SENATE

MONDAY, NOVEMBER 6, 1967

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

Rev. James P. Wesberry, pastor, Morningside Baptist Church, Atlanta, Ga., offered the following prayer:

All about us, our Father, there is that which disturbs—violence, riots, lawlessness, and hatred.

We come to Thee, O God, for Thou art our help in ages past, our hope for years to come, and our shelter from the stormy blast.

We humbly ask that Thou wilt renew our faith in those deep and enduring foundations which our fathers laid, lest we build upon sinking sand and not upon the rock.

Give, we beseech Thee, wisdom and courage to the President of the United States and to each of the most highly honored Members of the U.S. Senate to match the crisis of this day.

Grant Thy favor upon the United Nations, and all agencies and individuals who are captured with the vision of world peace, and speed, we pray, the glad and happy day when all of the enslaved people of the earth shall be set free and a just and honorable peace shall be the order of the day.

Through Him who giveth us the victory, Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, November 2, 1967, be dispensed with.

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

WAIVER OF CALL OF THE CALENDAR

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

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

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

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

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

COMMITTEE MEETINGS DURING SESSION OF THE SENATE

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that all committees may be authorized to meet while the Senate is in session today.

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

THE CALENDAR

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of certain bills on the calendar to which there is no objection. They are Calendars Nos. 696, 700, 702, 703, and 706.

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

AMENDMENT OF THE NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT OF 1966

The Senate proceeded to consider the bill (S. 2029) to amend the National Traffic and Motor Vehicle Safety Act of 1966 relating to the application of certain standards to motor vehicles produced in quantities of less than 500 which had been reported from the Committee on Commerce with amendments on page 2, after the word "may" insert "temporarily"; in line 3, after the word "exempt" insert "a"; in the same line after the word "motor" strike out "vehicles" and insert "vehicle"; in line 4, after the word "from" strike out "such" and insert "any"; in the same line after the word "safety" strike out "standards" and insert "standard"; in line 5, after the word "title" strike out "as he determines are not accident prevention standards.

"'(b) The Secretary may delay the effective date for any such standard as applied to limited production motor vehicles for a period not to exceed three years upon a showing';" in line 9, after the word "showing" insert "if he finds"; in line 10, after the word "cause" strike out "a" and insert "such"; in the same line after the word "manufacturer" strike out "of such vehicle"; in line 11, after the word "hardship" insert "and that such temporary exemption would not result in undue hazard to the public."; at the beginning of line 14, insert "(b); after the amendment just stated, strike out the word "Such"; in the same line after the word "manufacturer" insert "granted a temporary exemption"; in line 15, after the word "shall,", strike out "during any such delay"; in line 16, after the word "vehicle" insert "for"; in the same line, after the word "which", strike out "does not comply with an applicable otherwise effective standard" and insert "temporary exemption has been granted"; in line 21, after the word "label." insert:

The provisions of section 114 of this title shall otherwise apply as to those standards for which no temporary exemption has been granted;

On page 3, line 1, after the word "the" where it appears the second time, insert "dealer and of the"; in line 4, after the word "with" strike out "such" and insert "the"; at the beginning of line 5, strike out "and that the vehicle is hereby exempted"; after line 6, insert:

(d) In order to avoid undue economic hardship, where technically feasible and consistent with the public interest and the objectives of this Act, the Secretary shall have the authority to prescribe alternative procedures for demonstrating compliance with the standards applying to limited production motor vehicles.

At the beginning of line 13, strike out "(d)" and insert "(e)"; at the beginning of line 14, strike out "'(1)"; in the same line, after the word "a" strike out "distinctive type of model of"; in line 15, after the word "vehicle," strike out "as determined by the Secretary of which not more than" and insert "produced by a manufacturer whose total motor vehicle production, as determined by the Secretary, does not exceed"; in line 18 after "500" strike out "are produced"; in the same line, after the word "annually.", strike out "by a manufacturer of motor vehicles, and

"'(2) "accident prevention standard" means any motor vehicle safety standard established to reduce the probability of mechanical, electrical, or visual failure which may result in the loss of control of a motor vehicle by the operator thereof, or any motor vehicle safety standard established to reduce the probability or extent of injuries to pedestrians.'"; and at the top of page 4, insert:

(f) The authority of the Secretary under this section shall terminate two years after the date of enactment of this Act, and no exemption granted under this section shall remain in effect after two years after such date.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title I of the National Traffic and Motor Vehicle Safety Act of 1966 is amended by adding at the end thereof the following new section:

"SEC. 123. (a) Upon application made by a manufacturer at such time, in such manner, and containing such information as the Secretary shall prescribe, he may temporarily exempt a limited production vehicle from any motor vehicle safety standard established under this title if he finds that compliance would cause such manufacturer substantial economic hardship and that such temporary exemption would not result in undue hazard to the public.

"(b) A manufacturer granted a temporary exemption shall, affix to the window of any motor vehicle for which temporary exemption has been granted a label containing a statement that the motor vehicle does not comply with the appropriate standard, and the manner in which such vehicle does not comply. The Secretary shall prescribe the form and content of such label. The provisions of section 114 of this title shall otherwise apply as to those standards for which no temporary exemption has been granted.

"(c) The Secretary shall require in such manner as he deems appropriate, the notification of the dealer and of the first purchaser of a limited production motor vehicle (not including the dealer of such manufacturer) that such vehicle has not been tested for compliance with the standards from which it has been exempted.

"(d) In order to avoid undue economic hardship, where technically feasible and consistent with the public interest and the objectives of this Act, the Secretary shall have the authority to prescribe alternative procedures for demonstrating compliance with the standards applying to limited production motor vehicles.

"(e) For the purposes of this section 'limited production motor vehicle' means a motor vehicle, produced by a manufacturer whose total motor vehicle production, as determined by the Secretary, does not exceed 500 annually.

"(f) The authority of the Secretary under this section shall terminate two years after

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the date of enactment of this Act, and no exemption granted under this section shall remain in effect after two years after such date."

THE RELIEF OF SMALL MANUFACTURERS OF MOTOR VEHICLES

Mr. BAYH. Mr. President, the Senate has before it a bill of critical importance to the small manufacturers of motor vehicles. The purpose of this bill, S. 2029, is to amend Public Law 89–563, the National Traffic and Motor Vehicle Safety Act of 1966, by vesting the Secretary of Transportation with discretionary authority to grant a temporary exemption which would enable small manufacturers to meet certain safety standards. I am most pleased to note that on November 1 the Senate Commerce Committee favorably reported the bill, as amended, and that it is now on the Senate Calendar.

As I pointed out in my remarks when introducing the bill on June 27, these small businesses will cease to exist when the initial motor vehicle safety standards take effect on January 1, 1968, unless remedial action is taken before then. It is not wholly a question of being able to equip their products with all of the required safety devices; also involved are such factors as meeting the economic cost of the specified standards, problems of lead time, and the difficulties inherent in all small companies competing in an industry of giants.

This problem first came to my attention when, in response to my query, two of these small businesses indicated that they had not commented on the proposed standards which had been issued by the National Traffic Safety Agency. Following this disclosure an effort was begun by my office late in January of this year to explore all aspects of the problem, the circumstances of the companies, and all possible solutions.

Consequently, this amendment resulted from a very thorough study of all matters pertaining to this issue and to the problems of these companies. The views not only of the parties connected with these companies, but also the opinions of Government officials and others who have been concerned with improving highway safety, were taken into account. Only after this very careful and complete investigation was the amendment drafted.

Let me briefly summarize the plight in which these companies have been placed by the 1966 act and the new regulations.

There are presently 10 small companies in the United States that produce less than 500 automobiles annually. All of them share the characteristic of being a small business, intent on producing a quality product. Hard work and meticulous care are exerted in manufacturing their product. In an effort to make their own automobiles the best possible ones for their respective markets, each employee operates in several concurrent capacities. Their resources of manpower and working capital are adequate to meet only the demands of their present individual operations. It is impossible for them, because of financial limits, to operate in the realm of chance; to the contrary they must depend upon the relatively certain sale of a specified number of vehicles in a highly selective market.

I fully supported Public Law 89–563 and strongly endorse the need for a national effort to make our highways safe. There can be no doubt that Dr. William Haddon, Administrator of the National Traffic Safety Agency and his staff have taken a significant step in fulfilling their responsibility under this law. However, it is an unfortunate reality that the equal application of these standards to the small producer has created an unbearable burden upon him—a burden that each has stated without qualification will drive him out of business.

During the Senate Commerce Committee hearing on these problems on August 16, Dr. Haddon made the following significant statement:

> The Department believes that the Secretary should have the discretion on a showing of good cause by a manufacturer of limited production motor vehicles to grant a temporary exemption from the requirement of any standard or standards.

My amendment could do no more than grant this authority. Mr. Nathan Altman, president of the Avanti Motor Corp., and Mr. Brooks Stevens, of SS Automobiles, Inc., also testified at the same hearing. Both stated that the law would have to be amended if they are to remain in business.

The major provision of S. 2029, as amended, would authorize the Secretary of Transportation to grant a temporary exemption from a particular safety standard to a company which produces no more than 500 vehicles annually. Before invoking this provision, the Secretary would have to determine that the exemption would be necessary and that it would be in the public interest. Furthermore, the purchaser of the automobile would have to be notified of the exemption.

Mr. President, this bill is a reasonable solution to a most urgent and perplexing problem. It in no way would compromise the overall safety program, because it merely gives the companies an additional period of time to meet some of the most difficult standards.

Small business has long been, and I trust will long continue to be, the backbone of the free marketplace. It has a right to compete in our largest industry. It should be allowed to operate in and continue to contribute to our system of free competition. Perhaps it should be pointed out that these companies, while small, are leaders in providing specialized, sometimes unique, experimental and pioneer models. To legislate them out of existence would deprive the industry of the kind of spur or initiative which has always contributed so much to the great attainments of American industry.

Mr. President, highway safety would not be endangered by passage of this bill. Certainly the National Highway Safety Agency would not approve exemptions which might have that effect. At the same time it would prevent a number of small businesses from being driven into bankruptcy.

Without some modification of the law it is clear that these companies cannot continue to operate. I believe that adoption of S. 2029 would be the best way to remedy this injustice.

The amendments were agreed to.

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

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 712), explaining the purposes of the bill.

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

PURPOSE AND NEED

The National Traffic and Motor Vehicle Safety Act of 1966 provides that all manufacturers must comply with the initial motor vehicle safety standards by their effective date, which in most cases is January 1, 1968. The committee hearings on S. 2029 clearly demonstrated that several low-volume manufacturers may be unable, because of their economic position in the marketplace and their limited resources, to meet some of the individual safety standards which the Secretary is required by law to issue.

Testimony before the committee revealed that several domestic and foreign motor vehicle manufacturers face extreme hardships because of their inability to comply with all safety standards by the required dates. These companies are small businesses. Each company employs skilled craftsmen to produce a few hundred cars per year. Their administrative staffs are kept at a minimum, with each administrator having a variety of responsibilities. Besides having a limited number of employees, these companies operate on a low-cash reserve, as do most small businesses. Thus, their working capital resources are extremely limited. A particularly acute problem confronting these companies is the high costs of testing their vehicles, to determine compliance with the standards.

SCOPE OF THE BILL

The provisions of S. 2029 apply solely to "limited production motor vehicles." A "limited production motor vehicle" is defined as "a motor vehicle produced by a manufacturer whose total motor vehicle production, as determined by the Secretary, does not exceed 500 annually."

PROVISIONS OF THE BILL

Subsection (a) of the bill authorizes the Secretary of Transportation to "temporarily exempt a limited production motor vehicle from any motor vehicle safety standard established under this title if he finds that compliance would cause such manufacturer substantial economic hardship and that such temporary exemption would not result in undue hazard to the public."

The committee wishes to emphasize that the Secretary shall not grant temporary exemptions solely on economic grounds. Rather, the committee intends that the Secretary, in evaluating the merits of a request for an exemption, give due consideration to the effect such exemption would have on the public safety.

Subsection (b) of the bill requires a manufacturer to affix to the window of any motor vehicle for which a temporary exemption has been granted a label containing a statement that the vehicle does not comply with the safety standards and the manner in which it does not comply.

Subsection (c) requires notification to the dealer and to the first purchaser of a limited production motor vehicle that such vehicle has not been tested for compliance with the standards from which it has been exempted.

Subsection (d) authorizes the Secretary to prescribe alternative test procedures for demonstrating compliance with the standards applying to limited production motor vehicles if such action is technically feasible and consistent with the public interest and the objectives of this act.

EXPIRATION

The bill provides that the authority granted the Secretary under S. 2029 shall terminate 2 years after the date of its enactment and that no exemption granted under this section shall remain in effect after 2 years after such date. The committee recognizes, however, that limited production manufacturers may experience difficulty in complying with all the requirements of the National Traffic and Motor Vehicle Safety Act of 1966 after this 2-year period. The committee will, therefore, closely review the progress of limited production manufacturers during the next 2 years. In addition, the committee intends that the Secretary of Transportation carefully study the status and capabilities of these companies and, if appropriate, forward additional recommendations to Congress.

LIENS ON CERTAIN U.S. VESSELS

The Senate proceeded to consider the bill (H.R. 162) to grant the masters of certain U.S. vessels a lien on those vessels for their wages and for certain disbursements, which had been reported from the Committee on Commerce with amendment, on page 2, after line 11, strike out:

(e) A master shall have the same lien and the same priority for disbursements or liabilities properly made or incurred by him for or on account of the vessel as he has, under the provisions of this section, for his wages.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BARTLETT. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 718), explaining the purposes of the bill.

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

THE AMENDMENT

On the basis of hearings and departmental reports, the committee concluded that although a master should have the same wage lien rights as other seamen, a masters' disbursement lien was not as strongly justified. Accordingly, the bill was ordered reported with an amendment to delete that portion of the bill to create a masters' lien for disbursements.

The amendment is as follows:

On page 2, beginning with line 12, delete all of subsection (e).

PURPOSE AND EXPLANATION OF THE BILL

The basic purpose of this bill is to grant to the master of a vessel documented, registered, enrolled, or licensed under the laws of the United States the same lien for his wages against such vessel, and the same priority therefor, as any other seaman serving on such vessel.

In addition to conforming provisions, the master of such vessel would be placed in the same position as any other seaman with regard to protection against forfeiture of his lien rights, deprivation of any remedy for recovery of wages, or attachments or arrestment of wages (except for support and maintenance of wife and minor children).

By the general maritime law of the United States, the courts have ruled for more than a century that seamen are entitled to liens for their wages against the vessel, having priority over all other maritime liens.

In a leading case in the Supreme Court, the seaman's lien for wages was described as being "so sacred and indelible that it adheres to the last plank of the ship." The holding in this case has been quoted and followed by American courts since 1831. The seaman's lien for wages and its high priority are based upon the responsibility borne by the seaman in maintaining the voyage, thus assuring his loyalty to the ship.

The high-priority wage lien right inures to every member of the crew, licensed and unlicensed, except the master.

Historically, the master has been denied a lien right for wages comparable to other members of the crew because of the tradition that the master was a part owner of the vessel, had too close a relationship with the owner, or could pay himself out of freight earnings.

Today, however, the role of the master as a participant in the financial aspects of a voyage is, in the vast majority of instances, no different from that of any other member of the crew.

An example of the type of situation which brings the inequity of existing law to light is when a shipping company goes bankrupt. In those circumstances, every member of the crew, both licensed and unlicensed, except the master, have first priority on the proceeds of the vessel. Despite his position of great responsibility to the ship, her cargo, and her crew, the master's claim for wages falls along with all other general creditors.

Even though the reasons which influenced the courts in concluding that a master has no lien for his wages have ceased to exist, court decisions, including those by the Supreme Court of the United States, continues to follow the precedents. Thus, in order to remove this inequity to ship masters, this legislation is necessary.

Section 1(a) of the bill specifically grants the master of a vessel documented, registered, enrolled, or licensed under the laws of the United States "the same lien for his wages against such vessel and the same priority as any other seaman serving on such vessel." Thus, it is clear that the seaman's lien rights and priority are recognized and the master is placed on a parity with all other members of the crew.

Section 1(b) of the bill provides that sections 4546 and 4547 of the Revised Statutes of the United States (46 U.S.C. 603 and 604) shall not apply in any proceeding by a master for the enforcement of the lien granted by this section. These sections of the Revised Statutes relate to the enforcement of a seaman's wage lien through the process of summoning the master for nonpayment of wages and the issuing of process against the vessel. Obviously, these provisions of law would not be applicable in the case where the master is himself seeking enforcement of his own lien. Thus, this section of the bill is merely a conforming provision.

Section 1 (c) and (d) would correct other inequities in existing law by placing the master in the same position as any other seaman with regard to protection against forfeiture of lien rights, deprivation of any remedy for recovery of wages, or attachments or arrestment of wages.

Section 1(e) of the bill, which would grant to masters a lien for disbursements made or incurred for or on account of the vessel, has been deleted by committee amendment. Although a master is not required to make such disbursements, in fact such expenditures are made or incurred by a master at times even though not required by the terms of his employment. It is surely a better practice for the owners of a vessel to assume and exercise responsibility for all ship-related expenditures and a masters' disbursement lien could well tend to discourage or alter that practice. If a master does make a proper disbursement he is presently subrogated to the lien rights of the person he has paid. Therefore, if a master pays seamen's wages with his own funds, he has the seamen's wage lien to his benefit. If a supplier is paid by a master, the latter is subrogated to the supplier's lien. As such, the committee is not convinced of the wisdom or necessity for a masters' disbursement lien.

While it is generally true that masters of vessels are not participants in the ownership arrangements for vessels, masters often are part owners of the fishing vessels upon which they serve. There may be isolated instances of large ship operations where a master may be a part owner, either directly or indirectly, of a vessel. Accordingly, section 2 of the proposed legislation would clarify the meaning of the term "masters" and exclude from that definition any "person who has a financial interest valued at 5 percent or more either of the corporation, partnership, or association which owns the vessel against which the lien is claimed, or of the market value of the vessel against which the lien is claimed."

COST OF THE LEGISLATION

Enactment of the bill would involve no cost to the Government.

The title was amended, so as to read: "An act to grant the masters of certain United States vessels a lien on those vessels for their wages."

AMENDMENT OF THE LIBRARY SERVICES AND CONSTRUCTION ACT

The bill (H.R. 13048) to make certain technical amendments to the Library Services and Construction Act was considered, ordered to a third reading, read the third time, and passed.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 716), explaining the purposes of the bill.

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

PURPOSE OF THE LEGISLATION

H.R. 13048 proposes certain amendments to the Library Services and Construction Act. Several of these changes are purely technical in nature and are designed to provide consistency in the various parts of the act. Two of the amendments are intended to carry out congressional intent that titles III and IV of the act (interlibrary cooperation and specialized State library services) be 100 percent federally funded during the first year of their operation, and to give essential flexibility to the administration by States and localities of the public library construction program (title II) by permitting the acquisition of existing buildings to be used as public libraries.

BACKGROUND

Although adequate public library services and facilities are essential for the educational, economic, scientific, and cultural growth of our people, glaring deficiencies were found to exist in this important resource, and are still existing.

As a step toward closing this serious gap, the 84th Congress passed in 1956 the Library Services Act (Public Law 84–597). It authorized the appropriation of $7½ million for each of 5 years as grants to States and territories to improve their public library services to persons in areas under 10,000 population. The States drew up their own plans for the improvement of such services and had control over their own personnel and books. The results proved highly satisfying to the users of public library services. So successful were

the library programs that the Congress in 1960 extended the act for an additional 5 years.

In 1964, the scope of the act was expanded to include the urban areas with deficient library services, as well as rural areas (Public Law 88–269). In addition, the amended law provided for Federal grants to the States for the construction of public library buildings, many of which were obsolete or otherwise woefully deficient. The amount appropriated was $25 million for services for each of fiscal years 1965 and 1966; and $30 million for construction in each year 1965 and 1966.

The Congress changed the public library law in 1966. By amendment, it extended the measure for 4 years and added some important provisions (Public Law 89–511). Three new programs which were highly urgent and essential were included. For example, under a new title III assistance was authorized for the establishment and maintenance of local, regional, State, or interstate cooperative networks of libraries for the systematic and effective coordination of the resources of school, public, academic, and special libraries; and special information centers. Part A of a new title IV authorized funds for the establishment and improvement of State institutional library services. In part B of the new title, funds were authorized to establish and improve library services for physically handicapped persons. A total of $76 million was appropriated for all titles of the act in fiscal year 1967. For fiscal 1967, funds appropriated for the new programs contained in titles III and IV were only available for payments to cover expenses incurred in the development of State plans for the new service programs. Therefore, no program operations could be undertaken with Federal assistance during the first fiscal year, the only period in which 100-percent Federal financing was authorized.

ACCOMPLISHMENTS

The library services program, which began at such a modest level, has succeeded far beyond expectation. Its impact has been far in excess of the amount of Federal funds involved.

In the first decade—fiscal years 1957–66:

All 50 States, and the District of Columbia, plus American Samoa, Guam, Puerto Rico, and the Virgin Islands, operated library programs under approved State plans. (In 1967 the Trust Territory of the Pacific Islands became eligible and participated.)

Areas containing more than 75 million people received library services for the first time or had their local libraries improved under this act.

More than 550 bookmobiles were added to existing library resources, primarily to reach rural readers.

An estimated 27 million books and related materials purchased with Federal, State, and local funds were added to library collections in the States.

Nearly $100 million in Federal funds for public library services were used by the States and matched with over $300 million State and local funds.

During fiscal 1965, 1966, and 1967, nearly a thousand library construction projects have been approved.

SUPPORT FOR H.R. 13048

H.R. 13048 was reported from the committee unanimously.

Most of the amendments to the Library Services and Construction Act contained in H.R. 13048 were proposed by the Department of Health, Education, and Welfare. Statements in support of H.R. 13048 were received from the American Library Association; Mr. William F. Summers, State librarian of Florida; Mrs. Mary Elizabeth Flynn, New England Library Association; and Miss Louise A. Nixon, Mountain Plains Library Association.

BAYOU LAFOURCHE, LA., A NONNAVIGABLE WATERWAY

The bill (S. 2330) declaring a portion of Bayou Lafourche, La., a nonnavigable waterway of the United States, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2330

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Bayou Lafourche, in the State of Louisiana, between Canal Boulevard, city of Thibodaux, Parish of Lafourche, State of Louisiana, and the head of the bayou at its junction with the Mississippi River levee at the city of Donaldsonville, Parish of Ascension, State of Louisiana, is hereby declared to be a nonnavigable waterway of the United States within the meaning of the laws of the United States.

The existing project for Bayou Lafourche, Louisiana, authorized by the Acts of August 30, 1935 (49 Stat. 1028) and July 14, 1960 (74 Stat. 480) is hereby deauthorized in the reach of Bayou Lafourche herein declared nonnavigable.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 719), explaining the purposes of the bill.

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

PURPOSE OF BILL

Declares Bayou Lafourche, in the State of Louisiana, between Canal Boulevard, city of Thibodaux, Parish of Lafourche, and the head of the bayou at its junction with the Mississippi River levee at the city of Donaldsonville, Parish of Ascension, La., a nonnavigable waterway of the United States within the meaning of the laws of the United States.

In addition, the bill deauthorizes that portion of the existing Federal navigation project, "Bayou Lafourche, La.," extending from river mile 73.1 at Thibodaux, La., to approximately river mile 90.0 at Napoleonville, La., a distance of about 17 miles.

GENERAL STATEMENT

Bayou Lafourche was, prior to closure at its head by local interests in 1903–04, a distributary of the Mississippi River, leaving the parent stream at Donaldsonville, 176 miles above the Head of Passes of the Mississippi River. Bayou Lafourche follows a generally southerly direction for a distance of 107 miles to enter the Gulf of Mexico through the jettied channel of Belle Pass, which lies about 65 miles west of Southwest Pass of the Mississippi River.

Bayou Lafourche serves as the water link between the producing oilfields along its course and the refineries and supply centers, as well as for the seafood companies along its banks and the fishing areas.

The existing Federal project for Bayou Lafourche, authorized by the River and Harbor Acts of 1935 and 1960, provides for a channel 6 feet deep and 60 feet wide from Napoleonville, to Lockport; a channel 6 feet by 60 feet from Larose to the Gulf of Mexico, together with certain other improvements and appurtenant works. That portion of the project between Lockport and Napoleonville, La., has not been undertaken.

Local interests desire the reach of Bayou Lafourche in question declared nonnavigable in order to permit the Bayou Lafourche Fresh Water District to construct a dam to provide municipal and industrial water supply. The project in addition to water supply would have recreational value.

It is understood that the bayou in this area has very limited boat traffic, consisting only of small pleasure craft. In addition, access to the area is restricted due to a fixed low-level bridge below the point where the portion to be declared non-navigable commences.

COMMITTEE VIEWS

The committee notes that local interests desire to construct a dam across Bayou Lafourche, near the town of Thibodaux, La. The project would be for the purposes of municipal and industrial water supply but would also have recreational value.

However, inasmuch as Bayou Lafourche is a navigable stream within the meaning of the laws of the United States and since a portion of a Federal navigation project encompasses part of the desired area, it is necessary for Congress to declare a portion of the stream nonnavigable and to deauthorize a portion of the Federal navigation project.

It is further noted that the area of the bayou where the dam is to be constructed has very limited boat traffic and that access to the area is restricted by a fixed low-level bridge. In this connection the committee requested the Secretary of the Army to furnish information as to the Federal interest in the matter. The Secretary indicated that the Department of the Army would have no objection to the purposes of S. 2330.

In view of the fact that local interests desire the declaration of nonnavigability, and since no known opposition exists to the construction of the proposed dam by either local interests or the Federal Government, the committee recommends enactment of this legislation.

ESTIMATED COST TO THE UNITED STATES IF LEGISLATION IS ENACTED

Enactment of this legislation will not result in any cost to the Federal Government.

VIEWS OF THE DEPARTMENT OF THE ARMY

The Department of the Army has no objection to enactment of this legislation.

AMENDMENT OF THE MERCHANT MARINE ACT, 1936

The Senate proceeded to consider the bill (S. 2419) to amend the Merchant Marine Act, 1936, with respect to the development of cargo container vessels, and for other purposes, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That section 212 of the Merchant Marine Act, 1936 (46 U.S.C. 1122) is amended by (1) striking out "and" at the end of clause (d), (2) striking out the period at the end of clause (e) and inserting in lieu thereof a semicolon and "and", (3) redesignating clause (f) as clause (g), and (4) inserting before such clause a new clause as follows:

"(f) To study means and methods of encouraging the development and implementation of new concepts for the carriage of cargo in the domestic and foreign commerce of the United States, and to study the economic and technological aspects of the use of cargo containers as a method of carrying out the declaration of policy set forth in title I of this Act, and in carrying out the provisions of this clause and such policy the United States shall not give preference as between carriers upon the basis of length, height, or width of cargo containers or length, height, or width of cargo container cells and this requirement shall be applicable to all existing container vessels and any container vessel to be constructed or rebuilt."

SEC. 2. The last paragraph under the head-

ing "Executive" in the first section of the Act of March 4, 1913 (22 U.S.C. 262), is amended by adding a new sentence as follows: "No private organization, whether wholly private in character or partially composed of representatives of the Executive, shall act on behalf of the United States Government in any Congress, conference, or like event for the purpose of establishing standards."

SEC. 3. Section 303(a) of the Act of June 30, 1949 (41 U.S.C. 253(a)), as amended, is amended by adding a new sentence as follows: "No advertisement or invitation to bid for the carriage of Government property in other than Government-owned cargo containers shall specify carriage of such property in cargo containers of any stated length, height, or width."

SEC. 4. Section 2305(a) of title 10 of the United States Code is amended by adding a new sentence as follows: "No advertisement or invitation to bid for the carriage of Government property in other than Government-owned cargo containers shall specify carriage of such property in cargo containers of any stated length, height, or width."

SEC. 5. Section 302 of the Act of June 30, 1949 (41 U.S.C. 252), is amended by adding thereto the following subsection:

"(f) No contract for the carriage of Government property in other than Government-owned cargo containers shall require carriage of such property in cargo containers of any stated length, height, or width whether or not such contract was made by formal advertising."

SEC. 6. Section 2304 of title 10 of the United States Code is amended by adding thereto the following subsection:

"(h) No contract for the carriage of Government property in other than Government-owned cargo containers shall require carriage of such property in cargo containers of any stated length, height, or width whether or not such contract was made by formal advertising."

Mr. BARTLETT. Mr. President, I ask unanimous consent to have printed in the RECORD an article from the New York Times of September 17, 1967, an article from Fortune magazine by Harold B. Meyers, and an article from Container News, entitled "Battle Over Standards."

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

[From the New York Times, Sept. 17, 1967]

RAIL AIDE SCORES SEA CONTAINERS—OHL SAYS 20-FOOT SIZE NOT EFFICIENT FOR LAND USE

(By Edward A. Morrow)

The 20-foot containers which more than a score of shiplines have adopted as standard for their increasing containerization operations are posing a "growing problem" to the operators, according to a leading railroad executive. They are not efficiently adaptable for land transportation operations.

"The railroads and motor carriers are not willing to pick up the tab for a poorly designed land transportation system," Philip D. Ohl, manager of international freight services for the New York Central System, said last week.

Mr. Ohl was one of several speakers who appraised the "Future of Containerization," at a technical conference sponsored by the United States National Committee of the International Cargo Handling Coordination Association. The meeting was held at the Sheraton Motor Inn, 42d Street and 12th Avenue.

MAJOR TREND IN SHIPPING

Containerization, the carriage of goods in containers that can be interchangeably transported by trucks, railroads or ships, is the major trend in ocean shipping today. It is estimated that more than $100-million is currently being invested by ship companies for the construction of specially designed vessels to carry containers.

The carriers offer shippers a "door-to-door movement" under which cargo can be packed into a container at a manufacturer's plant and unpacked by the consignee without any intermediate handling.

Mr. Ohl noted that the concept paper for the meeting stated that the unique feature of the new transportation mode, the container, is that it is physically capable of moving on land, sea or in the air, and therefore, requires a new approach to trade and commerce regulations and must be relieved of the limitations that now apply to other modes separately.

UNDERLYING PROBLEM

"This position avoids one basic issue," Mr. Ohl said. "Simply because a container can move physically between modes does not mean that it will move economically via several modes. Shifting control to the 'transmodalist' will not solve this underlying problem," he said.

He noted that Sea-Land Service, a pioneer company in providing container service, has had success because it has a "total container system designed with both the in-land operation and steamship operation in mind. The 35-foot container used is a relatively efficient unit for both the in-land haul in the United States and overseas and for the ocean voyage."

The New York Central, he pointed out, has had nine years' experience with its Flexi-Van service.

One of the crucial elements in the system is the efficiency of movement from rail terminal to the customer, he said. Therefore, he continued, this calls for a system design that will provide efficient highway operations as well as compatibility with line haul efficiency.

MODIFIED FOR TRAINS

"We built the container starting with an efficient highway vehicle and modified it for economical rail haul," Mr. Ohl said. "We did not attempt to design the optimum container for rail use and then modify it for highway carriage.

"The essential problem the steamship companies face is that they have designed, especially in their 20-foot equipment, a highly efficient port to port container, without due consideration of how the box would move efficiently from port to customers."

Railroads, he said, experience high empty mileage because they cannot load the boxes westbound, since not many import commodities move inland. Too, the railroads must purchase special equipment, such as 100-ton container cars, or handle the boxes inefficiently on existing flatcars. For the present the railroads have chosen the latter course, since the volume of traffic does not justify a separate system and "probably never will."

Mr. Ohl suggested that shipping lines in the future keep close watch on developments in motor carrier hardware, as the railroads are, for the critical element in any containerization system is inland transportation.

"TRANSMODALIST" SCORED

Another speaker, F. N. Melius Jr., president of United States Freight Company, attacked the "transmodalist" concept that has lately become popular in shipping circles. The coined word is vaguely defined as a carrier who would provide a shipper with door-to-door service on one through bill of lading even though the movement of the goods was effected by truck, rail and sea.

Mr. Melius, whose company is the nation's largest freight forwarding concern, said forwarders already performed all the functions of the transmodalist.

Freight forwarders are licensed and regulated by law. The new concept would open this function to every entrepreneur and dismantle an industry that has been performing the same job for many years, Mr. Melius said.

[From Fortune magazine, November 1967]

THE MARITIME INDUSTRY'S EXPENSIVE NEW BOX

(By Harold B. Meyers)

It is called a cargo container; it's really just a box. Yet until it came along, methods of handling maritime cargo had changed remarkably little in all the years since sail gave way to steam. From the clippers to the nuclear-powered U.S.S. *Savannah*, most of the goods carried in the cavernous holds of ships have been packed and unpacked item by item, with ship's boom and longshoreman's back. Now the container is introducing a new technology to the waterfront, upsetting all the old rules about handling ocean-borne cargo, and forcing changes on the maritime industry that are both radical and irreversible.

Although the cargo container began to assert its importance in international transport less than two years ago, the enormous impact it will have on the maritime industry and, in fact, on transportation as a whole is already discernible. International trade will be affected in several different ways. For one, the role of such maritime fixtures as the Suez and Panama canals and the St. Lawrence Seaway will be altered. The U.S. merchant marine may also be affected, perhaps very favorably: it has gained at least a fighting chance to recapture the leadership it has been losing steadily since World War II. Most significant of all, the cargo container is laying the groundwork for a worldwide land-sea-air transportation system.

The convulsive changes that are being set in motion by container technology have alarmed some seafaring men who had hoped for a more evolutionary development. "From a business point of view, I'd be happy without containerization," says H. Boyce Luckett, executive vice president of American President Lines. A major cause of this unease is that everything about containerization is expensive. The boxes themselves cost at least $2,000 apiece; and "reefers," for refrigerated products, can run as high as $12,000. Specially fitted ships under construction in U.S. yards may cost as much as $23,500,000 apiece with a full complement of containers (versus perhaps $10 million for the noncontainerized ships they will supersede). And each berthing space at a modern container terminal may require an investment of $4,500,000.

A TIME OF CONSORTIA

Despite the cost, most major shipping companies are rapidly revamping their operations. As a result, the maritime industry is embarked on an unprecedented spending spree. The largest of the container pioneers, McLean Industries' Sea-Land Services, Inc., has invested $350 million in its operation and will add another $70 million by June. Matson Navigation Co., another pioneer, will soon double its $80-million investment in containerization. Five other U.S. lines have already spent or committed a total of $160 million on container operations. Within two years fifteen U.S. lines will have some such operations, and will have invested more than $1 billion in them.

Abroad, shipowners are combining in cartels to equip themselves for the container age. Six foreign lines representing four European nations are investing $206 million in Atlantic Container Line, which began operations in the North Atlantic this fall. Nine major British lines have put $162 million into consortia, Overseas Containers Ltd. and Associated Container Transportation Ltd., which have themselves combined in a superconsortium for the Australian trade. In Japan, shipowners are also forming into groups, and the Ministry of Transport has forecast that $300 million will be spent on ships and containers by 1970.

At the same time, managers of the world's ports are frantically investing in new facilities. Thirty-six container berths are now in use on the U.S. Atlantic and Gulf coasts—and forty more are under construction or planned. The Port of New York Authority has spent $72 million (and has plans to spend an additional $103 million) on container facilities at its Elizabeth, New Jersey, terminal, plus $8 million more at adjacent Port Newark. On the West Coast—where Oakland, for example, has a $35-million project under way—the fourteen existing berths will be expanded to forty-seven within two or three years. In Japan, plans have been made to spend $145 million on container terminals at Tokyo, Kobe, Osaka, and Yokahama. In the United Kingdom, the Port of London alone is spending more than $40 million at Tilbury for containerization. And Rotterdam, the leading European container port, is putting $60 million into its facilities.

The box that is causing all this excitement attacks the underpinnings of conventional maritime economics in a number of ways. A cargo container is essentially a sturdy, demountable truck-trailer van. It can move by sea, rail, highway, and air—or by a combination of these on a single voyage. It protects its cargo from damage and from the widespread pilferage that is a large element in the cost of ocean shipping. (One labor leader describes pilferage as "an undeclared fringe benefit" of longshoremen) And, most important, the container allows ship operators to handle general cargo with almost tanker-like efficiency. While a conventional ship may spend five days in port to discharge and receive cargo, turnaround time for a container ship can be cut to one day. A West Coast-Okinawa service operated for the Defense Department by Sea-Land since 1966 has demonstrated that 40,000 measurement tons of containerized cargo can be "off-loaded and loaded" in 750 man-hours—a job that would have taken 24,000 man-hours with bread-bulk cargo in old-style ships.

In the face of such huge potential savings, shipowners and port directors feel forced to pursue containerization or risk being left out of the maritime future. But many of them are moving toward the inevitable with a sense of foreboding. Luckett of American President sums up an almost industry-wide attitude when he says, "There's going to be a lot of turmoil and not everybody can last." Specifically, the industry fears that the hectic pace of investment will lead within a year or two to extreme overcapacity in both ships and ports, which will idle some of the new docks and encourage devastating price cuts on major trade routes.

The first serious attempt at containerization of ocean cargo began in 1956 with four old tankers, a couple of hundred boxes, and an unsentimental trucker's idea. The trucker was Malcolm McLean, then president of McLean Trucking Co. He foresaw the economic advantage that could be obtained by combining the flexibility of trucks, which can gather freight in relatively small lots anywhere, with the efficiencies of ships, which can carry huge tonnages for long distances at a very low cost per ton-mile.

Unlike most shipowners, to whom a ship is a *she* and a very special thing, McLean viewed it functionally, as a floating bridge between land masses or as a moving warehouse. His idea was to develop a closed system of transportation in which trucks would pick up individual containers packed by shippers and deliver the boxes to a vessel for carriage to the port of destination. There the containers would again be placed on truck-trailer chassis and hauled to the consignees' doors. In practice, it has not proved to be all that tidy. Shippers often do not have enough cargo to fill a container, and smaller lots must be consolidated at inland points or at the ports.

McLean put his container experiment into operation through a subsidiary called Pan-Atlantic Steamship Co. Just a year later, in 1957, he was forced by an antitrust action to choose between trucks and ships. Taking what then seemed to be a huge gamble, he chose to give up his well-established trucking company (fiscal 1955 operating revenues: $21 million) to stick with containers. Pan-Atlantic, which became Sea-Land in 1961, rapidly expanded its container operation to serve domestic ports, including Puerto Rico, from New York to Anchorage. This was a protected trade: like many other nations, the U.S. has cabotage laws that bar foreign-flag vessels from carrying cargo from one domestic port to another. As a protected carrier, Sea-Land did not receive direct government subsidies, but it did very well without them. McLean now has the largest all-container business in the world, with some 20,000 boxes and twenty-six container ships. Sea-Land's parent company, McLean Industries, will probably report 1967 revenues in the neighborhood of $170 million and may net $18 million. (The trucking company's revenues in its 1966–67 fiscal year were $92 million.)

At first, rapid expansion kept Sea-Land strapped for cash, but for the last few years McLean has been bankrolled by Litton Industries and Daniel K. Ludwig's American-Hawaiian Steamship Co. Litton owns 10 percent and Ludwig 12 percent of the outstanding stock of McLean Industries, and each is represented on the McLean board. In a $28,500,000 deal in 1965, Litton bought most of the Sea-Land fleet, leased it back to the company, and agreed to supply as much as $190 million in long-term financing for additional fleet expansion. Last June, Litton and Ludwig joined in putting up $36 million to convert seven more vessels into container ships for Sea-Land.

"We view our investment in McLean as one of our most successful ventures," says Litton President Roy Ash. Litton has had a good return on the ship-leasing contracts, and its Ingalls shipyard has converted eight vessels for Sea-Land at "a full measure of profit." Furthermore, there is a handsome potential capital gain on Litton's original block of 800,000 shares of McLean stock (it now has 1,050,000 shares.) Litton got it at $8.50 a share; recently it was selling at $33.

A FALL FOR GRACE

While Sea-Land was demonstrating the container's value in domestic maritime service, one early experiment with boxes on an international route came to an unhappy end. In 1959, Grace Line put $7 million into an all-container service to Venezuela, only to find that Venezuela longshoremen refused to handle the boxes. Grace laid up its container ships, the *Santa Eliana* and *Santa Leonor*, after two unsuccessful voyages, and in 1965 sold the ships to Sea-Land. Says Arthur Novacek, senior vice president of Grace Line: "The concept was valid, but the timing was wrong."

Even after Grace's experience, many shipowners operating on international routes were attracted by the container's laborsaving potential. But they hoped for a gradual transition to full containerization, and for several years their rate-fixing shipping conferences in both the Atlantic and Pacific put extra charges on container shipments. American Export Isbrandtsen Lines, which was moving aggressively to develop a container operation, resigned in 1966 from one of the North Atlantic conferences in protest against these restrictions.

Hopes for an evolutionary development—already fragile—faded entirely a year ago last April, when Sea-Land started a weekly all-container service between New York and Europe. To get business, Sea-Land set up an aggressive sales organization throughout Europe and signed up 325 European truckers to do its hauling. Its salesmen heavily promoted the container's advantages—less expensive packaging, less damage, and less pilferage—and within a short time the company was filling its containers with the high-value manufactured goods that pay the highest ocean-freight tariffs. These are the goods that are most vulnerable to pilferage and damage, and therefore most suitable for shipping in containers. One especially notable coup occurred when Sea-Land stole a large part of the lucrative Scotch whisky business away from U.S. Lines and Cunard. (Roughly 10 percent of the Scotch that passed through the Port of New York as regular cargo used to disappear.)

As containerization burst upon the North Atlantic, other lines fought back. American Export Isbrandtsen rushed the conversion of two large ore carriers into the *Container Despatcher* and the *Container Forwarder*. Pulling its conventional freighters off the U.S. east coast-northern Europe run, A. E. I. L. formed a new division, Container Marine Lines, which began offering a fortnightly all-container service on the route last January. For immediate needs, Moore-McCormack and U.S. Lines hastily refitted some holds in existing cargo liners to handle containers. In addition, both A. E. I. L. and U.S. Lines felt it necessary to rewrite the specifications for new ships that they had under construction or on order to increase their container-carrying capacity. In the midst of all this furor, one European operator, the Norwegian-flag Cosmopolitan Line, just gave up, sold one of the six ships it had on the North Atlantic, and put the rest out for charter to other operators.

As the North Atlantic came to a boil, Pacific ship operators watched with sympathy for their struggling brethren—and with relief that it wasn't happening to them. But their relief was short-lived. Last September, Matson Navigation invaded the Far East with a container service to Japan. Matson had carried goods by container ship between the U.S. mainland and Hawaii since 1958. But when it decided to expand to transpacific trade, it sought a Japanese partner with whom to share terminal operations. Getting that partner proved to be time-consuming. Japanese shipowners had invested heavily in big conventional cargo liners, many of them very new. They were not eager to help make their investment obsolete. However, this year the Japanese finally concluded that containerization was unstoppable. The Ministry of Transport stepped up its leisurely timetable for development of container facilities, and Matson signed agreements with Showa Kaiun and with Nippon Yusen Kaisha (the second-largest steamship line in the world, after the British Peninsular & Oriental group). The three lines will share port facilities both in Japan and in the U.S. And the six Japanese lines with regular transpacific schedules (N.Y.K., Mitsui O.S.K., Kawasaki Kisen, Japan Line, Yamashita-Shinnihon, and Showa Kaiun) have formed additional operating alliences and ordered six container ships at a cost of $48 million, for delivery in 1968. Soon after that, the Japanese will probably move into Australian and European trade routes with additional container ships.

A WAGER ON BALANCE

On both the Atlantic and the Pacific other operators are falling into line, but with considerable misgivings. Containerization presents a great many problems, some of which look small but are nonetheless hard to deal with, e.g., fixing responsibility for damage to the contents of a container that has been handled by more than one carrier. But the toughest immediate problem is determining what kind of ship to build for containers and what to do with existing ships.

The choices open to the ship operators vary with the characteristics of the trade to be served. For full efficiency a container ship should sail back and forth between major ports without delays. But to keep the ship moving profitably, a "balanced trade" is necessary. That is, containerizable cargo must be available for hauling in both directions to

minimize the movement of empty boxes. A number of routes—for example, those serving Africa, Latin America, and the Far East—do not provide this balance of cargo in many ports. Nor is all general cargo suited for containers. Some of it is either too bulky or too heavily, or is simply going to places without facilities for handling containers; in any case, it will continue to be hauled in conventional vessels, or in ships designed to handle cargo in several forms.

No two ship operators agree entirely on just what kind of vessel will best meet the requirements of any given trade route. Some companies—such as Sea-Land, Matson, and (on its North Atlantic route) American Export Isbrandtsen—are using ships that carry only containers. They are betting that they will be able to get enough containerized business to be able to ignore other kinds of shipments. In contrast, Atlantic Container Line, the European consortium, has hedged its bet. A.C.L.'s ten new roll-on, roll-off ships—which will replace thirty-five conventional vessels operated by the consortium's members—will be able to carry automobiles, truck trailers on wheels, and most kinds of general cargo in addition to containers.

For Pacific operators, the problem of ship design is particularly acute. Except between the U.S. and Japan, there is not as much trade in high-value consumer goods on the Pacific as there is on the Atlantic. As a result, U.S. ship operators expect that it will take longer to develop a well-balanced container traffic to and from the Far East. Large quantities of commercial cargo are found in only a few Oriental ports; most do not have the vast cargo-producing hinterlands of a San Francisco or Rotterdam. And many major cities are linked only by the sea. "That means a lot of ports of call," says American President Lines' Luckett. "You can serve Italy from Rotterdam by land, but you can't serve Yokohama from Hong Kong except by ship."

IN A BOX

A.P.L. hopes to keep abreast of containerization—and still remain flexible enough to haul anything it finds at its ports of call. The company will convert two ships, the *President Lincoln* and the *President Tyler*, into all-container ships. But the line finds itself in a betwixt-and-between position with five other new ships that it ordered three years ago before the container's ascendancy. These ships, which will go into service during the next few months, will carry both containers and break-bulk cargo. This mixed approach sacrifices some of the time and money saved by containerization; the ships' turn-around time in port will depend on the speed at which cargo can be loaded out of and into the break-bulk hatches. As a result, A.P.L. has designed a new generation of ships that will have both container capacity and facilities for "unitized" cargo—i.e., goods will be packed on pallets or flat racks, which can be handled far more rapidly than break-bulk freight.

The goal of all lines is to work containers into their operations with as little disruption as possible. For Grace Line, like A.P.L., this meant a "trade-off" of benefits—the efficiency of containers versus the special demands of a particular trade. After some patient missionary work with labor, Grace has developed a container service to the west coast of South America using combination ships. It claims that these ships provide perhaps 70 percent of the efficiency of an all-container operation such as the one it had to drop a few years back.

The most unusual approach involves expensive ships of entirely new designs. These will be "mother ships" that will cruise the oceans at high speed and pause only briefly in port to drop off and pick up barges or lighters. These smaller craft will be able to range far from the mother ship's port of call to seek out cargo of all kinds, including bulk products and containers. Last summer, Avondale Shipyards of New Orleans submitted a low bid of $240 million to build eleven LASH ("lighter-aboard-ship") vessels—five for Prudential Lines and six for Pacific Far East Lines. Meanwhile, Lykes Bros. Steamship Co. has asked shipyards to bid on three "Seabee" barge carriers that will be even larger and more expensive than the LASH vessels. The Seabee ships, including a fleet of 266 barges, may cost as much as $107 million. Each mother ship will be able to carry up to thirty-eight barges or 1,500 containers.

THE STANDARDS THAT FALTERED

Still another perplexing problem in the industry is what size box ought to be used since the containers' promise of a true transportation *system* will be realized only when all carriers use interchangeable boxes. In 1965 the International Standards Organization agreed on a standard container eight feet high and eight feet wide and a length of ten, twenty, thirty, or forty feet. Although the I.S.O. is an unofficial body with no powers of enforcement, most ship lines are following its standards. The most popular sizes are twenty and forty feet long. But the sizes used by Sea-Land and Matson—which own more than half of all the existing marine containers—deviate from the I.S.O. standards. Sea-Land's containers are thirty-five feet long, Matson's twenty-four, and both are 8.5 feet high.

Both Sea-Land and Matson operate closed systems—they do not interchange with other ship lines—but they fought bitterly to have their sizes included in the standards. The two companies had good reason for alarm: the U.S. Maritime Administration announced that it would require adherence to I.S.O. standards in all its programs. Neither Sea-Land nor Matson is now subsidized, but neither wants to be forever barred from subsidy. (Just last month Matson applied for assistance in building ships for its new Far East service.) Even worse, the Maritime Administration's stand opened up the possibility that Sea-Land and Matson might be excluded in the future from hauling government cargoes. This would be a serious blow; in the last eighteen months Sea-Land has been awarded Defense Department contracts worth at least $115 million for hauling containers to Okinawa, the Philippines, and Vietnam. Last summer Sea-Land and Matson took their problem to the U.S. Senate. After three days of acrimonious hearings, several Senators introduced a bill forbidding discrimination against a ship operator by the government because of the size of his boxes.

In the end, standard container sizes will be established, not by edict, but by economics. And the economic circumstances that will govern the sizes are likely to be those that affect the inland movement of containers. Trucks are essential to every door-to-door container movement from shipper to consignee, and hence marine boxes must be adaptable for efficient highway use. Naturally, truckers want to use the largest box that they can carry over the highway, and in the past containers have grown in size as motor-vehicle laws were changed to permit the use of longer truck trailers. When Sea-Land adopted a thirty-five-foot length, that was the maximum size of truck trailer allowed on the highways of the states it served. Matson chose the twenty-four-foot length because highway laws in its western region permitted "double bottom" rigs of two twenty-four-foot trailers hooked in tandem. Even the I.S.O. maximum was set at forty feet—at the urging of the U.S.A. Standards Institute—because that was the length permitted in most states at that time for a single truck trailer.

The dimensions of truck trailers are still growing, and containers will probably also continue to grow. Matson's executive vice president, Norman Scott, recently declared: "In the economics of transportation, there is no magic in mathematical symmetry—and there is probably no permanent attraction even in the twenty-four-foot or thirty-five-foot sizes." Forty-five-foot trailers are now permitted in many states, and several states have fifty-five-foot limits.

THE TWO FACES OF LABOR

Labor hostility to containers is still another major item on the maritime industry's current list of uncertainties. The container's efficiency is achieved, after all, through the substitution of capital for manpower—which means displacing longshoremen. On the West Coast, where Harry Bridges' International Longshoremen's and Warehousemen's Union holds sway, the issue was solved long ago by a "mechanization and modernization" agreement between the I.L.W.U. and management. The M. & M. contract has been in effect since 1961, and was renewed last year for another five years. Under it, the Pacific Maritime Association, representing management, pays a lump sum ($34,500,000 under the current contract) into a special M. & M. fund for the privilege of mechanizing dock activity and eliminating restrictive work rules. The money is used primarily to encourage older longshoremen to retire early by offering them generous terms. "Out here, Harry Bridges is a hero," says a port official.

East and Gulf Coast ports are under the jurisdiction of the International Longshoremen's Association, and its tough president, Thomas Gleason, shows no signs of liking either mechanization or modernization. Up to now, under a contract signed four years ago, I.L.A. members have handled containers in return for a per-ton payment to the union. But the current contract expires next September, and the I.L.A. is expected to take a stiffer attitude toward containers in the next round of negotiations. Gleason seems certain to seek a featherbedding provision that will allow his men to unpack and repack on the dock any container loaded at inland terminals by employees of what he calls "stump jumpers" and "shoestringers"—freight forwarders, truckers or shippers—who are outside the I.L.A. jurisdiction.

Shipping executives hope that Gleason will settle in the end for an M. & M. kind of arrangement, even if it has to be sweetened to the eastern taste. But Gleason says he is totally opposed to the idea of reducing the number of longshoremen on the docks. His reasoning: "What in hell would happen to the union? You can attrition out a union too, you know." Gleason accuses Bridges of having "sold jobs" in return for his M. & M. fund. To which Bridges responds: "He's right. But I sold jobs we weren't going to have in a few years anyway. And I got a damned good price for them."

TOO MUCH, TOO SOON?

Even with containerization still in its infancy, shipowners are bracing themselves against the effects of excess capacity. On some trade routes, that threat may be just around the corner. John L. Eyre, president of Montreal's Saguenay Shipping, estimates the container ships in existence or on order for the North Atlantic will be able to haul "something like" 130 percent of all the containerizable cargo available. (There are now twenty-eight ships with significant container capacity in transatlantic service; within three years, the Maritime Administration believes, there will be at least forty-one.)

"Somewhere in late '68 or early '69," Eyre warns, "a conventional ship will have no chance of surviving in the North Atlantic trade—and there won't be enough business even for all the container ships." Within a slightly longer time span, the same forecast may hold good for the Pacific as well. The Maritime Administration predicts that twenty-seven container-carrying ships will be in service on transpacific routes before 1972.

One solution for overcapacity on principal trade routes would be to transfer surplus ships to lesser routes. Such transfers will surely occur, and may give shipowners a little more time in which to work out the problems presented by the container. But foreign ship lines, with their many consortium arrangements, have already anticipated the need for consolidation to avoid bitter rate wars. The U.S. lines are actively looking for ways to achieve about the same result by sharing port facilities, pooling containers, and coordinating sailing schedules to avoid having too many competing ships in port at one time. Not everyone cheers such foresightedness. In a recent report, the British Shippers' Council pointed worridely to the dangers of "growth of monopoly control and decline of competition."

For ports, the dangers of excess capacity are d o u b l e-barreled. Port authorities throughout the world are building more capacity to handle containers than current trade levels justify. At the same time, as more and more tonnage goes through container shipping berths, the volume of cargo moving across conventional wharves will decline—which means that investments in existing facilities will be threatened.

Some ports are likely to decline, regardless of how much new space they build for containers. In a fully efficient container system, trucks and railroads will funnel the freight to a few major ports; other harbors will probably become mere feeder ports or be bypassed altogether. There are already signs that even the U.S. east coast could be most efficiently served by only two large container ports.

Fortunately for U.S. port operators, there are two ameliorating circumstances. The first is the government's desire to have a number of up-to-date ports for defense purposes; government cargoes will probably continue to be directed through several harbors. The second is that the problem may turn out to be remote: at least in the short term, competition among operators scrambling to fill the container cells of their ships will force them to have their ships pick up cargo wherever it might be—even if they are required to call at more than the optimum number of ports.

JUST LAKES AGAIN

Before long, the waves of change that are threatening to swamp some segments of the maritime industry are going to wash on shore and move inland. "We must start thinking in terms of transportation companies, rather than steamship companies," says James Gulick, acting Federal Maritime Administrator. Even now, the so-called "intermodal" versatility of the marine container—that is, the fact that the same box can be hauled by truck, train, ship, and, in some cases airplane—is forcing a re-examination of the way goods are distributed in world trade. For example, one study predicts that European goods destined for the U.S. West Coast will one day move through east coast ports and across the U.S. by rail, rather than through the Panama Canal.

Even before the Arab-Israeli war closed the Suez Canal, United Cargo Corp., operator of a worldwide container service, developed plans to use the U.S. as a "land bridge" for movement of goods between Japan and Europe. The service is now in operation, and United Cargo is moving from fifteen and twenty containers a month—loaded with electronic parts, film and other high-value products—by ship to Seattle, by train to New York, and by ship again to European ports. The door-to-door "land bridge" trip takes about twenty-eight days, compared to the forty-four-day ocean voyage through the Suez Canal.

At the same time, it is becoming more advantageous to move export containers between U.S. east-coast ports and the Midwest by rail than it is by ship through the St. Lawrence Seaway. "With containerization, the seaway will be just lake again as far as general cargo is concerned," says Theodore de Smedt, president of American Export Isbrandtsen Lines. (That still leaves a big role for the seaway—most of its business comes from bulk cargo such as petroleum and grain.) A.E.I.L. has applied to the Federal Maritime Commission for permission to drop the service it now offers between Great Lakes ports and Western Europe.

For many U.S. railroads, hauling containers on flatcars is a natural extension of piggybacking—the transporting of truck trailers, wheels and all, on railroad cars. The Southern Pacific recently sent some of its executives to Japan to seek container traffic for the thirty-five ports it serves from Portland to New Orleans. The Burlington and the Santa Fe have developed a new flatcar to carry refrigerated containers. And the Santa Fe has announced a through-train schedule between Chicago and Los Angeles for containers as well as regular piggyback service. The new Santa Fe service will cut nineteen hours off a run that now takes fifty-nine hours. The pioneer in railroad containers, the New York Central, has already proved how profitable such operations can be. Its "Flexi-Van" container cars represent just one-half of 1 percent of its total rail equipment, but last year they produced nearly 9 percent of the road's freight revenues.

THIS IS IT, CHARLIE

For the world's merchant marines, the container remains mostly a box of puzzles at this point. But U.S. Maritime Administrator Gulick sees a great opportunity for U.S. cargo carriers if they are hardy enough, and courageous enough, to stick it out. "Containerization holds not only the prospect of higher productivity for transportation as a whole," Gulick told an I.L.A. convention last summer, "but even more important . . . it holds the possibility of massive increases in the carriage of dry cargo in U.S. bottoms." The innovators of containerization have been U.S. operators, who at this point have had more experience with boxes than their foreign-flag competitors. Further, since the container replaces men with machines, the change should favor the U.S., where capital is easier to find than low-cost labor. As shippers become increasingly aware of the advantages of cargo containers, Gulick reasons, U.S.-flag cargo liners will be in a good position to increase the small share (only about 22 percent in 1966) of U.S. foreign commerce that they have carried in recent years.

Not all seafaring men, not even those in the U.S., share Gulick's optimism, and most of them understandably dislike heading into uncharted seas at such high speed. But the container's economic possibilities are so great that very few shipowners believe it is possible to step aside and refuse to follow the box even though its potential effect on the maritime industry is completely unpredictable. Says Otto I. M. Porton, general manager of Atlantic Container's North American operations: "I'm afraid some operators looked at the cup of tea, read the leaves, and said, 'This is it, Charlie, we'd better go to containers'." In the absence of clairvoyance, who can beat tea leaves?

[From the Container News, September 1967]

BATTLE OVER STANDARDS

The attempt to accept 24- and 35-foot containers as standard sizes has now reached the Congress of the United States. The Senate Merchant Marine Subcommittee has heard heated arguments for, and equally heated arguments against.

While the issue in itself is of the utmost importance to two American steamship lines only, it involves directly practically everybody in the transport industry engaged in national and international trade, not only in the U.S., but in the whole world—any steamship line, any inland carrier (truckers and railroads), shippers and forwarders.

Both 24-footers and 35-footers were developed by Maston Navigation Company and Sea-Land Service, Inc., respectively, in domestic trade routes. The two companies, however, did not only develop the container sizes; they pioneered containerization. It was their enterprising spirit, without Federal subsidies but entirely privately conceived and financed, that started "the container revolution."

They built containerships and invested heavily in containerization at a time when everybody else in the industry and in government spoke of containers as a "passing fancy" and predicted the financial collapse of what was frequently termed "an irresponsible adventure".

Today, carriers throughout the entire world benefit from the know-how and the experience of Matson and Sea-Land. The two pioneers, however, did not stop developing. They own, as individual carriers, the largest number of containers and containerships and it is therefore understandable, that they wish to expand into international trade.

In the discussions before the Senate Merchant Marine Subcommittee, three incidents stood out and should be recorded:

The fact that the matter is of equal international and national concern, was proven by the appearance before the Committee of a high British steamship executive, G. E. Prior-Palmer, managing director of Overseas Containers Ltd., London, who pleaded against acceptance of the Matson and Sea-Land sizes.

The declaration of Acting U.S. Maritime Administrator James W. Gulick who stated that government subsidies would be given only to those carriers adhering to accepted standards.

(The testimony of Donald T. Cameron, president of Arcan Shipping Company, Inc., who appeared as president of the New York Freight Forwarders and Brokers Association and who said: "the tendency to grow to ever increasing cube is shown in going from 24 to 35 to the 40-foot container. The 45, 50 and even 60-foot container is possible in the future. Standards are fine, but not standards that will inhibit American activity in international transportation. . . . You simply cannot legislate technology. If the government of the United States is going to lock itself into any standard size container it is eventually going to lock itself out of competition.")

Appearing before the Senate Subcommittee in defense of the internationally accepted standards, A. T. Desmedt, president, American Export Isbrandtsen Lines and spokesman before the committee for 14 other U.S. flag lines, stated:

"The majority of U.S. flag lines have already gone ahead with container plans on the basis of the standard sizes. The different sized 24-footers and 35-footers can't be handled by them without extra effort which would reduce or negate any savings from containerizing."

The European opinion was expressed by General Prior-Palmer, managing director of Overseas Container Ltd., a consortium of five British companies established to operate on all-containership service. General Prior-Palmer, who flew to Washington from London for the sole purpose of taking part in the discussions of the Senate Subcommittee, testified:

"The key to automation is the existence of a standardized product. In this connection, standardized containers represent the homogenous unit which is a prerequisite to the full automation of the transport of general cargo. Once this standardized unit is available, mass production techniques can be applied to the total cargo transportation system which may cover more than one country

However, to be effective in trade between nations, the standards must be international."

Prior-Palmer emphasized that his appearance before the Subcommittee was to stress the value and importance of international agreement, and to do what is possible to ensure that an international agreement so recently achieved should not be subjected to further disagreement.

The star witness before the Subcommittee was acting U.S. Maritime Administrator James W. Gulick. He said in part:

"Sea-Land and Matson were pioneers in developing the concept of domestic intermodal containerization. Sea-Land's container inventory expanded from 3,210 units in 1957 to over 18,000 units by the end of last year. During this same period of time, the company developed the world's largest fleet of full containerships consisting of 23 vessels serving military and commercial trade lanes.

"The Matson Navigation Company also has a large container fleet and it was recently pointed out to the MH-5 Sectional Committee that Matson and Sea-Land had invested approximately $300,000,000 of their own capital in their container systems.

"From this record it is easy to realize why both companies believe that their approach to containerization is a correct one and one that meets shippers needs. We agree that both Matson and Sea-Land have through company container standard sizes been able to use production line techniques of handling cargo to the benefit of their users. A realistic and responsible evaluation of the 24 and 35 foot lengths must not be made on the number of these units in a single company's fleet but on the merits of these sizes as to their efficiency, economy, flexibility, and universal interchangeability in the overall American system of transportation."

The highway mode has the most influence on the size of containers to be used. State legal requirements fix the maximum container dimensions and maximum weights that can be transported, Gulick continued. The 40-foot standard length container and modules thereof can be hauled throughout the United States by highway. The 35-foot length also meets this objective of the standards. The 24-foot length is only considered economical for volume operations when run in territory permitting doubles operations. Twenty-two of the states do not permit operations of this nature using 24-foot length trailers. These restrictions greatly reduce the flexibility and efficiency of the 24-foot unit as a national standard.

Comparing 35-footers to 40-footers, Gulick stated:

"The standard 40-foot length provides approximately 10 per cent more cubic capacity than a 35-foot unit of comparable height when used in highway operations. An 8x8x40 foot unit with a capacity of 2,250 cubic feet could transport 45,000 pounds of freight at 20 pounds per cubic feet. Using an 8x8x35 foot unit with a capacity of 1,970 cubic feet, 39,400 pounds of freight of 20 pounds per cubic foot can be carried. The limiting factor being cubic capacity, not weight."

As to movements by rail, the most commonly used flatcars for piggy-back service are those in the 85 to 89 foot range, Gulick continued. These cars can handle two 40-footers or four 20-footers. But two 35-footers offer approximately 14 per cent less cargo capacity, and three 24-foot units mean a loss of some 10 per cent.

In summing up, Gulick concluded:

"Nearly everyone admits that each trade area has unique characteristics and this could call for a different size container if one attempted to develop a van length to the average cargo density and other variable characteristics on a single trade route. Obviously, such developments, if carried to an extreme, would create chaos for those interested in developing an efficient integrated transportation system. The standards that have been developed and that have international acceptance are the standards which—we believe—most effectively promote the American merchant marine."

THIRTY-FIVE-FOOT UNIT

Container News submitted several questions to Sea-Land Service, Inc. and received these replies:

CONTAINER NEWS. Why did Sea-Land originally decide on a 35-foot unit?

SEA-LAND SERVICE. After much study, the 35-foot unit was chosen as the most economical for our needs.

CONTAINER NEWS. How are 35-foot units compatible with over-the-road and railroad equipment, and are there any interchange problems between these modes; In the United States? In Europe? Elsewhere?

SEA-LAND SERVICE. There are no problems whatsoever in the United States. In Europe, there are no over-the-road restrictions and the only railroad restriction exists in the Alps; it is a restriction on height which, however, has no effect on Sea-Land's general operations. As to elsewhere in the world, Sea-Land does not encounter, nor expects to encounter in the future any problems in Okinawa, the Philippines, Viet-Nam, Panama, Santo Domingo, the Virgin Islands, etc.

CONTAINER NEWS. Are there any highway restrictions—and if so, where—for 35-foot units which would not apply to 20-foot or 40-foot units?

SEA-LAND SERVICE. There are none.

CONTAINER NEWS. How does a 35-foot unit compare to two 20-foot units married into one 40-foot unit—weight-wise, cube-wise, and in intermodal movements?

SEA-LAND SERVICE. Two 20-foot units cost twice as much to handle in stevedore operations. When they are hooked together for overland transportation, they offer only 104 cubic feet of inside space more than one 35-foot unit, but weigh 40 per cent more than the 35-ft. van, and therefore have a substantially decreased payload potential. In addition, the number one unit of two coupled twenty-footers cannot be opened without separating, a fact which frequently results in great inconveniences for the carrier as well as for the customer; sometimes, such a separation at customer's premises is outright impossible.

CONTAINER NEWS. Do Sea-Land's 35-foot units have ASA standard corner fittings? If not, will Sea-Land convert to ASA standard corner fittings in the future, and under what conditions?

SEA-LAND SERVICE. No. The corner fittings are similar to those prescribed by the American Standard Association, but they are not standard. At the recent meeting of the International Standard Organization in Moscow in June of this year, new corner fittings were recommended that are different from all those presently used. In the future, Sea-Land will have therefore much company in the non-standard area. There are no plans at present to convert any of Sea-Land's equipment, and there are equally no plans to change the types on future purchases.

CONTAINER NEWS. Does Sea-Land plan to utilize any other container or trailer sizes in the future, particularly 20-foot or 40-foot units?

SEA-LAND SERVICE. Sea-Land is open to any economical size. But there are no plans whatsoever for 20-footers.

TWENTY-FOUR-FOOT UNIT

L.A. Harlander, Vice President, Engineering and Maintenance, Matson Navigation Company, states his company's case:

"Since the primary reason for containerization is to reduce cargo transportation and handling costs, it logically follows that the fundamental yardstick which should be used for establishing a container size standard is that of economics on a door-to-door basis. To demonstrate the economic potential of the 24-footer in intermodal service, the relative effect of factors influencing highway, rail and sea transport systems must be considered.

"Compared to existing standard sizes, the 24-foot unit is:

"Best for trucking operations in the western states of the U. S. A.

"Most efficient in city delivery operations.

"Equally effective in rail transport.

"Most economical for transporting cargo by ship in many trade routes.

"Already well established in terms of experience and quantity.

"Capable of reducing overall intermodal transportation costs.

"HIGHWAY USE

"The primary need of motor carrier operations is space. In the eastern United States, the need for space is best met by use of 40-foot semi-trailers. In the West, the need for cubic capacity is met by the use of highly efficient doubles—a tractor towing two trailers—within overall length limits of 60 or 65 feet, depending on the state.

"When compared to existing standards, the 24-footer is the best for doubles. Two 24-footers can be moved together yielding 20 per cent more cargo carrying ability than 20-footers.

"A good example of the relative economics of 24-ft. doubles as compared to 40-foot trailers is provided in a recent A. T. Kearny report. It shows that if a western motor carrier had been forced to use 40-foot trailers throughout his system, his increase in direct line haul operating costs would result in a decrease of yearly profit from $1,173,000 to $406,589.

"The doubles rig provides flexibility in two ways, both of which further serve to reduce transportation costs:

"Individual trailers are comparatively short and may be used in congested city traffic for pick-up and delivery service. This eliminates the need for unloading city vehicles and reloading into line haul transport vehicles.

"Less time is lost in transit. A combination may start on a trip, drop one trailer at an intermediate point, pick up another, and continue with no loss of time other than that required for hooking and unhooking the trailer. This process may be repeated a number of times before the final destination is reached.

"The 24-foot container is better than the 20-footer as a refrigerated unit when considering payload and initial cost. Since the space required for the reefer machinery and the thickness of insulation on the walls are approximately the same, the 24-ft. van obviously has higher payload per gross volume than the 20-footer. More important is the relatively small cost paid to achieve the greater payload. Although a 24-ft. refrigerated container costs 6 per cent more than a 20-footer, it has 22.9 per cent more cubic capacity—clearly an economic advantage.

"The 24-footer, used with a long tandem axle semi-trailer provides a unit which is extremely practical for the movement of medium-to-high density cargo. In California, which has highway limitations typical of other western states, the gross weight of a 24-footer can be approximately 51,000 pounds. This results in a weight-cube relationship which accommodates a great portion of high density ocean freight, including all canned goods. The 24-footer can carry approximately the same amount of weight-limiting payload as a 40-foot unit in over-the-road, semi-trailer operation.

"RAILROAD TRANSPORT

"In rail traffic, at the present time, five railroads are using 24-foot containers from the U.S. West Coast to the midwest and eastern cities. These containers are carried three to a railcar. These same railroads have in-

vested over a million dollars of their own money in 24-foot units. Their service is growing rapidly and many containers are currently being put on order to keep pace with the demand.

"A proposed rail car which has recently met with widespread enthusiasm is the high cubic 'compatible container car.' This car can accommodate two 40-ft. piggyback trailers, six 20-ft. containers, five 24-ft. containers, or a corresponding number of containers of other sizes. The design would make it possible for rail carriers to have one railcar which can accommodate both 20-ft. and 24-ft. containers at the same high efficiency. Double tiering between the rail-car trucks is used to achieve this high capacity.

"If existing clearances restrict railcars to single container tiers, it is possible to employ a 96-foot car which will take four 24-ft. units. Thus the 24-footer will be as efficient in rail movement as any existing ASA standard length.

"SHIP ECONOMICS

"Depending on the trade route, its cargo density distribution and how selective the marine carrier is in his freight, container size can have strong economic impact on ship transport and terminal handling costs.

"The most important factor in the cost of moving a given amount of cargo is that of ship utilization, i.e., the amount of cargo that is actually carried by a ship having a given size, speed, and operating cost. The utilization factor, in turn, is predominantly dependent upon how well the space is used inside the containers. Based on numerous trade route studies by Matson, it has been established that there is not much difference in space used between the 20-ft. and 24-ft. container. However, a container 30-ft. or longer may result in much higher container—and therefore ship—space loss. This is due to weight limitations imposed by highway restrictions when handling higher density freight.

"The costs per ton of cargo handled will decrease with the larger container. Assuming the same number of cranes, the larger container will lower the ship's port time. Under this cost category, the 24-ft. unit has a decided advantage over the 20-footer, while 30-ft. vans have advantages over the 24-footer. However, these advantages of the 30-ft. and 40-ft. units are overshadowed by their poor ship utilization.

"Since there is little difference between the 20-ft. and 24-ft. container in terms of space utilization, the number of containers required in a system to move a given amount of cargo is roughly inversely proportional to the container length. The 20-ft. system is penalized since 20 per cent more containers are required in a given operation. Yet the cost of each 20-ft. container is only about 8 per cent less than that of a 24-footer."

Mr. BARTLETT. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 722), explaining the purposes of the bill.

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

BACKGROUND AND NEED FOR LEGISLATION

In the late spring of this year it came to the attention of the committee that the Maritime Administration was requiring that cargo container vessels utilize 10-foot-length modular containers of 8-foot-height and width as advocated by the United States of America Standards Institute in order to obtain favorable consideration under various shipping aid programs administered by that agency. In early July, hearings were held before the Subcommittee on Merchant Marine and Fisheries.

The hearings confirmed the information previously obtained. The Acting Maritime Administrator testified that under present policies construction differential subsidy would not be given for any container vessel not complying with the 10-foot modular system advocated by the Standards Institute. Further testimony of that witness established beyond doubt that adherence to the 10-foot modular system was required by the Maritime Administration as a prerequisite to favorable consideration under the various programs of the agency designed to promote the ocean-going trade.

The committee learned through other testimony that 70 percent of all the marine cargo containers now in operation are owned and operated by two U.S. steamship companies whose cargo containers are not within the 10-foot modular system recommended by the United States of America Standards Institute and now imposed by the Maritime Administration. From the extensive testimony presented to the committee it was established that the present policy of the Maritime Administration of compelling adherence to a 10-foot modular series for cargo containers could seriously impair if not destroy the two steamship companies (Sea-Land Service, Inc., and Matson Navigation Co.) that have pioneered the marine cargo container concept and have together invested some ½ billion dollars of their own capital in their container systems. The testimony further established that the Sea-Land Service, Inc. and Matson Navigation Co. containers (35 by 8 by 8½ feet and 24 by 8 by 8½ feet, respectively) are the only proven economical marine container systems now in operation. Both companies have devised and successfully implemented their container operations without a dollar of Government subsidy.

Quite aside from the considerable merit the proposed legislation would have on the basis of protecting the wise and successful investments of the pioneers of marine cargo container service, there are even stronger and more compelling facts necessitating the legislation proposed.

The 10-, 20-, 30-, 40-foot length series of cargo containers recommended by the United States of America Standards Institute and imposed by the Maritime Administration not only excludes the U.S. companies presently owning and successfully operating the majority of marine cargo containers but also seems to lack any sound technical justification. The principal argument advanced in support of the 10-foot modular system is that it allows a building block assembly of containers, i.e., a 30-foot container and a 10-foot container, or two 20-foot containers can be coupled to form a 40-foot container. While on the surface this may appear sound, the facts show otherwise. First, the 10-foot and 30-foot containers have been found so unsatisfactory that the committee was unable to learn of a single operator intending to purchase and use those sizes. Thus, the 10-foot modular series is as a practical matter limited now to two containers: the 20-foot and 40-foot lengths. Testimony before the committee established that for many types of cargo that could be containerized the 40-foot length was not sound in that the weight limitations would be maximized before all cube was utilized. Similarly, for other trades the 20-foot box would be unacceptable or less profitable than other sizes because of utilization of all cube available before reaching weight limits. In short, the most productive and economical container is one that most closely maximizes cube and weight, and that attribute is dependent upon the type of cargo carried in the container. It is obvious that a 20-foot container would, in comparison with a 24-foot container, require that additional boxes be utilized to load identical cargo areas, thus increasing the amount of cargo space filled with box rather than cargo. Similarly, 20 percent more boxes would have to be loaded and unloaded to carry the same amount of cargo in a 20-foot container as would be carried by 24-foot cargo containers. This well illustrates that the difference in container sizes can have a profound effect upon the productivity of a system and its profit potential.

The Maritime Administration witness testified that that agency's policy of adherence to the 10-foot modular container series was based upon a determination by the United States of America Standards Institute which purportedly had recommended the 10-foot modular system for all modes of transportation through a "consensus" of those in the relevant industries. However, the record is clear that 70 percent of all the marine cargo containers now in operation are 24-foot or 35-foot boxes and the committee is unaware of any railroad, truck, airline, or freight forwarding operator or association that advocates compelled adherence to the 10-foot modular series.

No Federal agency, except the Maritime Administration, is seeking to compel any mode of transportation to comply with any stated size of cargo containers. Truckers are free to use any container lawfully permitted on the highways, and as highway limitations have evolved in recent years the trucking industry has responded by utilizing containers not within the 10-foot modular system. In fact, the committee learned that in a great number of States which allow the carriage of double bottom rigs in tandem the currently most popular container size is 27 feet in length.

The railroads have demonstrated no preference for the 10-foot modular container series and recently one railroad official's statement that has come to the attention of the committee expressly termed the 20-foot containers inefficient for land transportation. Similarly, the airline industry has shown no interest in adhering to the 10-foot modular system advocated by the U.S. Standards Institute. It is clear that the importance of containerization is the ability to carry goods in the same container upon various modes of transportation. It would be of little value and a costly mistake to lock our ocean-going vessels into a system incompatible with a freely developing land and air cargo container market.

Testimony before the committee established that interchangeability of containers between various modes of transportation and between ships were not dependent upon container dimensions. By means of adjustable handling equipment now in use, various sizes of containers may be accommodated and transfer readily accomplished. Adapter frames are now available for handling dif-

The Department of Transportation and the Interstate Commerce Commission have both advised the committee that it is advantageous to the development of a sound intermodal transportation system not to impose container size standards at this time. This proposed legislation would accordingly assure free market development of container sizes and thus assure that the eventual "standard" size containers will be those proven in the market to be most productive and economical.

Until standards for cargo container dimensions are justified through the market any container system that is economical and productive should be available for utilization without discouragement or impediments imposed by the Government. A most compelling example of the desirability and advantage of unencumbered utilization of cargo containers not within the 10-foot modular series is the use of the Sea-Land-Service, Inc., 35-foot container for carriage of cargo to Vietnam. Sea-Land now provides the only container service to Vietnam and the committee is aware that this service has been highly successful and has greatly enhanced our transportation effort to that vital area. It is essential that the Department of Defense and all other agencies be free to choose cargo container service on the basis

of what works best and is cost effective. This bill would allow the various Government agencies to buy containers of whatever size they desired, but would require that any advertisement or invitation to bid or contract for the carriage of Government cargo in other than Government-owned cargo containers be open to any dimension of cargo container that can fulfill transportation requirements of the contract in an economical manner.

The committee appreciates and understands the importance of standardization in promoting the use of efficient and safe equipment. Standardization of corner fittings, gross container weight, container strength minimums, and markings and identification methods may well be warranted at this time. But the committee is convinced that this is not the time to standardize cargo container dimensions. It is too early in the development of this revolution in cargo handling. We recognize that eventually a standard for cargo container sizes may well evolve through the demands of the marketplace, but when that day arrives, adherence need not be compelled by a Government administrator.

This committee has heard extensive testimony on the particular subject matter of this proposed legislation and has this year as well conducted an indepth probe of the present state and future of the U.S. merchant marine. Throughout the course of the committee's study two factors emerge unmistakably clear. First, it is essential to the economic well-being and national security of this Nation to have an efficient and competitive merchant marine. Second, a U.S. merchant marine must bear the burden of a capital acquisition cost more than twice as high as some competitors and an operating cost in some instances three times greater than some competitors.

The one factor that can enable a U.S. merchant fleet to compete on a favorable basis, without total reliance upon the Government to artificially equalize costs through extensive direct and indirect subsidy programs, is the ability to devise and implement methods for transporting merchandise in a more efficient and productive manner. The growth of containerization in the marine field is an example of that ability and an example of what free enterprise can do to enhance the competitive posture of our merchant fleet. To stifle that ability and with it the creation of new and advanced cargo handling systems could well spell the end of a competitive U.S. merchant fleet.

Under the maritime laws of the United States, the granting of construction differential subsidy is the only way a marine operator may equalize his capital acquisition cost with that of his foreign competitors. And, of course, any nonsubsidized American operator competing on a trade route served by other American vessels that have received construction subsidy is at a distinct economic disadvantage. The discriminatory policies of the Maritime Administration, which this proposed legislation seeks to correct, have the practical effect of foreclosing operators such as Sea-Land, Inc., and Matson Navigation Co. from any opportunity to equalize capital acquisition costs with their ocean-going competitors, both foreign flag and of the U.S. flag, simply because the Maritime Administrator does not believe their cargo containers are of a proper length, height, or width, despite their proven economical operation.

This legislation is proposed as an essential safeguard of the freedom to devise and implement the most productive cargo handling systems U.S. industry can create. The committee believes the speedy enactment into law of this bill is essential to the future of our merchant fleet.

COST OF LEGISLATION

Enactment would involve no additional cost to the Government.

The amendment was agreed to.

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

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Pursuant to the order of the Senate of November 2, 1967, the following reports of committees were submitted:

On November 2, 1967:

By Mr. KENNEDY of Massachusetts (for Mr. HART), from the Committee on the Judiciary, with an amendment:

H.R. 2516. An act to prescribe penalties for certain acts of violence or intimidation, and for other purposes (Rept. No. 721).

On November 3, 1967:

By Mr. BARTLETT, from the Committee on Commerce, with an amendment:

S. 2419. A bill to amend the Merchant Marine Act, 1936, with respect to the development of cargo container vessels, and for other purposes (Rept. No. 722).

On November 4, 1967:

By Mr. HILL, from the Committee on Labor and Public Welfare, with amendments:

H.R. 6418. An act to amend the Public Health Service Act to extend and expand the authorizations for grants for comprehensive health planning and services, to broaden and improve the authorization for research and demonstrations relating to the delivery of health services, to improve the performance of clinical laboratories, and to authorize cooperative activities between the Public Health Service hospitals and community facilities, and for other purposes (Rept. No. 724); and

H.R. 6430. An act to amend the public health laws relating to mental retardation to extend, expand, and improve them, and for other purposes (Rept. No. 725).

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare, with an amendment:

S. 830. A bill to prohibit age discrimination in employment (Rept. No. 723).

REPORT ON FOOD AID PROGRAMS—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 179)

The PRESIDING OFFICER (Mr. KENNEDY of Massachusetts in the chair) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry:

To the Congress of the United States:

I am pleased to transmit to the Congress a report of our food aid programs during calendar year 1966.

This report marks a year in which the productivity of American agriculture and the generosity of the American people have done much to help others to help themselves.

Food and fiber valued at $1.5 billion were provided to needy people in more than 100 countries. Since 1954 the United States has provided almost $16 billion in farm products to 116 countries which together contain almost half of the world's population.

To millions of human beings, this sharing has meant survival in the face of drought or other natural disaster. To countless children it has meant freedom from the weakness, disease, and mental retardation which are the tragic consequences of malnutrition.

In 1966, however, U.S. food aid programs entered a new and more critical stage. The world's food problem was growing—not diminishing. Despite our efforts, serious food shortages threatened many countries. The problem of feeding rapidly growing populations was compounded by serious drought in India and Pakistan—the worst drought on the south Asian subcontinent in this century.

The world faced two related problems:

To stimulate agricultural production in the food-deficit countries so that they will eventually be able to grow their own food, or to buy it through the normal channels of world commerce; and

To provide direct food shipments sufficient to ward off starvation and severe malnutrition during the interim period until the deficit countries achieve self-sufficiency.

After a long and careful study, the United States undertook to carry its share of the burden in a worldwide war on hunger. I sent to the Congress a special message proposing that the United States lead an all-out effort to reverse the dire trend in the race between world population and world food supply. The response of the Congress gave us the tools to wage that war.

There are six main elements of the new strategy.

Emphasis on self-help: The war on hunger must be fought and won within the countries where hunger exists. Our food aid and other forms of assistance must go primarily to those who do the most to help themselves. The key to victory over hunger is self-help.

Policy for a nonsurplus era: In the past, our food aid programs have been based on the existence of food surpluses in the United States. These surpluses are gone. Until the less-developed countries are able to provide for themselves, our domestic farm programs must be geared to insure that we produce enough to meet pressing foreign needs as well as the demand here at home.

Population programs: Rapid population growth can make the dream of plenty a nightmare of famine. This is an enormous problem. It is clearly a matter for the conscience of each family and each nation. We will never dictate an answer, nor intrude on the decision others must make for themselves. But many countries have voluntarily decided that the time has come to confront the population challenge. We stand ready to respond to the requests for help from these nations in formulating and carrying out effective programs.

Integration of all U.S. assistance programs: Relief from immediate suffering is only part of the war on hunger. It gives precious time and strength for a larger task. The developing countries must use this time to gather the resources and skills to improve their agricultural production so that they can ultimately stand on their own feet. This is the goal of our technical and economic assistance. Clearly, our food aid must be closely related to these other forms of help in a single, carefully integrated approach to the entire food problem.

Increased private investment: There is no easy or simple answer to the scourge of poverty and hunger. No single pro-

gram, no single plan, and no single government holds the key. We must marshal the sum of our experience. We must bring to bear more and more the capital and know-how of private enterprise—both in the United States and in the developing nations themselves.

A multinational effort: The food deficit is a world problem. Developed nations must join in an international undertaking to combat hunger and modernize agriculture. The United States cannot shoulder this responsibility alone. In meeting the world's food needs, the common interest lies in common effort. In sum, we propose to enlist the very best talent—private and public, of all nations, rich and poor.

As I have stressed, our own food aid is only a part of a wider attack on the causes of hunger. We made effective use of this new approach in the sales agreements signed in 1966. In the program with India, for example, our food assistance complements India's own strenuous measures to increase agricultural production. We also made a special effort to encourage help to India from other developed nations.

We seek new agreements with other countries in the same spirit. Our goal is to achieve both self-help in the developing countries and close integration of our own aid with the assistance of other wealthy countries.

The developing nations are helping themselves. Given a critical margin of capital, technical skill, and interim food shipments from the advanced countries, the threat of mass hunger will eventually diminish. Over the past 12 years, Public Law 480 has meant the difference between life and death for millions all around the world. That challenge and that momentous obligation are still with us.

I know that Americans have the dedication, the patience, the skills, and the wisdom to see the job through. Working together with rich nations and poor, all equally determined that mankind will conquer its oldest enemy, we will win the war on hunger.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *November 6, 1967.*

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries, and he announced that the President had approved and signed the following acts:

On November 2, 1967:

S. 445. An act for the relief of Rosemarie Gauch Neth; and

S. 1108. An act for the relief of Dr. Felix C. Caballol.

On November 3, 1967:

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

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawing the nomination of William C. Gardner, of the District of Columbia, to be associate judge of the District of Columbia court of general sessions, which nominating messages were referred to the appropriate committees.

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

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON DEPARTMENT OF DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on Department of Defense Procurement from small and other business firms, for July–August 1967 (with an accompanying report); to the Committee on Banking and Currency.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of the validity of and controls over the large volume of unfilled orders for Air Force materiel, Department of the Air Force, dated October 1967 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on substantial savings available by eliminating low-cost, low-demand spare parts from defense supply system, Department of the Navy and the Defense Supply Agency, dated October 1967 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on savings available through more frequent payments on college housing loans, Housing Assistance Administration, Department of Housing and Urban Development, dated October 1967 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on actions to improve the financial management system of the U.S. Army Tank-Automotive Command, Warren, Mich., Department of the Army, dated October 1967 (wtih an accompanying report); to the Committee on Government Operations.

AMENDMENT OF ATOMIC ENERGY ACT OF 1954

A letter from the Acting General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, and for other purposes (with accompanying papers); to the Joint Committee on Atomic Energy.

PETITION

The PRESIDING OFFICER laid before the Senate a resolution adopted by the City Council of the City of Stockton, Calif., relating to the principle of tax-sharing by the Federal Government, which was referred to the Committee on Finance.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

S. 448. A bill to authorize the Secretary of the Interior to use appropriated funds for the payment of medical care of temporary and seasonal employees and employees located in isolated areas who become disabled because of injury or illness not attributable to official work, and for other purposes (Rept. No. 728).

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1967—REPORT OF A COMMITTEE—SUPPLEMENTAL AND INDIVIDUAL VIEWS (S. REPT. NO. 726)

Mr. MORSE. Mr. President, from the Committee on Labor and Public Welfare, I report favorably, with amendments, the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing assistance for comprehensive educational planning, and by improving programs of education for the handicapped; to improve authority for assistance to schools in federally impacted areas and areas suffering a major disaster; and for other purposes. I ask unanimous consent that the report may be printed, together with supplemental and individual views.

The PRESIDING OFFICER. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Oregon.

PROHIBITION ON USE OF FINANCIAL INSTITUTIONS AS LOTTERY AGENCIES—REPORT OF A COMMITTEE—MINORITY AND INDIVIDUAL VIEWS (S. REPT. NO. 727)

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wisconsin [Mr. PROXMIRE], from the Committee on Banking and Currency, I report favorably, with amendments, the bill (H.R. 10595) to prohibit certain banks and savings and loan associations from fostering or participating in gambling activities. I ask unanimous consent that the report be printed, together with the minority views of Senators BENNETT, TOWER, HICKENLOOPER, BROOKE, and PERCY, and the individual views of the Senator from New Hampshire [Mr. MCINTYRE].

The PRESIDING OFFICER. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from West Virginia.

THE INTERGOVERNMENTAL PERSONNEL ACT (S. 699)—INDIVIDUAL VIEWS—PART 2 OF SENATE REPORT NO. 701

Mr. HANSEN. Mr. President, last Tuesday the Committee on Government Operations reported S. 699, the Inter-

governmental Personnel Act. It is my understanding that the bill is scheduled for consideration within the next day or two. In the absence of the Senator from South Dakota [Mr. MUNDT], I ask unanimous consent that the individual views of members of the Committee on Government Operations be printed for distribution as part 2 of Senate Report No. 701.

Copies of these views have been distributed to each Member of the Senate along with copies of amendments which are being proposed for consideration when S. 699 comes before the Senate.

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

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare:

John Harold Fanning, of Rhode Island, to be a member of the National Labor Relations Board.

By Mr. MONRONEY, from the Committee on Post Office and Civil Service:

One hundred and thirty-six postmaster nominations.

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Robert G. Miner, of New York, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Sierra Leone; and

Walter N. Tobriner, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary to Jamaica.

By Mr. BAYH, from the Committee on the Judiciary:

Asher E. Schroeder, of Iowa, to be U.S. attorney for the northern district of Iowa; and

K. Edwin Applegate, of Indiana, to be U.S. attorney for the southern district of Indiana.

BILLS INTRODUCED

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

By Mr. MONTOYA:

S. 2625. A bill to amend the U.S. Housing Act of 1937 to extend coverage to all classes of low-income families in Indian areas; to the Committee on Banking and Currency.

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

By Mr. NELSON:

S. 2626. A bill to amend the Internal Revenue Code of 1954 to permit net operating losses of small independent technologically based enterprises to be carried forward for 10 taxable years; to the Committee on Finance.

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

INDIAN HOUSING

Mr. MONTOYA. Mr. President, since enactment of the Housing Act of 1949, the public housing program has not been authorized to provide rural farm housing. The reason for the 1949 change was that title V of the 1949 act provided a farm housing program under the Department of Agriculture on the basis that farm housing was an integral part of total farm operation. However, the farm housing program did not provide a subsidy that could meet the needs of low-income Indian families to which the public housing program was made available in 1962.

For example, under the present situation an otherwise qualified low-income Indian family would not be allowed to participate in a mutual help housing project if the site they would contribute is located on or adjacent to land on which the family engages in raising crops or livestock. In the same locality, low-income Indian families who did not engage in raising crops or livestock or who could obtain a site that is not part of or adjacent to their "farms," could qualify as mutual help participants because their housing would be "rural nonfarm." The proposed bill would eliminate this unintentional and unjustified statutory discrimination against certain needy Indian families who happen to be engaged in farm activities.

Mr. President, I ask unanimous consent that the bill be printed in full 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. 2625) to amend the U.S. Housing Act of 1937 to extend coverage to all classes of low-income families in Indian areas, introduced by Mr. MONTOYA, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 2625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(a) Section 1 of the United States Housing Act of 1937 is amended by striking out "urban and rural nonfarm" in the first sentence and inserting in lieu thereof "urban, rural nonfarm, and Indian".

(b) Section 10 (a) of such Act is amended by inserting "or Indian" after "nonfarm" in the fourth proviso.

TAX INCENTIVES FOR SMALL BUSINESS

Mr. NELSON. Mr. President, it is apparent to everyone that the United States cannot depend upon the inventiveness of small business alone. We all realize that the large corporation is essential to technological and economic progress.

However, it should be pointed out that in spite of the domination of the field by large firms, some of the more important developments have been made by independent businessmen, independent inventors, and small organizations.

To cite a few: xereography, the vacuum tube, insulin, penicillin, streptomycin, the cyclotron, the cottonpicker, the common zipper, rockets, dacron polyester fiber, automatic transmissions, the jet engine, FM radio, the helicopter, power steering, Kodachrome, air conditioning, the Polaroid camera, the ballpoint pen, cellophane, Bakelite, and the process of oxygen steelmaking.

The world is a better place because men like Lee DeForest, Selman Waksman, Igor Sikorsky, Willis Carrier, Leo Baekeland, and Chester Carlson used their independent ingenuity.

They were not the organization men who had available to them unlimited funds, extended periods of time, and a cadre of support personnel to do their research for them. The public library and the technical journals were their research libraries—basements and garages their pilot laboratories.

Genius like theirs should be encouraged. The cost of special incentives to the small organizations can be very low. The benefits are likely to be high.

Under our present tax structure, a large corporation engaged in research, development, and innovation can make many false starts and engage in many ventures which never pay off. Yet these losses can be written off against profits in other divisions of the company. As the result, many losses occurring in these areas of innovation are borne by the Government to the extent of 48 percent of the cost because of our present tax structure.

Conversely, a small company which has no profits from which it can write off innovative or research and development costs carries the entire burden itself.

It is true that those losses can be carried forward against profits for the succeeding 5 years. However, this works to the advantage of large corporations and places the small organization in a relatively unfair position. In the first place, the Government does not have to contribute its 48 percent until after 5 years has passed. In the second place, if the company does not become profitable until some time after the end of the 5-year period, the tax writeoff is lost.

In the case of an independent operation where a sole proprietor or partnership is affected, the time limitation for carryover losses wipes out the deductions for personal exemptions and nonbusiness income.

Indications are that it is common for technicologically based companies to lose money for at least 5 years. Even the successful ones usually have that number of rough financial years to hurdle.

In our country where over 55 percent of the manufacturing assets are owned by one-fortieth of 1 percent of the corporations, we should be intensely interested in watching out for the welfare of the little person. We lull ourselves into a false sense of security by telling ourselves that anyone with enough get-up-and-go can become successful. The truth is that all the cards are stacked in favor of the giants of industry. Some day we will find that rugged individualism is forever a thing of the past—a fatality of our overlooking the needs of the small operator.

In this day of giant corporations, combines, and mergers, the small businessman needs a lot of help, if he is to survive and to continue to serve as a bulkwark for free enterprise and healthy competition.

Furthermore, it is a national tragedy that over 50 percent of new businesses fail within the first 5 years after opening their doors.

It seems to me that the simplest and most expedient way in which to help the small, emerging business engaged in the important field of research and innovation would be to grant an extension of the period of loss carry forward for an additional 5 years, to a total of 10.

But to allow this benefit for all companies would not be within the scope of the problem. I have attempted to set down criteria within which I feel small, innovative companies fall. Although they could be judged to be somewhat arbitrary, they follow some of the guidelines of the Small Business Administration and the Department of Commerce.

The alternatives to a single tax windfall would be to establish certification procedures. Allowing the extension to all companies rather than just those which fit certain criteria would be to eventually reward incompetence rather than risky innovation.

The bill I am introducing makes provisions for a loss carry-forward period of 10 years. Only those organizations which fall within certain guidelines could qualify for the tax benefit. This means a business enterprise—

First. Which is engaged in producing a product or services which can be sold, leased or licensed;

Second. Twenty-five percent or more of the employees of which perform technological or skilled technical functions;

Third. Twenty-five percent or more of the gross annual sales of which comes from these technical sales or products;

Fourth. Either has less than 500 employees, or less than gross annual income sales of $1,000,000 or net worth less than $2,500,000 or total assets of less than $5,000,000;

Fifth. Which is a totally independently owned company.

As recently as 1960, only about 300 companies in the United States accounted for 90 percent of the research and development expenditures. To most of these companies, R. & D. is their way of life.

Thus, an across-the-board tax credit on all R. & D. expenditures would not automatically lead to large increases in innovation. On the contrary, since the Government is now supporting these companies' programs to the extent of 48 percent, any increase in tax credits would merely enhance the profit picture for the stockholders. It is a fallacious belief that innovation has a direct relationship to the amount of money spent on research and development.

A tax credit, rather than a small business oriented tax loss carryforward would benefit mainly the already large, technologically based R. & D. corporation.

Therefore, if we agree that innovation is essential, and it is obvious that it is, we should seek to increase the country's total innovation by providing incentives where they are most needed; where the potential is the greatest, where the maximum benefit per dollar spent is realized.

It is almost axiomatic that small, independent, innovative companies exert the most leverage per dollar spent an hour consumed in the whole process of innovation.

I have already introduced a bill to help disseminate the information resting in our patent archives in Washington by establishing other patent search centers throughout the country. All interested parties—basement putterers and streamlined corporations alike—can benefit from the passage of that measure. Availability of prior art and knowledge in more accessible areas, resulting in a simpler, cheaper search of the existing patents, attuned to the special needs of the small innovator is essential.

The bill I am introducing today, providing a tax benefit where it is needed most, will also aid the public and business alike. I urge serious study and adoption of it by the Congress.

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

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. 2626) to amend the Internal Revenue Code of 1954 to permit net operating losses of small independent technologically based enterprises to be carried forward for 10 taxable years, introduced by Mr. NELSON, was received, read twice by its title, referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

S. 2626

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 172 (b) of the Internal Revenue Code of 1954 (relating to net operating loss carrybacks and carryovers) is amended—

(1) by striking out "subparagraphs (C) and (D)" in paragraph (1) (B) and inserting in lieu thereof "subparagraphs (C), (D), and (E)";

(2) by adding at the end of paragraph (1) the following new subparagraph:

"(E) In the case of a taxpayer engaged in operating a small independent technologically-based enterprise (as defined in subsection (1)) during the taxable year, the portion of the net operating loss for such year attributable to such enterprise shall be a net operating loss carryover to each of the 10 taxable years following the taxable year of such loss."; and

(3) by adding at the end of paragraph (2) the following new sentence: "For purposes of this paragraph, if a portion of the net operating loss for the loss year is attributable to a small independent technologically-based enterprise, such portion shall be considered to be a separate net operating loss for such year to be applied after the other portion of such net operating loss."

SEC. 2. Section 172 of such Code is amended by redesignating subsection (l) as (m), and by inserting after subsection (k) the following new subsection:

"(l) Small Independent Technologically-Based Enterprises.—For purposes of subsection (b), the term 'small independent technologically-based enterprise' means a business enterprise—

"(1) which is engaged in producing articles developed by it, or providing services developed by it, for sale, lease, or license;

"(2) 25 percent or more of the employees of which perform technological or skilled technical functions;

"(3) 25 percent or more of the gross income of which is derived from the sale, lease, or license of articles or services described in paragraph (1);

"(4) either (A) has fewer than 500 employees, (B) has gross income of less than $1,000,000, (C) has a net worth of less than $2,500,000, or (D) has total assets of less than $5,000,000; and

"(5) (A) in the case of a corporation, is not owned or controlled, directly or indirectly, by any other corporation, or by any person or group of persons who, directly or indirectly, own or control any other business enterprise, or (B) in the case of a business enterprise other than a corporation, is not owned or controlled by any person or group of persons who, directly or indirectly, own or control any other business enterprise."

SEC. 3. The amendments made by this Act shall apply with respect to net operating losses for taxable years ending after the date of the enactment of this Act.

ADDITIONAL COSPONSORS OF BILLS

Mr. HANSEN. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from New York [Mr. KENNEDY] and the Senator from Texas [Mr. YARBOROUGH] be added as cosponsors of the bill (S. 1684) to provide for the establishment of an Office of Natural Science Research in the National Park Service; to establish a system of fellowships for support of research in the natural sciences; and for other purposes.

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

Mr. BYRD of West Virginia. Mr. President, on behalf of the senior Senator from West Virginia [Mr. RANDOLPH] I ask unanimous consent that, at its next printing, the name of the Senator from Oklahoma [Mr. HARRIS] be added as a cosponsor of the bill (S. 2554) to provide for the orderly marketing of flat glass imported into the United States by affording foreign supplying nations a fair share of the growth or change in the U.S. flat glass market.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from North Carolina [Mr. JORDAN] be added as a cosponsor of the resolution (S. Res. 180) seeking U.S. initiative to assure United Nations Security Council consideration of Vietnam conflict.

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

Mr. LONG of Louisiana. Mr. President, on behalf of the Senator from South Carolina [Mr. HOLLINGS] I ask unanimous consent that, at its next printing, the name of the Senator from Colorado [Mr. ALLOTT] be added as a cosponsor of the joint resolution (S.J. Res. 119) to dedicate Law Day of May 1, 1968, to the law enforcement officers.

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

NOTICE OF RECEIPT OF NOMINATION BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the following nomination:

Paul G. Clark, of Massachusetts, to be an Assistant Administrator of the Agency for International Development.

In accordance with the committee rule, this pending nomination may not be considered prior to the expiration of 6 days of its receipt in the Senate.

ADDRESS BY SENATOR JENNINGS RANDOLPH BEFORE WESTERN PENNSYLVANIA EDUCATION CONFERENCE AT PITTSBURGH

Mr. MORSE. Mr. President, on Thursday, October 5, 1967, the distinguished Senator from West Virginia [Mr. RANDOLPH] addressed the Western Pennsylvania Education Conference at Pittsburgh. I wish to comment upon it and shall later ask unanimous consent that it be printed in the RECORD at the conclusion of my statement because of my belief that Senators, prior to the debate on the Elementary and Secondary Education Amendments of 1967, would wish to review the record of progress that has been made, as set forth so well by the Senator.

He spoke before a distinguished and dedicated audience. I have had the pleasure myself in other years of talking to the group, which is composed of teachers and school administrators of western Pennsylvania, and I know firsthand of their ability and their determination to improve the educational services which are being provided in the area.

But that audience was also privileged because it had before it one of the greatest friends of education in the Senate. He has worked shoulder to shoulder, on the Subcommittee on Education, on every major bill in the field of education in the Kennedy and Johnson administrations.

The handiwork of the Senator from West Virginia on every education measure from our committee is to be found in the phraseology of the statute or in the committee report which governs the application of the statute.

I would add also that although in this address the Senator from West Virginia was focusing upon the elementary and secondary area and upon the special needs of handicapped children, his breadth of view encompasses the problems of higher education and in particular we rely upon him for sound counsel in resolving the problems faced by small independent liberal arts colleges.

Senator RANDOLPH'S speech was entitled "Education for Individuality." It contains cogent comment upon the significant progress which has been made in the field of education. He emphasizes the recent efforts "to expand the Federal responsibility in and commitment to the field of public education."

The senior Senator from West Virginia clearly relates the increased commitment of the Federal Government in cooperating with State and local governments and educational agencies in improving our educational system and opportunities in this Nation. More important, however, Senator RANDOLPH recognized and stressed that the advances in education—significant as they have been—are not sufficient, if we are to enable "all American youth to reach their full potential."

His remarks on the challenges in education were particularly informative and meaningful with regard to the long neglected groups and individuals, such as children suffering from emotional disturbances and behavioral disorders. He noted:

The problem of disturbed children has reached grave and dramatic proportions. It is estimated that there may be in this country as many as half a million youngsters with psychoses and borderline psychotic conditions and another million who are suffering from various other severe mental disorders. Studies made in several States indicate that about one child in 2,000 may need intensive, full-time treatment.

Mr. President, the distinguished Senator from West Virginia presented dramatic challenges to those attending the conference. But this task of education is not directed solely to the educator—it is a task which our Government and our entire society must undertake.

Mr. President, I ask unanimous consent that Senator RANDOLPH'S address, entitled "Education for Individuality," be printed in the RECORD.

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

EDUCATION FOR INDIVIDUALITY

(Address by Senator JENNINGS RANDOLPH, Democrat, of West Virginia, at the Western Pennsylvania Education Conference, Pittsburgh, Pa., October 5, 1967, Civic Arena)

In commenting on the fall of Athenian democracy some 2300 years ago, the philosopher, Epictetus declared, "The State says that only freemen shall be educated; God says only educated men will be free."

This observation is as valid today as it was during that philosopher's time, though the relationship between the educative process and the achievement of individual and collective freedom is a more complex one for our day than it was for that of ancient Greece.

We observe, for example, the unremitting efforts of the new African states—with the assistance of the United States and others—to educate their people in the rudiments of literacy and train technical and professional people for leadership. They are devoting fifteen or twenty per cent of their national product to the task. Through education these new states can become responsible governments and escape falling back into the tyranny of tribalism.

To cite another example, just ten years ago the Soviet Union launched Sputnik I, thereby giving stimulus in the United States to a massive effort to improve American education at every level. Though many teachers and other leaders had long recognized the need to devote a greater proportion of our national resources to the task of education, it was the explicit threat of Soviet scientific and technological supremacy, and the implied threat to our freedom, that mobilized the national will to make this effort.

During this decade the United States has made phenomenal progress in most sectors on the education front—in greatly augmenting public and private contributions to scientific research—in meeting the challenge of a constantly and rapidly increasing school population at every level of education—in modernizing our public school curricula—and in providing greater opportunities for capable but financially needy students to be in colleges and universities. Nationwide, our educational enterprise has now reached a total annual investment of $52 billion in Federal, State, local and private funds.

During nine of the past ten years I have been closely identified, as a Member of the Senate Committee on Labor and Public Welfare and its Subcommittee on Education, with the effort to expand the Federal responsibility in and commitment to the field of public education. Since the enactment of the first major Federal legislation in this field, the National Defense Education Act of 1958, which provided scholarship funds for teachers in several fields, the Congress has passed a broad range of legislation extending the scope of assistance throughout the entire range of our educational system.

The Federal effort encompasses four program groupings: construction, instruction and administration, teacher training and student assistance, and research. We have authorized and funded ten different construction programs; we have authorized and funded 56 programs relating to instruction and administration; 35 programs relating to teacher training and student assistance, and eleven programs dealing with research. All of these efforts come within the scope of the activities of the U.S. Office of Education. There are other programs relating to education under the jurisdiction of the Department of Labor and the Office of Economic Opportunity. This massive effort clearly demonstrates the level of commitment of the Federal government for improving the environment of our educational processes and system.

The advances of the past ten years have been real and significant—but they have not been sufficient. And they have barely dented the surface of certain areas of long term deficiencies. If education for individuality is to be more than an ideal, we must make it possible for all American youth to reach their full potential of growth—intellectually, morally, spiritually and physically. This opportunity is not yet provided for a substantial proportion of our young people—those whom I term the "invisible minority."

The American philosopher and psychologist, William James, wrote: "No more fiendish punishment could be devised, even were such a thing physically possible, than that one should be turned loose in society and remain absolutely unnoticed by all the members thereof."

Though American society has not consciously doomed any individual to such total rejection, there are two aspects of our contemporary American scene which I wish to appraise in relation to the educational challenge and the comment of William James.

Fifteen years ago the very perceptive Negro writer, Ralph Ellison, published a novel entitled "The Invisible Man." The title of this work was based on the author's premise that the white American majority does not really see the Negro as a person. The Negroes, according to Mr. Ellison, are viewed as statistics, perhaps, or as a group, but not as persons, and for this reason the Negro individual is invisible to the white majority.

