalistic em-

pire. The rest of the press took a dim view of this.

Some things the press can't do. Most importantly, it can't violate the anti-Communism law, which is an extremely broad statute. I was told, as an example, that a local dealer handling a Time or Newsweek issue containing "pretty pictures" of North Korea or China had better rip them out or expect a ban on distribution.

Highly blatant or exceedingly reckless criticism of the government is almost sure to bring action. Example: a magazine editor was jailed for falsely calling the President the mastermind of a smuggling ring.

Too often, several sources observed to me, some Korean newspapers will print rumors without checking them out. Since advertising revenue is small, most papers depend on circulation income and tend toward sensationalism in news treatment.

U.S. AID NOW CAN CUT BACK

U.S. aid to Korea has taken two forms—money and advice. Both have been of great help.

From 1957 until 1966, the U.S. put in $200 to $250 million a year in direct economic aid—on top of the substantial military aid (exclusive of our own military costs there).

Now, direct economic grant aid has dropped to $45 million a year and is declining annually. Military aid has dropped some, but still enables Korea to support 28 divisions. Korea has thus made up many millions a year that used to come from America.

(In 1956–60, for example, the country exported only $24 to $32 million annually, mostly such primary items as tungsten and other materials, seaweed and fish. Last year exports reached $250 million, with more than half in manufactured goods).

U.S. economic aid has been going through several phases, similar to the program in Taiwan, which phased out two years ago this July.

The first step involves grants for the "foundation"—harbors, railroads, power, agriculture.

Next come "soft loans"—that is, long-term, extremely low-interest loans, both to government and private enterprise. Gradually, as private investment grows, loans get "harder," shorter terms and higher interest rates. At some point, the local government and industry can do just as well obtaining money elsewhere.

(When Taiwan phased out, its credit rating was such that it could go to the World Bank or other world financing sources for loans).

Presently, Korea is still in the "soft loan" stage, but it's clear the loans will get "harder."

A few years from now, one high Korean official said to me, the half-billion dollars in foreign aid on which they used to depend will gradually be cut to zero.

"President Park has urged the people to find their own way. The people and government must work together."

For a population of Korea's size, there are many competent technical people for government service.

At the same time, the Korean administrators have been eager for U.S. counsel, much of which they have put to good use.

Four years ago each government department had its own set of statistics. The U.S. suggested one set and they went to it. People in different departments working on the same problems met, in many cases, for the first time, and this broke down, agency walls.

The office of National Taxation has been assisted by U.S. tax advisors. A new accounting system was installed for railroads. With U.S. advice, Korea liberalized its exchange rate and reorganized its credit system. In agriculture, the latest U.S. techniques have been demonstrated in soil testing and fertilizing use and vocational training.

In short, the Koreans have taken U.S. ideas and modified them to fit local circumstances. Most have worked.

SENATOR ALEXANDER WILEY

Mr. PROXMIRE. Mr. President, I ask unanimous consent that an eloquent editorial on the career of the late Senator Alexander Wiley, who died last week, published in the Milwaukee Journal, be printed in the RECORD.

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

ALEXANDER WILEY

The distinction that Wisconsin voters accorded to Alexander Wiley, who died Thursday in his 84th year, was to keep him in the United States senate longer than any other senator in the history of the state—four full terms, 24 years. The Senators La Follette, sr. and jr., served 19½ and 22 years.

Seniority thus made the proudly self-styled country boy from Chippewa Falls the highest ranking senator Wisconsin ever had. He was the longtime ranking Republican on both the judiciary and the foreign relations committees of the senate and chaired each one at a different time of party ascendancy—the latter in the important early years of the Eisenhower administration.

Sen. Wiley won two splendid distinctions for himself. He became a convert to high principled internationalist views that served his country well in the postwar era. And he became officially a father of the St. Lawrence seaway, a great boon to his home state, by assuming the leadership for it at the time of ripening. His name is perpetuated in one of the seaway works, the Wiley-Dondero canal.

After a warmup run for governor in 1936, Wiley became a party hero two years later by recapturing a senate seat from the New Deal, defeating F. Ryan Duffy, sr. Three terms later, in 1956, he was the central figure in one of Wisconsin's most memorable political dramas, from which he came out bruised but triumphant.

In a bitter irony, he was the intended victim of his own loyalty to the first Republican national administration in 20 years. The party still had its Eisenhower and Taft wings, and Taftites were in command of a strong Wisconsin machine. Shabbily and cruelly they set out to get rid of Alex Wiley for his "betrayal" of isolationism and his independence of bossism. An apparently doomed, almost pathetic figure, he found a majority of Republican primary voters still with him; they turned aside the grab for his seat by the organization man, Congressman Glenn Davis.

When he tried for still another term in 1962 he was overtaken by his irascible old age and by Gaylord Nelson. Wisconsin knew him no more; he lived out his last years a recluse in Washington.

Sen. Wiley made up for a lack of intellectual pretensions with wisdom to be a learner and with courage of conviction. World War II shook him completely out of his instinctive rural midwestern isolationism. As a disciple of the great Sen. Vandenberg he came to give both Presidents Truman and Eisenhower valiant and valuable backing in all manifestations of America's world role—Marshall plan, Atlantic treaty and all—very nearly earning the name of statesman in that work.

He was a warm hearted, high spirited, jovial man, yet a sturdy battler on occasion. He was a decent and honorable man. A pleasant story of him is how he once could have blocked an appointment of the man who had just been his election opponent, Thomas E. Fairchild. He cordially endorsed the appointment instead.

His state owes him an affectionate memory; his party and historians of the Eisenhower administration would rightly acknowledge substantial debts to Alexander Wiley of Wisconsin.

FOREIGN MEDICAL PERSONNEL

Mr. MONDALE. Mr. President, Mr. Richard D. Lyons wrote an excellent article on the brain drain involving foreign medical personnel.

The situation Mr. Lyons outlines would be serious indeed if the only ramifications were on the quality and competence of medical care in the United States. But it involves far more than that. Each one of the foreign doctors who comes to the United States and remains here constitutes the loss of an extremely valuable resource to his native country. It is a loss, not only in terms of health services and standards in his country, but also a loss of a potential leader to a developing nation, which desperately needs every bit of its talent and leadership working for national development.

Mr. President, I ask unanimous consent that this well-documented article be printed in the RECORD.

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

FOREIGN PHYSICIANS, MANY UNQUALIFIED, FILL VACUUM IN UNITED STATES

(By Richard D. Lyons)

The national shortage of doctors and the rising demand for health services has led to the immigration of thousands of foreign physicians, many of doubtful ability who may arrive to practice in American medical institutions sight unseen and quality untested.

The influx of doctors from overseas has become so great in the last 20 years that as many foreign-trained physicians enter the health care system of the United States each year as are graduated from American medical schools.

About 45,000 doctors who were trained in foreign medical schools now reside in this country, and the number is increasing at the rate of 10 per cent a year.

Many of the foreign doctors, possibly as many as 5,000, have been unable to pass tests of basic medical knowledge and are practicing medicine without licenses, sometimes because of loopholes in state certification rules and sometimes with the knowledge of the hospitals in which they work.

Interviews with medical educators, hospital executives and public officials showed that some American hospitals were so short-staffed that they were advertising for doctors overseas and paying their travel expenses to come here, ostensibly for post-graduate study but often for use as cheap help.

MORE FROM POOR NATIONS

The paradox of the migrant doctor problem is that the countries with the better medical schools and standards of health care have far fewer physicians migrating to the United States than those nations whose levels of medical education and services are poor.

England, France, Japan and the Scandinavian nations enjoy higher longevity and lower infant mortality rates than the United States, a reflection of national systems of health care at least as good if not better, but relatively few doctors from there come to this country.

A much larger number enter from such underdeveloped nations as India, Iran and the Dominican Republic, countries with lower standards of health care and a doctor shortage of their own, and these physicians may have only the sketchiest knowledge of both English and medicine.

"This is a major national scandal and there has been no policing of foreign doctors because no central organization is responsible for them," said Dr. Harold Margulies of Washington, assistant director of the American Medical Association's Division of Socio-Economic Activities.

Dr. Margulies, who has studied the problem for six years, estimated that from 2,000 to 5,000 foreign-trained doctors were practicing medicine in the United States without licenses.

SUBSTANDARD CARE SEEN

"I have personally seen unlicensed foreign medical graduates working in hospitals," he said. "We have been meeting our manpower shortage in the United States with substandard people who are offering substandard care in our institutions."

While some of the foreign doctors practicing medicine without licenses do so in violation of state laws, the shortage of physicians has been so acute that many regulatory groups have not moved against them. Penalties vary widely between jurisdictions.

Some hospital officials said that the employment of foreign medical graduates was dictated through necessity as the demands increased for the staffing of emergency rooms, hospital wards and psychiatric institutions.

"Patients in many state hospitals have no hope of getting out and many doctors are uninterested in drab surroundings and uninteresting work," said one hospital executive in Chicago, who added bluntly: "So why not bring in doctors who have 'read' medicine for only six months?"

Dr. Edwin L. Crosby, director of the American Hospital Association in Chicago, attributed the influx of foreign-trained physicians to the increased demand for medical services that opened "thousands of more internship and residency posts in American hospitals, along with the desire "of many foreign graduates for training in the United States."

Dr. Crosby stressed, however, that the hospital association "does not believe that the presence of the vacancies and the need for physician coverage should be used to permit the employment of inadequately trained physicians or those with a substantial language barrier."

An official of the American Medical Association in Chicago said that according to association records almost 7,000 foreign doctors enter the United States every year, yet only half had passed a formal test of medical knowledge prepared by the Educational Council for Foreign Medical Graduates in Philadelphia.

Without certification that he has passed this test, a foreign doctor cannot enter a post-graduate training program in a good hospital, which was probably what attracted him to the United States in the first place.

MAY BE LISTED AS ORDERLIES

"We feel that a lot of these guys end up by working in state institutions and marginal hospitals," the A. M. A. official said. "They may be on the books as broom handlers and orderlies even though they may be actually practicing medicine."

Several medical educators agreed, however, that the instruction foreign doctors receive in this country produces many fine physicians who practice high-quality medicine whether they choose to remain here or return home. But no one knows how many do eventually leave the United States.

According to A.M.A. records, there are 45,749 graduates of foreign medical schools residing in the United States. The figure includes 5,722 graduates of Canadian schools, whose standards are as high as American institutions. The countries of origin and numbers of others are: the Philippines, 5,055; Germany, 4,150; Italy, 2,811; Switzerland, 2,313; the United Kingdom, 2,110; India, 1,833; Mexico, 1,201; Korea, 1,060, and Iran, 1,000.

Federal surveys have shown that last year 3,000 foreign medical graduates entered the United States, while 4,500 more came here on exchange visas. In addition, 500 United States citizens returned home after receiving doctorates of medicine at foreign schools. Thus, a total of 7,500 foreign medical graduates entered the United States last year while American medical schools graduated 7,574.

The drain on medical manpower has become so acute in India that this month she refused to allow physicians to take an examination that would qualify them for practice in the United States.

As one Pennsylvania medical educator said: "This country is simply stealing talent and stealing it from countries that can least afford it."

The doctors coming here, he said, "are not being educated—they're being used" by hospitals that cannot "afford to hire competent doctors."

A study by the Association of American Medical Colleges seemed to bear him out. One-quarter of the positions open to interns and residents in American hospitals were being filled by foreign medical graduates, but most of the foreign doctors were not going to the best institutions.

"Most of those who do not have licenses disappear to state hospitals and some states grant special licenses to practice medicine only in that state and only in that institution," he said.

According to a list of state licensing requirements printed in the Journal of the American Medical Association, 20 states have limited licensing arrangements allowing physicians to practice medicine even though they have not been licensed to do so.

But half of the 3,000 foreign medical graduates who take state licensing examinations every year fail the tests, according to the Association of American Medical Colleges. And passing the examinations may not be a true indication of a doctor's proficiency.

NONE FAILED IN THREE STATES

Dr. Robert C. Derbyshire, past president of the Federation of State Medical Boards and Secretary of New Mexico's Board of Medical Examiners, conducted a study of state licensing procedures between 1955 and 1965.

During that period, he said, the boards in Oklahoma, Idaho and Tennessee "did not fail a single candidate" for a license to practice medicine. In addition, Kentucky, Wyoming, Michigan, Minnesota, Alabama and South Carolina failed only 14 applicants. "The nine states with the lowest failure rates examined 10,455 candidates, with a failure rate of less than 0.14 percent," he said.

Armand L. Bird, executive secretary of the Idaho Board of Medical Examiners, said that the failure rate was low because "applicants for licensure are screened well in advance of the test" to see if they are competent. But Mr. Bird declined to estimate how many applicants had been turned down before the formal test was given.

The Oklahoma Board of Medical Examiners reported that 20 applicants failed in the last two years, and that some failed in previous years, but that the statistics had become garbled.

The administrative assistant to the Tennessee board, Mrs. Gertrude Moore, said that 13 applicants had failed since 1964 but that they were not listed as "failures." She said that the 13 were given a second chance to pass the test and that most did.

Dr. G. Halsey Hunt, executive director of the Educational Council for Foreign Medical Graduates, said that "the licensing each year of close to 1,500 graduates of foreign schools is not a good thing for the United States."

"If these doctors stay in this country," Dr. Hunt said, "they drain something out of the economy of their homeland. They come here because it looks like greener pastures with interns making $400 a month and residents $600, even though the American graduates get the good jobs and the foreign medical graduate gets what's left."

Council statistics showed a high failure rate among those foreign doctors taking the council's test, which is given at United States embassies and consulates. About 60 per cent of those taking the test for the first time overseas fail. Dr. Hunt said, although 98 per cent of Americans would pass it.

But Dr. Hunt pointed out that many of those who failed took the examination again and that 65 per cent eventually passed. "Anyone who has passed the ECFMG is a person who has a degree of medical knowledge comparable to 98 per cent of American medical graduates," he said.

The council's test is a one-day examination containing 360 questions taken from the National Board of Medical Examiners tests that many American medical students take in place of state licensing tests. The passing score is 75. Yet only 12 per cent of foreigners score above 80, as opposed to 80 per cent of Americans.

"The ECFMG examination is a meaningless, watered down test," said Dr. Margulies of the A.M.A. He contended that while the questions were taken from the national board tests, "the most difficult questions are eliminated to allow a larger percentage to pass."

The council's annual report for 1965 says: "It must not be assumed, however, that passing the ECFMG examinations means the same as passing National Board Examinations. Questions that have been judged to be very difficult for American graduates have not been included in the ECFMG examinations."

"To use 75 as a passing grade for this exam would be okay if those who came here returned home again after specialized training," Dr. Margulies said. "But giving them patient responsibility is simply unsatisfactory."

Failure rates for graduates of foreign medical schools vary widely depending on the institution. Last year graduates of the University of Santo Tomas in Manila passed 170 state licensing examinations and failed 110. Istanbul University graduates took 158 tests and failed more than half. University of Bologna graduates passed 48 tests and failed 44. Graduates of British and Scandinavian medical schools passed 100 examinations and failed only nine.

"We are pretending that every medical degree is the same," one medical educator said. In many overseas medical schools, he added, students attend lectures for four years "and never see a patient until they come to the United States to serve as internes."

The curriculum of American medical schools devotes the first two years to instruction in the basic medical sciences, while the second two are used for clinical teaching in which the students work with patients under the tutelage of experienced physicians.

Most foreign-trained doctors entering this country are tested to determine minimum competence, but there has apparently been only one attempt to rate their over-all performance as doctors.

Dr. Erwin Hirsch, director of medical education at the Princeton (N.J.) Hospital, has been giving the same test of basic medical knowledge to American-trained doctors and physicians trained overseas for more than a year.

"The test does not pretend to prove that a man is a good doctor because you can't rate a doctor by an exam alone," Dr. Hirsch said. "But it is a devilishly clever test and the best gauge we have of measuring clinical competence. The test takes a full day and comes pretty close to judging the art of being a doctor. Actual cases and their management are presented, including motion pictures of patients."

Thus far 60 Americans and 129 foreign doctors have taken the test, which has been given at the beginning and end of their internships. Dr. Hirsch said that there was only one American failure both times. One-third

of the foreign graduates passed the test the first time, he said, but after internship two-thirds of them passed.

Dr. Hirsch said that hospitals were using a variety of "recruiting drives" for foreign medical graduates. A director of medical education in a nearby state said he received monthly letters from travel agencies in New York offering to arrange delivery of foreign medical graduates. One of these agencies is the Korea Travel Service in Manhattan, directed by Peter Ohm.

"Business is booming," Mr. Ohm told a recent visitor. He estimated that in the last three years he had placed 120 graduates of South Korean medical schools in American hospitals.

Mr. Ohm said that South Korean doctors who want to come to the United States get in touch with his office in Seoul "and we contact the hospitals here." The American hospitals advance the money for tickets to his travel agency, he said, and the Seoul office gives the tickets to the Korean doctors.

"Today if I call a hospital and say I have a doctor for them they would pay me immediately," Mr. Ohm said.

Mr. Ohm said that internship "used to be slavery, but it's not any more." He explained that some small hospitals will give the air fare to the doctor as a bonus, as well as furnishing him with an apartment and a salary of $600 a month.

He said that the Korean doctors seemed to be satisfied with their new jobs. "Most don't go back home once they get here," he said, even though the Government in Seoul has been trying to persuade them to return.

Attempts to limit the influx of foreign doctors have failed in part because of changes in the immigration regulations.

At one time ECFMG certification was almost mandatory. Then the regulations were relaxed to let foreign doctors enter the country without certification if they had a medical degree and had practiced for at least two years in their own countries. This year the law was changed again to allow in any graduate of a medical school.

"Something should be done about it," Dr. Hunt of the educational council said.

Something is being done about it—in Canada. Medical licensure boards there are studying means of developing uniform requirements for medical licenses that would apply in all 10 provinces, said Dr. J. C. C. Dawson, registrar of the Ontario College of Physicians and Surgeons.

Dr. Dawson said that Canada's foreign doctor problem was more acute than America's because "when your immigration people tell them [the foreign doctors] to move on they come here."

But Dr. Dawson, like his American colleagues, did not envision any quick solution because of the difficulties of getting 10 provincial or 50 state boards to agree on uniform standards.

Many American private health groups are seeking to involve the Federal Government, not only in the foreign doctor problem but also in the whole range of troubles of the American system of health care, including the financing of medical schools.

One panel of leading medical educators estimated in a report to the Federal Government that the cost of expanding medical schools to the point that they could start to produce as many new American doctors each year as are entering from overseas could be as high as $1 billion. Yet many American medical schools are on the verge of bankruptcy.

WALTER REUTHER SUPPORTS A PROGRAM OF SALES HOUSING FOR THE LOWER INCOME FAMILY

Mr. MONDALE. Mr. President, at this session the Housing and Urban Affairs Subcommittee of the Committee on Banking and Currency has devoted much of its energy to the problem of developing a broad program for homeownership for the lower income family. Until last year this was one of the major missing links in our housing policy. Representative SULLIVAN established the first such program with the 221(h) program which is now being implemented in St. Louis, Milwaukee, Philadelphia, and other cities.

However, this is a small program, tied to rehabilitation and requiring the use of FNMA special assistance funds. There is still the need for a larger program. There has been a recognition of this need as exemplified by the large number of proposals for homeownership which were introduced this session. The Housing and Urban Affairs Subcommittee held over 2 weeks of hearings this session, and the vast majority of the testimony was about homeownership. The conclusion of this testimony is that a program of homeownership for the lower income family is a useful supplement to our existing housing legislation. It will offer one more alternative to the lower income family as it tries to better its housing condition.

Upon completion of the hearings the distinguished chairman of the subcommittee, the Senator from Alabama [Mr. SPARKMAN], submitted a plan for sales housing to the subcommittee which will be the basis for the final bill reported from the subcommittee. However, the chairman also suggested that the junior Senator from Illinois [Mr. PERCY] and I develop modifications that would reflect our two positions. Such a compromise has been developed, and it is my hope that this compromise, along with the chairman's ideas, will be the basis for a bill to be reported at this session.

Mr. President, this morning I received a telegram from Mr. Walter Reuther, president of the United Automobile Workers, which supports this compromise and recommends the inclusion of it in the 1967 omnibus housing bill. Mr. Reuther has been a leader in developing and supporting proposals to benefit America's poor. He is truly one of America's leading citizens. It is indeed a compliment to this proposal that Mr. Reuther has seen fit to endorse and support it. Mr. President, I ask unanimous consent that the text of the telegram from Walter Reuther be printed in the RECORD.

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

DETROIT, MICH.,
October 27, 1967.

Senator MONDALE,
Senate Office Building,
Washington, D.C.:

Through the cooperation and support of Chairman Sparkman, a viable compromise provision to establish sales housing program for the less advantaged based on proposals by Senators Mondale and Percy can be included in the proposed Housing and Urban Development Act. On behalf of the United Automobile Workers, I urge support for this provision in the Banking and Currency Committee.

WALTER P. REUTHER.

MILWAUKEE SENTINEL SUPPORTS PROPOSED NEW BUDGET

Mr. PROXMIRE. Mr. President, in a recent editorial the Milwaukee Sentinel writes:

Difficult as the budget reform task is said to be, every effort ought to be made to put the single-budget concept into effect as soon as possible.

The prospect of bringing the federal budget under control, making it structurally sound as well as financially sound, ought to be started at least with the budget President Johnson is to submit next January.

This forthright support for prompt use of the new budget comes from a paper which has been consistently critical of the administration's fiscal policies and has a deep concern for economy.

If the President is to propose his financial plans next January in the new budget form—and I join the Sentinel in hoping that he does—then Congress has a great deal of homework ahead of it.

This is why the hearings of the Joint Economic Committee which will be underway shortly can be so useful to Congress in winning an understanding in detail of the new budget proposals.

Mr. President, I ask unanimous consent that the Milwaukee Sentinel editorial supporting the single-budget idea be printed in the RECORD.

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

SINGLE BUDGET

Combining the federal government's three budgets into one budget would seem so eminently sensible that one might think it should be done forthwith.

Unfortunately, as logical and desirable as the president's budget study commission recommendation is, it is no simple and easy task to make the changeover. Consequently, it is believed highly unlikely that the reform can be instituted by next January, when the next budget is to be submitted. There just isn't enough time, we're being told.

As is all too well known, the federal budget is out of control two ways. One of the ways is fiscally. The long spell of spending beyond our means has reached a point where the budget is practically meaningless, with soaring deficits making a mockery of spending estimates.

The other way the federal budget is out of control is structurally. Through many administrations, the budgetary system has grown more and more complicated, until it has become a virtual shell game with the spending pea lost to even the sharpest eyes during the shuffling of the shells of the administrative budget, the consolidated cash budget and the national income accounts budget.

Combining these three budgets into one clearer package, it is important to note, will not automatically bring the budget under control fiscally. The only way this can be done is to quit spending more than is taken in year after year.

But consolidating three budgets into one will go a long way toward bringing the federal budget under control structurally. This, in turn, could help bring the budget under control fiscally by giving the public a clearer understanding of Washington's spending policies. To put it the other way around, it would be harder for an administration to sell the public the notion that the nation can eat its cake and have it, too.

Therefore, difficult as the budget reform task is said to be, every effort ought to be made to put the single budget concept into effect as soon as possible.

The process of bringing the federal budget under control, making it structurally sound as well a financially sound, ought to be started, at least, with the budget President Johnson is to submit next January.

PRESIDENT JOHNSON OPENS NEW CHAPTER IN AMERICAN-MEXICAN FRIENDSHIP

Mr. MONTOYA. President Johnson and Mexican President Diaz Ordaz opened a new era of American-Mexican friendship by writing the final chapter to the century-old Chamizal land dispute.

Since a southward change of course in the Rio Grande altered our common boundary 105 years ago, the controversy over ownership of the Chamizal has aggravated United States-Mexican relations.

Every American President since 1925 has been deeply embroiled in the dispute, but not until the Kennedy-Johnson administration was an honorable solution negotiated. Courage was required and Presidents Kennedy and Johnson acted courageously to return the Chamizal to its rightful owners—the Mexican people.

President Johnson's transfer of the territory to Mexico transforms the Chamizal from a division of friction into a borderline of friendship. What for 100 years has symbolized disagreement now—in the President's words—"has become—for both of our peoples—an inspiring symbol of friendship and mutual respect."

The proud people of Mexico now have back what a quirk of nature took away. They also have—thanks to the vision of Presidents Johnson and Diaz Ordaz—a closer, warmer relationship with their neighbors to the north than at any time in recent history.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

REDWOOD NATIONAL PARK

Mr. BYRD of West Virginia. Mr. President, for the purpose of laying down the pending business for tomorrow, I move that the Senate proceed to the consideration of Calendar No. 624, S. 2515, the Redwood National Park.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. S. 2515, to authorize the establishment of the Redwood National Park in the State of California, and for other purposes.

The motion was agreed to, and the Senate proceeded to consider the bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 12 noon tomorrow.

The motion was agreed to; and (at 1 o'clock and 29 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, October 31, 1967, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate October 30, 1967:

IN THE COAST GUARD

The following named officers to be permanent commissioned officers of the Coast Guard in the grade of commander:

Frank M. Sperry	Joseph A. McDonough, Jr.
Robert P. Harmon	William C. Nolan
Eugene G. Verrett	Clyde T. Lusk, Jr.
Glenn N. Parsons	George H. Wagner
Harold W. Woolley	Billy E. Richardson
James A. Kearney	Thomas R. Tyler
Harris A. Pledger, Jr.	Albert C. Tingley, Jr.
Laurence O. Bates	James A. Wilson
Edward Nelson, Jr.	Charles F. Hahn
William B. Clark	Beverly V. Billingslea
Nathaniel C. Spadafora	Nelson G. Emory
Jack A. Howell	Richard K. Simonds
Russell P. Combs	Joseph P. Dawley
William E. Heath	Leigh A. Wentworth
Richard A. Bauman	Daniel S. Bishop
Arthur Solvang	Jack E. Buttermore
Arthur W. Gove	Albert E. Reif, Jr.
George J. Weidner	Rex R. Morgan
Raymond W. Bernhardt	Victor R. Robillard
Edward F. Davis, Jr.	Arnold M. Danielsen
Robert C. Pittman	James L. Fear
Calvin E. Crouch	Robert T. Getman
Harry J. Oldford, Jr.	Norman E. Fernald
William E. Smith	Eugene L. Davis
Rudolph V. Cassani	Dewey F. Barfield
Marshall K. Phillips	Robert R. Houvener
Kenneth M. Lumsden	Frank J. Diersen
Thomas H. Rutledge	Henry N. Helgesen
Ernest L. Murdock	Sidney O. Tharrington, Jr.
Paul Nichiporuk	Gordon D. Hall
Eugene P. Baumann	Robert F. Mercier
Louis H. Mense	Robert L. Sullins
Walter E. Goldhammer	James C. Knight
William P. Kozlovsky	Norman A. Toon
Edwin L. Parker	Alfred E. Sporl
Paul E. Schroeder	Maynard J. Fontaine
Ralph W. Judd	Harold W. Doan
William T. Sheppard	Edgar S. Hutchinson
James C. Morrow	Merrill K. Wood
James I. Doughty	George F. Merritt
Richard G. Kerr	David B. Flanagan
John M. Culbertson	Henry Haugen
John N. Wilkinson	David L. Green
William J. Tillo	Martin J. Kaiser
Gerald J. Budridge	Alban Landry
Dwight T. Ramsay	Charles B. Glass
Charles L. Clark	William N. Spence
James L. Howard	Ira L. Krams
Francis H. Molin	Kenneth W. Forslund
Kenneth A. Long	Irwin W. Lindemuth
Alfred F. Bridgman, Jr.	James E. Ferguson
George T. Seaman	Joseph L. Coburn, Jr.
John R. Kirkland	Richard Nielsen, Jr.
Henry Lohmann	Richard Rounsevelle
Milton Y. Suzich	Leon T. Dankiewicz
Carlton W. Swickley	Robert L. Cook
Arthur E. Ladley, Jr.	Carmen J. Blondin
Jack E. Coulter	Bobby F. Hollingsworth
Richard T. Brower	Leo Jordan
Raymond J. Copin	Charles A. Biondo
Guy W. Mizell	Howard M. Veillette
Clyde E. Robbins	Arthur E. Gerken
Verne E. Cox	Charles F. McFadden
Robert B. Bacon	Howard B. Thorsen
Philip J. Danahy	Robert E. Larsen
Charles Leddy	Charles A. Millradt
Edward W. Murphy	Henry Suski
Thomas C. Lutton	Richard L. Brown
John J. Dirschel, Jr.	Frederick F. Herzberg, Jr.
George E. Walton	Herbert H. H. Kothe
William J. Bickford	

The following-named officers to be permanent commissioned officers of the Coast Guard in the grade of lieutenant:

Jack C. Rittichier	Charles A. Carleon
William J. Minor	Roderick Martin III
Joseph T. Lersch	Warren A. Baker
Jerome T. Wallace	William H. Solley, Jr.
John W. Lockwood	Karl A. Luck
Marion T. Tilghman	William R. Wilkins
Martin F. Heatherman	Theodore H. Hofer
Dennis G. McDaniel	

The following-named officers to be permanent commissioned officers of the Coast Guard in the grade of lieutenant (junior grade):

William J. Loefstedt
John A. McCullough

IN THE ARMY

The following-named person for appointment in the Regular Army, by transfer in the grade specified, under the provisions of 10 U.S.C., sections 3283, 3284, 3285, 3286, 3287, 3288, and 3290:

To be first lieutenant

Baggett, John A., OF100762.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of 10 U.S.C., sections 3283, 3284, 3285, 3286, 3287, and 3288:

To be majors

Boudinot, Burton S., O1937947.
Carter, Leonard E., O4020996.
Casteel, Raymond K., O4009324.
Miller, George W., O1933639.
Steverson, James R., O4023564.
Tate, Clyde J., O4005952.
Trapp, Turner J., O2002954.

To be captains

Ault, John W., Jr., O4074355.
Benson, J. D., O5322361.
Boone, Howard, O5201111.
Butler, Lyle W., Jr., O5208790.
Byrd, Melvin L., O5205253.
Catlett, Richard W., O5307188.
Conforti, Gilbert, O5307318.
Cotton, Thomas B., O4035427.
Dantzler, William D., Jr., O5302308.
Ferriani, Robert P., O5005629.
Fitzpatrick, James J., Jr., O5209687.
Gray, Robert O., O5434352.
Guarino, Harold B., O5208154.
Hagan, Joe P., O5404219.
Henderickson, Richard E., O5307348.
Langrehr, Michael J., O5405291.
Mackintosh, Hartley B., O5505714.
Monzingo, Harold L., O5704001.
Moody, Rosser L., Jr., O4069657.
Myers, Ernest L., O5307255.
Naylor, Robert H., II, O5320713.
Perham, John E., O2296621.
Pratt, Robert H., O4031420.
Roberson, Clayton S., O5403089.
Scanlan, Walter G., O5000164.
Searcy, James W., O5307528.
Showalter, Robert A., O5207001.
Tebo, Robert J., O5206313.
Todd, Jackson E., O5875147.
Torsani, Joseph A., Jr., O4021051.
Vickery, Ellison B., Jr., O5310835.
Wainwright, Oliver O., O5207048.
Wheeler, Philip A., O5208690.
Witt, Billy J., O5703995.
Woodle, Kenneth J., O4071264.

To be first lieutenants

Arnold, Richard L., O5406411.
Arter, Jerome S., O5504147.
Bacon, Douglass P., O5314392.
Bawell, Walter A., O5222674.
Behr, Steven, O5018039.
Bianco, Charles, O5017100.
Booth, Clinton A., O5017108.

Brafford, Robert, O2293743.
Buford, William C., O2288435.
Burr, Jacky A., O5322361.
Burrell, Victor F., O5321053.
Butler, Perry C., O5216093.
Campbell, William H., O5516493.
Chien, Kenneth, O5222599.
Coniglio, James V., O5227819.
Counts, Edward T., O2317184.
Cowgill, Perry B., O5415958.
Crawford, William R., O5407888.
Crigger, Donald E., O5215834.
Czerwonka, August E., O5322372.
Daniel, Eugene L., O5415362.
Dean, David E., O5013869.
Deckett, Paul E., O5320418.
Dibble, George B., Jr., O5313172.
Ellington, Jimmy R., O5412882.
Fischer, Donald C., Jr., O5218508.
Foye, David M., O5320940.
Frazier, Robert D., O5318176.
Fullerton, Robert J., O5321658.
Hakola, John A., O5316104.
Hardy, Robert S., Jr., O5221833.
Hawkins, Spencer E., O5709756.
Houdyshell, Walter L., O5709682.
Hunt, Robin R., O5706871.
Jones, Philip R., O5513161.
Keefer, Marvin E., O2314567.
Kreinik, Herbert, O5227779.
Lazzari, Joseph D., O5222188.
Lee, Stephen H., O5311567.
Long, William P., O5739380.
Mailki, Donald B., O5222893.
Masi, Herbert C., O5709423.
McLaughlin, Joseph P., Jr., O5221891.
McLeskey, Frank R., O5317190.
Miller, Donald W., O5206805.
Morris, Hollis L., O5219442.
Mycock, James S., O5320203.
Needham, James P., O5214933.
Quamo, George, O5307391.
Quigley, George, O5320218.
Ritter, James W., O5220724.
Robinson, Dwight K., O5508463.
Sands, Thomas J., O5209761.
Scheer, Robert O., O5514958.
Schwartz, Wayne E., O5322014.
Seybold, Calvin C., O5223136.
Singhaus, Robert L., O5436696.
Slagle, Benny L., O5900090.
Smith, Clarence R., O5004966.
Spoonemore, Bobby B., O5409375.
Strassburger, Gustav A., O5519480.
Supinski, Richard E., O5218802.
Tillman, Samuel J., O5405868.
Tragesser, John N., II, O5405640.
Velezis, James A., O5018028.
Vencill, Carleton P., O5534194.
Voelz, James H., O5532255.
Walburn, Richard L., O2300239.
Zick, Robert E., O5214611.

To be second lieutenants

Adams, Melville W., O5328324.
Blaylock, Norman R., O5328267.
De Frain, Dennis A., O5536163.
De Vaughn, Kermit L., O5324532.
Douglass, David G., O5326393.
Fitzpatrick, Joseph W., Jr., O5233402.
Griffin, Linwood, O5418551.
Hall, Charles W., O5420227.
Hink, William M., O5228734.
Holmes, Edward A., O5424930.
Hookness, Robert S., O5325577.
Howard, Thomas A., O5236961.
Kelliher, John J., O5023067.
Krantz, Kenneth A., O5228426.
Laubecher, Ralph G., O5326269.
Leet, James L., Jr., O5534237.
Mann, Thomas R., O5324355.
Mattioli, Ronald B., O5323646.
Maughan, Franklin D., Jr., O5711232.
McCullough, David D., Jr., O5229028.
Owens, John M., III, O5324606.
Senninger, Theodore J., O5419230.
Sims, Benjamin A., O2305859.
Snow, Glen L., O2320828.
Thornton, Harold E., O2324581.
Voisine, Victor K., O2322399.
Wagner, Joseph B., O5423893.
Wagner, Robert L., O5519943.
Whitt, Walter F., III, O5328435.
Wiedenfeld, Kenneth W., O5418503.

The following-named persons for appointment in the Regular Army of the United States, in the grades and branches specified, under the provisions of 10 U.S.C., sections 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, 3294, and 3311:

To be lieutenant colonel, Medical Corps

Jensen, Robert T., O964251.

To be major, Medical Service Corps

Campbell, William A., O4006109.

To be captains, Army Nurse Corps

Bauman, Jerome H., MN805844.
Beckman, Ronald, J., MN902680.
Burton, Robert W., MN2295003.
Clayton, Sanford A., MN2301071.
Collins, Neal W., MN2300879.
Fladeland, Donovan L., MN2304524.
Gonzales, Luis J., MN2296500.
Hart, John B., MN2293571.
Harvey, John J., Jr., MN2300097.
Hauck, Leonard N., MN2291977.
Martin, Melvin M., MN2297651.
Maziarski, Frank T., MN902664.
Newton, Donald H., MN2304165.
Smith, Roy D., MN2287133.
Stepulis, John J., MN2300143.
Storey, Billy M., MN2294004.
Zitzelberger, John J., MN5501799.

To be captains, chaplain

Beck, Frank S., O2302325.
Cochran, Keric J., O5036661.
Gibbs, Charles R., III, O1885247.
Rivers, William H., O4045083.
Shannon, Sylvester L., O4044988.
Starnes, William B., O2297216.

To be captains, Dental Corps

Everett, Gaither B.,
Klonaris, Nick S., O5330493.
Parmer, Dennis E., O5408307.
Politowicz, Edward P., O5220530.
Welsch, Stephen L., O5306895.

To be captain, Judge Advocate General's Corps

Suarez, Philip M., O5007963.

To be captains, Medical Corps

Allen, Frank H., O5238781.
Brown, Samuel A., O5021563.
Dearnbarger, Norman E., O5540660.
Giddens, Warren W., O4041742.
Golemblewski, Richard S., O5519195.
Graven, Richard M., O5712093.
Leslie, James R., O5540378.
Manning, John J., O5325954.
O'Kieffe, Donald A., Jr., O5540031.
O'Regan, Thomas J., O5519753.
Padgett, Robert A., O5325959.
Parker, David N., O5325909.
Peter, Peter R., O5021502.
Slaughter, William G., O5326034.
Smith, Robert D., O5401917.
Stamps, Phil., O2316613.

To be captain, Women's Army Corps

Gibson, Gwen, L5306587.

To be first lieutenant, Army Medical Specialist Corps

Evans, Ida S., R5411433.

To be first lieutenants, Army Nurse Corps

Bouleau, Paul J., MN2316656.
Christner, John K., MN5417273.
Churchill, Frank E., Jr., MN5422027.
Diez, Sarah G., N5417261.
Holder, Richard A., MN2326616.
Johnson, Tony B., MN5417391.
McDowell, Boyce N., MN2312710.
Michel, George H., MN902508.
Sauter, Joseph G., Jr., MN2322891.
Stanfield, John C., MN5417449.
Tiers, Sharon M., N2323867.
Umphenour, Jo H., N5411343.
Weddell, Rose M., N234588.
Westmoreland, Carolyn A., N5417260.
Wolf, Jo Ellen, N5417217.

To be first lieutenants, Chaplain

Cooke, James P., O2317103.
Hunt, Henry L., O5312951.

To be first lieutenant, Dental Corps

McCoy, Clark H., O5423370.

To be first lieutenant, Judge Advocate General's Corps

Wilson, George E., O5011060.

To be first lieutenants, Medical Corps

Almquist, Howard T., O2325756.
Ammel, Theodore J., O5540541.
Babcock, William S., O5519651.
Bell, Thomas D., O2321056.
Bollman, Charles S., O2325868.
Brannon, Julian W., O2325516.
Bridenbaugh, Robert H., O5711996.
De Villez, Richard L., O2321059.
Larson, Arthur W., Jr., O2321141.
Leman, Milton H., Jr., O5417533.
Lovelace, Dallas W. III, O5317247.
Mahakian, Charles G., O5232170.
Martin, Carroll M., Jr., O2321880.
Maybee, David A., O2320826.
McManus, Lawrence F., O2325796.
Shuger, Richard D., O5205074.

To be first lieutenants, Medical Service Corps

Crissey, Melvin P., Jr., O5322873.
Jorlett, Joel, O5322112.
McCauley, Charles L., O5219642.
McClinton, Gaylon M., O5415423.
Parsons, Ray E., O2307921.

To be second lieutenants, Medical Service Corps

Lyon, Wendell K., O2325726.
Wofford, Donald R., O5320028.

To be second lieutenants, Army Medical Specialist Corps

Cronin, Martha A., R5422074.
Dishongh, Sharron J., J5422054.

To be second lieutenants, Army Nurse Corps

Berry, Richard L., MN2320095.
Christenson, Larry D., MN5520412.
Huntington, Theodore L., MN5417500.
Reed, Richard T., MN5422118.

The following-named distinguished military and scholarship students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of 10 U.S.C., sections 2106, 2107, 3283, 3284, 3286, 3287, 3288, 3290:

To be second lieutenants, Medical Service Corps

Austin, Henry III.
Goldammer, Robert M.
Nakayama, Harvey K.

To be second lieutenants

Amox, Ronald L.
Aoyagi, Gordon A.
Arnold, John W.
Asher, Samuel E.
Askwig, Glenn W., Jr.
Baker, Jon F.
Barrett, William J.
Bauman, Stephen A.
Bay, Thomas R.
Black, Ronald L.
Bowers, Larry E.
Boyd, Richard S.
Bray, David R.
Brown, Willie, III
Brunson, Eliehue
Burns, James C.
Burton, James M.
Bustamante, Arturo
Carlson, John A.
Carr, William L., III
Collings, Laurence K.
Cunningham, Jesse M.
Dahl, Gary A.
Darrow, Arthur C., III
Davis, John F.
Davis, William E.
Denmark, Robert A.
Donahue, John L.
Douglas, John W., Jr.
Dunham, Dale L.
Edmonds, James T., III
Estey, Allan E.
Ferezan, Daniel M.
Fleming, Weldon G., Jr.
Ford, Curtis M.
Fredine, Richard E.
Gardenhire, Gary W.
Geoghegan, William C.
Glass, Stephen S.
Glover, Donald H.
Godwin, Carroll M.
Guthrie, Paul J.
Haggar, Michael J.
Hamilton, James N.
Harbor, John D.
Hess, James M.
Hobdy, Harrell H.
Hollywood, John H.
Horne, William L., Jr.
Howell, Clifford N.
Hull, Scott W.
Hutson, Thomas M., III
Jones, Michael G.
Kaiser, Charles A.
Kamerath, David E.
King, Dennis R.
Kirk, Joseph S., Jr.

Korb, Kenneth W.	Reinaas, Phillip K.
Kroon, Jerry D.	Robinson, Donald L.
Lamborn, George, L.	Russell, Robert G., III
Lay, Russell	Sakaki, Carl H.
Lee, M. Clark	Sakamoto, Richard Y.
Luckett, James S., II	Schaden, Richard T.
Main, Roger L.	Sepic, Joseph
Malone, Dennis A.	Simmons, Ronald J.
Marty, Edward J.	Simpson, Michael J.
Mealing, Robert A.	Smith, Nelson F., Jr.
Mills, James I., Jr.	Snyder, Robert G.
Moore, Earl E., Jr.	Stephens, Thomas C.
Morris, Joe S.	Tripp, Peter L.
O'Connor, Terry A.	Turner, Randy V.
Olson, John D., Jr.	Uranker, Gerald A.
Owens, Gerald B.	Vick, Charles E.
Parker, David L.	Watson, Albert J.
Peltier, Kenneth N.	Wattawa, Thomas J.
Perkins, Thomas H., III	Westmark, Ronald A.
	Wood, Clifford M., Jr.
Pew, Larry, G.	Wulf, Timothy B.
Pilotte, Robert E.	Wymore, William R.

HOUSE OF REPRESENTATIVES

MONDAY, OCTOBER 30, 1967

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Our soul waiteth for the Lord: He is our help and our shield.—Psalm 33: 20.

Eternal God, the sustainer of life and the Father of all men, in Thy presence we pause in silence knowing that with Thee all our labor is worthwhile. We pray that our lives and the life of our Nation may be built upon the rock of eternal truth and invincible good will. So we dedicate ourselves anew to Thee who art the way, the truth, and the life.

We thank Thee for our country, for our glorious heritage, for this challenging hour, and for the faith with which we can meet the days that lie ahead. Bless Thou our President—give him wisdom as he leads our people through these troubled times. Bless these Representatives and help them ever to look to Thee who art the fountain of wisdom and the source of all good. Bless our men and women in Vietnam—strengthen them in every noble endeavor and hasten the day when war shall cease and peace rule in the hearts of men and of nations.

May Thy mighty spirit surging through us and our people translate our principles into practices and our dedication to Thee into a greater devotion to truth and freedom. In the Master's name. Amen.

THE JOURNAL

The Journal of the proceedings of Friday, October 27, 1967, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 1260. An act to amend the Northwest Atlantic Fisheries Act of 1950 (Public Law 81–845);

S. 1602. An act to create a Northwest Regional Services Corporation to provide a central location for various training centers and programs, and for other purposes;

S. 1752. An act to amend the act prohibiting fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States and by persons in charge of such vessels;

S. 1798. An act to amend section 4 of the Fish and Wildlife Act of 1956, as amended;

S. 2047. An act to exempt certain vessels engaged in the fishing industry from the requirements of certain laws;

S.J. Res. 64. Joint resolution to establish a Commission on Balanced Economic Development; and

S.J. Res. 103. Joint resolution to authorize and direct the Secretary of the Interior to conduct a survey of the coastal and freshwater commercial and recreational fishery resources adjacent to the United States, including the resources within the territorial waters of the Great Lakes, the territories and possessions of the United States, and the Commonwealth of Puerto Rico, and to make available to the public and Congress information gained from such survey.

SIGNING OF ENROLLED BILLS

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Friday, October 27, 1967, he did on that day sign the following enrolled bills of the House:

H.R. 1499. An act to provide for the striking of medals in commemoration of the 300th anniversary of the explorations of Father Jacques Marquette in what is now the United States of America;

H.R. 5894. An act to amend titles 10, 32, and 37, United States Code, to remove restrictions on the careers of female officers in the Army, Navy, Air Force, and Marine Corps, and for other purposes;

H.R. 10105. An act to provide for the striking of medals in commemoration of the 150th anniversary of the founding of the State of Mississippi;

H.R. 10160. An act to provide for the striking of medals in commemoration of the 50th anniversary of the founding of the American Legion;

H.R. 10196. An act making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1968, and for other purposes; and

H.R. 13212. An act to provide for the striking of medals in commemoration of the 200th anniversary of the founding of San Diego.

JOHN McCORMACK, SPEAKER OF THE HOUSE

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

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

There was no objection.

Mr. SIKES. Mr. Speaker, it is most disappointing to note that questions have been raised about the Democratic leadership in the House. JOHN MCCORMACK is Speaker and rightfully so, and Speaker he will remain. He is Speaker because the House trusts him, because he understands the problems of its Members, because he is tolerant, because he believes in democratic principles of Government, because by experience and ability he is the best man for the job. I am certain that if there were an election today, the Florida delegation and the House would vote solidly for him, just as it did on the day he was first elected Speaker. His is proven leadership.

FOWL PLAY IN ALLOCATION OF RESOURCES

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

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

There was no objection.

Mr. RYAN. Mr. Speaker, there was a little item which appeared in last week's New York Times which puts into perspective the dispute over whether to allocate minimal or subminimal funds for the eradication of poverty and other critical domestic ills.

The Times noted on October 25, and I quote:

SPENDING ON PETS EXCEEDS OUTLAY BY UNITED STATES FOR THE POOR

PORTLAND, OREG.—Dr. Richard T. Frost, a political science professor at Reed College, contends that Americans spend $3-billion yearly on house pets, but only $1.7-billion on the Federal war on poverty.

Dr. Frost asserted that Americans also spent $55-million on the care and feeding of migrant birds, but only $40-million on aid to migrant workers.

Mr. Speaker, I hope that my colleagues will keep these figures in mind before embarking upon another round of budget cuts.

A NEED TO OVERHAUL THE FEDERAL PENAL SYSTEM

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

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

There was no objection.

Mr. PUCINSKI. Mr. Speaker, last Friday two policemen were murdered when they attempted to interrupt a bank robbery in Northlake, Ill.

These two brave policemen fell victims to a gun battle which ensued between themselves and three bank robbers, two of whom were recently released from the Federal maximum security prison at Marion, Ill. Both of these men had served time in the Federal prison for earlier robberies.

The two former Federal prisoners are still at large and a mass manhunt is in progress to assure their capture.

Mr. Speaker, I have today asked the Federal Bureau of Prisons for a report on what steps are being taken by the Federal Government to reduce the alarming rate of recidivism among those incarcerated both in Federal and State prisons.

Nothing will bring back these two Northlake policemen who were brutally and savagely slain when they interrupted the bank robbery. But I think their wanton murder should serve as a clarion call for the entire American community to inquire why so many of those we incarcerate in our prisons return to crime al most immediately upon their release.

It should be a matter of concern to all of us that a recent report on recidivism showed that the overwhelming percentage of prisoners released from prison for all types of crimes are back in prison in less than 3 years.

The brutal assassination of these two policemen is an indictment of our whole penal system. Obviously, it is not doing the job of rehabilitating prisoners and the time is long past due when the public and we in Congress should sit idly by and witness this savage attack against our citizens.

I hope that the murder of these policemen will shake the conscience of this Nation and lead to meaningful reforms which will make our prisons significant institutions for rehabilitation.

ADMINISTRATIVE EXPENSES TO AID SHOULD BE CUT BECAUSE OF FAILURE TO ANSWER CONGRESSIONAL MAIL

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

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

There was no objection.

Mr. ANDREWS of Alabama. Mr. Speaker, 5 weeks ago I wrote a letter to the AID agency asking for certain information. They have failed to answer my letter, even after several telephone calls were made.

This only proves the utter contempt that many bureaucrats have for Congressmen.

Mr. Speaker, I propose to offer an amendment to the foreign aid bill to cut their administrative expenses considerably for failure to answer congressional mail.

I hope that those Members of the House who have had the same experience I have had will support my amendment. There is only one way to teach these bureaucrats that they should answer congressional mail, and that is to clip their administrative expenses.

PERSONAL EXPLANATION

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

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

There was no objection.

Mr. RIEGLE. Mr. Speaker, on Thursday of last week I was called from the House because of a family emergency, and had to leave. While I was gone from the floor a vote was taken on the military pay measure, and therefore I was unable to record my vote on that issue.

I would like to say now that had I been able to be here I would have voted "yea" on that bill.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 348]

Abernethy	Fountain	Moss
Aspinall	Fulton, Tenn.	Multer
Baring	Gallagher	Nedzi
Barrett	Giaimo	Nix
Berry	Goodell	Passman
Blatnik	Green, Pa.	Pirnie
Boggs	Halleck	Pool
Bolling	Hamilton	Quie
Brademas	Hanna	Rarick
Bray	Hathaway	Resnick
Brock	Hawkins	Rhodes, Pa.
Broomfield	Hébert	Rivers
Button	Heckler, Mass.	Ronan
Byrnes, Wis.	Helstoski	Rostenkowski
Cahill	Hull	St. Onge
Carey	Ichord	Steed
Celler	Jacobs	Stephens
Cleveland	Johnson, Calif.	Stuckey
Colmer	Jones, Mo.	Sullivan
Conable	Karsten	Taft
Cowger	Keith	Ullman
Cunningham	Kluczynski	Watkins
Curtis	Kupferman	Watts
Dent	Laird	Whalley
Dickinson	Long, La.	Whitten
Diggs	Long, Md.	Widnall
Dingell	Lukens	Williams, Miss.
Dorn	McCulloch	Willis
Dowdy	McDonald, Mich.	Wilson, Bob
Esch	McFall	Wilson, Charles H.
Everett	Mathias, Md.	Wright
Evins, Tenn.	Michel	Wydler
Fino	Miller, Calif.	
Ford, Gerald R.	Montgomery	
Ford, William D.	Moorhead	

The SPEAKER. On this rollcall 331 Members have answered to their names, a quorum.

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

REDUCTION OF EXTRA-LONG-STAPLE COTTON QUOTA

Mr. POAGE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 10915) to amend section 202 of the Agricultural Act of 1956.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 10915, with Mr. PUCINSKI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Wednesday, October 25, 1967, the Clerk had concluded the reading of the bill.

Are there further amendments to be offered?

AMENDMENT OFFERED BY MR. FOLEY

Mr. FOLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FOLEY: Beginning on page 1, strike out line 5 and all thereafter and substitute:

"(c) Notwithstanding any other provision of law, raw, semi-processed, or processed extra long staple cotton, as described in section 347(a) of the Agricultural Adjustment Act of 1938, as amended, which is the product of a country with respect to which diplomatic relations with the United States have been broken during the one-year period ending on the date of the enactment of this legislation shall not constitute any portion of the quota of such extra long staple cotton set forth in subsection (a) of this section until these diplomatic relations have been resumed and the President finds that it is not contrary to the interest of the United States to permit such extra long staple cotton to constitute a part of this quota. Notwithstanding any other provision of law, the Secretary shall give domestic producers the opportunity to produce an amount of such extra long staple cotton equal to any estimated reduction in supply which may result from the enactment of this subsection."

Mr. FOLEY. Mr. Chairman, this amendment which has just been read has a very simple purpose. It is designed to do everything that the committee bill would do with respect to denying the United Arab Republic and the Sudan of participating in the extra-long-staple cotton quota in so long as domestic relations between those countries and the United States are severed. However, if adopted, the amendment would permit the President of the United States to resume participation on the part of those countries in the quota, if—and only if—diplomatic relations are restored and second, only if the President found it to be in the national interest to resume those quotas.

Now, the difference between this bill and the committee bill is also very simple. The committee bill's purpose has never been disguised, it is to reduce the world cotton quota by the amount produced by the United Arab Republic and the Sudan, and give those cotton quotas to southwestern cotton farmers permanently. It has no other purpose.

The amendment that has just been offered and has just been read does everything that the committee bill does with respect to punishing the United Arab Republic and the Sudan while diplomatic relations are broken, but the amendment offers the President the opportunity to restore participation in these cotton quotas to Egypt and the Sudan if a favorable regime should come to power in those countries, or the two nations otherwise resume relations with the United States.

Now, no one in this House is any more concerned than I, with the conduct of the United Arab Republic and with the outrageous acts it has committed against the independence and the security of the State of Israel, but those who are concerned about peace in the Middle East and about restoring stable relationships between the countries of the Middle East should know that under my amendment it would be possible for the President to restore quotas of the policy if these nations change, or if new regimes that may come to power in those nations. Under the proposal of the committee there would be literally a permanent deprivation of those quotas, and nothing could be done by the President if we should have a change in policy or a new regime in those countries.

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

Mr. FOLEY. Yes, I yield to the gentleman from New York.

Mr. ROSENTHAL. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman for this amendment. I believe it to be a very acceptable amendment. I believe the gentleman has taken the proper view, and exhibited a fine sense of responsibility on how peace can be restored in the Middle East, and a stabilized peace. Therefore I support the amendment offered by the gentleman and urge all my colleagues to also support this amendment.

Mr. FOLEY. Mr. Chairman, I appreciate the comments of the gentleman from New York, who is a distinguished member of the Committee on Foreign Affairs of the House.

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

Mr. FOLEY. Yes, I yield to the gentleman from New York.

Mr. BINGHAM. I thank the gentleman for yielding.

Mr. Chairman, I would like to also join in commending the gentleman for offering this amendment. I wonder if the gentleman would be willing to accept a certain change in language that I would be prepared to offer as an amendment to the amendment offered by the gentleman? I am sorry that I have not had the chance to discuss this with the gentleman, but I believe it will strengthen the purpose the gentleman has in mind, and that would be to add, after the words that it is not contrary to the interest of the United States, the words "and that it is in the interest of peace in the Middle East."

Mr. FOLEY. I would be happy to accept the amendment suggested by the gentleman from New York.

Mr. BINGHAM. I am grateful to the gentleman from Washington.

Mr. FOLEY. That is exactly the purpose of my amendment to the bill. The gentleman has stated it very succintly, and I would urge the committee to support his amendment.

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

Mr. FOLEY. Yes, I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman for yielding. I join my colleagues in commending the gentleman from Washington [Mr. FOLEY] for sponsoring the amendment which will immeasurably improve the legislation before us. H.R. 10915 is basically an ill-advised proposal.

The committee bill, if adopted, will cancel the extra-long-staple cotton quotas for Egypt and Sudan indefinitely into the future, until legislative action would repeal the ban provision.

I submit that this is no way to promote peace in the Middle East. The amendment of the gentleman from Washington, as he has so ably explained, will remedy this diplomatic blunder.

Therefore I want again to congratulate him.

Mr. FOLEY. I agree with the gentleman from Wisconsin that I, too, can see no other way that these quotas can be restored to these countries in the future except by the House and the Congress acting again to establish such quotas, and since by that time they will have been passed on to the producers of this cotton in the Southwestern States, I can see no practical way for that to happen.

I thank the gentleman for his comments. He is a distinguished authority on foreign affairs and his comments are most important.

Mr. ZABLOCKI. Mr. Chairman, I rise in support of the amendment to H.R. 10915 which has been offered by the distinguished gentleman from Washington [Mr. FOLEY].

I do so out of the deep conviction that the permanent ban on imports of extra-long-staple cotton from Egypt and the Sudan is not in our national interest.

Unfortunately the basic issue involved here is too likely to be obscured by the emotions which have been generated by the recent Israel-Arab war and the frequent clashes which have followed the technical cease-fire.

Because Israel was the underdog, because it was attacked, because it has long and friendly ties with the United States, Israel and its cause has been championed—and rightly so—by the great majority of Americans.

At the same time, the principal interest of our Nation in the Middle East is the establishment of a just and lasting peace in which the nations of the area respect and cooperate with each other.

To help effect such a peace, the United States must retain the maximum amount of leverage in the countries involved. In a very real sense, extra-long-staple cotton represents leverage.

The bill before this body today would prevent the United States from ever again permitting the importation of extra-long-staple cotton from Egypt and Sudan.

To further the interests of a few domestic cotton growers, therefore, this bill would damage American foreign policy in the Middle East and provide the Soviet Union with even greater opportunities to extend its influence into that area.

As you may know, Mr. Chairman, Sir John Bagot Glubb, the British former commander of the Arab Legion, is currently visiting in the United States. In an interview in the New York Times of October 29 he vigorously opposed the permanent ban being considered here today.

His reasons should give pause even to those who are most eager to see the ban imposed. Sir John is quoted:

> That is a very stinging slap in the face. It means that never again do you want to be on speaking terms with those people. The Russians will wind up buying—and possibly reselling—that cotton.

Never, Mr. Chairman, is a long, long time. Yet that is what H.R. 10915 proposes—extra-long-staple cotton could never again be imported from Egypt or the Sudan, regardless of any changes which time might bring.

Even if new governments should come to power which would be interested in a peaceful settlement in the Middle East, trade in this commodity could not be reestablished.

This kind of ban is at odds with traditional American diplomatic and trade practice. Our Nation has never before acted so severely because of a break in diplomatic relations. Even after we have been at war with a country, we have gradually restored trade after the hostilities have ceased.

Mr. Chairman, H.R. 10915 as it stands is an exercise in diplomatic irresponsibility and harmful to our national interests.

I therefore urge that the amendment offered by the distinguished gentleman from Washington [Mr. FOLEY], be adopted in order that the ban can be rescinded by the President upon resumption of diplomatic relations with Egypt and the Sudan, if he believes such action to be warranted.

Mr. DE LA GARZA. Mr. Chairman, I rise in opposition to the amendment and to help to clarify some of the things that have been stated in favor of this amendment.

There has been an attempt to try to link this to peace in the Middle East as concerning the Arab-Israel war. This has nothing whatsoever to do with that and I do not think it should be confused with it.

I think also it should be made clear, and I cannot understand the naiveness of a lot of Members of this House, who stand here and say that this is permanent legislation and that you cannot come back and change it.

I will be very frank and say, as I said the other day, that this should have been done a long time ago—and it should have been done to Mr. Nasser.

I have never disagreed with the principle of allowing the President the prerogative of acting in matters of this sort. But there is always an exception and this is an exception so far as I am concerned because the State Department will advise the President on this matter. The State Department has consistently, in my opinion, been wrong.

Here is what I am trying to bring about. If this money were to go to the people of Egypt to buy bread and to buy clothes, I would not have any objection to it. But it goes to Mr. Nasser and to his government to buy napalm bombs and to buy poison gas that he uses against his brother Arabs in Yemen. All of us know that Nasser has a puppet regime in the country of Yemen which is a little country, and he is using poison gas to this day and using napalm to kill his brother Arabs and my brother Arabs in the country of Yemen to keep them from having a government of their own choosing.

The same people in the State Department, who in my opinion acted precipitously in advocating the recognition of this puppet regime in Yemen, will continue in their ways and not admit their mistake.

So we should act here today to allow the House the prerogative to act in this legislation, when and if, it should be allowed to return to the present law.

But as I say again, this money will not go to the people of Egypt, if they sell this cotton, it will not buy one more loaf of bread for them, it will not buy a pound

of wheat for them. It will not buy another dress or another shirt for them, but it will buy poison gas. It will buy napalm. And not to use against Israel. They have taken care of their side pretty well. But it will be used against other Arabs—his brothers and our brethren in the smaller countries, the Arab countries that cannot defend themselves.

This is why I stand here in front of you and say that it is well, and ordinarily it would be well—and I have so voted in the past—to allow the President the prerogative as soon as we continue or resume our relations to go back and continue our economic relations with another country. But the President will receive advice of the State Department about this. You will remember that a while back the State Department came here saying that we should continue to send wheat to Egypt and at the same time Mr. Nasser was condoning the bombing and the burning of our libraries and the bombing of our Embassy.

Mr. Chairman, I cannot stand here as a citizen of the United States—and I do not speak for anyone but myself—but I cannot stand here and do anything that will be helpful in any way to Nasser when he kills my brothers with poison gas and napalm in Yemen.

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

Mr. DE LA GARZA. I yield to the gentleman.

Mr. WHITE. Will any farmer under this amendment be induced or encouraged to lay in fertilizer and seed and to make preparations for his crop next year? Or would he be worried that suddenly, or precipitously, as the gentleman has said, that the quota would be cut off and that he would be left stranded?

Mr. DE LA GARZA. He would not have any assurance of what he could rely on. You would not be helping any American cotton growers. This amendment would help nobody except Nasser.

Mr. WHITE. Is not this similar to the principle upon which this very House last year, I believe, or the year before enacted a 3-year program for farmers so that they could make their long range plans rather than chancing being cut off after each crop year.

Mr. DE LA GARZA. The gentleman is correct.

Mr. Chairman, before I yield the floor, let me again say to you that there is a question of a quota here—yes—and it is true that American farmers will grow this cotton, with the exception of a little bit in Peru. But I cannot stand here in the well of the House to do anything like that proposed. Regardless of what the Committee on Foreign Affairs says, regardless of what any other Member of this House says, I have my responsibility that I must share with no one but myself and my conscience, and I cannot do anything to help one tyrant in this world to kill his brethren with poison gas and with napalm when nobody else—not the United Nations, not the United States, not any other country in the world—looks out for these defenseless people in the small country of Yemen, my brothers, who have no armaments, nothing but their bodies to shield them from the poison gas and the napalm. That is what this bill is all about, and that is why I favor it.

AMENDMENT OFFERED BY MR. BINGHAM TO THE AMENDMENT OFFERED BY MR. FOLEY

Mr. BINGHAM. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Washington.

The Clerk read as follows:

Amendment offered by Mr. BINGHAM to the amendment offered by Mr. FOLEY: After the words "That it is not contrary to the interest of the United States" insert "and that it is in the interest of peace in the area concerned".

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes to explain his amendment.

Mr. BINGHAM. Mr. Chairman, as I said briefly earlier, that the purpose of this amendment would be to make perfectly clear that the withholding or the restoration of the quota concerned could be used as leverage by the President of the United States to further peace in the Middle East. My feeling is that this is very important leverage for him to have, and that the bill as it is presently drawn removes this leverage from him.

It is most important that we look ahead to a day when perhaps Nasser will not be the President of the United Arab Republic, to a day when we may have a government in Egypt that would be amenable to some sort of reason, to some sort of persuasion. We are all hopeful of a day—and Israel is hopeful of a day—when all those countries there can work together. But if the bill passes in its present form, the opportunity to use this leverage will be lost and we will have missed an opportunity to restore reasonable trade relations with Egypt when and if it adopts a peaceful policy.

I understand perfectly well why our colleagues from those areas where long-staple cotton is grown want to seize this opportunity to try to have the Egyptian quota eliminated permanently. But I suggest to the rest of the House, whose constituents are not interested in directly helping the expansion of the domestic growth of long-staple cotton, that they should consider the long-range interests of the United States, of the State of Israel, and the possibilities of permanent peace in the Middle East in voting on this amendment.

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

Mr. BINGHAM. I yield to the gentleman from Illinois.

Mr. YATES. As I understand the force of the amendment before the Committee at the present time, it will permit the suspension of the long-staple cotton quotas during the time that relationships between the Sudan and the United Arab Republic and the United States are broken, and that at such time as those relationships are restored again, the Foley amendment would give the President the power to restore it. The committee bill would eliminate the quota entirely. Is that correct?

Mr. BINGHAM. That is my understanding, but I think the gentleman from Washington should comment on his amendment.

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

Mr. BINGHAM. I yield to the gentleman from Washington.

Mr. FOLEY. I think the gentleman from Illinois correctly stated the situation. I commend the gentleman from New York in offering his amendment to my amendment, which I think strengthens the bill and makes clear that the thrust of the bill is to allow the President to have the flexibility that will enable him to use the good offices of the United States to bring more stable and peaceful relations among the nations of the East, which I think is of paramount interest to the cause of peace, and, with all respect to the gentleman who spoke in opposition to the amendment, of greater importance to the American people than the additional production of domestic long-staple cotton which might accrue under the bill.

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

Mr. BINGHAM. I yield to the gentleman from Minnesota.

Mr. FRASER. I thank the gentleman from New York. His amendment to the amendment offered by the gentleman from Washington is a good one, and I hope that the amendment offered by the gentleman from Washington will in turn be adopted. I think that this is a very unfortunate bill as it now reads.

I think it is taking advantage of the very troubled situation in the Middle East to gain particular advantages for the vested interests of the cotton growers. While I can understand the gentleman's interest in the matter, if the United States were to conduct its foreign policy on that basis, it would soon be in a shamble. I just want to say I support the amendment of the gentleman from New York [Mr. BINGHAM] to the amendment of the gentleman from Washington [Mr. FOLEY], and I hope they are both adopted.

Mr. BINGHAM. Mr. Chairman, before I yield again, I would like to explain again the purpose of my amendment. The Foley amendment reads that before the quota can be restored, first of all, diplomatic relations must have been resumed, and then the President must find it is not contrary to the interest of the United States to permit restoration of the quota. My amendment would add that, before the quota can be restored, the President must also find that it is in the interest of peace in the area, before the quota can be restored. He must make that positive finding.

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

Mr. BINGHAM. I yield to the gentleman from Texas.

Mr. WHITE. Mr. Chairman, it would seem this would reduce it by 161,000 to 70,000, thereby crippling the long-staple cotton farmers. Would it not be just as well for the executive department to say in negotiations with Egypt or other countries that we will recommend to the other countries that they restore the status quo, as it was prior to this argument, and we could have control and use our commonsense in the area, rather than leave it to the State Department,

which has already evidenced its attitude, which has been against the cotton growers of this country?

Mr. BINGHAM. Mr. Chairman, knowing how well the gentleman represents the interests of his constituents who grow this cotton, I would not want to take that chance. I think for us to come back at some future time and persuade Congress to restore a quota that had been eliminated would be just about impossible, and I am sure the gentleman would be here fighting against it.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I do not know how many Members have seen the printed hearings that were held over 2 days by the Committee on Agriculture. For some reason unknown to me, these hearings are not generally available. I should like to call attention to the fact that the Under Secretary of State for Political Affairs, Eugene Rostow, did testify in strong opposition to this bill. Before we make a final decision as to how to vote, I would simply like to call attention to some of the reasons why he did so.

On page 5 of the hearings, he points out that this bill "raises important issues of policy concerning the future of our relations with all the States in the Middle East which have chosen to break diplomatic relations with us in the wake of the recent hostilities between Israel and its neighbors."

He further points out that:

Only the United Arab Republic and Sudan export long-staple cotton to the United States. But what we do in this instance will be closely watched by all the countries of the Middle East and North Africa as a signal of our policy. If we take economic reprisals against two of those countries with regard to one commodity, it will be assumed that we are embarking on a general policy of economic warfare against all of them.

On economic warfare, he then goes on in very strong language and points out, on page 7, from which I quote:

Its enactment would also do damage to our foreign economic policy interests. The obvious initial impact of H.R. 10915 would be a reduction in our imports of extra-long-stable cotton. However, its potential adverse effect on our exports and foreign investments should not be overlooked. Trade is a two-way street; and a country can hardly be expected to maintain purchases from us if we refuse to buy from it.

He goes on to point out that in 1966 our exports to the United Arab Republic and the Sudan totaled $202.9 million, while our imports from the same two countries were valued at only $24.2 million, leaving a net balance of trade in our favor of $178.7 million.

In other words, there would be serious and long-range effects if we should engage in this kind of economic reprisal, and particularly if we should do so on a permanent basis.