I suggest that this is true, not only in relation to the Negro minority, but also in our relations with the American Indians of the west whom we have shunted off to reservations, and with much of our Spanish speaking minority. Unfortunately, a substantial segment of our young people also are characterized not by racial or ethnic differences but by emotional disturbances and behavioral disorders.

The problem of disturbed children has reached grave and dramatic proportions. It is estimated that there may be in this country as many as half a million youngsters with psychoses and borderline psychotic conditions and another million who are suffering from various other severe mental disorders. Studies made in several States indicate that about one child in 2,000 may need intensive, full-time treatment. Among school age youngsters, it is estimated that between ten and twelve per cent have moderate to severe emotional problems needing the attention of some kind of mental health services. An authoritative estimate is that less than one per cent of the disturbed children

in the United States receive any kind of treatment. And of these who are treated, only a small percentage receive professional help that is of the kind, quality, and duration to be effective and to really assist such children in their development and functioning.

Well over 500,000 youngsters are brought before the courts each year for the kinds of antisocial acts defined as symptoms of juvenile delinquency. Many of these youngsters have severe emotional problems which are reflected in their behavior and represent the crucial obstacle to their rehabilitation. Last year, while the number of American children in the 10–16 age group increased by 3 percent, the number of delinquency cases in this age group rose by 10 per cent.

The incidence of suicide among young people is also a matter of serious concern. The toll of suicide cannot be communicated by statistics. Bare figures indicate that suicide, for all ages, is the tenth leading cause of death in this country. Tragically, in the 15–19 year old group, it is the third ranking cause of death—exceeded only by accident and cancer. Adolescents of college age present the highest potential suicide risk group within the population. If this age group, suicide is the second ranking cause of death with the rate for boys twice as high as the rate for girls.

In the U.S. today, 14.8 million youngsters—or one out of 5 children under the age of 18—are growing up in a family under the poverty line. Of these, 5.7 million are in the pre-school category—under the age of six. The social, economic and psychological deprivations associated with poverty, community disorganization and inadequate schooling play a major role in the development or exacerbation of mental and emotional handicaps. These unfavorable circumstances of life have been found to have a distorting influence not only on mental growth, but also on personality development, the individual's self-sufficiency, and his ability to acquire an adequate adult role. Those who have contact with children in poverty estimate that one out of three youngsters receiving assistance under the Aid to Families with Dependent Children Program, or about a million children, have severe emotional problems that need psychiatric attention.

We have ignored these groups and individuals at severe cost—not only to themselves but to society as a whole. The price is reflected in the increasing costs of crime, delinquency, welfare, school dropouts and general anti-social behavior so prevalent today. The "invisible minority" is, in fact, becoming highly visible in often dangerous and inacceptable ways.

This is not a view of a "bleeding heart" or soft-headed liberal. I am talking common sense and dollars and cents. The problem in terms of hard cash is monumental. The cost of what we are not doing has reached staggering proportions. The "invisible man," like the invisible child, will be heard. No one can be ignored forever. He will attract the attention which he demands; if he cannot attract it favorably, he will attract it unfavorably. Our city riots in 1967 resulted in property damage of $\$1\frac{1}{2}$ billion. There has been no estimate of the income loss. How much education could we have bought for $\$1\frac{1}{2}$ billion?

In addition to service as a Member of the Committee on Labor and Public Welfare, I am Chairman of the Senate Committee on Public Works. This Committee is concerned with the long-term brick and mortar investments which we must make if we are to provide our nation with the infra-structure our complex economy needs to keep it on an operating level. Flood control projects typify the multipurpose objectives of such public works activities. We seek to control the adverse impact of floods on our physical environment and, at the same time, increase the productivity of the area in terms of agriculture, water power, recreation and the like. These projects are approved on the basis of a cost-benefit formula designed to justify the project in terms of its savings and its benefits in paying for itself over the life of the facility. My point in connection with education is the same. The long-term benefits of education will more than pay for themselves in terms of economic progress, stability and well-being over the life span of the individuals who compose our society.

The Committee on Public Works is also concerned with economic development in a more restricted or parochial approach. It is pursuant to legislation under our jurisdiction that efforts are being carried forward to revitalize the sagging economies of communities, counties, and states, as well as multi-State regions. We have learned some important lessons from these efforts. We have ascertained that the cost of these pockets of rural poverty has been great in terms of revenues never realized, incomes never earned. One of the major efforts being made to change the economic patterns of these areas involves emphasis on upgrading and expanding educational opportunity.

The leaders in these communities and areas have come to the conclusion that education must not be of the classical variety alone but, rather, that there must be provision for a meaningful technical education which will further the abilities for the people of the communities to become self-sufficient.

Looking at the problem of cost of inaction in another way, Dr. Karl Menninger, in his book, "A Psychiatrist's World," estimates that it costs $50,000 to train a psychiatrist, but that a good psychiatrist will save the community millions of dollars in returning to society many of those persons who would otherwise be non-productive. But the cost of treatment delayed will be outrageously expensive. As he stated, "Of the five hundred patients waiting to be admitted to Winter Hospital alone, as you sit here this very moment, perhaps a hundred will be able to get along some way even without treatment, and another hundred will become chronic custodial cases regardless of our efforts. But the fate of the other three hundred is equivocal. It depends on what happens. Adequately treated and restored, they may cost the government an average of $3,000 each—that is about a million dollars; too long deferred, left untreated, or unsuccessfully treated, many of them will become chronic, permanently disabled custodial cases—assuming an average life span of seventy years, they will cost the government $25,000,000."

I am talking to a convention of teachers and not the Fraternal Order of Police. I therefore talk of the role of the teacher and not that of the policeman. As teachers, your function is to teach the intellectual discipline of your particular subject matter or area of specialization. It is also, to a large degree, your responsibility—and partially because of the default of some of our other social institutions—to foster and stimulate in your pupils a sense of self-discipline, individual responsibility, and a regard for those basic cultural values which have given direction to American life.

Our reactions to our problems, it seems to me, have been indicative of the unique character of the American culture. After the sting of the Russian success with the first Sputnik, we re-oriented our technical and with a totality of effort which has resulted in substantial improvement in this aspect of our education system. We are reacting now to our knowledge of the impact of the deprived and invisible men on our society. "Headstart" has made some notable contributions in this area. In Washington, D.C., the Montgomery Elementary School, located in the heart of the worst of that district's ghettos, has presented a remarkably effective program for getting through to children who are the ones we traditionally call disadvantaged or retarded.

Lessons have been devised for stimulating these children mentally and educationally. And emphasis is placed on in-service training for teachers so that their traditional educational foundations for teaching is augmented in such a way that they will be able to successfully instruct children living in the ghettos and attending ghetto situated schools.

A unique aspect of the present challenge for the teachers is that, for the first time, many of our young people, consciously or unconsciously—and usually passively, but sometimes violently—have rejected the values and social attitudes which clothe "the American dream."

A sizeable proportion of our racial minorities became "alienated" from, or have rejected the basic values of the American majority. And many of our young people—of diverse racial and ethnic origins—also have rejected these values.

It is the task of the teacher to reach across this barrier of isolation and establish contact. And this contact must be so effectuated and structured as to substitute for the appeals to violence by an H. Rap Brown or a Stokely Carmichael and the "doctrine of nothingness" of the "hippies". Furthermore, this teacher liaison mission to reach across the barrier of isolation and establish contact includes the specific objective to inculcate an awareness of the meaning of self-discipline and individual responsibility and the acknowledgment that true individuality is an achievement, not a gift of this world.

SENATOR METCALF ON FARM FREIGHT RATES

Mr. McGOVERN. Mr. President, the junior Senator from Montana [Mr. METCALF] submitted a statement, dated October 12, to the Interstate Commerce Commission opposing freight rate increases petitioned for by the railroads.

The statement notes that the Department of Agriculture took the lead in offering evidence to the ICC that shows serious deficiencies in the railroads' data relating to cost increases, data on which they base their petition, and that agricultural products will bear a disproportionate share of increased charges.

The Senator suggests that since the ICC has been deaf to the USDA case on behalf of the farmers, perhaps the Congress can provide a forum for the evidence, which he so cogently summarizes in his statement.

I ask unanimous consent that Senator METCALF's statement be printed in the RECORD.

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

STATEMENT BY SENATOR LEE METCALF, INTERSTATE COMMERCE COMMISSION HEARINGS ON INCREASED FREIGHT RATES, 1967—EX PARTE 256—OCTOBER 12, 1967

Because of the importance of the investigation into this matter, I request that my remarks be included in the Commisison's record. Senator Mike Mansfield and Representative Arnold Olsen have reviewed this statement, concur in it, and ask that you be advised of their full support of the statements herein.

The petitioning railroads have asserted that they have incurred increased expenses totaling about $441 million yearly, caused primarily by increases in wages to their employees and higher prices of materials, and

that their need for increased revenues to offset these increased expenses is urgent. (Ex Parte 256, page 4). Before discussing the merits of these projected cost figures, I think it would be well to keep in mind the admonition contained in ICC Docket 34,013 in which the Hearing Examiner states at page 73:

"*Costing vs. ratemaking.*—A definite distinction should be made between the determination of costs and pricing or ratemaking. Cost analysis is essentially a fact finding process. True, this process and its results may differ, depending upon judgment factors and the intended objective. But, whether for the purpose of management or regulatory action, the principal task of the professional cost analyst or cost accountant remains the same—the development and presentation of the relevant factual cost data needed by the particular user thereof.

"Admittedly, costs are fundamental in price determination or ratemaking. None of the parties contends, however, that costs alone should be considered as the sole criteria for determining the lawfulness of rates. Nor does anyone advocate here that rate levels must invariably be based strictly upon costs."

Yet when I study Ex Parte 256, I find that the petitioning railroads have advocated just that position and to this date have been upheld by the Commission despite the fact that the Department of Agriculture and at least five Western State Commissions among others have answered the railroads on the merits with detailed arguments supported by ample statistics. I also take pleasure in noting that the Montana State Commission is among the five Western states which chose to raise its voice in protest. However, I feel compelled to note with displeasure the offhand manner in which the Commission chose to ignore this evidence: "The proposed increases sought by petitioners appear just and reasonable." (Appendix D, Sheet 5).

Farming has become more costly and less profitable despite our best efforts to achieve parity for the family farmer. According to President Leonard Kenfield of the Montana Farmers Union, we have lost more than 8,000 farm operators in Montana since 1950. The most recent census reported that there were 27,000 commercial farm operators in Montana. However, the University of Montana estimates that today that number is down another 4,000 to 23,000. These people are moving away from the farms and into the cities.

If this is not the proper forum for this evidence to be considered and weighed, perhaps the Congress of the United States can provide such a forum to those who have diligently sought to point out the obvious fallacies in the arguments set forth by the railroads. I shall take this opportunity to point out some of the evidence offered previously by the opponents of these increases, simply because to this date their reasons for their opposition have gone unanswered.

Evidence has been offered by the Department of Agriculture that demonstrates serious deficiencies in the railroads' data relating to cost increases. For example, projected 1967 payroll costs have been estimated by the railroads at an increase of $320 million. Historically, wage rate and fringe benefit increases have been numerous. However, the carriers' total payroll costs have remained relatively constant because of the continuing decline in total number of employees. This decline has continued through May of 1967. This fact was called to the Commission's attention by the Department of Agriculture as early as 3 July (Verified Statement of Edward F. Heitz), yet no consideration was given to this important fact in Ex Parte 256.

Moreover, the national economic outlook for 1967 indicates forward motion, or growth. This outlook refers to the Gross National Product which historically has proven to parallel industrial production. The Carriers' revenue has, in turn, proven to be strikingly complementary to the rise in industrial production. Yet the primary indicators for industry have been discarded in Ex Parte 256 for Gross National Product is not discussed.

With respect to the nature of the proposed increases, the Department of Agriculture has calculated that increased charges on agricultural products will approximate 42% of the total additional amount the carriers will receive in additional line-haul revenue. This will amount to $130 million annually. This is a disproportionate figure. Agricultural products, food, and farm supplies represented 23.7% of the total tons of all the commodities which originated in carloads by United States railroads in 1965. Moreover, this is a very substantial increase when compared to the treatment accorded these commodities in *Increased Freight Rates, 1958*. The amount authorized by the Commission at that time amounted to $25.8 million annually on products of agriculture, or 16.9% of the total line-haul increase (304 ICC 289 at 303). The carriers have not shown what circumstances justify this radically disproportionate treatment of agricultural products. They have not furnished the Commission with the "actual cost and revenue data * * * specifically related to the traffic * * * " as required by the Commission in *Increased Class and Commodity Rates, Transcontinental* (329 ICC at 420, 423).

The standard enunciated by the Commission in this recent motor carrier case must of necessity be applied to the rail carriers. At page 427 of *Increased Class and Commodity Rates*, supra, the Commission stated:

"The quantum of proof necessary to support an increase in motor carrier rates is different and heavier than in the years prior to 1963 * * *"

At page 422 the report states:

"Prior to 1962, the Commission approved several general increases, often without detailed investigation. The general increases of the respondent motor carriers generally followed, and in certain ways supported the increases required by the railroads to maintain their service. * * * The straitened condition of the Nation's railroads generally improved by the 1960's. While approving a general increase of the respondent motor carriers in 1963, we admonished that we were not satisfied with the quantum of evidence produced and stated:

" 'There is criticism that the respondent's evidence does not reveal in sufficient detail the extent to which their revenues and expenses are related to the transcontinental traffic on which the increases apply, and that some of the carriers providing data do not appear to move a substantial volume of such traffic. * * * In the future, studies should be made which reflect the revenues and expenses and their relationship to the specific traffic on which the increases are to apply.' "

The average income of farm people is only about ⅔ as high as that of nonfarm people. Prospects for this year point to a downturn in farmers' net income with costs rising and prices received by farmers lower than in 1966.

Farm prices in 1967 on the average, are running below 1966. The probability that farm production expenses will rise again this year to a record high level over $34 billion indicates a decline in realized net farm income of possibly 5 percent or more. Prices paid by farmers for production items, interest, taxes and wage rates are running 3.5 percent above a year earlier, and the persistent uptrend of past years is expected to continue.

Increased transportation costs for farm products would result either in lower prices to farmers for these products or higher consumer prices for food or some combination of both. Lower prices received by farmers directly affect farm income. Higher costs of farm production inputs also affect farm income directly. Higher consumer food prices affect farm income through adverse affects on the demand for farm products.

There is a large disparity between the average disposable personal income of farm people and of nonfarm people. For example, in 1966 the per capita disposable personal income of the farm population from all sources, farm and nonfarm, was $1,731 compared with $2,618 for nonfarm people. The situation this year points to a widening of the gap even without any increase in freight rates.

An alternative way of looking at the position of agriculture is to compare the gross national product originating in agriculture to the total gross national product. This farm GNP equals the value added in agriculture or the total value of output less the cost of intermedite product consumed. In other words, farm GNP represents Agriculture's contribution to the Nation's economic activity. Farm gross product has risen from $20.5 billion in 1960 to $24.8 billion in 1966. But, farm gross product as a percentage of total GNP has declined from 4.1 percent in 1960 to 3.4 percent in 1966. Contributing to this decline generally over the period 1960–66 is the fact that the nation's farmers have been faced with decreasing farm prices and rising production costs, which really means that agriculture has not fared as well as the rest of the economy since 1960. The proposed increase in freight rates which would apply disproportionately on agriculture will cause farm gross produce as a percentage of total GNP to show a further decline this year.

The Northern Pacific Railroad has announced plans for possible discontinuance of one of its principal passenger trains (the Mainstreeter), because of anticipated loss of revenue due to a decrease in railway postal service. The proposed freight rate increase would bring the railroads much more in revenue than it forecasts would be lost due to the change in postal service. Surely if a substantial freight rate increase is granted to railroads, their already dubious proposal for reduction in passenger service will be further weakened. I think the Commssion should determine whether or not the present proceeding provides sufficient revenue for the railroads to continue and improve passenger service.

Important evidence has been presented in opposition to these increases that has not been answered by this Commission thus far. I trust that before a final decision is rendered by the Commission a full discussion of the evidence presented by both sides will be dealt with and made known to all concerned. Ex Parte 256 falls far short in this regard.

In closing I would point out that the Department of Agriculture has contributed significantly to this proceeding through its presentation against the freight rate increase. The Department has been subjected to some criticisms for actions in behalf of consumers of agricultural products; in this case the Department certainly acted in behalf of agricultural producers. I regret that the Department of Transportation was not in a position to represent more effectively the persons who will be adversely affected by this proposed, inflationary rate increase. I hope that in the future the Department of Transportation can take a more active role before the Commission.

A RIGHT TO BREAK THE LAW

Mr. LONG of Missouri. Mr. President, Mr. John C. Neely, Chief of Investigations Branch, Division of Audits and Investigations, of the Social Security Administration, has written a very interesting article which was published in the August–September issue of Trial magazine.

I invite to the attention of Senators

Mr. Neely's comment that if the President's proposed Right of Privacy Act—S. 928—is passed, "it will not handicap truly professional investigators." Mr. Neely speaks not only as Chief of the Investigations Branch of the Social Security Administration, but from 22 years of experience in the field of criminal investigation. He testified earlier this year before Subcommittee on Administrative Practice and Procedure, of which I am chairman, and impressed us with his sincerity.

I ask unanimous consent that the article entitled "Wiretapping: A Right To Break the Law?" be printed in the RECORD.

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

WIRETAPPING: A RIGHT TO BREAK THE LAW?

(By John C. Neely, Chief, Investigations Branch, Social Security Administration)

(NOTE.—Mr. Neely prepared this article in his private capacity. No endorsement or support by the Departure of Health, Education, and Welfare or the Social Security Administration is intended.)

Much debate has ensued at the Senate Subcommittee on Administrative Practice and Procedure hearings of the alleged difficulties in investigating hoodlums and racketeers if the federal government (through the President's proposed Right to Privacy Act) halts, restricts, or controls the manufacture, sale, and use of electronic listening devices and other mechanical and electrical gadgets, increasingly employed by enforcement people in recent years. While certain illegal activities (obscene phone calls, for example) cannot be investigated without the use of listening devices, the President's bill leaves the door open for the use of such equipment in this type of case and in cases involving national security.

But the use of wiretaps and "bugs" has not been restricted to solving such crimes; the growing use of wiretaps in investigating not only racketeers, but nearly every other class of lawbreaker, has come about because:

The persons assigned to investigate them lack education and training in other investigative techniques;

"Spy-type" gadgets have been miniaturized and have become more readily available in the last few years;

Many enforcement people find it easier to listen to telephone calls in the basement of an apartment house than to use other techniques to aid in solving a crime.[1]

Many experienced investigators do not share the feelings of a number of law enforcement officials that pending legislation and recent decisions of the Supreme Court relating to custodial interrogation and other aspects of criminal law will cripple investigators or that these are nit-picking technicalities affording more protection to the hoodlum and the criminal than to the average law-abiding citizen. These dissenting investigators believe, rather, that such opinions have come about as a result of:

A lack of true professionalism among enforcement people;

Increasing invasions of privacy, use of gadgets, and disregard for the rights of suspects on the part of enforcement personnel;

Public resentment resulting from disclosures relating to improper investigative methods.

Much evidence shows that the use of eavesdropping devices in recent years has grown all out of proportion to the increase in the type of crimes which, allegedly, cannot be solved without them. Many major crimes of this century were solved before such devices were developed. Unfortunately, too many law enforcement people have resorted to the wholesale use of such equipment as a shortcut or as a method of overcoming personal deficiencies in general education or broad training in their field.[2] Investigators with ready access to electronic listening or eavesdropping devices have become addicted to their use and lean on them as a crutch even in cases solved more readily with other techniques.

As the caliber of enforcement personnel improves, the process of gathering acceptable evidence to support criminal prosecutions will be accomplished more and more through the use of brain power and less and less through the use of electronic and mechanical gadgets.[3] This is what constitutes the great challenge to people interested in an enforcement career. Enforcement personnel must be better educated and better trained than the criminal.

Each member of the investigative staff at Social Security Headquarters in Baltimore holds a college degree and a law degree. In addition, two of the investigators are expert accountants. All have had intensive investigative experience and training. All have had social security program experience or training, as well.

Since April 1959 the staff has investigated several hundred cases, dealing with all kinds of people—from the college educated to the illiterate; the corporate executive to the skidrow wino; the couple celebrating their golden anniversary to the hardened criminal. No kind of electronic listening devices, wire taps, or other electrical or mechanical gadgets were used. Nor were tape recorders or two-way mirrors used. But their investigations were not hampered because such devices were not employed.

Probably no experienced investigator would be unalterably opposed to every use of electronic and mechanical investigative aid; testimony before the Subcommittee may demonstrate that their use by some enforcement groups is essential to solve certain types of crimes. But, all should decry what appears to be a cancerous rationale in law enforcement circles that, when an investigator breaks the law (by trespass, for example) to enforce the law, the investigator's defense should be nothing more than a raised eyebrow.

Investigative authority must frame its own policy and set its own high standards so no court revision or restrictive legislation is needed. More education and training are required as the field develops. There is no such thing as a truly professional investigator who has not been schooled and equipped to secure and evaluate evidence without violating anyone's legal or constitutional rights to obtain it.

If the President's bill is passed, it will not handicap truly professional investigators. Refinements in the law must be accompanied by alert investigators with a thorough, practical knowledge of criminal law and pertinent rules of evidence. In enforcement work, there is no place for the semi-professional.

[1] "It may be easier to catch . . . (certain criminals) . . . by wiretapping than by other methods. But law enforcement also would be easier if we could use torture, general search warrants, mass arrests and indefinite police detention . . . The difficulty is that we destroy exactly what we are seeking to preserve when we try to protect democracy with totalitarian tools." Norman J. Small, Legislative Attorney, American Law Division, The Library of Congress Legislative Reference Service, in "An Appraisal of the Legal Issues Arising from Use of Wiretapping and Eavesdropping," January 27, 1967.

[2] In a dissenting opinion (343 U.S. 761–62), Mr. Justice Frankfurter said: ". . . sanctioning such a 'dirty business' (electronic eavesdropping) makes for lazy and not alert law enforcement. It puts a premium on force and fraud, not on imagination, enterprise and professional training. These shortcuts are self-defeating and immoral."

[3] Many years ago wiretapping was described by FBI Director J. Edgar Hoover as "archaic and inefficient and a handicap or barrier in the development of a sound, ethical investigative techniques." See 53 Harvard Law Review, 863–70, 1940.

THE LATE SENATOR ALEXANDER WILEY

Mr. FONG. Mr. President, I wish to pay tribute to the memory of a distinguished former colleague, Senator Alexander Wiley, who passed away last week when he was 84 years young.

I say "young" because, despite his years, he had a youthful optimism and a youthful zest that defied the calendar.

When I first came to the Senate in 1959, Alexander Wiley had long been a patriarch in the Senate and in his party. The only Senator from his State of Wisconsin to be elected to four full terms, Alexander Wiley had attained an imposing rank of leadership.

High on the ladder of important committees, he served as chairman of the Committee on the Judiciary in 1947 and 1948 and as chairman of the Committee on Foreign Relations in 1953 and 1954.

Yet despite his high rank, he remained a jovial man of homespun qualities that endeared him to the people of Wisconsin and to his colleagues as well. He was a man of great good will and kindness and will be remembered with affection and admiration.

Alexander Wiley served his Nation during times of crisis, and he served well. He shook off traditional Midwestern isolationism and conservatism to espouse international foreign policy in full recognition of the need for America to assume a position of world leadership.

A stanch advocate of bipartisan foreign policy, he gave both President Truman and President Eisenhower valiant and valuable backing on the Marshall plan, the North Atlantic Treaty, the United Nations, foreign aid, and world peace efforts.

And he played a great role in making a longtime dream come true: the St. Lawrence Seaway, which opened the heartland of America to ocean transportation. One of the canals in this vast system bears his name, and a fitting memorial it is.

My wife Ellyn joins me in saying a fond aloha to Alexander Wiley and in extending our deepest sympathy to Mrs. Wiley and the family.

THE 1967 MENORAH AWARD TO SENATOR TYDINGS

Mr. BREWSTER. Mr. President, last week I enjoyed the privilege of participating at a dinner in Baltimore in honor both of the B'nai B'rith organization and my good friend and colleague the junior Senator from Maryland [Mr. TYDINGS].

At that dinner, one of the most distinguished jurists in Maryland and the country, Judge Simon E. Sobeloff, of the U.S. Fourth Circuit Court of Appeals,

delivered some remarks on subjects of interest to us all.

I ask unanimous consent that Judge Sobeloff's comments be printed in the RECORD.

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

ADDRESS BY SIMON E. SOBELOFF, U.S. CIRCUIT JUDGE, GIVING THE 1967 MENORAH AWARD TO SENATOR JOSEPH D. TYDINGS, NOVEMBER 1, 1967

We are assembled to celebrate an occasion and to pay tribute to a man. The occasion is the One Hundredth Anniversary of the Fifth District Grand Lodge of B'nai B'rith. The man is Senator Tydings.

We feel that there is a genuine relationship warranting our linking the two purposes. Although the Senator is not a member of the B'nai B'rith—that is to say he is not a Son of the Covenant in the technical sense, he is an exemplar of the spirit of B'nai B'rith, and we want to do him justice. When we have finished, I know he will not respond immodestly as one man did after hearing himself extolled. He said: "My friends you but do me simple justice!" The Senator of course will not say it, but we do. I shall return to him presently, but as the toastmaster has also charged me with the responsibility of speaking about the B'nai B'rith, I turn to it first.

B'nai B'rith is almost unique in at least one respect: most international organizations orginated abroad and are an import to these shores. B'nai B'rith, on the other hand, is a native American product which has spread to forty countries throughout the world. It is interesting to look in on its organization meeting, which took place in New York City 124 years ago.

In October 1843, twelve Jewish immigrants from Germany, none of whom had been in this land more than 10 or 20 years, met in a little jewelry shop in the Eastside of New York and formally banded themselves together. Most of them were small merchants—they were not rich men—though there were others in the community who were poorer. A few among them were recognized as intellectuals. All had a good measure of Jewish loyalty and public spirit. One of their aims was mutual aid, but they also wished to do something about their small community's economic, educational and cultural problems. The leader apparently was a man named Jonas, anglicized to Jones. From the first they envisaged the growth of their organization. In fact the minutes of their initial meeting record that they planned to establish branches in other cities. To finance their endeavor, each advanced $5 and the minutes soberly add the words "which would be refunded."

At the second meeting, less than 10 days later, Henry Jones and William Renau submitted a draft constitution. They adopted the B'nai B'rith name and its symbol—the menorah, the symbol of light—after the menorah which stood in the Temple in Jerusalem. This is a manifestation of the loyalty that has endured twenty centuries and which was so dramatically demonstrated since the Six Day War of last June in the great rejoicing at the Wall of the ancient Temple in re-united Jerusalem.

The founders of B'nai B'rith also adopted the motto "Benevolence, Brotherly Love and Harmony"—which is still in vogue. And they declared their fundamental mission (a very lofty and ambitious one) of "uniting Israelites in the work of promoting their highest interests and those of humanity; of developing and elevating the the mental and moral character of the people of our faith; of inculcating the purest principles of philanthropy, honor and patriotism; of supporting science and art; alleviating the wants of the victims of persecution; providing for, protecting and assisting the widow and orphan on the broadest principles of humanity." This was a remarkable undertaking for them and the ensuing years testify to the measure of their and their successors' achievement.

From some of the quaint early records we learn how they concerned themselves with details of ritual and regalia—now wholly discarded—and with organization plans. They put much more store in regular attendance at meetings than we do, for we read that members were fined 25¢ for non-attendance. A primitive form of aid to the poor was adopted. A system of insurance benefits was installed but after some years it was abandoned. Today we take for granted the friendly mingling in the B'nai B'rith of Orthodox, Conservative and Reform Jews, but in that period there was considerable tension between the groups. And since they were human, it may as well be confessed that there was a degree of condescension toward each wave of new immigrants on the part of those who had arrived only a few years earlier. Nevertheless there was a genuine concern for the newcomers to assist them in getting settled, learning a trade or setting up a business, and in promoting their Americanization.

Protesting persecution of other lands is an activity that may be traced back to B'nai B'rith's earliest years. When, for example, the Swiss government in the 1850's discriminated against Jews denying them recognition even when they held American passports, we find B'nai B'rith interceding with Senator Henry Clay and Secretary of State Daniel Webster who promised to take this into account before approving a pending treaty between Switzerland and the United States. Later, during the administration of President Taft, Congress actually passed a Resolution calling for the termination of treaty relations with Czarist Russia because it would not honor American passports issued to Jewish citizens. There have been other such instances of discrimination, and the pattern is still in vogue, as our guest of honor can testify, for he has personally interceded in an effort to obtain an amelioration of Russia's treatment of its Jews. Indeed, he has been helpful in at least one instance in arranging for the Russian Government to permit the departure of a few individuals in order to join their kinfolk in the United States. How sad it is that mighty governments, in this age, follow such illiberal policies and that an extraordinary effort is required to obtain a measure of relief in an isolated case here and there!

B'nai B'rith program was expanded over the years and resulted in the establishment of hospitals, orphanages and a whole network of services in war and in peace, for the benefit of Jews and non-Jews. Whenever and wherever disaster struck, this organization has done what it could to relieve the victims. In recent years B'nai B'rith has been engaged in USO work for soldiers and it has given powerful support to the sale of Israeli bonds. In respect to the establishment of the Jewish homeland, I have seen in my own lifetime, as a member of B'nai B'rith, a complete reversal of attitude. In the early days, Zionism was opposed by many members who misunderstood the movement. Some thought it impractical, others considered it unnecessary. To avoid disharmony, it was then deemed expedient not to mention the subject at Lodge meetings. History, however, has clarified the situation and provided its own irrefutable answer which B'nai B'rith now fully accepts. We are avowedly, unashamedly, even enthusically, committed to the idea and the program of assisting the State of Israel in its valiant struggle for survival, recognizing both its humanitarian claims and its role as spiritual center for our people.

As the organization attained maturity, it gradually shed the elaborate trappings of ritual and the so-called secrets common among fraternal orders. Today it emphasizes a wide variety of services in the Jewish and the general community. The struggle against oppression of Jews in other lands and the manifestations of bigotry surviving even in our own land are a special concern of the Anti-Defamation League, founded by and still affiliated with B'nai B'rith.

The little band of 12 who met in the jewelry store on the Eastside has grown to its present strength of over 200,000 male members, 130,000 members of the Women's Auxiliary and 50,000 of Youth organization. The Hillel Foundation and the A.Z.A. serve more than 350,000 students.

A great historic service was performend by B'nai B'rith in connection with the prompt recognition of Israel by the United States. Quite fortuitously, President Truman had served in an artillery unit in the First World War with an obscure young Jew, Eddie Jacobson. When they were discharged from the army they set up a little haberdashery business in Kansas City, Missouri. Their friendship flourished, even though their business enterprise did not. When Israel declared its independence in 1948, and Jewish organizations insistently sought favorable action by the United States, it was found that certain elements in the State Department were unsympathetic, and even Mr. Truman was annoyed by the pressure. He refused for a time to receive any more visitors who sought to address him on the subject. Yet the matter was urgent and the anxiety of Israel's friends is understandable.

Frank Goldman, President of the order, happened to learn that Eddie Jacobson, the lifelong friend of the President, was a member of B'nai B'rith Lodge. Jacobson was asked to intercede with the President to allow Dr. Chaim Weizmann, later the first President of Israel, to visit the President in the White House. Jacobson was at first reluctant, for he did not wish to presume on his friendship, pleading that he knew little of such affairs; but finally he was persuaded and did avail himself of the open door—open to him—at the White House. The meeting between President Truman and Dr. Weizmann was arranged; Truman's reservations were quickly overcome by the logic and justice of Dr. Wiezmann's presentation of the question. When the President understood the issue, he personally announced U.S. recognition of the new-born Israel, without waiting on the dilatory State Department. Thus, in a single hour did Mr. Truman achieve true immortality in Jewish history.

He has since repeatedly expressed deep satisfaction with the role he played then. It was a crucial act, coming when it did. Russia and other nations promptly followed suit. Unhappily, Russia's later attitude has been less benign.

There is not time to relate the whole story of B'nai B'rith activity through the dozen decades of its existence. In summary, it has been a glorious record of achievement. In days of tranquillity and more often in days of turmoil, in prosperity and depression, in good times and bad, it has fought ignorance and bigotry, aided the causes of the oppressed, both Jewish and other. It has not been narrow in the pursuit of justice but has grappled with many problems in many places, striving according to its lights to advance the mission the 12 founding fathers took upon themselves, to promote the highest interests of the Jewish people and those of humanity.

So much for the sponsoring body; I must return to the subject of our tribute. You will readily perceive how natural it is for B'nai B'rith to select Senator Tydings for special honor, for he has evidenced a commitment to the same broad humanitarian principles which have inspired and guided it.

Woodrow Wilson said that in the first year of a man's government service in Washington, he either grows or swells. And Wilson added, with a touch of malice, that it would be a good thing if those who swell would burst. Joe Tydings did not swell; he has grown magnificently. Indeed he was no novice when he entered the Senate for he was nurtured in the atmosphere of that branch of the Government. From his father, Millard Tydings, who was a Senator from Maryland for 24 years (longer I believe than other Marylanders), he learned not only the workings of the government apparatus, but he absorbed the gallant spirit which animated his father. In less than three years he has carved for himself a remarkable zone of activity and usefulness. He has shown the high quality of his mind and a degree of imaginativeness, industry and perserverance that excites admiration. In so short a period he has achieved a stature and influence that few men have attained in much longer service.

His modest biography in the Congressional Directory does not begin to tell the story. From it we merely learn that he is a lawyer, that he served as U.S. Attorney for the District of Maryland, is a senior warden of his church and is married and has three children. It is almost as laconic as the biography of another Maryland statesman—George Konig. He wrote of himself, "George Konig, Congressman from the Third District of Maryland, married and lives with his wife." Joe can claim that too, and more.

As soon as he entered the Senate he made it his special area of responsibility to work for improvements in the federal judicial machinery. It is a field that had not been too assiduously cultivated. He became chairman of a sub-committee of the Senate Judiciary Committee dealing with these matters. He endowed the sub-committee with life and vigor, conducting comprehensive studies, surveys and examinations of many aspects of the federal judicial system, and he has sponsored several important pieces of remedial legislation. This is not a meeting of the Bar Association, so I shall not stop to list details. It is enough to say that he has looked into such matters as jury selection to insure fair trials; has given attention to the knotty question of retirement or disciplining of federal judges whose behavior, or physical or mental condition warrants it; he has striven for significant reforms in the administration of federal courts, concerning himself with the problem of assuring fair trials consistent with freedom of the press; the appelate review of sentences; the proper disposition of cases involving defendants who are insane, etc., etc., etc.

Our honored guest cherishes the notion that the Constitution and the Bill of Rights are not merely ceremonial proclamations to be glorified on the Fourth of July and forgotten every other day. He believes deeply and passionately that the spirit of those documents must infuse the daily work of courts and judges.

But the Senator has looked toward wide horizons in still other directions. Last year he visited Russia and other countries in Asia and Africa to observe their legal institutions and to learn about matters of special interest to us because of Russia's treatment of its Jewish population. And most recently he has expressed himself forthrightly on the Arab-Israeli war. He discountenances any trumped-up arrangement which is less than a real peace settlement or which tolerates overhanging shadows of continued threats, infiltration, sabotage and violence by Israel's Arab neighbors even as they demand a restoration of what they lost by initiating the war.

In a word, Senator Tydings is a man of the broadest interests, blessed with a vigor of mind, warmth of heart, and grace of manner that have set him on a course altogether compatible with B'nai Brith's ideals.

For these good reasons Menorah Lodge is delighted to honor Senator Tydings, to express its regard and good will and to give him its 1967 Menorah Award.

THE PUNCHCARD SNOOPERS

Mr. LONG of Missouri. Mr. President, the October 16, 1967, issue of The Nation magazine contains a highly perceptive article on the potential invasion of privacy which the "data bank" might create.

Phil Hirsch, Washington correspondent for Datamation magazine, wrote the excellent article entitled "The Punchcard Snoopers." I ask unanimous consent that it be printed in the RECORD.

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

DATA BANKS: THE PUNCHCARD SNOOPERS

(By Phil Hirsch)

(NOTE.—Mr. Hirsch is Washington correspondent for Datamation Magazine, a leading computer industry trade publication. He has written extensively about the social and technical aspects of automation.)

WASHINGTON.— "The information that you are required to furnish is held confidential by law. Your census report cannot be used for purposes of taxation, investigation, or regulation."

So stated the director of the Census Bureau on the front page of every 1960 census form. Below his signature, the message was repeated in slightly different language. Yet, since 1960, the Bureau has distributed detailed statistics, summarized from individual census questionnaires, to hundreds of companies, trade associations and government agencies, without determining what those statistics would be used for.

In 1963, the American Medical Association sent the Bureau a list of 900 physicians living in Chicago and the rest of Illinois. Census pulled the returns of 188 doctors, then summarized their incomes. The report sent to AMA was classified into more than two dozen income categories. The number of doctors within each group was further subclassified by type of medical specialty (general practitioner, internist, surgeon), as well as by area of residence (inside and outside Metropolitan Chicago).

Census officials insist that selling this information to AMA didn't violate anyone's privacy. They maintain that there is no way of telling, from the statistics, which of the 900 individuals in the original list were included in the sample. But the message on the front cover of the 1960 census questionnaire says nothing about summarizing and selling the information inside. It clearly implies the opposite.

Actually, the Bureau can't really know if the AMA tabulation violated anyone's privacy because it simply accepted the association's statement that the data was needed for a study of physicians' incomes. Other orders for census statistics are also filled without being investigated.

Instead of investigating, warnings are issued—possibly in the hope that they will make the investigations unnecessary. The annual catalogues issued by the Census Bureau tell prospective purchasers of special tabulations that "the purposes for which such tabulations are obtained must not be contrary to the public interest, nor must they be used to give unfair commercial or other advantage to any person or group."

Among the Bureau's customers during the past few years was an advertising agency that wanted to know which areas of the country contained a high percentage of teenagers; the agency was promoting "Do-It," described as "a teenage dance fad item." An insurance company, seeking prospects for its personal accident policy in New Mexico, asked for data on Indians and persons with Spanish surnames. Another ad agency sought help in locating families with specified incomes, who would make good credit-card customers for stores and oil companies. A Boy Scout group wanted to improve its fund-raising activities, while an electrical products firm asked for family income data that could be used to "evaluate" its pay structure.

". . . I am sure that the Census (Bureau) can get from our members, in some cases, information which they probably wouldn't give to the (American Textile Manufacturers) Institute," said R. B. Brandis, an ATMI executive, when he appeared before a House subcommittee in 1964. This is one of the few times the propriety of the Bureau's special tabulations has been referred to in public. What Brandis said raises a rather chilling prospect. For if the Bureau is distributing information to third parties which they couldn't legitimately get on their own, it is a stool pigeon, not a statistical service agency.

The fees charged for these tabulations cover "the total incremental cost . . . of extracting the data from the files and preparing the tabulations," Census Director Ross Eckler told the subcommittee last year. He neglected to add that the preceding steps—collecting data from each household and processing it into extractable form—are far more expensive and are subsidized by the taxpayer. Just the first job, data collection, represented more than two-thirds of the cost of the 1960 decennial census.

Special tabulations are by-products of the data that produces published census reports, explains a Bureau official; he argues that if there were no tabulations, the same information would still have to be gathered in the field by census enumerators. Hence, the Bureau doesn't feel right charging users of special tabulations for field work.

But the business firms and trade associations that purchase special tabulations have originated many of the census questions added in recent years, so this program must have increased the complexity and expense of census collection and data processing.

Several other federal agencies—notably the Internal Revenue Service, Federal Housing Administration, Small Business Administration and Department of Agriculture—sell aggregate statistical summaries to public and private organizations. The individuals who supply this information, like those who fill out census questionnaires, are always assured that what they tell the government will be kept strictly confidential.

In November, 1964, IRS tabulated the adjusted gross incomes of 5,000 subscribers to the New Jersey Blue Shield Plan. Separate income figures were presented for family and single person subscribers, for those enrolled under group contracts, and for those paying premiums directly. From this analysis, New Jersey Blue Shield developed a proposal in 1965 to increase rates for middle-income subscribers. It was never adopted, but only because the plan's trustees, a majority of whom are doctors, found a better alternative: in October, 1965, they authorized a 6 per cent increase in the fees paid to participating physicians, causing a run on the plan's financial reserves during 1966 which forced the state to grant Blue Shield an overall 12 per cent increase early this year.

IRS and the other agencies do a relatively small amount of statistical tabulating for outsiders. But at the Census Bureau, this is a big business. As Robert Voight, a special assistant in the Bureau's office of research and development boasted last March, in a speech to the American Bankers Association: "In financial terms, the revenue from tabulations and other statistical work done to fill special requests has equaled the total ap-

propriations for the current Bureau program for several years, and this year will exceed that figure by a substantial margin." (The Bureau's fiscal 1967 appropriation totaled approximately $25 million.)

This business should grow considerably because the Bureau is busily refining its statistics and procedures to improve its service. Here is Voight telling the ABA about the major changes planned for their benefit in the 1970 census:

"We expect to provide much greater geographic flexibility. We will identify data down to the individual side of a city block so that it can be grouped into any geographic configuration you call for. Also, we expect to identify these block sides by coordinates of latitude and longitude. This will open up a whole new area of potential value to marketers. For example, you could ask us to give the characteristics of the population and housing in one mile circles from your bank location or from a prospective bank location. We will be in a position to map cities for you in square miles grids or other configurations on the computer, to geographically display the characteristics of such areas, to provide a land and housing value chart, commuting patterns, new housing, old housing, deteriorated housing, et cetera. Some of the future possibilities are quite exciting. . . ."

To exploit this new capability, all the customer will have to do is give the Bureau a list containing the names and addresses of the individuals he wants to know about; a computer will then retrieve the corresponding records and summarize their contents automatically.

These "matching studies" could be made previously, but they had to be done manually, were restricted to a few large cities, and usually failed to match a substantial number of names on the customer's list. Computerization, together with the widespread use of mailed census questionnaires in 1970, is expected to reduce these shortcomings and increase the commercial appeal of matching studies substantially.

If the "data bank" proposed by the Bureau of the Budget materializes, matching studies will become even more useful. The Budget Bureau wants to set up a computerized storehouse encompassing the statistics collected by twenty federal agencies, including Census. The information would be converted into a standard format, permitting figures collected by different agencies to be related, and enabling users—government officials, scholars and businessmen—to combine the information in new ways. This can't be done now because the data collections of most agencies overlap and the boundaries are murky. (See "National Data Center: The Computer vs. the Bill of Rights" by Anthony Prisendorf, *The Nation*, October 31, 1966.)

Several other data banks are already in operation, or planned. According to *EDP Weekly*, an electronics industry trade publication, a nation-wide computerized network designed to help keep undesirable drivers off the highway is being developed within the Department of Transportation. Each state will feed in the records of individual drivers whose licenses have been revoked; all states then will be able to check their driver license applications against this file, routinely and instantly. The basic idea is to prevent a driver who loses his license in one state from getting relicensed in another. Who will have access to this information has not been disclosed.

New Haven, Conn., is developing an IBM system which, according to *U.S. News & World Report*, "will produce facts and figures about anyone" living in the city. Credit bureaus are merging their records at a frenetic rate. Some region-wide data banks are in operation, and by 1972 the Associated Credit Bureaus of America plan to have a nation-wide network.

A few legislators—notably Rep. Cornelius Gallagher of New Jersey, Rep. William Green, Jr., of Pennsylvania, and Missouri's Sen. Edward Long—have wondered out loud whether galloping computerization is hurrying the nation toward an Orwellian society. Gallagher has suggested that the Budget Bureau's proposed data bank could collect individual dossiers and make their contents accessible to anyone with enough political clout. He has succeeded in getting the whole idea shelved, at least temporarily. Meanwhile, the Census Bureau has been persuaded not to ask each person for his religion and social security number in 1970.

Very little has been said, though, about another aspect of the privacy problem which could be just as much of a threat to the individual as a computerized dossier.

The nature of this threat is suggested by a computerized system developed recently at MIT to evaluate consumer loan applications. It is based on "population subsets"—discrete groups of borrowers, residing within particular areas, whose purchasing and payment habits are measured statistically, then cross-classified by income level, family size and various other characteristics. The resulting statistical profiles provide yardsticks for evaluating the people who apply for loans. Matching each applicant with "his" population subset allegedly will indicate whether he's a good or a bad credit risk.

This idea has great appeal for "credit grantors" as they are called in financial circles. Their primary goal is to maximize profit at minimum risk, which means locating a large number of "responsible" borrowers as efficiently as possible. If a computer is able to reduce the costs of existing evaluation procedures (and there is little doubt it can), that is sufficient justification for computerization. Presumably, the new system should also have a better batting average than the old one. But the definition of a "responsible" borrower is flexible, so this judgment depends largely on the judge.

As credit bureaus merge their records into regional and national data banks, systems like the one developed at MIT could encompass more and more credit grantors and more and more borrowers. The physical relationship would change also. Now, when an individual applies for a loan or a charge account, he often has a chance to persuade the credit manager to overlook a doubtful record. In a few years, the borrower's fate is likely to be decided in micro-seconds by an electronic oracle installed on a remote Olympus.

Some credit managers probably will continue to rely mainly on their judgment. But many won't. For denying a man credit in a society where credit is indispensable is a big responsibility.

Many applicants who don't conform to the life pattern programed into the credit bureau computer complex will undoubtedly alter their habits. The others simply will be denied credit, on the basis of guilt by association, because they belong to a wrong population subset.

In the automobile insurance industry, guilt by association already has been honed into a valuable marketing tool. The House Judiciary Committee recently began inquiring into the widespread practice of canceling policies "without sufficient justification, and often on the basis of whimsy or flimsy excuse." The inquiry was announced July 10. In the next ten days, the committee received more than 120 complaints from individuals who claimed they had been denied coverage, or had been forced to pay excessive premiums because of age, sex, color, economic background or place of residence.

Not all businessmen have the resources of the insurance companies, or the same power to extract personal information from their customers. The Census Bureau is amply endowed with both, however, and is more than willing to put them at the service of business.

The 1970 census will, among its other questions, ask for detailed figures on individual income—farm and non-farm earnings, interest and dividend income, welfare payments, unemployment and other insurance benefits. Women will be asked how many babies they ever had. Those individuals born after April, 1953, will report whether they worked at any time in the week preceding the census, and if so, how many hours, where the employment was located; how the individual traveled there; whether he was absent at any time during the week because of illness, vacation or other reason; whether he was looking for work, was unemployed or laid off; the name of his employer; his occupation, duties and job title. There will be equally detailed questions on marital status and living accommodations. Those who rent homes or apartments, for example, will have to tell how much they pay the landlord, what they spend on utilities, and what appliances they own.

Most of these questions will be asked to only a sample of the population. But this shouldn't stop the Census Bureau's computers from massaging the data into matching studies tailored to the individual needs of its customers. While names will be kept confidential, the rest of the information on each census questionnaire will be an open book. Pitchmen of all types and moral complexions will be led straight to their marks, and the marks will pay most of the bill.

SECRETARY UDALL ON THE DEMOCRATIC RECORD

Mr. McGOVERN. Mr. President, on October 21 the distinguished Secretary of the Interior, Hon. Stewart L. Udall, addressed the Midwestern Democratic Conference in Rapid City, S. Dak. That enthusiastic audience received the Secretary warmly, and he in return gave what I consider to be an outstanding address.

No one is better able to relate the domestic triumphs of the Johnson administration than Stewart Udall. With typical Western openness and candor, he simply related the unsurpassed record of legislation and administrative accomplishments of a Democratic Congress and a Democratic administration.

I ask unanimous consent that the text of his remarks be printed in the RECORD.

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

EXCERPTS OF REMARKS BY SECRETARY OF THE INTERIOR STEWART L. UDALL AT THE MIDWESTERN DEMOCRATIC CONFERENCE, RAPID CITY, S. DAK., OCTOBER 20, 1967

I am intensely pleased to be with you tonight.

First, because I always enjoy the company of Midwestern Democrats. No other Democratic Conference surpassed your 1964 record. They couldn't. Your 14 States scored 164 electoral votes to none for the opposition.

Second, because I want to express my conviction that in the time of testing next year, you again will lead the way in the voting for our Party and our President, Lyndon B. Johnson.

When the prospective flesh and blood candidates of the opposition are judged against President Johnson, the strength of our Party and our President is overpowering.

There are no Republican platform proposals that stand comparison with our record of the seven years past or our aims to continue that progress.

And there are no opposition candidates, declared or undeclared, who can stand to be judged against the leadership, skill and foresight of President Johnson.

I say this even though some of my best friends are Republicans, and I suspect that some of you have the same catholic tastes. To quote a famous General: "Give me a minute and I'll recall a name."

In this time of peril our country must continue to be supplied leadership with experience and vision.

The Democratic Party repeatedly has proved it has leadership on the field and on the bench.

That other political party remains hidebound with a tendency to substitute a new package for the same old tired program.

Postmaster General Larry O'Brien says one of his favorite pastimes in Washington is identifying which politician is a Democrat and which is a Republican.

Watching television watchers is one way. Democrats watch westerns that cause them to clinch fists and get red in the face. Republicans get the same way watching Democrats.

Economics is another way. Democrats look at the bright side. Republicans react to the greatest economic boom in our history by complaining that we are in the depths of prosperity.

Personally, I find that Democrats buy books that have been banned in Boston while Republicans form censorship committees and read them as a group.

And on Saturdays I understand that Democrats wash the car and get a haircut while Republicans head for the boat club.

Two weeks ago in Washington a nationwide audience gathered to hear President Johnson.

He said he gets plenty of advice on how to get out of trouble cheaply and quickly—and most of it boils down to one thought: Deny your responsibilities.

Then he said:

"In the time I have been given to lead this country, I shall not follow that kind of advice.

"The Democratic Party has never chosen the road of irresponsibility. In the 1960's America, under Democratic leadership, has faced up to the poverty and discrimination in its midst. It has not mastered them. But it has started on the road toward mastery—toward healing and educating and training and employing those whom life was passing by.

"This Party, and the programs it has inspired and legislated and turned into action, has set a standard in the 1960's by which every Administration that follows must be judged."

Democrats are faced with a camouflage of carping, criticism and condemnation.

You and I know that we can burn off that smog of discontent with the bright light of our accomplishments of the last seven years.

Democrats can make this a pair of naturals—seven come eleven—just by pointing out our accomplishments.

They are unmatched in the annals of government in the history of the world.

All of the New Frontier program of 1960 and 85 percent of the Great Society Democratic platform of 1964 have been translated into law and accomplishment.

Some of the legislative landmarks were: Voting Rights, Elementary and Secondary Education, Higher Education, Medicare, Peace Corps, Nuclear Test Ban, Alliance for Progress, the Department of Transportation, the Department of Housing and Urban Development, Veterans benefits, Social Security increases, Model Cities, Rent Supplements, Minimum Wage, the Food and Agriculture Act of 1965. Food for Freedom, the Land and Water Conservation Fund, the Water Pollution Control Act and many others.

The results:

The greatest seven years of economic and social advance this Nation—or any nation—has ever seen.

A gross national product 50 percent greater than it was in 1960.

Seven and one-half million new jobs.

A drop in unemployment rate from over 7 percent to less than 4 percent.

One hundred and eighty billion dollars more in personal income.

Net per farm income up 70 percent from the beginning of 1961 to the end of 1966.

The greatest advance in history in aid to education.

Medicare and, with it, freedom from the oppressive worry of medical expenses.

Addition of parks and recreation lands that put into one spot would equal most of Connecticut.

Democrats share the fish they catch. Republicans hang theirs on the wall.

And how did the Republicans in Congress stand on these Democratic accomplishments?

On the first key vote on Medicare, 128 of 138 opposed the program. . . . Just one fact about Medicare, in its first year of operation, Medicare saw 4 million older persons receive $2.6 billion worth of hospital treatment, saw payments of $800 million made on 15 million bills for doctor and other medical services.

Seventy-three percent of the Republicans voted against Funds for Education legislation. . . . Just one fact, nearly a million needy college students benefited in 1966–67 from federally-financed and insured loans, grants and work study programs and an estimated 9 million disadvantaged youngsters were helped by special educational projects.

Nearly 90 percent of the Republicans in Congress opposed the 1964 Poverty program and the 1966 Poverty program. . . . Just one fact, more than 85,000 young men and women have completed service in the Job Corps and 70 percent of them are now in jobs, back in school or in the military, and nearly a million poor youth have benefited from work opportunities to help them stay in school or improve their ability for employment.

To the casual glance Republicans may appear to be almost indistinguishable from Democrats, but check the voting records. . . .

Eighty-four percent opposed the Civil Rights Act of 1966, 85 percent the Voting Rights Act, 80 percent the Model Cities Funds, 97 percent the 1966 Rent Supplements, 93 percent the 1967 Rent Supplements and 85 percent the raising of the Minimum Wage.

From 1952 to 1960 farm income dropped 17 percent, and they made mountains out of grain surpluses. The Commodity Credit Corporation investment in farm commodities rose to more than $8 billion.

Corrective action started in 1961. The emergency feed grain bill passed, but two-thirds of the Senate Republicans voted against it, and so did 161 of the 165 House Republicans. They continued to oppose, but the Food and Agriculture Act of 1962 passed, so did the Voluntary Feed Grains bill of 1963, so did the wheat-cotton bill of 1964 and so did the Food and Agriculture Act of 1965.

Those mountains of surplus corn, wheat and sorghums were worked off without depressing prices and while farm income strengthened steadily. And gross farm income and net per farm income set all time records last year.

Since 1910 every single time a Republican has succeeded a Democrat in the White House, farm prices and farm income have dropped. Every time a Democrat has succeeded a Republican at 1600 Pennsylvania Avenue, farm prices and farm income have gone up.

I should like to suggest that there exist today two very distinct states of the Nation—one is the state of its preservation, and that one we are lucky enough to be working on at arm's length rather than close-up . . . in Viet Nam rather than our own back yards. The other is the state of its conservation, and this one is definitely a close-up situation—one that cannot be postponed in time nor separated from us in space.

We are uncommonly lucky to have in the position of highest leadership, a President who is acutely aware of both of these states of the Nation, and who is determined to do his utmost—whether such actions be popular or unpopular—to preserve and conserve the Nation that he serves.

The public opinion polls, (which should be printed with the weather reports since they show only which way the wind is blowing yesterday), are not the kind of reports on which a leader can safely base the course of the most imposing ship of state the world has ever known. Other more urgent signs must be read and weighed: The direction the wind is blowing is not nearly so important as where that wind may be taking us.

I do not intend to speak of the battle for preservation, except to note that President Johnson is pursuing America's best interests with strength and determination. On a battlefield far from our everyday world of home we are winning a war to preserve our very way of life.

That the President has also found the resources to lead a historic crusade on behalf of this country's natural beauty and resources is almost a miracle. But it is a miracle with real substance.

His Administration's record of conservation legislation is more than substantial—it is the greatest list of accomplishments on behalf of the overall environment that has ever been written into the Nation's law books. This is my field and I am particularly proud of it.

In the realm of Indian affairs, for example, we have seen substantial progress from a base of need and inequity unmatched by any other group of Americans . . .

More than 5,000 units of low-cost housing have been built or are under construction by nearly 100 tribal housing authorities . . . more than 100 industrial and commercial firms have established plants on or near Indian reservations creating jobs for several thousand Indians . . . gross income from Indian national resource production increased more than $20 million in the last fiscal year to a total of $180 million. Mineral leases brought in another $30 million . . . more than 2,000 Indian students last year received BIA college scholarships and grants, double the number of just three years ago . . . beyond the statistics Indian people, Indian leadership, are taking an ever more active role in shaping their own future, in making the decisions necessary for increased progress.

President Johnson's conservation program has extended beyond humans (although with an eye to hunters, anglers, and wildlife-watchers) and has taken cognizance of our embattled fish and wildlife. From December 1, 1963, through July 1967, nearly 709,000 acres were added to the National Wildlife Refuge system, including nearly 105,000 acres of refuge lands and more than 604,000 acres of waterfowl breeding areas.

Until recently, water has been our most abused natural resource. The state of the Nation's waterways was a state of scandal and disgrace. Today, the pollution brakes are on, control measures are gathering strength and speed, and it is now possible to predict an end to mounting pollution and a gradual rollback to ever-cleaner, purer water.

Research in weather modification is under way, with Government scientists seeking to induce precipitation from clouds, to increase the runoff, which then could be stored in reservoirs already built and released during dry periods. Research appropriations for weather modification in Fiscal 1965 and 1966 totaled nearly $7 million—double that of all previous years.

An expanded and extended program of research and development in desalting ocean and brackish water was approved in 1965, authorizing five years of work with $200 million ceiling. Out of this, in part, will grow by the early 1970's a 150-million-gallon-per-day nuclear-powered operation for the

Metropolitan Water District of Southern California—the world's biggest desalting plant by far. It will provide fresh water enough to supply a city the size of San Francisco or Washington, D.C. and will generate enough power for a city the size of Philadelphia.

Wide-frame thinking has gone into the Johnson Administration's approach to our mineral resources. The approach today is not just to hang onto our known reserves and use them in the wisest way, but to stand back and look at the entire minerals picture—including what to do with the mounting piles of discarded junk that deadend these resources and mar the countryside.

Stepped-up Government efforts to relieve mining areas of underground fires, subsidence and blight, protected and improved property valued at nearly $2.5 billion and improved the quality of life for 6.5 million Americans living in these areas. The projects involved, approved by the Appalachian Regional Commission for Federal-State cost sharing, are providing nearly 800 man-years of work in an economically depressed region.

It matters not in what direction you turn your eyes here on the home front. The environmental battle is going forward with vigor, with vision, and above all, with an interlocking purpose about it. People, resources, wildlife, all the elements of the environment we live in and are part of, are receiving due regard in the Federal scheme of things. This is a new departure. This is heads-up, alert, intelligent planning,—a far cry from the finger-in-the-dike approach with which we have made-do in the past. But today, we realize that well-enough then is no longer applicable to today's world.

I submit that it takes a man with vision and courage to tackle the wide range of problems that President Johnson has put his hand to. A lesser man would have pulled at least one of his punches. But the world view was taken by the President.

He saw that preservation of our way of life against an alien ideology which threatened from without, must be given equal attention with conservation of our fabric of life against the waste and overcrowding and pollution that threaten from within.

The fights for social and political preservation of our way of life, and the conservation of the environmental quality of our land, are companion struggles. To win either one and lose the other would be a national tragedy.

I count myself extremely fortunate to be serving under the leadership of such a President.

DIFFICULTIES IN THE MIDDLE EAST

Mr. BREWSTER. Mr. President, the Washington Evening Star of November 2, 1967, contains an editorial entitled "Commonsense and the Arabs."

It deals with one of the most troubling situations we face in the world today—the continuing difficulties in the Middle East.

The editorial states accurately and concisely what is at the root of the uneasiness in the Middle East. I ask unanimous consent that it be printed in the RECORD.

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

COMMONSENSE AND THE ARABS

It is difficult to see what the Arab states hope to gain by their continuing refusal to recognize Israel and negotiate a definitive peace treaty with it. The longer they adhere to such negativism, the harder they will find the bargaining when they at last agree—as they eventually must—to engage in talks for an enduring settlement.

This has been made quite clear by Premier Levi Eshkol in his latest address to the Israeli Parliament. The situation that existed before the six-day war in June "shall never be restored." As long as the Arabs decline to talk, Israel will consolidate its position in all the occupied areas—the Golan Heights of Syria, the Gaza Strip, the Sinai Desert, the west bank of the Jordan River, and regions affecting freedom of passage in the Gulf of Aqaba and the Suez Canal. As for Jerusalem, the Israelis apparently intend to hold on to the whole of it, permanently—a decision that runs defiantly counter to world opinion as expressed in a 99-to-0 vote by the United Nations General Assembly.

Aside from Jerusalem, however, and certain other places deemed vital to security, Israel, according to Eshkol, "is prepared to conduct direct negotiations with all the neighboring Arab countries or with any one of them separately," to resolve boundary questions. Presumably assuming good faith on both sides, the negotiations could result in a return to the Arabs of most of the occupied regions. The Israelis themselves have reason to favor such a return. After all, the areas that fell to them in June are inhabited by more than 1 million Arabs with a very high birthrate, and Israel can hardly relish the idea of trying to annex and govern so many potentially hostile people—a force that might be used by the more reckless Arab leaders to create an underground terrorist army.

At the moment, with the Israelis stiffening their bargaining terms with each passing day, and with the Arabs still calling for the annihilation of their Jewish neighbor, the outlook for any progress toward direct negotiations—with or without the help of a United Nations intermediary—seems almost hopeless. Yet Eshkol and his government are not entirely pessimistic: "We believe that there are positive internal forces here and in the area which are working toward peace in the Middle East. In this peace lies the starting point for a solution of the area's problems, including the problem of the Arab refugees."

Israel is ready to begin negotiating at once, but the other side adamantly rejects the idea. So the situation hardens, ceasefire violations escalate, and the threat of a renewal of full-scale war grows rather than lessens. It is hard to believe that this is the direction in which responsible Arab leaders really want events to drift.

ARE THEY BUGGING YOU?

Mr. LONG of Missouri. Mr. President, the Philadelphia Inquirer of September 24, 1967, contains an interesting article entitled "Proliferating Miniature Technology: Are They Bugging You?—The High Art of Modern Eavesdropping."

Since this is an interesting survey of the "art of modern eavesdropping," I ask unanimous consent that it be printed in the RECORD.

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

PROLIFERATING MINIATURE TECHNOLOGY: ARE THEY BUGGING YOU?—THE HIGH ART OF MODERN EAVESDROPPING

(NOTE.—*The article which follows was written for "West" magazine of the Los Angeles Times and obtained through the services of that newspaper.*)

(By Keith Monroe)

If this hasn't happened to you yet, it may:

You are dickering with a car salesman. He excuses himself. Your family presses you to buy on his terms—and somehow he knows it when he returns. He makes no better offer. You end up settling for a worse deal than was likely.

In an angry moment in your office, you pop off about someone to your confidential secretary. Unaccountably it gets to the wrong ears. You lose the promotion you expected.

Your innocent telephone banter with an old friend is mysteriously overheard and misinterpreted. It becomes common gossip, embarrassing you and your friend.

Your opponents in a lawsuit seem magically forewarned of your attorney's plans. They outmaneuver you and win the case.

A neighbor becomes aware that an eccentricity of his is a household joke within your family. Your friendship with him is permanently frostbitten.

You confide a secret of your past to your doctor or clergyman. Soon you are blackmailed by a stranger who somehow knows your secret.

Such misfortunes would once have been attributed to clairvoyance. Today it's a matter of electronics. For fun or profit, someone planted a "bug" nearby and overheard your private conversation.

Electronic eavesdropping is not new. But the advent of micro-miniaturization in the last four years has made snooping devices smaller, cheaper, more reliable—and more common. The general public has lately been buying them eagerly. Today anyone interested, or idly curious, can invisibly invade your privacy at will. No earphone or special receivers are needed.

Popular electronics magazines publish mail-order advertisements with headings like "How to Spy," proferring such conveniences as a "Supersensitive directional microphone (which) picks up faint sounds at 300 feet." Another offers a stethescope mike that "detects sound through ordinary walls. Easily built for $7. No electronics experience necessary." A Hollywood mail-order merchant coaxes readers in a bold ad to "eavesdrop with a pack of cigarettes. Miniaturized FM radio transmitter. Complete diagrams and instruction, $2."

AMATEUR COME-ONS

For those who can't read plans or aren't handy with a soldering iron, snooping is made easier. Lowbrow magazines advertise tape recorders that "can be concealed in a pocket" and a "bumper beeper—instantly attachable to a car so you can trail it without seeing it." Bargain-hunting amateur spies can send for a "bugging devices information guide. Lists wholesale and retail sources. Save half on some items." The guide describes a whole arsenal of tiny instruments. One factory sells a tiny microscope hidden in a quarter-inch rubber mat for slipping under doors; it can transmit to a hidden recorder so sensitive that the sound of voices turns it on and off. Another company purveys "an integrated business surveillance system" concealed in a briefcase so that "it may be 'accidentally left behind,' still recording."

In 1966, the U.S. Senate Subcommittee on Administrative Practice and Procedure called in the chief engineers or general managers of five obscure electronics firms in the Los Angeles area. Since then all but one of those individuals have separated from the firms, and the firms themselves no longer exist under the same names, although successor companies seem to be thriving at the same locations. There is nothing furtive about the attitude of these companies toward the press. A reporter who recently visited some of them was welcomed, shown their arrays of bugs and told how to install them, and even allowed to browse through order files on the understanding that names would stay off the record.

Most names in these files are "Smith" and "Jones," usually with no addresses. However, two very well-known columnists appear to be steady customers under their own names. The files also show orders from some of Southern California's prominent corpora-

tions, particularly in the oil, real estate, supermarket and fashion businesses. One company recently bought 800 desk-pen sets with hidden mikes built in. Another ordered 300 "harmonica bugs," sophisticated devices that can be quickly slipped into any telephone to convert it to an open microphone picking up whispers anywhere in a large room.

BEDECKED WITH NERVE

Thoughtful eavesdroppers can find many ways to get into a home or office with their devices. At a 1959 Senate hearing, former Philadelphia District Attorney Samuel Dash testified:

"Your private specialist who taps . . . does it right in front of your eyes. He usually bedecks himself with screwdrivers and pliers and has wire hanging all over him. He will ring the doorbell and say: 'Madam, I'm from the telephone company; your line has been reported, trouble on the line' . . . Take the lawyers' offices, professional people's offices—they have maintenance men who go in an out. I have been able to observe the telephone multiple box of a large office open and a man working on it and no one questioning whether he was a maintenance man and had a right to be there."

A current book on invasions of privacy shows a photo of hidden investigators firing a shotgun toward a distant house. The caption says, "Special shotgun has just released 'spike mike' that, once embedded in the frame of a window or door, transmits private conversations to the eavesdropper." The dart was built experimentally by an engineer, who found that on impact at only 35 feet, its microphone shattered. Nevertheless, the U.S. Army was sufficiently fascinated by the idea to try to make one. A high-powered airgun with a half-inch barrel was procured from Abercrombie and Fitch, and the engineer was commissioned to fabricate six spike mikes to fit the darts it would shoot. All broke on impact.

Then there is the story of a factory employe who sold mimeographed scandal about fellow workers until a plant detective caught her listening in on a private telephone conversation.

A San Francisco restaurant has been caught with mikes under each table. A rabbi and a Baptist minister are known to have been bugged. A Catholic priest is said by members of his parish to have discovered a listening device in his confessional.

In 1957, a committee of the California Legislature uncovered hidden microphones in the sales offices of used-car dealers. Prospective buyers were left alone there to talk over possible purchases. Then the eavesdropping salesman would reappear to close a deal at the highest possible price within the purchasers' range. Jessica Mitford found morticians using the same systems in selling caskets to bereaved families. Certain realtors are also known to have bought bugging equipment. The Legislature's committee concluded that professional eavesdropping in California was a lively, active, lucrative private business."

BUGGING THE CHAIR

The Wall Street Journal recently reported that a land development company lost several hundred thousand dollars in potential profits when on five occasions someone bought land the company needed. It brought in a detective, who located a bug in an office chair.

There is little doubt that law enforcement officers also bug widely and, while eavesdropping, police can scarcely avoid hearing many other private talks. In the Columbia Law Journal, Professor Alan F. Westin reported: "In the course of tapping a single telephone, a police agent recorded conversations involving . . . the Julliard School of Music, Consolidated Radio Artists, Western Union, a bank, a drugstore, a real estate company, many lawyers, a dry cleaner, numerous bars, a garage, the Prudential Insurance Company, a health club, the Medical Bureau to Aid Spanish Democracy, dentists, brokers, engineers, a police station."

In such cases, attorney Edward Bennett Williams points out, "scores of persons who were suspected of no crime were subjected to this kind of surveillance. What they believed to be private conversations were invaded by the ears of the police. Intimate details of the lives of these people became a matter of record in the files of the Police Department."

POLITICAL CARE

People wonder whether private detectives every try to bug the conferences of political parsonages. In 1953, a Secret Service agent picked up FM broadcasts of Sen. Wayne Morse's private conversations in his home and office, but neither Morse nor the Service ever found the hidden microphones. During the recent California campaign for Governor, Ronald Reagan carried in his breast pocket a small device sold for $149.50 by a Van Nuys manufacturer. Called an anti-bug, it was advertised as a "highly sophisticated electronic instrument which effectively jams all commonly used electronic eavesdropping transmitters."

More and more jamming devices are coming on the market. So are electronic "sweepers" that squeal when pointed at a bug. But they have limitations. Most sweepers are mute unless held within 3 feet of a bug.

Sweepers and jammers are useless against listening devices that transmit by wire instead of radio. The only means of blocking such bugs is to find the hidden wires, which now can be made almost invisible, or can even be built into walls.

Former Attorney General Nicholas deB. Katzenbach has called the Federal anti-wiretap bill "totally unsatisfactory." There are no Federal statutes on electronic eavesdropping, although a new FCC regulation prohibits the use of radio devices for snooping.

So, more or less by default, for the past two decades bugging has been taking root among American folkways. The U.S. Government itself, through its General Services Administration, nurtured the process. In 1958, a sharp-eyed critic noticed that the GSA price list of "office supplies" available to all Federal agencies included handy Minifon bugging equipment that could be quickly concealed around the office.

The GSA admitted it had bought $141,136 worth of bugs for bureaucrats in the previous three years. It halted this service forthwith, due to uproar in Congress, but nobody was naive enough to think that public servants had therefore stopped bugging each other and the public. A 1962 report by the House Committee on Government Operations noted that "more than 5000 gadgets to permit telephone eavesdropping still are attached to Government telephones in the Washington area alone."

STINGING CENSURE

In the comparatively primitive 1950's, when the hidden mike had to be connected with a wire to the Listening Post, Long Beach, Calif., police surreptitiously entered the house of a suspected bookie three times to place and replace a bug in different parts of the hall and bedroom. After months of monitoring, via a wire through a hole they had bored in the roof, the sleuths got enough evidence to convict the suspect. His lawyers, discovering the wire and bug, fought the case to the U.S. Supreme Court. The Court's decision included a stinging attack on the police department:

"That officers of the law would break and enter a home, secrete such a device, and listen to the conversation of the occupants would be almost incredible if it were not admitted," wrote Justice Robert H. Jackson (who as Attorney General 13 years earlier had authorized FBI wiretapping in kidnaping and espionage cases). He pointed out that the police had trampled on the Fourth Amendment to the Constitution, which supposedly guarantees everyone's right "to be secure againt unreasonable searches" of their homes and belongings. Nevertheless, the Court let the suspect's conviction stand because, under precedents followed at that time, evidence gleaned in violation of the Constitution could nevertheless be used in State courts.

Therefore, some California plainclothesmen evidently felt free to continue tiptoeing through the homes of suspects—until the famous Cahan decision of 1955 tripped them. Charles Cahan, too, was a bookmaker, Los Angeles detectives thought, and to prove it they climbed through a window of his brother's house one night and "placed a maid," the cop idiom for planting a concealed listening device. Then, posing as termite inspectors, they got into a house rented by Cahan's accountant and placed another maid. Soon they made arrests and won convictions.

CONDONING ILLEGALITY

But when Cahan appealed, the California Supreme Court ruled that the State's courts could no longer accept clandestine recordings as evidence. Justice Roger Traynor, who wrote the decision, explained: "I observed that time after time (illegally seized evidence) was being offered as a routine procedure. It was one thing to condone an occasional constable's blunder. It was quite another to condone a steady course of illegal police procedures."

Cahan and his cohorts went free while policemen lamented.

Ed Cray, Director of Publications for the American Civil Liberties Union of Southern California, wrote last year: "Interview rooms as well as detention cells in Los Angeles city police stations are bugged so that listening officers can overhear conversations between arrestees and their visiting relatives or between suspects and police officers or paid informers posing as sympathizers. In at least one station, the bugging is so thorough that there is no interview room in which a lawyer may talk to a client without the threat of being overheard by the hidden microphone."

LABOR ALERT

The U.S. Supreme Court has held that an inmate of a jail has no right to privacy, and that anything he says there may be monitored electronically. This is also presumed to apply to suspects and lawyers who may think they are conferring privately in police station interview rooms. Of course, conversations between lawyers and clients cannot be used as evidence, but may be helpful to police and prosecutors in other ways.

One of the most popular devices for helping a boss get an earful is the telephone cutoff—known in Washington as a "snooper button." It activates a listening-in circuit so that the eavesdropper cannot be heard breathing (or chuckling, or grinding his teeth) and his tape recorder cannot be heard purring. The device rents for 25 cents a month from telephone companies.

Bugging of low-rank employes began long before it crept into executive suites. Retail stores which doubted whether their salespeople were sufficiently polite and alert began as early as 1950 to find out by listening. A United Auto Workers local has charged that company officials were able to "quote verbatim some of our private conversations." Eavesdropping expert Samuel Dash told a Senate subcommittee about the value of bugs in negotiating a contract with a labor union. He said that management representatives sometimes withdraw from a labor conference for awhile, supposedly to let union officials talk privately among themselves, but actually to "walk to an adjoining room where

they have a listening device connected to a bug in the conference room."

Whatever ethical distinctions may have inhibited eavesdroppers in earlier years seem to have blurred into invisibility lately. An executive who eavesdrops on his own people may come to see nothing undesirable about eavesdropping on competitors. Within the last few years a surprising number of company presidents have found their own offices bugged.

Not everyone agrees that monitoring—or, to use plainer synonyms, snooping and espionage—are bad. Robert Spatz, the IRS attorney, has taken the position that a bug-equipped Government agency is better informed and thus more efficient. "If it's a big brother, it's a big brother looking after the citizen's interests," he said of the Revenue Service.

NEED VERSUS ALARM

Others oppose eavesdropping on philosophical grounds. The University of California's faculty committee on academic freedom wrote recently: "If it were generally known by students that their freedom to disclose beliefs, to express attitudes, and to refer to associations did not protect them from (investigations of loyalty) many students would apply rules of caution differing markedly from the rules of free inquiry we now tend to take for granted."

Bugging by local and Federal law officers, held by some to be an indispensable tool for fighting crime, is viewed with alarm in other respectable quarters. Supreme Court Justice William Brennan, in dissenting from the Court's 1963 ruling that a Federal agent could properly carry a hidden recorder to register a bribe offer, warned that bugs "make the police omniscient, and police omniscience is one of the most effective tools of tyranny . . ."

PRIVATE INDUSTRY AIDS THAI AGRICULTURE

Mr. McGOVERN. Mr. President, on July 12 of this year, I invited attention, in the RECORD, to the project in Thailand for private capital assistance to the loan guaranteed by the United States, to a project to increase food production in that country. I recently received an invitation to the opening ceremony of a network of Thai maize grain elevators on Friday, November 10, 1967.

Charles A. Cogliandro, president of Calabrian, Inc., in New York, has announced that his company's subsidiary has completed in 6 months a major portion of their $3 million program to build facilities and assist small farmers in Thailand in improving their corn production.

It is a fine accomplishment, on which I want to congratulate all concerned.

I believe that other Senators will be interested in this pilot project accomplished by private capital; therefore, I ask unanmious consent to have printed in the RECORD the Cogliandro-Thai Ltd. announcement of the opening ceremonies to be held in Bangkok on November 10.

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

UNITED STATES-THAI PRIVATE INDUSTRY CORN PROJECT MOVES AHEAD AT RECORD PACE—DEDICATION CEREMONY NOVEMBER 10 AT THA RUA

NEW YORK.—Thailand's efforts to modernize corn production has taken a *significant* step forward with the completion (*in record time*) of the first U.S.-Thai private industry sponsored bulk grain storage and processing complex, with a major inland terminal installation at Tha Rua and 10 country elevators.

Charles A. Cogliandro, President, Calabrian, Inc., New York, announced today that Calabrian's Thailand subsidiary had completed in *six months* a major portion of its $3 million program to build facilities and assist small farmers in improving the quality of corn they produce for sale in world markets.

The Calabrian project, approved in April this year, is financed by private U.S. capital and guaranteed under the U.S. Agency for International Development's "extended risk" loan program.

"During the past six months substantial logistic and planning effort was expended to demonstrate that a private industry could overcome barriers in a foreign country to get the job done," Cogliandro said. "During this time, materials were shipped from the United States, sites prepared, contracts and leases negotiated with Thai farmers, and crop financing was arranged. I am greatly pleased with the results so far."

He noted that thousands of small farmers would benefit by the new facilities and the extensive credit and technical services being planned by Calabrian during the coming months.

"Proper drying, cleaning and shelling facilities will upgrade the corn," he said, "and, better storage, with quality controls, will reduce heat and weevil damage and maintain uniform quality."

Cogliandro stated that he was also mindful of the "important political effects" that a stabilized economy which improved the subsistence level of the Thai people would have.

"Southeast Asia, Thailand in particular, has become the battleground for the minds of uncommitted people," he said. "I want to do my best in showing that the free enterprise system can work to benefit of all concerned."

He indicated that Calabrian would endeavor to expand the following programs:

1. Continued, privately managed extension services to increase crop yields, improved seeds and research efforts to product high-quality corn.

2. Supervised credit to Thai farmers for fertilizers and tractors.

3. Assistance to Thai farmers in perfecting land titles.

4. Continued vigorous program to stimulate world markets and grading of Thai corn to achieve higher prices and stability based on the free enterprise system.

Cogliandro also announced that a special ceremony would be held on November 10 at the Tha Rua installation. Thailand's Deputy Prime Minister Prapas will officially dedicate the new installation. Also expected to take part will be senior officials from the U.S. Embassy, AID Mission, and top Government Representatives from India, Japan, and surrounding Southeast Asia countries. Members of the Press and Media have been invited along with prominent Thai businessmen and local dignitaries.

WATERSHED AND RIVER BASIN PLANNING AND DEVELOPMENT

Mr. CURTIS. Mr. President, one of the best managed conservation associations in the entire country is the Republican Valley Conservation Association. It has for more than a quarter of a century unselfishly promoted the development of the Republican River Basin, which although is largely Nebraska, is also important to both Colorado and Kansas. This fine organization has been responsible for bringing about much-needed flood control, irrigation, and soil conservation.

This association is a tribute to the stalwart individuals who have put their shoulders to the wheel over the years. Two of their distinguished former leaders are deceased. I refer to Mr. Harry Strunk, editor and publisher of the McCook Daily Gazette, and Mr. M. O. Ryan, of McCook, Nebr., and Washington, D.C. These two contributed much, along with many others.

At the present time the Republican Valley Conservation Association has outstanding leadership in former Senator Don Thompson, who is not only a distinguished legislator but an outstanding farmer and devoted civic leader.

On October 27, 1967, the association held its 26th annual meeting. The speaker on that occasion was Mr. Hollis R. Williams, Deputy Administrator for Watersheds, Soil Conservation Service, U.S. Department of Agriculture, Washington, D.C. Mr. Williams' speech is of interest to conservationists everywhere; therefore, I ask unanimous consent that it be printed in the RECORD.

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

ROLE OF WATERSHED AND RIVER BASIN PLANNING AND DEVELOPMENT

(Address by Hollis R. Williams, Deputy Administrator for Watersheds, Soil Conservation Service, U.S. Department of Agriculture, Washington, D.C., at the annual meeting of The Republican Valley Conservation Association, McCook, Nebr., October 27, 1967,

It is a real privilege and a high honor to speak at your annual meeting. I thank your good President, Don Thompson, for inviting me to be with you on this most important occasion.

It is a special pleasure to come to the great State of Nebraska. Since this is Nebraska's Centennial Year I should like to salute you for the many accomplishments of your State during its first 100 years. In the years to come I am certain your State and your neighboring States of Colorado and Kansas will make even greater progress in all fields—especially in conservation and development of land and water resources.

Most of my 33 yea s as a professional in soil and water conservation have been spent in the Southeast and the Southwest. Although I have been working at the national level for the past several years, I've had little opportunity to study this part of America at first hand.

Thus, I am grateful for the opportunity to visit with you. I never go anywhere without learning something about our job—yours and mine. This will be another opportunity for me to learn.

The Republican River Valley is in the heartland of the Nation. It is truly a great area, especially noted for its agricultural production. Its location in the Great Plains, stretching from the semiarid West to the great subhumid midland feed growing region, makes possible a wide variety of crops combined with livestock production. You have a great wealth of natural resources, including soil, minerals and water.

All of the States traversed by the Republican River—Colorado, Kansas and Nebraska—are noted for their famous schools and thriving industry, and, above all, their fine people. These rich resources, if properly conserved, developed and used, can mean a future of unlimited prosperity for the Republican River Valley.

All of us are indebted to the Republican

Valley Conservation Association and to you conservation leaders for your past accomplishments and the promise of future progress in land and water resources conservation and development.

You were not content to sit back and accept the land and water problems that came your way. You were not content to watch soil erosion ruin your lands and silt up your streams and reservoirs. You were not content to let damaging floodwaters destroy what you have built in this beautiful valley. You are doing something about all these problems.

More than 18,000 soil and water conservation district cooperators are in the Republican River Valley area served by your Association. All counties within the Association's jurisdiction are served by the Great Plains Conservation Program. More than three million acres are under Great Plains contracts in the Valley. Conservation district cooperators have installed vast amounts of soil and water conservation measures in the Valley. I'll mention a few: Contour farming, 1,598,000 acres; stubble mulching, 1,631,000 acres; proper range use, 4,208,000 acres; ponds constructed, 10,848; erosion control structures, 1156; land leveling, 158,150 acres. You should be proud of these many fine accomplishments.

Tonight I want to discuss watershed and river basin planning as it relates to the total development of water and related land resources of the Republican River Valley.

Your association and we who work with watershed and river basin planning are interested in the same objectives—the agricultural, industrial and overall economic growth through the conservation and development of our land and related resources for the maximum benefit of all our people, both urban and rural.

Because of your geographical location, your water problems range from flood to drought and from abundant supply to critical shortage. Achieving and keeping a balance between these extremes is of vital concern to every citizen of the Republic River Valley. Because we share your concern, our programs are designed to protect communities from the scourge of drought and at the same time protect against devastating floods.

The U.S. Department of Agriculture supports a soil and water conservation program developed and serviced by local people. The Soil Conservation Service is the Department's technical action agency for soil and water conservation in this program which today encompasses the full sweep of interrelated natural resources and their management and use. This has been called "creative conservation". It means a "full-use" of our renewable natural resources.

It means developing our resource capacity to assure abundant supplies of food and timber, clean water, pure air, more outdoor recreation, and a more wholesome environment for an ever expanding population. It means among other things extending the multiple-use concept of watershed and river basin planning to include all land and water resources in order to assure their best possible use in both rural and urban development.

What we do with our land and water resources affects the growth of our Nation. From them comes most of our raw material, our food, our recreation, and the other amenities and necessities of life. Our economy and well-being depend on their care. How well this and future generations will fare will depend on the care we give our land and water now.

A famous Nebraska citizen, William Jennings Bryan said: "Burn down your cities and leave your farms, and your cities will spring up again as if by magic; but destroy your farms and the grass will grow in the streets of every city in the country."

Our experience in many localities has demonstrated that small watershed projects are an effective means for rural and urban communities to deal effectively with their land and water problems.

Since 1954, when the Watershed Protection and Flood Prevention Act, (Public Law 83–566) was enacted, many rural and urban communities have shown that they can halt unchecked soil erosion and excessive water runoff, stop or reduce destructive floods, improve drainage on land in agricultural production, provide for more efficient irrigation, supply water for growing municipal needs, attract new industries, enhance fish and wildlife resources, and provide developments for recreation. The small watershed projects are designed to protect, improve and develop the water and related land resources of a watershed up to 250,000 acres in size through a project type undertaking. It includes a combination of soil and water conservation measures on the land and structural measures such as dams, levees, channels, diversions and others.

These projects bridge the resource development gap between soil and water conservation work on individual farms and ranches and large Federal and State public works projects for water resource developments in major river valleys like the Republican River. Thus small watershed projects usually complement and are not competitive with, nor a substitute for, the larger public works projects

To be specific, the small watershed dams on tributary streams complement the main stem dams built by the Corps of Engineers, the Bureau of Reclamation and others for effective water control in a river basin. Each has a particular job to do. Each helps control the water flow in a vital segment of the watershed.

Small watershed projects along with the activities of all agencies dealing with water control and management can be correlated to work for the total needs and problems of a larger river valley. This might include downstream flood control work by the Corps of Engineers, reservoirs and irrigation works by the Bureau of Reclamation, wildlife habitat development by the Fish and Wildlife Service, pollution abatement by the Federal Water Pollution Control Administration and development of municipal and industrial water supplies by towns and cities.

Broad based planning is essential if we are to realize the full potential of the Nation's land and water resources. The Department of Agriculture is strengthening its commitment to the regional, multiple-purpose approach to resource conservation and development through cooperative programs, including river basin studies, small watershed projects, resource conservation and development projects that accelerate going programs on a regional basis.

It is safe to say that today's soil and water conservation and resource development job bears little more resemblance to that of 25 years ago than the 1968 automobile does to the 1942 model. For example, it is now recognized that town and county are not separate worlds, but, rather part of the same resource community sharing common problems, common needs, common natural resources and a need to cooperate in multiple-use planning and development of the land and water resource.

Therefore, unity is the theme of your future if you are to make the most of your opportunity. Unity and inter-community cooperation.

There can be no withdrawal by communities in the future, no separate compartments for the special interests of one group to the exclusion of the interests of another. There can be no longer a wall between wildlife protection and agricultural conservation, no longer a forestry objective separate from the interests of the grasslands, no compartment for soil and water conservation apart from beauty preservation, no longer a question as to the multiple ues of water resources and finally, no more a disunity between city and open country.

This same unity of purpose is well illustrated at the Federal level by the activities of the Water Resources Council, established by the Water Resources Planning Act of 1965. Here, a number of Federal agencies are participating in river basin surveys, continuing studies of the adequacy of water supplies in each water resource region of the Nation and other activities having to do with the development of land and water resources. Included in these cooperative efforts are the Department of Army; Interior; Health, Education and Welfare; Transportation; Agriculture and Federal Power Commission.

As a member of the Water Resources Council, the USDA is currently participating in 52 comprehensive river basin studies. Ten of these are comprehensive framework studies, commonly referred to as Type I Surveys. One of these is the Missouri River Region of which the Republican River Valley is a part. This study will be completed in 1969. The framework studies are broad brush type investigations that will provide general guides to future water resource development. The plans will indicate which regions or sub-basins have water problems calling for prompt detailed planning efforts as well as those where no such problems are currently pressing for solution.

In addition, these studies will provide a good picture of the resources available to meet both current and future needs as well as a substantial amount of data for use in subsequent detailed plan formulation. Type I Surveys usually include:

1. An economic study of the basin and projections of future economic development.
2. Translation of these projections into demands for water and related land resources uses.
3. Projections of water availability both as to quantity and quality.
4. Projections of related land resource availability.
5. Identification of significant problems and possible general approaches for their solution.

The basic reason for USDA participation in river basin studies is to assist in determining how, where and when its project-type programs can be effectively used to meet the needs for water and related land resource developments and to assure that agricultural interests are recognized and protected in such developments. These studies also provide local people with the information needed to make rational decisions as to which project type activities will make the greatest contribution toward meeting their immediate needs and to the attainment of their long term objectives.

The more detailed river basin studies identify project developments which are needed within the next 15 years. In these studies, various water resource development needs are identified both as to scale of development, geographic locations, and purposes to be included.

Detailed river basin studies provide a means of identifying and analyzing competitive water uses, and of determining the economic and social impact of selecting one competitive use over another where both cannot be satisfied.

Four of these basin studies are in Nebraska. They are the Elkhorn, Big Blue, Nemaha and Niobrara. Findings of these studies already are being used in preparing small watershed development work plans.

I am happy to mention that an application has been filed for a detailed study of the Republican. We will make every effort to start work on it as soon as our resources will permit.

A major purpose of these detailed basin

studies is to identify watershed protection and flood prevention projects which can help to meet the total needs of the river basin. In most cases, these studies involve specific projects of the state and local agencies. Emphasis is placed on water resource problems of the concerned State and an analysis of the potentials of Public Law 566 projects in meeting the needs of the State or local agency.

The USDA Inventory of Conservation Needs shows that some 8,300 small watersheds throughout the Nation would benefit from development and improvement under the watershed program.

As of October 1, 1967, applications for assistance on 2,673 small watersheds had been received from sponsoring local organizations. These applications include over 196 million acres of land. The applications came from 49 States and Puerto Rico. Eighty-five are from Nebraska, some of which are nearby, namely Upper and Lower Medicine Creek Watersheds. When completed, these projects will provide protection to the drainage area above Harry Strunk Lake. This lake, I understand, has been named in honor of the first President of your Association for his great leadership in promoting resource development in the Republican River Valley. These two projects when completed will also keep sediment out of the lake and thus prolong its useful life.

At the last count, over 800 small watershed projects were either in the construction stage or construction had been completed. In these, with USDA technical and financial help, local people have achieved protection from floods worth $41 million a year on the average. In many of these projects flood prevention is the chief purpose. But in many, other purposes are playing an increasingly important role in helping to supply water for many needs. The multiple-purpose project helps conserve and supply water for agriculture, municipal and industrial use, offers water based recreational opportunities; and provides fish and wildlife habitat.

Projects with multiple-purposes have expanded rapidly. More than half of the projects now authorized have dual or triple purposes. In addition to the purposes mentioned, others are likely to be added soon. If some pending legislation is approved, groundwater recharge, water quality management, and beautification are likely to become more significant project objectives over the next few years.

Of the 92 watershed work plans completed during fiscal year 1966, 70 (or 76 percent) included one or more purposes in addition to watershed protection and flood prevention.

Since 1962, there has been a very rapid growth in water-based recreational developments in small watersheds. Developments have been planned that will be used by more than 5 million people a year in some 150 communities in 35 States. Included are such recreational opportunities as fishing, camping, picnicking, boating, water skiing and many other forms of water-based recreation. In addition, the sediment pools of more than 4,000 floodwater retarding dams furnish recreational opportunities to local communities where such facilities previously have not been available.

A few other statistics about progress of the small watershed program may be of interest. For example, the number of floodwater retarding dams installed has more than doubled during the past five years. The number increased from 1,954 through 1961 to a cumulative total of 4,316 in 1967. During the same period, the miles of channel improvement more than tripled—going from 1,009 to 3,234 miles. The total funds obligated increased from about $89.7 million in 1961 fiscal year to approximately $168 million in fiscal year 1967.

About 39 percent of the funds were contributed from non-Federal sources, that is, local organizations and State Governments.

Many States are now contributing funds for planning and for construction work in small watershed projects. The State of Nebraska contributed about $250,000 during fiscal year 1967. Nationally, the total of such State contributions was about $10.2 million during the 1967 fiscal year. This indicates the confidence and interest that State governments have in the program.

Many soil and water conservation districts, irrigation, drainage, and watershed districts, river basin associations like yours and many other organizations as well as private individuals and groups are giving time and money to this program. It is this kind of work—with shirtsleeves rolled up—that is giving the small watershed program, and all of our resource development effort, the push it needs to solve some of America's most critical water resource problems.

Small watershed projects are playing a successful role in community development in the United States. The watershed program offers a fresh approach to community progress and development. These projects can serve the interests of both town and country people. The multiple-purpose nature of the program accounts for a large part of its success. These projects help to protect existing community resources and bring in new ones that provide more jobs, more business and thus boost the entire economy of the community.

The small watershed project is a major resource activity that can bring together town and country in a common cause. The development of a project plan offers an unexcelled opportunity for all interests in a watershed to work together to bring about full use of their land and water resources for the benefit of the entire community.

We attach great importance to multiple-purpose planning in small watershed projects. We know that multiple-purpose watershed projects are practical and effective. Many communities have demonstrated this in all parts of the Nation. For example:

Already small watershed projects have reduced flood damages by more than $58 million.

Already these projects have resulted in erosion control and grassland improvement valued at $85 million.

Already projects have reduced sediment pollution by over 6½ million tons.

Already small watershed projects have increased the payrolls in the projects areas by about $285 million yearly.

I especially urge the Republican Valley Conservation Association and all others who live and work in this beautiful valley not to overlook the opportunities offered by small watershed projects as you plan the development of your resources to meet the challenge of the 1970's and beyond.

Currently the United States has a population of about 200 million people. Present growth rates indicates we will about double our population by the year 2000, or just 33 years from now. By 2040–50 our population may double again for a total around 800 million. What will we do with the first 200 million people, much less the next 400 million?

First we must feed, cloth and house them. They must have living space. I do not believe they will continue to crowd into our overcrowded metropolitan centers. I suspect many will come to the wide-open spaces you have in such abundance here in the great Midwest. These people will need more food, more water, more land and many many more jobs. In fact, we will need more goods and services of every kind and description. The question is, shall we be ready to take care of these needs? We can be ready if we start now to protect, plan and develop our land and water resources for maximum production. How well we succeed in this great task will determine, in a large part, whether we and our children will prosper in the years to come.

I believe that the natural resources of this great Nation—which are its true strength—are in good hands, in safe hands. I have faith that we shall meet the challenges of the future head on; that we shall accept them not as a burden or a hurdle, but as an opportunity; that we shall not fail ourselves or those who come after us.

Someday we may be able to stand on high ground in any soil and water conservation district in the Republican River Valley and in every direction as far as you can see, the land will be protected. Trees and grass will grow on the steep slopes. On the flatter lands, protected by graceful terraces, strips, and waterways, cultivated crops will stand in all their glory. Recreational areas will abound and water will be available in abundance for thriving farms and industries. Man and nature will be in harmony as God intended.

DR. GEORGE BURKET, JR., GENERAL PRACTITIONER

Mr. PEARSON. Mr. President, in this day of medical specialization we make constant reference to the specialist and to his great contribution and service to mankind. Often, I think we overlook the great role that the general practitioner plays in American medicine. Always needed in the rural communities and the great urban centers, these men of medicine continue to make a vital and great contribution to the health and welfare of our people.

It is, therefore, of particular pride that I note that the president of the American Academy of General Practitioners is Dr. George Burket, Jr., of Kingman, Kans. Dr. Burket is one of our outstanding physicians in Kansas, and I note with admiration his position of leadership on the national scene. He typifies the very best of American medicine and of the general practitioner.

PROF. GILBERT FITE ON VIETNAM

Mr. McGOVERN. Mr. President, recently there have come to my attention two excellent, thoughtful statements on our Vietnam involvement, written by Prof. Gilbert C. Fite, of the department of history at the University of Oklahoma. Professor Fite's statements were published in the Norman, Okla., Transcript of August 27 and 28, 1967.

It has been my privilege to know Gilbert Fite for many years. He is a native South Dakotan and a frequent visitor to his home State, where members of his family still reside. I regard his two statements on the Vietnam issue as among the most thoughtful analyses that have yet been made of this complex problem.

I ask unanimous consent that the two articles be printed in the RECORD.

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

PROFESSOR PRESENTS HIS VIEW ON U.S. INVOLVEMENT IN VIETNAM

(EDITOR'S NOTE.—This is the first of two articles, written at the invitation of The Transcript, in which Dr. Gilbert C. Fite, research professor of history at the University, expresses his views on the U.S. involvement in Vietnam.)

No question in the last 15 years has so frustrated and divided the American people

as the war in Vietnam. During the last few months these frustrations have mounted, and there are increasing demands for what the pro-war advocates call an all-out effort to achieve a quick military victory. The current war psychology is extremely dangerous because much of it is built on ignorance, emotion, and unfounded fear, rather than on any rational analysis of American involvement in Vietnam.

Nothing can be gained by trying to place the blame for our dilemma in Vietnam. The fact is, we are there. But we do need to ask why we are there, whether our presence there can be justified on the basis of national interest, and, if not, how we can best get out if there is nothing concrete to gain by getting more deeply involved. Perhaps the most important question is whether the goals which we have set forth for South Vietnam are worth the cost in American lives and dollars, and, indeed, whether our stated objectives can be achieved at all.

What are our stated objectives? President Johnson has said repeatedly that our main goal in South Vietnam is to establish an independent, non-Communist, self-sustaining nation. "We fight," the President said, "for the principle of self-determination that the people of South Vietnam should be able to choose their own course." A pro-western democratic government in South Vietnam might be highly desirable, but is this a proper American responsibility? I do not believe that it is. Even if a democratic Vietnam could be achieved, it would not be worth the cost in American lives and treasure. I do not believe the United States should fight ideological wars. War is an instrument of national policy which presumably serves a national purpose in terms of defense or some other basic objective. But by talking about freedom and democracy for Vietnam, we have made this war one of ideology and morality. We are not fighting for our own safety or welfare, but presumably we are fighting to establish a particular system of government for the Vietnamese.

In truth, however, talk of a democratic South Vietnam is only talk. It is rhetoric, not policy. What we really mean by a free South Vietnam is one which is either friendly or subservient to the United States.

The South Vietnamese who support our military effort are among the least democratic people in that troubled country. General Ky leads a small group of militarists and is supported by businessmen who are making money out of the war and large landholders who resist economic reform. Ky is an opportunist who fought for the French against his own people and now obviously does not have broad popular support. Recently, Ky remarked that if any candidate was elected president of South Vietnam who did not follow his policies he would overthrow the regime by military force. This caused a number of senators and other officials to talk about re-evaluating our stand in Vietnam, but we continue to support the military junta. Ky has little more inclination toward democracy than the Viet Cong. However pure our motives may be in pursuing our policies, the nationalistic Vietnamese view Ky for what he is, an American puppet, and look at Americans as outsiders who are trying to impose their will on the country by force. It is no wonder that we fail to get any substantial popular support from the people.

But, of course, we do not really believe that we are in Vietnam to promote democracy, despite the rhetoric of freedom stemming from high places. Our leaders say this simply because it appeals to the emotions of people who are needed to support the war. There isn't a truly democratic government in all of Southeast Asia—Burma, Thailand, Malaysia, Laos, or Cambodia—and thousands of lives and billions of dollars will not establish such a government in South Vietnam. If we discard the goal of democracy in Vietnam as a motive for our presence there, what other reasons are there?

We are told that the war is justified as a means of curbing the spread of Communism. Pro-war propagandists have placed the ideology of Communism against that of Democracy. In this way, pro-war advocates have built support for escalating the war on people's fear that Communism is about to engulf the United States.

The main argument says that Communism as a force must be resisted and that it is better to fight Communism in Vietnam than in San Francisco, Norman, or Kansas City. This appeals to people's emotion and ignorance, but will not stand the test of any intelligent thought or analysis. Are the North Vietnamese about to invade San Francisco? Of course not. But the pro-war people say that we might be attacked by the Chinese if we do not take a stand in Vietnam. This is silly. If China should ever attack the United States, would they do it through Vietnam? Would we stop them by being in Vietnam? Any knowledge of modern weapons or geography makes such a suggestion absolutely ridiculous. If we ever have to fight China—God forbid—we surely will not want to make our stand in Vietnam. No, we are not blocking an attack on San Francisco by fighting in Vietnam, because San Francisco will be defended by airplanes, ships, missiles, and atomic warheads, and not by troops sloshing around in the swamps of Vietnam.

Those who favor our policies in Vietnam, however, say that our presence there is needed to contain China just as we did the Soviet Union after World War II. Assuming that we are at last getting to our true objective in Vietnam, is a war in Vietnam the way to achieve this goal and to maintain some semblance of balance of power in Southeast Asia? I think not. Our policy should be to encourage the nationalistic movements in Southeast Asia, not suppress them. If China is to be contained, the people of Southeast Asia will have to bear the main responsibility for containment, not the United States, unless, that is, this country is prepared to spend hundreds of billions and sacrifice hundreds of thousands of lives.

We are told that if South Vietnam is lost—we never had it—then all of Southeast Asia will fall under Chinese control. This is the domino theory—when one falls they all go.

Again this is propaganda based on fear rather than on any understanding of Communism as it exists in the world in 1967. This idea assumes that Communism is one great monolithic menace as it was 20 years ago, and that every Communist party in the world is a puppet of Moscow or Peking. This is simply no longer true as indicated by the fact that Russia no longer can dictate policy to countries in Eastern Europe, and the best evidence is the split between the two giants of Communism, China and Russia. Communism is divided today and we should do everything in our power to increase the divisions rather than follow policies which force the Communist governments together. Ho Chi Minh is a Communist, but more important he is a nationalist who has been fighting foreigners in his country for more than 20 years. He fought the Japanese, the French, and now the Americans. He is trying to rid his country of all foreign control. Indeed, many authorities on Southeast Asia believe that an independent Vietnam, even under Ho Chi Minh, would serve as the best barrier to possible Chinese expansion.

But, the pro-war advocates say, we learned our lesson by appeasing Hitler. We must not let that happen again. The idea that Ho Chi Minh is another Hitler is an analogy based on fear and false logic, not on fact. Hitler had one of the most powerful armies and air forces in the world, and by word and deed he threatened and overpowered his neighbors. His submarines even attacked United States ships in the Atlantic in 1941 before the Japanese struck at Pearl Harbor. Hitler was a threat because of his ideas and his power. There is absoluttely no comparison between Hitler and Ho Chi Minh. In Korea the United States responded to a direct attack and gained U.N. support. We did not get involved by taking sides in a civil war in South Korea. To compare Hitler or the Korean situation with conditions in Vietnam is to be ignorant of history or deliberately to construct a falsehood.

While Americans would prefer a democratic government in Vietnam, it is not essential to our welfare or national interests. Why is it that a nondemocratic or a Communist government in South Vietnam is so much more dangerous to the United States than Russia, Poland, or even Cuba? The answer is, of course, that no conceivable type of government in Vietnam—Communist, fascist, monarchial, or democratic—could be any threat to the United States. It is stupid to expend thousands of lives and billions of dollars with the goal of defeating Communism in Vietnam, while we are at the same time living in peace with Communist governments all over the world. This holy crusade against Communism in Vietnam is indeed, as Senator George McGovern has said, a policy of "madness." It does no credit to rational men.

Most Americans had no idea that the United States would become so heavily involved in a land campaign on the continent of Asia. In the 1950's civilian and military officials from President Eisenhower on down warned against such a policy. But by the 1960's we were told that just a little force, first advisors and then a few troops, would defeat the Viet Cong and later the North Vietnamese, and bring them to the conference table where a political solution could be worked out. President Johnson said he opposed expanding the war and many people voted for him in 1964 because he repeatedly stated that he did not intend to widen American involvement there. As he said on Oct. 21, 1964: "We are not going to send American boys nine or ten thousand miles away from home to do what Asian boys ought to be doing for themselves." But the President did exactly the opposite of what he told the voters in 1964. By that time it was quite clear that our policy of intervention and of backing unpopular governments in South Vietnam was failing. But instead of recognizing and admitting our mistake, we moved step by step to get more deeply involved militarily. At first this seemed to make sense because our military men assured us that a few thousand marines and perhaps an army division would put the Viet Cong to rout. But we soon found that the Viet Cong and North Vietnamese did not like Americans any better than they liked the French and they fought with dedicated ferocity. So the call came for more and more troops. Rather than re-evaluating our policies we moved stubbornly ahead in bloody battle after bloody battle, but we were never told what we were to expect even if victory were achieved. Rather than widening the war, we should have admitted our error and worked to disengage ourselves from the swamps and jungles of Vietnam.

Professor Suggests Negotiation, Gradual Withdrawal

(Editor's Note.—This is the second of two articles, written at the invitation of The Transcript, in which Dr. Gilbert C. Fite, research professor of history at the University, expresses his views on the U.S. involvement in Vietnam.)

In their frustration an increasing number of people claim that the best and quickest way to get American troops back home is to enlarge the war and achieve a complete mili-

tary victory. Recently Rep. Gerald Ford and others have called for greatly stepped-up bombing of North Vietnam. On the surface this seems like a sensible policy, but closer examination shows that such action promises more than it can deliver. It is a fact of war that no country, including England and Germany in World War II, has been defeated by bombing. The exception to this was when the U.S. dropped the atomic bomb on Japan. More air power is advocated because it promises a relatively cheap victory compared to massive land campaigns. But we should not deceive ourselves, there can be no cheap victory in Vietnam. Moreover, General Ridgway said that the Korean War "taught that it is impossible to interdict the supply route of an Asian army by air power alone." Every report indicates that bombing North Vietnam has not greatly reduced the movement of supplies southward, that morale continues high despite a terrific pounding, and that bombing has simply increased the Vietnamese determination to resist. Of course, we can probably obtain some kind of victory, that is, if we kill everyone, or almost everyone. But what would be the purpose of such destruction? We are really saying to the Vietnamese that it would be better for them to be dead than to disagree with our policies for their country.

The greatest tragedy of all is that complete military victory will not achieve our stated objectives—freedom and democracy for South Vietnamese, resistance to Communism, or even bring American men home. Following an American victory the only stabilizing force remaining would be United States troops. This would mean that American troops would in all probability have to remain in Vietnam indefinitely as policemen. The reason we would have to stay is because we do not have the support of any sizable group of Vietnamese. Military victory will simply put us in the position of the French as the governors of Vietnam.

I do not believe that the American people understand this. If they did they would insist on working for a diplomatic and political solution to the Vietnam problem and a use of minimum military force. The only way we will get the boys home is to reduce our military involvement.

The main reason we should be working toward a political solution to get out of Vietnam is because the great majority of Vietnamese do not want us there. If we believe in self-determination as we claim, then we should let the Vietnamese solve their own problems. The proof of lack of support by the Vietnamese for our position is indicated by their failure to support the war. This has become an American war. We are no longer just helping the South Vietnamese. We are carrying almost the full burden of the war. The Vietnamese have little interest in the war except to avoid fighting. Neither the South Vietnamese nor our so-called allies are interested in fighting such a war, except perhaps for the Koreans on whom we put tremendous pressure to help us. When Clark Clifford and General Taylor visited the Far East early in August, 1967, they returned home and announced that our allies favored stepping up the war. But not a single country promised to send any troops. South Korea said she would consider sending more troops. It seems never to have occurred to American policy makers why we are alone in this war. Obviously Australia, New Zealand, and the Philippines, for example, are not fearful if the Vietnamese are permitted to work out their own problems, and they are thousands of miles closer to Vietnam than the United States.

The South Vietnamese army is a joke, mainly because the troops do not want to fight. Our government has consistently misled the American people about the strength and quality of the South Vietnamese fighting forces. We have been told that South Vietnam has an army of about 600,000 men. But less than 300,000 are in the regular army and the rest are militiamen or regional forces, and very ineffective. The South Vietnamese armed forces total more than the Viet Cong and North Vietnamese troops in South Vietnam, but they are nearly useless in prosecuting the war. Time magazine reported on Aug. 4, 1967, that 125,000, or one-fifth of the South Vietnamese armed forces deserted in the previous year, and that South Vietnam had been reporting 20,000 troops that simply did not exist—phantom troops, Time called them. In July when Secretary McNamara asked General Ky to increase the number and efficiency of the South Vietnamese forces, General Ky replied that he thought the best solution was to send 200,000 more Americans to Vietnam!

Why should the United States be fighting a war to help people who are not interested in helping themselves, or who will not fight on their own behalf. The United States is being played for a sucker by a small ruling group in Vietnam which has not the slightest interest in American objectives. How long will the American people permit themselves to be played for suckers, first by a minority of Vietnamese, and then by their own government which tries to picture conditions as they are not.

American policies have failed in Vietnam. Every military prediction of our leaders has proven wrong. In 1962 Secretary McNamara said that we were winning the war; in 1963 he said that the bulk of American military work had been done and we could soon start bringing the boys home. Also in 1963 Secretary Rusk said that we had rounded an important corner in the struggle against the Viet Cong. General Harkins said that the war would be won "within a year." The next year, in 1964, Secretary McNamara said that the attacks by the Viet Cong had "declined drastically," and intimated that victory would soon be ours. As late as Aug. 12, 1967, Admiral U. S. Sharp told an ABC television audience that the ground war was going well and that no stalemate existed. But reports from Saigon indicate that everyone except government officials recognizes that the ground war is not going well. If it were, General Westmoreland would not have asked for as many as 150,000 additional troops. Despite 100 percent error in evaluating the military situation, the American people are asked to believe the same defense and state department spokesmen who have been consistently wrong in the past.

In the second place, we have failed at pacification efforts, or winning the South Vietnamese to our views and to our side. No serious or objective student claims that we are making progress in the so-called "other war" where the President says it must be won. Even Secretary McNamara reported after his July visit to Vietnam that we had made practically no headway with pacification. Indeed, pacification has failed so miserably that a short time ago this aspect of the war was turned over to General Westmoreland and the army.

An NBC newscast on July 13 showed a village which had been rebuilt after having been burned down by the Americans in their search for Viet Cong. The new houses appeared fairly nice by Asian standards. But then the TV camera showed that the entire village was surrounded by barbed wire in order to keep the Viet Cong out and the villagers inside. An American adviser in the village told the newsman that the village was, to use his words, a "concentration camp." Then he explained that some 4,000 people had escaped from the barbed wire and had fled into the hills. What a commentary on pacification. We are freeing people by putting them in barbed wire enclosures against their wills. Moreover, a dispatch from Saigon on Aug. 14 said that General Ky had removed the head of South Vietnam's rural pacification program because he had been too vigorous in attacking corruption.

Having failed to achieve our stated objectives by either military action or pacification efforts, our government has continually proposed more and more of the same old thing. We are trying to build success on proven failure. Our medicine has not worked, so we are asked to double or triple the dose. More, more, the Administration asks. It is time for the people to rise up and say, less, less, no more, no more. For example, Robert W. Smith, executive editor of the Minneapolis Star, returned from Vietnam in June and reported that the United States wanted to assign 50 percent more advisers to Vietnamese army units. But what can more advisers achieve that earlier advisers failed to do. The problem is a lack of will to fight by the South Vietnamese, it is not a lack of advice.

Our policies have thus far failed in Vietnam, but even if they had succeeded we need to ask ourselves whether the price is not too high. Sensible and rational people should place their aims and objectives over against the cost in American lives and dollars. Is the difference between a friendly or unfriendly Vietnam worth more to the United States than 12,500 brave fighting men and as much as $50 to $100 billion dollars—and the pro-war advocates would raise the cost even higher. Does the kind of government Vietnam has made this much difference to the United States? Scores of countries around the world—much more powerful than tiny, poverty-ridden Vietnam—are unfriendly to the United States, but we are not spending blood and treasure to force them to maintain a government friendly to us, or to guarantee elections. It is clear that we stumbled into Vietnam inadvertently, a step at a time, and that the cost of this intervention in a civil war is much greater than we anticipated. But we have been unwilling to admit our mistake after seeing that no possible achievement in Vietnam would be worth the price we are having to pay.

The American people should insist that their government explore alternative policies in Vietnam. Many distinguished and patriotic Americans, including military experts such as General Gavin and General Shoup, have advocated for many months that we de-escalate the war. As Senator Thruston Morton said on Aug. 14, we should seek "honorable disengagement." Indeed, this is the first step toward getting any kind of peace. As an initial move, the United States should immediately reduce its aggressive air and ground activity and maintain a holding action. Of course our troops should defend themselves and we should support them with everything necessary to do that. One reason we should cease our search and destroy operations is that they have been very expensive in terms of lives, and they have been a failure militarily. But the broader and more significant reason to reduce military activity is to provide a proper climate for peace negotiations.

Next, we should make it known that the U.S. is willing to negotiate a gradual withdrawal from Vietnam and leave the country to the Vietnamese. Rather than us taking the lead in negotiations, we should urge the Asian powers, the U.N., and especially U Thant, to develop policies which would be acceptable to the various interests and groups. If we let nearby Asian countries work out a solution it is much more likely to last than if we try to force some kind of settlement on the region. After all, this is an Asian problem, not an American problem, except as we have made it one.

Moreover, if it appears that the leaders who have supported us in the war are endangered, we should offer them asylum.

Most important of all, the United States should outline a policy which would gradually withdraw American troops from a land

war which every knowledgeable civilian and military leader warned us against a decade ago, and get back to a feasible defense line—namely maintain our line of air and sea defenses just off the mainland of Asia. With complete air and sea superiority in the western Pacific, no nation can successfully challenge us; and the United States will be in a position to defend its vital interests of trade or defense without getting mired down in an unending land war.

Many Americans have strong objections to concentrating our efforts on a political and diplomatic settlement in Vietnam—one in which the Vietnamese and other Asian countries would be permitted to work out the problems—because they feel we must "win" the war as a kind of atonement for those who have already died in Vietnam. This is strange reasoning. We have achieved no worthwhile goals or objectives in the national interest with the death of approximately 12,500 American troops, so the pro-war advocates urge sending more and more brave Americans boys to their deaths for equally unsound policies. Every American should, I believe, support the men in Vietnam, most of whom are there against their will, with everything they need. If this means higher taxes, or anything else, we must bear that cost. But we will serve our troops best if we help reverse the policies which have sent them there. The most loyal backing we can give our men in Vietnam is to bring them home, and our best chance of bringing them home is not in enlarging the war, but in negotiation and gradual withdrawal.

This is indeed a curious and paradoxical war. Many of the most vociferous supporters of the war have no sons in Vietnam. They keep their sons in college as long as possible and thank God when they fail to pass the physical examination for military service. They also oppose tax increases to pay for the war. In other words, the war has millions of supporters who think it is fine to keep fighting—even expand the war—so long as someone else's sons are fighting it and they can pass the cost on to the next generation. There is a basic dishonesty here which is not in the best American tradition.

Finally, the pro-war advocates have not at any time shown what benefits will accure to the United States as a result of all the sacrifices which we have made and continue to make in Vietnam. They have not shown what the United States can get out of the war which is of value to us as a people and as a nation. How is our national interest served by elections in South Vietnam? No one has told us. How have we strengthened our defenses by losing thousands of men in a small country which could not possibly threaten or attack the United States? No one has told us. How have we helped our country by spending billions killing Vietnamese—this may provide psychic satisfaction to some people—while poverty, unrest, and riots occur here at home? No one has told us. The truth of the matter is that we have nothing to gain and everything to lose by further military involvement in Vietnam. Let us practice what we preach about self-determination and let the Vietnamese solve their own problems. Let us do what Senator Morton has proposed and seek an "honorable disengagement" by negotiation. We have tried military force and it has failed. Honest and imaginative diplomacy deserves a try.

AN AMERICAN-ARAB DIALOG

Mr. MOSS. Mr. President, a visiting Lebanese professor of political science—Dr. Hassan Saab—now teaching at the University of Utah, in Salt Lake City, has written a most interesting letter recommending a new, free dialog between Americans and Arabs so that their relationship may be assessed in terms of "common ideals and interests," rather than of "power politics and domestic pressures," as he feels is presently the case.

I agree that such a dialog would be most valuable. I well recognize that we in America know all too little about the strong urge now being felt in the Arab world for nationhood built on freedom and justice, and I am sure that many Arabs misunderstand our efforts in Vietnam and elsewhere to help establish free and independent countries. I am sure that they all too often equate these efforts with imperialism.

But valuable as I know a wider American-Arab dialog could be, I feel also that the American attitude toward the Arab will never change deeply until there is meaningful dialog between the Arabs and the Isarelis, as well. Perhaps the dialog could be a three-way one—Arabs, Israelis, and Americans.

I ask that Dr. Saab's well written and eloquent letter be printed in the RECORD.

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

FOR AN AMERICAN-ARAB DIALOG

THE UNIVERSITY OF UTAH,
Salt Lake City, September 29, 1967.

MY DEAR SIR: I take pleasure in writing to you from the University of Utah, which I joined for the fall quarter of 1967 as a visiting professor of Political Science. I left Lebanon in these critical moments, hoping that my visit to the United States would allow me to communicate directly with my American friends about the present grave situation in the Middle East.

All of us, Americans and Arabs, ought to be deeply concerned with all the aspects of the Arab-Israeli conflict. We must do our utmost to prevent the resumption of hostilities in the area. We must spare no effort in finding a peaceful and just solution to this tragic conflict. Nonetheless, its impact on American-Arab relations deserves more attention than it has received.

This great country, the United States of America, has every reason and every possibility of building in dignity, freedom, justice and peace, a creative partnership with the whole Arab world from Morocco to Iraq. The Arab world has its weaknesses and shortcomings, but it has also all the thrilling promises of a developing society. The United States has the excesses of affluence, but it has also the resourceful abilities of a developed society. American-Arab partnership should be built complimentarily and patiently for the mutual good of the American and the Arab people.

There have been many obstacles which have hampered the emergence of such a partnership. The Arab-Israeli conflict has been the greatest of these obstacles. Therefore, there is a pressing need for a new constructive approach to this conflict, which would limit its catastrophic effects on American-Arab relations. A new free dialogue must immediately begin, which should enable Americans and Arabs to reassess their relations *in terms of common ideals and mutual interests more than in terms of power politics or of domestic pressures.* Truth, Reason, Wisdom, Statesmanship, and Farsightedness should guide this dialogue rather than prejudice, emotion, violence, politics and short-sightedness.

Americans and Arabs must not allow any "third party" to stand in the way of such a free, direct and creative dialogue. From 1947 to 1967, there has often been a "third party", such as Europe, Israel, or Communism, lying behind the deterioration of American-Arab relations. There has never been a genuine and direct confrontation between the American and the Arab people, nor an authentic meeting between the American and the Arab mind.

Under the impact of the Cold War, Americans see the Arabs in the shadow of a "third party": world Communism. Under the impact of three hot wars with Israel, the Arabs see the United States dominated by another "third party": world Zionism. To Americans, the Arabs are obsessed only with the destruction of Israel. To Arabs, Americans are obsessed only with the destruction of Communism. Thus, each party thinks that it knows all about what the other party stands against, but does not seem to care about what it stands for.

In the Arab mind, the prevailing image of America is the image of a stronghold for world Zionism rather than that of a new continent blessed with unlimited opportunities for human beings. In the American mind, the disturbing image of the Arab world is the image of a stronghold for world Communism rather than that of a land bursting with the restless aspirations of its people for a new renaissance. Americans equate Arab nationalism with fanaticism. They mistake Arab socialism for communism. Islam is judged through the utterances of its reactionary mullahs rather than through the bold achievements of its modernist leaders.

The Arabs equate American world leadership with imperialism. They identify American democracy with Zionist pressure groups. Americans ignore the Arabs' deep urge for a new nationhood built on concrete freedom. They do not properly appreciate the Arabs' sincere longing for a new society founded on justice. Arabs overlook American striving for a new world order governed by freedom and justice.

This basic mutual misunderstanding deepened during the tragic events of the Fifth of June, which conveyed to the Arabs the impression that Americans were feasting over their military debacle. Technological superiority and swift victory seemed to justify all the unhuman means and effects of this victory. The facts about the crisis, before, during and after the so-called "Six Days War", were reported by American mass-media of information in an utterly one-sided manner, which made every Arab question American objectivity, and led him even to wonder about the American sense of fairness.

While statesmen and diplomats are seeking at the United Nations a political settlement of the Arab-Israeli conflict, American and Arab thinkers and intellectuals must attend urgently to the more obvious task of shortening the widening gap between the American and the Arab mind. They should not allow power alone to determine the future of American-Arab relations. Man should be the master of power, not its slave.

The United States cannot rely on power alone for the preservation of her interests in the Arab world. She cannot continue to view her relations with the Arab world only as one aspect of a power game with the Soviet Union or Red China. The greatest human asset in the world contest for power in the Middle East is the good will of one hundred million Arabs, who live at the crossroad of the world continents, command the world's greatest reserves in oil, and who are the heirs to some of the world's greatest civilizations and religions. The Arab world can develop better and faster with American understanding, assistance and friendship.

American intellectuals are called upon to free themselves from the complexes of indifference, isolationism, condescendence or onesidedness which have determined their approach to the Arab world. Arab intellectuals should overcome the feelings of mistrust, grudging, suspicion, bitterness and resentment which have governed their approach to the United States of America.

American and Arab intellectuals must lead

the way in challenging national prejudices. They ought to remind their countrymen that the people of another nationality are men, who may commit the greatest blunders but may also pursue the greatest achievements. They ought to show them how to engage in the search for a better future rather than to indulge in recriminations about a vanishing past. Our love for Mankind, our trust in Man, and our concern with a better future for all men must be deep enough to set our minds free from all the ingrained hatreds of the past.

An association, a university, a foundation, any responsible institution should immediately take the initiative in bringing together, outside of any governmental influence, a group of American and Arab thinkers, who may be capable of starting the overdue dialogue between American and Arab thought.

I hope that this letter will stimulate the reader into more thinking about American-Arab relations, and will encourage all those who have considered any proposal for the betterment of these relations to come out with their ideas and suggestions.

My little, country, Lebanon, has always believed in free and rational dialogue as the proper way for communication between men. Faithful to their role as mediators between the Western and the Arab mind, our intellectuals will be happy to make their humble but active and creative contribution to the opening of a new dialogue between American and Arab thinkers.

Sincerely yours,

Dr. HASSAN SAAB,
Professor of Political Science at the Lebanese University and the Saint Joseph University of Beirut.

ISTHMIAN CANAL TRAFFIC

Mr. MORSE. Mr. President, a constituent of mine, Mr. Carl Svarverud, of Eugene, Oreg., has for many years been president of the Nicaraguan Strait Development Co., Nicaragua. He is an experienced engineer with many insights into the political and economic problems and relations involved in canal construction in the isthmus of Central America.

After talking to him recently in Eugene, I asked that he prepare a written account of the points that he had brought to my attention. Since the subject of Isthmian Canal traffic is of so much interest and importance to many Americans, I feel that his paper should be shared and therefore I ask unanimous consent that it appear in the RECORD at the conclusion of these remarks.

I should make clear that Mr. Svarverud speaks for himself; but I do agree with his general conclusion that far more attention should be given by our country to the alternatives to Panama in the construction of a new isthmian canal.

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

THE NICARAGUAN STRAIT DEVELOPMENT CO., INC.,
Eugene, Oreg., October 23, 1967.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: You kindly suggested to me, at our recent meeting at your Eugene home, that I prepare a written account of the points I brought to your attention and you would place it in the Congressional Record.

The Wall St. Journal reported last Friday, Oct 20, that the House Sub-Committee on Panama Canal had approved the measure, H.R. 6791, to give the Canal Study Commmission an extension from June 30, 1968 to Dec. 1, 1969 to carry out its studies. The Senate companion bill, S. 1566, approved last June 5, grants an extension to Dec. 31, 1970.

The Journal further reported: "The measure is expected to face a tough fight on the House floor. The Commission's work has become embroiled in a separate dispute over three newly drafted treaties with Panama."

The aim of my enclosed article is to present a comprehensive analysis of the proposed treaties and the status of the Canal Studies.

In view of the current situation, it would appear to be a most appropriate time to place this article in the Congressional Record.

Should you consider it advisable for me to make some revisions, I will be happy to do so.

Estoy muy agradecido.

Sincerely,

CARL SVARVERUD.

PROPOSED CANAL TREATIES AND SEA LEVEL PROJECT

(By Carl Svarverud)

Speculation concerning the prospects for joint signing and ratification, in the near future, of the proposed canal treaties between the United States and Panama on the status, defense and replacement of the Panama Canal was put to rest by President Robles of Panama, October 1, 1967.

At the opening of the Panama National Assembly, President Robles "reiterated his government's stand on renegotiating the proposed treaties with the United States. Only after changes, alterations and clarifications were approved would his government decide on the best course for Panama."

Announcement had been made simultaneously in Panama and Washington, last June 26, that agreement had been reached on the three proposed treaties. Signing was tentatively set for July 24, in Washington by the two Presidents, Johnson and Robles. Ex-President Eisenhower was expected to witness the signing.

These plans were upset because quite obviously neither government anticipated the almost vicious opposition to the proposed treaties by just about every segment of Society in Panama. This included eight political parties, lawyers association, professors, 8,000 member University Student Body, Labor leaders, et. al. With a Presidential Campaign and election coming up in Panama next Spring, President Robles has prudently bowed to the overwhelming public opposition to the proposed treaties, at least in their present form.

The rude and adverse reception of the proposed treaties in Panama, which would, if ratified, grant Panama undreamed of concessions, was met with discreet silence by the Administration in Washington.

Panama's opposition to the proposed treaties demonstrates that no amount of concessions and sugar-coating will ever make palatable there a foreign enclave, or "micro-state" as Panamanians refer to the proposed treaty provision for the reduced "Canal Area." A foreign occupied military base is equally disasteful.

The fact that the proposed treaties would give Panama no less than a one thousand per cent increase in payments over the present annuity has not softened the opposition to the treaties in Panama. They would receive 17 cents a ton from canal tolls starting two years after the treaty signing. This would increase 1 cent each year for 5 years, up to 22 cents a ton. The United States would receive 8 cents a ton, increasing 1 cent a year up to 10 cents a ton. Net earnings of the canal to be split 50–50 between the United States and Panama. Panama would receive about twice as much from the canal as the United States, if the treaties were to go into effect in their original form.

Fernando Eleta, Panama Foreign Minister and in charge of treaty negotiations with the United States, in talks in Panama trying to "sell" the treaties, stated that Panama would receive approximately $1.3 billion from the canal enterprise in the next 30 years.

The proposed treaties would return to Panama complete sovereignty over the Canal Zone, transfer to Panama all lands and properties in the "canal area" not required in the canal operation, transfer free to Panama of the complete lock canal and all its installations at the time of the opening of a sea-level canal wherever built outside of the present Canal Zone, a four man representation by Panama on a 9 man Board of Directors of the Canal and Canal "Area", termination of the sea-level canal treaty 60 years after signing and not later than December 31, 2069.

There are three major points in the proposed treaties that have aroused the most violent criticism in Panama. They are:

1. The so-called "reduced canal area" which Panamanians maintain would be a "micro-state" under the foreign (U.S.) control of the 5 to 4 Board of Directors. Thus, they maintain, there would still be a foreign enclave just as the Canal Zone is now.

2. The five to four makeup of the Board of Control of the canal enterprise. Panama holding the minority position.

3. A foreign (U.S.) military presence in Panama of unspecified size and they claim for an indefinite period of time.

Much of the opposition to the proposed treaties that one finds in Panama is emotional manifestations of nationalism. This would exist even without the so-called "intellectuals" and communists among the University professors and students that fan the flames of hatred against the United States at every opportunity.

Business leaders in Panama know that the most serious potential threat to Panama is not from foreign enclaves, or "micro-states", or 5 to 4 Board of Directors. It would be the disastrous dislocation of their economy that would result from moving the present canal with its 14,500 employees to a remote area where the sea-level canal could operate with no more than 500 to 1,000.

Studies made by different agencies for the Panama Government have estimated that the economic dislocation from replacing the present lock canal by a distantly located sea-level canal could cost Panama $80 million annually in lost revenue.

Panama's treaty negotiators, regardless of what their critics say in Panama, have very ably protected Panama's interests in the proposed treaties. This is true in respect to the adverse 5 to 4 control of the Board of Directors and the question of the potential economic dislocation that would result from a sea-level canal located at a distant site.

The proposed treaties provide that Panama would have the right to request the International Court of Justice, The Hague, or the Sect.-General of the O.A.S. to designate arbitrators to resolve any dispute between the two governments. The decision of the Arbitration Board to be final and binding on Panama and the United States. Thus the majority 5 to 4 control by the United States could be nullified and reversed by a decision of the Board of Arbitration.

The neutrality of the 21 members of the O.A.S.—all Latin, except the United States, on any issue between Panama and the United States would be open to question. Just about every nation in Latin America has expressed, at one time or another, sympathy for Panama in its claim to sovereignty over the Canal Zone and its rights in the canal enterprise.

In respect to dislocation of the economy that might result to Panama if a sea-level canal were to be built away from the present Canal Zone, the sea-level canal treaty provides that Panama be paid for damages to disloction of the economy by construction of a sea-level canal. If Panama's purported

claim of $80 million annually for moving the canal to a distant location were accepted, the indemnity to Panama would be equivalent to 3.2 per cent interest on $2.5 billion.

Strong opposition to the proposed treaties with Panama has been expressed in this country, patriotic groups, Veterans organizations, military spokesmen, shipping interests, a resolution signed by 128 Congressmen, and the latest—the U.S. Emergency Committee on the Panama Canal. The gravest concern is over relinquishing U.S. de facto sovereignty over the Canal Zone, threat of communistic penetration into Panama and imminent danger of nationalization and expropriation of the canal enterprise by Panama.

Panama could carry out nationalization and expropriation without any assistance from Castroites, or communists. Those elements would delight in such an eventuality in Panama, but their intervention would be much more of a liability than an asset to Panama.

Panama could cite the United States acquiescence to Mexico abrogating Art. VIII of the 1953 Gadsden Treaty, which granted the United States a right of way for a canal, or road across the Isthmus of Tehuantepec. Then there was the acquiescence by the United States to the expropriation of about $300 million worth of oil properties from American (U.S.) Oil Companies by the Mexican Government.

Panama's "ace in the hole" is the story of Suez. Panama could proclaim the nationalization and expropriation of the Panama Canal and agree to pay for it in the precise manner as followed by Egypt's Col. Gamal Abdel Nasser, July 26, 1956, when he seized the Suez Canal. Nasser could never have carried out that brazen action except for the direct intervention and support of the United States.

U.S. military forces in Panama, of course, could prevent a repetition of the Suez disaster at Panama. Could they? Great Britain, as it turned out, had rather unwisely submitted to the urging of a certain friendly Western Ally and evacuated their 80,000 man military force out of their billion dollar military base in the Suez Zone only six weeks before Nasser's seizure and left the Suez defenseless. However, British military forces returned three months later and quickly recaptured almost the entire length of the Suez Canal.

The British effort, supported by France and Israel, proved futile when the United States joined with Soviet Russia—yes, that is right—in a petition to the United Nations demanding the withdrawal of British, French and Israeli forces from Suez. The British and French abjectly withdrew. Israel with more reluctance.

It was a diplomatic, not military, surrender that lost the Suez Canal in 1956. The Panama Canal could only be lost in the same manner.

In a show-down in the United Nations over the nationalization and expropriation of the Panama Canal, is there any reason to believe that the United States would fare any better than did Great Britain and France at Suez in 1956? The United States would be hard-pressed to find a sympathetic vote, certainly not from Great Britain, France, or any nation in Latin America.

The United States, it is claimed, has invested approximately $4.9 billion building, operating and defending the Panama Canal. The original cost for purchase of French interests, concession from Panama, indemnity to Colombia and actual construction of the canal was about $385 million.

Certainly it would be unthinkable to jeopardize in any way the operation and control by the United States of the Panama Canal until such time as a truly adequate replacement could be built and put into operation at some other suitable site in Central America.

However, the stubborn and unrealistic insistence by certain groups in this country on the status-quo and indefinite maintenance and operation of the present lock-type Panama Canal, if allowed to prevail, can only lead to ever worsening political, economic and defense problems for the United States.

A strong lobby in this country has fought for the past two decades the construction of an isthmian sea-level canal. Fear that the great cost involved would result in higher tolls has sparked this opposition. That opposition succeeded in holding up the construction of a sea-level canal because the U.S. Navy was able to secure the funds from Congress to build a so-called two-Ocean Navy, including some 25 vessels that cannot transit the Panama Canal. The estimated cost of a sea-level canal was approximately the same as that of the 25 war-ships. Just one of our air-craft carriers cost $435 million. Add to this a 30-year operation and maintenance cost and you would have a total investment in that one air-craft carrier of approximately $3 billion.

Because of the withdrawal of the British from east of Suez—their Naval bases at Aden and Singapore—the United States is confronted with the option of increasing its Naval task forces in that part of the World or allowing some other Power to do so. Certainly, mobility of U.S. Naval forces between the Atlantic and Pacific Oceans is no less vital today than it was at the time of the building of the Panama Canal. That mobility can only be had today by building a sea-level canal across the isthmus of Central America.

Panama Canal traffic is currently running at more than a 100 million ton annual rate. Increasing for the next fifty years at only 40 per cent of the rate from 1914 to the present time, income from existing toll rates would amortize the cost of a new sea-level canal costing more than $3 billion with annual amortization charges of 3.5 per cent.

Panama Canal tolls could undoubtedly be raised as much as 25 per cent with little, if any, adverse effect on traffic flow through the canal. However, it would not only be unjustified, but it would also be unnecessary as existing toll rates, with the present volume of traffic at the canal and likely to use an adequate isthmian waterway in the future, would be ample to pay operating and amortization charges of a new canal.

Col. Nasser, regardless of his other shortcomings, must be credited with an excellent job of operating and improving the Suez Canal the past decade—up to June 1, this year. Nasser has done this without raising toll rates, although he did place a small surcharge for clearing the canal of sunken ships.

The best way for the privately owned shipping industry to allay their fears of higher canal tolls and at the same time give the U.S. Navy the sea-level canal they so badly need would be to suggest that the United States Government provide financing for a new sea-level canal on terms as favorable as granted to foreign recipients of some $7.5 billions of USAID loans the past few years. Those USAID loans were for 50 years with interest rates of 1.75 to 2 per cent, now raise to 2.5 per cent.

It is not only the U.S. Navy's ships that are restricted by the Panama Canal in voyages between the Atlantic and Pacific Oceans. More than 600 merchant ships with the number increasing every month are also confronted with the same restriction.

Just in the past three months, five U.S. Oil Companies, together with the Shell Company, have placed orders for the construction of 57 mammoth tankers, ranging in size from 200,000 to 312,000 tons. In the past month of September, the Italian Government ordered the construction in Italian Yards of two 300,000 ton tankers. These 59 ships represent a tanker tonnage fifty per cent greater than the entire U.S. Flag Tanker fleet.

A former Panama Canal Engineer, member of the Board of Consultants Isthmian Canal Studies, 1960, wrote in a letter placed in the Congressional Record, that the 50,000 to 60,000 ton ships would prove impracticable, there was no reason to provide passage facilities for them at the Panamal Canal. "They could not turn around in the Mississippi River." That Canal "Authority" might have impressed some Congressmen, but certainly not ship operators and bankers that ordered and financed the 600 odd number of mammoth sized ships that represent a cost of more than $1 billion.

Notwithstanding U.S. Government subsidies annually of about $260 million to U.S. ship builders and operators, less than 9 per cent of U.S. imports and exports are hauled in U.S. Flag ships. This is the lowest point in the history of the American Merchant Marine. The figure was above 50 per cent only 15 years ago.

It is the same sad story in U.S. ship building. It ranks only 12th in world shipbuilding—just below Yugoslavia. Of course, this situation is basically due to high U.S. wage standards. These high U.S. wages would not constitute too much of a factor in the operation of the highly automated 100,000 to 200,000 ton ships. They operate with no larger crews than the post-war 11 16,000 ton tankers and the smaller Liberty and Victory ships.

The construction of sea-level canal to connect the Atlantic and Pacific Oceans that will permit the passage of these mammoth sized ships will undoubtedly stimulate Atlantic, Pacific and Gulf Ports, wherever possible, to deepen their harbors and fit their ports to accommodate these larger ships. U.S. Flag ships might once again take their rightful place on the high seas.

Statements are often made that the development of huge air cargo planes will make merchant ships less and less important in the transport of international trade. However, there is no substantial evidence to support this contention. More than 97 per cent of the cargo that has been delivered to South Vietnam since the outbreak of hostilities there the past five years has been by regular merchant marine type ships.

The report made this year by The Arthur Anderson & Co. of Chicago for the Panama Canal Company regarding canal traffic and tolls indicates that a 100,000 ton ship could make a one-way trip from U.S. East Coast to Japan by way of the Cape of Good Hope, South Africa—38 days at $6,000 per day—16,190 miles for $2.53 a ton as against a 25 day trip—at $4,000 a day—for a 50,000 ton ship by way of the Panama Canal for $2.67 a ton.

This hypothetical illustration might leave a false impression that the huge ships could make unnecessary construction of a new sea-level canal. What they don't show is that if the Panama Canal could accommodate the 100,000 ton ship, it could pay the canal tolls and still save $38,000.00 over the voyage by way of the Cape of Good Hope. This would give a tonnage rate of $2.11 via Panama as against $2.53 per ton via the Cape of Good Hope.

A ship voyage from East to West Coast North America is 7800 to 8000 miles shorter by way of the Panama Canal than around the Cape Horn or Straits of Magellan, South America. The longer trip would require a minimum of 20 to 22 days longer with ship speed of 16.5 knots. The 100,000 ton ship would thus save from $40,000 to $52,000, if it could go thru the Panama Canal instead of around South America on a run between East and West Coast North America.

Fortune Magazine, Sept. 1967 issue, quotes a rate of $3.84 a ton on oil shipments from Persian Gulf Ports to Western Europe in an

80,000 ton tanker, largest that can transit Suez. It is stated that a 200,000 ton tanker can reduce this rate by 34 per cent via voyaging the longer route via Cape of Good Hope. However, if the 200,000 ton tanker could transit the Suez Canal it would save approximately $78,000 per voyage over the Cape of Good Hope route.

Ebasco studies show that a 200,000 ton tanker carrying a load of 192,000 tons of oil via the Cape at $2.54 a ton ($3.84 less 34 per cent) on a two way voyage of 22,000 miles round trip would result in a cost of $485,937. An 80,000 ton tanker (limit at Suez and 15,000 tons more than Panama) between the same Ports via Suez paying tolls empty one way and loaded return—would travel 12,470 miles round trip. The cost would be $3.84 per ton.

If the 200,000 ton tanker were able to transit Suez, the cost of a voyage of 12,470 miles via Suez would be 57 per cent of the Cape voyage of 22,000 miles, or $277,000. Tolls at Suez would add $34,000 one way empty and $96,000 loaded one way ($.50 DWT loaded, $.227 per DWT light). Total voyage tolls—$130,000. Total voyage and toll costs for 200,000 ton tanker via Suez 12,470 miles would be $407,000. This would be a saving of $78,000 via Suez over the Cape of Good Hope route.

Regardless of claims to the contrary, no ship has yet been built, or ordered, that could travel the 7,800 to 8,000 mile longer route around South America and save costs over using the shorter isthmian crossing and paying existing rate of canal tolls. This would be true for ships up to 500,000 tons.

The Suez Canal crisis was exclusively a political problem. That at Panama is both political and physical. Both equally critical.

Panama Canal traffic has increased at an annual rate of 5.6 per cent since the canal's opening in 1914 down through fiscal year 1967. However, canal traffic at Panama has quadrupled from 1947 through fiscal year 1967. That is equivalent to an annual rate increase of about 7.5 per cent.

The Panama Canal Company and the Stanford Research Institute back in 1957 and 1959–60 made canal traffic projection studies which were based on an average annual increase of about 2.2 per cent for the rest of this century. The figures they estimated would be reached between the years 1995 and 2000 were actually reached in fiscal year 1967, some 30 years ahead of their educated guess.

President Johnson recognized that a serious misjudgment had been made concerning the future volume of canal traffic at Panama. In his Message, Aug. 8, 1967, of transmittal to Congress of the 3rd Annual Report of the Atlantic-Pacific Interoceanic Canal Study Commission, the President stated: "While past studies has put the need (for a new canal) around the end of this century, recent traffic growth has been more rapid than was earlier foreseen and the need may develop much sooner."

Due to twenty years of vacillation and misjudgment, the United States is now confronted with the stark fact that, even if surveys and construction were started immediately, and isthmian sea-level canal could not be opened in time to avert a serious bottleneck and costly diversion of maritime shipping. Even at a reduced annual canal traffic increase of one-third that of the last 20 years, canal traffic at Panama would be running at an annual rate of approximately 130 million tons by 1980. That would be about the earliest date a sea-level canal could be opened to traffic. This would be a tonnage about 30 per cent above the tonnage figure the Board of Consultants Isthmian Canal Studies in 1960 estimated would require construction of a new canal.

The proposed treaty between Panama and the United States for an option to construct a sea-level canal allows the United States 20 years time to exercise the option and an additional 16 years for construction—a maximum of 36 years before a sea-level canal might be opened. Obviously, a new isthmian canal will have to be opened long before another 36 years passes.

At only a 2 per cent annual traffic tonnage growth for the next 36 years, isthmian canal traffic would reach approximately 200 million tons annually. That would double the heretofore considered practical capacity of the present canal. However, the figure is less than the tonnage that passed through the Suez (sea-level) canal last year. Only a sea-level canal could accommodate 200 million tons of traffic annually.

It remains to be seen whether the three proposed canal treaties will eventually be presented to the U.S. Senate for ratification. At this time, they are blocked in Panama awaiting attempts to renegotiate, alter and clarify all three treaties.

The proposed Sea-level Canal Treaty provides:

1. The canal to be started within 20 years.
2. To be completed within 16 years after start of construction.
3. The canal treaty to expire 60 years after opening of new canal, but not later than Dec. 31, 2069.
4. Damages to be paid Panama by the United States (amount undisclosed) for dislocation of Panama economy.
5. Nuclear excavation to be only at the approval of Panama..

Article XVI of "Treaty between the Republic of Panama and the United States of America concerning a Sea-level Canal connecting the Atlantic and Pacific Oceans" provides: (3) Until the United States of America notifies the Republic of Panama in accordance with the provisions of sub-paragraph (1) of this article, the United States of America *shall refrain* from constructing or concluding an agreement to construct a canal connecting the Atlantic and Pacific Oceans in other country than the Republic of Panama."

This restriction—shall refrain—is unprecedented in the voluminous history of interoceanic canal treaties in the Americas during the past 140 years. This is between a country having a potential canal site and a prospective canal builder. The Clayton-Bulwer treaty did not fit that category.

If the United States were to observe, in good faith, this proposed sea-level canal treaty restriction, it would have the practical effect of granting Panama a monopoly as a site for constructing a sea-level canal as long as that treaty would remain in vigor. Nicaragua would be impelled to interpret that treaty provision as constituting an invalidation of the Bryan-Chamorre Treaty. The United States paid Nicaragua $3 million for that canal option more than fifty years ago. It is still in vigor.

Certainly, it would be difficult to believe that the United States Senate would ever ratify a canal treaty with such a restriction.

The Atlantic-Pacific Interoceanic Canal Study Commission is directed by law to select a site some place on the isthmus for the construction of a sea-level canal. There were four potential sites mentioned by the President and listed by the Commission. Those potential sites involved four different countries, Nicaragua, Costa Rica, Panama, and Colombia.

The Congress has already authorized $17.5 million for the Canal Study Commission's studies and surveys. The Commission requested an additional $6.5 million. The Senate approved an additional $4.5 million for the Commission last June. The House of Representatives has not yet acted on this request.

The Canal Study Commission has budgeted $11,812,000 for canal studies and surveys of the Atrato route in Colombia. Commission field parties have been working all this year in Colombia. Now it is obvious that if the United States were to honorably respect that Panama Sea-level Canal Treaty restriction, Colombia, as well as Nicaragua and Costa Rica would be excluded as sites for the United States to negotiate the construction of a sea-level canal to connect the Atlantic and Pacific Oceans. That could last 20 years, or as long as the treaty remained in effect.

Are the efforts of the Atlantic-Pacific Interoceanic Canal Study Commission to determine the best site for the United States to construct an interoceanic sea-level canal in danger of being derailed and aborted as appears possible with the canal treaty negotiations between Panama and the United States? Incidentally, both the U.S. canal treaty negotiators and the Canal Study Commission have the same Chairman.

The Canal Study Commission has budgeted 94 per cent of its funds for studies and surveys of two so-called "nuclear routes" in Panama and Colombia. Those two routes were judged inferior to other isthmian canal routes in every study and investigation made in the past 140 years by American and European engineering parties and canal concession seekers.

Both the Chairman of the Atomic Energy Commission and Canal Study spokesmen have testified at Congressional Hearings that the Nuclear Test-Ban Treaty, unless amended, would prohibit nuclear excavation of a sea-level canal. The direction and activities of the Canal Study Commission reflects a disdain for the Nuclear Test-Ban Treaty and what the people in the isthmian countries might think about the use of nuclear explosives to excavate a sea-level canal in their area.

Little, if any attention and consideration has been given the fact that the Nuclear Test-Ban Treaty is not the only block to nuclear excavation of an interoceanic canal. The test-ban treaty could be wiped out tomorrow and it wouldn't bring nuclear excavation of the canal one bit nearer.

The test-ban treaty forbids radioactive debris from crossing international borders. Seismic blast is not even mentioned in the test-ban treaty. But it is precisely the seismic blast that presents the most serious hazard in nuclear excavation where megaton quantities of nuclear explosives would be required. This fact was admitted by Gen. Woodbury, Engineering Agent of the Canal Study Commission, at a House Committee Hearing this past May.

General Woodbury stated: "Route 17—Sassardi-Morti—is 100 miles generally east of Panama Canal Zone. To construct a route 17 by nuclear means takes on the order of 300 megatons of energy. (That amount would be equivalent to 15,000 times the 20,000 kiloton atomic explosion that destroyed Hiroshima near the end of World War II.) To get through the Continential Divide on Route 17 preliminary studies indicate a maximum explosive in the order of 10 megatons. When you set off this size detonation there is concern that *seismic disturbance in Panama might be such as to make this infeasible.*"

There you have the very engineering agent of the Canal Study Commission questioning the feasibility of excavating a canal in the Republic of Panama by nuclear means. If it would be infeasible in Panama, how about the Atrato route in Colombia with Medellin, a city of 600,000 people, twice as big as Panama City, only 150 miles distant from the Atrato?

The Canal Study Commission requested Congress to extend its life from June 30, 1968 to Dec. 31, 1970. The Senate voted last June to approve the request. Press dispatches, today, Oct. 20, report: "The House Subcommittee on Panama Canal has just approved a measure to give the Canal Study Commission an extension to Dec. 1, 1969 to complete their studies. This would be 13 months less time than the Senate measure. The measure is expected to face a tough fight on the House floor. The Commission's work has become em-

broiled in a separate dispute over three newly drafted treaties with Panama."

The Canal Study Commission blames Atomic Energy Commission's inability to carry out necessary nuclear cratering experiments as the principal reason for the Commission's failure to complete its studies by June 30, 1968. The Commission also blames the negotiation of the nuclear non-proliferation treaty.

The 3rd Annual Report of the Commission issued July 31, 1967, states: "There have been only two low-yield nuclear cratering experiments under the U.S. Atomic Energy Commission's Plowshare Program since July, 1962."

Following are listed some of the nuclear projects (not experiments) that have been disapproved by the Administration in Washington in recent years.

1. The Alaskan Harbor Project near Cape Thompson, Alaska. That had been tentatively scheduled for 1960–61.

2. Project to connect the Tennessee and Alabama's Tombigbee Rivers.

3. Bristol Mountain Cut, Southeastern California, for Santa Fe R.R. and California Highway relocation.

4. Oregon-Washington Columbia River-Puget Sound Waterway.

At the Hearing held by the Senate Commerce Committee the first of last June, on the Canal Study Commission's request for an extension of time and increase in its fund authorization, Senator Bartlett asked a Commission spokesman: "What do they think in Panama about the use of Nuclear explosives to excavate an interoceanic canal there?" The Commission spokesman replied: "They would like to see us do something similar in this country first."

The trials, tribulations, and frustrated hopes of Plowshare the past decade do not indicate that "something similar" is going to be carried out in this country. Then what reason is there to believe that Panama, or any other isthmian country, would permit it? The Minister of Foreign Affairs, President of the National Bank of Panama, and many other leading Panamanians have repeatedly stated that under no circumstances would Panama permit nuclear excavation of a canal in Panama. The proposed canal treaty for a sea-level canal provides: "Nuclear excavation only at Panama's approval."

Why has the Canal Study Commission completely ignored the San Blas Route in Panama—known as #16 in the 1947 Panama Sea-level Study? This route is only 30 miles from Ocean to Ocean. It is 25 miles shorter than the #17 Sassardi-Morti and 65 miles shorter than the Atrato, the two routes preferred and listed as "nuclear routes" by the Commission. Summit elevations and excavation quantities are very little different on those three routes. The San Blas would terminate on the Pacific side on Panama Bay, very close to Panama City.

The reason for the San Blas route being excluded from consideration for the first time in the history of isthmian canal investigations is quite obvious. It is not a "nuclear route". It is admittedly too close to the heavily populated areas in Panama, Panama City and Colon, for large scale use of nuclear explosives.

The Canal Study Authorization Act states: "and its excavation by conventional or nuclear." Note the order of those two terms. Now that doesn't direct the Canal Study Commission to budget 94 per cent of its expenditures on two so-called "nuclear routes". Nevertheless, out of its programmed $24 million (cut to $22 million by the Senate) budget allotments, 94 per cent are listed for the two "nuclear routes", #17 and #25. The other two canal routes supposed to be investigated, #8—Nicaragua-Costa Rica—and the Panama Canal Zone, are allotted one-fifth of one per cent and five per cent, respectively.

The Canal Study Commission has not spent one dollar for on-site survey of the #8 Nicaragua-Costa Rica Route.

Third Annual Report of the Canal Study Commission issued July 31, 1967, states: "From the point of view of construction costs, the Nicaragua-Costa Rica, Route 8, was found to be the least competitive of sea-level canal routes under investigation. However, this will not rule out for further consideration of route by the Commission, for it appears to have some compensating advantages."

What are these "compensating advantages"? There must have been good reason for the most comprehensive isthmian canal surveys and investigations ever carried out by the U.S. Government to have selected the Nicaraguan Canal route over all others—some 30 in all. This route would effect savings of from 400 to 600 miles per voyage between East Coast, Gulf and West Coast—North America over the more southerly routes in Panama and Colombia. The net savings to shippers using the isthmian transit would amount to no less than 25 billion ton-miles annually.

An equally important "compensating advantage" of the Nicaragua-Costa Rica route would be that this route is *between* two countries. Thus, it would not be subject to unilateral exploration as would all other isthmian canal routes. Nicaragua and Costa Rica have twice in the last hundred years mutually signed border treaties that stated: "In the event of the construction of an interoceanic canal, the canal shall constitute the common frontier between the two countries."

In view of the unresolved argument that the high maximum tides of the Pacific at Panama—up to 22 ft.—would require a tidal lock for a sea-level canal there, it is significant that the tidal variations on the Pacific side at the Nicaragua-Costa Rica route is less than half that at Panama. They are, in fact, almost the same as at the Mediterranean and Red Sea entrances to the Suez Sea-level Canal.

The Atlantic-Pacific Interoceanic Canal Study Commission has left no doubt that its motivation and activities have been directed toward selecting a site for excavating a sea-level canal by nuclear means. Its composition, policy statements, budget allotments, testimony before Congressional Hearings, and its Annual Reports all bear this out.

The Canal Study Commission, however, is confronted with the forbidding Nuclear Test-Ban Treaty, the failure to secure approval to carry out planned nuclear cratering experiments and nuclear excavation projects in the Continental United States. And then there is the insurmountable problem of seismic blast. To compound these insoluble problems is the derailed and apparently aborted canal treaty negotiations with Panama.

Unless immediate steps are taken to drastically alter the present direction and motivation of the Canal Study Commission, little hope can be held out for it to accomplish the objectives that the Congress and the President must have had in mind when they set it up.

With only eight more months to go under its original tenure, the Canal Study Commission gives every indication that its efforts could prove, as so many isthmian canal studies have in the past, to be no more than a futile diversion.

The critical problems of the proposed treaties with Panama on the status, defense and replacement of the Panama Canal, and whether that replacement should be in or outside of the Republic of Panama, must soon be resolved.

Matters of such transcendental importance warrant more than the hurried, perfunctory and rather one-sided presentations given at some of the recent Congressional Hearings.

PANAMA CANAL INFORMATION OFFICE DAILY DIGEST OF NEWS AND EDITORIAL OPINION OF PANAMA NEWS MEDIA, OCTOBER 10, 1967

(NOTE.—This Digest is an informal résumé of items selected from Isthmus newspapers and broadcasts as being of interest to Canal Zone officials. It does not purport in any sense to summarize the full content of the press or to translate in detail any articles therein.)

LA HORA, OCTOBER 9

In the news columns: A report in the middle of the back page says the Panama University Students Union (UEU) summoned the University Committee for Defense of Sovereignty to a meeting October 3 at the University to determine the new tasks of the students concerning the treaty negotiations and for discussion of the proposed treaty.

EXPRESO, OCTOBER 9

Columnists: Although the Canal treaty drafts are considered damaging to the dignity of the country, the President of the Republic has not rejected them and continues to keep the same Foreign Minister and negotiators, says "Picando."

LA PRENSA, OCTOBER 9

In the news columns: A story on the back page says the Panama Government has decided to accept the proposal of a German firm, "Hospitalia," to build a regional hospital in Aguadulce in view of U.S. AID's inability to finance the project.

An article by columnist John Wilson which appeared in the St. Louis Globe-Democrat, July 29, is reprinted on page 15 with a headline that says, "The Panama Canal Has Saved Billions For the U.S." The article shows Panama as demanding something to which she has no right, says the editorial comment at the beginning of the story.

Columnist: The columnist in "Caleidoscopio Panameno" comments that the offer of the German firm to build the regional hospital in Aguadulce should have been accepted long ago since it would be beneficial for the country, and it was known that U.S. AID had no intention of financing the project.

Romulo Escobar Bethancourt says that the anti-treaty campaign by ex-Ambassador Spruille Braden and ex-Governor Charles Edison is an U.S. tactic that goes into operation whenever the U.S. is negotiating a treaty. He says, in reality, the U.S. wishes to guarantee its right to build a sea level canal soon. As for the committee's being against the "gift of the Panama Canal to Panama," the members know that the United States is not the owner of the Canal Zone, says the columnist; as for the "weakness" of the Robles Government, the contrary is true.

EL, DIA, OCTOBER 10

In the news columns: "The Canal Is A Pretext/United States Bases in the Zone are Anti-Castro" is the headline across the top of the front page over a report based on the fourth of a series of articles in Paris Match, a French weekly with world-wide circulation. El Dia says that due to the article's length, the complete text will be printed tomorrow, but a few paragraphs are used together with photographs of General Porter and Colonel Churchville, described as "spokesman for the Southern Command." Colonel Churchville is quoted as saying: "We are not here solely for the defense of the Canal. This is a secondary mission. Our true work is to fight against Castroite subversion. Here you are in anti-Cuba." The French writer describes General Porter as having the face of a "businessman . . . a strong jawbone and no beard to hide it." "Physically," the writer says, "he is anti-Castro."

"Assembly Violently Censures S. Braden" says El Dia's front page headline over a report on the Panama National Assembly's repudiation of the newly formed U.S. anti-treaty committee.

Columnists: The first half of the column "Mario Augusto Opina" discusses, in three separate paragraphs, "The Canal Company," "Contraband," and "Liquor." The writer asserts that the creation of the so-called "Canal Company" which is an illegal organization arbitrarily created to exploit the interoceanic Canal as a commercial firm, has become a tremendous business for the multimillionaire Uncle Sam." In regard to contraband, the writer says "the commissaries and similar establishments, that are illegally and arbitrarily in the Canal Zone, offer every type of facility to those who haven't the slightest pretext to such privilege to acquire every type of merchandise and evade payment of taxes in the territory under Panama's jurisdiction. Moreover, such persons then sell to residents of Panama, Colon, and other cities. As for liquor, Mario Augusto says that as a result of the Remon-Eisenhower Treaty, the Zone residents have the right to consume liquor without paying Panama taxes, thus snatching, annually, more than $1.5 million from the Panama National Treasury. What's more, he says, this liquor is sold to residents as well as transients, depriving the Panama Treasury of even more money, damaging the business of Panama's bars.

LA ESTRELLA DE PANAMA, OCTOBER 10

In the news columns: "Panama National Assembly Repudiates Statements of Braden and Edison/Reaffirmation of Legitimate Rights of the Republic," says La Estrella's top of front page headline. It refers to a report that the Assembly cast a unanimous standing vote of acclamation for a resolution repudiating documents circulated by a newly formed American Emergency Committee on the Panama Canal in the United States to fight ratification of the pending Panama-United States treaties. The report is given bottom of front page position in the English-language sister newspaper, Star and Herald.

"Here The Treaty Of 1903 Is Guarded" says a headline over a photograph on page 20. Cutlines under the photograph say the original of the Canal Treaty is carefully protected at the State Department building in Washington.

CRÍTICA, OCTOBER 10

Columnists: Despite the silence that surrounds the three proposed treaties with the United States, the writer in (la bola de Hoy) today's rumor, claims to have learned that "various belligerent organizations" are preparing a joint statement with the objective that the Foreign Ministry make public the position being taken concerning the treaties. Politics seem to have obscured the fever of interest in the treaties, says the columnist.

PAMAMA CANAL INFORMATION OFFICE DAILY DIGEST OF NEWS AND EDITORIAL OPINION OF PANAMA NEWS MEDIA, OCTOBER 11, 1967

LA HORA, OCTOBER 10

In the news columns: "The Zone is the 'Anti- Cuba' 'We Are Not Here To Defend the Canal,' stated a U.S. Colonel in zone," say heavy black headlines across the top of the back page over part of an article by French newsman Jean Larteguy published in Paris-Match.

EL MUNDO, OCTOBER 9

In the news columns: A story that the Panama National Assembly unanimously denounced statements made by former U.S. Ambassador Spruille Braden and ex-Governor Charles Edison is given a 5-column headline on the front page. A smaller headline says the statements are damaging to the prospects of reasonable understanding between the U.S. and Panama.

LA PRENSA, OCTOBER 10

In the news columns: Panama National Assembly denouncement of statements by Spruille Braden and Charles Edison is on page 16. A similar story appeared in English.

EXPRESO, OCTOBER 10

Columnists: Commenting on the Canal treaty drafts, "Picando" says the masses have rejected these drafts and will never accept them, no matter how many changes are made The President should appoint new negotiators and a new Foreign Minister and renegotiate the treaties with the U.S., says the columnist.

CRÍTICA, OCTOBER 11

In the news columns: Panama students' attempts to burn a United States flag in front of the United States Embassy in Panama City are shown in two photographs across the bottom of the front page. The caption says a group of Panama high school students tried to burn the U.S. flag as a protest against intervention of the United States Army on October 10, 1925 when Panama people were protesting an increase in rents. Panama National Guard Capt. Nenzen Franco intervened, and in trying to take the flag away from the students, the United States' emblem was ripped, says the legend below the photographs.

LA ESTRELLA DE PANAMA, OCTOBER 11

In the news columns: Dr. Ricardo J. Alfaro's article, answering a memorandum circulated by the U.S. Emergency Committee on the Panama Canal, is printed in full, starting on the front page under a 4-column headline which says: "U.S. Committee Opposes Proposed Treaties Between Panama and the United States."

Economic benefits that Panama receives from her participation in income from the interoceanic Canal must be total, and exclusively channeled toward the social and economic development of the country, asserted Attorney Olmedo A. Rosas, controller general of the Republic in his annual report to the Panama National Assembly, says a front page story.

"U.S. Flag Destroyed Yesterday" says a headline on the bottom half of the front page. The English-language sister newspaper gave the report a 2-column headline near the top of the front page.

EL DIA, OCTOBER 11

In the news columns: "'A Fence and Plenty of Hatred' Between Panama and the Zone" says a headline in capital letters across the bottom of the front page. The reader is directed to page 10, where El Dia has a translation of chapter 4 of an article that appeared in Paris Match September 9, 1967. An editor's note at the head of the article recalls that Panama's Ambassador to France protested statements made about Panama in the first of the series of articles.

"New Treaties Signify Substitution for Colonialism" says a headline across the top of the back page over a report on statements by Dr. Ricardo J. Alfaro, a former President of the Republic. He stated that the treaties protested by Spruille Braden and Charles Edison "in a veritable explosion of arrogance and jingoism," would substitute for the colonialist, unilateral and exclusive regime now in power in the Canal Zone, a regime that gives Panama participation in the administration and management of the interoceanic waterway, a full right due the country as sovereign in all the territory.

Columnists: Mario Augusto, in his column on the editorial page, comments that the civilian, as well as military, authorities in the Canal Zone have large and expensive public relations and information offices but the basic error of the U.S. authorities in Panama, as in all Latin America, is lack of knowledge of Panama's realities. Psychologically, the columnist says, there are depths of lack of comprehension between them and us. Specifically, Columnist Mario Augusto mentions the matter of the articles by Jean Larteguy in Paris Match. It appears, he says, that Larteguy obtained from top Zone authorities a great amount of information and opinions that not only are offensive to Panama, but also are seriously damaging to the interamerican and international policy of the United States. The French writer quoted ideas and sentiments of General Porter and his former spokesman, Colonel Churchville, says the columnist.

"We fully justified the anger of the Panama National Institute students in January 1964 when they saw the Panama flag torn in front of Balboa High School. Everyone knows this was the start of the January riots that brought a toll of pain, death and sorrow. For this reason we strongly repudiate the action of certain students who yesterday, in front of the Foreign Ministry, refused to listen to Capt. Nenzen Franco of the Panama National Guard and proceeded to destroy and trample the flag of the United States of America," says L. Sanchez-Galan in his column "Epistolario de Actualidad." The columnist asks where the professors, teachers and parents of the students were and advises that someone should explain to the students that with such acts of provocation nothing will be gained. On the contrary, he says, this would only reinforce the negative attitude of the United States citizens toward Panama's just ambitions in the Panamanian territory of the Canal Zone.

PANAMA CANAL INFORMATION OFFICE DAILY DIGEST OF NEWS AND EDITORIAL OPINION OF PANAMA NEWS MEDIA, OCTOBER 12, 1967

(NOTE.—This Digest is an informal résumé of items selected from Isthmus newspapers and broadcasts as being of interest to Canal Zone officials. It does not purport in any sense to summarize the full content of the press or to translate in detail any articles therein.)

PANAMA CITY RADIO LIBRE, OCTOBER 9

The commentator, in Spanish, spoke of the formation of a Tenth of October Committee "born of the Panamanian people's urgent need to have organized groups to fight their claims against Yankee imperialism and its allies within the country." This Committee, says a communique read by the commentator, pays tribute to the martyrs of 1925 and January 9, 1964. The date October 10, 1925, "marks a glorious day in the people's struggle, a struggle which the masses have continued through bitter years of U.S. domination. That day, October 10, (1925) the Panamanian people were massacred at Santa Ana Plaza when the local oligarchy unmasked itself and summoned the Marines to come to its aid." The communique said "the three treaty drafts are clear evidence of the reactionary and unpatriotic nature of the Robles Government. The Robles Government is negotiating with the imperialists three treaties that are an outrageous mockery of our historic struggles of the past. It is clear that the Government is conspiring against our fatherland and is criminally scoring the patriotic sacrifice of the October 10 and January 9 martyrs." The communique is signed "Sovereignty or death."

LA HORA, OCTOBER 11

In the news columns: A front page photograph shows Panama students trampling a United States flag in front of the Panama Foreign Ministry. Placards carried by the students read: "Traitorous Treaty Will Not Pass," and "The Martyrs Live."

Columnists: "Antena del Dia" congratulates the Panamanian deputies for their "unanimous repudiation of the statements of Spruille Braden and Charles Edison, (ultra conservatives and anti-Latin American) representatives of a supposed Panama Canal Defense Committee, who are damaging the hopes of a reasonable understanding between the two countries.

LA PRENSA, OCTOBER 10

In the new columns: A top of back page headline over several pictures of Panamanian students tearing up a United States flag say,

"The 'Glorious' Feat of Yesterday." Artlines say the community is perplexed by the behavior of a small group of students who, in open defiance of Panamanian authorities, and in front of them, tore and trampled a U.S. flag which they had attempted to burn. The act, which took place in front of the Foreign Office, was condemned by the friends of the government and the opposition, says the artline.

Five persons, asked in a poll to give their opinion on the Committee In Defense of the Panama Canal headed by Spruille Braden, replied that Braden is known as an enemy of Latin America and statements such as those he made (on the Panama Canal) are damaging to both the U.S. and Panama and should not even be considered by Panamanians. The poll appears on page 2 (of the paper).

Editorial: The editorial is in favor of the resolution adopted by the National Assembly denouncing the disrespect shown toward Panama by Spruille Braden and Charles Edison, who organized a Committee in Defense of the Panama Canal. This committee's only result could be to obscure cordial relations which should exist between the U.S. and Panama because of the Panama Canal, says the writer. All civic and political organizations should follow the example of the National Assembly, says the writer.

EXPRESSO, OCTOBER 10

In the news columns: Pictures on the back page show Panama high school students tearing a U.S. flag which they had attempted to burn. The headline above the photos says, "They Tore a Flag in Protest of the Treaties."

Columnists: "Picando" comments that the students are maintaining a calm, civic and vigilant attitude against the Canal treaty drafts and that they picketed the U.S. Embassy and the Foreign Office.

General Robert W. Porter, considered "the highest U.S. military authority stationed in Latin America," stated, according to news from Washington, that the "supposed" military arms race on this continent is just fiction, says the columnist in "El Pulso de Panama" on the front page. In a talk before the United States Army Association, he added that the purchases of war material by the Latin American countries are to "replace antiquated, uneconomical and unsafe equipment." But, the columnist says, what General Porter failed to mention is that the real reason the Latin American armies purchase the war material is to consolidate their power for political reasons. Militarism, the writer adds, appears to be strengthening its power in the underdeveloped weak countries and is supported by the weapons, whether Mr. Porter admits it or not.

EL MUNDO, OCTOBER 11

In the news columns: ex-President Dr. Ricardo J. Alfaro's article answering a memorandum circulated by the U.S. Emergency Committee on the Panama Canal is printed on the editorial page and carries an eight column headline which says, "The U.S. Committee of Opposition to the Treaty Drafts."

EL DIA, OCTOBER 12

In the news columns: "Nearly Three Thousand Zone Employees Live In Panama," says a 3-column headline on the back page. According to the latest bulletin of Panama's Office of Census and Statistics, 12,882 Canal Zone employees reside in Panama, and 149 Canal Zone employees resident in Panama earn monthly salaries of $500 or more.

Columnists: The programs of loans by the United States and its agencies are coming under heavy fire that is becoming increasingly stronger in Latin America, says the columnist in "hablando bajito." The conflict with the government of Otto Arosemena in Ecuador is only one of the examples of the existing disagreement over the methods and systems imposed that, at times, are open exploitation and are humiliating, in contradiction to the doctrines of the Alliance for Progress. In Panama, the writer notes, there have been two explosions "against this supposed policy of technical and economic assistance; the first the complaint before the Panama Supreme Court of Justice against a decree that concedes to USAID faculties that are inherent to the Panama National Assembly, and the second, the report of Panama Controller General Rosas to the Assembly in which he energetically denounced the terms for granting of loans."

DYING LAKE MICHIGAN

Mr. HART. Mr. President, in this week's issue of Newsweek magazine is an article that should make us all sick with dismay.

The piece, entitled "Dying Lake Michigan," outlines the alarming fever chart of a very ailing body of water.

Politicians are always pointing to some natural feature in their districts and describing it as a "great national asset." The words perhaps have been eroded by overuse to the point where they hold little meaning.

But it is no exaggeration to say that without these bodies of fresh, pure water, we will have a very different society, a very different Nation.

Yet it appears that before long, cartographers, in the interest of accuracy, will be coloring them brown.

Lake Michigan is indeed dying, just as Lake Erie is already very nearly dead. The scum of algae that the article describes is known to anyone who has visited the shore.

It marks the high water point at Muskegon. It stains the sand at Manistee. It slimes the breakwater at Frankfort. It is the phlegm of a choking lake—and what a tragedy.

There are those of us in Congress who will fight to head off this disease. But the only penicillin for a sick lake is money, because it will take a great deal of money to divert the wastes.

And, of course, everyone is for water pollution control unless it somehow inconveniences him.

The greatest danger certainly will not come from anyone who advocates water pollution. No one advocates it. The danger comes from those who defend to the death a pious stand that can only be labeled, "economy in government."

You see, no one is against economy just as no one is against water pollution control. Yet it is hollow indeed to shout against pollution while also shouting against domestic spending.

Mr. President, I am not sure what Lake Michigan is worth in terms of dollars.

But even if a program to save this lake were to cost $1 billion, I invite anyone to tell me precisely why it would be a waste of money.

I ask that the Newsweek article be printed at this point in my remarks.

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

DYING LAKE MICHIGAN

Carved out 11,000 years ago during the last ice age, Lake Michigan is a young, freshwater lake. Normally, a body of water its size—Michigan is the world's sixth largest lake—has a lifetime measured in millions of years. But man's appearance on the edge of this great glacial basin has upset nature's timetable. Filling with sewage and sediment, Lake Michigan is beginning to die.

To be sure, Chicagoans can still step into their lake for a swim (something unthinkable for Clevelanders to do in polluted Lake Erie), but the signs of mortality float ashore all too often. This summer, thousands of rotting alewives washed up on Chicago beaches, a product in part of Lake Michigan's man-made links to the Atlantic Ocean. Then, a 5-mile oil slick spread up the lake from industrial East Chicago, Ind., where one steel manufacturer alone daily discharges some 480 million gallons of polluted water. Chicagoans were so offended, in fact, that their sanitary district asked the state of Illinois to sue Indiana for fouling the lake. And just last week a national organization called the Environmental Defense Fund sought an injunction barring the Michigan Department of Agriculture and nine cities from spraying DDT and dieldrin in the lake's watershed area. The pesticides are washed into the lake and swallowed by rainbow trout, which then fail to reproduce. Thus not only is a sporting fish decimated but the ecological balance of the lake upset: trout, it seems, feed on alewives and so help control their population.

The most alarming symptom of the lake's malaise has been the rapid increase of a wisp, green alga called cladophora. Milwaukee's public beaches were stained for days by the decomposing organisms, and in Chicago the algae clogged the intake screens on the city's water-filtration plant.

The proliferation of aquatic plant life in lake waters is the result of a process called eutrophication, or biological enrichment. Under natural conditions, a lake accumulates nutrients from the mineral-rich rocks and soils surrounding it. The nutrients actually fertilize the lake, endowing it with a rich variety of microorganisms. Algae and other plants flourish, die, then sink to the bottom. And as they decompose, they absorb oxygen from the water. Without oxygen, animal life begins to die, adding its own decomposing mass to the buildup of organic sediments. Finally, filled to the brim with decaying matter, the lake itself dies a natural death. But slowly. In less than 100 years, however, man's use of the lake as a dump has brought on Michigan's first fatal signs of decay.

SLOW STARVATION

Sewage is the principal eutrophier of the lake. It spills untreated into the lake or its tributaries from some 55 municipalities within the watershed. Another 255 municipal sewage systems contribute their effluents after the waste has been treated. The liquid input may be free of bacteria, but it still contains nutrients, particularly the phosphates found in common detergents. According to the Federal Water Pollution Control Administration, the watershed's 250 industries and 310 sewage systems bestow on Lake Michigan a quantity of pollutants—and nutrients—equal to the raw wastes of nearly 10 million people. North of the urban-industrial belt, agricultural fertilizers also hasten the process of eutrophication.

Some scientists fear that parts of Lake Michigan may someday become as devoid of fish life as the oxygen-starved 3,500 square miles of central Lake Erie. Though Michigan is nearly five time deeper than Erie, its coastal currents move parallel to the shore and do not readily mix with the deeper basins. What's more, most of the freshwater input from Lake Superior moves through Lake Huron. That leaves Michigan relatively speaking, in a backwater.

To prolong the life of the lake, plant ecologist Charles F. Cooper of the University of Michigan believes the small watershed communities could use their treated wastes profitably to irrigate forests. And biologist A. M. Beeton of the University of Wisconsin's Center for Great Lakes Studies suggests that

a huge interceptor sewer could be built around the south end of the lake—all the way from Milwaukee to Michigan City—to divert nutrients into the Mississippi basin. "Somewhere along the line," warns Beeton, "we've got to decide how we want to use the lake. If we want a sewer, then we'd better forget about swimming and fishing. You can't have it both ways."

PROJECT EVALUATION POLICIES MUST BE CHANGED

Mr. PROXMIRE. Mr. President, as long as Congress allows the Government to employ unrealistic discount rates for project evaluations, the Nation's economy will be greatly hampered. Palliatives, such as meat-ax budget cuts and tax surcharges, may only bring about very shortrun relief; unless wasteful policies—like the low discount rate which is based on the rate at issue of long-term Government bonds—are changed, the need for recurring shortrun interventions will accelerate, and as the number of interventions rises it becomes harder to have a smoothly functioning economy.

At present, the discount rate employed in most public works cost-benefits studies is 3¼ percent. In cost-benefit techniques, the lower the discount rate, the lower can be the return on an investment; thus, as the discount rate increases, the benefits of the project must also be higher. A project which might be feasible at a 3-percent discount rate might become marginal at a 5-percent discount rate and could become quite uneconomical at a 10-percent interest rate.

In a series of Joint Economic Committee hearings on planning-programing-budgeting—PPB—systems held in September, the question of Government discount rate policies occupied 1 full day. Every witness that day went on record opposing the current determination of the Government discount rates. Two indictments of present policy were made:

First, instead of the 3¼-percent discount rate, witnesses said that any project which necessitates transfer of resources from the private to the public sector should utilize the private sector's expected rate of return as the relevant discount rate. According to witnesses, that private sector rate is at least 10 percent and probably ranges around 15 to 20 percent for many projects. As long as Government applies a much lower discount, projects will be approved which compete for scarce resources with higher return private sector investments. The result is increasing inflationary pressures and lower economic growth.

Second, because a low discount rate allows many low returns projects to be approved, witnesses argued that Government is relatively overinvested in public works programs as compared to such important areas as education, poverty, and urban needs. Returns to these programs have consistently been above those from public works, but history recently repeated itself when Congress moved to cut poverty and model cities funds while increasing public works budget requests.

Congress must know how to rationally cut the budget. If Congress demands alternative discount rates be applied to all proposed public works projects, and insists that the alternative rates reflect the opportunity cost of private sector rates of return, then not only will Government be realistically allocating its resources but the whole economy will profit by avoiding serious and potentially dangerous dislocations.

THE SUGAR PINE

Mr. MORSE. Mr. President, Mr. Robert D. Hostetter, resource utilization specialist with the Bureau of Land Management in Portland, Oreg., has recently written an excellent article for the magazine, Our Public Lands, published by the Department of the Interior. Mr. Hostetter's article deals with efforts now underway in Oregon to protect the sugar pine trees found in the magnificent Siskiyou Mountains of southern Oregon. Nearly half a billion board feet of sugar pine is harvested annually in Oregon and California and this article tells of precautions taken to insure survival of these magnificent trees from the diseases to which they are so vulnerable. I ask unanimous consent to insert this article in the RECORD.

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

SUGAR PINE NO. 4

(By Robert D. Hostetter)

How sugar pine number four got to be the Sweetheart of the Siskiyous is a story of love and devotion.

It is the story of the love that BLM people have for the forests of southern Oregon and of their devoted efforts to save sugar pines from the onslaught of blister rust.

Sugar pines during their youth are straight and slender, with regal grace and beauty. As they mature, their craggy crowns dominate the forest. They are indeed the monarchs of the pines. In the Siskiyou Mountains of southern Oregon, flanking the Rogue River, sugar pines grow to be 6 or 8 feet through and more than 200 feet tall. They grow rapidly during the first century of life, and volumes of 75,000 to 150,000 board feet per acre are not unusual for sugar pine stands.

Sugar pine wood is fragrant, soft, satiny. Its remarkable freedom from any tendency to warp or twist with changing moisture makes it valuable for interior trim, patterns, model making, and wood carving, as well as for more prosaic uses.

Stumpage prices paid for standing trees reach $50 per thousand board feet. Nearly half a billion board feet of this fine timber are harvested annually by forest industries in Oregon and California.

SUGAR PINE SURVIVAL THREATENED

Survival of these splendid trees is threatened by white pine blister rust, a fungus. This disease attacks all five-needle white pines, including the commercially important eastern white pine, the western white pine, and the sugar pine. The disease was brought from France to Vancouver, British Columbia, on nursery stock in 1910. It quickly spread throughout the range of white pines in the West.

Blister rust infects pine trees through their needles in the summer and autumn. Then it spreads to the branches and causes cankers. Spores from those cankers cannot infect other pines, but can infect alternate host plants—gooseberries and currants of the genus Ribes. In turn, the spores produced on the leaves of ribes plants infect more pine trees, and the disease spreads.

To halt that vicious cycle, foresters for 30 years have sought to destroy all ribes plants in sugar pine areas by pulling and grubbing them or through the use of selective herbicides. This procedure is costly and only partly successful; so, better methods are being sought.

In 1954, Robert C. Warnock and Carrol E. Brown, who had been directing the ribes eradication program in the Bureau of Land Management's Medford District, started looking for sugar pine trees that seemed to be naturally resistant to the disease. Starting in 1957, in cooperation with the Forest Service, they began testing the effectiveness of antibiotics to control the disease by spraying infected trees. Chemicals used were cycloheximide and phytoactin. It was hoped that the antibiotics would be translocated from where they were sprayed on the tree trunks to other parts of the tree, killing blister rust cankers wherever they occurred. However, the tests proved to be unsuccessful and they were abandoned in 1966.

TEST TREES SELECTED

By the time Bob Warnock retired in 1959, he and Carrol Brown had located 11 sugar pine trees that seemed to be resistant to white pine blister rust. The selected trees were growing near infected ones, but had no cankers themselves. For a tree to be selected as a candidate for testing it must have been bombarded for years by blister rust spores without becoming infected. That spores had been present was shown by the infection and death of nearby trees.

By controlling the cross pollination of candidate trees, the researchers planned to determine whether any of them could transmit their disease resistance to their progeny.

Both male flowers, which produce pollen, and female flowers, which become cones, grow on the tips of the uppermost branches. Carrol Brown has developed the agility of a squirrel to reach them. Wearing soft-soled shoes that do not injure the bark of branches he climbs on, he has learned exactly how far a branch will bend without breaking. Numerous treetop ascents are necessary to check flower maturity, place specially designed bags with plastic windows over developing cones, collect pollen, pollinate flowers, note the presence or absence of cone insects, and to check cone development.

Getting to the first branch of a 150-foot sugar pine would be a problem for most people, but Brown has a choice of methods. Either he uses a light aluminum ladder or Swiss tree grippers. The latter is a contraption that encircles the tree trunk with two hoops, each attached to one foot of the climber. His weight on pedals gives him leverage to walk gingerly up the tree, as the hoops clasp it without injuring the bark.

Pine cones require 2 years to mature. During that time sugar pine cones grow from 10 to 20 inches long with seeds as large as kernels of corn.

The first crop of cross-pollinated sugar pine cones from disease resistant trees was harvested in November 1962. Brown had previously placed a cloth bag over each cone to avoid loss of precious seeds as the cones matured. As he pulled them off, one by one, he dropped them to eager helpers on the ground below. Those cones had cost plenty, but their worth was still unknown.

PROGENCY TESTING BEGINS

Next came progeny testing. The seeds were planted in pots, with numbers identifying which trees had been crossed. This phase of the project was carried out at Wind River Nursery, operated by the Forest Service in south-central Washington.

Seedling sugar pine trees were inoculated with blister rust spores from ribes plants each August for 3 years—in 1963, 1964, and 1965. Results were noted 1 year after each

application. Thirty different crosses had been made, and the pots containing seedlings of each were randomly arranged while in the inoculation chamber as well as while at the nursery site.

When examination results were tallied, one point became quite clear: Sugar Pine Number Four transmitted amazing disease resistance to its progeny!

Number Four was selected as a candidate by Carrol Brown and Bob Warnock on October 19, 1959. It grows in the Rogue River basin of southern Oregon in BLM's Medford District. Most prolific of all candidate trees, it has produced 131 cones.

Results show that resistance demonstrated after the first inoculation of Number Four's seedlings held up well through the second the third spore inoculations. During inoculation, seedlings are enclosed in a room with moisture, temperature, and other conditions ideal for infection. Even after three such trials, high percentages of the progeny of Number Four remained healthy. When crossed with candidates 1, 5, and 11, the proportion of Number Four progeny remaining healthy varied from 63 to 81 percent.

BEST CROSS FOUND

The best cross, with the greatest transmittal of disease resistance to first generation progeny, was between sugar pines Number Four and Number Eleven. Cuttings have been taken from both of these trees and grafted to rootstocks at the Dorena Tree Seed Orchard near Cottage Grove, Ore. There are now nine surviving grafts of each tree at the orchard, which is operated cooperatively by the Bureau of Land Management, the Forest Service, and Oregon State University.

A new tree seed orchard is being established near Merlin in the Medford District where cuttings (scions) of the best trees will be grafted. Grafted trees in the seed orchard will carry the genes of the parents and will be of the same age. Consequently, they will immediately start to produce pollen and flowers. Crosses will be controlled, and the seed produced will be used to reforest the land as sugar pine timber is harvested. If the indications of present tests are borne out, most of the seedlings in the new crop will be immune to white pine blister rust.

Carrol Brown points out that rust resistant strains must be developed for a wide range of climates and elevations on 2.5 million acres of commercial sugar pine forest land in Oregon and California. He has located 101 candidates for testing, and more will be needed. Site adaptability is developed over many generations, so disease resistant strains must be developed for each of the different geographic zones.

Other outstanding performers may be discovered in the future, but the thrill in seeing the success of Sugar Pine Number Four will be hard to equal. Number Four started an era, and will always be the Sweetheart of the Siskiyous!

ACKNOWLEDGMENTS

Carrol E. Brown, Donald J. Schofield, and Ronald J. Younger of BLM's Medford District in Oregon assisted Mr. Hostetter in preparing this article.

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THE GREAT SILENT CENTER OF AMERICA WILL BE HEARD ON VIETNAM

Mr. BYRD of West Virginia. Mr. President, during the most difficult moments in American history, after the extremes have had their say on vital issues, the great silent center of American opinion is heard from.

It is often slow in forming, yet when it does coalesce, it defines the solid middle-of-the-road position which most Americans of good conscience will support.

There was a great debate about our entrance into World War II and about aid to allies such as Britain. The great American political center which supported our entry was right on that decision.

There was a debate after the war on whether the United States of America should invest its resources through a Marshall plan in the recovery of Western Europe. Reason won out there, too.

So it is not at all strange that there should now be created an organization unifying the great center of national opinion called "Citizens Committee for Peace With Freedom in Vietnam."

This is the group which may now represent the viewpoint of the majority of Americans.

This is the group which supports the Presidency and the commitments of the Presidency.

And this is the group whose illustrious membership—Presidents and prominent Americans—will become the focus for new popular support of our policies in Vietnam.

Hanoi must understand that this group represents American thinking much more than the strident voices of protest and counterprotests we have heard in recent weeks.

I ask unanimous consent to have printed in the RECORD an editorial entitled "Polls and 'the Silent Center,'" published in the Chicago Sun Times of October 27, 1967.

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

POLLS AND "THE SILENT CENTER"

From a Communist source in Europe comes the information that the North Vietnamese Communists do not intend to respond to any peace overtures by the United States until after the Presidential election next year.

If true, Ho Chi Minh is gambling that American discontent with the war, as reflected in opinion polls, may bring a change of administration in January, 1969, and with it a change in the determination of Washington to "stay the course" as President Johnson puts it.

America, as viewed from Hanoi, certainly must give a picture of a nation divided and discontented over pouring men and money into the war. But Ho should not mistake discontent for a willingness to surrender as we said on this page Tuesday after last weekend's war protest in Washington.

The Gallup Poll shows that 46 per cent of Americans now believe it was a mistake to send American troops to Vietnam but this does not mean that nearly half the American people favor abandoning South Vietnam to Communist aggression.

The Gallup Poll did not measure public opinion on what specifically should be done in Vietnam; another survey will be made on that subject. But there is evidence at hand that despite the loudness of those who argue the United States should get out of Vietnam there is a large "silent center" of citizens who support America's commitment to resist aggression in Asia as the U.S. has in Europe.

Reference to the "silent center" was made Wednesday by the newly formed Citizens Committee For Peace with Freedom in Vietnam, which includes former Presidents Truman and Eisenhower. The group supports the philosophy that guides the President in resisting aggression in Vietnam; its policy statement specifically says, however, that the committee supports not President Johnson or the Administration but the office of the Presidency. Republicans on the committee, therefore, could argue for a change in the Presidency, which Hanoi is waiting for, but against any change in America's basic commitment in Vietnam.

"Our concern," says the statement, is not with politics or popularity, but with principle."

The committee, co-chairmanned by former Sen. Douglas of Illinois and Gen. Omar N. Bradley, former chairman of the Joint Chiefs of Staff, specifically notes that never since the Civil War has there been as much loud and violent opposition to a conflict in which our fighting men are engaged. It supported the right to dissent but said the voices of dissent have received attention "far out of proportion to their actual numbers."

"Our objective," said the committee, "is to make sure that the majority voice of America is heard—loud and clear—so that Peking and Hanoi will not mistake the strident voices of some dissenters for American discouragement and a weakening of will."

Does the committee represent a majority of silent Americans, some of whom will vote for President Johnson next year and some for a Republican? Hanoi should consider the probability that it does.

A poll of delegates at 13 AFL–CIO conventions showed only 8 per cent favored withdrawal of the United States from Vietnam and only 13 per cent favored de-escalation. The rest favored standing by America's commitment in Vietnam, 41 per cent supporting current administration policy and 38 per cent favoring escalating the war even further.

Ho Chi Minh should be conscious of this poll, too. It implies that continued resistence for another year will mean only more and more suffering in his country as well as in South Vietnam, suffering that could be ended now if Ho would read American opinion accurately and come to the peace table.

ADDRESS BY AMBASSADOR SOL M. LINOWITZ

Mr. MORSE. Mr. President, on October 19, Ambassador Sol M. Linowitz, U.S. representative to the Organization of American States, addressed a meeting of the Inter-American Press Association at the Dorado Beach Hotel, Dorado Beach, P.R.

As chairman of the Senate Subcommittee on American Republics Affairs, I read the Ambassador's speech with great interest and approval. In fact, I think Ambassador Linowitz is doing a remarkably fine job as our country's Ambassador to the Organization of American States.

I would like to have the speech available not only to members of the Senate Foreign Relations Committee and to the public, generally, and therefore, I ask unanimous consent that it be printed at this point in my remarks.

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

ADDRESS BY AMBASSADOR SOL M. LINOWITZ, U.S. REPRESENTATIVE, ORGANIZATION OF AMERICAN STATES

I welcome this opportunity to report to you on the state of affairs in the neighbor-

hood in which we live. I make no cla m to reportorial objectivity; and if any bias shows it will be one that favors the policy clearly enunciated in the Charter of the Organization of American States—a policy that seeks "an order of peace and justice" in our hemisphere.

Indeed, I can think of no better way of summing up President Johnson's entire Latin American policy than to stand here and read to you the Charter of the OAS. Its goals, its hopes for the present, its aspirations for the future express fully all that we strive for today in our relations with our sister republics in the Americas.

For the United States seeks in short, what the OAS seeks—a hemisphere in which all people respect their neighbors and share in the blessing of plenty that is the heritage of the New World.

Obviously, the OAS will not in and of itself guarantee such a future for the hemisphere. But it does point the way. And because it does, the United States' commitment to it is deep and irrevocable. It is a commitment, moreover, that bespeaks our belief in international cooperation—peaceful cooperation and change—among all men and nations no matter what their hemisphere.

For the overall international aim of the United States is a world in which want is replaced by sufficiency, in which aggression is rejected by respect for one's neighbors, in which belligerency has been overtaken by understanding, in which inequality and discrimination—economic and social—finally give way to the dignity of the individual.

The OAS is the instrument of this international aim in the Western Hemisphere, and as such our membership in it well serves our national interest, even as our membership in the United Nations serves our national interest universally.

And whatever the shortcomings of either body may be, they are those of the members and not of the organizations which are but creations of fallible men with all their problems and all their diversity.

Indeed, this very diversity is the source of the OAS greatest strength—the independence of its members.

It is my belief that skepticism about the OAS stems from nothing less than a lack of information about the work it has done and the work that it is even now doing—work that is deeply interwoven in the fabric of America.

It is work that does not stop with the defense of the Americas and the efforts to strengthen the peace. It is work that advances also the economic and social well being of its members—work that runs the gamut from industrial planning to farming, from education to public health, from child welfare to Indian affairs, from culture to human rights, from science and technology to jurisprudence.

Twenty-two members of the OAS are today cooperating to build a better hemisphere. One country is not. We cannot ignore that one country; its threat is too real.

But we must give far greater attention to the constructive efforts and the creative work of the 22 who will not permit the problem of Castro subversion to interfere with such OAS programs as eradication of Yellow Fever or development of a hemisphere-wide system of educational television. For they are convinced that these are indispensable works of peace—work that will be remembered long after Castro has been forgotten.

This creative spirit of the OAS was clearly evident in the recent Meeting of Foreign Ministers that dealt with the problem of Cuban subversion. The result was a measured response, calm but keenly aware of the nature of the threat, flexible but resolved that the pursuit of intervention and the support of subversion will not be tolerated in this hemisphere.

The OAS policy—a policy of respect for the individual and the freedom of each nation—will be the policy of the United States, for we also believe that the most effective response to any despot of the right or left—is a response of hemispheric unity that inspire the confidence of all the people of the Americas.

This, I would note, is in sharp contrast to the sporadic, discordant and dissident voices of the LASO extremists when they met at the conference of their Latin American Solidarity Organization in Havana.

And even Castro must realize by now that extremism is not the way of the future for the rest of the hemisphere. The plain fact is that the people of Latin America have not responded to the strident call for violence. Those who advocate such a sterile course have failed—failed to capture the imagination or support of the people, failed to achieve any political power outside of Cuba, failed to stop the steady forward movement of the Alliance, failed—above all—to identify with the real, the legitimate aspirations of the Latin American people.

It would, therefore, be a grave mistake to focus on the Cuban problem to the exclusion of all others in Latin America—or to equate the challenge of Latin America with that of stopping Castro. I am convinced that the Cuban people will one day stand free again. Then theirs will be the job of determining their own destiny.

Our main job in Latin America now, however, is to stop poverty, to stop inequality, to stop hunger, to stop illiteracy—to stop all things that create a climate of despair in which a Castro, or a Batista, can flourish.

Our main job in Latin America—indeed our policy in Latin America—is a constructive one, a job of building, a job of hope, one that does not believe in the force of arms but in the force of mutual cooperation.

The Alliance for Progress gives voice and form to that policy. It is not aimed against any people or regime but it reaches out to all the people of the Americas. It seeks not to dominate but to share; indeed the willingness to share is its only qualification.

We hope that someday soon there will be a change that will permit the Cuban people to share in the Alliance for Progress, too, for the development of the hemisphere is a vast program in which every nation has its own part to play, the Cuban nation along with all the others.

Our quarrel is not with the people of Cuba but with an extremism that pursues a calculated policy of intervention in the affairs of other nations, preaching hatred and seeking to turn countrymen against countrymen, and which serves as a arm of Soviet force in the Hemisphere.

It is only the posture of the Castro regime which has resulted in the isolation of Cuba. We would prefer to see the people of Cuba clasp the hand of friendship and hemispheric progress inherent in the OAS and the Alliance.

For it is progress that should be the overriding concern of all of us—progress that will meet the just yearnings of the great majority of the people of Latin America. It is in these yearnings for economic and social justice that the Alliance has its roots.

In assessing the progress made by the Alliance, we must therefore understand that the average citizen—the man who will ultimately decide the future of the Alliance and of the continent—will not be won over by the statistics of monthly car loadings or of rising figures on a graph. What he wants to see is improvement in his life and in his neighborhood.

He will not be won over by a Common Market with its modernized economies and increased business opportunities unless he feels he will somehow share in the gains they make possible.

He will not be inspired or won over by shiny new farm equipment and modern agricultural methods unless he has a stake in the land they till.

He will not be won over by modern schools or efforts to wipe out illiteracy unless his education permits him to live in a society in which ability is the criterion for advancement.

In short, economic progress alone cannot be the key to the future of Latin America. Economic progress may be the body and muscle of the Alliance, but social progress must be its heart and its soul.

Simon Bolivar once said that the goal of the Americas was to be the greatest region on earth "greatest not so much by virtue of her area or her wealth, as by her freedom and her glory". That "freedom and glory" must be made possible in a continent of social justice and equity.

What the people of Latin America today seek is what we have sought and still seek for ourselves in the United States. For we are also trying to wipe out poverty in the United States and to give each of our citizens his birthright of equality and dignity. We are seeking to insure the legal right of all of our people to participate in the democratic process, and we are trying, through great social efforts in medical care, education and job training, to maximize dignity for our old and opportunity for our young.

We are doing these things through peaceful, democratic change, in fulfillment of our own revolutionary heritage. Indeed, through our own efforts of self-help, we have shown our commitment to the revolutionary ideology of the Alliance for Progress.

And as the people of Latin America—especially the young people—search for an alternative to communism, it is appropriate for us to remind them that western democracy—to which their culture has contributed so much—stands not merely as that alternative but as a way of life that offers fulfillment for their aspirations, even as it does for ours.

All in all, the people of the Americas—North and South—must concern themselves with building societies better able to cope with the rising expectations that are the hallmark of the twentieth century. Basically many of our problems are the same—such problems as urban stagnation, lack of educational facilities, inadequate housing, insufficient public health services and others. And basically, too, the people of the United States—homes, food, jobs, decent clothes, an education for their children, the opportunity to live in a life of dignity in freedom. How can they get these? Through land reform, urban development, community development, low cost housing, more schools, nutrition, sanitation, hygiene, recreation and welfare—all the things that go into giving people a stake in what they are doing and in their countries. In short, what they want is a combination of economic and human aspirations—a society that understands it can only succeed only if it utilizes the goals of economic improvement to provide a better life for its people.

And in helping to provide it, the Alliance is moving ahead faster in a number of ways than we had any right to expect. Yet with all that is being done, the monumental nature of the task and the scope of the existing problems make forward movement of the Alliance appear glacial.

However, we must look not only at the speed, but also at the rate of acceleration. Only thus can we see the distance already traveled. And the facts are impressive: There have been more tax reforms, more land reforms, more schools built, more students trained, more roads built, more new institutions created in Latin America in the past six years under the Alliance for Progress than during any previous decade. In land tenure, tax reform, and administrative reform there has been greater progress during the past six years than in the previous twenty-five.

There is no question, however, that the Alliance has a long way to go before it accomplishes its goals. Potential for violent revolution still exists in every sordid slum in Latin America, in every backward village where the heritage of centuries of neglect remains greater than the effort to overcome it. It is this effort that the Alliance must now inspire with ever increasing urgency.

I believe that, on balance, it is doing so. We can see this certainly in the steps being taken to implement the decision of the American Presidents to integrate the economy of Latin America.

We can see it, for example, in the establishment of a coordinating committee of the Latin American Free Trade Association and the Central American Common Market to speed the process of merging the two into an eventual continent-wide Common Market.

We can see it in the realistic and creative manner in which the population question is now being approached.

We can see it in the spirit of cooperation among hemisphere experts who are even now studying ways and means of utilizing science and technology to improve the life of all the American people.

We can see it in the study now underway to establish an educational television network on the continent.

We can see it, above all perhaps in the will to develop; and this, I believe, dramatically underscores what is taking place. For the very significant fact is that the development of Latin America is greater than its growth.

Actually, the 2.5 per cent average annual per capita growth rate, stipulated in the Charter of Punta del Este, is an abstraction that in and of itself tells little. Indeed, to use growth rate as an over-all yardstick for the success or failure of the Alliance can be highly misleading and deceptive. For it does not reflect the new conviction in Latin America that development is today a national task, which must depend on the generation of internal energies and resources.

This new awareness, which was impressively manifested at the summit meeting of American Presidents, perhaps more than any other factor shows that Latin America is developing and that the Alliance for Progress is making lasting headway.

Of course there is much that needs improvement and reappraisal. But the fact remains that with the Alliance we are in the right place at the right time with the right program.

The problems of Latin America cannot be filed for some future time or future convenience. They are with us now and their ramifications are as great as any in the world today, including Viet-Nam, and we will not serve the future if we think otherwise.

Quite the contrary, we know Latin America is a continent in ferment—in revolt, if you will—against the evils of the past. Vast social changes are going on and more must be stimulated. The question at issue, therefore, is whether the revolution will be a peaceful one—a revolution of international cooperation and peaceful change—or whether it will be a violent one in which the only ones who stand to gain are those who prefer tyranny to freedom.

This question has particular timeliness today when our headlines are filled with reports of an alleged arms race in Latin America. It is entirely right that we should view with deep concern any move which seems to suggest this danger in the Hemisphere. Yet when viewed in proper perspective, the facts hardly suggest that the Latin American nations have embarked on such a course. The essential facts are these:

Latin America spends less on arms than any other part of the world. Approximately 90 percent of its military expenditures is for upkeep of military and defense establishments and only 10 percent is for acquisition of new military equipment. In fact, in the past 20 years defense budgets as a proportion of total expenditures have dropped 50 per cent. The current headlined effort on the part of one or two Latin American countries to acquire more sophisticated equipment arises from the desire to replace outmoded and obsolete equipment which is both uneconomical and ineffective.

The other side of the coin, however, is that the limited resources of Latin America are precious. At the meeting of Presidents in Punta del Este last April the Presidents determined that unnecessary military expenditures should be eliminated so that available resources might be devoted to the prior social and economic needs of the continent. It is in this context that the effort to purchase new advanced military equipment must be evaluated by the countries of Latin America in the light of their own needs and aspirations.

The commitment of the Latin American Presidents to eliminate unnecessary military expenditures is a solemn one, and it is right and fitting, therefore, we find ways within the inter-American system to carry it out. The Inter-American Committee of the Alliance for Progress—known as CIAP—on which I serve as the United States Representative—is charged with the responsibility for annual country reviews of Alliance programs for each Latin American country. Such reviews involve an analysis of the plans of each nation and the need for additional external resources to carry forward the country programs.

Under the terms of an amendment sponsored by Senator William Fulbright, the Congress of the United States has made a commitment that the expenditure of Alliance funds in Latin America would be consistent with the recommendations of CIAP. This gives testimony to the United States' belief that development is of necessity a multinational undertaking.

It would appear reasonable that in its country reviews CIAP might undertake careful consideration of proposed defense budgets—a review of the allocation of resources devoted to defense purposes as compared to the allocation of resources for development purposes—in order to see whether there are in fact unnecessary military expenditures being contemplated which can and should be eliminated in accordance with the Declaration of Presidents.

In and of itself the Alliance cannot, of course, assure the future of democracy in Latin America. Democracy cannot be imported from the outside; it must be nurtured and defended from the inside.

The Alliance, if it is to succeed, must be guided by men and women who believe in courageous and progressive political leadership. President Johnson has made unequivocally clear our own support for constitutional representative democracies in this hemisphere.

"In Latin American countries", he has said, "we are on the side of those who want constitutional governments. We are not on the side of those who say that dictatorships are necessary for efficient economic development or as a bulwark against communism."

The Charter of the Alliance for Progress states that it is established "on the basic principle that free men working through the institution of representative democracy can best satisfy man's aspirations". It is not going too far to say that the future of the Alliance will to a large extent depend on the capacity of progressive democratic governments and their leaders.

But we must walk a careful line between assertion of principle and intervention in the affairs of sovereign countries. This latter course was an all too familiar phenomenon of our past relationships with Latin America a few decades ago. We do, however, have both the responsibility and the commitment to encourage the growth of constitutional representative governments in the hemisphere, and to make clear our hopes for the secure future of political democracy. For, in the words of the President, "we shall have . . . and deserve . . . the respect of the people of other countries only as they know what side we are on."

President Kennedy was reported as having said that the struggle for democracy and freedom "is going to be won or lost right here in Latin America".

What he meant, I think is that if we cannot, through the Alliance for Progress, win the battle for men's hearts and minds in the countries of this hemisphere, where we share common ties of history, geography and tradition, then it is unlikely that democracy can serve better in other parts of the world.

But all the indications are that we can win, and that we will win. If we reject the recipes offered by the do-nothings—if our actions are guided by our faith in democracy and in the power of international cooperation—then I am confident that we can move forward toward a brighter tomorrow in a hemisphere and in a world free from war and free from want.

LYNDON B. JOHNSON AND POLITICAL COURAGE

Mr. INOUYE. Mr. President, the American people expect the President of the United States to guide the ship of state, not to follow in its wake.

Although, this may seem to be self-evident, I think the times justify a reminder of what the Presidency is all about.

The public opinion polls tell us what the people think about the issues of the day. But the President worthy of the office cannot slavishly court public opinion. He must, if he is true to his oath of office, act out of the conviction that what he is doing is right and in the best interests of the Nation, opinion polls notwithstanding.

Needless to say, the President must possess a full measure of political courage.

Mr. President, I think that Lyndon B. Johnson is the equal of any of his illustrious precedessors when it comes to political courage. I have disagreed with the President on occasion; but I have never ceased to admire and respect the courage of his conviction to do the right as he sees the right.

It goes without saying that had President Johnson placed politics above conviction he would have long ago shifted his Vietnam policies to placate his critics.

But he has not done so. And even those who disagree with certain elements of this policy must agree that the President has remained firm and consistent despite enormous pressures to either moderate or expand our commitment.

Those who disagree, do so respectfully, knowing that the President's refusal to embrace their position is due not to stubbornness but to a conviction that the road he is following in Vietnam is the right one.

The mark of a great leader is the ability to stick to the courage of his convictions. And Lyndon Johnson is a great leader.

The years of his Presidency have been marked with enormous challenges and burdens. But he has not shrunk from

meeting them head on. Nor has he allowed unprecedented personal vituperation and abuse to dissuade him from taking strong action on emotionally-charged, controversial issues.

President Johnson is not an issue-dodger, who ducks out when the going gets rough. And if he does not always enjoy our complete support, he merits our respect and loyalty, trust, and admiration in these difficult times.

Many of these same points have been vigorously enunciated in an excellent editorial by the M. E. Green Co., in a newsletter to their subscribers. I ask unanimous consent that the editorial be printed in the RECORD, with the earnest hope that it will be carefully read by all Senators on both sides of the aisle.

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

PROFILE IN COURAGE

Every day appears to be a good day to criticize the man in the White House. Recently, even a leading magazine took time out to participate in the contest of disparaging epithets directed against the 36th President of the United States. We do not propose today to take a stand for or against the issues so vividly and irresponsibly discussed by so many, but we will try to analyze Lyndon Baines Johnson's motives for action.

Usually good actors are poor playwrights, and good playwrights do not perform well on the stage. John F. Kennedy was an excellent actor, his personal appearances were inspiring, his press conferences were literary events, and the brilliancy of his on-stage performance made up for the mistakes of judgment. A tragic event left the promise of youth unfulfilled, created a myth and put the subsequent President at a disadvantage. This problem was compounded when the intellectuals who played first violin in the JFK Orchestra, unwilling to play second violin in the LBJ Band, decided apparently in unison to unload their frustration on the new conductor. The Schlesingers, Goodwins & Company must be forgetting that the greatness of America lies in its unsophistication, not in intellectual snobism. American democracy is horizontal, unlike Western Europe's where it is vertical, and where political power, money and education are represented usually by a single person or combined in one family or club.

The man from Texas, who replaced the man from Boston and Hyannis Port, and who does not have the same aura of "savoir-faire" and "savoir-vivre" as his predecessor, recently stated what every thinking American should have known all along, i.e., that if he were concerned only with his own popularity, he would not have been going about things the way he has and would not suggest higher taxes or more war or similar unpopular actions. And that is the crux of the matter: LBJ is putting his own political future in jeopardy for the sake of his belief that he is doing the right thing for the United States.

We all know that even Johnson's enemies do not consider him incapable, not smart, or a political amateur; obviously, he has the opposite qualities and certainly weighs carefully the pros and cons of all his decisions, particularly those that concern the future of America and/or his own. The record shows that in this context he always chose America. Now whether or not President Johnson's judgment is right, only history will tell. But one thing is sure, that in pursuing his policy in a most unselfish way he has proven to be a better American than his critics. LBJ has stuck to his guns even at the cost of alienating large segments of the U.S. population; few political figures would do it. This courage and self-denial—not egotism as others claim—have brought the President nothing but abuse. Another "despised" man, in a letter to his sister written 200 years ago, made timeless and pertinent remarks about such slanderous assaults:

"As to the abuses I meet with . . . I number them among my honours. One cannot behave so as to obtain the esteem of the wise and good, without drawing on one's self at the same time the envy and malice of the foolish and wicked, and the latter is a testimony of the former. The best men have always had their share of this treatment, and the more of it is in proportion to their different and greater degrees of merit. A man has therefore some reason to be ashamed of himself when he meets with none of it. And the world is not to be condemned in the lump because some bad people live in it. . . ."

Not only adults—senators, teachers, taxi drivers, barmen and the like—abuse the presidency, but so do teenagers and college students, and there appears to be some sort of a race going on in the United States for the No. 1 spot in irresponsibility, blindness and vulgarity. American political life has always been full of it, yet reason ultimately prevailed in spite of the fact that those who had the least to say always yelled the loudest, as, for instance, students of some American universities who have an excellent record of wrong political judgment. In 1946, when an honorary degree was bestowed by Columbia University on one of the greatest men of this century, the then students demonstrated violently against him.

The "despised" man who 200 years ago wrote the letter quoted above was Benjamin Franklin; the man abused in New York 21 years ago was Winston Churchill. To the loneliest man in the nation, Lyndon Baines Johnson, today's target of vicious and irresponsible attacks, our sympathy and respect.

PRESIDENT JOHNSON URGES PASSAGE OF IMPORTANT CONSUMER PROPOSALS

Mr. PROXMIRE. Mr. President, in a speech today to the Consumer Assembly, President Johnson rightly noted that there are currently 12 major pieces of consumer legislation still pending before Congress.

All of us in the Senate who have championed these vital consumer programs join with the President in hoping that these legislative proposals will be enacted during this session.

For as the President noted:

We have just begun our program for the consumer. . . . At a time when economy is the by-word of our nation, these should be the first bills passed. The cost to the taxpayer is virtually nothing. The savings to the consumer are in untold grief and millions of dollars.

I applaud the President's words. I commend this administration for its outstanding efforts to provide new and greater protection for the buying public.

I think the President is absolutely right in saying:

This is a consumer's Administration.

I ask unanimous consent that the text of the President's remarks to the Consumer Assembly be printed in the RECORD.

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

TEXT OF REMARKS BY THE PRESIDENT AT THE CONSUMER ASSEMBLY

The idea that the consumer deserves protection is relatively new in America.

In the early days of our history, the only consumer law was "let the buyer beware." And a great many consumers were victimized by the fast-buck artists of the day. Our country was almost 100 years old before the first consumer protection law was passed. It prohibited the fraudulent use of the mails.

Some of the abuses that brought about that early legislation would insult our intelligence today. They were "American ingenuity"—at its worst.

There was the man who advertised that he would send you a steel engraving of George Washington if you sent him a dollar. When he got your dollar, he sent you a one-cent stamp.

Another fellow asked for a dollar in return for a sure-fire method of exterminating potato bugs. For your dollar, you received a slip of paper saying, "Catch the bug, put him between two boards, and mash him."

On the American frontier, the practice of medicine was haphazard at best. People bought cure-alls like "Kick-a-poo Indian Sagwa"—that promised you everything but the headache they produced.

At the turn of the century, there was no guarantee that the meat Americans ate was not diseased—or even that it come from the advertised animal. One newspaper wrapped up the problem in a short poem:

"Mary had a little lamb,
And when she saw it sicken,
She shipped it off to Packing-town,
And now it's labelled chicken."

Foods were filled with strange chemicals, whose effect nobody knew. It was 1909 before President Theodore Roosevelt could say that America had finally awakened to the fact that "no man may poison the people for his private profit."

We take it for granted, now, that such outrageous practices are forbidden by law.

But without the indignation and action of an aroused public—without the Federal Government's strong sense of responsibility to the consumer—the counters in our stores might still be filled with Kick-a-poo Indian Sagwa.

Without the great milestones of consumer legislation, we would still be playing Russian roulette every time we dealt in the market place.

Our savings would be stolen by unscrupulous speculators.

Our bodies would carry burn scars from clothing which ignited without warning.

Our food would be tainted, our drugs unsafe.

Our children would be maimed by the toys we bought them.

Consumer legislation is a continuing process of serving changing needs. Technology daily makes our existing laws obsolete. Progress is not an unmixed blessing. It can bring countless unforeseen hazards.

Fortunately, these problems are usually resolved in our competitive market, by the energies of private enterprise.

But dangers must be predicted whenever possible. Standards must be set. Consumers must be safeguarded from unreasonable risk.

In the modern marketplace, there are still plenty of traps for the unwary—more subtle than those our grandfathers knew, but no less dangerous. The difference is that the confidence men who brew them up now have college degrees.

Every year, Americans pay millions of dollars for parched and worthless land.

Every year, our citizens are lured, unsuspecting, into credit traps which drive them to desperation.

Every year, Americans eat, on the average, 27 pounds of uninspected red meat—meat that may be mislabelled, tainted, or dangerously diseased.

Every year American families furnish their homes with fabrics that are dangerously flammable.

This is a consumer's Administration. I have sent three major messages to the Congress in the past four years—asking for strong laws to protect our people from those who would cheat them or expose them to unreasonable hazards in pursuit of an easy dollar.

The 89th Congress passed several major pieces of legislation which materially helped the consumer to a better life.

The Truth-In-Packaging Act, to tell the buyer just what he is buying, how much it weighs, and who made it. The days of the "jumbo quart" and the "giant economy quart" are over.

The Child Protection Act, to guard our children against hazardous toys. Now there is a law that protects a child from poisoning if he puts one of his toys in his mouth—that protects him from being burned by firecrackers that look like candy.

The Traffic and Highway Safety Acts, to protect our drivers from dangerous vehicles, and to train them to protect themselves from each other.

Still we have just begun our program for the consumer. There are currently twelve major actions before Congress. At a time when economy is the by-word of our nation, these should be among the first bills passed. The cost to the taxpayer is virtually nothing. The savings to the consumer are in untold grief and millions of dollars.

The Truth-In-Lending Bill would require the money leaders of our society to inform the citizen—to tell the parents who need to borrow for their children's education, or to pay medical bills, or to buy a car or a television set—just how much it will cost to borrow that money.

The lender knows to the penny how much interest he is charging. We don't think it is too much to ask that he tell the borrower.

We have proposed amendments to the Flammable Fabrics Act of 1953. As new materials are invented, new hazards occur. We don't want a repeat of the incident when young girls were incinerated by their sweaters.

We want to see minimum safety standards set for the movement of natural gas by pipeline. These pipes may run under your city streets. We don't want them to erupt and kill your townspeople.

As representatives of our 200 million consumers, these bills concern you directly. It has been said that the consumer lobby is the most widespread in our land, yet the least powerful. I disagree.

But you can only wield the power you have if you make yourselves heard. You have the interest, you have the organization, you have the numbers.

And we have made sure that you have access to the highest councils of government. The President's Committee on Consumer Interest, the Consumer Advisory Council, and my Special Assistant for Consumer Affairs, Betty Furness, are all available to you. They hear your ideas and complaints, and they pass them along to me.

Your Congressmen should hear from you, too—loud and often.

At this moment, there are two specific issues which demand your attention. They theraten our consumers and our country.

The first is inflation. By keeping a close watch on our economy, we have managed for the past six years to keep our consumer price rise lower than that of any other nation in the industrial West. We have kept the housewife's dollar secure. We have even been able to lower taxes.

But now there are pressures on the economy which demand that we ask for a portion of that tax cut back—in the form of a surcharge. We estimate that it would take one penny out of the average American's dollar.

I realize that it is hard for you to ask the people you represent to surrender more money in taxes. But let me give you two quick examples of what will happen if we don't get that surcharge.

A family of four with an income of $5,000 would pay nothing under the surcharge plan. But the chances are very great that it would pay $147 a year under the tax of inflation.

A family with an income of $10,000 will pay $285—or $174 more than some economists estimate it would pay if the surcharge is passed.

The second issue you should know about is the threat of protectionism, which is rearing its head in the form of certain quota bills now before Congress.

Those proposed quotas would invite massive retaliation from our trading partners abroad. Prices would rise. Our world market would shrink. So would the range of goods from which American consumers choose what they buy.

These bills must not become law.

Again I urge you to make yourselves heard, to exercise your rights and fulfill your duties as citizens and consumers.

We have much to preserve, but far to progress. We have reaped the harvest of a vigorous prosperity—a record prosperity that has now lasted for 81 months. Our consumers now enjoy the highest standard of living ever known on this earth. Yet one in every seven of our citizens exists below the poverty line. And every citizen faces unreasonable risks in the modern marketplace.

When all Americans enjoy the bounties of this rich land, when all Americans can live in dignity and security—then we can say we have done the consumer justice. I hope you will not settle for less. I promise you that I will not settle for less.

THE AWARDING OF MEDALS TO JUSTIFY THE WAR IN VIETNAM

Mr. MORSE. Mr. President, the awarding of medals has become the primary forum used by the administration to justify the war in Vietnam.

Therefore, I think readers of the CONGRESSIONAL RECORD will be interested, as I was, in a letter forwarded to me by a constituent and former serviceman who declined to accept a Bronze Star Medal for his work in Vietnam. It was written by Mr. Keith Tillstrom. In a cover letter to me, Mr. Tillstrom said:

I have felt guilty about my participation in the war, and this act in no way assuages that guilt, but I think it will let some of the military leaders of the war realize that not everyone in uniform is proud of what we are doing in Vietnam. Please continue your efforts to convince our leaders that we must have peace in the world if we want to solve world problems.