While I have the floor, Mr. Chairman, I would also like to quote from a letter from one of the leading users of this kind of cotton in the United States. It was written by Vice President P. J. Hardy, of Coats & Clark, Inc., of Fairlawn, N.J. He says in part—and the letter is a long one:

We are opposed to the bill and, in fact, to any such bill that limits or eliminates the source of supply of as vital a commodity as extra-long-staple cotton.

The thread manufacturers have long been the principal users of E.L.S. cottons including those grown in Peru and Sudan, as well as Egypt and our own American Southwest. As one of the largest users of this premium cotton, we believe that any restriction, such as is proposed by this bill, would seriously hamper our efforts to procure the best quality for an equitable price. We would, in effect, be made compulsory customers of one supplier, the SuPima Association of America. We do not, by any means, imply that we do not, or will not, buy and use American SuPima cotton. On the contrary, we use as much of this machine-picked domestic variety as we do the hand-picked Egyptian, but the latter growth, when used in conjunction with SuPima, provides a combination that is the nearest to ideal from the viewpoints of thread strength, lustre, and sewability. An important extra advantage is that by combining the domestic and foreign cottons as we do, we are able to maintain a raw material cost below that which would prevail if we used the more expensive SuPima alone.

He continues:

Despite the relatively higher cost of SuPima that we have been faced with over the years, we have always bought and supported this important product of the cotton growing industry and plan to continue to do so. Eliminating the amount that may be imported from an alternative source, however, would work an undeserved hardship on us, both price and quality-wise, since Peruvian cotton has proved inadequate for the high standards demanded by our thread customers.

He goes on to point out he is not opposed to an increase of this kind of cotton domestically. He says, and I quote again:

On the other side of the coin, we are as much in favor of another pending bill as we are opposed to H.R. 10915. We refer to the so-called SuPima Subsidy Bill which would provide for a nominal payment per pound to E.L.S. cotton producers, such as is now done for Upland cotton, thus making the SuPima cotton competitive pricewise with contemporary similar growths.

If this Subsidy Bill were to become law, the question of expanding acreage and production of SuPima would take care of itself without penalizing either foreign suppliers or those who use their cotton. If SuPima is to be priced realistically, the use would be increased radically with consequent benefits to all.

This, in our estimation, is the way to help the farmer, not by the passage of as controversial and potentially harmful a bill as H.R. 10915.

Mr. TUNNEY. Mr. Chairman, I rise in support of the Foley amendment and move to strike the requisite number of words.

Mr. Chairman, I represent a district which has 66,000 acres of cotton, and I have long been in favor of seeing cotton acreage allotments expanded in California as well as throughout the Southwest. The farmers in my district can sell their cotton. They should be allowed to produce what they can sell. I also have been consistently opposed to the Arab desire to push the State of Israel into the sea.

I said long before June 6, 1967, that I thought it was terribly important for the United States to defend the sovereign integrity of the State of Israel.

I mention these things to show and to prove to the House that I am not pro-Arab and anti-Israel, and I am not pro-foreign import of cotton and anti-domestic production of cotton.

The thing which bothers me about this particular bill before the House, the committee bill, is that it would permanently cut off any importation of cotton from Egypt, no matter what the government is and no matter how the government changes its policy.

I believe there probably are only two justifications for doing this.

One would be that we feel it is necessary to punish the Egyptians permanently for past actions.

The second would be to get a greater increase in the production of long-staple cotton in the southwestern part of the United States.

On the first point, to try to permanently punish Egypt, in my mind that is silly in the extreme and highly dangerous. We know of the inflammable situation in the Middle East. It is in our national interest to have that situation quiet down and to have the Arabs recognize the State of Israel as a sovereign nation.

So I would hope that no one would feel we should single out the State of Egypt for such permanent punishment, a punishment that we have given no other nation in the history of our country.

We did not do it to Japan during World War II, we did not do it to Germany during World War II, and there is no reason why we should permanently exclude all imports of cotton from Egypt today.

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

Mr. TUNNEY. Yes. I yield to the gentleman.

Mr. FINDLEY. The statement of the gentleman from California is truly extraordinary and commendable. For a Member who represents an extensive cotton-producing district to speak in a way that might be interpreted by some as being contrary to the interests of his home district, I think it is really noteworthy, and I do commend him for it.

Mr. TUNNEY. I thank the gentleman for that statement.

I would like to get to the other point, which is the question of trying to increase our domestic production as opposed to drastically reducing our import quotas. It seems to me that the United States' traditional policy has been expanded world trade. We have over $30 billion in exports and only $25 billion in imports in the last year. We have been able to mass produce on a scale where we can sell abroad a lot more than we import from overseas. It is not now the time to start an isolationist policy. Even if you discard these various factors, at least let the punishment fit the crime. The United Arab Republic has broken diplomatic relations with the United States. All right. Let us assume that we should cut off imports from the United Arab Republic as long as those diplomatic relations are suspended. I think this would be appro-

priate, and that is why I am supporting the Foley amendment. But let us not let the punishment last indefinitely into the future.

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

Mr. TUNNEY. Yes. I yield to the gentleman.

Mr. WHITE. Is it not a fact that we had previously a production of 151 thousand bales in the United States and presently it is only 76 thousand bales? Also is it not a fact that instead of punishing a foreign country, this amendment is a punishment of a domestic industry, and it is not a fact that it is just as important to have a strong domestic industry as good foreign relations?

Mr. TUNNEY. I think it is very important to have a strong domestic industry. I think our domestic industry should be able to produce and to sell on the open market. But what you are suggesting is that we put a quota, a restrictive quota, of 47,000 bales on imports, which is a drastic reduction from the 82,000-bale quota that we now have.

Mr. WHITE. What happens to the farmers? Certainly we are concerned about foreign countries, but what happens to our farmers?

Mr. TUNNEY. We are talking in terms of $16 million. I would much rather give a direct subsidy to the farmers of the Southwest rather than have drastic restrictions such as we have in this legislation which by their permanency would impair our foreign policy interests in the Middle East.

Mr. WHITE. You talk about the balance of trade. Is it not a fact that this goes to other industries at the same time as the cotton industry is going down? Therefore, why should we sacrifice the cotton farmers for the advantage of others?

Mr. TUNNEY. I do not want to sacrifice the cotton farmers. They can now produce long-staple cotton and sell it on the market in the United States. They should continue to be able to do so in the future. But what I do not want to sacrifice is our foreign policy interests in the Middle East. I would like to remind the House that we were not one of the belligerents in the Arab-Israel war although we were morally obligated to defend Israel from conquest and extermination. In the coming months I want the United States to be able to play a role in bringing the belligerents together. I want us to have leverage with Egypt. I want us to have negotiating flexibility. I cannot think of any way of isolating the United States from the Arab world more successfully than to single Egypt out for the kind of permanent punishment that is contemplated in the committee bill. I want to reduce tensions in the Middle East, not intensify them. I do not want to make Egypt a satellite of Russia if it can be avoided. I do not want to totally and forever throw away whatever little chance we have of influencing events in this area of the world. Conscience and reason dictate adoption of the Foley amendment.

Mr. POAGE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had hoped that I would not find it necessary to get into this discussion, but I think it is clear that there is widespread misunderstanding as to what this Foley amendment does. There has been a good deal of talk here asking: "Why don't you accept this amendment to at least give the farmers who produce this extra-long-staple cotton the opportunity to produce it for even a short time?"

Frankly, the amendment which is now pending would not give the farmers of any American State the opportunity to produce any extra-long-staple cotton that they do not now have the opportunity to produce not even for 1 year—much less for a period for which they could afford the necessary investment.

The reason for that is the wording of the amendment. In the bill presented by the committee there is provision under which the total quota will be reduced by the average annual amount of extra-long-staple cotton received from any such country during the 5 years immediately preceding the severance of diplomatic relations. Now, the Foley amendment does not reduce the total quota at all. And, consequently, there is not anything in the Foley amendment which, if adopted, would enable domestic producers to pick up any production.

Mr. Chairman, the last sentence of both the Foley amendment and of the bill are in the same words. They both state:

> Notwithstanding any other provision of law, the Secretary shall give domestic producers the opportunity to produce an amount of such extra-long-staple cotton equal to any estimated reduction in supply which may result from the enaction of this subsection.

Now, Mr. Chairman, there will not be any reduction in supply if we transfer the quota which is presently enjoyed by the United Arab Republic to the other foreign producers.

Mr. Chairman, what the Foley amendment would do, if I understand it clearly, is that it would, in effect, transfer the entire foreign quota to Peru, because Peru is the only other country in the world which exports to us any substantial amount of extra-long-staple cotton.

Mr. Chairman, representatives of the Peruvian Government came before our committee, and they recognized this fact. They asked the committee to make the change which the Members will find on page 2, substituting "5 quota years immediately preceding the quota year in which such severance of diplomatic relations occurs" in lieu of the words: "1964–1965 quota years."

The representatives of the Peruvian Government pointed out the fact that it was more equitable to them that under the language in the bill. In other words, you do not have any rescinding of the quota in the Foley amendment. Consequently, all of the quota is available to any foreign countries, except the U.A.R. and the Sudan. For practical purposes their quota goes to Peru, and any other minor countries that might be able to supply this extra staple cotton. There is, therefore, no reduction in supply which can ever go to the American producer.

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

Mr. POAGE. I yield to the gentleman from Arizona.

Mr. UDALL. The gentleman from Texas is entirely correct. Not a bale, not a new bale, of American cotton would be authorized for growth if the Foley amendment is agreed to; is that not correct?

Mr. POAGE. That is correct. I say this, because the Foley amendment, if adopted, instead of wiping out the quota, says that those who have broken relations with the United States in this period shall not constitute any portion of such quota of extra-long-staple cotton. It does not reduce the total quota by any amount, but simply says that the Egyptian portion of such quota would not constitute any part of the quota. But the total quota remains the same. The one country of Peru can supply every bale of that quota under this amendment, and if it does, no American farmer will get an extra bale.

Mr. UDALL. Mr. Chairman, if the gentleman from Texas will yield further, will this not be what will happen: If we can get a friendly regime of the kind we want in Egypt and if we do restore relations with Egypt, we then could not go back upon our commitments to Peru? In other words, they will continue delivering the 60,000 bales and we will have to go beyond this quota and provide for an enlarged world quota if we are to then give any quota at all to Egypt?

Mr. POAGE. Of course, that would happen. Just as the distinguished gentleman from Arizona has pointed out, it would be difficult, if not impossible, for this country to later give Egypt another quota, because just as the gentleman correctly said, the southwestern producers of this type of cotton would object to it if they had secured any quota, and the Peruvians would undoubtedly object to it if they had received an increased quota.

Unfortunately, the Peruvian voice or any foreign voice seems louder in this Congress than the voice of our southwestern producers of long-staple cotton.

Mr. Chairman the foreigners already have a louder voice right here than the producers of American products. It is my opinion that that approach is dead wrong.

Mr. UDALL. Mr. Chairman, if the gentleman will yield further, is it not true——

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. POAGE was allowed to proceed for 3 additional minutes.)

Mr. UDALL. Mr. Chairman, will the gentleman yield further?

Mr. POAGE. I yield further to the gentleman from Arizona.

Mr. UDALL. Is it not true, as the distinguished gentleman has pointed out, that the extra-long-staple cotton quota is not specifically apportioned by countries?

Mr. POAGE. It is not specifically apportioned by countries, but the point is that this proposed amendment does not reduce the total foreign quota, which

quota remains just what it has been. The only difference is that it will temporarily be available to other foreign countries. Under the committee bill the total foreign quota is reduced by what Egypt and the Sudan have been sending to us and the domestic quota is increased by exactly that amount.

I beg your pardon?

Mr. FOLEY. Is it not the purpose of the gentleman in offering the amendment to move that portion of the world's quota from Egypt and the Sudan permanently to the southwestern States of the United States?

Mr. POAGE. The original bill?

Mr. FOLEY. Yes.

Mr. POAGE. Yes, that is the purpose; I have said that time and time again.

Mr. FOLEY. Why did the gentleman not offer this amendment before this time, then?

Mr. POAGE. What amendment? I do not propose to offer an amendment.

Mr. FOLEY. Why is the bill coming out at this time?

Mr. POAGE. I am not proposing to offer any amendment.

Mr. FOLEY. I am sorry. I misspoke myself.

Why is the bill being reported at this time?

Mr. POAGE. Why is the bill being reported at this time?

Mr. FOLEY. Yes.

Mr. POAGE. In the hopes that we can pass it and correct an injustice that has existed for some 20 years.

Mr. FOLEY. It is because of the disturbance in the Middle East; is that not correct?

Mr. POAGE. We are trying to get all the American people to realize what an injustice has been done to certain American people for a long, long time, and we hope that any ancillary activities may focus attention on that injustice.

The gentleman has not heard me mention anything in connection with anybody's war anywhere, has he? The gentleman did not hear that mentioned here, nor did he hear it mentioned in the committee, did he?

Mr. FOLEY. No, sir.

Mr. POAGE. I have based this upon the justice of the cause of the American producers. I believe it is a sound cause. I have not made any kind of racial appeal.

Mr. FOLEY. Is it true that the bill does not apportion the loss between Peru and the United Arab Republic, or the Sudan?

Mr. POAGE. It does not what?

Mr. FOLEY. It guarantees the participation of Peru, does it not?

Mr. POAGE. It does.

Mr. FOLEY. The committee bill does not hurt in any way the State of Peru, but it permanently deprives the United Arab Republic and the Sudan?

Mr. POAGE. That is correct. And I believe if the gentleman wants to go into those prejudicial matters that there are very good precedents and very good reasons for giving American States a share in a special market which we do not give to Middle Eastern states. We do that with a great many things. We have reciprocity with a great many of the Western countries. And I believe it is entirely clear that we can very well justify giving to the states in the Western Hemisphere an opportunity to share in a special market instead of giving it to certain states in the Middle East. And that is exactly what the committee bill does.

Mr. FOLEY. But insofar as these quotas are concerned, the people in the States in the Southwest would have the opportunity to participate in them, but Egypt and the Sudan would not even though diplomatic relations might be restored, and a favorable regime might come into existence in those countries.

Mr. POAGE. The gentleman from Texas does not believe we should give any quotas to the Arab Republic, nor to the Sudan, under any circumstances, so far as I can see at this time. If such circumstances were to arise there is just the same opportunity for this House to give new quotas to those countries, if new circumstances would require it, as there ever has been. There is nothing in this bill which would deny it, and there is nothing in this bill which freezes the quotas forever. On the contrary, it leaves this completely in the hands of this Congress, the right to make that determination any time that it might see fit. I cannot foresee any time when it should be done.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BELCHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am really sorry that we got into this kind of a hassle. Part of it might even have been saved by the fact that last week when the gentleman from Washington offered his amendment I suggested at that time that with a few deletions from it I might be able to accept it. The gentleman did not see fit to confer with me from that time until today, and never has furnished me with a copy of his amendment.

Now, the problem here is that the committee bill would cancel the quota of Egypt forever unless it was reenacted by the Congress. I believe that this is a bad thing. I would have been agreeable to working out some way that the President of the United States might have reinstated it, but the change that the gentleman has brought here absolutely cancels the committee bill and serves no purpose whatsoever as far as the cotton farmers of America are concerned.

Before we get too worried about the gentleman overseas who told us to take our wheat and go to hades with it, let us just for a minute consider the plight of the long-staple cotton growers of this country.

In 1963 their production was 161,200 bales. Today it is 71,200 bales.

In other words, the cotton farmers of America have been reduced by 90,000 bales.

This bill only reduces Egypt by about 55,000 bales, which means the American farmer has already suffered twice the reduction that today we are taking away from Egypt.

In my opinion, there is no reason to get excited about taking half as much away from Nassar as we are taking away from our American farmers.

One of the things that I have never been able to understand about our foreign policy is this—that we absolutely insist on doing business with our enemies at the cost of and to the detriment of the American producers.

I have not been able to understand why this policy exists, but it exists as to the production of automobiles and it exists with reference to the production of everything in this country.

I do not know very much about foreign policy, but I heard a Member a while ago congratulated because he was more worried about Nasser than he was about his own farmers. I hope to Heavens that no Member of this House of Representatives ever says that I am more interested in Nasser and not interested in taking care of my own people.

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

Mr. BELCHER. I yield to the gentleman.

Mr. TUNNEY. I never indicated that I am more concerned about Nasser than I am about my own farmers. I have fought for my farmers in the past and will continue to do so. They need the help. What I stated was I felt the U.S. foreign policy objectives were going to be hurt and materially affected by this bill. Unless we have some bargaining power and unless we have some leverage in the Middle East it is possible a new war will break out. I am in favor of doing whatever is reasonable to bring peace to this area. We will not bring peace to the Middle East by isolating ourselves for all time from the Arab world and driving them into the hands of the Soviet Union.

Mr. BELCHER. In order to save the foreign policy of the United States, you are willing to sacrifice the production of your farmers; is that correct?

Mr. TUNNEY. Of course not. I feel that the foreign policy interests of the United States and the interests of my farmers are best served by bringing about peace in the Middle East.

Mr. BELCHER. I do not claim to be a foreign policy expert, but that is exactly the procedure throughout this entire Government—foreign policy comes first. But for Heaven's sake, do not take it out of the pockets of the American producers.

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

Mr. BELCHER. I yield to the gentleman.

Mr. FOLEY. In the recent disturbance in the Middle East where beside the losses on both sides, the Israel and Egyptian forces, 57 or 58 Americans were lost just for being caught in a tragic accident of that war. I think those were worth far more than $16 million dollars.

Mr. BELCHER. A whole lot of American boys died by materials that we furnished to those foreign countries through foreign aid too.

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

Mr. BELCHER. I yield to the gentleman.

Mr. WALKER. Mr. Chairman, the enactment of H.R. 10915 will show that this Congress has more desire to help cotton producers of southern New Mexico, west

Texas, Arizona, and California, than it does to help Nasser.

Some people are beginning to doubt that Congress is the one place where the needs and desires of all citizens can find a voice loud enough to be heard above the noise generated by the special interests.

We have at hand a bill, the passage of which will show that the people do have a voice, and that we in Congress can make it heard.

The opponents of this bill say we will alienate the Sudanese and the Arabs if we take away the guaranteed American market for extra-long-staple cotton. It should be recalled that these nations broke diplomatic relations with the United States, and in the face of overwhelming evidence to the contrary, lied to the world about this Nation. We can no longer afford to have Nasser as a friend.

We have been giving Nasser assistance since his regime has been in power. Some of that help has been in the form of American dollars in exchange for extra-long staple cotton which this Nation's cottongrowers could easily have produced.

Some would make much of the fact that H.R. 10915 does not give the executive branch the authority or discretion to reinstate the quotas if the nations involved reinstate diplomatic relations. Congress can consider the matter anew if that occurs.

We have never successfully bought a friend. We are renting quite a few, but have no guarantee from payment to payment whether we have still got a friend. We must keep up the payments, or face the truth. The truth is that we must base our international relations on mutual respect.

International relationships based upon anything else tend to become sour within a short period.

There are some who say this bill calls for action which is far too drastic.

I do not agree. We are simply reacting in what can only be described as a normal manner to provocations.

Some say that by this action we will be driving Nasser into the camp of the Communists. I say that any nation which gets $2 billion worth of arms and equipment from the Soviet Union may be accurately described as having more than a passing acquaintanceship with the U.S.S.R.

If this legislation brings an end to the Nasser government 1 day sooner than would otherwise occur, then it is good legislation. Perhaps the passage of this bill will start a trend. We can start at this point to treat our enemies as if they were enemies.

Mr. BELCHER. Mr. Chairman, any time I have to come up with a policy to sacrifice the interest of nearly 600,000 people who sent me here in order not to pick a fuss with Nasser, I will string along with the people who sent me here.

Mr. MORRIS of New Mexico. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think it is a very important question we are considering here today, much more important than just the substance of the bill.

Of course, I agree that foreign policy is involved and, frankly, sometimes I wonder if we should not have an American desk at the State Department that would change a little bit of our foreign policy. I cannot see anything wrong with saying to nations who tell lies about us and accuse us of doing everything under the sun that we did not do, and who say to you that, as far as they are concerned you and your government and your people can go and drink the waters of the sea—I cannot see anything wrong with taking away a trade concession that we have with them and offering it to the domestic producers of this Nation.

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

Mr. MORRIS of New Mexico. I yield to the gentleman from Washington.

Mr. FOLEY. If the gentleman has had an opportunity to study my amendment, he will have noted that it will have precisely the same effect as the committee bill is depriving the United Arab Republic and the Sudan of participating in the extra-long staple cotton quota so long as diplomatic relations with those countries are terminated and until the President of the United States deems it in the national interest to resume those relations. I do not think the gentleman means to misinterpret my amendment, and I do not think he would want to do that. I think he will have to admit that, as far as any punishment is concerned, the committee bill does not punish the United Arab Republic or the Sudan any more than the amendment does. The only thing the committee bill does is to make it impossible to deal effectively with a hopefully new and more liberal regime in those countries.

Mr. MORRIS of New Mexico. I want to ask a question of my friend from Washington. As I understand his amendment—I hope he will answer me—does the amendment change the global quota of extra-long-staple cotton?

Mr. FOLEY. No.

Mr. MORRIS of New Mexico. Does the amendment give any guarantee whatsoever that the quota in effect, and that would be temporarily taken away under your amendment, would be offered to the domestic procedures of this country?

Mr. FOLEY. No; no guarantee whatsoever.

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

Mr. MORRIS of New Mexico. I yield to the gentleman from Arizona.

Mr. UDALL. This is precisely the point. The cold fact of the matter is that Egypt has severed relations, and they have been sending here 56,000 bales of cotton. That cotton will not be sent as long as relations are broken. The question is, does this production, this 56,000 bales, which is two-thirds of the American production, in the interim will it go to Peru and Latin American countries or will it in the interim go to the American producers?

The gentleman from Washington's amendment would simply give to another foreign country what could be produced in the interim by the Southwest cotton producers, who have been carrying our foreign policy on their backs. They would not get any relief in this temporary situation?

Mr. MORRIS of New Mexico. The gentleman from Arizona interprets the amendment exactly as I understood it and, I think, as the gentleman from Washington interprets it. It does not give the domestic producer anything.

Mr. FOLEY. I think the difference between us, if I can say this to the gentleman from New Mexico, is that my amendment is not designed to tamper with the world cotton quota in extra-long-staple cotton. We have had this quota for a generation. Now the committee comes and offers this bill to diminish the world cotton quota for the simple purpose of taking advantage of a tense and emotional situation to increase the world cotton quota application in the Southwest.

Mr. MORRIS of New Mexico. Timing is most important in any legislation or anything else, and, of course, we have picked this time to bring the legislation to the floor. You always pick a time when you think it is favorable to pass legislation. That is certainly an elementary subject that everyone knows. Of course, we would not have had a chance to bring this legislation to the floor of the House if it had not been for the conduct of the Egyptian Government. The only saving and good thing that I can see about the amendment of the gentleman from Washington is the amendment offered by the gentleman from New York, because that would at least say that we ought to use this as a tool to help bring peace in the Middle East and to discourage the Egyptian Government from attacking their neighbors. That is the only good thing that I can see about the proposed amendment that has any merit, and I hope the Committee will overwhelmingly turn it down.

Reducing the import quota by approximately 56,127 bales—5-year average of Egyptian imports, USDA testimony, House Agriculture Committee Hearings, July 12 and 13, 1967—would decrease our outflow of hard currency and improve our balance of payments by some $14 million—$250 per bale.

If our farmers were permitted to grow an additional 56,127 bales, it would mean an increase in production income of some $16 million—lint plus seed at $300 per bale. Considering that this would be "new wealth" added to our economy, the total effect to country would be several times this figure.

These bales can and would be produced by our own American farmers. The farms in the four States of Arizona, California, New Mexico, and Texas now account for 70,500 acres allotted to extra-long-staple cotton. This acreage is less than one-half the acreage permitted in 1963, only 4 years ago. This represents a production loss of 89,786 bales on a basis of 1962–65 production yields. These 89,786 bales would mean an additional $26 million—$300 per bale—added to the economy of our country.

In this debate, certain facts should be kept in mind:

First, in the 4 months since the break in official ties between the United Arab Republic and this country, we have permitted the importation of more than 12,000 bales of Egyptian extra-long-staple cotton, or about $3 million worth;

Second, 1,090,781 square yards of Egyptian textiles were imported in July, and

3,408,312 were imported in August—a 350-percent increase in 1 month;

Third, in the year ending in August, $2,921,106 in textile imports came into the United States, up from $1.2 million from 1966;

Fourth, since 1961, the United States has given and "sold" the United Arab Republic—for its currency which remains in that country—more than $800 million in surplus grain and other food;

Fifth, the United States is wholly self-sufficient in extra-long-staple cotton—we have a stockpile of 232,000 bales of the cotton, and our domestic consumption is approximately 150,000 bales per year; and

Sixth, under the trade agreement, extended until December 31, 1967, Nasser has been able to unload his cotton in this country at a few cents under the Government's support price. Since 1959 he has exported more than $200 million of this cotton to the United States. Last year, Egyptian cotton shipments exceeded 44,000 bales, and imports this year are already over 30,000.

Mr. HALPERN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I strongly oppose the so-called Foley amendment. I feel it takes the guts out of the committee bill, and, contrary to being in the national interest, I am convinced the opposite is the case. I believe this amendment is ill advised. It is ill timed. It is ill conceived.

When countries such as the United Arab Republic or the Sudan feel quite at liberty to spurn diplomatic contact with our nation, to attempt to dishonor our Government before international forums, then it is incumbent upon us to demonstrate that these actions cannot be taken without impunity. In the face of repeated generosity and understanding on our part in the past, as befitting a large, prosperous, mature nation confronted by an unstable and impoverished one, we have been repaid with insults and treachery. Our patience has justifiably been exhausted; I believe most of us would agree that appropriate measures ought to be taken.

The merits or flaws in the Foley amendment relate to the type of measure which would be considered appropriate and effective. For us to deny these countries access to our markets under the lenient proviso that our decision would be reversed the moment diplomatic relations are restored would, I strongly believe, not accomplish our objective.

We would be issuing an open invitation to all countries to freely engage in diplomatic and political attacks on this Nation whenever it suited their purposes, secure in the knowledge that any reprisals on our part would be temporary, and reversible at any time they found convenient. Such measures would hardly act as a very strong deterrent.

I cannot agree that it is in the national interest to have our diplomatic responses appear hesitant and ineffectual, our reprisals harmless and not to be feared.

Therefore, Mr. Chairman, I oppose the Foley amendment, and urge that it be overwhelmingly defeated.

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

Mr. HALPERN. I yield to the gentleman from Texas.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for yielding.

I associate myself with the remarks of the gentleman. I think he has stated the case exactly, once again. I am a southwesterner, but neither the gentleman from Texas [Mr. POAGE] nor I have one bale of long staple cotton in our districts. The bill will not help our farmers or us a bit. Here again is a chance to do something for our American farmers, in direct opposition to our avowed enemies. I see no reason why Congress should not do it.

Mr. HALPERN. Mr. Chairman, I thank the gentleman from Texas.

Mr. ADAIR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Foley amendment, because I am convinced that it is in the national interest.

First, let us look at some of the fundamentals here. There is no question about an adequate supply of this type of cotton. The gentleman from Texas, the chairman of the committee, in response to a question the other day, said we have in his opinion four times as much of this type of cotton on hand as we reasonably need. So we can put that consideration out of our minds.

Next, I should like to say I have demonstrated in my voting record in the years past that I believe in an adequate protection of American farmers and American industry. But, my colleagues, this takes nothing from the American farmers that they now have. They will have the same right to produce cotton as now exists. On the other hand, if this proposal should become law without the amendment, we are, in effect, saying to the people of the UAR and of the Sudan that so far as one can see into the future—and the chairman of the committee was very frank and forthright upon this matter, and I admire him for it—they will not have any right to export long-staple cotton to the United States.

Anyone who looks at a map of the world, and particularly of the Middle East, is aware of the importance that geography places upon Egypt. Furthermore, anyone who is aware of the designs of Russia, as she increasingly moves into the Middle East, as she puts more fleet units into the Mediterranean, knows how much we now need friends in that part of the world, and how much that need will increase in the future.

Everyone in this hall is anxious for a permanent, lasting, and just peace in the Middle East. In my opinion, one way to achieve that is to say to the United Arab Republic: When you do get a decent government willing to agree to a peaceful settlement of problems in the Middle East, when Mr. Nasser and his ilk have passed from the scene, then you may have some hope of finding a market for your principal product, long-staple cotton, in the United States.

Without that hope, I think no one expects that there can be a permanent peace in the Middle East. So I am saying, Mr. Chairman, that in my considered opinion, as we try to build for peace in that troubled part of the world, as we try to look forward to a time when we can push back the Russians, who have moved increasingly into that part of the world since the termination of hostilities last June, a reasonable attitude with respect to our foreign policy is not to close irrevocably the door to the sale of Egyptian cotton.

It has been said here, and correctly, that this law could of course be overturned by another law. But who within the sound of my voice believes that would easily or soon be done?

The time for the protection of our best national interests might long since have passed where we got around to the point of passing a law to correct what we may be doing here today.

So I would urge the members of the Committee seeking to act in the best interests of our beloved country, if we are going to adopt this bill—although perhaps the best fate it could meet would be to have the whole thing defeated—then by all means add this amendment, which does give some hope of preserving the future interests of our Nation and the future peace of the Middle East.

Mr. MONAGAN. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the amendment offered by the gentleman from New York and also of the amendment offered by the gentleman from Washington, because I share the belief that they are important to retain a flexibility in relation to our foreign policy in the Middle East.

It is too simple a position to say that the State Department, or those who advocate flexibility in this situation, are on one side and that the farmers and producers are on the other. It is not as simple as that.

First, as the gentleman from Indiana [Mr. ADAIR] has said, we are not taking anything away from those who are producing at the present time.

Second, in the belief that we should maintain a flexibility in our policy in looking to the future, we are acting in the essential and basic and vital interests of these very same producers. Certainly if we were able to prevent a war, if we were able to stimulate and bring into being a moderate Government in the United Arab Republic, this would be vastly more in the interests of these producers than whatever small amount of production might be allocated to them under this legislation or any other legislation.

I should like to give an illustration in respect to a point which has already been made, but one which I believe is vitally important. Many of those who have spoken have been fighting against Nasser, saying what a terrible man he is, what a force for evil, and what destruction he has wrought. No one would disagree with that.

There is a point to remember, though, and I believe it is an essential point in this whole discussion. It is the fact that Nasser is not going to be there forever. We have had similar difficulties with Nkrumah. We have had similar and per-

haps even greater controversy with Sukarno. Yet today we are helping those who have come to power in Indonesia in the conviction that is in the best interests of the United States, of all the people, including these very cotton producers.

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

Mr. MONAGAN. I am glad to yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I should like to commend the gentleman for his statement and to point out also, in his discussion of future relationships with these countries, particularly the Sudan and the United Arab Republic, an indication of their importance to our own industry is evidenced by the fact that in 1966 our exports to them were over eight times as great as our imports from those two countries.

So, if we should make a decision which would make it impossible for them to import at such time as diplomatic relations are resumed, we can anticipate a drastic reduction in our own exports. So this would be, I think, a very obvious example of bitting off our nose to spite our face. We would not be doing ourselves any good if we should have a permanent provision such as is suggested in this bill.

Mr. MONAGAN. I think the point the gentleman makes is a very significant one. I would like to say also I am not one who believes every decision of the State Department is Holy Scripture. I happen to come from a very highly industrialized district. I can assure you we have many complicated problems relating to manufacturing imports competing with products of our district. I do not say that we should agree with every decision nor that we should not assert the interests of our own districts, but I do think that the flexibility which I suggest that would be provided by the amendment of the gentleman from Washington [Mr. FOLEY] is vitally important.

I point out also that in the report the committee seems to suggest that is not a decision on a foreign policy question, but it seems to me it is very much so, because even though we are not experts in agriculture and do not pretend to go into the question of the amounts or the distribution, nevertheless it does have concern in this broad area of our national security and world peace.

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

Mr. MONAGAN. I yield to the gentleman from Texas.

The CHAIRMAN. The time of the gentleman has expired.

Mr. POAGE. Mr. Chairman, I ask unanimous consent that the gentleman from Connecticut [Mr. MONAGAN] may proceed for 5 additional minutes.

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

There was no objection.

Mr. MONAGAN. I yield further to the gentleman from Texas.

Mr. POAGE. The gentleman has made a very cogent argument as to the necessity of flexibility and has criticized the rigidity of the committee bill. I believe the gentleman recognizes the rigidity of which he speaks relates to the fact that he feels it would be difficult once the American farmers are producing this cotton to get this House or the Congress to take it away from them and give it back to the United Arab Republic. Under the Foley amendment, this cotton is given to other foreign countries and not American producers. The words "to other foreign countries" at the present time means Peru, because Peru is the only other country in the world which is presently growing enough of this cotton to meet these demands. Does not the gentleman recognize that Peruvian growers would make exactly the same kind of objections if the President under the terms of the Foley amendment were to take the cotton away from Peru?

Mr. MONAGAN. I think they might make some objection. I do not share the misgivings that the gentleman has previously expressed about our inability to act with relation to the interests of our own producers.

Mr. POAGE. Will the gentleman point out any example in recent history where we have taken away from some foreign country a privilege which we had given to them so as to give it to another foreign country?

Mr. MONAGAN. Well, I am not prepared to do that, but I do think——

Mr. POAGE. That is what you would be doing under the Foley amendment; is it not?

Mr. MONAGAN. I do not think——

Mr. POAGE. That is what the Foley amendment would require; is it not?

Mr. MONAGAN. Well——

Mr. POAGE. Let us get back to what the amendment really does, instead of something else.

What does the gentleman think about the impact of the Foley amendment, if adopted?

Does not the Foley amendment, in effect, require that you obtain a release from the growers of such cotton in Peru?

Mr. MONAGAN. As I understand the language of the Foley amendment, it would not require a release. It would involve Executive action to restore.

Mr. POAGE. Mr. Chairman, if the gentleman will yield further, how else are you going to satisfy the State Department?

Mr. MONAGAN. It is not a question of the State Department; it is a question of a Presidential discretion, which is or is not satisfied, and not that of the State Department.

Mr. POAGE. Which for this purpose is, in fact, the State Department; is it not?

Mr. MONAGAN. No.

Mr. POAGE. Mr. Chairman, if the gentleman will yield further, the gentleman does not think the State Department is interested in this legislation?

Mr. MONAGAN. I believe that the Department is interested, but I certainly would be in favor of giving any President who happened to be in office at the time the benefit of the doubt as to his capacity to exercise his own discretion with reference to matters of this nature.

I have found, to my own pain, that a President sometimes has exercised such discretionary power contrary to the manner in which I have felt it should have been exercised.

Mr. FOLEY. Mr. Chairman, I rise in support of the amendment to the amendment.

Mr. Chairman, I do not wish to prolong this debate, but it is my opinion that there are two or three points that need to be cleared up.

The gentleman from Texas [Mr. POAGE] is absolutely correct when he says that my amendment does not transfer the United Arab Republic and the Sudanese quotas to American farmers. It is not the purpose of my amendment, to permanently transfer these quotas to American farmers.

As the distinguished gentleman from New Mexico said, the bill would not get out of committee and it would not be on the floor of the House today for consideration if it were not for the times, the emotional times, in which we find ourselves.

Mr. Chairman, let us understand what we are being asked to do by this bill. This bill represents an attempt to increase extra long staple cotton production in the States that several gentleman represent at the expense of the world quota, but more particularly at the expense of Egypt and the Sudan. Because of the emotional feelings of the House and of the country a committee bill has been reported which otherwise would never have the slightest chance of passage. The bill has no merit.

Mr. Chairman, this Nation has hoped for and has worked for peace in the Middle East. The United States has expended billions of dollars, as well as lives, in protecting the interest of a stable and peaceful Middle East.

Today we are asked to take the most shortsighted action which I can imagine that this House could take for the benefit of the interest of only 1 percent of the cotton farmers of the United States. When we weigh this limited interest in the balance against the billions of dollars represented by our efforts directed toward peace in the Middle East as the lives of our soldiers and sailors, the danger of further attacks on independent states and the threat of further world involvement it weighs little in comparison.

Mr. Chairman, it seems to me the most questionable action to attempt to aid a segment of agriculture by this means. The interest of all Americans, lies in a wise foreign policy. In the interest of that foreign policy and in the interest of all Americans we should not prevent the President from furthering peace and stability in a very troubled area of the world. The cost of this bill may be very high. Higher than any reasonable assistance to cotton agriculture can justify.

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

Mr. FOLEY. I shall be glad to yield to the distinguished gentleman from California.

Mr. HOLIFIELD. Mr. Chairman, I would like to say that as a Member representing one of these States involved in this problem, and since the great State of California does produce long-staple cotton—I wish to aline myself with the statements which have been made by the

gentleman in the well and in support of his amendment.

Mr. Chairman, this is no time in my opinion to enact an expedient and opportunistic piece of legislation and to put it on the books, when the world is in turmoil such as it is today in the Middle East.

Mr. Chairman, there was a question asked a moment ago about taking quotas away from certain countries. Of course, as all the members of the committee will recall we took certain sugar quotas away from Cuba and placed them around the world in the hands of other certain sugar producers.

However, if this quota is not used which we take away from the United Arab Republic and if it is assigned to Peru upon a 2-year basis or upon a 1-year period of time, it could be taken away by the President of the United States. In other words, it does not need to be made permanent. If we selfishly put into law, something like the bill which the distinguished gentleman from Texas [Mr. POAGE] has offered, we shall live to rue the day that we did so.

Mr. Chairman, it is time, I think, that we rise above some of these very small items which are involved and look at this thing in the nature of a threat to the peace of the world. And certainly this is connected with foreign affairs, and this does have an effect upon our relations with other nations of the world.

Mr. FOLEY. I agree with every word the gentleman has spoken.

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

Mr. FOLEY. I yield to the gentleman from Arizona.

Mr. UDALL. I thank the gentleman for yielding.

Much of what the gentleman has said appeals to me, and I was tempted to follow his arguments and support his amendment, but the thing that troubles me—and I would hope that we can perhaps reach some middle ground—we do not take this cotton that Egypt and the Sudan will not be able to send here, and give it to the American producers to produce in the domestic market, we give it to South American, or Peruvian farmers. Would the gentleman be amenable to a further amendment that would give authority to the President to give this cotton quota to the American producers until such time as he finds the international situation requires him to restore these quotas?

Mr. FOLEY. We have had these cotton quotas on extra-long-staple cotton for many years, and they have been satisfactory as far as this House is concerned for over a generation. What is wrong with the suggestion that we deprive the United Arab Republic and the Sudan of the quota and give it to the U.S. American cotton farmers?

The answer is that there would be two evils involved. First, the gentleman's suggestion tends to give the impression to American cotton farmers that they are receiving an actual increase in cotton acreage, and then when the time comes to restore these cotton quotas back to the United Arab Republic and to the Sudan the increases will be withdrawn.

Second, when we do come to the point when the President believes we can restore these cotton quotas back to Egypt and Sudan it will be politically very difficult for any President of the United States to restore such cotton participation to Egypt and the Sudan, even though it might be in the interest of peace in the Middle East. The purpose of this bill is to get these cotton quotas to the American producers so that they never can be taken out of the control of those producers. Even if it was in the interest of the whole Nation to do so.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RHODES of Arizona. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am sorry that foreign policy got into this debate. It does not belong, but it is here, so let us talk about it.

I do not suppose there is anybody in the Chamber today who does not believe that the interests of world peace would be served if Gamal Nasser, who is now dictator in Egypt, were to be deposed.

I imagine most of us feel also that whoever might be in control of the Government of Sudan at present is not exactly for world peace. The present Governments of Egypt and the Sudan are not particularly friends of ours. They broke diplomatic relations with us, and are doing everything they can to show they do not value our friendship at all.

Now, the debate here has taken rather a strange turn, if you listen to it. It is assumed that we are not now trading with Egypt and the Sudan in extra-long-staple cotton. Well, that is not true. We are right now buying cotton from Egypt and the Sudan, long staple cotton.

So what we are actually saying to the people of Egypt and the Sudan is not that we would like to be their friends and resume diplomatic relations. What we are saying is "You go ahead and keep in power this dictator who broke diplomatic relations with the United States, keep in power the dictator who led you into a disastrous war in the Middle East. We are still going to buy long staple cotton from you for the foreseeable future."

That is the situation that we are faced with here today.

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

Mr. RHODES of Arizona. No; not at this time.

That is the situation we are faced with here today, we are buying cotton from Egypt and the Sudan. This bill would change that. It would change it in such a manner that maybe the people of the world would understand that at least the Congress of the United States intends to adopt a foreign policy which takes into consideration the realities of the world. We will not indulge in the type of wishful thinking adopted by many people in the State Department concerning our world relationships.

At least the Congress adverts to the fact that we have an enemy as dictator of Egypt today. We tell the people of Egypt, "We have nothing against you whatsoever, but we have plenty against your Government, and until you change your Government, until you establish a government which is in the interest of peace among all the people of the world, and until you establish a government with which we can maintain diplomatic relations, we do not intend to buy any more Egyptian long-staple cotton."

This is what Congress is telling them. By adopting this bill, anyone who believes that this House would be so shortsighted as not to restore a cotton quota to Egypt and the Sudan, if they once again become the historic friends which they once were, is selling short the combined wisdom of the Members of this House.

I do not think there is any doubt but that Members of this House would vote to restore a quota under proper conditions.

Let us be sensible about the type of diplomacy we must pursue. As of now we are saying to the Egyptians and Sudanese, "Go ahead and bite my hand again, it did not hurt very bad the first time." I say that this type of diplomacy is just not believable. It has brought us neither peace nor respect—nor will it.

As I have said before on this floor, I have done the very best I can ever since I have been in the Congress to do something for the long-staple cotton farmers as far as quotas and tariffs are concerned.

This bill was not brought up here necessarily because of the situation in the Middle East. It should have been brought up a long time ago, because for a long time the long-staple cotton farmer has suffered under very unfair treatment.

I am sorry that it is necessary for the Congress to pass bills like this. The gentleman from New Mexico [Mr. MORRIS] said that perhaps we should have an American desk in the State Department. I think we should too. You see if we had that, then it would not be necessary for the Congress to worry about quotas like this because as soon as diplomatic relations were broken off, then the State Department would act on its own to terminate the quotas which would be bolstering the very government which is so unfriendly to the United States of America as to have broken off relations.

So, Mr. Chairman, I hope the Foley amendment will be defeated and I hope that the House will then proceed to pass this very important bill.

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

Mr. RHODES of Arizona. I yield to the gentleman.

Mr. FOLEY. Would not the gentleman agree that under my amendment, there is precisely the same retaliatory action taken toward Egypt and the Sudan as the committee bill as long as diplomatic relations are broken?

Mr. RHODES of Arizona. No, the amendment offered by the gentleman from Washington would provide for the President to restore the quotas.

Mr. FOLEY. Only after diplomatic relations are restored; is that not correct?

Mr. RHODES of Arizona. That is correct.

Mr. FOLEY. And only if he makes the finding that it is in the best interest of our country.

Mr. RHODES of Arizona. If the gentleman had had to argue with the State Department as long as I have about long staple cotton, he would understand my feeling; and I do not believe it will ever happen that way.

Mr. FOLEY. Under the amendment of the gentleman from New York, and under my amendment, the President would have to make a finding that it was in the interest of peace in that area.

Mr. RHODES of Arizona. Yes and the gentleman's amendment will emasculate the bill. I say with all due respect to the gentleman, and he is a good friend of mine, but his amendment is completely antithetical to the type of bill we have before us, and which we need. We are trying to help the American farmers, not necessarily the Peruvian farmers although I do not want to hurt the Peruvian farmer either. We want to deal with friendly nations. The present governments of Egypt and the Sudan do not qualify. I think the gentleman's amendment is not in our best interest.

Mr. PICKLE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, as I size up the debate, under the committee bill the quotas that would normally be given to Egypt and the Sudan would be able to be placed in the United States.

Under the Foley amendment, there would not be any reduction of the quotas and the net effect of it would be that the acreage would then go to Peru or to some other nation.

I do not think anybody would want the United States to continue trading with Egypt under the present conditions when she has severed relationship.

But I personally feel that the bill that has come out of the committee has mischief in it. I think it could cause our country more trouble in the years ahead than we might count on now.

But I think the gentleman from New Mexico may have put his finger on an important point just a few minutes ago, if these quotas are changed and if they were taken from Egypt and the Sudan at this time.

Does the gentleman have any language that he could offer where these quotas at the present time could go to domestic producers and then the discretion left to the President at a future date for the restoration of the same quotas, and yet at the same time would give some quota protection to local producers?

It seems to me we ought to take away the production from Egypt and those areas now but surely we ought not to bind the hands of the United States so much that we could not, as the language says, at any future date restore this trade—and that is too harsh in my opinion.

I am from a district that grows a great deal of cotton. Does the gentleman have any language which would say to the domestic user, "You can grow until such time as the President will change these quotas at a later date, giving protection to domestic growers"?

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

Mr. PICKLE. I yield to the gentleman from Arizona.

Mr. UDALL. I have been trying to work out some kind of compromise. I am never surprised in changes of position around here, but I am a little surprised to see some of those who came to the defense of Nasser today and who not too many weeks ago were shouting that we should come to the aid of Israel against Nasser. Apart from that, it has seemed to me that the great defect of the Foley amendment is that the additional American consumption we are going to have, instead of giving it to American producers, it would go to South American or other foreign producers.

I drafted language here, which I will not offer at this time because I have tried to follow the leadership of the Agriculture Committee. I have tried to work with my colleague from Arizona over the years on behalf of our cotton producers. They feel with some justification that they have been carrying on their backs a big foreign policy load they should not have to carry. If the Foley amendment were to be voted down, the gentleman from Texas could very well offer a substitute or an amendment of the kind we have been working on here which would do precisely what he has outlined.

Mr. PICKLE. I would be interested in looking at the proposal. It would seem to me that would be a fair and reasonable compromise. It would allow our producers to get in the business, but at a future date we would not tie the hands of the President. The committee bill I think is too harsh. I want to see the gentleman's proposal.

Mr. HAYS. Mr. Chairman, I move to strike out the requisite number of words.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HAYS. Mr. Chairman, it seems to me we are in a little bad timing on this bill. It is not quite close enough to Christmas. You know, they always used to cut up a sugar plum in Mr. Cooley's office a couple or three weeks before Christmas. I think the precedent set there was one that got this cotton ball out today; it is a kind of Christmas tree ornament, too.

I cannot see why anyone would say, No. 1, that anyone who is for the Foley amendment—and I am for it—is for Nasser. That is ridiculous on the face of it.

No. 2, I do not see why the gentleman from Arizona [Mr. RHODES] would want to pick the ruler of Egypt as his target. He says anything we might get instead of Nasser would be better. That is not a foregone conclusion. It could be worse. Nobody knows about that. We picked Nasser when Farouk was overthrown. He was our boy. Some of the things that went on turned him sour. Secretary of State Dulles promised him the Aswan Dam, which he could not deliver because Congress had not appropriated the money, and then he took it away from him, something he did not have. That made Nasser angry.

I cannot see how anyone can stand here and say that if we see a change in rulers in a couple of years that is what we need.

I do not know and I probably have heard more testimony on the subject than most.

Another thing that bothers me a little bit is the statement that we have not done anything for the American cotton farmer. Let me tell you something. If it were not for the taxpayers' dollars to build irrigation projects and dams, there would not be any long-staple cotton grown in this country. It is grown out there in the deserts in which the U.S. taxpayers have built the necessary dams and ditches and what-have-you to put the water in to grow the cotton.

Nobody has done that for any of the farmers in my district. I do not hear them crying around about it.

I might be sympathetic to something like the gentleman from Texas [Mr. PICKLE] talked about, if someone can work out the language. But I certainly agree with his position that if you summarily take this quota away from Egypt and the Sudan and give it to the American cotton farmer, you are not going to take it away from the cotton farmer and give it back to anybody, whether you get a ruler out there that you like or whether you get one you do not like or whether you get one in between.

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

Mr. HAYS. I yield to the gentleman from Arizona.

Mr. UDALL. That is precisely the point. The gentleman has had more experience in foreign affairs than I have had. The question is, Are you going to have more difficulty taking it back from the American farmer, or are you going to have more difficulty taking it back from the Peruvian farmer? It will go one place or the other.

Mr. HAYS. I do not know. I would say probably, with the Agricutlure Committee being composed as it is, and the history of legislation they have brought out around here, I would say you would probably have more difficulty taking it away from the American cotton farmer, because he is represented here. Peru does not have any representative in the Congress. They do not have any constituency that votes for them. I think that question is almost self-answering.

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

Mr. HAYS. I yield to the gentleman from California.

Mr. TUNNEY. Is it not true that this cotton quota is assigned on a competitive basis, that it is not given to anyone, that farmers have to grow the cotton and be able to sell it competitively?

Mr. HAYS. That is correct. They can only sell so much. If it is not good, they cannot sell any.

Mr. TUNNNEY. That is my understanding.

Mr. HAYS. That is true. The Foley amendment should certainly be supported if, as someone—the gentleman from Indiana [Mr. ADAIR] or someone else—has said, if we are going to pass this bill at all, probably the best thing would be to throw the whole bill out.

As I said, we should wait until we are closer to Christmas, and see if then if we can do something for them.

Mr. VIGORITO. Mr. Chairman, I regret very much that, being on the committee, I have to disagree with my chairman, whom I respect for his knowledge of agriculture. I have paid a lot of attention to his wisdom on many, many occasions, but today I have to disagree with him on the Foley amendment. I am in favor of the Foley amendment.

Mr. Chairman, at this time in our world history, foreign policy is the No. 1 problem facing this Nation. We should not subvert that policy for $16 million worth of cotton. Foreign trade is a two-way street. We export $5 to $6 billion of goods more than we import. If we start whittling away at this, we will find we are going to get the short end of the stick.

People trade because it is beneficial to both parties. They do not trade because one gets the short end and someone else gets the long end. As far as agricultural exports are concerned, the American farmer gets the long end of the stick, because we export more than $2 billion of agricultural products more than we import. Thus, this is $2 billion worth of foreign exchange that the American farmer earns for the American economy.

Do Members know what the Soviet Union is up to in the Middle East and Near East? Nothing less than the eventual communization of all that area. That area is ripe for communization, because 5 percent of the population owns practically all of the wealth. Our foreign policy in the Mediterranean would take a tremendous setback if we drive the Egyptians all the way into the arms of the Soviet Union.

What would happen if the Egyptians give the Soviet Union naval and air bases on the northern coast of Africa? Our foreign policy and the military situation would deteriorate very rapidly.

I hate Nasser. If he would drop dead right now, believe me, I would not shed a tear for him, but the Egyptian people have been here for thousands of years before Nasser came on the scene, and I am sure they will be here thousands of years after Nasser is gone.

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

Mr. VIGORITO. I yield to the gentleman from Oklahoma.

Mr. BELCHER. Mr. Chairman, I would say $16 million is rather insignificant in dealing with Nasser, when we have given him $995 million under Public Law 480, and we have given him several hundred million more under foreign aid, and we have sold him $250 million worth of wheat with the intention he pay for that, but when he fell out with us and told us to go to hell, he even refused to pay for the $250 million of wheat actually sold to him.

So I can see $16 million is a pretty insignificant amount for us to be arguing about here today.

The gentleman from California, my neighbor in the Rayburn Building, said a while ago we would rue the day when we pass this bill. Well, I have rued the day that we spent all this money in such an unstable spot as Nasser's country, and, when we did not fulfill giving him a dam in addition to all the other things we gave him, he got mad at us. How do we know if we keep on buying Egyptian cotton he will not get mad at us, too.

Mr. VIGORITO. Mr. Chairman, I am not in favor of buying cotton from Egypt when Nasser breaks off diplomatic relations, but I do not believe we should have foreign policy decided here.

Our foreign policy is much more important than that.

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

Mr. VIGORITO. I yield to the gentleman from Ohio.

Mr. HAYS. I should like to point out to the gentleman from Oklahoma that he has his timetable a little bit reversed. The dam came first and the sale of wheat second.

I should like to further point out to the gentleman, that was under Public Law 480, which came out of the Committee on Agriculture. We sold the wheat to Egypt for Egyptian pounds, which is what you fellows wanted. We have stacks of them, that would fill this room. If they are not worth much, do not blame the Committee on Foreign Affairs, because this was another episode of the Committee on Agriculture, under Mr. Cooley, operating in the foreign affairs field.

Mr. MACHEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am not a member of the Committee on Agriculture. I am not a member of the Committee on Foreign Affairs, but I am a member of the Committee on Armed Services and I rise in opposition to the amendment.

There are no cottongrowers in the Fifth District of Maryland, right across the District line. There are no manufacturers. So I am not concerned about the dollars and cents.

I am concerned about the fact that we are in a shooting war and it is time that we in the Congress served notice that we will not continue to aid countries which have policies of anti-Americanism and aid our enemies.

In the Middle East it took the little country of Israel to get us off the hook by decisively defeating the United Arab Republic.

What is our foreign policy in the Middle East? What has it accomplished? What is happening right now in the Middle East? Russia is restocking the Egyptians, to take care of the airplanes and tanks and everything else they lost to Israel.

What is happening in the Far East? Are we supposed to continue to turn our backs and to trade with and aid these people who are helping the people shooting at our men?

When are we going to get hard-nosed about foreign policy? When are we going to stop playing "cops and robbers" with our youngsters, who are preserving the liberty of the world?

I believe in foreign policy, but I believe in a realistic foreign policy which is going to serve some notice and start drawing the line.

I am not concerned about the texture of the California cotton or the Arizona cotton. I am not concerned about the manufacturers. I am not concerned as to whether Peru is going to get this cotton quota.

This bill is a vehicle to notify the world that we are going to stop pussyfooting with foreign policy.

I have heard a lot of procrastination about the saving of lives. How are we going to save lives until we serve such notice?

That is a part of our problem in the Far East today. The Communists believe we are going to pull back. I know we will not. Most Members do. We have a bipartisan support for our effort.

Defeating this amendment will not wreck our foreign policy, but it will serve notice on those countries that the Congress is going to stop fooling around and that we will meet force with force. We will serve notice on all of these other people, who seem to think they can bargain with us as to who is going to give away the most.

I say it is time for us to reevaluate our position.

I hope the amendment will be defeated and be defeated overwhelmingly, and I hope the bill will be passed without it.

I will be among the first, when and if it is over, to help get the quotas back. But only Congress should control it. Let us demonstrate that we are going to meet our responsibilities to the world and not always say, "Let us wait. Let us wait. Let us wait. A permanent peace will come by negotiation."

We are spending $2½ billion a month in a shooting war today.

And we have been spending $3 billion a year on foreign aid.

Let us get a little hard nosed on the situation of our foreign aid. Let us recognize and take action on behalf of the people and nations who do want to help themselves, the people who do want to cooperate in the finding of a lasting solution and the obtaining of a lasting and permanent peace. It is with these countries that we can provide foreign aid that will be meaningful to the world and to the promotion of peace.

When some countries use us to further their own selfish aims; such as the United Arab Republic, and those countries are whipping up massive anti-American sentiment to bolster dictatorships and war, we can serve notice we are not going to appease them any more by telling them: "We are not going to give you any help."

I think when we give that message loud and clear to the world we will get peace and get it a whole lot quicker.

Mr. POAGE. Mr. Chairman, I ask unanimous consent that all debate on this amendment and the amendment to the amendment close in 5 minutes.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. O'HARA].

Mr. O'HARA of Illinois. Mr. Chairman, I rise to sound a note of optimism. I think that peace in the Near East is close at hand.

I have watched during the years the efforts of Israel in giving of her small means help to other countries in the Near East and in Africa. I have seen her helping the Arabs, when there was op-

portunity and receptibility. I think that Israel's investment of good will is about to pay off in large dividends.

I clearly vision the dawning of a new and happier era when grudges and hatreds will be replaced with the spirit of the cooperative friendship of nations and races laboring together to achieve the highest measure of prosperity and contentment for all the Near East and all Africa. I do not want to slam the door on this vista of the promised land.

I do not want my country to take the position of a man who will not forgive when true penance has come to his former enemy.

I am strongly supporting the Foley amendment because I want to leave the door wide open for a truly penitent Egypt and Sudan to return to the society of good neighbors striving with us to make this a better world for everyone. To say to Egypt and the Sudan that they are permanently off our list, forever, and forever and forever, is to strengthen the present governments of those countries that have so grievously offended us. It could only serve to discourage the reform forces and persons in Egypt and the Sudan that are seeking to bring their homelands into the world of today and far, far from the age-long slavery to grudges and hatreds.

The CHAIRMAN. The Chair recognizes the gentleman from North Dakota [Mr. KLEPPE].

Mr. KLEPPE. Mr. Chairman, I rise in opposition to the Foley amendment and in support of the committee bill.

I want to make mention of an allusion that was made to the Members of this House by the gentleman from Ohio about the Committee on Agriculture. I think every member on this Committee on Agriculture is striving and has striven to do the best job that they can on the legislation that comes before them. In spite of any thoughts he may have to the contrary, these are the efforts that have been put forth in this legislation and in other legislation.

I want to bring out only one more point here. I wonder how far we can go in asking the producers of this country to make foreign policy for us or to make national policy or whatever policy it might be. Why are we big and strong enough to need a policy in any area of our lives? It is because the producers of this country have done their job. They pay the taxes and support this Government and make it necessary for all of us to hold up our heads and say we are Americans. I just wonder how long we can ask them to carry this burden.

With those thoughts in my mind, my sentiment is heavy along the lines of opposing the Foley amendment and supporting the committee bill.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Chairman, at the committee desk we are working on an amendment that some of us feel might be a reasonable compromise on the problems facing the House today. In view of the time limitation at this moment, I do not intend to offer a substitute at this point, but pending the outcome of the Foley amendment, I merely wish to state that I will offer a substitute amendment at a later time.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. POAGE] to close debate.

Mr. POAGE. Mr. Chairman, I think it is quite evident that, if we really want to give any help to American producers, this is the opportunity to do it. You have a choice here between Americans and foreigners, and the Foley amendment accentuates that choice. You have to make the choice this afternoon. Whether you adopt the committee bill or the Foley amendment, you are going to take this quota at least temporarily and place it in the hands of somebody who does not have it now.

Now, the question is, Do you want it in the hands of American producers or do you want it in the hands of some of these foreign producers? Now, that is the question.

The CHAIRMAN. The time of the gentleman from Texas has expired. All time has expired.

The question is on the amendment offered by the gentleman from New York [Mr. BINGHAM] to the amendment offered by the gentleman from Washington [Mr. FOLEY].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Washington [Mr. FOLEY], as amended.

The question was taken; and on a division (demanded by Mr. FOLEY) there were—ayes 56, noes 67.

Mr. FOLEY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. FOLEY and Mr. POAGE.

The Committee again divided, and the tellers reported that there were—ayes 76, noes 109.

So the amendment, as amended, was rejected.

AMENDMENT OFFERED BY MR. PICKLE

Mr. PICKLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PICKLE:

On page 2, line 3, after the words "shall not", strike out the words "at any future time"; and on page 2, line 4, before the word "constitute" insert the words "as long as such countries are not in diplomatic relations with the United States"; and on page 2, line 10, strike the period and insert in lieu thereof the following: "until such time as the President finds that it is contrary to the national interest of the United States and such action is not conducive toward the establishment of peaceful relations in the Middle East to permit such cotton to constitute a portion of such quota."

Mr. PICKLE. Mr. Chairman, I offer this amendment in the hope that it might bring the House a little nearer to what I believe is the intent of our Government, that is that we do not wish to carry on trade with Nasser and Egypt and the Sudan under present conditions. But at the same time that such quotas as might be taken from that area would be given to the domestic producers in the United States and with the proviso that we remove the phrase "at any future time" which I have a dislike for, and then permit the President to make two findings—one that it is in the interest of the United States and that it is also conducive toward peace.

Mr. POAGE. Mr. Chairman, will the gentleman yield for just one question about his amendment?

Mr. PICKLE. I yield to the gentleman.

Mr. POAGE. I notice that the gentleman does not say "and when the President" but says "until." I just wonder if that does not have the legal effect of providing that whenever the President should decide to restore these quotas, he could do so even though we still do not have diplomatic relations with Egypt?

Mr. PICKLE. I would say to the Chairman that in one form of the amendment we had the language on line 10, page 2, after the word "occurs"—"and."

That was the intent and if I could by unanimous consent, I would want to change that word to strike out "until" and say "and." That is my intent.

Mr. POAGE. Mr. Chairman, I ask unanimous consent that the gentleman may so correct his amendment.

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

There was no objection.

CORRECTED AMENDMENT OF MR. PICKLE

The CHAIRMAN. The Clerk will report the amendment as corrected.

The Clerk read as follows:

Amendment offered by Mr. PICKLE: On page 2, line 3, after the words "Shall not," strike out the words "at any future time" and on page 2, line 4, before the word "constitute" insert the words "as long as such countries are not in diplomatic relations with the United States," and page 2, line 10, strike the period and insert in lieu thereof the following: "and such time as the President finds that it is contrary to the national interest of the United States and such action is not conducive toward the establishment of peaceful relations in the Middle East to permit such cotton to constitute a portion of such quota."

Mr. PICKLE. Mr. Chairman, the only thing then that has been changed on line 10, page 2, is that we strike out the word "until" and add the word "and."

The intent is pure and simple, to say that we will not allow these quotas to be kept in Egypt and the Sudan under present conditions but instead that they would be given to domestic producers as outlined which give the President the leeway that I think he needs.

There is a great temptation to whack Nasser; I can understand that. But I do think we should put it in terms of the national interest of the United States.

When we have removed the phrase "at a future time" this does give the domestic producers a chance to get in business and give the President the two criteria that I think would safeguard our interest in this country.

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

Mr. PICKLE. I yield to the gentleman.

Mr. FOLEY. Is it the purpose of the gentleman's amendment to state that the President would have the authority to restore the participation in the extra-

long-staple cotton quota to Egypt and the Sudan assuming that we had restored relations with them and that it was in the President's judgment in the interest of the United States and peace in the Middle East—and by that action, alone, restore those cotton quotas?

Mr. PICKLE. My intent is that it would be able to be restored by the President and by an Executive order.

Mr. FOLEY. Is it the gentleman's intention to put on notice the American farmer that he may be in the meantime utilizing temporary cotton quotas and it is the intention of the President to act and restore these quotas when specified conditions exist.

Mr. PICKLE. I would say to the gentleman that it would certainly put our domestic producers on notice, but I would want to make this doubly sure also. I am sure the President in his discretion would not take such action that would be precipitous and do damage to the local producers. That is something that in commonsense and good judgment we would have to work out.

Mr. FOLEY. The gentleman assumes that the President would take the action contemplated only if he felt that peace would be advanced in the Middle East and our relations with Egypt and Sudan reestablished. Does the gentleman assume that in the amendment?

Mr. PICKLE. Yes; I would assume that. I move the adoption of the amendment.

Mr. POAGE. Mr. Chairman, I rise in opposition to the amendment. This amendment is a vast improvement over the amendment which was just voted down. I think that it would achieve an end that some of the Members might want to achieve. Frankly, I tried to help the gentleman from Texas get language which would do that. I believe his amendment does that. If any amendment is to be adopted, I want it to be a clearly worded amendment. I believe the gentleman from Texas has brought us such an amendment.

But I believe that, even so, the amendment is unfair to American producers and unfair to the Congress of the United States. It is plain why it would also be unfair to the American producers.

You cannot prepare to grow a cotton crop for only a few months. You cannot put in the investment necessary to make a cotton crop without some assurance that you will be able to stay in the business for at least several years.

This amendment gives no assurance. The sword of Damocles would hang over the cotton growers all the time during the term of this amendment.

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

Mr. POAGE. I yield to our distinguished majority leader.

Mr. ALBERT. What the gentleman is saying, of course, has considerable merit. In my judgment, a question of balance is involved here. There is the question of the future of America's foreign relations. No President would use this legislation in a manner which would upset the operations of a group of American farmers.

It seems to me that this is a logical choice between the position in the bill and the position of the gentleman from Washington. I go along, as the gentleman knows, with helping the American farmer, but I am also interested in preserving the authority of this country to act in the national interest in dealing with other nations.

Mr. POAGE. The proposal is a much better one than that offered by the gentleman from Washington. I have tried to make that plain. But I think the facts of life are that no one engages in cotton production these days—certainly not in the southwestern deserts where water is so necessary and so expensive—without the ability to finance a crop, and that means to get a line of credit. There are no banks that I know of, including the production credit associations, which will lend money to make a crop in the face of the uncertainties which this amendment would place in the making of a cotton crop.

Mr. RHODES of Arizona. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Arizona.

Mr. RHODES of Arizona. I wish to associate myself with the remarks of the distinguished chairman of the Committee on Agriculture. In my opinion, he is absolutely correct. The gentleman from Texas [Mr. PICKLE] has an amendment which is certainly closer to the situation which the chairman of the committee, the gentleman from Texas [Mr. POAGE], and I both desire. At the same time I feel very strongly that it would put the American farmer in a position where he would really not be able to do a good job of growing long-staple cotton. Anyway, I think the gentleman from Texas agrees with me. It might be well for this situation to be left under the control of the Congress of the United States.

Mr. POAGE. That is exactly the point I next wanted to make. I said that this is unfair to Congress. By that I mean the Congress, in my judgment, should retain in its own hands the right to make the determination as to the time that we would transfer a quota from American producers to foreign producers, rather than leave it to any president to make a decision by Presidential order. It comes to the proposition that we have to make the decision here right now as to whether you believe the Congress or the President should make these decisions.

Personally I am still a believer in democracy, and I believe the Congress should make the decision.

Second, you must make the decision as to whether you want to give Americans the opportunity to make a crop or if you only want theoretical relief for our farmers. Back in the days when we produced cotton with a team of mares and a cultivator, this proposition might have been very reasonable. But you cannot make a cotton crop that way these days.

When farmers have to get long-term financing—and they have to do it if they are going to make a crop of extra-long-staple cotton, this is an impractical illusionary promise to the farmers that will bring about absolutely no benefit to them. We have to make the decision right now whether we want a profitable relief or an impractical illusionary situation.

Mr. FOLEY. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I congratulate the gentleman from Texas [Mr. PICKLE] on his amendment. I think it is a statesmanlike attempt to bring some consensus to a very difficult choice that no one in this House likes to make, a choice between some aid to a certain class of American producers and some real concern that the action proposed by the committee bill will seriously hamper the foreign policy and foreign relations of the United States, an interest in which we all have a deep and abiding stake.

I did not favor this amendment. I favored my own amendment, but in view of the situation, I think it is infinitely preferable to accept the amendment of the gentleman from Texas [Mr. PICKLE] and transfer these allotments or quotas that are not used by the United Arab Republic and the Sudan, as long as they are not used, to the American producers.

I think, in all fairness, we are giving the American producers notice that if the foreign relations situation between the United States and Egypt and the Sudan are improved, are restored, and if it is in the interest of the United States and peace in the Middle East, these Egyptian and Sudanese quotas may be restored. In the meantime, the American farmer has an opportunity to use whatever quotas there are. I do not think that is unfair to the long staple cotton American producers, and it retains flexibility on the part of the President to act in support of a more liberal and moderate regime in the Middle East, which is vitally necessary to preserve peace in the Middle East and is in the interest of every American.

I hope every Member will support the amendment of the gentleman from Texas [Mr. PICKLE].

Mr. VIGORITO. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas [Mr. PICKLE].

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, we have had a great deal of discussion in the House Chamber in recent weeks in protest to delegating power to the President and the executive branch of the Government. Here today, under the terms of the pending amendment, we would be handing still another grant of power to the President to do, at his pleasure, what I believe a majority of the House does not want done. I have listened carefully to all the debate this afternoon, and I have heard no one mention the textiles that have been imported into this country from Egypt before, during, and since the period of upheaval in the Middle East. The President could have taken action under the Trade Agreements Act to cut off the import of textiles into this country if he wanted to do so.

This amendment giving delegated power to the President to intervene to deprive the producers of this country, if he determines to do so, is not in the interests of the people of this country.

This is the kind of legislation that ought to be stopped and this amendment ought to be rejected out of hand.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. PICKLE].

The question was taken; and on a division (demanded by Mr. POAGE) there were—ayes 56, noes 63.

So the amendment was rejected.

Mr. JONAS. Mr. Chairman, I move to strike out the last three words.