His letter speaks for itself. I ask unanimous consent that it be printed in the RECORD.

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

PORTLAND, OREG.,
September 21, 1967.

Col. JOSEPH MEACHAM,
Information Officer,
Headquarters, U.S. Army, Vietnam.

DEAR COLONEL MEACHAM: Enclosed are the orders, citation and Bronze Star Medal which you forwarded to me through the Portland sub-sector command. I cannot accept this award because to me it represents the hypocrisy and sub-human thought which pervaded my two years in the Army, particularly the last twelve months in Vietnam.

I recognize that the Army considers the medal a high honor, but to me it is a worthless momento, a scrap of ribbon, an object which stands for two wasted years in the military where I was reduced to a common criminal and a participant in a war that lacks all reason.

It stands for the incredibly inept and basically false information program of which I was a member, the evasion of Truth, the glossing over of facts and the complete irrationality of the military mind.

It stands for the irreverance for life which is inherent in any war, and is all too present in Vietnam, where death is glossed over and transformed into a numbers game of "Victory" when Americans do the killing, and "sacrifice for the good of the country" when our soldiers die.

It stands for the economic, political and social rape that America is carrying out in Vietnam. For the inflation, poverty, disease, bribery and corruption, a puppet military government and, yes, the orphans in the streets and the girls in the bars—all of which exist because America has perverted its presence into a senseless colonial war.

It stands for the evil reality that America has turned the Vietnamese people into "niggers." Completely subservient to their American overlords, totally reliant on U.S. economic aid, absolutely dependent on American protection, cruelly resilient to every whim of Washington. If the Vietnamese people were downtrodden and helpless before our armies came to their sad country, their condition since our war has racked Vietnam has precluded almost all for stable nation building.

The medal you sent stands for colonialism and a phony patronising of the yellow race. One U.S. senator has said: "Those little people need our help." A friend of the military solution for the world's problems, he reflects the foolish belief that America is superior in every way to the rest of the world. Why do we continue to impose our horrible, indiscriminate authority and power on Vietnam? Why continue a war in Vietnam when certainly we could help that nation in a world of peace?

Finally, and possibly least important to the wider scope of this letter since it concerns only my self-respect: The medal represents the insult and degradation I have received from the military. Not only as a competent writer, but as a human, thinking being who was told not to question any part of my value system, which has, in effect, been smashed by my participation in the wrecking of Vietnam. Ordered to believe in the "righteousness" of American presence in Vietnam. Cajoled and defrauded into paying obeisence to "superiors" who have nothing but artificial rank and a false set of values to live by.

The medal carries a false double standard: The army awards medals posthumously to widows as solemnly and with as much fanfare as it does to officers behind the lines who receive them automatically for putting in the allotted time behind their desks. Your medal is worthless and insulting. I cannot accept it. I will, instead, hope for peace in Vietnam, which circumvents your military solutions, and then perhaps I can find something to be proud of.

Please put through your mill the necessary paperwork to revoke the orders for the medal. I don't want them on my military records.

Sincerely,

KEITH D. TILLSTROM.

SOUTH DAKOTA CLERGYMAN'S COMMENT ON VIETNAM

Mr. MCGOVERN. Mr. President, on April 25 of this year, I delivered a major

speech on our involvement in Vietnam. Because I believe this issue has fundamental moral aspects, I sent reprints of my Senate address to the clergymen of my home State, South Dakota.

Many of the clergymen replied with thoughtful letters which have been a source of instruction and inspiration to me. One letter that particularly captured my attention came from Rev. Ralph Nelson, the associate pastor of the First Presbyterian Church of Sioux Falls. He enclosed with his perceptive answer a remarkable sermon preached on Sunday, April 23, by the Reverend John Foss, minister of the First Presbyterian Church of Sioux Falls. The sermon was in the form of a letter to an imaginary GI.

I ask unanimous consent that the Reverend Mr. Nelson's letter to me, together with the enclosed sermon, by the Reverend Mr. Foss, be printed in the RECORD.

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

FIRST PRESBYTERIAN CHURCH,
Sioux Falls, S. Dak., May 31, 1967.

Hon. GEORGE MCGOVERN,
U.S. Senator from South Dakota,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MCGOVERN: My humble apologies for this late reply to your request for a review of your article in "The Progressive". My own schedule has been hurried and I wanted time to rethink my own position on the Viet Nam issue more clearly.

Let me state from the outset that I am in very close agreement with your Viet Nam policy, and have total sympathy for your strenuous peace-making efforts. I firmly believe that the calling of "peace-maker" lies at the heart of the Christian message and I heartily endorse the recent "Confession of 1967" of our church, which states "The church, in its own life, is called to practice the forgiveness of enemies and to commend to the nations as practical politics the search for cooperation and peace. This requires the pursuit of fresh and responsible relations across every line of conflict, even at risk to national security, to reduce areas of strife and to broaden international understanding. Reconciliation among nations becomes peculiarly urgent as countries develop nuclear, chemical, and biological weapons, diverting their manpower and resources from constructive uses and risking the annihilation of mankind. Although nations may serve God's purposes in history, the church which identifies the sovereignty of any one nation or any one way of life with the cause of God denies the Lordship of Christ and betrays its calling."

Certainly to take such a stand may well jeopardize one's political career, especially in a country as finely tuned to military accomplishment as our own, but no stand could be more prophetic, or show more genuine concern for the human race. In too many instances today, men's knowledge of the needs of mankind is blinded by a false patriotic ideology. And I fear that our present administration is prone toward glossing over truth and spending human lives in the attempt to purchase its own political future. Certainly lives lost in such a cause could not come under the heading of "lives lost in the defense of freedom."

In the first place, I believe that our present predicament in Viet Nam is the result of a long series of mistakes, warped views of reality, and the tendency to perpetuate categorized views of the international picture long since irrelevant. As in too many cases in the international spectrum, the U.S., under the illusion of fighting Communism, has ended up supporting a government which is (1) not a relevant or popular answer to the country's needs, and (2) actually inimical to the interests and way of life of the U.S. This series of mistakes arises, as you suggest, from a crude misreading of history, as well as from the mistaken assumption that Communism, and other ideologies, are monolithic the world over, and totally contrary to any Western position, Christian or otherwise. As the "Confession of 1967" implies, the Christian message and its working out in history is not limited to any one national, political, or economic ideology. And there is a multitude of literature today to the effect that certain tenets of the Communist way of life in some countries is as close, if not closer, to the basic Christian message, than certain expressions of capitalism. If this is true, we ought no longer to live in a world of warring opposition, but of dialogue and change.

Second, I believe as a theologian, that we have reached a new plateau in theological history. God has brought us into an era, working through man's development of nuclear warfare, when war as a technique has become obsolete. And therefore the tendency of the U.S. to use war to accomplish its ends represents the extent to which it rebels against the purposes of God, is blind to the essential movement of history, and refuses to find its rightful place as a servant nation among nations. Today to risk nuclear war is plainly immoral; a nuclear war, in making the globe uninhabitable, would settle no moral or political issues other than to prove the ultimate immorality of whoever chose to use such weapons. The very situation in which we stand makes the risk of nuclear war the final revolt against God, and any use of war qualifies as a risk of nuclear war. God has left us no alternative but to talk, love, and change, or die in the wake of the inherent tragic element in man. What before was a command of the Gospel is today the only way left. If the U.S. must pay a price for not using force, then such is the price of discipleship. The fact that we are not accepting such discipleship is plain from our loss of respect in the world community. I have just finished spending 16 months living in Europe where I have seen this loss of respect first hand, and sympathized with it.

Third, I believe that the effect of the Christian message is to render every individual and group of individuals complete and fulfilled in the eyes of God, through our love for them. Were there any substance to our talk about "self determination" in Viet Nam and other places, we would probably be fulfilling this mission. But plainly the U.S. has always been deluded into thinking that self determination is commensurate with the American standard of living. In the last analysis we are going to turn out to be even more crudely imperialistic than was Britain in the last century. True self determination in Viet Nam would be better enhanced if we were not there at all, if the social revolution of the Viet Cong were allowed a voice in proportion to its real popularity, and Marshal Ky, whose interests are not the interests of Viet Nam as a whole, were dismissed from the country entirely. As a masters degree student of Near Eastern history and culture, let me say that the same, I believe, is true of the mandate originally establishing the state of Israel. There was nothing in that political move which in any way represented the character of Near Eastern politics or self determination, and therefore I have little sympathy with Israel in the present crisis, or with any role which the U.S. may be felt called upon to perform in her behalf to the detriment of Arab nations. Nasser, who has done more than any Egyptian ruler in 8,000 years to develop the corporate life of the Arab people has been forced into Soviet hands by our boorish treatment of him, our exploitation of his country's resources, and a policy toward the Near East which is an aberration in the flow of Near Eastern history.

Certainly we are living in a time when self interest must be secondary and vision primary, for "where there is no vision, the people perish." Never has that phrase held out more possibility of proving true than today. From here on in, our battle can be won with love and understanding alone.

I am enclosing with this, my own reply, a copy of a sermon preached by the Reverend John Foss, the senior pastor of this church, and distributed to the congregation. This sermon will make clear his position on the Viet Nam issue.

Again, congratulations to you on your courageous stand. I hope to be able to come to know you and support you better as time goes on, and my citizenship in South Dakota gains seniority.

Very sincerely,

Rev. RALPH NELSON,
Associate Pastor.

(NOTE.—On Sunday, April 23, 1967, The Rev. Mr. John Foss of the First Presbyterian Church of Sioux Falls, South Dakota preached a sermon on the Christian's Dilemma in seeking to define the issues in Vietnam. Because so many requests have been received for copies of the sermon, the following letter has been prepared. The original sermon was not cast in this form. However, since every sermon is in reality a "message" from God, this sermon has been rephrased and incorporated in a letter to "Jim". "Jim is the "G.I. Joe" of yesteryear. He is also every Christian who is one in heart and spirit with "Jim" and what he is facing and trying to accomplish on our behalf. This, then, is an "open letter":)

DEAR JIM: It is very early in the morning and I can no longer sleep. I, too, am troubled by your question, "What is the truth about the issues in Vietnam?" I understand your feeling of "having been let down" by the extensive dabate taking place on the home front in response to this question; and so, I cannot sleep. I feel that I must try to put down on paper some of the matters of "Christian urgency" that are coming to the forefront in my thinking. Please excuse my unorthodox literary form. I find that my thoughts flow more easily when I use this form I have developed. I hope it doesn't confuse you.

Jim, we are, today, engaged in the greatest public debate and inner struggle that has taken place in our nation since the time of the Civil War. Not even the Civil Rights movement of recent years has stirred such an immense amount of debate and controversy. On the tip of every lip deep in every heart is Vietnam . . . and the debate is growing hot!

I am beginning to see three different positions emerging. They are not clean-cut. There is much overlapping. But, at the risk of over-simplification I will try to state them for you.

The "Hawks" . . . are obsessed to "seek and destroy". They see the issue very simply as one of "containment of aggressive communism". They subscribe to the "domino theory" that if Vietnam goes Communist the new technique of Communist subversion known as "A War of National Liberation" will be established and sweep that part of the world. They believe that aggression must be met with "force" and that military might will result in communist defeat. Their chief cry is "Escalate more swiftly" . . . bomb Hanoi if necessary.

The "Doves" . . . are obsessed with "Peace". They point to the long and involved history of the Vietnamese people. They stress that we have wrongly permitted ourselves to become involved in a Civil War. They emphasize our role in deliberately short-circuiting the Geneva Accords of 1954 and our Unilateral action that is contrary to the United Nations Charter. They dramatize the brutality of this war for all concerned, and are especially cognizant of the tragedy involving civilians . . . women and children. They

feel that the "American Cure" is worse than the "Communist Disease" . . . and ultimately their cry is "Get out . . . all the way out. Bring our boys home and let the Vietnamese settle their own differences."

The "Pigeons" . . . are obsessed to be "Messengers". They hold that there are strong elements of truth on either side. They replace the cry of "Escalate" or "Get out" with . . . "Pull back to South Vietnam alone and Hold Fast" . . . Bring every possible pressure to bear for negotiation . . . seek new means of conciliation.

Jim, the debate is hot! Charges and counter-charges are being heard on every side. All I can claim is that I have literally devoured everything I can get my hands on, from any source, with regard to our involvement there. My thinking has changed rather drastically in some instances, and I have my own "opinions" that now border on deep conviction. However, I shall not try to convince you in this letter of the rightness of my opinions. I shall not try to present my case in such a way that I sift the wheat from the shaff in each instance and lay bare the kernel of truth.

Rather, I want to share with you some matters of Christian Urgency that now weigh heavily upon my heart. They appear to me as the "common ground" where we stand together, regardless of the "strategy" we choose.

I'm going to ask you to pause here and take out your Bible. Please read carefully and ponder the following passages of scripture. They give insights into much that will be said later in this letter. Read Matthew 5:43–48 and Romans 14:5–19.

The first passage does not need explanation. It is a specific command that requires deliberate action that is often contrary to emotions and feelings. However difficult, it cannot be avoided. The passage in Romans might need a little explanation. Paul was concerned over the heated debate growing between Christians about the "rightness" or the "wrongness" of different practices being observed by Christians. His conclusion is noteworthy . . . he states that, if you make your decision on the basis of a love of God as revealed in scripture and a humble willingness to be used of Him for His own glory . . . then you can come to opposite conclusions . . . and both be right! This is the great paradox of the Christian Faith, Jim. "Creative tension" is necessary to the discovery of truth. Indeed, this is the whole foundation of the concept of "Freedom" we possess in our country. Truth and Freedom are not static . . . they are Dynamic, flowing, ever-changing. "Creative Tension" under the guidance of God is what brings balance and meaning to our world. Therefore, hold your convictions firm and work for them. . . . and respect the right and privilege of your opponent to do the same!! This debate that we are carrying on is not treason . . . it is the very expression of everything we treasure and hold most dear.

Jim, let me move on to the matters of Christian urgency. While the debate is waged by sincere and committed persons on every side . . . Christians among them . . . I believe there are some matters coming to the fore that need to be taken seriously by all of us, regardless of the positions we might assume in the debate.

The first matter of Christian urgency is that expressed in Matthew's Gospel . . . "Love your enemies . . . Pray for those who persecute you . . . Do good to those who despitefully use you."

I know that this sounds like the oversimplified mutterings of a pious parson. But I honestly believe it to be one of the most urgent and necessary mandates of our times. It must be fulfilled.

You will frequently be fighting alongside of South Vietnamese soldiers who do not understand you, your viewpoint, your way of life, your many luxuries while they live in need . . . and in their own mixed-up emotions they will resent you while they fight alongside you.

When Viet Cong soldiers are captured and turned over to South Viet soldiers for questionings you will observe torture and brutality being expressed before your eyes by those beside whom you fight.

Medics will be asked to treat South and North soldiers and civilians. You will be given the chance during off-duty hours to assist in refugee and rehabilitation programs and community development efforts. When your parents read the statistics in ever-mounting number of the enemy killed and "our boys" killed, they will be forced to inwardly decide whether both are children of God.

In each instance . . . during your "work" and "leisure" hours . . . you will be redefining for all those with whom you come in contact . . . what is the meaning of Calvary and of Christian love.

It is a matter of Christian urgency . . . regardless of where you place your loyalties in this debate . . . that you seek in every moment to live out Christ's mandate of Christian Love . . . He (the Living Christ within you) will show you how! The chaplain will help you discover additional insights on the local scene.

The second matter of Christian urgency is this: It is urgent that you discover anew the Amazing Breadth of God's Infinite Variety. God is never boxed-in and stymied by one method.

He uses a variety of political methods as expressions of His grace. Pure Democracy, Representative Democracy, Limited Monarchy, Absolute Monarchy . . . God uses many forms. God uses a variety of forms in relationship to the problems confronted in various countries.

He also uses a variety of economic systems: Laisse Faire Capitalism, Modified Free Enterprise (Present U.S. system), partial socialism, complete socialism, Communism. In each instance a variety of degree is expressed. While I know and understand my own personal and total commitment to the American Free Enterprise system, I must also acknowledge that I have met many wonderfully dedicated Christians who live and conscientiously work under political and economic systems different from my own.

Communism is not a monolithic structure!! There are varieties and degrees. At present we do not cooperate in any way with hard core communism as expressed in Red China. We do carry on varying degrees of trade with Rumania, Poland, and Yugoslavia. The more limited degrees of socialistic-communistic policies in Burma, Ceylon, and India give us very little concern.

We must be willing to affirm that God works in a variety of ways.

We must be eager to affirm that all people have a right to choose and maintain their own form of government.

What we are fighting for in South Vietnam . . . is not American Democracy and Free Enterprise . . . it is the right of all people, including the indigenous portion of the South Vietnamese population who genuinely and sincerely support the National Liberation Front (Viet Cong) . . . to freely choose their own form of government without violence, aggression, or external threat.

At this point we are uncertain. When negotiations, including the Viet Cong at the table, are complete . . . the people themselves, in general election . . . may choose for themselves a form of political and economic life that is *not* what we would choose for them.

Under God we must give them this right . . . and if they freely choose some form . . . some form . . . of a limited communist expression; we must not feel that we have, therefore, "failed" and "wasted" American lives.

It is urgent . . . regardless of our side in the debate . . . that we be open to God's infinite variety of answers . . . and permit others to freely make the choice which they deem best. International action and cooperation towards this end is what we seek.

The third matter of Christian urgency I will refer to as the ultimate futility of military solutions.

There have been times in ages past when men believed that problems could be solved by force (military conflict). That age is gone forever. We have left the Atomic Age in dust, and are now well into the Nuclear Age. All major nations have Nuclear Weapons so massive as to destroy our planet.

These nations are aligned on both sides of the Vietnamese line. Russia and China have made it perfectly clear that if we continue to push for military victory, the ultimate result will not be the defeat of North Vietnam, but rather the increased involvement of men and materials from China and Russia until we are engulfed in a nuclear war.

We can debate forever our sincere opinions as to how far the war can be escalated before the "point of no return," but of one fact we must be united and certain . . . this war will never be "won" from a military standpoint. Ultimately, there will be no military winners in this war . . . only universal losers.

The Public opinion of the World is shouting loud and clear that they are not in agreement with present tactics of escalation.

Personally, I have no hard-and-fast, predetermined answers to "just how far we can go" in this matter militarily, but I am certain of one thing. This year we will be spending, as a nation, close to $25 Billions of dollars on the military answer, and $500 million for AID (Community Improvement and Development). It appears as though we are laying our bets 400 to 1 in favor of a military answer.

Somehow, while acknowledging the tragic necessity of your police action to help stabilize South Vietnam, we must shift gears and press on and on and on . . . for negotiation . . . to bring about those conditions where the people themselves can freely choose without undue pressure from either the Communists or the Americans.

It is a matter of universal Christian urgency . . . that we become more and more aware of the ultimate futility of all military solutions.

Jim, there is a fourth matter of Christian urgency that weighs heavily upon me. We must make clear to all our boys the equal validity of being a "selective conscientious objector." I have failed here, and so have our people.

Our government has long provided opportunity for courageous young men who preferred to give their lives in a non-military way to do so. All through South Vietnam the government is sponsoring opportunities for those willing to risk their lives in community development and renewal in rural and city areas . . . areas infested with Viet Cong.

We have never helped you to see that this is also a legitimate Christian answer if your conscience should so dictate. We as pastors and people have permitted the impression that those not willing to "go the usual route and serve their term of duty" are cowards, un-American, and unpatriotic. We now are learning differently through this great debate taking place here in your beloved homeland.

We now say emphatically what we have always said too quietly . . . whatever choice you make . . . we are proud of you and stand behind you!!

If you choose to be an active part of the attempt to solve this agonizing problem from a military standpoint . . . we will stand behind you.

If you choose, before entering the service through special arrangements with your en-

listment board, or after active engagement through cooperation with your chaplain . . . to be a part of the courageous, community rehabilitation and development program . . . or some other phase of necessary, non-military service . . . we will proudly stand behind you.

But Jim . . . the decision is yours. Either way is valid. May God guide you in your choice.

Sorry, Jim . . . no easy and "pat" answers are available. I can't be neutral in this debate. Inevitably some of my own prejudices and opinions have shown through.

Please remember . . . I do not claim to have the only valid and Christian "opinion" as to which strategy is best.

You will have to read all available material from many different view-points and decide for yourself in this great debate just where you stand . . . Nothing makes me more proud to be an American than to live in a country where this kind of a debate takes place!! Sincere and committed men and women are on different sides in the choice of strategy. The trick is in maintaining the "creative tension" wherein we firmly hold and fight for our convictions while still respecting the right and integrity of the other man's point of view.

But there are certain matters of Christian urgency that we have in common.

We must learn to love all men, especially our enemies, amidst the harsh realities of daily life.

We must inwardly acknowledge and resolve that God uses an infinite variety of political and economic and cultural solutions to channel his grace.

We must become acutely aware of the ultimate futility of military solutions . . . we live in a new age . . . They are stop-gap at best and border on total annihilation at worst.

We must make absolutely clear the equal validity of choice to serve in either a military or a "selective conscientious objector" role.

May God give to us in these days that abundance of His grace which will enable a shaft of light to break through the immense darkness of this present hour.

May he use the "Creative Tension" of our present debate that is being carried on in so many forms to break the stalemate and give a new sense of hope.

And Jim, may the risen and living Christ . . . through the indwelling presence of his Holy Spirit . . . Strengthen you for loving obedience wherever he may lead.

Yours in Christ,

JOHN FOSS.

JOINT ECONOMIC COMMITTEE HEARINGS ON NEW BUDGET PROPOSALS

Mr. PROXMIRE. Mr. President, the Economy in Government Subcommittee of the Joint Economic Committee yesterday concluded two extremely profitable hearings dealing with proposed changes in the Federal budget. Hopefully, Congress and the administration soon can begin implementing the new ideas stemming from the President's Commission on Budget Concepts—the Kennedy Commission.

A pressing need for budget changes, as recommended by the Kennedy Commission, has been evident for a long time. Existing budgets are often confusing; they do not tell in simple terms just what the Government is taking in and giving out: Present budget concepts fail to convey the economic impact of Government accounts, and there are serious timelags in reporting of key budget indicators.

The Kennedy Commission proposes a unified set of accounts to replace the three budgets now used—the administrative budget, the consolidated cash budget, and the national income accounts budget. In addition, the Commission asked that budget reporting be done on an accrual basis which would provide more up-to-date information for economic analysis of budget trends.

The Joint Economic Committee strongly endorsed the formation of the Kennedy Commission earlier this year. The committee has focused on the role of the budget in the economy in a number of hearings and reports over the past decade.

I invite the attention of the Senate to an editorial published in the October 21 issue of Business Week. The editorial commends the Kennedy Commission, but it also notes that—

Unfortunately, it will take more than just good accounting to solve the fiscal problems that face the U.S. today.

Congress must act not only to adopt these new budget concepts but also to provide leadership in creating better economy in Government as well as setting up rational budget priorities and goals.

I ask unanimous consent that the editorial, entitled "A New Framework for Budgetmaking," be printed in the RECORD.

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

A NEW FRAMEWORK FOR BUDGETMAKING

In view of the fact that there already are at least three different ways of computing and presenting the federal budget, it could be argued that the last thing this country needs is a fourth. Nevertheless, the President's Commission on Budget Concepts, headed by David M. Kennedy, chairman of Continental Illinois National Bank & Trust Co., has performed a highly useful service by designing a new "budget and financial plan" that would replace all of the older approaches. President Johnson will be contributing a good deal to sound decisionmaking and clear thinking about fiscal policy if he accepts the commission's advice and makes the new concept "The Budget" of the United States.

The basic problem that the commission faced was that the budget must serve a variety of purposes. Among the things that it must do, three are particularly important:

It must set forth the appropriations that Congress is being requested to make.

It must propose an allocation of resources among the various federal programs and between the public and private sectors of the economy.

It must present the data needed to determine what effect fiscal policy will have on economic stability and growth.

Multiplicity of uses generated a multiplicity of concepts in budgetmaking. The old administrative budget, built around appropriations and spending estimates, was first supplemented by the cash consolidated budget, which showed receipts from and payments to the public. And then alongside these the White House began presenting the national income accounts budget as a better measure of the impact of the federal government on the economy.

The result was growing confusion that threatened to discredit the whole budgetmaking process. And this danger was aggravated by bitter disagreement among accounting experts on the proper way to handle a number of items, such as government loans and participation certificates.

After a painstaking study, the commission has come up with sensible proposals on most of these disputed points. Its greatest contribution, however, has been to propose a framework for the budget that will present all the essential data for analysis and decision making without allowing one aspect to overshadow the others.

As the commission says, "This approach is in contrast to the historic tendency to view the budget in terms of a single number—the surplus or deficit. This overconcentration on the surplus or deficit figure is responsible for much of the present proliferation of budget concepts. In turn it has been a root cause of public confusion and has been responsible for accusations of 'gimmickry.' . . . It is not possible for one number to portray the scope, character, and economic effects of the government's financial plan."

Unfortunately it will take more than just good accounting to solve the fiscal problems that face the U.S. today. But the budget the commission proposes will contribute to intelligent debate and a broader understanding of what our problems are.

EDUCATION IS THE SECRET OF OUR BOUNTIFUL HARVEST

Mr. HOLLINGS. Mr. President, it is constantly disheartening and shocking to me as I read current reports concerning the decline in farm commodity prices. Nothing brings home more vividly the plight of our farmers as do these constant reminders that farm parity stands at 73 and that prices for the farmers' produce have declined.

American agriculture which, in the eyes of a hungry world, is our greatest success story, is the least rewarded of any segment of our economy. It seems that our economy is constantly on the upswing, particularly insofar as consumers prices are concerned, but stationary, or depressed, insofar as farm prices are concerned. Unless we soon undertake that massive, long-range innovative effort to master the world food problem, as called for in the President's Science Advisory Committee report, we may face the awesome spector of famine unprecedented in human history.

The Western World can ill afford to sit idly by and watch immense tragedy unfold on the world scene, under circumstances where 2 billion people scarcely able to provide for themselves today will double their population within the next few years.

I mention these facts simply to dramatize the challenge that is currently facing our agricultural economy. Since the beginning of this Nation, with the help of Congress, the laboratory, and a wise system of inexpensive distribution of knowledge, the American farmer has given us a $50 billion industry. Under its progress, our American consumer spends less than 18 percent of his disposable income for food. Compare this with the requirement of 29 percent in the United Kingdom, 30 percent in France, 53 percent in Russia, 45 percent in Italy, and 47 percent in Japan.

Under our system one farmworker in America produces enough food for 31 persons. In Europe the average farmer produces only enough food for 10 persons. In Russia, a farmworker's produc-

tion is barely sufficient to feed four or five persons.

I believe the greatest tribute paid the American farmer and his tremendous productivity was a recent report by the U.S. Department of Agriculture that, if farm prices had kept pace with the general level of food prices over the past 20 years, consumer expenditures for food in America last year would have been $104 billion instead of $91 billion. Think of it. This yearly $13 billion savings to the American consumer is twice the annual cost of running the U.S. Post Office Department, or the total cost of operating both the U.S. Post Office Department and the Department of Agriculture. It has been estimated that over the past 20 years, food savings to the American consumer have been well over $100 billion.

In comparing our success with those of other countries, I think we should keep constantly in mind that the founders of this country envisioned education as a practical tool of agriculture. It is for this reason that they established an inexpensive method of bridging the gap between the scientific laboratory and the land, by providing for the low cost distribution of technical information.

On this premise the agricultural publishers of our country, with the help of the Congress, have built their industry, but like the American farmer they too have been ill rewarded for their efforts. State and regional farm publications, familiar to all of you, have had a decline of 30 million copies per year in the past 10 years, and their revenues have declined by about $2 million per year. This is big money in their small business.

There are many disagreements with the House of Representatives and this body over proposed and pending legislation. However, on their special recognition of agricultural magazines, as contained in the House-enacted version of H.R. 7977, it is my very fervent desire that the Senate acquiesce.

These publications have had their pound, advertising rates in the first and second zones hiked 180 percent in the past 18 years and had the administration's original proposal been approved by the House, their first- and second-zone advertising rates would have been hiked 240 percent. This is far more than the percentage increases imposed or anticipated for their large national competitors. The steep, local rates have come about in the effort to curb "drop shipments" and reentry practices on the part of large publishers to take advantage of low, local rates, as urban population increased and farm population declined.

I agree with the House that farm publication's rate increases on the advertising content in the first and second zones should be withheld at this time.

A short time ago I reviewed a copy of the first edition of the American Agriculturist published in April 1842. I was impressed with the pattern of operation established by this publication which is still in existence today. Its subscription rate was $1 per year then and has remained at $1. Under the then existing laws, the postmasters were permitted to enclose money for subscriptions free of postage. Finally, the editorial content of this publication gave the first indication of the value of hybrid seed. It was truly a lighthouse guiding an infant industry. The agricultural publishing industry has followed this pattern generally throughout the past 150 years.

Many of their magazines are over 100 years old and still in business. Subscription prices are low to encourage maximum circulation.

This segment of the publishing industry has been built on free-in-county rural free delivery, low within-county rates, and for over 20 years—1935 to 1958—a combined editorial and first and second zone advertising rate, which were equal in amounts ranging from 1.5 cents per pound in 1935, to 1.95 cents per pound in 1958.

In tribute to the great innovative efforts of our agricultural science, this industry has been recognized by Government and farmers alike as one of the most valuable tools of production. And yet, how can farm publications pass on increased postal costs in light of declining circulation and revenues?

With the challenge facing the world today, as population expands at 3 percent a year, while food production lags at 2 percent per year, we can ill afford to discourage the agricultural publishing industry, which has added so much to the bounty of America. Especially, since it is the lack of this great foresight in foreign nations that has contributed to their unproductive plight.

I believe the U.S. Senate should encourage this industry, and permit it to continue its invaluable service to the farmer and all the American people.

BICENTENNIAL OF NORFOLK NAVAL SHIPYARD

Mr. SPONG. Mr. President, last Saturday I had the pleasure of participating, along with Senator BYRD and Representative PORTER HARDY, JR., in a ceremony climaxing this year's bicentennial celebration of the Norfolk Naval Shipyard in Portsmouth, Va.

As a native and lifelong resident of Portsmouth, it was a special privilege to have a role in the rededication of the Nation's oldest shipyard to another century of service and to introduce the day's principal speaker, Adm. Ephraim P. Holmes, the commander in chief of the U.S. Atlantic Fleet.

The shipyard at Portsmouth was established before there was a U.S. Navy, and one of the first frigates authorized by the Congress for the Navy was constructed there. Literally, the shipyard has grown with the Navy and has earned a reputation by its service in peace and war for efficient and economical performance.

The rich historical tradition of the Norfolk Naval Shipyard was recounted Saturday by Admiral Holmes as he stressed the invaluable contributions a shipyard makes to the fleet. He spoke knowingly of the skill and craftsmanship of the shipyard employees and of their ability to meet the challenging demands of a modern fleet.

I join with Admiral Holmes in saluting the truly elite work force at the Norfolk Naval Shipyard and I wish them continued success in the future. Mr. President, I ask unanimous consent that Admiral Holmes' address be printed in the RECORD.

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

REMARKS BY ADM. EPHRAIM P. HOLMES, U.S. NAVY, COMMANDER IN CHIEF, U.S. ATLANTIC FLEET, AT THE BICENTENNIAL ANNIVERSARY OF THE NORFOLK NAVAL SHIPYARD, PORTSMOUTH, VA., NOVEMBER 4, 1967

Senator Spong, Senator Byrd, Congressman Hardy, Rear Admiral Brown, distinguished guests, ladies and gentlemen, often man marks centennial anniversaries in a sterile museum atmosphere, surrounded by objects too sacred to touch, too fragile to use, too obsolete to be of any value in contemporary times. However, that is certainly not the case with the Norfolk Naval Shipyard because, as we mark the 200th anniversary of the Nation's oldest shipyard, we are surrounded by one of the Nation's most modern ship repair facilities.

As we stand almost in sight of America's oldest drydock, we also stand within the shadow of one of the Navy's most modern electronics shops. As we look backward over 200 years of accomplishment, we also may look forward to a future of infinite challenge. Application of advanced technology by personnel with a tradition of skill and craftsmanship has always been the key to effectiveness by the U.S. Navy, afloat, and ashore. Nowhere should that be more true than in its shipyards.

It is appropriate, then, that we examine the past upon which our heritage is based, while keeping a weather eye upon tomorrow. The 200 year history of this shipyard and its vast potential for the future offers us an excellent opportunity to do so.

These two hundred years have been a time of tremendous change which has been reflected by alteration of the roles and contributions of this shipyard. The two main causes of those changes are: *First*, developing naval technology which has seen us go in 200 years from sail to coal to oil to nuclear energy; from round shot to rifled shot to guided missiles; and, from observation balloons to biplanes to jet fighters, and, *second*, the changing mission of the U.S. Navy as an instrument of American foreign policy. In the 200 years under discussion we have progressed from a defensive continental country to a nation preeminent in world affairs.

But this shipyard had its beginnings before there was any thought of a U.S. Navy. It played a part in the revolution, and some of its workmen witnessed the significant example of the importance of seapower to the Nation when Cornwallis was trapped on the peninsula at Yorktown with any escape closed to him by seapower applied by our French allies.

The first threat to the new Nation's freedom came at sea. American merchant ships unprotected by a naval force, were tempting targets for the corsairs of the barbary states. To counter this threat Congress established the U.S. Navy and authorized the construction of six frigates. One of these frigates, USS *Chesapeake*, was built here. With the building of the *Chesapeake*, this shipyard established her place of importance to the new Navy and they have grown together continuously.

Chesapeake fought in the Barbary Wars in the Quasi War with France, and in the War of 1812 against the British.

The Navy which entered that war without a great deal of respect, even from fellow Americans emerged, ton for ton, with a reputation as a most formidable fighting Navy. As a result of the lessons of that unfortunate war, the Nation saw the need for first line ships. Even though peacetime slowed the building program, the decade after the war of 1812 saw

the U.S. Navy acquire its first ships of the line—one of which, USS *Delaware*, with 74 guns, was built here in 1817 and, after this shipyard completed the first drydock in America, went on to become the first ship to be drydocked in this country.

After the war of 1812, the country entered a period of expansion.

Noted naval historian and newsman Fletcher Pratt characterized the period as being dominated by the concept of making the American flag respected. In his words "This concept turned naval captains into armed diplomats."

It was during these years that great strides were being made in two vital areas of technological development—the evolution of naval propulsion from sail to steam, and the evolution of the modern warship.

This shipyard was deeply involved in both of these significant programs.

Napoleon called American Inventor Robert Fulton a Charlatan after a demonstration of the steamboat, but luckily, our Congress had more confidence in him and in 1834, authorized $5,000.00 to experiment with steam engines. In 1850, the USS *Powhatan*, one of the U.S. Navy's first effective steam powered ships was commissioned here. I stress she was not our first steam powered ship. This is significant because it took twenty years to proceed from experiments with steam power to a stage of having the technical ability and equipment to build a truly operational steam powered warship.

Powhatan is a good example of the importance of applied research and how this shipyard, using scientific advances in naval warship design and construction, influenced history.

The total transition to a steam powered fleet took some 40 years to complete. For many reasons, it is reasonable to assume that it may take very nearly that long for a complete change to nuclear power to become an accomplished fact.

The Civil War was an era which saw this shipyard play a major role in making the world's wooden navies obsolete. In 1962, on the burned hull of the former Union frigate, USS *Merrimac*, it built the first armored ship to fight a battle. As the CSS *Virginia*, she defeated a squadron of wooden Union ships in Hampton roads and she then engaged, inconclusively, the USS *Monitor*, as a result, the course of naval development was changed in Hampton roads, in sight of you seated here.

After the Civil War, as the Nation turned its thoughts and energies to internal affairs, the Navy fell into stagnation and disrepair. International trade carried in American ships fell to ⅓ its former volume. There was little feeling of a need for a Navy. During the period 1867 to 1883, American shipyards deteriorated. The Norfolk shipyard apparently built the only new ships constructed for the Navy during this 18 year period—two small gunboats.

Many factors, including the writings of Commander Alfred T. Mahan, freed the Navy from its enforced lethargy. The resurgence was marked here in 1887 by the beginning of the construction of USS Raleigh, an 11 gun cruiser, the first ship of the "new" Navy to be completely designed and built by the Government, and the construction of USS Texas. She was the Navy's first battleship and the first all steel ship built at this yard. The shipyard also felt the influence of modern innovations ranging from electricity to telephones.

After victory in the Spanish American War the United States was clearly established as a world power. The United States came out of the war with overseas possessions which made a seagoing Navy an obvious necessity.

America's naval contribution to World War I was largely logistic and defensive. We built ships such as the destroyer Craven here in 1918. We furnished supplies, provided convoy escorts and patrols which succeeded in neutralizing the enemy submarine threat. In each of these things, the naval shipyard played an important supporting role.

The commissioning here of the USS Langley in 1922 as the Navy's first aircraft carrier marked the third major type of naval warship produced by this shipyard for our Navy. Armored ships, battleships and aircraft carriers for our Navy all started here. The importance of having shipyards capable of converting ships to new uses is illustrated by recalling that the Langley was converted to her historic role from not so glamorous beginnings as the collier Jupiter. Langley was the first of a type of ship which was to play a major role in the defeat of the Axis powers in World War II, and is the cornerstone to the flexible, mobile operating forces of the U.S. Navy.

Activity and employment in the Norfolk naval shipyard dropped in the twenties and early thirties to a level below that of 1914. This trend of consolidation was a manifestation of the national temper against war and all the instruments of war in the post war period.

During the steady deterioration of international relations, in the postwar decades, understanding began to grow that a superior Navy, made possible by our wealth and resources, would be the best insurance against involvement, or failing in that, against defeat in future wars. It was also realized that the danger of war was increased when nations controlled wealth and resources which they lacked strength to defend.

As a result, a battleship modernization program was undertaken. Six of the fleet's older battleships were modernized at the Norfolk Navy Yard between 1925 and 1934. This program marked the beginning of a new role for this naval shipyard: conversion and modernization as opposed to new construction.

It was during World War II that our Nation's status as a world power was put to the class of combatant ship. The Atlantic Fleet was inferior to the Japanese fleet in every class of combatant ship. The Atlantic fleet was soon put in a very serious situation by the German submarine threat. The contributions of our naval shipyards during those trying years is legendary. Norfolk Naval Shipyards particularly so. From 1940 to the end of the war shipyard workers swarmed to repair, alter or convert 6,850 ships at the same time. They built over 100 new ships, 44 of them large combatant types like U.S.S. *Shangri-La*. In addition, the yard manufactured and delivered millions of dollars worth of products for forces afloat and other elements of the shore establishment.

With the close of World War II the naval shipyards resumed a peacetime status. However, this shipyard's work force did not fall below 9,000. The existence of a skilled work force paid off when we had to rebuild our national defenses with the outbreak of hostilities in Korea.

During the three-year period of fighting in Korea, this shipyard completed repairs or other work on more than 1,250 naval ships, and in addition built two new ships, the minesweepers U.S.S. *Bold* and U.S.S. *Bulwark*. Those two ships were the last two built in this shipyard. From that time on, because it was near the largest concentration of naval forces in the world its service to the fleet would primarily be in performing modernization, repair, and conversion, a role which it began to play successfully with the battleship modernization program I mentioned previously.

In the years since we entered the era of the cold war, the effects of the period on the naval shipyard can best be summarized by discussing briefly the tremendous technological changes which have taken place since 1953.

The construction of a new 8.5 million dollar electronics building, begun in March 1953 and completed in August 1956, was the first positive step in true modernization. It was also in 1953 that the nuclear age arrived here with the establishment of a facility for repairing radiological instruments. From this beginning the yard has continued to adapt itself to the demands of the nuclear Navy. In 1965, it completed its first nuclear overhaul on U.S.S. *Skate*. Currently it can repair any type of ship in the fleet, except the Polaris submarines, and, it is now preparing to add this capability.

In 1957, computers joined electronics and nuclear energy in the shipyard installation of the first computer in the comptroller department. Now the shipyard has four computer systems which are used in such varied fields as stock accounting, predicting workloads, processing payrolls and solving scientific and engineering problems in the design division.

By 1959, 81% of our fighting ships had been built in World War II. To avoid block obsolescence we had to spend many millions of dollars to modernize and prolong the useful life of nearly 300 ships. It took five years to complete the fleet rehabilitation and modernization program, better known as Fram.

Older ships certainly have no monopoly for repair and modernization requirements. From the time a new ship slides down the ways—she's subject to the damaging effects of the elements and, in this day of swift technological advances, obsolescence.

The challenges of keeping the fleet modern and ready were made greater by the introduction of missiles. The missile age came to this shipyard in 1958, when USS Observation Island, a support ship for the first test shots of the Polaris missiles, was commissioned.

Missiles had become so important to the fleet by 1964 that this shipyard established a surface missile systems task group.

In 1767, as today, new types of machinery, trained technicians, adequate docking facilities, and efficient administrative systems were needed to meet the challenges of changing times and methods.

As a result, it is not wrong to say that in our review of the accomplishment and challenges here at Norfolk, we have been talking of things common to all naval shipyards because since the U.S. Navy established shipyards in 1801, they have been an integral part of our Nation's naval strength. Our yards are vital because they provide essential support which must be responsive to the operating forces, and as those operating forces are made up of ships or growing complexity and the demands upon them for prolonged deployments continue, the future role of naval shipyards will be increasingly important. It has been said that we once defined our ships in terms of measurement, that is tonnage, or speed, or draft, but now they must be measured in the more subtle terms of the purpose and effectiveness of their weapons systems. In turn, that effectiveness must always be measured in terms of the specific environment in which a ship is now operating, and in which it will operate in the foreseeable future. For example, many of our ballistic missile submarines have been successively converted to employ 3 versions of the Polaris missile and USS Forrestal, now undergoing repair here, has a completely modern electronic system as a result of the modernization program at this yard, although she is now 14 years old. The complexities of today's many threats to world peace dictate rapid and accurate work now to meet the challenges of tomorrow.

With the continuing introduction into the Navy inventory of such sophisticated ships and craft as: hydrofoils; ground effects vehicles; combined purpose ships such as the fast stores ship, the fast combat support ship, and the amphibious assault ship; improved missiles; advanced electronics; submarines able to dive to greater depths; anti-

submarine warfare ships with bigger sonars and diverse weapons. The naval shipyards will be a determining factor in the U.S. Navy's efforts to remain the world's preeminent naval power.

Old skills cannot be forgotten, new skills must be developed, to be practiced with dedication and craftsmanship.

For that reason, in closing, I wish to address myself particularly to those who toil here, those who must practice the skilled craftsmanship.

I hope that this review has emphasized, in your minds, the importance of this shipyard, and all Navy shipyards to the fleet and in that way has enhanced your understanding of the contributions you make to the Nation's development and security.

I ask that you rededicate yourselves to a new century of progress, because the most valuable asset to this shipyard through the years has been its people. Men and women who are in the aggregate, educated, dedicated and professional.

The quality of output of this shipyard attests to the fact that it is supported by a truly elite work force.

A fighting ship is not a democracy; it is a tool democracy uses to survive. This shipyard has been producing these tools for 200 years. Our country's survival in the face of repeated military threats throughout its history is a living tribute to the quality and success of your efforts.

FORMER CEA CHAIRMAN HELLER: HOW TO MAKE PROSPERITY LAST

Mr. PROXMIRE. Mr. President, the fourth article in the United Press International series on how to make prosperity last was published in last Friday's Washington Post.

The article was written by Dr. Walter W. Heller—a man who needs little introduction in this body. Walter Heller as President Kennedy's Chairman of the Council of Economic Advisers has perhaps done more than any other person to educate the Congress and the public in the role that Government economic policy can play in maintaining continuous prosperity. He set high goals for our economic performance, and demonstrated that we could indeed achieve our tremendous economic potential. Although Walter Heller returned to academic life at the University of Minnesota in 1964 after serving 1 year with President Johnson, he continues to consult with the President's Council and takes an active part in the public debate over economic issues.

True to his belief in our ability to manage continuing prosperity, Walter Heller today sees no reason why we can not have 81 months more of prosperity. However, I can not accept his prescription for making this possible.

The economic dilemma we face today involves more than a test of the "new economics" and the "old politics," as Dr. Heller describes it. The economic outlook is uncertain enough to create differences of opinion even among adherents to the principles of the "new economics."

Dr. Heller believes that "the U.S. economy is again off to the races," and that a tax increase is needed if we are to escape the penalties of future economic distortions and more inflation. But I ask, Does the evidence today support the view that economic expansion is progressing too rapidly? I do not believe it does. With employment above 4 percent, capacity utilization at 83.8 percent, and declines in the levels of industrial production and durable goods orders, there is certainly no evidence of overheating.

To this line of argument Dr. Heller would answer that the tax increase is needed today to help the economy later. But this view places a faith in the accuracy of forecasts that I do not believe is warranted. Economic expansion has been much slower this year than the administration predicted. We barely avoided a recession in the first half of the year, and if we had enacted a tax increase effective the first half of July as originally proposed, we would very likely have thrown the economy into a recession. I think that the advocacy of a tax increase is still premature today.

I was disappointed that Walter Heller did not mention the wage/price guideposts, and in particular, the need for a stronger wage/price policy this year. Dr. Heller deserves much credit for the first articulation of the guidepost policy. In February, he told the Joint Economic Committee that price rises this year would be largely caused by cost-push factors, and this view has been proven to be correct. I felt then and still believe today that a stronger wage/price policy would have helped considerably to hold down prices. Yet just when we needed the guideposts most, they were virtually abandoned by the administration.

Mr. President, I ask unanimous consent that Dr. Heller's article be printed in the RECORD.

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

[From the Washington Post, Nov. 3, 1967]

HOW TO MAKE PROSPERITY LAST, IV—TAX INCREASE NOW WILL HELP ECONOMY LATER, HELLER SAYS

(By Walter W. Heller, former Chairman, Council of Economic Advisers)

It is curious and perplexing that just when the current economic expansion, begun in the winter of 1961, is entering the record books as the longest uninterrupted expansion in our history, a new chorus of criticism is being directed at the economics and the economic policies that have made it possible.

For those who may have entered late, let me add that this is not the first time under fire for what has become known as the "New Economics." In the earliest years of the Kennedy Administration, the Council of Economic Advisers was criticized for laying out forecasts and goals in specific quantitative terms; and its projections of the economy's capabilities were widely—and wrongly—argued to be too high.

Later, the 1963 proposal for major tax cuts was bogged down for over a year as Congressional and public debate raged over the analysis behind the proposal and the forecast of what it would deliver for the economy.

DEBATES CLARIFIED ISSUES

But these debates served to clarify issues and to educate. And the "New Economics" gained acceptance by delivering the economic expansion and resulting balanced Federal budget it had promised.

But once the refreshing breezes of the tax cuts were supplanted by the strong, hot winds of Vietnam in the summer of 1965, the "New Economics"—as well as the "Old Politics"—was put to a severe test: would its successful policy for expansion be matched by equally forceful policies to fight inflation?

Policy in 1966 gave an unsatisfactory answer. True, fiscal policy switched from expansion to restraint with a couple of tax-tightening measures. But no across-the-board income tax boost was put through. As a result, we jammed on the monetary brakes. . . .

OFF TO THE RACES

Today, the U.S. economy is again off to the races. We are faced with renewed inflation. Yet, rather than use the temporary restraint of the 10 per cent surtax, Congress is dragging its feet.

Economic issues are being obscured by quarrels over Vietnam, the budget, and fears of voter reaction. Decisions are being delayed at considerable cost and even greater risk. . . .

We need restraint now as a step toward maintaining our expansion over the longer run. If 81 months is a new record, this is a new record, this is no reason why we cannot have 81 more. . . .

If we fail to enact a tax increase, we will pay a double penalty: More inflation and distortion now, more risk of recession later, especially after Vietnam—when quick removal of the surtax could be our most effective weapon in keeping the economy on an even keel.

President Johnson has shown himself willing to propose the unpopular measure of a temporary surtax to achieve the needed economic restraint. If Congress now rejects it—which I, for one, don't believe it will when the facts are in and the chips are down—it would show itself willing to step on the accelerator, but unwilling to step on the brakes.

In the end, this would seriously impair our ability to pursue sustainable, maximum expansion.

And in the process, it would give apparent ammunition to critics of the "New Economics," when the fault would really lie with the "Old Politics."

THE ACID AFFAIR

Mr. BYRD of West Virginia. Mr. President, recently a most disturbing series of articles concerning the so-called hippies and flower children was published in the Washington Post. The articles are entitled "The Acid Affair" and describes in graphic detail the sort of lives these persons lead. The articles also describe the immense flow of traffic in illegal narcotics and drugs that goes on in certain sections of our country.

While I was disturbed by the tragic self-destruction and waste of human resources the ill-guided hippies have brought upon themselves, I was even more concerned and appalled by the criminal behavior of their elders—the persons who manufacture the illegal LSD and other drugs which so many hippies consume.

According to the articles, many of these drug salesmen cloak themselves in the mantle of righteousness and virtue. They say they are motivated by only the highest aims—supposedly to bring peace and spiritual pleasure to those whom they sell their illegally concocted potions.

Yet it has been proved by physicians of the highest repute that these drugs are harmful beyond description. Though this harm may not be apparent the first time they are taken, over a period of time the drug's effects are deadly.

Thus not only are the dealers in these drugs committing an illegal act when they sell their drugs; they are, in addi-

tion, being hyprocritical in the highest degree, for eventually the only type of peace these drugs will bring their users is the peace of the grave.

I urge Federal and State law enforcement officials to continue investigating and prosecuting these drug manufacturers with all the vigor at their command.

That this problem may be more widely known, I ask unanimous consent that the articles entitled "The Acid Affair" be printed in the RECORD.

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

[From the Washington Post, Oct. 15, 1967]

THE ACID AFFAIR—I: THE HAIGHT IS A SHOW OF MOODS

(By Nicholas von Hoffman)

HAIGHT-ASHBURY, SAN FRANCISCO.—The gray vapor moves like liquid in slow motion photography curling up from the fogbelt of the Sunset District, penetrating the hills, flowing down and upon and around Haight Street itself.

News from the outside world is discontinuous. The fog and drugs filter out precision.

"MICE ARMY ADVANCES

"SARAJEVO, YUGOSLAVIA, August 18 (UPI).—An army of field mice was poised on the outskirts of Sarajevo yesterday eating its way through the rich Bosnian country side.

"BAD SPOT FOR BIRD NEST HAIRDO

"SUNDERLAND, ENGLAND, August 29 (Reuthers).—Seagulls attacked a woman at a bird sanctuary near here yesterday apparently mistaking her new hair-style for a nest."

There were reports of bats dying of unknown causes in the Carlsbad Caverns in New Mexico and of people dying of known causes in Vietnam, Nigeria, Detroit and Bolivia.

These were the reverberations from the other side of the fog. But the prophets, the seers and the magicians here know that the Haight is the center of good vibrations, creative energies, of the self-effacing self, the cosmogonic infinity.

For confirmation there were ads in the newspapers: "Columbia Pictures presents the love-ins produced by Sam Katzman, starring Richard Todd, James MacArthur, Susan Oliver—special guest star Joe Pyne—take a trip into a world of hippies, LSD and love-ins. It's the motion picture that makes the Haight-Ashbury scene with the love generation."

The Love Generation, platonic or sexual, is easier to proclaim than to find—though enough people have crawled the neighborhood looking for it. Look, Time, The Saturday Evening Post, The Atlantic Monthly, The New York Times, all media, were there looking and sending back the word and every word was different.

Arnold Toynbee and the International Boy Scout Jamboree, Sen. Charles Percy and Dame Judith Anderson, the Beatle, George Harrison, and nuns and radicals and conservatives and tourists in cars, tourists in campers stuffed with coleman lamps, refrigerators and canasta sets for life in the wilds, came to watch, to pass judgment and go away.

It is, they said, the salvation of the Western world, the ruin of the Western world, a conspiracy, the incarnation of the gospel or its profanation, the degeneracy of youth, no, its ascension to a higher plane. They announced it is the same old thing, youth in rebellion, youth going through its phase of alienation; they announced it is utterly new, the first epiphany of the leisure society.

The photographers remain but their pictures are not true. Haight Street isn't the tumultous fauvism of color and free form presented on the covers of the magazines and television tubes. It's a gray street, made grayer in the late afternoon by the cold fogs. The brightly dressed people stand out because they're rare.

Apache, ex-bike rider, blond Indian, his long blouse and beadwork is colorful. So is Christopher White Rabbit, goateed and piratically dressed like Errol Flynn in an old flick. And also Mike, dealer in grass (marijuana), hair dyed vivid blond, walking Haight Street clad in the vestments of a Catholic priest, triangular, folding, rich cloth of gold and white, emblematic of double feast days of rejoicing.

LONG HAIR, CHEAP JEWELRY

Most of Haight Street is in second hand blankets, cast off army coats, jeans, thick sweaters frayed with pulled-out loops. They have long hair and long hair will look picturesque if you live in the land of the crewcut. They wear a little jewelry, mostly cheap bibelots, but enough to flash on when they're stoned, on drugs, when colors glow in intensities straight nervous systems can't register.

In the mornings the sun does shine and the vibrations on the street are low frequency, loose elongated curves. In the mornings the "straights" (better than four fifths of this area of perhaps 30,000 people) arise to do their straight things like going to work, cleaning house and playing ball in Golden Gate Park. These are the Negroes, the older whites disinterested in the suburban joys of Daly City and a few old time Bohemians and university intellectuals.

The dealers are still asleep, yet some hip people are up. Peggy Caserta is on her way down the hill on Ashbury Street to her men's clothing store. "I'm on a money trip," she says, and you must get up early to make money. Funky Sam is up, probably ditching the girl of the night before, taking coffee in the communal kitchen for there are posters to be designed and sold, and Funky Sam is also on a money trip.

Larry Baldwin is up going to his job as a computer programmer. They busted Larry for selling acid (LSD) so he cut his hair, took off his beads and went to work. After a bust a lot of dealers do that till their case is disposed of.

SKATEBOARD BY THE STORE

The Street, the six blocks between Masonic and the pillared gates to the park, is friendly in the morning. It reminds Peggy of three or four years ago before the crowds. "Bobby and I used to skateboard right in front of the store, there were so few people on the street," she says, but by the afternoon there is scarcely a place to walk.

Long haired youths stand on every curb hawking the underground press to touring pedestrians and drivers.

Traffic, bumper to bumper, has almost stopped. It now takes an hour to drive the six blocks and by eight o'clock at night it will be an hour and a half—even with the municipal buses diverted into other streets.

The afternoon scene is a bazaar. Tambourines chunking, quick and metallic, flutes, the occasional steely hum of a sitar. Offers to sell . . . dope, paper flowers, bits of jewelry and beggars: "Got any spare change? Gimme a quarter to support my habit. Gimme a quarter to get a haircut."

Across many of the recessed stairway entrances to the flats above the stores there are grills to keep off the lounging street hippies who like to pass time without demarcation on the steps.

TOURISTS INCENSED

They sit with thin sticks of burning incense stuck in the crack between their upper incisors. The tourists think they're smoking dope.

Knees drawn up under their chins, one of their favorite places is in front of the Print Mina, the big poster store that does $1000 a day in buttons and pictures.

The night comes early, blowing the fog in from the west until it occludes the sun. Then the frequencies of the vibrations shorten and the dope dealers quicken their bargaining, their recitations of today's prices for grass, for acid, for speed (methamphetamine), for smack (heroin), The customers out to cop their dope hasten, too. Some want it retail for consumption now; some want it wholesale for shipment to fifty states and a hundred campuses.

Night arrives at Benches with the armed private guard who keeps order in the cavernous pizza parlor where the Hell's Angels hang. At Benches you will find Big Tiny, the bikeless commando, waiting to step and fetch for the leaders, Chocolate George Hank, St. Louis, Joe Morningstar, when they come and drink their beer.

Night vibes are high frequency and short. They beep a warning violence. The gentle ones vanish. Now the Haight is a freak show, a street of poisoners, killers, geezers, burn artists, beggers and thieves.

[From the Washington Post, Oct. 16, 1967]

THE ACID AFFAIR—II: DOPE DEALING INSTITUTIONALIZED

(By Nicholas von Hoffman)

HAIGHT-ASBURY, SAN FRANCISCO.—There is Ashleigh Brilliant, standing in a Haight Street doorway, telling passers by, "I'm a human jukebox, put a quarter in me and I'll play." Someone does and he sings to the tune of *Cielito Lindo:*

"Folks are free in Haight-Ashbury
They can live and be what they wanna;
Wedding cakes give stomachache
So the hippies take marijuana.

"High, high, high, high,
It's no dishonor—
Phony matrimony's a lousy life;
If you need a wife, marry Juana!"

A cop comes along in the passing crowd and cautions Ashleigh, "Ugh, ugh, ugh! Remember you believe in free, free, free. No soliciting."

The gesture is lost in the disorder of the street. The bongo players on the steps of the United California Bank carry on. The notes of a lutist mingle with the throaty evocative call of a shofar, the ram's horn sounding the remembrance of atonements which a Jesus-Saves preaching couple are demanding here and now of the sluggish, exuding jell of passersby.

The couple who clang salvation in Southern accents through a power megaphone have been here almost every weekend throughout the summer. They make all the big American scenes. They were outside the courthouse for the Jack Ruby trial.

Beast, who was once an average-sized blond boy, dances barefoot down the pavement leaping out at the tourists and shouting at them in animal languages: "Grrrrrrrrr! Uuuuuuuoooowwwweeeerah-rah-rah!" And beyond him a raggedy girl with a pedigreed Russian Wolf hound begs, "Got any spare change? Got any dope?"

The madness of the place, the shouts, the chasing, the gunning bikes, the chaotic, occasional screams of girls runnings have convinced people that the Haight is a rare species of insane disorganization or driven them to find a ruling philosophy to explain the zig-zaggery of the human water bugs they see at rest and in flashing motion.

The Haight offers plenty of elucidating philosophy: Zen, anarchism, nihilism, Taoism, Jesus, astrology, visions of new social rectitudes. Many of the people have come here to write and broadcast have picked these themes up and used them to explain why thousands of mostly young people came this summer. These thematic ideas are important, but they don't encompass what the people on the street do.

DOPE MARKET INSTITUTIONALIZED

What they do, regardless of philosophy and world view, is deal dope. (Dope, not drugs, is the preferred word.) In fact they deal so much dope and take so much dope that the Haight-Ashbury could be studied as a unique social experiment: a community in which, de facto, all narcotic laws have been repealed or held in suspension.

The Haight is a market in the formal sense of the word, as it is used by professional economists, that is, a place where buyers and sellers come to transact business in a reasonably orderly or institutionalized way. The contacts between buyer and seller aren't haphazard. The buyers know the sellers will be there and vice versa.

Although the business is illegal, it's a publicly recognized fact in the community. Hence, places like the Free Medical Clinic that aren't in the trade and don't want to be busted by the police put up signs saying, "No dealing. No Holding." (No buying and selling and no having merchandise on your person.)

This truth is reflected in the language of the Haight. Hip people—hippies—are people who know, who cut in, who are in. The rest of the world is straight, a word used by criminals and homosexuals to make the same kind of them/us distinction which exists in every occupation that is especially absorbing and formative of a collective identity: soldier/civilian, politician/voter, doctor/layman.

(Straight, by extension, can be the dope equivalent to alcoholic sobriety, as in "I'm straight. I'm not stoned on anything.")

There are conservatives and liberal hippies; there are hippies who hate the establishment and are indifferent to it; there are hippies who love money and there are hippies who love love, love free food, free rent, free everything, but if the word means anything it means a hippy is a dope dealer. Dealing dope is the one thing most of them have in common, which is not to say that there aren't a few who've never dealt dope. (An estimate would be seven out of ten hippies making the Haight scene for six months or longer have dealt professionally—been involved in deals where the ultimate consumer isn't a friend.)

The products traded include every kind of dope there is. There are the exotics like woodrow nuts, magic mushrooms and opium but these are quite rare; the uppers and downers, amphetamines and barbiturates, are traded too. ("I want to buy pep peeels. You know where I buy pep peeels?" the Mexican laborer says, inquiring of the coffee sipping dealers in the House of Do-Nuts on Stanyon Street. But the three staples of the market are methamphetamine (usually called by the trade name Methedrine or speed), marijuana and acid, as LSD is invariably referred to.

The Haight is the acid center of the world, and the place where it was first marketed and where it is most plentiful and most cheaply available. The trade in the other drugs has grown up around it. Without acid San Francisco would simply be another urban drug center, not a national market place.

Even now smack (heroin) is cheaper in New York, and the grass (marijuana) trade in Los Angeles is certainly bigger. Not that it's small in the Haight where grass is purchaseable in 200 kilogram lots (2.2 pounds per kilo), or key as they say in the trade).

Business on this scale begins to demand warehousing. There is almost certainly a big storage place across the Bay in Sausalito, and in all probability at least three others in San Francisco. Most of this merchandise is not consumed by hippies who live in Haight-Asbury but by short-haired, straight Americans who turn on for pleasure. (Last year the Customs Service seized 26,313 pounds of grass, probably a fraction of what came over the line.)

MURDERS CUT TRADE

The curb market in grass on Haight Street is like the Chicago commodity exchange. It fluctuates daily according to supply. Early this summer when two border guards were murdered, presumably by people bringing pot across the Rio Grande River, the price zoomed out of sight and the San Francisco market collapsed. Pot virtually couldn't be bought but by mid-August stocks were replenished and you could buy it at prices which varied with the quantity of the order and the quality of the grass. For very large orders grass can be bought for as little as $20 a key.

The acid market is huge too. This summer people have come here to cop (buy) from New York, Washington, D.C., Seattle, Minneapolis, Dallas and no one can know how many other places. These are local dealers who come out to buy and retail back home. Thus organization of the national LSD market resembles the New York fashion market, the Chicago furniture mart, the electrical appliance business, or any business where local dealers come together to make their purchases.

After putting together scraps of information from perhaps two dozen dealers, a certain amount of street intelligence and a few hints from police sources, one can guess there are probably three to five chemists active in the San Francisco area. One is most likely in Berkeley, another in Palo Alto and a third somewhere a little further south. These chemists operate intermittently or at least products identified as coming from their labs are put on the market in batches.

In the acid wholesale business, the basic unit of manufacture is the gram. This almost microscopic amount of pure LSD (.035 of an ounce) will sell for around $2000.

Two hundred and fifty micrograms (a "mike" is one millionth of a gram) is a good acid powered rocket ride. Thus this tiny amount, a gram, will make up into something like 3500 to 4000 acid doses and a lab turning out enough acid for 20,000 doses a week is still producing, by bulk, a substance that weighs less than an ounce. From the police point of view looking for a needle in a haystack would have to be preferable. The needle is bigger, heavier and easier to see.

The equipment for making acid isn't so hard to find, but chemists only sell to one, two or possibly three trustworthy people. They in turn are just as careful about the two or three people they allow to cop from them, and these people, big dealers in pure acid, aren't seen doing casual business on Haight Street where it's easy to get a crack at them.

Apparently not all the acid sold in the Haight market is made in the Bay area. This summer one very large shipment was referred to as "MIT" acid. It seems reasonable that chemists from other parts of the country sell here, not only because there is an organized market but also because in the confusion of buyers, sellers and dealers in the Haight, tracing the stuff back to its source is so much harder.

The lowest figure consistent with the known facts would show the monthly acid market in the Haight to be 200,000 doses selling at not less than fifty cents apiece and there aren't that many hippies in the world.

[From the Washington Post, Oct. 17, 1967]

THE ACID AFFAIR—III: HIPPIELAND'S COOL SALESMEN CREATE A VAST DOPE MART

(By Nicholas von Hoffman)

HAIGHT-ASHBURY, SAN FRANCISCO.—Jerry is a eye-bulger. When he talks he purses his lips into a small tulip and pops his eyes out in a perpetual expression of awe, intimidation and aghast astonishment.

A year ago Jerry was a salesman for Proctor and Gamble. "That's where my head was at," he will say, leaning up toward you, laying a delicate index finger across the tulip in straight line with the cleft of his chin and the point of the goatee growing on it. "Oh, I was straight. Was I straight? I slapped my cousin when I heard she was going out with a boy who smoked a joint—once. That's where my head was at. I was a very good salesman. They were going to transfer me to Cincinnati . . . headquarters."

Jerry is still a salesman but he's switched lines. Now he sells dope. He cops here and sometimes sells retail on the street or sometimes goes to New York where the mark-up on acid (LSD) is higher.

He uses the same skills in the dope business that he applied to soap. He has enthusiasm and he knows the market: "Pot is selling for $50 a key (kilo) in L.A., $65 here, $95 or thereabouts in Portland, and you know what it is in Anchorage? one hundred and sixty five dollars." He doesn't shout when he emphasizes. He drops his voice into a whisper, makes his tulip more distinct and pops his eyes out further, an effective sales technique. It always seems important, what he has to say, ". . . and it's cool there. They're so straight in Anchorage, if you go up to a cop and say, 'Hey, where can I buy some pot?' he'll direct you to a hardware store."

Like everybody else who's in business in America, Jerry is brand name conscious: "Once, once, I had a white Sandoz. Oh, oh, I can't tell you. Such acid! So fine! I will never forget that trip. It was the most beautiful trip of my life . . . of course, you can't get them anymore."

Sandoz, a Swiss pharmaceutical company, ceased making acid available when it became illegal, but another brand has taken its place, and today Owsley acid is considered the best available. It is so named after the middle name of Augustus Owsley Stanley, a young man in his early thirties who is referred to in the San Francisco papers as the "Acid King."

Owsley or others who may be marketing under his name employ modern business techniques.

Owsley acid tablets are smaller than most, slightly larger than saccharine. They have been manufactured in three colors: white, purple and most recently orange, if the street consensus is correct.

Dr. David Smith, a toxicologist from the University of California at Berkeley who heads the Free Medical Clinic in the Haight remarks with resigned bitterness, "The acid manufacturers do the same thing that the legal drug houses do. They vary the product ever so slightly so they can claim they're putting something new on the market."

Like Westinghouse and Buick, class acid manufacturers are out after repeat business by marketing a product that people have learned to have confidence in. Owsley tabs, his enthusiastic customers aver, are always pure and always potent. Squibb or Lilly couldn't get more sincere testimonials.

This isn't true of all acid, however. People have been seen parading around the Haight with signs reading "Syndicate Acid Stinks." Gangster or mafia acid is reputed to come from Italy and is believed to be of poorer quality. It or at least somebody's acid, has also been known to have been cut with methedrine, a combination many dealers disapprove of; but tastes in dope range as much as tastes in everything else. There're people who prefer the combination. "It gets you off faster," they say, sounding like a cowboy from Marlboro country.

Owsley pills are given away as free samples. The stories that pop up in the papers from time to time of thousands of acid tabs being given away to the crowds at free rock concerts are true. Maybe not as much is given away as is claimed—five thousand pills worth twice that figure in retail dollars—but a lot does get handed out. Thus a new

dope product is introduced to the market via the same methods used for skin cream, tooth paste and washing machine detergents.

Most chemists don't tab their own acid. They sell it in crystal or liquid form to wholesale distributors. The wholesalers usually dissolve it in vodka, then color it with a vegetable dye and drop it on some relatively inert tablet. Vitamin C tablets are preferred because they are big enough to work with and take the substance well.

There are many Haight-Ashbury stories about the surprised looks on checkout counter clerks' when making change for some cheery young customer who's just bought ten or twenty thousand vitamin C tablets. There are other stories about "tabbing parties," the long sessions when the vodka-acid mix is put, a drop at a time, on each of the thousands of pills. By the time the party's over everybody, owing to the touching of fingers to lips, is stoned.

Free dope is the customary compensation for tabbing acid. It's one of many instances of secondary business enterprises growing up around the major industry.

Ancillary, dope-related businesses are growing as fast, if not faster, than dope itself. You can make a living manufacturing dope pipes which come in every price range, design and all colors. (They're used for marijuana, hashish and, if you know how to get it, opium.) Coming along *pari passu* are dope jewelry (roach clips, mandalas, god's eyes, and so forth), special lighting equipment, posters, music and publications.

Many words have been said and written asserting that at the least, hippies are shaking off the mass production-consumer economy. The better publicized hippies make statements about their belief in a free world without money. They have started free stores, free places to live; they give away free food. Without the profits from the dope trade few hip institutions could exist.

Neither dope nor the uses it's put to can be understood as things set apart, unconnected with what has gone before or is going on now outside of the dope world. For the dope industry to grow as it has its leaders have had to rely on the exploit old forms and themes while they served as conduits for new ideas and feelings.

The speed and width of the industry's growth is indicated by a study made of dope usage in a San Mateo County high school. This is a mostly white, mostly well-to-do suburban area. More than 4 per cent of the girls and boys said they had taken acid more than three times. Talks with suburban high school students who've passed through here this summer strongly suggest that the same pattern of acid taking holds in the green edges of most large American cities.

A national high school market of a million is quite possible with a yet larger collegiate and older customer pool. This for an industry which three years ago had no capital, no mass production equipment, no distribution system and a product which nobody had heard of. Acid started off even further back since it was defined as dope—immoral, unhealthy, dangerous and criminal.

The advertising campaign which sold acid has to be among the greatest feats of American merchandising—on a par with the building of Sears, Roebuck or the early sloganeering of Lucky Strike. By comparison, look at history of drugs like marijuana and heroin, both of which have been around for years. With all their money and distributive organization, the gangsters, the chief purveyors of smack, could never get it out of the ghettoes and the working class. The same holds true of pot, which remained the dope for musicians, Negroes, Mexican farm hands and semicriminal whites until it was incorporated into the acid trade.

The country's advertising agencies have recognized genius by imitating the dope industry's technique. Dope slogans like "tuned in," "switched on," "where it's at" have been used so much they've lost their freshness. Dope photography, not only psychedelic color arrangements but things like the use of the fisheye lens, is as common. Those silent TV commercials with the distorted, bug-eyed heads coming out at you are doped up too. The art nouveau handlettering is as distinct a dope trademark as the trapezoid-like Chevrolet symbol.

The dope style is more than empty, inventive facility—the creativity of the account executive. It carries meaning at many levels. The most obvious has been using it to connect the product, as do automobile manufacturers, with youth and modernity; but like Avis, except more successfully, the dope industry identifies its merchandise with deeper emotions.

Avis uses the underdog theme. The dope pushers connect their stuff with nothing less than God, infinity, eternal truth, and morality.

[From the Washington Post, Oct. 18, 1967]

THE ACID AFFAIR—IV: BUSINESS, PLEASURE MIX INSIDE THE ACID FACTORY

(By Nicholas von Hoffman)

HAIGHT-ASHBURY, SAN FRANCISCO.—Steve Christenson was fidgeting and almost jumping as he threw his weight from one foot to the other. He reminded you of a boy being allowed to help mother bake daddy's birthday cake and the aquamarine powder on his fingers looked like frosting.

Steve is 25. He was bouncing around the door to the English basement apartment on Clayson Street because he was God Almighty nervous that the wrong people might enter and the stuff on his hands was LSD. Steve and his friend Hutch, a red-faced ex-biker with a lugubrious, silent manner, had copped big—they had bought two grams. It would make up into somewhere between seven and eight thousand doses.

Past Steve in the yellow-painted kitchen, Hutch and the two other young men were seated around a table capping the acid. The LSD itself, mixed in a harmless, aquamarine, calcium compound was in several large plastic bags. As it was needed, it was spooned out of the bags onto several ordinary saucers where the three men laboriously capped it by putting the powder into half a gelatin capsule. When they filled it, they inserted it in the other half and chucked the finished product into a bowl. The gelatin capsules were stored in the refrigerator; the cold keeps them stiff and easier to work with.

The atmosphere in the room was jittery paranoia. No introductions, no names, so if you didn't know who the people were, you didn't find out; but one of them was the rarest of all Haight-Ashbury birds, a chemist, an actual maker of lysergic and diethylamide-25. Why he was there wasn't clear. Chemists can make a great deal of money and they don't have to pick up free dope by capping. He may just have been a friend, or he might have been out of production for lack of raw materials or he may have had a secret financial interest, but he was there, a bitter talking guy. His manner made you think of a defrocked priest or a disbarred lawyer.

"If you stay here, you're going to get stoned, whether you like it or not," he said. "This stuff is one of a class of compounds that are called aromatic, which means it gets in the air." He looked at his aquamarine fingers and added, "It also gets through your pores."

"I'm getting finger cramps," the chemist remarked, flexing them. "You know it's a lot easier with a pill, press. They cost about $9000 if you want one that the Government can't trace. The FDA knows the serial numbers and the owners of every press that's sold. They come around and see what you're doing with them and if you don't let them in they're back with a court order.

"They're nice though. I have a friend who has one. He's wiped out now. A lot of the money Superspade had on him when he was murdered belonged to my friend."

"Do you think the Mafia killed Superspade?" somebody in the room asked, referring to a dope wholesaler who was murdered last August. His body turned up in Marion County, across the Bay.

"Don't be ridiculous. I know Superspade had at least $50,000 on him when he was killed. The people who killed him are the people he went to cop from. It was simple robbery. You don't have to go inventing gangsters. Listen," the chemist said in a particularly saturnine tone, "three quarters of those kids out on that street would kill you for two dollars if they got you alone and they had a weapon. Love generation!

"I was in this business when it started before Leary came along setting himself up as some kind of second Jesus. That acidhead hasn't got 20 functioning brain cells left, but when I started we didn't drop it to see God or overthrow the Government. We did it because we liked it. I still take acid sometimes, but I get my hair cut and I'm still in the middle class. I have middle class values. I told my wife the other day if I ever came home and found a man in her bed I'd kill her. You know what she answered? She said she was glad because it meant somebody cared enough about her. I'm the same way, I want to belong somewhere."

On the street things were much less tight. The news that there was a vast amount of acid around seemed to be sifting out. Hutch had said that the people he copped his two grams from had eighteen more so that even the small dealers got whiffs.

Teddybear got his fat self in motion. He'd have to move fast before the people he knew learned they could cop directly from Steve and Hutch. Once they found out they'd bypass him and buy direct, so he'd lose his ten per cent commission.

"I don't make a commission," he said, as though he'd been accused of a crime. "I just get 10 per cent of the dope. I wouldn't take money from my friends."

"Dope is money, Teddybear," his companion retorted.

"Well if you want to look at it that way I guess you can," he said, but he was distracted by somebody he knew whom he took off to the side and whispered at, probably trying to get the guy to come up with some front money. Acid is a no credit, no Diner's Club card business.

The availability of acid isn't constant. When the market's tight, the people on the Street get tight, and when it's loose, they smell it like water on the wind and loosen up themselves. The mood communicated itself to people who weren't involved. Love, the dyed redheaded Persian girl, who must be in her forties and sells "loveburgers" from her streetside hot dog stand, had caught the spirit.

"Hello, baby, how are you, love?" she called, walking with her two little dogs up Clayton Street. "Oh baby, I'm stoned. It feels so good. You know what I'm stoned on? Good Persian hashish. The very best there is. You try it sometime. You'll never drink again," Love promised with a giggly laugh, forgetting the times she's gotten juiced.

Even Lefty, the chief of Alibaba and the Forty Thieves, had picked up the vibrations. Lefty doesn't turn on, doesn't even allow dope in his place. The outfit he runs is one of those amorphous Haight-Ashbury benevolent societies which is supposed to do unspecified good, though all you ever see is the membership talking about getting high. Lefty was having a party, a spaghetti dinner where a miscellany of clubless bikers . . . the street commandoes, petty dealers and uncategorizable oddballs—socialized by talking

about the great fights they'd been in and promising each other they would devote themselves to trying to return the mass of runaway kids in the neighborhood to parents who don't seem to want them.

On the corner of Haight and Masonic, Papa Al took in the scene outside the Drugstore. There is much merry dope selling. "My, my," he said, "I haven't seen the children trade that openly for a couple of months. Usually they at least try to pass it under a blanket or a coat or something."

As Papa Al, a short man with a smile of twinkling cruelty, looked and made sarcastic remarks, Teddybear came up to him. "I need protection, Papa Al," he said as though a sniper had him in the crosshairs of a telescopic sight.

"Tell me son," replied Papa Al, "who's going to save the State of California the cost of putting you away?"

"No, no, Papa Al, I'm serious. I've got a thousand dollars on me. Will you walk me down to Hutch's. It's not my money. I don't want anything to happen."

"Well, it so happens I just do have a little protection on me," the older man replied and put Teddybear's hand against the pocket of his zipper packet. The dope pusher could feel the hardness of a revolver.

The two proceeded to Hutch's where the older man announced, "I've got a customer for you, but I don't think his money's any good. You'd better take a good look at those bills."

"I've got a thousand dollars on me . . . actually, a thousand and five," Teddybear told Steve. "How much are you selling for?"

"Two dollars apiece."

"That's too much. We want to sell them on the street for $2.50 a cap."

"Well, how about $1.97?"

"I'm buying in quantity."

"I don't have any trouble selling acid at two."

"I've got the cash on me," Teddybear replied, and there was more haggling until they agreed on $1.75, after which he took himself off into the living room where blue stroboscopic light shone down on the mattress and with pencil and paper attempted to figure out exactly how many caps it would work out to be.

While Teddybear coped with arithmetic, more people knocked on the door; most were coming to buy but one hippy couple had heard and arrived without money simply to windowshop. The strangers were pushing Steve up tight, though Hutch didnt seem to mind. At length Steve said, "I want everybody who's not buying out of here."

Some people left but Papa Al stayed to negotiate. Can Steve get him acid? How much? Two thousand a gram? Guaranteed righteous stuff, Steve assured him, adding that he was barely making any profit himself. Al said it sounded pretty good; could the cop be made tomorrow?

"I'll have to phone," Steve answered and there began a round of telephone calls and people going in and out. "Now look, this has gotta be sure," Al cautioned him, "these people will be coming all the way out from Washington, D.C. . . . Yea, I'll get them here tomorrow if you can definitely hold the acid."

Time passed with more telephone calls. Then Hutch said the market had broken as a result of the appearance of the aquamarine acid and now there were blue acid and other kinds of acid making their appearance. He went over to a white enamel slop pail near the refrigerator, took off the top and came up with several handfuls of dope. "Samples," he said.

They were passed around and special interest was shown in a new product which had the acid impregnated on sheets of paper. Six shots to a sheet. It would be put out in book form so that the dealers could rip out however much the customer wanted. (To turn on you merely chew the paper.)

"Funny nobody thought of that before," somebody said.

"Yea," Steve agreed, "that's how everybody's turning on their friends in jail."

"Right you are," Hutch put in. "Don't read your mail, eat it."

The tightness in the room had abated. The men were holding out their acid covered fingers and saying to each other, "Wantta lick?" Everybody took licks but the chemist who declared, "I'm getting cramps in my fingers. Somebody else'll have to do this." He got up from the table, flexing and reflexing his hands while he discoursed on how he was in the acid business for the money, "But it's not as easy as some people think. It's hard to get lysergic acid. The Government has stopped the sale of it. Of course, there're a lot of people who are bringing it in from Europe. Once you've got that it's relatively easy to convert. There're cook books that'll tell you how. It helps, though, if you know laboratory procedure, If you're not a chemist and something goes wrong, you won't know what to do . . . There is a way to make lysergic acid. An article in a certain English Journal of Chemistry describes the procedure for growing fungus and turning it into batches of about 100 grams.

The chemist put on his jacket and left as did Papa Al. When Al returned only Steve and Hutch were in the apartment. Teddybear, they reported, had gone with his acid in a bag and was off somewhere with his friends capping it. He got it so cheap, Teddybear was told, that he would have to cap it himself.

Hutch was pretty well stoned but not enough apparently because he produced hashish from a coat and beer from the ice box. As the dope and alcohol made their way around the kitchen Al, having concluded arrangements with Steve, picked up the phone and called J. D. Kuch in Washington. She had been busted in Washington only days earlier on a dope charge. When he hung up he reported that she would wire the cash tomorrow morning and a courier would arrive to pick up the merchandise in the afternoon.

The next morning the cops raided the place. Steve and Hutch were busted. Most of the dope was gone except for a little hash and about 800 caps. The police also found two .22-caliber revolvers and a .32-caliber automatic. Teddybear, Papa Al and the chemist got clean away, and the cops never knew that the next night, two blocks from Steve's, there was another capping party where they smoked hashish, only at this one the hash was cured in cocaine; they drank champagne and they didn't get busted.

THE ACID AFFAIR—V: A PORTRAIT OF LARRY: MASS PROVIDER OF DOPE

(By Nicholas von Hoffman)

HAIGHT-ASHBURY, SAN FRANCISCO.—Not long ago an Oak Park, Ill., housewife idly asked her baby sitter if she'd ever taken any of that LSD stuff—there had been so much in the papers about it. The teen-age girl replied no, she hadn't, it was too expensive, $17 a dose in her high school.

If Larry Baldwin had heard the conversation he would have been perturbed by the price. "One of the reasons I sold acid," Larry once said, "is because I believe it's important that as many people as possible get good dope at reasonable prices."

Henry Ford felt the same way about cars, and both he and Larry did their best to bring a product that once was only within the reach of a special few to the American mass consumer market. Until Larry was busted by the cops a couple months ago and put out of the dope business he was, as they say in the Haight-Ashbury, a very heavy dealer.

For an extended period of time Larry was selling in excess of 10,000 acid tabs a week. In one three-month period his business grossed over $100,000. These are figures he gives himself, but other people, who know the dope industry corroborate them. (Larry estimates 15 other dealers in San Francisco are doing business on the same scale, which, if he is correct, means at least a half a million acid tabs are being sold every month here.)

The actual Larry Baldwin bears no resemblance to the stereotyped dope pusher. He has no Cadillac, although his income was about $800 a week; he never went around with snarling bodyguards; he doesn't talk tough; he has never met a gangster, or had anything to do with the syndicate, and all his sentences parse.

They should. Larry's a graduate of Reed College, Oregon, one of the most respected liberal arts schools in the country. His senior thesis was on topological squares. From Reed Larry went on to the University of California at Berkeley where he completed a year of graduate work in mathematics.

If he fits a stereotype it's that of a mathematician. Slightly built, a bit stoop-shouldered with glasses that always magnify wondering, naive eyes, Larry is both timid and cerebral. The timidity is reflected in a slight hitch to his otherwise articulate speech, and a small, irrelevant laugh which introduces itself from time to time in his conversation.

"I've always had difficulty relating to people," Larry will say of a childhood and growing up that he regards as too studious and too withdrawn, too preoccupied with the arcane symbolism of mathematics.

Although Larry could go to jail for a year if he's convicted, he says he's happier now than at any time before he began taking acid and got into the dope business. If he has any regrets, they're not obvious. "Acid works to resolve cognitive dissonances, it's unifying," Larry explains as he reveals himself to be a person who has spent most of his 22 years trying to find his own feelings but always blocked off from them by mathematics, by ciphered abstractions.

"One of the things acid does is bring you into present time," says Larry talking of his first trip as though until then, emotionally anyway, he had lived in no time—unless it was the vague future time of post doctoral years that young professors in training live in. "The second time I dropped acid was on a Greyhound bus going to Portland to see a chick. I had some math work to do so I said to myself if I really dig mathematics I should enjoy doing it when I'm stoned. I found I couldn't do it, so I decided to give it up. I finished the semester at Berkeley and left school."

Exactly how these drugs work on the nervous system is still in serious doubt, but it may be that not even a mathematical genius like Archimedes could function on acid. Judging from the testimony of many acid users one of the first capacities to be impaired or held in suspension by dope like pot and acid is the ability to manipulate any kind of closed system of symbols.

One day he said, "I think I might have been an original mathematical genius if I'd had the right person to study under in grammar school, but there wasn't anybody, and I could only go so far on my own. I was held up in an important period, and you know in mathematics you usually do most of your original work before you're 20 or so."

Larry is not the only young academic to feel the pressure to be an Einstein or consider himself without value. There are other young people in the Haight who judge themselves by standards of accomplishment realized by only a few thousand individuals in all of Western history. These, you might say, are the Promethean dropouts, people who condemn themselves because luck failed to endow them with the rarest gifts of the mind. When Larry left school he got a job as a computer programmer and "I started in the business by selling acid to my

friends so I could get mine free. I used to buy it in $100 lots. Then I had more money and I bought a $500 lot and started selling it in $100 batches. It was easy to do because basically with acid you never have to push. There is always more of a demand than a supply."

Many people get into the business the same way.

They buy a kilo of grass, sell enough to their friends to cover the cost and smoke up the profit themselves. At this stage they are still amateurs; they're not really part of the distributive chain in which the ultimate consumer is somebody they don't know. From this point they graduate into professionals. The part-timer will sometimes deal purely for monetary profit, not merely to keep himself in dope. He's in and out of the professional market either because he has a straight job, or because he's too busy with other things, like going to school or perhaps just grooving on life on Haight Street, to want more than a marginal amount of money.

Another reason that many people remain part-time dealers is the difficulty they have copping, that is, buying dope from a wholesaler. Small dealers are virtually immune from arrest; it isn't worthwhile blowing a hard-to-come-by police cover to arrest some kid who's selling five or six lids (a few ounces) of grass a day at eight dollars a lid. Big dealers, wholesalers, are another matter. As a result, they're very careful whom they sell to.

Copping dope isn't easy, and very few small dealers have more than one reliable wholesaler they can cop from. If that wholesaler is busted, the little dealer's supply is cut off until he can make another contact. Meanwhile, he's out of the dope business.

One of the ways you can grow into a big dealer is building up a reputation for honesty, for keeping your word. The same premium is placed on personal integrity in the dope business as in any business where contracts aren't legally enforceable—like gambling, prostitution or politics.

Larry suffered many of the hit-or-miss vicissitudes of the smaller dealer, but he's a reliable, well organized, truthful person, somebody you'd prefer to do illegal business with. He grew big in grass and acid. (These are the only two commodities he's ever sold or used.)

"I had three full-time people working for me. It was very challenging. It takes remarkable ability to handle money and organize people like that. It was a big business, so big I never saw the dope, never touched what I sold. I sat at a desk and took care of the arrangements."

By this time his business had become completely wholesale. He wasn't even selling to people in San Francisco. His buyers were in Seattle and Washington, D.C. They would come to San Francisco or Larry would have couriers deliver to them, but shipping contraband is a lot harder than shipping automobile parts.

Larry's description of what it requires to get a shipment of grass across the border into the United States will give you an idea of what's involved: "You have to have a reliable American down there to cop from the Mexicans. Mexicans aren't trustworthy. They'll take your money and then turn you in for a bounty. We had somebody there full time.

"Usually the purchase is made in the desert. You don't pay until you get the merchandise. Whoever's receiving the shipment comes armed . . . it's usually two people. They're Americans, of course. The pot is transferred once and sometimes twice before it's taken across the border so that the Mexicans can't tell the guard what kind of a car it's coming across in.

"It's often taken across in private cars. The ideal thing is a late-model car with a husband, wife and a baby. A passenger car can hold about 100 kilos of grass. . . . You'd be surprised how much empty space there is in an automobile. The door panels are taken out and it's stuffed in there. The same thing is done with the seats. It's even put behind the hub caps. There's a lot of work involved in that. In that heat the grass will smell like a Mexican compost heap and the smell will give you away. Before the grass is packed in the car, it's sprayed with a pine scent, wrapped in plastic and aluminum foil. It's also brought across the border by bribing the guards. The usual price is $5 a key.

"They can make a lot of money that way. I knew one person who was buying 500 keys (kilogram, which equals 2.2 pounds) a week. I'd estimate that San Francisco consumes a ton of grass a week."

[From the Washington Post, Oct. 20, 1967]

THE ACID AFFAIR—VI: AS THE ACID SCENE GROWS, THERE ARE FAKERS . . .

(By Nicholas von Hoffman)

HAIGHT-ASBURY, SAN FRANCISCO.—

"If a man carries a burden on his back
"And nonetheless rides a carriage,
"He thereby encourages robbers to draw near,
"Perseverance leads to humiliation."

—From I CHING
(The Book of Changes).

The I Ching is more than 2000 years old. It is used as a guide to the future. Translated into the occidental terms of the Haight-Ashbury, the words might be construed to mean, "When university intellectuals exchange their calling for dope pushing, they are laid open for robbery."

Robbers and others have drawn near Larry Baldwin, the young mathematician who became a heavy dealer in acid and pot. On the floor of his bedroom, next to the mattress he sleeps on, Larry has a copy of the I Ching. On top of it are the three coins used in the intricate system of divination.

Larry, like a member of other people who deal in dope and are called hippies, is a student, a practitioner and a believer of the I Ching and certain other metaphysical ideas that have found their fullest expression in China and India. But the warning from this oracle of bronze antiquity was not heeded by Larry for not long ago the police came knocking on his door, busted him for dealing, confiscated his dope and impounded his money.

Many people in the acid world have taken up the occult sciences, I Ching, tarot cards, astrology and numerology. Their interest flows from their acid experiences, which, they believe, have given them new sensitivities. Acid people, for instance, often believe that they can catch "vibrations" emanating from others.

Before Larry got into the dope business, he was a mathematician at the University of California at Berkeley, where he steeped himself in studies that now appear to him to be denatured—irrelevant to the important points of life. Acid set him to the pursuit of Eastern religion and cabalistic learning.

The straight world has put down these exotic investigations by hippies as so much nuttiness, forgetting that some newspapers print horoscopes daily.

Nevertheless, Larry didn't pick up the bad vibrations when he should have. "I was set up," he says of his arrest. "It was funny because I wasn't dealing at the time. I was out of the dope business, but the wife of one of my customers from out of town got in touch with me and said she just had to cop. I didn't know that her husband, who was a good friend, had been busted and that she'd made a deal with the police.

"It was a funny thing. I had to go to a lot of trouble to get it for her because I didn't have any dope. I had to make a lot of phone calls to get it. When she came to cop it, she brought a man with her and later I found out he was a narcotics agent."

As Larry tells the story he was not arrested at the time, nor for months afterwards. "They waited until I was back in the business, dealing big. When they raided my place, they only had an arrest warrant, no search warrant. But they got all the dope I had and $3000. They confiscated the dope and I never got the money back. I was wiped out," Larry concludes.

Ordinarily, intelligent people in the dope business never keep money or merchandise where they live. For a considerable period of time, Larry operated that way. That was when he was in a ring headed by a mysterious girl named Marge, whom he doesn't say much about. Marge was in a position to cop acid wholesale—probably only one or two transactions away from the manufacturing chemist—while Larry could cop grass. They formed something of a partnership with Marge, who controlled the source of acid, the dominant member.

"There was a time," says Larry, indulging in the arcadian reminiscences that stamp him as a Haight-Ashbury old-timer, "there was a time about a year ago when all acid dealers were my neighbors, people I trusted, but that's not true now. The change was due to a complex set of factors. When a scene starts it can be pure because it's small, but when a scene grows there are fakers, charlatans and mountebanks. If you sell H (heroin) you do it for the money, but if you sell acid you sort of believe in it, you're sort of a preacher. At least that's the way it was."

There are some dealers who do fit Larry's description of people who only want to make a modest amount of money, but there aren't nearly the number of such philanthropists as the dope world would like to believe. Most dealers charge what the traffic will bear; even so only a small number of people dealing big and close to the source of supply make money. Most dealers, like Larry, may make it big for a while but then they're burned or busted and wiped out.

Often financial disaster overtakes them because they've been stupid, which means doing business on credit or drawing the police's attention by doing something mildly nutty when they're stoned. Even those who stay straight and smart can't always avoid the traps that go along with any illegal industry. One of the most hazardous is the hippy costume. There are many reasons for wearing costumes which have nothing to do with dope, but dealers will say that it helps them in their business. It is the dope equivalent of the cigar store Indian or the bright yellow Shell sign at the gas station, but it attracts narks (narcotics agents) as well as customers.

Marge was a speed freak, or so Larry says. Speed (methamphetamine) is a drug that can be taken in pill form, sniffed or shot with a hypodermic needle. Acid heads look down on speed freaks as little better than old-time junkies; dangerous, erratic people who aren't to be trusted. Consequently, Marge, strung out on speed, apparently reached a point where she was too disorganized to cop acid for the dope ring. She may simply have grown suspicious of Larry. Acid and pot can induce paranoia, but prevailing opinion is that speed is almost guaranteed to do it.

In any event, the operation broke up. But not before Marge accused Larry of having burned her for several thousand dollars in acid, which she had supplied but he hadn't paid for. Larry claims it was her fault because the word got out among their customers that he had no more acid to sell—and they had no reason to pay their outstanding bills once they knew they couldn't cop from him anymore.

Some time later, Marge revenged herself. Though no longer partners, both were back in business and Larry, with several thousand dollars, went to cop some acid from Marge. With the help of two men with guns, she took his money and wouldn't give him the

acid. Even now Larry sometimes fantasizes about getting even with Marge.

But most of the time he's more detached: "In the long run nobody makes money in dealing. With all the money I made and lost, I haven't come out much ahead. I think dope paid for my hi-fi set, and that's about all."

Of possessions he has few: some records, some books, his hi-fi and an old, lovingly and psychedelically painted Volvo, which he has upholstered in paisleys. In his wallet he carries a picture of the pre-arrest Larry—head encircled in blond hair, dripping with beads, but now he is clept short and most of the time he wears a business suit, de rigeur for his job as a computer programmer where they know nothing of their employe's short glorious past.

He lives in a little apartment across the Bay in Berkeley where the bedroom is hung with madras prints. The effort is tent-like, with rungs, candles and the smell of incense.

With him is Kathy, the dark-haired daughter of an Army officer, just 21 and a former speed freak from Denver, now on LSD. "My father's the kind of colonel who wears his blues on Sunday. He only lives to get his star," says Kathy, who arrived in the Haight three weeks ago and lived on the sidewalks until Larry found her and took up with her.

With another dealer who's awaiting sentence, they are trying to start a "love center," a place where disturbed kids in the Haight can go to talk out their problems. It's a surprising endeavor for Larry, once such an ingrown person that he seemed to his friends to shrink back from even walking the streets. But acid, everybody agrees, can change your personality and Larry has taken a lot of it in the last couple of years.

"I usually take it about once every 17 or 18 days. You feel when to take it from your body's rhythm, unless you're really dingy," he explains. People might say that Larry is dingy. He does convey the impression of one who has changed, perhaps lost a certain acuity and power in his thinking, as though he had gone limp in his personality.

"The other day I got a letter from J. D.," he remarked not long ago, referring to J. D. Kuch, the young woman recently arrested in Washington on a dope charge. "She said after she got busted, she felt relieved. After I got busted, I felt the same way. Maybe you don't realize the tension you're under because it's illegal."

Larry's relief seems deeper than that. He now expresses his identity in terms of Karma, the Hindu principle of higher cause.

"I'm not going by the name Larry any more," he said. "I'm using my karmic name, Lomand. It means to use understanding. It's not a name that is given to us. It's one that we find out. My karmic name used to be Lom, which means to gain understanding."

Kathy has a new name too: "My name's Saqui. I don't know but I have the vague feeling it may mean bewildered."

[From the Washington Post, Oct. 21, 1967]

THE ACID AFFAIR—VII: DOWN A BLUISH CORRIDOR FOR PINK CAPS

(By Nicholas von Hoffman)

HAIGHT-ASHBURY, SAN FRANCISCO.—There's two places you can find Bill Bricker for sure. You may run into him in a doorway on Waller Street standing with Sharon, who will have a shawl around her head, peering out of granny glasses, wizened in her early twenties. Sharon says, "Bill doesn't care for anybody. He wants people to worry about him and take care of him. If he cares for anybody, it's probably me."

But the better way to find Bill is at the corner of Haight and Ashbury. He'll be leaning against a light post, one foot on the ground, on foot drawn up under his bottom, flat against the pole. He'll be rapping (talking) always rapping with two or three chicks, dumb little chirpers, little hippie girls passing through, wanting to be stoned. He'll be smiling and moving his head sideways to get his long, blond dyed hair back over his right ear.

Late at night you can find Bill at his place up the hill. Bang on the door and wait. If Jonathan, a carefree dealer boy in the room next to Bill, comes to the door, you can go right in. Jonathan is a heedless one who doesn't believe the narks (narcotic agents). If one of the speed freaks in the other room comes, hold up two fingers in the V sign, say it's cool, tell him you're no nark—he won't believe you, but it may reassure the crazy paranoid while he gets Bill.

Bill takes you down the bluish corridor by the kitchen, where the speed freaks are, into his room. A couch, a dresser, a mattress and a TV set. "I could be the only dealer in the Haight who has a TV set—I like to watch the news. I like to watch when I'm stoned. TV's a very fortunate thing, even though it's very plastic, but there's something real about it . . . It's real plastic," he says, searching for a lapel button so he can take the pin out of it to clean his water pipe.

He paws through the wreckage on the floor, butts, bits of paper, pots.

Sometimes there's a girl on the mattress and sometimes he remembers her name. He apologizes for the mess. Sometimes he says, "I'm sorry. I haven't had any motherly types in here to clean up," and sometimes he says, "I can't let the chicks clean up because then they kinda get to thinking you belong to them." Sometimes he cleans up and then he's pleased with himself and talks of going to school and living differently.

He finds a button over by a book—Kierkegaard's Ethics. The button reads, "May the Baby Jesus Shut Your Mouth and Open Your Mind." He starts to clean the water pipe. He likes grass better that way.

FEELS OLD AT 22

"I'm 22, but I feel old," he says as he works. "Pretty soon I'm going to be 25, then 27, then you're almost middle-aged. It's easier for me when I'm young with the chicks and the fellows, whichever you prefer."

Is it death he fears? Or is he afraid age will end his strange, numbed relationships? "I make money by having sex with men. It's not repulsive. I'm not against it. I don't think I'm gay. I would prefer to be bisexual so that I could really dig everybody. I don't think I have a homosexual hang-up. I used to hustle down on Market Street (the San Francisco Tenderloin) when I first got started. I'd turn as many tricks as I could but then it was my sole source of income. I've slipped off a lot since I've gotten into dope. Now I have three steady customers. One's a professor of psychology at Berkeley who pays me $40 to $60 to go on an acid trip with him and have sex."

Bill enjoys his professor; he talks about him a lot. They rap about intellectual subjects, and Bill, with his B.A. from Berkeley (a philosophy major), dies for a chance at serious conversation, living as he does among the mindless. "I haven't read a whole lot in the last year. Reading is hard when you're taking dope for some reason, but, man, I like to rap. Philosophy is where it's at for me. I think after a while the Haight-Asbury isn't going to be enough What I'm doing now isn't really worthwhile. If I had an M.A. or a Ph.D.—I can see myself teaching, growing old like Mr. Chips."

In the interim, he says, "What I'd like to do is get higher up in the dope business where there's more money so I'm not dealing on the streets, but even that's better than panhandling. I don't understand that, but people give them money, like the people are almost like suckers."

FEAR NARCOTICS AGENTS

But Bill, with all the trouble he has copping dope to sell, still isn't at the bottom of the business. You can be sitting in his place rapping of a night when there'll be a knock on his door and a stiffening in the room. In the back of every dealer's mind there is a nark following him.

"Come in."

It's Nick. Pink-cheeked like burn artist. Says he's 19 but he's probably three years younger.

"I'm looking to cop acid. They said on the street you had some. Is it righteous?"

"Yea."

"What color?"

"It's the pink caps. They're good, man," Bill says and then adds, "But I don't have many left."

"How much?"

"Two fifty apiece."

"Too much. Look, I've got blue dots I'm selling for $1.75. I know they're not as good as the pink caps, but two fifty . . ."

"I don't really want to sell I mean, I don't want to sell all of them."

Nick is trying to cop acid on the town waiting around for a pot shipment to take back there where he sells lids at high prices to the high school kids. They talk for awhile, but the only deal that's made is that Sharon buys a blue dot to split with a friend.

Dealing dope on Haight Street isn't dangerous. Money and merchandise pass openly back and forth and almost nobody is busted, but it's wasteful of time and energy, as it is in all industries where there are too many low-volume, independent businessmen. Prices fluctuate widely and the cheating among the dealers themselves and with their customers is so pandemic that each transaction has a wild, furtive uncertainty about it.

DREAM OF STABILIZING MARKET

There is always the dream of stabilizing the market, administering prices the way big corporations do. One communal apartment of acid dealers is working to establish a kind of LSD Federal Reserve, a bank in which seven or eight grams will be stored and released on the market when the price per tab goes above three dollars. There are other schemes too.

There is the example of Teddybear, who sticks to grass and acid. He and his partner keep the grass in a guitar case. Teddybear dresses in sandals, wide-wale corduroy pants and a thick oatmeal sweater which he gets into like a coat and wraps around his belly. He has a big face and a goatee and bells on a leather thong which ring as he marches along, rapping about what lovers the hippies are.

His pad is carpeted with mattresses and the light is stroboscopic blue with dull white specks scintillating in the air. This is one night when everybody's stoned. Some girl's already crashed sound asleep but one of the guys keeps adjusting her foot so he can paint luminescent flowers on the boot she's wearing. There's another girl, a wan, blonde thing who's putting the glowing paint on a piece of paper while she talks about getting a job as an artist. There are other guys talking away.

Loud knocking from without. Enter three angry hips. They've been burned and they want money or vengeance or both, but the culprit isn't there.

"We'll let a contract out on him," Teddybear says. (The Haight thinks gangsters talk this way.)

"Give us a gun."

"I'm not giving you no gun," says Teddybear, implying he has one, which he doesn't. "We'll take care of this. I'll get the Hell's Angels to take care of this. I'll call Chocolate George. He's a brother of mine. We're all brothers. We're closer than we are to our real brothers, members of the same tribe, true love of man for man. We'll let a contract out on him."

The burned hips leave and Teddybear turns back to lecture: "See that's why we're forming a brotherhood. This'll be a brotherhood of all the righteous dealers who only sell

righteous stuff. We're gonna arrange it so nobody who isn't in the brotherhood can cop, so you'll know when you buy you're going to get good dope. The Angels have already agreed to help."

[From the Washington Post, Oct. 22, 1967]

THE ACID AFFAIR—VIII: DOPE TRADE: FREE ENTERPRISE

(By Nicholas von Hoffman)

HAIGHT ASHBURY, SAN FRANCISCO.—

"The statement below is true
"The statement above is false."
—Dope Graffito, 1967.

Afternoon. Lil' Wally and the girl sleep in the bedroom. White Preacher is stomping, stamping, muttering in the kitchen, working on a piece of leather to sew on his biker's cutaways. Lil' Wally and the girl move under the blankets.

They're awake, making themselves visible, bones under naked white skin, red sores covering them. Methadrine will do that, produce those sores, and the freaks get hung up on them. They pick, pick, pick at them like they endlessly string their hippy beads or do those infinitely disorganized and detailed pen and ink drawings.

Lil' Wally gets out of bed. Petite featured, rapier moustached and tattoos all over him. There is one around his neck: it's a dotted line with the words "cut here" and an arrow pointing to the line.

The place is a crystal palace, a place where methamphetamine users live. Speed is the third most popular drug in the Haight-Ashbury, (There are no reliable estimates on the extent of usage. Its use appears to be growing rapidly, which should not be too surprising since many young people learn to take some form of amphetamine in college when cramming for exams.)

SIGNS GIVE WARNING

Acid and marijuana ideologues detest the stuff and preach against it all the time. Everywhere in the Haight there are signs warning that speed kills, but people go on taking the fine, white crystal powder, usually by intravenous injection. "Speed is a brain burner," they say, but exactly what it does and how much it takes to do it is in doubt, as it is with the other drugs that have won such popularity. In a laboratory situation, speed does kill, and until recently the level of lethal dosage was thought to have been clearly established. Now, however, Dr. David E. Smith, a toxicologist from the University of California who has been moving around the hippy world, reports finding people taking eight to ten times the amounts previously thought to be fatal.

That doesn't make the drug harmless. It does illustrate the variable nature of the effect of drugs. Who takes them and under what immediate and general circumstances has much to do with how the taker will react.

It is this fact that makes the dope world think the doctors are lying, tools of a hostile establishment, when they get up in public and say, "The effects of marijuana, acid, speed, etc. are . . ." Whatever the predicate of the sentence, it won't conform to the actual experience of most dope heads. The doctors aren't lying. They're reporting what they've seen in their clinics, but all the evidence indicates only a small and unrepresentative sample of dopesters end up in doctor's offices seeking treatment for dope-related problems.

Not that dope users can speak with more authority. They generalize on the basis of an even less representative sample, their own personal experience. They talk as though they believe dope affects everyone as it does them.

They tell their parents and other straights, "You can't know where my head is at if you don't try it yourself." Out of the straight world's earshot druggies know better, as when they say, "You can't go on somebody else's trip." Yet in their inconsistent way they hold that a specific kind of dope will have a specific kind of psychological and moral effect. This is the foundation for the reiterated assertion that acid induces a gentle, nonviolent, loving regard for one's fellow man.

TRADE HAS PROBLEMS

And it may. For middle-class kids, brought up in permissive homes—the Spock generation—who have absorbed the diffuse humanitarianism of UNICEF Halloween collections, it could follow that they drop acid and dissolve into a mild and smiling, non-violent broth. Then study three Hell's Angels, stoned on acid, stamping the guts out of a Negro, while a group of happy hippies watches, grooving on the scene.

Dope, doesn't rise above personality or culture. The dope trade is organized on a commercial model common to all mass consumption industries, but it has certain problems specific to its special circumstances. The most striking of these is that it is an unregulated free market. The government doesn't control it. It does try to suppress it. This drives up prices by creating scarcity and serves to underline what a textbook case of unfettered free enterprise the dope business is.

No price subsidies, no ever-normal granaries to flatten the fluctuations on the curve; no oligopolies of producers or merchandisers in a strong enough position to regulate the market as the government might. The consequences are uncertainty and surprises for everybody down to the consumer, who can never anticipate the price or be sure of the merchandise's quality.

In the acid business, an attempt has been made to get around the problem by establishing brand-name identity. An Owsley double-domed purple, a hard-to-counterfeit pill, is a guarantee of purity if not price. They're rare, and even in the Haight you may have to pay $10 apiece for them.

ONE WAY OUT SEEN

One way out of the dilemma is to build a trust, a monopoly like Morgan or Rockefeller did. During the summer, a number of efforts were made to put a combine together. The would-be cartelists called up dealers they found unsatisfactory and told them, "You're out of the business." Some dealers, lured up to a room in the Jeffery-Haight Hotel on the promise of being able to cop merchandise, were threatened with guns. None of these attempts, so familiar in economic history, to revoke the franchises worked.

No system of industry self regulation has developed. Fraud has been rampant and on every level the only guide has been to do business with a dealer whose reputation you're reasonably certain of.

Even in the pot market there has been adulteration. Green tea, oregano and other likely looking herbs have been palmed off as grass. Another trick is to sugar cure pot to add to its weight. This "syndicate pot," however, turned out to be popular with a segment of the consuming public who're now asking for the stuff. There is a merchandising parallelism here with mentholated cigarettes.

The same situation obtains with acid. There are instances of people paying $250 for a bag of 150 of what tested out to be pure saccaharin tablets. Some acid has been cut with strychnine, a substance that can give you a stimulating high or kill you.

Poisoning has been most frequent with speed.

ACID DIFFERENT MATTER

Acid and its psychedelic little sister, pot, are associated with dropping out, with God, with self-realization, with seeing form and color in new ways. Whether or not acid does these things or is just the 20th Century snake oil doesn't matter; the people in the acid industry thing it does and like all businessmen who believe in their products, they do strive to make it better, purer and cheaper. One of the few illegal chemists who allowed himself to be interviewed remarks, "I'd never make speed. It's rotten stuff, bad for you, but acid, that's a different matter."

None of this glorious penumbra extends to speed. One of the reasons is that, although speed can also be classified as a hallucinogenic, it is most commonly taken with a needle, something that revolts the oral-gratification types who seem attracted to acid. Speed appears to be the dope of first choice for despairing, self-destructive, hateful and heedless people, as with the boy who said, "I'd rather shoot myself up with meth than be shot down by the Vietcong."

The present condition of the speed business is comparable to meat packing before Sinclair Lewis wrote "The Jungle." Poisoning has become a way of making a living. Speed has been adulterated with baking soda, tooth powder, talcum powder and even such substances as battery acid.

"What they do is grab anything, put it in the packet and sell it," said one speed merchant named Jerry, who started up (shooting) when he was 12 years old. "They'll run into the street, get liquid out of the battery, put it on a saucer, evaporate it and what's left looks just like real crystal (speed)."

USING IS THE TEST

It does till you shoot it into your veins. Then you'll see an arm psychedelicly colored in blue and black as the rest of the human organism whimpers in misery. The pain may be indescribable but the social effects aren't. For months hardly a day has passed in the Haight when the neighborhood wasn't crisscrossed by vengeful youths looking to get even with their poisoners.

"When I get hold of a burn artist, he's going to have pain," says Jerry, a big 22-year-old who looks like he can inflict it. "I make 'em take their own stuff, overamp (overdose) till they scream. I put 'em in the hospital, not for a couple of days either. I put 'em in the hospital for six or eight months because I don't break their bones; I break their joints and that snaps their tendons and rips their muscles."

"I'm a needle freak," he says working to puncture the overused vein with the steel. "I'm flashing on the needle right now."

"Gypsy's a needle freak too," somebody says in the quiet of the watching. "She doesn't need sex."

[From the Washington Post, Oct. 23, 1967]

THE ACID AFFAIR—IX: THE HAIGHT-ASHBURY ESTABLISHMENT

(By Nicholas von Hoffman)

THE HAIGHT-ASHBURY, SAN FRANCISCO.—"We've got our own everything here. We don't need anybody else. We have ourselves, our tribes and our families and we live in love and brotherhood. We have our free, hippy medical clinic. We have our own employment agency. We have our newspapers and we're getting our own farms where pretty soon we'll be growing our food. Why, we even have our own police force . . . The Hell's Angels, that's right, they're our police force. You don't believe me? Well, it's true. They've all dropped acid an' they're different now."

It's Teddybear talking. Teddybear, the street loudmouth, frightened petty dope pusher. He's a short fat fellow, always on the street putting his hands around the young chicks, squeezing them up against himself and talking like a floor walker in a department store: "See how she kisses me back? Heh, heh, I'm a dirty old man, only I'm not through," he declares in a voice that mixes squeaks and low tones in a way that makes your ears itch.

"I'm 33 but I'm young because I'm a hippy an' I'm not afraid to say it. You may

not believe me but I love this little chick," he says and kisses the little chick. She responds in an oscular gesture that reminds you of a baby's automatic reaction to having his lips touched.

DEALS ARE FICTION

He lets go of the girl and starts down the street looking for some particular people who might want to cop acid. He's trying to play middle man for eight grams, which, on that day, would have been worth about $25,000, but most of Teddybear's deals are fiction, bragging talk or ridiculous fiascoes like the time he and a pal are supposed to have been busted in San Diego when they were asleep in a hearse with $11,000 and a truck full of dope. Half the time Teddybear's out of cigarette money.

"This is my last deal. After I've done this I'm not dealing any more. I'm going to devote myself to helping people. I wantta see these poor kids who come here have something to eat and a place to crash. If we don't help them, who will? You know what the straight world thinks about hippies," says Teddybear, continuing to expatiate on the sacrifices he's already made and will soon make for the common Haight-Ashbury good.

In his way Teddybear has sketched the public, institutional face of the first community in America to be founded on making, taking and selling dope. His rhetoric about helping people is the Haight-Ashbury equivalent of a Rotarian's gabbling about civic pride. It's one of the ways you establish yourself in society. Yet it shouldn't be dismissed. For like Chamber of Commerce yak-yak it does shed light on systems of belief and actual behavior.

The stable, reasonably permanent social structure of the Haight is probably limited to 2,000 people or less. These 2,000 are the frame for the changing tableaux of tourists, itinerant youth, cops, deviates, small-time, entrepreneurial criminals, mass-media reporters, government officials, parents in search of runaway children, servicemen in hot pursuit of hippy girls and hoodlums after peaceniks to beat up on.

Teddybear, like the crowds who come to this street to gawk, thinks of himself as a dropout. It's a questionable proposition, however. Born into the blue-collar world of Jewish Brooklyn, it would be better to say he found an exit from marriage, from fatherhood and from dreary low-level technical factory employment. A familiar American theme, the unwanted and the unhappy, the cramped and restricted, turning drifter and moving on, often westward, to build new communities and then giving them up. America is full of ghost towns and scarcely remembered places names. The newness of the Haight is the building of a community where one already exists, like the cities of Troy erected on top of each other.

The community's language—dropping out as opposed to ascending the social order—suggests vertical movement, but the real motion is lateral. There are low hierarchies of prestige but they're not universally recognized and social distance between the top and the bottom isn't great. The major figures (Owsley, The Grateful Dead or two or three other groups in music, Wes Wilson and Mouse in posters) are more like celebrities, more like TV stars than commanding social personages. They can't lead and such power as they have derives from their money as it would in the straight world.

The predominant movement of people is coming and going, in and out. That is why most of the people who come here are not destroyed and may even be strengthened in certain qualities the outside world requires.

Listen to Peggy Caserta, a frontier woman of the Haight who opened the first hip store on the street, a men's clothing shop. She expresses the lateral theme, the feeling of luck and hard work, the admixture of poor and rich, the drifting, the impression that the Haight is a mining camp that may stabilize into permanence or disappear:

"I come from a little town in the South. I won't say which because I don't want my parents to see what you write. I've lived all over. I've lived on Coconut Grove in Miami, the French Quarter in New Orleans and in Greenwich Village. We starved the first year with the store but it was my trip. I worked 14 hours a day and two jobs to keep it going. This year the store will do over $100,000 and I'm opening another one in Seattle. I can't believe it. I don't really know anything about money except I'm making a lot of it. I turn my inventory over 12 times a year and they tell me that's good. Businessmen get with me like I'm some kind of child genius. I can't give them answers. I just sell clothes.

"I'm not lucky and I'm not smart. I just happened to be on the most famous corner in America. The reason I put my store on a dying street was knowing that the Haight-Ashbury would be the next happening in this country. The store was an acid trip. The LSD made me realize I was young, reasonably intelligent and energetic and that I should do it because I hated five out of the seven days where I was working as an airline clerk."

The sense of impermanence and striking it rich and maybe losing it just as fast is fortified by the illegal nature of the community's largest industry. Everybody knows people who've been busted and more who are in jeopardy. Even the legal businesses like Peggy's depend on a public taste that can change in a few months. At any time the vein's gold may play out and this too serves to structure the Haight into a place of coming and going, sideways motion.

Thus the community that has won for itself an international reputation as rebellious and anti-establishmentarianism serves the greater society. America demands portable people, unrooted individuals who can move as technology and economic organization requires. The country needs human replaceable parts who may be used in Boston this year and Tacoma, Wash. the next, and the institutional life of the Haight strongly reinforces a life of lateral motion.

Peggy, for instance, is married. Her husband lives and works in New York and sees her perhaps twice a year. It would be unprofitable for either to move. On a larger scale it could be said that personal freedom, emancipation from the customs of home, hearth and family make people more useful in a nation where technological considerations often come first.

From this point of view, the sexual practices of the Haight, which shock and disturb some, have a utilitarian function. They teach the young people they don't need the companionship of the same mates, that people, like tools, can be had and used anywhere with about equal satisfaction.

In this light, much that is said and done here looks less bizarre than when simply set out with no interpretive context. The hippy girl is revealing something when she says, "I've decided that from now on I'm not going to sleep with any boy unless I know his name."

ADVANCING THE TRENDS

This is called love but what it looks like is carrying the trends in the lives of their parents several steps further. There are no figures but you can't spend time here without observing a high proportion of people who come from fractionated backgrounds. The children of servicemen who've spent their lives going from one base to another (for a full generation, America has had millions under arms), the children of itinerant executives and wandering academics, children from divorced homes and children from narrow-waisted modern families that consist of a younger brother and two parents in an undistinguished air-conditioned high rise in Queens.

Out of this boom town, make-shift matrix of lateral motion, the Haight establishment has grown. It takes two forms: An elite snobbery and a desire to build service institutions that will receive the incoming and make them permanent members of the community.

Peggy is an elitist. She is a member of the hip DAR. She boasts of having been an original settler and looks down on the street that has made her so much money: "Oh that! Well, it IS a freak show. I can't stand to walk down it anymore. The really beautiful people have left or they're in hiding."

She sticks to her own crowd and acts like the storekeepers in the Western movies who won't join the sheriff's posse but insist that the lawless element be run out.

The service institutions provide what amounts to grub stakes for the people who drift into this miner's camp. The more stable one like the medical clinic are paid for by the straight world and have to be counted as hybrids.

The service institutions tend to be dominated by the most strenuously political and religious types. They are the ones who proclaim the doctrine of dropping out loudest but who also seem to work the hardest. They are the public-spirited hips. They're like Peter MacKaness, though Peter is uncommonly vivid.

Tall and big-boned, itself unusual for dopesters who run to thinness and small sizes, he's the 25-year-old son of a university botanist. Sometimes he'll be stoned out of his mind lying in the sidewalk sun, a red fez toppled off his black hair, so blasted he can't lift his wooden shepherd's pipe to tootle incoherently.

FEW USEFUL LISTINGS

Peter runs the Hip Job Coop, a place to go when you hit the Haight and need a job. The Coop rarely has many useful listings but it can line you up to sell undergrounds newspapers on San Francisco street corners or you can just stay in the storefront office, groove on the Buddhist Altar and the poster photograph of Tim Leary, or you can rap aimlessly with the others. You can sleep on the floor and cadge a starchy meal when they happen to be "feeding." If you're really accepted you might get cut in on the dope being dealt out the back door. According to Peter, dope is the Coop's principal source of money.

"The street is a rough mother," says Peter. "It's a survival of the fittest trip, but it's my feeling you can't lose in the Haight because Haight Street is God fingered; it's a pulse; it's like a cosmos, it's a respiration trip. The best stone of all, the best groove of all is just to look into the eyes of your brothers and sisters on the street and smile. That's the best dope of all, but I'm not going to put down anybody else's trip, smack, acid, speed, whatever it is."

A social system as fluid as the Haight's can't be described in a frozen position. It shows itself best in time of crisis and stress. Then you may see, as Peter would say, "the thousand petal white lotus flash."

[From the Washington Post, Oct. 24, 1967]

THE ACID AFFAIR—X: FUSED, FUZZY SOUNDS . . . ON THE SPIRITUAL STATE OF HAIGHT

(By Nicholas von Hoffman)

HAIGHT-ASHBURY, SAN FRANCISCO.—The kids on the street put their blankets over their heads like monks' cowls and moved closer together on the shadowy stairways where they sat looking out at the tourists. The sun was gone in the fog. The street hippies cuddled their kittens, gently pushed them under the blankets, felt their fur and smoked dope.

There's a story that Chob's body was found by someone looking for his kitten. It could be. There are so many of these Egyptian animals here, members of the Haight's mystical menagerie of scarabs, owls, toads and phoenixes who live in the high mushroom forest. Chob was found dead by a cat, by somebody, stabbed in the heart, his right arm cut off

and stolen with his money, $3000 of it. Chob was a dope dealer and maybe he burned somebody with his right arm.

Across the Bay in Marin County where the acid bands practice their music, a girl in one of the rehearsal halls remarked, "He had to be a speed freak who killed Chob. They caught the guy, didn't they, in Chob's car with the arm sewed up in a velvet bag grooving on it?"

The boy's lawyer said his client had made himself crazy on acid. It was not to be believed that it was acid. The Haight concluded that it was speed, or better yet that the Mafia had done it, for the Haight could not think that one of the beloved community would murder.

Then Superspade was turned up in a sleeping bag over in Marin County with a bullet in his head. Proof convincing the syndicate was moving in, but on the street the drifting kids repeated to each other, "Don't hassle yourself." They hadn't known Superspade, though they may have flashed on a Negro wearing a button that said, "Superspade, faster than a speeding mind." So they petted their cats and panhandled for dog food and howled for dope and chanted for dope and didn't understand that, with Superspade dead, there'd be no dope for awhile.

The dealers were running out of the city.

OUT OF THE COOP

Jerry disappeared out of the Hip Job Coop, evaporating into Los Angeles' Topanga Canyon. Frodo took his nonchalent, barefooted self off Haight Street, traveling the less-used parallel routes until he could clear town. "I'm going to New York. The trouble hasn't gotten to me yet, but I'm not waiting, I still don't think they'll be able to take over the Haight."

Others left for Mendocino, the Santa Cruz Mountains and Indian reservations in New Mexico. Chob's murder could be explained but this killing was a sign the vibrations were at an evil confluence. Only people like Howard at the God's Eye coffee house and pizza parlor could shake their heads and smirk with superior knowledge. He'd been in the dope business in L.A. where he was the only one of the 17 in the ring who hadn't been arrested. When they got out of jail they'd come looking for him and he'd split for the north. "I don't do that anymore," he said comfortably. "I had myself declared insane. I have 100 per cent disability and live on a pension from the Social Security Administration."

As much as it could the community broke off from its preoccupation with dealing dope, hooking tourists and getting stoned to react against a sense of being invaded.

They gathered on Hippy Hill to talk about the murders. To reach Hippy Hill you must go to the end of Haight Street into Golden Gate Park, down a slope, past a pool, under a bridge and pursue a curving path until you come first to an expanse of lawn and then the green-sodded hill. There were about 300 on Hippy Hill as the gong from the Psychedelic Shop reverberated and the sitting people expelled their breath to make the slow sound of the god centering ommmmm.

At the summit was Felicia dressed in silky magentas that moved with the wind as it blew her red hair. She had her staff on which is mounted the upside down Y of the peace symbol. She makes her living dancing topless on North Beach and has probably had too much acid, but on the day of the meeting she resembled a girl king in one of the Lost Atlantis amazon movies. Hippy Doc was there, too, away from the center of the crowd with Foxy, his old lady, smoking dope and declaring four square, "I'm for war, war that will stop the man."

Peter MacKaness, who runs the Hip Job Coop, was present in a new, gold and white brocade shirt from Peggy's, but not Peggy. Father Grosjean, the long-haired Episcopalian minister who's really straight, hung on the outside of the crowd.

"WINGED INFINITY"

A thin, middle-aged Negro named Jimmy—police intelligence suspects him of wanting to start a riot—spoke first and long about "winged infinity . . . in this earth time of 1967 we're stretched out in cosmic consciousness. We have the center point and it's traveling at cosmic speeds out there at the perimeters."

"Jimmy, you're lousing up the whole meeting," cried Tobacco and the gong sounded. Tobacco is a Digger, the angry, politically slanted group that started the Free Store and sometimes provides free food and crashing space.

FLOW WITH THE LIGHT

"Groups! Forces!" another voice called out. "Give your attention to the fly that appears when your eyes are closed for it is a spiritual light which is but the manifestation of your concentration. We are all one God! As you see light, become one with that light, flow with it, so I will ask you to be silent for ten minutes. We must save this planet, and it's us if anybody's going to. We must become more self-sufficient. The role of karma yoga is also very important."

A girl shrieked, "I thought we were going to talk about the murders. There's supposed to be another one and several people are missing. All my friends who aren't dead are hiding."

Ned was carrying his pack of tarot cards in a leather box attached to his belt. He's misty and algebraic, given to making final clarifying statements that nobody can understand. "Two good friends of mine were murdered," he declared. "They were murdered because they were paranoid. They carried knives and guns. If you don't want to be murdered, don't be paranoid and don't carry weapons."

"It's bigger than paranoia," a voice shouted as another yelled, "Let's don't buy or sell dope anymore. Then they won't kill us."

"We're in a society that still takes money, man. How're we gonna live if we don't sell dope?" came a hollering retort, but the question went unanswered for still another voice was commanding attention: "I just came from Detroit. I saw a lotta people get the crap kicked out of 'em and a lot get killed. This country is over, man, it's over. What you gotta do is get the people out of the cities. Get together everybody who has a skill, let's go to the country."

"Dichotomies! Dichotomies," Ned reproved them. "Total up everything you have here today and divide it."

"No, no," called out Pan, the hippie dope pipe-maker. "The country is a good scene man. Build your own tepee man, your own hogan. Do it for yourself man."

The voices began to come from all parts of the crowd:

"No, sir, man, what I want to know is when're we going to be self-sufficient and not keep on begging from the establishment."

"We gotta beg or sell dope. We need the tourists even if they may have mucked up the Haight, but they're people so if they roll up their windows and won't buy newspapers from you, don't say frig you to them, say thank you."

"What're we going to do about tonight?"

"What're we going to do about the syndicate?"

"Two of my friends have been murdered!"

"All this world needs is love, love, love. Ya gotta have love, love, love."

"I need dope. Anybody who's got grass, break it out."

"Purple Owslies! ! !"

A chant began: "We want dope! We want dope! We want dope!"

The ringer began to hit the gong, its brassy reverberations catching up with each other in fused and fuzzy circles of sound, but the chant was still audible, "We want dope, dope, dope!"

[From the Washington Post, Oct. 25, 1967]

THE ACID AFFAIR—XI

(By Nicholas von Hoffman)

HAIGHT-ASHBURY, SAN FRANCISCO.—

"Spades are programmed for hate."

—ACID APHRISM,

Summer, 1967.

Night at the Free Medical Clinic. The clinic is up a flight of stairs in a converted apartment. Down on the street there is talk of trouble from Negroes in the adjoining Filmore district. For some reason the Negroes who live in the Haight itself—surely half the population—are regraded as less threatening.

It's not because the hippies know the Negroes in the neighborhood. Contact is next to nonexistent. They don't realize that most of the black people they see live next door and not in The Filmore, which is defined as dangerous territory, but the smoke from the fires of Newark and Detroit have carried their ashes here and irritated the eyes of the suburban youths in the dope colony.

"Teddy, Teddybear!" a bearded young man called running down the apartment hallway to the room that serves as the clinic office. "Four spades in a car with a machine gun parked just down from Tracy's. What're we going to do?"

Teddybear hangs out at the clinic, doing the voluntary work of answering telephones. It also makes a good place from which to deal dope. The straight doctors who ostensibly run the place and give of their labor free have strict rules against holding and dealing, but their grasp of what goes on is vague.

"You better call the fuzz," somebody in the room said.

"No, don't call the fuzz. Call the Angels," the messenger from the confusion on the sidewalks below put in.

In critical moments, Teddybear develops an officious way about him. Only he, his manner implies, has direct contact with the important people, as though all the telephone numbers in his little book were unlisted. "I think I'll call the Gypsy Jokers in Daly City, and I'll get a hold of Chocolate George," he said and began dialing the numbers where the leaders of the motorcycle packs hang out. Teddybear, like so many of the people in the Haight, has great trust in the protective power of these psychedelic storm troopers.

"Hello, Chocolate? It's Teddy, no, no, you know Teddybear, yea, yea, over at the clinic. Listen, Chocolate, it looks bad here. Carloads of spades with guns cruising the neighborhood. I think there's going to be trouble. We need the Angels fast," Teddy informed the biker on the other end of the line.

Hanging up, he lamented the state of things in the Haight, "I've been here since March. (Assertion of status to distinguish him from the summer visitors.) It was beautiful then. We had human love. You could actually feel the love here because we're not like people think. We're not beatniks, dirty, who don't give a damn, but now it's getting bad. I personally know of two hippie mamas raped by spades. We went to the police station and they didn't even write it down because we're hippies. We're supposed to be the lowest, even though the straight world imitates our clothes and our music."

The flower children have been nurtured in the same social soil as everybody else and their drugs don't expunge the fears and misunderstandings that hang invisible over the cities. But both the drugs and the type of people drawn to the center of the drug world combine to produce some variations of response to the racial crisis.

In the Haight, the word "Negro" is almost never used. "Black" is employed by peope

tinged with New Left political understanding, but the most common word is "spade." Even the Negroes who've amalgamated into the scene invariably refer to themselves as "spades," a term used without prejudicial meaning in a restricted part of the jazz world for many years, but in the Haight it's use is ambiguous. It can connote nothing more than an ingroup vocabulary; however, most of the white kids aren't in that in-group, and for them the word carries a mildly derogatory, mildly hostile meaning.

For them, spades are very much dark, dangerous people whom they both understand and dismiss with the oft-cited aphorism, "Spades are programed for hate." This kind of passive fatalism extends beyond race to take in all of life, where everybody is programed and nobody programs himself. It conforms to much of their own experience, of being surrounded from infancy by human and mechanical objects that obey their magnetic tapes. Mother and her automatic washing machine both appear to run on preset cycles. On the afternoon of the night that the burning was supposed to begin in the Haight, a lithograph flyer appeared on the street. It carried an apologetic warning:

"Survive baby brothers: An important notice for your safety and survival."

"Sorry to bring you down, but this is about the riots our black brothers have planned for the city. There isn't much hope that they won't occur.

"What do they mean to you, as white hippies, et. al.? Riots mean that the black people are going to be busy and would appreciate your getting out of the way . . . Looting will empty all the food stores in one day. No trucks will come to bring more food to the stores . . . Store up some right now . . . Within the black people's mind they will be fighting a revolution. If you hamper them in any way you will be their enemy. During the riot the only help they want from you is your gun. If not that, get out of their way."

The word was passed down to the silliest street hippies to be off the sidewalks by eight. At the clinic, plywood was tacked up against the downstairs glass door and within, heavy, lightproof curtains were put over the windows. "This'll be the first place the spades are going after. They had a hearse with BARs (Browning automatic rifles) in it parked down in front for three straight nights," somebody explained to a visitor amazed at the siege preparations.

A block or so down Haight Street they had another apartment to be used as a medical aid station. Citizen band shortwave radio communication joined the two. To make sure that everybody had a place to go, temporary crash pads were opened all over. The Print Mint—the largest poster store on the street—opened a rear room to crashers, and Peggy, the young woman who owns one of the busiest hippy men's stores, spent the hours before sunset supervising the removal of most of her inventory. Other closed early.

A lot of people had no intention of getting off the streets. They scurried around looking to buy LSD if they hadn't been provident enough to keep a stash. (There is a distinct type of acid taker who has no interest in beauty, self-discovery or religious learning; he likes to get stoned in a variety of situations for the experience: "Man, can you think what those fires are going to look like under acid? I've never seen even a fight under acid, but wow, a riot, what a groove!").

The Negro reaction is often patronizing disgust with an admixture of amazement at what appears to be hippy stupidity. On the night the kids thought the riot had been programed, a couple of Negro men stood on the steps of a Haight Street apartment house, a place much favored for dope taking. Speed methamphetamine is even shot publicly on those steps.

As the hippies floated by it was too much for them. One of the Negroes called out, "Take dope and shout love! That don't solve anything," but the hippies only smiled and asked for spare change. "It don't figure," the man said to his companion. "I live here in the hottest building in the neighborhood and this silly boy sits down and shoots up. I say to him, 'Why don't you just put an ad in the newspapers? There's a policeman across the street taking your picture.' An' you know what that silly boy says? He says, 'That's your hang-up.' My hang-up! I almost liked to hit him along side his head."

Not everybody in the Haight took dope or waited for the spades to do the violence they couldn't bring themselves to do against the machines and their fathers who make and run them. Teddybear reacted like Lester Maddox. He armed himself with an ax handle and stayed in tense, self-important radio communication with the other apartment, where a collection of hippies, street commandoes and junior heistmen hid in the darkness, peeping out from the window shades, checking their guns, knives and clubs.

[From the Washington Post, Oct. 26, 1967]

THE ACID AFFAIR—XII: NEGROES REJECT WHITE HIPPIES' VIEW

(By Nicholas von Hoffman)

HAIGHT-ASHBURY, SAN FRANCISCO.—The Black Man's Free Store is a Negro version of the free store the hippies have in the Haight, only it looks like another wretched charity. It smells of castaway seconds and handouts; it has none of the suggestion of change and rebellion of the hip free store not many blocks away.

Roy Ballard, who runs the Black Man's Free Store, observes "Marijuana is groovy. I myself take it and LSD is useful. I know a number of white kids who've had their heads straightened out by taking it. These are kids who were all messed up by guilt and the black man, but now they can do their own thing, but if a man has to depend on any kind of drug to find reality, that's bad. That's a world of fantasy. They just wish the world would be like what they feel when they're on their drug."

Ballard is 27 years old and nearly a third of that time he's spent in the civil rights movement both in the South and the North. He met some of the whites in the Haight in jails and on picket lines during their activist days and is more favorably disposed toward "the movement," drugs that is, than most Negroes you'll meet. "I put down organizations a long time ago," he says, sympathizing with the anarchistic pronunciamentos issuing out of Haight-Ashbury. "They're a hang-up. They don't get anything done. I was a member of Snick for a year and a half . . . I went in Haight-Ashbury, spent four months there to find out what it was all about. The only worthwhile thing I could see was their free store which we started here.

"The rest of Haight-Ashbury is white kids getting away—revolting against what their parents neglected to do . . . They're trying to say the only way to do it is to start over again because everything is a game . . . Black people never had it before so they can't start all over. You might say the white kids are more advanced, but also less realistic."

Ballard is talking about the section of the Haight-Ashbury world which isn't anti-Negro and considers the drug experience politically and socially relevant. It is a minority segment, but a large one, and a black person could comfortably fit into it, make friends and become a hippy. Very few have decided to do so, probably less than 50 in the whole Haight.

One reason for the paucity of black hippies may be acid itself. The drug, according to expert opinion and users' testimony, tends to hypo all physical sensations. It is not a pain killer, but just the reverse. The senses—sight, sound, taste—all become much more intense with most users. The nervous system is overloaded with sensations which arrive with such speed and variety the brain often doesn't know what to do with them—or even how to sort them out.

This may be exhilarating for people who're half-dead emotionally, for whom life is hardly more than enduring the blandness of "the plastic society"; but for Negroes such is not the case. "Man, I feel enough as it is. I don't wantta know any more than I do," said one black who tried acid.

Negroes are the last people in America to need drugs to express themselves or realize their feelings. Some take smack (heroin) because sometimes their feelings are too strong to tolerate; and they have the catharsis of art. Iti s the ghetto that has given the drug world most of its language, it's music while the effete English homosexuals of the mauve decade provide the ideas of color and form from which psychedelic art derives.

The colloquial language of the Haight is the speech of the ghetto interspersed with a few expressions from two fugitive minorities: the homosexuals and the underworld. The word "chick," the verb "to split" (meaning to leave), the expletive "man" (as in "look, man". . .), the deuces-wild use of the word "like" (as in "like, man, you aint gonna make it with that chick so like you'd best split"), is all ghetto idiom.

But a black man doesn't have to dress up like an Indian and go running to hippy town—there is now one in almost every city—to hear language like that. He can stay home. In fact, if he goes to hippy town he will find he is still in the white culture of self-restraint and pulling back.

The drugs don't necessarily facilitate free self-expression. This is best illustrated by what's happened to Negro music after its been given an acid bath by the Beatles and the other musical dope heads. The volume is turned up but the notes are fuzzed over so that you have to be stoned on acid to pick up its techtonics.

(Much has been written pointing out that this music is about drugs, but it is also often played by people who're stoned for listeners who are stoned, although a minority of acid heads are driven up the walls by their outraged nervous systems when they hear it.)

A hundred notes are used where one would do but only at the cost of losing the tension and hard clarities of the urban blues. Either the emotion is too strong or directed toward joys and pains white dopesters have never felt but men like Muddy Waters, the masters of ghetto musical idiom, enjoy only a fringe popularity.

The same holds true for dancing. "My God, my God, what are those people doing?" cries a Negro girl on beholding three hundred dopeheads on the dance floor of the Straight Theatre, the Haight's Palladium. "They can't dance. They can't keep time, what *are* they doing, and they're so ugly!"

On the night in question the heads were coached before the music started "to find the moving rhythmic spot inside yourself, and then find another, and another and let them come together until they bring you up off the floor expressing yourselves with your bodies." The poor hips tried, rising to their feet from the floor where they had been seated during their dance lesson, but they knew no dance steps and could only stamp and flutter their arms. Some were so stoned it was enough for them to approach the stage where the Grateful Dead were playing. They stood looking up at the Dead, their mouths creased in the characteristic expression of people on acid, picking up the vibrations like a motionless cloud of drugged bats.

At a time when Negroes are fighting off dope and forcing their way out of the ghetto to get the good things that hips dismiss as

so much plastic, it's hard for them to emphasize with white kids who have what many Negroes want. It's incomprehensible that these whites should build a new ghetto and lock themselves up in it to take dope. The following playlet took place one afternoon in front of Benches, a Haight Street hamburger joint. It illustrates the chasm between the population of the two ghettoes.

The cast includes Teddybear, a dope dealer; Jerry, another dope dealer; Gypsie, a 16-year-old girl speed freak; Chester, a sidewalk hippy; David Simpson, a political activist hippy; Randolph, an older Negro, and Malcolm Y, an unidentified black militant.

TEDDYBEAR (grabbing hold of Gypsie who giggles). These are the people who live in the Haight-Ashbury. The Government won't take into consideration we're a people, a frigging people. We're tired of the establishment and we're tired of wars.

GYPSIE. He's my Teddybear. (He starts to let her go.) Don't split, Teddybar. I'll give you a grape.

TEDDYBEAR (Taking one). We're a persecuted people. The police are always hounding us. That's why everybody around here knows some law.

DAVID SIMPSON. The spades have been up against it for years. We just didn't know what the law is like until they came after us."

JERRY. The sun is shining today. It was out of sight—I just came from my shrink. I told him I wanted a letter keeping me out of the army. He said he was glad I was honest and he'd give me one.

TEDDYBEAR. See, where's the Bill of Rights? It applies to everyone but hippies.

DAVID. That's not true. It doesn't apply to colored people either.

RANDOLPH. (He's been listening all the time.) I believe I take acid so I can pretend. You don't have to pretend, but I caint talk good English. If I had good clothes and a fair face I wouldn't grow no beard and stay here.

CHESTER. Sure you would because you're a hippy and a true Christian.

RANDOLPH. You people have taken the Bible and broken it down so you can understand and go higher with God but our people have been deprived of it, man. (Enter Malcolm Y who listens).

DAVID. Not our people, just *the people*. People.

RANDOLPH. Our people, yea, our people, gotta have help, man, ya understand. We want nice coats and pastel striped ties, and they've got to stop killin' the brothers, ya understand.

DAVID. Well, who's doing the killing?

TEDDYBEAR. The Establishment.

RANDOLPH. You're the highest power, white folks. You been talking English sixteen hundred years. The black man hasn't been exposed. He gotta catch up.

MALCOLM Y. I think you're insulting black people. I see you here dressed in costumes wearing African prints! (To Randolph) I really don't dig black brothers and sisters getting hung-up tripping with these junkies.

TEDDYBEAR. We're your brothers too. We're hippies.

MALCOLM Y. The best thing you white brothers can do is get out of our neighborhood and go down on Van Ness to do your begging.

TEDDYBEAR. We love everybody. We love you.

MALCOLM Y. I don't want you to love me. Love! I know what *I'm* going to do. I'm going to train my people to kill you and you and you (points a finger at each of the whites).

A WHITE VOICE. I can't talk well. My teeth have been knocked out by the cops, but I still believe in peace, don't you?

MALCOLM Y. Peace! Peace! Crap! You're street bums. You better go get your hair cut, get a job and train your people to defend themselves.

THE WHITE VOICE. I'm just a stoned, happy hippy. Let's talk hip.

MALCOLM Y. I don't know anything about being hip. You're sick . . . Disgusting. (He exits.)

CHESTER. I profess Christianity myself and I know that spade. I saw him in Watts two years ago. He was one of them that was trying to start the riot.

The playlet ends with Chuck, the hash slinger in Benches who's been listening, making a face and saying, "Welcome, welcome. This is hippyland, land of love, land of tolerance and integration."

[From the Washington Post, Oct. 27, 1967]

THE ACID AFFAIR—XIII: THERE NEVER WERE ANY FLOWER CHILDREN

(By Nicholas von Hoffman)

"FUNERAL NOTICE

"Hippie in the Haight-Asbury District of this city, Hippie, devoted son of Mass Media. Friends are invited to attend services beginning at sunrise, October 6, 1967, at Buena Vista Park."

HAIGHT-ASHBURY, SAN FRANCISCO.—Several thousand black-bordered funeral announcements like this one were prepared and printed by the more community minded members of the Haight establishment. The funeral was held in the little, mountainous park at one end of the neighborhod. It was followed by a procession in which the body of Hippie was carried through the community in a coffin and finally burned. It was reported that somebody from Playboy magazine was one of the pallbearers and that the coffin itself contained several beards, a number of strings of beads and two kilograms of marijuana.

The event—a publicity stunt itself—was staged to express a common indignation at the lava flow of publicity that hippies and the Haight-Ashbury have been treated to throughout the spring and summer.

"There never were any flower children. It was the biggest fraud ever perpetrated on the American public," pronounced Teddybear, dope dealer and social commentator, "and it's your fault, you, the mass media, did it. This wasn't a 'Summer of Love,' this was a summer of bull and you, the press, did it. The so-called flower children came here to find something because you told 'em to, and there was nothing to find.

"They got all the rules written down for them, how to dress, how to behave, what to say. They only had to turn on their television sets or open a magazine or a newspaper and read, 'Come to San Francisco, the City of Saint Francis, with a flower in your hair.' You told 'em to come here and everything would be free, free crash pads, free food, free dope. It never happened to me. The only things I got free was from my friends. Truthfully this community is based on dope, not love."

Several hundred conversations with some of the thousands of young people who came here to cop dope and catch bronchitis in the cold San Francisco summer show a large number of them heard about the Haight from the mass media. Most of them also reported they felt misled; their local newspapers and television stations had promised them a utopian community of distributive democracy, and what they found was a violent and viciously exploitive little society, a living replica of the adolescent savagery depicted in the novel, "The Lord of the Flies."

No great harm was done. The majority only stayed a few days decamping elsewhere by car, thumb and airplane as others who'd read the same newspapers and magazines replaced them.

Because of the diversity of the population that mass media called hippies it was possible for a reporter to find anything his editors wanted to find in the Haight. Some appeared to want sex so that journalistic voyeurs found the material for many stories of prurient indignation. But just as many concentrated on what they imagined was hip social philosophy, and, above all, on love. In the smoking, fatal summer of 1967 "flower power" may have seemed hopeful in a way no message from a pulpit could be.

It made no difference that these flower children were armed or even that in terms of old-fashioned police reportage, the reporters were passing up the criminal aspects of the biggest crime story since prohibition.

White collar crime, or in this case crime by white collar people, has always been under-reported by the media and the police, just as it also has been underprosecuted by district attorneys.

As an editor of a San Francisco paper remarked, "The children of some of our very best families are involved in this and it makes handling it very difficult." (San Francisco debutane Melinda Moffett, 19, was arrested in a Haight dope raid in the company of Superspade, a big-time dope pusher who was later murdered.)

The Neo-American Church, a network of people that exists to propagandize and propagate dope, writes in its catechism: "Infiltrate and take over the communications and entertainment industries." It adds parenthetically. "This objective is close to being accomplished."

The Neo-American Churchmen, who use dope as a sacrament, may be right. On Sept. 24, CBS presented coast-to-coast in living color an hour-long marijuana spectacular. Lucky Strike and Champion spark plugs paid for the time and talent but their products only got plugged during the commercials. The Smother Brothers, whose show it was, had Herman's Hermits singing a song called Green Street Green—"Get yourself a little green." (Green stands for grass, a synonym for marijuana.)

This was followed by a song called "Day Tripper," after which a Haight-Ashbury hippy girl was yanked out of the audience for a little spontaneous ad lib. This creature's name turned out to be "Goldie Kief," two more synonyms for pot.

The flower child made jokes about being high and then presented one of the Brothers with a necklace made of "seeds" which, she explained, are like oregano (an herb that resembles pot.) She went on to say you can use these seeds for making brownies, a favorite recipe used by nonsmokers who still want to get stoned.

The Smother Brothers' dope huckstering is the last of a long chain of presentations to the white, educated middle class public.

The beginning might be dated from Aldous Huxley's publication of "The Doors of Perception" in 1954. Here we see dope in its elite stage as Huxley writes about the effect of mescalin on him as he examines Seurat's paintings and listens to Gesualdo's madrigals. At this stage dope taking is restrained, exclusive and associated with highly articulated sets of esthetic ideas.

Later, in the hands of Leary and Ginsberg, it becomes religious and political; the product is advertised in a way that will attract more people. It is hooked on to music—the singing commercial—but it is still limited in its appeal both because the religious ideas are exotically incomprehensible to most Americans and because the political ones seem rude and somehow subversive even though they are based on ancient political slogans.

Its next evolution is Time magazine where dope is presented both as stuff kids use a la Wheaties and as mildly radical, but perhaps connected with the unpremeditated love of primitive Christianity. Finally the Smothers Brothers sell it on CBS with the bland, un-

differentiated message of the ordinary TV commercial—for a headache, take aspirin, for tension take Compoz (the little blue pill) and for a low, take pot, a new, improved product that's better than liquor; you get high but not hung over.

It has taken considerable finagling of facts and people for dope to be presented in the attractive light it has been. This hasn't been easy with photography because pictures don't lie, but liars take pictures. The ones coming out of the Haight of lovely, otherworldly girls floating in flowers and pastel butterflies have as much relationship to what goes on there as a shot of Bob Hope entertaining the troops does to the war in Vietnam.

One Sunday morning a wildly painted bus stopped in front of Betty Gip's house at 870 Ashbury Street high up on the hill overlooking the Haight.

Betty has an "old man" named Wil Garet, and Wil is making a documentary movie of the drug scene. To make this sequence 40 or so hippies have been rounded up to take the bus some miles south to an obscure commune at Ben Lomand, Calif., where, once in the mountainous countryside, they will be supplied by Wil with music, food and acid. After they're thoroughly stoned he will photograph them.

When they arrive the day is so beautiful and Wil is so happy that these are the last shots for his picture that he not only gives out 65 acid tabs (his count) but takes one himself. He's foresighted enough to have hired a regular, turned-off TV camera man, so there is somebody with the presence of mind to make the shutter adjustments when the boys and girls now spaced out of their heads, wander down to the brook, strip and swim naked in the waters. As they do, Wil photographs this spontanous, unstaged scene for the documentary.

Radio Station KMPX is the San Francisco station that all the heads listen to; it is radio Free Hashbury, the only station in the world where you'll see hips, frozen in the lotus position in the lobby. The Haight comes there every evening to chat, to ask for announcements to be put on the air, or listen to the music and use the crayons and paper supplied by the management for itinerant speed freaks who have to do something with their hands. Most of all the Haight comes to watch Tom Donahue, the 350-pound program director and disc jockey who broke with the top-40 idea to play albums, mostly dope music.

This huge, bearded man with a strand of beads, a sinister face, and a tiny old lady named Rachael who rolls his joints and takes care of his correspondence, has made a seeming success out of the FM station.

The company, he explains while he talks about going to India to sign Mrs. Ravi Shankar to a recording contract, has hit it so big they've bought another station in Los Angeles. If the FCC approves the sale, Donahue expects that the same format of institutionalized dope music and service to the drug community will be used there.

KMPX doesn't yak-yak about dope. None of this, "Hello out there, all you dieters," the way top-40 deejays do. "One thing some of the top-40 stations do is drug talk, but we don't do it." says Donahue. It's usually alcoholic deejays who do. We don't even use slang. They do because they're looking for the youth audience."

For KMPX's audience mass media institutionalization has advanced past cute "in" remarks; it's enough to play the drug music and provide the public service announcements to the hip world. "Listen, if you want to print what's going on here, just print the lyrics of County Jo and the Fish's song 'Bass Strings'," Donahue says as he plays on the air. Very acidic, soft and reverberating, a many chambered path out, out far away:

"Hy pardner
Won't you put me around
My world is spinnin', yeaaaaaa
Floatin' allll around
Yea, you know I've surrrre
Got this moment down
It's so hiiiiiii this time
That I know I'll never come down
Aaaaaaaa . . . ohhhhh . . . never come down."

[From the Washington Post, Oct. 28, 1967]

THE ACID AFFAIR—XIV

(By Nicholas von Hoffman)

HAIGHT-ASHBURY, SAN FRANCISCO.—After many hassles Raena Love, Tracy and Ego moved to the house at 1419 Laguna in the Fillmore district, the Negro section of town.

They'd been living in the Hip Job Coop, sleeping in bedrolls in front of the Hindu altar. Even though Ego wasn't yet two years old he seemed to like it, the Eurasian baby whose Chinese father was unknown. Conception involved some kind of wild party, Raena said once, with Chinese, but you can't be sure Raena means anything she says. She's no longer the little girl who went to high school at Luther South in Chicago.

They'd had trouble finding the house on Laguna. After they found it, Tracy's car with all her clothes in it had been busted by the cops. Finally the three of them had gotten there and rented the upstairs out to an acid band so the place thundered with electrified vibrations but nobody minded, not even Ego.

"He's a turned-on little kid, Ego is," said Raena. "I used to give him acid, but kids don't need acid. Kids are naturally turned on. Kids are born knowing everything. I'm not even going to teach him to talk. No, he won't forget anything growing up in this environment. It isn't plastic."

It wasn't plastic; the pots in the kitchen with dried or rotting remains of cooked natural rice, the smells of rancid rags, everything putrescent and looking like it had a thousand swarming white bugs under it. They all slept in one room, including Augie Lowe, who shared Raena's mattress. This evening they were naked lying together as Ego slept nearby. Tracy roamed the rooms reading I Ching.

Augie sat up and peered shortsightedly into the indistinct room before picking up Raena's remark about children: "I think people should live backwards. They should be born old and grow younger until you turn into a baby and climb back into a womb and disappear."

"I was busted when I was 14 years old in Bethesda, Md., for pushing amphetamines," continued Augie. "I'm a minister of the Neo-American Church. My title on the East Coast is Boohoo of the Bethesda Bag, but in the West I'm a Primate. . . . To be a Boohoo? You have to be a decent trip sort of guy. You have to be a philosopher, a priest, a warlock."

"A lover," interjected Raena.

Augie and the others conform to the general pattern of what the turned-off public thinks a dope fiend is like: the disorganization, the filth, the incoherent metaphysical lunges out into God knows where. Raena, who's dropped (taken) acid about 200 times, exhibits some of the symptoms of a person who may have taken too much. She has the beginnings of the tell-tale homogenized acid personality, which Dr. Jolyon West, chairman of the department of psychiatry at the University of Oklahoma, likens to a punch-drunk fighter or a frontal lobotomy. (Not the vegetable type, but where the operation has been successful.)

The Boohoo of the Bethesda Bag doesn't show these signs, though he records that he's dropped acid twice as much.

Almost nothing is known for sure about the abiding effects of this drug. Even West, who started experimenting with it in the early '50s, doesn't have much more than hunches and he has worked with physiological reactions to it and also studied it as it is used in social situations. He can cite case histories where acid seems to have impaired brain function and others where it may have played a part in helping people.

Whatever else acid is, it's powerful. Dr. West killed a 7000-pound male elephant named Tusko with it during the course of some experiments on musth, a male elephant affliction. "You should have seen me there sitting on top of Tusko's head shooting anticonvulsants into his ear."

The consensus is that anybody who takes acid is playing a risky game with his cerebral cortex, particularly if he's much under 25, that is before physiological development is complete. Even among people who never have one of those outrageously bad trips that end up in the newspapers or the hospital, the signs of some kind of brain damage are there; but no one can say if they will set in after the first, the 50th or the 500th trip. There are also cases of people who report taking staggering amounts of acid with no obvious ill effects.

The ratio of good trips to bad trips on acid is sufficiently favorable so it will be around for a long time. "Human beings like to get high, to get out of themselves. It's universal," remarks Dr. West. "Even very small children run around in circles so they can get dizzy."

Under the circumstances, telling horror stories to the young is a dubious practice which may only discredit the story tellers. This happened with pot. Adults told young people things of which there was no evidence, and now it is impossible to convince them that marijuana is any more dangerous than chewing gum.

The other side is making exaggerated claims, too. It's being said the pot smokers and dope takers in general don't drink alcohol, which is just another form of dope. This isn't so. Acid, pot, speed, smack and alcohol are different kinds of highs. They're not mutually exclusive, except for certain psychological types who greatly need one particular form. Many dopetakers drink when they're high, and others, people who've been strung out (more or less addicted) on speed or smack, give it up to become booze hounds. They'd rather get juiced than stoned.

The way some people switch their poisons casts doubt on the usefulness of the idea of addiction. There are a lot of people walking around the Haight who say they've been hooked on smack and kicked it. There's no reason to disbelieve them. There are also many reasonably well-authenticated cases of speed shooters giving it up. Addiction or dependence may not be an inevitable and mechanical thing, but may depend on the person and the circumstances.

There may also be truth in the assertion that pot leads people to take stronger dope. Getting stoned on pot can be very tedious if you do it often enough, and if you're in a dope culture the next step is a more interesting high. Many dope takers say they began with marijuana.

But others report they got started by sniffing glue in high school, although that may well go out as pot becomes more easily available to the American high school student. Another group—this isn't a small one either—reports they were first turned on by their family doctors. The pattern involves a doctor writing a prescription for a month or two months' supply of dope without requiring the patient to report how he feels. They found they were getting high on the stuff and liking it. Yet another group says they first turned on in college with the amphetamines they used to stay awake to cram. "Universities are proselytizing centers for dope," remarks Peter Cohon of the Diggers.

None of this should be taken to mean that a whole generation is becoming dope fiends. From the nonstatistical evidence at

hand it appears no more likely that smoking a few reefers or dropping a couple caps of acid makes a confirmed addict than a few bottles of booze make a drunk. In both cases most users limit their intake. Moreover, the dope world, like the booze world, is becoming sufficiently institutionalized to teach the young how to do it properly.

They are told, "Don't take dope among strangers." "Don't buy from dealers you don't know—don't put just anything in your mouth." "Learn what kind of situations you can't take when you're stoned so that you don't blunder into them and freak out."

"Freaking out" is dope's equivalent of the hangover or getting sick to your stomach.

There is a swirling, inconclusive debate about harmful various kinds of drugs are. But it may be beside the point.

The chances are that all of them are harmful, even marijuana, but what does a free society do if hundreds of thousands, perhaps millions of its citizens, insist on having these drugs?

Serious enforcement of the drug laws, particularly as they relate to marijuana, will require vastly increased numbers of policemen and undercover agents in our cities and on many college campuses. Since the principal source of imported marijuana is Mexico, the border will have to be sealed with narcotics agents.

Marijuana grows wild over much of the United States—large amounts of it have been sighted and picked in Kansas, Iowa, Illinois, Wisconsin and Michigan. Furthermore there are probably dozens of other substances that ought to be outlawed if marijuana is prohibited because they can be used as more or less satisfactory substitutes: morning glory seeds, parakeet food, a weed called scotch broom, airplane glue—the list is endless.

Until the day Congress takes another look at the situation we can anticipate more turmoil and more pain, although altering the illegal status of marijuana, the mildest of these drugs, will not prevent people like Augie from hurting themselves. It is argued by some that if the drug is legalized individual agonies won't be criminal and the people who are in trouble from using them will be easier to find and to help than was Augie—dejected, confused, homeless, distracted, ruined by dope and living by it.

"Raena went crazy," he said a few weeks after the scene on Laguna Street. He was standing on the corner of Haight and Ashbury. "She was really freaked out. Threw me out of the place. I don't know what I'm going to do. I've got the clap. Say, could you drive me to the hospital?"

[From the Washington Post, Oct. 29, 1967]

THE ACID AFFAIR—XV: THE SCENE SHIFTS TO DISTRICT OF COLUMBIA

(By Nicholas von Hoffman)

"We are the people our parents warned us about."

—COFFEEHOUSE WALL, 1967.

The young ones, in their early teens, drifted into the autumn park for the Be-In in the Georgetown section of Washington. Across the lawn and down a slight grade was the Balloon Man. The young ones couldn't see him sitting on a bench filling balloons from his green steel bottle. There were too many other young ones crowding around him with flat, shriveled balloons in their hands, pressing toward him, supplicating him to fill them up with the wonder-making gas.

When they grasped what he was doing they ran down to him. They pressed in and got free balloons from the girl friend of the Balloon Man, whose name is Roger, and waited for their turn. When it came he turned the cock on the end of the rubber hose so that the freon-22 inflated the balloons.

Even before they turned away they put the balloons to their mouths, letting the gas fill their lungs. Eyes watery, wide and unblinking, they held the gas in their lungs until it acted on their brains. As it did they lost balance, began to stumble, fall down and pass on elsewhere into a state of gassy intoxication.

Roger was in hilarious excitation. "I've filled 600 balloons already," he cried, "and lots have come back for refills."

"Won't it kill you? People died from it," a little girl wanted to know. She was referring to the reports that several people had died from the refrigerant, which turns to a cold liquid under pressure.

"No, no, not as long as you don't drink it," he reassured her. "Don't believe the yellow press and their lies. It'll make you feel good. Remember, the yellow press hates hippies."

Roger said he was 21, an only child, a student at the University of Maryland and the son of a refrigerator repair man.

The adolescents, no longer latent, demanded more gas, but the Balloon Man was getting tired. "That's all for awhile. I want to take a rest . . . you're the last one . . . ok, I'll give you some if you want to take it directly from the tank," he said to a boy whose pursed lips were prehensile as they strained for the nozzle.

In copses and along the side of a shallow ravine that bleeds off toward Rock Creek Park, small groups of older young people smoked pot. The strolling straights, adult rich from the neighborhood, sauntered through the grounds of Dumbarton Oaks and the brightly colored air of an October afternoon in Georgetown's Montrose Park.

A few were nettled. These kids were lousing up the park. "Where did they come from?" an older man asked. "Did they come from the P Street beach? What are they doing? There's gas in those balloons."

The Balloon Man was off with a few others explaining why he was doing it. "It's legal. They can't bust you for getting stoned on it, so I had this idea. Why not give it away? I walked into a store and bought it off the shelf for $10. People were offering money for some but I didn't take any."

"It's a bad high," somebody said.

"Yeah, I don't like the high from it," the Balloon Man argeed. "You get a dead head from it afterwards."

A brunette chick was impatient with this conversation about "body highs" and "head highs," the connoisseurship of the true head. "I just want to see how high I can get. Give it to me from the nozzle and don't turn it off until I say."

The Balloon Man did but he stopped dosing her before she signaled. "I don't want you to take too much. I don't know what it'll do," he said, as the little chick began falling over backwards off the bench she was sitting on. Somebody caught her.

This is, of course, merely one vignette of the Washington scene at the junior high school and high school level. To what extent it reflects use of drug substances—freon, glue, tobacco and aspirin concoctions and so on—has not been scientifically measured.

There are dope scenes in every city of any size. Through the underground press, through cross-campus contacts, through youth's endless coming and going, the news spreads about what the scene is like.

This summer the main scene was San Francisco, the Haight-Ashbury; next summer it may be Denver although there's talk now of making it London, England. The acid industry will probably stay rooted in its headquarters, but the thousands of young people who gave the city new fame may create a scene elsewhere.

The youth scene encompassed far more than dope. There is mobility, the adolescent need for locomotion, and this generation is traveling as no other. The automobile of the twenties and thirties gave youth a city-wide range, but the Federal highways system, the half-fare youth plans and cheap bus transportation has increased the range to cover a continent. The proof of the ease with which they can swoop down and congregate any place was a totally different scene—the recent Washington peace demonstration.

The word went out and those who wanted to came. A second change which made both Washington and the San Francisco scene possible is that the word *can* get out. American youth now has its own communication system which can be monitored but not controlled by the adult world.

Both San Francisco as one example, and the Washington demonstrations as a wholly different one, show a growing complexity, competence and worldliness in the youth scenes that are being created now. For a long time only juvenile delinquents and affluent playboys on college campuses had scenes. By today's standards, they were simple, very local affairs that seldom progressed beyond panty raids and rumbles. The 1950s saw more complicated scenes that were a little less temporary, a little more institutionalized: the surfing scene, the Fort Lauderdale bacchanalias, the jazz and folk festivals with their growing undertow of political and social meaning.

In the late 50's, the civil rights movement brought to life the first national, semi-permament youth organizations that adults could not control. (Organizations like the National Student Association are older but they've had a good deal of adult guidance and manipulation of which the CIA episode is the best known example.) The Student Non-Violent Coordinating Committee and Students for a Democratic Society both owe their origins to breaking away from adult sponsoring organizations.

The intellectuals in the Haight-Ashbury have read social critics like Paul Goodman, who says the sign of adulthood in the coming society will be the Ph. D. They are aware they are surplus people, or "personnel" as they like to say it, and that schools exist not only to teach but for other social purposes unrelated to education.

When during the course of the riots this summer Vice President Hubert Humphrey suggested the school year be lengthened to a full 12 months as a means of social control, a number of kids in the Haight took his words as proof that schools are sometimes used as camouflaged jails.

When Mario Savio, the leader of the Free Speech Movement at Berkeley, coined the phrase, "Don't trust anyone over 30," his meaning was political. He meant don't trust anyone who had been cowed by the McCarthy period, who'd had the spunk scared out of him. Adults took it to mean there is a "generational gap" across which it is almost impossible to talk.

However, what the slogan unintentionally signifies is the lengthening of the age of adolescence to thirty or when you get your Ph.D. and it is this lengthening that accounts for the competence and sophistication of much that happens in the segregated playpens of youth like Haight. Our working definition of youth now includes superlatively well educated people who have all the skills needed to build or destroy on an impressive scale. People were shocked at Savio's ability to outthink and out-maneuver the university's officials, some of whom paid for their failures with their jobs; people are astonished that youth could build the Haight scene into a new industry; people are outraged that youth fake out the military and penetrate the Pentagon.

They shouldn't be. A twenty-four or twenty-five-year-old "youth" with several years political experience in mass movements who may also be a candidate for a doctor's degree in chemistry or history can be a skillful and resourceful opponent.

This summer the Haight was glutted with runaways, white middle class high school dropouts. One of the things that makes the

Haight scene so new is that for the first time kids who drop out have a choice of doing something besides joining the Navy or becoming dishwashers.

Making the scene in the Haight isn't all dope.

Many of the young people who went there put the place to their personal use. For some of the wallflowers and misfits at home, the scene was the first time in their lives they could comfortably belong to any kind of group. For others the scene was a place of perfect social weightlessness where they could play any role or none. This may have been very important for only children and eldest children, the people who must carry the heaviest weight of parental ambition.

There seemed to be a lot of them, kids bent over from being told they must be doctors or lawyers, kids crushed by the assurance they were getting a better start in life than their parents, kids who grew having their lives arranged in the shape of their parents' ambitions for them.

For some kids the scene was a place where they could confront the demons of adolescent sex and make it with a girl or a boy for the first time. For others it was a place to find themselves in the angry, withdrawn cloud of identity diffusion. You could make the scene and be a hippy which is better than not knowing who you are; or, you could try different roles, and dress for them. You could be an Indian, a frontiersman, a soldier, a magician, a clown, a blower of minds, a mother, a floozy, a busybody, a nobody.

You could make the scene in the Haight and make a new you and if you didn't mind it, throw it away and make another you.

There are many ways they can use a scene. You can use it to find the solidarity of the tribe, the blood brother and you can use it against your family like Candy, an 18-year-old girl who ran away from a wealthy home.

"My relatives wouldn't believe it if they could see me. They didn't think I could make it alone. I want to go back there with a pocket full of money and show it to them. They'd probably think I made it living with an older man. I've been offered money for sex. One man offered me a hundred dollars but I wouldn't do it. My family would never believe how I made it, that I sold ten keys of grass today. I bought at 65 and sold at 70. I never even touched it and I made fifty dollars.

"Am I going to have stories to tell my grandchildren. How I sold dope, how I sat around and shot up and caught the —. Do you know my aunt used to say I wouldn't last five seconds without anybody to pick up after me?"

FREON "HIGH" COULD BE UNWARY HIPPIE'S LAST

An expert on poisons said yesterday that a balloon filled with freon contains "probably a lethal dose or very close to it."

Commenting on a story appearing on page G1 of today's Washington Post, Dr. Robert Dreisbach said in a telephone interview that there is a very narrow range between the point where freon produces a "high" and the point where it can kill.

The article, fifteenth in a series titled "The Acid Affair," describes a be-in in Montrost Park where hippies got "high" by holding freon in their lungs. They sucked the gas from balloons.

Dr. Dreisbach, professor of pharmacology at Stanford University School of Medicine, is author of the "Handbook of Poisoning."

He said that when freon gas turns to a liquid, it freezes the inside of the mouth. Even holding the freon in the mouth can cause death, as in the case of an 11-year-old Greenwich, Conn., girl who died Oct. 2 after inhaling freon 12, used to frost cocktail glasses.

ADDRESS BY SENATOR SPONG BEFORE VIRGINIA EDUCATION ASSOCIATION CONVENTION

Mr. HOLLINGS, Mr. President, the distinguished junior Senator from Virginia [Mr. SPONG] has not been one to speak often or on matters of little import. Conversely, when the Senator does speak, he speaks with clarity, purpose, and compelling logic.

Senator SPONG delivered such a speech this past Thursday to the Virginia Education Association convention in Richmond. His subject was the conduct of our foreign affairs, past and present. He pointed out the evolution of our method of conducting these affairs from the time when our foreign policy was viewed in such terms as "manifest destiny" and the idea of a chosen people through the period of making the world "safe for democracy" and a "war to end all wars" to the present time when our involvements no longer appear so simple and our people are not always convinced their Nation is morally right.

As Senator SPONG pointed out, in this day and age, the task the average man faces in sorting out the confusions and choosing alternatives is great. Senator SPONG calls this "the challenge to the individual citizen, to our Nation and to our education system in particular." I agree. I also agree with the Senator's assertion that "if we fail to solve these problems there is the possibility that there will be no others to solve."

I feel that Senator SPONG's discussion of our foreign policy from the past to the present is an excellent historical analysis, one which should not escape the attention of any Member of the U.S. Senate. I commend the Senator from Virginia and recommend his speech to every Member of the Senate.

I ask unanimous consent that his remarks be printed in the RECORD.

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

EXCERPTS FROM SPEECH BY U.S. SENATOR WILLIAM B. SPONG, JR.

The United States, according to a number of historians, grew up with an illusory innocense, particularly in the conduct of foreign affairs. Removed from entangling alliances and ancient quarrels, safe from foreign hostilities and possessed of almost unlimited resources, the United States moved forward adhering to myths and unrealities.

United States foreign policy was viewed in such terms as manifest destiny and the idea of a chosen people. Perhaps no better example is available than President McKinley's relation of his 1898 decision for the U.S. to take the Philippines. He said that after many hours of prayer, he knew that there was nothing for the U.S. to do but to take the islands "to educate the Filipinos and uplift and civilize and Christianize them, and by God's grace to do the very best we could by them . . ."

As can be seen, this illusory innocense also carried with it a moralism, the idea of a clearly drawn line between right and wrong and of a national conscience identified with right.

And, the innocence and moralism carried with them a further element: emotionalism. The United States entered two world wars, not ostensibly or vocally to preserve our own interests, but, for example, to assure "freedom of the seas" and "to end all war."

Now, however, the old concepts have been challenged. Our involvements no longer appear so simple and our people are not always convinced their nation is morally right. We have not found the universal truths and realities, if indeed there are such, to replace the old innocense. We have tended to cut down the old, but have not found an adequate substitute.

We are said to live in an age of anxiety, prompted by nuclear development. Many of our citizens are no longer certain of their fate or of the government's ability to maintain security and prevent nuclear destruction. The military-industrial complex has become a technological enigma to some citizens, who fail to understand modern weaponry and data processing. In addition, certain people are confused by policy proclamations. While our innocence and self-righteousness have been denounced, a lucid statement of policies and interests has not been substituted. Some citizens are faced with two other problems: lacking the sophistication and the classified information which the government possesses, they do not completely perceive the intricacies of international politics. Deprived of simply stated aims, such as "making the world safe for democracy," and uncertain of the "rightness" of the cause, they cannot always justify the nation's aims and actions. And, all too often they are frustrated in attempts to express dissatisfactions.

The task the average man faces in sorting out the confusions and choosing alternatives is great. The disaster which will result from the failure to resolve these problems is greater.

This is the challenge to the individual citizen, to our nation and to our educational system in particular. For, if we fail to solve these problems, there is the possibility that there will be no others to solve.

We must look beyond the myths and misconceptions of our history and our foreign policy. We should not abandon our principles or our ethics, but we must be honest and we must have a reasoned honesty. We must see our interests for what they are: We must preserve peace and secure a society which offers the ultimate in opportunity. And, we must be definite and open about our goals. For, if our goals are reasonably and honestly determined, the chance of their being the right ones is enhanced.

Here is the main responsibility of education: to provide our citizens with the background necessary for understanding our technological complex and our international policies and to instill in them the ability to seek answers through honest and intellectual means. For only then is a rational and principled consensus possible.

We must accurately evaluate our world involvements and make logical choices for dealing with them. Governmental officials must certainly contribute to development of our understanding of foreign affairs, but the essential basis will always be a nation of educated individuals.

Our foreign policy of the post-World War II era has been particularly difficult to understand because it has been dominated by new forces and new concepts.

These forces and concepts collectively are called the Cold War.

After first becoming apparent in Europe the "war" became a global one. Like previous wars, this one involves a balance of power, attempts to preserve security through arms and weapons, and conflicting ideologies. Unlike previous wars, however, the Cold War thus far has engendered no massive encounter.

But the Cold War, like most wars, has not been static.

By the late 1940's, the democratic versus communist alignments in Europe had become clearly visible. The response of the United States was the Marshall Plan and then NATO. This was later followed in other

parts of the world by SEATO, CENTO, and ANZUS, as the United States pursued a policy of containment. This was the policy of building an "imaginary wall" around the communist and communist oriented countries to confine them to their existing borders. Naturally, the communist nations opposed the containment policy, for ideological, geographic, political or combined reasons. And they probed for the weak spots in the policy.

During the Khrushchev era, the Cold War took a new ideological turn. There was somewhat of a "thaw." The concept of peaceful coexistence was explored. But the events of the entire post-World War II period are a seesaw of moves and countermoves. There was, for example, the Korean war, the Berlin blockade, the 1958 Middle East crisis, the shelling of Quemoy and Matsu, the Cuban missile crisis, the Berlin wall, and a banged shoe at the United Nations. But these events were interspersed with the Korean armistice of 1953, the Austrian Treaty of 1955, the test ban treaty of 1963 and various summit meetings. These are some of the events in the seesaw between provocation and accommodation.

Yet, neither the communist bloc nor the Western nations have been able to maintain a uniform stance. The communist monolith was weakened by Yugoslavia in the late 1940's, the discontent in East Germany and Czechoslovakia in 1953 and the Polish riots and Hungarian uprising of 1956. Likewise, the Atlantic partnership has not moved forward and European unity has not progressed in the manner conceived by many Westerners.

Recently, strengthened relations between the East and West have been proposed. We have been told of the "new feeling" in Europe—of the desire for increased trade and better relations with the East. Even in West Germany, where the Cold War has been fought so hard, the government has begun to explore new dealings with Eastern Europe. We hear discussion of and support for dente. Our oldest ally, France, finds the principal Western alliance, NATO, no longer necessary.

But this is not the complete picture either.

The Soviet Union, which historians tell us has always sought access to the sea, steadily increases her maritime strength. For instance, the Russians have just begun construction of their first aircraft carrier, a vessel often associated with offensive rather than defensive strategy. In May of 1967 a Soviet vessel collided with the U.S.S. Walker in the Sea of Japan. Increased Soviet activities become apparent in the Norwegian straits. Soviet ships, which the U.S. Ambassador to NATO has said were infrequently seen in the Mediterranean in 1963, are commonly sighted now. And, shortly after the Middle East crisis in May, Soviet vessels in the Mediterranean came close to matching U.S. vessels in number, if not in strength.

Soviet arms and weapons continue to pour into the Arab nations of the Middle East during a period of insecurity. It has been shown that the United States has little influence with Israelis and that the Soviet Union cannot control the Arabs. Yet, the Soviet Union continues to maintain personnel in the area, where ultimately a confrontation is likely. Thus, the Middle East, in many respects, poses as explosive a threat to world peace as Southeast Asia.

These recent events lead to but one conclusion: the Cold War is not over; the end is not even in sight. The locale has not merely shifted; it has expanded. And in its expansion, it has come to encompass new areas where local fears and hatreds can be exploited and used.

These events call for a continued leadership on the part of the United States. And, as has been our policy since the creation of NATO, we must lead from a position of strength. This strength must, however, be tempered by reason and responsibility.

We must look beneath the surface of recent events and beneath our old myths and prejudices. We must, for example, evaluate Soviet arms shipments to the Middle East in light of the "hot line" communications made by Soviet leaders during the early hours of the crisis. And, we must evaluate the entire situation in terms of national goals and interests. We must also, for example, distinguish between a Berlin Wall and a collision in the Sea of Japan, without assigning the same degree of provocation to both.

To be able to follow such a course, an educated nation becomes imperative and your jobs take on a new importance. For, citizens must be able to understand the degree of the technological threats and the realities of our international relations.

THE METRIC SYSTEM

Mr. PELL. Mr. President, the American Pharmaceutical Association is to be complimented for its excellent article on the metric system, written by S. Goldstein, Ph. D., in the Journal of the association.

I believe that it is urgent that this country study the feasibility of a switch to metric and have for the past 2 years introduced bills urging such action. The excellent article by Dr. Goldstein does, I believe, offer important reasons why this country should at least study the potential benefits of going metric. I ask unanimous consent that Dr. Goldstein's article be printed in the RECORD.

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

PRESSURE (IN POUNDS) FOR METRIC SYSTEM IN UNITED STATES OF AMERICA

(By Samuel W. Goldstein)

The United States will eventually be converted by law to the metric system of weights and measures.

A Nostradamus would not hesitate to make this prophecy and a farmer's almanac, basing its predictions on past events and trends, would print it in bold type.

The modern historical period of weights and measures began in the 16th century and since the 17th century the efforts of all the leading nations have been directed toward scientific accuracy and simplicity and, during the 20th century, toward international uniformity.

ORDER OUT OF CHAOS

The 16th century's greatest trading nation, England, found its trade and commerce in a state of confusion due to the different systems of weights and measures in use at home and among its colonies and dominions. Different groups of merchants and artisans were using systems such as "avoirdupois," "troy," "apothecary" and others.

Description of a "yard" as the distance from a monarch's nose to the fingertip of his outstretched arm is certainly simple. The accuracy and uniformity are questionable when the same system is applied by persons with different physical endowments or even by the same person with an occasional rheumatic twinge in his elbow or shoulder. Moving to the scientific approach, English scientists developed the imperial weights and measures which were legalized in 1826. It was determined that the length of a pendulum adjusted to vibrate in seconds of time, in the latitude of London, in a vacuum, at sea level, was equal to 39.13929 English inches. Since it had been established that there were 36 inches in the yard, the portion of the invariable pendulum marked at 36/39.13929 of its lentgh became the standard yard. The result was compounded confusion caused by the addition of still another system of weights and measures to the already muddled marketplace. England's dominion of Canada accepted the imperial system but the newly independent United States of America would not abide by a Parliamentary decision.

Other countries had evolved their own styles of confusion in weights and measures. In 1685, Huygens, a Dutch astronomer, striving for uniformity in measurements recommended that a meridian (a circle around the earth through its poles), being practically of invariable length, could be the basis for standard measures of length. In France, the revolution (1789–1799) did not halt the French movement toward a uniform system of measurements. In 1790, Prince de Talleyrand (then Bishop of Autun) distributed among the members of the Constituent Assembly of France a proposal to found a new system of weights and measures based upon the principle of a single and universal standard. He preferred the pendulum over the part of the earth's circumference as the basis.

In 1791 a select committee reported to the French National Assembly in favor of a system of measures and weights related to a terrestial standard and commissions were appointed to measure an arc of meridian and to perfect the commensurability of the units and the nomenclature. The resulting metric system conceived the basic unit to be the meter, intended to be equal to one ten-millionth of the earth's quadrant.

Thomas Jefferson returned to the United States in 1789 from France where he had assisted Benjamin Franklin and then succeeded him as minister to France. It was there that Jefferson was made aware of the many agitations for uniformity in systems of measurement. In 1790, then secretary of state, he noted the confusion in weights and measures and advocated uniformity by limitation to one of the English systems or to a decimal system, such as that suggested by James Watt, the English inventor, in 1783.

In 1864 Great Britain legalized metric measures but their use was not made compulsory and in 1866 the United States followed Great Britain's example. The following years have shown that while scientists in both countries found the metric system to be an invaluable aid, the general public and established industries showed no inclination to change from a known system, no matter how confusing and difficult, to something new, no matter how logical and simple. And now, in 1965, Great Britain, by act of Parliament, is deserting the English system in favor of the metric system—allowing a period of 10 years for the mandatory conversion. It follows, that in the natural course of events, the United States also will make conversion to the metric system compulsory. The remaining question is *when?*

PRESENT STATUS

The metric system is almost universally used in scientific work. Since 1875 an International Bureau of Weights and Measures in Paris has provided prototype meter bars, equivalent to 39.37 inches. In the United States today all weights and measures are derived from the meter and the kilogram prototype standards maintained by the National Bureau of Standards. The international standard of length is still the meter but on October 14, 1960, the 11th general conference on weights and measures which met in Paris defined the meter in terms of the wavelength of light related to an isotope of krypton—

The meter is 1,650,763.73 wavelengths of the orange-red line of krypton 86.

This is the same length as the original standard platinum-iridium meter bar that has been the international standard since 1889 under the Treaty of the Meter. For

practical purposes the prototype meter bars will continue in use but they can now be calibrated or checked for accuracy against ^{86}Kr light instead of being shipped to Paris for comparison with the standard bar.

When other standards of length, weight or volume are sent to the U.S. National Bureau of Standards to be certified, they are checked against the metric prototypes and the results of the measurements in meters, kilograms or liters are reported, as requested, in pounds, yards or gallons. U.S. industry and commerce with but few exceptions continue to employ the inch-pound system.

PHARMACY LEADS

The pharmaceutical industry has led the new movement toward total conversion to the metric system. This was probably a result of its saturation with scientifically and professionally oriented individuals. Most drugs, and definitely all the newer drugs, are manufactured and sold in kilogram, gram or milligram quantities or are incorporated in liters or milliliters of liquid dosage forms. Some strange combinations result from the meeting of old and newer drugs, such as dosage forms containing aspirin (in grains) and an antihistamine (in milligrams) in the same tablet or liquid medication. Some investigators, using the metric units in which the drug is supplied by the pharmaceutical manufacturer, report their observations on laboratory animals in terms of milligrams per kilogram of test animal. However, some of the clinical investigators will then recommend the dose of the drug in humans in terms of milligrams per pound of body weight. Fortunately, medical schools are orienting the next generations of physicians to think and write doses in terms of milligrams per kilogram of body weight and a newer concept of dosage relates the medication to body surface area as milligrams per square meter (mg/M^2).[1]

Advocates of the inch-pound system point out that a decimal system can be applied as in the automotive industry where the tolerance in the dimension of a part may be 0.000010 inch and the length of an automobile is given as 190 inches. Some retail food stores are using the decimal pound. The latter would be an improvement over packaging trumpeted as the supercolossal red, white and blue box (15⅔ ounces) priced only slightly higher than the family size yellow and green box (one pound). You cannot fool all of the buyers all of the time but there might be some who "off-hand" might not recall that there are 16 ounces in the avoirdupois pound. Those who maintain that the new system would confuse the buyer might explain how a contents declaration of 444 Gm could be construed as more than 454 Gm, regardless of the size or color of the package.

A newspaper version of predicted activities in the U.S. in the 1970's cities changing road signs, such as miles to kilometers (3280.8 feet, 1 K); Speed Limit 80 KPH; Underpass—3.048 meters clearance, and asks, "Does it sound confusing?" The article continues—

According to experts, retraining people and repainting signs are the easiest part of a switch to the metric system.

One need not be an expert to agree; just think of all the immigrants to this country who quickly learned the more intricate U.S. system after living all their lives with metric units.

GOVERNMENT NUDGES

In the 16th century England could impose its system of measurements in most of its trading areas mainly because those areas were crown colonies, possessions or dominions, or they formerly had been. In the 20th century the United States of America, so endowed by nature as to be practically self-sufficient if it were satisfied to be a second-rate power, has become the greatest international trader and, as a result of forces of international origin, the guardian of all the nations that profess, for one reason or another, to believe in the concept of individual and national freedom. It also is engaged in international hot and cold wars based on ethical and theological ideologies and being waged in many ways, including commerce and trade.

Speaking to the American Physical Society on May 1, 1959, Lewis L. Strauss, then secretary of commerce, said—

Outside of our Anglo-Saxon culture practically every nation has made this shift (to the metric system) during the past 150 years or so. Due to our delay in taking action and due to the complexity of our industrial system, this change will be more difficult for the United States than for other countries but when achieved it will also be more useful.

He further observed that the metric system is all around us. He did not foresee that it would be completely around us by 1975 when Great Britain (and almost certainly) the commonwealth of nations will be using metric units exclusively. Strauss continued—

The problem, therefore, is not to make a revolution in measurement but to direct and accelerate the evolution which has been taking place. It is a matter of becoming conscious of this evolution and of giving it an assist. It is a matter of using the metric system more and more and the English system less and less. Naturally this evolutionary process will take some time. We still have very considerable amounts invested in the English system of measurement. Our culture has long been entrenched in yards, pounds and gallons and a reeducation will be necessary. Textbooks will require revision and instruments will require recalibration or replacement. The changes in our machine tools and in much of our equipment—containers for example—will be most difficult and costly. The switch from inches to centimeters in industry must be accomplished with minimal disruption but I do not think it will take years upon years. We simply cannot remain static but must recognize the conditions of our time and meet rather than be forced into the inevitable and logical. The time has come when the government should do something affirmative about a proposal which scientists have been reiterating since the days of Lord Kelvin (developer of the standard absolute temperature scale).

Strauss cited the need for a procedure by means of which the change can be carried out must expeditiously with the least cost, the least confusion and the least opposition. He noted that for certain areas of our economy, the changeover would give no apparent advantage; for other areas, an abrupt changeover would prove very costly. In land measurement, for example, considering American title history, it may take scores of years to convert to a metric classification—and such problems could exist in other fields—but there is no need for immediate conversion in those areas. Strauss voiced the hope that a number of industries would undertake their own studies on the problem of converting to the metric system and that, wherever possible, they will take voluntary steps toward effective transition to the metric system as has the pharmaceutical industry.

BRITISH LION ROARS

Probably the most significant stimulation to the moribund question of U.S. conversion to the metric system occurred not in the U.S. but in Great Britian. The mother country, that had burdened its offspring with its archaic system of weights and measures, told its independent, although still greatly devoted relative, to go its own way with its measures and weights. In the May 24, 1965 *Proceedings of Parliament*, the president of the British Board of Trade, said—

The government considers it desirable that British industries on a broadening front should adopt metric units, sector by sector, until that system can become in time the primary system of weights and measures for the country as a whole.

Whether the British lion was roaring in defiance or anguish mattered little. India, on October 1, 1958, had already passed a law converting India to the metric system and making all other systems and units of measure illegal after ten years.

LEGISLATIVE ACTION

Three bills (HR 269, HR 2049 and S 2030) were introduced in 1961 during the first session of the 87th Congress calling for a study to determine the practicability and desirability of the adoption of the metric system; HR 2049 was introduced by Congressman George P. Miller of California. None of these was considered on the floor of either house during the 87th Congress. Representative Miller introduced a similar new bill, HR 18, in the 88th Congress, first session, on January 9, 1963. Another proposal to make such a study was HR 403, also introduced on January 9, 1963. No action was taken on these bills.

On January 27, 1965, Senator Claiborne Pell of Rhode Island introduced S 774, a bill authorizing $2.5 million for a three-year program of investigation, research and survey by the Department of Commerce to determine the practicability of the adoption by the United States of the metric system of weights and measures. The first witness at the hearings of the Senate commerce committee on this bill, July 14, 1965, was J. H. Hollomon, assistant secretary for science and technology of the Department of Commerce. Hollomon cited the Indian and British actions and stated—

There can be no doubt that these trends and recent actions will have an important effect upon American industry and our foreign commerce. . . . I believe that our government should squarely face the problem raised by these trends.

Later that morning, J. V. Swintosky, president-elect, APhA Academy of Pharmaceutical Sciences, presented the APhA statement in favor of the bill and cited the conversion to the metric system in the pharmaceutical field as a tested and proven model that could be helpful in other fields. He was accompanied by E. G. Feldmann, director, APhA scientific division, and R. F. Steeves, director, APhA legal division. Swintosky stressed the following points—

We believe that adoption of the metric system would greatly benefit the public and the industrial community and this has been supported by most research and scientific bodies in this country for many years.

The convenience of use and understanding with the metric system minimizes the possibility of error in calculations involved during industrial manufacture of drugs or in compounding prescriptions in the pharmacy. Thus, there is an additional element of human safety in a convenient system of weights and measures for drugs.

In recent years the major American pharmaceutical manufacturers have converted completely to the metric system. This has been done not only because of the greater assurance of safety to the human consumers of drugs but it also has been done because it enables greater manufacturing efficiency. Inventories, collection records, cost analyses and batch cards are conveniently maintained in the metric system, which in turn lends itself to ready use of data processing equipment.

Representative Miller has come to bat a third time with HR 2626 which would authorize the National Bureau of Standards to

[1] This is described and utilized in the *Dosage-Posology Handbook (Usual Doses for Infants and Children)* by Harry C. Shirkey, BS (Pharm.), MD, available from APhA order department.

make the desired study relative to conversion. Testifying before hearings of the committee on science and astronautics on this bill, August 4, 1965, was T. J. Macek, APhA Councilor, who presented the APhA statement in favor of the bill. Macek was accompanied by Feldmann, who participated in the question period, and this writer who is secretary of APhA's Academy of Pharmaceutical Sciences. Macek noted that the convenience of use and understanding of the metric system minimizes the possibility of error in calculations involved in many industrial operations. Complete conversion to the metric system by pharmaceutical manufacturers has provided better and more uniform control and thus greater assurance of safety to consumers of drugs from possible errors which might arise in converting between different systems.

Even should a bill clear both the Senate and the House and be signed by the President, it appears that legal compulsion to convert to the metric system (or the International System of Units as it was designated in 1960 by the 11th general conference on weights and measures) would not begin before at least four years have passed. The reports requested in the bills are not to be submitted for three years. If legislative compulsion then is deemed desirable, the laborious process of running a suitable bill to that end through the fine legislative mill would only then begin.

It is difficult to foresee the number of inch-pound screws or nuts that might come loose or the wrenches that might accidentally fall into the legislative machinery. It is hoped by proponents that evidence of favorable progress in the study period will spur some industries to begin conversion before a law is enacted. Opponents, such as some manufacturers of screws, rivets and nuts, claim that the cost of conversion and the resulting adverse economic factors are so great that the study of how conversion might be effected and how that would affect their industry is an unnecessary expenditure. Some of the opponents' fears appear to be premature, or could they be voiced as statements preliminary to the bargaining and lobbying that will increase in tempo when, or if, the legislative process develops?

CONVERT WITH DELIBERATE SPEED

In view of the complexity and size of the United States industrial economy, any legislation requiring compulsory conversion to the metric system should include reasonable qualifying clauses. Conversion could be accomplished with due deliberate speed. Although the pharmaceutical industry has largely completed the conversion and the official drug compendiums hastened the trend by complete conversion some years ago, the use of the apothecary system has continued in catalogs, published listings and labeling. Pharmacy textbooks, practically converted to the metric system, still include study prescriptions written for the first editions of the books when the apothecary system was used predominantly. The editors, having spent many months in the revision of the texts, appear to have an aversion to converting the quantities in these timeless teaching examples of special compounding technics and practices or examples of incompatibilities. General conversion to the metric system might provide the incentive to make these slight changes.

The final stage of conversion might entail a three-year period to complete the conversion in the entire pharmaceutical field. It might require a ten-year period for an industry in which the machinery or materials depreciate rapidly or a 25-year period for an industry, such as "screws, nuts and bolts," in which the conversion period might be governed more by the time required for a new metric-oriented generation of workers to replace gradually the current older workers than by the time required for retooling and replacement of the current stock with products whose specifications are based on metric units. The educational system could retool as quickly as its teachers could be reoriented and its textbooks revised and replaced.

Hollomon summed up the purpose of the studies proposed in S 774 and HR 2626 as an assessment of the consequences of alternative courses of action—

1. General adoption of the metric system by legislation
2. Voluntary extension of metric usage industry by industry
3. Regulated partial conversion, segment by segment in identified areas over an extended period, with plans for handling the resulting coexistence of mixed systems
4. Solutions other than adoption of the metric system to mitigate the crucial problems without forced conversion by law
5. A system of financial incentives to those who voluntarily convert.

He hoped the study would ascertain to what extent the general welfare would be improved by encouraging or discouraging more widespread use of metric units in the United States and the effects of such action on our economic and technological development.

To those who have grown up in the pharmaceutical metric generations the way has seemed clear and unequivocable. The scientific areas of the profession and industry have long worked and communicated in metric units. Since 1957, when Eli Lilly and Company made the astounding announcement that it was converting to the metric system, all phases of the major pharmaceutical industry have converted. But we must not overlook the 50 years of education and preparation for these decisions and actions. We believe that a uniform system of weights and measures would be a boon to the United States and that the best and only unadulterated system available is the metric system.

THE 27TH ANNIVERSARY OF FOUNDING OF HILL AIR FORCE BASE, UTAH

Mr. MOSS. Mr. President, 27 years ago tomorrow the Federal Government began to build an installation. This has proved to be wise and very forward looking action on the part of the Government.

I am proud to note that tomorrow marks the 27th birthday of Hill Air Force Base near Clearfield, between Ogden and Salt Lake City. This vast air materiel area facility has grown from humble beginnings as a warehouse and logistic installation to a position of major prominence in Utah and in the entire Air Force Logistics Command. It was named for Maj. Ployer B. Hill, who died in 1935 while testing the original XB–17.

Hill Air Force Base is now the largest employer of civilian personnel in the State of Utah. Its responsibilities are truly worldwide. One of the most notable of these assignments is to provide engineering support to the Minuteman missile system. To this end, the base is now building an engineering test facility for the Minuteman II system. Hill engineers and technicians are responsible for making sure that America's most dynamic weapons system remains the free world's primary nuclear deterrent force.

Hill Air Force Base and the Ogden air materiel area are deeply involved in our military effort in Southeast Asia. Much of the logistics support for the troops in Vietnam is channeled through Hill Air Force Base. The F–4 is one of the aircraft maintained out of Hill. In addition, all air munitions are tested on the Hill range. I could go on.

The fact that this facility has continued to grow is a deep tribute to the thousands of military and civilian personnel assigned to Utah. The efficiency rating of this vast base is always high. Morale among the workers is high, because each employee realizes that his job is important and even vital to the overall defense of the United States and much of the free world.

It is with pleasure that I salute not only today's workers and military personnel at Hill Air Force Base, but I salute the foresight of those who realized that Utah could provide land area, a work force, and all other elements needed to assure the success of our defense effort. These goals have been met. This is affirmed by the fact that many of the tactical aircraft now operating in Southeast Asia use assemblies which are maintained and tested by the employees of Hill Air Force Base.

I am proud to be able to commend Hill Air Force Base on its 27th anniversary. We in Utah are proud of the work of our people at Hill and we wish them well during the next quarter century.

INEQUITABLE TREATMENT OF BLUE-COLLAR WORKERS IN DEPARTMENT OF THE NAVY

Mr. PELL. Mr. President, on September 27, 1967, I submitted for Senate consideration Senate Resolution 171, which was subsequently referred to the Committee on the Armed Services. At that time, I spoke of the unequitable treatment accorded to blue-collar workers employed by the Department of the Navy. This situation can exist under the present procedure under which area wage surveys are held to determine comparable wage rates. By surveying an unrealistic geographical area, one which does not truly represent the available wages contiguous to the work facilities, Department of the Navy wages are held down, and the worker suffers. This situation certainly does exist for the Federal workers in Rhode Island where one neighboring State low-wage area is included in the survey while a high-wage area in another neighboring State is excluded.

On Thursday, October 12, 1967, the Senate passed S. 2303, a bill to provide a uniform system for fixing and adjusting the pay of employees in recognized trades or crafts, and for other purposes. Surely, the intent of this measure, uniform treatment in geographical areas, is a good one. I should specifically like to discuss the new section 5342(c). Therein it is stated:

The Committee shall establish wage areas for the determination of prevailing rates. In establishing such areas, the Committee shall consider the nature and similarity of the population, employment, manpower, and industry.

No further explanation of that section is contained in Senate Report No. 592, a portion of which I shall read into the RECORD:

The new section 5342(c) authorizes the Federal Wage Board Committee to establish wage areas for the determination for prevail-

ing rates. In establishing such areas the Committee shall consider the nature and similarity of the population, employment, manpower, and industry within the area.

Mr. President, I believe that under the language of the law and legislative history printed, a clear mandate would be given to the newly established Federal Wage Board Committee to restudy the present wage survey areas. As I pointed out in my previous statement on this subject, these area determinations go back some 20 years and do not take into consideration either the population growth or the diversity of employment opportunity, both of which have occurred since the Second World War.

Specifically, Mr. President, it would appear to me incumbent upon any new wage board to take cognizance to the great amount of commutation of workers, not only from city to city but from State to State. One can only point with astonishment to the situation in my own area of the country, wherein a new Federal interstate highway has made it possible for workers to travel a great distance, but by doing so cause an adverse effect on wages in the areas from which they commute.

With this thought in my mind, Mr. Robert H. Willey, Director of the Office of Civilian Management, Department of the Navy, was asked for his understanding of section 5342(c), specifically if it would apply to the area wage survey situation. Mr. Willey has recently replied to my request for clarification. I am pleased to note that he stated:

If this Act becomes law, it would require that the wage survey area . . . be reviewed.

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

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

DEPARTMENT OF THE NAVY,
OFFICE OF CIVILIAN
MANPOWER MANAGEMENT,
Washington, D.C., October 26, 1967.

Hon. CLAIBORNE PELL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PELL: In response to a telephone inquiry from your Office, the following information regarding the review of the wage survey labor market areas in connection with S. 2303 is provided.

The purpose of the Act S. 2303 is to provide a uniform system for fixing and adjusting the pay of employees in recognized trades or crafts, and for other purposes. This Act would establish a Federal Wage Board Committee is charged with the responsibility for prescribing regulations for the administration of the wage board system designated to accomplish the objectives of the Act. Section 1 of S. 2303 which would amend 5 U.S.C. 5342 states:

"5342. Federal Wage Board Committee

(c) The Committee shall establish wage areas for the determination of prevailing rates. In establishing such areas, the Committee shall consider the nature and similarity of the population, employment, manpower, and industry."

If this Act becomes law, it would require that the wage survey areas for the determination of prevailing rates be reviewed in terms of the criteria above and in accordance with any supplemental instructions that would be issued by the Federal Wage Board Committee.

If we can be of any further assistance, please let us know.

With kindest regards,
Sincerely,

R. H. WILLEY,
Director.

Mr. PELL. Mr. President, the information contained in Mr. Willey's letter will be received with pleasure by the many employees of the Department of the Navy. It would appear that an enlightened Federal Wage Board Committee will be achieved if problems such as the one I have spoken of are fully recognized and discussed by its constituent members; that is, the Federal employing agencies. The final passage of S. 2303 will present an opportunity to insure that those who work for the Federal Government are treated with fairness and equitability.

THE CONCERN OF YOUNG PEOPLE FOR THEIR COUNTRY

Mr. TALMADGE. Mr. President, there has come to my attention a letter written by the members of a Sunday school class in Decatur, Ga., to the President. I believe it is representative of the thought and concern of millions of Americans today.

These young people express a deep and genuine concern about many of the things that we have been witnessing in this country recently. I am thankful, as I know the people of America are, that these young people are the real spokesmen for youth today, and not the disgraceful types who denounce their own Government, in effect give aid and comfort to our enemies, and run amuck in the streets shouting silly slogans and carrying stupid signs.

This is a very fine letter, and the young girls are to be commended for their interest in our country. I bring it to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

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

INTERMEDIATE GIRLS CLASS,
REHOBOTH BAPTIST CHURCH,
Decatur, Ga., October 29, 1967.

The PRESIDENT,
The White House,
Washington, D.C.

MR. PRESIDENT: We are a Sunday School Class of thirteen-year old girls. We attend Rehoboth Baptist Church, Tucker, Georgia, on the outskirts of Atlanta, Georgia.

Realizing that we are the youth of today and the hope of tomorrow, we feel that we need to think seriously and take whatever action we can to improve the world in which we live. We would like suggestions as to the part we can play, right now or in the future, for our country. We realize the importance of being the best citizens possible but we would like to take even more definite action.

This is our reason, Mr. President, for writing a letter to you, that we may make ourselves heard on certain beliefs.

We believe that man was created by God and for God and we feel that because of the worth of all mankind that no man has the right to disrupt the lives of others by his protesting and rioting. We feel that our nation was established as a God fearing nation and the situation today would seem that our legislators are too easily influenced by man, when they should look to God for guidance.

It is our belief that civil disobedience should be prevented by law. There should be legislation to stop riots or any other form of civil disobedience and penalties should be established. Protestors and demonstrators have had their way too long. They are a disgrace to our country's image the world over. We are tired of draft card burning and sit-in demonstrating at our induction centers when so many of the fine youth of our country are dying for it every day. The government seems to go too far in trying to appease these types of people who are running our country down without actually doing anything to make this a better world.

Also, we do not believe that poverty is an excuse for laziness or justification for looting and rioting and that action should be taken against such un-American behaviour.

We do believe in the strength of prayer and we want you to know that our prayers are with you and our national leaders.

Respectfully,

PHYLLIS WILLIAMS.
DEBBIE JOHNSON.
SHEILA BROWN.
DEBBIE BARNES.
BRENDA BARKER.

THE ORBITAL BOMBING SYSTEM

Mr. THURMOND. Mr. President, Secretary McNamara's announcement of the possible Soviet development of an orbital bombing system should be viewed as an additional argument to redirect his Chinese-oriented ABM defense toward the Soviet Union. In focusing on the fractional orbiting bombardment system—FOBS—he highlighted just one of many possible nuclear weapon delivery systems that have bothered students of the strategic balance for some time.

Furthermore, Secretary McNamara did not disclose anything particularly new. The Soviets announced publicly 2 years ago that they had a "monstrous new terrible weapon" which Tass described as "an orbital missile whose warheads can deliver their surprise blow on the first or any other orbit around the earth."

The whole spectrum of Soviet strategic weapons, which can attack the United States from outer space, from rocket launching sites, from submarines or from bombers, and which can arrive over the North or South Pole, or from the Atlantic or Pacific Ocean, has been documented publicly. The best documentation entitled, "The Changing Strategic Military Balance," was prepared at the request of the House Armed Services Committee, and published in June 1967. It can be purchased from the American Security Council, Washington, D.C., for $1.50.

On the first page of this report is the clear warning that the Soviet Union is developing a strategy to win a nuclear war rather than to simply deter one, which is Secretary McNamara's policy today. The report also contains a quote from Gen. Earle Wheeler's statement made before the Senate Committee on Foreign Relations during hearings on the Outer Space Treaty last March. With regard to orbiting weapons, the Chairman of the JCS had this to say:

This threat can be answered only through intensified U.S. efforts to develop capabilities to detect and verify the orbiting of nuclear weapons or those threatening mass destruction. We must develop the capability of dealing with that threat should it materialize, with or without a treaty.

Implicit in dealing with this threat, as General Wheeler described it, is the ability to defend against it. It makes little sense to speak in terms of a single-direction ABM defense against a Chinese threat, which Secretary McNamara now advocates. We need an ABM defense capable of 360 degree coverage, and large enough to cope with the Soviet threat, which is many times as large, more sophisticated, and further developed than the Chinese threat.

There has been a constant accumulation of factors that justifies an early decision to shift into full production of the heavy ABM defense advocated by the Joint Chiefs of Staff. The principal reasons given by the Defense Department for not proceeding with the full ABM are, first, nothing that the Soviets have on the drawing board will nullify our assured destruction capability of their homeland, and, second, that space offensive nuclear delivery forces are less efficient, less accurate, and less credible, than ICBM's.

While these reasons appear logical on the surface, we should remember that warfare is not a logical science. Further, we should not rely too much on our own estimates of the capabilities of the Soviet systems. It is far more important to consider what the Soviets think. If they conclude that their weapons are better than they are, they might be tempted to use them.

The Soviets are already known for miscalculation and overrating their capabilities, and they are willing to gamble on the basis of their estimates. They gambled in Cuba and in the Arab-Israel war. The fact that they are willing to take such chances should persuade us to be doubly careful in our preparations for defense against nuclear attack.

We should remember that the Soviet Union is dedicated to offensive world objectives. In this endeavor, they would find the special effect of space military forces very useful. If their space satellites, or fractional orbiting systems become operational, the Soviets would enjoy the following advantages: prestige; terror; persuasion; coercion; pressure; and demoralization. They could threaten to use these space systems in conjunction with other strategic weapons, and perhaps, achieve their goal of victory by nuclear blackmail.

Our own response to these possibilities could be much more firm if we had the reassurance inherent in a full ABM defense such as that urged by the Joint Chiefs of Staff. In this regard, Senator HENRY JACKSON is conducting an investigation this week that may shed more light on the Defense Department's plans and programs for the ABM. It is hoped that the testimony before his subcommittee will provide sufficient evidence to move the American public to demand a full and adequate ABM defense for the United States.

SENATE RATIFICATION OF POLITICAL RIGHTS OF WOMEN IMPERATIVE

Mr. PROXMIRE. Mr. President, the struggle for human rights—throughout recorded history—has been a continuing battle against the lethal enemy of reason and decency: discrimination. No nationality, no religious sect, no race, no people in history has been subjected to the oppressive and dehumanizing discrimination that has been visited upon women.

In every epoch—no matter how glorious or how gross—the blight of inequality of women has persisted. At the time of the signing of the United Nations Charter, women were granted political rights in only half of the sovereign countries of the world.

The United States—where the political equality of women is constitutionally established—has failed to ratify the United Nations Convention on the political rights of women. Over 4 long years ago President Kennedy sent this treaty to the Senate, asking ratification, but for 4 years this Senate has failed to act. We, a nation which has disclaimed and disdained almost the last vestige of discrimination from our statutes, have again remained internationally mute on one of the vital issues of our time.

Here in America—where women have made momentous contributions to our national life as Senators, jurists, cabinet officers, scientists, university presidents, and ambassadors—we have proved not only the wisdom but also the inherent value of full equality of women. I doubt that any one of my male colleagues, be he bachelor or benedict, does not bear daily witness to this fact of American life.

The time has arrived for the United States to join China, Japan, India, Nigeria, Lebanon, Turkey, Thailand, Pakistan, and the 46 other members of the United Nations in ratifying the convention of the political rights of women.

Again, let the record of the United States in human rights serve as a beacon for the old nations as well as the new—demonstrating for all mankind that the elimination of all forms of discrimination is more than worth the labor and the pains. I once again ask my colleagues to join me in seeking immediate ratification of the Human Rights Conventions on Political Rights of Women, on Forced Labor, on Genocide, and Freedom of Association.

COMMUNITY-FEDERAL PARTNERSHIP FOR NATIONAL DEVELOPMENT

Mr. KENNEDY of Massachusetts. Mr. President, late last month, on October 23 and 24, I sponsored a conference in Washington for mayors, selectmen, county commissioners, and other community leaders in the Commonwealth of Massachusetts. Community-Federal partnership for national development was the theme of the conference. The sessions were devoted to discussions on national issues and Federal legislation of special interest to local communities in my State.

I feel the conference was extremely helpful in broadening the lines of communication between the community leaders and the Federal bureaucracy, especially at this time when expanding activities of the Federal Government need local understanding and initiative to achieve their objectives and goals. There is little doubt that the community leaders, the Federal officials who participated in the discussions, as well as myself, learned a great deal and benefited much from the exchange of views.

Federal officials who spoke to the conference and responded to questions included, in order of appearance:

Hon. R. Sargent Shriver, Director, Office of Economic Opportunity.

Hon. Robert Wood, Under Secretary, Department of Housing and Urban Development.

Hon. Ralph Nicholson, Assistant Postmaster General.

Hon. James B. Webb, Administrator, National Aeronautics and Space Administration.

Hon. MIKE MANSFIELD, majority leader, U.S. Senate.

Hon. HUBERT H. HUMPHREY, Vice President of the United States.

Hon. Stanley S. Surrey, Assistant Secretary for Tax Policy, Treasury Department.

Hon. Ramsey Clark, Attorney General of the United States.

Hon. Lawrence F. O'Brien, Postmaster General of the United States.

Hon. John W. Gardner, Secretary, Department of Health, Education, and Welfare.

Gen. Maxwell D. Taylor, special consultant to the President.

Hon. Stewart L. Udall, Secretary, Department of the Interior.

Hon. J. Oliva Huot, Chief, Local Government Liaison, Department of Transportation.

Hon. Paul C. Warnke, Assistant Secretary for International Security Affairs, Department of Defense.

Staff members of these agencies were also on hand to confer with the delegates.

I believe the proceedings of the conference will be of interest to Members of the Senate. I ask unanimous consent that excerpts be printed in the RECORD.

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

[Excerpts from proceedings]

COMMUNITY-FEDERAL PARTNERSHIP FOR NATIONAL DEVELOPMENT—SENATOR EDWARD M. KENNEDY'S MASSACHUSETTS-WASHINGTON CONFERENCE OF COMMUNITY OFFICIALS

(Monday, October 23, 1967)

Senator KENNEDY. I want to welcome all of you to this Massachusetts-Washington Conference of Community Officials. I am delighted with your response to the conference—and I appreciate very much your taking time out of your busy schedules to come to Washington for these two days.

Community-Federal Partnership for National Development is our theme. And I am extremely hopeful that the discussions we have will enable the local communities and citizens of the Commonwealth to participate more fully in the spirited adventure of progress in our generation.

The profile of our State is not unlike that of our neighbors across the country. We, too,

are faced with enormous problems—and the challenge of creative leadership in finding new avenues and techniques in meeting the needs of our State and its growing population. Solving our problems and meeting our needs is no longer a matter of choice—if, indeed, it ever was. Today, it is a matter of necessity.

When more than 12% of the families in our State have an annual income of under $3,000—and in one county this is true of more than 23%—poverty is an issue to be dealt with, by broadening the avenues of opportunity to all, in education, in health, in housing and in employment.

When the cost of pollution in our air and water is far outstripping the cost of controlling it, and making our environment second-rate—innovation is needed to end this debilitating plague.

When the education of our children is hampered by outmoded concepts, a shortage of faculty and facilities, a limited course of study, and a small local tax base—cooperative efforts are needed at all levels of government to provide new direction and additional funds to keep our school systems in the mainstream of progress, so that the graduates can make a full contribution to the work and life of our economy and our society.

When our citizens fear to walk and ride the streets of our urban areas—when our local police can no longer handle the increasing complexity of crime problems—the time is overdue in finding new approaches to ensure safe streets and to control and prevent crime and violence.

When adequate transportation systems are denied our citizens by antiquated concepts, limited financial resources and misunderstandings at the various levels of government—new efforts to coordinate planning and development programs are essential.

Movement in solving our problems and in meeting the complex needs of a growing population requires the active participation of all levels of government—from Washington to the Town Hall. It requires the active interest and concern of citizens and organizations in the private sector as well.

In the implementation of Federal programs, local initiative is imperative if we are to win Federal support for a community project, and if we are to maximize the effectiveness of the collective response to a particular community problem or need.

The value of this conference is that it will help keep open and broaden the lines of communication between the local community in Massachusetts and the Federal government. And I hope the words and ideas expressed here will flow on a two-way street—that you who are showing an active interest and leadership in solving your community's problems will leave with a better understanding of the nature, objective and limitations of Federal programs—and that the Federal official participating in the conference will learn from your suggestions on how existing programs can be streamlined and adjusted to better meet community problems and needs and will listen to your suggestions for new Federal programs.

You will note from the conference schedule a list of speakers, all of whom have agreed to run the gauntlet of your questions.

Additionally, there will be workshop sessions in which you are free to move along the tables on the sides and in the back of the room, and to express your views and questions to the Federal officials involved in specific programs. The Federal departments represented are listed on the back of your program.

Again, may I welcome you to what I hope will be a most worthwhile conference.

It is a pleasure and a privilege for me to introduce the man who spells poverty with a capital "P"—Sargent Shriver.

STATEMENT OF SARGENT SHRIVER, DIRECTOR, OFFICE OF ECONOMIC OPPORTUNITY

Mr. SHRIVER. Good morning, ladies and gentlemen, Senator Kennedy and members of the Senator's staff. Things are looking up down at OEO. The Senate voted 60 to 21 in favor of the OEO program. That was the best vote by far we ever have received in the United States Senate and probably the best vote by far we have ever received anywhere.

It was significant, however, to us, not just because of the numerical count involved, it was significant for other reasons.

First of all, the Senate investigated the OEO for about three months. Both Senators Kennedy were on the investigating committee. There were six or seven Republican Senators on it. They took about 40,000 pages of testimony. They heard from more than 400 witnesses. They got written statements from something like 350 national organizations. They held hearings not only here in Washington but around the country, in about ten or 12 locations, and at the end of the investigation an official report was submitted to the Senate. It was signed by both all the Republicans and the Democrats and this report said many things. But among the more significant things was the statement that these Senators all believed that every one of the programs which had been inaugurated should be continued or expanded. So that with all the mistakes we have made, I say that everybody, apparently, regardless of party, believed that the programs themselves, all of them, now should be continued or expanded. To us that was very significant.

The second thing that was significant was that in the vote of the Senate, every Senator, regardless of party, from Virginia to Maine, and as far West as Illinois, every one of them voted for OEO.

Now, this includes men like Senator Scott of Pennsylvania, who used to be head of the Republican National Committee; Senator Dirksen of Illinois, who is the Minority Leader, and all of the Republicans as well as Democrats from Maine, Vermont, Rhode Island, New Jersey, New York, from the part of the country from which all of you come. I think it is fair to say that the United States Senate gave a 100 percent endorsement to what we have been attempting to do.

I should add one other thing, a third point. That the Senate not only authorized what President Johnson requested but they suggested about $200 million more than what President Johnson had proposed be authorized for expenditure. So we conclude from this heartening vote in the Senate that we must be doing something right over at OEO, otherwise we couldn't have gotten that support after a long investigation such as was conducted.

I would like to say also that we have been heartened in the last two to three or four weeks by additional evidence as a bipartisan support for this program. It was just about a week ago that 22 Republican Mayors, which believe it or not is 60 percent of all the Republican Mayors in the cities of more than 100,000 population, 22 of them sent a letter to Senator Dirksen and Congressman Gerry Ford on the House side endorsing the OEO program completely. Like the Senate, they called for a continuation or expansion of every program we have inaugurated.

These are not the best known Mayors, perhaps, in America, but they were really significant to us, because a large proportion of them came right out of the heartland of Republicanism in the Middle West, where theoretically we were quite unpopular.

These Mayors all came forward in support of the program. In addition, we have had social workers, lawyers, the American Bar Association, and many others, who have come forward recently in support of the program. So we say to ourselves why is this happening, and we think it is happening because finally lots of Americans are getting to the point where they actually understand the true nature of what we have been attempting to do.

For example, it is finally getting through this is a local program, locally managed, not a giant Federal program run by huge Federal bureaucracy.

For example, we have 2700 employees at OEO. That is half the size of the Small Business Administration. It is about one 100th of the size of HEW. It is one 1,000th the size of the Department of Defense.

OEO is a very small Federal bureaucracy. That is possible because 90 percent of all the money we get from Congress is expended through local agencies, through local private philanthropic agencies like the YMCA or Boys' Clubs or through local government agencies like, let's say, the local Board of Education or Board of Health. 90 percent of all the money that comes to us goes out not through Federal government operations but through local government operation, and through the private sector of American life, not the governmental sector of American life. That simple point is finally getting through.

It is finally getting through too that this is the first piece of legislation since 1933, when Franklin Roosevelt came to Washington, the first piece of legislation to decentralize the power of government both in terms of money and in terms of jobs and in terms of authority and in terms of responsibility. This places the money back into the hands of Mayors, and businessmen at the local level.

Third, it is finally getting through it is a very cheap program, believe it or not. The total budget for OEO costs one and a quarter cents out of every dollar of taxes paid to the Federal government.

For example, just by way of comparison, 75 cents out of every dollar you pay in taxes goes to finance past wars or the current war.

Our thought is very simple. If we can spend 75 cents for those purposes, we can spend a cent and a quarter for the war against poverty. That thought, I think, is beginning to get through.

Finally, since I notice that the principle topic of this Conference is Federal and State Relationships and Local Relationships to Human Relationship, let me say that rather than talk about states rights, in the theory, our agency has tried to put some blood into those words by giving Governors and Mayors more control over this program than any other program in the government.

For example, there is no program in the Federal government over which the Governor has a veto within the state, except the war against poverty. So you can talk about states rights a lot, but here states rights have come into reality really with that veto.

Now, it is a fact that the Director of OEO can override the veto of a Governor, if the Director of OEO believes that the program which the Governor has vetoed is in fact a program that would be beneficial to the local people.

However, out of 18 vetoes which have now taken place in the last two years, the Director of OEO has only overridden four of those vetoes so far.

And since many people felt that the advent of a program like OEO would be a threat to the local government, it is significant, I believe, to observe that the Governors of the 50 states have had about 40,000 opportunities to veto OEO programs. So they have been up to bat, so to speak, 40,000 times, and out of the 40,000 times they have vetoed, let's take a round number, 20 of the programs.