I take this time, as we approach the hour of voting on this bill, to explain that if the parliamentary situation made it possible, an effort would be made to recommit the bill to the committee with instructions to strike out the words "July 15, 1967," as adopted in the Committee of the Whole on last Wednesday and to substitute therefor the original date in the Brasco amendment, which would make the cutoff date September 15, 1967. The parliamentary situation will not make that possible, so we cannot force a vote on the Brasco amendment.

I am appealing to the conferees who will be representing this House in a conference with the other body, if similar legislation passes there, to agree to the September 15 cutoff date, because the sole purpose is to prevent adverse results flowing to American businessmen who in good faith have entered into contracts prior to September 15, 1967 for the purchase of Egyptian cotton.

I happen to have some experience in this field. I have a friend who is a cotton broker and who provides cotton for a large number of textile plants. He once owned a plantation in the delta and raised long-staple cotton. He buys a lot of delta cotton today. He buys a lot of cotton from Arizona and from California. He buys all the domestically produced long-staple cotton that his mill's customers will take. But there are a few mills which, for one reason or another, require Egyptian cotton. He has been buying over the years a relatively small amount of cotton produced in Egypt.

This broker does not deal with Egyptian producers or Egyptian sellers. He deals through a third party in Switzerland, and his contracts are with a Swiss concern.

I know a textile mill that on September 3, 1967, bought 800 bales of Egyptian cotton. The owners and managers of this mill are honorable, patriotic, reputable citizens. They do not live in my district. This mill is not in my district. But I know the management. I am informed they entered into this contract in good faith—not with an Egyptian concern, not with the Egyptian Government, but with an importer in New York. It is the importer in New York who holds the contract of this North Carolina company to purchase 800 bales of cotton.

I am sure some language can be adopted which will make a September 15, 1967, cutoff date effective only in protection of people and business concerns who are acting in good faith and who over the years have been engaged in a practice of importing relatively small quantities of Egyptian cotton, and who are today bound legally on legitimate contracts entered into prior to September 15, 1967 and who have sold goods to their own customers against that cotton.

This is not in derogation of any of the rights of domestic producers. I have already said that there are only a relatively few mills that use any Egyptian cotton at all. I just do not think that the Congress ought to make it possible for these concerns to be subjected to lawsuits for the enforcement of contracts that cannot be completed by them because of legislation. I cannot see that any harm would result to anybody if the escape date should be moved just 60 days ahead, from July 15 to September 15, 1967. I am appealing to those who will be on the conference representing this body to take such action as may be necessary to provide this kind of protection.

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

Mr. JONAS. I yield to the gentleman from Georgia.

Mr. LANDRUM. Mr. Chairman, I join in the expressions just made by the distinguished gentleman from North Carolina and trust when this bill is in conference the conferees take into consideration the remarks the gentleman from North Carolina [Mr. JONAS] has made about the reputable people and the character of the people involved in these dealings in considering this extension for 60 days. I wish it were possible in the parliamentary situation to offer an amendment such as the gentleman has in mind, but I understand that it is not.

Mr. FINDLEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from North Carolina [Mr. JONAS] pointed out a very serious problem in connection with this bill. The gentleman from Texas [Mr. PICKLE] pointed out another problem in it, and so did the gentleman from Washington [Mr. FOLEY]. I am sure there is a great desire on the part of this body to protect access to our markets by future governments in Egypt and the Sudan that are legitimate, responsible, and decent. If a straight motion to recommit is offered, I hope that the Members will support it and thus enable the Agriculture Committee to do some more work on it. That is the responsible way to deal with the problem. It is obvious to all of us that many of its delicate foreign policy aspects have not been thoroughly explored.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PUCINSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10915) to amend section 202 of the Agricultural Act of 1956, pursuant to House Resolution 827, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT

Mr. TEAGUE of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. TEAGUE of California. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. TEAGUE of California moves to recommit the bill, H.R. 10915, to the Committee on Agriculture.

Mr. POAGE. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. FOLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 101, nays 244, not voting 87, as follows:

[Roll No. 349]

YEAS—101

Adair	Fraser	Nedzi
Adams	Frelinghuysen	O'Hara, Ill.
Addabbo	Green, Oreg.	O'Hara, Mich.
Anderson, Ill.	Griffiths	O'Neill, Mass.
Ashley	Hansen, Wash.	Ottinger
Bingham	Harvey	Patten
Boland	Hathaway	Price, Ill.
Bolton	Hawkins	Railsback
Brademas	Hays	Reid, N.Y.
Brown, Calif.	Hechler, W. Va.	Reuss
Burton, Calif.	Hicks	Rooney, N.Y.
Byrne, Pa.	Holifield	Rosenthal
Celler	Holland	Roybal
Cohelan	Hungate	Rumsfeld
Conte	Irwin	Ryan
Conyers	Joelson	St Germain
Corbett	Karth	Scheuer
Corman	Kastenmeier	Schneebeli
Culver	Keith	Smith, Iowa
Curtis	Kirwan	Smith, N.Y.
Daddario	Leggett	Taft
Daniels	Long, Md.	Teague, Calif.
Dawson	McClory	Tenzer
Dellenback	MacGregor	Thompson, N.J.
Derwinski	Mailliard	Tiernan
Dow	Matsunaga	Tunney
Dulski	Meeds	Van Deerlin
Dwyer	Mink	Vanik
Eckhardt	Mize	Vigorito
Eilberg	Monagan	Whalen
Feighan	Morgan	Wyatt
Findley	Morse, Mass.	Yates
Flood	Morton	Zablocki
Foley	Murphy, Ill.	

NAYS—244

Abbitt	Bates	Brinkley
Albert	Battin	Brock
Anderson, Tenn.	Belcher	Brotzman
Andrews, Ala.	Bell	Brown, Mich.
Andrews, N. Dak.	Bennett	Brown, Ohio
Annunzio	Betts	Broyhill, N.C.
Arends	Bevill	Broyhill, Va.
Ashbrook	Biester	Buchanan
Ashmore	Blackburn	Burke, Fla.
Ayres	Blanton	Burke, Mass.
	Bow	Burleson
	Brasco	Burton, Utah

Bush	Howard	Price, Tex.
Byrnes, Wis.	Hunt	Pryor
Cabell	Hutchinson	Pucinski
Carter	Ichord	Purcell
Casey	Jarman	Quillen
Cederberg	Johnson, Pa.	Randall
Chamberlain	Jonas	Rees
Clancy	Jones, Ala.	Reid, Ill.
Clark	Jones, N.C.	Reifel
Clausen, Don H.	Kazen	Reinecke
	Kee	Rhodes, Ariz.
Clawson, Del	Kelly	Riegle
Collier	King, Calif.	Rivers
Cramer	King, N.Y.	Roberts
Cunningham	Kleppe	Robison
Davis, Ga.	Kluczynski	Rodino
Davis, Wis.	Kornegay	Rogers, Colo.
de la Garza	Kuykendall	Rogers, Fla.
Delaney	Kyl	Rooney, Pa.
Denney	Kyros	Roth
Devine	Landrum	Roudebush
Dickinson	Langen	Roush
Dole	Latta	Ruppe
Donohue	Lennon	Sandman
Dowdy	Lipscomb	Satterfield
Downing	Lloyd	Saylor
Duncan	McCarthy	Schadeberg
Edmondson	McClure	Scherle
Edwards, Ala.	McDade	Schweiker
Erlenborn	McEwen	Schwengel
Eshleman	McFall	Selden
Evans, Colo.	McMillan	Shipley
Fallon	Macdonald, Mass.	Shriver
Farbstein	Machen	Sikes
Fascell	Madden	Sisk
Fisher	Mahon	Skubitz
Flynt	Marsh	Smith, Calif.
Ford, Gerald R.	Martin	Smith, Okla.
Friedel	Mathias, Calif.	Snyder
Fulton, Pa.	May	Springer
Fuqua	Mayne	Stafford
Galifianakis	Meskill	Staggers
Gardner	Miller, Ohio	Stanton
Garmatz	Mills	Steed
Gettys	Minish	Steiger, Ariz.
Gibbons	Minshall	Steiger, Wis.
Gilbert	Moore	Stratton
Gonzalez	Morris, N. Mex.	Stubblefield
Goodell	Mosher	Talcott
Goodling	Murphy, N.Y.	Taylor
Gray	Myers	Teague, Tex.
Gross	Natcher	Thompson, Ga.
Grover	Nelsen	Thomson, Wis.
Gubser	Nichols	Tuck
Gude	O'Konski	Udall
Gurney	Olsen	Vander Jagt
Hagan	O'Neal, Ga.	Waggonner
Haley	Passman	Waldie
Hall	Patman	Walker
Halpern	Pelly	Wampler
Hammer-schmidt	Pepper	Watson
	Perkins	White
Hanley	Pettis	Whitener
Hansen, Idaho	Philbin	Wiggins
Hardy	Pickle	Williams, Pa.
Harrison	Pike	Winn
Harsha	Poage	Wolff
Henderson	Poff	Wylie
Herlong	Pollock	Wyman
Horton	Pool	Zion
Hosmer		Zwach

NOT VOTING—87

Abernethy	Fountain	Multer
Aspinall	Fulton, Tenn.	Nix
Baring	Gallagher	Pirnie
Barrett	Gathings	Quie
Berry	Giaimo	Rarick
Blatnik	Green, Pa.	Resnick
Boggs	Halleck	Rhodes, Pa.
Bolling	Hamilton	Ronan
Bray	Hanna	Rostenkowski
Brooks	Hébert	St. Onge
Broomfield	Heckler, Mass.	Scott
Button	Helstoski	Slack
Cahill	Hull	Stephens
Carey	Jacobs	Stuckey
Cleveland	Johnson, Calif.	Sullivan
Colmer	Jones, Mo.	Ullman
Conable	Karsten	Utt
Cowger	Kupferman	Watkins
Dent	Laird	Watts
Diggs	Long, La.	Whalley
Dingell	Lukens	Whitten
Dorn	McCulloch	Widnall
Edwards, Calif.	McDonald, Mich.	Williams, Miss.
Edwards, La.		Willis
Esch	Mathias, Md.	Wilson, Bob
Everett	Michel	Wilson, Charles H.
Evins, Tenn.	Miller, Calif.	
Fino	Montgomery	Wright
Ford, William D.	Moorhead	Wydler
	Moss	Young

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Jacobs for, with Mr. Hébert against.

Mr. Moorhead for, with Mr. Abernethy against.

Mr. Edwards of California for, with Mr. Fountain against.

Mr. Multer for, with Mr. Johnson of California against.

Mr. Aspinall for, with Mr. Baring against.

Mr. Resnick for, with Mr. Boggs against.

Mr. Diggs for, with Mr. Edwards of Louisiana against.

Mr. Barrett for, with Mr. Evins of Tennessee against.

Mr. Button for, with Mr. Laird against.

Mr. Broomfield for, with Mr. Kupferman against.

Mr. Nix for, with Mr. Hull against.

Mr. Green of Pennsylvania for, with Mr. Blatnik against.

Mr. St. Onge for, with Mr. Willis against.

Until further notice:

Mr. Wright with Mr. Watkins.

Mr. Long of Louisiana with Mr. Pirnie.

Mr. Brooks with Mr. Utt.

Mr. Karsten with Mr. Widnall.

Mr. Dent with Mr. Halleck.

Mr. Dorn with Mr. Cabell.

Mr. Montgomery with Mr. Esch.

Mr. Young with Mr. Fino.

Mr. Charles H. Wilson with Mr. Conable.

Mr. Rhodes of Pennsylvania with Mr. Berry.

Mr. Rostenkowski with Mr. Bray.

Mr. Slack with Mr. Mathias of Maryland.

Mr. Hamilton with Mr. McCulloch.

Mr. Gallagher with Mrs. Heckler of Massachusetts.

Mr. Everett with Mr. Bob Wilson.

Mr. Moss with Mr. Michel.

Mr. Dingell with Mr. Whalley.

Mr. Carey with Mr. Cahill.

Mr. Colmer with Mr. Wydler.

Mrs. Sullivan with Mr. Cleveland.

Mr. Watts with Mr. Quie.

Mr. Fulton of Tennessee with Mr. McDonald of Michigan.

Mr. Hanna with Mr. Scott.

Mr. Ronan with Mr. Cowger.

Mr. Whitten with Mr. Lukens.

Mr. Stuckey with Mr. William D. Ford.

Mr. Helstoski with Mr. Miller of California.

Mr. Williams of Mississippi with Mr. Ullman.

Mr. Stephens with Mr. Rarick.

Messrs. HAYS and DULSKI changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

Mr. BINGHAM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 276, nays 63, not voting 93, as follows:

[Roll No. 350]

YEAS—276

Abbitt	Betts	Burke, Mass.
Addabbo	Bevill	Burleson
Albert	Biester	Burton, Utah
Anderson, Tenn.	Bingham	Bush
	Blackburn	Byrnes, Wis.
Andrews, Ala.	Blanton	Cabell
Andrews, N. Dak.	Boland	Carter
	Bow	Casey
Annunzio	Brasco	Cederberg
Arends	Brinkley	Celler
Ashbrook	Brock	Chamberlain
Ashmore	Brotzman	Clancy
Ayres	Brown, Mich.	Clark
Bates	Brown, Ohio	Clausen, Don H.
Battin	Broyhill, N.C.	
Belcher	Broyhill, Va.	Clawson, Del
Bell	Buchanan	Collier
Bennett	Burke, Fla.	Cramer
Cunningham	Jones, Mo.	Reid, Ill.
Curtis	Jones, N.C.	Reifel
Daddario	Kazen	Reinecke
Daniels	Kee	Rhodes, Ariz.
Davis, Ga.	Kelly	Riegle
Davis, Wis.	King, N.Y.	Rivers
Dawson	Kleppe	Roberts
de la Garza	Kluczynski	Robison
Delaney	Kornegay	Rodino
Denney	Kuykendall	Rogers, Colo.
Devine	Kyl	Rogers, Fla.
Dole	Kyros	Rooney, N.Y.
Donohue	Landrum	Rooney, Pa.
Dowdy	Langen	Rosenthal
Downing	Latta	Roth
Dulski	Lennon	Roudebush
Duncan	Lipscomb	Roush
Dwyer	Lloyd	Ruppe
Edmondson	McCarthy	St Germain
Edwards, Ala.	McClory	Sandman
Eilberg	McClure	Satterfield
Erlenborn	McDade	Saylor
Eshleman	McEwen	Schadeberg
Evans, Colo.	McFall	Scherle
Fallon	McMillan	Scheuer
Farbstein	Macdonald, Mass.	Schneebeli
Fascell	MacGregor	Schweiker
Feighan	Machen	Schwengel
Fisher	Madden	Scott
Flood	Mahon	Selden
Flynt	Marsh	Shipley
Ford, Gerald R.	Martin	Shriver
Friedel	Mathias, Calif.	Sikes
Fulton, Pa.	May	Sisk
Fuqua	Mayne	Skubitz
Galifianakis	Meskill	Smith, Calif.
Gardner	Miller, Ohio	Smith, Okla.
Garmatz	Mills	Snyder
Gettys	Minish	Springer
Gibbons	Minshall	Stafford
Gilbert	Mize	Staggers
Gonzalez	Monagan	Stanton
Goodell	Moore	Steed
Goodling	Morris, N. Mex.	Steiger, Ariz.
Gray	Morton	Steiger, Wis.
Green, Oreg.	Mosher	Stratton
Gross	Murphy, N.Y.	Stubblefield
Grover	Myers	Talcott
Gubser	Natcher	Taylor
Gude	Nelsen	Teague, Tex.
Gurney	Nichols	Tenzer
Hagan	O'Hara, Ill.	Thompson, Ga.
Haley	O'Konski	Thompson, N.J.
Hall	Olsen	Thomson, Wis.
Halpern	O'Neal, Ga.	Tiernan
Hammer-schmidt	O'Neill, Mass.	Tuck
	Patman	Udall
Hanley	Patten	Vander Jagt
Hansen, Idaho	Pelly	Vanik
Hardy	Pepper	Vigorito
Harrison	Perkins	Waggonner
Harsha	Pettis	Waldie
Hechler, W. Va.	Philbin	Walker
Henderson	Pike	Wampler
Herlong	Poage	Watson
Horton	Poff	White
Hosmer	Pollock	Whitener
Howard	Pool	Wiggins
Hunt	Price, Tex.	Winn
Hutchinson	Pryor	Wolff
Ichord	Pucinski	Wylie
Jarman	Purcell	Wyman
Joelson	Quillen	Yates
Johnson, Pa.	Randall	Zion
Jonas	Rees	Zwach
Jones, Ala.		

NAYS—63

Adair	Fraser	Morgan
Adams	Frelinghuysen	Morse, Mass.
Anderson, Ill.	Griffiths	Murphy, Ill.
Ashley	Hansen, Wash.	Nedzi
Bolton	Harvey	O'Hara, Mich.
Brademas	Hathaway	Ottinger
Brown, Calif.	Hays	Pickle
Burton, Calif.	Hicks	Price, Ill.
Byrne, Pa.	Holifield	Railsback
Cohelan	Hungate	Reid, N.Y.
Conte	Irwin	Reuss
Conyers	Karth	Roybal
Corbett	Kastenmeier	Rumsfeld
Corman	Keith	Ryan
Culver	King, Calif.	Smith, Iowa
Dellenback	Kirwan	Smith, N.Y.
Derwinski	Long, Md.	Taft
Dow	Mailliard	Tunney
Eckhardt	Matsunaga	Whalen
Findley	Meeds	Wyatt
Foley	Mink	Zablocki

NOT VOTING—93

Abernethy	Blatnik	Broomfield
Aspinall	Boggs	Button
Baring	Bolling	Cahill
Barrett	Bray	Carey
Berry	Brooks	Cleveland

Colmer	Heckler, Mass.	Resnick
Conable	Helstoski	Rhodes, Pa.
Cowger	Holland	Ronan
Dent	Hull	Rostenkowski
Dickinson	Jacobs	St. Onge
Diggs	Johnson, Calif.	Slack
Dingell	Karsten	Stephens
Dorn	Kupferman	Stuckey
Edwards, Calif.	Laird	Sullivan
Edwards, La.	Leggett	Teague, Calif.
Esch	Long, La.	Ullman
Everett	Lukens	Utt
Evins, Tenn.	McCulloch	Van Deerlin
Fino	McDonald,	Watkins
Ford,	Mich.	Watts
William D.	Mathias, Md.	Whalley
Fountain	Michel	Whitten
Fulton, Tenn.	Miller, Calif.	Widnall
Gallagher	Montgomery	Williams, Miss.
Gathings	Moorhead	Williams, Pa.
Giaimo	Moss	Willis
Green, Pa.	Multer	Wilson, Bob
Halleck	Nix	Wilson,
Hamilton	Passman	Charles H.
Hanna	Pirnie	Wright
Hawkins	Quie	Wydler
Hébert	Rarick	Young

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Jacobs against.

Mr. Abernethy for, with Mr. Moorhead against.

Mr. Fountain for, with Mr. Edwards of California against.

Mr. Boggs for, with Mr. Barrett against.

Mr. Multer for, with Mr. Diggs against.

Mr. Long of Louisiana for, with Mr. Nix against.

Mr. Brooks for, with Mr. Green of Pennsylvania against.

Mr. Aspinall for, with Mr. St. Onge against.

Mr. Bob Wilson for, with Mr. Button against.

Mr. Kupferman for, with Mr. Broomfield against.

Mr. Evins of Tennessee for, with Mr. Holland against.

Until further notice:

Mr. Carey with Mr. Berry.

Mr. Baring with Mr. Pirnie.

Mr. Johnson of California with Mr. McCulloch.

Mr. Van Deerlin with Mr. Laird.

Mr. Leggett with Mr. Halleck.

Mr. Miller of California with Mr. Utt.

Mr. Dent with Mr. Fino.

Mr. Edwards of Louisiana with Mr. Cleveland.

Mr. Moss with Mr. Cahill.

Mr. Resnick with Mr. Bray.

Mr. Ronan with Mr. Michel.

Mr. Rhodes of Pennsylvania with Mrs. Heckler of Massachusetts.

Mr. Wright with Mr. Lukens.

Mr. Willis with Mr. Conable.

Mrs. Sullivan with Mr. Dickinson.

Mr. Karsten with Mr. Teague of California.

Mr. Blatnik with Mr. Whalley.

Mr. Montgomery with Mr. Quie.

Mr. Dorn with Mr. Wydler.

Mr. Hanna with Mr. Cowger.

Mr. Passman with Mr. Watkins.

Mr. William D. Ford with Mr. McDonald of Michigan.

Mr. Gallagher with Mr. Widnall.

Mr. Colmer with Mr. Mathias of Maryland.

Mr. Everett with Mr. Williams of Pennsylvania.

Mr. Williams of Mississippi with Mr. Esch.

Mr. Fulton of Tennessee with Mr. Giaimo.

Mr. Hamilton with Mr. Helstoski.

Mr. Rostenkowski with Mr. Rarick.

Mr. Slack with Mr. Stephens.

Mr. Charles H. Wilson with Mr. Stuckey.

Mr. Ullman with Mr. Hawkins.

Mr. Hull with Mr. Dingell.

Mr. Watts with Mr. Young.

Mrs. KELLY changed her vote from "nay" to "yea."

Mrs. BOLTON and Mr. CONTE changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. POAGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on H.R. 10915, and to include therein extraneous matter.

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

There was no objection.

ADDRESS OF THE PRESIDENT TO THE MEXICAN AMERICAN CONFERENCE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

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

There was no objection.

Mr. DE LA GARZA. Mr. Speaker, I was honored last week to be among the congressional delegation to accompany President and Mrs. Lyndon B. Johnson and President and Mrs. Gustavo Diaz Ordaz to El Paso, the ceremonies at the Chamizal, and also a visit to the Mexican-American Conference which was also being held there.

President Johnson's remarks at the Conference should be of interest to all of us, and I hereby respectfully enclose them for the RECORD:

TEXT OF THE REMARKS OF THE PRESIDENT TO THE MEXICAN-AMERICAN CONFERENCE

Distinguished delegates to the Mexican American Conference:

I am here on a mission that fills me with pride and deep satisfaction.

The Chamizal is now Mexican territory. The United States of America and the United States of Mexico have solved a political problem of 100 years standing.

So the Fiesta you are enjoying today serves a dual purpose: to celebrate the Chamizal, and to concentrate our attention on the achievement, and the concerns, of America's Mexican American people.

This is the first time, to my knowledge, that the Federal Government has sent five of its top Cabinet officers to search for new ways to fulfill the fundamental hopes of Spanish-speaking Americans—for good jobs, good education, good wages, good health, and good housing.

This is home country for me, as you know.

When I talk with you about the problems and potential of the Mexican American I am talking about people I have known all my life and care about deeply—a proud and strong people who are older in history than the United States itself.

What a change there has been in your lives—in all our lives—since I taught Mexican American children in a Cotulla, Texas school nearly 40 years ago. Most people in Texas then—Mexican American included, lived on the farm and made their living in the fields.

Few Mexican Americans had moved into better jobs, where they could offer their families some of the comforts of life.

There has been a good deal of upward movement since then. It is not enough, but it is encouraging:

Tens of thousands of Spanish-speaking Americans entering professional and technical occupations; Becoming managers, executives, and proprietors; Working as key employees in the great new industries of the Southwest.

For too many years, your government paid too little heed to the status and hopes of the Mexican-American community.

For too many years Americans who were poor remained invisible.

But in the 1960's, we decided that an era of neglect must come to an end.

With the help of a great Congress, we wrote into law more measures to train, to educate, to heal, and to house more Americans than had ever been written in our history.

We also wrote into law two landmark civil rights acts, to guarantee that no American would be deprived of opportunity by the prejudice of other Americans.

We did all this amidst a sea of controversy. That was to be expected. So far as I can determine, no President has ever done anything worthwhile without controversy.

The effort and the controversy were worth it. For the first time, we had the tools to work with each minority in a way that met its particular needs—that provided help, without regimentation or conformity.

For the Spanish-speaking citizen, there was a "New Focus on Opportunity."

He gained a powerful voice in the highest councils of Government, the voice of a distinguished public servant—Vicente T. Ximenes.

He found programs that answered his special needs—in language, education, and economic development.

And those programs respected his rich and unique cultural traditions.

In the last four years, your Government has trained tens of thousands of Mexican-Americans in the Rio Grande Valley and throughout the Southwest, for useful and rewarding jobs.

And we have reached into the smallest town and the largest city to do this.

And just as fundamental as jobs is education.

In four years we have passed 36 landmark education bills. We have tripled the money invested in these programs from $4.7 billion to $12.4 billion.

These are not just statistics. They represent children being prepared to take part in America's prosperity.

Let me tell the story of a young Mexican-American named Frank (Pancho) Mansera who came to visit me at the White House not long ago.

Pancho Mansera got off to a rough start in life. He was sickly. His parents were poor. When he came to the Head Start program he could hardly talk or walk, even though he was five years old.

But after medical treatment and the stimulus of people who cared about his education, Pancho moved ahead like the wind. He became cheerful, active, alert, healthier. He wanted to learn. He was a bright child. He just needed a chance. Head Start gave him that chance.

There are 2 million Pancho Manseras who have gotten a new educational head start.

And if I have my way, there will be many, many more—and they will return to this country much more than they have received.

We are moving forward, too, to set up additional community health centers for needy families.

Forty-one areas in our country now have such Neighborhood Health Centers. But we need more.

We are ready to launch a Neighborhood Health Center for San Luis, Colorado and Taos County, New Mexico. It could help more than 7,000 Spanish-speaking citizens in a

remote area that has only two doctors and limited health facilities.

So we are moving forward. But nobody knows better than you how far there is to go.

Nobody can know, who has not experienced it, what it's like to be turned away at the personnel office because you have a strange accent. Nobody can know from the outside what it's like to have your children stumbling over words in a schoolbook, because a teacher hasn't taken the extra time to help them learn. Nobody can know, but those who have lived it, how a man wonders whether he will ever break free of the old cycle of following the crops, and give his son a better chance.

A lesser people might have despaired and given up a long time ago. But your people didn't; they believed they were full-fledged citizens of the greatest nation on earth, even if others didn't always treat them as such.

And today, their time has come. With the help of their government—but far more importantly, by their own hard work and with high good humor—they are entering into their rightful heritage as Americans. They are contributing to their country's welfare here, and to their country's security abroad.

I can tell you that nothing I have seen since those days long ago at Cotulla has given me greater happiness.

I hope that in my time of leadership I have helped to make it happen. I know that in the time that remains, I will do all I can to make the promise of these years multiply among the Mexican American people. You can be certain of that.

THE ANTIGUN BILL IS AN INVITATION FOR BURGEONING BUREAUCRACY

Mr. SIKES. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. SIKES. Mr. Speaker, the continuing attempt to place law-abiding Americans and legitimate sportsmen who own weapons in a sinister light while holding out the pious hope that passage of antigun legislation would stop crime in the United States was played up again Sunday night in a nationally televised broadcast. The discussion was conducted in a pro-gun-law atmosphere where the principal applause was given to a young man for questioning the practice of hunting.

In the debate the spectators were informed the Hruska bill is not worth the paper it is written on. The Hruska bill is a moderate approach designed to help prevent weapons from getting into the hands of criminal or irresponsible elements. This no doubt will come as something of a surprise to more than 30 Senators who have cosponsored the Hruska bill. It would be somewhat difficult, in light of this evaluation to assess the true worth of administration bill. Since it is sponsored by only a handful of Senators, it would appear to have even less value than a scrap of paper—or to be more dangerous to constitutional guarantees—at least in the minds of the Senators themselves.

It is hard to understand this continual harping on the need for antigun legislation. It should be perfectly clear that what is needed is law enforcement and not new laws. There are laws on the statute books to deal with just about any crime problem which confronts the Nation, if only the laws were upheld and criminals punished.

Even so, there is little disposition in Congress to oppose weapons control bills as such. The average Congressman is willing to accept controls in moderation where these clearly are designed to curb the criminal use of weapons. However, the principal vehicle which is supported by the antigun group is the Dodd bill, which is primarily a gun registration law and its effect will be to keep weapons out of the hands of law-abiding citizens while affording the criminal element the same access to weapons it always has enjoyed. The proponents of antigun legislation continue to claim that the riots last summer show a need for gun control measures. I think the facts are clear that looting which took place during the riots was the principal source of weapons in the hands of rioters. Antigun laws will not cure this problem.

It appears there are some who want to legislate a new kind of prohibition with the same frustration, the same invitation for racketeering, and a built-in opportunity for burgeoning bureaucracy.

CARING FOR VIETNAM'S ORPHANS

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include related matter.

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

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, by unanimous consent I am extending my remarks to include the following article from Our Sunday Visitor:

WE'RE TOO BUSY TO MARCH: WE'VE GOT AN ORPHANAGE

(By Glenn A. McCurdy)

Hawks and doves. Peace marchers and counter marchers. Escalation and the credibility gap. Draft card burning and Martin Luther King. These are the stories which surround the most controversial war in the history of the United States.

On every level of communications the conflict in Vietnam continues in a fog of proposals and accusations, the heavy-handed drama of big headlines. News, almost by definition, is bad news. But on a much more modest level this unhappy confrontation between East and West can produce an active involvement that holds some hope for the future of mankind on this planet. When people are working to help other people there is hope, but few headlines.

Last spring the undergraduates of St. Joseph's College in Philadelphia, through the efforts of an alumnus now stationed with the Air Force in Vietnam, became involved in the war in the most positive way possible, they worked to diminish pain and increase hope. In short, they quietly adopted an orphanage.

For over a month virtually every organization on the St. Joseph's campus (1,800 strong) raised money to support their new ward, the Stella Maris (Star of the Sea) orphanage in Da Nang. After two dances, a car wash, special movies, and selling chances on a date with Miss Pennsylvania, they presented "Tony's Tots" (the established Stella Maris fund) with a check for $1,500, with more to come.

Project Vietnam came to St. Joseph's through the letters of an alumnus, Lt. James L. Tobin, class of 1964, who was then on a tour of duty as a civic actions officer with the 620th Tactical Control Squadron near Da Nang.

"Some men spend their free time here watching the days fall from the calendar," said Lt. Tobin, "while others read, watch endless movies or take correspondence courses to kill the time. I like to believe I spend some of my time trying to help as much as possible."

During his first months of duty he spent his off-duty hours teaching English in Vietnamese schools or supplying hospitals in Da Nang with drugs and medical supplies or arranging informal athletic programs between the people of this war-ravaged country and the GIs.

"But my deepest concern has always been for the homeless children who are innocent victims of this tragedy," said Lt. Tobin.

He outlined these feelings in a long letter to his former campus commander at St. Joseph's, Lt. Col. Daniel J. Boyle, director of Aerospace Studies. Lt. Tobin's initial request was for the support of the Air Force detachment on campus, but the story of Stella Maris quickly spread throughout the college.

Lt. Tobin describes his meeting with the nuns of Stella Maris as follows:

"We were approached by two tiny Vietnamese nuns who indicated they were looking for garbage to feed their 'pigs'. We watched them scavenging through the garbage pails behind our mess hall. Nothing escaped their hunting eyes and everything edible to man or beast was stuffed into the small bags they carried. It soon became apparent that these scraps weren't meant only for these mysterious 'pigs' for the Sisters were especially looking for dry cream products. A young airman fluent in French spoke with them and we invited them into the Commander's (Lt. Col. Fred Faupel) office. Everyone began to offer help."

The story of the orphanage, a crude building comparable only to perhaps American livestock shelters is a simple one and it is the story of a saint. Sister Angela, mother superior of Stella Maris, fled from Hanoi with three other nuns and crossed miles of mountainous jungles until they reached Da Nang and the sea. They owned only the clothes they wore, but brick by brick they constructed a small haven for the lost children of their world. They planted the seeds for what could someday be an orphanage. As word of their presence spread to nearby villages, their mission of love was fulfilled in the pitiful form of an undernourished and maimed child left in the clearing outside their shelter. Three days later this child died. The only hope they could give him was their love.

Today the nuns of Stella Maris are caring for 96 children of all faiths. Through the efforts of the 620th Squadron they are able to feed, clothe and provide medical treatment for this entire family. The goals of the present are being met, but the future is always uncertain.

"Theirs is a big project for people with big hearts," wrote Lt. Tobin. "They must be able to save for tomorrow. Drugs, medicine and vitamins are the things we need most. Last spring 36 children died because of a measles epidemic. I hope this letter will help."

It did. New York City was the center for a "March for Peace" several months ago. The students at St. Joseph's couldn't attend; they had to take care of an orphanage.

CALUMET PARK IN ILLINOIS AIDS ORPHANAGES IN VIETNAM

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my

remarks at this point in the RECORD and include related matter.

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

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, the Calumet Citizen is published in Calumet City in the district in Illinois that I have the honor to represent. I am extending my remarks to include a letter in the current issue of the Citizen from a serviceman from Calumet City in Vietnam, as follows:

LOCAL SERVICEMAN ISSUES APPEAL

The following letter can best describe the ideas and wishes of the young writer who has issued a poignant appeal to the people of his hometown—Calumet Park:

"SAN FRANCISCO, CALIF.,
October 19, 1967.

"Mr. HARRY GORMAN,
"c/o The Citizen:

"First let me say thanks again for sending the Citizen to me while I am over here. It means a lot to get your hometown paper when home means so much to you.

"One reason that I am writing to you is that I would like you to print a plea from the 616th Sq., to which I am attached to over here, to the people of Calumet Park. Our squadron, little as it is, supports an orphanage of War refugee children over here. As of this date, our squadron is just about the main support for these poor and helpless kids. These children have known nothing but the tortures of war and most of them have seen their parents killed for not helping the VC. A lot of these kids have been mistreated since birth and some have been beaten by the VC for what their parents have done. What I am asking the people of Calumet Park to do is, out of the kindness of their hearts, give these kids a chance to enjoy life a little. I am not asking for money, although it will be welcomed, but for any old clothes they may have and also for soap, baby food and diapers. The Catholic nuns that run the orphanage depend on the squadron almost entirely for the support of it. I know the people of my hometown will not let these poor kids down. If anyone is interested in sending anything, please keep the weight to five pounds. That way it will be sent Air Mail instead of by boat. It is surprising what a little item such as a piece of candy means to these kids. Thanks again.

"Sincerely

"A2c. GEORGE EVANS."

George is a former Calumet Park Volunteer Fireman and has turned to Calumet Park residents to help these unfortunate children of a war-torn nation.

Villagers have come to the front many times when the need has been great. This young serviceman has the complete support of The Citizen and its staff in the generous undertaking of the 616th Squadron.

All donations may be mailed directly to A 2/c George Evans, care of the 616 M.A.S.S. Sq. C-FLT, APO 96307 RVN., San Francisco, California.

THE AIR QUALITY ACT OF 1967

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

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

There was no objection.

Mr. HICKS. Mr. Speaker, I would like to take a moment today to discuss briefly my feeling on the Air Quality Act of 1967, on which the House apparently will take up debate in the next few days.

We should no longer have to be made aware of the need for such legislation, Mr. Speaker. As President Johnson said in his message to Congress on January 30, 1967:

> We are not even controlling today's level of pollution. Ten years from now, when industrial production and waste disposal have increased and the number of automobiles on our streets and highways exceeds 110 million, we shall have lost the battle for clean air—unless we strengthen our regulatory and research efforts now.

The dangers of air pollution to our health have been documented in testimony presented by the Surgeon General when he appeared before the Interstate and Foreign Commerce Committee. The committee report lists four principal types of evidence linking air pollution and injury to human health:

First, direct association between air pollution and death during periods of unusually severe pollution; during the London smog of 1962, 4,000 more deaths were recorded in that city than normally would be expected in a comparable period with less acute smog conditions;

Second, statistical and epidemiological studies show significant correlation between air pollution levels and a number of other conditions, including emphysema, chronic bronchitis, and the common cold.

Third, clinical research derived from studies of human individuals; and

Fourth, laboratory evidence based on animal studies.

All of this, as the committee report states, serves to refute the false impression that air pollution is a health hazard only when unusual weather conditions conspire to produce localized disasters.

In 1963 the Congress responded to the air pollution problem with the enactment of the Clean Air Act and in 1965 and 1966 by passage of strengthening amendments to the act.

But the problem is still a long way from being solved, and facing us is the probability that air pollution will become more severe in the future. As the committee points out:

> There is not a single major metropolitan area in the United States that does not have an air pollution problem. There are few places, if any, where control efforts are adequate to deal with the problems that already exist, let alone the much greater problems that lie ahead. All the trends that contribute to growth of the air pollution problem are rising.

Mr. Speaker, the area which I represent is in one of the fastest growing sections of the United States. With its expansion in industrial activity and population has come expansion of its pollution problem. So I have a direct regional concern in the pollution problem. I regard the passage of this bill as vital.

ADDRESS IN SUPPORT OF PRESIDENT JOHNSON BY RABBI BARUCH KORFF, AUTHOR OF "FLIGHT FROM FEAR"

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. MCCORMACK] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. MCCORMACK. Mr. Speaker, it is a pleasure for me to bring to the attention of the Members of the House a very inspiring message delivered by the well-known scholar and outstanding clergyman, Rabbi Baruch Korff, who is the rabbi of the regional Congregation Agudath Achim of Taunton, Mass. Rabbi Baruch Korff, I might say, is and has been a good friend of mine for many years. He is chaplain of the department of mental health of the Commonwealth of Massachusetts, and the author of "Flight From Fear" and other books and learned dissertations. His lectures have received the praise of educators from the United States and in foreign countries. In addition, Rabbi Korff was formerly adviser to the War Refugee Board. He has been praised by Members of Congress for his keen insight into the domestic and international problems confronting our country, and for his rescue missions in Europe. Rabbi Korff is currently engaged in a study of education in the Middle East, which study he began 4 years ago. I seriously commend Rabbi Korff's brilliant discussion of the problems which we face in Vietnam.

ADDRESS OF RABBI BARUCH KORFF

This is the first Pulpit with the resumption of the weekly News for the 1967–68 season, and there being no issue of local, state, or national concern to rival my topic of the day, I am prayerful that you will heed my indignation.

I wrestled with our dilemma in Vietnam during Yom Kippur, and this is the consummation of an inner search for the truth in light of the most sacred day in the Hebrew calendar. Some of you may recall that during my intonation of the prayer for the President of the United States, I paused in meditation.

My pause may have appeared to you like an eternity, for during those moments my heart went out to the President, who charts America's course in the best tradition of the Prophets' legacy. I thought of the agonizing decisions he is called upon to make in Vietnam and the inhuman harassment he endures from both the "Hawks" and the "Doves" and the malcontents and behold, insignificant as my opinion may be and its influence on the tidal waves of protest, I saw him as the greatest President of the twentieth century. A lesser man would have succumbed to the anarchy that is stalking America. I saw him unbowed in the cloak of our founding fathers grappling with a crisis not of his making, one he could neither abandon nor deny.

It would appear that this nation's policy revolves on the Domino Theory—that if one country falls, in this instance South Vietnam, others will follow. This is why our stand is so crucial to the balance of power in Southeast Asia. The Communists, on the other hand, uphold the Gopher Theory—all it takes is one gopher to ruin an entire lawn; you keep filling in the holes, occasionally hitting the gopher mildly on the head when he surfaces, but he just tunnels underground and comes up somewhere else. What critics call American escalation is an attempt to overcome the Gopher Theory and insulate the vulnerable soil.

I have traveled extensively during the past four years in the Middle East. I was in Cairo when an American billet in Saigon was blown up by terrorists, and I recall Soviet sponsored jubilation. I was in Damascus when terrorists raided an American base on the outskirts of Saigon where men and material were incinerated, and I witnessed the Baathist ecstasy over Ho Chi Minh's triumph.

From all available evidence it must be clear even to the most dovish of Doves that any retreat from our commitment not alone to Saigon but to ourselves is a victory for North Vietnam, and the demise of freedom in the South, and a blow of incalculable dimension to the United States. It would encourage Peking to greater risks in Southeast Asia and drive our allies into the arms of the enemy, stifling America and its blueprint for freedom.

Not only is the fate of Southeast Asia at stake but also the fate of the Middle East, of Africa, and even of Latin America.

Che Guevara may be dead in Bolivia, but our failure in Southeast Asia would whet the appetites of Castro and the Communist revolutionaries in South America. I daresay, with a minimum knowledge of world history, that our freedom at home and that of our allies abroad would be so compromised that generations of Americans not yet born would curse our withdrawal from a challenge we neither fostered nor provoked.

Moreover, the genesis of our involvement in Vietnam, just as it might have been at the time, is not at issue. The Talmud has a discourse on man, which goes something like this: "It would have been better for man not to have been born than to have been born." Hypothetical? So is the question of our genesis in Vietnam. The fact is man was born and has to grapple with his existence, and the fact is we are in Vietnam and have to grapple with our existence.

Yes, I paused in my prayer for President Johnson because on this Day of Atonement, I had to atone not only for my own deeds and attitudes, but for those of my fellow man. Since our prayers are in the plural, I atoned, too, for the professional peaceniks, political opportunists, reality-unrelated academicians, and even the benign critics who are exploited in a gigantic conspiracy to sabotage the image of our President and downgrade this nation.

I paused, too, to reflect on the naked brutality of civil rights leaders against a man who sponsored and aided their cause more than the eighteen of his predecessors since Lincoln.

I paused, too, to reflect in sorrow on the clay champions of the anti-poverty program, housing and education, who burned Johnson in effigy—a man who did more for the cause of the downtrodden than any President before him. What ingrates!

What we are risking is more than the survival of the man in the White House. What we are risking is the exalted office of the Presidency. The Presidency has weathered many storms and endured crisis after crisis except the crisis of national decay. If, God forbid, the hundred-pound barbarian presiding in Hanoi and the handful of his American provocateurs are allowed to extend their influence in our midst and affect the Presidency itself, we will need more than one Day of Atonement to account for our suicidal sins.

The Gopher Theory must not be permitted to work, and this is why the policy of "resolution and restraint" pursued by our Commander-in-Chief is so vital to the free world and indispensable to our survival.

God bless the President of the United States and this nation.

THE ANGUISH OF VIETNAM

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

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mrs. GREEN of Oregon. Mr. Speaker, amid continued discussion of costs, purposes, the necessity of dissent in an open society, and our apparent general commitment to defense of South Vietnam, the following letter—reprinted in Mr. Clayton Fritchey's article—deserves our attention and our thought.

I am not given to handwringing and public display of private emotion. Yet this letter has the ring of sterling, the truth of anguish from a man called upon to witness and commit acts of inhumanity that seem far distant from his accustomed moral imperatives, far removed from the enhancement of human dignity that must be the plinth of the American ideal. Its eloquence forbids my further comment.

It reads:

VIETNAM LETTER WITH A DIFFERENT RING

(By Clayton Fritchey)

Secretary of State Dean Rusk was so impressed by a letter he received this week from a Vietnam GI that he sent it to the President. The GI wrote that he had never met a single U.S. soldier who said, "Get out of Vietnam."

Perhaps Secretary Rusk would also like to call the President's attention to a letter which was sent to the Akron (Ohio) Beacon-Journal by the father of another soldier. The father said, "My son enlisted in the army, asked to be sent to Vietnam, and backed the government's strong policy toward the war in Vietnam—at least he did when he left this country last November . . . here are portions of a letter from him":

Dear Mom and Dad—Today we went on a mission and I'm not very proud of myself, my friends, or my country. We burned every hut in sight. It was a small rural network of villages and the people were incredibly poor. My unit burned and plundered their meager possessions. The huts are thatched palm leaves. Each one has a dried mud bunker inside. These bunkers are to protect the families. Kind of like air raid shelters. My unit commanders, however, chose to think that these bunkers are offensive. So every hut we find that has a bunker we are ordered to burn to the ground.

When the ten helicopters landed this morning, in the midst of these huts, and six men jumped out of each "chopper," we were firing the moment we hit the ground. We fired into all the huts we could. It is then that we burn these huts and take all men old enough to carry a weapon. And the "choppers" come and get them (they take them to a collection point a few miles away for interrogation). The families don't understand this. The Viet Cong fill their minds with tales saying the GIs kill all their men.

So, everyone is crying, begging, and praying that we don't separate them and their husbands and fathers, sons and grandfathers. The women wail and moan. Then they watch in terror as we burn their homes, personal possessions and food. Yes, we burn all rice and shoot all livestock.

Some of the guys are so careless. Today a buddy of mine called "La dai" ("Come here") into a hut and an old man came out of the bomb shelter. My buddy told the old man to get away from the hut and since we have to move quickly on a sweep, just threw a hand grenade into the shelter.

As he pulled the pin, the old man got excited and started jabbering and running toward my buddy and the hut. A GI, not understanding, stopped the old man with a football tackle just as my buddy threw the grenade into the shelter. (There is a 4-second delay on a hand grenade.)

After he threw it, and was running for cover (during this 4-second delay) we all heard a baby crying from inside the shelter. There was nothing we could do.

After the explosion we found the mother, two children, and an almost newborn baby. That is what the old man was trying to tell us. The shelter was small and narrow. They were all huddled together. The three of us dragged out the bodies onto the floor of the hut. It was horrible. The children's fragile bodies were torn apart, literally mutilated. We looked at each other and burned the hut. The old man was just whimpering in disbelief outside the burning hut. We walked away and left him there.

Well, Dad, you wanted to know what it's like here. Does this give you an idea? . . Your Son.

Secretary Rusk said he "drew much inspiration" from the letter he got this week, but the father of the Akron boy sadly observed that "The American people should understand what they mean when they advocate a continuation of our war effort in Vietnam."

FOREIGN STEEL QUOTAS NEEDED NOW

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. SAYLOR. Mr. Speaker, instead of demanding a tax increase, is it not time for the administration to adopt a pro-American trade policy that would enable steel and other industries victimized by foreign competition to absorb a large ratio of current welfare recipients and turn them into taxpayers?

Quotas on foreign steel are urgently needed now, and they are going to be needed all the more when hostilities in Vietnam are concluded. If, as the Labor Department has boasted, 1 million new jobs were created by escalation of military activity in the past year, where will these workers go when the conflict ends? Furthermore, thousands of military personnel will hopefully be released from the service, and they are hardly asking too much in expecting to be able to find work when they get home.

It would be highly ironic for these men, having risked their lives in a war halfway around the globe, to discover that there are no jobs available because the U.S. Government prefers to keep domestic markets open to producers in foreign countries, not one of which assisted in our war effort, and many of which actually helped to supply enemy forces.

The State Department's opposition to import quotas is a continuation of a policy of failure in which the domestic economy is disregarded on the theory that free trade into this country will buy friends abroad. The program has resulted in permanent unemployment in industrial areas and is one reason for the high cost of the poverty program.

Just a few years ago, my "buy American" amendment in the mass transit bill was enacted into law. But then the administration leaders, upon insistence by

the State Department to placate foreign producers, had the provision deleted in the following year's appropriation bill. I repeat—over and over again—we must have an American desk in the State Department to protect American interests. Otherwise, our domestic policies will continue to be regulated in foreign interests solely.

Neither steel nor any other industry should be exposed to competition in which the workers in this country receive an average pay of $4.50 per hour, as compared with $1.10 for their counterparts in Japan and $2.75 in Europe. Unless reasonable protective measures are adopted, unemployment will continue to plague the Nation—only to be compounded when the guns are still in Vietnam.

GARDNER-WEBB COLLEGE GROWS

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

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

There was no objection.

Mr. WHITENER. Mr. Speaker, Gardner-Webb College at Boiling Springs, N.C., is one of the finest and fastest growing institutions of higher learning in the Southeast. While it is a Baptist institution, it has the support and appreciation of people of all religious faiths in the area in which it is located.

This support and appreciation was apparent to all of us who had the pleasure of being present at the Founders Day and homecoming exercises held at the college on Saturday, October 28. At a luncheon meeting in the Charles I. Dover Campus Center three new residence halls at the college were dedicated and given the names of three of the prominent families in North Carolina who have contributed heavily in a financial way to the progress of the institution. These three residence halls will house 240 students and were constructed at a total cost of $721,000.

Mauney Residence Hall, which will house 112 men students, was named in honor of Mr. and Mrs. W. K. Mauney, Sr., and in memory of Mr. and Mrs. D. C. Mauney. The Mauney families have for many years been residents of the Kings Mountain, N.C., area and have been leaders in many worthwhile activities.

The A. G. Myers Residence Hall is named in honor of Mr. Albert Gallatin Myers, Sr., of Gastonia, N.C. This hall will house 64 men students.

The C. P. and Irene Nanney Residence Hall, which will house 64 women students, was named in honor of Mr. and Mrs. C. P. Nanney of Gastonia, N.C.

At the luncheon the printed program gave brief statements on the life and works of the honorees. I make those statements a part of my remarks at this point in the RECORD:

MAUNEY

Major advancements in higher Christian Education have been made in North Carolina through the interest and support given it by the Mauney families of Kings Mountain.

Gardner-Webb and Lenoir Rhyne colleges have been the main benefactors from the gifts given through the family which today continues to carry out the philosophies upon which their textile dynasty was built.

The Mauney Residence Hall for men is named in honor of Mr. and Mrs. W. K. Mauney, Sr. and in memory of Mr. and Mrs. D. C. Mauney. These men are two of five sons of Jacob S. Mauney, who with his brother, William Andrew Mauney, were pioneer industrialists in the Kings Mountain area, founding the Kings Mountain Manufacturing Co.

W. K. Mauney is a 1910 graduate of Lenoir Rhyne College and is now over 78 years of age and resides in Kings Mountain with his wife. His brother, D. C. Mauney, was a graduate of Roanoke College in 1902. He died in 1956 at the age of 75. His wife is also deceased.

There are two buildings at Lenoir-Rhyne College in Hickory named for the Mauney families. The W. K. Mauney family named the new music building there in 1960 and a dormitory there is named for the Jacob S. Mauney family.

A grandson of D. C. Mauney, Charles Mauney of Kings Mountain, headed up the Gardner-Webb College campaign in the Kings Mountain area. It was through his tremendously successful leadership that the goal of $25,000 was quadrupled with over $100,000 raised. Mauney was cited as the Kings Mountain Jaycees "Man of the Year" on the strength of this and of his work as chairman of the United Fund Drive and other civic activities.

The Mauney family, as a whole, has been interested in the civic, religious and industrial life of North Carolina. The family built a Lutheran Church at Hendersonville along with contributing greatly to the local Lutheran church. A library was given to the City of Kings Mountain and the Boy Scout movement receives their wholehearted support. The list of those assisted by the family would be far too long for space here. They have not only given financial support to these causes but in the Lutheran Church, Boy Scouts, and civic clubs like the Jaycees, Kiwanis, Lions, and others have given freely of their time and talents.

MYERS

If, from the hundreds of young men who will occupy the A. G. Myers Residence Hall, there could be only one to match his towering ability and community spirit—the purpose of the building would be fulfilled.

Called the "Elder Statesman" of the textiles world, Albert Gallatin Myers, Sr., at 87, is officially retired but retains a keen interest in the textile-banking industry he developed. From 25 cents a day to one of the nation's best known industrialists is a long route, but A. G. Myers, Sr. managed it through successful and ethical administrative talents—plus long hours of hard work.

He has not only been the driving force behind Textiles-Incorporated, Threads Inc. and the Citizens National Bank, but in 1907 helped organize Jefferson Standard Life Insurance Co. of Greensboro and remains on its board of directors. Though retired, he retains his directorships in the Piedmont and Northern Railway and the N.C. Textile Foundation, Inc.

A project of which he is very proud is the "Albert G. Myers Scholarship" administered by Textiles-Incorporated and Threads-Incorporated through Myers-Textiles Foundation, Inc. Thousands of dollars have been awarded to deserving students of children of plant employees through this foundation He has been a staunch supporter of Gardner-Webb College for many years.

Born in Chesterfield County, S.C., on a one-bale-to-five-acres cotton farm in 1880, Mr. Myers has made almost legendary attainments in the business world while never forgetting how to be of service to his fellow man. His honors are rarely mentioned by Mr. Myers, but he has been in "Who's Who" for 28 years, has served as chairman of the N.C. Transportation Advisory Board, served with distinction on the War Production Board in 1942, was for eight years a member of the State Ports Authority, serving as chairman from 1949–53 when the ports were actually under construction.

N.C. State University at Raleigh awarded him the honorary degree of Doctor of Textile Science in 1949 and Duke University's Chapter of ODK awarded him honorary membership in 1953. Belmont Abbey College conferred the Doctor of Law degree in 1957 and in recognition of the love and respect held by the people of Gastonia for him, the Civitan Club in 1962 honored him as "Citizen of the Year."

NANNEY

Helping lay the foundation for happy homes has been a major interest of Mr. and Mrs. C. P. Nanney of Gastonia.

It is fitting then that a home away from home for young women at Gardner-Webb college should bear the name of this unassuming and generous couple.

The C. P. and Irene Nanney Residence Hall is a permanent and beautiful reminder of how much they have done—not only for the college young people at Gardner-Webb—but for youth throughout this state and in other parts of the world.

Through the Salvation Army, Boys Club and the Gastonia YMCA, Mr. Nanney has expressed his love and confidence in the youth of this area. So much so that he was named "Man of the Year" in 1961–62 by the Salvation Army Boys Club, and was presented the Boys Club Bronze Keystone for "long and devoted" service to boys over a 19-year period.

Mrs. Nanney, as the superintendent of the Young People's Department at the Gastonia First Church for five years, as a former teacher in public schools, and in many other civic and religious activities, has worked with young people. She is even well known among the members of the Rome, Italy, Baptist Student Union through the gift to them of a station wagon for church use.

Mr. Charles Pinckney Nanney is today President of the Sun Drop-Double Cola Bottling Co. in Gastonia. Born in Rutherford County he attended public schools and the Round Hill Academy and in 1917 moved to Gastonia with his wife, the former Irene Bridges of Boiling Springs. They entered the civic and religious "mainstream" of Gastonia and the area. Mr. Nanney has served Gardner-Webb as an Advisor and on the Board of Trustees, the Salvation Army as an Advisory Board member and on the Boys Club Advisory Council, the Gastonia YMCA as a Board of Directors member, the Gaston Community Hospital as a Board member and as an active member of the Optimist Club. Mr. Nanney stays busy keeping his business firm up to date and loves to work around the plant shop helping to up-date old machinery and build new ones. Mr. Nanney is a staunch supporter of the free enterprise system and of increased teaching of patriotism in the classroom.

His wife has served as president of the Gastonia Woman's Club and was once honored as the "Woman of the Year" in the club. Mrs. Nanney has been president of the Opti- Mrs. Club, has taught an adult Sunday School class for 27 years, served as president of the WMU in her church and on many WMU committees including important Associational WMU posts. Mrs. Nanney enjoys working in her yard, relaxing with a crossword puzzle, and taking vacation trips.

Mr. Speaker, it was my privilege to appear on the program to briefly express to these outstanding personages my own appreciation for their financial generosity and their leadership in the worth-

while activities of North Carolina. The biographical data which I have made a part of these remarks tells only a part of the story of the dedication of the Mauney, Myers, and Nanney families to the religious, educational, and economic progress of North Carolina. Their many contributions to worthwhile causes will never be completely enumerated because of their reticence regarding the publicizing of their good works.

Gardner-Webb College is now planning to move into the senior college program of education. Under the leadership of Dr. Eugene Poston, the brilliant young president of the institution, and with the support and cooperation of the leading families in the area this college will move on to greater service to the youth of our country. Already many of our leading citizens have made their contribution to this progressive institution and have had their names honored in various ways by the college. The addition of the names of Mauney, Myers, and Nanney adds to the luster of the campus of Gardner-Webb College.

COURAGEOUS LETTER FROM MARINE OFFICER UNDERSCORES M–16 PROBLEM

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. FINDLEY. Mr. Speaker, the courageous letter printed in the October 29 Washington Post from Marine 1st Lt. M. P. Chervenak, about problems American fighting men in Vietnam are having with the M–16 rifle, underscores the inescapable conclusion that the United States must limit further troop commitments and also restrict combat and maneuver assignments until M–16 problems are cleared up. If we allow the lackadasical attitude which has surrounded M–16 development, procurement, and supply to prevail in the future, the sad result will be more Americans unnecessarily killed or wounded.

This letter demonstrates that our full technological and manufacturing ability must be brought to bear quickly on the problem of supplying effective weapons to our fighting forces.

The text of the letter follows:

THE M–16 IN COMBAT

SOUTH VIETNAM.

I am a Marine first lieutenant and have been serving in a rifle company in Vietnam since the 15th of May. Ever since my arrival, immediately following the battle of Hill 881, one controversy has loomed above all else—that of the M–16 rifle. I feel that it is my duty and responsibility to report the truth about this rifle as I have seen it. My conscience will not let me rest any longer.

The idea of a lightweight, automatic weapon is a fine idea and I do not categorically reject the M–16 rifle as being useless. I do believe, however, that there is a basic mechanical deficiency within the weapon which causes a failure to extract. This failure to extract a spent casing from the chamber allows another round to be fed in behind the unextracted casing causing the rifle to jam. When this occurs, a cleaning rod and precious seconds are needed to clear the chamber. A Marine in a firefight does not have those precious seconds.

We are constantly told that improper cleaning and unfamiliarity with the weapon cause any malfunction which may occur. Any rifle that requires cleaning to the degree they speak of has no place as a combat weapon.

I believe that the cold, hard facts about the M–16 are clouded over by a fabrication of the truth for political and financial considerations. I have seen too many Marines hiding behind a paddy dike trying to clear their rifles to accept these explanations any longer.

Our battalion has fired these rifles on numerous occasions, aboard the ship and in the field, to try and find a solution for this problem. All rifles were cleaned and inspected prior to these tests. Having supervised several of these tests, I will swear to the fact that at least 25 to 40 per cent of the rifles malfunctioned at least once under these optimum conditions.

During a recent firefight on the 21st of July, no fewer than 40 men in my company reported to me that their rifles had malfunctioned because of failures to extract. Because of these inoperative rifles, we were severely hampered in our efforts to extract a platoon which had been pinned down. Lack of sufficient firepower also caused us great difficulty in getting our casualties out. Having 40 rifles malfunction in any rifle company is a serious matter, and in an understrengthed company such as ours, the gravity of the situation is greatly increased.

This problem is increasing in its seriousness and I know that it is the major morale problem in the company. Unfortunately, all our complaints and the results of our tests never seem to reach willing ears. I do not mean for this letter to be a slap at my battalion, the Marine Corps, the Colt Manufacturing Co., the Defense Department or anyone else concerned. It is written out of concern for the safety of the men in my company and of the great morale problem that the M-16 causes. I will stand and stake my reputation on the fact that we have had men wounded and perhaps killed because of inoperative rifles. The men in the company have absolutely no confidence in the weapon they carry, and yet, they will be asked to go on another operation in the very near future carrying this very same weapon. Word will come down from higher up, however, stating that no one will take a negative attitude about the M-16, nor will they speak of the weapon in a derogatory manner to any newsman.

I can only hope that men such as yourself, who are in a position to do something, will do something. The search for truth is paramount in all of us and I ask you to look into this problem and search for the truth there. I will stand behind every word that I have written. I think that this problem has been overlooked too long and too many attempts have been made to gloss over a situation that endangers the lives of men.

M. P. CHERVENAK.

THE PROBLEM OF ORGANIZED CRIME

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. GERALD R. FORD] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, one of the most urgent and critical problems facing the American people today is that of a steadily mounting national crime rate. The problem of crime will never be adequately attacked until the American people are sufficiently aroused to its seriousness. In that light, I call the attention of the House to a speech given recently by Representative RICHARD H. POFF, Republican, of Virginia, chairman of the House Republican Task Force on Crime. In that speech Mr. POFF spells out how the lives of our average citizens are affected by organized crime, and how organized crime and street crime are related. He further points up the need for the carefully circumscribed use of wiretapping in an attack on organized crime. I think the speech that follows below is well worth the reading time of every House Member:

SPEECH OF CONGRESSMAN RICHARD H. POFF, SIXTH DISTRICT OF VIRGINIA, BEFORE THE ASSOCIATION OF FEDERAL INVESTIGATORS, SEPTEMBER 29, 1967, WASHINGTON, D.C.

May I define my mission today? First, let me say what it is not. I am not here to lecture this audience; you are more knowledgeable and more experienced in my subject than I. I am not here to criticize this audience but to commend it. I am not here to proselyte; in the doctrine of law enforcement I believe we are of the same faith. I am not here to preach partisan dogma; this is because the subject is nonpartisan, and if it were otherwise, I would be hopelessly outnumbered here.

My mission is none of these. It is simply and earnestly to enlist your experience, your skills and your talents in an educational program. All of us who are alert to the danger must unite to educate the people of this country to the nature and scope or organized crime, its kinship to street crime and the threat both pose to our society.

My good friend, Lewis F. Powell, a former President of the American Bar Association and one of the members of the President's Crime Commission, said recently and I quote:

"Despite Congressional investigations and much talk, the public generally has only the vaguest conception of organized crime, what it is and what it does. The term evokes, for the average person of our generation, an image of gang warfare (largely in Chicago) and perhaps of Al Capone being sent to jail for income tax evasion because the law was too bumbling to convict him of murder and extortion."

Parenthetically, it is not only the "average person" whose conception of organized crime is vague. There appears to be a profound misconception in the highest echelons of Government. The Attorney General of the U.S. referred to organized crime as a "tiny part" of the total crime picture. Some of the most influential organs of the press echoed his sentiments and described it as a part of the periphery of the problem. President Johnson does not agree. Last year, following a meeting with former Attorney General Katzenbach, the President said that organized crime "constitutes nothing less than a guerrilla war against society." Perhaps the most concise and most penetrating assessment of the dimensions of the problem is a sentence which I quote back to you from your own Association's statement issued recently:

"Our people see its effects daily in the death masks of its victims and the squalor and poverty it perpetuates through its activities in gambling, loan-sharking, drug trafficking, extortion, prostitution, and the moral degeneration and official corruption that results therefrom."

Regrettably, laymen and even some experts and practitioners tend to divide crime into two arbitrary categories and treat the two

as if they existed individually and independently and with no correlation. Category one is "organized crime"; category two is "street crime". As Mr. Powell indicated, organized crime is regarded as remote, detached and unconnected with the life of the average citizen. The President's Crime Commission said that "organized crime affects the lives of millions of Americans but because it desperately preserves its invisibility, many, perhaps most, Americans are not aware how they are affected or even that they are affected at all."

The central thrust of our education program must be to dispel that false notion and to spell out precisely in what way the average citizen is affected. Obviously, the average citizen who lives in one of the communities which has been captured and controlled by the mob is affected. The most humble citizen of Youngstown, Ohio, suffered no illusion about that when that unfortunate city was known as "Murder town—USA". No one needs to educate the average citizens who lived in Newport, Kentucky, or Reading, Pennsylvania, when those communities were corrupted by racketeers. A month ago the average citizen in New Orleans was much like the average citizen everywhere else; he had no idea that organized crime was affecting his daily life. Then came the *Life* magazine articles which exposed the surface of the crime iceberg; then the dispute between *Life* and the Governor of Louisiana; and now today we find in our newspapers an AP story which reads in pertinent part as follows:

"Gov. John J. McKeithen of Louisiana, said tonight that *Life* magazine had supplied him with "information we did not have" about organized crime in his State, and "with that information we are going to clean Louisiana up."

Undoubtedly, the average citizen of New Orleans knows today that organized crime affects his life and yet he still doesn't know exactly how or why. In passing, I cannot help but wonder why this information about organized crime is not in the files of the Justice Department. If it is there, I wonder why it was not delivered to the authorities in Louisiana. The fact that one man, a magazine reporter, a man without official portfolio, could all alone discover and expose the base of the iceberg, is something of a commentary on the manner in which the Attorney General is conducting the fight against organized crime. And it illustrates the urgency of the educational mission which is ours.

That mission I say, is to educate the average citizen as to how he is affected by organized crime. And to be affected, it is not necessary that he live in Youngstown or Newport or Reading or New Orleans. In any of at least six roles, he is a potential victim.

(1) *Mr. Average Citizen is affected by organized crime if he is a businessman.* Organized crime affects the businessman in a variety of ways. When the syndicate commits arson, it raises the insurance rates the businessman pays. Fraudulent bankruptcy, pre-planned and cleverly executed, costs the businessman millions of dollars a year in bad debt losses.

But in a larger sense, organized crime is a threat to the entire American free enterprise system. Trafficking in vice and greed and all the ignoble human frailties, syndicated crime has a gigantic earning power. This earning power has filled a reservoir of wealth unmatched by any legitimate financial institution in the nation. The Cosa Nostra has tapped this reservoir and invested its funds in wholly legitimate business activity. With resources practically unlimited, the crime syndicate has the power not only to acquire and control an individual business establishment, but, by massive purchases and sales on the stock market, to manipulate capital values and influence price structures. By careful, methodical, clandestine infiltration of several segments of a particular industry, organized crime can create monopolies and, by coercive methods, restrain commerce among the states and with foreign nations.

Clearly, the investment in a legitimate business of funds illegally acquired or funds legally acquired but unreported for tax purposes constitutes an act of unfair competition and an unconscionable trade practice against others engaged in that business. Legislation has been introduced to activate the criminal clauses of the anti-trust laws in a more effective way in such cases.

(2) *Mr. Average Citizen is affected by organized crime if he is a wage-earner.* By intimidation or infiltration of honest labor unions, hoodlums contrive to control the labor supply, frustrate unionization of some industries, promote sweetheart contracts to cheat the rank and file, extort money as the purchase price of labor peace, and gain access to mammoth union pension funds.

(3) *Mr. Average Citizen is affected by organized crime if he is a consumer.* Although the housewife may not know it, the price of a loaf of bread may go up 1¢, as a direct result of an organized crime conspiracy. The housewife didn't know it until she read the *Life* Magazine articles, but the inferior detergent she bought at the local A&P store was peddled by one Gerry Catena who pushed his products unwanted upon the food chain. When A&P resisted, five stores were bombed and two store managers were killed.

The consumer most brutally affected by organized crime is the man who depends upon drugs. I am talking not only about the traffic in LSD and other hallucegins. I am talking about counterfeit and spurious drugs palmed off on sick people by organized criminals.

(4) *Mr. Average Citizen is affected by organized crime if he is a taxpayer.* The classic example is the revenue loss in untaxed liquor which the honest taxpayer must make up. More recently, the typical problem is the untaxed cigarette. Governor Rockefeller says that his state loses $50 million a year to cigarette bootleggers.

Two years ago the Internal Revenue Commissioner testified that his office had recommended over a four year period assessments against organized crime operations totalling $219 million. How much more was not discovered and not assessed can only be imagined. If organized criminals paid income tax on the profit involved in the syndicate's gross take (estimated at up to $50 billion a year), there would be little need for the 10% surtax the President has requested.

(5) *Mr. Average Citizen is affected by organized crime if he is a victim of poverty.* For fiscal year 1968, the President asked Congress for a little over $2 billion to fund the War on Poverty. Organized crime's profit from illegal gambling is about $7 billion a year, possibly half of which comes from the numbers racket. Much of the money involved in the numbers racket is extracted not from the affluent but from poor people who look upon it as their only real chance to escape from the ghetto. The urban poverty program will never work so long as the mob is skimming off 50% more money in gambling profits than the taxpayers are contributing.

Organized crime derives some $350 million a year from illegal narcotics traffic; that is precisely what we are spending on Project Head Start. Under the Poverty War program, the Small Business Administration makes loans totalling some $50 million a year to small businessmen who are not otherwise eligible for credit. The loan sharks in organized crime make a profit of 7 times that much.

(6) *Mr. Average Citizen is affected by organized crime if he is a victim of street crime.* In the first place, unknown to many, much local crime is the direct result of organized criminal conspiracies. Arson practiced by organized crime destroys real property owned by innocent landlords. Car theft rings are skillfully organized and operate interstate. Burglary and jewel thefts reportedly are completely organized in Miami today. The occasional crook must obtain prior permission from the mob before he can make a "score". The mob acts as a fence. The mob always gets its cut. Even, however, when local crime is not organized, there is a direct relationship between organized crime and street crime. Indeed, in a very real sense, organized crime is the seed-bed of street crime. The classic illustration is narcotics traffic. A high percentage of the crime committed against persons and their property are the result of the compulsive passion of the addict to acquire the money necessary to feed his loathesome habit. One District Attorney estimated the figure as high as 50%.

F.B.I. uniform crime reports show that much of the crime in our cities and suburbs is committed by juveniles operating in neighborhood gangs. The hero of these gangs, the man who inspires them in their misconduct, is the hoodlum or racketeer who controls the neighborhood. His life of affluence and security seems to be a better way of life than that their parents have given them.

In still another way, organized crime has a measurable impact upon street crime. The syndicate thrives and survives only where it succeeds in corrupting local law enforcement. The corrupt cop who takes a bribe and closes his eyes to the numbers racket and the dope traffic is all too likely to be blind to other forms of crime as well.

In summary, any person who operates a business, earns a wage, keeps house, pays taxes, suffers poverty, or falls victim to street crime, is also directly or indirectly a victim of organized crime. And whatever victory is won in the war on organized crime is also a victory for the average citizen of America.

That war will involve many battles. Not the least of these will be those against the socio-economic and environmental causes of the crime problem. These must be won. We must also attack recidivism, by developing enlightened techniques of probation, parole, institutional reform and prisoner rehabilitation.

But victories in these battles are long range in their impact; and the problem is immediate and critical. Accordingly, we must fight first battles first and devise strategy and tactics which will have a more immediate impact. We urgently need new legislative tools—a consolidated, comprehensive witness immunity statute, an obstruction of investigation law, different rules of evidence in perjury prosecutions, appellate review of suppression orders, extended sentences for convictions of organized crime overlords, precise definitions and procedures in the field of interrogation, arrest and indictment. All of these new tools are important, but no matter how sharp they may be, they will be useless in the absence of the proper tools of investigation. As you may have guessed, I am talking about electronic surveillance.

What is involved here are two basic values. One is the right of privacy of the individual. The other is the right of safety of society. Any legislation which ignores either is faulty. Any legislation which fails to strike a proper balance between the two is itself unbalanced and dangerous. In company with a number of Members of the House and Senate of both political parties, I have introduced legislation which I earnestly and honestly think strikes that balance. On the one hand, it completely outlaws all forms of wiretapping and bugging practiced by private citizens and imposes heavy criminal penalties. On the other hand, it authorizes limited electronic surveillance in specific criminal investigations by law enforcement officers acting under a court order. In the absence of a court order or when the limitations of the court order are violated,

the legislation imposes not only substantial criminal penalties against the officer but civil sanctions as well.

I am pleased to report that this legislation enjoys the most respectable support both in public opinion polls and in every echelon of government, federal, state and local. In addition to the support of the Association of Federal Investigators, it has the support of the National Association of District Attorneys, the National Association of Attorneys General, a majority of the members of the President's Crime Commission, the Judicial Conference of the United States, and three former Attorneys General of the United States. It is a matter of sorrow to me that the present Attorney General stands almost alone in opposition to this distinguished company. Moreover, he stands muscle bound, inflexible and unyielding. No statistic, no fact, no circumstance, no crisis seems sufficient to move him. Such a posture is impossible to explain until he proves that every soldier in the war against crime is out of step but the general.

If the Attorney General rests his position on the experience he has had in the investigation of organized crime, he rests on a minimum foundation. Experience or inexperience not withstanding, the Attorney General still has access to a large library of tape recordings, log entries and internal communications compiled in a four year investigation of organized crime throughout the nation. That library contains by chapter and verse the sordid story of the vice and violence of nearly every major Costa Nostra figure in the U.S. It is impossible to believe that any person could be aware of the content of this library and the background data which make it relevant and still make a public pronouncement that wiretapping is not effective in the fight against organized crime. In the face of that pronouncement, and in light of the Attorney General's stubborn opposition to legislation approved by nearly everybody else, my charitable instincts require me to assume that he has not had time during his short tenure of office to examine this library.

I implore him to do so. Having done so, he will learn how "tiny" organized crime is not and how effective court-regulated electronic surveillance can be. And if he is, as I believe he is, big enough to change his mind, he will be applauded. If not, the Congress one day soon will lay a bill on the President's desk and give the Attorney General an opportunity to recommend a veto.

I do not want to wave the flag and I do not want to sound like a politician. However, I think that the first function of government is to serve the individual and the society of which he is a part by preserving law and order. You and I, as a part of government, have a sobering responsibility to see that that function is fulfilled. To return to the place I began, our responsibility is an educational mission. We must preach without patronizing. We must dramatize without exaggerating. We must lay the predicate for citizen dialogue. We must focus public attention upon the alternatives. And then, we must help to translate the public will into action in the legislative halls, the executive mansions and the courtrooms.

THE GREAT DOLLAR THROWAWAY—CONTINUED

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. MATHIAS] may *extend his* remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. MATHIAS of Maryland. Mr. Speaker, it has been my pleasure to call to the attention of the Congress the first installments of an intriguing series, "The Great Dollar Throwaway," by Mr. Jerry Cartledge, of the Baltimore News American.

I would like to make available to my colleagues today the fourth and fifth articles in this series, which focus on the need for close scrutiny of the operations of the Department of Defense and the Office of Economic Opportunity.

The articles appeared in the News American on October 25 and 26, as follows:

[From the Baltimore (Md.) News American, Oct. 25, 1967]

GREAT DOLLAR THROWAWAY—IV: DEFENSE WASTE MOST DIFFICULT TO SMOKE OUT

(By Jerry Cartledge)

The so-called "Hawks" and "Doves" in the United States Congress are often separated more distinctly by economic reasons than by ideological differences concerning the conduct or existence of the Vietnam War.

The Doves jealously eye the $75.5 billion initially earmarked for defense spending during fiscal 1968. The figure represents more than half of the $135 billion executive budget for the year, and the Doves would rather see that money spent on domestic programs.

The Hawks, on the other hand, zealously guard all of their defense appropriations, both for hardcore defense projects and for those many programs and projects that lie in that fuzzy perimeter surrounding the nation's overall defense effort.

Those who question the nearly $2 billion a month spent to fight the war in Vietnam meet with the fiercest resistance, and they, themselves, even find it hard to question money spent to arm, feed, supply and provide the best medical care for the American GI engaged in this constantly mushrooming struggle.

In a moment of anger during a House discussion of spending recently, Minority Leader Gerald Ford directed a stinging blow at Lady Bird Johnson's "America the Beautiful" spending programs with the statement:

"I'm talking about millions of dollars spent on beautifying America while the number of GI's killed or wounded passes the 50,000 mark . . ."

Ford, a major supporter of Maryland Congressman Charles McC. Mathias' bill to establish a third Hoover Commission to oversee programs and spending in the executive branch of government, is an outspoken critic of runaway government spending of taxpayer dollars and gross mismanagement and inefficiency in federal programs and projects.

Another Congressman, conscious of the spiraling defense budget and the many efforts to cut it back, said, "Almost everyone you talk with—in Congress or in the government agencies—will say the place to look for waste is in the Department of Defense.

"With some $75.5 billion, more than half of the executive budget, going into defense this seems understandable. However, it is also the most difficult area to smoke out evidence of waste."

Still, congressional committees, certain agencies and unusual circumstances often serve to find clear-cut evidence of bungling and inefficiency which cost the American taxpayer millions of dollars yearly.

The General Accounting Office, while conducting a special analysis of U.S. Army procurement and spending recently came up with a high-blown goof by the military which resulted in the loss of more than one million dollars to American taxpayers.

The Army had spent $1 million to * * * ship a dozen locomotives to Thailand. Only, somebody goofed, and the wrong kind of engines were bought and shipped.

When the Army learned that its 12 locomotives were not suited to Thailand's needs, it went out and bought a dozen more of the right type, which were subsequently shipped to Thailand. The cost of correcting the error was $2.3 million.

As one West Coast Democratic congressman put it, "The original, unsuitable locomotives are now probably gathering rust in some jungle clearing in Thailand, or possibly serving as curiosities for the native children on their way to American-built schools, libraries and clinics in that foreign country."

A national magazine recently reported, "Congressional committees devote endless hours going over defense spending, yet their members agree discouragingly this is an almost impossible task. Size, security and the inevitable confusion arising from the Vietnam war make the Pentagon almost opaque."

If the Army's locomotion problems give the Navy any cause for humor, they need only to look toward Bainbridge, Maryland, to have the smiles wiped from their faces.

A WAVE barracks, costing $1.2 million, was recently completed at Bainbridge. It is a sturdy and modern structure, started in late 1965—the same time it was decided to move the entire WAVE facility from Maryland to new headquarters at Orlando, Fla.

The money to construct the facility had been appropriated well in advance of any target building date and became part of an estimated $600 million in deferred military spending over which Congress has lost all control. This is money for projects approved in one year, but not necessarily started until several years later.

The Bainbridge debacle was at first denied by Herbert Roback, staff administrator of the Military Operations Subcommittee of the House Committee on Government Operations.

The mixup was finally admitted by Roback in a two-page letter filled with government-type language which serves more to confuse than to enlighten.

But, if it is any consolation to the taxpayers who must foot the bill for the WAVE-less WAVE barracks in Maryland, Roback hastens to assure that the Navy will use the barracks "for other activities."

Occasionally an individual congressman or a committee of some government agency will get hold of a piece of information regarding some costly bureaucratic inefficiency or administrative foul-up, but the occasions are rare and the facts unearthed are usually over and done with and past any hope of correction.

In one instance, it took a stunning national tragedy and the deaths of three heroic astronauts on the launch pad at Cape Kennedy last Jan. 27 to bring to light many shocking revelations about the National Aeronautics and Space Agency and its gross mismanagement of the Apollo space project.

Perhaps Lt. Col. Virgil I. Grissom, Lt. Col. Edward H. White 2nd, and Lt. Comdr. Roger B. Chaffee did not die in vain, because their deaths did focus the attention of Congress on NASA programs which were costing the taxpayers billions of dollars for wasteful management, duplication, unchecked and sometimes unnecessary research projects, failure to provide needed safety precautions, and a host of other gross inefficiencies.

Such a group as the third Hoover Commission, proposed by Congressman Mathias, would have had the authority to conduct a continuing investigation into NASA operations and would have been able to both prevent and correct inefficient operations as they came to light.

Of necessity, says Congressman Donald Rumsfeld of Illinois, "Congressional review has often been piecemeal and after the fact. For example, the recent congressional hearing concerning the tragic Apollo spacecraft fire unearth a shocking amount of information about NASA's operations which should have been reported to Congress long ago.

"Until now, NASA has exercised too much discretion in determining what it should and what it should not tell Congress.

"Legislation has been proposed to correct this," Rumsfeld continued, "and, hopefully, the provisions in the House version of the NASA authorization bill (now in House-Senate conference) will be accepted and thereby require NASA to keep Congress 'fully and currently informed' and to create an independent safety advisory panel."

While he said he was convinced such action was necessary with respect to NASA, Rumsfeld added his support to the Mathias bill calling for another Hoover Commission to keep tabs on all government programs and spending.

"I am equally convinced," Rumsfeld said, "that, if the operations of the executive branch are studied and reviewed for organizational deficiencies and economy of operation, there would be far less need to wage battles on the floor of Congress on a piecemeal, hit-or-miss basis."

Congressional committees and subcommittees during long weeks of tedious hearings sometimes are able to come up with evidence of hard-core inefficiency or down-right mismanagement within particular agencies.

Pushing aside the millions of dollars worth of brochures, booklets, pamphlets, public relations handouts and other publications and program analyses used as window dressing by government agencies, the congressmen summon department, bureau and agency chiefs to answer direct questions concerning the operation of their own bureaucratic bailiwicks.

After months of hearings, a report by the Joint Economic Committee on July 30 accused the executive branch of wasting billions of tax dollars by loose management of the government's vast operations.

The report was highly critical of procurement policies within the Defense Department, especially.

The committee said that despite continual prodding by Congress, the defense agency had made insufficient use of competitive bidding in all lines of department purchasing.

The Defense Department was further charged with allowing itself to be overcharged on negotiated contracts by failing to get accurate cost data.

The committee pointed out that a 1962 law requires that all government contracting officers obtain accurate, current and complete cost data. "But," said the committee, "in the Defense Department there has been a serious and comprehensive lack of compliance with it."

Careless inventory control and management of government stores held by contractors was termed "shocking" by the committee, which added, "Poor inventory control is not only wasteful, but it makes the achievement of an efficient national supply system impossible."

In a closing statement, which might constitute some of the best ammunition yet for Congressman Mathias in his appeal for a new Hoover Commission, the committee said:

"Even more disturbing is the evidence that without surveillance internal management in the executive branch is such that it would not itself have revealed these deficiencies for years to come."

While the evidence of inefficiency within the defense establishment is undeniable, it took a young congressman from California, Ed Reinecke, to put in their place all those who would trace the cancer of giant federal spending to the doorstep of the Defense Department.

Reinecke readily admits that the defense budget has risen 34 percent in the past seven years, but he quickly points out that the increase has been at a much lower rate than the rise in budgetary allotments for seven other Cabinet departments:

Commerce went up 70 percent in the same time.

Interior rose 91 percent.

The Justice Department increased 58 percent.

The Post Office has a 43 percent increase in its annual deficit.

State Department costs went up 64 percent.

The Treasury budget jumped 41 percent.

Health, Education and Welfare shot up a whooping 200 percent.

"Some may argue," Reinecke said, "that increases in the size and cost of the federal government are due to the increase in the nation's population and an increase in the services which the people demand.

"However, in the past seven years we have had an 8.4 percent increase in population, but during the same period the cost of the federal bureaucracy has spiraled upward by 38.4 percent.

"The inefficiency of the federal bureaucracy is legendary. Our founding fathers had no idea that the simple outline of government which they created in the Constitution would serve as the skeleton for a fat, sloppy, overlapping, clumsy giant like the federal bureaucracy."

[From the Baltimore (Md.) News American, Oct. 26, 1967]

THE GREAT DOLLAR THROWAWAY—V: FAT OEO, GROWING FATTER, KNOWS SECRETS OF SIPHONING

(By Jerry Cartledge)

The Office of Economic Opportunity, often called a "bureaucratic ivory tower," but better known to Congressional critics as the "fuddle factory," wants to spend $2.06 billion to fight poverty in the United States this year.

OEO leaders, some of the top paid in the nation, would have the American taxpayer believe that the much-demanded $2.06 billion constitutes the total national commitment against "poverty in a land of affluence and plenty."

But the OEO requests has run into several snags in Congressional appropriations hearings this year, amid loud charges of gross mismanagement, inefficiency, boondoggling, self-interest, ill-conceived policy and downright waste of taxpayer dollars.

New York Congressman Charles Goodell, a proponent of an "Economic Crusade" against poverty, but an arch foe of the administration "bureaucratic and wasteful" war on poverty, recently shattered the myth of a $2.06 billion planned OEO budget with the revelation that the government is currently spending about $40 billion in poverty-related programs and projects . . . more than $37 billion above what the American people are being told they are spending in the overall poverty war.

The additional billions are being pumped into programs which are supposed to benefit the poor in the fields of education, health and the senseless but ever-growing program of public welfare. They are being spent to rehabilitate and re-educate and relocate farmers; they are being used in programs of manpower development and redevelopment; they are being spread around to provide make-work jobs in almost every area of federal, state and local government.

Such programs too often are packed with the built-in inefficiency of duplication, overlapping control and procedure, mismanagement, lack of reasonable goals. In short, they are victims of bad policy and planning from the outset.

These programs spider-web and criss-cross back and forth among such agencies as OEO, Department of Health, Education and Welfare, the Labor Department, Agriculture Department, Interior Department and Housing and Urban Development.

Despite the proliferation, says Congressman Charles McC. Mathias of Maryland, most Americans are so confused that they do not know or cannot find out how to take advantage of the programs—programs which become a vast wasteland that fails to meet the needs of the people and serves only its own insatiable hunger for tax dollars.

The big wheels at OEO don't have much use for Mathias who although a liberal, has been calling for a commission to study the entire operation and structure of the Executive Branch of the government . . . in the face of the policy which founded OEO and allows it to continue despite the mounting scandal which accompanies its operation.

Leading the list of people OEO doesn't like are Congressmen Goodell and Albert H. Quie of Minnesota, the two most vocal spokesmen for the growing number of Congressmen who have been turning up the waste and inefficiency in a program which they have labeled in print "The War on Poverty—An American Tragedy."

They have publicly stated that ". . . all Americans are entitled to a complete statement on the competence of the anti-poverty stewardship" and are working ". . . to ensure that deprived Americans are receiving 100 percent benefit from every dollar spent in the fight against poverty."

They have employed a fully staffed team, headed by a former FBI agent, to document the most flagrant examples of waste, inefficiency, political patronage and, according to Goodell, "just plain bureaucratic stupidity" foisted on the American taxpayer.

One of the latest bombs to fall in the so-called poverty war was hurled by Glenn Westbrook, chairman of the Administrative Advisory Committee of the Cumberland Valley Opportunity Council (which with OEO is supposed to wage war on poverty in eight hard-hit counties in Kentucky).

Westbrook charged before a Senate Subcommittee proving "An Examination of the War on Poverty that the Office of Economic Opportunity in its war on poverty has refused in many instances to help alleviate poverty . . . that in one instance they have set up their own power structure in a dictator-type of situation not subject to the vote of the citizens, but answerable only to the OEO staff in Washington . . .

". . . instead of taking steps to help poor people become employable, OEO workers, sent in by OEO, channeled their energies toward types of agitation which serve only to cause bitterness, viciousness, distrust of local state and federal government and the preaching of class hatred, which was unknown in this area prior to OEO."

In more serious charges before the Senatorial group, Westbrook said, "To OEO, progress is civil disturbances, marches on Frankfort (the Kentucky capital) and Washington."

If the Senate was shocked by revelations in Kentucky, it at least got a shameful chuckle from the "Li'l Abner and the Creatures from Drop Out Space" comic book donated to OEO at an estimated $150,000 to $200,000 by the famous artist, Al Capp, in 1965.

It cost OEO $25,000 to print the 501,000 copies, and some even got distributed before a policy change in July of that same year relegated the comic-book approach to the war on poverty to the warehouse. Since then, the American taxpayer has been footing a $125-a-month storage bill for the 435,000 books that didn't get distributed.

Application cards for the Job Corps were to be included in the book, which resulted in some strong feeling at OEO against pressuring youths into Job Corps enrollment via this method.

According to a joint minority report in the Congress, "some sages at OEO felt that the story portrayed in the comic book was controversial and the characters did not fit OEO's image. Besides, how were they going to code, screen and mail to employment offices all the card applications? Nobody in the Great Dogpatch on the Potomac—OEO—had thought of that before they printed half a million books."

A new Hoover Commission, such as proposed by Maryland Congressman Mathias, would certainly recommend a closer relation-

ship between OEO's policy and action areas which could have vented such a continuing waste of tax dollars as the poverty comic book.

Such a commisssion could have averted much of what Sen. Everett M. Dirksen predicted in the Senate on Aug. 19, 1965. He recently said that "the erratic, costly and misdirected course the program was then threatening to take has been confirmed." The program results, he said, "have now confirmed in every detail the most ominous of my predictions where the genuine welfare of the poor and the dreadful costs to the American taxpayer were concerned."

While most of the criticism comes from the Republicans in Congress, more and more Democrats are breaking with the administration and speaking out loudly against the present poverty program.

Among the moderate critics is Democratic Sen. Albert Gore of Tennessee. According to the Senator, "The office of Economic opportunity is a grossly disorganized affair, and while I hope some order will be brought out of current chaos, I become more doubtful daily."

Democrat Hugh Carey of New York touched a raw nerve when he charged, "The fact is that a lot of bleeding-heart Ph.Ds and professional poor people have succeeded in superimposing themselves on what are supposed to be action programs and are converting them into grandiose sociological studies and anti-social protest movements."

Singling out New York City, Carey said, "There is a riot and a runaway of ineffective programs proliferating all over the city, but not an effective attack upon the basic problem of poverty."

Democrat James Scheuer echoed his fellow Congressman when he charged that, "New York City has had a disastrous experience thus far in the poverty program."

Speaking of the dismal outlook with regard to Minnesota and the OEO, Democratic Sen. Walter F. Mondale said, "There was nothing in writing. No guidelines for expenses were established. It is no surprise that Minnesotans working for anti-poverty are often frustrated."

Maryland Democrat Clarence D. Long says he just votes for every poverty proposal that comes along in the vague hope that maybe something useful will be accomplished.

Democrat Augustus Hawkins of California told a Los Angeles audience, "The community development program as adopted by Congress is not functioning as it was set up. What is being done to this program is a crime."

Democrat Robert E. Sweeny of Cleveland labeled the Job Corps "a fantastically expensive failure. It is costing taxpayers $11,252 a year per enrollee."

Congressman Sweeny's cost figure varies with Congressional leaders in many states. The Republican "poverty watchdogs" place the cost per Job Corps enrollee as between $9,120 and $13,000. This is merely the cost per "enrollee."

"When expenses are evaluated on the basis of cost per 'graduate,'" the Republicans claim, "the results are even more astounding. For example, the St. Petersburg, Fla., Woman's Job Corps Center, after one year of operation produced 42 graduates at a cost of $39,205 per graduate."

The war on poverty provides some grand victories for certain individuals and groups, according to Congressman Quie. He cites as one example the case of the Women's Job Corps Center in Charleston, W. Va.

Quie charged that OEO failed to follow competitive bidding policies when it leased the "rundown" Kanawha Hotel for $9,800 yearly in the spring of 1965. The hotel was currently assessed at $250,000, but was in such condition that it required $345,000 to renovate.

When questioned about the . . . transaction, a highly placed OEO spokesman said Quie's figures were inaccurate and that the other four hotels in Charleston had been surveyed by the General Services Administration.

Further investigation revealed that only one of the other hotel owners was ever contacted in relation to the women's center. She recalled that a representative of Pakard Bell Electronics Corp., contractor for OEO, had spent about five minutes with her, during which she said she would sell but not lease the Holley Hotel.

It was also found that, in addition to the profitable leasing arrangement, the federal government pays $4800 a year for the storage of old Kanawha Hotel property.

About a year later, Quie noted "a somewhat older but comparable hotel in Charleston, with more land and a more valuable location, sold for $200,000."

The owner of one of the other hotels in the city—a six-story building with basement and penthouse which includes about 170 bedrooms—said he would have been more than willing to lease his hotel to OEO for far less than $94,800.

At present, he leases his hotel to a Detroit firm which returns him 17 percent of the gross income. In 1965, he received a total of $21,000. Under terms of his lease, he pays taxes and insurance on the building and its furniture—not the taxpayer, as is the case with the Kanawha Hotel.

In what the probers call the "Silver-Salaried Job Corps," they cited the case of the Camp Gary Men's Job Corps Center in San Marcos, Tex. At that camp the 208 staff personnel who make $9,000 a year or more received an average of 57 percent salary increase when they were employed by the center.

Some examples of personnel pay benefits at Gary include the manager of personnel who got a $5,000 raise to sign on with the camp for $10,000 a year and a "math chairman" who left a job paying $4,730 to join the camp for $10,080. A "citizenship teacher" left a $4,800 job for $10,080 at the camp. A "chairman of commercial skills" was earning $4,650 but came to Gary for $10,080, and a welding instructor who was making $3,200 now gets $9,780 with OEO as his boss.

The report noted that 154 of the 208 staffers involved came directly to Gary from school jobs. Then they asked: "What school board can compete with their rich Uncle Sam, who apparently has money to burn?"

In an angry speech before the House of Representatives last year, Congressman William H. Ayres of Ohio said that, based on the 1967 budget, it would take 6,484 permanent federal employees "to run Sargent Shriver's burgeoning bureaucracy—a poverty empire costing $53,489,000 in salaries alone.

"The word has gotten around among civil servants in Washington that 'the big money is in poverty.' Few know how big it is.

"At least 1,557 permanent federal poverty employees will make $10,619 or more; another 1,032 'Community action' workers will be paid $10,000 or more each from federal funds; an undetermined number of contract employees in 15 privately run Jobs Corps establishments will be paid over $10,000 each."

Ayres said that there were 2,350 permanent federal employees in the so-called "palace guard" of the OEO, which maintains its central headquarters and a regional office only several blocks away from each other in Washington.

According to Ayres, 1,006—or nearly half—the palace guard will get $10,619 or more; at least 521 will be paid over $14,600; at least 54 will get more than $19,600; 24 get more than $25,000, and six will get between $26,000 and $30,000.

"Outside of this inner circle at poverty headquarters," Ayres said, "there are 4,134 other permanent federal employees budgeted at $31,750,000. They are to do the hard work farmed out to other federal agencies, such as running the Job Corps camps, the Neighborhood Youth Corps, the adult education program, agricultural loans and so forth."

The Congressman noted that only 551 "outer circle" employees would be paid more than $10,500 a year, but that at least 112 of them will get $14,600.

However, Ayres pointed out, "not all the high salaries in poverty are accounted for by permanent federal employees or employees of private contractors working on a cost-plus-fee basis. Federal funds also pay for the salaries of employees of local anti-poverty agencies . . . and 1,032 of these employees now make $10,000 or more a year. At least 200 of them make $15,000 or more a year.

"It is a scandal," Ayres continued, "and a scandal which Sargent Shriver defended before the Education and Labor Committee with the bland boast that his department was only one-fiftieth the size of the Department of Health, Education and Welfare.

"So I compared one part of HEW—the U.S. Office of Education—with the Office of Economic Opportunity.

"The Office of Education is budgeted for $3.478 billion in fiscal 1967, compared to $1.724 billion for OEO, yet the Office of Education will need only 2,861 permanent employees compared with OEO's 6,484.

"If the Office of Education were administered like OEO, it would require 12,968 employes to spend its allocation, or four and a half times the number presently budgeted.

"And," the Congressman continued, "five individuals in OEO are paid more than the $26,000 annual salary of the U.S. Commissioner of Education."

According to one of the top public relations officials at OEO, "Operation Headstart is one of the least understood programs we offer."

According to Congressman Goodell, "Operation Headstart is one of the least understood programs of OEO."

Both men seem to be saying the same thing, but they are worlds apart on what they mean.

Actually, most of the American taxpayers don't really know about the Headstart program into which $201 million was pumped in 1966 and $352 million more was pushed in the fiscal year which ended in June.

While most Americans think of Headstart as an educational program for pre-school youngsters, the OEO official explains that the program actually aims at full family participation. The child enrolled at a Headstart class is only a means of reaching into a home to "involve the mother and possibly the father in the Community Action war on poverty."

Hopefully, OEO will get a child or children to come to Headstart, then bring the mother along to be paid for helping to cook and serve hot lunches and serving as monitor while the children are napping or the assigned teacher is doing something else.

Hopefully, OEO will get the father to drive a bus to pick the children up and take them home each day—for which he will be paid.

Goodell says Headstart "is not only a child day care center, but a family day care center where the kids can fingerpaint and play with clay while their parents sort of hang around, get a free meal and pick up a few extra bucks on the side."

Some Headstart programs work well, but an overwhelming majority of dedicated teachers who joined the program thinking it was intended to provide basic education to underprivileged youngsters have been left with a feeling of frustration and despair.

One Brooklyn, N.Y., mother, whose husband earns about $8,000 a year, said she was delighted to have her five-year-old son attend a Headstart class sponsored by a local Catholic parochial school. "It's like having a free babysitter," she said.

The Washington OEO Public Relations

man explained that this was not an unusual case. He said, "A certain percentage—a third or a fifth, I forget—of the children are supposed to come from well-to-do homes. This gives the poor children a chance to mingle with them socially and learn many things from them."

Asked why Congress appropriated the money for such programs, Goodell answered that a Harris Poll in 1964 showed that between 63 and 70 percent of the American people were strongly in favor of a war on poverty. "Congress responded," said Goodell, "and passed pretty much of anything that came before it in the name of fighting poverty and ignorance."

He added that a recent Harris Poll showed that the same number of Americans—between 63 and 70 percent—are disillusioned, fed up and angry with the present war on poverty, and are demanding that changes be made.

Another OEO official in Washington, asked how the poverty programs were evaluated in terms of success or failure, was obviously upset by the question and fell silent for several moments. Finally, he admitted that there were no regular provisions for determining whether a specific program was a success.

Then he added, "What we do is evaluate the program before it starts. If a proposed program meets certain OEO specifications and rules, it is funded and put into operation."

This, he said, is how OEO determines whether it is actually accomplishing anything in its national war on poverty.

It is ironic that in the one program where OEO makes demands and really evaluates the efforts of the people involved, it is meeting with its greatest tangible success.

The program, known in OEO circles as "The Happy Pappy Project" has been in operation for more than a year in the hardest-hit poverty areas of Kentucky and West Virginia.

Under the project, the father of a family living on welfare, usually in a backwoods hollow, is contacted by one of OEO's VISTA volunteers and offered a make-work job paying decent wages . . . providing he does two things.

First, he must go to work, at something like painting community buildings, clearing streams, planting brush for erosion control, etc.

Second, and just as important, he must see to it that his children are properly clothed and go to school each day. If the children fail to go to school, except for legitimate reasons, the father loses his job.

The program shows common sense planning and incentive. It is aimed at the next generation. These backwoods children didn't attend school before. They had no chance for an education . . . no chance to learn that there was something better in the world. Without an education, they could never hope to break the cycle of poverty which had surrounded their lives.

At the same time, the father is earning back his self respect through productive work, the wife now has more money to provide better food and clothing, and the entire family has a new sense of dignity and security.

Unfortunately, OEO doesn't learn by its successes either. A key spokesman for the poverty people in Washington said he wonders whether OEO really has the right to demand that the children go to school as a condition of the father's employment.

AN INDICATION OF WEAKNESS

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. ASHBROOK. Mr. Speaker, a different perspective is always valuable. Since we have heard and seen and read so much about the recent demonstrations at the Pentagon, I think there is value in noting the reactions to this parade of hysterics from one whose torturers they often serve.

I refer to an article by Chicago Tribune Columnist Willard Edwards, in which he relates the reaction of Miss Annie Samuelli, a Romanian who was held 12 years in Communist prisons, tortured, and subjected to many of the diabolical methods common to nations whose leaders are now gloriously celebrating 50 years of enslavement of formerly free peoples.

The fact that she was "bought out of prison" parallels the situation of the well-known witness against communism, Rev. Richard Wurmbrand, who also was "bought" out of prison in the Communist East-West trade market which deals in human beings.

I submit the article as an example of the views of one who has been on both sides of an important issue which some still refuse to see clearly:

CAPITOL VIEWS

(By Willard Edwards)

WASHINGTON, October 27.—Talking to Miss Annie Samuelli, you could sense her bewilderment about the strange country she was visiting. She was a fugitive from communist terror, and it was difficult for her to understand that a mass assault by thousands upon the Pentagon was not an intolerable defiance of law and order but a legitimate exercise of the right to assemble peaceably.

This small, middle-aged woman with bright, smiling eyes is an extraordinary person. In her native land, Romania, she was convicted of high treason and espionage by the communist regime in 1949. She served 12 years of a 20-year sentence at hard labor before she was released on payment of a $4,000 ransom to a communist official. She has since become a British citizen.

"I was never quite sure why I was called a spy," she confessed. "I think it was because I worked in the British information office in Bucharest and anybody connected with 'information' in those days was suspected of espionage. Information was a bad word."

Twelve years in a communist prison have left their mark but not subdued her spirit. It was a revelation to view the United States thru her eyes.

She was here last week-end when 35,000 anti-war demonstrators swarmed around the Pentagon, taunting a thin line of troops with obscenities, making occasional rushes that were repulsed with a few cracked heads on both sides. Altho nearly 700 persons were arrested, most were hastily released with small fines and suspended sentences. It cost the American taxpayers an estimated $1,000,000 to cope with the outburst.

LIKE A REVOLT REHEARSED

Miss Samuelli was puzzled that this display of violence, accompanied by vilification of the President, the government, and the flag, had been licensed by a federal agency. She could appreciate the American zeal for permitting dissent, she said, but the rest of the world would find such tolerance of lawbreaking and violence an indication of weakness in the authorities. It looked to her like a rehearsal for revolution.

"Didn't all those people, so many of them young, know that they were giving the Communists a propaganda victory to advertise around the world?" she asked.

"I wish I could have talked to some of them and let them know what life under communism is like and the war in Viet Nam is being fought to prevent it from spreading to free countries. I wonder if they truly realize the blessings they enjoy in this land?"

She was equally mystified about a policy of limited warfare in Viet Nam. It seemed "a mockery" to her that the United States, with 500,000 troops engaged in bloody warfare, has never declared war against the North Vietnamese enemy. Communists are not impressed by caution and restraint, she remarked. They mistake it for timidity.

Miss Samuelli was in Washington for two purposes, to attend the publication of a book, "The Wall Between," [Robert B. Luce] about her prison experiences, and to visit a senator whom she esteems as a great American leader in the battle against communism. Her wonderment about Americans increased when she found the senator, Thomas J. Dodd [D., Conn.], hospitalized from exhaustion and suffering from the stigma of official Senate censure. Anti-communism in the United States seemed to have its hazards, she noted, thoughtfully.

TRIUMPH OF HUMAN SPIRIT

Her book is not the ordinary recital of iron curtain prison horrors but an account of how the human spirit can triumph over brutality, no matter how prolonged. She learned how to survive ruthless interrogation, solitary confinement, and nauseating food, to communicate by Morse code taps with her fellow sufferers.

Deprived of reading or writing materials, forbidden ever to speak above a whisper, she defied the apathy or madness this treatment was designed to produce and emerged after 12 long years with body and mind unscathed. Not a "religious person" when she entered the prison, she came to have a deep faith in the workings of a divine providence. Her release, when she had expected to serve eight more years, seemed a miracle from heaven.

Her story, if it somehow could have been communicated to them, might possibly have opened the eyes of at least some of the thousands of well-fed, tenderly nurtured college-age youths, flower children, hippies, and many others old enough to know better, whose antics at the Pentagon gave comfort to Communists killing young Americans in Viet Nam.

A SICKENING CONTRAST

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. ASHBROOK. Mr. Speaker, the Philadelphia Inquirer of October 29 carried a heartening account of just how much our servicemen in Vietnam appreciate the expressions of support from those back home. Last September, Gov. Raymond P. Shafer, of Pennsylvania, sent a message of support and appreciation to the troops in Vietnam via Armed Forces radio. Responses to the Governor's message from Pennsylvania servicemen are still being received at the capitol in Harrisburg. Typical of the sentiments expressed by servicemen is this excerpt from one letter:

We, the fighting men from Pennsylvania, are proud to be here, halting communism for our America in this troubled part of the world.

Another boy wrote:

I feel great to know that all our work is being appreciated at home in Pennsylvania. Knowing my fellow Pennsylvanians care makes me care—and all I do, I do with the best I have for all of you at home.

These are just two of the comments of young Americans who are continuing this Nation's tradition of sacrifice in the the Inquirer entitled: Believe Viet War Is Vital: Pennsylvania GI's Seek "Encouraging News."

BELIEVE VIET WAR IS VITAL: PENNSYLVANIA GIS SEEK "ENCOURAGING NEWS"

HARRISBURG, October 28.—Pennsylvania servicemen fighting in Vietnam are hungry for encouraging news from home that will let them know "people care," and they are firmly convinced that despite peace demonstrators and draft-card burnings, the job they are doing is vital not only for Southeast Asia but for America as well.

Virtually all of them carry with them an intense pride in the Commonwealth as a State to represent and to which they can return.

These are the sentiments expressed in letters addressed to Gov. Raymond P. Shafer in response to a message sent by him to the 225,000 Pennsylvania servicemen in Vietnam

BEGAN IN JUNE

It all began in June when, at the request of the USO, the Governor recorded a message to the Armed Forces.

"Although I am sure there are many times when you feel as though the folks back home have forgotten you, this is not the case," the Governor said in part.

"We all know of the sacrifices you are making and the tremendous job you are doing, not only for Pennsylvania and for the United States, but for the entire free world . . .

SENT TO TROOPS

"On behalf of all the citizens of Pennsylvania, I want to say thank you for your devotion to duty and your valiant actions. We all pray for your safe return."

Broadcast to the troops over Armed Forces Radio late in September, mail generated by the brief tribute still is arriving at the Capitol.

"Our job over here sometimes becomes very trying," wrote SP 4 Samuel R. Morrison, of 3507 Kirwyn place, Philadelphia. "With your words of interest, faith and respect, it gives us encouragement to go on . . .

OPINION OFFERED

"Feel free to show this to the people of Pennsylvania. We have heard your opinion, and they should hear ours, as soon as possible. Just as we needed yours, they need ours."

Twenty-year-old Francis J. Rydel, of Conshohocken, asked Shafer to call him Frank, and said he entered the Army just a few days after the Governor's election in Nov., 1966.

"To be honest, sir, I don't like it here; who would?" Rydel writes. "But I figure I am doing my part and that is the least I can do. I'm not going to complain about anything."

REPLIES SOUGHT

Rydel, a private first class, noted that the radio voice which presented Shafer suggested the troops drop him a line in response to the message.

"I figured why not write," he said. "I never wrote to a Governor before, and I thought it would be cool."

A2 C. H. D. Shuler, of Scranton, admitted frankly that his job is far from the most important in the Air Force.

"But I feel as though I am doing the best I can," he said.

Robert E. Scott, a sailor from Drexel Hill, brought tears to Shafer's eyes when he wrote:

PROUD OF ROLE

We, the fighting men from Pennsylvania, are proud to be here, halting Communism for our America in this troubled part of the world.

"Some occasional good word from home offers great moral support for all of us over here, you can be sure."

Each fighting man who writes to Shafer is sent a letter in return. One man said his favorite brand of cigarets are in short supply, and the Governor promised he would do what he could. Others ask Shafer to call their loved ones. He does.

But if the Chief Executive is touched by the letters, the GIs likewise were touched by his recording.

NEARLY CRIED

Back home, I heard your voice many times," wrote PFC James Bittner, of Glassport. But on Sept. 27, I almost started to cry like a little kid . . . another boy from Pittsburgh did cry, he was so touched by your message. It really seemed that for those short couple of minutes, we were home listening to you.

"Please take care of our State until we Quakers get back and help you out."

Pfc. Edward G. Weiss, of Erie, said he was watching the sky being lit by flares and listening to the bark of mortars when, at 2:30 A.M., Shafer came on the air.

SEEMED CLOSER

"Suddenly, home seemed closer—Pennsylvania not so far away after all. I am proud to say I felt a certain pride flow up inside, knowing that I was doing a job for my country and knowing that people care."

Sgt. Pat Clouney, who heard the broadcast in Saigon, said he attended a South Philadelphia rally for Shafer during the 1966 campaign. He accompanied his brother-in-law, whom he identified as "Joseph Daley, a Republican committeeman from 18th and Callowhill Sts."

M. Sgt. John J. Ennaorato, of Chester, wrote:

"It sure made me feel good to know that we were not forgotten. I am sure your voice was heard by thousands of Pennsylvanians throughout Vietnam."

One of the most poignant comments came from Pfc. William J. Edmond, of Levittown, Bucks county.

". . . I feel great to know that all our work is being appreciated at home in Pennsylvania," the soldier wrote "Knowing my fellow Pennsylvanians care makes me care—and all I do, I do with the best I have for all of you at home."

Now, contrast this encouraging example of fine American youth with that of college students on several campuses, as reported by the New York Times of October 19:

Police used tear gas and nightsticks to break up an antiwar demonstration today by hundreds of students on the University of Wisconsin campus.

More than 2,500 chanting, singing antiwar demonstrators picketed the Northern California Draft Induction Center here today, the third day of a locally organized stop-the-draft week. The police arrested 58 protestors who attempted to keep 250 inductees from entering the building, bringing the number of arrests since Monday to 209.

It must be stressed that a student's right to disagree with our policy in Vietnam is not the issue involved. When students knowingly detain a Navy recruiting officer in his car for 4 hours, or when police officers are required to bring order to a demonstration, then the right of dissent becomes illegal behavior.

The Chicago Tribune of October 28 listed several cases of student demonstrations which overstepped the limits of dissent.

I insert the article, "Trap Two Navy Recruiters at Ohio College," in the RECORD at this point:

TRAP TWO NAVY RECRUITERS AT OHIO COLLEGE

Anti-war demonstrations continued yesterday against navy recruiters interviewing students on the campus of Oberlin college in Ohio.

Seventy students staged a sit-in in front of the door to a college placement office.

Two navy recruiters were trapped in the office until noon, four hours after the sit-in began.

However, students wishing to see the recruiters were allowed to enter and leave the office. The interviewed students had to step between the demonstrators to reach the door.

INTERVIEWED 16 STUDENTS

Lt. Comdr. C. R. Smith of Gross Ile, Mich., and Lt. [j.g.] Phillip McCaffrey, of Cleveland, said they interviewed 16 students during the morning session.

The recruiters went to lunch at noon and were permitted to reenter the office some 90 minutes later. The demonstrators took their lunches in shifts in order to keep the sit-in going.

Thursday, fire hoses and tear gas were used to disperse more than 300 Oberlin students who had trapped Smith in his auto near the campus and refused to let him move for over four hours. Two other recruiters had entered the campus unnoticed and interviewed a dozen students.

MONDAY CLASSES CANCELED

After police broke up the demonstration Thursday, leaders said they would call for a class boycott. However, this was called-off when college administrators announced that all classes would be canceled Monday. The faculty council announced that it will hold an all-college discussion on the recruiting issue that day.

Yesterday was the last day of the two-day recruiting program being conducted by the navy at Oberlin.

In Champaign, Ill., officials of the University of Illinois announced yesterday that 11 students have been referred to a student committee for disciplinary action as a result of their participation in an anti-war demonstration earlier this week.

TIED TO VIET WAR

The 11 were among some 175 persons who staged a sit-in demonstration in a campus building where Dow Chemical Company interviews were being conducted Wednesday. The anti-war demonstrators were protesting because Dow makes napalm for use by troops in Viet Nam.

The committee has the power to expel the demonstrators.

In Milwaukee, the Wisconsin Chamber of Commerce called on University of Wisconsin officials to deal firmly with campus protests. The group noted that the state legislature had given the school officials authority to deal with the protection of property and with the conduct of students and faculty.

Altho not mentioned directly, the resolution obviously referred to a protest Oct. 18 on the Madison campus. More than 70 persons were injured when students and police clashed during a sit-in against Dow Chemical Company interviewers.

A CONSERVATION PIONEER

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. DOLE] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. DOLE. Mr. Speaker, it was my privilege to be present on October 27 at the annual meeting of the Republican Valley Conservation Association in McCook, Nebr. The principal speaker on this occasion was the very able Senator from Nebraska, the Honorable CARL T. CURTIS.

Senator CURTIS has for many years pioneered conservation and flood control projects, not only in his State, but throughout the High Plains area. The great strides made in creation of flood protection measures and establishment of many multipurpose works have resulted in no small measure from his untiring work.

Mr. Speaker, I place the speech of Senator CURTIS in the RECORD at this point:

SPEECH OF SENATOR CARL T. CURTIS BEFORE THE REPUBLICAN VALLEY CONSERVATION ASSOCIATION AT MCCOOK, NEBR., OCTOBER 27, 1967

Once more, it is my good pleasure to attend the Republican Valley Conservation Association's annual meeting. Last year, I was unable to be present. My records are not complete, but I am quite sure that that was the only annual meeting that I missed. At least, I have never missed very many.

The conservation work in the Republican Valley will for many years stand out as a milestone in conservation. When this Association was formed, the need for flood control and irrigation was great, but the obstacles were greater. All these things move slowly and about the time that a program would ordinarily have started here in the Republican Valley, World War II came along. The Valley is narrow and the total acres to be irrigated were proportionally small. The flood control features were expensive. There were problems existing between the upper basin and the lower basin.

Also, back at that time, the Bureau of Reclamation and the Army Engineers had not developed the pattern for cooperative planning and development which is now so common. The Department of Agriculture was just coming into its own in the way of conservation of water and soil, both by the individual farmer and for a larger area. The hope of accomplishment for something for the Republican Valley was dim and the problems were monumental, yet it did come to pass. The development in this area is a monument to the individuals, leaders and followers who started out on the task and never looked back. It is a milestone in cooperation among government agencies and it is a milestone of accomplishment in having communities pull together, even though a particular community had to wait a long time to be reached.

No plan of development will ever afford 100 percent protection from a damaging flood. Life isn't that way. Many of the flood problems can be anticipated. Some cannot. We can't turn the entire country into reservoirs and so there will always be some risk. The fact remains, however, that the Republican Valley, for the most part, has proceeded past the point where the residents of the Valley need fear a devastating and ruinous flood will be upon them as they retire for the night.

The construction of Enders Dam, the Bonny Dam, the Culbertson Dam, the Cambridge Dam, the Red Willow Dam, and the Harlan County Dam is a nearly complete answer to the first objective of this wonderful organization which is now more than a quarter of a century old.

There will always be problems of maintenance, repair, channel control, elimination of trees, and drainage. These are more or less annual problems and have to be met as such.

There is one area of the Republican Valley Basin that has not had any flood control and I refer to Beaver Valley. I want to say at the same time there is no area in the State in which I am more interested in having flood control and water conservation become a reality than in Beaver Valley. As most of you know, there have been many studies on the Beaver Creek, but as yet there has been no plan submitted to the Congress that met the standards of feasibility. I have refused to take such replies as final and so long as I am privileged to serve this State in the Congress, we are not going to forget this area where the need is so great even though it is a small part of our State. There is a related problem in the Valley that is of concern to the Harlan County people and to all fishermen and sportsmen in a wide area in both Nebraska and Kansas. I refer to the water level of the conservation pool at the Harlan County Reservoir. In order to have a reservoir empty to the point where it can catch and hold flood waters sometimes there is a lack of water for recreation and other similar purposes. Such is the case of the Harlan County Dam. The water level is too low for the boating and other recreation taking place there and it is too low for the establishment on a dependable basis of docks and other facilities at the upper end of the reservoir. In recent years, the promotion of recreation has become a national policy. I feel strongly that the Harlan County Reservoir should be utilized more for recreation and that a way should be found to raise the water level of the conservation pool without taking a risk that the Reservoir could not hold back the necessary flood waters.

Over the years, we have asked the Army Engineers to study this matter. It goes back at least 15 or 20 years. It has received attention in the highest places, but the answer has been that the water level could not be raised.

Within the last year or so, I have given it a new approach. The last Resolution for restudy that I filed called for more than just a review of past findings. My Resolution requested the Army Engineers to study the area west of the Harlan County Dam to see what additional storage could be constructed above Harlan County in order to make it safe to raise the conservation pool. The area that I have had in mind where the additional storage facility should be built is the Beaver Valley. In other words, can the need for flood control in the Beaver Valley and the need to raise the water level in the conservation pool at the Harlan County Reservoir be viewed as one problem and an economically feasible answer be worked out? I am not an engineer, but I believe that it can be done. I certainly hope it can be done and that is what I am urging. Just this week, I dispatched a letter to the Honorable Floyd E. Dominy, Commissioner of the Bureau of Reclamation, and an identical letter to Lt. General William F. Cassidy, Chief of the Army Engineers, in which I said:

"I am writing to you concerning the Republican River in Nebraska. We are faced with two problems for which feasible answers have not yet been reached. I believe that by considering the two problems together there might be a greater chance of working out a feasible solution. I hope that there can be conferences at the highest level, as well as at the working level, between the Army Engineers and the Bureau of Reclamation on these problems.

"The first problem relates to the desire of the local people extending over many, many years to have the conservation pool level raised in the Harlan County Reservoir. The United States Government is giving much more attention to and spending more money on recreation than at the time of the planning of the Harlan County Dam. In view of the great potential for recreation at the Harlan County Dam, I believe that it would be in accord with established policy to see what can be done to raise this water level by making due allowance for the recreational benefits.

"The second problem is Beaver Creek, one of the tributaries, which continues to suffer from the ravages of floods. Up to now, no dam or other structure has been proposed which has been recommended to the Congress as feasible. The need is very great. We want something accomplished for the Beaver Valley.

"My thought is this: If storage capacity can be built in the Beaver Valley would not that additional storage capacity make it possible to raise the water level in the Harlan County Dam?

"Both of these problems have been with us a long time. I do not request nor expect an answer forthwith. Rather, my request is that in the coming months both agencies consider these two problems together and see what might be worked out which would make them both feasible.

"I will appreciate this very much and I assure you that, if any of the Nebraskans in or out of office can be of assistance to you, we shall be glad to do so."

It is my information that the Bureau of Reclamation in their general appropriation which has been approved has sufficient money for their feasibility study of Beaver Creek and the Nelson Buck Unit at the present time. It was not what we call a line item in the appropriation for the Bureau of Reclamation, but is part of their general funds for studies. Since the Army Engineers built the Harlan County Dam, they are responsible for its operation as a flood control unit and must have an important role in this combined problem. I not only introduced a Resolution which the Senate Public Works Committee passed requesting them to carry on this study, but I am glad to report to you that $15,000 has been made available for this purpose. The Budget did not recommend it and it was not in the appropriation bill as it passed the House. It was added in the Senate and I am happy to report to you that it was retained in the conference. I expect to resist being diverted from the problem of Beaver Creek and the water level of the Harlan County Dam until we get a satisfactory answer.

Speaking of appropriations, I am glad to report to you that the House and Senate have completed their conference on the Public Works appropriation bill. There will be $405,000 for the Bostwick Division, $500,000 for Frenchman-Cambridge, and $56,000 for the Almena Unit in Kansas, in addition to the unmarked study portions to which I have referred.

In closing, let me thank you for inviting me here. I again congratulate the people who have their shoulders to the wheel in this fine undertaking and I revere the memory of those who served so long and who are no longer with us. The Congress is still in session and I am happy to bring to you the personal greetings of my colleague in the Senate, Senator Roman Hruska, and of my Congressman and your Congressman, Dave Martin.

NATIONAL COMMITTEE FOR RESPONSIBLE PATRIOTISM DESERVES THANKS OF ALL TRUE AMERICANS

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. CRAMER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CRAMER. Mr. Speaker, on October 21, a massive demonstration against U.S. participation in the Vietnam war by peaceniks, Vietniks, beatniks, hippies, and self-confessed Communists was staged in Washington, D.C. The protest, which desecrated the very memory of one of America's greatest presidents, Abraham Lincoln, by hurling anti-American slogans at the site of the monument built in his honor, then proceeded to the Pentagon. There, soldiers and U.S. marshals had to forcibly restrain the mob lest it overrun the interior of the Defense Department itself.

If not for the efforts of the National Committee for Responsible Patriotism, the world could have easily but erroneously, concluded that the vast majority of American people are not in support of our men in Vietnam.

The counterdemonstration sponsored by the National Committee for Responsible Patriotism dramatically illustrated to the world that the Vietniks do not represent the thinking of the majority of American citizens. In New York City alone, over 100,000 patriotic Americans marched in peaceful support of our men in Vietnam on the same day the bearded members of the New Left were attempting to get less than half that number to protest the war by demonstrating in Washington. And New York was only one of many cities where Americans of all ages came out in support of our fighting men in Vietnam. Cities of all sizes throughout the breadth of this great Nation witnessed loyal Americans marching peacefully in determined support of our brave men in Vietnam.

In addition, the National Committee for Responsible Patriotism also had a "headlights-on" campaign on that same day to allow motorists to show their support for our men in Vietnam. This, too, proved to be an overwhelming success.

I am herewith inserting into the RECORD a newspaper report which appeared in the October 22, 1967, issue of the St. Petersburg Times of the peaceful march in support of our men which took place in St. Petersburg, Fla. I am also inserting a copy of a proclamation signed by the mayor of Hialeah, Fla., the Honorable Henry Milander, giving due recognition to the efforts of the National Committee for Responsible Patriotism and which proclaimed October 21–22 as "Operation Gratitude" as a way of expressing support for our men and women in the Armed Forces of the United States:

[From the St. Petersburg (Fla.) Times, Oct. 22, 1967]

ONE HUNDRED TWENTY-FIVE PARTICIPATE IN MARCH BACKING WAR IN VIETNAM

War veterans and a small number of placard-carrying high school and college students marched down St. Petersburg's Central Avenue yesterday morning in a "U.S. Day Parade" in support of American soldiers fighting in Vietman.

The parade began at 16th Street and ended at Williams Park where a ceremony was held, including brief speeches by leaders of several veterans organizations.

"America is not represented by blocking the Pentagon or burning draft cards but by demonstrations like this," Ross Hudson, a Stetson law student and chairman of the event, told about 300 applauding spectators.

The parade was organized to counter the massive anti-war demonstrations in Washington and other cities this week.

Of the 125 participating in the local parade, nearly half consisted of two contingents of the Young Marines from St. Petersburg and Clearwater.

One car in the caravan carried the family of 19-year-old James Trushaw, a U.S. Marine from St. Petersburg killed in action last month. Mr. and Mrs. Charles E. Trushaw, 923 Brookwood Court S, and two daughters, Barbara Jean and Julie Ann, were introduced later at the Williams Park ceremonies.

The students, from St. Petersburg Junior College and several senior high schools, carried signs saying:

"Show them you care," "Better Dead than Red," "Defoliate the Flower People," "Drop it (the bomb)."

A junior from Clearwater Central Catholic wore an arm band, "Bomb Hanoi."

The Young Americans for Freedom also were represented.

As the parade moved toward the downtown, a young man carrying an attention flag beckoned spectators: "Join the parade."

Conspicuously absent were any anti-war demonstrators.

At Williams Park, the St. Petersburg group the Sing Out presented a brief concert. A spokesman told The Times that the group is neither pro-war nor anti-war.

PROCLAMATION BY MAYOR OF HIALEAH, FLA.

Whereas, The National Committee for Responsible Patriotism was formed by those who organized the Support Our Men in Vietnam Parade last May; and

Whereas, it is our purpose to help the morale of the men fighting in Vietnam; and

Whereas, all Hialeahans are called upon to respect law and support the men and women in our Armed Forces;

Now, therefore, be it resolved by the power invested in me as Mayor of the City of Hialeah, I, Henry Milander, due hereby proclaim Oct. 21–22 as "Operation Gratitude," and urge the citizens of this community to express and be cognizant of their gratitude to the men and women serving our nation so gallantly.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the City of Hialeah to be affixed, this 19th day of October, A.D., 1967.

HENRY MILANDER,
Mayor.

SBA NOT AFFECTED BY TITLE IV OF OEO AMENDMENTS

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. STEIGER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. STEIGER of Wisconsin. Mr. Speaker, I rise today to set straight the record and to explain a misunderstanding that exists and is being promoted by those who are overly concerned with title IV of the Economic Opportunity Amendments, S. 2388.

Those who have spoken and written about this title would have us believe that "It appears that another effort is being made to dismember the Small Business Administration and transfer its functions to the big-business-oriented Department of Commerce."

Let me make it very clear that I am and have always been a supporter of the Small Business Administration. I think they do an excellent job and one that is desperately needed. The transfer of SBA to the Commerce Department or any amendment that would lead to such a transfer I would not support. The SBA should remain an independent agency.

Regrettably, those who support SBA are incorrectly assessing the impact of title IV as proposed. For example, William Reddig, Jr., wrote in last Thursday's Washington Evening Star:

Tucked away in the $2.06 billion poverty war bill headed for House floor action is a provision allowing the Department of Commerce to take over many of the functions of the now independent Small Business Administration.

In addition, Mike Causey wrote in this morning's Washington Post:

The rumor mill on Capitol Hill again reports there will be an attempt to shift SBA to the Commerce Department.

Nothing could be further from the truth and it is not the intent of the title IV amendment which I offered to the bill.

However, SBA is not equipped to handle the kind of program outlined by title IV of S. 2388. SBA is an agency designed to promote and aid small businesses where it is logical for them to succeed. The low incidence of failure for SBA fostered companies is proof of their expertise at this function. They grant their loans on the same basis as most banks and in some cases have been much more demanding than banks.

The effect of new title IV would not be to shift or give the Commerce Department any authority which is now lodged in the Small Business Administration. What is now proposed in title IV is the creation of an entirely new program, a program not currently in existence. If we agree that the program should be created, and there has not been an argument advanced to the contrary, then the discussion must center around which agency is best equipped to handle the proposed program. It is my belief that the Commerce Department is and thus my support for the current language in title IV.

I believe that the goals of the title IV program must be clarified. This should not be a program whose success is measured in the number of long-term unemployed who are hired. A struggling small business is the kind of operation which can least tolerate employing the hard-core unemployed. Larger businesses with a greater margin of stability must be brought in to accomplish that purpose and for that purpose we need a broadly conceived urban economic development program, not a small business loan program. The goal of the title IV program must be the promotion of viable small business located in slum areas or owned and managed by residents of those areas.

Second, we need a concentrated approach. The loan program should be, of course, available on a national basis. At the same time, however, some substantial part of its resources should be channeled into limited numbers of big city slums in order to produce a noticeable psychological effect and a visible impact.

And, most important, much more emphasis must be given to providing an ex-

panded range of technical and management services to the small businessman. The resources of established firms must be used to develop intensive forms of business education and training. On-the-job training programs should be developed for businessmen.

In addition, the assistance rendered should not be limited simply to management training, but should include a variety of more sophisticated technical aids including market research, feasibility studies, and the organization of trade associations and cooperatives.

The provisions of intensive technical and management assistance is absolutely crucial. It makes little sense to put a slum dweller or low-income person into business without taking the necessary steps to insure that he will be able to compete successfully.

What is outlined in title IV, an amendment I offered in the Committee on Education and Labor, is the expansion of the opportunities for a stake in community economic life for low-income persons. This amendment will allow us to focus in on areas of high employment with a totally new program of industry building, a totally new program of providing jobs for the unemployed.

Title IV focuses upon small business concerns, first, located in urban or rural areas of high proportion of unemployed or low-income individuals; or second, owned by low-income individuals—section 401. Title IV permits a different definition of low income for this part than for other titles of the Economic Opportunity Act, so that a somewhat higher income level can be served. To assure that the loans will be well used, title IV requires that special attention be given to the development of management training and counseling programs in which borrowers may be required to participate.

The responsibility for providing technical assistance and management training as assigned to the Secretary of Commerce, who is expected to designate this responsibility to the Economic Development Administration. The Secretary would be authorized to provide financial assistance to public or private organizations, which in turn would assist small businesses. Eligible activities would include planning and research, identification and development of new business opportunities, stimulation of new private capital resources, furnishing of centralized services, establishment and strengthening of businesses with small concerns located in poverty areas or owned by low-income individuals, and furnishing business counseling, management training, legal and related services. Management training and counseling programs would receive particular attention.

In order for us to better understand title IV, it is important to review some of its history.

Title IV of the 1964 Economic Opportunity Act consisted of a program designed "to assist in the establishment, preservation, and strengthening of small business concerns and improve the managerial skills employed in such enterprises." That program had two parts: Economic Opportunity loans, which were handled by the Small Business Administration, the small business development centers, which were sponsored by the Office of Economic Opportunity.

The small business development centers—SBDC's—were organized on the local level by community action agencies. Generally located in the poverty areas, the functions of the SBDC's included identification of applicants for training and/or loans; recommending specific loans for SBA approval; and organizing and providing management counseling and training to loan recipients and others. The SBA made final determination on award of loans, and it reviewed loans to insure compliance with statutory and loan provisions.

In the Economic Opportunity Amendments of 1966 the entire program was transferred to SBA. SBA subsequently announced that the SBDC's would be closed and the program handled directly by SBA offices. The reasons given by OEO for abandoning the economic opportunity loan program were that there was no money to set up more SBDC's, that other programs had a higher priority, and that the whole program could be better handled by SBA. At the same time, in Philadelphia, Chicago, New York and a number of other localities, the program succeeded in reaching out to a number of small business applicants and attracted considerable community support.

From January 1965 to November 1966, the economic opportunity loans were made through the SBDC's. During that period, 2,678 loans were made at a total cost of $26 million. In December 1966, SBA assumed full control of the program and shifted to a nationwide program designed to serve other cities, suburbs, and small communities. From that date through June 1967, 2,222 loans were made, totaling $25 million.

The original loan program was narrow in focus. It concentrated on persons at or near the poverty level, many of whom did not have the preparation to succeed in a business venture. The later emphasis on creating jobs for the unemployed exposed struggling small businesses to an additional source of instability. The SBDC's in many communities provided useful services, but their participation in loan processing was a needless extra step.

In the process of shifting to a nationwide program, the proportion of minority group businessmen assisted was sharply reduced, although it is among this group that the need for both financial and advisory assistance is greatest.

An important priority of the antipoverty effort must be to expand the opportunities for a stake in community economic life for low-income persons. That goal is the basis of title IV. It is a goal for which we must strive and I urge my colleagues to assess carefully this need and join with me in support of title IV of the EOA amendments contained in S. 2388.

DR. GODDARD'S STAND ON MARIHUANA

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. DON H. CLAUSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. DON H. CLAUSEN. Mr. Speaker, the untimely and wholly irresponsible statement by the Director of the Food and Drug Administration, Dr. James L. Goddard, last week regarding the use of marihuana has been widely condemned.

Dr. Goddard, while admitting that he does not even know what the long-term effects of marihuana might be, has practically endorsed the use of this illegal narcotic before a group of our college students.

Some have called the Director's remarks "stupid." Some have asked the President to disavow the remarks of his appointee, while others have called for Dr. Goddard's resignation. That an administration official can advocate violation of statutory law in public is, in my judgment, appalling but not very unusual these days.

This incident seems to fit a growing and rather disturbing pattern of the Great Society and another example of administration spokesmen offering "something for everybody." Similar statements, you will recall, were once made about people taking their grievances into the streets, and there followed a series of the most devastating urban riots in our long history. Then there were some accommodating remarks made about the draft, and we have all seen the exodus to Canada and the demonstrations against the draft which followed.

As this Nation seethes in war and is beset by problems and unrest here at home, I can only wonder what prophetic words of "wisdom" are to follow from our national leaders.

Quite frankly, I think most Americans could care less what Dr. Goddard would permit his daughter to do, but I am convinced they do not want him or anyone else deciding what is good for their own sons and daughters. Parents today are having a hard enough time trying to raise decent children without the "help" of Dr. Goddard.

The fact, as expressed by Dr. Goddard, that his Department does not know what the long-range effects of marihuana are yet, should be the problem to which he addresses himself in the future. Solving old problems, rather than creating new ones, is a rather thorny issue with this administration that the people of this country appear to understand better than does Dr. Goddard.

GREAT BRITAIN AND THE NORDIC COUNTRIES EXPRESS CONCERN OVER THE POSSIBLE RESURGENCE OF AMERICAN PROTECTIONISM

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. WHALEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to

the request of the gentleman from Ohio?

There was no objection.

Mr. WHALEN. Mr. Speaker, on Friday both Houses of Congress heard President Gustavo Diaz Ordaz of Mexico discuss the danger posed for his country and other small nations should the United States regress and reembrace protectionism.

Mr. Ordaz' fears by no means apply only to Mexico. A number of nations already have indicated similar concerns, Mr. Speaker, and I hope they have not gone unnoticed.

Two position statements particularly have caught my attention. They are those made on October 18, 1967, by the Nordic countries—Denmark, Finland, Norway, and Sweden—and Great Britain.

I believe these statements are frank assessments which we would do well to review before embarking on the course of protectionism advocated by some Members of Congress.

Mr. Speaker, for the information of my colleagues, I herewith insert in the RECORD the two statements mentioned above:

The Ambassadors of Denmark, Finland, Norway and Sweden called upon the Deputy Under Secretary of State, Mr. Foy D. Kohler, on Wednesday, October 18, and delivered the following note:

"The Governments of Denmark, Finland, Norway and Sweden are deeply concerned by the large number of legislative initiatives aiming at new protectionistic measures which have lately come forward in the United States Congress shortly after the successful conclusion of the Kennedy Round.

"The aforesaid Governments particularly regret that the initiatives in question generally aim at restricting imports to the United States, inter alia, through an increased use of quantitative restrictions and raising of tariffs. They are also aware of the fact that the goods to be affected by the various measures proposed are of considerable importance to international trade and of substantial interest to the economy of many countries. Such measures if enacted, would therefore have undesirable repercussions on the trade between the United States and the Nordic countries and on world trade in general.

"They might further, in the view of our Governments, endanger the agreements recently concluded in Geneva in the framework of the Kennedy Round. The initiative taken by the United States Administration on the basis of the Trade Expansion Act enabled at that occasion the contracting parties to the GATT to negotiate the most far-reaching tariff reductions so far achieved. It would certainly be unfortunate if new protectionist measures were to be introduced at a moment when the countries concerned, which took part in the elaboration of the final solutions, are preparing the legislation for the entry into force of the agreements reached in the Kennedy Round.

"Such development might also have negative effects on the future of the GATT and other international organizations; these organizations have worked for the gradual freeing of international trade and thus have been important factors in the enhancing of prosperity among nations."

TEXT OF UNITED KINGDOM NOTE OF OCTOBER 18

Her Majesty's Government wish to express their serious concern at the many proposals now being put forward in the United States that the United States Government should restrict imports of various commodities on protectionist grounds, including some of major importance in the export trade of the United Kingdom.

The specific proposals under consideration would, it is understood, affect almost one third of the dutiable imports into the United States, and some of the more general measures which are being advocated would have still more widespread effects. The imposition of restrictions on this scale would have the most serious repercussions on the interests of the United States' trading partners. Protectionist measures in the United States cannot fail to generate strong pressure on other Governments to take similar action. In the United Kingdom there have long been pressures to limit imports from the United States, including in some parts of the agricultural sector which could be supplied from domestic sources. If the access of British exports to the United States were to be impaired as a result of the introduction of new import restrictions Her Majesty's Government would find it difficult to resist the redoubled and extended pressures with which it would undoubtedly be confronted.

Moreover the United States take so high a proportion of the exports of the world that any significant limitation of their imports must seriously affect the earning power of many countries, including developing countries in particular, and so force them to consider limiting their own imports to protect their balance of payments.

Her Majesty's Government fear that the accumulation of these measures and inevitable counter-measures could well lead the world back to the beggar-my-neighbour policies of the thirties, when nations, by trying to build a wall round their own prosperity, succeeded only in sharing the common depression. It would be a disaster if, less than four months after the conclusion of the Kennedy Round, the United States were to set in train such a process—which, once started, might be almost irreversible.

Her Majesty's Government hope that the United States Government will do everything in their power to preserve the liberal trade policies which for twenty years have contributed so much to economic progress throughout the world, including the United States. They have no wish to resort to restrictive measures themselves. But if the United States were to take measures which impaired the benefits enjoyed by British trade in the United States, Her Majesty's Government, in common with many other Governments, would feel bound to seek the remedies open to them in such a situation under the G.A.T.T. Her Majesty's Government note that the United States Government at present have no powers to negotiate compensating tariff concessions and it would therefore appear that other countries would be driven to seek compensation by means which would inevitably inflict damage on U.S. interests.

Her Majesty's Government trust that due regard will be paid to the foregoing considerations in the formulation of United States law and policy.

U.S.-AIDED PLANT FAILS IN INDIA

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

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

There was no objection.

Mr. GROSS. Mr. Speaker, it is now revealed that in putting together the scheme that allowed a Minneapolis firm—Napco Industries—to unload its wornout, obsolete gear manufacturing plant at the expense of the American taxpayers—the AID agency allowed this firm the unbelievable privilege of naming the inspector who was to look at this machinery before shipment overseas.

It will be recalled that Napco set up a corporation in India to buy its debt-ridden gear plant in Detroit, then got the AID people to put up $2.3 million for what the General Accounting Office later discovered was "junk."

It will also be recalled that one of the central figures in this wheeler-dealer operation was Max M. Kampelman, the longtime intimate friend and associate of then Senator HUBERT H. HUMPHREY who, in turn, was the longtime friend of Napco Industries' president.

But, Mr. Speaker, given even these close political ties enjoyed by Napco Industries, it is shocking and outrageous that a Government agency would permit Napco to name the inspector who was to insure that the machinery involved was in good condition.

There is even more involved in this sorry manipulation than most people know, and I include here, for the RECORD, the latest chapter, in the form of a report appearing in the Washington Post:

REPORT IMPLICATES NAPCO: U.S.-AIDED PLANT FAILS IN INDIA

(By Bernard D. Nossiter)

NEW DELHI.—Some American businessmen and their Indian partners have deprived this nation of needed parts for trucks, tractors and jeeps, according to a report filed with the U.S. Agency for International Development (AID) here.

Napco Industries of Minneapolis is blamed for selling the Indians nearly worthless tools for several million dollars, in a deal financed by AID. The local collaborators are charged with milking their plant to profit other interests, putting numerous relatives on the payroll and wasting funds on comfortable rent-free lodgings.

This is the balance shed on Napco Bevel Gear of India, Ltd., according to AID officials. The deal has attracted attention because the American firm's lawyer is Max Kampelman, prominent Washington Democrat. President Johnson chose Kampelman as chairman of Washington's new City Council but Kampelman declined when he learned he would have to give up his private practice.

Kampelman represented Napco to obtain a $2.3 million loan from AID in 1962, officials say.

[Kampelman himself says the negotiations for the loan were handled by a Washington engineering firm which he retained for Napco.]

NATION LOSES

AID records show that Kampelman also came here in 1961 to conclude arrangements with local officials and businessmen.