So it seems to us at any rate that once again we must be doing something right, if out of 40,000 chances we have committed 20 errors, in the opinion of the Governors.

So we actually have placed authority into

the hands of the Governors. That is one thing.

Second, we have set up an advisory body composed of Governors, Mayors, County executives, which advises with us regularly on all of our programs.

For example, if we are going to put out a guideline on a particular program, that guideline is circulated here in Washington, through the men in Washington who represent the Governors, to the Office of the U.S. Conference of Mayors, to the Office of the U.S. County executives, and so on.

So that before we issue the order, it it well known and has been commented upon. So we get the benefit of their advice by all of these local officials.

Third, we have attempted to make sure, as the statistics I cited a minute ago indicate, that most of this money is spent locally, by local people not by government people.

And in these ways I might just conclude by saying we hope that we have given genuine participation and genuine authority to the local level of government, rather than just to the national level.

And finally let me say two things: One. it has been suggested that cuts are appropriate in this program in order to reduce the deficit of our national government.

It has been suggested, for example, that $400 million be taken out of the amount of money suggested by President Johnson for this program.

Now, it is perfectly true that in times of emergency, when you have to cut down on your spending, nobody wants to be cut. And, secondly, that lots of programs which are good programs will suffer.

But I would like you to think for a few minutes about the significance of cuts in this program and what they would mean to you in your community.

For example, if the Congress were to pass a cut of about $400 million dollars—which they have talked about—it would mean that 90,000 boys and girls in the Job Corps, now in the Job Corps Centers, would be sent home.

It would mean that about 50 Job Corps Centers would be closed down.

It would mean that about 25 percent of all the children in Head Start would be sent home.

It would mean that the rural loans we have got, we would just close them down. We would not give any loans to small farmers.

It would mean that the work experience program for older men—these are adults, in ghettos, for example, as well as in the rural areas—but let's say principally in the ghettos—those programs would be closed down.

It would mean that next summer there would be no Federal summer programs such as we have had the last two or three summers. In other words, there would be no summer recreation programs or these cultural programs or camping programs or job programs for youngsters, or for you adults.

Now, let me say, obviously we could make those cuts. Obviously we don't have to spend money. But personally I believe the consequences to this nation, not just for your state or your cities or towns or counties, but the consequences to this nation of a cut of that magnitude might be catastrophic.

I think that is one of the principle reasons why Mayors, regardless of party, regardless of religion, and regardless of their previous position, are today almost unanimously in favor of the programs which we have inaugurated and which we are attempting to operate.

Fortunately, I am glad to say, in the presence of my brother-in-law, that Massachusetts, among the states, only ranks 26th in the number of poor people. In other words, Massachusetts is very well off as compared to most states. But as a result of his fantastic enterprise ability, competence, courage and enthusiasm, Massachusetts ranks 13th of all the states in the amount of money Massachusetts has received from this agency.

I feel that I needn't say anything more about how good a Senator he is.

Thank you very much.

(Applause.)

Senator KENNEDY. I know some of you have some questions on your minds.

Question: Rumor has it that the Legal Aid program is to be shot down in the House by a series of events.

Is there any truth to this?

Mr. SHRIVER. I think that the Legal Aid program has managed to convince leaders of both parties, and of the Bar, that it is desirable from the point of view of the administration of justice in this country, as well as from the point of view of the poor.

I, therefore, don't think in the final bill the Legal Aid program will be shot down.

Question: Cities that are fortunate enough to get Model Cities legislation, will they get priority on OEO programs in these areas?

Mr. SHRIVER. No. We will try to do as effective a job as we can with any city that has a Model City grant. But the truth is that this is not a city program in that sense—and it is hard to get this across—it is a poor people's program. What we try to do is put the money where the poor are, not just where there happens to be an effective Model Cities program.

Question: What is the future of the day care centers?

Mr. SHRIVER. From our point of view, we are very strong for day care centers. We are anxious that they expand so that they won't be custodial centers. We try, when we finance a day care center, to put it to work being a more effective instrumentality.

Question: The high school student, for instance, I know that in our cities we have kept the figures, we have kept records, each high school student that has been connected with the Neighborhood Youth Program, we have found an improvement in scholastic standing from year to year.

Mr. SHRIVER. Yes. The Neighborhood Youth Corps is administered for us by the Department of Labor. There are two other programs we run which involve high school students, and figures there are so surprising as to be almost unbelievable.

One of them is called Upward Bound. That has been conducted at Boston College, I think, at Northeastern and a couple of other institutions in Massachusetts, and the University of Massachusetts.

Frankly, it's been more in Massachusetts than in any state.

The idea of Upward Bound is that there are a lot of youngsters who are doing badly in high school because they are not adequately motivated or because they don't have any vision of what they could accomplish if they actually did well, if they actually did their work in high school.

Now the results of this program are unbelievable. From this general population in our country, prior to Upward Bound, 8 percent of those youngsters go to college. And it was generally believed, therefore, that these kids were not capable, you might say, of college work. Of the youngsters who have now gone through Upward Bound, 83 percent go to college. And the encouraging thing is they stay in college better than the other kids do. In other words, they have a lower dropout rate after they go to college. To us, at least, it indicates that as a nation we have been wasting a lot of human talent which we could have saved or could have put into productive work.

The same thing is happening in the Job Corps. The Job Corps, of course, is for kids who are even worse off, you might say, than the Upward Bound kids. The Upward Bound kid is still in high school. All Job Corps youngsters are out of work.

It may shock you to realize—it does me. at any rate—that 30 percent of them arrive at the Job Corps illiterate. By that I mean they cannot read or write any language, Spanish, English, or anything else. It is unbelievable to me, at any rate, that with our public school system and all the other schools we have in the country that 30 percent of this group is still arriving at the doorsteps of Job Corps agencies illiterate. Yet that is what the facts are. They are, as you may have heard on other occasions, 20 to 30 pounds underweight. About 40 percent of them have eye defects. 85 percent of them haven't been to a doctor in at least the last ten years. And 90 percent of them have four or more cavities in their teeth. Some of them have lots of abscessed teeth. As I said a minute ago, they are really rather pathetic and they are destined to be in poverty the rest of their lives unless something drastic is done about them right now. We do try to make a massive change in these kids.

Those kids make fantastic gains. They will gain anywhere from two years of academic work, roughly two years every six months. We have 600 Job Corps youngsters in Vietnam who never would have qualified to be in the Army, Navy, or Air Force, and six of them, I am sorry to say, have lost their lives fighting for us.

So it is very encouraging, the things about the academic gains of these kids.

Question: We have a large Portuguese element in our town. These population figures have been enrichened, shall I say, and this is causing a very particular problem in our school system.

Mr. SHRIVER. This gentleman from Western Massachusetts points out that in his town or area, the proportion of Portuguese-speaking people, which was substantial before, has increased greatly because of immigration, and very few of these people can speak English and this is a real problem and what can be done about it?

The truth is we run what we call an adult education program, we ourselves do, and the HEW runs a very much larger one.

Your school system should be able to get an adult-based education grant out of HEW for precisely those people, and they should be able with that money to get instruction for those people in your area.

Question: I am concerned about the community action programs and a tendency to regionalize the programs.

Mr. SHRIVER. Well, there is some of that. You are right. And there may be even more. The object is to try to give everybody a reasonable voice but fundamentally to keep it at the community level. That is easier to say than it is to do. That is our objective and we hope with your understanding we may achieve it.

Question. On this same line, is it desirable, from the Federal standpoint, to regionalize government within the states so that you get the idea of community concept in a section or region of the state and, if so, perhaps Massachusetts needs more regionalizing from a government standpoint, if that is the Federal standard, and it appears to be.

Mr. SHRIVER. We have not adopted in this program a Federal standard. What we attempt to do is to allow the states and the communities to resolve those issues locally. I don't know enough about Massachusetts, honestly, to say whether it would be desirable from the point of view of participation in government programs for a number of townships to get together into some sort of a regional arrangement, or whether it would not be desirable. It is being done in other states, I can tell you that. It is being done in Kentucky, Missouri, Oklahoma, Illinois, and others.

Question: This has to do with your program that you must be so proud of, kind of a big daddy to all the poor people in the country, and I have seen locally where the program has been effective in Attleboro. These people that administer the program are so proud of what they have achieved, I

wonder what big daddy is the proudest of in what he has achieved?

Mr. SHRIVER. When we first came over to testify this year at the Senate—I think Senator Kennedy was there—Senator Javits, who had the first question on the Republican side, started off his statement by saying he felt possibly that the greatest contribution of OEO, or war against poverty, was the fact that it had so aroused interest or alerted America in the problem of poverty, and no candidate running for President would be able to run in the immediate future without having a strong platform and program for eradication of poverty. He felt this constituted a massive change in the attitudes of most of us about poverty in our country. He felt that probably was the largest or most significant contribution we have made. Beyond that I personally feel that some of these programs are of a nature that they will have a profound effect on American life for many years to come.

I would like to mention one that hasn't been mentioned before, because Senator Kennedy has been one of the architects of this particular program. It is called Neighborhood Health Centers, NHC. We have one of these centers in the Columbia Point area of Boston.

Senator KENNEDY. Roxbury.

Mr. SHRIVER. I am not sure whether we have any others in Massachusetts. The basic idea of the Neighborhood Health Center is this. As a result of the study of the poor we discovered to my amazement that the vast majority of these people, let's say 75, 85, 90 percent, never get any health service except, let's say, for an accident or if they are dying, so to speak.

So we came up with this concept of locating in the middle of the slums a center which would provide across-the-board services to the family, to the mother and children and father simultaneously, on a continuous basis, a little bit the way a family doctor used to take care of your own family. This is causing what they call a revolution in the way medical service is delivered to the people, particularly to the poor people, and it is having such an impact that now people better off, let's say well-to-do people, are saying this is such a good way to get medical attention we would like to get it, too.

I believe that the Neighborhood Health Centers may transform the method by which medicine is practiced in the country.

The same thing is true about legal service.

John Gardner, Secretary of HEW, said one day "I don't think any of these programs should be taken away from OEO." There was talk about that, you know, and there still is. He said, "If they are taken away, the one program I would like to have in HEW more than any other is legal service," because, he said, "I think that is the most significant new development which OEO has created."

So there are a number of these things which we feel pleased about, but most, I guess, is what Javits said: "All of us are more interested in the problems of the poor than we were before."

Three years before, at a meeting held like this by any Senator, there wouldn't be any discussion of poverty as such, definable poverty. To me that is the biggest problem.

Thank you very much.

Senator KENNEDY. The next speaker is a resident of the Commonwealth of Massachusetts.

So it is a very special pleasure and privilege to introduce the Under Secretary of HUD, Mr. Robert Wood.

STATEMENT OF ROBERT WOOD, UNDER SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mr. WOOD. I want to acknowledge the kind words from the Senator. It was my pleasure to support him in 1962, and you will recall that we had a little slogan at that time. This was one of the early days in the academic world when not only was it rare to talk about cities, it was rare to talk about Senators at that point. But we had a little slogan called "He Can Do More for Massachusetts." And in this time, when budget deficits are high, when priorities are involved in urban programs, I just wanted you to know that regardless of your present party affiliation, the hard facts state this: "Before the Senator came to Washington, the Commonwealth of Massachusetts was building 1,200 units of low-cost housing a year. After you came, at the present time they are building 5,930, and not only have we been able to go forward in the series of programs per year but we have been able to add in the last five years some 14 major new urban aid programs from the Federal government for the support of state and localities across the country.

I don't say that these are all due to exact correlation between the Senator's arrival and the progress of the programs, growth of the program. I do say that the last five years have seen a transformation in the kind of posture that the Federal government has taken, the kind of concern that it has had for urban affairs, for assistance to localities of all sort and sizes, and the present state of affairs. And in a time when the headlines are filled with budgetary deficits and we are short, it is important to take that kind of historical perspective.

HUD, the agency, is not yet two years old. When the Senator came to Washington there was no effective mass transportation program. There was no neighborhood facilities program, no rent supplement, no rehabilitation aids, no Model Cities, no series of open space programs.

In the period of time of the Kennedy and Johnson Administrations, a whole new second order generation, some 50 programs, have been added onto the classic renewal programs. Also in that time from a position in which a Federal government has more authorization for each of these programs than it had requests from the various communities across the country, we have moved to a period in which every program, with the exception of the advanced aid for community facilities, has requested in excess of authorization and appropriation.

So you have shifted in the urban assistance programs from a period of where supply outran demand, through the exact reverse.

Now the response of HUD, the response of Secretary Weaver, is to try to respond in some kind of sensible way in this situation.

We began with the water and sewer program where we started a set of priorities of the kind and in the way which we could distinguish the demand. When the Department was established, the average time in which it took a local government to get an answer to water and sewer, on whether or not the program qualified, could be funded, on the assistance, was 18 months. This at the present time is now four months. We hope to cut it to three.

Last June, we undertook the same effort in urban renewal and that is the so-called circular 418 in which we said among the various needs for urban renewal funds, the three that we think at the present time ought to come first are those that build housing for poor people. Second, those that generate jobs in older cities, and, third, those that will be responsive to areas that have extreme blight and need attention.

We put that program forth, and so far 99 communities, $419 million, have had a reordering of their priorities, because of these needs, because of these goals, and we began in the Federal Housing Administration the same sort of process, both in terms of saying for the first time in May and June of this year that we waive the condition of economic soundness for housing guarantee programs in slum areas, in areas particularly distressed, and in which we said that we would move for the first time as a positive program for counselling poor people who want housing. And we started in the so-called process a procedure in which we have now in 28 offices begun to change the average processing time for multi-family housing from 18 months to six months.

We have not done this across the Board yet. I would be the last to say to every one of you here every process of every application occurs with the speed of light.

I do say that program after program we move: one, we try to define priorities, and, two, then try to be responsive in being able to handle the backlog other than just shuffling the particular papers involved.

We have a series of new programs that, taken together and put together can also be available in combination. We began the experiment first in the State of Maine. The report we get from Maine and Rhode Island is that they are being effective in terms of services. These so-called urban representatives require training, they require development.

The last and major change that is underway began this summer and falls in the old public housing field, now in the Housing Assistance Administration, and here we begin in a series of programs to start moving to involve first in construction, then in management, and finally in home ownership, the talents and resources of private industry.

All of this is done against a backdrop of a sense of new and growing urgency in community and urban problems; all of it is done against an estimated situation which doesn't pretend this country is doing enough in urban affairs at the present time.

The Model Cities program has not yet started. It's not until the Conference Committee reports are acted upon by the House and Senate, hopefully this week, we can make any realistic determination of the kind of money we have to give some realistic decisions to the community leadership. But they are underway, they will go, and hopefully they will be responded to.

We know one thing: the Federal government will not go along, we will not prescribe the kind of cities or the kind of urban aid program across the country on a national basis. We will try to keep as general as we can the guidelines that are before us.

Every now and then we will undertake an experiment. This is what we are trying with the surplus Federal land and national training school site here, and other Federal surplus property locations across the country.

But essentially we are here to try to respond.

Fortunately, or hopefully, we will be able to be responsive to your particular requirements.

Senator, I will stop here.

Senator KENNEDY. I might ask the Secretary—we had a meeting early this year out at Worcester and invited a number of Mayors, and I think that we know that under the statements of the President there will be a limited number of communities or cities in each of the States that will receive the Model City grant.

I am wondering if you can tell us, for the communities that have made this effort, what will be in store for them?

Mr. WOOD. Let me talk about model cities. In the context of population trends, what have you, that I gave you just at the end, the idea of the model cities is not a "competition" in which a few favored communities win and everybody else loses automatically.

The idea of the Model Cities program is to have a series of rounds of communities passing through a particular threshold of qualifications and demonstrations of capability.

I think I said last April, when I was up for the conference of municipalities, that Massachusetts had more applications than any other state. I think I indicated at that time that I thought that was a healthy

thing, not because every community would get in on the first round, but that every community would begin the process of doing what the Model Cities program was aimed to do. And essentially these were three things: to bring together the different institutions and agencies at a local level to plan the restoration of an entire neighborhood. Agencies and institutions that have never talked before, school committee and Welfare departments and city governments and private agencies, and a lot of people have told me, as I have gone across the country, that this initial experience of just trying to get different groups in a locality to mobilize themselves and to look themselves and examine what their problems were was a worthwhile effort.

The second objective was really to tie together the kinds of programs that Sargent Shriver talked to you about earlier, the kind of programs that I sketched in an outline, because what I think—what we have learned after 20 years is that you don't just build a housing project, you don't just build a school, a park, you don't have a neighborhood center or youth program. Somehow you have to put them together to change in sequence all the conditions in which a city finds itself, and that kind of effort is involved in the Model Cities program.

And the third thing is we said we wanted to start working in these programs and we really have some innovations in terms of housing technology, in terms of how a city wanted to look at its building codes and housing codes, in terms of a whole basic range of new ideas that might or may not be available. We wanted to have the state government in the same way be responsive.

So the effort of going through the process of the first round of applications was thought to have some payoff right there.

As we get the appropriations made available from this Congress, those communities that seem most ready to go ahead will start out with their planning money. But what we are trying to do is to get beyond a stage of simply saying let's let every community go right at once and then find out later that not every community can go.

The other thing to add about this program, that is one of the most overlooked aspects of the program and still puzzles the Secretary and me is Title 2 of the '66 act, about the metropolitan incentive grants, because what we said at the same time we were talking about the Model Cities was for the suburban communities who had been planning for four and five years in the metropolitan planning efforts, that if they wanted to pool their resources together in any one of ten region-wide programs, water or sewer or transportation or airports, we responded with the same kind of supplemental money that is written into the single-city program of Model Cities.

The interesting thing is that neither in the Congress nor abroad in the land very many people take note of that program. We have not been able to have appropriations with it as we found increasing support for model cities. We have not been able really to get this point across.

But it seems to all of us here that the next step is somehow going to have to be the recognition of the interdependence of localities across metropolitan communities.

We are trying to provide the kind of assistance that will help that. That is a step that I hope in the next year or two will follow right along for Model Cities.

Question: Mr. Secretary, George Tenney, of Pruro. How serious will the budgetary cutback affect the availability of 701 money?

Several communities have master-plan applications on file, an overall program of the Cape Cod Planning and Economic Development Commission are all stalled because apparently our applications are pigeonholed.

Is there any hope of us getting 701 money in the near future?

Mr. WOOD. 701 grants have been in the same situation, more demand than supply, for about a year and a half. The Secretary has in effect sort of held these in the last two months pending these wide variations between the appropriations enacted by the House and enacted by the Senate.

We would hope to get active again in this field within the month. Clearly I ought to say that the kind of wide scale regional development plan that the Cape has been involved in has been the kind that we think ought to be encouraged all along. Our representatives in the regional office of New York will be here this afternoon to be able to be responsive in detail here.

But basically we hope that 701 after this month will be reasonably well financed.

Senator KENNEDY. We hope you will give your name so we can have a record.

Question: What plans, if any, do you have to expedite the 221D3 program?

Mr. WOOD. We are sure that for this calendar year everyone of the HHA district offices will have indeed a new process. This does not guarantee instant processing. It does guarantee a new procedure, a new look, and new posture on the part of HUD.

Question: Selectman Micelli of Wilmington.

Is there in fact a prior list of towns regarding 701 applications already submitted?

Mr. WOOD. I don't know. There is a priority system in 701 that began to work out in order of the sewer.

How and whether it operates on a regional basis——

Question: It does. We submitted a program application about a year before you came out with the directive. We feel that we talked about two of the three requirements. Does that mean we will not be funded even though we may qualify?

Mr. WOOD. No, no, not necessarily.

Question: Mr. Secretary, Harry Loftus, Commissioner of Public Works in the City of Marlboro.

In regard to the same topic, if an application has been submitted, and due to commitments to expanding industry in the area of the city we couldn't wait four months for an answer, and so on, do we still qualify for HUD money or will that part of the project have to be deleted?

Mr. WOOD. As it stands now, my understanding from general counsel is that you lose on that one.

However, this depends on what stage of the authorization you are at. One of the technical amendments that we want, we would like to have considered in the legislation, because we are faced with a number of communities that have a particular kind of deadline timing, either an agreement on an industry or bonding on the local bonding, and if we can't respond by that time it puts the locality in a difficult position.

Right now we are trying to take this into account but I think in a legal sense you at the present time are not able to qualify.

Question. Mr. Secretary, Frank Walker, Mayor of Marlboro.

As far as the workable program is concerned, your department has said that we have to have a 701 project. Now, if we don't get any funds, are we going to be recertified come the next certification?

Mr. WOOD. Yes. As it stands now, you will not be held accountable if funding prevents your 701 program. And if you are so informed I would appreciate your dropping me a note directly.

Question: Justin Gray, City of Cambridge.

I would like to return to the 221D3 role of funding and inadequacy of Federal budget. I know this is a meeting on Federal systems programs, but if I may make a plea to the people of Massachusetts, we have a rather unique program started by Governor Peabody on low-cost or low-income housing, where we have before the general Court a request right now for what is it called, the Massachusetts Housing Finance Agency—essentially an agency which would be funded to produce supplemental 221 programs, and we are before the House Ways and Means Committee right now, and if it looks as if the general Court might very well disband for the term without acting on our request, and the members of the delegations here today wish to add to the housing stock in their Commonwealth, 221D3 type of housing, funded through the state, get through the State Senator and the Ways and Means, otherwise, we are going to be dead on this issue.

It was a program initiated by Governor Peabody and accepted by the present Governor, and it is a bipartisan program and it's a program that everybody should support.

Mr. WOOD. It's that kind of creative Federalism that I like.

Question: Emil Petrovick, Selectman of the Town of Norfolk.

I probably represent the smallest community in the State of Massachusetts, to date, but we in the town feel we have the number one priority on the water and sewage.

My community which I represent, 16 percent of the population in the town of Norfolk is without water. Mr. Kennedy, who was instrumental in having a Federal geological survey made, a team came into our town to survey a program which you supported or your organization supported, and this well installed with your funds created this situation and this problem.

We feel we have the number one problem because this well has made this area a poverty stricken area also. We feel we followed every one of the three categories. I feel for these communities around here if they want to industrially expand their water and resources. We need it because 16 percent of my population cannot exist. We are priority number one, barring any community in the State of Massachusetts, barring anyone.

Question: Senator Kennedy, can we look forward to any improvement in the funds for advanced planning? Our programs on water and sewer grants are good programs, but we have to wait up to 18 months to two years to get advanced planning money. A lot of our deadlines have already passed. Can we look forward to any improvement?

Mr. WOOD. Some. But you can't look forward really in any of these programs, I think, to a substantial increase where demand, where supply begins to reach demand, until the House of Representatives of the United States Congress is as responsive as the Senate is.

Our basic problem and the basic problem you should know about the situation here is that the Senate passed by almost a three to one vote their appropriations requested by the President for HUD. They were even more generous than with poverty. The House of Representatives at the present time does not respond in the way the Senate does in every conference, and every conference committee reflects it.

Each one of our major programs passes by five votes, six votes, in the House of Representatives, and that is a very fragile margin for me to stand on and say to you that we will be adequately funding in the near future.

Question: One of the things that was brought out was that a backlog of applications would serve as one way in gaining some additional appropriation. It would lend more weight. There must be a ton of applications for advanced planning that have been there for a long time.

Mr. WOOD. Let me add one word.

We are at the time where the American public has finally started to discover municipal problems and urban problems and problems of urban development.

They have discovered them in some ways that are fairly shocking to them and thor-

oughly unpleasant after four summers of disorders. They have discovered them in some ways that are reasonably sensational when a lot of magazines, a lot of writers for the first time understand this is an urban country and it is going to be more of an urban nation. As they start doing this, those of us who have been on the firing line or in the know, or one way or the other involved in urban affairs, find ourselves at a point where minor irritations, frustrations of different points of view, where we sit, can make us all irritated, one with the other. I recognize your problem that when you send in an application and somehow a regional office says it's in Washington and the headquarters says no, it's in the region, and these people say no, it's your Congressman, I recognize the problem.

But the basic point is we are beginning to build an alliance of responsible people at the local, State, and Federal level that can speak for your problem. It is still a confederation and not a federation. It is still a point at which we can break it up if we let the small administrative factors get in our way. But I say to you that the people who stood for their communities as elected officials and people who are trying to work it out in the State and Washington level, have got really in the next two years to make a common front because we have run out of time for any other way.

Senator KENNEDY. I would like to thank you, Mr. Wood.

He will be here for a few moments because I know a number of you have questions. He said he would be kind enough to stay.

It is a pleasure to have the chance to introduce the Assistant Postmaster General.

STATEMENT OF RALPH NICHOLSON, ASSISTANT POSTMASTER GENERAL, POST OFFICE DEPARTMENT

Mr. NICHOLSON. There is, of course, a partnership between the Commonwealth of Massachusetts and the Post Office Department. And it takes the form of Postmaster General Lawrence F. O'Brien from Massachusetts.

We do have a unit in the Department that is working specifically with the Governors and Governors' offices of the states, and we are, of course, aware that governments at all levels are among our most important mailers and, therefore, governments are an important part of our customer-community relations programs.

At a recent national postal forum held last month with about 2,000 major mailers represented, we had specialized panels for the discussion of problems of governments that use the mail.

But I did not intend to talk specifically about the mail service for governments. I will try to be brief so that through your questions I will be responsive to the things you have in mind.

There are really just two things I would log in with you inasmuch as postal service does touch every individual, every organization, every business, every government agency.

Those two things are the consideration presently being given to some basic change in the organizational structure of the post office department, and the other has to do with the current consideration of an increase in postal rates. . . .

So turning first to the possible change in the organization or form of the postal establishment, perhaps it would be helpful very quickly to indicate the kind of change that has taken place in this country since the post office was first organized.

It has its roots back to the Colonial days when Ben Franklin served as the Colonial Postmaster General for Great Britain. And now on up through the earliest Colonial days until today. In those early times the post office initially when formed as part of the United States had the purpose of producing general revenues and did operate as a part of the Department of the Treasury for the purpose of producing general revenues and did operate as a part of the Department of Treasury for the purpose of raising revenues, and that is probably why a single sheet of paper, a letter, cost 25 cents a sheet, two sheets for 50 cents, and so on, for a distance of 300 miles and over.

For the first 60 years of its operation the post office contributed to the general revenues, but then with the opening up of the country, the emergence of new areas, new territories, migration of people westward, the post office was used to connect those people, both through correspondence and through the exchange of news and information; and, of course, also later with the shipment of merchandise and products of the market were made available to the people wherever they might live.

In those unfolding days the Department was central in our domestic practice. It was central to the road-building program, for example. Indeed, until very recently, until 1954 or 1955, the Committee in the two Houses was known as the Post Office and Post Roads Committee.

It was the Post Office, using the revenue from postage to build the basic network of roads, that was laid down in this country, the Boston Post Road being one of the famous ones and one of the early ones.

Also the interconnection of the country, the interconnection, the means of communication between and among all the people in the country, was the most pressing domestic problem to solve, it seems to me.

When the railroad, of course, and then the airplane came along, it was the post office, through its payment for the charge of mail, that contributed to, or in the case of airlines, actually subsidized the development of those industries. The telegraph was an early postal development.

The Postmaster General at this time, either rightly or wrongly, decided which was better, a private enterprise operation. So it never became an organic part of the post office.

Montgomery Blair, Abraham Lincoln's Postmaster General, was very keen, a very central figure in the President's Cabinet, and he took a very important part, not just in postal functions, although that was a great postal period, but the emergence of city delivery service for the first time. In the formation of what is now the Universal Postal Union, probably the oldest and one of the more effective international organizations now in existence. But not only was Montgomery Blair a great innovator of postal affairs, he was a key member of the President's Cabinet and his advice and his energies were central in the conduct of government.

Of course, today, the road-building, the programs for helping the people, you noted the people each has its own Department, HEW, or OEO, and so on, are involved in programs that would seem to be related to the postal function, so that today the post office is operating in an entirely different climate and under entirely different circumstances.

It was probably because of that that Postmaster General O'Brien back in April of this year made the suggestion that perhaps the Post Office Department should be converting into a government corporation, the policies and purposes of which, of course, would be determined by Congress, and the operations would be in the public interest, but, the corporation itself would have the opportunity to appoint a permanent staff, professional staff, would have the opportunity to raise money through different kinds of financing, or more flexible than the present appropriation process, would have perhaps a greater control over the setting of postal rates and in setting the terms of conditions of employment.

Mr. O'Brien's proposal got a very big and generally receptive response with the Congress. A few days after Mr. O'Brien made the proposal the President appointed a Presidential Commission of ten outstanding citizens, headed by Fred Kappel, former Chairman of AT&T, to study the O'Brien proposal and other proposals for other organizational forms, as well as a very broad charter to examine postal operations in all aspects, all phases, the quality of service, what the public wants and what is economically feasible to provide in the way of postal service.

The Commission is now about midway in its activity. It's due to report next April 8th to the President on changes, if any, and if there are to be changes, what form or what types of changes they recommend.

The second little subject that I would like to introduce is the postal rate subject.

The Postal Policy Act of 1958 establishes that the Post Office Department shall operate on a break-even basis. By break-even, the Act prescribes or goes on to say by break even they mean after setting aside the costs of enumerated public services that are not to be charged to the patrons of the mail.

There are certain services, such as losses incurred by preferential postal rates afforded to nonprofit organizations, or the loss on the mail carried free for the blind, in pursuit of statute, and other services of that sort. So that the deficit for rate-making purposes is the difference between revenue and costs after the costs of public services have been set aside.

The Postal Policy Act directs there should be no deficit—that the revenue and cost should be equal.

At the present time there is an overall deficit of $1.2 billion, of which a little less than $600 million is public service and a little more than $600 million is the amount by which the user of the mail falls short of covering the costs of that usage.

At the same time, I am sure you are aware there is pending a proposal to increase the pay of Federal employees, and indeed in the House of Representatives the two matters have joined in a single piece of legislation that would raise postage rates and, on the other hand, would raise the rates of pay for all civilian Federal employees, including postal employees.

In order to attack a deficit of this magnitude, it is a practical impossibility to do so without an increase in the price of the first-class letter. And even if it weren't a practical necessity, the price of a first-class letter should indeed be raised.

Of all first-class letters, about 95 percent of them are one ounce or less and, therefore, today pay five cents. The remainder, of two ounces or more, pay ten cents. The five-cent letter today is in a loss position. It does not pay its way and that is the only other guidance in the Postal Policy Act in the way of financial guidance.

The Act does state that first-class mail shall pay its allocated cost plus an extra amount because of preferential service. Thus, historically, first-class mail has always paid its way plus an additional amount, but today the nickel letter is not paying its way and, of course, it will fall by a still larger amount, assuming the passage of the pay increases without the accompanying rate increases.

The five-cent letter is a great bargain. I believe never has there been such a bargain in this country or in the world. I know I get a lot of correspondence that refers me to the good old days when letters were three cents.

In fact, I got enough of them so that I looked up the economic profile of the day and found that the average person in the United States had to work four minutes and six seconds in order to earn three cents for which to purchase a stamp or first-class letter in 1933—four minutes—whereas today the average employed person works 1.1 minutes to earn five cents for the five-cent letter.

So that anyone who wishes to may go back to the good old days, but as it is today, the five-cent stamp takes one quarter as

much out of the hourly earnings of American citizens than did that great bargain back in 1933.

It is not only true that the five-cent stamp is a great bargain in our postal history, it is also a bargain versus the rest of the world.

In Great Britain the average person works more than three minutes in order to buy their first-class stamp. And in West Germany it's five minutes and in France it's nearly ten minutes of work to earn the money to buy the first-class stamp.

There is, of course, an inevitable relationship between the quality of the service and the amount withdrawn from the society to support this service. But I do submit that if we withdrew three times as much from the public for the operation of the postal service, so as to be comparable with Great Britain, I think we could do a whale of a lot.

We now use 6.6 billion dollars to operate the Department. If we had $20 million, for example, something less than three times our present appropriation, I think you would find we could give service to many communities where today for economic reasons we cannot.

So whether I am taking longer than I thought, I will hurry. The first-class increase is a practical and legal necessity under the conditions which we find ourselves in. A one-penny increase on first-class is a 20 percent increase and, therefore, it seemed to us that the appropriate increase for all classes of mail thus should be at least 20 percent. And indeed our proposal suggests 20 to 30 percent on various classes of mail. And thus the bill before the Congress now is an omnibus rate bill, every class of mail is affected, and speaking generally the increases range from 20 to 30 percent.

I believe I should pause at this point in case there are specific subjects about the postal operation that would like to have me comment on.

Question: Secretary Nicholson, I am Bob Nicholson from Boston.

Just recently I saw some references in the Boston papers with reference to the recent requested increase, that other class mail is not carrying its fair share, that first-class mailers are paying unnecessarily a high proportion of the added revenue which is needed by your Department. And this condition is being brought about by fostering nuisance mail which we are all being flooded with and I think everyone will agree about 60 percent of the mail I have delivered at my home goes right into the wastebasket.

Why is it that this particular class of mail the bulk mail rates, aren't brought up in line with the increases that we have had to pay, say, since the days when we were paying three cents?

Mr. NICHOLSON. Yes, sir. I suppose that this is the subject of most of the correspondence I get.

The third-class bulk rate mail has been growing very, very rapidly ever since the class was recreated in 1928. The increase on that mail has been far more frequent than the increases on first-class mail.

The rates were raised in 1958, 1960, 1961, 1962, 1963, 1964, and 1965. The total increases since 1962 have been 188 percent. So that frequency of adjustment has been far more rapid.

Also in the current rate bill the proposal by the Administration and enacted so far by the House, and I hope also by the Senate, provides a 31 percent increase on that class of mail as contrasted with the 20 percent increase on first-class mail.

Now, as for paying its way.

The setting of rates is not just a determination of costs. Rates are formula. It's cost plus judgment equals rate. Cost can only measure tangible cost effects, not intangible effects, and there are some intangibles present.

Third-class mail is subject to delay, to deferment, in contrast, first-class mail is preferred, it gets preference over all classes of mail. If the clerk reads 100 addresses and pokes mail in the pigeonholes today it costs the same as if he did it tomorrow or the day following. So the cost is the same. The value to the mailer is different between mail that is processed today and mail that is processed tomorrow or the following day.

It's the same difference, for example, between phone calls made after a certain hour and phone calls made before. We use the same instrument and use the same telephone wires but there is a deferred rate because of the off-peak handling of that call. Or the seat in the balcony may cost the same as the seat in the orchestra, but the value to the user of the seat is different.

So, too, in the third class versus first class. There is a different value rendered by the service and plus there is a basis, in my opinion, than there is in any other type of rate.

Still the thrust of your question is first of all should there be that differential even though it may be economically justifiable and, if so, how big a differential? I believe that the proposal we have made brings the so-called cost coverages, that is, the percent of revenue, what percent is revenue to cost?

The original proposal brought that percent of revenue from cost to 90 percent. Whether or not that is the right percentage, I don't know. The pay increase when added in drops it again to 83 percent, I believe it is. So there is still a differential. The users of that mail are all profitmaking corporations and I think it could be said that within the framework of the Postal Policy Act the objective should be that that class of mail pays 100 percent of its way and that other classes be preferred or deferred below that as the norm.

So I haven't really answered your question as you wanted me to, but, yes, we have, we are asking for a larger than average increase on that class of mail. There is justification economically for that, for a dropping of the revenue under cost for that class of mail, but in the long run I think the proper rate objective probably should be the revenue should equal 100 percent of cost.

Question: On Thursday night I had occasion to send a letter to Washington, using the zip code, to get the hotel accommodations. And looking at the mailbox they said they would collect the mail at 5:30 in the morning. I knew already that it would take me an hour and ten minutes to come to Washington by air, and I figured if I used the air mail service of the post office using the zip code and putting a piece of mail in Thursday night, that it would possibly get here before I would, coming Sunday before noon.

So when I arrived at the airport I called the hotel and they said that they had no letter that I thought would beat me here.

I am not complaining. I am just stating the situation that happened to me recently and would like to know how is your zip code working?

Mr. NICHOLSON. Well, I can't explain that one particular movement. It is true that some of our difficult mail handling is in the Northeast corridor from Boston to Washington and Richmond.

We have as much a problem moving the mail from the collection box across town, as we do to get it between cities.

Zip code is working. Zip code is the inevitable expression of postal operations in the future. The initial phase of zip coding was for the purpose of providing those mass mailers who must create their mail by computers or other devices. Create the checks or the label by computers. If given a code, those computers could be programmed so that the material comes out in the postal sequence. It does no good to have all the A's together and all the B's. The initials of people's names together for postal purposes, it serves no purpose whatsoever. But to have all the zip codes that are similar, run consecutively, so that that run can be dumped in a sack and thus all pieces of mail in that sack are delivered as a unit instead of as separate pieces.

The initial phase, as I say, was to give the users of the computers an opportunity to sequence the mail in a way that made sense to the Post Office Department. That phase is well underway.

We are now getting some 20 billion pieces of mail pre-sorted by zip code, delivered to the post office in sacks, so that they bypass the post office of origin and are not handled until they reach the carrier station where they have to be sorted for delivery along the routes.

That is a very significant saving and also a very significant increase in the speed of handling of that mail.

The second phase of zip code comes about within the major post offices where the density of mail is such as to make it economically possible where letter sorting machines can now be activated by electronic scanners that can read the zip code when it's printed or typewritten on the envelope.

This means that those machines can be fed the mail by zip code readers at the rate of 36,000 pieces an hour whereas a human attendant on the same machine does about 45 a second. I can't multiply. You will have to multiply 45 by 360.

It makes the throughput on the machine that much more significant that we can afford the investment in the machines so as to apply them in more places.

Now the zip code reader, this optical scanner, is still just entering its second generation, but we do see the use of zip code making possible this kind of accelerated handling in the post office as the second main advantage of zip code.

Thirdly, we have real problems in our employment, particularly in the large cities, through various circumstances, including legislation of a year ago, October, called Public Law 89-301, we have had to have large infusions of new people employed at times that are not satisfactory mainly from midnight until 6:00 in the morning, and under terms by which we cannot assure the personnel that he will work even one hour a week, much less 40 hours a week. It is temporary employment at unsatisfactory times. So that we have had a very large problem of recruiting, training and retaining postal employees.

A normal distribution clerk needs about two years of training in order to understand the distribution of the mail, to memorize the five or 6,000 bits of information he needs to know about what post office is handling Lynn, Massachusetts, or what post office is handling this or that suburb or Boston, whereas by zip code number the clerk, after an hour's training is about as effective as he will ever be.

So that the zip code makes it possible for an untrained person to be proficient in mail distribution, whereas previously scheme understanding took up to two to three years to memorize a scheme with the 95 percent accuracy rate.

Zip code in that aspect of it is going to enable us to operate with the available people to us in the major markets at the pay levels and conditions of work that we are able to offer.

I think without zip code we would have been lost last fall when we had some very real mail-handling problems.

Underlying the zip code is a whole revolution in transportation concepts. Up until a few years ago, the Department was operating out of 37,000 post offices and the problem of interconnecting exchanging mail among 37,000 locations is a terribly complicated thing.

For many years we were very ably served by the railroads, but in the last three or four decades, railroads have been disappearing in

ever accelerating numbers. Today we have fewer than 900 passenger-carrying trains that carry mail whereas before World War II we had 10,000 daily railroad movements. So, something had to be found to replace the disappearing railroad.

I think the State of Maine has no passenger-carrying trains, if I remember rightly. Other states, other whole states, are without train service. So the zip code made it possible, indeed the two went hand in hand, we revolutionized the transportation scheme of the country so instead of exchanging mail among now 33,000 post offices, we have the transportation network organized around 552 section centers. And we have laid down truck, railroad, or airline movements that interconnect those 552 centers.

The zip code thus has played a part in the transportation revolution, not necessarily of our making, but a solution to the problems that we found ourselves in because of the disappearance of trains. So zip code mechanizes a very large quantity of bulk-created mail. It contributes greatly to our mechanization and modernization program and enables us to use available personnel effectively through the substitution of zip code instead of scheme and it has been the groundwork, the fundamental on which a whole new transportation concept has been based.

Question: Frank Walker, Mayor of Marlboro.

Why aren't you using United Parcel Service, because it gives much faster service than the postal service and much cheaper rates?

Mr. NICHOLSON. We would be very glad to.

But the terms of their business are different and their selection of customers is different.

I guess I am defending the parcel post system.

Question: George Tenney of Truro.

We are a gnat on the tail of the flea, on the flea on the tail of the dog that bites the postman, insofar as our problems are concerned. But we have been assured by your Department, as the Senator's mail will affirm, that for five years a study has been going on relative to replacing our outmoded and totally inadequate post office.

What would you consider a reasonable time of waiting?

Mr. NICHOLSON. Well, I imagine the backlog is pretty fantastic.

Of all of the Federally occupied space that we use, 80 percent of it was built 30 years ago or longer. We do have a need for about 100 million square feet of space that we haven't constructed yet. We hope to in the next five years.

I don't know the specific situation in your community except I am sure there are a long list of cities with similar requirements.

Senator KENNEDY. Mr. Webb, we are delighted to welcome you here. We have all followed your great success as the Administrator of one of the most complex and complicated programs that this government has ever undertaken, and I think all of us as Americans are indeed fortunate to have your service in serving all of us.

So I want to introduce Mr. James Webb.

STATEMENT OF JAMES WEBB, ADMINISTRATOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. WEBB. President Kennedy had a very deep concern for building the kind of capabilities this nation would need, not just for one day or one week or one year, but for the long-time future.

Now I say that because we are going to show you some film that indicates the problems that were faced in the early days of this program.

Senator KENNEDY. Congressman Keith has joined us here for lunch. I would like to introduce him.

(A projection screen was set up in the room and a film was shown by Mr. Webb.)

I know you want to end by 2:00 o'clock and some of you would like to have a little rest before the next speaker. So I am going to take only a few minutes to make several important points.

First of all, the power to do what you saw here, to build and fly the most difficult machine that the human mind can conceive of, very efficiently in the air and space, started in 1916.

At the end of World War II we moved into the jet age and developed large transport airplanes and large military planes and by the atomic and hydrogen bomb we thought the world could be stabilized with jet airplanes and these atomic weapons and very soon we found the Russians had moved again in front. They had developed the rocket engine and we began to see the large machines leaving the middle of Russia and going over the land and dropping into the Pacific. We suddenly acknowledged they had atomic weapons and they had the means to put them on the outside or blackmail us.

You remember when President Kennedy went to Vienna and met with Mr. Khrushchev, and Khrushchev said we are going to take away your rights in Berlin. You don't have anything to say. We will sign a peace treaty in East Berlin and you can take care of yourself. President Kennedy was deeply concerned about this. You have read this, I am sure. He felt it was essential that this country not back away from that kind of a threat and yet not to expose ourselves to a risk that we ought not to take at that time. And Khrushchev made the famous statement, when Kennedy said no, sir, we are not going to do that—am I taking too much liberty with your distinguished brother—when President Kennedy came back from that trip he said we must build military power. We must have a very advanced weapons system using the rocket engine and we must develop a space capability for this nation. We must not be without the new technology.

As a result of his decision, we moved rapidly to build the kind of power that you have been shown and you have seen some of the evolution.

But we have done something else that many people do not realize, and this is my last point.

Let me illustrate that with the worldwide communications network, in order to fly these very large and complex equipments, we must be able to keep in touch with them wherever they are.

When the Mercury or Gemini leave Cape Kennedy and go over Bermuda, over the radar screen, we get a massive amount of information. It tells us if the men are okay, if they have enough oxygen, if the fuel cells are working, and a tremendous amount of information. We have developed a way under which that information, if it is okay, if everything is working all right, the human brain doesn't have to look at it. If anything is marginal or out of order it flashes up and the men look at it and form a judgment whether we will let the spacecraft go around the earth or splash it before it gets to Africa.

We have developed a system of developing information and let the human mind work on the things that only the human mind can decide.

What is the application of it here on earth? This kind of feedback is used in certain experimental cases by doctors who when they are administering treatment to a man who comes into an emergency clinic with a heart condition they get an immediate reading. They instrument him like we do astronauts and they get an immediate indication as to whether the drug he administered is having its proper effect. If not he can try something else. In certain cases the mortality rate has been cut by 50 percent.

Let me again say this is experimental. All of it is very new but the principle of a fast feedback to tell you what is happening when you start something like the administration of drugs or launch a spacecraft is a very important part of the total systems engineering, which is going to move in the same way toward air and water pollution, whether modification, and I would say when you look at the urban problems that stretch from Boston to Richmond you are going to find our ability to get a clear understanding of what that is, whether it be weather or the earth or what is happening in these areas, is going to contribute greatly and lay a challenge on all of you as to what part you have in participating in such a system.

One other illustration.

The same kind of analysis of photographic data we use at Mars and at the moon is being used on humans. Right now you can take an x-ray picture of a man's chest and you can put that through a machine that has a picture taken a month ago and the machine will subtract one from the other and the only thing the doctor has to look at is what has changed. This means he sees only what has changed. This is the same principle we use out of Bermuda.

One last point. In order to control these machines we had to build a worldwide tracking and data acquisition network tied together with effective communications. To do that we had to have an automatic monitoring of the circuits to make sure you didn't have a break in the circuit and you didn't know it and you lose valuable information.

We saved those two men you saw land off Japan because we had fast and accurate communication.

Secondly, you had to have high speed equipment at the end of the line in order to translate this data into something that could be used and, the third thing is automatic switching system that would switch you off of a circuit that is going bad on you.

Right now the entire communications system of this planet Earth is anywhere from five to ten times more valuable to the human race because of this system.

What we did is we can get halfway around the world in seven seconds and it takes you 15 seconds to dial a local number in Washington. We can go anywhere on our network in half the time it takes you to dial a number in Washington.

We have an automatic switching if a circuit is busy and we switch onto another. If they are all busy it switches them over and it goes the other way. It is all done automatically.

The 25 contractors who have done this for us are the people who run the communications systems of the world—maybe the British post office, the French government agency, or a private contractor operating a network. They may go by land, line, submarine cable, but it's done automatically. The minute a circuit shows about a one percent error, or something less than one percent error, the machine automatically detects and it switches over to another circuit where there is no air. And you get this standardization on high speed equipment. Even the French are standardizing a 100-word per minute typewriter. And since the contractors run these things, they immediately take this better system and put it over into the entire communications system of the earth.

I just would like to point out that this money is not spent out in space. It's spent on human beings, 10,000 of them in universities like those up in your state. There have been as many as four hundred, slightly less than 400,000 in 20,000 factories and only 10 percent of the money has been spent within the government, some years as low as 5 percent, to put the system together to enable the country to do bigger things in aviation and bigger things in communication.

It's the first unlimited environment that

man has had. You don't have to ask any other nation about going across its boundaries and you are not limited by the water. You are not limited by the weather or by the fuel you can carry. You scavenge your pie from the sun. You have an unlimited tool of the human race. I am delighted that Senator Kennedy has asked me to come and talk with you a little bit about this.

Senator KENNEDY. Thank you for a fascinating 45 minutes.

It is a pleasure and privilege to present a man who comes from the West but is a familiar figure to all of those in Massachusetts, the Senate Majority Leader, Mike Mansfield of Montana.

STATEMENT OF HON. MIKE MANSFIELD, A U.S. SENATOR FROM THE STATE OF MONTANA AND MAJORITY LEADER OF THE U.S. SENATE

Senator MANSFIELD. Senator Kennedy, honorable Mayors, councilmen, selectmen, newspaper editors, and what not:

I wish I could tell you, so that you could tell Ted, when we are going to adjourn this year.

If we do not have a tax bill—and I hope we do—we should be able to adjourn before Thanksgiving.

If we have a tax bill, all bets are off and we will be in long after Thanksgiving and very likely up until Christmas.

I asked Ted, when I came in, what I should talk about and he said the record of the 90th Congress. That would be an easy thing to talk about because I could only tell you nothing but good about what the Democrats have accomplished and what the Democrats had failed to accomplish. So instead of giving you a speech on what has been done this year, why don't we turn the meeting over to questions and you ask any question on any subject you like and I will do my best to answer them.

Question: You made a statement that you were in favor of a tax bill. Please explain your position.

Senator MANSFIELD. At the present time we face a possible deficit of between twenty-eight and $29 billion.

A tax bill based on the surcharge asked for by the President would put a dent into that, somewhere between seven and $8 billion.

If the President could get the appropriation bills—and he has received six out of 14 so far—he feels he could lop off another $4 billion, and if the Congress faces up to its responsibility we might be able to knock off three or $4 billion, still leaving a pretty heavy deficit.

As I see it, we will either impose a surcharge tax that applies to only those who have incomes of more that $5,000, and it would apply to income which they had paid the previous year, the tax, income tax, then we face a possible serious inflation situation and if you don't try and stop inflation on this basis then I think you had better get ready to accept an inflated currency, and you will have only yourself to blame if it turns out that way.

This is pretty harsh medicine but if you want a sound dollar, my judgment is that we had better have a surcharge tax.

Next?

Senator KENNEDY. What were your impressions of the last weekend of the meetings in Washington?

Senator MANSFIELD. Well, frankly, I consider it an American tragedy. It's sad to me that a small group of demonstrators, who certainly did not represent the great majority of those who were peacefully assembled, but this small group of demonstrators used foul language, spit on the troops and the U.S. Marshal, cursed them, shoved them, and threw torches in their faces. It was a tragedy.

I was ashamed for that very small minority for the image which they portrayed of this country.

You know, this is a government of law, an old saying, but a true one, and if we believe in the Constitution of the United States then I think we had better live up to it and practice it.

No one is more for the right of dissent than the Senator from Montana now addressing you. Because the Constitution guarantees the right of free speech, free press, free assembly, the right to petition. But it doesn't guarantee license, it doesn't guarantee anarchism, it doesn't guarantee that any American, no matter how much he dislikes a policy or law, has a right that he is going to take over the Pentagon or the Congress or any other government building.

The great majority were fine. They assembled at the Lincoln Memorial. They were peacefully assembled. They wanted to express dissent on Vietnam. They had a perfect right to. And for them I have nothing but commendation. And the same goes for the troops, the marshals and U.S. security forces who, I think, acted with admirable restraint. That is it.

Question: Will there be any new civil rights legislation passed this year?

Senator MANSFIELD. I can't say whether it will pass this year because we are getting down toward the shag end of the First Session.

But it is my understanding that in the latter part of this week a bill will be reported out of the Judiciary Committee, will go on the calendar, and as far as the leadership is concerned, it is our intention to call it up.

Question: Mr. Mansfield, I am sure that I express the sentiment of the majority of the people here when I say that we not only recognize but we appreciate the work done by the 90th Congress.

However, in reference to one program that was conceived by our President, the APW program, it certainly fell by the wayside.

I was wondering whether or not perhaps the next Session of the Congress that something like this could be resurrected. Certainly many of the communities that are represented here have plans afoot for some public buildings of some kind in their various communities, and certainly the help that would be forthcoming from such a program would certainly be appreciated by many of the communities here.

I know in our State of Massachusetts, and I was wondering if perhaps at some future date something along this line again could be brought forth?

Senator MANSFIELD. I am not a prophet. I would hope that it would but I try to present to you in brief the financial picture that confronts the country at this time.

However, I feel that programs such as those which you have mentioned really play an important part in the development of our country. And the difficulty now is that we are spending a good deal more on Vietnam and a good deal less proportionately in looking after the interests of our domestic economic welfare of our people.

It is unfortunate that is the case. But when you figure that we are going to spend approximately $2½ billion a month, or $30 billion a year, in Vietnam this calendar year or this fiscal year, then, of course, you can see where the pinch comes in.

Many of the programs, the one you mentioned, APW, is very much worthwhile and should be continued but it's a matter of finances.

I would be glad personally to see it brought up again, discussed, debated and passed.

Question: What kind of plans, if any, is Congress making for the economy after the affair in Vietnam is settled?

Senator MANSFIELD. None. Because the affair in Vietnam has no end in sight.

Next?

Question: Senator, in the light of your concern for the finances of the country, why, is there any doubt that there will be a tax increase?

Senator MANSFIELD. It doesn't seem as if the House is in a mood to face up to the problem at the moment, and there is no great enthusiasm in the Senate either. And if you can't get the two Committee Chairmen to call their Committees together, there will be no tax bill. And the decision lies with them.

As far as the Senate is concerned, we can do nothing unless a bill is reported out of the Ways and Means Committee, out of the House, and comes over to us for consideration. And we have to wait and take our turn.

But the initial responsibility lies in the House.

Question: Senator, presently in the Congress there is a bill to assist law enforcement throughout the country. With the social problems that confront us it seems that law enforcement has to bear the major problem. Law enforcement is our nation's first line of defense when it comes to our urban centers, with this bill, especially the Massachusetts Police Association of our state, we are looking forward to it that the Federal government might give us, and that most of the cities are not able to help. We are looking for joint cooperation between Federal and State assistance to give us a better means of communication.

Would you care to comment?

Senator MANSFIELD. Yes, indeed.

There is a bill seeking to do what you have mentioned, in the Judiciary Committees of both Houses, and Ted Kennedy could give you more in the way of details than I can.

But I feel very strongly that there has to be a very close and solid relationship between the local-state officials who are charged with the enforcement of the law and the Federal government.

There is a great change occurring in this country and summers of discontent may well run into winters of discontent as well.

It appears to me that the policemen—and you refer to them as our first line of defense, domestically—have an unhappy lot nowadays. If he tries to enforce the law he is accused of police brutality, as was the case over at the Pentagon on Saturday night. He has had his authority stripped from him to a great degree. He has had inhibitions placed on him as a result of court rulings. His responsibilities are increasing all the time because trouble is increasing. He is underpaid and overabused. And I think he is entitled to every possible consideration we can give him because he is the man, he is the authority, he is the law, who stands between the rest of us and turmoil and crime and all these other facets which mark disorganization in a society.

Question: Mr. Senator, has the "Summer of Discontent" affected Congress' attitude towards the civil rights movement?

Senator MANSFIELD. I don't think so, I can only speak for the Senate in this respect: that the attitude there is, generally speaking, what it was a year ago. There have been no changes. There may be a few additional in the way of Senators who are a little more liberally inclined toward civil rights. In the House I do not know. But the problem is there. It is not by any means a Federal responsibility entirely because the cities, the big cities, the urban areas and states have to face up to this first themselves and the Federal government should come in only as a last resort.

Question: You mentioned a moment ago that there is no end in sight to the Vietnam situation. Is there any glimmer of hope anywhere?

Senator MANSFIELD. I am sorry to say, none as far as I can see.

Question: In the morning paper Congressman Udall is quoted as saying we should deescalate and withdraw. And he cites as

one reason we have been able to live with Communistic governments in Havana and Budapest, so why shouldn't we in Vietnam.

Do you have any comment?

Senator MANSFIELD. Yes; I wouldn't go as far as Representative Udall.

It is too late now to wonder or to figure out how or why we got there. We are in.

The question is moot. I do not think we can withdraw unilaterally. There is too big of an investment in Vietnam at the present time.

But I do think we ought to continue an unending search for peace so we can reach the negotiating table to the end that an honorable settlement can be achieved. And none of these proposals I am going to call to your attention are original with me: but a barrier be built along the 17th parallel across Laos cutting off—on the Laotian frontier. There is some indication we are building a barrier composed of mines, electronic devices and the like below the 17th parallel.

I have also supported the idea advanced by Senator Cooper of Kentucky that we ought to concentrate our bombing at the 17th parallel and the Ho Chi Minh trails in Laos. That would mean that it would not be necessary to bomb the North. But it would be a concentration and consolidation of the effective bombing, an interdiction, in my opinion, which would accomplish far more than bombing of the north has accomplished today.

The bombardment of Vietnam had two objectives.

One, to stop the flow of infiltration, to stop the infiltration of men and material into South Vietnam. In that respect it has failed. Because in talking to General Westmoreland in Manila just last month. I asked him how many North Vietnamese were coming down into the South. He said between 6,500 and 7,000 a month.

The second objective was to bring Hanoi to the conference table. The exact opposite has resulted. And Hanoi is further away from the conference table now than it was before the bombing began.

Other proposals have been made, such as de Gaulle's idea to neutralize all of Southeast Asia.

I am in favor of a guaranteed neutrality of all of Southeast Asia. I think we had better be careful as these bombing attacks are extended north. Ten miles from the Chinese border means you are 30 seconds away. 6.8—and the newspaper reports carried this story about three weeks ago, is 24 seconds away. And we have lost two planes over the Chinese Mainland beyond the border, plus one on the Island of Hainan, and others we know nothing about. And what I am fearful of is a possible confrontation with China, based on accident, miscalculations or by chance.

I am sorry, ladies and gentlemen, that I can't be more encouraging on Vietnam. But I can only tell you how I honestly feel, and the situation is not a very good one.

Question: Mr. Senator, in your experience has Hanoi ever attempted to communicate or initiate any steps toward negotiation?

Senator MANSFIELD. Not once. That is why I support the President and will continue to support him in the many efforts he is trying to make to reach the negotiating table. Because no man feels the strain of this war greater than does the President of the United States. And I know. And when I see these people carrying placards, villifying the President and the First Lady, shouting obscenities at them, insulting them, as was the case over the weekend, I think it's time to call a stop, because I don't care who is President of the United States, the man who occupies that office is entitled to be treated with dignity and respect and not to be villified.

Question: Have you ever heard any relative weight being put on the amount of information that is available to the general public, the Congress, or its leaders?

The President is in possession of every bit of military intelligence information. Do you care to comment?

Senator MANSFIELD. The President has been accused of creating a credibility gap. Don't you believe it. Because the President has given the people and the Congress and the leadership all the information he had and thought he could give out at a given time which was at his disposal.

Now, things change in the next two weeks or the next month, that doesn't mean that he has been dishonest. It just means the information at that particular time was not available.

I get pretty disturbed when I read about credibility gaps and the holding back, supposedly, of information on the part of the President. He doesn't hold it back. There is some he can't give out, but what he can give out he does give out and we have no reason to complain on the basis of a credibility gap between the Congress, the American people and the Administration.

Question: Senator Mansfield, as a former resident of the land of the shiny mountain and now a municipal electric light commissioner in Middleborough, I wonder if you would comment on the power project making it through Congress.

Senator MANSFIELD. As far as the Senate is concerned, no question. As far as the House is concerned, I am afraid you are in difficulty. And as a public power advocate I would like to see the Lincoln-Dickey bill. I think it will mean a great deal to the people in Maine and I support the efforts of Smith and Muskie in that respect and have down through the years.

Question: It seems to me that the United Nations should be accepting their responsibility getting over to Vietnam and trying to settle the issue.

Senator MANSFIELD. I couldn't agree with you more.

Senator Kennedy and I have been working in this direction for some months now. We figure that the UN should face up to its responsibilities under Article 1 of the Charter. It's supposed to maintain, preserve and keep the peace. It has been dodging that responsibility and in that respect reneging on its authority.

The President is most interested for the United Nations Security Council to take up the U.S. resolution or some other resolution which has been pending there since January 30, 1966. We are very hopeful that in the not too distant future efforts will be made to bring a resolution before the Security Council and if it sees fit to consider it, and incidentally, taking up the resolution and talking about it are not vetoable, recommendations are, but I for one would be most willing to have the Security Council invite Peking, Hanoi and the NLF along with all others directly and indirectly concerned, members or not of the United Nations, who appear before the Council and to lay their cards on the table.

Question: Will the Congress pass a bill giving us increased social security and Medicare benefits this year?

Senator MANSFIELD: I hope so. There is a bill in the Finance Committee—incidentally, it has already passed the House. I believe the hearings are complete on the Social Security bill. It should be reported out. If it is not reported and passed by the Senate, I feel that we would not have kept our word to the people who have been expecting for a year necessary recognition and changes in the Social Security bill on the payment coming up.

Question: What do you consider would be the major issues in the next Presidential campaign?

Senator MANSFIELD. Vietnam, the disturbances in the urban areas, and taxation.

Question: Is there any danger of a confrontation in the Mediterranean because of the concentration of the Russian fleet in that area?

Senator MANSFIELD. Not at the present time. Because while it appears that at the time of the Midwest crisis, the Middle East War, that the Russians were bringing in eight or ten ships through the Dardanelles into the Mediterranean, and people got the idea that this was a new movement. We ought to remember that for years now the Russians have had a sizeable force in the Mediterranean and this influx at that particular time did not mean an increase but a keeping up to the level which has been ordinary over the past several years.

Naturally she will have an interest in the Mediterranean and this interest will be amplified as she gets closer, if she does, with certain of the Arab states to which she is supplying arms at the present time.

Senator KENNEDY. What are the prospects of the Nonproliferation Treaty?

Senator MANSFIELD. Hard to say.

As far as this country and the Soviet Union are concerned, I would say good. But some of our friends like the West Germans and Italians are raising roadblocks which may temporarily stymie the consummation of an agreement which is needed even though it will not cover all the countries which should be covered.

But at the time being it appears those two countries are the major roadblocks.

Question: Would the fact that the Russians succeeded in refining where they can land panels of recording instruments on Venus, will that cause the Congress to reappraise the NASA budget?

Senator MANSFIELD. I would hope not. I think that we ought to get away from this idea of wanting always to be first in everything we do. I would rather we spend less and be more sure and achieve what we want on that basis and spend some of this space money in the ghettos at home where we have problems and people who need attending to, so if the Russians are going to get ahead it won't be the first time. They had Sputnik long before we were able to follow up. If we operate on the basis that we have to be ahead of them or keep up with them, I think it is going to waste a lot of money and not achieve the results we desire, and I would rather go slowly and surely and not spend.

Question: Do any of the members of the Congress share the feeling you just expressed?

Senator MANSFIELD. I am afraid not.

Question: You spoke of the Near East crisis and the crisis still exists.

How is it going to be resolved?

Senator MANSFIELD. You are asking the wrong guy. It will be resolved, I hope, between the Israelis and Arabs at an appropriate time, but I am sure the sinking of the destroyer has not added to the amiability between the Israelis on the one side and the Arabs on the other.

But Israel at the present time, as you know, holds a good portion of the Sinai Peninsula, holds the heights of the valley above Galilee, and also holds the old City of Jerusalem, plus the area of Jordan on the West bank. It has shown no indication that it will give up any of this until and unless some agreement can be reached. And at the present time there seems to be no possibility of an agreement even though until this destroyer incident occurred it appeared that Nasser may be gentling a little bit and probably coming to the conclusion that a settlement might be achieved.

Now this will just throw the whole thing back into the yard again and we will have to wait and see.

Question: Senator, in the area of municipal administration, I read recently that there is a bill in the Subcommittee in the House to reclassify four national holidays so they

would fall, I believe, on Mondays or Fridays, one or the other, and I was wondering what your feeling was.

A lot of us here will be concerned with it. These are personnel problems.

What is your feeling on this bill should it come to the Senate?

Senator MANSFIELD. Frankly, I have no feeling on it. I like Saturdays and Sundays and holidays as they are. My mind is open.

Question: The Medicare program has proven very successful but one of the problems with the elderly is the payment of bills, bills, and medicine.

Will any legislation be made available to take care of this in the future?

Senator MANSFIELD. At least amendments, I think, are in the Finance Committee, offered by George Aiken of Vermont, seeking to bring about a reduction in drug payments which will include bills. This is quite a problem. I don't know what the Committee has done or is doing but I wouldn't be surprised if something did not come out of that Committee seeking to rectify this process, at least in part, this year.

Question: I have been reading about the Social Security going bankrupt, I read that in the paper last week.

Is there any truth in it?

Senator MANSFIELD. No; there is a surplus of funds. It's in good shape. Don't worry.

Senator KENNEDY. We want to thank the Majority Leader. The bells are ringing. They will be voting very soon over in the Senate. He has been very generous with his time.

We are indeed fortunate to have the Vice President of the United States who will be with us.

No one has a greater understanding about the workings of government at all different levels. He has been a mayor, a United States Senator, as Vice President in the close councils of our President, and a person who has always understood our problems in Massachusetts. He has always received a warm welcome and it is my great privilege to present the Vice President of the United States.

STATEMENT OF HON. HUBERT H. HUMPHREY, VICE PRESIDENT OF THE UNITED STATES

Vice President HUMPHREY. Thank you very much, Senator Kennedy, my good friend Ted.

I want to take just a few minutes of your time. I know that you have had a very full program today and I gather from the program of tomorrow that you are going to be busy and talk to and visit with some of the most important officials of our government.

You are going to be hearing from the experts. I am not an expert. There are only two general practitioners in this government. One has a license, the other doesn't have one. I am the one without the license and the President is the one with the license.

I am, however, a former mayor. I have had a long and continuing interest in the problem and the concern of our municipalities and our institutions of local government. I have tried to keep up to date. That is not so easy when you are not on the firing line of local government.

Many of us that speak of the problems of community life and local governments do so from a rather pat point of view and from a rather remote position.

When you are there, when you are out home with the people, and they bring you every conceivable problem and you have to face the day-to-day situations that may develop, it is then that you have a full knowledge of what is going on in local government.

So I come to you to share a few thoughts, hopefully that they might be of some interest to you.

You know that President Johnson asked me to serve as his liaison between the White House, Federal establishments, and the local community, local government officials. We have had over 40 meetings with the mayors, city managers, county commissioners, councilmen, selectmen, people at the local level of government. In more recent days we have been meeting with the legislative leaders as well because so many of our Federal programs today require State implementation or State cooperation.

The purpose of my meetings with the local government officials has been to acquaint them with what the Federal Government has to offer. How this partnership between Federal, State and local government can work. And the word that is important to remember is "partnership."

Now, the public administrators, and indeed in the Presidential Message, spoke of it as creative federalism. That is a rather big term to swallow and understand what it really means is that level of the governmental establishment, Federal, State and local, is energized that each level recognizes the interrelationship with the other. That each level, if you will, fills its responsibility. This is a way of saying that there isn't a single problem that confronts this country that can be met or satisfactorily solved by any one individual group, one level of government. No matter what it is today, the problems are so big. If it is communications or transportation or water pollution or air pollution, or health, name any problem that is yours and in your community and you alone, no matter how good a mayor you may be, no matter how good a council member you may be, no matter how competent a city manager you may be, no matter how good a legislator you may be, you cannot solve it alone. It requires the combined resources of the Federal, State and local governments and private groups.

Now, your Senator, Ted Kennedy, has approached this doctrine here in the halls of Congress and done so effectively. He has taken a great interest in all matters of legislation that relate to our municipalities, our community life, our urban life. Particularly we need Senators that do this because, I think, we are just now coming to grips with the big problems of urban America, and the relationship of the smaller community to the center city through the big metropolitan areas.

Fortunately, we have people today in government who understand that the demagogue of yesterday has no place in the environment of today. There were people in other days that tried to pit the rural areas against the city areas, the big city against the small city or town, the Federal Government against the State, and the State government against the local government, and vice versa. These are the busy forces in our country. There are still a few of them left, but I think most people now understand that the concept of partnership is the only one that will work. And I am talking about a partnership in which the Federal Government does not supplant what you want to do, but supplements what you want to do. I am talking about the partnership in which we come to you with what resources we have for your use, rather than coming to you to tell you what to do as we want to use them.

I think we have made considerable progress, and I say this most respectfully to you, in applying this definition of partnership; and I hope that you will find that in your conference here that this is true.

One of the things that we have tried to do these past two or three years, as I said, is to acquaint the local officials with what we have here.

I can describe the first meeting of mayors we held in Washington. I said I was Mayor of the City of Minneapolis, a city of over half a million people, and when I used to come to Washington I didn't know who to go to, what to ask for, who to see, or what to expect. I said since then there are so many new Federal programs and so many new jobs that a mayor or councilman, or county commissioner, or county supervisor, county judge, whatever the title may be, when he comes to the Nation's capital now looking, and he has heard about Federal programs that might be of help to his community, he is sort of like the person that walks into a supermarket and there are all kinds of goodies and goods on the shelves without a label on any that he can understand. Just about the time he is getting ready to hopefully make a suggestion, even without the label, somebody turns the lights off.

And he wanders around wondering, "Am I getting what I want; what did I get; what am I down here for; was the trip really necessary?"

As a result of that what I think is a rather accurate picture of the circumstances that have prevailed all too long, we have developed—and, Teddy, I want to be sure every member of your group gets one of these catalogues, gets the entire kit—we have developed through the Office of Economic Opportunity a catalogue of community programs that are available to you, and not only a catalogue of it but what they are, when they were passed, what their official title is, what their common name is, who you apply to, how you apply, and how much money is there. Because I can tell you there isn't enough—but you ought to get in as fast as you can.

In other words, we put a label on these products. That is a very helpful catalogue. Imagine what Sears and Roebuck would have been like without a catalogue. The farmer that used to buy from Sears and Roebuck would never have known what he was ordering or getting and Sears and Roebuck would never have known what they were selling and I think that it the way it has been all too often in the past between local and Federal government. It has brought about suspicion and doubt and friction and frustration.

And I want to give you one other suggestion: Whenever you have a problem in your local community that you feel you are not getting the proper answer to, or at least a reasonable proper response, both in time and quality, you can always go to your Congressman and to your Senator. They are more than happy to help you. They are the most effective representatives that you can have. You can go to your League of Cities, your organization of municipalities, or if you are a member of the United States Conference of Mayors you can go to them or to the National Association of County Officials. Any organization that you or your community may belong to. But if none of those help you, the Vice President's office would like to. We are equipped to do so. I don't believe that we can promise you results always, but we can promise you an answer.

One thing that always irritated me when I was a local government official was to write to Washington or write to a regional office and think they somehow never delivered the mail because if they delivered it at least the answer didn't get back.

I don't believe you ought to have to wait and collect your social security checks before you get an answer to your communication.

Whether we can say yes or no, I can't tell you, but we ought to give you an answer. We ought to let you know that we are interested in what your problem is and you are entitled to do something about it.

One other thing: There are many ways that we can be of help to you at the departmental level and congressional level and at the Vice President's office level. We are pretty good inside scrappers for the kind of help you want. I wanted to give you that little assurance here because I like to work with you. It is my most important, I think, and most interesting assignment, working with our local government officials.

We haven't publicized our conference a great deal. I think we maybe made a mistake on that. But we have taken them all over the

country. We have been up one time, I recall, up in your area with some local government officials and we have been in different parts of the United States.

I think it is so good that Senator Kennedy has done this for the people in your area of Massachusetts, because it means so much to you and it will help him to better represent you, as he wants to do and as he does.

Just another observation or two. We are going to have a great and growing country here, a great fast-growing country in the next 33 years. We are going to have 100 million more Americans in the country between now and the year 2000.

The question is where are they going to live and how are they going to live and what will be the quality of their lives.

We are going to have to understand that many of the problems that our cities face today are problems that came about because there wasn't proper advance planning, because there was not a vision of what would be needed.

Believe me when I tell you the most conservative projections of population increases for the next 33 years—and that is a little over the next quarter of a century—is another 100 million people. And if there is no change in the direction in which those people flow, most of those people will be on the Atlantic Seaboard, in the Gulf States area and on the Western Pacific Coast, and some along the great cities of the Great Lakes. The vast hinterland of America, as it now appears, is the more slow rate of population growth between the Appalachian and Rockies. Also there is another matter—the smaller community.

Now, it isn't good enough to go around and romanticize about the beauty of the small town and the wonders of rural life. I know some people say that is the way it ought to be. Most of the people that appreciate the wonders of rural life are people who have made it pretty good in the city and decide to buy a country home. Because that man in rural America is having to work mighty hard to make a living, if he is making a living.

The greatest amount of poverty in America today is in rural America.

Ladies and gentlemen, it is out of these swamps of poverty that move now to the big metropolitan areas. I don't think there is any way that we are going to adequately meet the problem of disadvantaged young people, of unemployment, joblessness, bitterness, racism, frustration in the metropolitan areas unless we start to meet it back in the countryside. That means helping to build and design policies that help build other communities in America outside of just the great metropolitan areas.

It means raising the quality of life in rural America, the quality of life in the city of 10,000, 15,000, 20,000, 25,000 and 50,000.

What do I mean by that? Not only fresh air, sunshine, beans and flowers, but jobs, industry, schools, hospitals, doctors, community centers, drama, the theater, the arts, because that is what people want in that and that is what we are working on now. It can be done.

Let me give you one little example. Huntsville, Alabama, 10 or 15 years ago, was a sleepy little southern town of less than 20,000 people. Then came the space program, Dr. Werner von Braun, the great space rocket program. Today there are over 175 Ph.D's in Huntsville, Alabama. Today it is a city of almost 200,000. Today a culture center, a branch of the University of Alabama. Today it is one of the thriving commercial centers of the southland, as modern and progressive and fine a city as you would ever find. How did it happen? Because of the smell of magnolias? No. Because somebody could be kind and sweet to the people? No. Because government and industry decided to do something about it. In a large measure it was government, in this instance, but industry followed and jobs were available and then the university came in and then 100 things started to happen. And it can happen.

I am going to speak tonight at a rural youth conference on this very subject.

So this is for the smaller community and this is to the advantage of the bigger city, their friends that live on the fringes of Boston. Councils of government, a new concept, is very important. Councils of government where you have representatives of your local government institutions with their full autonomy, with their full sovereignty, with their full legal jurisdiction, where they work together in a new framework of supergovernment or superstructure of government, to coordinate the program that affects the entire area, not a new formalized government, not with a new charter, but councils of government where you pool together the representatives of a number of communities in an area to meet common problems, transportation problems. What good does it do to have a transportation program in your community—what good does it do if you have a four-lane highway going through your town if there is a two-lane highway at the boundary. What good does it do to have an air pollution engineer only to find out that the town right next to you, that is only 50 feet away, or 25 feet away, a line like this, this is your town and the other one is the other town and the other one doesn't have this.

I remember when I was Mayor of Minneapolis I wanted to have air pollution control in Minneapolis and St. Paul didn't. You know, the river had no respect for us at all.

So we are beginning to learn that we have to start to pool our resources and we can pool them without losing our identity. That is one of the real problems of local government.

Before when you talked about pooling your resources you lost control of your fire department or police department or health department. And local people have a sense of local pride. It's not necessary to do that. You can do it another way. You can do it where you start to develop uniform standards, where you start to develop a closer coordinated relationship at the local level so your health programs and communication programs and transportation programs and your ordinances on zoning and on other things start to fit into a pattern.

We want to help you do that. There are Federal funds available for just that kind of planning and there can be people that can help you do such things. Maybe you want to plan ahead for a new fire station or a simple thing like this. Maybe you want to plan ahead for a new community center. Maybe you do not want to tie up your money in the bond issue but you would like at least to be able to take some options on some ground. There are some funds for open spaces and for that kind of long-term planning. You ought to take a look at it.

In other words, there are many things we can help you look at and look with. My final words are these: What we are talking about above all is how are we doing to provide for the people? 70 percent of our people on one percent of the land. In our great cities and our cities of medium size, smaller size. This movement that we are talking about, the next hundred million, they are going to have to find a place to live. Why not in your town. Why not make the plans for it right now. Why not talk to your legislators about it? Why not talk to your Governor about it? Why not talk to the officials, Federal and State, that can help you look ahead? And some of it requires a big look ahead.

There are three things above all which bother, bewitched and bewildered Municipal officials; jobs, housing, and education. Those are the three great problems that stand today right out there so obvious that we can't run away from them.

What about jobs in your town for people today who do not have jobs?

Some of you are very fortunate that you have a rather fully-employed economy but possibly some of you do not.

I want you to take a look at what the job training programs are for your Federal government. Are they at work in your town, and, if not, call on a representative of the Department of Labor to see if there is a job training program you can get into your town. And more importantly, go see the businessman. Jobs ought to be provided by business. Job training ought to be done by schools. Your schools can help your institution.

Let me give you a suggestion.

Let's say in your community that you have 100 hardcore unemployed that you haven't been able to do anything about.

Why don't you find some industry, look over the industries. Go to the retail establishments, whatever they are, in your community, and go to them and say, "Look here, the jobs that we want in this city are jobs for your places and your plant."

The people that know best about how to provide a job is a private businessman. Job training ought to be directly related to the needs of this community and of the industries and businesses in that community. We don't want job training for the sake of training. We don't want to pull people through the schools to train them so that the teachers have jobs training people. This is not the first purpose of training.

The training purpose is to make a nonproductive citizen a productive citizen, to get him involved in the community and industry. Go to the businessman and say to him, "I heard the Vice President say if you hire some of these people that we could work out arrangements with the Federal government so on-the-job training could be compensated for by the Federal government with your plant. We want to work this out with you, plant-by-plant. We don't have any big national program on this because if we did it wouldn't work." Everything is a little different. Every community is a little different. Every industry is a little different. The needs are different.

But I can tell you right now we are prepared, if you have an industry in your community that wants to take on some of the hard core unemployed that are so identified by your employment service and your community agencies, we are prepared to work with that industry on contracts, on surplus equipment, on job training. We want men and women to have jobs.

I will give you a figure.

If we can find 200,000 jobs in America in the big cities of America, just 200,000 next year, we will have broken the back of adult male unemployment instances among the Negro. We are going to have a million and a half jobs because of the growth of the country. Add 300,000 and the total of the average of the unemployed male adults in the Negro community becomes the same as the rest of the community, 3.8. So we are not talking about something that is immense and huge. It's just a little extra effort.

One other thing about our young people.

Do you have a youth opportunity council in your town? If you don't, get one. Appoint it. It's good economics and it doesn't hurt you politically. You are not going to hurt yourself one bit by taking an interest in young people. See if you can energize your recreation program, your educational program, your job program, your recruitment program for disadvantaged young people, whether you have a big city or small city or hamlet.

We have sent to some of you, I am sure you have received over the past, circulars and pamphlets on your youth opportunity program.

I head this program for your Federal government. We can't run it out of Washington. It is your program, Mr. mayor. It is your program in your town, Mr. City Councilman.

You can't lose with it. No matter what you do it will be better than what has been done.

And you can provide recreation. You can open up your streets. You can improve your parks and you can do it without any great Federal appropriation or State appropriation or local revenues. Go to a businessman that runs the department store and suggest to him you need equipment for playgrounds.

We had hundreds of playgrounds last year equipped throughout America by private enterprise. See if you can't find in your town your newspaper and your radio program, and if you have a television station, your television station, the disc jockeys that the kids listen to for job opportunities. See if you can't find jobs, part-time jobs for youngsters now who are in school and in the summer months look ahead for full-time jobs for them in the summer.

Your nephew will get a job by himself and so will your niece. Not only that, if you get them one you get in trouble in the papers. Help somebody else. Put up that Mayor's youth opportunity program. Take a good look at your school. See if these schools and their programs are somewhat related and hopefull very much related to the needs of your people.

I am not going to take the time today to discuss your educational needs. You can go into that with your school board.

Anyway, on the housing program, may I suggest that hopefully the Congress of the United States is going to give the Administration some funds for our Model Cities program, for our urban renewal program, for our low-income housing program, for our rent supplement prorgam. These are your problems. They are my problems.

I conclude on this note: Washington, D.C., can be of help to you in the Federal employment, but it cannot make your community a better community unless you want it that way. If there are going to be better schools in this country they are going to be where you live. If there are going to be more jobs in this country, it's going to be where you live.

The jobs that are available in Washington are very limited. If there is going to be better employment opportunities it's going to be because you made it that way in your community.

If there is going to be better housing and people are going to live in better housing it will be where you live.

In other words, we have to get the message back to our own people that the Federal government's role in this thing is to come in with tools and assistance and hopefully some resources to help you do what you need to do in your town. That is what the Model Cities program is about.

But even if you don't get a model city application, you don't need to wait for it. Don't wait around for the Federal government. Come to us and ask what we can do to be of help to you. Go to your legislators and ask them what they can do to be of help to you and we will try to respond as best we can.

This is just a few remarks off the cuff, ladies and gentlemen, that I wanted to give to you. I am kind of optimistic about our country.

I just met with a few people from one of our great weekly magazines and they were telling me they weren't sure people thought much was happening in America. I think a lot is happening and most of it is good.

I regret that much which is brought to our attention is not too good. I couldn't help thinking over the weekend, that mess that was made over at the Pentagon, those who made it should be told to stay there and clean it up.

I will never forget the time when I got mixed up as a little boy in a little exercise around our local school, and a few windows were broken. The Superintendent of Schools called us and said, apparently you like to buy new windows, apparently you like to sweep up glass, and apparently you like to clean up the hall. And we have a nice job and continue to do it until you get it all done.

When people get out of hand they shouldn't get a little pat on the wrist and a $25 fine.

I want to say that when in our own towns we have some messes there, I think we have to learn to clean them up ourselves. It boils down to the fact that the law enforcement problems of this country are in our towns and our cities. But the needs of our communities are quite evident in our towns and cities. And it's because that you know these things that you come here to see how your Federal government, which should be your servant and hopefully is, can come to help you with some of these programs. And you can be helpful here by speaking to some people. You don't need to speak to your Senator. He has done a good job and he continues to do a good job.

I wish we had more like him all through this government in every position.

You can help us with your safe streets and crime control act to help strengthen your police department.

I know what your problems are. I was never able to get enough money as Mayor to do a thing for the city that needed to be done. That is why a grant-in-aid program under Safe Streets and Crime Control can be of help to you. You can be of help here when you go through the many Federal programs, Juvenile Delinquency Control Act, Model Cities Act, Urban Renewal Act, Technical Assistance Act, these things you can help with. Talk to the people here and don't hesitate to talk to the people that don't live in your state.

A member of Congress from another state that denies you his vote on important legislation that relates to American citizens who happen to be living in your town, he is your member of your town, these are Congressmen of the United States of America.

If you are denied action at a state legislative level or a Federal level, if you are denied action, the sources which you need for the citizens of the United States that happen to live in your communities, you ought to speak up. You are close to the battle line. You know what the people are facing. You know what you are facing. And we ought to constantly remind ourselves that this is a great nation and our people are mobile. People who live in your town may move some place else and people who live some place may come into your town next year.

So we ought to be thinking of the standards of our nation and each one of us trying to build our community the best way we can—the standards that contribute most to the strength of this nation.

Thank you very much.

Senator KENNEDY. We know of our next speaker's background and experience as a professor at Harvard University and the extraordinary work and writing he has done about fiscal affairs. We know how fortunate we are to have him in the service of our government and I want to introduce Secretary Stanley Surrey.

STATEMENT OF STANLEY S. SURREY, ASSISTANT SECRETARY FOR TAX POLICY, TREASURY DEPARTMENT

Mr. SURREY. I suppose if there is any audience that knows what a tough job a tax official has it's this audience right here, of State and local officials, but I also know this audience realizes this tough job of taxes has to be done, has to be accomplished if the job of government is to go ahead and the job of government is to be accomplished.

Right now, looking at the United States from the standpoint of the tax job and fiscal policy job, our problem is tc deal with the tide of rising demand that will push us into an inflationary situation unless we take appropriate action now.

Appropriate action, as I am sure you have been told, is in the temporary surtax increase.

Now, I really believe that all responsible people in the Federal government, State and local governments, business, finance and labor, all understand this and recognize it and agree with it. And the task, really, here at the Federal level is to work out the procedure to bring about this result.

I fully believe that procedure will be worked out and that this task will be done, because the alternatives are all too clear and all undesirable.

The alternative is that of a rising price level and rising set of interest rates and interest costs that will take its monetary toll, will take its monetary toll inequitably and unfairly.

The tax increase, which will take its monetary toll, at least takes that toll from all businesses alike and from all individuals except those in the lowest brackets. But if you take the other course and say let's accept the inflationary tolls, the rising prices and rising interest rates, then you have an inequitable application. All business won't be hit the same.

You will hit the housing industry, and hit it very hard. You will find some small business hit very hard. You will find every business that is at the end of the credit line hit the hardest.

Equitably, you will find that this inflationary toll will hit individuals unfairly. Instead of being an across-the-board-like tax increase, it will hit the elderly, the retired, those who are in very low-paying jobs, who will not be subject to the tax increase, those who are on welfare rolls.

It will hit homebuyers very hard, it will be difficult, maybe impossible, to buy homes, as it started to be last year. It will also hit very hard functions that represent State and local government which were hit hardest last year when the credit and monetary crisis was on.

Now, nobody can stand here and tell you how high prices are going or how high interest rates are going to go.

But I can stand here and say that almost every forecaster will tell you what the trend is, and the trend is up. And they all recognize that the forces that are working on the economy are all working now in the same direction.

They see a large Federal deficit. They see the absence of little slack in the economy. They see the private sector with a good head of steam under it and when these combine there is just no way the economy can go but up very fast, and that going up fast will be in a sense a mirage because its going up will be both really production but a great deal of inflation built into it and back to where I said before we will have this inflationary toll.

Everybody has an interest in the steady growth of the United States. But certainly you people here have a very basic interest in seeing that our economy expands and grows in steady fashion. Because it's the output, the growth of our economy, that has permitted us and your government and you to do the job that you have been doing in the last few years. It permits you to do something about the demands that are placed upon you in your local areas. The growth of our Committee has permitted State and local governments since 1961 to increase their expenditures 65 percent. It has permitted their tax receipts to rise by nearly $25 billion in this period and that the ratio of taxes collected to the Gross National Product for State and local governments hasn't varied by more than one percent in this whole period.

It has permitted Federal government grants to go up from $6.5 billion to $15 billion. All this came about because we have had 80 months of expansion in the United States and our overall economy has grown tremenduosly and with that overall growth in the economy has come that based upon

which you collect your taxes, that base from which you get the money to spend, that base from which the Federal government gets its revenues to turn back a good deal of them in grants to your government.

So you have a strong vested interest in this growth in the economy.

As I say, it's in the 80th month, the longest on record. You don't need any qualification about the longest peacetime expansion or anything on record. It is the longest expansion on record that any country can talk about.

The job is to have a fiscal policy that keeps it that way and keeps it moving in a steady, responsible way without taking the toll of people through price rises without bringing about the danger of a price rise.

One last word about a tax increase: The revenues obtained from a tax increase will permit the Federal government to make the hard decisions that are needed for expenditures restraint in a setting that is tolerable and a financial setting that is tolerable rather than to make those decisions under constraint of achieving an unreasonably stringent budget, because the revenues aren't there. And in view of our many present social problems, this aspect of a tax increase seems highly important to us and to you and consequently I think it comes down to a very simple thing, the need is clear, the wisdom of the tax increase is clear, it is the physically responsible course for the United States government to take at this time.

That being so, I believe that a responsible Congress will take that course.

Senator KENNEDY. Could you relate a little bit to us about the relationship between cutting and spending and the revenues that come in from a tax increase?

This is always something that I as a legislator am trying to fix in my own mind. As I understand it, from an economic point of view, if you need so much with regard to the deficit, does it make a difference whether you raise that from an increase in taxes or reducing spending? As I understand it, it does.

Mr. SURREY. Well, I think right now these two matters work in the same direction. That is what we have now in this situation is a pretty strong, a very strong private sector of the economy, and on top of that the Federal Government spending a great deal of money. The extent to which the Federal Government spends it means it adds to the stream of funds available to you people in business to spend and it increases their rate of demand along with the rate of private demand. You can dampen that demand down by either continuing to spend very large at the Federal level and taking a great deal of money away from people and bringing them to the Federal level, and dampening down the progressive sector of the community, or you can say both of these will come together and both will exercise a combined restraint.

The Federal Government will take more in taxes from people, which temporarily does lessen the demand for people for goods, and if the goods aren't there, then this demand for goods simply sends prices up and lessens the demands for business and at the same time lessens demand at the Federal level.

So, at this time the two actions of raising taxes and lowering expenditures come together. The point is not to make either of these forces bear the entire burden.

If you make a tax increase bear the entire burden it would be a heavy increase on our people and that is hard to accommodate.

If, on the other hand, you made reducing expenditures take up all of the burden, dampening down demand, then that would be very difficult with respect to the programs that are planned and underway and those that have to be carried forward.

Consequently, the desire is that you bring our forces of production more in balance with our forces of demand by temporarily dampening down the demand of business individuals and also the demand on the Federal government through its expenditures.

I might say this is a temporary tax increase. I think if you look at the long-run future of the United States, it is the form of downward Federal taxes by the Federal government. We have a strong revenue system in the Federal government. In any post-Vietnam you would have to look at that Federal tax system and say, is it too high, is it restraining the private sector, is it taking too much in Federal funds and not enabling you people to pay your particular share?

So I think the long-run trend of the United States is in the form of a lower Federal burden but the short and temporary problem is that of the higher burden.

Question: In your post-Vietnam tax planning, what is the position of the Department and your own thinking with respect to the possibilities of the Federal-State tax-sharing along the lines of the Heller Plan, or perhaps even the development of the local community as opposed to direct grants in the Federal tax structure?

Mr. SURREY. I wouldn't give you the position of the Department on that because it has not taken a position on that question.

It is an important question and one we should all be thinking about.

In a sense, viewed from our Department it is not a tax question. It is more of an expenditure question for the Bureau of the Budget because tax sharing and allocation of revenues to the states on some blanket basis is a method of granting Federal funds to the states, is a method of expenditures to states and local government.

Now, it then poses the question what is the best way for the Federal government to aid State and local governments?

Should it be by grants-in-aid?

Should it be by consolidated grants and the like?

Is there a better grant system?

A more consolidated, better organized system?

Or should it be some blanket payment of money to the state?

I think this is a question that we are coming to. But I say it is largely an expenditure question because to some extent if there is to be tax sharing, when it's quite likely that there are other ways of aiding the states would be at some lower level, so I think the states and local governments have to really see which in their best interest from the standpoint of assistance from the Federal government, which way will it come?

And I think you will find the expenditure department of government, those who are charged at the Federal level, will see that our social problems are solved and our funds are spent wisely in that solution, which of these is the best arrangement.

I also think that any question of tax sharing we have to look at the Federal-state relationship.

I think one matter upon which I have spoken before, that of industrial revenue bonds, is a matter out for some solution.

Question: I still do not understand how you intend to cushion inflation by raising taxes.

Mr. SURREY. Well, essentially our problems are two-fold.

One, we have an economy that is working pretty near at capacity. It isn't likely to turn out many more goods all of a sudden. The unemployment goes to 3.8 percent.

By simply giving more funds, you are going to outbid your neighbor for the goods that are becoming scarce. If you don't have the excess funds to outbid him you won't have to outbid him and consequently the prices will be held reasonable and the Federal government is going to have to borrow the funds it doesn't get through taxes. You officials are aware of that. If the Federal government has to go into the credit market, rather massive borrowing to take care of its regular needs and its tax needs, it is necessarily going to drive interest rates up and that will drive costs up and that in turn will drive prices up also. That can be prevented if the Federal government doesn't have to go in for a very large borrowing.

Question: Mr. Secretary, the junior Senator from New York—I have forgotten his name, but I think he used to live in Massachusetts—cited very disturbing examples of large salaried individuals paying little or no tax.

What does your Department plan to do in the way of tax legislation to close some of these loopholes?

Mr. SURREY: The President has said that he will send up a tax reform program to the Congress of the United States at this session. He doesn't expect it to be acted on at this session because tax reform programs are tough controversial matters. They take time to debate, discuss and work their way through. He has it and will send it and it will deal with these problems.

I do want to make one point clear. A tax reform program is not a substitute for the tax surcharge. The tax surcharge revenues are needed right now and could be obtained right now. The revenue you get from a tax reform will come in under whatever programs are adopted at the end of next year after the debate is over. So they won't help us now.

Secondly, I wouldn't assume that the moneys raised through tax reform are all plus money because tax reform consists of two things: it consists of placing taxes on those who inequitably don't pay them today, and it also consists of giving tax relief to those who are unfairly treated.

The President has indicated that his reforms will encompass both kinds. In other words, the revenues that are obtained through taxing those that have their preference will be used to ease the tax situation for those who are unfairly treated. So you get a balance of plusses and minuses but not a substitute for tax surcharge.

Senator KENNEDY. One of the things that comes up when a tax measure comes up in the Congress, I think the one that concerns all of us is the oil depletion.

Bill Proxmire put in the record, probably two weeks ago, that 22 companies that are in excess of $75 or $100 million were not paying any taxes at all. And the approach that many of us have followed with regard to the question of depletion is that they should not have this kind of depletion allowance and it should be scaled down so that the giants will take their various exploration costs as business expenses. There is no reason in the world why they can't charge off their exploration and leave the depletion allowance for the individual, the small one that has an investment of $500,000 or a million dollars. But there are a number of things we can do. But I think the point, I think the thrust of your question, which I am sure the Secretary understands, I think all Americans with regard to paying increased taxes feel a lot better about paying increased taxes if they know that the system is applied equitably.

It is now 4:00 o'clock and we have the workshop panels here.

(Tuesday, Oct. 24, 1967)

Senator KENNEDY. If I may have your attention, we will come to order and I will ask if everyone will be kind enough to take their seats.

I will say good morning to all of you and welcome you back to our second day.

We are indeed fortunate this morning to have the distinguished Attorney General of the United States to start and lead us off and talk with us about many of the matters which he is interested in and I know he will be delighted to be responsive to any of the questions that you might have.

Mr. Attorney General, we are delighted to have you here. I have the good fortune of

serving on the Judiciary Committee, and during the course of many of the legislative hearings I have an excellent opportunity to listen to his testimony and his comments about some of the most involved, complex, complicated constitutional questions that come before the United States. He is always well prepared, he is a soft spoken man, but a man who speaks with a very deep sense of feeling and intelligence and understanding and comprehension of the law.

I think all of us are indeed fortunate as Americans to have him in his service as the Attorney General and it is my pleasure to introduce the Attorney General of the United States, Ramsey Clark.

STATEMENT OF HON. RAMSEY CLARK, ATTORNEY GENERAL, DEPARTMENT OF JUSTICE

Attorney General CLARK. Thank you very much, Ted, and gentleman, ladies.

One of my major responsibilities as Attorney General is not only action, but image in the area of law enforcement, law and order, the rule of law, which is facing quite a test and will face probably a greater test in our very complex times.

It is always important, in my judgment, to start with the context in which we live and operate. It is so easy to react emotionally and without understanding, but we live in a time that is unique. We live in a time when the fundamental fact of our existence is change. The change is very difficult for individuals, and it is particularly difficult for government.

There are two really immense dynamics that are causing change at a rate that history has never witnessed, and it is awfully important, in my judgment, that we understand that.

Let's examine just very briefly what this change seems to be in this century which is a short time in history and even in lives of nations.

In 1900, which was much longer ago in Texas then it was in Massachusetts, we were 76,000,000 people, and we were predominantly rural. We lived on the land as man had through all history. We have added 255 percent to our population in the first two-thirds of this, our century, the first two-thirds being now concluded. And that is immense change. It is a change that has not been witnessed in times past on this continent or elsewhere, although it is being experienced throughout the world today, and in other nations at a much greater rate than ours even.

So population growth is one of the immense dynamics of our time that causes tremendous change. We will add more people in the last third of this century than we have in the first two-thirds, and that means that you're compressing the time within which change takes place. We added roughly 125,000,000 Americans to reach 200,000,000 by the two-thirds mark. Actually, we are over 200,000,000. The Department of Commerce won't admit it until sometime in November, they have got the day and hour picked, but they forget that they didn't count 5,000,000 of us in 1960 and they are missing that many now because it is hard to count urban dwellers.

But we will add not 125,000,000 in the next 33 years, we will add more than 140,000,000. By the most conservative estimate of our statisticians, our demographers and that is a short time. It is a very short time. It will be immense in its implications to the quality of our lives.

This fellow McLuhan has pointed out in the last 30 years we have enclosed more space on this planet in the architectural design and construction of man than in 6 milleniums, 6,000 years theretofore, and we would enclose more space than that in the next 15 years. And that is change. And the people that were predominantly rural in 1900 are overwhelmingly urban in 1967. Eighty percent of our people live in urban centers of 50,000 population or more, and that affects our lives in many, many ways that are hard to appreciate.

The other great dynamic of our times is science and technology, and its application to our daily lives, and it is hard at any moment to really appreciate what this means. It can be described in this way, perhaps, the physical scientists are doubling our knowledge, our basic knowledge, fact data of the world in which we live each decade. That means in the one-third of this century that remains we will add to our scientific understanding of this total environment eight times more than we now know, and we think we know a lot to day, and that is change, and we will apply that eightfold knowledge at a much faster rate to our daily lives than it has ever been applied before, and that will cause tremendous pressures on people and on institutions to understand, to adapt, to maintain principle to meet new conditions.

A ph.D graduating in physics today will be confronted in 33 years when he has still not reached the height of his intellectual potentials, he will be faced with eight times more knowledge in his field than all of his teachers, all of the researchers knew when he graduated.

When you place that against Max Plank's observations that scientists no more than layman change their minds about scientific facts, that it takes another generation who can see the new truth and take it as an assumption of life, you realized what trauma we will go through with this change.

Who in 1900 dreamed of television, much less its pervasive effect on our lives today. Who in 1900 dreamed of a supersonic air-transport capable of carrying hundreds of people in intercontinental flight at speeds a multiple of the speed of sound, a speed which was really not comprehended in meaning in 1900. Those are changes, but we will see more change in the next 33 years by far than we have seen in the last 67, and things undreamt of today, things that affect the fundamental way that people live will be old fashioned in the year 2000.

There has, in my judgment, been more change in the way people live in the first two-thirds of this century than recorded history in the years heretofore and there will be more change than there has been.

Government, the first principle of government being the rule of law and the maintenance of the rule of law, has got to adapt to that change, has got to maintain the principles on which it is based in the light of entirely new conditions.

We don't have time for the leisurely adaptation of the 18th and 19th century. We have got to initiate, we have got to implement, we have got to have more vision, more courage, and more action than people have required at any time in history, I believe, because we are involved in a sweeping change that will not slow down and will not turn around.

Every place I go, I am asked what causes all this crime? Well, you just don't have a ten word answer for anything like that. I don't believe a soap company could have a contest seeking an answer in 25 words or less. But basically people cause crime. You and I, our children, our relatives, our friends, people cause crime and crime measures the quality of the people. It measures the regard or the respect they have for the rights of others, because it is basically a disregard and a violation of the rights of others.

Our first burden is, to work with our people in areas in which governments must work is, clear, just as the area in which all of our social organizations, our families and our individual selfs must work and that is youth.

The crime Commission as every crime commission before it, including the Wickersham Commission in 1941 said to reduce crime you have got to work with juveniles, and the statistics show nothing more clearly. In the first seven years of this decade adult crime, according to our best statistics, has actually declined very slightly, but declined in proportion to the population, the adult population.

Not so juvenile crime, it is up more than 57 percent. Last year, 1966, a half million automobiles stolen, two-thirds were stolen by kids under 18 years of age, two-thirds. That proportion of our population between the ages of 11 and 17 which is 13 percent of our total population committed half of our three most frequent property crimes, larceny, burglary, theft.

That is what this generation is building in the next.

Now, of course, the overwhelming majority of our young people have deep respect for the rights of others. But far too many don't, and when there is widespread juvenile crime and juvenile delinquency, it describes the failure of the generation before and predicts the problems of the generation to be. We have got to work as governments, as individuals through every social organization, through our churches, to build our youth. We have got to have more concern for them. We have got to devote more resources to them. It is a reflection upon how much we care about ourselves when we recognize that 83 percent of the juvenile courts in these United States have no access to psychological or psychiatric help for kids in trouble. That one-third have not even a case worker, much less a probation officer. That means that a judge with a juvenile before him in the well of the court charged with crime, has two options. How would you like to be the judge: Sentence that kid to prison where one out of four last year spent their days with hardened adult criminals, no segregation whatsoever. No special treatment because he was a kid of 14 years old, without any previous experience in crime, without any known social—anti-social conduct theretofore. One out of four in prison with whoever happened to be in there that day, be they murderers, organized crime, dope addicts or anything else. That is one choice the judge has.

The other choice is send the kid back to the environment that contributed at least to his getting into this trouble in the first place, and what will that do for the kid and his opportunity? Government has got to supply resources to work with these youths. The most remarkable statistic in all of our crime experience at this time in my judgment is this: Four out of five persons in these United States convicted of felony today, and felony is serious crime, four out of five were convicted of misdemeanors before that, and nearly always when they were kids. There was our opportunity to reduce crime objectively. We know, in my judgment we know beyond any reasonable doubt, that the sciences have brought the potential to us to divert at least half of those away from lives of crime, at least half and if you do that then you have reduced the serious crime in your community and you have reduced it substantially.

If you really reduced half of it there will be forty percent of your serious crime. Let's not fool ourselves, a lot of crime is uncontrollable. I think we would all agree that murder is probably the ultimate crime. But 39 percent of all murders are within families, husband-wife, father-son. Another 40 percent are between people acquainted with each other, beer drinking buddies, lovers, that type of crime is very difficult to control because that is the manifestation of human nature. It gets emotional and something violent happens, and you can't have a policeman in every kitchen or in every automobile, so we are dealing with the crime we have to deal with. We have to deal with the crime that is controllable and that is lives that fall into the patterns of crime. Not the one-time of-

fender, but patterns of crime in individual lives and resources of government need immense building for these purposes, and in this whole United States—Federal, State, and local government in all its correctional, prison, jail, rehabilitation efforts spends only one billion dollars, only one billion dollars. We spent 8.8 billion for tobacco. We spend 1.6 billion for whiskey, but we don't care enough about the crime in our midst except to complain about it, to do more, to work in the correctional rehabilitation way with juvenile offenders where we know that is one place we can make a huge difference.

I would place, as your number one goal your personal—knowing that your government is doing everything it can with the kids in its community, that it has helped organize and lead social organizations to make similar efforts, because that is the best technique for crime prevention and law enforcement not only tomorrow, but today as well.

Second, and the second most important, are the agencies of criminal justice themselves on the law enforcement side.

We have in the United States approximately 425,000 full-time law enforcement officers. By and large the standards set for them are nominal or non-existent. By and large the training, the on-going training, the initial training established for them is either nonexistent or out of keeping with the needs of the day. By and large the compensation that these men and women receive for their services, which is the first order of business of government, are grossly inadequate. By and large the organization of jurisdiction within which they operate was designed for 18th or 19th century rural and small town America, and are absolutely inadequate to the need of the day.

We are a metropolitan people. We are an urban people. Government must meet the needs of our time particularly in the light of the change that is taking place today and the greater change that is coming.

We have got 40,000 police jurisdictions in the United States. I do not believe a rational defense of that number can be made. It means ineffectiveness, it means inefficiency. Every jurisdiction of criminal justice in the United States is affected by the conduct of other jurisdictions. If a city or a municipality condones or protests gambling within its jurisdiction that affects surrounding jurisdictions. If its police force is inadequate that affects surrounding jurisdictions. If the prosecution in one jurisdiction is inadequate, it is too lenient, is plain ineffective, that affects surrounding jurisdictions. If the backlogs in one jurisdiction where crime is not punished swiftly that affects other jurisdictions.

If the correctional institutions of one jurisdiction are turning people loose who are bent on further crime, that affects other jurisdictions. We are the most mobile, the most transient people who ever lived. Only one in five in the United States today lives within 50 miles of where he was born. If you went back through history you would probably find that fewer than one in five heretofore had ever gotten 50 miles away from where they were born, and this affects us in many ways. This means we are the most interdependent people that ever lived, that we have to have excellence in all of our jurisdictions or all of our jurisdictions suffer.

Within a single jurisdiction, if you have good police but poor prosecution you are not getting much in terms of government protection. If you have good police and good prosecution, but courts have years of delay there is no real inhibition to criminal conduct because they can't see the penalty that far away.

If you have good police, you have got good prosecution, you have good courts that are current on their caseloads, but you have inadequate facilities for your jails, your prisons, your corrections, rehabilitation, your probation and parole efforts, then the whole thing is a waste because it is just speeding up the treadmill they will be right back in. You have got to be excellent in all of these.

We have a responsibility to organize our jurisdictions to meet today's needs. We have a responsibility to build excellence in each of our agencies of criminal justice, to see that they have adequate resources to face this most critical of our domestic problems.

We have a responsibility to bring excellence to police departments.

If I were asked what is the one most important thing to do for a police department to assure its performance, I would say salaries. I was riding back from one of the major Southern cities with a major, one of the five biggest cities in the South, back in the spring actually. He had been Mayor for 14 months and we got to talking about crime control as seems like I nearly always do whenever I am talking with anybody and he asked what would you say is the most important thing I can do to build good law enforcement to provide adequate public safety in my city. I said, "pay your police an adequate salary." He said, "I am awfully glad to hear you say that." He said, "I have been in office 14 months, we have had three pay raises already." I said, "That is fine leadership. What do you pay a beginning rookie now?" And he said, "$325 a month." You can't do it that way. You cannot poor boy that way. Police have to be professional. Our liberty depends on it as well as the public safety.

This isn't the 19th century. Our problems are essentially different. The police, the great police problem of the last third of this century will be police-community relations. You cannot police a people who do not support the police. You have got a garrison situation any other way. We have got to bring to the police service the quality of people who have the support of their governments and the respect of the community that can maintain a police-community relations environment that will permit the police to be effective, and until we do that we will be embroiled in the controversy that we are embroiled in today and we will see further isolation and further polarization of minority groups and poor, and that will be intolerable as our country grows.

We require as at no other time in this area local leadership. Our country has preached local law enforcement from the beginning and this is one of those very happy areas where we have practiced what we have preached. But if local law enforcement was good preachment in the 18th century, it is essential in the 19th century, and more so in the 20th century, because you cannot be effective in a nation of 200,000,000 people except through excellence in local law enforcement. The Federal Government cannot build and maintain a national police force that can be effective nor could it be efficient. This depends upon local jurisdictions organized to meet the needs of their areas.

We do not want a national police force. In addition to its ineffectiveness and its inefficiency it would be a threat to our liberty and we must never forget that that is the hope for mankind, the one opportunity for individual fulfillment.

I hope that each of you will look to see what he can do, what leadership he can provide in the field of youth opportunity, in the field of crime prevention among you, in the field of rehabilitation of youth offenders and in perfecting your agencies of criminal justice. It is a pleasure and a privilege to be with you this morning.

Senator KENNEDY. Thank you very much, Mr. Attorney General.

I know there are some questions for you. I might just ask you whether you would care or whether you can comment on the conviction down in Mississippi. Is there anything you can tell us really about this that might be of interest to our people here from Massachusetts?

Attorney General CLARK. Well, I do not like to comment on particular cases involving individuals. I think that under our system of justice the best comment is the jury's verdict, and I can say without regard to the case particularly or the individuals involved, because it is not for me as an individual or as Attorney General to indict or convict, but for courts and juries, but I can say that I believe we turned an important corner with that verdict. I am awfully proud a Federal Court, a Federal jury that showed real courage that is very difficult for people from Massachusetts to understand, I believe, real courage, and a team of Federal lawyers who worked with intense diligence and fairness in presenting the evidence.

Mr. PLANTE. Bill Plante, Essex County Newspapers in Massachusetts.

The problem you pose about the jurisdictional differences and the inequities which result from them because of ills with which we are all familiar, but inasmuch as the financial support of the police departments have depended upon individual tax structures of communities bordering upon one another and inasmuch as communities have varied considerably with the ability to provide for their services, isn't it likely that unless funds are available from a higher government source to eradicate these differences that these jurisdictional differences and inequities of the police are bound to continue?

Attorney General CLARK. Let me make several observations but begin by saying that essentially I agree with your observation.

I think it is not a problem that is peculiar to law enforcement, however. The basic problem is how do local governments secure a tax basis that is adequate to finance the services that they need to provide for their people, and there is a piece of that pie.

Let me observe, second, that the President's, President Johnson's Safe Streets and Crime Control Act is directed precisely at this problem. That as conceived and presented to the Congress it would provide an opportunity for local governments to triple the average annual national rate of expenditure for law enforcement purposes.

We find, looking across the country, that we spend really just barely over $4 billion a year for all of our expenditures for criminal justice, all of our police, and all of our prosecutors, all of our courts, with all of their ancillar assistance, all of our correctional activities, jails, prisons, probation, parole, just a little bit over $4 billion. We find that we are increasing, this is Federal, State and local, and state has better than 60 percent of the total, Federal Government has less than 5 percent of the total.

The annual rate of increase is about five percent a year. That is clearly inadequate when you take population growth, when you take inflation and other factors, when you take where we are now and where we need to be now, I doubt that five percent a year keeps up. The Crime Control Act will provide the opportunity, the funds and the formula and the guidance under the findings of the Crime Commission Report, which is the most comprehensive study of crime ever made, in my judgment, to triple that, to raise it to 15 percent.

Now, if you do that for three years, if you triple that for three years, you have made an immense difference in your potential for law enforcement and I think that is an essential thing to do.

At the same time, I think that more of the same won't meet the need of today or tomorrow. I think that we, as individuals, have to look without regard to our personal situation to what is best for the people in our community, to what is best for the people in our state, to what is best for the people in our nation.

I doubt very seriously that we can justify 30, 40, 50 police jurisdictions in a single metropolitan county, and we find that. I doubt very seriously that we can expect either effectiveness or efficiency under those circumstances.

I think there are many devices that can be used to overcome that. A simple one is one that has been used in Los Angeles County. There you have got a major city, the City of Los Angeles. It only has a fraction of the total population though. It has got a police force of about 5,600 men. There are literally scores of municipalities outside of the City of Los Angeles, but within the County of Los Angeles they have arranged, many of them have arranged, with the sheriff's office under contract for the provision of law enforcement protection. As a result you have got the largest sheriff's office in the United States in Los Angeles County. He has more than five times more deputy sheriffs than the United States has deputy marshals for the whole nation. We have not under 7000 deputy marshals for the whole U.S. He has got 3,000 deputy sheriffs for his county. He doesn't police the whole county outside of the City of Los Angeles, but he polices more than 30 towns and municipalities outside. He has a potential because of size to provide training, to provide salaries, to provide mass force where it is needed.

The Mayor of Cambridge, Maryland, came up to me the other day and he said "What do I do as the Mayor of this little town if thousands of people who might cause a disturbance come to my town? How many policemen can I have?" He can't have enough. It would take more than his citizenry under some circumstances that are readily imaginable.

He has got to look to a greater resource, and that has to be some type of government that can provide it.

Question: John Erhardt.

It has often been stated we should be trying to get a uniform training program for the police officers throughout the country. How much progress is being made along this line? It has always been stated that a policeman will eventually have a college degree before they will put him on the police force. Is this a true statement? What are the tendencies in this direction?

Attorney General CLARK. On the uniform training let me say, I don't like the word, but it is a very popular one right now, but this is a pluralistic society, there are differences in different parts of the country and it is a very vital and valuable difference to the U.S. Uniform training in the sense we train a fellow in Boston the same which we train him in Austin, Texas, is very dubious in my judgment. I think they need to be trained to meet the needs of their particular jurisdiction and there are immense differences. New York City needs a particular type of training, but if you get out to Western Massachusetts I don't think there would be much real advantage to the kind of training New York police need. Training is one of the critical needs of law enforcement. We emphasize training in the Law Enforcement Assistance Act. We emphasize training in the Crime Control Act that we hope will be law before the end of this year.

Police have to keep up. They have got to be looking forward. They have got to devote research to police techniques to bring the police out of what are essentially 19th century equipment and techniques, but not uniform.

On college training for police, let me say there is a clear trend that way. Multnomah County, Oregon, is the county in which Portland is located today requires a college degree for a beginning deputy sheriff. That is good. They can obtain them. They pay. They have got a waiting list of men who want to be deputy sheriffs in Multnomah County, men with college degrees.

Now, we found in the Law Enforcement Assistance Act which was passed with the very great help of your Senator Ted Kennedy, that fewer than 10 states had police science courses in any college in the state. Rather remarkable, not a single institution of higher learning that had any course in police science, and the high schools weren't teaching it.

One of the primary uses of the Law Enforcement Assistance Act has been the setting up of police science courses in colleges. Today almost two-thirds of the States have colleges within their jurisdictions because of this Act that are providing police science courses for people interested in careers in law enforcement.

I think the educational standards for police over the country need to be raised immensely. I think it is critical to performance, I think it is critical to public safety, and I think it is critical to liberty.

There were something over 15,000 but less than 16,000 policemen recruited for the New York police force between 1956 and 1966. Fewer than 400 out of these more than 15,000 had college degrees, and that is a pretty darned good police force, I should say. But that shows we are just even in good police forces not getting nearly enough college men. We have got to look for leadership, we have got to look for strength and leadership in all enforcements because it is much more important than it was in bygone days.

Question: I think one of the themes of your talk was the long-range effectiveness of police is really to avoid a garrison state. Could we develop the popular habit of respect for law?

And I wonder if you could give any specific examples of viable police-community programs you have observed across the country?

Attorney General CLARK. Well, that is really an excellent question because it goes to what I consider to be the greatest police problems of the years ahead.

It is a controversy. Police, I have had friends in police all my life. I have been fortunate in that regard, and some of the finest people I know have been police, but over a period of time entry into police work has been from particular segments of the total population and police have become more isolated over the years.

One of the strange ironies is that in working for improving the efficiency of police we have removed them from the community. We came to realize this about five years ago, but for years we had really been working toward the one-man police squad car and doing all of our police work that way, and removing the precinct station and having one great big massive efficient central office and just policemen out there in cars, and just like other drivers, you can't see them, you can't identify with them, you can't know them. We realize now you can't go on that way because we have to build the police back into the community. Chief O. W. Wilson, Chief of the Police Department of Chicago, just recently retired and one of your great police leaders over the last 35 or 40 years has said every police officer must really be a social worker as well and I think that is not too good a thing for us to emphasize, but it has a great truth in it that we have to be very much aware of.

When police hear it they say that is not for me, I am after safecrackers and things like that.

But when you look at what police really do, when you measure their phone calls, when you measure the number of times they have to get a cat out of a tree or a kid off a window ledge or a wife says her husband is coming home or somebody is locked in the bathroom or stuff like that, you realize the great preponderance of the police work has been in these other areas and this is how attitudes as to how police perform are created.

We still have in major cities completely out of touch with reality up to one-third of all police activity going toward dealing with drunks. Police can't deal with drunks really. It is not their responsibility to deal with drunks. They are not trained to deal with drunks. It is not really a law enforcement problem as even the courts are telling us now, while the medical people have been telling us that for years. You are not accomplishing anything by picking drunks up and taking them down to a jail and letting them dry out for 10 or 20 or 30 days or whatever it is and then sending them out to come back in. That just is not the way to make a change or make a difference.

Police-community relations have to be tailored to the particular community. I think it is awfully important for police to identify with school kids at an early age. A couple of years ago I was talking to a police group and I said "you know, I just hate to see us take the police away from school crossings." I know it is efficient to get some woman out there or get somebody else who is not a policeman. I know even in some high schools today if a policeman is there people are going to throw things at them. But we have to change that, not run away from it.

I think police have to be close to school kids and we have to develop a relationship back in grammar school if not before where kids believe, because it is the truth, that policemen are there to protect society, protect them, to protect their rights. He is a friend, and so we have got to work with kids, we have got to work with high schools, we have got to build in the individual policemen, because the chief can talk all he wants to, it is what the policemen are doing out on the beat that makes these impressions.

The individual policeman has to realize his responsibility as a public servant, to be firm, to enforce the law, to be fair and to secure the respect of those citizens.

I think in all of our surveys of central city America of the minority problem in central city America, the statistic that causes you the most concern, I say statistic, this is a poll sort of thing, but it is what the Negro community in the major city thinks about the police compared to what the white community living in the suburbs around central city thinks about the police, and they are two different worlds. The same police, same city, but one, the variation of 65 percent of the people in the white community who really have no particular contact with the police except when they have run through a red light or speeded or the dog has been lost or something like that, 85 percent say there is no police brutality, that the police are doing a fine job, except for crime in the streets and we just need more police.

You get down to the Negro community and the percentage will be just reversed, 85 percent will feel just the opposite. And one reason is there is a high police presence in contact there.

We found in South Central Los Angeles where we had 12 percent of the population of the City of Los Angeles in a 45 square mile area, it is a great big sprawling city, 65 percent of the population had arrests five times the greater than the general population. Those are the areas where we have to build strong police-community relations.

Question: Tenney of Truro.

Mr. Attorney General, would you care to comment on recent Supreme Court decisions and their effect on law enforcement?

Attorney General CLARK. It is hard to generalize about recent Supreme Court decisions because there have been so many. I must say I don't agree with all recent Supreme Court decisions in the crime field or any other field. It would be an admission of intellectual poverty if I did, I guess, but I would say this about several. They are realistic, and as they are implemented they will bring about a higher level of police efficiency and police science.

Let's take confessions. You know we just worry about confessions all the time, but we worry in ignorance, by and large. The average citizen doesn't know enough about police problems and about the role of confessions

in police problems to really have a feel for what it means. It just seems absurd to him that when a fellow has confessed that is not the end of it, you know. In 1931 the Wickersham Commission reported that police confessions in many, many areas of the United States to a very high degree were extracted by force. Do we really think that we had better police work then than we have now? I don't think anybody does.

In what proportion of the circumstances are police confessions secured really important? I guess one of the most controversial rules of law ever pronounced by a court in the District of Columbia is U.S. v. Mallory in 1957. The Supreme Court said that an individual is entitled to be arraigned after an arrest following Rule 5(a) of the Federal Rules of Criminal Procedure without unnecessary delay. This fellow Mallory, who I haven't found anybody who thinks is much of a person, they held him for something like 30 hours and he had probably committed, I think, he was later convicted of it, but it slips my mind right now, of a pretty horrendous crime.

But he was, his case was, reversed.

Now over a period of 10 years since Mallory, there have been 130 cases reached the appellate courts roughly, involving the Mallory issue. In only about 30 of those has there been a reversal.

Now, you can't say it was just because of Mallory. There are many other factors in these cases. If you brought it down purely to Mallory it would be a fraction of 30, but who knows? I think of the 30 odd two-thirds have been convicted on new trial without use of the confession.

Several haven't been tried yet and several have been released, maybe half a dozen. I think that is a little high. That is over 10 years. But the press and the public have been very much concerned about the courts, been very much concerned about police effectiveness and police morale because of something that in the total law enforcement picture is very minor.

Miranda is a case that was just decided in June of 1966 and people think all of the crime in the U.S. is caused by the Supreme Court in its Miranda decision. There were four cases decided with Miranda. Mr. Miranda, his case was remanded, of course, he now stands convicted of the same crime, convicted on evidence without use of the confession. Each of the other cases reversed at that time, the same result has followed except one, and that case hasn't been tried yet, and I have talked to the prosecutor and he thinks he will secure a conviction without the confession.

Confessions may be old-fashioned. They may take effort off of scientific police detection efforts. You can just sit down at the station house, it is not too hard, and ask questions. But there may be some witnesses out there that are getting away. There may be some physical evidence that is out there that is not being observed that rain and other things will eliminate, and I am not sure that the Supreme Court has not done us a great service, has not done law enforcement a great service, has not created a pressure that will improve the quality and the scientific effort of law enforcement through the United States in those cases.

Senator KENNEDY. Our next speaker is a man who is a native son of Massachusetts. We heard of his department yesterday. He was unavoidably detained yesterday, but wanted to come by today and greet friends from Massachusetts. He is native-born Massachusettsian, and educated in Massachusetts schools. He is the man who heads our Post Office Department. The Postmaster General of the United States, Larry O'Brien.

STATEMENT OF HON. LAWRENCE F. O'BRIEN, POSTMASTER GENERAL OF THE UNITED STATES

Postmaster General O'BRIEN. Thank you very much, Ted.

The fact of the matter is that I was not detained yesterday. I didn't have the courage to come up and discuss the Post Office Department with you.

But I understand that you had a thorough going discussion and also further understand that a representative of our Department remains with you this morning, Howard Barker, who will answer any additional questions you might have during the course of the day.

I just wanted to point out to Ted that I am the only Cabinet member from Massachusetts, that you do have two Senators and one Cabinet member. And as far as I know, I didn't check with Ramsey as he was leaving, but as far as I know, I am the only cabinet member who has been proposing the elimination of my job. There may be others soon. I don't know.

I am sure as you all know this town is always rife with rumors. I left the President a few moments ago to come up here, and you will hear these stories about conflict between President Johnson and Senator Bob Kennedy. Well, it just cannot be true because I told the President I was coming up to the Hill to visit with Senator Kennedy and some of his friends and he didn't even ask me which Senator Kennedy.

But I thought this morning just for a brief few moments because I know I am interferring with Senator Ted's schedule, and he has another member of the cabinet due here momentarily, I would just quickly review with you an aspect of government that is rarely discussed in any depth and that is congressional relations.

As you know President Kennedy inaugurated a procedure in the White House in January of 1961 that would insure that in-depth advocacy, if you will, of the President's program with the Congress, would in no way violate the Constitution and its provisions of the separation of the two powers, Executive and Legislative Branches, but nevertheless would insure that we would have rapport and understanding with the Congress.

Historically, at least in this century, this was not the case. There was a great deal of difficulty in the relationship between Presidents and Congress but this entity was established in the White House in a sense as a department within the White House in January of 1961, and it has been continued in that manner, and will be continued in my judgment regardless of who the occupant of the White House may be, because the case has been well documented, that the Executive Branch, of course, proposes and the Congress disposes. But within that approach the Executive Branch has an ongoing responsibility as an advocate and we have a regularly established procedure in Congressional relations.

There are approximately 40 key members of the Executive Branch in the departments and agencies that deal directly with us at the White House. They report regularly, we meet with them regularly. The President meets with the leadership of the Majority Party on a regular basis also. As a matter of fact, that is what prohibited me from attending the social functions at Ted's house last night. The President was meeting with the leaders of the House and Senate.

This is a worthwhile endeavor. This insures, hopefully from our point of view, an opportunity to have the views of the Executive Branch in the form of proposals and messages to the Congress reviewed, considered and a determination made up or down as they say, and it has worked quite well.

But I do emphasize in this regard that we conceive that in no sense does this violate any of the prerogatives of the Legislative Branch of Government.

I listened to and read for several years since 1961 the context of the pundits and the experts that we were engaged in something called arm-twisting. I find that it's arm-twisting when we are succeeding. I find recently very little comment made regarding arm-twisting because, as you all know, we are having our difficulties with the 90th Congress. I feel much more comfortable over on the Senate side of the Hill, let me add.

But be that as it may, we do attempt to move vigorously forward. We do attempt to work mutually, and I think the record shows that there has been a great deal of success in this area.

Currently, we have many problems involving our program. Some of them have been or will be referred to here in some depth, as I understand.

Ramsey Clark, I am sure, has discussed the basic problem of crime in the streets of America, the dedication of this Administration to insure law and order, along with that our continuing effort to expand and broaden our urban programs.

At this very moment we are experiencing considerable difficulty maintaining our current activity in basic programs involving urban America, model cities, rent supplements. In each instance these programs, as presently constituted, do not represent what we intended and what we presented to the Congress initially by way of proposals. But nevertheless they are ongoing and it is our responsibility to maintain that. We are going to do everything possible to do this, along with, hopefully in some areas of our urban problems, bring about an expansion of programs in federal participation.

We have, as you know, a struggle ongoing here in this city regarding a tax proposal made by the President, a proposal for a tax of one cent on the dollar that the Administration construes to be in substance an insurance policy. We sincerely believe, and our belief is supported by the overwhelming majority of those who are experts in this field, that there is dire need for this type of tax and every enactment at this point to insure against the spectre of inflation, the realty of inflation in short order if indeed we do not succeed in our tax proposal.

We will continue that struggle as we continue all struggles.

Beyond all that, we have the overriding problem of Vietnam and we have the overriding fact that this in American terms represents a tremendous and serious problem and is of deep concern to our fellow Americans.

There again, as I pointed out on the domestic side we will not be deterred. This Administration will fulfill its responsibilities, its commitment as it sees it in Vietnam, polls or suggestions otherwise notwithstanding, and by the same token this President will continue in his daily attempts to bring about some dicussion, some consultation, some avenue of approach to a peaceful resolution of this situation.

I suggest to you that the President dials the phone daily, hourly. As yet no one has picked the phone up on the other side, and I would also suggest that as soon as someone can deliver a warm North Vietnamese body to a table we will get down to business. But with all that is occurring and all the discussion that has taken place, the reality of the situation, my friends, is this has not come about. We have no one to speak to, no one who will speak to us, no one who is in a position to negotiate. So we will continue our vigorous approach to these matters.

I heard John Gardner's voice behind me. I am departing to perform a task today that I am pleased to have the opportunity to engage in and that is to go down to Virginia and speak at the dedication of a new building and a new stamp in memory of George Catlett Marshall, and I recall that through General Marshall's career he had one overriding problem that he coped with and resolved, and that was, as he said, "always keep your temper because you have to deal with them regardless."

Thank you very much.

Senator KENNEDY. Our next speaker is a member of the Cabinet, is a man who distinguished himself prior to his service in the Cabinet of the U.S., as a man of extraordinary intellect and a successful businessman and provide the Department of HEW with innovation, with creativity in trying to provide the best kind of service to the people of our State and really throughout our country. I have the good fortune in serving on the Labor and Public Welfare Committee to hear his testimony time and time again about the important and fundamental programs which are administered by the Health, Education, and Welfare and which affect so many of the people of our State.

He is a man of great feeling about these programs. He is always interested in seeing how they can be perfected and developed, how we can move ahead in eliminating the red tape which in many instances applies to some of these areas, and he is always concerned about the welfare of the people in his department and the people around our country.

So it is a great pleasure and privilege to introduce Secretary Gardner of Health, Education, and Welfare.

STATEMENT OF HON. JOHN W. GARDNER, SECRETARY, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Secretary GARDNER. Thank you very much, Senator Kennedy.

I am very happy to be here and take part in this program. I don't know anyone who in a brief period has won so much respect in the Senate as Ted Kennedy. He has been a very good and staunch friend of the programs in my Department. He is deeply concerned about the state of the Nation and he works in behalf of the Nation regardless of what the problem is. So it is a pleasure for me to talk to his constituents.

I will just say a few preliminary things and then perhaps take some questions. I brought along someone who knows the answers, and he will join me at that time.

I want to say something very general to you, and I think fairly important for you. I think some new winds are blowing with respect to State and local government, and I think they mean a great deal for you in the future of the activities that you spend your time on.

For about 35 years the American people, acting through their elected representatives, moved consistently to strengthen their federal Government, and during that period and during all our brief history, almost all of our previous history, we have tended to neglect State and local government.

It is a great American tradition to do as little for State and local government as possible. I think that is changing. In fact I believe that it must change, I think that it is inevitable that you are going to see a resurgence of State and local government, you are going to see resurgence of vitality at that level, and this is, I believe, going to markedly alter the way in which this Nation is governed and organized. It is going to mean far better, far more effective communications between Federal, State and local government. It is going to mean reexamination of all the relationships that now exist, and those relationships have not been systematically analyzed or examined.

We have tended to mount new programs, pass new legislation, move off in new directions without asking ourselves what were the principles governing the relationships. Sometimes the relationships worked very much to the benefit of State and local government. Sometimes they didn't. This we now have to look at.

The reason I believe that State and local government are absolutely essential to the pattern of the future is not just the well established reason that we believed in dispersion of power and initiative and we want something other than a centralized government, that has always been clear to us.

Some other things are becoming clear now, clearer than ever. One is that you can only put all the pieces together at the local level. You can't put them together at the Federal level and hand them over to the localities, because that would be a measure of dictation, not only a measure of dictation that no one could tolerate, but Federal officials don't know enough to shape programs to fit local needs. You have to provide the pieces and enable local officials to put them together.

We are not now in a very good state to do that because we haven't designed our programs in that way. We haven't designed our relationships with State government and local government authorized to do that.

But this is essential, and whenever any really significant problem develops in one of the great cities, for example, it is perfectly clear that the Federal Government cannot solve it. It cannot move past local leadership to solve the problem. It is like standing behind someone playing tennis and trying to show them how to make the shots by moving their arm. Only local leaders can lead locally, and the Federal Government must conduct its business in such a way that it provides local officials with the wherewithal, with the support, resources, the encouragement, the technical assistance that will enable them to do the job.

The other reason that I think it is perhaps less widely recognized but is perfectly clear as I go around the country, there is a rising concern for the impersonality of modern society, the sense of anonymity, rootlessness, feelings of alienation, feelings of impotence, feelings on the part of the citizen that he doesn't have a chance to have his say, that he doesn't have a role, that he isn't plugged into whatever action is taking place.

Now, the only place, the only level, at which that can be cured is the local level. A relatively small portion of the population can be active at the national level. Very well educated professionals, people who belong to large national organizations and so forth, but the average citizen will only be able to participate at the local level, and for this reason the kind of vital communities that permit participation are absolutely essential to this Nation's future.

What we are doing in HEW is to re-examine in all of our relationships with the people who receive our funds, and we are doing this quite systematically. We have had very extensive back and forth the Governors. We have told the Governors the kinds of things that we can do to improve the relationship, and we have been quite specific about it. We have altered and developed new legislation which will provide Governors with more flexibility and initiative.

In the case of localities, we have taken a variety of moves. For example, the timing of school appropriations has been a subject of recent discussion. For years the most, not the most, but one of the most, irritating factors in Federal relationships with the educational world was the faulty timing of appropriations. The school superintendent had to hire teachers and make commitments for educational programs beginning around January. He had to make the commitments perhaps in January, and would receive appropriations covering those commitments as late as August, September, October, or even November.

Now this, we tackled this year, the President called for a task force, and I set up the task force. It consisted of people in my Department, and people from the States and localities. They came up with an extremely good report, recommendations which seem to me completely feasible, and when you look at them you wonder why in the world someone didn't get to that sooner.

To me this is a characteristic of a great many of the relationships that we deal with. When you get past the rhetoric, and sit down and say "what are the sources of frustration here, why are we working at cross purposes" you can find out. You can find specific things that can be changed to make this a more livable relationship.

Now, this depends on communication. We have got to know what your frustrations are, we have got to know the things that will make these programs workable for you, and when we do then we can move systematically to improve the relationship. Now, that is really the heart of what I want to say this morning.

I think you are involved in a level of government which is for a very exciting period in the years immediately ahead. We want to help in every possible way to enable you to do your job. In order to do that we need to hear from you. Any time that you communicate with us either through Senator Kennedy or through others or through people in the Department whom you know, we will try to get at the problems, particularly if you have an idea as to how we can fundamentally improve the relationships between our department and your level of government, let us know.

I will be glad to answer questions if I can.

I want to introduce Dean Coston, Deputy Under Secretary of the Department.

Question: Secretary Gardner, my name is Mayor Crossman from Leominster.

I was very concerned about Federal programs that leave Washington and get to our State and then, as Senator Kennedy has made this meeting possible, I feel that the State government, the Governor, and the legislators should make meetings like this available for the different cities and towns throughout the State in order to inform us of these bills that are passed.

Now, Medicaid is a prime example, and Medicaid has helped many, many people. But it has also embarrassed many, many mayors and selectmen and so on throughout the State of Massachusetts.

But then again I have talked to my welfare agent and director and he tells me that it is pretty easy to get for a lot of people who perhaps don't quite need it and I have had the embarrassing position of saying this man is making so much a year and his wife is working and so on and still they are getting Medicaid.

So I am wondering if we are taking the initiative from some of these people and giving them these opportunities to, we will say, get new glasses and new teeth and medicines and so on, and they could do it very well on their own.

I think the programs are good, but also that some of the programs they shouldn't be too easy to get this extra help if certain people don't need it.

Secretary GARDNER. May I just say one word about that? I fully understand the problem. I don't see exactly what we can do tomorrow to resolve it, but I agree with your points.

I do want to say a general word and that's that representatives of local government generally in your State and throughout the Nation must join the effort to strengthen and revitalize State government. This is not a natural thing for the local official to do. His tendency is to take potshots at State government, but he is always at the mercy of State government in one way or another and unless it is a vital instrument, unless it is an effective instrument, he will always suffer by the defects of State government.

Now, we have a marvelous chance right now in this country to strengthen State government and make it more effective than it has ever been, and I think that all of you ought to get in behind that and make it clear to the people generally that they must develop the kind of instrumentality in their State capital that will serve the localities well.

Question: Mr. Secretary, on the ninth of next month we are opening bids on a new four-year academic high school and voca-

tional school which is estimated to cost $14 million. Included in this facility is a resource center that is unequaled in New England, to the best of my knowledge.

My limited or our limited experience with Federal programs has been such that there is a great deal of duplication, a great deal of single items that we must submit separate applications for and it is certainly within HEW there are programs to get equipment and staffing in part of a facility of this nature.

My specific question is: Will your Department entertain a single application with consultation here in Washington, review of the drawings and specification of the educational plant and educational specification, will your Department entertain a single application of the City of Medford where it can benefit from any resources that are available in one application?

Secretary GARDNER. I don't think we are in a position to do that now. Dean, do you know whether we are? We are moving toward this.

Mr. COSTON. Let me say that probably we are not in a position to do that, but I would urge you to sit down with our regional office people in Boston to look over the entire spectrum of proposals you have to see the extent to which they can be consolidated and the extent to which they can expedite the various pieces of your proposal.

As the Secretary pointed out, one of our problems is that there are a great many pieces of these puzzles around. Some of what you are doing, I am sure, affects manpower development activities in the Labor Department. Some of them affect the vocational education programs in the U.S. Office of Education. I think you will find in our regional office we are trying to establish systems which will let you have one contact point. You may still end up with several sets of applications in these programs but at least you will find a person in Boston with whom you can deal and simplify your work a good deal.

Secretary GARDNER. The whole movement of our effort now is just in the direction that you are talking about. It is a movement towards simplification, toward packaging of programs to make it easier for the receiving official.

I would like to mention the name of our regional representative. It is Wally Mode. He is in Boston, and he is there to serve you, and he is very good at it, and if you will bring your problems to his attention you will get quick service and effective service and he is very much interested in providing it.

Senator KENNEDY. Thank you very much, Mr. Secretary. We shall now adjourn and go back into the work shop period for those who still have some questions on their mind.

(The next speaker spoke at luncheon.)

Senator KENNEDY. We want to recognize some of our Congressmen, Congresswoman Heckler who was kind enough to join us here today and is sitting with some of her constituents. Congressman Conte. Congressman Keith, who was with us yesterday and who is here today.

Let me say it is a very special privilege for me to have the honor to introduce our luncheon speaker today. I know of no one that President Kennedy had a greater sense of confidence in, in the affairs of the defense of our country and also looked to for advice and guidance in the conduct of our military affairs.

General Taylor has distinguished himself as an extraordinary, able and brave soldier in World War II and going back through many years before. He has distinguished himself and impressed all of us in the Congress and the Senate for his thoughtfulness, and for his understanding and for the fact that he really, in his book, "The Uncertain Trumpet," which was written about the defense posture of the United States, enunciated a course of action about preparedness, the importance of preparedness for the United States, which was followed very dramatically and directly by President Kennedy in the early 1960's.

He felt that the way for the United States to have a successful kind of foreign policy was by a strong defense, but also by showing flexibility and adaptability to the threats of counter insurgency throughout the world. His was really the first voice, I think, that I know of, who warned all of us about the dangers of counter-insurgency, guerrilla activity as we know it in Southeast Asia.

So he has had an extraordinary career in the Armed Forces of our country. In the field of battle, as an adviser to two Presidents, the great respect, as I mentioned that President Kennedy had, and we all know the great sense of confidence and trust that President Johnson has in General Taylor.

He has served as the Chairman of the Joint Chiefs of Staff. He served as our country's ambassador to South Vietnam at really the most difficult and trying period, and served extremely well and ably.

I think his name will go down certainly in history books as one of the great thinkers of our time and a man of great compassion.

So it is a great pleasure and privilege for me to introduce General Taylor, Ambassador Taylor, to you now.

STATEMENT OF GEN. MAXWELL D. TAYLOR, SPECIAL CONSULTANT TO THE PRESIDENT; PRESIDENT, INSTITUTE FOR DEFENSE ANALYSIS

General TAYLOR. Senator Kennedy and ladies and gentlemen of Massachusetts, I am very grateful to Ted for his very fine introduction.

I am not quite sure how I qualify for this Massachusetts gathering. Perhaps on the positive side I might mention my wife came from Worcester and I have a son who graduated from Williams, but then I will quickly offset that favorable impression by saying I am from Missouri and I always was a Cardinal man.

Senator Kennedy asked me to give a few informal remarks on the subject of Vietnam following this very pleasant luncheon.

We just don't like—don't enjoy what is going on in Vietnam. Having agreed on that statement then we will start perhaps to diverge as we go down the road. Because I think having made that statement we then owe ourselves or owe those with whom we discuss Vietnam a statement of what we really are objecting to, what is going on there that we don't like. And there are many times when I ask that question I find that my counterpart will say "well, I just don't know because it is just so confusing and so uncertain, there are so many contradictions, so many statements that seem to be true, half truth, non-truth and that frankly I don't know what is going on."

So I think I would first preface any discussion of Vietnam by saying what I think is going on there. I would say we are, our Government is, pursuing a quite clear policy, which can be stated in its overall objective quite simply. It has been by three Presidents, President Johnson said essentially in one of his speeches two years ago "Our objective is an independent Vietnam, free from attack and able to choose its own government." That is straightforward, simple. You and I understand it. It means two things, a cessation of the present communist inspired aggression against South Vietnam, and the right of self-determination on the part of the people of South Vietnam.

Of course, these are not new principles to guide our foreign policy. They have been involved directly or indirectly, wholly or in part, in certainly all our conflicts since World War I.

That being an overall objective how are we trying to get there? We are trying to get there, I would say, by pursuing a strategy which falls into two general parts. One, those military actions which we are doing, first, to bring security and protection to the people of South Vietnam against the attacks of the guerrillas and the North Vietnamese forces and, secondly, in so doing to inflict such casualties on the enemy forces that they will eventually conclude that a military solution to their problem of the imposition of a communist government on South Vietnam is simply not in the cards.

The other half of our strategy would call the nonmilitary socio-politico-economic part which is nation-building even while this war is going on, and represents the efforts of our civilian agencies to establish a stable government, a constitutionally based government to protect the economy against inflation, and to build up the ravaged provinces insofar as possible, under the conditions of guerrilla warfare.

So there I would say in a capsule form is what we are doing, a straightforward, clear objective, and a coherent strategy involving all of our resources of our military, political, economic, psychological and moral.

Well, then, my friends will say "that is fine. But it is not good enough. It is not doing well enough," or others will say "well, perhaps it is the best thing to do."

So I think it is fair to ask ourselves what are the pros and cons of this program which we are pursuing in South Vietnam? Well, let's say first on the affirmative side, the pro side, what is good about it. Well, I would say the best thing about it in my book is it is succeeding, it is suceceding. To say it is succeeding means that it is successful, but does not mean it has attained final success, but having lived, as Senator Kennedy mentioned, having lived through the dark days of 1964 and 1965, when I, as Ambassador, had the broadening but frustrating experience of doing business with five different governments, five different prime ministers, five different cabinets, governments which turned the rascals out in the good old American style as soon as they came in and all of this in time of war through the tremendous overturn of the programs which were necessary to bring success in the military or in the civil field, this was a very, very discouraging time.

So that when one looks back to that period some two years, two and a half years ago, it is impossible for me to understand why a fair minded person would not concede there has been progress. We are being successful in moving toward our objective.

It is certainly true in the economic field where we desperately threatened with runaway inflation two years ago, that danger is not entirely allayed now and never will be, but thanks to the very close cooperation of our economists and those of the South Vietnamese government, with the help of a monetary fund, inflationary pressures have been held relatively under control.

In the military field, in the last year and a half the enemy has not scored a single victory that one can point to and identify as such. They lost very heavily, last year over 100,000 casualties, killed, seriously wounded, deserted, men who had to be replaced in the South and the rate this year is apparently almost double that for 1967.

In the field of the protection of population which is a fair measure of the progress toward giving security to South Vietnam, when I was Ambassador we estimated only about half of the population was reasonably secure from the depradations of the Viet Cong. As evidenced by the recent elections which have taken place, some two-thirds of the population, 67 percent, now are free and secure enough to be able to vote in the face of the threat of reprisals on the part of the Viet Cong.

I notice in the Ambassador Bunker's recent cable that the embassy is estimating 69 percent of the population they control. So I think it is quite right to say, it is defensable

on the pro side of this program, it is succeeding and the question is how far has it gone?

I think it is also on the pro side we can point to the fact that we are not in World War III whereas two or three years ago there were many who predicted we were on a head-on collision with Red China, the Soviet Union or both. I think that fear has generally subsided, that as long as at least we operate under the current ground rules that this danger of a major expansion of the war is not going to occur.

Finally, on the pro side it is certainly true we have not seriously damaged our economy by this effort. Our society in spite of the decisiveness of this issue is intact. We have not gone through the turmoil of meeting the requirements of Korea, whereas you recall we did mobilize our reserves. There were economic controls imposed and many other things that have not been necessary thus far in Vietnam. That is then on the rosy side.

What do we have on the dark side? Well, my opposite number who is arguing the other case will say "look, you are saying you are making progress but you are not making progress enough, not nearly fast enough. This is endless. You can't tell me whether this is going to end. Look at old Ho Chi Minh. He looks tougher today than he looked a couple of years ago."

Then they will point out that this slowness in using our military forces is just contrary to the American temperament. We are not the kind that like to hold out the last two wars of attrition. We want to get into a fight, let's hit the bad guy on the nose, knock him out and walk away and go home. So we are really pursuing a strategy which is antithetical to our natural tendencies as a Nation.

Then they say, "Look at our situation on the domestic front here at home. You gentlemen who defend this course of action can't explain it to us. We don't understand it. There are no measures of true yardsticks of success, there are no easy and visible ways of measuring how we are doing," and that certainly I must say is true, and hence we have on the domestic front the growing unhappiness, the growing discontent, the growing signs of dissent from this course of action, and then my opposite number will point out that, in turn, makes Ho Chi Minh tougher against victory and success moves farther away.

So one finds that we find ourselves in sort of a vicious circle. Where Ho Chi Minh gets tough we get concerned, our concern makes Ho Chi Minh tougher and victory gets farther and farther beyond our grasp.

I think that is the fairest statement of the opposite side, what is against what we are doing. Then at this point usually in our friendly debates I have with my friends we say "all right, let's agree we are not doing so well. This isn't a good way, perhaps not the best way, to accomplish our objectives. What are the alternatives we have at hand?

Then to boil them down into the simplest slogan kind of form they turn out to be only three, at least I have found no one who can suggest a fourth that is truly a fourth and not variant of these three.

The first is walk out, the second is talk it out, the third is shoot it out.

Then let's go back and look at each one of those, how attractive is each one?

Well, walk out, of course, is to walk off the battlefield, it is to abandon those to whom we carried our help, to whom we encouraged to resist and concede defeat. I don't think that appeals to many of us Americans. Very few men in public life certainly are willing to take that position, and I find even behind the anonymity of polls not more than 10 percent will say they are for walking out.

It is another matter though to say let's talk it out because that can indeed rally our support. I suppose all of us here would raise our hand if I asked are you in favor of talking it out. Well, so would I. So would I. But to talk it out means find somebody to talk to and preferably somebody who will be willing to talk in terms which are at least within the ballpark of possible acceptance on our side.

And the unhappy fact is thus we have found nobody to talk to, to say nothing of finding anyone who will talk in reasonable terms.

Then our third alternative is to shoot it out. That stirs the blood of all belligerent Americans, those of us who feel we should do more. I am, certainly think I am, in that category, but when I then ask myself what does it mean to shoot it out, what are our targets that we are not shooting out at the present time, where is a decisive military objective which if taken would really be the end-all and the be-all of this conflict, I, frankly, can't find them. I can't find them. There is no effort being unattempted in South Vietnam in terms of striking the ground forces that can be found. But the guerrilla enemy is an elusive enemy. You can't decide on what day and what hour to catch and finally fight him. He also has the sanctuaries of the demilitarized zone of Cambodia and Laos to which he can retreat. So on the grounds it is very hard to hit the fellow harder if you can't lay your hands on him first and I say that is not always possible.

In the air war, I would say we have been striking all the targets of military importance with very limited exceptions, probably the Port of Haiphong being the only one, and even that target certainly would not have a decisive effect on the situation in the South.

So again when I analyze the shoot it out course of action I just can't find that it is in itself, that it contains in itself, the solution to our problem.

So then I come back to the course we are on now, which I would characterize as stick it out, and before we decide to leave that course of action I think we should draw counsel from Old Bill. Old Bill, those of you who are old enough to remember World War I, I am sorry our host won't understand this one.

Remember Bruce Barnsfeather, the great cartoonist who kept the spirit of the British up by his soldier cartoons, Old Bill was his favorite GI although GI's didn't exist at that time. He was an old soldier who has been in for months and carried on until the end of the war and he always had some recruit with him who he was giving some sound advice, and probably the most famous of the cartoons was entitled "The Better Ole", Bill didn't speak very good English, he spoke Cockney English, and here was a picture of Bill and his young colleague in a shell hole, mud up to their waists. It was raining and the shells were coming down, and obviously the young man had been complaining about his lot because Old Bill was turning to him and said "if you know a better ole go to it."

So I think in this present circumstance, ladies and gentlemen, before we leave our present "ole" let's be sure we have a "better ole" to go to on this international battle field.

Question: General, I am a little confused. I think I know the reasons why we are in Vietnam, but our people, our Administration keeps telling us that we are there to allow the people, to allow them a free selection of their own government. But isn't it true that there was one Vietnam, and that the purpose of the Geneva Accords was in effect to unify the North and the Central and the South, and that the 17th parallel was only a demarcation line?

Now when we hear these things, and we wonder whether we are doing the right thing to create a South Vietnam when the intent of the peace accords was one Vietnam, would you care to comment on that?

General TAYLOR. First, you are really raising the whole question of the Geneva Accords and the aftermath which is a fairly long and involved story.

First, I point out historically there were only for a very few years, I think 60 years was there ever a single government ruling all of Vietnam, and you have to go back three generations to find that. So strictly speaking in the time frame we are talking about there was no Vietnam as a single government. That is one of the tragedies of the situation in Vietnam, is that there never has been a spirit of nationhood developed in the country.

The population while most of them are Vietnamese, they have a very strong sense of regionalism. Those who live in the North in the Hanoi area that was the old kingdom of Tonkin. Those in the center, Hue, Danang, that was Annam, and the South the Saigon area, the Mekong Delta, was Cochin China, and they think of themselves more in terms of those regions than they do in the sense of a national spirit uniting all Vietnamese. They all speak the Vietnamese language, but there is just enough difference so that they can identify each other very carefully. So in all political matters one has to take into account these three regions, in forming cabinets or trying to get consensus because they are very, very jealous of their regional rights and their regional prejudices.

The Geneva Accords were far from a satisfactory settlement. We recognized it at the time by not signing them. The South Vietnamese knew they were being sold down the river by the French. You will recall that Mendes-France, the French Premier, came into office in June of 1954, with a mandate, as he interpreted his election, to get out in 30 days, so he announced to the world the French were pulling out in 30 days and better sign some papers. Well, you can imagine the kind of papers the communists would sign under those circumstances. They literally sold out South Vietnam and we certainly—the French understand it that South Vietnam would come under the communist regime of Ho Chi Minh.

Meanwhile, the leaders in the South were thoroughly aware of their danger and wanted no part of it and announced, they denounced the Geneva Accords before they were signed.

The Geneva Accords themselves were conflicting because they established a 17th parallel and then gave the population North and South the right to change, to come—if you were in the North and wanted to go South in a non-communist state you came South, and almost a million refugees, the first refugee stream, came down in order to avoid the Communist regime.

In the South, the movement was much smaller. We think around 80,000 went North. But clearly by that change of population the understanding was there would be a unified Vietnam. Yet at the same time because of the Viet Minh-French agreement there was in the Geneva Accords the guarantee of elections two years later, but they would be supervised elections, and by 1956 it was quite apparent to the United States and quite apparent to South Vietnam that Ho Chi Minh had made a communist police state in North Vietnam and wouldn't let anybody in to see what was going on in his part of the country, so very wisely, in my judgment, South Vietnam, supported by our country, said "we are just not in this business of turning over South Vietnam to Ho Chi Minh." That is part of a long story and I am not sure I answered all the points you raised. It is quite interesting to recall them because we forget them as we go on.

Question: General, one of the things we have been trying to accomplish is to prevent the flow of supplies in North Vietnam. One of the questions is why don't we bomb the Port of Haiphong and mine the harbors and,

two, how are we making out in control of the Delta with regard to communists?

General TAYLOR. With regard to the first question, Haiphong, I have been on record since the Fulbright hearings of favoring the mining of the harbor of Haiphong because it can be done quite easily. Having said that I would say there is definitely a case on the other side too because this action would be essentially directed at the Soviet Union and there have been hopes, recurrent hopes, whether they are valid today I don't know, that the Soviets may prove the bridge by which we can establish contact and start negotiations going. So on the political side there has been these countervailing arguments which thus far have convinced our leaders at least for the time being such action should not be taken.

I point out, however, in the recent bombing attacks there have been pinpoint attacks on Haiphong installations which certainly is having a favorable, from our point of view, a favorable effect on destroying and making difficult the movement of supplies out of the Haiphong area.

The second question is whether the situation in the Mekong Delta, that there has never yet been a major effort to move in military force in great strength into the Mekong Delta. I think that is wise because, first, we don't have excess strength in other parts of Vietnam to move into the South in numbers. Secondly, there has been a fairly satisfactory equilibrium of forces. The two Vietnamese divisions have done quite well in holding down major depradations on the part of the Guerrillas. We have had the rice problem which may be in the back of your mind of getting the rice of the Delta out and into the rice-poor provinces in the center and into the North. This has been disappointing somewhat from, because of the interference of the guerrillas, but more so because of the shortage of manpower. You see itself South Vietnam has 800,000 men under arms today. I often remind my doubting compatriots who think this little country is not trying hard, that would mean 12,000,000 Americans under arms which just happens to be about the top figure of our strength in World War II. So with this manpower being taken out of agriculture very largely, they just don't have enough young men to cultivate the rice in the quantities that they used to. Hence there has been a very heavy import of rice subsidized very largely by our Government in the last two years.

Question: General Taylor, yesterday Senator Mansfield more or less suggested that one of our fears was a confrontation with China by virtue of bombing because he didn't want to be involved with China at the present time. Of course my feeling is sooner or later we will have involvement. Do you subscribe to his theory insofar as China is concerned at this time?

General TAYLOR. I think I have indicated in my early talk that I felt that we have accomplished what we have in the South with minimum danger of involvement with Red China. I had that opinion as long as three years ago, I certainly have it even stronger today. In view of the internal turmoil and disorder in Red China, certainly the dangers of military involvement initiated on their part is very small. Certainly on our side we are equally unwilling to take any action which would really be provocative in any sense of the word. I don't think we are. Our bombing has been very carefully conducted. There have been a few cases of overnights, actually we have lost two planes shot down, but the Chinese certainly have shown no desire to make that a cause for war.

By the same token—I am not sure I get the second part of your question, I certainly don't think we on our side should deliberately initiate the war with anybody. I have never subscribed to the inevitability of history. Some of my colleagues in the military two years ago felt a preemptive attack on the Soviet Union was really the course to follow, not many but a few thought of it. Certainly I think history is showing, I believe it is showing, that would have been an act of the greatest of folly had it ever been followed.

Hence today I am just hoping in due course China can become a peaceful member of the communities of nations and learn to behave itself whether they are under a communist government or not.

Question: General Taylor, in view of the recent demonstrations can we accept the present government, elected government as representative, truly representative?

General TAYLOR. I think it is as truly representative as one can get under the present conditions. There was no reasonable doubt expressed by the countless observers that a man who wanted to vote did vote, and furthermore he voted the way he wanted to. It was certainly in a way a rather surprising thing to me, but encouraging that the military, the government in office, got as low a percentage as it did, only about a third of of the vote. So that insofar as the equity was concerned, I think it was well protected.

Having said that, I would add certainly, I don't think they are a stable, experienced democratic government that is going to come out of this. It takes time to develop experienced officials. It takes time to develop true tradition, and I am quite sure we are going to see many events in the political field in which to us Americans are either disquieting or even repellent in the sense they do not coincide with our concept of government, but nonetheless this little country has really done an amazing thing in getting constitutional government in the course of a three year cycle, in time of war, without the traditions which backed our Founding Fathers. It took us, I remind my American audiences, from 1776 to 1789 including eight years of peace to get our first constitutional President. They have got one in three years.

So even though this performance doesn't look like that of a professional democrat, let us say, certainly it does look like the act of people trying to learn the ways of democracy and I think deserves our cheers rather than our criticism.

Question: Are the South Vietnamese soldiers, have they improved over the last 10 years as fighting soldiers and are they doing all they can to help win this war?

General TAYLOR. I mentioned the numbers involved. Just on the numbers basis, I think this country raising 800,000 men is doing very well. Quality wise our experience has been very much what it was in Korea. I would say our criticism of Korea and troops if one can think back to 1950, was much sharper, much harsher than has ever been the criticism of professional soldiers of the performances in Vietnam. We found in Korea simply this, that the Asian makes an excellent soldier, but he has to be trained and most of all has to be led. In South Vietnam as in Korea foreign occupiers have deliberately held down the leadership clash in the military field, the political and economic and everywhere. So this business of finding men who have the basic qualities to be officers and non-commissioned officers to lead the fight and show initiative. It is very difficult. It takes time. It takes training and it takes a long experience, personal acquaintance with the key officers in order to really be able to evaluate them.

So in answer to your question then their Army definitely is improving. General Westmoreland last year did not try to increase the overall strength because he had a program which he called Leadership Stockpile. He was trying to build up enough officers so that he could expand this year, and the present objective is to add 65,000 more troops this year.

Now, the actual performance has been superior in certain of the elite units, tolerable in and fair, let's say in, the bulk of the units and certainly there have been some weaknesses also, usually weakness being attributable to the leadership rather than the quality of the soldiers.

Question: General, what are the political relationships between North Vietnam, Red China and Russia?

General TAYLOR. The political relationships between Hanoi, Peking and Moscow? I wish I could answer that. I think Secretary Rusk would probably have to concede that he is not sure either. We know this, that Hanoi is trying to carry water on both shoulders retaining the friendship and support of both Moscow and Peking, and I am sure it takes some doing.

We also know that traditionally all Chinese are suspect to all Vietnamese. This is a very curious fact, a very clear fact, however, when one gets to know the Vietnamese.

In the South, I often asked the question "what would you think if Chiang Kai-Shek sent us a couple of divisions, we could certainly use them, couldn't we?" I could never get any South Vietnamese to show the slightest interest in such things. They just don't want Chinese under arms in their country regardless of what their ostensible motive is, and they assured me and I would suspect they are right, because many of the people in the south are really foreigners, that Ho Chi Minh must feel the same way and must be desperately afraid of being crushed in the embrace of China, and recognizing that even now he has had to take in some 20, 30 perhaps 40 thousand non-combat engineer-type troops, he must be terribly afraid that China, the Chinese, will find some reason, some way to press combat on them. So these relationships are confused, uncertain but I would suspect present Ho with headaches which far exceed those which exist in the heads of the Vietnamese leaders in the South in spite of all their troubles.

Question: Do you feel, General Taylor, we can build a Maginot-Siegfried modern day equivalent line across the 17th parallel?

General TAYLOR. Not the way you expressed that. Having said that, properly designed obstacles do have military value. They are being used, or have been used to some extent thus far, a great deal of that being done on the Marine front, simply an extension of field fortifications common everywhere. The concepts in the press of some other mysterious way of suddenly sealing the whole thing across the fronts, if that possibility exists, I am not aware of it.

Question: General, then you approve of the course of action that is being taken by the present Administration, is that correct?

General TAYLOR. I couldn't say that to anybody. I would simply say that certainly in the broad outlines I am very much in favor of it but I suspect if I went on probably I could find matters in detail to which I would not subscribe.

Question: Mr. Sorenson suggests in a recent article that any escalation of the war on our part produces another increase in aid from both Russia and Red China. In other words, their commitment is the same to the communist world as ours is to the free world. Do you share this opinion with him?

General TAYLOR. I never like to talk ad hominem, as they say, so I won't reply to Mr. Sorenson. I will simply say that anyone having a view such as that expressed would have to convince me which is cause and which is effect; does our escalation cause them to escalate or does their escalation cause us to escalate. So far as we are concerned we have never wanted to increase our forces one man or one plane or one round of ammunition which hasn't been proved necessary by the events taking place in South Vietnam. Hence taking that point of view, which I do, I would say that necessarily our build-up has resulted from their increasing forces they are putting into South Vietnam.

Question: General, this incident over the weekend at the Pentagon and other incidents in the past years and marches and the burning of draft cards, and what have you, what effect does this have on our fighting men and the people in Vietnam?

General TAYLOR. Well, I used to be able to answer that with some authority when I was sent over there, I have been back now for almost a year so I don't have that penetration of the military machine in South Vietnam. But I suspect it hasn't changed very much. Most of our soldiers out in combat, they have plenty on their hands without having to read the New York Times. So that they are happily freed from a great—of the knowledge of some of these events at home. When they do hear about it they utter a few unprintable words, but go about their business. So I don't think you can ever say that this is undermining morale of our troops in South Vietnam.

But where the damage is done is up in Hanoi. There is a fellow watching the situation, there is a fellow who is wondering how he is going to get out of his growing predicament, and seizes upon the possibility of something, a break-up on the home front of the U.S., so those pictures taken at the Pentagon go around the world, worth how much in dollars I couldn't possibly say to the other side.

Question: General, I think over the years this country has been in many conflicts, the Korean conflict, for instance. It seemed to drag out and took a great many years to settle. Now we are in Vietnam, and I think no doubt it will be a big issue in the next national election, and I wondered if we could get encouragement on the settlement of this? I think the American people are used to fighting a war and then coming to an end, a victory, and I know the boys over there are not kicking and we don't agree with all the beatniks and what not, and I know we are in there for a good cause, but I think one of the big issues is going to be as far as the American people are concerned have we a chance of ending this? I mean I think it is—a lot of our boys coming back, wounded and so on, and we are losing a lot of them. I think it is a big issue in the back of our minds, when are we going to end all this?

General TAYLOR. Well, I conceded that this apparent endlessness is indeed one of the prime concerns of all of us, we all share it.

On the other hand, I don't know of any course of history which has not been unpredictable. I can remember very well the Berlin Blockade, for example. It looked as if we were going to be flying coal to Berlin until a certain place froze over. I certainly felt there was absolutely no indication that we wouldn't continue indefinitely and we were quite prepared to. There were no statements in the U.S., let's give up the Berlin Blockade, so on a given date contact was made out of Moscow. Within 24 hours, 48 hours, the barricades were lifted, a complete change about. No one could possibly have predicted it.

I remember in Korea, the 8th Army had driven up to Yalu and then taken an awful shellacking, then driven south back again to the 38th parallel and then General Ridgway displaying a magnificent leadership turned that defeated Army around and was just beating the hell out of the Chinese around north of the 18th parallel. Suddenly we heard from Malik that maybe we had better start talking about an armistice at Panmunjom. It came just like that.

So the fact is we can't afford to be an impatient people. We are playing in a new league now, a league in which determination, confidence, stability are assets which we must have. The old Hollywood desire to punch the guys on the nose, that won't do in this dangerous world in which we live and if we don't learn it in time to apply here we are going to take a very great setback which it will take us years to overcome. But sooner or later we must learn the lesson if we are going to survive in this nuclear age.

Senator KENNEDY. I want to thank the General.

Mr. LANDRY. Before we start the program this afternoon I would like to, on behalf of the Massachusetts Mayors Association, thank our senator for putting on this program for us. I think it has been very educational and a real benefit to us. Senator, thank you very much.

Senator KENNEDY. It is a pleasure to introduce the distinguished Secretary of Interior to this group. Secretary Udall is known to many of our communities in Massachusetts. I remember a little over a year ago travelling with the Secretary up the Merrimack River Valley. We met with a number of the different communities that border on the Merrimack on problems of pollution and we coptered over a number of communities and viewed at first hand the problems of the Merrimack. We traveled later and looked on out in Worcester and we had a conference on the Blackstone River out there. I have had an opportunity to talk to him at length about the problems that we face in the Connecticut River Valley. We have had a conference up there last Friday about the problems of pollution in the Westfield River, the Chicopee River as well as the Connecticut. So he is no stranger to Massachusetts or the problems that we face up there.

It is always a pleasure to welcome him. Secretary Udall.

STATEMENT OF HON. STEWART L. UDALL, SECRETARY, DEPARTMENT OF THE INTERIOR

Secretary UDALL. Thank you very much, Senator. I think the Cape Cod National Seashore has been by all odds one of the most successful large national conservation projects that we have carried out in the seven years that I have been Secretary. And, of course, we started this under the President, your brother, Senator, and it is one of the programs I think all of us in Washington take the most satisfaction in. I have told more people where you have the usual local resistance because people don't understand large-scale conservation projects, if they had doubts they ought to go to Massachusetts and see what we were doing at Cape Cod.

The Interior Department, and it should be properly termed natural resources department, and I appreciate Senator Kennedy's testimony on this subject last week, was thought of by most people until a few years ago as a western department, indeed many of our responsibilities are there, the public lands, the large national parks, the Indians, mineral resources and things of that kind. But there has been a rather dramatic change in the 1960's in terms of my department, and its responsibilities.

We had intimate ties with all 50 States. I think the Department is a national department in a very real sense. We have direct relationships with my own Department and its bureaus with your city governments in a way that we did not have even a few years ago. In addition to that, of course, when one looks at Cape Cod, our Minuteman National Historic Site Project and other projects we have going in your State, you see a growing intimate relationship between these Federal agencies and your own local functions.

The Land and Water Conservation Fund which is a grant program to the State and to its subdivisions grew out of the establishments of the Bureau of Outdoor Recreation in 1962. This is a vital program, it is just beginning, I will discuss it in a moment, the water pollution control program we are right now gearing up for the big national effort, and we will have before we are through, through our grant program, through working with you on water clean up and water quality standards, we are true partners in the effort to clean up the rivers and the water supplies of our Nation. Congress a year ago passed a new act, the first broad-scale act of its kind in setting up a new program, Federal matching program with cities, with local organizations on historic preservation that I think is going to have a long-term significant interest particularly in regions like your own, where you have a very rich history.

We, of course, too, have interest in many other resource problems like commercial fisheries and wildlife, but I won't spend too much time on those today.

Your State, however, is a State that is not only rich in history, many opportunities to preserve that history, to add quality and distinction to your communities. You always are rich in the unspoiled landscapes that remain, and it often reminds me every time I think of New England of the story some of you may have heard me tell before of Robert Frost, the old poet who lived in Massachusetts, in Vermont, in his last years, who used to say that one year Vermont has a state brochure, beautiful full scene on it and it said underneath "come to unspoiled Vermont for your vacation." And he said every time he saw it he wanted to write down below "and help us spoil it", and I think this is the problem that we face in our cities, in most of our States today because the conservation movement today is not concerned with the big national parks and the big seashores alone. Conservation has come to the door step of city hall.

I talk as much about urban problems as I talk about the problems of the countryside. I gave a speech in Montreal yesterday to the Canadian Club and I talked mostly about cities and urban problems, and Secretary Weaver doesn't resent it either, because today when we are talking about conservation we talk about nature, we talk about resources, it is a single system. It doesn't stop at the city boundary. And when we talk about an environment we are talking about the total land and people equation in this country, and that is the reason that I think these new programs are so vital because we are understaking to do things that we weren't doing even a few years ago. I often think myself that the reason some of our cities, particularly our larger cities, have so many problems is that we had the wrong focus in the past. We didn't give them enough help. We didn't have the kind of Federal grant programs and programs of assistance that are so common today.

The Land and Water Conservation Funds was established by Congress in 1964. This program is just beginning. I am sure it is going to grow. I said the other day that I would be very disappointed if in the next five years it is not a half billion dollar program. It is a program designed to help the States and their subdivisions carry out total outdoor recreation planning programs. This includes everything from city parks to large State parks and efforts to preserve wildlife and seashores and forests.

There is another program that it overlaps somewhat but we need them both, and that is the open space program which is a program that the Department of Housing and Urban Affairs administers, but the conservation fund program, I know this from some summaries my people gave me in many instances if the State approves projects we end up matching funds with the cities on all manner of projects. This is, this program is just getting underway. I hope that with the help of Congress we are going to have even more funds than we have now. Much of the time many of the projects will be large state projects, but these projects where you can get a city project that qualifies, that is given a priority we are delighted to cooperate on these projects.

Another most vital new program, of course, not new in the sense that the Federal Government has just gotten interested in pollution, but the Congress in the last two

years, in 1965 and 1966, passed two land mark basic water pollution measures, the one in 1965 established water quality standards for the Nation. We are working with the States now putting in finishing touches on setting the water quality standards in all of the rivers of the Nation.

The second major law passed just a year ago now established, was what we call the Clean Rivers Restoration Act and it for the first time provides for a minimum of 30 percent and in some instances 40 percent and in others 50 percent grants for waste treatment works and water pollution control, and, of course, in your case, you are very fortunate because your state legislature a year ago enacted one of the best State water pollution control measures that has been passed in the country. You have State contributions also, State matching funds for these projects. But how we fit these together, whether your community is able to get the 30 percent or the 40 percent grant or in some cases 50 percent, this depends on the type of working relationship we establish and your own ability to qualify and to work with us in carrying out these programs.

This, of course, is going to be a long-term effort. We will not clean up the rivers of our country, we will not do the right kind of job of managing water conservation in our nation until we develop new techniques of cooperation, until we develop a new technology of water quality management, until we develop a new pattern of cooperation with the States, the Federal Government, the local government working together. This is a ten-year job, 12, 15 years, perhaps, and it is going to be an on-going job, but I think we can see clearly now that this Nation is rich enough, that we have the technical skills to do the job, and I will hope one of these days, Senator, to go with you and look at the first of Massachusetts' Rivers that has been cleaned up, and that it is available for all human uses that are possible.

But we face, too, and water is kind to growth, let's make no mistake about it. Those communities that want to grow in the future are not only going to be those that have the best opportunity to grow, in my judgment, that have the best place to live, the best total environment to live both in terms of the culture, their cultural advantages as well as in the physical setting \tself, as well as in what is in the countryside. I think people are increasingly, the type of sophisticated young people we are producing are going to want to live in cities that are attractive, and that this is no longer what we are calling beautification, it isn't something that is just something to be nice to have. This may be the key to the future in terms of whether communities grow or don't grow.

But another key factor will be water, availability of water, and this is where the water pollution clean up is not simply a problem of eliminating a blight from our land. It is a matter of providing managing our water in such a way that we can use and reuse it, and that we can provide whatever supplies are needed for growth in the future.

Finally, I come to the last of these three new major laws, where my government has or my department, has an interface as the engineers would say, with the cities, and that is the historic preservation legislation that was enacted a year ago. This again is a grant program, in this instance of the Federal Government working directly with communities, with local associations. It is in recognition of the fact that, and some of the leading mayors in this country helped draft this legislation and helped enact it, that there is a big task that we have not been undertaking in terms of historic preservation in our country.

Of course, in many areas, particularly with regard to big national projects, we haven't been doing a bad job in this field. But historic preservation is a big enough task that the States must do part of it, the local governments must do part of it, and I get around the country, I have seen some superb local projects of preserving and interpreting historic buildings.

I think those communities that have a regard for their own history, that preserve the most historic buildings and landmarks in their cities, these are the cities that command respect, these are the cities that people have some affection for, and this new program—we will not begin the full funding of it until next fiscal year as was contemplated under it. But under this program those of you who have important opportunities for historic preservation or where you have local government or non-governmental groups that are engaged in historic preservation activities in all manner of projects, you will work directly with the National Park Service.

These programs, I think, hold out real promise that those communities that want to can carry out vital projects.

Of course, one only has to, in your own State, talk of Salem, New Bedford and Nantucket and of all the large and small communities where parts of our history were enacted, to know that Massachusetts probably should be, should participate, Senator, as much or more in this program than any other State in the Union.

So I look forward in the future, Senator, to many of these new contacts that are just beginning, ripening into very fruitful relationships with the Congressional Delegation from Massachusetts, for the State people, and above all with those who guide the cities of that State.

Senator KENNEDY. I might just open the question period up, Mr. Secretary. One of the things is the problem of number two oil. We have been interested, many of the industries over the period of the last few years, in the importation of residual oil, and we know that quotas have increased and restrictions lifted. Now, as we look down to the winter this year, we are concerned about prospects, I think many of us are, about the increase in cost of oil to many of the consumers, the people of Massachusetts. We would be interested, I think, in some comment. We have been in touch with you at other times, but I think many of the people here represent consumers and represent people who are affected by this, and your comment might be something which I think many people would be interested in.

Secretary UDALL. Thank you very much, Senator. Of course, my Department does control the oil import program, and we did two or three years ago, after a long and rather acrimonious struggle with the New England Congressmen and the coal Congressmen, we did end the controls and restrictions on importation of residual fuel oil which, of course, is used in much space heating.

The number 2 fuel oil which as I understand it is used in the great majority of homes in the New England area, has been the source of great concern in recent weeks, both because the stocks were down and there were some, there have been some, price rises, too. I talked for sometime with a large delegation, Senator, from your State that came down to see me last week.

We are watching this program closely. We are determined that there will be adequate supplies, we have been in constant touch with the industry people who normally supply the, or bring in the, supplies, and I think that we can't have a severe winter and find out that we don't have adequate fuel to heat the homes of our citizens. This is a very serious problem. I know some of the mayors in New England have gotten into the issue already, and I can simply assure you at this point, Senator, that I am very much aware of the gravity of the problem, and that we are following it day-by-day, and if—I think we are going to be able to see rather soon what the final prospect is for the winter period, and we will make then whatever decisions are warranted under the circumstances.

It is a serious problem and I want you to know that we take our responsibilities very seriously in administering this program.

Question: Vincent F. Benson, Chairman of the Board of Selectman, Town of Truro.

Secretary UDALL. Truro.

Mr. BENSON. Truro, Massachusetts.

I think I represent one of the smallest towns in this conference here and I think we have been greatly affected by one single piece of legislation and that is the creation of the National Seashore Park. One thing that I believe that was not considered when the Act was put through that something should be done about these small towns where Federally acquired, owned land in lieu of real estate taxes.

One classic example I would like to bring out, we had a golf course and a hotel, which was sold to the National Park Service approximately three years ago. Once that was Federally controlled, we lost all taxes due and payable to the Town of Truro. But the National Park Service subleased it back to the original owner who now has sublet it to somebody else. Now, we are getting nothing in lieu of taxation, but still it is being conducted in the same original condition it was before. We have many more motels within the National Park Service and if they acquire this, lease them out again, where does the Town of Truro stand? I am afraid that maybe one-third of the people of the Town of Truro are going to pay the cost of the remaining two-thirds. And I hope sometime, some place, legislation may be enacted for these great takings within our town. Our widest point is only two and a half miles wide. This is not in the State of Arizona, and our longest point is only seven miles, and with acquisition we are going to have one-third of our town left.

Now the National Park Service is using our fire department, our roads, our police department, which we get nothing back. They pay a nominal fee for the use of our fire department, but nothing else for these services which the town must give to the National Park Service, and I hope this may be taken into consideration in the future because we are only a town of 800, 900 people.

Secretary UDALL. I have to be real honest and direct with you on this subject. And I know there are some contrary problems, and they are in most instances contrary, where there may be an impact felt.

Of course, the philosophy of the legislation was, and that is the reason we left the towns out, as islands in the Park, that you would, you know, instead of stringing motels all over the place and summer places, that they would be put in these communities and would be taxed and that you would build up your own tax base.

We have had the problem of having to acquire the other lands that go into the park, but I want to be honest with you because the Congress has had a philosophy that has been developed in the 60's and has been very consistent, and that has been for—a philosophy rejecting the idea of in lieu tax payments. We have the very similar problems in the Redwoods Legislation, Senator, that the Senate is going to consider next week of where we are taking large land holdings, large forest holdings. This will shut down some lumber mills, this will affect employment over a period of five years during which tourism is building up. But Congress pretty strictly rejects that philosophy and so I can't promise you that there will be any relief on that point.

Maybe we can handle some of these problems, however, and I will refer this to my people in a way so that the impact is minimized on communities such as Truro.

Senator KENNEDY. I think the matter brought up is understandable.

Whether in Massachusetts or elsewhere,

the point being raised is that functions are being continued almost as they were before.

Secretary UDALL. But taken over.

Senator KENNEDY. But taken over, the tax base. I think the point is well made.

Mr. BENSON. Thank you, Senator.

Question: Mr. Secretary, this morning in talking to one of the representatives of your department relative to land acquisition for conservation purposes, it came to our attention that although there were some 3,000,000, some odd thousand dollars that had been allocated to the State of Massachusetts for this purpose, still there have been no funds obligated, and it seems to be some shortcoming there in the State either on the part of the legislature or somebody, someone remiss somehow in providing for a funding of these moneys on to the applicants. I was wondering if something had gone amiss here and if so, what could be done to rectify the situation.

Secretary UDALL. Well, Massachusetts has been slow, relatively slow, compared to some of the States, in getting its program going and geared in. We have a few States that haven't even qualified under the new program.

I think we should look into this and I think pressure both from our independents and from yourself should take place because the money or rather let me put it this way: The States were given under the law the responsibility of working with the cities, the counties and so on, to prepare State-wide master plans in terms of what the State intended to do, and no grants can be made to projects unless they are part of that plan. If the State has been slow in getting its program moving, of course, it doesn't lose its money, the money can sit there for as long as two years or I think maybe three, but the money does not go on through until the State takes the necessary action and some of the States regrettably have not geared up as quickly as we would like to see them do it. So I think you have raised a good point and we ought to raise questions on both ends and see if we can't quicken the process.

Senator KENNEDY. Our speaker on transportation is a fellow New Englander, former member of the House of Representatives, who has been in attendance at part of our meetings. The questions of transportation are of great interest to all of us, and we have seen a number of the discontinuances of railroads affect the life and the well being of the people and industries in Massachusetts. We have been concerned about the various mergers that have been suggested by the various courts.

We are interested in Senator Pell's proposal about the rapid speed corridor that is being built between Boston and New York and further down to Washington. We are equally concerned about the future of air transportation.

One of the most worthwhile messages that I think came out of the early 1960's was President Kennedy's message on transportation, the talk about an integrated kind of a transportation policy. I think we are still working towards this end, but questions of transportation are of great interest and significance for the life and well being of all the people of the Commonwealth.

So it is a pleasure for me to present a person who has some of these responsibilities, Ollie Huot.

STATEMENT OF J. OLIVA HUOT, CHIEF, LOCAL GOVERNMENT LIAISON, DEPARTMENT OF TRANSPORTATION

Mr. HUOT. Thank you very much, Senator.

The Department of Transportation, as you know, is a brand new department, and in most cases departments speak about their accomplishments, what they have done. But really I cannot speak about the accomplishments of the Department of Transportation because we really haven't done anything yet. We are six months old, but the fact that as a department we have not any real accomplishments yet, I can tell you that the Department is most anxious to present programs for the future, accomplishments denote something of the past.

The setting up of the Department of Transportation is not strictly a bureaucratic whim to set up a department. They have been talking about it since 1874, and on 17 separate occasions, it had been brought before the Congress. In 1966, there were 30 different federal agencies working in transportation. So now, we have come to one, and many problems are going to arise, they are arising all the time. When we consider that there are 90 million cars now on the road, by 1975 there are going to be 120 million. Air fields traveled are now 57 billion passenger miles. In 1975 we are going to have 130 billion. And there are now 3,000,000 miles of paved roads. In this decade you will be able to travel from Coast to Coast without stopping for a light.

These statistics help to point out the size of the transportation problem that is facing this country, that is facing you, even if you are in a small city or a large city. And the Department has been given by Congress a mandate to promote national transportation policies and progress, No longer can we make decisions affecting one thing. We can't say that we are going to build an airport, and we build an airport. We can't say that we build a road, and we build a road or that we put a track and we run a train on it.

These things have all got to be related, because they all concern all of the people, and besides the people who are going to use these facilities we have to think of all the people who are affected because of these facilities. And this adds to the problem because we must coordinate and make a cohesive program of transportation, whether it be air, highway or rail.

In our department, as you know, has been incorporated the Federal Aviation Administration, the Federal Highway Administration, the United States Coast Guard and the St. Lawrence Seaway Development Corporation, and the Federal Railroad Administration.

Now, there are a lot of economic and political responsibilities. Economically the Federal Government will never be funded enough to take care of all of the problems of all of the people. So consequently we are going to depend heavily on the communities and the States. And really the direct political responsibility is yours as leaders and top elected people from your State, whether it be a small community or the State as the whole. And, therefore, we are going to become partners. You are going to become partners with the Federal Government in turn, which is nothing more than you, the people.

The Vice President yesterday at this meeting indicated this partnership between the Federal Government and the cities and states.

Certainly you, as elected officials representing the people from your State or area, you have the responsibility and should have some control over the environment created by these facilities, and you should have some control and influence on the destiny of your people in your area and, therefore, you should definitely be working closely with all of the agencies and in my particular case with the Department of Transportation.

There is the road that the Department of Transportation intends to travel, a road that will bring about cooperation between towns and cities and States, to provide the best facilities, coordinate the facilities, so that you can work in your roads with your airports, and your trains with your airports and your roads and your cities.

Particularly, I am sure that you are interested in the high speed ground transportation that affects Boston and Massachusetts in the New York to Boston run which will probably, as the plans provide, it will save an hour in traffic time between New York and Boston which is quite a saving of time.

Now, there is a great deal of work going in and research going into this area. We are talking about fluid dynamics, they are talking about microwave power, talking about different suspension systems to eliminate wheels. The aerospace program, the FAA Administration, a lot of their facilities and their research has been helpful in this program, and this program in helping the people and the research that is being done for the high speed ground transportation will, in turn, help aviation in that any of the findings that are made in obstacle detection or whatever it may be, these same facilities will be available to all transportation, and, of course, the key factor in all this is safety. We are concerned, of course, with safety on this train, we are concerned with safety on the highway, we are concerned with safety of vehicles. This has all become part of the concern of the Department of Transportation.

Perhaps I might point out a couple of new programs that probably you haven't heard about. These are programs that are just getting underway. We have a program called TOPICS. You could well guess that TOPICS is initial because nobody talks full today. We just use initials. So TOPICS is an initial that means Traffic Operation Program to Improve Capacity and Safety. This is intended for cities, this is intended to help main city streets. And by this program there are going to be available funds for you to help in traffic signals, unloading lanes, channelizing traffic. overhead pedestrian walks, this type of thing that will improve capacity of the existing streets in the cities and the safety of the people. This is a program that is very new. You necessarily have to work this through your highway department. This has to become a priority and has to be included in the highway system, and it is possible to do this now with the TOPICS program.

Another program which has to be used and with cities and not only highways, but with other development is the Freeway to Urban Development. The Freeway to Urban Development will provide for cities to, say, through an authority of some sort, buy whole blocks where a highway may be going through, whole, several blocks, at, of course, a blanket price naturally for all the property, then be able to sell the portion that the freeway is going to need and then the city will have the balance of that property for development, which would be substantially cheaper and the property would be at a much more minimum price compared than if you buy just the portion for the highway and then want to buy extras on the side of the highway for when you know of the highway you can do this.

Question: Mr. Huot, you have mentioned programs for transportation in cities and two urban areas, I come from a small town of Seekonk which really needs a North-South access highway. We cannot afford land acquisition or the cost of putting this land through 12 miles of our town. Do you have any programs to help smaller communities?

Mr. HUOT. You mean you want to tie in between an interstate——

Question: 85 in the south and 195 which goes through Attleboro in the North. We would like a tie-in.

Mr. HUOT. I would assume if you work with your highway department, it may not be an interstate part of the highway you are talking about because I gather you are trying to link an interstate with something else to make a cross traffic.

Question: 95 and 195, right.

Mr. HUOT. I would suggest this could be considered of course a primary road, and your State, after all, you get highway funds for that at 50 percent, your State does, and I think you ought to put your bug under the

State Highway people and show them your need.

Yes, sir.

Question: Lawrence Fitton of Attleboro.

We have a problem, Mr. Huot, concerning bus operation deficit until the operator could no longer afford to continue. He is now taking his service runs that are needed by people that work in the industry locally and depend on bus for service and they find now that they can get a bus 7:00 o'clock Saturday morning and that is the only time, and yet they have Saturdays off so they need them the other days of the week. This comes about when the city has taken school bus transportation away from the public carrier, and without this added income he cannot operate and now is cutting service, and will likely even dissolve his bus transportation system. Is there any area that you could help such a situation as this?

Mr. HUOT. I gather that the city is not helping?

Mr. FITTON. Not a bit.

Mr. HUOT. A quick answer, I could get rid of it in a minute, is that this is covered also under Housing and Urban Development, they have under mass transportation. But we find many cities have that question and many cities are already contributing to bus transportation, but are getting to a saturation point where they cannot continue to do it because it is going up every year and there is a limit.

Senator KENNEDY. Our final speaker, Paul Warnke, comes to us as Assistant Secretary of Defense for International Security Affairs.

STATEMENT OF HON. PAUL C. WARNKE, ASSISTANT SECRETARY FOR INTERNATIONAL SECURITY AFFAIRS, DEPARTMENT OF DEFENSE

Secretary WARNKE. Thank you, Senator. Vietnam, of course, represents to the United States of America a very difficult and a very different sort of a situation. What it really is is an attempt to exercise limited power to deal with a limited problem, and to avoid the impatient reaction that might escalate that problem into a graver one.

It is a different kind of a war than any in which the United States has been engaged in a number of respects. First of all, because it is hard to define our enemy. The enemy consists not only of the North Vietnamese forces, which are engaged in overt aggression against South Vietnam, but also it consists of the forces within South Vietnam itself which are insufficiently affiliated with or responsive to their own government control.

Now, as a result it does us no good really to talk about bringing full power to bear to destroy the enemy because we could decimate North Vietnam and as General Taylor pointed out in his article over the weekend that would still leave us faced with a couple of hundred thousand armed enemy within South Vietnam itself.

It is an area in which there are no battlelines; there is no way of telling by just measuring on the map how close you are to victory. There is no way of telling how soon you are going to capture Berlin because we are not trying to capture Berlin.

What we are trying to do is to put an end to the overt aggression from North Vietnam, supported, of course, as it is by the other communist states, and to try to create within South Vietnam the kind of a viable government that can earn and retain the support of its people.

Our interest in Vietnam is a completely altruistic one. We are not interested in any kind of permanent bases, we are not interested in any kind of territorial conquests. Now, that doesn't mean that our own national interests aren't intimately involved in what we are doing in Vietnam. Of course, they are. We are not all that unselfish. It is in our interests to create a free and independent government in South Vietnam so that you don't end up with a totally solid front of communist states sticking like a dagger down toward Malaysia, Indonesia, Australia and bordering on the Philippines.

So that it is in our interest to try to do what we are trying to do primarily for the people of South Vietnam themselves.

Now, the pressures, of course, are always to widen the War because of the impatience with the difficulties of trying to reach results in this sort of an ambiguous and cloudy situation. But I think the answer to that is that a wider war would not bring us any closer to victory, and might confront us with the danger of rapid escalation with all of what that means in a nuclear age.

So that what we have to try to do is to maintain our patience, maintain our resolve, and look for the signs that indicate that we are making the sort of progress that will eventually bring us to the goal that we seek to reach. And we think that there are indications of this progress. Certainly there are very many indications on the military front.

As I have said you can't measure it on a map, but in terms of the effectiveness of the South Vietnamese forces themselves, there has been definite progress. They have become more aggressive, they now capture more weapons than they lose, their desertion rate is more than halved. They have over 700,000 men under arms. They had indicated they are going to increase that by another 65,000 this year. For a country relatively small that is a very high percentage of their youth under arms.

As far as the other indications within South Vietnam itself are concerned, you have the fact that the population under the control of the Government of Vietnam at the present time has increased by about four million people since 1965. You have the fact that the roads and waterways which are essential to the movement of commerce within South Vietnam now are open to the extent of about 91 percent, and you also have the fact that the intelligence reports indicate that there are increasing shortages of ammunition, medical supplies and manpower at the disposition of the Viet Cong.

So that militarily we feel that we are doing very well indeed.

Now the problem, of course, is how you were going to make those gains translatable into some kind of peace and long range security within South Vietnam. And that, I am afraid, is something that we can't do for them. That is something they are going to have to do for themselves. In order for there to be the South Vietnamese Government that we would like to see, the South Vietnamese are going to have to take not only the major part, but almost the sole responsibility. It is very difficult for us sitting where we are to structure a South Asian government. I wouldn't know how to go about it and I am sure none of you would. So what we have to count on is that we are giving them the breathing space and the time to create their own political institutions.

Within the past year they have made very massive strides towards doing just that. They have, as you know, gone through a series of elections. They have elected first of all the Constituent Assembly which wrote their constitution. They had hamlet and village elections, they have had elections for president, for the Senate, and just yesterday for the lower house. In all of those instances they had a very remarkable turnout for a country in a state of siege and for a country in which voting was sometimes to risk your life.

The voting turn out for the presidential election was over 80 percent and even now when they must be somewhat satiated with elections they had yesterday a turn out of 73 percent for the lower house. There are indications that this political experience is making them aware of what fun it is to participate in your own political processes, and we can only hope that as the government becomes established it will be able to extend its control over more and more of its own people, because we have to feel that among those who are presently in revolt in South Vietnam there must be a very substantial majority that aren't dedicated marxists. After all most of them are peasants with a fairly low degree of education, if in fact, they have any formal education at all.

What they are interested in, they are interested in a better life and the peaceful conditions that will enable them to live and to thrive.

If the Government of South Vietnam is able within the next several months to show that it can do this, then we feel that that, together with our own application of military pressure, is going to bring us to the goal we are trying to achieve.

Question: Mr. Secretary, statements have been made to the effect that the Vietnamese people, the man on the street, does not desire American presence in Vietnam. Would you care to comment on this statement?

Secretary WARNKE. Well, I think that you have to try to again identify who you are talking with. I can't claim to be an expert on Vietnam. I have not spent enough time there to qualify as an instant expert of whom we have too many in this country. But I think one thing is very clear, that as far as the man in the village is concerned, that they are deeply appreciative of American efforts to help, and that the amount of good will that our armed forces have been able to build up because of their activities within the villages and hamlets is very heartwarming.

Similarly the amount of good will that has been built up by some of our AID personnel within these villages and hamlets is a very encouraging thing and makes you feel much better about American participation in this far corner of the world.

Now, unquestionably there are some Vietnamese that resent American presence. But I think that is quite natural and to me quite encouraging. If they didn't resent it I would hold every little hope for them as a sovereign nation. They do have a sense of national pride, they are aware, I think, of their own deficiencies, and like all of us they resent their own deficiencies, and they resent the fact that they have been unable at the present time to take care of themselves and to resist this aggression by themselves.

So that I think there is a sort of a mixed love-hate relationship, they like what we are doing, but they wish we didn't have to do it for them, and I think that this is particularly true when you get away from the mud hamlet and the village and get into the big cities. When you get there and you have got people who are better educated they naturally are the more resentful of their own inability up to the present time to assume the major part of the burden and I would suspect the longer we stay there that the more people there are that are going to resent us and I think when the day comes when they resent us terribly and they don't need us any more that is good.

Yes, sir?

Question: There has been some allegation by responsible people in this country that a number of them are not well disposed to the U.S. and were prevented from appearing on the ballot in the recent elections. Will you comment on that?

Secretary WARNKE. Well, I suppose that refers primarily to people like Tran and the gentleman down in Bangkok, what is his name? Big Minh.

Certainly, there is no question of the fact that the constituent assembly did exercise some degree of selection when it came to candidates. They did that however in accordance with their own constitution, and their constitution provides that anyone who is communistically inclined is not eligible for candidacy for the president or for the legislative assembly.

I think that this is not an unreasonable

sort of restriction given some of the restrictions under which South Vietnam is operating at the present time.

As far as Big Minh is concerned the charge there was not that he was a communist nor was communistically oriented but that they regard his return to the country as being inimical to the interests of order. Again, this is a decision that you and I might question, but certainly a decision which was in their jurisdiction to reach. Certainly the number of candidates that were in fact presented and the distribution of the votes indicates that there was the opportunity for a considerably broader choice than that which exists in most of the countries of what we refer to as the free world.

Yes, sir?

Question: Mr. Secretary, the North Vietnamese, the Viet Cong, have been said to be very successful with their campaign of terror even in those areas that we control and we pacify and even Saigon itself. I have never seen reported anywhere where there has been any successful act of espionage or terror carried on up North, the blowing up of bridges or vital installations near the Port of Haiphong so we wouldn't have to risk sending our bombers and risk confrontation with Russian ships.

Is there any evidence that we have read in the paper or anywhere else that there have been successful acts of sabotage in North Vietnam by partisans of the South by those highly motivated.

Secretary WARNKE. Well, first of all, obviously there is some information which we can't discuss. We would be free to say, however, that the difficulties of engaging in sabotage in the North are extreme, and the best analogy I can think of is the analogy of trying to engage in sabotage in the Soviet Union under Stalin, that they have a degree of population control which exists, to my knowledge, only in totalitarian countries.

Now, whether the people in North Vietnam like their government or not, there is no question of the fact that they are subject to that government, and are very strictly controlled by it, and that again whether it is grudging support or willing support that support does exist. It would take not only a degree of heroism, but I think also a fantastic degree of luck to be able successfully to engage in sabotage under the police state conditions that exist in North Vietnam.

There have been some efforts, they have been of very limited success.

Question: Secretary Warnke, what percentage of the costs of running the South Vietnamese Government do they contribute and also how much do they contribute percentage-wise in running the war over there, and how are these funds obtained?

Secretary WARNKE. Well, they, of course, maintain their own armies, and that is almost one hundred percent. There is some subsidization on our part of their commissary supplies, but their percentage in the total war effort is just a fraction of ours and it would have to be because of the enormous cost involved. It is a cost which is a very heavy one for them, and if you compare the burden on their economy with the burden on our economy, of course, the proportion is much heavier in their direction than it is on ours, which is why I said in my opening remarks that we have to consider that we ourselves have got a national interest involved here; that the American security interest is involved there, that we can't pretend we are being entirely altruistic. If so we would look kind of silly.

Yes, sir?

Question: Sometime ago there was talk of building a barricade all the way across between the two Vietnams. Has this idea been discontinued?

Secretary WARNKE. Well, Secretary MacNamara announced, you will recall, a few weeks ago that there were plans to create a type of barrier which ranged from conventional sort of physical obstacles to very sophisticated types of electronic devices. His statement concluded that he had directed the other members of the Department of Defense to say no more about it. I think prudence dictates that I stop at there, sir.

Senator KENNEDY. Gentlemen, that brings us to the end of this meeting and session. Let me express my appreciation to all of you for your interest and for your attention during the course of our meetings. I was impressed with the quality of the questions, as I know a number of those who participated in the discussions were. They have themselves in their comments to me said they have benefitted from the points that you raised, from the conversations that they had with many of you. So we are very much appreciative for your comments and for your ideas. We hope if you have suggestions as to the workings and functionings of these federal programs you will stay in touch with us and we can communicate them to the respective agencies.

We hope to continue to have these kinds of meetings, both up in the State, and also down here again in the not too distant future. I think it has been valuable and helpful, and it has been educational for me, and I hope to some extent for all of you. I want to thank all of you for coming here.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

AMENDMENT OF PUBLIC HEALTH LAWS RELATING TO MENTAL RETARDATION

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 709, H.R. 6430.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 6430) to amend the public health laws relating to mental retardation to extend, expand, and improve them, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

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

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

Mr. HILL. Mr. President, I have the honor to submit to the Senate the Mental Retardation Amendments of 1967, H.R. 6430. The legislation was approved by the House of Representatives by a vote of 389 yeas. There was not a single nay. The measure was approved by the Committee on Labor and Public Welfare without a dissenting vote.

H.R. 6430 would—

Extend the existing program of project grants for the construction of university-affiliated facilities for the mentally retarded and authorize $50 million in appropriations over the 3-year period 1968–70;

Extend the existing program of formula grants to the States for the construction of community mental retardation facilities and authorize $80 million in appropriations over the 2-year period 1969–70;

Begin a program of project grants for initiating services at facilities for the mentally retarded. Similar grants are now authorized for community mental health centers and for rehabilitation facilities. A total of $31 million for the 3 years, 1968–70, would be authorized in appropriations to initiate the grants and such sums as may be required over the years 1969–74 to continue the grants over the remainder of the 51 months that is provided for.

AMENDMENTS

The Committee on Labor and Public Welfare approved several amendments to the bill as passed by the House:

First. The first amendment would permit planning grants to be financed out of the funds appropriated for the construction of university-affiliated facilities for the mentally retarded. Such grants could not exceed $25,000 nor 75 percent of the planning costs. No increase in appropriations is authorized.

Second. The second amendment would permit States to use 2 percent of their allotments for the construction of community mental retardation facilities, or $50,000, whichever is less, to pay for not to exceed one-half of the cost of administering the program at the State level. This same authority now exists under the Hill-Burton program. The amendment involves no increase in appropriation authorization.

Third. The third amendment would make it possible for mental retardation facilities to use the funds appropriated for initiating services for transportation and other services where the major expense is not represented by personal services. As passed by the House, these grants could only be used for the costs of professional and technical personnel. This amendment was suggested by the National Association for Retarded Children. No increase in appropriation authorization is involved.

Fourth. The fourth amendment would extend for 1 additional year the existing program of research and training for the education of handicapped children. A total of $73 million, the amount recommended by the Department of Health, Education, and Welfare, would be authorized to be appropriated in 1970 for this program.

Fifth. The definition of construction under Mental Retardation Facilities and Community Mental Health Centers Construction Act would be amended to include the cost of land acquisition as a cost of construction. This is in accord with our policies under other construction programs; that is, the Vocational Rehabilitation Act.

Sixth. Finally, H.R. 6430 would be amended to provide for training and research in physical education and recreation for the mentally retarded and other handicapped children. A total of $10 mil-

lion would be authorized to be appropriated over the 3 fiscal years 1968, 1969, and 1970.

SUPPORT FOR THE LEGISLATION

The enactment of H.R. 6430 is recommended by the administration, the National Association of State Coordinators of Mental Retardation Programs, the National Association for Retarded Children, the State mental health program directors, the American Association on Mental Deficiency, the American Public Health Association, the Alexander Graham Bell Association, and the American Nurses' Association.

As I stated at the opening of my remarks, this legislation was approved by the House by 389 yeas and not a single nay. It was approved by the Committee on Labor and Public Welfare without a single dissenting vote.

I urge the Senate to approve H.R. 6430.

Mr. JAVITS. Mr. President, on the part of the minority, I rise only to confirm what my colleague has stated that this is a bill arrived at in the fine spirit manifested in the committee in respect to all matters on health, education, and welfare, on an entirely bipartisan basis.

The report has set forth the detailed provisions which are contained in the bill but I should like to comment on just one or two matters.

First, the size of the problem. It is estimated that three out of every 100 children born are destined to be mentally retarded, so that with the birth rate in our country what it is, this is roughly speaking around 3 million a year. Thus, we have a very serious problem involving many children—and a problem of great interest to the Nation.

Second, as we are now making a great effort in respect of self-help, it is very important to note that the communities of the country are spending $650 million a year for treatment, education, and training of the mentally retarded. Although these services and facilities are so far short of what is needed, it represents a very considerable commitment of effort by the States, municipalities, counties, and other political subdivisions in the United States.

The Senator from Vermont [Mr. PROUTY] and I, as our individual views on page 18 in the committee report indicate, take great pride in bringing the mentally retarded program abreast of the other programs in which we have provided not only facilities but also staffing. That was not the case in the mental retardation program. Although we had provided such staffing at community mental health centers and sheltered workshops and rehabilitation facilities, we had not provided it for the mentally retarded.

The provisions of section 4 of this bill inaugurate a system of grants for services in the community mentally retarded centers through the years 1968, 1969, and 1970, reaching a maximum of $14 million in fiscal year 1970. This program carries on after fiscal year 1970, due to the timelag and the actual taking effect of the money, into 1973 on a diminishing scale of participation. The participation begins with the 75 percent Federal grant percentage and diminishes down in the third year to 30 percent, thus giving inducement and taking into account the fact that the local communities will do more in this all important field.

We are respectfully aware that the support to which the Senator from Alabama [Mr. HILL] has referred, from so many of the outstanding organizations in the field, is completely warranted and that the bill eminently deserves unanimous approval of the Senate, which I hope it will obtain.

The PRESIDING OFFICER. The clerk will state the amendments.

The following committee amendments were stated and agreed to:

On page 2, after line 18, insert:

(d)(1) Section 121 of such Act is amended—

(A) by inserting "(a)" immediately after "SEC. 121."

(B) by inserting (in the first sentence thereof) immediately after "construction" the following: "(and the planning for the construction),"

(C) by striking out "The" (in the second sentence thereof) and inserting in lieu thereof "Except as provided in subsection (b), the", and

(D) by adding after and below such section the following new subsection:

"(b)(1) Of the sums appropriated pursuant to subsection (a) for any fiscal year, beginning with the fiscal year ending June 30, 1968, an amount equal to 2 per centum thereof (or such smaller amount as the Secretary may determine to be appropriate) shall be available to the Secretary for the purpose of making grants to cover not to exceed 75 per centum of the costs of the planning of projects with respect to the construction of which applications for grants may be made under this part. Not more than $25,000 shall be granted under this subsection with respect to any project.

"(2) Planning grants under this subsection shall be made by the Secretary to such applicants and upon such terms and conditions as he shall by regulations prescribe. Payment of grants under this subsection shall be made in advance or by way of reimbursement, as the Secretary may determine.

"(3) Whenever, in the succeeding provisions of this part, the term 'grant,' 'grants', or 'funds' is employed, such term shall be deemed not to include any grant under this subsection or any of the funds of any such grant."

On page 4, after line 12, insert:

(c) Section 132 of such Act is amended by inserting at the end thereof the following new subsection:

"(d)(1) At the request of any State, a portion of any allotment or allotments of such State under this part shall be available to pay one-half (or such smaller share as the State may request) of the expenditures found necessary by the Secretary for the proper and efficient administration during such year of the State plan approved under this part; except that not more than 2 per centum of the total of the allotments of such State for a year, or $50,000, whichever is less, shall be available for such purpose for such year. Payments of amounts due under this paragraph may be made in advance or by way of reimbursement, and in such installments, as the Secretary may determine.

"(2) Any amount paid under paragraph (1) to any State for any fiscal year shall be paid on condition that there shall be expended from State sources for such year for administration of the State plan approved under this part not less than the total amount expended for such purposes from such sources during the fiscal year ending June 30, 1967."

On page 5, line 9, in the heading, strike out "Staffing Of" and insert "Services In"; in line 16, in the heading, strike out "Professional and Technical Personnel of" and insert "Initiating Services In"; on page 6, line 6, after the word "of" strike out "compensation of professional and technical personnel for"; on page 9, after line 15, insert a new section, as follows:

EDUCATION OF HANDICAPPED CHILDREN

SEC. 6. (a) Section 302(a) of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (20 U.S.C. 618(a)) is amended by striking out "and" before "$14,000,000", and by inserting ", and $18,000,000 for the fiscal year ending June 30, 1970" after "June 30, 1969".

(b) Section 7 of the Act of September 6, 1958 (20 U.S.C. 617), is amended by striking out "and" before "$37,500,000", and by inserting ", and $55,000,000 for the fiscal year ending June 30, 1970", after "June 30, 1969".

On page 10, after line 2, insert a new section, as follows:

SEC. 7. Section 401(e) of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 is amended by striking out "including architect's fees, but excluding the cost of offsite improvements and the cost of the acquisition of land" and inserting in lieu thereof "including architect's fees and the cost of the acquisition of land, but excluding the cost of offsite improvements".

After line 9, insert a new section, as follows:

SEC. 8. The Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 is amended by adding at the end thereof the following:

After line 12, insert a new title, as follows:

TITLE V—TRAINING OF PHYSICAL EDUCATORS AND RECREATION PERSONNEL FOR MENTALLY RETARDED AND OTHER HANDICAPPED CHILDREN

GRANTS; AUTHORIZATIONS OF APPROPRIATIONS

SEC. 501. (a) The Secretary is authorized to make grants to public and other nonprofit institutions of higher learning to assist them in providing professional or advanced training for personnel engaged or preparing to engage in employment as physical educators or recreation personnel for mentally retarded and other handicapped children or as supervisors of such personnel, or engaged or preparing to engage in research or teaching in fields related to the physical education or recreation of such children.

(b) For the purpose of making the grants authorized under subsection (a), there is authorized to be appropriated for the fiscal year ending June 30, 1968, $1,000,000 for the fiscal year ending June 30, 1969, $2,000,000, and for the fiscal year ending June 30, 1970, $3,000,000. Any sums appropriated for any such fiscal year and not obligated before the end thereof shall remain available for the succeeding fiscal year for the purpose for which appropriated.

RESEARCH AND DEMONSTRATION PROJECTS IN PHYSICAL EDUCATION AND RECREATION FOR MENTALLY RETARDED AND OTHER HANDICAPPED CHILDREN

SEC. 502. (a)(1) There is authorized to be appropriated for the fiscal year ending June 30, 1968, $1,000,000, and for each of the two succeeding fiscal years, $1,500,000, to enable the Secretary to make grants to States, State or local educational agencies, public and nonprofit private institutions of higher learning, and other public or nonprofit private educational or research agencies and

organizations, for research or demonstration projects relating to physical education or recreation for mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other children with specific or serious learning disabilities, who by reason thereof require special or modified physical education and recreation activities to enhance their physical and mental development.

(2) Grants under paragraph (1) shall be made in installments, in advance or by way of reimbursement, and on such conditions as the Secretary may determine.

(b) The Secretary shall from time to time appoint panels of experts who are competent to evaluate various types of research or demonstration projects under this section, and shall secure the advice and recommendations of one such panel before making any grant under this section.

ADVISORY COMMITTEE

SEC. 503. (a)(1) The Secretary shall appoint an advisory committee which shall consist of fifteen members to advise him on matters of general policy relating to the administration of this title. Seven members of such committee shall be individuals from the field of physical education, five members thereof thall be individuals from the field of recreation, and three members thereof shall be individuals with experience or special interest in the education of the mentally retarded or other handicapped children.

(2) The Secretary shall, from time to time, designate one of the members of such committee to serve as the chairman thereof.

(b) Members of the advisory committee and members of any panel appointed pursuant to section 502(b), who are not regular full-time employees of the United States, shall, while serving on the business of such committee or such panel, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including travel time; and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

Mr. YARBOROUGH. Mr. President, I am informed that an estimated 3 percent of the American population have an IQ below 67, the level at which a person is considered to be mentally retarded. This totals approximately 6,000,000 individuals, some 11 percent or 660,000 of which are so severely handicapped that they require institutionalization. I am further informed that both in absolute terms and as a percentage of the population, mental retardation is likely to become even more widespread as the American population expands.

It is with these rather depressing facts in mind that I stand now in support of one of the most needed pieces of legislation to come before the Senate this session—the Mental Retardation Amendments of 1967. Under the compassionate care and imaginative guidance of the very capable chairman of the Subcommittee on Health, Senator HILL of Alabama, H.R. 6430 comes to us as a major stride toward the realization of a mental retardation program that will help meet the very personal needs of those American families which daily must cope with the hard realities of mental retardation.

For too long mental retardation remained largely a neglected facet of our public health effort. It has been during Senator HILL's distinguished chairmanship of the Health Subcommittee that a national commitment to aid the mentally retarded has been developed. In October of 1963, with the full support and encouragement of the Kennedy administration, Congress enacted the Mental Retardation Facilities and Community Health Centers Construction Act.

As a member of the Subcommittee on Health for the past 9 years, I have worked for all of the legislation to aid the mentally retarded. Under this initial commitment there have been funded 167 projects for construction of community centers for the mentally retarded, 12 projects for construction of mental retardation research centers, and 14 projects for construction of university-affiliated facilities for the mentally retarded. These 193 construction projects for mental retardation services, research, and training have been funded at a total cost of $187 million, of which the Federal share has been only $30 million.

Needless to say, this national investment of $30 million is only a beginning—indeed, it represents a mere $5 investment in each of the 6 million individuals afflicted. Perhaps its primary significance is as a manifestation of national concern for and a promise of hope to the mentally retarded of America. The major task, however, still lies before us. It is evident that services for the mentally retarded will not keep pace with the demand for many years to come. Long waiting lines continue to exist, and services adequate to meet the needs of all will not be available for many years—and then only if we mount a major effort to fulfill our commitment. The House report to accompany H.R. 6430 gives some indication of the scope of the problem:

> Over 189,000 mentally retarded persons are now in institutions; an estimated 31,000 are on official waiting lists to be admitted into institutions but are unable to do so because of lack of available facilities and services. All indications point to the fact that these official waiting lists represent only a small portion of those who are waiting for institutional services, diagnostic or clinical care, special education, training, and other services.

If 660,000 mentally retarded individuals require institutionalization today, yet only 189,000 are presently in institutions, our immediate task is clearly defined: meet the institutional needs of 471,000 mentally retarded Americans. It is this need that H.R. 6430 strives to meet. The Mental Retardation Amendments of 1967 seek to build on the very solid foundation of the act of 1963, and they represent a creative response to the experience of programs begun under that landmark legislation. Like its 1963 counterpart, the measure before us now does not provide a final answer to any of the medical, social, educational, and economic problems associated with mental retardation. But it does expand and strengthen the base upon which these ultimate solutions finally must be constructed.

The major thrust of H.R. 6430 is to provide more facilities and trained personnel to make it possible for a much greater number of the retarded to live with some degree of decency and normalcy in our society. I consider the outstanding characteristic of this measure to be its tendency toward localizing and customizing our mental retardation effort. For too long our program emphasis was on State or regional mental institutions as the means of dealing with retarded individuals. While these centralized institutions still have a role to play, experience has proven them inadequate to cope with the varied and extremely personal needs of retarded individuals. In his testimony before our Subcommittee on Health, Dr. Charles Barnett, of the Texas Department of Mental Health and Mental Retardation, applauded H.R. 6430's tendency toward program decentralization when he said:

> We have come to realize that the continued construction of institutional beds can never adequately and fully deal with the mental retardation problem but, rather, that increased emphasis on the development of a broad array of services for the retarded and their families at the community level is required.

The bill which we presently are considering commits Federal construction funds to communities and universities to provide or expand mental retardation facilities in their own local area. I was pleased to sponsor and obtain committee approval of two procedural amendments to the construction provisions of this bill—one would allow planning grants to applicants for university-affiliated facilities, thus encouraging careful and exhaustive consideration of local mental retardation needs and objectives during the vital planning stage; my second amendment would authorize an administrative cost allotment to the State agency which administers Federal funds on behalf of local applicants for community facilities, thus strengthening the administration of community mental retardation programs. In addition to construction, this legislation makes grants to new or expanded community clinics to help them attract and keep adequate professional and technical personnel, and it also takes the long view by providing grants for the professional and advanced training of those who teach physical education and recreation to mentally retarded children. All of these provisions contribute toward a proliferation of community programs, and ease away from the old concept of a single State institution for the mentally retarded.

I can point again to the Texas experience as an example of the good promised by this localized and customized approach. There are some 300,000 persons in Texas afflicted with mental retardation. Yet Dr. Barnett points out that—

> Only about 15 to 20 percent of the estimated 300,000 individuals who are thought to be retarded are now being served in ongoing programs of one type or another.

However, a large percentage of those not presently served, as well as a surprisingly large number of those who are institutionalized, are not classified as having profound or severe mental retardation; that is, an IQ below 35 and a need to be constantly cared for and sheltered. Rather, many of the 300,000

retarded in Texas—perhaps a majority of them—have moderate or mild retardation—an IQ ranging from 36 to 67. These individuals can, and ordinarily should be cared for in their respective communities in proximity to their family and homes. Not only does this approach allow a greater number to be served, but it allows individual needs to be cared for individually. Perhaps its finest attribute, however, is that it is conducive to normalcy and it enhances the dignity of the individual patient. Since passage of the first act employing the community approach in 1963, 17 community projects have been approved in Texas, serving an additional 6,676 retarded citizens.

The Texas experience is not at all atypical. By providing increased funding for such community services as diagnosis, parent counseling, day-care programs, preschool training, special education, prevocational training, sheltered employment, as well as expanded grants for research and teacher training, the Mental Retardation Amendments of 1967 respond creatively to the initiative made in 1963, and extend the promise and hope of that legislation to thousands of mentally retarded individuals in America. I endorse the purpose and provisions of H.R. 6430, and I urge its passage by the Senate.

Mr. KENNEDY of New York. Mr. President, I just want to add a word in support of the mental retardation amendments now before us. The commitment which Congress has shown in bringing help—and new hope—to the mentally retarded, in recent years, is heartening. The vast majority of retarded children are educable. They can be trained to lead useful lives and to contribute to society. For too long this fact was ignored, and retarded children were left to spend their lives in the dank gloom of prisonlike institutions. The amendments before us today will allow the continuation and expansion of programs designed to reverse this living tragedy, this waste of human lives. I commend the chairman of our committee for his leadership in bringing us to where we are today.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 6430) was passed.

Mr. LONG of Louisiana. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HILL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PARTNERSHIP FOR HEALTH AMENDMENTS OF 1967

Mr. LONG of Louisiana. Mr. President, I move that the Senate now proceed to consider H.R. 6418, Calendar No. 708.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 6418) to amend the Public Health Service Act to extend and expand the authorizations for grants for comprehensive health planning and services, to broaden and improve the authorization for research and demonstrations relating to the delivery of health services, to improve the performance of clinical laboratories, and to authorize cooperative activities between the Public Health Service hospitals and community facilities, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare, with amendments, on page 2, line 8, after the word "thereof" strike out "'1971'" and insert "'1970'"; in line 12, after "June 30, 1969," insert "and"; in line 13 after "June 30, 1970" strike out the comma and "and $20,000,000 for the fiscal year ending June 30, 1971,"; on page 3, line 12, after "June 30, 1970", strike out the comma and "and for the next fiscal year,"; in line 16, after the word "thereof" strike out "'1971'" and insert "'1970'"; in line 20, after "$15,000,000" strike out "each"; in line 21, after "1970" strike out the comma and "and for the fiscal year ending June 30, 1971'"; on page 4, line 6, after the word "thereof" strike out "'1971'" and insert "'1970'"; in line 9, after "June 30, 1969", insert "and"; in line 10, after "June 30, 1970", strike out the comma and "and $10,000,000 for the fiscal year ending June 30, 1971'"; in line 17, after "June 30, 1970", strike out the comma and "and $110,000,000 for the fiscal year ending June 30, 1971,"; on page 5, line 9, after "June 30, 1969, insert "and"; in line 10, after "June 30, 1970" strike out the comma and "$100,000,000 for the fiscal year ending June 30, 1971,"; in line 12, after the word "subsection" strike out "(h)" and insert "(g)"; in line 13, after the word "section" strike out "(as redesignated by section 12(a) of this Act)"; in line 23, after "1969" insert "and"; in line 24, after "1970" strike out the comma and "$8,000,000 for the fiscal year ending June 30, 1971,"; on page 6, line 19, after the word "hospitals," insert "long-term facilities"; on page 7, line 4, after the word "hospitals," insert "long-term care facilities"; in line 15, after the word "services," insert "and" and the following:

"(C) projects for research and demonstration in new careers in health manpower and new ways of educating and utilizing health manpower."

On page 8, line 18, after "June 30, 1969", insert "and"; in line 19, after "June 30, 1970", strike out the comma and "and $80,000,000 for the fiscal year ending June 30, 1971"; on page 11, line 8, after the word "of" strike out "obtaining" and insert "providing"; on page 13, line 11, after the word "prescribe.", insert "Any clinical laboratory in a hospital, and any other clinical laboratory, which is accredited by a nationally recognized body or bodies approved for the purpose by the Secretary shall be deemed to meet the requirements for a license under this section; but only if the standards applied by such body or bodies in determining whether or not to accredit such hospital or laboratory are equal to or more stringent than the standards prescribed by the Secretary under this section, and only if there is adequate provision for assuring that the standards of such body or bodies continue to be met by such hospital or laboratory."; on page 17, line 11, after the word "patients", strike out "or to any clinical laboratory operated by a pathologist in which all laboratory tests and procedures are performed by such pathologist or by such pathologist and his employees acting under his direct supervision"; on page 23, after line 16, strike out:

JOINT HOSPITAL ENTERPRISES

SEC. 11. (a) Section 605(a) of the Public Health Service Act is amended by striking out "or by a public or other nonprofit agency" and inserting in lieu thereof ", by a public or other nonprofit agency, or by a joint hospital enterprise".

(b) Section 605(a)(3) of such Act is amended by striking out "or in a public or other nonprofit agency" and inserting in lieu thereof ", in a public or other nonprofit agency, or in a joint hospital enterprise".

(c) Subsection (c) of section 625 of such Act is amended (1) by inserting "(1)" immediately after "(c)", (2) by inserting "or owned and operated by a joint hospital enterprise" immediately after "and central service facilities operated in connection with hospitals", and (3) by adding at the end thereof the following:

"(2) The term 'joint hospital enterprise' means a nonprofit organization organized and operated exclusively to provide services for public or other nonprofit hospitals."