The big losers, officials here say, are the Indian people, who several years ago should have had a plant producing gears, axles and other parts for vehicle motors. The plant should be saving India's scarce foreign exchange, that now must be spent for these parts.

Instead, the country has inherited a factory in Faradibad, 20 miles south of New Delhi, a trickle of production and several lawsuits. The plant has been shut down since last April.

Experts from AID say that a useful asset can still be salvaged. When the law suits are settled and if more money can be found, they say a profitable plant will be in production.

"A BILL OF GOODS"

The story, put together by AID and the report of their private engineer consultant, Harry H. Whittingham, goes like this:

A local Coca-Cola distributor, P. L. Kapoor, went to the United States in search of a manufacturing partner. He found Kampelman's Napco and, in the words of the Whittingham Report, was "sold a bill of goods."

He agreed to buy Napco's gear-making machines, which were to be reconditioned or rebuilt for early use. AID dollars were loaned to Kapoor to pay Napco.

The Whittingham Report says Napco kept the best machines for its American plant and failed to recondition properly any of the tools shipped to India.

Only 10 to 15 per cent of these machines will ever service the Indian plant, the report estimates. It calls the appraisal made of the worth "a fantastic overstatement of value" and says "someone should answer for this useless and flagrant waste of money which has destroyed" the Indian concern.

COSTLY REPAIRS

Napco of India was forced to recondition its equipment here, where parts are short and good mechanics scarce. This ate up time and money and prevented the firm from meeting the demand from local vehicle producers. AID poured in another $1.6 million, this time in rupees. Indian banks, money lenders and suppliers also gave substantial credits.

The Whittingham Report says that Napco's Indian partners realized "they had made a bad deal," so they "resorted to schemes to get their money back."

The document says the Indians set up dummy firms that overcharged the plant, built a guest house with servants and a car for their rent-free use, and padded the payroll with friends and relations. AID officials claim that all this, plus the handsome salaries drawn by the local directors, covered their investment five times over.

RUPEE LOANS LOST

AID has lost its rupee loan. Its $2.3 million loan was guaranteed by the State of Punjab, so this money can be recovered for American taxpayers.

Last April AID called in its loan because Napco was not meeting its payments. The plant's meager output was shut off.

The company is now embroiled in at least four separate suits involving the American partners, the Indian businessmen, the Punjab National Bank, the Punjab government and AID.

But AID officials are confident that Indian courts will eventually deliver a favorable decision. Then, they believe, the Punjab State or some other government agency can take over the plant and make it work. AID experts here insist that they are now protected against another deal like Napco. They are armed with mechanical engineers who can inspect equipment before it is delivered, marketing specialists who can determine the demand for a project's goods and supervisors to insure that Indian businessmen are fulfilling their pledges. Most important, the Napco affair has taught AID not to release at once the entire sum it is lending, but to dole out dollars piecemeal as each step of a project is completed.

NAPCO OFFERS TO REOPEN PLANT IN INDIA

A spokesman for Napco in Minneapolis said in a telephone interview yesterday that the firm "has dealt openly and in good faith throughout . . . and has lived up to every one of its commitments."

The company spokesman added that "the economic failure of the project was not related in the condition of the machinery." Napco, he said, "has always been and is willing to cooperate with AID and any reputable Indian manufacturer to reopen the Indian plant."

Mr. Speaker, it is high time that Congress get to the very bottom of this mess. The AID agency has been in business for 20 years, and yet it has no more sense of responsibility than to allow a company to appoint its own inspectors. This deal smacks of incompetence, fraud, or both, and every single person involved in it should be hauled on the carpet and made to explain his role in it.

THE WAR IN VIETNAM

The SPEAKER. Under a previous order of the House, the gentleman from Illinois [Mr. FINDLEY] is recognized for 60 minutes.

Mr. FINDLEY. Mr. Speaker, a few days ago I had the opportunity to speak to a luncheon group in Quincy, Ill., and after my remarks, which inevitably dealt with the Vietnam war, one of the women present stood up and asked me what I was doing about the war. I responded, saying that I did not want to seem discouraged or partisan, but that I doubted much would change in respect to war policy until we have another Presidential inauguration. Her response to that was:

That is not good enough. I have a son in Vietnam and Presidential inauguration day in 1969 is too far off for both of us.

In my opinion, this lady was quite within her rights in challenging her Congressman to state what he was doing about the Vietnam war, because it touched so intimately her life, and, of course, the war resulted entirely from Federal policy. In a word, the 56 House Members who have joined me up to the present time in support of House Concurrent Resolution 508 are taking this means of doing something themselves about the Vietnam war.

If the present casualty rate continues, at least 13,000 Americans will be killed and 100,000 others injured between now and the inaugural ceremony in January, 1969.

Our men in Vietnam cannot adjourn the war—and I do not think the Congress should adjourn until it has dealt squarely with the question of war policy.

This bipartisan resolution calls on Congress to decide if further legislative action is desirable in regard to U.S. policy in Southeast Asia. Through it the Congress could hear and debate present policy and alternatives to it.

Now and then I hear it said that there is no realistic alternative to what we are now doing in Vietnam. On the contrary, ideas on how to resolve the Vietnam dilemma are plentiful. I have with me a list of 27 separate alternatives to present policy, or parts thereof. To the best of my knowledge each is entirely different from anything tried by the administration. None corresponds directly to any of the 28 separate peace plans which the Secretary of State says the United States has supported.

Most of these ideas originated on Capitol Hill. They could form the appropriate starting point for Congress great debate on what to do about Vietnam. In response to my request, 66 House Members—49 Republicans and 17 Democrats—forwarded their ideas.

In my view the Congress must not adjourn until it has dealt directly with this fundamental question. The country is literally torn and tormented over the war. And, reflecting on the events here a week ago, we really should not be too surprised when some people who feel strongly about the war conclude that they must take matters into their own hands. All too few in positions of responsibility are seriously considering alternatives to current policy. All too many seem to be waiting for the next election.

This is not to condone the violence or the tactics of anti-Vietnam demonstrations. Rather, it is to say that Congress has a responsibility—one which it has not yet met—to discuss and decide basic policy.

In all candor, the Congress itself must assume much of the blame for the uneasiness over the war. We have not done our duty. We have let things drift. We have not made a fundamental decision on war policy. And because of this neglect, the country has been denied a powerful unifying influence.

Better late than never.

Here are the 27 summarized alternatives:

ALTERNATIVES TO PRESENT VIETNAM POLICY

1. Transfer of military operations to the South Vietnamese, use of U.S. forces to secure easily-defensible areas, gradual withdrawal of U.S. troops, cessation of bombing of North Vietnam, economic development program for Southeast Asia, meeting of Geneva Powers to discuss settlement based on unified Vietnam with free and open elections. Sponsor: Rep. Morris K. Udall (D-Ariz.)

2. "Take all military measures involving the use of nonatomic weapons as are necessary to secure a complete and rapid military victory in the struggle in Vietnam." (H. Con. Res. 527) Sponsor: Rep. Olin Teague (D-Tex.)

3. "The United States should withdraw all its armed forces and war materiel from South Vietnam as rapidly as possible after due notice to our allies similarly engaged, leaving only advisory personnel." (H. Con. Res. 528) Sponsor: Rep. Olin Teague (D-Tex.) (Mr. Teague also introduced H. Con. Res. 526: "The United States should continue its present conduct of the struggle in Vietnam, including the selective bombing of sites in North Vietnam intended to minimize the strength of the offensive from North Vietnam.")

4. The G.R.I.D. plan for a U.S. initiative toward the mutual de-escalation of the conflict through reciprocal steps leading to the end of North Vietnamese or Viet Cong military activities. Sponsor: Rep. F. Bradford Morse (R-Mass.) and eight House colleagues.

5. A confederal strategy, under which the U.S. would negotiate directly with village leaders, recognizing decentralized traditions in South Vietnam in order to reduce insurgency. Sponsor: The Ripon Society, Cambridge, Mass.

6. Refer legal issues in the war to the International Court of Justice for adjudication; if other parties do not assent, ask U.N. General Assembly for advisory opinion on legal issues. (H. Con. Res. 586) Sponsor: Rep. Paul Findley (R-Ill.)

7. A complete and total cessation of all U.S. bombing of North Vietnam. Sponsor: Sen. John Sherman Cooper (R-Ky.) and many others.

8. An additional pause in the bombing of North Vietnam as an initiative toward negotiations or de-escalation. Sponsor: Life Magazine and many others.

9. Concentration of the bombing of North Vietnam against the infiltration routes in the southern region of that country as an

initiative toward negotiations or de-escalation. Sponsor: Gov. George Romney (R-Mich.)

10. A heavier concentration of U.S. airpower against significant military targets in North Vietnam. Sponsor: Rep. Gerald R. Ford (R-Mich.) and many others.

11. Reduction in the flow of supplies to the port at Haiphong through bombing, mining, or quarantine. Sponsor: The Joint Chiefs of Staff; the National Republican Coordinating Committee; and many others.

12. An economic embargo against North Vietnam with potential sanctions against any government which permits trade with Hanoi. (H. Con. Res. 286) Sponsor: Rep. Albert W. Watson (R-S.C.)

13. A pause in all U.S. military action in North and South Vietnam to test North Vietnamese interest in a cease-fire—after which, if rejected by Hanoi the U.S. would be free to take any military action necessary to end the war. Sponsor: Sen. Stuart Symington (D-Mo.)

14. An indefinite cessation of all offensive military action by the U.S. including bombing in North Vietnam and search and destroy operations in South Vietnam. Sponsor: Sen. Thruston B. Morton (R-Ky.)

15. The concentration and limitation of U.S. military activities in South Vietnam to efforts necessary to establish and secure enclaves within which South Vietnamese stability can be maintained. Sponsor: Lt. General James M. Gavin, USA (ret.)

16. A unilateral cease-fire by United States forces, with orders to fire only if fired upon, combined with an appeal for the reconvening of the Geneva Powers. Sponsor: Rep. George E. Brown, Jr. (D-Calif.)

17. No further American troops to Vietnam until South Vietnam has proved its willingness to undertake a larger share of its own defense. Sponsor: Sen. Edward W. Brooke (R-Mass.)

18. A massive program of economic and social reforms by the South Vietnamese. Sponsor: Rep. Brock Adams (D-Wash.), Rep. Theodore R. Kupferman (R-N.Y.), and many others.

19. Willingness to negotiate with the National Liberation Front and to accept their participation in a coalition government in South Vietnam. Sponsor: Sen. Robert F. Kennedy (D-N.Y.) and many others.

20. An offer of peace with amnesty to the Vietcong. Sponsor: Gov. George Romney (R-Mich.)

21. The concept of neutralization of Southeast Asia as an ultimate objective of U.S. policy. Sponsor: Sen. J. William Fulbright (D-Ark.)

22. A U.S. initiative to define a time and a place when and where an allied representative would be prepared to start negotiations, accompanied by a pause in the bombing of North Vietnam—after which, if Hanoi did not cooperate, all previous U.S. restraints in the exercise of the war could be reviewed. Sponsor: Rep. Paul Findley (R-Ill.), Rep. James Gardner (R-N.C.), and others.

23. Regional solution to regional problems. Sponsor: Sen. Charles Percy (R-Ill.) and many others.

24. Concerted U.S. efforts to convince the United Nations to encourage or define a settlement. Sponsors: Sen. Mike Mansfield (D-Mont.), Rep. Herbert Tenzer (D-N.Y.) and others.

25. Seal off DMZ by means of nuclear land mines. Sponsor: Rep. Craig Hosmer (R-Calif.)

26. No further expansion of trade and education and cultural exchanges with Soviet bloc governments unless they end support for North Vietnam. (H. Con. Res. 210). Sponsor: Rep. Melvin R. Laird.

I am gratified that today there are a number of distinguished Members of this body who are spending some additional time on the floor today, after a busy legislative day, to deal with this question of Vietnam policy and the role of the Congress in regard to it. I know several Members have timetables. They have to catch planes, so I will be glad to give precedence to such Members if they would like to have time at this point.

Mr. CURTIS. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Missouri.

Mr. CURTIS. Mr. Speaker, I thank the gentleman for taking this special order to point up the purpose behind this resolution, which I did cosponsor.

I should like to point out something else in line with this, being the ranking Republican on the select committee appointed to consider the organization of the Congress. This committee held two hearings, for almost 2 years, and reported back a bill.

One of the subjects we did not develop very much—and I wanted to see it developed a great deal more—was on the power of Congress to declare war. I felt that a great many of the problems this Nation faced in the Korean war lay in the failure of the Congress to assume the responsibilities I believe the Constitution places on the Congress in respect to the power of declaring war.

There was same testimony before the committee. One of our colleagues who joined in this resolution, the gentleman from Illinois [Mr. RUMSFELD], did some excellent work on this area of the question of the responsibility of the Congress to declare war.

The distinction between the power to wage war and the power to declare war is an important one. Most of the people who wrote the Constitution had personal experience, and somewhat bitter, as to the attempt to wage a war through a committee, the Continental Congress. There was unanimity in the Constitutional Convention, as nearly as we can reconstruct it, that the power to wage war should be vested in the Executive.

Mr. FINDLEY. I am sure the gentleman will agree with me our forefathers very carefully distinguished between the power to wage war and the power to decide the fundamental question of whether to go to war.

Mr. CURTIS. Exactly. This was what I was seeking to develop by bringing out this point.

They created the President, and among other responsibilities they gave him that of being Commander in Chief, so that it would not be a committee waging war if we ever had to engage in war again. But they were just as careful, if not more careful, to vest in the Congress of the United States, the representatives of the people, the power to declare war.

I would argue that the present Executive, far from seeking to help the Congress assume these necessary responsibilities in respect to declaring war, has presented matters to this Congress over a period of years in a way designed so that Congress would not exercise its power, or in a way to limit or discourage the Congress from assuming this responsibility.

The situation now is much like that of the Korean war, so far as our citizens are concerned. The gentleman mentioned a lady in his district. This has happened, I daresay, to all of us. Certainly it has happened to me.

In the Korean war people were wondering what we were fighting about. Even our soldiers in Korea were asking this question.

One reason, of course, was there had never been a national debate on the subject. A dialog had never been developed.

This is one of the functions of Congress, the study and deliberative body in the society. Congress must perform it. We do this in public hearings, and hopefully the news media will report what these deliberations constitute.

We did not do that in the Korean war, and here I believe we are finding the same problem, as the gentleman points out, in regard to Vietnam.

Mr. FINDLEY. We have a problem before us today which I daresay our forefathers did not anticipate; that is, what is the proper role of the Congress in the event the country finds itself in a war without any prior fundamental decision made by the Congress. In such an event, what is the proper constitutional thing for us to do?

The gentleman from Texas [Mr. TEAGUE], on October 10, offered a series of three concurrent resolutions.

He did so without any publicity, so far as I know, but in my view he made a very extraordinary and useful contribution to our problem in solving the Vietnam dilemma. He presented to the House Committee on Foreign Affairs three different legislative proposals. Each of them proposed a different course of action to deal with Vietnam. Of course, I should not speak for the gentleman from Texas. He is here and will speak for himself, but I daresay that he had somewhat the same feeling that I have had these past 6 or 8 months or year; namely, that because the Congress never faced up to the fundamental question of what to do with regard to Vietnam, the country therefore has been denied a powerful, unifying influence which would help to clarify the national will and purpose.

Mr. CURTIS. Mr. Speaker, would the gentleman yield to me on that?

Mr. FINDLEY. Yes. I should be glad to yield to the gentleman.

Mr. CURTIS. I certainly agree with your expression of what the gentleman from Texas intended. I am one who, on the basis of all the homework I have been able to do, thinks we are right in standing firm against Communist aggression in Vietnam. The tragedy, though, is we have not engaged in the public dialog in the Congress for the benefit of ourselves and for the people whom we represent.

Mr. FINDLEY. Mr. Speaker, I am glad to yield to the gentleman from Texas and really appreciate his being here today to take part in what I think is a very important discussion.

Mr. TEAGUE of Texas. Mr. Speaker, I would like for the RECORD to show what my three resolutions say:

H. CON. RES. 526

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the United States should continue its present conduct of the struggle in Vietnam, including the selective bombing of sites in North Vietnam intended to minimize the strength of the offensive from North Vietnam.

H. CON. RES. 527

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the United States should take all military measures involving the use of nonatomic weapons as are necessary to secure a complete and rapid military victory in the struggle in Vietnam.

H. CON. RES. 528

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the United States should withdraw all its armed forces and war materiel from South Vietnam as rapidly as possible after due notice to our allies similarly engaged, leaving only advisory personnel.

It seems to me that our Government has three choices, and it seems to me that those are the three choices. Further, it seems to me that our so-called great debate or dialog should have taken place on the Tonkin resolution. We passed this resolution in Congress, and the executive branch interprets it as giving the President the power to do what he has done. Very frankly, it is easy to be a quarterback on Monday morning, but if we have done this and given the President this authority, then I introduced these resolutions to give any man in Congress who wants to send his constituents something so that they can know where he stands—I introduced these so he can do just that. I would like to have the RECORD show where I stand on them. I am for the resolution that says it is the sense of Congress that the United States should take all military measures involving the use of nonatomic weapons as are necessary to secure a complete and rapid military victory in the struggle in Vietnam.

That is exactly my position on Vietnam. Certainly I believe in this. I certainly believe, as the national commander of the Veterans of Foreign Wars said in South Dakota recently, in Redfield, that what we need to try now is to keep away from irresponsible dissent to demonstrate our strength of purpose and spirit. I do not consider this irresponsible dissent, but I consider what happened in Washington the other weekend certainly as irresponsible dissent.

Mr. FINDLEY. Would the gentleman say in the event the Congress saw fit to pass his middle-of-the-road resolution, if I may use that term, the one which approves present policy, would the gentleman feel this action by the Congress, even though not exactly what the gentleman would prefer, would still have a salutary effect on the Nation and strengthen the President's hand?

Mr. TEAGUE of Texas. Yes, I think it would. I am not a lawyer, first of all, and certainly I am not a constitutional lawyer, but since the executive branch and the Commander in Chief have determined that the Tonkin resolution gave him this power, it seems Congress is very late in speaking up and wanting to change its mind on what should be done or not be done in Vietnam.

Mr. FINDLEY. I thank the distinguished gentleman from Texas [Mr. TEAGUE] very much and I appreciate his staying here for the purpose of engaging in this colloquy.

I am sure that all of us are aware of the fact that the gentleman from Arizona [Mr. UDALL] spoke out just recently with his own viewpoints with reference to Vietnam, viewpoints which were widely publicized and which have evoked a great deal of discussion not only at the Capitol but throughout the United States.

Therefore, Mr. Speaker, I am more than pleased to yield to my distinguished friend, the gentleman from Arizona [Mr. UDALL], for the purpose of his taking part in this discussion.

Mr. UDALL. Mr. Speaker, I want to commend the gentleman from Illinois [Mr. FINDLEY] and my other colleagues who are participating today in this discussion of our Nation's policy in Southeast Asia. Many constructive suggestions have been made concerning our military involvement there. Some I consider unwise; others impractical. But all are important and deserve attention.

It is my view, Mr. Speaker, that the time has come for the Congress to reassert its historic role in the foreign affairs of this country. We live today in the age of the strong Executive, the initiator and innovator, the doer, the free agent, the architect of grand international designs. That we have made of the Presidency something more than the passive figure of Woodrow Wilson's schooldays is good, and the country is better for the change. But that the Congress has been transformed into an entity only slightly less passive than Rutherford B. Hayes is a turn of events neither helpful to the Executive nor in the best interests of the country. As far as foreign affairs are concerned I feel strongly that the Congress plays a too passive role today, and I believe the country is the worse for it.

The bipartisan resolution to consider the possibility of further congressional action with respect to Southeast Asia is one which deserves serious consideration, and it might afford an opportunity for the Congress to demonstrate once again that it has more than a rubberstamp function to perform in foreign affairs.

Too often, Mr. Speaker, the Congress is involved in foreign affairs only after actions have been taken, commitments made, obligations assumed. The membership of neither house is consulted more than superficially in advance of great decisions. The congressional function in all too many cases has been reduced to ceremonial blessing of accomplished facts.

Through adoption of the bipartisan resolution and subsequent consideration of the many proposals being discussed today I believe the Congress might well help the President find a way out of our dilemma in Vietnam and an avenue to more secure peace in Southeast Asia.

Mr. Speaker, we shall be called upon either during this session of Congress or during the early part of the next session of Congress to appropriate additional funds for the conduct of the war in Vietnam through, perhaps, a supplemental appropriation bill. Those who are opposed, in part, to the further costs which are involved and for which appropriations will be made have a choice of either voting "yes" or "no" thereon. Therefore, if one votes "no" on the appropriation request you will be saying something which I do not believe you will want to say; that is, when our country has drafted young men and has sent them to Vietnam to fight, or when our country is and has been using career troops, shall we deny them the very best in ammunition, helicopters, and the other of the various military equipment?

In other words, if one votes for it, some people will interpret that vote as saying that you approve everything that has been done with reference to the conduct of the war in Vietnam. It is as though a doctor were called to look at a patient and to vote whether in his opinion the patient is sick or completely well. So, there is a great difference existing between being sick and well, and this is the point of the discussion.

Mr. Speaker, I will say the time has come, as the distinguished gentleman from Illinois [Mr. FINDLEY] has suggested, for the Congress to reassert its role in the conduct of the foreign affairs of our country, but not in such a manner as to take away any power that the President presently has.

Mr. Speaker, we live today in the age of the strong Executive, one who initiates and innovates. We have made the Presidency something more than it was when Woodrow Wilson complained some 50 years ago about the fact of the President being shorn of power and of that power residing in the Congress.

On the other hand, Mr. Speaker, the Congress has been lacking in this field, a field that has very much power and importance, and a field in which I would like to see it play a far more important part.

Mr. FINDLEY. Would the distinguished gentleman from Arizona agree with me that the Congress is asserting a smaller role than was prescribed for it by the Constitution?

Mr. UDALL. Precisely. That is why I say that this is a healthy step which is being taken here today, a step taken in a bipartisan manner, to develop what our role should be. Further, it is my opinion that if we could have a debate here on the various resolutions—and if there are opportunities for Members to offer amendments to any of the resolutions, because I personally do not accept any one of the three as indicated, but I could accept one of them with some appropriate amendments. Thereby at least then the country would know that the Congress of the United States had debated this question and had taken a position thereon. In my opinion this approach would help to unify the country and it would lay to rest some of the unhappy thoughts that the people of the United States feel with reference to this situation.

Mr. FINDLEY. Mr. Speaker, would the gentleman from Arizona feel that this fundamental, decisionmaking by the Congress is of such magnitude today that we should deal with it before we adjourn this session of the Congress?

Mr. UDALL. Oh, I thoroughly agree with the gentleman from Illinois. I think it is long overdue. I think we should have dealt with this question long months ago.

Here we spent all day today on a bill on extra-long-staple cotton. While cotton intimately involves the lives and fortunes of a fraction of our population, the war in Vietnam involves not only the lives of our young men and the fortunes of everyone, but the future course of our Nation and perhaps the world.

It is the overriding issue of today. It is the overriding issue that one meets in the gentleman's district and in my own district, and in every State, and yet I cannot recall hearing more than 15, 20, or 30 minutes' of speaking in the House Chamber in the last month, although we do get 1-minute speeches at times in the early part of the day wherein some of the Members express their particular points of view. But there has never been a dialog or discussion or attempt to resolve and define the position of the House of Representatives on this war.

Mr. CURTIS. Mr. Speaker, will the gentleman yield further?

Mr. FINDLEY. I will be glad to.

Mr. CURTIS. I believe it is very important that a debate conducted in the well of the House, whether it is in the Committee of the Whole, or however, must be preceded by committee hearings where people who have different viewpoints are permitted to present them under cross-examination. Hopefully the news media would report the cross-examination along with the original prepared document which usually has a press release accompanying it, whether it is an administrative official who makes the presentation, or it is someone from the public. But certainly to have a meaningful dialog the appropriate committees of the Congress should be conducting these public hearings.

Mr. FINDLEY. Would that not be the proper way in which various points of view could be presented, discussed, debated, and disposed of?

Mr. CURTIS. Exactly. That is our duty. The nature of the Congress, as I have often said, is that of a study and deliberative body designed to gather the knowledge and wisdom that exists in the society and to apply this to its problems in order to make the decisions. We need to engage in this activity a lot more that we have.

Mr. FINDLEY. The gentleman I am sure has noted that a committee of citizens, including former President Eisenhower, and former Senator Douglas, and others, is being formed for the purpose of studying alternatives to present policies in Vietnam. And here, if they would use the legislative procedure that we have, these people could be brought before the appropriate subcommittee or committees, and their ideas explored thoroughly, just as the ideas of other Members of this body could be explored.

Mr. CURTIS. I agree with the gentleman.

Mr. MACGREGOR. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the distinguished gentleman from Minnesota.

Mr. MACGREGOR. I would like to be the devil's advocate for a moment.

I have read the figures of the administration published by Under Secretary of State Mr. Katzenbach, and perhaps others appearing in the other body, who have taken a position that the Congress believes the Gulf of Tonkin resolution of 1964 was adequate. Otherwise the appropriate committees of the Congress would be considering rescinding the Gulf of Tonkin resolution and replacing it with another.

I am wondering if, in the light of the comments of the gentleman from Arizona [Mr. UDALL] and the distinguished gentleman from Missouri [Mr. CURTIS], we might have some discussion here today, because I happen to agree with the gentleman from Illinois [Mr. FINDLEY] that such is vitally necessary in the Congress, that we might have some discussion of the method by which we might deal with the relevancy of the 1964 Gulf of Tonkin resolution to the situation we find ourselves in in October and early November of 1967.

Mr. FINDLEY. A lot of lengthy and worthwhile debate could occur on this very point. I believe reasonable people could come to different conclusions as to the scope of the Gulf of Tonkin resolution. But for my part I interpret it as consisting of two items, one dealing with repulsion of an attack on two U.S. naval vessels, a repulsion that had already been completed at the time the Congress discussed the Gulf of Tonkin resolution.

Mr. MACGREGOR. If the gentleman will yield further on that point, it was a ratification of an act in retaliation ordered by the Commander in Chief.

Mr. FINDLEY. The gentleman has stated it correctly.

The other part dealt with the broader idea, based on the terms of the SEATO Treaty, in the event of an armed attack on any member nation or protocol state. The SEATO Treaty provides very clearly that constitutional process shall be followed. The legislative history of the SEATO Treaty shows clearly also that "constitutional process" was intended to mean actual formal consultation between the Executive and the Congress.

The Secretary of State said that in the event consultation was needed, the Congress would be called back into session. In other words, if would not simply be a matter of calling up the chairman of the House Committee on Foreign Affairs or a couple of other key people in the Congress. Congress would be called into session.

Also, this part of the Tonkin resolution, based as it was on the SEATO Treaty, had the requirement that a finding of armed attack must be made before consultation occurs on what military measures may be used.

The finding of armed attack from the north against the south was not made until 6 or 7 months after the Gulf of Tonkin resolution. So I think it is reasonable that people might conclude that this resolution did not give adequate authority to carry forward with military policies as they have been carried forward by the President.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I would like to congratulate my colleague for taking this time.

I am glad to see Members in this Chamber discussing our commitment in Vietnam. But I would have to respectfully dissent from the statement made by my good colleague, the gentleman from Arizona, whom I respect very highly.

There has been a great deal of discussion with reference to this country's participation and commitment to Vietnam.

The very subject of discussion now, the Tonkin Bay resolution, was thoroughly debated here in the House and approved by a unanimous vote, if my memory serves me correctly.

Mr. FINDLEY. I must say to the gentleman that almost every word of testimony dealing with the Gulf of Tonkin resolution dealt with the attack against two U.S. naval vessels and almost nothing with the other part of the resolution.

Mr. PUCINSKI. The gentleman will recall that the Tonkin Bay resolution very clearly mandated or instructed the President of the United States to use all resources including armed force to protect our interest and the interest of our allies in Vietnam.

Mr. FINDLEY. But the same sentence to which the gentleman refers in his comments just made also included reference to the SEATO Treaty which, in turn, required constitutional process, process which was not completely fulfilled. So there was a flaw in the procedure and because of this flaw Congress has never squarely faced the question of going into South Vietnam with combat forces and getting on with the war.

Mr. PUCINSKI. On that point I just want to make it clear that not only was the Tonkin Bay resolution unanimously adopted by this Chamber but there were only two dissenting votes in the other body.

We have had since then a tremendous dialog here on Vietnam, on the various military appropriation bills, on the military authorization bills and there has been a great deal of discussion here.

The gentleman from Arizona said:

> Well, with the exception of a few 1-minute speeches, we have not had any significant debate on Vietnam.

I have to dissent from that statement. I think the RECORD will show that there have been countless hours of discussion not only on actual bills before the House and on the rules on those bills, and on authorization bills and appropriation bills in general debate and under the 5-minute rule, but I would also invite my colleagues to examine and read the special orders where Members have spoken on this subject.

It is unfortunate that those of us who do support the President in Vietnam and do bring these discussions to the floor by

addressing the House under special orders that there are not more Members here who could either support our views or challenge our views.

But every Member in this Chamber sets his own pace and his own course and I am not about to tell any other Member of the Congress how they ought to spend their time.

I merely take this opportunity to say that it would be inconsistent with the facts to suggest here in this Chamber now that somehow we are committed to Vietnam and that the President is doing everything he can to win this war in Vietnam without sufficient debate by the Congress. Surely, this has been a subject of intensive discussion on both sides of the aisle ever since we have been committed to the cause of freedom in Vietnam.

Mr. FINDLEY. I thank the gentleman for his comments.

I see several of my colleagues on their feet seeking recognition and at this time instead of responding to the statement just made by my colleague with which I disagree, I will yield first to the gentleman from Massachusetts [Mr. MORSE] and then to the gentleman from Missouri [Mr. HUNGATE], my colleague in this enterprise, and then the gentleman from Arizona [Mr. UDALL] and then the gentleman from California [Mr. HOSMER]. I hope that that is an agreeable arrangement.

Mr. MORSE of Massachusetts. Mr. Speaker, I am not one of those who call for a repeal of the Gulf of Tonkin resolution, but I would ask the gentleman from Illinois who just spoke if he would recall for us how much debate there was on the Gulf of Tonkin resolution in 1964.

Mr. PUCINSKI. If my memory serves me correctly, I believe that was a privileged resolution and, under the rule, was entitled to 1 hour of debate.

Mr. MORSE of Massachusetts. That is precisely correct. There was 1 hour of debate on what seems to me to be one of the most vital issues that has ever been before this House.

Mr. PUCINSKI. So that the record does not show there was no other consideration than the 1 hour of debate, I believe there was extensive testimony before the committee. Every Member of Congress had an opportunity to appear before that committee. So far as I know, no Member was foreclosed from appearing before the committee and making all the statements and all the allegations for or against the resolution that he wanted to.

So I would not want the gentleman to construe the parliamentary rules of this Chamber as in some way constituting a limitation on the fact that the Congress of the United States did not consider the Gulf of Tonkin resolution with both eyes open, fully aware of its content.

Mr. MORSE of Massachusetts. Nor would I want the gentleman to suggest that the debate that might take place on an appropriation measure is the kind of debate that is necessary in the formulation of national policy in connection with this most serious problem that faces us as a nation.

I would also call the gentleman's attention to the fact that times and circumstances have changed considerably in the past 3 years. I would remind the gentleman that at the time the Gulf of Tonkin resolution came before this body there were in the field in Vietnam something in the vicinity of 16,000 American troops. Now we have almost six times as many casualties in Vietnam as there were men in the field in August 1964.

I would also remind the gentleman that at the present time there are 123 Members serving in this 90th Congress who have never had an opportunity formally to pass upon a resolution such as that under which the President operates.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I have the floor. Other Members would like to have an opportunity to speak. After I have yielded to them, I will return to you at the earliest moment.

Mr. MORSE of Massachusetts. Mr. Speaker, will the gentleman yield so that I might make another point, if I may?

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

Mr. MORSE of Massachusetts. The attitude of the gentleman from Illinois and others of us who are speaking today is not one of criticizing the administration; it is not one of endorsing the administration's posture. It is merely to remind the Members of this body and the Members of the other body that the Congress of the United States has a significant role and a great responsibility in the formulation of national policy. As the gentleman from Missouri pointed out earlier, it is a constitutional responsibility. Almost 60 Members of this body recognize that perhaps some further congressional action might be in order.

In view of that fact, it would be appropriate for the leadership on the majority side—and I am pleased to see the distinguished Speaker of the House in attendance at this time, and there is no greater American than he—to recognize the deep concern many of us have in discharging the responsibilities which we have as a body and as individual Members of this body.

Mr. FINDLEY. Mr. Speaker, I yield to the gentleman from Missouri [Mr. HUNGATE].

Mr. HUNGATE. I thank the gentleman for yielding. I am one of the 100 Members who was not a Member at the time the Gulf of Tonkin resolution was agreed to. I am one of those who do not regard that method of procedure as an appropriate method constitutionally for committing in excess of 500,000 men and $3 billion a month to Vietnam. I would say the commitment of perhaps 50,000 men and a $1 million or so a month might be necessary in some instances, for I recognize there are certain scale emergencies that must be hastily dealt with. But it seems to me that when we reach the scope of the present operation, the Congress should be called into play again.

The Rules of the House have been referred to. Under the appropriations procedure, if I understand correctly—and I hope I will be corrected; I am sure I will be if I am wrong—in the consideration of an appropriations measure it is out of order to put legislation into an appropriation bill. So I do not see how we can get any legislative history or support out of an appropriation measure. It would force you to vote against activities that you might not be against. If you oppose any phase of the operation, you would be voting against funds for the armed services in every part of the globe. I think there are few Members, as the record would indicate, who would want ported that.

Others have urged that we have voted on a draft bill since that resolution was before the Congress. Some of us supported that.

That would indicate support of that proposition. I think nothing of the kind. I think our armed services and the policy of maintaining a strong America is an entirely separate one from the incidental conflicts in which we find ourselves.

I would hate to say support of an appropriation measure or a draft bill would be an indication of supporting the war in Vietnam, any more than supporting funds for safe streets and a crime bill would represent support of occasional police brutality. I think they are not related. They are separate issues.

One of the greatest problems facing our country today—and I see some experts on our fiscal situation here—is the deficit we face, said to be approximately $29 billion, and the problem of the tax increase said to be facing this Congress. To me they are inextricably wrapped up in our situation in Vietnam. It is said we are spending perhaps $3 billion a month in Vietnam. That would be $36 billion a year in Vietnam. If we take that out, we do not have a deficit, and the other problems become a great deal simpler.

So I think it is essential we discuss this problem that is so interrelated and so fundamental to the solution of the other problems we are facing.

On the other hand, I would like to see the depth of support or lack of support in America for our position in Vietnam. Present policy is that if a marine is wounded three times in Vietnam, he is automatically entitled to a transfer. On the other hand, we have people who are opposing a 10-percent tax increase. My mail is that way—I could say almost unanimously. As I tried to indicate before, to me these things are intertwined and unavoidably intermingled. I cannot understand how one man's share in this war in Vietnam is three wounds, if he is still lucky enough to be alive, and someone else will not be contributing anything—even in the way of a tax increase.

If our people do not want this involvement, this is the body where we should find it out, and we should find out the depth of our commitment. I have great confidence when voices on this side of the aisle and the other side of the aisle finally work out a problem. Perhaps it will be something not of my choice and perhaps not that of the gentleman in the well, but that way it will be the American way, and the whole people will feel much better satisfied.

Mr. FINDLEY. Mr. Speaker, I thank the gentleman.

I promised to yield to the gentleman from Arizona [Mr. UDALL], and to the gentleman from California [Mr. HOSMER], and to the list I will add the gentleman from Texas [Mr. TEAGUE] and the gentleman from Florida [Mr. PEPPER].

Mr. TEAGUE of Texas. Mr. Speaker, may I say first of all, before we start off on that, I think it would be very helpful if Members would say what they are for and what they are against. So far, I am not sure I know where anybody stands. We are in a war, whether we like it or not. What we do in the future is important. I think Members should state where they stand.

Mr. FINDLEY. Mr. Speaker, I thank the gentleman.

That is important. In connection with this special order, I have appended to it a listing on which I have placed in capsule form 27 different ideas about how to deal with the Vietnam problem. I happen to be the author of several of them, so naturally, those are the courses I prefer. But we have represented here today other ideas, including ideas from the gentleman from Arizona [Mr. UDALL], to whom I now yield.

Mr. UDALL. Mr. Speaker, others want to be heard, so I will be brief. Let me make three or four quick points.

The gentleman puts his finger on one of the interesting aspects of this situation as contrasted with other wars. In the Korean war we voted, in a period of about 2 years, $14 billion worth of tax increases. They went sailing through, with hardly any opposition. In terms of today's gross national product and our present production, it would take $36 billion of tax increases to have the same impact on the American economy.

Can anyone conceive of this Congress considering—let alone voting—a tax increase like that?

This suggests a feeling of frustration on the part of the American public and what the American public thinks of this war—at least on its present level.

Mr. Speaker, I may have misled my friend from Illinois in suggesting that this war is not discussed here. It is, all the time. However, I am not talking about just conversation. I am talking about a debate that leads to a vote that would indicate whether a Member supports the policy, whether he wants a different policy, or a tougher policy, or some other kind of policy. This is the kind of debate, the absence of which I deplore. This is the kind of debate we should be facing in the respective committees and in the House.

The gentleman from Massachusetts made most of the points I wanted to make about the difference between 1964 and 1967. I was here. I voted for this. But was there a Member in the Chamber at that time who thought he was voting for 500,000 troops and $30 billion a year, when we had something like 15,000 or 16,000 troops there at that time? That was not in contemplation by anyone.

Finally, we have had about seven crossroads in Vietnam. We had a crossroad with the Gulf of Tonkin resolution. We had a crossroad when President Kennedy first sent advisers there. We had a crossroad when President Johnson first changed to 100,000 troops, and then to 300,000. We are having another big crossroad this year, trying to decide whether we should add another big segment of troops.

I do not believe the President ought to have to run up here every day for permission to conduct additional bombing or to move a set of troops there.

But when we come to the major crossroads, about changing the level, or the tempo, or the character of the war, then at that point we ought to have another debate.

Mr. FINDLEY. I agree with the gentleman.

Mr. HOSMER. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from California [Mr. HOSMER].

Mr. HOSMER. Mr. Speaker, I believe the gentleman from Texas [Mr. TEAGUE] brought this discussion into focus.

The gentleman from Illinois spoke of having conversation with constituents at home, rather than going to Vietnam to ask what to do about it. I believe there was some kind of discussion as to how we got in there.

The fact is, we are in. We are in. The question is, How are we going to get out? That requires our dedicated discussion and the best this country's brains have to give.

Mr. FINDLEY. May I ask the gentleman what role he sees the Congress assuming in dealing with that very vexing problem?

Mr. HOSMER. I will get to that in just a moment.

Let us see what the issue is as to what to do. I believe again it was synthesized by the gentleman from Texas [Mr. TEAGUE] who posed three alternatives in his resolutions:

First. Pull out.

Second. Go along as is.

Third. Escalate up to but not including nuclear weapons.

Somebody might add a fourth, using nuclear weapons. I should like to discuss that in just a moment.

We are at this point deciding these three main questions, and we are not doing as the gentleman from Arizona indicated, that we should be trying to decide how to run a war, sending more troops or fewer troops, more airplanes, or what kind of bombing to engage in.

In the Congress we have to get behind one of these three courses and then go all out for it.

Again I say to the gentleman from Arizona, I believe he is making a vast mistake when he conjures up the thought that the lack of enthusiasm for a tax increase has anything to do with a general feeling about the war. I believe that most of us who have been talking with our constituencies or listening to our constituencies lately have decided that the lack of enthusiasm about the tax increase is concomitant with a lack of enthusiasm about some of the wild spending programs at home, and not related particularly to the war.

If the Congress wants to take the course of recommending, after a long debate, pulling out of this thing, of course that simply will mean the United States lays down, rolls over, and plays dead and is no longer a great power. By example the United States might renege on any other commitment it has made to anybody else any place in the world.

I believe we then would have just about exactly the amount of power, prestige, and influence in the world that we would deserve, if that kind of course is taken.

Now, what about going along as is, slowly escalating, carrying on a vast ground war, bombing things which may or may not be meaningful?

The people downtown—by that I mean the State Department and the White House—have kept telling us that the reason we were moving in on the north with the bombing was, first, to cut down the supplies coming south and, second, to make them miserable enough up there so that they would decide that carrying on their aggressions would be too high a price to pay in relation to what was being done to them for carrying them on.

Well, thus far dropping iron bombs has not either slowed down very much the flow of men and supplies to the south nor has it done much about breaking the will of the north to continue its aggression. That gets us into thinking that if we continue as is, maybe we are using the wrong kind of ammunition or, at least, not mixing in some other kinds of ammunition that could be mixed in.

That gets into the psychological warfare area. As Western people we fail totally to realize the psychology of the Eastern people. As a consequence we have neglected almost entirely a number of psychological warfare weapons which could be employed and might be so effective that they would put the price up so high that these aggressions would cease. This is just a minor discussion, but what about the matter of escalating up to nuclear weapons? The constant argument against that is you will bring in China and the Soviet Union. There has been a certain amount of escalation so far, and neither China nor the Soviet Union have been brought in.

Let us take China first. China is a country that is older than any country on the face of the earth as a cohesive force. It does not bend to external forces. You could do almost anything in the world and the Chinese would not come into the war. You could do almost nothing and, if they decided it was the proper thing for them to do, they would come into the war. So we are not affecting the Chinese choice one way or another. So forget about them when it comes to escalation.

What about the Soviet Union? If we say bombing the port of Haiphong will cause the men in the Kremlin to go down to the button for their ICBM's pushing them off.

I do not believe anybody thinks that is true from any evidence that the Soviet Union has given so far as to their intentions in this war. Also, if anybody reads and listens to the speeches Mr. McNamara gives about the Soviet intentions and how they say they responded to our acts of self-denial, and so forth, then I think you have another reason to say that they would not come in.

That makes the course that the gentleman from Texas recommends look fairly attractive for ending this war in a reasonable length of time. It does not mean you have to go in and bomb Haiphong. There are a lot of ways to go in and close that port without bombing.

One way is this: The port of Haiphong has a long channel, 10 or 11 miles long, which it is necessary to traverse to get into the port. This channel has to be constantly dredged in order to keep enough bottom in it to let ships in and out of the place. Without going into Haiphong at all except to take out the two dredges that have to come alongside the sides of the channel to clean it, take them out, then the channel will fill up and you will have the port closed without touching a Russian ship or any other ship in the harbor and without harming anyone except possibly someone who might be on these North Vietnamese dredges that you are knocking out.

If you start to examine the gentleman from Texas' recommendation, it commences to make some sense. It might satisfy that lady over in Illinois who does not want to see her son over in Vietnam and then, if he comes back have his son after him go there in an endless war. Some of these things have to be brought to a conclusion at some time. Certainly I think the amount of courage that has been displayed by this Nation so far shows that we have the courage and the will to do to carry through. The question then arises do we lack the wisdom to do it? That gets us into the tactics that I have just been discussing. It gets us into these crazy things like happened 3 or 4 weeks ago when Mr. McNamara came back from a meeting of the NATO special group in Turkey and was asked about the Turkish suggestion that nuclear land mines be placed on the Turkish border with the Soviet Union.

And, Mr. Speaker, Secretary of Defense McNamara's general reply was, "Well, certainly, they are not provocative; they are purely defensive weapons." So, he did not think this to be a wild suggestion. So, then you ask, so what? If they are so nonprovocative on the Soviet border with Turkey, why are they provocative in the DMZ, between North and South Vietnam?

Mr. Speaker, I pose the question: Is the administration intending, on the basis of Mr. McNamara's announcement, to go into some kind of nuclear warfare of a defensive type over there or is it not?

Well, we have not received any reply.

It is that argument which raises these unknowns about which the people have to worry and speculate, just like the fact that we have tried to meet our objectives by lying down, rolling over, and playing dead, if we had done so the United States of America, as a major world power, would end.

I hope that our debate and discussion here will proceed along such lines as these which have been proposed here today.

Furthermore, this whole question of Vietnam cannot be discussed rationally without also attempting some speculation on the question:

After Vietnam, what?

Surely we will continue to be dragged into, or stumble into, more situations like Vietnam unless we better define our overseas commitments and our overseas interests than they are today. And let me say, that I, for one, do not believe that every piece of real estate all over the world is vital to U.S. national security.

We should make up our minds what our national interests are, what our basic minimum security needs are, and then tailor our military commitments to them. Since World War II our commitments have been tailored rather to hopes, expectations, aspirations, and even our prayers, rather than to the world as it is and our survival in it. As a consequence we are still pinned down with troops in Germany, we fought a war in Korea and have troops pinned down there, we are fighting in Vietnam and may have to keep troops there indefinitely. This cannot be allowed to happen again and again and again. Yet us give thought to Vietnam. Let us give thought to after Vietnam, too.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. Mr. Speaker, I promised to yield to the gentleman from Florida [Mr. PEPPER] next and I do so now. Then I shall yield to the gentleman from Illinois [Mr. PUCINSKI].

Mr. PEPPER. Mr. Speaker, I thank the able gentleman from Illinois for yielding to me. Also, I wish to commend the gentleman for bringing about this discussion which in my opinion is in the public interest. Also for the implication, if not the suggestion as contained in his remarks, that if Congress chooses to act in a way different to the policy of our country at the present time, that we act in somewhat of a formal manner in order to do so.

Mr. Speaker, I do not see how anyone can question the authority of our Government in conducting the war as it is presently being conducted.

First, of course, we have the constitutional powers of the Presidency which have been exercised in more than 100 instances in the history of our country. A close parallel to the action which is now being conducted was carried out by former President Harry Truman who initiated an effort comparable to this in Korea and which for some months at least was carried on by President Eisenhower, without any formal declaration of war on the part of the Congress of the United States or to bring about other than the type of role that the administration has to perform at the present time.

Presently, Mr. Speaker, we have the SEATO Treaty. All of us are familiar with the provisions of that treaty which it is said gives the Government the authority to carry on the operations, to carry out our responsibilities as contained in that treaty. After the adoption of the treaty, there was a special protocol adopted which specifically precluded South Vietnam, which came within the protection of the SEATO Treaty and, third, we have the Gulf of Tonkin resolution.

Mr. Speaker, I realize that we did not envisage, perhaps, at the time we adopted this treaty and the Gulf of Tonkin Treaty the consequences that might flow from the authority that we clearly granted. But, nevertheless, the words speak for themselves, and they are certainly large enough and broad enough to encompass everything that the Government is doing today.

Mr. Speaker, it places us in a bit of an embarrassing position of saying that we do not know the meaning of the words and the protocol which we adopted here in a free council of this House of Representatives.

Mr. Speaker, it seems to me that if there were nothing else, ample authority and approval and ratification occurs and concurs in what our Government is doing in the fact that every act that is being done by the Government of this country is being done under the authority of the Constitution of the United States and of the laws enacted by the Congress. Also, that every dollar that is being expended in this effort is appropriated by the Congress of the United States.

Mr. Speaker, I know of no formal action taken by the Congress inconsistent with the course that our Government is following today.

Mr. Speaker, we have had a lot of debate, especially in the other body, if I may refer to it in that manner, and it is my opinion that pursuant to the authority of the President under the Constitution and under the resolution of the Congress, as well as under the treaty ratified by this Congress and this country, that under the authority granted by the Constitution or by the statutes of this Congress, enacted by this country, enacted by this Congress, and under the appropriations made by the Congress of the United States there is no other course to follow.

Now, it seems to me we all recognize the principle of ratification in the law of agency. I may not authorize an agent to do a certain act, but if he does it on my behalf, and I later ratify it, it is just as binding on me as if I authorized it in the first instance.

If the Congress wishes to choose a different course from that being followed by our Government it may do so. All we have to do is introduce the appropriate resolution or bill, as the case may be, consider it in the appropriate manner, vote on it, and it becomes the action of this Congress.

It has been rather unfortunate that those abroad have tended to construe individual speeches made by individual Members of the Congress as representing the view of the Congress of the United States. We act by resolutions of formal character in this body before we act on anything, other actions are by individual Members.

Mr. FINDLEY. Let me say to the gentleman that I hope he will regard what I have said here today and previously in support of this resolution which is before the gentleman's committee, the distinguished Committee on Rules, that I do not speak in criticism of the President. Whatever criticism is involved in my remarks is directed at the Congress. I am one of the Members of the Congress, and I readily confess my sins of omission in failing to bring this up earlier, and per-

haps with greater effect, so I do not criticize the President. I believe there is great genius in our constitutional system, and to the extent that we have departed from it in the decisionmaking in regard to Vietnam, symbolized by neglect on the part of Congress, we have weakened the hand of the President in carrying forward that policy.

So I do appreciate the comments made by the gentleman.

I have been so engrossed with the comments of the various Members here today that I did not realize that our distinguished Speaker of the House, the gentleman from Massachusetts [Mr. McCORMACK], has been attending this discussion. I would like to thank our distinguished Speaker for being with us today, and I would, of course, gladly yield at this time, or any other time, if he would care to make any remarks.

The Speaker has been very considerate always in regard to my service in this House, and I do appreciate his leadership.

Mr. PEPPER. I defer, of course, to our distinguished Speaker, but may I just conclude with this—and again I thank the able gentleman from Illinois, and commend him.

I would say that there can be no possible criticism directed by any Member at any Member who makes the proper inquiry or resolution which is within the scope and the authority of this House. And that is the way we should act.

If we do not like what our Government is doing, if we have given it the authority which should be withdrawn, then instead of getting up and making speeches about it, if I may say so, with due deference to anyone who has a contrary view who would feel strongly enough about it, all we have to do is to draw the appropriate resolution or bill, let it then go through the proper channels, and if it becomes a proper act of this Congress then the Congress has taken a course contrary to that being taken by the Government.

Mr. FINDLEY. I thank the gentleman.

I must say at this point that I have been tempted to comment on almost all of the statements made here today, but I have restrained myself because I want each to have time to speak. If I had answered each statement, a dialog such as we have had here would have been impossible.

I promised to yield to the gentleman from Illinois [Mr. PUCINSKI].

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois be given an additional 30 minutes on his special order.

The SPEAKER pro tempore (Mr. GONZALEZ). I should like to advise the gentleman from Illinois [Mr. PUCINSKI] that the gentleman from Illinois [Mr. FINDLEY] will have consumed his 1 hour, and his allotted time is up, and there are two other special orders pending.

Mr. PUCINSKI. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state the parliamentary inquiry.

Mr. PUCINSKI. Mr. Speaker, I have asked unanimous consent that the gentleman be given an additional half hour for his special order. Is there some technical reason why this cannot be done?

The SPEAKER pro tempore. Yes, under the rules of the House, the gentleman from Illinois has a special order for 1 hour, and he was recognized for 1 hour at the time he took the floor.

Mr. PUCINSKI. A further parliamentary inquiry, Mr. Speaker.

Is there any rule of the House that prohibits or precludes a unanimous-consent request so long as the other two Members having special orders do not object and when no one else objects? Is there some rule of the House that precludes a unanimous-consent request that the gentleman be given an additional 30 minutes?

The SPEAKER pro tempore. Under the rules of the House, the gentleman cannot be recognized for more than 1 hour.

SPECIAL ORDER GRANTED

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that I may address the House for 30 minutes under a special order following the conclusion of all other special orders this afternoon.

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

There was no objection.

Mr. PUCINSKI. Mr. Speaker, how much time does the gentleman in the well now have?

The SPEAKER pro tempore. The gentleman from Illinois has 4 minutes remaining.

Mr. FINDLEY. I thank the gentleman for his comments. It would be rude of me not to yield to my colleague, the gentleman from New York [Mr. Dow], but may I ask that it be only for 1 or 2 minutes.

Mr. DOW. Indeed, it will be less than that.

Mr. Speaker, I thank the gentleman from Illinois. I may be able to shed a little light on this parliamentary problem because I have a special order for 30 minutes following the special order of the gentleman from Illinois and it is my purpose to continue the same debate because I have a couple of observations of my own. I shall not take nearly all of the time allotted to me under the special order and I will be glad to yield to the gentleman from Illinois, to either one of the gentlemen from Illinois, so that perhaps they can use some of that time to pursue their thoughts on this subject.

Mr. FINDLEY. That is very kind of the gentleman and I appreciate it very much.

Mr. PRICE of Texas. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman.

Mr. PRICE of Texas. I would like to thank the gentleman for taking this issue up, and I wish the time was sufficient to hear some of the thoughts perhaps of some of the new Members of the Congress regarding this deep subject.

I have been concerned about it, as many of you have. Having been a veteran, a jet pilot in the Korean war, I have some theories and some ideas that I would like to expand on regarding the war in Vietnam; and how it is that we can allow China to continue bringing in the goods and munitions that she is shipping in there and how they go down the Ho Chi Minh trail. As I say, I wish we did have the time and I hope we can continue this tomorrow to discuss this most vital issue that is facing us and facing this Nation today.

Mr. MORSE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman.

Mr. MORSE of Massachusetts. I would just like to make reference to some of the comments that the distinguished gentleman from Florida made.

As he pointed out, the proper way that this House should act is in a formal way, by acting on a resolution proposed to the entire body and voted on by the entire body.

I agree entirely that that is precisely what the gentlemen who have joined with the gentleman from Illinois propose, that we do take formal action because it has been 3 years since this body has taken formal action directly on the question.

Mr. FINDLEY. I thank the gentleman for his support.

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

Mr. FINDLEY. I yield to the distinguished Speaker of the House.

Mr. McCORMACK. The gentleman from Illinois referred to me as being in the Chamber during his remarks. I do not want to have the RECORD stand so that anybody reading it might think the gentleman from Illinois was hurling a challenge at me, which I know he was not; is that not correct?

Mr. FINDLEY. Indeed not, Mr. Speaker, and it was not intended in that way. I mentioned your presence only as a courtesy.

Mr. McCORMACK. Then I will ask the gentleman a few questions for the RECORD.

As I understand the gentleman from Illinois, he does not believe in withdrawing our troops from South Vietnam; is that correct?

Mr. FINDLEY. That is correct. That would be a mistake. You have put it very simply, of course, but I assume that you are suggesting a formula such as the gentleman from Texas [Mr. TEAGUE] had in one of his resolutions—and I would not recommend that course of action.

Mr. McCORMACK. Does the gentleman favor our cessation of bombing of military targets in the north?

Mr. FINDLEY. As to that, the one note of caution that I would give is in respect to the bombing of a rail line which loops between two Chinese Provinces and which forms almost the only line of communication between the Provinces, it would seem to me prudent on our part not to aggravate internal Chinese problems by bombing that rail loop. This is considerably north of Hanoi.

Mr. McCORMACK. So the gentleman does not favor cessation of bombing, with the exception of what he has just stated; that is, broadly speaking?

Mr. FINDLEY. That is correct. I must say to the Speaker that I do not pose as a military expert.

Mr. McCORMACK. I am trying to see how much of a disagreement there is. I

find very little disagreement on the gentleman's part. He refers to some railroad. But if the military commanders in the field thought action against them was necessary, would the gentleman still adhere to his position?

Mr. FINDLEY. Well, I would want to hear that thoroughly discussed in the hearings before reaching a conclusion, because on the face of it, it does seem to have considerable consequence.

Mr. McCORMACK. The gentleman knows that you cannot conduct an armed conflict with directions that result from hearings that are going on at the same time?

Mr. FINDLEY. I think the question of bombing rail lines could very well be explored in the executive sessions of congressional committees, and I am sure the Speaker knows that.

Mr. McCORMACK. I should like to point out for the RECORD that the Gulf of Tonkin resolution is very clear and explicit. Every Member who voted on that resolution either knew what he was voting on or should have known. If he did not know, that was his own fault. I knew what I was voting on.

Furthermore, many people in good faith misunderstand the relationship under the Constitution of the President of the United States as the Chief Executive of our country and the President as the Commander in Chief of the Armed Forces. I know my friend from Illinois has that distinction clearly in mind. Is that correct?

Mr. FINDLEY. Yes, I do; indeed.

Mr. McCORMACK. When an emergency or extreme tension confronts our country, the President has extraordinary reserve powers which come into operation in his capacity as Commander in Chief of the Armed Forces of the United States. Is that correct?

Mr. FINDLEY. There is no question about that.

Mr. McCORMACK. Lincoln issued the Proclamation of Emancipation without an act of Congress under his emergency powers as Commander in Chief. Lincoln also suspended the writ of habeas corpus under his reserve powers as Commander in Chief. Many other Presidents have done the same thing. You are aware of that, are you not?

Mr. FINDLEY. Of course.

Mr. McCORMACK. So you are not questioning the powers of the President as Commander in Chief in the exercise of his reserve powers when he deems an emergency or a severe situation exists in relation to our country?

Mr. FINDLEY. Yes, but I believe that reasonable people will disagree as to whether the reserve powers would provide adequate authority, in the absence of other legislation or resolutions of Congress, to proceed as far as he has in Vietnam.

I realize that the President has not based his claim for authority upon the Tonkin resolution. In a press conference he said, if I recall his words correctly, that he could have done what he did without a Tonkin resolution. Indeed, he based his action on the SEATO Treaty, and it is my contention that the SEATO Treaty does require congressional process.

Mr. McCORMACK. I was present at the time. In fact, the President did not need the Tonkin resolution to act if he felt under his reserve powers as Commander in Chief that he had the authority, no more than President Eisenhower needed the Middle East resolution. Eisenhower could have acted in the Middle East without the resolution, but the resolution would show solidarity to the world between the legislative and the executive branches of the Government. So we passed the Middle East resolution. The Middle East resolution is still in existence, is it not?

Mr. FINDLEY. I assume it is.

Mr. McCORMACK. It is. I knew what I was voting for when I voted for the Middle East resolution. I knew what I was voting for when I voted for the Tonkin resolution. In fact, we showed to the whole world that the legislative and executive branches were together in connection with the situations in both cases, one in the Far East and the other in the Middle East.

The SPEAKER pro tempore. (Mr. GONZALEZ). The time of the gentleman from Illinois has expired.

EXERCISE OF CAUTION IN VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. Dow], is recognized for 30 minutes.

Mr. DOW. Mr. Speaker, the concern of this Congress for the problem in Vietnam is certainly admirable, and I salute the gentleman from Illinois [Mr. FINDLEY] for taking the lead in this debate. The fact that it represents a great concern of a number of Congressman is immensely helpful to prospects for settling the war.

There is one ominous matter, and that is the slow but advancing escalation of the conflict in Vietnam. It is very clear that our Nation is becoming more and more perceptive of the need to modify our policy in Vietnam in the direction of a solution other than by force, and in the direction of reducing the level of the war. I am sure that if this movement is left to itself—I do not know whether it will take 6 months or 1 year, whether it will be occurring before the election in 1968 or after the election in 1968, but the movement is certainly in progress and if left to itself I think we can expect a peaceful cure. Unfortunately, Mr. Speaker, the time may not be provided, because the escalation continues its slow but implacable advance.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. DOW. I yield to the gentleman from Missouri for just a short remark.

Mr. HUNGATE. Mr. Speaker, I wanted to follow up the point of the extraordinary emergency powers of the President. The gentleman's remarks about the inexorableness of the escalation brought it to mind. I think the gentleman will agree with me, no one will question the President's acting in an emergency, but I think we might debate at length whether a sufficient emergency existed in Vietnam.

Mr. DOW. Mr. Speaker, indeed we can debate so many aspects of this problem, I would say to my colleague, but I think we should address ourselves at this moment principally to the escalation, because that is the critical danger.

We have all observed that very recently the U.S. Air Force and Navy have been bombing the last Mig airfields in the northern part of Vietnam. Now there are practically no sanctuaries there. Sooner or later it will be impossible, perhaps, for the Mig's to harbor there, and they will stay upon airfields within the borders of China. Possibly they will rise from there to attack our planes.

When that time comes, our officers will have to make the decision then whether to exercise the right of hot pursuit. Then I would say the danger will be greatest.

Also, the bombing continues closer to the waterfront in Haiphong day after day, and sooner or later there may be a strike on a Soviet vessel in the harbor there. There is always this danger of an accident, and such an accident may put the honor of Russia and China in the scales. I am sure they do not want it there, but indeed it may happen.

When the honor of these countries is sufficiently weighted in the scales, they will have to take the position of a great power to resist what they may think is a derogation from their honor brought on by the escalation.

There must have been a reason for the caution that guided American restraint in the past in attacking these airfields and in attacking these harbors. I am sure that that caution was due to the danger of involvement with the other great powers. But now, apparently, in some kind of eagerness to bring off a quick solution, we have thrown this caution to the winds, and we are doing so more and more. The caution is being eroded.

I know our military men have been given the responsibility to win, and we cannot expect them, when they are faced with the question whether to observe the doctrine of hot pursuit, to arrive at the cool decision, to forgo this traditional option open to soldiers in the heat of battle.

Instead, the responsibility rests with the executive department of this Government, and certainly Congress has the responsibility here in advising caution in the great danger that faces us through escalation.

I salute the admirable efforts of the gentlemen who have spoken today in favor of a reduction of our activities. I have spoken in the same vein myself in the past, and perhaps in a vein even more directed toward a specific solution in Vietnam than most others in the House. Not long ago I had a hand in drafting a letter signed by 30 Congressmen and sent to the President containing a caution against escalation.

But in order to enjoy the luxury of continued debate during the gradual evolution of American public opinion in the direction of peace, which we all wish, we must prevent the catastrophic occurrence that may, like classic tragedy, in-

tervene and prevent the realization of our hopes.

The first order of business is not terms of a settlement in Vietnam. It is not negotiations. It is not brilliant ideas of statecraft.

The first order of business in the world today is to turn the course of American military activity immediately from the escalation to deescalation of the military effort. There is the danger. There is the source of defeat for all our efforts toward peace that we have in mind throughout this debate today. And very possibly this is the source of a great conflagration that might extend across the world.

I and many others are ready to follow the many avenues open for a settlement of the conflict. I hope all Members will recognize where the critical danger lies, and how explosive it is, and also will address their efforts first to the cessation of escalation. This will set the stage and provide the security which is needed for development of the admirable plans and efforts being offered by many conscientious Congressmen on all sides.

If any resolutions or conclusions result from our deliberations, the first should be one to suspend escalation of our military advances. Positive deescalation would be even better yet.

Mr. Speaker, I would be very happy to listen to any comments, and I encourage any of the other Members to add their thoughts at this point if they wish to do so.

I should like at this time to yield to the gentleman from California, if he is willing to have me do so.

Mr. BROWN of California. Mr. Speaker, I am very willing. I appreciate the opportunity to say a few words.

First I should like to express my own appreciation to the gentleman from New York and the gentleman from Illinois for making possible this debate on what many have referred to as the most vital issue facing the country today. Debate is extremely necessary. It is extremely healthy. I do not know of anyone who has denied this on the floor today. I do not believe anyone would.

There has been, however, an unfortunate tendency on the part of many people who are in support of our present military policies in Vietnam to have the best of all possible worlds. The statement is repeated many times that we are at war and the concomitant powers which go with a declaration of war have been cited. Many have claimed that this should put certain restrictions upon dissent. In some cases some have expressed the view that all this debate and discussion is not necessary.

Let me say, very frankly, one cannot have it both ways. We are not at war, because the Constitution says that the Congress shall declare war and the Congress has not declared war.

Many authorizing powers have been stated. They were stated only this afternoon by the distinguished gentleman from Florida [Mr. PEPPER], who mentioned the SEATO Treaty, the Gulf of Tonkin resolution, and various acts taken by the Congress. These are all true.

Congress has to take the full responsibility for where we are today, and there is no question about it, because Congress could have stopped it at any point in time. Each one of the so-called authorizations contains within itself the power to cease what we are doing.

The Tonkin resolution, for example, states that it shall cease its effect when an action by both Houses of Congress is taken. Certainly this must imply that both Houses of Congress will at some appropriate point enter into a debate or a discussion as to whether its authorizing powers should be terminated. The SEATO Treaty makes exactly the same statement, that is, that the constitutional processes of the various countries should be involved. The constitutional processes of this country involve debate and decision by the Congress of the United States. The appropriation and authorization acts we have taken—and this Congress has probably been more exuberant than the Executive in pursuing this war by means of that process—but at any time one of these measures comes before this body they can act by simply voting against it. So I say to you that you cannot have a state of war without a declaration of war, which precludes debate when everything I have cited authorizing this predicament we are in provides for action by the Congress in order to review that situation.

Now, I want to commend the gentleman from New York and the gentleman from Illinois for making this process possible. I hope they will continue it, because in the very brief time that we have had this afternoon here and in the absence of a formal motion or resolution to vote on, we cannot begin to exhaust all of the points that need to be considered.

May I briefly cite some of the points that need to be considered? First of all, how far does the Congress wish to go in authorizing the Executive to declare war contrary to our Constitution? At what point do we wish to say that the Congress will have powers in accordance with the Constitution? Is there any point? Does it need to be debated? I think it does. What about the commitments that we have heard so much about? I have seen them discussed many times over and have seen a very excellent staff study which was done by the Republican policy committee in the Senate.

It was never duly adopted by that body, but it certainly was made. It points out that none of the commitments referred to today so avidly by the present supporters of the war are actually commitments for the war that we are actually engaged in today. They were not commitments to send a half a million American boys to the mainland of Asia but were commitments to give aid as required by the situation if certain conditions were met. So what is the nature of these commitments, and how many times have we made them and how many times have we changed these commitments? We made commitments to Indonesia, and when their government changed we canceled these commitments. When the government changed again we put them back in again. We made commitments to Egypt. We just made a commitment on the floor of the House today with respect to Egypt to revoke a commitment with regard to the importation of long-staple cotton. Those are the kinds of commitments we have made and changed. Is this a commitment in Vietnam that we cannot even review or change?

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. DOW. I will be happy to yield to the gentleman.

Mr. PUCINSKI. The gentleman is absolutely correct. This Chamber had ample opportunity to rescind the Tonkin Bay resolution approved on August 7, 1964, in this Chamber by a unanimous vote. The gentleman is absolutely correct. Any Member of Congress, if he feels that what we are doing in Vietnam is not the right thing, can move to rescind the Tonkin resolution.

Mr. BROWN of California. That is what we are laying the groundwork for here today.

Mr. PUCINSKI. And the gentleman will agree with me there is even a procedure in the House that if the appropriate committees of the Congress do not act on such resolution to rescind the Tonkin Bay resolution as expeditiously as is desired, if anybody wants to or anybody wants to issue such a petition, they can do so by means of a discharge petition. Every Member has an opportunity to do this. For myself, I will stand behind the President, but I hear people talking about how the Tonkin resolution is this or that or what-not. Why do not these people who have been criticizing the President and our position in Vietnam and our effort in Vietnam—why do they not put this to a vote and exercise the parliamentary rights they have in this Chamber and let us see where the Chamber stands on the issue? I will tell you this: I am willing to make a prediction that if such a resolution to rescind Tonkin Bay ever comes to a vote, the vote will not be very different from what it was when we originally voted unanimously in support of the Tonkin Gulf resolution.

Every Member knew full well what he was voting for when he approved the Tonkin Bay resolution. Every Member knew he was committing American troops to Vietnam. But it was an election year and no one wanted to be marked as soft on communism so the vote was unanimous.

No war is ever popular. George Washington was criticized for the American Revolution. President Lincoln was threatened with impeachment for continuing the Civil War. Wilson was crushed for World War I.

We hear those same voices today. Some would want us to reconsider Tonkin Bay so they can get off the hook. This is no way to run a country. Every Member of this House knew full well what he was doing when he voted in 1964. There can be no retreat now because there is some criticism of the war. We are committed and we shall stay until we win.

Mr. BROWN of California. I thank the gentleman for those comments. I know he is not one of those who objects to a debate on this subject because this is

obviously the way in which the Congress makes up its mind.

Mr. Speaker, let me cite two or three other things that need to be debated. I have already mentioned the matter of the power of Congress to declare war. Are we going to observe this part of the Constitution, and, if so, to what point, or what will be the nature of the commitments we have made, commitments which have been made to the point which have never been thoroughly discussed and one of which primarily involves the question of aggression, which is constantly brought up.

Mr. Speaker, it is almost assumed that when the State Department says that we are faced with aggression, we must repel it. Yet, authority after authority states that the major part of this war is revolution, or a war for independence as was our Revolutionary War, and that in no other way could the initiative of the people be considered.

Mr. Speaker, are we going to ignore the fact that most of the people assume that they are fighting a war as we did in our country in the Revolutionary War in 1776, or are we going to assume that it is a gigantic smokescreen emanating from Moscow?

Mr. Speaker, do we have a solution to the conclusion of this war other than unconditional surrender? There is nothing which the administration has said that would indicate otherwise. In other words, our position is that there is a Communist aggression from the north, and only that, and that to do other than to follow our present course would amount to unconditional surrender insofar as the people we are fighting are concerned.

Mr. Speaker, this question needs to be debated.

Mr. Speaker, behind all of these things are two even more fundamental points which deserve our discussion.

First of all, is the basic problem toward China. Are we going to continue to ignore the existence of China for the next 18 years as we have ignored its existence for the past 18 years? Are we going to assume that by keeping 2.5 million armed troops around the periphery of China, either American troops or foreign troops or other troops, that this is going to build a better relationship with China? Are we going to have another arrow in our quiver other than maintaining the maximum amount of military pressure on this country?

What is going to be our response to this approach around the world?

Mr. Speaker, more and more it is becoming clear that the basic problem is a problem between the "have-not nations" and the nations which have. We are building bridges to the "have nations," but we have got to have a better strategy in reaching the "have-not nations," or this country is going down the drain.

Mr. Speaker, I say that this question needs to be debated. I encourage the gentlemen who have started this debate to continue.

Mr. DOW. Mr. Speaker, permit me to thank the distinguished gentleman from California [Mr. BROWN] and say that I regard the gentleman as one of the most courageous Members of the House of Representatives, because even in the darkest days when the public views were in favor of continuing and escalating the war, which is certainly not the case today, but in those dark days, the gentleman from California was one of the first who stood his ground and maintained that independence of thought which I think is a hallmark of the highest traditions of this Congress.

Mr. Speaker, I would like to add a comment of my own and that is, in answer to the gentleman from Illinois, I myself have never demanded a resolution in Congress that would settle this thing once and for all.

Mr. Speaker, it is my opinion, as the gentleman suggests, that if the matter were put to Congress to a vote, up or down, the vote would be disastrous.

I think that it is, perhaps, fortunate for the world that the resolution of this problem has not come to a decision in the Congress of the United States, but that the issue has had to evolve by itself to the point where the people of the country may influence the decision in a specific direction.

We have to work at deescalation so that we have a little time left in which to save this grave situation.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. DOW. Yes, I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I am afraid that my good colleague from New York misunderstood what I had said. I had said—and the RECORD will bear this out—that if we were to present another resolution before this Congress whether it is a resolution similar to the Gulf of Tonkin resolution, or any other resolution, that would put the question on whether or not we should continue our defense of Southeast Asia and Vietnam against Communist aggression, or whether we should not, I say to the gentleman that in my humble opinion the final vote on that resolution would not differ much from the vote that was cast on the Gulf of Tonkin resolution. In other words, I say that this Congress would again overwhelmingly support President Johnson in the course that he has charted for the defense of freedom in Southeast Asia and let there be no question on that.

Mr. DOW. I can only say to the gentleman from Illinois that if it is true that Congress would reiterate its earlier commitment, then I do not believe the Congress would very nearly represent the views of the people of this country.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. DOW. Yes, I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Speaker, I want to thank the gentleman for his foresight and service to the country in taking time to debate this subject, and the gentleman from Illinois [Mr. FINDLEY], likewise, and those others here who are participating in what I believe can be a very useful discussion on one of our most troublesome national problems.

For my part, I should like to say that I do not see that this proposed debate on the resolution necessarily constitutes any criticism of the President. I believe it constitutes the filling of a legislative vacuum.

I am one of those hundred or more Members of this body who, from the time when the Gulf of Tonkin resolution was adopted, has not regarded it as the constitutional intent of the Congress.

It may well be when such an event would happen, and the resolution were put before the House—and I do not believe it would be a unanimous vote, as I understand it was put—but it might well be a strong endorsement of the administrative policy, and if that be the will of this body, so be it.

But in doing something and recommending that this is what the House would do if it had the chance to discuss the matter, and we have discussed the matter about whether or not we ought to know what programs should be recommended, and what should be done in Vietnam, but spelling out in the process what it would do differently.

Well, I find myself in this position, and I suggest that many others in this body do also—I come in here and vote on the space issue, I come in here and vote on tax measures, and I came in here today and voted on the extra-long-staple cotton. I would not want to write any treatise on extra-long-staple cotton—but I find that I come into this body many times when a bill is introduced, and I rely on the discussion and the dialogue that develops on the floor of this House from men who are expert in the various subjects, and I thus can form an opinion by listening to the words of those who are informed in depth.

And I would believe that this would happen in this area.

Earlier the gentleman from California had mentioned that he thought the public strongly supported this, even though it was not related to the raising of taxes, that they would want to hold or delay or curtail certain programs. And along that line there are some programs I would curtail. You could curtail and abolish foreign aid. I understand that is at a figure of $3 billion. You might abolish or curtail the poverty program, and that is set at $2 billion, but that is only $5 billion out of a deficit of $29 billion.

So the problem of the deficit, it would seem to me, again and again, is a problem that is entangled with Vietnam.

I believe it would be helpful to work out here the definite commitment of this country through the representatives who are closer to the people than any others in our Nation to see what they wish to do. I say if that could be done then the sacrifices involved in that struggle should not be confined to the 18 or the 26; it would be for everyone in the country to agree to sacrifices in the same way.

I thank the gentleman for yielding.

Mr. DOW. I thank the gentleman from Missouri.

Mr. Speaker, it is my opinion that our involvement in Vietnam was a mistake—a colossal mistake.

Experience teaches us that when we have made a mistake, particularly a big

mistake, that there is no easy way to ease our way out of it by continuing the course that mistake implies. It seems to me a mistake has to be corrected by a reversal.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. DOW. I yield to the gentleman from Illinois.

Mr. PUCINSKI. If the war in Vietnam involves only Vietnam. If the whole war in Vietnam was directed at that part, and at that part only, I would have to agree with the gentleman that one would have to weigh very carefully whether or not the lives of 14,000 American soldiers and all the other sacrifices made by people in Vietnam and outside of Vietnam justify the end.

But I hope that my colleague will read President Johnson's speech of a week ago Monday, in which he put in proper perspective what this whole effort in Vietnam is all about.

The President quite properly called attention to the fact that this is the first time a major power such as the United States has committed itself totally and unequivocally to the defense of a small and helpless nation. You cannot lay that kind of a guideline down for World War II or World War I or any of the other wars. Here is the first time in the history of man that a major power has put all of its chips on the survival of a small and helpless nation like South Vietnam.

The President went on to point out that this is the first time that we are creating a spirit of and enunciating a doctrine of community among nations. Every small nation in this world, whether my colleague will admit it or not, is looking today to see what happens in Vietnam.

When we founded the United Nations 20 years ago there were only 51 nations in that body. Today there are 127 nations. Some 70 new nations have carved out for themselves freedom, human dignity, sovereignty, and identity. Everyone of these small nations—and some of them are smaller than some of our larger States in the United States—are nations, nations that have thrown off colonialism; they are nations that have thrown off serfdom; they are nations that have thrown off slavery.

These nations are now wondering and watching to see what is going to happen.

I can tell my colleague when we win this conflict in Vietnam—and make no mistake because we are winning it and we are winning it big—when we win this conflict, we will assure for the people of South Vietnam the kind of freedom and human dignity that every individual in this world hopes for and craves for and yearns for. When we get this message to these small nations—and the great conflict in the world today is the struggle for the minds of men because this world is divided between our concept of human freedom and dignity and the concept of communism which does not regard the individual as entitled to any freedom—when we get this message to the small nations that we stand for freedom, they will prove our most effective allies.

This is the great conflict in the world—in every corner of the world—the conflict between these two ideologies— freedom versus slavery.

Let the gentleman make no mistake about it. I do not know of any people in any Communist country that are a free people. So I say the balance of power will rest with 70 nations of Africa, and the newly emerging nations in Asia like South Vietnam. Yes, and the nations of South America. All small nations—all watching the outcome of Vietnam.

So what is happening in Vietnam and the result of what happens there when we win this war and secure for the people of South Vietnam a place in the family of free nations, I tell the gentleman, will be the impetus for all the small nations that are now sitting by and wondering which way they shall throw their lot, they will say, "Our future lies with America—our future lies with the people of the United States because they stood with South Vietnam. They stood for the freedom of a small nation."

How easy it would be for our President today to walk away from Vietnam and find some pretext, like the French did, and—walk away from them and leave those people to Communist aggression and subversion.

His popularity ratings would go up in some quarters.

But this great President, risking his own personal stature as a President and seeing his own popularity going down and down, has stood behind this principle of freedom for our helpless small allies.

I tell you what is happening in Vietnam today is beginning to capture the imagination of most of the world. It has been rough sledding but President Johnson will emerge as the great architect of a new social order under freedom for the small nations of the world. He is the real creator of a dogged determination that only by recognizing the sovereignty of these small nations can there be lasting peace.

That is what Vietnam is all about and the world is beginning to see this more and more to the consternation of the Communists who know they are losing their struggle for world conquest.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

VIETNAM

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois [Mr. PUCINSKI], is recognized for 30 minutes.

Mr. PUCINSKI. Mr. Speaker, continuing, then, the statement we have been making earlier—and I want to thank my colleague from New York for his courtesy in yielding—the real effect of Vietnam cannot be measured today. It may not be measured tomorrow. It may not be measured next year. But as this world evolves, and as these small nations take their places in the whole family of nations, we are then going to see communism in retreat. We are now laying the groundwork in Vietnam for a real, genuine, lasting peace. Those are the issues.

So when my colleague from New York said that Vietnam was a mistake, I am not sure that that can be proven. I think that time will prove President Johnson, President Kennedy, and President Eisenhower right in drawing the line against communism in Vietnam. Because of that decision, my children and the children of America will grow up under freedom, and they will put to the lie Mr. Khrushchev's arrogant boast that our grandchildren will grow up under communism.

Communism is in retreat in Southeast Asia only because we have had the courage to stand up and be counted.

I would like to call my colleague's attention to a speech I made on this floor some time ago when I spelled out in great detail the blueprint for Communist aggression which was formulated in Havana, Cuba, in January 1966.

At that time, 600 top Communists from Asia, Africa, and South America assembled and organized the Tricontinental Congress. Those people pledged there and then that if they succeeded with their new concept of aggression through terrorism and subversion, which they are testing in South Vietnam, if they succeeded with this new technique in South Vietnam, they had 73 countries on three continents—Asia, Africa, and South America—all ready for similar so-called wars of liberation.

Those are the stakes in Vietnam.

I think that we make a mistake if we try to measure our contribution and sacrifice in South Vietnam only in terms of a piece of real estate within the immediate borders of South Vietnam.

It is only when you look at the global effect of what we are doing in South Vietnam that you realize what a monumental contribution this brave and great President is making for the restoration of a lasting peace and an order by which men can resolve their differences at the negotiating table, at the United Nations, and at the World Court, instead of on the battlefield where men are killed.

Mr. DOW. Mr. Speaker, will the gentleman yield?

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

Mr. DOW. I thank the gentleman for his very sincere remarks. I think that he is correct in one statement that he made, and that is that none of this can really be proved mathematically by a process of geometry. It is the test of statesmanship always to deal with imponderables, and every judgment must be weighed, you might say, in the pragmatic scale of whether or not it works.

But I must say that I disagree with all the other observations the gentleman has made. At the outset, I believe he has misread the situation in Vietnam—the views of the people in Vietnam, what kind of people they are. Vietnam consists of about 30 million people of whom half are in North Vietnam, and very obviously they do not want the intervention of the United States to determine their future.

It is pretty clear that a fraction, perhaps as much as half the people in South Vietnam, are of the same mind. Further, of the remaining half that are supposedly of a like mind with us, we find such a slight dedication, we find such a failure of all groups in that fragmented

society to fight at the barricades, we find such a lack of unity, and we know of the corruption. Out of all this, how can we conclude that we are waging a crusade that will fulfill the shining aspirations of those people?

My own view of those aspirations is that, in the first place, it is beyond our power to say what those aspirations are; and, in the second place, I do not see that anything we are doing there by our massive weight of involvement, by the destruction, and by the creation of so many refugees, and by all of the other actions will realize any kind of hope for anybody whatsoever.

Mr. PUCINSKI. Mr. Speaker, in view of the statement made by my colleague from New York—and I know he is sincere in his views, just as I am in mine—I will say I was in Vietnam last year, and I had occasion to talk to many, many people in the villages, and I looked at the pacification program which in some places was working and in others was not. I talked to many people, and I was impressed by the fact that regardless of what my good colleague may say, these Vietnamese have been fighting now, at tremendous personal sacrifices, for more than two decades just to get a place in the sun as free people. They have endured fantastic hardship.

The fact remains that a candidate, who had promised in the most recent elections in South Vietnam a complete peace platform and withdrawal of all troops, and everything else, was not elected. Instead an administration was elected which promised to try to bring this conflict to a successful conclusion, with the aid of the military effort.

I do not want to get into a dialog with my friend. Instead I would prefer to read from an Evening Star article of October 28. Let us get to the core of this and see what a young Marine had to say, who was writing from Vietnam. I could stand here all day debating these points, but I would like to read this letter from the Marine, which is apropos of our remarks here.

The letter reads:

SIR: I know many letters must have been received just like this. I am writing this not for any kind of publicity, I am only trying to express my opinion to you, because as I read the papers, I and many other men are deeply discouraged by some of the things certain people are either advising or demanding. The subject I would like to cover is the proposed halt of bombing of North Vietnam.

I have been just south of the DMZ, and, although I have never seen the results of bombing of the north, I have seen a lot of it here at the DMZ.

To put it very simply, and this is only my opinion, if we ever stop it (the bombing) the Communists would and could inflict many more casualties. Just this past month, Con Thien was really taking a beating, as everyone knows. Our outfit was up there for a while, we got off lucky. Other units have been badly hurt by the artillery. Then when the United States stepped up the bombing, there is actual proof, as you know, that the NVA suffered heavily and even pulled out some of their positions and went back north.

The war can and will never be won if the bombing stops. It looks to me like anyone could see that. Everyone knows when we have ceased it before they poured thousands of supplies and men south. It is so damn simple, it should not be hard to understand that.

If certain politicians do not believe this, let them come up here for awhile and I am certain they will become believers shortly. Most of the VIP's who come to Vietnam never get this far north. So, it will be a sorry thing for us if they decide to stop the bombing.

Death is not pretty, but there will be a lot of men killed for nothing if someone does not open his eyes to the real facts, not just talk.

By the way, we are all proud to be serving our country and feel we are doing the right thing in being here. We also appreciate the support the people at home are giving us.

RUFUS H. CRITES,
3rd Marine Division (Rein),
FMF, Vietnam.

We can sit here and debate this all we want, but the people who have been carrying out a new concept of freedom in Vietnam are making a great contribution.

Tomorrow we will be able to see the first significant sign of the wisdom of the Gulf of Tonkin resolution which, incidentally, was debated by 28 Members. Earlier this afternoon someone suggested there was very little debate on the resolution.

The gentleman from California or some other Member raised some question about the Gulf of Tonkin resolution. It was debated by 28 Members, and they were all for it.

The Gulf of Tonkin resolution clearly spells out what our obligations are and what powers we gave to the President. The President is not proceeding now under reserve powers. He is proceeding under powers given by the Gulf of Tonkin resolution, by a unanimous vote in the House and with only two dissenting votes in the Senate.

Tomorrow we will see the first significant results of the wisdom of this Gulf of Tonkin resolution, when a democratically elected, constitutionally elected government takes over the helm in South Vietnam.

Never before, so far as I know, has a free government been formed under the trying conditions of warfare that exist in South Vietnam today.

Thousands upon thousands of South Vietnamese went to the polls and cast their votes for a government even though they were threatened with all sorts of horrible and savage reprisals by the Vietcong if they participated in the election. These South Vietnamese people voted.

Tomorrow a free government will be sworn in to lead this country, hopefully on the road to peace.

Those facts, in my judgment, are the greatest vindication we ever needed as to whether we belong in Vietnam.

Fourteen thousand American boys gave their lives for tomorrow, because this has been the basic policy of the United States, to assure the people of South Vietnam the right to choose their own government. That has been done.

If those who want to question the validity of our effort in South Vietnam are concerned, let them look to tomorrow, and let them see this government sworn in. Then let them see the reaction of governments all over the world, which, up to now, have treated us with caution and suspicion. I refer to the small nations, that will someday constitute the balance of power in this world. These are the nations that tomorrow are going to be impressed by the fact that this big and huge America was willing to risk all to assure the safety and freedom of this small nation.

These are the stakes in South Vietnam.

Mr. BROWN of California. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Speaker, the RECORD should reflect the fact that we are now on the special order of the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, for purpose of continuity of the RECORD I have requested the printing of my special order following that of the gentleman from New York [Mr. Dow].

Mr. BROWN of California. I want to compliment the gentleman from Illinois on the exposition which he has made of the merit of our position in South Vietnam. Obviously this is the position which our Government has tried to convince the American people of the validity of. The gentleman from Illinois has presented it most convincingly and most cogently.

In fact, if his statement conformed to reality I would be the first to join in calling for a victory in Vietnam, which he is doing. I believe it would be only appropriate that we do so.

But does his statement conform to reality? This is the basic position which needs to be examined today.

The gentleman has stated that this is a war solely for the purpose of achieving peace, that it will produce peace in the world as a result of its impact upon the small nations of the world. He says we are fighting for freedom for a small defenseless Asiatic country.

I should like to go back, if I may, to refresh the memory of the gentleman from Illinois on the history leading up to the present involvement. Specifically I refer to the Geneva Accords of 1954.

Is it true that we have here a small, independent nation fighting for its freedom with the assistance of the United States? What did the Geneva Accords say? They said that no separate nation was created by that agreement. They said that there would be an election in 1956 to establish a form of government for all of Vietnam.

Neither the delegation from North Vietnam headed by Ho Chi Minh nor the delegation from South Vietnam or what is called South Vietnam today, at that time headed by Bao Dai, made any contention that there was such a thing as two Vietnams. Both of them claimed there was only one Vietnam. How does it happen we have two Vietnams today? Purely for one reason only.

This country decided it would have a separate country of South Vietnam. It established Premier Diem and subsequently encouraged him to become president and encouraged him to violate the provisions calling for an election in 1956. Why? The reason is very succinctly put forth. It was well known to this Government that an election conducted in Vietnam at that time would result in the

election of Ho Chi Minh. It was stated by President Eisenhower. At that point in our history we refused to consider the possibility of allowing a further expansion of a Communist-led government even if it were done by election. There is no questions about that.

Now, what the gentleman from Illinois is saying is this: We saw fit to set up an action which we calculated was in accordance with the desires of 80 percent of the people—and it is still about the same number, I would suspect—and we are going to defend the right of 20 percent of the people to have the kind of government that we want. Essentially that is what we are doing in defending the freedom of this poor, innocent, Asiatic country, as he claims we are doing.

I do not ask that he accept this. I understand that the rationale which exists—and incidentally it is not, as far as the State Department is concerned, a statement that this is a separate country but that this is an international boundary which has been violated. Regardless of the status of South Vietnam as a country, their boundary has been violated. So be it. The reason why that has been is because there has been no political settlement in Vietnam in accordance with the last international convention of 1954 with respect to this country and the failure to achieve the political settlement has been the cause of the situation which confronts us today. We thought we were right in undermining that agreement. We thought it was wrong to have Ho Chi Minh rule all of South Vietnam or all of Vietnam. Most of us probably still think it is wrong to have a Communist ruling South Vietnam even if he is elected.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield to me on that one point?

Mr. BROWN of California. Yes.

Mr. PUCINSKI. I think my very distinguished colleague from California makes a stranger of the facts. He would have this RECORD show that somehow or other, we, the United States, were the conspirators. The gentleman completely ignores the fact that there were other major powers involved in the setting up of a North Vietnam and a South Vietnam and drawing up the demilitarized zone and drawing up the demarcation line. My colleague would make orphans of all of these facts.

The fact of the matter is these are historical facts. I have sat in on these Vietnam teach-ins and sit-ins, and invariably when you get into a debate on Vietnam those who disagree with our position in Vietnam reach way back into the whole of the Geneva Convention and the other forces that were at play in Southeast Asia at the time. The facts are as were stated here on the floor a little while ago. The Vietnamese asked us to be there. Nine successive regimes of Vietnamese asked us to be there. We are not there by force. When the debate on the Tonkin Gulf resolution got underway, the gentleman from New Jersey [Mr. FRELINGHUYSEN] asked, CONGRESSIONAL RECORD, volume 110, part 14, page 18543, some questions. The gentleman from New Jersey [Mr. FRELINGHUYSEN] said:

> Does this resolution give positive powers to the President to act with respect to our responsibilities as a member of SEATO?

The gentleman from Indiana [Mr. ADAIR], who, I believe, is a member of the Committee on Foreign Affairs, said:

> It does so within the framework that the gentleman has described, and the Constitution of the United States.

And, my friend's position is respected by me and I certainly do not wish to quarrel with him. I know what he is saying, he is saying with sincerity. But these are historical facts. They are consistent with reality.

Mr. Speaker, we are in South Vietnam because Vietnam was established as a nation by the Geneva Convention and the government of South Vietnam asked us to help them.

Mr. BROWN of California. That is not completely so.

Mr. PUCINSKI. And, when they proceeded to prepare for the election of a representative government, Ho Chi Minh turned loose his terrorists and his subversives from the north, and this was done before the ink was dry on the document. This is the document about which we are speaking.

So, Mr. Speaker, the United States, after the French cowered and withdrew from their obligations, the United States said, "This country of ours cannot let this nation of South Vietnam fall into the Communist orbit."

Mr. Speaker, I say to my colleagues that what we are doing in Vietnam today is nothing more than continuing the 20-year struggle which started in 1947 when the Communists moved against Greece and this is what this whole struggle is all about.

Mr. BROWN of California. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from California.

Mr. BROWN of California. Let me say that there is obviously a clear-cut misunderstanding of the facts either on my part or on the part of the gentleman from Illinois. I know of no authority who claims that the Geneva Convention created two separate countries. I know of no authority, not one to that effect, and I have studied all of them. If it were true that it created two countries, then we would be justified in defending this country.

What happened was that this country created two countries, but it created them before the settlement of certain political problems were disposed of in that country, problems which we ourselves—and I believe the gentleman from Illinois [Mr. PUCINSKI] used the word "conspirators"—gradually, though the CIA overthrew the Diem regime and laid the strategy to invalidate that election.

I say to the gentleman from Illinois it is true that we were the conspirators and that we were supporting this action, and that this Congress and those who had any voice in it knew about it.

Mr. PUCINSKI. Is it the gentleman's opinion that the CIA handpicked all nine governments to handle this problem? Each of the governments of South Vietnam asked us to stay and help them in their struggle.

Does the gentleman from California say that the CIA has carefully checked each one of these administrations, some of which were very hostile to many of our proposals and positions, but still did not ask us to leave?

In other words, is the gentleman from California putting this into the lap of the CIA?

Mr. BROWN of California. Mr. Speaker, if the gentleman will yield further, I have no access to the confidential files of the CIA. I know only what I read in the press. However, everyone of the generals, with one exception, who is now in control of South Vietnam was a French-created general and two-thirds of them were selected during the period of time when they were younger officers and were brought to this country and trained in this country.

Mr. PUCINSKI. Is that bad?

Mr. BROWN of California. No; that is not bad.

Mr. PUCINSKI. Does this make them wicked or something?

Mr. BROWN of California. No; not at all. However, it indicates that they were selected on the ground that this country wanted to make sure that they were dedicated insofar as their indoctrination was concerned as to the proper political course to follow and that was, perhaps, the course of the U.S. policy.

Mr. PUCINSKI. What will be my colleague's position, if after tomorrow's swearing-in ceremony the new President, President Thieu, asks the United States to suspend its bombing of North Vietnam and decides that he is going to try to work this problem out with the North Vietnamese, with Ho Chi Minh? Will my colleague continue to raise suspicions about the integrity of these people?

Mr. BROWN of California. I want to say to the gentleman from Illinois that if the gentleman who will be sworn in as President of South Vietnam is successful in bringing about negotiations to end the war, he would finally recognize the fact that his country which is now 25-percent destroyed will probably be 100-percent destroyed if the war continues. Does not that require that he take that action?

It will not be a reflection on his integrity. I believe that it is a recognition of his ability to cope with reality.

Mr. DOW. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I will be glad to yield to the gentleman in just a moment, but I must say in the light of this last response that I believe, with all due regard to my colleague from California, this really tops the ingenuity and the imagination of those who have been criticizing the U.S. position in Vietnam. I have heard many, many original and unique responses, and I congratulate my colleague from California for his real initiative here and the originality of that response.

Of course, I do not agree with his response.

If President Thieu does move toward some sort of a discussion with Ho Chi Minh for a resolution of the problem of Vietnam, I believe this will be another great victory, and a great credit to the

good judgment of this Congress; and the President of the United States in standing firm in Vietnam against great odds, and against great costs.

I yield to the gentleman from New York.

Mr. DOW. Of course, to answer the gentleman from Illinois I believe we would all salute any measure that looks as if it would open the door to a peaceful solution, and we would be more than happy if any negotiations instituted by the new Premier will come to a resolution.

But I believe that, in all of these arguments about Vietnam, we tend to wander and to argue about details of what's happening in Vietnam. The old phrase is "Who shot John?" Perhaps we ought to look beyond somewhat.

We should realize that in this world today there is a revolution of rising expectations. There are two billion people all over the world in many continents involved in this, and Vietnam is just one aspect, just one little country where this is happening.

The real question is this: Is the United States going to be a policeman who goes about the world putting down every rebellion and every effort that is made by these people to better themselves? Are American boys going to be sent over there to fight poor, miserable people who just want three squares a day?

I believe this is the question we have to answer, and let us not exaggerate this Communist involvement. We are always using the excuse of communism because some communism becomes involved with these people in this revolution of rising expectations. And so we say that because there is a trace or a suggestion or a whiff of communism that we must be the policeman that goes around the world putting down the aspirations of the people that are doing the very same thing our forefathers were doing in 1776.

Mr. PUCINSKI. And the answer to the gentleman is a categorical "No." As a matter of fact, I would like to recall to the gentleman the statement made by Secretary of Defense McNamara when he clearly, succinctly and unequivocally stated that the United States does not have a mandate to police every troubled spot in the world.

Mr. DOW. That is wonderful.

Mr. PUCINSKI. And we have used good judgment. There are, as a matter of fact, about some 83 significant spots of trouble or would-be trouble, or near trouble in this world, and you do not see the President or the Secretary of State committing our troops or committing our country to these trouble spots.

One of the gentlemen mentioned a moment ago about the fact that there are these newly emerging countries in the world. These are new countries, some of them not even 6 years old. They are new to the whole experience of self government. Some day they are going to be very worthwhile allies of ours. And those countries are looking to see what is going to be the attitude of the United States and the attitude of the Soviet Union toward small countries, and they are getting their answers in South Vietnam. They are getting their answers from the President of the United States who says the attitude of the United States toward these smaller countries is to protect them whenever their sovereignty and freedom are threatened. Contrast that to the Soviet Union which is sending in saboteurs and terrorists to undermine local government of these newly emerging nations and destroy their freedom.

So the answers to the question the gentleman has raised are being made today on the battlefield of Vietnam in a most glorious manner by these American boys, who know well that one Communist victory begets another. They know that if South Vietnam falls to communism, the Communists will be looking for new victims and before long the whole world will be at war.

Mr. DOW. I would not detract from the glory of our boys, but I do question the policies under which they are operating over there, and I hold some of our statesmen responsible for it, including the Congress, even though I am not disagreeing with everyone in the Congress, fortunately.

Mr. BROWN of California. I think this debate has been extremely valuable.

I want to compliment the gentleman again for his sponsorship of it. I think it reveals certain differences and misunderstandings that exist not only here in the Congress, and perhaps it would not be so important if that were the case, but they exist throughout the United States and exist in the minds of all the people in this country.

Mr. PUCINSKI. Would my colleague just permit me this one final observation because I see the time is almost running out, and it is significant to those of us who have been here discussing this matter from all sides, and we do not always agree—but at least we are probing for answers and solutions to make our country more effective.

It is rather significant that our good friends on the other side who started this discussion and who began raising some questions about whether or not the President was correct in his judgment, that when the overwhelming facts in support of the President's good judgment began pouring in, I notice that the Chamber is empty of those Members from the minority side who started this discussion.

It is obvious to me that they do not want to be confused by the facts.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

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

There was no objection.

Mr. BROWN of California. Mr. Speaker, let me conclude the statement that I was making before.

If it were in fact true that all of the newly developing countries in the world were looking to the United States to see what is happening in cases where we had made a commitment, obviously, I would be inclined to agree with many of the points made by the gentleman.

But what these countries are saying, and this is clear in all the countries of the world, is that we made a commitment and that we have staked our reputation and we have put $100 billion and a half million men into a country of which we instigated the creation and leadership and that we are all out for that country. But at the same time, I think this very properly raises in their mind the question, Would we really go all out for a country which was legally and properly constituted under the legal precedents or whatever other conditions exist in the world today.

If the answer turns out to be this—that the United States if it creates a country and picks its leadership will go all out for it, but that there is no assurance that it will for really and truly independent countries, then I say that the United States may be in danger around the world because these countries will say, We are not safe and we will not be protected in our freedom and in our democracy and they will say they are not going to be safe in this world today.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent to proceed for 3 minutes.

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

There was no objection.

Mr. HUNGATE. Mr. Speaker, before my friend, the gentleman from California leaves, I would simply comment that I think in the discussion of the CIA, I am afraid he overemphasized the efficiency of that organization in nine consecutive regimes.

I would say that the letter from a Marine which the gentleman from Illinois read is a most impressive document. To me, however, it is a proof of a matter that requires no proof—and that is the willingness of the American people to make any sacrifice that their Government calls for in the cause of freedom and justice.

But I think that that would not permit us to avoid or evade our responsibility to make certain that the sacrifice is one that is properly called for and one that is borne equitably by all our citizens.

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the special order of the gentleman from California [Mr. BROWN] for 1 minute and the special order of the gentleman from Missouri [Mr. HUNGATE] for 3 minutes be included in the RECORD under the one special order for the purpose of continuity.

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

There was no objection.

THE ATLANTIC COMMUNITY TOMORROW

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Maryland [Mr. MATHIAS] is recognized for 30 minutes.

Mr. MATHIAS of Maryland. Mr. Speaker, little public notice has been taken of the extremely important official self-examination in the North Atlantic

community which is now in progress. Its recommendations will be presented to the NATO ministerial meeting in December. The purpose of the study, pursued under the authority of the NATO Council, is to examine the future political role of the alliance—to determine in what way the military nature of the NATO organization can be supplemented through creative multilateral diplomacy.

At long last, in other words, the nations of NATO are collectively examining in depth the question of whether the alliance can be more than a purely defensive military vehicle. The examination may have the most profound impact, not just on the future of American foreign policy, but on the future of each and every country in the North Atlantic community.

I would like to discuss today a number of aspects of that reexamination and several innovations in the structure and purposes of NATO which should be considered. I am proud that 20 of our colleagues are joining me in these comments. The cosponsors of these recommendations include Representative MARVIN L. ESCH, Representative PAUL FINDLEY, Representative PETER H. B. FRELINGHUYSEN, Representative F. BRADFORD MORSE, Representative HERMAN T. SCHNEEBELI, Representative CHARLES W. WHALEN, JR., Representative DANIEL E. BUTTON, Representative SILVIO O. CONTE, Representative GILBERT GUDE, Representative SEYMOUR HALPERN, Representative FRANK HORTON, Representative HASTINGS KEITH, Representative JOSEPH M. McDADE, Representative WILLIAM S. MAILLIARD, Representative ROGERS C. B. MORTON, Representative CHARLES A. MOSHER, Representative OGDEN R. REID, Representative HOWARD W. ROBISON, Representative FRED SCHWENGEL, and Representative ROBERT TAFT, JR.

While the NATO self-study is not expected to treat strictly military matters such as force levels and strategic doctrine, its latitude is sufficient to sanction the most penetrating analysis of potential political and economic change in the North Atlantic and Europe ever attempted under official auspices:

Committee No. 1 is empowered to deal with the German question and East-West relations.

Committee No. 2 is authorized to treat the subject of interallied relations, including recommendations for the most appropriate form of government-to-government consultation in advance of specific policy formulation.

Committee No. 3 is charged with study of the defense policy of the Alliance, particularly as it relates to nontechnical areas in which military and political judgments converge.

Committee No. 4 is directed to treat the subject of NATO's collective responsibilities to other areas of the world—in the military, economic, and political realms.

The NATO self-study promises a possible rebirth of the Alliance in terms suited to the problems and opportunities of the 1960's and 1970's. This should have been the goal of all of the Alliance nations, including the United States, for many years. The failure to get on with the job does not rest with the United States alone, but there have been, nonetheless, eight broad shortcomings of U.S. policy attitudes toward Europe which have contributed to delay in the constructive evolution of NATO.

The first obstacle posed by U.S. policy to a meaningful rebirth of NATO has been the American tendency, both in public and in private, to imply that all of NATO's problems are the result of France and General de Gaulle. No matter how complex, individualistic, and stubborn the general might be, in a very real sense he has seen, far better than many U.S. policymakers, the need for an evolutionary policy in Europe—a policy no longer based on the power structure of the 1940's. As the late Philip Graham wrote shortly before his death:

> Paradox plays a vital role in human life. The paradox of Anglo-American blindness about De Gaulle lies in our refusal to learn from our errors. Again and again we have misjudged this man. Our diplomats and journalists call his purposes old-fashioned, unreal, and even evil . . .
>
> What is De Gaulle's destiny? It may be that this old man will have enough youth to prevent Western Europe's becoming insecure and unsure of herself as a partial American satellite. It may be De Gaulle's destiny to drain away the latent and dangerous militarism of Germany into a continental polity having some of the melting-pot checks and balances of America. It may be De Gaulle's role to foster a European strength which is essential to counter communism's expansion.

It is not necessary to agree with every De Gaulle thesis or proposal to recognize that his views are not unique in Europe, either to himself or to France. By allowing a fixation on De Gaulle to shape U.S. policy within NATO the United States has tended to divide Europe rather than to unite it and to deny the relevance of everything he has said, even when much of it has been very relevant indeed. It is well worth remembering that, although he may in the future, De Gaulle has not yet removed France from NATO; he has only ended French participation in the military aspects of NATO—which in retrospect serves as an interesting prelude to the current study of whether NATO should expand its nonmilitary aspects.

The second U.S. policy shortcoming which has worked against a progressive rebirth of NATO is the tendency of the American Government to deal with crises only as they arise—and then with only stop-gap measures. So quick is the pace of contemporary international relations that the administration has found it impossible to anticipate events effectively or develop creative new long-term approaches which are compatible with changing conditions. Rather the administration has waited until each crisis has come over the edge of the desk when it can no longer be ignored—and then the answer of U.S. policy has generally been to find some "solution" which may reduce the immediacy of the crisis but not the crisis itself.

The proposal for a multilateral nuclear force is a case in point. Faced with a presumed imminent European demand for an effective share in the control of nuclear weapons for the defense of Europe, the administration "solution" was a gimmick—which required time to study, but in the end proved unsatisfactory to everybody since it met neither the hopes nor the fears of the Europeans.

The third shortcoming of U.S. policy toward Europe is reflected in its obvious preference for bilateral negotiations and agreement with the Soviet Union rather than multilateral consideration with its allies of potential avenues of agreement as a prelude to exploration with the Soviet bloc. It is, of course, tempting to think that meaningful United States-Soviet agreement can quickly resolve many of the basic differences which are symptomatic of the cold war. But bilateral United States-Soviet negotiations have seldom produced such agreement; rather they have encouraged, by example, the other NATO nations to undertake their own bilateral negotiations behind the Iron Curtain—thereby serving a fundamental Communist goal of destroying the unity of the North Atlantic community. And bilateral United States-Soviet negotiations have also, quite understandably, undermined European confidence in U.S. sincerity and leadership.

The fourth shortcoming of U.S. policy in Europe, in the last 6 years, has been its essential sterility on the German question—a shortcoming shared by most of the Western European allies, including West Germany herself. This is not to say that there is any significant evidence that the Soviet Union today is any more likely to participate in a substantive multilateral discussion leading toward the reunification of the two Germanys than it has been in the past. But it is to suggest that without evidence of renewed Western interest and flexibility in pursuing the objective of German reunification, the German people must inevitably conclude that the Western nations, while they may be willing to mouth the goal of reunification, do not really believe in or want it. This, in turn, is bound to result in internal changes in German domestic politics—producing on the one hand a rejection of German political leaders who have tied the goal of reunification to maintenance of a strong alliance with the West, and on the other an acceptance of political leaders who may call for either greater German belligerence or greater German neutrality but certainly greater German independence. No careful observer of domestic German politics could deny the steady growth of political forces which could quickly lead to fundamental changes in German foreign policy.

The fifth obstacle to a rebirth of NATO which is presented by U.S. foreign policy is its extraordinary ambivalence between the goals of nuclear sharing within the alliance and the nonproliferation of nuclear weapons. It has apparently failed to establish an order of priority between these two courses.

The sixth obstacle posed by U.S. policy to the meaningful evolution of NATO from a purely defensive alliance to a positive political force is the tendency of the administration to talk of the relations with the Soviet bloc in unreal

terms. Whatever the merits of expanded East-West trade, for example, they have precious little to do with the "bridge-building" theme of the administration.

By and large the Europeans do not view trade with Communist countries in this light, and neither should we. The proportionately greater trade that Western Europe enjoys with the Soviet bloc as compared with our own comes primarily from the Western European belief that the trade can provide them significant economic value while providing the Soviets insignificant strategic value. If the list of nonstrategic items which could be safely traded to Soviet bloc countries were expanded in each Western nation, including the United States, and if trade were undertaken solely from the standpoint of potential economic benefit, North Atlantic trade policies could be brought into accord and no Western government would suffer.

It is neither impossible nor improper to tie some political questions into East-West trade agreements, as the West German Government has demonstrated in its trade arrangement with the East German regime. But it is largely irrelevant to talk about East-West trade only from the standpoint of "building bridges" as if somehow that phrase had an economic or political meaning. Without a shift in the administration vocabulary U.S. policy on East-West trade, even that policy proposed by the administration, will be out of touch with the hard-headed commercial trade policies of Western Europe.

The seventh shortcoming of U.S. policy toward Europe has been its inclination to view article II of the NATO Treaty as only window dressing. This article of the treaty was designed to give the Alliance an opportunity to expand its functions from the purely military realm into the economic and political arenas. Despite the dramatic and real progress in economic relations with the six of the Common Market through the Kennedy round, for all intents and purposes article II of the NATO Treaty has been unused for 20 years. The NATO self-study now underway is the first serious effort to explore the evolution of NATO under article II into the realm of multilateral political and economic diplomacy.

We have been slow to see the need and the opportunity largely because we have continued to think of Europe in the terms which were relevant when NATO was first born—when the need for collective military security was pre-eminent and the tasks of postwar reconstruction provided no opportunity for a progressive European policy toward the rest of the world. But those days are long past, largely as a result of an extraordinarily successful U.S. policy which helped restore the economic stability and political vitality of Western Europe. And the day has also passed when the evolution of NATO into an effective political and economic force should have been begun.

Having allowed economically and politically stable Western European nations the luxury of independent policies the rebirth of NATO will be made all the more difficult, even though the opportunity for change has always been present within the provisions of the alliance charter.

The final and most current obstacle posed by U.S. policy to the progressive evolution of NATO has been and is our commitment in Vietnam and our preoccupation with it. One of the highest prices paid for the war in Vietnam has been the lack of attention given in U.S. foreign policy to the pressing needs for change in other areas of the world.

Along with others, Europe and her problems have been placed on the back burner. But in addition to lack of attention, the U.S. commitment in Vietnam undermines U.S. policy in Europe in other ways. It has apparently resulted in a reduction by this administration of U.S. troop levels in Europe—and thus has made all the more difficult the necessary NATO discussions of the appropriate magnitude of the future U.S. troop commitment in Germany.

Similarly, it has imbued U.S. policy and U.S. policymakers with the continuing, if vain, hope that we can procure active support in Vietnam from European governments who do not share our commitment to or our perspective toward that war. And, finally, it has led Europeans and their governments to question whether our motives in Europe are primarily to seek the evolution of a stable peace in that part of the world or to involve our NATO allies in our commitments in another and far distant part of the world.

In summary it might be said that American foreign policy toward Europe in the 1960's has ignored the hard but important lessons of history. The international order created at the end of one war, if not sufficiently flexible to change with the times, can become more a cause of instability than stability.

In the modern history of the nation-state, time and again the machinery to keep peace constructed at the end of one war has come in time to haunt men. This is not because the peace settlements were wrong at the time when they were devised; it is because they alone were expected to safeguard the peace even when they were no longer relevant.

The holy alliance after the Congress of Vienna in 1815 was hardly ample to keep the peace a generation later when the monarchies which it represented were the objects of the people's belligerence.

The balance-of-power alliances which maintained the peace in Europe in the last part of the 19th century failed to do so in 1914 largely because they were too rigid to accept change—because they committed their members to an inevitable chain of events which had little or no relevance to the relatively minor event which began the chain. It is conceivable that World War II could have been avoided if the League of Nations and the international order which it represented were as relevant to the generation of leaders in the 1930's as they had been to those who created the League at Versailles.

The conclusion of history is inescapable. Maintenance of the peace relies not upon the wisdom of past generations to anticipate the future, but upon the wisdom of today's generation to understand the present. The international order forged in the aftermath of World War II was based on a clear understanding of realities at that time. But those realities have changed, and if the institutions created then are not changed to meet the new realities they can become more a cause of instability than a cause of stability.

In whatever direction you turn in today's world the inadequacies of our international institutions appear obvious.

The goals of the United Nations are as relevant as ever, but it is painfully clear that the organization is unable to cope with major crises—and its unwillingness to act over Vietnam is evident for all to see. There is a danger that the U.N. is becoming primarily only an institution in which the "have-nots" can quixotically challenge the "haves."

The Organization of American States, without truly meaningful change in 20 years, seems increasingly to be to the Latin Americans the principal evidence of the patriarchal relationship between the United States and the rest of its hemisphere. Rather than a catalyst for stability the OAS is in danger of being reduced merely to a symbol of the cleavage between the Latin Americans and the "colossus of the North."

SEATO, as is evident, is surely an unrealistic entity today.

The purpose of this depressing catalog is not to encourage pessimism. It is merely to emphasize what commonsense would tell us if we were listening: In this age of rapid change it is unrealistic to expect the institutions of one generation automatically to serve well the interests of the next—and when the potential price of failure is nuclear war, the attention of statesmen to the flexibility and evolution of the international order is all the more important.

This is the magnitude of the choices now before NATO—for it too was designed in the 1940's to meet the problems of the 1940's; it too faces vastly different conditions today; it too, with redirection and reemphasis, has a new and even more important role to play in the 1960's and 1970's; and it too, unless change and rebirth occur, can prove to be more a source of instability than of stability.

It would be dangerous to assume that the military threat to Western Europe is no longer real. But the economic and political vigor of the nations of Western Europe has posed a new problem—the potential emergence of 15 truly independent and divergent foreign policies within the North Atlantic community. At its origin NATO could maintain unity in the North Atlantic community by serving as its major source of strength, although as a purely defensive military alliance. That is no longer true today, and if we expect the NATO of the 1940's to provide in the 1960's the unity of the 1940's, the North Atlantic community may come to an end as a constructive force in world politics.

We hope, therefore, that the NATO self-study will not prove to be merely a cursory or academic exercise. We hope that its participants will see their roles as no less important than those of their predecessors in postwar Europe who

forged an international order which, despite—or perhaps because of—great danger, has been remarkably successful in keeping the peace. We hope that the participants will not shy away from even the most controversial of issues in order merely to avoid difficult negotiations. We hope that this agenda will include:

A comprehensive Western trading policy toward the East: Before there can be any significant expansion of East-West trade every effort should be made to forge a comprehensive agreement among the Western allies on the terms of trade to be offered, the nature of goods in which trade might afford strategic value to the East, the model provisions of multilateral or bilateral trading agreements, regulations covering the transfer of technology from the United States to the Soviet bloc through Western European traders, and the political issues, if any, which should be tied formally or informally to the expansion of trade.

It may not be possible or desirable to negotiate a single pact-to-pact trading agreement, but negotiations on bilateral trading agreements should proceed from a standard set of guidelines agreed to in advance by the NATO allies—ideally in the form of a draft trading agreement formulated in the NATO self-study. It would be inappropriate for the Western nations to follow 15 independent trading policies which would merely increase competition between them and in the long run affect their political relations.

Perhaps the most important trade matter at the present time is the extension of long-term credit. We hope that Committee No. 1 of the NATO self-study, building on the basis provided by the discussions at the OECD, can reach a consensus on appropriate credit terms to be offered by any NATO member.

The NATO study can serve also to remove some of the irrelevant emotionalism with which East-West trade is discussed. No one has proposed trading strategic goods to the Communist states. No one has proposed a one-way trading agreement which favors Moscow but not the West. No one has proposed terms of trade which are so liberal that they amount to foreign aid to the Soviet Government.

The U.S. and Western nonstrategic trading policies toward the Soviet bloc should reflect the attitudes of the hardheaded American traders of the 19th century, whose clipper ships roamed the seven seas as living proof of the prosperity of a self-confident free enterprise system. They did not fear that international commerce would somehow subvert their belief in freedom—and neither should we. They did not deal unless the deal was to their benefits—and neither should we. They did not doubt the superiority of their economic system—and neither should we.

They secured respect for the American economy, awe for the American industry, and economic gain for the American people. With similar self-confidence and similar toughness the Western economies have a new opportunity today to prove their superiority and benefit their people.

Major new proposals to end the division of Germany: For the purpose of maintaining stability in domestic German politics and in order to test the sincerity of Soviet desires, if any, for detente it would be valuable now for the Western nations to offer a new initiative which might lead toward German reunification—perhaps including Western willingness to accept adjustments of the boundaries of a unified Germany. The proposal should not be made with any expectation of a positive Communist response. But, nonetheless, the step would inject into the East-West relationship a willingness to explore old problems anew, from which progress might emerge. It would also demonstrate to the German people the genuine nature of the Western commitment to reunification and thereby help to check extreme German political factions who advocate radical change in German foreign policy.

And finally, a new collective NATO initiative on German reunification would lessen any inclination on the part of individual NATO states to push their own unilateral ideas in bilateral East-West negotiations to end the partition of Germany.

A progressive negotiating package to be offered to the Warsaw Pact nations for discussion, on a pact-to-pact basis, for the resolution of Europe's divisive problems: Such a package might well include proposals relating to East-West trade and German reunification—but they might also include: the deliberate expansion of diplomatic and cultural contacts; programs to encourage unlimited citizen travel throughout Europe and the North Atlantic community; proposals for reciprocal troop reductions and conceivably for limited forms of military disengagement; proposals for joint scientific research and exploration; proposals for a multilateral institution to promote East-West development aid to foster economic stability and vitality in the southern half of the globe.

Almost as important as the content of the negotiating package and the likelihood of its acceptance is the initiative which it would represent. It has become commonplace to suggest that Europe is on the verge of major new political decisions which would end many areas of cold war stalemate. But this progress is not likely to happen without the advent of creative diplomacy on both sides and a demonstration by both sides of a willingness to be flexible.

Some critics may consider the pact-to-pact negotiating process unnecessarily cumbersome and slow—that bilateral United States-Soviet discussions, other bilateral talks, or great power meetings might be more productive. But this view reflects the unfortunate trends of NATO in recent years by which the internal unity of the North Atlantic community has been allowed to dissipate. Collective security and collective defense rely in great measure on collective diplomacy. They cannot withstand the unilateral or disjointed pursuit of a single nation's vision of the future.

Pact-to-pact negotiations would require a collective NATO position, agreed upon in advance; they would impose a discipline of time as well as substance upon all the North Atlantic nations, a development which augurs well for the future; and they promise the kind of feasible discussions which can lead to a comprehensive European settlement which is acceptable to all nations involved.

A permanent North Atlantic parliamentary body: Whether under the title of the Atlantic Assembly, or some other name, it would be valuable to establish a permanent and working NATO parliamentary body. In order to do so, the periodic interparliamentary unions of today should be given some permanent form, perhaps with permanent national representatives chosen by the legislatures of each NATO state.

The body could be charged with the responsibility of promoting for consideration by the NATO Council new ideas for the evolution of NATO both in terms of relations among its members and NATO's relations with the rest of the world. It obviously is premature to form a true legislative body for the Atlantic area, but it is not premature to expand the nature of NATO to include not just formal relations between official diplomatic representatives but also less formal relations between parliamentary counterparts.

Genuine consultative institutions and procedures pointing toward a common North Atlantic foreign policy: The goal of NATO solidarity cannot be served when any nation—the United States, France, or anybody else—forms its policy first and consults its allies second. Too often in the past the United States has viewed the consultative processes in NATO merely as the channels by which American blueprints are accepted. The strength of NATO in its multilateral diplomatic efforts will reflect the degree of success NATO members have in collectively forging a common policy. This requires not so much a change in institutions as a change of attitude.

Of course, it is necessary for the U.S. representatives to have a clear idea of what they believe an ideal NATO policy should be; but it is also necessary for the United States to be willing to accommodate the demands of other NATO nations when their national interests are deeply engaged. This is not to advocate subordinating the U.S. interests to those of Europe on all occasions; it is merely to suggest that one NATO foreign policy is far superior to 15 NATO foreign policies.

Specific exploratory steps to test the thesis of North Atlantic political integration: While it would be undesirable and wrong to impose radical political change upon a community of peoples and nations who do not uniformly desire that magnitude of change, it would be equally undesirable to dismiss the concept of significant political change out of hand.

Real political integration among the nations of the North Atlantic community may seem very unrealistic and far away today, but so too in the 1940's did the concept of a workable European Common Market seem unrealistic and visionary. Political progress like everything else in this modern age of science has quickened its pace.

It is not too early to set in motion the exploratory steps which must be

taken before the North Atlantic nations are in a position to judge whether political integration would be possible or impossible—whether it would be wise or unwise. The creation of a permanent North Atlantic parliamentary body and of genuine consultative institutions and procedures for a common NATO foreign policy are surely positive steps in this direction. But other steps can also be taken:

The NATO Council could authorize a commission of NATO member representatives to explore in detail a variety of proposals for degrees of political integration and to make recommendations both to the Council and to the new NATO parliamentary body; the Council could authorize and subsidize specific independent academic research into the compatibility of the political systems within NATO and the variety of gradual steps which might be employed in the process of integration; the Council could request that each member government set in motion a number of public conferences among its citizens to discuss and debate the desirability of and potential avenues toward closer political federation or confederation; the Council could recommend to each member government a uniform public survey to test popular attitudes toward increased integration and the variety of means by which it could be achieved.

A multilateral North Atlantic development aid program toward nations in the southern half of the globe: Quite aside from any effort to devise an East-West joint development aid program, it is incumbent upon the nations of NATO to devise a more successful means of collaboration among themselves in fostering economic and political stability in the developing nations.

Development aid is not a burden which should be carried by any particular nation; it is a burden imposed commonly on all those peoples whose history has blessed them with abundance. Efforts to date within the OECD and the Development Assistance Group, while promising, have generally been bereft of enthusiasm, creativity, and conviction.

This is not to say that many European nations are not contributing meaningfully to the development process; it is to say that there is no collective North Atlantic policy which successfully meshes the development aid programs of the NATO allies—either in terms of goals, methods, or recipients. This is both a promising opportunity and a pressing obligation before a new NATO. The internal effort to improve the efficiency and effectiveness of U.S. foreign aid is inseparable from a NATO effort to forge an efficient and effective multilateral program.

We recognize that these tasks are enormous—and that they are made all the more difficult precisely because the dangers do not appear anywhere near as imminent today as they did at the close of World War II. But this world can no longer afford to fight a war in order to learn the importance of true statesmanship. The NATO self-study underway today may be as important an event in man's history as any peace conference ever held.

THE STATUS OF JEWS IN THE SOVIET UNION

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the gentlewoman from New Jersey [Mrs. DWYER] may extend her remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mrs. DWYER. Mr. Speaker, the fact that within a period of approximately 2 weeks there is being celebrated two events of strikingly contrasting significance provides us with an important opportunity to consider the tragic fate of the Jewish community in the Soviet Union.

On October 25 and 26, Jews throughout the world celebrate the holiday of Simchat Torah which for hundreds of years has commemorated the "rejoicing in the law" by the ancient Jews of Palestine. This joyous occasion marks the completion of the Jewish high holy days and celebrates the privilege of completing the reading of the Five Books.

In recent years, however, this holiday has come to have a special meaning to the Jews of Soviet Russia, especially the younger members of the Jewish community for whom it has become the occasion to reassert their Jewish identities even in the face of the systematic repression by the state of all things Jewish. In the relatively few remaining synagogues and on the streets outside, Soviet Jews demonstrate their consciousness of their identity and their heritage and express their deep yearning for a meaningful Jewish existence—an existence which the Communist government has systematically denied them despite the express commitments contained in the law and Constitution of the Soviet Union.

Only days later, on November 7, the Soviet Government will celebrate its 50th anniversary and will recall the great hopes and promises of the November revolution. It is more than ironic that among those promises were the constitutional assurances of religious freedom and equality and support for the cultural and educational perpetuation of nationalities. It is a tragic fact that to a greater extent than any other religion or nationality in the Soviet Union, Jews and Judaism have been denied their rights and their freedom—a fact which exposes the basic weakness of Soviet society, the refusal to grant to its citizens the most fundamental human rights.

The record of repression is clear. Though the 3 million Soviet Jews constitute the second largest Jewish community in the world and 11th in size among the 108 nationality groups in the U.S.S.R., Soviet policy has been designed to isolate and atomize its Jewish citizens, forcing them to live in fear and insecurity and threatening them with cultural and spiritual extinction.

Once officially recognized as a national language in the Soviet Union, Yiddish is on the verge of extermination. There is not a single Yiddish school or a single Yiddish class anywhere in the country, nor any means of enabling Jews to learn of Jewish history, culture, or literature. Stalin's destruction of Yiddish publishing and the Yiddish theater has never been rectified.

Unlike other recognized religious bodies, Judaism is not permitted any semblance of a central or coordinating structure. Each of the remaining congregations is cut off from the others. Judaism cannot publish periodicals and devotional literature. It cannot produce devotional articles. It cannot have formal contacts with coreligionists abroad. The one remaining Yeshiva, or seminary, is not allowed to function. The handful of aging rabbis and other religious functionaries cannot be replaced. Synagogues have been shut down systematically, and less than 70 of the 450 which existed in 1956 are left. Restrictions on the public baking and sale of the unleavened bread for Passover are still severe.

Although Soviet ideology condemns anti-Semitism, it is virulent and increasing, especially since the Arab-Israeli conflict. Jews have been made scapegoats for economic practices common to the entire nation. Jews are denied advancement in key areas of government service and subjected to a disadvantageous quota system in higher education.

The fate of the Jews in the Soviet Union, Mr. Speaker, is a responsibility no free man can shirk. Repression and descrimination must be condemned—again and again, until Soviet policy is reversed. We must remind Soviet leaders that the pledges of 50 years ago have been violated. We must help arouse the free world to concerted protests against policies of repression, for Soviet Jews ask for nothing but the rights guaranteed them by Soviet law.

More specifically, Mr. Speaker, our own State Department should be urged to press the case in behalf of Soviet Jews with Soviet officials at every level. And the Voice of America can contribute significantly by increasing its coverage of Jewish affairs for Soviet Jewish listeners, by showing the realities of Jewish life in America, and by projecting the rich diversity of the American Jewish community.

There are obvious limits to our ability to influence Soviet policy, but within those limits we must speak and set effectively and persistently for the cause of the Jews of Soviet Russia is the cause of free men everywhere.

KANSAS SELLS ITS FRESH AIR

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas [Mr. MIZE] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. MIZE. Mr. Speaker, scheduled on the agenda for the House this week is the Air Quality Act of 1967. This legislation is intended primarily to pave the way for control of air pollution problems on a regional basis in accordance with

air quality standards and enforcement plans developed by the States.

As emphasized in the report on the bill:

There can be no doubt that air pollution is a threat to the health and well-being of the American people. Air pollution in the United States is responsible, wholly or in substantial part, for some deaths and for a great deal of unnecessary disability and discomfort. Moreover, this problem, which is already serious, is worsening in direct proportion to the Nation's economic and urban population growth and its continuing technological progress.

The people of Kansas who breathe air fresher and purer than that of most States have as much interest in the adoption of this legislation as the most "besmogged" urban center in the land. As we look at the figures on air pollution, we Kansans count our blessings and are forever grateful to those pioneers who staked out the boundaries of our State in such a favorable location.

Just what this natural air-conditioning means to the health-minded people of the Jayhawk State is clearly amplified in an editorial published in the October 22 edition of the Topeka, Kans. Sunday Capital-Journal. I commend this editorial, "Kansas Sells Its Fresh Air," to my colleagues with smarting eyes, twitching noses, dry throats, and befouled lungs:

KANSAS SELLS ITS FRESH AIR

Kansas is conducting a national advertising campaign stressing a product every state wishes it had but few do: Fresh air.

With smog fouling the atmosphere of thousands of American communities, Kansas' fresh air campaign is a telling one.

It points out that Kansans live longer, happier lives because their lungs are not laden with impurities as are those of residents in many states.

Television viewers who watched "Barry Goldwater's Arizona" recently heard the 1964 GOP presidential nominee admit that smog was a major problem in Phoenix. This is surprising, for this booming city is located on a desert, where one would imagine pure air is abundant.

The truth is, however, that smog plagues some 7,300 American communities but hasn't invaded Kansas to any noticeable degree.

Anyone who has visited Los Angeles in recent years has experienced smarting eyes and a disagreeable stench in their nostrils. Smog, the word and the condition, was born in Los Angeles, which like Phoenix, is located in what once was a desert.

As the Los Angeles Times recently admitted, "The two things that are abundant in Los Angeles are sunlight and exhaust gases from automobiles. For 16 years scientists have known that automobiles played a key role in the production of smog. Automobiles now account for 90 per cent of the gray-brown shroud of aerial garbage that obscures scenic views, damages flowers, vegetables and trees, and irritates eyes, nose and throat."

So far, Los Angeles—or any other city—has been unable to solve the smog problem.

It was less than a year ago that an air pollution alert went into effect in New York, New Jersey and Connecticut over the Thanksgiving weekend. Drivers and businesses were urged to curtail the use of motor vehicles and owners of buildings and homes to cut down the amount of fuel burned.

In Kansas, the situation is different.

In one of Kansas' fresh air advertisements, the Kansas Department of Economic Development points out:

"In Kansas you can breathe deep and see a mile almost every day of the year. This natural resource is caused by the constant circulation of clean air pushed across Kansas by shepherding southwesterly winds from the Gulf of Mexico.

"It's a circulation system that sweeps the sky clear of pollution, protecting Kansans and their possessions from disagreeable odors, irritants, deterioration and damage.

"Kansans can still enjoy the delicate scent of honeysuckle on a front porch trellis; live in a white painted house that will stay white; and get a breath of clean fresh air by opening a window.

"More importantly, our air-conditioned state provides a healthy, energetic, productive citizenry to build economic progress. Kansans are among the healthiest people in our nation. We used to take our natural Kansas air conditioning for granted. But no longer. We're sure it has a lot to do with the vitality of our people.

"If the fact that Kansas is 'clean air' country and centrally located midway to all major markets is interesting to you, ask your own industrial location specialist more about Kansas."

Backing up these advertisements is a KDED pamphlet entitled, "Kansas, the Land of Clean Air and Clear Heads."

Its message: "When your eyes begin to burn from polluted air, that's the time to get a burning desire for Kansas.

"Kansas is the geographical center of the continental United States and is sheltered from the pollution problem by the Rocky Mountains and moist gulf breezes. Physical features of the nation's geography coupled with nature's wind patterns have made Kansas a state not to be deposited in the 'smog bank.'

"Active air forces in Kansas coming from the gulf winds have carved a niche in the smog shroud starting to move across the U.S. This clean air channel stretches from Kansas through Nebraska, South Dakota, North Dakota and into Canada.

"It is this system of breezes that clean and circulate Kansas' air, leaving fresh, invigorating air for healthful living. Clear eyes, unfogged scenery and peace of mind make Kansas a healthier, more productive state.

"Dust and chemical saturated air create no excessive death rates or hazards for those with heart and lung ailments—if they are in Kansas! National statistics show that Kansas ranks among the top 10 states in the nation for long life expectancy."

There's more along the same line, but this much tells the story.

Kansas is a good place to live for many reasons, not the least of which is that it has an abundance of that rare commodity, fresh air.

THE SALAZAR OUTLOOK

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. DERWINSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. DERWINSKI. Mr. Speaker, yesterday's Sunday Star featured an article by columnist James J. Kilpatrick, based on a recent interview he had with Prime Minister Salazar of Portugal. This was one of the most objective, frank, and penetrating articles quoting a head of state that I have encountered in some time. In view of the historic friendship between the United States and Portugal, that nation's membership in NATO, and the controversy over its overseas territories in Africa the article assumes great significance. Therefore, I ask that it be placed in the RECORD as a continuation of my remarks:

TO SALAZAR THE OUTLOOK IS GLOOMY BUT NOT HOPELESS

(By James J. Kilpatrick)

LISBON.—Portugal's aging Prime Minister Antonio de Oliveira Salazar, dean of the world's statesmen, offered a quiet bit of advice a few days ago to a civilization that he fears is bent on self-destruction. His warning came to this: Slow down; it's later than you think.

In a wide-ranging interview, the Prime Minister called for wholesale reform or abandonment of the United Nations, defended Portuguese policies in Africa, and tossed a few shafts in the direction of the U.S. policy makers. But he spoke up stoutly in support of the U.S. effort in Vietnam, and renewed his steadfast hostility to communism in any of its forms.

Salazar looks like a successful country banker who is too shrewd to sell out to the city boys. He was 78 in April. He has been the effective head of Portugal's government since 1926, its prime minister since 1932. He has outlived Roosevelt, Churchill, Adenauer. He has been in power longer than Franco, much longer than De Gaulle. In the face of hard pressure from the United Nations, where Portugal five years ago was on the short end of a 90-2 vote. Salazar has serenely resisted the liquidation of his ancient empire. He is a man of character, this one. You don't meet them every day.

In his earlier years, Salazar was well known for a freezing temper and for a sardonic impatience with slow-witted men. He has mellowed with age. He still lives the unpretentious life he has pursued since his student days, but he is gentler now. If he is pessimistic about the future, he is surely not despondent. When he remarks that civilization is likely to destroy itself, because of man's unwillingness to think upon his own most precious values, he might be remarking that dinner likely will be late because cook has burned the roast. This may be no more than the traditional fatalism of the Portuguese—they are an essentially melancholy people—but Salazar's pessimism has no trace of bitterness. This is the world as he sees it.

SUMMER FORT

We met a few days ago in the "summer fort" at Estoril, 15 miles up the coast from Lisbon, where Salazar resides from May through October. The structure is indeed a fortress, built by the Portuguese nearly four centuries ago as part of the coastal defenses of Lisbon. Its massive walls house beds of carnations now; a four-lane highway runs outside the gate. A government chauffeur threaded a three-year-old Chevrolet through a stone archway and across an ancient courtyard; an interpreter led the way up a flight of steps; and there was Salazar *himself*. It was as simple as that.

He bears his years with astonishing grace: a man of middle height; bay-windowed, white-haired, brown-eyed. It was 5:30, and he was dressed for the evening—immaculate blue suit, starched linen, his legendary high-topped shoes fairly gleaming. We mounted a flight of steps to a small second-story study: bare walls, painted bone white; a worn rug, a glass-fronted bookcase, a carved desk and chair; off to one side, an over-stuffed old sofa and two bulky chairs.

We exchanged pleasantries. I remarked upon how well he looked—and I meant it. He had climbed the stairs as effortlessly as a jetliner taking off; there wasn't a tremor in his eloquent hands. I told him I wanted to ask the oldest question in a cub reporter's handbook: To what, Dr. Salazar, do you attribute your long life?

He entered into the joke. First of all, he said solemnly, laying a judicious finger by his nose, he had taken pains to be born of parents with a reputation for longevity. Segun-

do—and here he grinned a grin that broke up the seams of his face—he had never married. Indeed, he had tried never to place any strains upon his nervous system—no smoking; no drinking, no partying, no golf. For exercise he walks a little in the garden and turns a great many pages of books. He puts in a 15-hour day, seven days a week.

It seemed a dull routine. No, he said, for sometimes his grandchildren by his two adopted daughters were there, and they "refresh the day." Besides, and now he was turning serious, the life of the mind is never dull. Too many persons, he thought, fail to recognize the joys of thinking. They rush through life as if they were about to miss the last train.

TWENTIETH CENTURY STRAINS

"Man is not biologically prepared for the kind of life this century has pressed him into," Salazar said. "The human body evolves very slowly. It adapts, but adaptation takes time. And look what civilization is imposing on the body—air pollution, water pollution, the sudden time changes of international travel, the tensions of traffic, the strains of instantaneous decisions. And noise!"

He had been reading some sobering material about "noise pollution" and the risk presented not only to hearing but to the nervous system generally. Here at Estoril, the only sound through the French doors was the sound of surf outside. Salazar spoke of the sound of cities—Paris, London, New York. True enough, he himself stays at home; but he reads reports. Was it correct, he wondered, that half of all adults in the United States suffer to some extent from neurological or mental illness? He had read that. It was the speed of life.

The topic absorbed him; he spoke in a torrent of Portuguese. Television without doubt was a marvelous development in the art of communications, but the art was abused. Educational TV, he thought, might teach children to read, but not to reason. He had been reading some reports on the subject. He hoped that Portugal would take its time before leaping into this form of instruction.

"Rich countries, like your United States, can afford to make experiments. We smaller countries must wait to follow along, benefiting from the experiments that give good results. But one of the troubles of contemporary civilization, I believe, is an unwillingness to admit that a particular experiment does not give good results. The innovation is first accepted, then enlarged, and soon it is too late to undo what has been done."

CHANGE AND PROGRESS

Salazar was saying, as philosophers have said for centuries, that one must distinguish between change and progress. Could he give specific examples of changes that seemed to him anti-progress?

He waved an expressive hand at the battlements outside, rose-wine in the setting sun. Once men fought with cannons, now they threaten with hydrogen bombs. Change, certainly; but progress? He was inclined to doubt it. He had been reading of the race to build a super-sonic airplane. Operated efficiently, such an airplane would leave a sonic boom behind, adversely affecting millions of persons on the ground in order to convenience a few passengers in the sky. These passengers would save two hours flying from here to there. And what would they do with these two hours? Waste them. Everyone knew this as a fact of human nature. Why, then, was the United States investing so heavily in this machine? Because its competitor nations might build the aircraft first. The effort would represent change; but progress?

He did not mean to say, of course, that modern science had not also greatly enriched the lives of men. Some of the marvels of this century were a tribute to the wonderful mind of man. He doubted, nonetheless, that every manifestation of this creative explosion would promote the happiness of human beings.

Governments, he added, had a high responsibility to try to regulate the pace of change. He wished it were possible to summon a conference of all the governments of all the world, at which agreement in principle could be reached on a pause in this putative "progress". Let us stop to catch up! But this was idle dreaming. Competitive industry could not pause; governments also were rushing for the train.

"Maybe my own function," he said, "has been to serve as a brake against so much acceleration. It is not an unworthy role."

ORDER VERSUS FREEDOM

Salazar's critics have assailed him over the years for applying too much brake. Mainland Portugal suffered until recently from the highest illiteracy and the lowest per capita income in Europe. Strict press censorship still obtains. Labor unions are little more than social organizations, forbidden to strike. Portugal lags in cultural and intellectual development. In Africa prior to 1961, efforts to bring the natives into the mainstream of Western life were pathetically weak. Portugal is acclaimed, I suggested to Dr. Salazar, as one of the most stable and orderly nations on earth. But had order been achieved at the sacrifice of certain personal freedoms inherent in Western philosophy?

I had submitted this question, in writing, in advance. In his written answer, Salazar met it head on. Certainly, he conceded, a few freedoms had been abridged in Portugal, but the phenomenon is not specifically Portuguese. It is universal.

"There cannot be absolute freedom in any field without anarchy" Salazar observed. "As part of society, men are obliged to give up their freedoms to some extent in order to preserve the order which is essential to life."

He went on to talk of freedom of the press. The U.S. Constitution guarantees it; a recent statute of Congress establishes freedom of information as official policy of the U.S. government. But in practice, how well has the policy worked? Various pressures and interests combine, he said, and these fix the limits of any government's disclosures. Everywhere, direct and indirect restrictions continue to exist. Portugal relies upon prior censorship: other nations rely upon seizure of publications: still others impose penal responsibility. Financial groups and powerful economic interests also tend to supress news.

"Freedoms are and will always be relative," Salazar said, "when they are compared to values which are reputed to be absolute, or at least greater than they are. It is impossible to find a point of equilibrium when as in our case, government interference is confined to what is absolutely essential, because the notion of what is essential varies from mind to mind. Each of us would like to define it in his own way. No matter how much one ponders upon this, there is no way out."

DEMOCRACY A FICTION

What of other Western values? I asked him. In an interview on his 70th birthday, eight years ago, he had said: "I believe democracy is a fiction. I do not believe in universal suffrage. I do not believe in equality among men, but in hierarchy." Were these still his views?

His eyes flashed with a touch of the old cold fire. He leaned forward in the heavy chair and wagged an emphatic finger. Events since that time, he said had served only to strengthen his view. The United States, for example, had tried to impose democratic forms of government repeatedly in Africa, but the forms had no substance. They were fiction.

Salazar went on to make it clear that he regards the United Nations as engaging in fantasies also. I had submitted a question arising from his vehement criticism of the U.N. in 1961, when it failed to intervene in India's armed occupation of the Portuguese province of Goa. His opinions had not changed.

"What interests does the U.N. stand for?" he asked. "What law does it observe? When the delegation from the Indian Union, the self-ordained preachers of pacifism to the world, declared right in the Security Council that with the Charter or without the Charter, with the Council or without the Council, Goa would be taken by armed force; and when at the same session of the Security Council the Russian veto saved the Indian Union from having to withdraw its troops in order to obtain a peaceful solution of this aggression, the men responsible must have realized that there was no law in the organization and no justice in its resolutions."

PETTY POLITICS

"The small nations," said Salazar, "can find no defense from the United Nations unless their interests happen to be integrated in the interests of great powers. Not, even the U.N.'s technical bodies and specialized agencies are immune from the petty politics which corrupt the U.N. as a whole. The overwhelming majority of the U.N. are pure demagogues, quivering with emotion; they do not have to pay for the wars they provoke, nor for the damage done by the votes they cast."

"Such an institution should be entirely reformed." If not, "it should cease to exist."

I recalled that the late Adlai Stevenson had done his best at the time of the Goan crisis to protect Portugal's interest and to push for U.N. intervention. Stevenson had failed, and subsequently the United States had tended to follow an anti-Portugal line in reference to the African provinces of Angola and Mozambique. On these issues the U.S. has taken a position against colonialism and in favor of African self-determination.

PART OF PORTUGAL

The attitude of the United States, and of the United Nations, Salazar remarked, is based upon a failure to master elementary history. The Portuguese claimed their African provinces more than four centuries ago, as integral parts of the Portuguese nation, at a time when the African lands were empty or sparsely populated. Today the residents of Angola and Mozambique, of whatever race, are equally citizens of Portugal, protected by Portuguese law, and voting in Portuguese elections. Portugal will remain indifferent to the U.N.'s baseless resolutions. Portugal has not the slightest intention of following the poor example of other European nations in Africa.

"Western Europe, tired as a result of World War II, and, it would seem, finding it impossible to resist pressure exerted upon her, successively granted independence to the African territories under her sovereignty, which she should not have done. It was not possible to turn an aggregate of sometimes hostile tribes into structured nations. The majority of these creations lacked the economic basis for an administration of their own, even though not very advanced. No heed was paid to the fact that there had not yet been formed a political, administrative and economic elite, capable of managing the collective interest of which, incidentally, in most cases not the slightest awareness existed."

Our conversation turned to U.S. policies generally, and to world leadership in foreign affairs. Salazar did not want to be presumptuous: he asked to be forgiven for speaking out. Everyone accepts the fact, he said, that economic, financial, and military power have made the United States the leader of the Western world. It could not be otherwise. These powers and skills doubtless suffice for management of internal affairs.

"But when the United States undertakes

to direct a world policy in the name of a group of States, or even of a civilization, the power, the strength, the wealth, and the technical skills are not enough. What is indispensable is the kind of long preparation that Britain exhibited in the old days, before its sad decline. Such preparation demands experience before anything else. It also requires the formulation of political policies that are not confused by vague ideologies or rendered unstable by oscillations of opinion and by votes at election time."

Maturity in foreign policy, Salazar went on to say, demands a realistic definition of the aims of international life, and of the correct choice among the means available to achieve them. I recalled that in an interview five years ago, Salazar had charged both the U.S. and Russia with ideological interference in the affairs of others, with supplying arms, extending financial support, and even with training subversive groups. The criticism holds true today, he indicated, and the U.S. "cannot therefore be surprised at the dissatisfaction and criticism which its attitudes sometimes provoke among its friends and allies." Unlimited generosity does not necessarily produce impeccable foreign policies.

VIETNAM VIEWS

What of U.S. involvement in Vietnam? He acknowledged the "terrible burden" this places upon President Johnson and upon the American people. Success in the undertaking is bound to be difficult, but it seemed to him imperative that the U.S. continue to make the effort to contain communism in Southeast Asia. There could be no doubt, in his view, that American withdrawal would be followed at once by the spread of Communist power throughout the area.

I had submitted a question dealing with the spread of communism generally. In his answer, Salazar made the point that Communist successes have not resulted from a doctrinaire insistence upon acceptance of communism as such. Soviet statesmen, pursuing a determined policy of world sovereignty, have been able to take shrewd advantage of circumstances as they came along.

"When one considers the course taken in World War II, especially in its last phase and in the events that followed it, one is bound to realize that, unfortunately, Russia alone knew exactly what she wanted."

Western minds, Salazar recalled, were obsessed by the Hitler image and with the aim of destroying it. The intelligence and will of the Russian leaders had other pretensions; and these became evident through the German partition and the handing over to communism of the whole of Eastern Europe. Churchill's intervention saved Greece; all the rest was lost. The shocked Western powers, seeing the emergence of their former ally as a potential enemy, plunged into the NATO alliance. Portugal was a founding member.

NEW SOVIET AIMS

Times have changed, Salazar said. It seems unlikely today that the Soviet Union has any thought of a military invasion of what remains of Europe. An alternative procedure holds greater promise: It is the disintegration of everything in the world that bears a Western label.

This process can be seen most clearly, he said, in Africa. The Russians have not been able to establish any out-and-out Communist regimes or Soviet colonies, but this is not their way. What they can seek to do is to detach the whole of Africa from the West. By making common cause with Africans and Arabs against Europe, the Soviet Union can achieve its prime purpose. The Russians are anti-Negro racists; the Africans fear them; but the process of disintegration goes on.

"We are struggling to save for Western civilization the southern part of Africa," Salazar said. "It is the most promising and best endowed of the African continent. There we are opposing Communist forces that are directly hostile to Western influence. And we have the right to be surprised that in this field, the very ones we seek to help to defend themselves should support the Soviets so strongly."

The light was fading outside Salazar's small study. I asked if I might get a photograph of him before it got too dark, and he agreeably arose and led the way. An evening breeze flowed briskly along the battlement, making puppet dancers of some ministerial laundry still hanging on a line. In the distance, a small flotilla of fishing boats bobbed and bowed. The 17th century cannon had long ago disappeared from the parapets, but the fortress still spoke eloquently of the eternal hostilities of men and nations. I had asked the Prime Minister to comment generally upon today's perils.

He tended to take an optimistic view of the most familiar ones. The time is still far distant, he thought, when the population explosion will threaten man with famine. Vast and untouched areas, suitable for food production, still exist in Africa, Asia and the Americas; technical improvements will continue to come along. Neither was he inclined to see any realistic probability of an atomic war, even with the emergence of Red China as a nuclear power. The more serious danger from China will come, he thought, when its expanding population needs additional living room.

What, I asked, of the decline of individual freedoms in an increasingly regimented world? Salazar, who so often has been accused of dictatorial suppression of individual freedoms, made a thoughtful reply. Yes, he said, this is truly a cause for concern. But the trouble is that the yearning for freedom that perturbs our world is hindered by the evolutionary slowness of that same world. Economic liberalism exists nowhere in the purity of its principles. Liberal democracy has not shown itself capable of defending and sustaining human progress. As a consequence, individuals engaged in economic and political life tend to enjoy fewer freedoms than those heralded by the French Revolution.

It was growing late. We came inside, to the lamplit study, and I asked Salazar to return to the timeless theme of man in a changing world. He suggested gently that perhaps too much attention is directed to the changing world, and not enough to man.

HISTORY REPEATED

"For man, who is the material with which those who govern have to work, does not appear to change very much. When I reread Thuycidides and Cicero, I see how much alike are the preoccupations of the politicians and the reactions of the multitudes. Throughout history we see experiments repeated in the domestic domain—monarchies, republics, empires, and then again, empires, republics and monarchies. In the foreign realm we recall the federations, the confederations, the unions and the commonwealths. 'There is nothing new under the sun,' said Solomon."

Salazar again acknowledged the material benefits that have come with expanding science. But he regretted the obsession with newness that seems to have led politicians and philosophers into believing in the possibility of a new human race—a race composed of geniuses and angels, made completely happy through the brilliance of the sages.

"I doubt that this dream will materialize," said Salazar. "I rather believe that man will continue to be what he always has been. And I ask myself whether the focussing of human aspirations upon the possession and enjoyment of material wealth ever will suffice to make men happy. Only kindness and justice can reduce the suffering and unhappiness of individuals and nations."

Salazar spread his strong hands flat upon the arms of the bulky chair. The man who is known as "dean of the dictators" was as serenely contented as any grandfather. The interview was over. Salazar led the way to the courtyard, and bade farewell with the stiff, choppy wave of a man beginning to feel the sea mist in his bones.

He had remarked philosophically, in the course of our talk, that he well realized he has only a few more years to go. Both in Portugal and in the provinces, speculation on his successor is a 24-hour occupation. No one knows who the man will be, and Salazar is giving no hints, but this much is agreed: The man who takes his place will do nothing to upset the basic policies fixed by the peasant-professor who walks among the carnations on the battlements of Estoril.

MARTINO ANSWERS STATE DEPARTMENT

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. FINDLEY. Mr. Speaker, the editor of Freedom & Union magazine, Mr. Clarence K. Streit, who has devoted nearly all his life to the advancement of greater unity of the nations of the North Atlantic Community, in the October issue of his monthly periodical included the text of a significant letter written to him on April 1, 1966, by former Foreign Minister of Italy, Mr. Gaetano Martino. Because the letter was written as a personal communication, Mr. Streit withheld publication of it until Mr. Martino's death earlier this year. Here is the comment by Mr. Streit and the text of the significant letter by this great statesman of yesterday in Italy:

[From Freedom and Union magazine, October 1967]

MARTINO'S ANSWER TO STATE DEPARTMENT ON ATLANTIC UNION BILL

The death of Gaetano Martino, former Italian Foreign Minister and chairman of the "Three Wise Men" to whom NATO in 1956 turned for advice on strengthening the alliance, permits me to reveal now one of his great services to Atlantic Union—a service which, it will be seen, still continues, and will until the State Department reverses its present Atlantic policy.

This service was his powerful reply to the only grounds on which the State Department based its opposition to the Atlantic Union Delegation resolution at the Senate hearing on March 23, 1966, and still upholds. This proposal, which was re-introduced in both Houses this Spring, would authorize a delegation of 18 eminent citizens to organize and participate in a convention with such other NATO nations as desired to take part. Its aim would be to explore "the possibility of agreement on—a) a declaration that the eventual goal of their states is to transform the Atlantic alliance into a federal union, b) a tentative timetable for the transition to this goal" and c) machinery to expedite the stages. The Department's objections to this were stated at the above hearing by John M. Leddy, Assistant Secretary of State in these words:

"The simple but decisive fact is that our Atlantic allies do not now wish to move toward any type of federal political relationship with the United States. * * * The fundamental reason why there is little European interest in federal union with us at this time is evident. It is that Europe fears that it

would be swallowed by a more powerful U.S.A. * * *

"Therefore, to conclude . . . the disparity in power between the U.S.A. and European countries which have not yet achieved their own unity makes proposals seeking far-reaching political action with our allies to achieve these ends impractical. Only after Europe has attained sufficient unity to consider itself a de facto peer of the U.S. could such an undertaking have hope of success."

A few days later I sent these views of the Department to European statesmen I knew in several nations and asked for their comment. They included Signor Martino who I thought could speak with special authority, as he was one of the most active European Union leaders. All those to whom I wrote disagreed sharply with the State Department's view—none more strongly than Signor Martino. Since their letters were personal, I felt I could do no more publicly than quote excerpts—which I did in May 1966 *Freedom & Union**—without identifying their authors.

In his letter, Signor Martino pointed out that the effort at European unification followed the failure of the U.S.A. to offer to federate with the Europeans. Speaking from personal experience, he blamed Washington's resistance for the failure to implement the recommendations of NATO's "Three Wise Men" whom he chaired, and develop a "true Atlantic Community." The full text of his letter—which he wrote in English—follows.

CLARENCE STREIT.

ROME,
April 1, 1967.

DEAR MR. STREIT: I am very glad, indeed, to answer your kind letter of March 28. Your initiative is, in my opinion, of the greatest importance in this moment when international life is crossed by events that are tending to modify the balance on which it has been based up to now.

Unification at the European level and at the larger Atlantic level cannot be regarded as two distinct processes: When we pause to reflect on the values and ideals that underlie each of these apparently separate processes, we must conclude that they are two different aspects or moments of a single political process which represents the outcome of a complex historical development. Therefore every crisis, as every step forward in each of the two processes, cannot remain without effects on the other.

It is true that our efforts have been directed here mainly towards the unification of Europe, considered like a first step as essential to unification in the Atlantic area as the part is to the whole. But one must not forget that America has never concretely and actually proposed to Europe a real federation [with it]. On the contrary, efforts made in the past by European members of the Atlantic Council in order to foster the development and the gradual transformation of the alliance into a true community of peoples have met resistance on the part of the U.S.A.

When I was Foreign Minister of Italy, I had several times the opportunity to underline during the sessions in the Atlantic Council the necessity to transform the Alliance into a true Community; and it is also as a result of my efforts, that the Committee of the "Three Wise Men" was created in 1956. Unfortunately, the suggestions made by this Committee, in order to attain a stronger political solidarity of the Allies, have not been rightly implemented; and we must not forget that this is partly due to the resistance opposed at that time by the American government to the concept of transfer of sovereignty.

I am convinced that the Alliance cannot escape the law of motion. We must acknowledge that, when it was formed and began to produce results, the situation in Europe and in the world was quite different from now and that it is impossible for the Atlantic Alliance not to adapt itself to the changed circumstances. But I am also convinced that the Atlantic Alliance is an institution destined to develop and grow on itself and that inasmuch as America and Europe will be capable of ensuring a stable association between themselves, such as represented by the Atlantic Community, the present controversies over the NATO and the Alliance will dwindle away.

I believe that public opinion in Europe is now prepared to regard the Atlantic Community not so much as a shield to protect our ideals and common way of life, but as a living program of action into which can be channelled the boldest exploits in the history of free men.

Believe me to be
Yours sincerely

GAETANO MARTINO.

*See: "Canada Left in Limbo by U.S.A." Reprint may be had free on request.—*Mgr.*

FOLEY AMENDMENT WOULD HAVE IMPROVED H.R. 10915

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BINGHAM] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. BINGHAM. Mr. Speaker, as I stated on the floor earlier this afternoon, I believe that H.R. 10915 would have been greatly improved by the adoption of the Foley amendment, as amended, by the additional language which I proposed, for the reasons stated by the gentleman from Washington [Mr. FOLEY] and myself and others during the debate.

I was gratified by the adoption of my amendment, but regretted the defeat of the Foley amendment as amended. I also regretted the defeat of the compromise amendment proposed by the gentleman from Texas [Mr. PICKLE] which would have to a certain extent given the President the same opportunity as the Foley amendment to use restoration of the quotas to the United Arab Republic and the Sudan at some time in the future as leverage to achieve a better situation in the Middle East.

The motion to recommit the bill to committee, if adopted, would have given the Committee on Agriculture the opportunity to make the kind of changes in the bill which would have achieved the objectives I had in mind. Accordingly, I voted in favor of the motion to recommit.

When that motion was defeated, however, I voted in favor of passage of the bill itself. Defeat of the bill would have been construed, I believe, in the Middle East as a victory for President Nasser, and I did not want to be a party to any such implication.

Although H.R. 10915 as passed by the House does not recognize the possibilities of change in the future, I hope that if the time comes when the Governments of Egypt and the Sudan are ready to cooperate in a program for the establishment of permanent peace in the Middle East, this House and the Congress will act swiftly to restore the cotton quotas to those countries.

AIR QUALITY ACT OF 1967

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BINGHAM] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. BINGHAM. Mr. Speaker, later this week we will be considering the Air Quality Act of 1967, a bill pertaining to the control and prevention of air pollution. I firmly believe that this bill is an appropriate answer to citizens throughout the Nation who are demanding that we, as their Representatives, do everything possible to eliminate the threat of polluted air to life and property. My constituents in the Bronx, which is one of the most severely polluted areas in the country, have been especially vocal in their concern—and rightly so. I would like to quote in particular Mr. David Z. Shefrin, director of Citizens for Clean Air, Inc., who testified before the House Committee on Interstate and Foreign Commerce on August 23, 1967.

The Public Health Service has just declared New York to have the dirtiest, most dangerous air in the country. It was not really news to those of us who live there. The greenish-gray haze outdoors tells the story. It has meant, for instance, a 700% increase in the city's emphysema deaths during the last fifteen years.

Mr. Speaker, air pollution does not belong only to New York. Nor is it solely an urban problem. The Department of Health, Education, and Welfare has estimated that 60 percent of all Americans live in areas of persistent air pollution. From California to New Jersey agricultural products have been seriously damaged by the poisons in the air. The problem is serious in every region in the Nation.

Recognizing the danger, the public is asking for immediate and meaningful action to deal with air pollution. The Air Quality Act of 1967 makes it possible for all levels of government and the private sector to participate in the battle for clean air.

AIRLINE FARE STRUCTURE AND FUTURE EARNING POWER

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. MOSS] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. MOSS. Mr. Speaker, over the past months I have endeavored to share with my colleagues views expressed by Mr. Richard W. Klabzuba concerning airline fare structure. I am pleased to call attention to Mr. Klabzuba's most recent address delivered before the Society of Airline Analysts on October 11, 1967.

The text follows:

AIRLINE FARE STRUCTURE AND FUTURE EARNING POWER

(Address of Richard W. Klabzuba before the Society of Airline Analysts)

It is indeed a pleasure to be with you today to discuss the airlines' fare structure and its impact upon airline earnings.

As you may already know, I have been devoting my time recently to a rather exciting project—changing the basis for constructing airline fares from a mileage to an hourly rate. Unfortunately, because most of my previous discussion has been primarily with the expertizes, by dialogue concerning the proposal has been limited principally to the technical issues such as the statutory requirements of just and reasonableness, and the pricing concepts of cost and value of service.

Today, however, I address myself to the ultimate criterion of any economic proposal: *earnings*.

Quite frankly, it was my inability to accurately project future earnings which initially created my interest in the problem. I understand that some of you have had the same experience recently. According to a report in the September 18th issue of *Aviation Week*, some "Investment analysts tended to overestimate 1967 airline earnings. . . ."[1] I sympathize with you, and I will try to explain today why this could happen, and how we can avoid such a calamity again in the future.

First, however, if you will indulge me for a moment, I would like to explore with you again briefly the fundamental reasons why earnings are so significant—regardless of whether the company is only a small family firm like Ransome Air, a large public corporation such as United Air Lines, or a wholly state-owned enterprise like B.O.A.C.

Fundamentally, it is the future earning power of a firm which supports the market price of its securities and the safety of its indebtedness. It is the earnings which enable an enterprise to remit periodic dividends to the owners as well as generate internally all or part of the cash funds required to finance its future operations.

In a broader sense, however, it is the proven earning power and the future earning potential, as opposed to the book value, which ultimately determines the feasibility of a company's capital structure, its commercial value, and its borrowing power.

This is not to say increased sales and increased volume of business are not important, rather that such increases are valueless unless they enhance earnings. Neither do I wish to imply that adequate collateral, a proper debt; equity ratio, and other tests of financial soundness are not decisive factors, but rather that the significance of these tests are inversely proportional to earnings potential.

In one degree or another, investors are primarily interested in safety, value, and appreciation. To verify or vitiate various projections as to future earnings prospects, investors rely upon you, the financial analysts, to make a careful study of all the available facts, to draw conclusions therefrom, and to make recommendations on the basis of established principles and sound logic.

In the case of investment grade bonds, equipment trust certificates, and bank notes, as an example, the objective is to make certain that fixed charges can be met without any difficulty or doubt. Prime stress is laid upon protecting the investment against unfavorable events.

The generally accepted principle is to require an adequate margin of safety, or coverage factor, for the stipulated interest and sinking fund payments. The ratio of fixed charges to proven *earnings* must be sufficient to give assurance the firm can successfully weather the degree of adversity it is likely to meet. For this reason, companies subject to wider fluctuations in earnings are required to have a larger coverage factor than similar firms with more stable earnings, even though both enterprises may have the same collateral assets and book value.

Likewise, the relationship of common stock *earnings* per share to market value is a matter of prime interest to those who purchase common stock. Regrettably, there is no precise yardstick by which to determine whether the prevailing market price or any particular security is reasonable. Such a determination depends on a wide range of factors because market value is not a quality intrinsic in either a firm or its securities.

Instead, it is a state of mind concerning them. It is a condition. An enterprise has no intrinsic value except what the disposal value would be if you liquidated its assets. And even then, the commercial value of the disposed assets would still depend upon their productive potential which would eventually have to be expressed in terms of future earnings or scrap value.

What we commonly refer to by the terms intrinsic value, indicated value, nominal value, reasonable value, fair value, justified selling price, appraised value, investment value or market value is, generally speaking, that value which is largely justified by the facts.

These facts encompass not only the enterprise's balance sheet, sales, and potential dilution in earnings, but also such diverse matters as the idiosyncrasies of management, dividend and expansion policies, accounting procedures, and definite future prospects. However, the most important factor in determining value is now generally held to be the firm's future earning power.

Findings as to *earning* capacity of an enterprise are also essential to a determination of its legal value. The United States Supreme Court has held in condemnation proceedings that, "The value of property, generally speaking, is determined by its productiveness—the profits which its use brings to the owners. The value, therefore, is not determined by mere cost of construction, but more by what the completed structure brings in the way of earnings to the owners."[2]

As a result, even though the fairness of rates, and the reasonableness of the income of a public utility (such as an airline) may be established according to some rate-base related to original or reproduction costs—the economic and legal value of a firm is still determined by its present and future earning power.

The ultimate test of the investor and the court is the adequacy of earnings, not book value. The degree of risk is dependent upon the probabilities of attaining sufficient revenues to cover all costs and provide a fair return, not the collateral value of the assets per share. In final analysis it is what the airlines will bring in the way of earnings which remains the key determinant. The simple fact is investor's and lender's money tends to flow to those firms that perform better.

But what do we mean by earnings? The rate-of-return and profit margin are measurements of earnings, not definitions. According to Mr. Webster, earnings are "the balance of revenue for a specific period that remains after deducting related costs and expenses." Profits are "the excess of returns over expenditures . . ." Net income, "the balance of gross income remaining after deducting related costs and expenses."

Earnings, profit, and net income are all determined, by definition, according to their relationship to costs. Hence, to determine the future earnings potential and borrowing power of any enterprise or industry, it is first necessary to make a careful study of its cost structure, then its fare structure, and finally, its markets . . . in that sequence.

From a cost standpoint, investors have been accustomed to comparing airline units costs on a mileage basis; to anticipating a declining rate per mile as distance increases. As an illustration, the over-all operating costs of a typical 4-engine jet might be displayed as $52 an aircraft-mile for a 200 mile trip; $32 a mile for 700 miles; and $28 a mile at 1,400 miles.

Given these facts, it appears that airline prices should vary uniformly with distance, too, by a similar amount. That a rate of $65 an aircraft-mile at 200 miles and $40 a mile at 700 miles, etc., would be sufficient to assure a reasonable return.

Truly, if these were all the facts, pricing of airline services could be a relatively simple task. Earnings would vary principally with traffic volume. Investment analysts could concentrate all their efforts primarily on forecasting business, relying on past performance to provide at least a rough guide to future economic performance.

But, of course, these are not all the available facts. A number of other factors must be also taken into consideration, such as "block speed" (the overall speed of the aircraft from the time it leaves the boarding gate at one terminal until it arrives at the deplaning gate at the next terminal).

Block speed varies wtih distance. Only whereas mileage costs decrease with distance, block speed increases. As a matter of fact, the increase in block speed is inversely proportional to the decrease in mileage costs. This relationship is not accidental. It results from the fact that another element—the level of hourly costs—is relatively stable.

Aircraft operating costs vary only slightly in a wave-like pattern with flight-time. Such costs are not materially affected by changes in the duration or distance of a flight. Since approximately 80% of over-all costs are variable, airlines are primarily a constant cost, as opposed to a decreasing cost, industry. There is no significant differential in unit costs (per block hour) between long- and short-haul services. As a result, block-hours afford a safe, reliable yardstick by which to gauge future performance.

On the other hand, because aircraft do not always travel at the same speed between terminals, expenses incurred by the flight-hour cannot at all times be reasonably, uniformly, nor consistently converted into reasonably reliable mileage costs. Air carrier costs which are proportional to block-time cannot be reasonably related to mileage. For this reason, the value of mileage costs in projecting future airline earning power is questionable.

Although costs are not proportional to distance, the present domestic fare structure is rather uniformly related to mileage. On July 14, 1943, five U.S. air carriers (American, Eastern, TWA, United, and Western) adopted the uniform passenger-mile ratemaking formula.

The domestic fare structure was subsequently altered on April 9, 1952 to incorporate an arbitrary or terminal charge. As a consequence, since World War II the general fare policy of the airlines has been to simply mechanically construct fares by mathematically multiplying a base rate by route mileage, and adding a fixed terminal charge.

While the rate per mile of such a tapered fare structure should generally decline with distance in a manner similar to mileage costs, the reduction is not always uniform nor proportional. First, the ratemaking mileage used to construct fares is calculated by the certificated route, rather than the route actually flown. This circuitry tends to inflate the actual yield as distance increases. Second, the arbitrary is just that, an arbitrary amount

---

[1] "Airline Observer" *Aviation Week*, New York (September 18, 1967) p. 50.

[2] Monongahela Navigation Co. vs. United States, 148 U.S. 312, 328 (1893).

having no direct relationship to block speed nor the changing cost per mile.

As a result, the yield per hour varies too. It tends to increase with distance because the taper does not compensate sufficiently for the changes in block speed. In the case of jets, the present yield begins to decline appreciably at a range of around 800 miles. Below this range the yield drops rather quickly; beyond this point the yield rises at a slower rate.

In air transportation, a key determinant of whether or not the balance of revenue will or will not be in excess of costs is generally considered to be the "break-even load factor" (the ratio at which revenues just equal total costs).

Up until now the general feeling has been that the break-even load factor fluctuated principally with costs. However, as we have previously noted, airline costs tend to be relatively stable and not materially affected by changes in distance or load carrier. This fact tends to imply that it is really the other element—the revenue yield—which primarily determines the break-even load factor.

When the passenger yield and aircraft costs are compared on an hourly basis, the break-even load factor declines with distance by an amount which is inversely proportional to the increase in the yield. To illustrate, the coach yield and break-even load factor might be $20 an hour and 57% at 300 miles; $23.30 per hour and 49% at 600 miles; and $25 per hour and 45% at 900 miles.

Unlike the mileage base, hourly figures indicate clearly that the fluctuation in the break-even load factor is attributable to the varying revenue yield, not the relatively stable costs. In fact, a short-haul carrier can even have a slightly lower level of costs per hour and a higher rate per mile, and still have a higher break-even load factor than a long-haul carrier due to a much lower revenue yield.

Consequently, regardless of traffic potential, regardless of book value, regardless of economies and efficiencies in operations, the basic fact remains: under the present fare structure long-haul carriers are more valuable and have a greater borrowing power than short-haul carriers simply because they have a fundamentally higher yield and greater potential earning power per seat, per hour . . . per diem . . . per annum

The present problem with airline earnings is the fare structure, not the level of costs *per se*.

The third element in the earnings equation is the market. Where is the action?

Undeniably, airline service becomes more valuable in comparison to surface travel as distance increases. The time savings becomes increasingly more favorable. A fortiori, the argument goes, long-haul services are more valuable than short-haul services.

However, what about a comparison between a long-haul and short-haul *air* services. Which of these is more valuable to the public: a one or two hour flight, or a five hour flight?

Businessmen and others who fly for nonpleasure reasons still represent the predominate portion of the total market. Since almost all time intransit is nonproductive, the biggest cost of a business trip is usually the executive's time. The value of airline service to a businessman is related to time, not distance.

A $100,000 contract signed at the end of a 5 hour flight is not intrinsically more valuable than one involving only a hour flight, or even no flight at all. The ability to go and return the same day is far more valuable to a businessman than having to lay over one or two nights.

For these reasons, among others, all other factors being relatively equal, a shorter flight appears to be worth more to a businessman. As a consequence, with this viewpoint in mind, it is not surprising to find that in 1965 (the last full year before the big strike of 1966) only about one-fourth of all domestic passengers flew a distance greater than 1,000 miles.

Most of the traffic—68%—flew less than 800 miles, the point at which the yield for jets begins to decline appreciably. 57% flew fewer than 600 miles; 43% less than 400 miles.

Only a little more than 3% of all passengers traveled more than 2,400 miles, which is the transcontinental market. And remember, that between 1962 and 1965 the average annual growth rate was about 16%. In other words, after four years of phenomenal growth, the short-haul market still represented the principal source of traffic—still represented the markets with the highest value-of-service to the consumers.

Of course, it might be justifiably pointed out that one transcontinental passenger produces about 12 times as many passenger-miles as a New York-Washington passenger, and that on this basis the transcontinental market represents a greater portion of the total market.

However, it should also be noted the flight-time between New York and the west coast has been declining too. It has dropped from 14 hours to 8 hours to 5 hours, and may be reduced to 4½ hours next year, and possibly even less than 2 hours in the 1970's—whereas the New York-Washington trip still takes about the same time, or even longer in some cases.

On an hourly basis, the transcontinental passenger produces only about 5 times as many passenger-hours as the New York-Washington passenger, and even this differential will be eventually reduced. Air travel has always been, and most likely will continue to be, primarily a short-time-haul business, because that is where the value of the service lies.

Having made a careful study of costs, revenue, and the over-all market, we should have a more complete picture as to how these elements affect airline earnings.

On a mileage basis the revenue rate, the level of costs, the break-even load factor, and business potential all appear to increase rather uniformly (although not proportionally) with reductions in distance. It is a nice, neat, orderly arrangement.

On an hourly basis, the situation is entirely different. There is nothing logical about the arrangement. Whereas the business potential tends to increase as distance diminishes, and the cost level remains relatively stable, the yield begins to decline appreciably. On this basis the break-even load factor and earnings, the balance of revenue remaining after deducting related costs, tend to vary with distance because the yield varies with flight-time.

Since market prices are fundamentally established by future earning power, a significant portion of the investment analysis and advice proffered in the financial district rest upon future business and earnings prospects. Market predictions generally assume that if business improves, the security prices will advance; but if sales decline, market prices will fall, that if the outlook favors increased business, the issue should be purchased in anticipation of higher market prices when larger earnings are subsequently reported.

Higher potential earnings, in addition, increase the coverage factor and, therefore, also raise the firm's present borrowing power.

For these reasons, the annual ritual of projecting future earnings has become an essential part of the investment business. Since this requires a prediction as to what will occur in the future—an estimate (as distinguished from a mathematical certitude) is all that can be made. Nevertheless, that estimate must be made on an informed judgment which embraces all the facts relevant to future earning capacity, and therefore present worth, because—right or wrong—these earnings estimates have a substantial influence on the investment community.

Normally in preparing these projections it is a working assumption that the past record of a company or industry affords at least a rough guide to future performance. Past performance is generally considered a useful (although not infallible) indication of future earning power.

However, any meaningful estimate rests ultimately on the value of the inputs, which must be eventually translated into a revenue yield and cost level. The more questionable the inputs and assumptions, the more vitiating the conclusions regarding safety, value, and appreciation.

Now because airline operating costs are relatively proportional to block-flight-time and aircraft do not always travel between terminals at the same speed, it appears that whereas the value of mileage costs in estimating future performance is debatable, block-hours do afford a relatively safe, reliable guide to future operating costs.

Revenue, however, presents an entirely different problem. Without going into great detail, the problem can be summarized by simply stating under the present fare structure, unlike costs, nothing is constant, everything is variable—the rate per mile, the yield per hour, and the block speed. More important, to make matters worse, none of these factors varies uniformly nor consistently with each other, or time, or distance.

The present fare structure is not amicable to analytical analysis nor statistical forecasting on a system-wide basis. There are just too many questionable input factors. The ratio of revenues to costs is fluctuating constantly. For example, the basic jet coach yield between Los Angeles-Chicago is $31.50 per hour, as opposed to $29.00 between New York-Los Angeles.

With this background, I believe we can now explain why 1967 airlines earnings could be overestimated. When any new faster type of equipment is placed into service, the yield per hour increases. A surcharge or more direct routing will increase the yield further; and since the new equipment will normally be assigned first to the more lucrative longer routes and then the medium-haul services, before finally being placed on the short-haul routes, some time passes before the yield per hour begins to fall appreciably.

Part of the increased yield is, of course, usually off-set by a higher level of costs. However, due to subsequent efficiencies resulting from the "learning curve", the new cost level tends to decline slightly before it finally stabilizes. As a consequence, even though the yield declines slowly as the new equipment is assigned to shorter medium-haul routes, the level of costs slips too, causing earnings to remain relatively constant or even improve slightly.

On a mileage basis, the rate per mile appears to increase slightly while the cost per mile remains the same or declines trifiingly. Past mileage performance seems to proffer a useful, and even conservative, guide to future earnings performance.

Beyond this point, however, costs begin to stabilize. As the new aircraft are assigned to shorter and shorter flights under 800 miles, the yield begins to drop appreciably, and earnings quickly disappear due to the leverage factor.

On a mileage basis, past performance no longer affords a rough guide to future earnings. Costs appear to rise more rapidly than revenues. High costs, rather than low revenue, is viewed as the culprit. Does that sound rather familiar?

Given these circumstances, is it any wonder that airline officials have not always been as confident as you that their cost and earnings estimate would materialize. They have learned the hard way not to place too much reliance upon such forecasts.

Nevertheless, two facts remain: airline operating expenses are proportional to flight-time, and earnings are the balance of revenues that remains after deducting related costs. As a consequence, regardless of how airline fares are constructed, it is essential to the *safety* and *value* of the investment that fares be established in such a manner that the total yield exceeds the rather stable hourly operating costs by an amount sufficient to assure adequate earnings.

Recognizing this situation, a new fare structure has been proposed. One which would more closely relate fares to block-flight-time. One which would liberalize routings and improve the service. One which would improve the productiveness of jets, thereby increasing their earnings potential and enhancing their value.

As part of this proposal it has also been suggested that passenger- and ton-hour statistics be employed in conjunction with passenger- and ton-mile statistics. The passenger-hour would provide a more accurate unit measurement of the amount of service rendered, the costs incurred and revenue yield obtained. It would proffer a more useful indicator of future earning power.

The passenger-hour fare structure will not provide a panacea for all airline problems, for even though fares are constructed on an hourly basis, individual fares will still be a fixed amount. Changes in block speed, routing, weather, direction, and airport congestion will still have an influence on the yield, but to a lesser extent.

Under the hourly fare structure, airline officials will be better informed and better able to anticipate such changes in advance. Both the yield and the ratio of over-all revenues to expenses should be much more stable. Past revenue performance will provide a relatively reliable yardstick to future revenues.

In addition, since the passenger-hour fare structure eliminates the inherent need for linear routings required by a mileage fare structure, the airlines will be able to offer more liberal routings. More liberal routings, in turn, will enable the airlines to use their equipment more productively.

For example, last month Alaska Airlines began routing all of its passengers to Western Alaska in a round-robin pattern. The new routing saved Alaska about 35 minutes in block flying time and 2 landings per day, besides making the aircraft available for another service 2 hours and 20 minutes earlier. This relatively small time savings added about $100,000 to Alaska's annual earnings. Flexible routings make jets more productive, and enhance their value.

In this regard, I might mention I am hoping the airlines will be eventually able to chop about 75,000 hours—primarily DC–3's and Convairs—from their schedule through the greater use of hub-point routings. Such a reduction could conceivably produce a $10 to $20-million savings in operating costs, including a $5.5 to $8-million reduction in federal subsidies.

The savings in subsidy alone could be sufficient enough to pay the salaries of the 800 additional air traffic controllers and 100 flight-standard supervisors President Johnson recently requested.

Since the real interest of investors centers on earnings, it is the future earnings potential and the opportunity to participate in such earnings which attracts capital. Although it is not practical to compare here the future earnings potential of various airlines, I do believe you can get a "feel" for future earning power by comparing the relative requirements of various types of equipment.

Using about a 20% profit margin, it appears that whereas the old venerable DC–3 needs about $200 an hour in revenue to produce a reasonable return, a two-engine prop-jet requires $450–$500 per hour, a two-engine jet $800 an hour, a three-engine jet $1,200 per hour, and a four-engine jet-$1,600 an hour. The 747 will require around $3,000 an hour in revenue, as compared to $7,000 for the SST.

The revenue required per passenger-hour or ton-hour to attain these or similar levels will vary, depending upon the differences in operating philosophies between companies, seating configuration, characteristics of the cargo, density of traffic, load factor, and of course, the value of the service.

However, don't let that SST figure scare you; it appears to be a very efficient airplane. Its large capacity and high speed make a rate of under $50 a passenger-hour economically feasible. This means that if the sonic boom problem can be licked, the SST has truly large money making possibilities—especially when you consider that on high density routes, value-of-service considerations will necessitate a surcharge and the actual yield will probably exceed $50 an hour. But I must emphasize, the sonic boom must be licked; its present impact upon the community is totally unacceptable. I speak from personal experience.

On the other hand, the earnings requirements of the 747 and SST indicate clearly the need for a fail-safe all weather landing system. There is a considerable difference in the cost of diverting a DC–3 capable of earning less than $200 an hour (under normal conditons) and a $3,000 an hour plus 747 to another airport, not to mention the thought of stacking a $7,000 an hour SST in the holding pattern over Kennedy for one hour.

Thus, because it is the fundamental earning power of an airline which ultimately supports its securities—and the balance of revenues that remains after deducting related airline costs is ultimately determined by yield per hour—it is essential to the safety, value and appreciation of the investment that the total hourly yield of an airline exceed its rather stable hourly aircraft costs, regardless of how fares are constructed.

Generally speaking, voluminous evidence indicates that a sound fare structure requires that the respective fares increase with block-flight-time because costs increase with block-flight-time, and that a departure from this principle (except for considerations of value-of-service) will tend to lessen the revenues of the carriers, weaken their economic and financial position, and impair their capacity to render adequate, economical and efficient service.

Expanding sales are one thing, profits are another. The airlines still have a strong traffic growth characteristic. Many shorter haul markets offer truly large money making opportunities. Demand in these markets appears to be more price inelastic than longer-haul markets due to a higher value-of-service to the businessman. In addition, many smaller short-haul markets proffer an opportunity to reduce operating costs through greater use of hub-point routings.

To develop these opportunities, the airlines need a rate structure related to the passenger-hour and ton-hour. The industry badly needs a new fare structure if it is to resume the earnings growth that has perceptibly slowed down this year due principally to the declining yield per hour.

Dilution of earnings due to conversion of bonds, investment tax credits, debt:equity ratios, block holdings, and accounting procedures are all important in determining market value . . . but first you have to have earnings . . . first you have to have an adequate yield per hour.

One final thought before I close. What I have said today about the effect of speed on airline revenues and earnings is also applicable to a lesser (but growing) extent to the other modes of transport.

The president of American Export Isbrandtsen Lines, Mr. A. Theodore DeSmedt recently declared it would be economically unfeasible to have a $25-million containership capable of 25 knots proceeding up and down the Great Lakes Seaway at 5 to 9 knots.[3] Mr. DeSmedt is right. Slowing down such a ship would seriously reduce its productivity, the company's earning power, and its market value.

Similarly, the high-speed trains and superhighways are going to improve the productivity of the railroads, the truck-lines and the bus-lines. To what extent these increases can be translated into earnings rest primarily upon the shoulders of management, the union and the regulatory agencies. Nevertheless, it would not hurt these officials to begin taking elapsed-time into greater consideration *now* as a principal factor in determining revenue and earnings potential, as well as costs. Eventually, the passenger-hour and ton-hour may become the standard yardstick by which all transportation services are measured.

Gentlemen, everything I have said today can be wrapped-up in less than 10 words: "The passenger-hour and ton-hour measure earning power."

TABLE 1.—DISTRIBUTION OF U.S. SCHEDULED AIRLINE PASSENGER BY LENGTH OF HAUL, ALL CLASSES OF SERVICE, CALENDAR YEAR 1965

Length of passenger trip (miles)	Passengers	Percent of market	Overall percent of market
0 to 199	9,792,680	14.9	14.9
200 to 399	18,463,790	28.2	43.1
400 to 599	9,425,110	14.4	57.5
600 to 799	7,011,800	10.7	68.2
800 to 999	5,007,540	7.6	75.8
1,000 to 1,199	5,108,950	7.8	83.6
1,200 to 1,399	2,041,360	3.1	86.7
1,400 to 1,599	1,590,600	2.4	89.1
1,600 to 1,799	1,657,290	2.5	91.6
1,800 to 1,999	1,298,290	2.0	93.6
2,000 to 2,199	910,090	1.4	95.0
2,200 to 2,399	1,016,280	1.6	96.6
2,400 to 2,599	2,109,690	3.2	99.8
2,600 to 2,799	149,970	.2	100.0

Source: Domestic Origin-Destination Survey of Airline Passenger Traffic, 1965, vol. VI, table 3, "Summary Length of Passenger Trip (10 Percent Sample From Jan. 1 Through Dec. 31, 1965; Multiplied by 10) All Classes of Service."

TABLE 2.—*Relative revenue requirement for various type of aircraft equipment per aircraft-hour flow (U.S. domestic services)*

Equipment types:	*Yield required per aircraft-hour*
DC–3	$200
2-engine jet	450–500
2-engine jet	800
3-engine jet	1,200
4-engine jet	1,600
B–747	3,000
SST (B–2707)	7,000

ALEXANDER WILEY

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. KASTENMEIER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, it was with great sorrow that I learned of the passing of former Senator Alexander Wiley, of Wisconsin. For 24 years, he represented Wisconsin in the U.S. Sen-

[3] Bamberger, Warner, "U.S. Asked to End Aid to Lake Route", *New York Times*, New York (Saturday, August 12, 1967) p. 40M.

ate. His four terms in the Senate were the longest period of service in that body for any Wisconsin Senator.

He served, with great distinction, first as chairman of the Senate Judiciary Committee in 1947–48, and then as chairman of the Senate Foreign Relations Committee in 1953–54. Senator Wiley was a strong advocate of a bipartisan foreign policy, as well as an original supporter of the ratification of the United Nations Charter. During his senatorial career, he attended numerous international peace conferences. He was also prominent in winning Senate approval for the St. Lawrence Seaway.

In my early days in the House, Senator Wiley often took time to give me advice, and I will always remember not only his insight and counsel, but also, the warm and generous spirit that motivated him. He was a warm, good-natured man, well liked, and well respected by all who knew him.

Mr. Speaker, I would like to call to the attention of my colleagues on October 28, 1967, Washington Post editorial which recalls Alexander Wiley's political courage and his years of faithful service to his country.

ALEXANDER WILEY

Former Sen. Alexander Wiley will be remembered as a small-town banker, lawyer and farmer who made a national career out of backslapping, Wisconsin cheese and a high degree of courage. During his 24 years in the Senate he rose to the chairmanship of that body's Judiciary Committee and later its Foreign Relations Committee, but he never lost his homespun qualities. His appeal was direct to the people in the style that he learned as a Kiwanis governor. Yet he maintained a large degree of independence and the capacity to change his mind in response to changing circumstances.

It was not easy for this conservative country businessman of Norwegian stock to abandon the isolationism that became so ingrained in Wisconsin after World War I. But his close association with Sen. Arthur Vandenberg of Michigan convinced him, after the United States was deeply involved in World War II, that a changing world demanded a fresh view of international policy. He became a stout advocate of the United Nations, foreign aid and American cooperation with other countries of the free world.

The Wisconsin Republican organization censured him in 1953 for his opposition to the proposed Bricker amendment to the Constitution designed to curtail the President's treaty-making power. Three years later he was denied renomination by the party hierarchy, at the behest of his junior colleague, Sen. Joseph R. McCarthy, who was at the height of his hysterical anti-Communist crusade. With characteristic courage, however, Mr. Wiley defied his party, won the senatorial primary and was subsequently reelected.

Though he is not likely to be ranked among the greatest senatorial leaders in either foreign or domestic affairs, he will have an honored place among the large number of unpretentious legislators of sound instincts who have served their country faithfully.

THE REPUBLICAN "NEW DIRECTION"

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. O'HARA] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. O'HARA of Michigan. Mr. Speaker, today I happened to miss reading the funny papers, but I got my morning chuckle anyway, since I was lucky to come across a copy of a new Republican National Committee newsletter. The newsletter is published by the committee's minorities division and is titled "New Directions."

A feature entitled "Spotlight on the Hill" caught my eye. It discusses the recently enacted rat control amendment to H.R. 6418, the partnership for health legislation. This newsletter is designed to show Republican leadership in legislation to help minorities, which translates, of course, into the poor urban minorities.

Discussing the vote on the rat control amendment, "New Directions" proudly announces "68 Republicans for." It neglects to reveal the GOP vote against the amendment. It is true—68 Republicans did vote for the amendment, but 110 voted against the amendment. If we follow the inferences of "New Directions," this was 110 Republican votes against minorities.

It may be helpful to complete, for my Republican friends and "New Directions," the Republican votes on other urban issues this session.

The Republicans demonstrated their solicitude for the problems of urban poor when 141 of them voted to slash funds for model cities; they showed deep concern when 163 Republicans voted to delete funds for rent supplements, while only 12 Republicans voted for the supplement funds.

On July 20, 148 Republicans voted against the rule to permit the House to consider the original rat control bill, while only 22 Republicans voted to let the House consider it. "New Directions" should print the Republican comment on the rat control bill rule. I am certain urban minorities would appreciate reading some knee-slapping humor about rats.

Let me say I was at first encouraged by the name of this Republican National Committee publication.

However, its contents belie its title. The GOP elephant is still going the same old direction—backward.

DANGERS OF CONGRESSIONAL INACTION ON PRESIDENT'S SURTAX CITED

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. FRASER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. FRASER. Mr. Speaker, when President Johnson proposed the temporary 10-percent surtax in August, he warned us of the costs of failure to act.

Governments at all levels, businesses, and the people of the United States are already paying the costs of our inaction.

The Federal Government is losing $20 million a day in badly needed revenues.

Higher interest rates and rising prices are cutting deeply into America's pocketbooks. The costs of Federal and municipal borrowing are up dramatically over a few months ago—as much as 1¼ percent higher. Corporate bond and mortgage interest rates have all risen to the detriment of the economy and the public.

Price rises have been equally predatory. In the 7-month period from October 1966 to May 1967 the consumer price index rose less than it has in the 3-month period from May to August—already 1.1 percent.

Without the surtax, prices will soar by as much as 5 percent in 1968, inflicting hardship most cruelly on those least able to protect themselves—families on fixed incomes, the old, and the poor.

Few of us seem willing to face the fact that higher interest rates and prices will consume more of the consumer's dollar than the proposed tax increase.

The surcharge will cost the Nation far less than the results of congressional inaction. These results will be measured in a huge deficit, roaring inflation, unstable economic growth, a wage-price spiral, and in the crushed hopes of millions of American families.

I urge swift passage of the President's proposal.

SUPPRESSION OF SOVIET JEWS

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. FRASER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. FRASER. Mr. Speaker, early next month the Soviet Union will celebrate the 50th anniversary of the Bolshevik Revolution. But there will be little cause for celebration by Russia's 3 million Jews. For them, the Soviet regime has brought only limited freedom. Mistreatment and discrimination persist. Anti-Semitism, while officially banned by the Soviet Government, nevertheless remains a grim fact of life for these 3 million people.

An American rabbi, Shelomo ben-Israel, writing of his travels through Russia earlier this year, reached this gloomy conclusion in a series of articles published as a booklet called "Russian Sketches":

There is no exaggerating the peril in which Jewish faith and tradition stand in the Soviet Union today. The Russians are determined to obliterate, by repression and attrition, our age-old religion and culture.

Let us not make the mistake of thinking it cannot be done.

At the same time, according to a recent newspaper report, there are "new and heartening" signs that many young Jews in Russia—so-called voluntary Jews who choose to designate their nationality as Jewish—are clinging to their

heritage. Just a few days ago on October 25, thousands of Russian Jews joined in the celebration of Sinchat Torah, an ancient observance that has become, to them, as a symbol of desire for a full and meaningful religious life.

The newspaper report appeared in the July 12 Christian Science Monitor under the headline, "Reds Spar With Jews in Russia." The author was Paul Wohl, who has lived, worked, and traveled in Russia, most recently last December. His account of the current status of Soviet Jews is balanced and objective. The full report follows:

REDS SPAR WITH JEWS IN RUSSIA

A cloud hangs over the Soviet Union's 3 million Jews. Tel Aviv's broadcasts are jammed. The sleek cars of the Israeli Embassy with the star of David have disappeared. The few score Jews with emigration visas for Israel cannot leave.

In the hour of its military triumph, Israel for Soviet Jews has become a hostile country. To express sympathy for Israel would be betraying the Soviet fatherland, says the press. What does it mean to express sympathy for Israel? No one knows for certain. A word may be sufficient, a letter to a friend. . . .

Solomon B. Dolnik, a retired geodesic engineer and a Jew who in February was sentenced to be shot as a traitor for having "disseminated anti-Soviet as well as Zionist pamphlets," may still be executed.

Surely Soviet Jews have grounds for worry, but they have not demeaned themselves. More than one month after the outbreak of the Israeli-Arab war, Soviet officials still have not been able to produce a declaration of rabbis and Jewish intellectuals condemning Israel.

The pressure was great. Beginning in March, officials of the few remaining synagogues were urged by state security organs to start a letter-writing campaign denouncing Israel. By the end of June the campaign had not come off.

ONLY ONE PROTEST

Only in Dushambe, Tadjikistan, did a Jewish congregation—a congregation without a rabbi—issue an anti-Israel statement. The large Jewish communities of Moscow (285,000), Leningrad (165,000), Kiev (220,000) and Odessa (250,000) remained silent.

Organized religious communities in the Soviet Union are supposed to support the policies of party and state. Ever since the war, in matters of foreign policy, the Russian Orthodox Church and the Kremlin have been one. Soviet Baptists and Lutherans consistently declare their Soviet patriotism.

The Soviet Union's religious Jews consisting mostly of pensioners, are one of the smallest, poorest, and least favored of organized religious communities. That they, together with the many prominent Jewish artists, scholars, and writers should have remained silent so long, is a sign that something has changed in the condition of Soviet Jews.

Either the Kremlin has not used its enormous powers or Soviet Jews have gained a measure of self-respect which is something new in the history of the complex relations between the Jews and Russian and Soviet society.

Like the Armenians, of whom there are only a few hundred thousand more in the Soviet Union, the Jews are at the same time a religious community and a nationality. Like Soviet Armenians, the great majority of Soviet Jews, especially the Communist-educated younger and middle generations, are not religious. But unlike the Armenians, they neither have a national republic nor a common language.

Fewer than 10 percent of the inhabitants of the Jewish autonomous province of Birobidzhan in the Far Eastern region are Jews.

Were it not for the ancient Russian legislation according to which everyone must register as a member of one of the more than a hundred different ethnic groups of the empire, the Jews as a national might have disappeared.

NATIONALITY OPTIONAL

There was much intermarriage in the first decades of Soviet power. At the age of 16, children from mixed marriages could, and still can, opt for the nationality of either parent. Because of surviving anti-Semitism the party expected that virtually all children of mixed marriages would choose non-Jewish nationality.

It did not work out that way. The number of mixed marriages declined sharply. And more and more children of these marriages registered as Jews, even though they knew neither Yiddish nor Hebrew and were almost totally ignorant of Jewish history and cultural traditions.

Quite a few American Jews visiting the Soviet Union were astonished to meet blond, barrel-chested Russian sailors who had the word "Yevrei," meaning Hebrew or Jew, written on their identification papers or internal passports, which are compulsory for all Soviet citizens just as they were under the czars.

Case after case has become known in the United States of half-Jewish relatives in the Soviet-Union, who as grown men and women requested the authorities to change their nationality from, say, Russian or Latvian into Jewish.

Almost none of these young "voluntary Jews" belongs to a Jewish religious congregation, but on joyous Jewish feast days many of them go to the synagogue and sing and dance in the yard or on the surrounding streets; among them young men in Army uniform with military decorations.

A Russian-speaking American, Rabbi Shelomo ben-Israel, recently returned from the Soviet Union. He has told in a series of articles published under the title "Russian Sketches" by the American Jewish Committee, how he asked one such boy why he went to the synagogue on Simchat Torah, the feast celebrated after completion of the annual reading of the books of Moses.

"I don't know how to explain it," said the boy, "I'm Jewish. I feel Jewish. I can't recite the prayers and I can't read Yiddish or Hebrew. So I go to the synagogue to be with other Jewish people and have a good time with my friends. Once a year I want to show everyone I'm Jewish, so I dance and sing with all the others."

For anyone acquainted with the condition of the Jews in czarist days this is new and heartening. Although the Jews under the czar had a Jewish cultural life with books, newspapers, and schools of their own, they frequently suffered violence and persecution.

In their great majority the Jews were limited to the pale and forbidden to live in such cities as Moscow and St. Petersburg (now Leningrad). Hence the ordinary Jews among gentile Russians were withdrawn and anxious. Nothing would have been more foreign to a young Jew under the czar than the present-day easy-going joyous public demonstration of Jewishness in metropolitan cities.

Even party members are proud of their Jewishness. When this writer questioned a Soviet biologist, an acquaintance of long standing, about his knowledge of the Bible, he disclosed that he was a Jew. As a youngster before the revolution he had gone to a Jewish school, was fluent in Yiddish and had studied classical Hebrew. An Army officer with a fine record during the war, he was a long-time party member.

His daughters, who married Jewish Communist Army officers, also studied Hebrew. As loyal party members they reject Zionism.

PECULIAR PHILOSOPHY

How did this Soviet scholar explain his attachment to Jewish nationality? Could there be a Jewish national culture without a separate language and a land?

The explanation seems to lie in the peculiar Russian and Soviet philosophy according to which everyone must have an ethnical identity, in other words belong to a nation or tribe. To be a citizen of the state is not enough. Citizenship per se to Russians is an abstract concept.

Although Soviet Communists do not criticize their party in front of non-Communists, it is evident that my friend would have welcomed more leeway for Jewish cultural activities.

Today there is not a single daily Jewish newspaper in the Soviet Union. Only seven books in Yiddish were published in the past five years. A Yiddish magazine, "Sovietish Heimland," appears more or less regularly every month in a limited edition. Only two books in Yiddish were published last year with more copies sold abroad than in the Soviet Union.

There are no Jewish schools. Hebrew is taught at Moscow University but until last year only four students were assigned to the Hebrew course; all non-Jews. Moscow used to have a famous Jewish theater; there was a Jewish theater in Kiev. Now there are only a few itinerant theater groups performing in Yiddish.

In the spring of last year one Josip Chornobilsky was arrested for collecting signatures on a petition asking for the establishment of a Jewish national theater in Kiev.

TWO REASONS FOR POLICY

There are two reasons for this restrictive policy. One is Soviet anti-Zionism, the other is the fear that Jewish cultural activities might revive the Jewish religion.

Both reasons are ambivalent. The Soviet Union as a member of the Security Council of the United Nations cosponsored the establishment of the state of Israel 20 years ago. The Kremlin's present policy toward Israel is related to Moscow's wooing of the Arab states and to the fact that Israel firmly sides with the West.

As a capitalist country, depending financially largely on the United States, the Soviets have come to regard Israel as an American bastion in a Middle East which they would like to turn into their sphere of influence. Yet, Soviet Premier Alexei N. Kosygin has stated at the United Nations, that the Soviets, unlike the Arabs, are not opposed to Israel's existence.

Even if the Soviets were able to reach an agreement with Washington about collaboration in the Middle East, they are unlikely to establish close relations with Israel, because it might lead to a mass exodus of Soviet Jews.

Once Jews are allowed to emigrate in large numbers, a demand for the right to emigrate might spread to other nationalities. The "closed society" of Soviet communism would have to open and the Soviet state would cease to be a centrally governed citadel.

Soviet concern about a revival of Jewish cultural activities also has two sides. Jewish culture is permeated with religious tradition. A revival of Jewish religious life in the Soviet Union might strengthen all religions, especially the smaller groups, where religious life is most intense and therefore most challenging to communism.

In the case of the Jews, the Soviets also distrust Judaism's many international associations. This may explain why Jewish rabbis, alone among the representatives of recognized religions in the Soviet Union, never have been allowed to attend international congresses.

Behind these rational considerations there are the age-old popular prejudices against the Jews, which the party officially fights. Anti-Semitism is a crime according to Soviet law. But anti-Semitism still permeates the thinking of many party and state officials in the provinces up to the middle echelon. Some of the top leaders have bowed to these prejudices.

This explains why former Premier Nikita S. Khrushchev chided Yevgheni Yevtushenko for his poem, Babiy Yar, which evoked the tragedy of the 200,000 Jews of Kiev—slaughtered by the Nazis, and deplored the survival of anti-Semitism among Russians. Mr. Khrushchev was not alone. General Secretary Leonid I. Brezhnev in Kiev on Oct. 23, 1965, spoke of "the mass murder of Soviet citizens . . . in Babiy Yar" without once mentioning the martyrdom of the Jews.

Also related to these prejudicies is the poor representation of the Jews in the Soviet political structure. Thus there are only 13 Jews among the 5,761 members of the supreme soviets or Legislatures of the 15 Soviet republics and only 11 Jews among the 2,842 members of the supreme soviets of autonomous republics. It is the same thing in the local soviets. The local soviets, according to the monthly of the central statistical administration (No. 3 of 1967) had 2,010,540 members and only 8,124 were Jews, a little more than one third of 1 percent. The total number of Jews in the Soviet population is close to 1½ percent.

HIGH PROFESSIONAL RATIO

It is different in the professions. The numbers of Jews among artists, mathematicians, physicists, economists, philosophers, sociologists, writers, and journalists is several times their share in the population.

There are few Jews, however, among high Soviet officials and none among responsible party leaders. Deputy Premier Venyamin E. Dymshits, whom Premier Kosygin mentioned at his recent press conference at the United Nations, is an exception.

Like everything in the Soviet Union today, the condition of the Jews is in flux. Premier Kosygin on December 3, in Paris said that the Soviets would do "everything possible" to facilitate a reunification of Jewish families and, "if some of them want to leave us, to open the road. This does not raise any problem of principle, and will not raise any."

The Premier's promise was promptly published in Izvestia and Komsomolskaya Pravda; only the words "everything possible" were missing. In practice, opposition cropped up very soon.

The Kremlin is aware of the enthusiasm with which visiting Israeli artists were received last year and did not like it.

Soviet authorities are very concerned about popular Jewish response to visiting Israeli artists. Three persons arrested in Riga last July for obstructing the police when the Jews jammed the street in front of the theater where Israeli artists were performing, were given two-year prison sentences.

Although it is by no means certain that the majority of Soviet Jews would prefer to live in Israel rather than in the Soviet Union, the cultural attraction of Israel worries the suspicious Soviets. But, intent on seeking a modus vivendi with the West, the Kremlin neither wants to give further cause to those Western Communists and Communist-sympathizers who have publicly accused the Soviet Union of anti-Semitism nor does it want to exasperate its already stirred up Jews.

This may explain why the pressure on Soviet Jews to come out against Israel was not so strong as to break every resistance, as would have been the case in former years.

A LAST LOOK AT EXPO

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. COHELAN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. COHELAN. Mr. Speaker, as the successful Canadian Expo 67 prepares to join the long history of world fairs—many less well remembered—we can pause to add a few thoughts on the overly criticized, overly praised U.S. pavilion and exhibit.

Bill Bantey, in a recent article in a Montreal paper, has explored the current demand, by would-be purchasers, for the pavilion and has looked anew at the exhibit within it.

The column points out that while not emphasizing technology, the exhibit managed to portray a sophisticated gaiety that represents, perhaps, a step forward for Americans who have long been rightfully criticized for an overindulgence in technological bragging. As. Mr. Bantey phrases it:

The notable absence of flag-waving and chest-thumping alone is praiseworthy, especially since Americans are involved.

Mr. Bantey adds:

There is, if you will pardon the expression, a freedom about the pavilion and an absence of heavy-handedness that lets you breathe.

This is, indeed, a high compliment to our efforts at Expo.

I would like to call your attention to Mr. Bantey's remarks by including them in the RECORD at this point:

EXPO 67: NOW AND LATER

(By Bill Bantey)

You'd be amazed at the use would-be purchasers want to make of the United States pavilion after Expo 67 closes down. There is the company, for example, that wants to convert the geodesic dome into a motel. Another firm sees it as a supermarket without walls. A third proposal is to convert it into a year-round sports centre, while a fourth would make it an international congress headquarters.

The offers, in other words, are pouring in—nearly two score different proposals to date—but it's all in vain, apparently. The pavilion was offered to the city, accepted in principle and, in fact, its ultimate future seems to have been decided even now. The project: A conservatory for the bird and plant life of the world.

American sources say a U.S. expert was asked about the feasibility of such a project by Mayor Drapeau and the authority's answer was yes, indeed. In fact, the quote attributed to the expert by American officials is: "I've been in this business all my life but it took a mayor to come up with an idea for a closed-in 'park'!"

INTEREST PLEASES PLANNERS

All the interest—official and private—now being showered on the pavilion obviously is pleasing to its planners, especially since it was subjected to rather heavy criticism in the early days of Expo and still is, in some circles, including part of U.S. officialdom.

Some anti-Americans have sneered at it as "the empty brain" but, in reality, the display is among the most sophisticated of Expo.

It isn't if you go looking for technological muscle-flexing and that may be why so many Americans hate it. There is no effort to show that the Americans can make refrigerators or TV sets or supersonic aircraft. A North American audience already knows the Americans are capable of that. The Americans are so much at home in this country—fortunately or unfortunately, depending on your political outlook—that they have no need to prove prowess.

The achievement of the American pavilion lies in the mood it creates. There is a gaiety, a creativity, a sense of humor which is truly refreshing. There is, if you will pardon the expression, a freedom about the pavilion and an absence of heavy-handedness that lets you breathe.

TYPICAL OF THE AMERICANS

Critics may laugh at the collection of headgear. But then, what is more typical of an American than his fetish for hats?

The pop art, the snippets of film in the Camp category, the pop artist guitars—all these and other exhibit elements are part of the American mainstream, like it or not.

The American and the British, for that matter, are prepared to see themselves as they are, idiosyncrasies and all. And each of these countries, in adapting its exhibition technique the way it has, has made a breakthrough.

Even countries which delight in criticizing the U.S. are taking a second look these days at what the Americans have on show.

The notable absence of flag-waving and chest-thumping alone is praiseworthy, especially since Americans are involved.

AIR POLLUTION DETRIMENT TO GOOD HEALTH

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. BOLAND] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. BOLAND. Mr. Speaker, most of us have become accustomed to reading accounts in our daily newspapers concerning the perils to health due to breathing gases and particles that are constantly released into the air from motor vehicles, factories, and powerplants, and the damages that these pollutants bring to vegetation and materials. I am sure that I speak for everyone when I say that the manifold effects of filthy air on health and property are a matter of profound concern and alarm for all of us.

Last January 30, in recommending that we adopt the Air Quality Act of 1967, President Johnson described the extent of our national air pollution problem in these words:

Ordinary air . . . in most large cities is filled with tons of pollutants: carbon monoxide from gasoline, diesel, and jet engines, sulfur oxides from factories, apartment houses, and powerplants; nitrogen oxides, hydrocarbons, and a broad variety of other compounds. These poisons . . . steadily, insidiously, damage virtually everything that exists.

They aggravate respiratory problems in man—asthma, bronchitis, lung cancer, and emphysema. Emphysema, a lung disease, is one of the fastest growing causes of death in the United States today. And it forces more than a thousand workers into early retirement every month.

Polluted air corrodes machinery. It defaces buildings. It may shorten the life of whatever it touches—and it touches everything.

Mr. Speaker, I believe that the fundamental human right to live and work in a healthful environment is one of the most cogent and forceful reasons for un-

dertaking purposeful steps toward achievement of more scientific and rational control of the problem of air pollution.

Dr. William H. Stewart, Surgeon General of the U.S. Public Health Service, has on many occasions testified before the Congress regarding the evidence which links air pollution to specific health detriment.

Evidence from various air-pollution episodes shows that many excess deaths and thousands of cases of increased illness occurred among those already afflicted with respiratory troubles or heart disease. Many otherwise well persons have suffered from an assortment of ills such as throat irritation, hoarseness, cough, breathlessness, chest constriction, headache, burning sensation of the eyes, nasal discharge, and nausea.

President Johnson, in concluding his special message to the Congress on air pollution, effectively summed up the need for abating this problem by saying:

> Clearly, it is an absolute necessity for the health of the American people.

I earnestly trust that my fellow Members feel as I do, that with the wholehearted and speedy approval of the legislation before us this week, we will be clearing the way for the Federal Government, in unique partnership with industry and State and local governments, to broaden the approach and instill renewed vigor into the national efforts to combat the fearful menace which constantly threatens the health of all living Americans.

PERSECUTION OF SOVIET JEWRY MUST STOP

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. BOLAND] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. BOLAND. Mr. Speaker, during the past few years the press, American Jewish organizations, and Members of the American Congress have given widespread publicity to a new wave of anti-Semitism in the Soviet Union.

It is distressing to read the details of this persecution. True, it is not on the Hitlerian dimension: Jews are not being subjected to the type of wholesale massacres that had occurred during that most dismal of periods for humanity.

But Soviet Jews are being persecuted; they are being denied the most elementary rights of citizens in any land, namely, to be allowed to live a life in peace and security and where they are permitted a reasonable range of personal choice. Religious Jews are denied materials to carry on their religious observances. The education of rabbis for the future is drastically curtailed. In the secular realm, Jews are denied many important freedoms. Discrimination in the economic sector deprives them of access to the higher echelons of Soviet life. In the cultural realm Jewish individual expression has been drastically curtailed.

Only recently has there been any signs of improvement. Presumably this has come about because of pressure of criticism from abroad and also because of a greater awareness of younger Soviet Jews of their ancient cultural heritage, a phenomenon that has developed under the pressure of persecution.

Mr. Speaker, I wish to add my voice to those other Members of this legislative body in protest against the persecution of Soviet Jewry and urge the Soviet Government, for the sake of humanity, to abandon this gross treatment of a people who in this generation have suffered more than any other and who deserve the freedom of expression that will allow their native genius to flourish for the good of all mankind.

VICTIMS OF WAR

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. BROWN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. BROWN of California. Mr. Speaker, I should like to share with the Members of the House, a recent editorial which appeared in the Washington Post, entitled "Victims of War."

Earlier this year, I delivered a speech that dealt with the sacrifices being made by our servicemen and the American citizenry, as a consequence of U.S. involvement in the war in Vietnam. There is daily testiment to these sacrifices in the various media. To many, the statistics have become ritualistically bland, as well as painful and sad. More will be expected of us.

But what of the others who are involved in this protracted and bloody conflict in Southeast Asia? True, we are well versed on enemy casualties by our statisticians on the spot, even to the point of their digging up enemy gravesites to determine whether they have come across "fresh" kills. Albeit, we hear little of the civilian casualties, except for an occasional report about a bomb which went off target and hit a civilian center, or, how a terrorist attack killed or maimed a number of innocent civilians.

Everyone should realize that the war has dislocated and disrupted the Vietnamese society to a drastic degree, almost beyond belief. As the editors of the Washington Post reported, civilian casualties are running at upward of 100,000 a year. Some 50,000 new refugees a month are being generated and the estimate of the refugee total is 4 million—a full quarter of the country's population.

Certainly one cannot but harbor depression and sympathy for the tragic waste, desolation, and widespread destruction that will remain once the war has ended—and I see no indications that this will come about in the near future.

So, Mr. Speaker, the bloody fighting continues, the casualties—both military and civilian—mount, and the people of Vietnam await their "freedom and independence," promised to them, ironically, from all parties to the bitter conflict.

The editorial follows:

VICTIMS OF WAR

The medical team sent by the Administration to survey the care available to civilians in Vietnam has returned with a bitter and distressing report. As the experts forthrightly told Senator Edward Kennedy's Refugee Subcommittee, the war is creating casualties—and refugees—at a rate far faster than they can be treated and given relief.

More civilians have lost limbs than the total of American soldiers who lost limbs in World War II. Civilian casualties are running at upwards of 100,000 a year. None of the 43 provincial hospitals approaches adequacy. Some 50,000 new refugees a month are being generated and the estimate of the refugee total is 4 million—a full quarter of the country's population.

Witnesses stated, nonetheless, that the United States will spend less this year than last on civilian medical care; the annual amount is half of one day's military budget. The reasons given for this surprising decline were economy and the relatively low priority of civilian medical service. The South Vietnamese government's own performance in this field has been, the American team found, abysmal. Said one doctor: "The medical program and civilian casualties have been put at the lowest and dirtiest end of the stick."

This is intolerable. No conceivable political purpose can explain away the need for the United States to respond to the civilian population's plight. Arguments about which side or what military tactic causes the suffering are irrelevant. It is patently clear that the "other war," the struggle for the allegiance of the people, has too long been submerged by the military exigencies of the day.

COMMITTEE ON BANKING AND CURRENCY TO START HEARINGS ON BANK CREDIT CARDS ABUSES NOVEMBER 8

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PATMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. PATMAN. Mr. Speaker, on November 8 the Committee on Banking and Currency will begin public hearings on my bill, H.R. 12646, and similar bills to curb loose bank credit card practices.

The purpose of this legislation is to prevent continuation of abuses by those commercial banks which have been sending out literally millions of unsolicited bank credit cards. This is clearly an unsafe and unsound banking practice, but the Federal banking supervisors have failed to do their duty to stop it. Under the circumstances, therefore, congressional action is necessary at this time.

Our witnesses will be Miss Betty Furness, Special Assistant to the President for Consumer Affairs, and representatives of the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the Bureau of the Comptroller of the Currency.

It is anticipated that outside witnesses will be heard subsequently.

THE MEMORY OF MR. SAM

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman

from Texas [Mr. PATMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. PATMAN. Mr. Speaker, one of the great treasures within the State of Texas is Mr. Sam's library at Bonham, where serious scholars and historically minded Americans alike pay tribute to a great statesman, Speaker Sam Rayburn.

The following article in the Washington Sunday Star, October 29, 1967, describes United Press staff writer Preston McGraw's vivid impressions of this significant and unique library, which continues to serve the country Mr. Sam loved, and now keeps the vigil in his memory for this and future generations:

TEXAS GUARDS MR. SAM'S MEMORY

(By Preston McGraw)

BONHAM, TEX.—When students in Bonham schools want to write papers about Congress they can go down to Mr. Sam's library and read original copies of the Congressional Record from the first one printed in 1789.

H. G. Dulaney, director of the Sam Rayburn Library, says he believes the complete set of Congressional Records is available only in one other place—the Library of Congress.

Rep. Sam Rayburn of Bonham, who served as speaker of the House of Representatives longer than any other man, left the library as a legacy to his friends and neighbors, who called him "Mr. Sam," and to history and government scholars.

Rayburn, who died of cancer in November, 1961, won a $10,000 Collier's magazine award in 1948 and used the money to buy a little more than four acres in Bonham. Additional money was donated by the public to complete a $500,000 Georgia marble building in 1957.

Since then, additional money has been contributed so that interest from it should keep the building staffed, in repair and in new books as long as it stands.

AUTOGRAPHED BOOKS

Tourists walk through the building—part of it is like a museum—every day. The showpieces in the walnut paneled reading room on the first floor are the congressional directories and 300 or 400 books personally autographed by such authors as Winston Churchill, Dwight D. Eisenhower and John F. Kennedy.

But the most valuable things in the library are in a locked, 20-by-20-foot room in the basement that the public never sees. These are a roomful of Rayburn's personal files kept in metal filing cabinets.

The papers in the cabinets are what the scholars come to see.

"We make sure they are scholars before we even let them in and we make sure they don't take anything out," Dulaney says.

Part of Rayburn's files, including some from the 1930s, were lost when he became speaker in 1940 and moved from the House Office Building to the Capitol. They may be some of the most valuable, since they covered part of the New Deal years.

THE FIRST ISSUE

Dulaney says examination of the files has done nothing to spoil the image of "Mr. Sam" who was fond of saying: "If you always tell the truth, you never have to remember what you said."

Dulaney says the Library of Congress helped with some of the earlier Congressional Records and Rayburn bought some. Having been in Congress since 1913, he also had a considerable collection he had saved himself.

The first issue of the Congressional Record (then called "Annals of Congress") reported on the first page that when the Senate tried to convene March 4, 1789, only eight members were present.

Since that was not a quorum, the eight members adjourned and after a week wrote the absent members and urged them to hurry. It was April 6, 1789, before enough senators finally were present to hold a meeting.

The Rayburn Library contains records of Continental Congresses back to 1774 but they are not as valuable as the later Congressional Records because they are reprints.

There are 80 of Mr. Sam's gavels around in cases and on desks, and, on the first floor, complete to the rug he used in Washington, is a reproduction of the speaker's office. Rayburn shipped the red leather chairs and mahogany desk he used in Washington to Bonham and replaced them. A 100-year-old chandelier that used to hang in the White House hangs in the office.

Two months after Rayburn went to Congress from the Texas Fourth District, he made his first speech—on May 6, 1913.

The last paragraph is framed and hung on the wall in the basement near the room where his files are. It says:

"I have always dreamed of a country, which I believe this should be and will be, and that is one in which the citizenship is an educated and patriotic people, not swayed by passion and prejudice, and a country that shall know no east, no west, no north, no south, but inhabited by a people liberty-loving, patriotic, happy and prosperous, with its lawmakers having no other purpose than to write just such laws as shall in the years to come be of service to human kind yet unborn."

PRESIDENT JOHNSON, THE CHAMIZAL, AND MEXICAN FRIENDSHIP

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. WHITE] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. WHITE. Mr. Speaker, in Juarez, Mexico last week, President Johnson and Mexican President Diaz Ordaz marked the peaceful conclusion of a raging border dispute which defied settlement for 105 years.

In 1852, a southward shift in the course of the Rio Grande River carved the El Chamizal area out of Mexico and placed it in Texas. At El Paso, President Johnson formerly transferred the Chamizal back to its rightful owners—the people of Mexico.

The Chamizal ceremony was more than the simple conveyance from one nation to another of legal title to a 437-acre tract of land.

It marked the beginning of a new and happier era in American-Mexican border relations and symbolized the increasingly close friendship between our two countries.

As President Johnson said in his remarks at the Chamizal Monument:

For almost a century, the word "Chamizal" stood for dispute and disagreement between the United States and Mexico. Now it has become—for both our peoples—an inspiring symbol of friendship and mutual respect. An old argument has ended. More importantly, a lasting bond has been forged between our two countries. This is a proud achievement.

President Johnson by heritage, geography, and background has a uniquely deep understanding and love for Mexico—its customs, its traditions, and its people on both sides of our common border.

During the Johnson years, relations between our two sister states have been marked with a cordiality and warmth based on mutual respect and admiration.

Where there was enmity—there is now peaceful cooperation for mutual development. Where there was condescension there is now cooperation between equals. And where there was bitterness there is now awareness of common bonds.

When President Johnson transferred the Chamizal back to Mexico he extended the welcome hand of friendship to a great nation and a proud people—as he has so often done during his Presidency.

We can only hope that relations between our two countries will continue to be as cordial, as frank, and as mutually beneficial as they have been under President Johnson.

With unanimous consent, I insert in the RECORD the President's eloquent remarks at the Chamizal ceremony:

TEXT OF THE REMARKS OF THE PRESIDENT AT THE CHAMIZAL MONUMENT, OCTOBER 28, 1967

Mr. President, distinguished guests, ladies and gentlemen: For almost a century, the word "Chamizal" stood for dispute and disagreement between the United States and Mexico.

Yet in the last four years, it has become —for both our peoples—an inspiring symbol of friendship and mutual respect. An old argument has ended. More importantly, a lasting bond has been forged between our two countries. This is a proud achievement.

Let this monument, and this place, stand as testimony to the world of what two nations, working together, can accomplish.

Too many times the world has seen disputed boundaries changed through force. El Chamizal stands as a shining example of how such matters should be settled.

For the last half century, each President of the United States has faced the moral issue of America's commitment to the Chamizal Convention of 1910. In that treaty, we agreed that the decision of the arbitral commission "shall be final and conclusive upon both governments, and without appeal."

I do not propose to review all the legal history that has transpired since then. But I do want to say that I am proud that the plain language of the Convention of 1910 has become a reality in this Administration.

On other occasions I have said that it is important to the peace of the world that both our friends and our enemies believe that we in the United States mean what we say. Here in El Chamizal we have honored our pledged word. And we will continue to honor all our other commitments.

The great Mexican patriot, Benito Juarez, said: "Respect for the rights of others is peace." That principle is the foundation stone of our hemispheric relations.

A generation ago, fascism threatened that principle. Today it is another alien doctrine. We see it at work in the subversion and concealed aggression in Bolivia, Venezuela, and other countries. The challenge has confronted the American States with hard choices. And we know that the American States must stand together if we are to assure that the

weak are protected, that might does not make right, that our peoples are to have the privilege of democratic choice.

Our concern and our commitments are not always easy to uphold. But we cannot abandon them simply because the price is high or the going is rough.

If Abraham Lincoln had done so, the United States, as we know it today, would not exist.

If Benito Juarez had done so, Mexico would not be Mexico.

But we have been true to our principles. Though we have followed our separate stars, we meet here today as two neighbors strong and prosperous, at peace with one another.

This is the final act of a long drama. It is a fulfillment possible only to those who respect the rights of others, and so insure their own.

That is the real message of El Chamizal.

It is a great privilege, and an occasion of great happiness for me, to take part in this ceremony on behalf of the United States.

COMMODITY FUTURES MARKETS SUBSTANTIALLY IMPROVED BY REGULATION

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. ANDERSON] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. ANDERSON of Tennessee. Mr. Speaker, since regulation of the commodity futures exchanges was inaugurated by legislation enacted in 1922 and amended in 1936 the practices on these markets have shown significant improvement.

With the obvious improvements and benefits which are in the record it is puzzling to account for the resistance from some quarters to present steps toward continuing a program of moderate regulation under the needed amendments to the Commodity Exchange Act provided in H.R. 11930.

Prior to the era of regulation there was a history of powerful interests exacting tribute from unwary persons who found themselves in positions where they were unable to fulfill their market commitments. Essentially these were battles between equally avaricious interests on a "devil take the hindmost" basis. While it may be that neither side merited much sympathy as a matter of ethics these economic slugfests disrupted normal operations of the markets. Such operations are now less frequent and less severe. Indeed, in recent years market disturbances have often been of such moderate proportions as to make it difficult or impossible to legally establish whether a violation has occurred.

In addition to curtailing the more obvious "cornering" or "overreaching" operations regulation has brought an end to other abusive practices. These include:

First. The limitation of excessively large operations by any one interest which would be likely to cause unwarranted price fluctuations.

Second. The safeguarding of customers' funds by requiring brokerage firms to treat and deal with such funds as belonging to the customers.

Third. The stopping of a fictitious bookkeeping procedure which was systematically used to evade income tax.

Fourth. The stopping of a similar fictitious accounting procedure used to temporarily deceive uninformed traders into believing they had a profit when in fact their trading had resulted in substantial losses.

Fifth. The elimination of trading in a device known as "privileges" or "bids and offers" under which one could get into the futures market for as little as $5.50. This type of operation required no more economic responsibility than today's numbers game.

In addition to the broad general reforms effected under authority of the law there have been some 150 administrative and criminal actions brought in specific cases. These disciplinary proceedings have tended to make sharp practices less attractive.

All of these improvements in the operations of the futures markets have tended to enhance their usefulness in the marketing of the actual commodities and also have increased the confidence of the public in the integrity of the markets.

It is reasonable to assume that futures trading would never have reached its present all-time level of prosperity and volume and public participation in the atmosphere of unrestrained buccaneering which dominated it in the preregulation era.

It would seem that enlightened self-interest would prompt the commodity exchanges to welcome continuation and improvement of the regulatory program which has been demonstrated to be beneficial to them. These improvements have also been beneficial to all users of the markets and to the brokerage houses who have prospered from the flow of commissions.

THE NAME OF THE REPUBLICAN GAME IS "CHUTZPAH"

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. RESNICK] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. RESNICK. Mr. Speaker, the House minority leader in a speech today attempted to blame the tragic riots of last summer on the Johnson administration.

There is a word—a Yiddish word—to describe this attempt, and the word is "chutzpah."

The simplest way to define "chutzpah" is the case of the boy who shot his mother and father and then pleaded for mercy because he was an orphan. Freely translated, "chutzpah" means colossal gall or nerve. And in the case of the minority leader's ridiculous assertion, even "chutzpah" seems to be an understatement.

For here is the leader of the House Republicans—the man who has led the fight against model cities, rent supplement, rat control, and the war on poverty—trying to blame President Johnson who has done more for the urban poor than any President in history.

They have tried to shoot down these programs and are now trying to plead a case against the administration.

I think it is fair to say that the ghetto dweller must not only fight against illiteracy, discrimination and neglect if he is to achieve progress, but against the cruel indifference of the Republican Party as well.

The game the Republicans are trying to play with the crisis in our cities is transparent. They are trying to make political capital out of widespread unrest and anger. But this game will not work.

And the reason it is doomed, Mr. Speaker, is that Americans—of all races, creeds and denominations—recognize sheer "chutzpah" when they hear it, even if they do not know the word itself.

The people know the Republicans for what they have proven themselves to be—the party of indifference and obstruction.

And it will take more than political speeches to amend this dismal record, Mr. Speaker. It will take some responsible votes.

THE AIR QUALITY ACT OF 1967

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. BRADEMAS] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. BRADEMAS. Mr. Speaker, I hope that Congress will give swift approval to the proposed Air Quality Act of 1967. An increasing number of air pollution tragedies—such as the air pollution emergency along the Atlantic coast last Thanksgiving—demands that we acknowledge the seriousness of this problem. Congress should pass this legislation and then we must be sure that we provide adequate funds during the next few years for the program which it authorizes.

During the decade ahead, the sources of air pollution will multiply at a rapid rate. The number of motor vehicles will increase by a third. Industrial production will more than double as will the amount of electric power we generate.

These developments will occur while the population of our urban area rises by 30 percent.

Mr. Speaker, figures like these should make it clear that the time for Congress to act imaginatively and aggressively is now. For there is a grave danger that if we wait, we will be overwhelmed by air pollution within a decade.

Mr. Speaker, 10 years represent a very short period within which to complete all the work that must be done to develop a genuine effective attack on pollution of the air. There is no more reasonable way to begin than for Congress to authorize a comprehensive and systematic plan of action—as embodied in the proposed Air Quality Act of 1967.

In January of this year, President Johnson, in his message to Congress on protecting our natural heritage, called for an accelerated national effort to rid the air of its mounting burden of pollution.

The Harris survey has provided dramatic evidence that there is greater public support for increased Federal pollution control efforts than for any other domestic program.

Mr. Speaker, the passage of the proposed Air Quality Act of 1967 by this Congress would demonstrate clearly to the American people our awareness as their representatives that action to control the pollution of the air they breathe can no longer be postponed.

MEAT INSPECTION ACT

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. SMITH] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. SMITH of Iowa. Mr. Speaker, the House of Representatives will begin consideration tomorrow of legislation to amend the Federal Meat Inspection Act.

The Des Moines Register of October 29 and 30 carried articles regarding the pending legislation and I would like to call these to the attention of my colleagues.

As the October 30 article points out, a large number of plants are presently without either Federal or State meat inspection. This is further evidence of the need for a strong and effective meat inspection bill.

I would also like to call attention to a statement by Miss Betty Furness, special assistant to the President for consumer affairs, supporting an amendment which will be offered to strengthen the meat inspection bill reported by the Committee on Agriculture.

Miss Furness' statement is a strong endorsement by the administration of the provision of H.R. 12145, a bill which I have introduced with the support of several other Members.

I believe that provisions of this bill are needed and amendments to do this will be offered when the bill comes before the House tomorrow.

The articles from the Des Moines Register and Miss Furness' statement are as follows:

[From the Des Moines Register, Oct. 29, 1967]

SEE PARTISAN IOWA VOTE ON TWO MEAT BILLS

(By Nick Kotz)

WASHINGTON, D.C.—Iowa's seven congressmen probably will split on party lines in deciding the meat inspection issue with the two Democrats favoring expanded federal inspection and the five Republicans opposing it.

Of the Republicans, only Representative Fred Schwengel indicated that he possibly might support Democratic Representative Neal Smith in his bill to expand federal inspection to cover 4,000 large packing plants now exempt because they do not sell across state lines.

DECISION TUESDAY

The House will decide Tuesday whether to cope with improper conditions in some non-federally inspected plants by expanding federal inspection or by offering federal aid to states willing to initiate or improve their own inspection systems.

The committee bill would provide up to 50 per cent federal aid to states willing to bring their inspection up to federal standards. States would not have to participate.

At present, 26 states, including Iowa, require mandatory inspection, 13 permit voluntary inspection, and 10 make no provision for inspection of meat packing plants. Few states meet federal inspection standards.

Republican Representatives William Scherle, John Kyl, Wiley Mayne all have indicated that they will support the committee bill. Republican H. R. Gross said that he is studying the issue. Considering his ultra-conservative philosophy, it seems unlikely that Gross would favor expanded federal inspection.

WOEFULLY UNPREPARED

Smith contends that states are woefully unprepared to cope with the unsanitary conditions discovered in two Agriculture Department investigations of hundreds of meat packing plants throughout the country, including some in Iowa.

He doubts that many states will come up to federal standards, mainly because they lack funds for the job, even with federal aid.

Democrat John Culver could not be reached for comment, but informed sources report that Culver will support the Smith-Foley bill, which would expand federal inspection to cover 97 per cent of the meat supply. At present, 15 per cent of meat slaughtering and 25 per cent of meat-processing is exempt from federal inspection.

Schwengel said that he intends to support the committee bill, mainly because he has found conditions in order in the two meat packing plants in his district.

SCHWENGEL STAND

Schwengel said that he is hopeful that the reapportionment of state legislatures will produce state governments "that will do a better job" on meat inspection.

But leaving the way open to vote for the Smith-Foley bill, Schwengel said: "If I think this (committee bill) isn't going to serve the public interest quickly enough or adequately, I will then vote accordingly. My mind could be changed by the debate."

Kyl said that he would spend this weekend inspecting meat packing plants in his south-central Iowa district, including two cited for improper conditions in the Agriculture Department reports. He said that the reports were inaccurate and that conditions were proper in the plants.

Kyl said that he is inclined to support the committee bill, but wants to listen to the debate to find out what other states are doing about the problem.

KYL'S CONTENTION

"If you have adequate state inspection, I don't know why the federal government should take over," said Kyl. "The federal government will force a lot of family operations out of business.

"The committee bill will do something about bad conditions if the states are willing. People in the states should have a little responsibility left to them."

Kyl said that he is concerned about the problem, noting:

"I know enough about animal diseases to know that there is always a danger. You have to be as careful with meat as with milk. You've got to be awfully careful."

Kyl said he had noted improper conditions in a packing plant in his district, but said that these conditions have been corrected since state meat inspection was established last year.

FOR STATE CONTROL

Scherle said he is leaning toward the committee bill and added:

"I think this is up to the jurisdiction of the states. Those 25 state legislatures (in states without inspection) should provide for it. I like state control. I like to keep things closer to the states if I can, rather than have the federal government come in."

Scherle said that the new Iowa meat inspection law has resulted in cleaning up a number of plants in his southwest Iowa district.

"I noticed in campaigning through my 19-county district that they really cleaned them up," said Scherle.

MAYNE'S VIEWS

Mayne, the only Iowan serving on the Agriculture Committee which considered the bill, voted in committee against the Smith-Foley plan but for the committee bill.

Mayne has said that the issue is one which should be handled by the states.

[From the Des Moines Register, Oct. 30, 1967]

SOME 9,277 PACKERS UNINSPECTED: USDA BARES FIGURES ON MEAT PLANTS—VOTE TUESDAY ON STIFFER LAW

(By Nick Kotz)

More than 9000 meat packing plants in the United States are not supervised by either Federal or state meat inspection, a Federal study has revealed.

The Agriculture Department (USDA) has estimated there are 14,832 packing plants which are now exempt from Federal inspection because they do not sell products across the state lines. Of this total 5555 are under state inspection and 9277 are not.

Representatives Neal Smith and Thomas Foley said Sunday that these statistics further emphasize the need for their legislation to bring larger intrastate plants under Federal inspection.

SHOWDOWN TUESDAY

The House of Representatives will decide Tuesday between the Smith-Foley plan and the Committee bill which would seek to eliminate improper conditions in some non-federally inspected plants by providing Federal aid to states willing to meet Federal standards. States would not have to participate in this program.

Congress is considering the legislation because two Agriculture Department surveys have revealed unsanitary or improper conditions in hundreds of plants throughout the country.

The Agriculture Department has just completed another study which supplies considerable new information about the status of inspection in plants exempt from Federal regulation. It has been known previously that only 26 states (including Iowa) provide for mandatory meat inspection, that 13 states have voluntary programs and that the other states (including Minnesota and South Dakota) make no provision for state inspection.

NEW DATA

The new data supplied Foley by Deputy Assistant Secretary Rodney Leonard shows that about ⅔ of the plants exempt from Federal inspection are not operating under state inspection either. An undetermined number of these plants receive some form of municipal inspection.

Furthermore, the study shows that many states with mandatory inspection laws still do not inspect substantial numbers of plants.

Of an estimated 800 packing plants in Iowa exempt from Federal regulation, the Department says, 471 are under state inspection.

Of 841 Minnesota plants exempt from Federal inspection, none are state inspected.

The Department study shows that 15.9%, or 5.2 billion pounds, of U.S. meat was slaughtered in 1966 without Federal inspection.

About 26%, or 8 billion pounds, of U.S. meats was processed without Federal inspection.

The Department study estimated that the Smith-Foley bill would bring 98% of meat slaughtering and 97% of meat processing under Federal inspection.

SMITH PROPOSAL

The Department estimated that the Smith-Foley bill (requiring Federal inspection of all intrastate plants grossing more than $250,000 annually) would bring an estimated 5856 new plants under Federal inspection. The Department said it would need 3295 new inspectors to handle this job.

The Department estimates that the states need to hire 1440 new inspectors if they want to participate in Federal-state cooperation and bring the 9876 plants exempt from the Smith-Foley bill up to Federal standards.

The small plant program would cost $13.6 million, the Department said. The Smith-Foley bill and Committee bill would both close the loopholes in the present Federal law and provide Federal aid to states willing to bring their own inspection up to Federal standards.

The bills differ in that the Smith-Foley bill would automatically bring the 5856 largest plants under Federal inspection. Under the Committee bill there would be no expansion of Federal inspection.

According to an Agriculture Department study, the Smith-Foley bill would bring 350 Minnesota plants, an estimated 350 Iowa plants, 40 North Dakota plants, 90 South Dakota plants, 275 Wisconsin plants and an estimated 125 Nebraska plants under Federal inspection.

Several hundred plants in both Minnesota and Iowa would still be exempt from Federal inspection because the plants do less than $250,000 annual business.

DIFFER ON ISSUES

Supporters and opponents of the Smith-Foley bill disagree on several fundamental issues.

Smith and Foley contend that states have shown they neither have the money nor the will to inspect adequately the larger plants now exempt from Federal inspection. Opponents say states will improve their system with Federal aid.

Smith and Foley say the states could do a better job if they had fewer plants to inspect. The meat industry and other opponents of the Smith-Foley bill argue that expansion of Federal inspection would destroy state inspection. They contend that the states would then lose incentive to inspect the remainder of the plants under their jurisdiction.

Supporters of the Smith-Foley bill and most opponents in the meat industry are in full agreement on at least one point. All agree that some government action must be taken to eliminate improper conditions that exist in at least a small segment of the industry not now under Federal inspection.

STATEMENT BY BETTY FURNESS, SPECIAL ASSISTANT TO THE PRESIDENT FOR CONSUMER AFFAIRS, ON MEAT INSPECTION BILL, OCTOBER 30, 1967

Most American housewives believe that the meat they put on the family dinner table is safe and wholesome. They assume that all meat is federally inspected.

The facts are that almost nine billion pounds of meat are sold each year—enough to feed 30 million Americans—without any form of Federal inspection. This is the meat that is processed and sold within the same State.

As I have opened my daily mail, it has become evident that American housewives are shocked to learn these facts. They are shocked to discover that they have to buy meat processed in another State to be assured of its wholesomeness and quality.

This is intolerable in a modern nation.

Tomorrow, the House of Representatives has an opportunity to do something about it.

The broad support for the Wholesome Meat Act of 1967—reported out by the House Agriculture Committee—is proof that the Congress is determined to act. That bill represents the first major improvement in our meat inspection laws in more than half a century.

But I believe it can be strengthened further.

Over half the States have no meat inspection laws whatsoever. And many of the others have laws that are inadequate.

Tomorrow an amendment will be offered to the Wholesome Meat Act which will give the American housewife the added protection she demands and deserves. This amendment would require—for the first time—Federal inspection of all slaughtering and processing plants doing an annual business of more than $250,000. It affects over 6,000 meat plants now exempt from Federal inspection because their products are sold within a single State.

The Administration has supported this additional Federal meat inspection since 1965. It continues to do so.

Thousands of cases of intestinal disease are reported each year which are traceable to unwholesome meat. Thousands of other cases are never reported at all.

It is clear that the health of our citizens can no longer depend on where the meat is processed and sold. The Congress has already established that a firm with an annual business of more than $250,000 must be protected by Federal Minimum Wage Laws—regardless of where it does its business. It is ironic that the customers of these firms—who buy and eat their products—are not protected by Federal meat inspection laws.

I hope that the House tomorrow will correct this inconsistency. I urge the House to safeguard the housewife and her family by approving the strengthening amendment to the Wholesome Meat Act of 1967.

AIR POLLUTION

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. IRWIN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. IRWIN. Mr. Speaker, as Representatives of the people of the United States, we have pledged ourselves to protect the health and well-being of every American citizen. How can we then reconcile this pledge with the fact that air pollution currently constitutes a major threat to the health and well-being of most Americans? Dr. William H. Stewart, Surgeon General of the Public Health Service, states unequivocally that there is an abundance of compelling evidence that air pollution is connected with increased sickness and death, and that its menace is growing. Studies clearly demonstrate relationships between air pollution and such respiratory diseases as lung cancer, emphysema, chronic bronchitis, and the common cold. Moreover air pollution attacks and destroys even the most durable of materials, it reduces visibility, and it destroys vegetation of all kinds.

Mr. Speaker, we will have before us later this week legislation under which we can cope with the menace of air pollution. The Air Quality Act of 1967 provides funds for research in the field of air pollution and calls for State and regional standards to control the problem now. It includes emergency measures and long-range plans, and calls upon all levels of government, as well as the private sector, to cooperate in the attack on the problem. It stresses immediacy of action in the framework of cooperative effort.

Mr. Speaker, in view of the facts I have presented, I think it is imperative in the interest of the health of the American people to enact this bill.

CHAIRMAN PATMAN ONCE AGAIN COMES TO THE AID OF NATION'S CREDIT UNIONS

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. ANNUNZIO] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, the gentleman from Texas, the Honorable WRIGHT PATMAN, has long been known as "Mr. Credit Union" on Capitol Hill.

Recently, Chairman PATMAN once again showed why he has earned that title. It was mainly through his efforts that the Bureau of Federal Credit Unions withdrew a ruling that misinterpreted the intent of Public Law 90–44 and worked a great hardship on many Federal credit unions.

The October issue of the Federal Credit Union Observer, a publication of the department of legislation and governmental affairs of CUNA International, goes behind the scenes in outlining the roles that Chairman PATMAN, J. Deane Gannon, Director of the Bureau of Federal Credit Unions, and Evert S. Thomas, director of the Washington office of CUNA International, played in resolving this problem.

I am including two articles from the issue of the publication which explain in detail the problem and how it was solved. These articles should be of extreme interest to the millions of members of Federal credit unions across the United States:

BUREAU MODIFIES RULES ON OFFICER BORROWING—BOARD CAN NOW DELEGATE APPROVAL POWER ON THOSE LOANS FULLY SECURED BY SHARES

The Bureau of Federal Credit Unions has clarified and simplified its interpretive rulings on the new officer borrowing bill, Public Law 90–44, after a thorough review of the legislative history of the measure.

Bureau director J. Deane Gannon announced in a letter to all Federal credit unions, October 5, that the Bureau has determined the board of directors of a Federal credit union may by resolution set criteria for approval of officials' loans which are fully secured by shares. If the board wishes it may delegate its authority to approve such

loans to the credit committee, which in turn may further delegate it to a loan officer.

Originally the Bureau had held share-secured loans could only be passed on by the board and credit committee, as with officer loans secured by other forms of collateral. However, Rep. Wright Patman, chairman of the House Banking and Currency committee, later informed the Bureau that this was not the intent of his committee.

PATMAN TELLS INTENT

In a statement published in the October 2 CONGRESSIONAL RECORD, Chairman Patman emphasized that it was never the committee's intention that "loans fully secured by the officer-borrower's shares be subject to board approval, unless the individual credit union felt such approval was necessary. It was felt that such loans could be approved by the normal approval standards of most credit unions," he declared.

Director Gannon wrote all Federal credit unions explaining the Bureau's revised position on share-secured officer loans and furnishing standard resolutions which may be adopted by the board and/or the credit committee.

In the same letter, Gannon affirmed an earlier ruling, made at the request of CUNA International, dealing with the law's requirement that an officer borrower submit a "detailed current financial statement." The Bureau stated that the criteria for such a statement is adequately met by the standard loan application (Form FCU 200) or any other suitable application containing as a minimum the equivalent information.

LOANS OVER $5,000

Still another troublesome area in the new law, that dealing with loans in excess of $5,000, is under study by the Bureau, according to Chairman Patman's statement in the CONGRESSIONAL RECORD. The Bureau has ruled that such loans to an officer-borrower must be secured in their entirety by pledged shares.

Patman contends it was the view of the committee that loans in excess of $5,000 be collateralized by pledged shares only for that amount in excess of $5,000. The portion under $5,000 could be secured by any lawful collateral acceptable to the credit union. CUNA's Washington Office is hopeful a solution can be worked out as has been done with other obscure areas in the statute.

WHAT HAPPENED ON OFFICER LOAN BILL—HOW THREE REASONABLE MEN RESOLVED SOME OF ITS SNAGS

Public Law 90-44—the officer borrowing amendment to the Federal Credit Union Act—upon passage last summer was hailed with enthusiasm throughout the credit union movement. The first major achievement of CUNA International's 1967 legislative program, it was a significant stride toward attaining borrowing privileges for directors and committeemen comparable to those of other members, but with built-in safeguards to protect the credit union.

Then dissatisfaction dampened the enthusiasm as certain provisions of the new officer borrowing law were implemented. Criticism flooded in to CUNA International; to the Bureau of Federal Credit Unions; and even to members of Congress.

While acknowledging the real gain of a $5,000 loan limit without the necessity of pledging shares, many Federal credit union officers complained that the law as implemented was unrealistic in its controls on officer loans and created a heavy administrative burden.

WORKED TOGETHER

But there are few problems that men of reason and goodwill cannot solve when they work together. And that is what has happened to resolve the apparent "bugs" in the officer borrowing amendment.

Three men of reason and goodwill have come together to solve the problems and complaints raised by Federal credit unions on the new officer borrowing rules and procedures. Those three men are:

Rep. Wright Patman, chairman of the House Banking and Currency Committee, where the legislation was written in detail, and a "godfather" of the credit union movement.

J. Deane Gannon, director of the Bureau of Federal Credit Unions, who is charged with administration of the Federal Credit Union Act.

Evert S. Thomas, Jr., director, Washington Office, CUNA International, whose concern is the federal legislative program and liaison for credit unions with Federal government agencies.

These three men, all dedicated to the interests of the credit union movement, have gradually worked out solutions to most of the many problems posed by credit unions regarding the officer borrowing amendment.

HOW QUIRKS DEVELOPED

Just how did the officer borrowing amendment develop so many quirks and problems areas, is a question repeatedly asked. It is true that the original bill introduced in both the House and the Senate at CUNA's request merely would have permitted officers to borrow up to the unsecured loan limit ($750) plus their own unencumbered pledged shares and those of a cosigner.

Then during the hearings, when the credit union borrowing amendment was being considered along with an amendment to the Federal Reserve Act on bank officer borrowing, the question was raised as to why credit union officers shouldn't be able to borrow up to $5,000 as the bank officers were being authorized to do. No one foresaw any objections, and the Bureau and CUNA approved the idea. So the loan limit was upped in the Senate committee bill and passed.

In the House, some Banking and Currency committee members had honest doubts and reservations about the new limit. They feared that a few credit union officers would take undue advantage of the higher ceiling; would monopolize their credit union's loan portfolio; and would be given to self-serving practices. The question of share insurance was raised, and with it the security of credit union funds. With no share insurance, some congressmen reasoned, the officer borrowing privilege must be clearly spelled out and restricted.

DECIDED IN CLOSED SESSION

So in closed executive session, the House Banking and Currency committee, at the insistence of some members who had honest concerns, re-wrote the officer borrowing amendment. In went such controls as: Officer loans could not exceed 20% of the unimpaired capital and surplus of the credit union. The requirement for favorable action by the credit committee and the board of directors after submission to them of a detailed financial statement. The rule that an officer would not sit on a committee during the time his application was being considered; and the requirement that an officer-borrower not receive more favorable terms than any other member.

The committee reported the bill to the House, and it was promptly passed. Neither the Bureau nor CUNA had a chance to comment on the added committee provisions.

FCC'S ASK QUESTIONS

As the individual Federal credit unions changed their by-laws to conform to the Federal credit union act amendment on officer borrowing, problems and questions began to arise. What constituted a detailed financial statement? Why couldn't the old provisions on officer borrowing be retained if the credit union preferred to do so?

These and other questions arose, some posing serious problems unless a prompt and workable solution could be found.

CUNA BEGINS DISCUSSIONS

As the criticisms of the officer borrowing amendment increased, CUNA's Washington Office director, Evert Thomas, began discussions with Rep. Patman and Bureau Director Gannon to seek their views and suggestions on overcoming the difficulties. Gannon pointed out that his office had to interpret the law and implement it as it was written. Rep. Patman was convinced that the members of Congress did not intend to increase the problems of officer borrowing.

Thomas negotiated between the two, and the final result was a letter from Rep. Patman to Gannon outlining the intent of Congress on the legislation. With this information and support, Gannon was able to modify some administrative rulings and institute many revisions of procedures.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HELSTOSKI (at the request of Mr. PUCINSKI), for October 30 and 31, on account of official business.

Mr. STUCKEY (at the request of Mr. LANDRUM), for today and tomorrow, on account of official business.

Mr. DORN (at the request of Mr. ALBERT), for today, on account of official business.

Mr. QUIE (at the request of Mr. ARENDS), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Dow, for 30 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. MATHIAS of Maryland (at the request of Mr. BROWN of Ohio), for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. HALPERN (at the request of Mr. BROWN of Ohio), for 10 minutes, on November 1; to revise and extend his remarks and include extraneous matter.

Mr. SAYLOR (at the request of Mr. BROWN of Ohio), for 15 minutes, on October 31; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. ZABLOCKI and to include pertinent extraneous matter.

Mr. ROYBAL.

(The following Members (at the request of Mr. BROWN of Ohio) and to include extraneous matter:)

Mr. CUNNINGHAM.

Mr. BYRNES of Wisconsin.

(The following Members (at the request of Mr. PUCINSKI) and to include extraneous matter:)

Mr. MOORHEAD.

Mr. DOW.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1260. An act to amend the Northwest Atlantic Fisheries Act of 1950 (Public Law 81–845); to the Committee on Foreign Affairs.

S. 1602. An act to create a Northwest Regional Services Corporation to provide a central location for various training centers and programs, and for other purposes; to the Committee on the Judiciary.

S. 1752. An act to amend the act prohibiting fishing in the territorial waters of the United States and in certain other areas by vessels other than vessels of the United States and by persons in charge of such vessels; to the Committee on Merchant Marine and Fisheries.

S. 1798. An act to amend section 4 of the Fish and Wildlife Act of 1956, as amended; to the Committee on Merchant Marine and Fisheries.

S. 2047. An act to exempt certain vessels engaged in the fishing industry from the requirements of certain laws; to the Committee on Merchant Marine and Fisheries.

S.J. Res. 64. Joint resolution to establish a Commission on Balanced Economic Development; to the Committee on Interstate and Foreign Commerce.

S.J. Res. 103. Joint resolution to authorize and direct the Secretary of the Interior to conduct a survey of the coastal and fresh water commercial and recreational fishery resources adjacent to the United States, including the resources within the territorial waters of the Great Lakes, the territories and possessions of the United States, and the Commonwealth of Puerto Rico, and to make available to the public and Congress information gained from such survey; to the Committee on Merchant Marine and Fisheries.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1499. An act to provide for the striking of medals in commemoration of the 300th anniversary of the exploration of Father Jacques Marquette in what is now the United States of America;

H.R. 5894. An act to amend titles 10, 32, and 37, United States Code, to remove restrictions on the careers of female officers in the Army, Navy, Air Force, and Marine Corps, and for other purposes;

H.R. 10105. An act to provide for the striking of medals in commemoration of the 150th anniversary of the founding of the State of Mississippi;

H.R. 10160. An act to provide for the striking of medals in commemoration of the 50th anniversary of the founding of the American Legion;

H.R. 10196. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1968, and for other purposes; and

H.R. 13212. An act to provide for the striking of medals in commemoration of the 200th anniversary of the founding of San Diego.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1160. An act to amend the Communications Act of 1934 by extending and improving the provisions thereof relating to grants for construction of educational television broadcasting facilities, by authorizing assistance in the construction of noncommercial educational radio broadcasting facilities, by establishing a nonprofit corporation to assist in establishing innovative educational programs, to facilitate educational program availability, and to aid the operation of educational broadcasting facilities; and to authorize a comprehensive study of instructional television and radio; and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on October 27, 1967 present to the President, for his approval, bills of the House of the following titles:

H.R. 1499. An act to provide for the striking of medals in commemoration of the 300th anniversary of the explorations of Father Jacques Marquette in what is now the United States of America;

H.R. 5894. An act to amend titles 10, 32, and 37, United States Code, to remove restrictions on the careers of female officers in the Army, Navy, Air Force, and Marine Corps, and for other purposes;

H.R. 10105. An act to provide for the striking of medals in commemoration of the 150th anniversary of the founding of the State of Mississippi;

H.R. 10160. An act to provide for the striking of medals in commemoration of the 50th anniversary of the founding of the American Legion;

H.R. 10196. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1968, and for other purposes; and

H.R. 13212. An act to provide for the striking of medals in commemoration of the 200th anniversary of the founding of San Diego.

ADJOURNMENT

Mr. PUCINSKI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 11 minutes p.m.), the House adjourned until tomorrow, Tuesday, October 31, 1967, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1181. A letter from the national quartermaster, Veterans of World War I, transmitting the audit of financial transactions, as of September 30, 1967, pursuant to the provisions of Public Law 85–530; to the Committee on Armed Services.

1182. A letter from the Executive Director, Federal Communications Commission, transmitting a report on backlog of pending applications and hearing cases, as of August 31, 1967, pursuant to the provisions of Public Law 82–554; to the Committee on Interstate and Foreign Commerce.

1183. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the act entitled "An act to provide better facilities for the enforcement of the customs and immigration laws"; to the Committee on Public Works.

1184. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated October 2, 1967, submitting a report, together with accompanying papers and an illustration, on a letter report on Dunkirk Harbor, N.Y., requested by a resolution of the Committee on Public Works, House of Representatives, adopted June 17, 1948; to the Committee on Public Works.

1185. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated September 11, 1967, submitting a report, together with accompanying papers and an illustration, on a letter report on Tijuana River, Calif., requested by a resolution of the Committee on Public Works, House of Representatives, adopted June 7, 1961, no authorization by Congress is recommended as the desired improvement has been authorized by Public Law 89–640, adopted October 10, 1966; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DAWSON: Committee on Government Operations. Report entitled "Better Management of Research Equipment Procurement and Utilization in Federal Laboratories" (15th report by the committee) (Rept. No. 867). Referred to the Committee of the Whole House on the State of the Union.

Mr. FISHER: Committee on Armed Services. H.R. 8547. A bill to amend title 10, United States Code, to simplify laws relating to members of the Army, Navy, Air Force, and Marine Corps, and for other purposes; with amendment (Rept. No. 868). Referred to the Committee of the Whole House on the State of the Union.

Mr. TENZER: Committee on the Judiciary. H.R. 7210. A bill for the relief of the Rochester Iron & Metal Co. (Rept. No. 869). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BATES:

H.R. 13743. A bill to provide certain essential assistance to the U.S. fisheries industry; to the Committee on Merchant Marine and Fisheries.

By Mr. FARBSTEIN:

H.R. 13744. A bill to establish a Small Tax Division within the Tax Court of the United States; to the Committee on Ways and Means.

By Mr. KING of New York:

H.R. 13745. A bill to amend chapter 113 of title 18, United States Code, to prohibit the transportation, use, sale, or receipt, for unlawful purposes, of credit cards in interstate or foreign commerce; to the Committee on the Judiciary.

By Mr. LANGEN:

H.R. 13746. A bill to provide for a flat fee for services performed in connection with the arrival in, or departure from, the United States of a private aircraft or private vessel, and for other purposes; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.R. 13747. A bill to amend the Immigration and Nationality Act, as amended, to permit the free entry of citizens of the Trust Territory of the Pacific Islands into the United States; to the Committee on the Judiciary.

By Mr. PHILBIN:

H.R. 13748. A bill to amend the Nurse Training Act of 1954 to provide for increased assistance to hospital diploma schools of nursing; to the Committee on Interstate and Foreign Commerce.

By Mr. SLACK:
H.R. 13749. A bill to provide for orderly trade in iron and steel mill products; to the Committee on Ways and Means.

By Mr. SPRINGER:
H.R. 13750. A bill to amend the Clean Air Act to authorize planning grants to air pollution control agencies, expand research provisions relating to fuels and vehicles; provide for interstate air pollution control agencies or commissions, authorize the establishment of air quality standards, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WAGGONNER:
H.R. 13751. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK:
H.R. 13752. A bill to amend title 13, United States Code, to limit the categories of questions required to be answered under penalty of law in the decennial censuses of population, unemployment, and housing, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BLACKBURN:
H.R. 13753. A bill to amend title 18, United States Code, to prohibit the use in commission of certain crimes of firearms transported in interstate commerce; to the Committee on the Judiciary.

By Mr. WILLIAM D. FORD:
H.R. 13754. 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. STRATTON:
H.R. 13755. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. MACHEN:
H.J. Res. 913. Joint resolution creating a Joint Committee To Investigate Crime; to the Committee on Rules.

By Mr. SCHEUER:
H.J. Res. 914. Joint resolution to provide for the formulation, adoption, administration, and periodic updating of a comprehensive plan for the U.S. Capitol Grounds and contiguous related and influencing areas; to the Committee on Public Works.

By Mr. ZWACH:
H. Con. Res. 562. Concurrent resolution expressing sense of Congress relative to the 50th anniversary of Finland independence; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ADDABBO:
H.R. 13756. A bill for the relief of Giuseppe Mirasola; to the Committee on the Judiciary.
H.R. 13757. A bill for the relief of Guiseppe Piazza; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:
H.R. 13758. A bill for the relief of Alessandro Berardinelli and family; to the Committee on the Judiciary.

By Mr. BURTON of California:
H.R. 13759. A bill for the relief of Michele Galante; to the Committee on the Judiciary.

By Mr. FINO:
H.R. 13760. A bill for the relief of Elio Lauria, his wife, Miniello Lauria, and their child, Eduardo Lauria; to the Committee on the Judiciary.

By Mr. GIAIMO:
H.R. 13761. A bill for the relief of Lu-Yin Chen, Julie Chen, Edward Chen, and Susie Chen; to the Committee on the Judiciary.

By Mr. HELSTOSKI:
H.R. 13762. A bill for the relief of Ciro Lala; to the Committee on the Judiciary.

By Mr. MESKILL:
H.R. 13763. A bill for the relief of Fortunato Indomenico; to the Committee on the Judiciary.

By Mr. O'HARA of Illinois:
H.R. 13764. A bill for the relief of Demetre Parhas; to the Committee on the Judiciary.

By Mr. OTTINGER:
H.R. 13765. A bill for the relief of Domenico Figlia; to the Committee on the Judiciary.

By Mr. RYAN:
H.R. 13766. A bill for the relief of Arsine Berberyan; to the Committee on the Judiciary.

By Mr. WHALEN:
H.R. 13767. A bill for the relief of Nicanor Diaz; 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:

192. By the SPEAKER: Petition of the Common Council of the City of Yonkers, N.Y., relative to the continuation of beneficial programs of the Office of Economic Opportunity; to the Committee on Education and Labor.

193. Also, petition of the Western States Land Commissioners Association, Pierre, S. Dak., relative to Mineral Leasing Act revenues; to the Committee on Interior and Insular Affairs.

194. Also, petition of Board of Supervisors, San Bernardino County, Calif., relative to the clarification of the Common Varieties Act; to the Committee on Interior and Insular Affairs.

195. Also, petition of Henry Stoner, Avon Park, Fla., relative to the 14th amendment to the Constitution; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Alexander Wiley

EXTENSION OF REMARKS
OF
HON. JOHN W. BYRNES
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Monday, October 30, 1967

Mr. BYRNES of Wisconsin. Mr. Speaker, Wisconsin and the Nation are deeply mourning the loss of one of our most distinguished and revered citizens.

Alex Wiley devoted 24 years to the service of his country in the Senate, longer than any other Wisconsin Senator, and he was a high-ranking Member of Congress during some of this country's most critical times. His career included chairmanships of the Senate Judiciary Committee and the Senate Foreign Relations Committee. His accomplishments were many and his influence great.

He will be remembered as the "Father of the St. Lawrence Seaway," an accolade he so richly deserves for he never wavered in his steadfast efforts to fulfill his dream of bringing the ships of the world to America's heartland.

In his early career he called himself a "neutralist" in foreign affairs but he was not a man afraid to change his mind and to recognize changing conditions. His interest became global and during the postwar years he repeatedly reminded us that the world was growing smaller with the far corners only hours away by plane, and that we could no longer afford the luxury of ignoring problems in other countries.

He was one of the first to warn of the growing threat of international communism. His warnings 14 years ago about Vietnam sound like they were made yesterday.

He was a deeply religious man. In fact, he had at one time studied for the ministry, and he was the author of a number of religious articles. His constant prayer, which he repeated publicly many times, was for a world in which all men could live in peace and freedom. He once proposed that there should be an executive department of peace with the duty of concentrating on the elimination of sources of friction and misunderstanding between peoples.

Despite rubbing elbows with the famous in Washington and the world, however, he resisted pomposity and sophistication. Many humorous stories are told of his informal treatment of the mighty, such as the time he greeted a monarch with a hearty "Hi there, Queenie."

This prominent son of immigrants never forgot, as he would put it, "the folks back home." He was renowned for his efforts in behalf of his Wisconsin constituency and Wisconsin's products.

I am privileged to have known him and to have worked with him on legislation of mutual interest. I benefited many times from his wise counsel and from his kind and generous friendship.

I shall remember him always and to his wife and to his children, I express my sincere condolences.

Air Quality Act

EXTENSION OF REMARKS
OF
HON. WILLIAM S. MOORHEAD
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Monday, October 30, 1967

Mr. MOORHEAD. Mr. Speaker, in view of the serious challenge that the pollution of our atmosphere poses to our national health, I strongly support the Air Quality Act of 1967.

The Congress recently declared in the "Declaration of Purpose" for Public Law 89–749, the comprehensive health planning amendments, that "fulfillment of our national purpose depends on promoting and assuring the highest level of

health attainable for every person, in an environment which contributes positively to healthful individual and family living."

It is this kind of environment toward which we must aspire, an environment not merely safe from hazard but contributing positively to healthful living. In such an environment there is no room for polluted air.

Air pollution in the United States is clearly responsible, wholly or in substantial part, for a number of unnecessary deaths and a very large amount of unnecessary disability and discomfort. As President Johnson said last January in recommending adoption of the Air Quality Act:

The economic loss from air pollution amounts to several billion dollars each year. But the cost in human suffering and pain is incalculable.

It is imperative, in the interest of the health of the American people, to remove from the air now all the pollution within the range of feasibility.

The Air Quality Act of 1967 strengthens and builds upon the base provided by the Clean Air Act, which we passed and the President signed in 1963, and closes important gaps that have become apparent since the passage of that act in 1963. This bill is most timely, and would permit the development of appropriate, effective, and urgently needed new ways to move toward national air pollution control.

I strongly urge each and every one of my distinguished colleagues to join with me in voting "yea" on this critically needed legislation.

Washington Report

EXTENSION OF REMARKS
OF
HON. GLENN CUNNINGHAM
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES
Monday, October 30, 1967

Mr. CUNNINGHAM. Mr. Speaker, I try to keep my constituents informed of events concerning my work as their U.S. Representative in Congress. I am reporting to them some of the thoughts I have in mind which concern my official responsibilities, as follows:

WASHINGTON REPORT

DEAR FRIENDS: I am happy and proud to report to you that the House of Representatives has approved my amendment to the Postal bill which provides a means for stopping the flow of obscene advertising materials through the wall.

It is a victory for American parents because it deals with advertisements sent through the mails to sell materials which are erotically arousing or sexually provocative. Under the bill any person receiving a "pandering advertisement" of an obscene nature may request the Postmaster General to advise the mailer to remove his name or the name of his minor child from the mailing list. The Postmaster General then is required to issue a stop order to the mailer. Failure of the sender to take the complainant's name off of the list is punishable by law.

These filthy advertisements have been an ever-increasing problem. During the past year the Post Office Department has received over 250,000 complaints from people everywhere, including Nebraska, bitterly complaining about receiving offensive, sex-oriented advertising matter in the mail. Most of the complaints were from parents whose minor children had received such advertisements.

The passage of this bill is a step forward, and it will serve to discourage those who would try to make a profit by corrupting our children.

My sincerest thanks to you for your many letters of encouragement during my long fight against filth in the mails. This same legislation which I sponsored passed the House of Representatives overwhelmingly on two previous occasions, but the Senate did not act on it. Now by attaching it to the Postal Rate bill, *they will have to consider it and I hope favorably.*

There is another section of the Postal Rate bill which is outrageous. I call it the "Great Mail Robbery of 1967." Most of us have read editorials in the newspaper telling about the subsidies many industries receive from the Federal Government, *but I've never noticed an editorial complaining about the huge newspaper mail subsidy which they receive.*

The newspaper and magazine subsidy is one of the reasons for the huge Postal Department deficit and costs taxpayers an estimated 250 million dollars a year or more. *This huge subsidy to newspapers and magazines is paid for with your tax dollars.*

Official U.S. Post Office figures indicate that letter writers are paying 123.3 percent of the cost of handling and delivering first class letter mail . . . third class mail users (seed catalogues and other business advertising mail) pays 100 percent of this cost of delivery. *But newspapers and magazines* (second class mail) *are paying only 29 percent of the cost of handling their mail.*

In addition, the *newspapers are receiving a further subsidy by what is called "Red Tag Treatment."* This means that they receive the same or better handling as the average first class letter but pay only ¼ as much. Public relations or not . . . the red tag practice is not fair to the rest of the mail users or the nation's taxpayers.

I fought hard *to raise the mailing rates for newspapers and magazines* in the Committee and later when the legislation was debated in the House of Representatives, I was successful in getting a small adjustment in these laws *to cut down on the newspaper-magazine government subsidized rates.* But the fact remains that "holier than thou" newspapers are still being heavily subsidized when sent through the mails. *Newspapers and magazines are against everyone's subsidy but their own.*

WHO IS POLLUTING THE RIVERS?

Here is another item under the "Do as I say and not as I do category." I dislike river pollution as much as the next man. When I was Mayor of Omaha we inaugurated the first step in halting pollution. I was shocked to learn recently that one of the largest contributors to pollution on the Potomac River which runs past the Capital of the United States is the U.S. Government itself.

In a recent survey of eleven Federal installations in the Potomac Basin, it was revealed that all eleven Federal installations made a major contribution to water pollution. Federal agencies in Washington were not original in their reactions to the news they were themselves polluting the Potomac. Thier answers ranged from, "We are making a study" to "Corrective action is being implemented" (whatever that means).

I think that Omahans should be hopping mad about the executive branch's casual approach to river pollution when it involves its own agencies. After all, didn't the Federal Government recently threaten to "take action" unless the City of Omaha made significant progress in reducing Missouri River pollution? Now we see that Omaha has spent and is committed to spend millions of dollars to fight pollution while the Federal Government is just starting to "make a study" of its own pollution sources. It seems they never will be able to see the forest for the trees.

FLOOD CONTROL DISCUSSION

I met recently here in Washington with Brigadier General C. Craig Cannon, the new head of the Army Corps of Engineers in Omaha. During the meeting which was attended by Senators Roman Hruska and Carl Curtis, Representative Robert Denney and myself, we discussed the proposed Papillion Basin Flood Control Project. I told General Cannon that in my opinion the Papillion Basin Project should have the very highest priority because of the high potential for heavy loss of life during a flash flood.

I have obtained a *limited supply of maps of Vietnam* and the Asian Continent for distribution to interested families in my Congressional District. This map is in short supply so I hope you will understand if I am not able to send everyone a copy. Your requests for these maps will be filled on a *"first come, first serve basis."*

I read an article the other day which I believe is worth passing along. History usually has a way of repeating itself. The article follows:

"In ancient Greece, Pericles inauguarated the nursing of people out of the public treasury. A hundred years later Plato found that he had so completely debauched the Athenians that they were reduced to pauperism.

"*Instead of working,* they hung around the marketplace gossiping, and their characters were so weakened *that the state was forced* to hire barbarians to defend it from invasion.

"A paternalistic government *is bound to destroy the self-reliance and self-respect of the people.* When these attributes go, everything goes. Those are the virtues which have made our country great, and those virtues alone will keep us great."

Dingell Amendment to Clean Air Act Would Undermine California's Fight Against Critical Smog Health Hazard

EXTENSION OF REMARKS
OF
HON. EDWARD R. ROYBAL
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, October 30, 1967

Mr. ROYBAL. Mr. Speaker, I think it is vitally important that the Members of this House understand the full implications of the so-called Dingell amendment to the Clean Air Act, when that legislation comes up for a vote on the floor later this week.

In particular, I believe they should realize that this auto industry-inspired provision would undermine the efforts of California officials to protect the health of that State's 20 million citizens against the increasing threat of deadly car exhaust fumes polluting the atmosphere of California's major metropolitan areas.

For that reason, I have sent a short letter explaining the adverse effects of the Dingell amendment to each of my colleagues in the House, and include the text of that letter in the RECORD at this point.

The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 31, 1967.

DEAR COLLEAGUE: With all the recent discussion about the effect of the so-called Dingell Amendment to S. 780, the Air Quality Act of 1967, I believe it is important to set the record straight.

Here is a short summary of what this is all about:

(1) California, and particularly Los Angeles, undeniably has a very pressing need to reduce emissions from motor vehicles. The President of the Los Angeles County Medical Association, speaking for 10,000 physicians, terms the pollution from motor vehicles a critical hazard to the health of the people of that community.

(2) To meet this need, California enacted the Nation's first standards for motor vehicle emissions. Cars sold in California in 1966 and 1967 have been equipped to meet these standards. California also has set more stringent standards to become effective with the 1970 models. It should be noted carefully that industry spokesmen have said they are prepared to meet these standards.

(3) The Federal Government enacted auto emission standards applicable to the 1968 models sold throughout the Nation, and cars sold anywhere in the country after December 31, 1967 will be equipped to comply. These standards are the same as those which have been in effect in California since 1966. Thus, in 1968 and 1969, California and the rest of the country will have uniform standards.

(4) The enactment of Federal standards raised the question of pre-emption. Would the fact that the Federal Government legislated in the same field nullify the more rigorous standards that California had set for 1970? This matter was considered by the Senate Subcommittee on Air and Water Pollution when S. 780 was being drafted.

(5) When the Committee held hearings in California, they were told that the preemption problem should be solved in one of two ways: either the National standard should be set to meet the problem of the area with the most acute pollution condition, i.e. Los Angeles; or, the State of California should be allowed to set its own standards.

(6) In response, Senator Murphy offered an amendment which was passed by the Senate 88–0, that attempted to supply the second alternative: that is, it would allow California to set its own standards. Under Murphy's amendment, the Secretary of Health, Education & Welfare *must* waive the National standards and allow California to set its own standards, unless he finds that California does not have a need. The burden is on the Secretary to make a clear finding that California *does not need* special standards, and this would be difficult to do in the face of the strong testimony that the medical community of that state has presented.

(7) Representative Dingell's amendment shifts to California the burden of proving affirmatively that it has an overwhelming need for special standards, and then the Secretary may, or may not, himself set the standards for California at any level that he chooses, *and that he determines technology and economics allow.* There is no question that it would be much more difficult for California to reduce automotive emissions under the procedures of the Dingell Amendment than under the Murphy Amendment.

(8) When the present standards were set in California, it was recognized that they would not be adequate, and that is why the 1970 standards were established at a much lower level. The industry now has had several years to prepare to meet the 1970 requirements, and spokesmen for the industry have said they are prepared to comply. There has been adequate "lead time" for the industry to meet and readily satisfy California's 1970 requirements. All of this will now be upset if the Federal Government pre-empts under the Dingell Amendment, and the industry will again plead the necessity for several more years of lead time.

Referring to the automobile industry, the largest industry in his State, Representative Dingell has repeatedly made statements such as "*We* can't operate *our* production lines to meet fifty different standards."

Of course, we are not presented with a proposal for fifty different standards. All that the industry will have to do is exactly what it has been doing for the past two years: that is, make one type of car for California and another for all the rest of the States. This is two standards, and not fifty.

It is interesting that nowhere has Represenative Dingell ever proposed that the standards for the Nation be set at the level required in California. I am sure that he won't.

Whatever Mr. Dingell's intent, the effect of his amendment will be to obstruct progress in reducing smog in California. It should be defeated, and California should retain the power to protect the health of its citizens.

Sincerely,

EDWARD R. ROYBAL,
Member of Congress.

Veterans (Armistice) Day Observances

EXTENSION OF REMARKS
OF
HON. JOHN G. DOW
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, October 30, 1967

Mr. DOW. Mr. Speaker, a number of communities in my 27th Congressional District of New York are considering Veterans (Armistice) Day ceremonies to support our boys in Vietnam. This represents a very deep concern of affection and admiration for our men.

Yet I am a little troubled that the ceremonies may extend, perhaps without intention, to express support for the mistaken policies in Vietnam that we as a nation have chosen to follow.

In order to make the distinction between the sincere tribute owed individually to our fighting men, and the ill-conceived national policy, I have sent a letter to all news media in my district.

A copy of the letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 25, 1967.

To the EDITOR:

DEAR SIR: This letter is intended to be helpful to the citizens in valuing the great issue presented by American involvement in Vietnam.

We have just observed the demonstrations at the Pentagon. The conduct of the demonstrators was in many cases shameful and repulsive. Draft card burning and the like is just as shameful. In a very natural reaction against these performances, I note that loyalty parades are being planned by some groups in communities in my Congressional District on or near Armistice Day, November 11.

The theme of these parades is going to be "support our boys in Vietnam." It is understandable that thousands of Americans should want to express this kind of feeling.

However, I wonder if the real issues about Vietnam are really getting through to all of us. These issues concern the whole political situation throughout the world. For example, in this world of hungry people, years and years of rebellions lie ahead. Are we going to send our American boys to fight poor men in many places who may be struggling to make their own world a little better?

Another question is whether we want to become involved in a nuclear war with Russia and China. It is all very well to say that we are not afraid of them. I am sure we are not, and we shouldn't be. But we ought to ask whether our very questionable stake in Vietnam is worth the danger of blowing our world to pieces.

While we have our pride about our position yet the pride of other great powers will become involved if we continue to escalate the war and push it further. As matters stand, they will continue to supply North Vietnam just as long as we continue our military campaign. It is a very dangerous stalemate, unless a way better than bombs is found to deal with this problem of the pride of the great powers.

Let's consider our relations with China. By our bases and our bombing, we are seriously irritating and antagonizing China, but not settling the problem of living in the same world with her. We should first try to get along with her at the negotiating table before we take hostile steps.

Also, many Americans question whether we are really doing any good in Vietnam. The Vietnamese have just conducted a presidential election. There were ten candidates and the winner received only one-third of the vote. The runner-up has now been sentenced to prison. How long will it take to teach democracy in Vietnam?

If we are having so much trouble to deal with thirty million Vietnamese on one beachhead in Asia, how can we ever exert influence on the two billion backed up behind them on that vast continent?

Does anybody know how to "win" in Vietnam? Sometimes I wonder if it is fair to urge the boys on when we don't have any clear notion of what the task is, whether it can be done or where it will lead our boys and the thousands who may follow.

As your Congressman, it is my duty to think out these issues as best I can and to tell you honestly and fairly how it seems to me.

We should carry out the Armistice Day ceremonies in honor and remembrance of our men who have fought in other wars and those now in Vietnam. Their individual sacrifice deserves every tribute we can pay. But individual actions are separate from our national action. I seriously wonder whether the ceremonies ought to express favor for the Nation's very questionable policy of making war in Vietnam.

Sincerely,

JOHN G. DOW,
U.S. Congressman.

Continuity in United States-Vietnam Policy

EXTENSION OF REMARKS
OF
HON. CLEMENT J. ZABLOCKI
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Monday, October 30, 1967

Mr. ZABLOCKI. Mr. Speaker, after a long period of silence, a man who has been an important part of two administrations has spoken out on Vietnam. I am

referring to Mr. Theodore Sorensen who, in a recent Saturday Review article, has made some suggestions on bringing the Vietnam war to a speedy conclusion.

What he says deserves careful consideration, but consideration in the light of changed circumstances since he was a responsible part of the White House staff.

In his book, Kennedy, as Mr. Sorensen himself points out in the Saturday Review article, set forth the policies pursued during the Kennedy administration on Vietnam:

> The Administration's objective was to gain time—time for the South Vietnamese with our help and protection to achieve a society sufficiently cohesive both politically and militarily to negotiate a balanced settlement.

In my estimation, this policy has not been changed. These objectives remain as constant as ever, although the administration has changed.

Mr. Sorensen observes that the "time is finally near at hand" to negotiate, and to reach this objective we should consider cessation of the bombing of North Vietnam. This is not a new suggestion. It has been made before and much thoughtful atention has been given it both inside and outside the Government. It is my belief that the United States has been forthright and eager in its response to stop the bombing and to explore negotiations.

But the simple fact remains that it takes two to negotiate and thus far Hanoi has shown no willingness to talk.

The Secretary of State in his October 13, 1967, press conference stated that:

> The problem is that dozens and dozens of suggestions have been made to Hanoi through all sorts of channels, through all sorts of formula, and that Hanoi has categorically rejected all of them.

The Secretary also stated:

> I have yet to hear anyone tell us that if we did stop the bombing they could definitely deliver Hanoi to the conference table. I have asked a number of governments, "all right, if we stop the bombing, what can you deliver?" I get no response. Hanoi has not yet indicated it was in any way ready to pursue a "balanced settlement."

The President, most recently in San Antonio, has spoken on the subject of bombing cessation both strongly and clearly:

> The United States is willing to stop all aerial and naval bombardment of North Vietnam when this will lead promptly to productive discussions. We, of course, assume that while discussions proceed, North Vietnam would not take advantage of the bombing cessation or limitation.

What began as a small guerrilla war was expanded by the introduction of regular North Vietnamese troops, infiltrating in greater and greater numbers into the South in late 1964 and continuing to this very day. This has introduced a profound change in the nature of the war since 1964—a change which many observers have not taken fully into account.

In other words, what might have been adequate in 1963 or 1964 as an American response to Communist aggression, would be inadequate at this time. Pacification—the importance of which no one underestimates—was made a more difficult task by the large-scale invasion from the North.

We are attempting, in a sense, to build a house during a hurricane. We are helping to build a new political, social, and economic order in Vietnam while a war ranges around. In spite of the difficulties, there have been notable successes.

We have met the challenge of inflation, benefiting from our experience during the Korean war.

We have not been forced to dominate the war, as some have charged. The Province Chief still governs his province. The ARVN commander still commands his own forces. The newly elected government truly represents the electorate.

We have been able to assist in the establishment of basic democratic forms in a country which has lacked them for many years. It is a development which hopefully presages a true social revolution in South Vietnam, one benefiting the people.

This is the kind of victory we are looking for in Vietnam. Some may sneer that such victories are small. Such statements betray an ignorance of the nature of guerrilla warfare. Small victories are the essential victories.

It was a victory to hold a successful national election despite widespread Vietcong opposition and terrorist tactics.

It was a victory to see national and provincial leaders emerging, bolstered by an election, responsive to—responsible to—the public.

We do not seek total military victory. We do not wish to bomb North Vietnam back to the stone age. We do not believe that the war can be won only by force of arms.

The conflict in Vietnam is one which ebbs and flows. Yet the course we set during the Eisenhower administration is still unchanged. President Johnson does not seek objectives which are any different from those administrations which preceded his—although circumstances have changed in many important ways.

The United States remains committed to a balanced settlement, one which will respect the rights of all parties involved. To that end we shall continue to pursue the real accomplishments, the small victories which are so important to a solution in Vietnam.

HOUSE OF REPRESENTATIVES

TUESDAY, OCTOBER 31, 1967

The House met at 12 o'clock noon.

Rev. Father John S. Danilak, St. Gregory's Nyssa Byzantine Catholic Church, Washington, D.C., offered the following prayer:

O Almighty and Eternal Father, sovereign King of the universe, look favorably on these Your servants who have accepted the sacred trust of civic leadership. Direct them in bringing to a rightful conclusion the problems and issues confronting them and aid them in fostering unity of purpose for the common good of the citizens who have bestowed upon them the responsible role in the destinies of men.

Sustain the Members of this Congress with courage and integrity and inspire them with wisdom, understanding, and justice, so that, in all their deliberations and actions, they may remember that You are the divine and supreme lawmaker and thus may be inspired to have as their common goal the juridical, social, cultural, and religious betterment of the citizens of this great Nation.

Assist them in their deliberations, shield them from all contention, enlighten and guide them by Your saving grace and blessings, through the merits of Your Divine Son, our Lord Jesus Christ, and Your lifegiving spirit, now and ever and forever. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

SOUTH VIETNAMESE BUILDING SOLID FOUNDATION FOR DEMOCRATIC GOVERNMENT

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

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

There was no objection.

Mr. MORGAN. Mr. Speaker, the efforts of the South Vietnamese to build for themselves a solid foundation for democratic government, while still defending themselves against foreign supported aggression, has evoked the sympathy and admiration of the American people.

I doubt if history has recorded a previous instance of a people, while engaged in a struggle for their very existence, taking the time and trouble to simultaneously build the governmental machinery they will need to exercise and safeguard the rights and liberty they are striving to win. No one could have justly condemned them for waiting until the war is won. It is to their great credit and honor that they have dedicated themselves to fight for their freedom on the broadest front.

Today marks a significant step forward in their effort to achieve and build a secure future. I wish to extend the very best of good wishes and congratulations to the Vietnamese people and to President Nguyen Van Thieu, whose inauguration takes place today.

This new government faces monumental tasks which would be formidable to solve, even in a country at peace. Quite apart from the urgent military situation, President Thieu and Vice President Ky face major political, social, and economic problems. It is encouraging to note their understanding of their country's needs and their evident determination to meet them as best they can.

We wish them success in all their efforts and, with them, look forward to the