On page 24, line 14, change the section number from "12" to "11"; on page 25, line 20, change the section number from "13" to "12"; at the top of page 26, insert "(d), or a nursing educational opportunity grant payment made pursuant to section 862".."; after line 20 insert a new section, as follows:

DEPUTY SECRETARY FOR HEALTH, EDUCATION, AND WELFARE; UNDER SECRETARY FOR HEALTH

SEC. 13. (a) There shall be in the Department of Health, Education, and Welfare, in addition to the Assistant Secretaries now provided for by law, a Deputy Secretary of Health, Education, and Welfare and an Under Secretary for Health each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and shall perform such functions (related to health in the case of such Under Secretary) as the Secretary may prescribe. The provisions of the second sentence of section 2 of Reorganization Plan Numbered 1 of 1953 shall be applicable to such Deputy Secretary to the same extent as they are applicable to the Under Secretary of Health, Education, and Welfare and shall be applicable to the Under Secretary for Health to the same extent as they are applicable to the Assistant Secretaries authorized by that section.

(b)(1) 5 U.S.C., 5313 is amended by inserting after clause (18) the following new clause:

"(19) Deputy Secretary of Health, Education, and Welfare."

(2) Clause (7) of 5 U.S.C., 5314 is amended to read:

"(7) Under Secretary for Health in the Department of Health, Education, and Welfare."

(c)(1) The office of Under Secretary of Health, Education, and Welfare, created by

section 2 of Reorganization Plan Numbered 1 of 1953 (67 Stat. 631), is hereby abolished.

(2) The President may authorize the person who immediately prior to the date of enactment of this Act occupies the office of Under Secretary of Health, Education, and Welfare to act as Deputy Secretary of Health, Education, and Welfare, until that office is filled by appointment in the manner provided by subsection (a) of this section. While so acting, such person shall receive compensation at the rate now or hereafter provided by law for the Deputy Secretary of Health, Education, and Welfare.

COMPREHENSIVE SURVEY

SEC. 14. The Secretary of Health, Education, and Welfare, in consultation and cooperation with other officials of the Federal Government and of the States, shall make a comprehensive survey of the incidence and location of serious hunger and malnutrition and health problems incident thereto in the United States and shall report his findings and recommendations for dealing with these conditions to the Congress within six months from the date of enactment of this section.

And on page 28, line 20, change the section number from "14" to "15".

Mr. HILL. Mr. President, I have the honor to submit to the Senate the Partnership for Health Amendments of 1967, H.R. 6418. The legislation was approved by the House of Representatives by a vote of 395 to 7. It was approved by the Committee on Labor and Public Welfare without a dissenting vote.

H.R. 6418 would—

First. Extend and expand the existing program of formula and project grants for comprehensive health planning and public services.

Second. Consolidate and expand existing authorities in the Public Health Service Act for research and demonstration relating to the provision of health services.

Third. Establish a new program for licensing clinical laboratories that solicit or receive specimens in interstate commerce.

Fourth. Extend and expand the existing program of grants for schools or public health.

Fifth. Authorize Public Health Service health care facilities to, first, accept the uncompensated services of volunteers; second, cooperate in the interchange and sharing of scarce or highly specialized health resources; third, assist in community planning to meet health needs in the case of emergencies or disasters; and fourth, provide health services to Federal employees at remote stations and to certain seamen trainees.

Sixth. Permit the use of, not to exceed, 1 percent of funds appropriated for certain grant programs to be used for program evaluation purposes.

Seventh. Extend the existing contract authority of the Public Health Service Act.

Eighth. Amend the Hill-Burton Act to authorize the loan of not to exceed two-thirds of the additional costs of an experimental hospital construction project where costs have risen substantially following initial approval of the project.

Ninth. Amend the Nurse Training Act to define "federally sponsored students" as including those nurse students awarded loan funds from the nurse student revolving fund or an educational opportunity grant payment.

Tenth. Increase from 12 to 13 the number of members of the National Advisory Council on Education for the Health Professions to be chosen from the fields of higher education.

Eleventh. Add the Trust Territory of the Pacific Islands to the jurisdictions eligible for grant assistance under section 314 of the Public Health Service Act.

Twelfth. Establish a new position of Under Secretary of Health in the Department of Health, Education, and Welfare and redesignate the present position of Under Secretary of Health, Education, and Welfare as Deputy Secretary of Health, Education, and Welfare. And

Thirteenth. Authorize the Secretary of Health, Education, and Welfare to make a comprehensive survey of serious hunger and malnutrition and health problems related thereto in the United States.

A major objective of this legislation is the extension of the Comprehensive Health Planning and Public Health Services Act of 1966 that I was privileged to sponsor as S. 3008 last year. The Senate will recall that the act consolidated the existing 16 categorical grants into block grants on a formula and project basis. This new approach to Federal-State cooperation for public health purposes has been endorsed by representatives of government at all levels and also by voluntary health agencies.

The Council of State Governments wrote the committee, as follows:

> For many years both the national Governors' Conference and the National Association of State Budget Officers have been interested in bringing about a greater measure of flexibility in the purposes for which grants-in-aid of various health purposes might be expended. It appears to us that the bill you have introduced serves this purpose admirably * * *. All in all, it appears to us that enactment of the proposed legislation would aid materially in achieving better organization and administration of public health programs.

The Advisory Commission on Intergovernmental Relations also wrote in support of the bill and stated:

> The Commission believes that S. 3008 represents a major improvement in intergovernmental relations in the field of public health and in grant-in-aid administration generally. These reforms to permit greater flexibility in the use of grant funds for the provision of community health services are long overdue and should result in more effective use of scarce financial resources of the Nation.

In addition, the National Association of Counties wrote:

> I should like to express our support of S. 3008 * * *. The concept embodied in this legislation are in keeping with the American county platform, the official policy statement of our Association, especially our position on regional cooperation and county planning.

H.R. 6418 would extend the Comprehensive Health Planning and Public Health Services Act through 1970. Practically all of the States have designated an agency for carrying out the comprehensive planning. To assist in the planning at the State level, the legislation requires the appointment of an advisory council that is broadly representative of consumers and health institutions and agencies. The planning agency in cooperation with the advisory council will identify public health needs and identify priorities in the provision of services.

Since the planning is not yet under way, the committee decided to limit the new authorization for appropriations to the years 1968, 1969, and 1970. Prior to 1970 the comprehensive planning efforts in States and communities will be implemented and Congress will be better informed regarding adequate levels for appropriations in 1971 and future years.

As passed by the House of Representatives, H.R. 6418 exempted clinical laboratories operated by pathologists from the provisions that require the Federal licensure of clinical laboratories that operate in interstate commerce. During the course of hearings before this committee, the exemption was criticized as unfair by representatives of several scientific disciplines and by representatives of clinical laboratories that are not operated by pathologists. As an alternative to exemption, the committee adopted an amendment that would automatically deem eligible for licensure those laboratories accredited by a nationally recognized body or bodies approved for this purpose by the Secretary of Health, Education, and Welfare, but only if the accreditation standards of such body or bodies are equal to or more stringent than those promulgated by the Secretary under the legislation.

As passed by the House of Representatives, H.R. 6418 amended the Hill-Burton Act to authorize two or more nonprofit hospitals to establish joint hospital enterprises. The committee deleted this provision since it determined it would be more appropriate to defer action until the Hill-Burton Act is extended. The Hill-Burton Act expires on June 30, 1969.

An amendment added by the committee would authorize the new position of Under Secretary of Health in the Department of Health, Education, and Welfare to provide for increased coordination of health programs in the Department. Since 1961 a total of 36 new major health programs have been enacted that provide for increased departmental responsibilities in the field of health. In addition, the title of the Under Secretary of Health, Education, and Welfare would be changed to Deputy Secretary of Health, Education, and Welfare.

Another amendment authorizes the Secretary of Health, Education, and Welfare to conduct a 6-month comprehensive survey of serious hunger and malnutrition and health problems incident thereto in the United States.

In addition, H.R. 6418 was amended to emphasize that research and demonstrations relative to health facilities and services extend to long-term care facilities and projects relating to new careers in health manpower and new ways of educating and utilizing health manpower.

Finally, the definition of "federally sponsored" students under the Nurse Training Act was expanded to include nursing students awarded nursing educational opportunity grant payments.

THE COST

H.R. 6418 as approved by the committee would provide for a total of $589 mil-

lion in new authorizations for appropriations over the 3 fiscal years 1968–70.

This total is $124.5 million below the amounts requested by the Department of Health, Education, and Welfare for the same fiscal years.

The House of Representatives approved a total of $932 million in appropriation authorizations for the 4 fiscal years 1968–71.

SUPPORT FOR THE LEGISLATION

The enactment of H.R. 6418 is recommended by the Association of State and Territorial Health Officers, the American Dental Association, the American Hospital Association, the American Nurses Association, the American Public Health Association, the American Heart Association, the Association of American Medical Colleges, the National Association of Counties, the Health Insurance Association of America, the Blue Cross Association, the National Association of Mental Health, the National Tuberculosis Association, the National League of Cities, and American Federation of Labor and Congress of Industrial Organizations.

Mr. JAVITS. Mr. President, again, this is a measure which has received outstanding bipartisan support in the committee, and it is a fine tribute to the leadership of our distinguished colleague from Alabama that it has come to the floor thus strengthened.

There are a number of matters in this bill to which I wish to call the attention of the Senate.

CLINICAL LABORATORIES

First and foremost, on a subject action on which has been long needed and long overdue, there is the matter of clinical laboratories which is contained in section 5 of the bill. This provision is a major advancement in consumer protection, one which Senator MURPHY and I pioneered in the 89th Congress.

Investigations have indicated that there has been a sad lack of supervision of clinical laboratories. Instances of incorrect diagnoses which have resulted from failure to do the job which was intended to be done by these laboratories have resulted often in unnecessary hospitalization, unneeded operations, inappropriate treatment, injury, and even death.

Now, Mr. President, for the first time we will have under specific statute a system for the certification of these interstate clinical laboratories by the Secretary of Health, Education, and Welfare. I am proud to be able to state that I joined with the Senator from California [Mr. MURPHY] in offering legislation for that purpose, beginning in the 89th Congress, and again in this Congress, and this legislation has now been, for all practical purposes, incorporated in this bill. I point out that the administrative details in our proposal which are not included in this bill will be dealt with by departmental regulations; a letter to that effect is contained in the body of the report. So the full scheme of certification is provided for. I refer to page 49 of the committee report which details Senator MURPHY's and my views on the clinical laboratory provision, section 5.

But, Mr. President, under our federal system in this country, that alone is not enough. We have the additional problem of the necessity for State regulation. I would urge the States to study this measure carefully, as soon as it becomes law, with a view toward following the general lines of regulation of clinical laboratories which it provides.

I point out, Mr. President, that relatively few States—New York and California chief among them—now have such regulations. I believe that every State should promptly attend to this very urgent aspect of public health in its own interest, just as the United States is now doing on the Federal level by this measure.

I hail the inclusion of this provision in the pending measure with great enthusiasm, Mr. President, because I believe it demonstrates once more the kind of statesmanship in this field which has built such a fine reputation for the chairman of the committee, and by extension for the committee itself, in approaching objectively recommendations made by anyone, including minority members of the committee, and where they commend themselves as desirable in the national interest, adopting them with generosity and, indeed, with diligence.

HOSPITAL MODERNIZATION

Mr. President, my second point is referred to very briefly on page 3 of the committee report, in the following statement:

> The committee recognizes the urgent need for financial assistance for the modernization of hospitals and other medical facilities. It is not feasible to provide for this priority item in this legislation but it is the intent of the committee to consider the subject in the near future.

Mr. President, when we consider the crisis known as the agony of the cities, I know of no phase of it more critical than this question of hospital modernization. In my own city of New York, for example, anyone who has ever been the victim of an accident and has been taken to Belleview, Polyclinic or any of the other central city hospitals, must have been appalled at the extent to which modernization is needed.

Mr. President, the situation is indeed appalling. It is estimated that there are in use in the United States about 272,000 obsolete hospital beds—one-third of the Nation's hospital capacity—with an additional 13,000 becoming obsolete every year. In the city of New York, the degree of obsolescence among the 130 general care hospitals, particularly as far as surgical suites, emergency departments, and outpatient facilities are concerned, is more nearly 70 percent. Moreover, it is believed that in New York City only 17 percent of such hospitals would even pass the fire prevention standards established by the U.S. Public Health Service.

The administration has tried to alleviate the situation. The 89th Congress received an administration proposal providing for $1 billion in modernization funds each year for 10 years. We had one hearing on this bill, S. 3009, in April of last year, but it went down the drain because of the money crisis which we faced.

Many suggestions have been made, including one of my own contained in S. 2076 by which the public can subscribe to indebtedness bonds of hospitals provided they have a U.S. Government guarantee, and the Government guarantees a certain level of interest within the competence of most hospitals. Such a plan would involve no major budgetary impact, and would, I feel, effectively deal with the problem.

But, Mr. President, the problem must be dealt with, and on the Federal level; and I deeply believe that Congress will render one of the most important services which it could render to the country with respect to the problems of the cities if this measure is enacted.

Mr. President, I feel that it is critically important that our committee should address itself to this problem promptly. It can be done without a major budgetary impact. I am pleased to note very particularly in accordance with a colloquy which we had at the meeting at which the committee reported the pending measure, that the committee does intend to do precisely that.

RAT CONTROL

Mr. President, one last point. A great deal has been said and there has been much discussion about what came to be known in the House of Representatives as the rat control bill. It is a matter of the deepest gratification to me that the measure now before us endeavors to do something about that situation. The matter was dealt with by the House of Representatives in section 314(e) of this bill, under the heading of "Health Service Project Grants," for which a new authorization of $27.5 million is provided for 1968, including $20 million for rat control.

The debate in the House of Representatives, which I have very carefully reviewed, demonstrates that $20 million of that sum was included in this item expressly for the purpose of creating a health service project—and that is quite properly the heading under which it fits—to deal with the awful problem of rats in the slums and ghettos of large cities.

Mr. President, I think it is most wise for us to go along with the House of Representatives in this respect. In that connection, I should like to address two questions to the Senator from Alabama.

I note that as a result of an amendment accepted on the floor of the House of Representatives and retained by our committee in the bill, which is found at page 5, lines 5 to 11, inclusive, $20 million is included for each of the years 1968 and 1969 for rat control.

This section provides project grants to be made by the Secretary of Health, Education, and Welfare to meet health needs of communities.

Will it be necessary, I ask my chairman, for Congress to appropriate additional rat control funds as part of a supplemental appropriation bill for the current fiscal year?

Mr. HILL. It will be necessary to provide for the additional funds. The regular appropriation bill has already been passed by both Houses. The funds will have to be provided in a supplemental appropriations bill, and, as the Senator

knows, we will have a supplemental bill under consideration near the end of the session.

Mr. JAVITS. Mr. President, can our chairman inform us for the record how these funds can be obtained by the communities that need them?

Mr. HILL. The funds can be obtained by the communities by working with the State health planning agencies and the regional offices of the Department of Health, Education, and Welfare. The pending bill seeks to support the State planning agencies and provide financial assistance for public health services.

Mr. JAVITS. Therefore, by getting a rat control project included in State plans qualifying under this law, the local community can get funds for this purpose.

Mr. HILL. The Senator is absolutely correct.

Mr. JAVITS. Mr. President, am I correct in my statement that the debate in the House of Representatives clearly demonstrated that the purpose of the additional $20 million was for rat control and that this fact was fully within the cognizance of our committee when we passed on these sections of the bill?

Mr. HILL. The Senator is correct. The House of Representatives made it clear in its debate, and that was true.

Mr. JAVITS. And that was true in our committee.

Mr. HILL. The Senator is correct. It was true when the matter was considered by our committee.

Mr. JAVITS. I thank the Senator from Alabama.

Mr. HILL. Mr. President, I thank the distinguished Senator from New York for his very kind and generous remarks about his chairman. I thank him for his many splendid contributions to the pending legislation. I express my appreciation to him.

Mr. JAVITS. Mr. President, I greatly appreciate the remarks of the Senator from Alabama. I know of no greater champion for the cause of public health, as has been once more demonstrated by the colloquy we have just had.

The State of Alabama has only a very small problem when compared with the problem we have in the big cities, as I have just described. Yet, the Senator from Alabama was very responsive to our problems. I am very grateful to him.

Mr. HILL. I thank the Senator. The Senator from New York raised a question about the modernization of hospitals. The Senator will recall that in our committee report on page 3 we state:

> The committee recognizes the urgent need for financial assistance for the modernization of hospitals and other medical facilities. It is not feasible to provide for this priority item in this legislation but it is the intent of the committee to consider the subject in the near future.

As the Senator knows, the President of the United States has appointed a Commission on Hospital and Health Facilities. That Commission is headed by Mr. Boisfeuillet Jones who was at one time Assistant Secretary for the Department of Health, Education, and Welfare.

The Commission is now working on this problem, and we hope to have its report in the not-too-distant future. That report will be very helpful in the matter.

Mr. JAVITS. I thank the Senator. I know of a few more things that are more overdue than that particular matter.

As I just recited, if we follow the example mentioned in the bill I have introduced and adopt the procedure used in the case of the REA and the rural telephone service, I believe we can deal with the matter of hospital modernization without experiencing a great budgetary impact.

Mr. HILL. Mr. President, I have introduced a bill along the same lines which would provide for loans.

Mr. JAVITS. The bill I introduced is S. 2076. Does the Senator not believe that all we really have to do is to get buyers of bonds to believe that the obligor is suable? No one wants to sue a hospital, although its credit is excellent. Even though the U.S. Government guarantees this matter, the Government will never have to pay the judgment, because the hospital can raise the money.

Mr. HILL. The Senator is correct.

Mr. JAVITS. I am very grateful to the Senator. I hope that we can do the job on this legislation that is really terribly urgent.

I had a friend the other day who was involved in an automobile accident and I had occasion to go to one of our midtown hospitals to see him. That hospital is strictly a 19th-century institution. It is unbelievable that such conditions could exist in the 20th century. The conditions existing in the hospital are such that it looks just as it did 100 years ago.

This results, of course, because of the lack of money. Modernization cannot be effected unless we have Federal assistance in this regard.

Mr. HILL. The Senator is correct. The institutions must have funds for modernization.

COMPREHENSIVE SURVEY

Mr. JAVITS. I thank the distinguished Senator whose leadership will unquestionably contribute to success in this matter.

Mr. President, the Senator from Alabama has already called attention to the fact that we took a piece out of the so-called Stennis bill dealing with starvation and other matters. This is section 14 of the bill. The part I refer to—of which I was a coauthor—was in this case the amendment of the Senator from New York [Mr. KENNEDY], and I would like to make it clear that this does not represent passage of the Stennis bill.

The Senator from Mississippi would have an absolute right to deal himself with the question of whether the bill should be repassed in the Senate because of the difficulties it is experiencing in the House of Representatives.

This is a part of the bill which we wrote in the committee. I think it is therefore perfectly proper to make it clear for the Senate generally, and also for the Senator from Mississippi [Mr. STENNIS], so that the record may be clear, that in lifting that part out of the Stennis bill we are not taking something of which the Senator from Mississippi is the author. We are talking about something of which we are the authors.

It will be recalled that we had a rather heated hearing with Secretary Freeman. I am sorry to say that I contributed to the heat at that hearing; the facts were eloquent and need no emphasis. The matter is understandable because it is so very serious when we see the people who are the innocent victims of such conditions.

I am very hopeful that we might now be able to proceed to get all the facts, and that is always a prelude to action not only locally, but also nationally.

Mr. HILL. We are authorizing and directing that a study be made to obtain these facts.

Mr. JAVITS. The Senator is correct. That is dealt with in section 14.

I just call attention to the fact that this part of the bill is our creation to make clear that we are fully respecting the authorship of the Senator from Mississippi [Mr. STENNIS].

Mr. FANNIN. Mr. President, I commend the distinguished senior Senator from Alabama for his outstanding leadership as chairman of the Committee on Labor and Public Welfare, on which it is my pleasure to serve.

We are all very appreciative of the contributions of the senior Senator from Alabama [Mr. HILL], who has long been recognized throughout our Nation as a leader in public health activities.

I support the pending bill. I had considered at one time offering an amendment to the pending bill, H.R. 6418. My amendment would have defined the basic element we are discussing today—public health activities.

The importance of such activities has been and will be extolled here many times today, as we consider this measure. Several million dollars will be authorized for expenditure in this area. The total involved in the bill, as reported by the committee, is $589 million.

Yet, Mr. President, nowhere in this pending legislation are public health activities defined.

My proposed amendment would have defined these as follows:

Public health activities authorized in this legislation shall not include patient care, except in connection with research or demonstration projects authorized by Federal law.

I am concerned that such a program as we are considering today might very well result in authorizing unlimited patient care without limitations on amounts and types of services or on needs of patients. I would be opposed to such a situation resulting under the guise of comprehensive public health services, as authorized by this legislation.

I appreciate the assurances our distinguished chairman has given me in this regard, and I am confident that he does not want this to occur either. Therefore, I will not offer an amendment.

I will ask our chairman if he will speak to this matter of a definition of public health activities and what limitations there are on such activities. I know his remarks will be an invaluable part of the legislative record on this legislation.

Mr. HILL. I say to my friend, the distinguished Senator from Arizona, who has made some fine contributions to the writing of this measure, that the block

grant approach of this bill is endorsed by the Council of State Governors, the National League of Cities, the National Association of Counties, and by virtually all of the voluntary health agencies and organizations, such as the American Heart Association and the National Association for Mental Health.

I emphasize that it is not the aim of this measure to submit the operational activities of any health resource, whether it be a medical school, voluntary health agency, private practitioner, or State program, to any Federal controls. Indeed, the purpose of this measure is to increase flexibility and local control of programs and decisions without interfering in any way with the existing patterns of private and professional practice in medicine, dentistry, and related healing arts.

Mr. FANNIN. I thank the capable and distinguished chairman. I, then, have his assurance that the proposed legislation will not authorize unlimited patient care without limitations on amounts and types of services or on needs of patients.

Mr. HILL. The Senator is correct.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. YARBOROUGH. Mr. President, today there are two major pieces of health legislation placed before this body for its consideration—the Mental Retardation Amendments of 1967 and, now, the Partnership for Health Amendments of 1967. There was a time not so long ago when session after session of Congress would elapse without any major consideration of the health needs of the American people. Indeed, I believe it is fair to say that our national commitment of public resources to provide the best possible health care for all our citizens largely has been developed under the distinctive leadership and during the distinguished tenure of Chairman HILL, of the Senate Subcommittee on Health. During the nearly 7 years of the Kennedy-Johnson administrations, some 36 pieces of health legislation have taken form in Senator HILL's subcommittee and ultimately have been enacted into law. As Wilbur Cohen, the honorable Under Secretary of Health, Education, and Welfare has pointed out:

> There has been more landmark health legislation enacted in this period of time than in any other comparable period, or I would say, any other period three times as long.

Mr. President, I have found great satisfaction in joining with our very able chairman to play my part in this historic endeavor for the past 9 years, as a member of the Subcommittee on Health; and I am pleased today to stand once again with Senator HILL—this time in support of H.R. 6418, the Partnership for Health Amendments of 1967.

This very significant measure embodies a comprehensive effort to enable all the partners in the health enterprise—public and private—to plan and use our resources most effectively to meet the major health problems and needs of the American people. H.R. 6418 extends and expands the partnership for health program begun last year—a program that has been widely hailed as a model of creative federalism and that already has seen 48 of the 50 States, the Territories, and Puerto Rico enter into full partnership and cooperation with the National Government.

Many aspects of this momentous measure interested me as we considered it in the Subcommittee on Health and later in the full Labor and Public Welfare Committee. Today, however, I shall isolate for brief comment only a few of the provisions that are of particular interest to me.

My first comment centers around Senator HILL's amendment to create in the Department of Health, Education, and Welfare an Under Secretary for Health to coordinate and direct the growing health activities of the Federal Government. With characteristic insight, Senator HILL has shown that the expanded scope of medical decisions and activities increasingly involve major social considerations. In short, a national health effort necessarily affects and is affected by other national efforts, and it requires some degree of overall coordination for the sake of effectiveness and efficiency. While the determination and development of national health goals must forever remain the jealously guarded prerogative of Congress—a prerogative on which I shall always insist—the day-to-day realization of those goals will be better served by an Office such as Senator HILL's amendment contemplates and provides. The new Under Secretary of Health would be charged with the responsibility for the overall coordination and direction of our national health effort as it is defined by Congress.

Perhaps the major aspect of H.R. 6418, and the second one on which I wish to comment, is the clinical laboratories licensing provisions of section 5. The essence of this section is to authorize the Secretary of Health, Education, and Welfare to license and regulate certain clinical laboratories operating in interstate commerce. These are clinical laboratories which examine materials from the human body to provide information to doctors for the assessment of a patient's health—including the diagnosis, prevention, or treatment of disease. During the subcommittee's hearings, Dr. William Stewart, Surgeon General of the Public Health Service, estimated that approximately 1,000 of the 13,000 laboratories in the country dealt in interstate commerce and might be subject to the provisions of section 5.

The purpose of this regulation is simply to guarantee every doctor and patient who utilizes the services of a clinical laboratory in another State that the work done there is reliable, safe, and accurate. This is no mere question of business or professional regulation, for the ultimate success or failure of the work performed by these laboratories is measured in terms of human health, and at times in terms of human life. Yet Wilbur Cohen, Under Secretary of Health, Education, and Welfare, pointed out in hearings that studies by the National Communicable Disease Center indicate that—

> Erroneous results are obtained in more than 25 percent of all tests analyzed by these studies.

Though the percentage of error is disputed by those who would be regulated under section 5, everyone concedes that there is error in laboratory tests which leads to medical mismanagement. Clinical laboratory testing is a large, rapidly growing industry which provides an extremely important service. Virtually every person who seeks medical attention today uses, directly or indirectly, some type of laboratory services. These consumers cannot afford any miscalculation, and they certainly deserve maximum assurances that the services they receive will be performed under responsible supervision, within established, clinically sound procedures, and subject to extensive quality controls.

There are certain clinical laboratories specifically exempted from the provisions of section 5 and allowed to regulate themselves. In executive session, however, I received assurances in the form of additional language that though they might accredit themselves there would be a continuing performance evaluation by the Secretary of Health, Education, and Welfare, and that they would remain subject to the penalty and injunctive provisions of section 5. I believe that their inclusion at least under these minimal provisions is good public policy and will enhance the ultimate effectiveness of the bill.

The final comment that I have on the specifics of H.R. 6418 concerns a new and I think very bright thread that weaves throughout the tapestry of the partnership for health amendments. I speak of new provisions allowing a part of certain grant funds to be used for program evaluation. Too often, our reason for doing something a certain way is more historical than it is logical. The result is a staid program that gradually becomes cantankerous bureaucracy, often completely out of touch with dynamic needs. Only by continually evaluating our public investment are we able to develop programs capable of meeting our needs. I commend the foresight of Senator HILL for incorporating in certain provisions of the bill assurances that program evaluation will become an integral phase of our national health effort.

The Partnership for Health Amendments of 1967 open wider the avenues of cooperation among the several partners, public and private, in the medical and health fields. In addition to the extension and expansion of the initiative begun a year ago, H.R. 6418 embodies new thrusts which greatly strengthen the national partnership to assure medical care to all who need it, when they need it, at a cost they can afford to pay. I am pleased to support this measure, and I urge its enactment today.

Mr. HILL. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. HILL. May I express my appreciation to the Senator from Texas. He has made many fine contributions to the enactment of these health programs. Furthermore, he has provided the cooperation and support that was needed to secure the needed appropriations for the new programs after their enactment.

Mr. YARBOROUGH. Mr. President, I am grateful to the distinguished senior Senator from Alabama.

There really was not much I could do as a member of the Subcommittee on Health, because the Senator from Alabama brought such a fine measure before us and provided us with such excellent leadership that it was approved without difficulty.

However, I may have been of a little assistance as a member of the Appropriations Committee, because appropriations have been shaved, and very often we could save an appropriation by one vote. So I will accept his thanks for my services on the Appropriations Committee. I wish more Senators had voted as did the Senator from Alabama and as I did, under his leadership, for full funds to implement these programs.

Mr. KENNEDY of New York. Mr. President, the Partnership for Health Amendments of 1967 are an extension and expansion of last year's important comprehensive health planning legislation. They are an indication of Federal policy that health planning in each locality of our Nation must be conducted in a unitary way, ending the piecemeal and categorical approaches ending the piecemeal and categorical approaches which have plagued health planning for too long.

I would emphasize only two points today:

First, the committee amended the demonstration and research provisions of the bill to make clear its determination that particular emphasis be placed on projects in the field of long-term care, and on projects in developing new careers in health manpower. I proposed these amendments.

Medicare promised nursing home care, but we are estimated to be half a million beds short of the capacity needed to care for chronic illness and convalescent needs. As a result, our hospitals are crowded with patients who could well be cared for in less costly nursing homes or extended care facilities. We must move quickly to develop new kinds of physical facilities and new methods of delivering long-term care. That is why I proposed adding language to emphasize the need for demonstration projects in this area.

Similarly, shortages of medical manpower—especially doctors and nurses—plague all our efforts to deliver better health care to all Americans. The development of new kinds of health manpower can help us to use our most skilled personnel more efficiently, and enable us to deliver quality health care at lower cost. That is why I proposed a special emphasis on new careers in health manpower.

Second, the committee amended the bill to direct the Secretary of Health, Education, and Welfare, to make a survey of hunger and malnutrition in the United States. In proposing this amendment, I had in mind a new study, involving a comprehensive inquiry all over the country. The amendment directs a report to Congress in 6 months. It may turn out that a survey and study of the magnitude needed to do the job—of the same breadth as we have done in and for other nations—will take longer than 6 months. If that is so, I trust the Secretary will make an interim report to Congress and continue his efforts until the study is truly completed. I am reliably informed that a study of the breadth needed would cost about $2,000,000. I am informed, too, that the Department of Health, Education, and Welfare has funds sufficient to conduct a study of this magnitude. The Surgeon General told our committee in July that there is a serious hunger problem in our Nation, but that we do not know its magnitude. The committees amendment will enable us to find out so that we can act appropriately.

Let me emphasize, however, that we know enough now to enact the Stennis bill—S. 2138. This body passed the Stennis bill unanimously over 3 months ago. The other body has yet to act. The survey amendment to H.R. 6418 is in no way a substitute for immediate authorization and funds to feed and care for those Americans who, in the midst of affluence, are suffering the slow wasting away that is the result of serious hunger and malnutrition. A way must be found to enact the Stennis bill at the earliest possible time.

Mr. HILL. Mr. President, I ask that the amendments be agreed to en bloc.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to en bloc.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossing of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 6418) was passed.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HILL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

PROHIBITION OF AGE DISCRIMINATION IN EMPLOYMENT—PRIVILEGE OF THE FLOOR

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that Robert Harris and Eugene Godley, staff members of the Subcommittee on Labor of the Committee on Labor and Public Welfare, may be allowed the privilege of the floor during the consideration of S. 830, the bill to prohibit age discrimination in employment.

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.

WASHINGTON AREA MASS RAPID TRANSIT SYSTEM

Mr. BYRD of Virginia. Mr. President, perhaps no problem facing the Washington metropolitan area should have higher priority than the development of a mass rapid transit system.

Transportation is essential.

Rapid transportation is essential.

Mass transportation is essential.

The problem is a regional one. It concerns not just the District of Columbia, not just the counties of Montgomery and Prince Georges in Maryland, and not just the northern Virginia area of Arlington, Fairfax, and Alexandria.

It is a District of Columbia problem, a Maryland problem, and a Virginia problem, all rolled into one.

That is why Congress last year took action to establish the Washington Metropolitan Area Transit Authority.

It is not a question of whether a mass rapid transit system will be built, but rather a question of how soon.

Of course, it will cost money and, of course, each of the areas must participate in the cost.

But in considering this problem, it must be asked what will happen if we do not, at the earliest opportunity, construct a rapid mass transit system.

Anyone who has occasion to do much traveling in Washington, anyone who drives through Prince Georges and Montgomery, anyone who with any frequency gets about Fairfax and Arlington Counties, instinctively realizes just how essential it is that a mass transit system be quickly built.

The Washington Post of yesterday, Sunday, November 5, published a rather comprehensive news analysis of the proposed rapid transit system for the Washington metropolitan area. It brings out facts and figures which should be of considerable interest to the residents of northern Virginia, of the adjacent Maryland areas, and to the residents of the District of Columbia.

I might say that it should be of interest also to Members of Congress.

I ask unanimous consent that the article, written by Richard Severo, of the Washington Post staff, be printed in the RECORD.

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

TAXPAYER'S $7 TRANSIT BILL MAY BE A TRANSPORT BARGAIN

(By Richard Severo)

The $2.3 billion proposed rapid transit system for the Washington metropolitan area may cost Maryland suburbanities as little as $7 a year.

That figure is based on what the owner of a $20,000 home in either Prince George's

or Montgomery County might expect to pay extra on to his property tax each year over a 30-year period.

Taxpayers in Virginia and the District of Columbia may pay more or less than $7 depending on what it finally costs to overcome construction problems peculiar to given areas. Present calculations suggest that the cost will be within several dollars either way of the Maryland figure.

All those taxpayers will have to pay for each ride they may take on the system as well. But, even if they never set foot in one of the air-conditioned cars, they are likely to find the system has saved them other costs and highway inconvenience.

COSTS TO BE INDIVIDUAL

The cost of any public works project as big as this one is difficult to scale down to a size the average taxpayer can find meaningful. But by the use of simple arithmetic and a few reasonable assumptions, it would appear that anyone who can afford, say, the price of a ticket to a Redskins football game can afford rapid transit, too.

The arithmetic goes like this:

Of the $2.3 billion total cost, the Washington Metropolitan Area Transit Authority expects that money from the fare box will be sufficient to pay off $700 million in bonds.

This leaves $1.6 billion. The Federal Government has made substantial grants to other cities attempting to develop rapid transit systems. There is no reason to believe Washington will be neglected. A Federal grant of about a billion dollars is likely. In all probability, this would be received at the rate of $80 million a year for 12 years, the expected time required for construction.

This would leave some $561 million to be paid by the people who will benefit directly from the system in the District and suburban Maryland and Virginia.

COST FORMULA

Under the formula now being used by the Transit Authority, Maryland would pay $210 million; the District, $198 million, and Virginia, $153 million.

The cost to each jurisdiction has been calculated by the Transit Authority's financial consultants, who have developed formulas based on construction and operating cost, population estimates and projected ridership. There has been some criticism of cost allocation and the formula could be changed.

But as it stands now, Prince Georges and Montgomery counties would have to supply $210 million.

Property taxes in both counties are based on a 50 per cent assessed valuation. That is, in computing taxes, the properties are evaluated at half of what they are actually worth.

At present, the basic property tax rate in Prince Georges a $2.90 per $100 of assessed valuation. Assuming the County pays roughly half of the $210 million Maryland must pay, and assuming that property taxes are used to retire 30-year general obligation bonds issued to pay the counties' share of the system calculations made by the WMATA's financial consultants suggests that the subway would add 13 cents to the tax rate, bringing it up to $3.03.

SIMPLE ARITHMETIC

The consultants used simple arithmetic to arrive at that amount. They did not attempt to either inflate or deflate the figure with estimates on population increase vis-a-vis the cost of living.

The same process can be used for Montgomery County, where—according to figures used by the WMATA's financial consultants—the subway would cost the taxpayer another 12 cents, bring the rate up to $2.82 per $100 of assessed valuation.

Initially, this would mean that a taxpayer owning a $20,000 home would have to pay another $12 a year. But assuming that the amount of taxable property increases (it has doubled in the past four years and experts think it will at least triple in the next thirty years in the Washington suburbs), the rate would gradually slide down to around $4 or less. And so the average over the 30-year period would be between $7 and $8.

Of course, the base may not be property taxes at all. No firm decisions on this have yet been made. But it will probably be a consideration.

The prospect of any tax increase—no matter how modest or how worthwhile the cause—is bound to be greeted with restraint by taxpayers.

But $7 is surely a figure the average taxpayer can cope with, and it appears even more modest when viewed against ability to pay. The Washington area now has an average per capita income of about $3700. In 30 years, it probably will be over $7500. What's more, there will be more people around to foot the bill. Our present area population of 2.6 million is projected to rise to 4.23 million by 1990.

To be sure, there will be other public expenses abuilding and no numbers game is apt to dislodge the American taxpayer from his responsibilities.

ADVANTAGES CITED

Still, the question of how much the subway is going to cost is asked nervously by politicians (especially those in Virginia, it seems), angrily by taxpayers and fearfully by planners at the Transit Authority.

"I wish," said a WMATA staff man the other day, "that people would ask themselves what might happen if we don't build the subway."

The point is well taken. Even with the development of a subway, the Washington area can expect that its residents will continue to rely heavily on the automobile. Without the alternative of rapid rail travel, the reliance could produce a night-marish proliferation of freeways.

Prince Georges County Commissioner Francis J. Aluisi put his finger on it a couple of weeks ago when he told a group of real estate men that "ten years from now, Indian Head highway will need 12 lanes . . . just to keep the traffic moving. Twelve! Where in the name of hail Columbia are we going to build them all?"

Indeed, even with the proposed 95.6-mile rapid transit system, there is a distinct possibility of substantial highway construction in Washington's future. The mass transit survey of 1959 undertaken by the National Capital Planning Commission and the National Capital Regional Planning Council said that the Washington area needed 329 miles of freeways and parkways. If that advice is followed, it would mean doubling the highway mileage that now exists.

Although many in Washington would recoil at the thought of extensive highway building, there is no question that further accommodation will have to be made for the automobile. According to estimates made by the Council of Governments, there will be 406,700 cars registered in D.C. alone in 1990. There are now about 200,000. The total 1990 automobile registration for the metropolitan area is projected at well over 2 million.

If everybody who had a car in 1990 were to use it for work—because that's the only way he had of getting there—it would mean that at least 160 million square feet of parking area would be needed in the metropolitan area's business centers.

Using present rates, the fixed costs of keeping a car for a year total nearly $800. That includes $621 for depreciation, $24.50 for license and registration, $120 for liability insurance, and $30 for fire and theft insurance.

Apply this to the year 1990, and we have residents of the Washington area paying $1.6 billion every year just to keep their cars. And they don't even get gas and oil for it.

It is conceivable that widespread acceptance of rapid transit could cut down on need for all those expensive highways and parking spaces, and, for those who pay to ride the transit system, on auto costs as well.

No studies have been made to indicate how many of these 1990 drivers will be able to extricate themselves from a second or third car because of the presence of rapid transit.

But such studies have been made elsewhere and it is reasonable to assume that the projections of other cities would offer some yardstick for Washington.

Officials at San Francisco's Bay Area Rapid Transit predict that once their system is fully operative:

The average number of cars needed for commuting into San Francisco will decrease by 55,900, thereby saving commuters $1,800,000 in insurance premiums.

An estimated 33,700 daily vehicle trips across the Bay Bridge will be diverted to rapid transit, thereby saving commuters more than $2 million in tolls.

By 1975, cars in the Bay area will travel 472,300,000 fewer miles than they do now, a saving to drivers each year of $24,100,000.

There is even an estimate that the Bay area will save $400,000 a year after the rapid transit system is complete, simply because it will require that much less of police manpower and equipment to patrol the freeways.

Perhaps the most dramatic result of rapid transit is what it does to property values.

In Toronto, over a 10-year period, tax assessments on the property around the Yonge Street Subway went up 58 per cent—$136 million. Under normal circumstances, Toronto might have expected an increase of about 25 per cent, or $58 million.

Washington's proposed $2.3 billion rapid transit system does not really cost as much as it appears to. Not if it is measured against the economic benefits it can produce.

But it is going to cost something. There are going to be taxes, there are going to be expenses nobody can foresee now, there are going to be squabbles about where transit lines ought to go.

It is possible that the system proposed will not attract the passengers the WMATA predicts.

It is also possible that as subway lines cause property values to go up in the region, the poorest families will be driven out of their homes by the realities of the market place. Pockets of poverty could simply shift elsewhere.

Rapid transit is not a panacea for everything. It will not replace the car, despite the fondest wishes of the freeway foes. It will generate some problems cars do not generate.

But Washington now has before it for the first time a real choice, an opportunity to break the umbilical cord to Detroit and develop a balanced transportation system. And maybe Washington won't become one big super highway, after all.

WHEELING CREEK WATERSHED PROTECTION AND FLOOD PREVENTION DISTRICT COMPACT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 704, Senate 2514.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. S. 2514, to grant the consent of Congress to the Wheeling Creek Watershed Protection and Flood Prevention District compact.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. RANDOLPH. Mr. President, last year congressional approval was given to

construction of the Wheeling Creek watershed project located in both the States of Pennsylvania and West Virginia. The project is a cooperative venture between the Department of Agriculture and certain local sponsoring groups. However, inasmuch as no local organization legally exists under the laws of either State to cooperate with the Federal Government, it is necessary for the States involved to enter into a compact to create such a duly constituted organization.

Mr. President, this is the purpose of our legislation which was offered for myself and my able colleague, Senator BYRD. It will grant the consent of Congress to an interstate compact creating as an agency and an instrumentality of the governments of the two States, a district to be know as the Wheeling Creek Watershed Protection and Flood Prevention District.

The compact will also create a governing body of the district to be known as the Wheeling Creek Watershed Protection and Flood Prevention Commission, consisting of five persons from Pennsylvania and five persons from West Virginia. The commission would serve in the capacity of a local organization in order to cooperate with the Federal Government in carrying out the watershed project on Wheeling Creek.

Briefly, the project previously approved by the Public Works Committee, will provide flood protection to urban areas in the city of Wheeling, W. Va., and suburbs situated upstream on Wheeling and Little Wheeling Creeks. The project will also provide recreation facilities, such as fishing, camping, and picnicking.

The authorized plan of improvement for this watershed provides for the construction of six single-purpose floodwater retarding structures, one multiple-purpose flood water retarding and recreation structure, and 200 feet of channel clearing and snagging.

Land treatment measures will be installed for both watershed protection and flood prevention purposes. Three of the projects, two flood-control structures and one multiple-purpose reservoir, are located in Pennsylvania while the remaining four flood-retarding structures are located in West Virginia.

Mr. President, this program is urgently needed to provide flood protection in the Wheeling Creek Basin. Records show that 13 serious floods have occurred in the last 29 years. The latest severe flood occurred in February of 1966. I am told that once the proposed works of improvement are installed, more than 1,600 properties throughout the watershed will directly benefit, in addition to benefits to municipal, county, and State properties.

The States of Pennsylvania and West Virginia have already acted and ratified the compact. It only remains for the Congress to grant its consent. Mr. President, I urge the passage of this legislation in which Senator BYRD and I have joined.

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

S. 2514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is given to the interstate compact relating to the Wheeling Creek Watershed Protection and Flood Prevention District between the Commonwealth of Pennsylvania and the State of West Virginia, ratified by the Commonwealth of Pennsylvania in an Act approved by the Governor of such Commonwealth on August 2, 1967, and by the State of West Virginia in an Act approved by the Governor of such State on March 1, 1967. Such compact reads as follows:

"Wheeling Creek Watershed Protection and Flood Prevention District Compact

"ARTICLE I. RECITATION OF REASONS FOR COMPACT

"Whereas, Wheeling Creek, a tributary of the Ohio River, arises in Pennsylvania, flows through Washington and Greene Counties of that commonwealth, enters the State of West Virginia, flows through Marshall and Ohio Counties, West Virginia, and empties into the Ohio River at Wheeling, West Virginia; and

"Whereas, The inhabitants of Marshall and Ohio Counties, West Virginia, and, also, but to a much lesser degree, the inhabitants of Washington and Greene Counties, Pennsylvania, living along Wheeling Creek have over the years experienced loss of life and property from flooding of that stream; and

"Whereas, Surveys made by the Soil Conservation Service of the United States Department of Agriculture indicate that the inhabitants of the four counties named can best be protected from the flooding of Wheeling Creek by flood prevention dams constructed thereon with some of the dams being located on the upper reaches of the stream and its tributaries in the Commonwealth of Pennsylvania; and

"Whereas, The federal Watershed Protection and Flood Prevention Act of 1954, as amended, authorizes, under certain circumstances, federal assistance to local organizations in preparing and carrying out undertakings for flood prevention and the conservation, development, utilization and disposal of water in watershed or subwatershed areas; and

"Whereas, No local organization within the meaning of the federal act aforesaid established by or organized under the laws of West Virginia is competent under state laws to acquire land for, construct, and operate with or without federal assistance flood prevention facilities in the Commonwealth of Pennsylvania, and it appears that no such local organization established by or organized under the laws of the Commonwealth of Pennsylvania can justify the expenditure of locally raised funds to construct and operate flood prevention facilities which will benefit primarily the inhabitants of the neighboring State of West Virginia; and

"Whereas, Facilities erected on the upper reaches of Wheeling Creek and its tributaries for flood control and prevention can nevertheless have a recreational value for the citizens of both West Virginia and Pennsylvania and particularly the citizens of Ohio and Marshall Counties, West Virginia, and Washington and Greene Counties, Pennsylvania; accordingly, for purposes of promoting that potential, as well as providing a vehicle or means whereby federal assistance may be enlisted for the protection of citizens of her neighboring State of West Virginia from the flooding of Wheeling Creek, the Commonwealth of Pennsylvania joins with the State of West Virginia in negotiating and ratifying this compact; now therefore,

"ARTICLE II. WHEELING CREEK WATERSHED PROTECTION AND FLOOD PREVENTION DISTRICT CREATED

"The Commonwealth of Pennsylvania and the State of West Virginia hereby create as an agency and instrumentality of the governments thereof a district to be known as the 'Wheeling Creek Watershed Protection and Flood Prevention District,' hereinafter called the district, which shall embrace all territory in the Commonwealth of Pennsylvania and the State of West Virginia, the water in which flows ultimately into Wheeling Creek or its tributaries.

"ARTICLE III. WHEELING CREEK WATERSHED PROTECTION AND FLOOD PREVENTION COMMISSION CREATED

"The Commonwealth of Pennsylvania and the State of West Virginia hereby create as the governing body of the district the 'Wheeling Creek Watershed Protection and Flood Prevention Commission,' hereinafter called the commission, which shall be a body corporate, with the powers and duties set forth herein, and such additional powers as may be conferred upon it by subsequent concurrent action of the General Assembly of Pennsylvania and the Legislature of West Virginia or by act or acts of the Congress of the United States.

"ARTICLE IV. COMPOSITION OF COMMISSION

"The commission shall consist of five commissioners from Pennsylvania and five commissioners from West Virginia, each of whom shall be a citizen of the commonwealth or state from which he is appointed. The commissioners from the commonwealth and from the state shall be chosen in the manner and for the terms provided by the laws of the commonwealth or state from which they shall be appointed, and any commissioner may be removed or suspended from office as provided by the law of the commonwealth or state from which he shall be appointed. Vacancies on the commission shall be filled in the manner provided by the laws of the commonwealth or state among whose representation on the commission the vacancy occurs.

"The commissioners shall serve without comepnsation from the commission, but they shall be paid by the commission their actual expenses incurred and incident to the performance of their duties.

"ARTICLE V. ORGANIZATION OF COMMISSION

"The commission shall meet and organize within sixty days after the effectvie date of this compact, shall elect from its number a chairman and vice chairman, and shall appoint, and at its pleasure remove or discharge, such officers and legal, clerical, expert and other assistants as may be required to carry the provisions of this compact into effect, and shall determine their qualifications and fix their duties and compensation. It shall adopt a seal and suitable bylaws, and shall adopt and promulgate rules and regulations for its management and control. It may establish and maintain one or more officers within the district for the transaction of its business, and may meet at any time or place. The presence of three commissioners from the Commonwealth of Pennsylvania and three commissioners from the State of West Virginia shall constitute a quorum, and a majority vote of the quorum shall be necessary to pass upon matters before the commission.

"ARTICLE VI. POWERS AND DUTIES

"The commission is hereby authorized and empowered:

"(A) To be and serve in the capacity of a local organization within the meaning of the Watershed Protection and Flood Prevention Act of the eighty-third Congress of the United States, second session (Public Law 566), approved August 4, 1954, as from time to time amended, and in that capacity the commission shall have the following authority and powers:

"(1) To apply for and receive federal financial and other assistance in preparing and carrying out plans for works of improvement as that term is defined in said federal act, as from time to time amended, hereinafter referred to as works of improvement, and to apply for and receive federal financial and

other assistance under the aforementioned or other federal acts in preparing and carrying out plans for public fish and wildlife or recreational development in connection with works of improvement, including the construction and operation of all facilities which may be necessary or incident to such works of improvement and public fish and wildlife or recreational development in connection therewith.

"(2) To acquire, or with respect to interests in land to be acquired by condemnation, provide assurances satisfactory to the secretary of agriculture of the United States or other agent or agency of the United States that the commission will acquire such land, easements, or rights-of-way as will be needed in connection with works of improvement, and public fish and wildlife or recreational development and facilities in connection with works of improvement, installed with federal assistance.

"(3) To agree to operate and maintain any reservoir or other area included in a plan for works of improvement or public fish and wildlife or recreational development and facilities.

"(4) To assume all or such proportionate share, as is determined by the secretary of agriculture of the United States or other agent or agency of the United States, of the costs of installing any works of improvements, involving federal assistance, which is applicable to the agricultural phases of the conservation, development, utilization, and disposal of water or for fish and wildlife or recreational development and facilities or to purposes other than flood prevention and features relating thereto.

"(5) To make arrangement satisfactory to the secretary of agriculture of the United States or other agent or agency of the United States for defraying costs of operating and maintaining works of improvement and public fish and wildlife or recreational development and facilities in connection with works of improvement: *Provided*, That such arrangements shall be based solely upon contributions, allotments or commitments of funds to the district or commission.

"(6) To acquire, or provide assurance that landowners or water users have acquired, such water rights, pursuant to the law of the commonwealth or state applicable thereto, as may be needed in the installation and operation of the works of improvement and public fish and wildlife or recreational development and facilities in connection with works of improvement.

"(7) To cooperate with soil conservation districts in obtaining agreements to carry out recommended soil conservation measures and proper farm plans from owners of land situated in the drainage area above each retention reservoir to be installed with or without federal assistance.

"(8) To apply for and receive federal loans or advancements to finance the local share of costs of carrying out works of improvement and public fish and wildlife or recreational development and facilities in connection with works of improvement, and to submit a plan of repayment satisfactory to the secretary of agriculture or other agent or agency of the United States for any loan or advancement: *Provided*, That such plan of repayment shall be based solely upon contributions, allotments or commitments of funds to the district or commission.

"(9) To cooperate, and enter into agreements with, the secretary of agriculture of the United States or other agent or agency of the United States, and to do all other things required, not inconsistent with the provisions of this compact and the laws of the Commonwealth of Pennsylvania and the State of West Virginia, to obtain maximum federal financial assistance for works of improvement and public fish and wildlife or recreational development and facilities in connection with such works of improvement.

"(B) To acquire within the district, land, easements, rights-of-way and other property rights as may be needed in connection with works of improvement and public fish and wildlife or recreational development and facilities in connection with such works of improvement and to make studies respecting, and to plan, construct, maintain and operate, works of improvement within the district and public fish and wildlife or recreational development and facilities in connection with such works of improvement.

(C) To obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest, devise, eminent domain, or otherwise, any property, real or personal, or rights therein, for any of the purposes specified in this article of the compact: *Provided*, That eminent domain proceedings shall be instituted and prosecuted in the manner and forums provided by the laws of the commonwealth or state in which the property or property rights proceeded against are situate: *Provided, however*, That no property now or hereafter vested in or held by the Commonwealth of Pennsylvania or the State of West Virginia, or by any county, city, town, village, district, township, municipality or other political subdivision thereof shall be taken by the district without the consent of the commonwealth, state or political subdivision which owns the same.

"(D) To maintain, administer and improve any properties acquired, to charge fees for use of, and receive income from, such properties and to expend such income in carrying out the purposes and provisions of this compact, and to lease any of its property or interests therein in accordance with the following provisions and requirements: The board of commissioners of the County of Ohio, West Virginia, the county court of Marshall County, West Virginia, the board of commissioners of Greene County, Pennsylvania, and the board of commissioners of Washington County, Pennsylvania, shall each have the option of leasing from the commission for such period as the lessee may specify all or any part of the works of improvement and the public fish and wildlife and recreational development and facilities in connection with works of improvement located within their respective counties upon the following terms and conditions: (a) That in each such lease the lessee in consideration thereof pay to the lessor the sum of one dollar and agree to fully maintain at its (the lessee's) expense all works of improvement and all such development and facilities in connection therewith located within the county of the lessee in accordance with the requirements of the Watershed Protection and Flood Prevention Act of the eighty-third Congress of the United States, second session (Public Law 566), approved August 4, 1954, as from time to time amended, and all agreements and work plans made or formulated thereunder with respect to such works of improvement and such development and facilities in connection therewith located within the county of the lessee, and that for failure of the lessee to comply with such agreement, the lessor shall be given the right in the lease agreement to cancel the lease upon thirty days written notice to the lessee; (b) that any such lease not be inconsistent with the provisions, or impair the purposes, of this compact; and (c) that any such lease be approved by the secretary of agriculture of the United States or other federal agent or agencies having authority to extend approval under the provisions of said act and agreements and works plan made or formulated thereunder. In the event the board of commissioners or county court of any one of the four counties named does not, within six months from the completion of the works of improvement and all such development and facilities in connection therewith located in such county, elect in writing transmitted to the commission to exercise the option given to it by the foregoing provisions, or in the event such option is exercised and the lease to such board of commissioners or county court is subsequently cancelled because of violation of the provision of the lease by the lessee, or in the event such option is exercised and the board of commissioners or county court subsequently chooses not to renew its lease, the commissioners may lease all or any part of the works of improvement and all such development and facilities in connection therewith located within such county to any other lessee which the commission may choose, and upon such terms as may be agreed upon, *Provided*,

a. That any such lease be approved by the board of commissioners or county court of the county in which any part or all of the works of improvement and all such development and facilities in connection therewith are located.

b. That any such lease not be inconsistent with the provisions, or impair the purposes of this compact.

c. That any such lease be approved by the secretary of agriculture of the United States or other federal agent or agencies having authority to extend approval under the provisions of said act and agreements and work plans made or formulated thereunder.

d. The option of leasing in the board of commissioners of the County of Ohio, West Virginia, the county court of Marshall County, West Virginia, the board of commissioners of Greene County, Pennsylvania, and the board of commissioners of Washington County, Pennsylvania, shall include the right to sublease on the same terms and conditions set out in this paragraph to any individual, corporation, municipal subdivision, or municipal authority without the approval of the Wheeling Creek Watershed Protection and Flood Prevention Commission.

"(E) To enter into contracts and other arrangements with agencies of the United States, with persons, firms or corporations, including both public and private corporations, with the government of the state and the government of the commonwealth, or any department or agency of the United States, the state or commonwealth, with governmental divisions, with soil conservation, drainage, flood control, soil erosion, or other improvement districts in the state or the commonwealth, for cooperation or assistance in constructing improving, operating, or maintaining works of improvement within the district, and public fish and wildlife or recreational development and facilities in connection with works of improvement, or in preventing floods, damage from sediment deposited by floodwaters, or in clearance of stream beds, or in conserving, developing, utilizing, and disposing of water in the district, or for making surveys, investigations, or reports thereof.

"(F) To apply for, receive and use grants-in-aid, donations and contributions from any source or sources, and to accept and use, consistent with the purposes of this compact, bequests, devises, gifts and donations from any person, firm, corporation, state, commonwealth, or agency or political subdivision thereof.

"(G) To do any and all things necessary or convenient for the purpose of promoting, developing and advancing the purposes of said district herein set forth, and in promoting, developing and advancing the recreational development and facilities incidental to the works of improvement that shall be constructed to achieve said purposes.

"(H) To delegate any authority given to it by law to any of its agents or employees, and to expend its funds in the execution of the powers and authority herein given.

"ARTICLE VII. FISCAL AFFAIRS

"The commission shall submit at the appropriate or designated time to the board of commissioners of the County of Ohio, West Virginia, the county court of Marshall County, West Virginia, the board of commissioners

of Greene County, Pennsylvania, and the board of commissioners of Washington County, Pennsylvania, an annual budget of its estimated expenditure, which budget shall contain specific recommendations of the amount or amounts to be appropriated by each of the named governing bodies.

"The commission shall not incur any obligation prior to the commitment or allotment of funds by the named governing bodies or by other sources adequate to meet the same.

"The commission shall keep accurate accounts of all receipts and disbursements, which accounts shall be open for inspection at any reasonable time and shall be subject to audit by representatives of contributing political subdivisions and to the Commonwealth of Pennsylvania and State of West Virginia. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its by-laws: *Provided*, That all receipts and disbursements of the commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be transmitted to each contributor of funds to the district or commission.

"ARTICLE VIII. EXEMPTION FROM TAXES AND FEES

"The district and the property belonging to the district shall be exempt from the payment of all taxes or fees imposed by the Commonwealth of Pennsylvania or the State of West Virginia and by any agency and political subdivision thereof.

"ARTICLE IX. EFFECTIVE DATE OF COMPACT

"This compact shall become effective upon ratification by the General assembly of the Commonwealth of Pennsylvania and the Legislature of the State of West Virginia and upon approval by the Congress of the United States."

SEC. 2. The right to alter, amend, or repeal this Act is expressly reserved.

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.

FOSS RESERVOIR MASTER CONSERVANCY DISTRICT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 686, Senate bill 1946.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1946) to amend the repayment contract with the Foss Reservoir Master Conservancy District, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior is authorized to conduct feasibility studies in the areas serving the Foss Reservoir Master Conservancy District to determine alternative water sources and the most practicable and feasible methods of alleviating the problems associated with the poor quality and supply of water stored in Foss Reservoir, Washita River Basin project, Oklahoma.

SEC. 2. In order to assist the Foss Reservoir Master Conservancy District in developing an adequate interim water supply, the Secretary of the Interior is authorized to relieve the District (1) of the obligation of making any further construction charge payments under its repayment contract with the United States, numbered 14-06-500-322, dated February 14, 1958, as amended, and (2) of any interest accrual on its total obligation, until initial delivery of water is made which the Secretary considers to be satisfactory for municipal and industrial use. The Secretary is also authorized (a) to refund to the District the amount of $218,364.62, representing the amount already paid under such contract and to revise such contract by adding such amount to the obligation for future payment, (b) to further revise such contract so that further payments on its construction charge obligation will be rescheduled in a manner satisfactory to the Secretary over a period not to exceed fifty years from the date of the aforementioned delivery of water, and (c) to cancel any penalties which have accrued on any unpaid matured construction charge payments.

SEC. 3. The Secretary of the Interior may use any funds that are otherwise available to him to carry out this Act.

Mr. MONRONEY. Mr. President, the bill before us today was introduced by my distinguished colleague, the Senator from Oklahoma [Mr. HARRIS], and myself to try to correct an intolerable situation resulting from lack of full information on the quality of water that would be impounded in the Foss Reservoir on the Washita River to serve the Foss Reservoir Master Conservancy District.

This is a relatively arid area which has grown in population but in which, unfortunately, sources of underground water or of surface water have not been available in sufficient amounts for an adequate water supply. This includes a considerable area in the central-western part of my State. In other words, within the Master Conservancy District are Clinton, Hobart, Bessie, and Cordell.

This master conservancy district was created in 1957, and these cities contracted with the district, and the district with the Bureau of Reclamation, to construct the Foss Reservoir and to pay for their share of the use of the reservoir and for the impoundment of municipal water supplies that would provide about 9 million gallons per day. The municipal water contract would represent approximately $8 million of the construction cost of the Foss project, plus interest.

They were to build a normal water purification and filtration plant, and had in fact received a loan from the Federal Community Facilities Administration last year of $365,000 for the purpose of building a conventional water treating and softening plant.

Wisely, the Community Facilities Administration asked that they name consulting engineers for the district to make a careful study of the size and type of plant required, and the needs that the water impounded in Foss would serve.

After a careful study, the engineers that were employed determined that even after treatment in the conventional plant the water from the Foss Reservoir would still contain about 1,600 parts per million of dissolved solids, or even more.

The engineers recommended that the plant should not be built unless equipment for demineralization of the water could be included. Therefore, the board members decided to cancel plans to build the conventional plant.

Demineralization of the Foss water, unfortunately, will be expensive. They cannot use the soda-ash methods ordinarily used in the purification of water from reservoirs. As a matter of fact, this water will require an expensive study and investigation, not only to find out how to demineralize the water, but also as to the types of purification that can be used. Apparently it will be necessary to build a large purification plant completely dissimilar from those ordinarily built for a city water supply, possibly including electrodialysis equipment with 2 million gallons per day capacity at the start.

To correct this mineral content, which is far harder to take out of the water than ordinary salt solutions, or other impurities of all kinds, will involve many items of new scientific effort.

The investigation indicates that satisfactory results may require the reverse osmosis process. This bill gives the Department of Interior responsibility for evaluation of the problem, and for determining how to alleviate it.

These cities would be able to meet their obligations if the water, as contracted for, could be provided. The situation, as I say, cannot be solved by conventional soda-ash softening and filtering of the water, which does not remove the dissolved solids, the noxious taste, nor the undesirable effects of the Epsom salts which the water contains.

So the purpose of the bill Senator HARRIS and I present here is twofold. It has been amended by the committee; and we accept the amendments as being the best means of solution. The solution proposed is that the Secretary of the Interior, under the bill, is authorized to conduct feasibility studies of ways and means of alleviating the problems encountered by the Foss Reservoir Master Conservancy District associated with the poor quality and supply of water stored in Foss Reservoir, Washita River Basin project, Oklahoma.

This is not a special problem found only in the Foss Reservoir. As a matter of fact, we not infrequently encounter this type of "gyp" water—that is, water containing a high concentration of Epsom salts. This pollution is acquired from running over minerals contained in prairie lands in many sections of our Middle West—which render the water unfit for human consumption.

It seems to me that such a study, made to find ways to eliminate the problem, would be most valuable to many arid parts of the West, where the problem is a common one. This will be adding to our knowledge of water purification, antipollution measures, and demineralization, knowledge which we do not have as yet.

Second, in addition to the study being very beneficial in determining what to do in other reservoirs in addition to Foss, this bill, as we have intro-

duced it and as it is reported by the committee, affords relief to the district from its burden under the repayment contract, wherein it is obligated to pay for water, that is unusable.

This is made possible because the Secretary would be authorized to refund the amount paid thus far under the contract. When usable water is available, this amount will have to be repaid, as will the suspended amount of the construction charges under the contract. Any penalties which have accrued on unpaid construction charges will be canceled.

So thus these cities will be protected against repayments which so far have totaled more than $200,000. I might point out that the first installment was paid in on the day that it became due, and that the cities have paid a second annual contract repayment altogether totaling about $220,000. The third annual repayment was due September 1, 1967.

In addition, the four cities have contributed nearly $75,000, during the past 32 months, for the operation and maintenance of the Foss project works during its current "mothball" period.

So we feel that this is only proper relief to ask: Suspension of payments for a water supply that was supposed to be usable for human consumption—but which, because of the mineral elements found in the watershed, that washed into the reservoir, has proven unusable—until the Bureau of Reclamation, which designed, engineered, and approved this project, finds ways to make the water usable, to help out the cities, which desperately want the water, desperately need it, and are anxious to pay for it as soon as it can be made fit for human consumption.

So I am happy that the Committee on Interior and Insular Affairs has reported this bill with these recommendations to provide for this study to find means of making the water usable, so that the full repayment, amounting, as I say, to some $8 million, can be made by the water users of the cities involved. We can hope through this means to have available the type and supply of water that is so greatly needed to carry on their present growth and their present and future needs for water.

This project was authorized, after careful study by Congress, in Public Law 84–419, 70 Stat. 28. It authorized the construction, operation, and maintenance of the Washita River Basin project for municipal and industrial purposes, irrigation, flood control, fish and wildlife, and recreation purposes.

We furnished an adequate amount of protection against floods. The very devastating floods we once experienced and which cost so much in the western part of the State downstream from where the reservoir is now located have virtually been eliminated.

We have not been able, however, to use any of the water for municipal purposes. Therefore, the purpose of the project relating to human consumption has not been fulfilled because the water has not been available to the public.

The purpose with respect to fish and wildlife, which is a matter reserved to the Federal Government and to the State, has been fulfilled.

Another purpose is for recreation purposes. Although that was included in the bill, the facilities have not yet been developed.

I urge that the Senate take favorable action on the pending bill today so that the bill can be sent to the House. Studies must be made as soon as possible to correct the situation with respect to pollution and to make this water usable for human and industrial consumption as well as for irrigation purposes.

Mr. President, I yield the floor.

Mr. HARRIS. Mr. President, my distinguished senior colleague has very clearly and forcefully explained the case for the rapid enactment of S. 1946 which he and I cosponsored.

The multipurpose Foss Reservoir Master Conservancy District to which the pending bill relates was completed in 1962 at a cost of approximately $21 million. The major purpose of the reservoir, as has been pointed out by my colleague, is adequate municipal water supplies for the towns of Clinton, Hobart, Cordell, and Bessie, which towns had joined together to form the Foss Reservoir Master Conservancy District.

Repayments by the district in the amount of almost $8 million for municipal water were agreed to, and approximately $220,000 of that amount has been paid to date. However, as has been pointed out, soon after the reservoir project was completed it was discovered that the mineral content in the water made it unusable for municipal or industrial purposes.

As was said by the Interior and Insular Affairs Committee in its report, the situation in which the citizens in this part of Oklahoma find themselves is best explained by an excerpt from a statement presented to the subcommittee during the hearing by Mr. Charles E. Engleman, of Clinton, Okla., president of the Foss Reservoir Master Conservancy District.

I ask unanimous consent that the excerpt contained on pages 2 and 3 of the committee report dealing with the statement of Mr. Engleman be printed at this point in the RECORD.

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

The cities of Clinton, Bessie, Cordell, and Hobart, together with the Foss Irrigation District, have been included in the Foss Reservoir Master Conservancy District since it was created by the Oklahoma Supreme Court in 1957.

These cities contracted with the district, and the district with the Bureau of Reclamation, to repay approximately $8 million of the construction costs of the Foss project, plus interest, in return for municipal water allocations of 9 million gallons per day.

The cities of the district now find themselves in the unfortunate position of paying for water their citizens cannot drink. The situation cannot be solved by conventional soda ash softening and filtering of the water, for that does not remove the dissolved solids—or the obnoxious taste—nor the undesirable effects of the epsom salts, according to the opinion and judgment of the engineers we consider thoroughly reliable.

After a long period of misunderstandings, delays, frustrations, and disappointments, district board members finally received approval, with the able assistance of Senator Mike Monroney and other members of the Oklahoma delegation, for a $365,000 loan from the Community Facilities Administration last year for the purpose of building a conventional water treating and softening plant.

But before the loan was advanced, the newly named consulting engineers for the district discovered and reported to the board members that even after treatment in that conventional plant, the Foss water would still contain approximately 1,600 parts per million of dissolved solids, or even more.

They recommended that the plant should not be built unless equipment for demineralizing the water could be included. So, board members decided to cancel plans to build the conventional plant.

Demineralization of the Foss water, however, will be expensive; so expensive, in fact, that it is far out of the reach of the financial ability of the project cities, if contract repayments as now scheduled are also met.

All of the project cities have paid the first annual contract repayment, and three of them have paid a second annual contract repayment—altogether totaling about $220,000.

The third annual repayment is due September 1, 1967. In addition, the four cities have contributed nearly $75,000 during the past 32 months for the operation and maintenance of the Foss project works during its current "mothball" period.

Month after month, year after year, week after week, interest under the repayment contracts is accruing at a current rate of about $448.50 per day.

But not one drop of water has been delivered to the cities. If it were delivered to the cities at the present time, in its present condition, it could not be used.

So, what is the future of Foss Reservoir at this point, nearly 10 years after our cities agreed to pay for, and the Bureau of Reclamation agreed to deliver, municipal water for this usually productive, but frequently drought-stricken area of western Oklahoma?

Can it be possible that the 50,000 or so people in this area will see their high hopes for Foss Reservoir as a dependable, plentiful water supply become a mere mirage?

Demineralization—one of the new wonders of modern technology—could salvage the municipal phase of this project. With modern demineralization equipment, and its operation, the reservoir could be "rescued" and made to fulfill its full mission.

With officials of these project cities trying to stretch budgets in order to meet already contracted dam and aqueduct repayment and worried about meeting other operating costs of the project, and costs of maintaining present systems, it becomes crystal clear to us that the cost of demineralization is far beyond the ability of the district cities to meet.

Mr. HARRIS. Mr. President, the pending bill does not provide as much as my senior colleague and I and the citizens of that area of Oklahoma hoped we might be able to obtain during this session of the Congress. However, this is a giant step toward a total solution of the problem.

The bill authorizes a feasibility study to be made by the Department of the Interior of the ways and means of alleviating the problem encountered by the Foss Reservoir Master Conservancy District. Because of the poor quality of the water which is stored in that reservoir, our greatest need in respect to this problem in that area of Oklahoma is to have sufficient usable water for municipal and industrial purposes. So, it is highly important that that portion of

the bill be enacted as rapidly as possible and that detailed recommendations be made for the construction of the type of plant which will make it possible for this water to be used for those purposes.

The bill also quite properly affords relief to the districts from the burden assumed under its repayment contract whereby it is obligated to pay for water that is unusable. The relief granted in that respect is by means of suspending further construction charge payments and interest accruing on the total obligation until good water is available and until we are able to do what was originally intended when this reservoir was constructed and when that obligation was entered into.

Furthermore, and highly important and completely equitable, this bill authorizes the Secretary of the Interior to refund $220,000, the amount paid thus far on this contract.

Mr. President, my distinguished colleague and I have sought by this legislation to commit the Government to the construction of a desalinization plant. However, in the wisdom of the committee, that portion of the bill was deleted and a decision on the matter was deferred pending further study.

I may say, however, that we are very pleased that there is contained in the committee report a letter from Mr. Kenneth Holum, Assistant Secretary of the Interior, addressed to the distinguished chairman of the Committee on Interior and Insular Affairs, wherein it is stated on page 7 of the report:

> The Department of the Interior recognizes an obligation to assist the district to provide water which is suitable for use by the district. It is obvious that, for a number of reasons, the water in Foss Reservoir is not suitable and not what the district expected to receive when it entered into agreements with this Department.

Therefore, because of the changes made in the repayment obligations, because of the feasibility study, and because of the recognition of the Government's obligation in respect to the delivery of good water, my colleague and I are very pleased that the pending bill has been reported to the Senate by the Committee on Interior and Insular Affairs.

My senior colleague and I met in Oklahoma City on November 3, 1966, with a group of people led by Mr. Charles Engleman, president of the Foss Reservoir Master Conservancy District, at which time they very forcefully brought this problem to our attention and urged that action be taken in a legislative way.

I am very pleased that, because of their diligent effort, because of the advocacy especially of my distinguished senior colleague with whom I have been pleased to join in sponsoring this measure, and because of the very rapid action and consideration by the Interior and Insular Affairs Committee, headed by the distinguished Senator from Washington [Mr. Jackson], we have been able to get this bill to the floor of the Senate in such a relatively short period of time.

The pending bill seeks to do equity. I, therefore, hope that it will be speedily enacted into law.

I yield the floor.

The PRESIDING OFFICER. The committee amendment is open to amendment.

If there be no amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading ond was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 1946) was passed.

Mr. MONRONEY. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. HARRIS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNDESERVED, SEVERE CRITICISM OF THE NATIONAL GUARD

Mr. MONRONEY. Mr. President, one result of the recent rioting in cities across the Nation is a revived public interest in the National Guard. Incidents involving Guard units in Detroit and Newark have generated severe criticism which unfortunately has not been confined to those units alone.

The October 27 issue of Life magazine contains an article, based on the writer's limited association of 64 hours with the Guard, which makes a mockery of the entire organization by referring to it as a "haven for the comic soldier."

Under leave to extend my remarks, I am including in the RECORD a letter from Maj. Jimmy Kellogg of the Oklahoma National Guard to the editor of Life magazine protesting the injustice of the article. Major Kellogg is assistant division provost marshall for the 45th Infantry Division and I share his indignation over the biased insinuations in the article.

The primary purpose of the National Guard is to provide a Reserve Force for the Regular Army. Divisions such as the 45th of Oklahoma can point with pride to 75 of 88 units which, this year, received an Army rating of excellent or superior, nine Medal of Honor winners, and a record of more combat days and amphibious landings than any other division in World War II.

Today, citizen soldiers are, for the first time in history, serving voluntarily on active duty. The Oklahoma Army National Guard has sent 70 volunteers to Vietnam and over 300 members of the Air National Guard are eligible for the Vietnam Service Medal. Surely these units are comprised of something more than comic soldiers.

A secondary purpose of the National Guard is to participate in the quieting of civil disturbances. In many cases, notably Watts, Cleveland, Chicago, and Milwaukee, the Guard has performed this function well.

Criticism of the actions of Guard units in Detroit and Newark should not be a justification for a sweeping indictment of the entire organization. The National Guard is deserving of a more considered analysis, one which combines constructive criticism with recognition of its achievements and merit.

Mr. President, I ask unanimous consent that the letter sent to the editors of Time and Life by Maj. Jimmy Kellogg be printed at this point in the RECORD.

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

STRINGTOWN, OKLA.,
October 27, 1967.

LIFE,
Time and Life Building,
Rockefeller Center,
New York, N.Y.

DEAR SIR: I am writing concerning your article in the Oct. 27th issue of Life, concerning the National Guard.

I am a member of the 45th Infantry Division, Oklahoma National Guard. I hold the rank of Major and am presently assigned as Assistant Division Provost Marshall. I will soon have thirteen years service in this Division.

I guess I am a typical citizen soldier, my vocation being a Superintendent of schools. I drill one weekend a month in Okla. City which is about 130 miles from my home. I am extremely indignant and disappointed in your treatment of the Guard in this article. It seems to me that your opinion of the Guard is based on very limited experience.

I would extend a challenge for you to come to Okla. City and visit the 45th M. P. Company of which I am a part. Come without notice, see this unit train, meet its officers and men. I assure you that this unit can soldier with any outfit in the Army of the United States.

I also would have you to investigate the operation of the 45th Division. Its officers meet the same educational requirements as the regular Army. Give us the minimum amount of time and active duty and we can soldier and fight with any regular Army division. The fact that we are not in Vietnam today is not our decision. We are ready, and able to do the job, when our Country calls.

Articles like the one mentioned are a disservice to citizens like me, Guard divisions like the 45th, and the United States. For every one "comic soldier" as you call them, there are 50 who have chills down their spine when they see the Stars and Stripes go by or hear the National Anthem. Men who are proud of the Guard and its gallant defense of this country. Men who are ready to serve and secretly hope for mobilization and a chance to do their share.

Rest assured my friend, that when sharp tongued, ill-informed, ill-advised, people like you have long since passed from the scene and battles must be fought, the National Guard will be there on the F.E.B.A. They will fight and win their countries battles and then go home once again to take up their role as patriotic, hard working tax paying citizens, willing to trade plow shares for rifles in time of war and be the backbone of our nation in time of peace, by spending spare time in training and preparation for other emergencies.

Once again I challenge you to come to Oklahoma. Meet the men who wear the C. I. B. with a star. Men who have tasted battle, men whose fathers and brothers have poured out their blood and died on foreign soil, far from the Red River, the Kiamichi Mountains and plains of Oklahoma. Tell them they are "Comic Soldiers," tell them that they and their friends, brothers and forefathers of the National Guard are draft-dodgers!

Read the list of Medal of Honor winners

in the Thunderbird Division, study our History and combat record and our present record of training and achievement. You will find that we are, have been, and will continue to be, capable, proud and ready to fight and die if necessary for the watch words of our heritage, Duty, Honor and Country.

JIMMY R. KELLOGG.

AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 707, S. 830.

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 830) to prohibit age discrimination in employment.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Labor and Public Welfare, with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Age Discrimination in Employment Act of 1967".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds and declares that—

(1) in the face of rising productivity and affluence, older workers find themselves disadvantaged in their efforts to retain employment, and especially to regain employment when displaced from jobs;

(2) the setting of arbitrary age limits regardless of potential for job performance has become a common practice, and certain otherwise desirable practices may work to the disadvantage of older persons;

(3) the incidence of unemployment, especially long-term unemployment with resultant deterioration of skill, morale, and employer acceptability is, relative to the younger ages, high among older workers; their numbers are great and growing; and their employment problems grave;

(4) the existence in industries affecting commerce of arbitrary discrimination in employment because of age burdens commerce and the free flow of goods in commerce.

(b) It is therefore the purpose of this Act to promote employment of older persons based on their ability rather than age; to prohibit arbitrary age discrimination in employment; to help employers and workers find ways of meeting problems arising from the impact of age on employment.

EDUCATION AND RESEARCH PROGRAM

SEC. 3. (a) The Secretary of Labor shall undertake studies and provide information to labor unions, management, and the general public concerning the needs and abilities of older workers, and their potentials for continued employment and contribution to the economy. In order to achieve the purposes of this Act, the Secretary of Labor shall carry on a continuing program of education and information, under which he may, among other measures:

(1) undertake research, and promote research, with a view to reducing barriers to the employment of older persons, and the promotion of measures for utilizing their skills;

(2) publish and otherwise make available to employers, professional societies, the various media of communication, and other interested persons the findings of studies and other materials for the promotion of employment;

(3) foster, through the public employment service system and through cooperative effort, the development of facilities of public and private agencies for expanding the opportunities and potentials of older persons;

(4) sponsor and assist State and community informational and educational programs.

(b) Not later than six months after the effective date of this Act, the Secretary shall recommend to the Congress any measures he may deem desirable to change the lower or upper age limits set forth in section 12.

PROHIBITION OF AGE DISCRIMINATION

SEC. 4. (a) It shall be unlawful for an employer—

(1) to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age;

(2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's age; or

(3) to reduce the wage rate of any employee in order to comply with this Act.

(b) It shall be unlawful for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of such individual's age, or to classify or refer for employment any individual on the basis of such individual's age.

(c) It shall be unlawful for a labor organization—

(1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his age;

(2) to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's age;

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d) It shall be unlawful for an employer to discriminate against any of his employees or applicants for employment, for an employment agency to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because such individual, member, or applicant for membership, has opposed any practice made unlawful by this section, or because such individual, member, or applicant for membership has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or litigation under this Act.

(e) It shall be unlawful for an employer, labor organization, or employment agency to print or publish, or cause to be printed or published, any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification, or discrimination, based on age.

(f) It shall not be unlawful for an employer, employment agency, or labor organization—

(1) to take any action other wise prohibited under subsection (a), (b), (c), or (e) of this section where age is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business, or where the differentiation is based on reasonable factors other than age;

(2) to observe the terms of a bona fide seniority system or any bona fide employee benefit plan such as retirement, pension, or insurance plan, which is not a subterfuge to evade the purposes of this Act, except that no such employee benefit plan shall excuse the failure to hire any individual; or

(3) to discharge or otherwise discipline an individual for good cause.

STUDY BY SECRETARY OF LABOR

SEC. 5. The Secretary of Labor is directed to undertake an appropriate study of institutional and other arrangements giving rise to involuntary retirement, and report his findings and any appropriate legislative recommendations to the President and to the Congress.

ADMINISTRATION

SEC. 6. The Secretary shall have the power—

(a) to make delegations, to appoint such agents and employees, and to pay for technical assistance on a fee-for-service basis, as he deems necessary to assist him in the performance of his functions under this Act;

(b) to cooperate with regional, State, local, and other agencies, and to cooperate with and furnish technical assistance to employers, labor organizations, and employment agencies to aid in effectuating the purposes of this Act.

RECORDKEEPING, INVESTIGATION, AND ENFORCEMENT

SEC. 7. (a) The Secretary shall have the power to make investigations and require the keeping of records necessary or appropriate for the administration of this Act in accordance with the powers and procedures provided in sections 9 and 11 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 209 and 211).

(b) The provisions of this Act shall be enforced in accordance with the powers, remedies, and procedures provided in sections 11(b), 16 (except for subsection (a) thereof), and 17 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(b), 216, 217) and subsection (c) of this section. Any act prohibited under section 4 of this Act shall be deemed to be a prohibited act under section 15 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 215). Amounts owing to an individual as a result of a violation of this Act shall be deemed to be unpaid minimum wages or unpaid overtime compensation for purposes of sections 16 and 17 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 216, 217): *Provided*, That liquidated damages shall be payable only in cases of willful violations of this Act. In any action brought to enforce this Act the court shall have jurisdiction to grant such legal or equitable relief as may be appropriate to effectuate the purposes of this Act, including without limitation judgments compelling employment, reinstatement or promotion, or enforcing the liability for amounts deemed to be unpaid minimum wages or unpaid overtime compensation under this section. Before instituting any action under this section, the Secretary shall attempt to eliminate the discriminatory practice or practices alleged, and to effect voluntary compliance with the requirements of this Act through informal methods of conciliation, conference, and persuasion.

(c) Any aggrieved individual may bring a civil action in any court of competent jurisdiction for such legal or equitable relief as will effectuate the purposes of this Act: *Provided*, That the right of any individual to bring such action shall terminate upon the commencement of an action by the Secretary to enforce the right of such individual under this Act.

(d) No civil action may be commenced by any individual under this section until the individual has given the Secretary not less

than sixty days' notice of an intent to file such action. Such notice shall be filed—

(1) within one hundred and eighty days after the alleged unlawful practice occurred, or

(2) in a case to which section 13(b) applies, within three hundred days after the alleged unlawful practice occurred or within thirty days after receipt by the individual of notice of termination of proceedings under State law, whichever is earlier.

Upon receiving a notice of intent to sue, the Secretary shall promptly notify all persons named therein as prospective defendants in the action and shall promptly seek to eliminate any alleged unlawful practice by informal methods of conciliation, conference, and persuasion.

(e) Sections 6 and 10 of the Portal-to-Portal Act of 1947 shall apply to actions under this Act.

NOTICES TO BE POSTED

SEC. 8. Every employer, employment agency, and labor organization shall post and keep posted in conspicuous places upon its premises a notice to be prepared or approved by the Secretary setting forth information as the Secretary deems appropriate to effectuate the purposes of this Act.

RULES AND REGULATIONS

SEC. 9. In accordance with the provisions of subchapter II of chapter 5 of title 5, United States Code, the Secretary of Labor may issue such rules and regulations as he may consider necessary or appropriate for carrying out this Act, and may establish such reasonable exemptions to and from any or all provisions of this Act as he may find necessary and proper in the public interest.

CRIMINAL PENALTIES

SEC. 10. Whoever shall forcibly resist, oppose, impede, intimidate, or interfere with a duly authorized representative of the Secretary while he is engaged in the performance of duties under this Act shall be punished by a fine of not more than $500 or by imprisonment for not more than one year, or by both: *Provided, however,* That no person shall be imprisoned under this section except when there has been a prior conviction hereunder.

DEFINITIONS

SEC. 11. For the purposes of this Act—

(a) The term "person" means one or more individuals, partnerships, associations, labor organizations, corporations, business trusts, legal representatives, or any organized groups of persons.

(b) The term "employer" means a person engaged in an industry affecting commerce who has twenty-five or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year: *Provided,* That prior to June 30, 1968, employers having fewer than fifty employees shall not be considered employers. The term also means any agent of such a person, but such term does not include the United States, a corporation wholly owned by the Government of the United States, or a State or political subdivision thereof.

(c) The term "employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer and includes an agent of such a person; but shall not include an agency of the United States, or any agency of a State or political subdivision of a State, except that such term shall include the United States Employment Service and the system of State and local employment services receiving Federal assistance.

(d) The term "labor organization" means a labor organization engaged in an industry affecting commerce, and any agent of such an organization, and includes any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or system board, or joint council so engaged which is subordinate to a national or international labor organization.

(e) A labor organization shall be deemed to be engaged in any industry affecting commerce if (1) it maintains or operates a hiring hall or hiring office which procures employees for an employer or procures for employees opportunities to work for an employer, or (2) the number of its members (or, where it is a labor organization composed of other labor organizations or their representatives, if the aggregate number of the members of such other labor organization) is fifty or more prior to July 1, 1968, or twenty-five or more on or after July 1, 1968, and such labor organization—

(1) is the certified representative of employees under the provisions of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended; or

(2) although not certified, is a national or international labor organization or a local labor organization recognized or acting as the representative of employees of an employer or employers engaged in an industry affecting commerce; or

(3) has chartered a local labor organization or subsidiary body which is representing or actively seeking to represent employees of employers within the meaning of paragraph (1) or (2); or

(4) has been chartered by a labor organization representing or actively seeking to represent employees within the meaning of paragraph (1) or (2) as the local or subordinate body through which such employees may enjoy membership or become affiliated with such labor organization; or

(5) is a conference, general committee, joint or system board, or joint council subordinate to a national or international labor organization, which includes a labor organization engaged in an industry affecting commerce within the meaning of any of the preceding paragraphs of this subsection.

(f) The term "employee" means an individual employed by an employer.

(g) The term "commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States; or between a State and any place outside thereof; or within the District of Columbia, or a possession of the United States, or between points in the same State but through a point outside thereof.

(h) The term "industry affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry "affecting commerce" within the meaning of the Labor-Management Reporting and Disclosure Act of 1959.

(i) The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act.

LIMITATION

SEC. 12. The prohibitions in this Act shall be limited to individuals who are at least forty years of age but less than sixty-five years of age.

ANNUAL REPORT

SEC. 13. The Secretary shall submit annually in January a report to the Congress covering his activities for the preceding year and including such information, data, and recommendations for further legislation in connection with the matters covered by this Act as he may find advisable. Such report shall contain an evaluation and appraised by the Secretary of the effect of the minimum and maximum ages established by this Act, together with his recommendations to the Congress. In making such evaluation and appraisal, the Secretary shall take into consideration any changes which may have occurred in the general age level of the population, the effect of the Act upon workers not covered by its provisions, and such other factors as he may deem pertinent.

FEDERAL-STATE RELATIONSHIP

SEC. 14. (a) Nothing in this Act shall affect the jurisdiction of any agency of any State performing like functions with regard to discriminatory employment practices on account of age except that upon commencement of an action under this Act such action shall supersede any State action.

(b) In the case of an alleged unlawful practice occurring in a State which has a law prohibiting discrimination in employment because of age and establishing or authorizing a State authority to grant or seek relief from such discriminatory practice, no suit may be brought under section 7 of this Act before the expiration of sixty days after proceedings have been commenced under the State law, unless such proceedings have been earlier terminated, provided that such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective date of such State law. If any requirement for the commencement of such proceedings is imposed by a State authority other than a requirement of the filing of a written and signed statement of the facts upon which the proceeding is based, the proceeding shall be deemed to have been commenced for the purposes of this subsection at the time such statement is sent by registered mail to the appropriate State authority.

EFFECTIVE DATE

SEC. 15. This Act shall become effective one hundred and eighty days after enactment (except (a) that the Secretary of Labor may extend the delay in effective date of any provision of this Act up to an additional ninety days thereafter if he finds that such time is necessary in permitting adjustments to the provisions hereof, and (b) that on or after the date of enactment the Secretary of Labor is authorized to issue such rules and regulations as may be necessary to carry out its provisions).

APPROPRIATIONS

SEC. 16. There are hereby authorized to be appropriated such sums, not in excess of $3,000,000 for any fiscal year, as may be necessary to carry out this Act.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that that portion of the committee report (No. 723) beginning with the purpose of the legislation on page 1, through the fourth paragraph on page 7, be printed in the RECORD.

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

PURPOSE OF THE LEGISLATION

It is the purpose of S. 830 to promote the employment of older workers based on their ability. This would be done through an education and information program to assist employers and employees in meeting employment problems which are real and dispelling those which are illusory, and through the utilization of informal and formal remedial procedures where the education program has failed in its objective—the ending of employment discrimination based upon age. The prohibitions in the bill apply to employers, employment agencies, and labor organizations.

BACKGROUND

During recent years bills have been introduced in both the Senate and House to bar discrimination in employment on account

of age. Also, duirng the last several years, significant legislation to bar discrimination in employment on the basis of race, religion, color, and sex have been enacted.

Section 715 of Public Law 88-352 (Civil Rights Act of 1964) directed the Secretary of Labor to make a study of the problem of age discrimination in employment. The product of that study was a report—"The Older American Worker—Age Discrimination in Employment"—issued June 1965. In his report, the Secretary recommended action to eliminate arbitrary age discrimination in employment and said:

"The possibility of new nonstatutory means of dealing with such arbitrary discrimination has been explored. That area is barren * * * A clear-cut and implemented Federal policy * * * would provide a foundation for a much-needed vigorous, nationwide campaign to promote hiring without discrimination on the basis of age."

Section 606 of Public Law 89-601 (Fair Labor Standards Amendments of 1966) directed the Secretary to submit "his specific legislative recommendations for implementing the conclusions and recommendations contained in his report on age discrimination in employment made pursuant to section 715 of Public Law 88-352." The President, in his Older American message of January 23, 1967, recommended the Age Discrimination in Employment Act of 1967, which was transmitted to the Congress by the Secretary in February.

The President's message, in the section on job opportunities, stated:

"Hundreds of thousands, not yet old, not yet voluntarily retired, find themselves jobless because of arbitrary age discrimination. Despite our present low rate of unemployment, there has been a persistent average of 850,000 people age 45 and over who are unemployed. Today more than three-quarters of the billion dollars in unemployment insurance is paid each year to workers who are 45 and over. They comprise 27 percent of all the unemployed, and 40 percent of the long-term unemployed."

STATE LEGISLATION

There are now 24 States and Puerto Rico which have age discrimination legislation. A number of other State legislatures have passed resolutions declaring age discrimination to be against public policy.

Studies have been made to determine the relative effectiveness of State laws, but the findings have been somewhat inconclusive as the effects of the laws are difficult to measure with any degree of accuracy. An analysis of the responses to a survey conducted by the Manpower Administration of the Department of Labor during May-June 1963 indicated the following:

(1) The most easily measured effect of such laws is the reduction of age discriminatory specifications in job advertisements. Of the 11 States which have such provisions in their laws, seven stressed this effect.

(2) A second important effect was the reduction in age discriminatory specifications in job orders filed with employment agencies.

(3) There appeared to be a general underlying presumption by the reporting States that there was a lessening of discrimination in actual hiring.

(4) The volume of complaints is related to public awareness of the law as a result of promotional activity, rather than to the effect of discrimination.

(5) The overall reaction to the laws is favorable.

(6) While promotion, education, and persuasion are most effective, enforcement procedures are necessary to get the required attention of employers and others.

The provisions of S. 830 reflect substantial awareness and consideration of these conclusions. It is important to note also, that in a canvass of State officials regarding the advisability of Federal action against employment discrimination on account of age, most operating officials perceived advantages in a national policy against such discrimination and were in favor of the passage of Federal legislation.

COMMITTEE ACTION

The Subcommittee on Labor began public hearings on S. 830 on March 15, 1967. They lasted for 3 days, during which time the subcommittee heard from 19 witnesses. In addition, numerous statements were filed with the subcommittee by other interested persons and groups.

Support for the general purposes of the legislation was unanimous. In several instances testimony contained suggestions for changes in the original bill. A number of these suggestions as well as others were accepted by the subcommittee on April 26, 1967, and the bill was reported favorably to the Committee on Labor and Public Welfare. During the committee's consideration on three separate dates, additional amendments were approved and an amendment in the nature of a substitute was unanimously approved and ordered reported.

SUMMARY OF MAJOR PROVISIONS

Education and research program

Section 3 of the bill authorizes the Secretary of Labor:

1. To carry on a continuing program of education and information to reduce barriers to the employment of workers between 40 and 65 years of age;

2. To publish his findings for the promotion of the employment of these workers;

3. To foster through the public employment service and through cooperative effort, the development of public and private agencies for expanding employment opportunities for older workers; and

4. To sponsor and assist State and community informational and educational programs.

These functions can do much to correct age discriminatory employment practices and are therefore vital to the overall effectiveness of the bill. They are means of affecting salutary changes in attitude which will induce compliance with the simple justice the proposal espouses, thereby making enforcement measures unnecessary. This viewpoint was corroborated by many of the witnesses, including representatives of State agencies and labor and management.

Prohibition of age discrimination

Section 4 of the bill provides that:

A. It shall be unlawful for an employer of 50 or more persons (25 or more after June 30, 1968):

1. To fail or refuse to hire, or to discharge or discriminate against any individual as to compensation, terms, conditions, or privileges of employment, because of age;

2. To limit, segregate, or classify employees so as to deprive them of employment opportunities or adversely affect their status; or

3. To reduce the wage rate of any employee in order to comply with this act.

B. It shall be unlawful for an employment agency, including the U.S. Employment service, to fail or refuse to refer any individual for employment, or to classify any individual for employment on the basis of age.

C. It shall be unlawful for a labor organization with 50 or more members (25 or more after June 30, 1968):

1. To discriminate against any individual because of age by excluding or expelling him from membership, or by limiting, segregating, or classifying its membership by age;

2. To fail to refer for employment any individual because of age, which failure may result of a deprivation of employment opportunities; or

3. To cause or attempt to cause an employer to discriminate against an individual because of age.

D. It shall be unlawful for an employer, employment agency, or labor organization:

1. To discriminate against a person for opposing a practice made unlawful by this act, or for participating in any proceeding hereunder; or

2. To use printed or published notices or advertisements indicating a preference, specification, or discrimination, based on age.

E. Exceptions to the forementioned unlawful practices:

1. Where age is a bona fide occupational qualification reasonably necessary to the particular business.

2. Where differentiation is based on reasonable factors other than age.

3. To comply with the terms of any bona fide seniority system or employee benefit plan which is not a subterfuge to evade the purposes of this act, except that no employee benefit plan shall excuse the failure to hire an individual.

4. To discharge or discipline an individual for good cause.

It is important to note that exception (3) applies to new and existing employee benefit plans, and to both the establishment and maintenance of such plans. This exception serves to emphasize the primary purpose of the bill—hiring of olders workers—by permitting employment without necessarily including such workers in employee benefit plans. The specific exception was an amendment to the original bill and was favorably received by witnesses at the hearings.

Study, recommendations, and reporting

Section 5 directs the Secretary to study institutional and other arrangements giving rise to involuntary retirement and report his findings with appropriate legislative recommendations to the President and the Congress.

Section 13 directs the Secretary to make an annual report to the Congress regarding the activities carried on in the administration of this act, including an evaluation of the minimum and maximum ages established by the act, with his recommendations to the Congress.

Section 3(b) further directs the Secretary, not later than 6 months after the effective date of the act, to recommend to the Congress any measures he may deem desirable to change the lower or upper age limits established herein.

Investigation and enforcement

The investigation and enforcement provisions of the bill essentially follow those of the Fair Labor Standards Act. The enforcement provisions replace those in the original bill which were similar to the National Labor Relations Act approach. The private witnesses who appeared at the hearings were unanimous in preferring this type of enforcement to that originally in the bill which had envisaged an administrative hearing prior to court review. The bill now authorizes an individual, as well as the Secretary of Labor, to seek remedies through court action. A condition precedent to the bringing of action by an individual is that he must give the Secretary 60 days' notice of his intention to do so. This is to allow time for the Secretary to mediate the grievance.

It is intended that the responsibility for enforcement vested in the Secretary by section 7 be initially directed through informal methods of conciliation and that the formal methods be applied only if voluntary compliance cannot be achieved.

In order for the Secretary to discharge his responsibilities under the act, section 7(c) provides that rights of individuals to bring actions shall terminate when the Secretary commences an action covering the particular grievance for which vindication is sought.

In summary, section 7 of the bill:

(1) Authorizes the Secretary to make investigations and to require appropriate recordkeeping in accordance with the powers and procedures provided in sections 9 and 11 of the Fair Labor Standards Act of 1938.

(2) Directs the Secretary to attempt to

secure voluntary compliance through conciliation before instituting action, and requires 60 days' notice to the Secretary by persons intending to file civil actions to provide time for the Secretary by informed methods to bring about compliance with the act.

(3) Provides for enforcement of the act in accordance with the powers, remedies and procedures of sections 11(b), 16 (except (a) thereof), and 17 of the Fair Labor Standards Act of 1938, and section 7 of this act. Provides that amounts owing as a result of violation of this act shall be deemed to be unpaid minimum wages or unpaid overtime compensation for the purposes of sections 16 and 17 of the Fair Labor Standards Act of 1938, and that liquidated damages will be payable only for willful violations.

(4) Gives the Secretary or aggrieved individuals power to bring civil actions for legal or equitable relief. However commencement of an action by the Secretary to enforce rights of an individual terminates that individual's right to bring his own action.

(5) Requires that suits brought to enforce the act must be brought within 2 years after the cause of action accrued, or in the case of a willful violation, within 3 years, and that in the case of suits brought by individuals notice of intention to sue must be given the Secretary of Labor within 180 days after the alleged unlawful practice occurred, except that where action has been commenced under a State statute this period shall be extended to 300 days. It further provides that suits shall be barred against any employer, employment agency, or labor organization that has relied in good faith upon regulations, administrative practices, or enforcement policies later modified, rescinded, or determined by judicial authority to be invalid or of no legal effect.

Federal-State relationship

Section 14 provides for concurrent Federal and State actions, except that in States having laws prohibiting discrimination in employment because of age, no suit may be brought under this act before the expiration of 60 days after proceedings have been commenced under the State law (120 days during the first year after the effective date of the State law), unless such proceedings have been earlier terminated. Furthermore, commencement of an action under this act shall be a stay on any State action previously commenced. This provision will protect employers, such as those engaged in the transportation industry, from having to defend against a multiplicity of suits in various State courts when they operate simultaneously in several States.

Rules and regulations

Sections 6 and 9 empower the Secretary—

(1) To issue rules and regulations in accordance with procedure established by the Administrative Procedure Act to administer the act.

(2) To delegate authority and pay for technical assistance on a fee-service basis for aid in administering the act.

(3) To cooperate with regional, State, local, or other agencies, and to cooperate with and furnish technical assistance to employers, labor organizations, and employment agencies to aid in effectuating the purposes of the act.

Criminal penalties

Section 10 provides criminal penalties in the case of willful interference with duly authorized representatives of the Secretary.

Age limitation

Section 12 limits the prohibitions in the act to persons who are at least 40, but less than 65 years of age. The committee reduced the lower age limit from 45 in the original bill to 40, since testimony indicated this to be the age at which age discrimination in employment usually becomes evident. It is also the lower age limit found in most State statutes bearing on this subject. The committee declined to further lower the age limitation, notwithstanding the highly effective and persuasive presentations made by witnesses representing airline stewardesses—some of whom are not permitted to continue as stewardesses after age 32. Although the committee recognized the significance of the problem, it was felt a further lowering of the age limit prescribed by the bill would lessen the primary objective; that is, the promotion of employment opportunities for older workers.

The case presented by the airline stewardesses, many of whom must by company rule cease acting as stewardess at age 32 or 35, reveals an apparent gross and arbitrary employment distinction based on age. It deserves mention again, that the only reason the committee bill does not specifically redress this discrimination is in the interest of the major objective of the bill. However, in lieu of such provision, the committee added section 3(b) and expects the Secretary—pursuant to the subsection—to undertake a study in this area, making whatever recommendations he deems appropriate.

The committee further recognizes that in some industries a disproportionately high number of older workers are found in the work force. In some cases, this has resulted from a decline in total employment in such an industry, coupled with the exercise of seniority rights. The committee does not intend that the legislation be administered in such a way as to worsen a situation such as this.

In industries such as the trucking industry, regulatory agencies, for the safety and convenience of the public, have imposed requirements as to the physical qualifications of employees. It is not the purpose of this legislation to require the employment of anyone, regardless of age, who is not qualified on grounds other than age to perform the job.

Many different types of employment situations prevail. Administration of this law must place emphasis on case-by-case basis, with unusual working conditions weighed on their own merits. The purpose of this legislation, simply stated, is to insure that age, within the limits prescribed herein, is not a determining factor in a refusal to hire.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that immediately following that excerpt there be printed in the RECORD the section-by-section analysis of the bill beginning two paragraphs above the bottom of page 7, and continuing through the last paragraph on page 12 of the report.

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

SECTION-BY-SECTION ANALYSIS

SECTION 1.—SHORT TITLE

This section provides that the act may be cited as the "Age Discrimination in Employment Act of 1967."

SECTION 2.—STATEMENT OF FINDINGS AND PURPOSE

This section contains a congressional finding that older workers find themselves disadvantaged in their efforts to retain or regain employment, that arbitrary age limits and certain other practices may work to the disadvantage of older persons, that the incidence of unemployment is higher among older workers and their numbers are growing, and that arbitrary discrimination in employment in industries affecting commerce because of age, burdens commerce and the free flow of goods in commerce.

The section, in subsection (b), declares it to be the purpose of the act to promote employment of older persons based on their ability rather than age, to prohibit arbitrary age discrimination in employment, and to help employers and workers find ways of meeting problems arising from the impact of age on employment.

SECTION 3.—EDUCATION AND RESEARCH PROGRAM

Subsection (a) of this section directs the Secretary of Labor to undertake studies to provide information to labor unions, management, and the general public concerning the needs and abilities of older workers and their potential for continued employment and contribution to the economy. The Secretary is directed to carry on a continuing program of education and information under which among other things he may—

(1) undertake and promote research to reduce barriers in the employment of older persons,

(2) publish and otherwise make available the findings of studies and other materials for the promotion of employment of older persons,

(3) foster the development of facilities of public and private agencies for expanding the opportunities and potentials of older workers, and

(4) sponsor and assist State and community informational and educational programs in this area.

Subsection (b) of this section requires the Secretary, within 6 months, to recommend to Congress any measures he deems desirable to change the lower or upper age limits which are established by section 12.

SECTION 4.—PROHIBITION OF AGE DISCRIMINATION

Subsection (a) of this section makes it unlawful for an employer (1) to fail or refuse to hire, or to discharge, any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age; or (2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of his age or (3) to reduce the wage rate of any employee in order to comply with this act.

Subsection (b) of this section makes it unlawful for an employment agency to fail or refuse to refer for employment, or otherwise discriminate against, any individual because of his age, or to classify or refer for employment any individual on the basis of his age.

Subsection (c) makes it unlawful for a labor organization (1) to exclude or expel from its membership, or otherwise discriminate against, any individual because of his age, (2) to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of his age, or (3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

Subsection (d) of this section makes it unlawful for employers, employment agencies and labor unions to discriminate against a person because he has opposed a practice made unlawful by this act, or because he has made a charge, testified, or assisted or participated in any manner in an investigation, proceeding, or litigation under this act.

Subsection (e) of this section makes it unlawful for an employer, labor organization or employment agency to use any printed or published notices or advertisements which indicate any preference, limitation, specification, or discrimination based on age.

Subsection (f) contains exceptions to the foregoing provisions of this section. It provides that it shall not be unlawful to take action, otherwise prohibited by subsections

(a), (b), (c), or (e), where age is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business, or where differentiation is based in reasonable factors other than age. It also provides that it will not be unlawful to observe the terms of a bona fide seniority system or any bona fide employee benefit plan, except that no employee benefit plan may excuse the failure to hire any individual. Finally, it provides that it will not be unlawful to discharge or otherwise discipline an individual for good cause.

SECTION 5.—STUDY BY SECRETARY OF LABOR

This section directs the Secretary of Labor to study institutional and other arrangements giving rise to involuntary retirement and report his findings with appropriate legislative recommendations to the President and to the Congress.

SECTION 6.—ADMINISTRATION

This section authorizes the Secretary of Labor to make delegations, appoint agents and employees, and to pay for technical assistance on a fee for service basis to assist him in the performance of his functions under this act. It also directs him to cooperate with regional, State, local, and other agencies and to cooperate with and furnish technical assistance to employers, labor organizations, and employment agencies to aid in effectuating the purposes of this act.

SECTION 7.—RECORDKEEPING, INVESTIGATION, AND ENFORCEMENT

Subsection (a) of this section gives the Secretary the power to make investigations and requires the keeping of records necessary or appropriate for the administration of the act in accordance with powers and procedures provided in sections 9 and 11 of the Fair Labor Standards Act of 1938.

Subsection (b) provides that the act will be enforced in accordance with the powers, remedies, and procedures provided in sections 11(b), 16 (except for subsec. (a) thereof), and 17 of the Fair Labor Standards Act of 1938, and subsection (c) of this section. Any act prohibited under section 4 of the act will be deemed to be a prohibited act under section 15 of the Fair Labor Standards Act of 1938. Amounts owing as a result of a violation of this act shall be deemed to be unpaid minimum wages or unpaid overtime compensation for purposes of sections 16 and 17 of the Fair Labor Standards Act of 1938. Liquidated damages will be payable only in case of willful violations. When an action is brought under this section the court will have jurisdiction to grant such legal or equitable relief as may be appropriate. This relief may include judgments compelling employment, reinstatement, or a promotion, or enforcing liabilities for amounts deemed to be unpaid minimum wages or unpaid overtime compensation. Before he may institute any action, the Secretary must attempt to eliminate discriminatory practice or practices alleged and effect voluntary compliance with the act through informal methods of conciliation, conference, and persuasion.

Subsection (c) gives aggrieved individuals power to bring civil actions for legal or equitable relief. This right will terminate upon the commencement of an action by the Secretary to enforce that individual's rights under this act.

Subsection (d) requires that persons intending to file civil actions under this act must give the Secretary of Labor 60 days' notice before doing so. During the 60-day period, the Secretary must seek to eliminate unlawful practices by informal methods of conciliation. This subsection further provides that the notice to be filed by an individual who wishes to bring suit must be filed within 180 days of the occurrence of the alleged unlawful practice, except that where a State has undertaken action in accordance with its laws, an individual must file his notice within 300 days of the alleged unlawful practice.

Subsection (e) incorporates by reference sections 6 and 10 of the Portal-to-Portal Act. Under section 6 of that act any suit to enforce the Age Discrimination in Employment Act must be brought within 2 years after the cause of action accrued, unless it arose out of a willful violation, in which case the period is extended to 3 years. Under section 10 of the Portal-to-Portal Act any employer, employment agency, or labor organization that relies in good faith upon written administrative regulations, orders, rulings, approvals, or interpretations of the Secretary of Labor or any administrative practice or enforcement policy, has a valid defense against a suit under this act, involving any of the aforementioned actions of the Secretary, notwithstanding that such administrative regulation, order, ruling, approval, interpretation, practice, or policy was subsequently modified or rescinded, or determined by judicial authority to be invalid or of no legal effect.

SECTION 8.—NOTICES TO BE POSTED

This section requires every employer, employment agency, and labor union to keep posted on its premises a notice, to be prepared and approved by the Secretary, setting forth such information as he deems appropriate to effecutate the purposes of this act.

SECTION 9.—RULES AND REGULATIONS

This section authorizes the Secretary to issue such rules and regulations, which are to be promulgated in accordance with the Administrative Procedure Act, as he may consider necessary to carry out this act, and authorizes him to establish such reasonable exemptions to and from the act as he may find necessary and proper in the public interest.

SECTION 10.—CRIMINAL PENALTIES

This section makes it a crime to forcibly resist, oppose, impede, intimidate, or interfere with a duly authorized representative of the Secretary while he is engaged in the performance of duties under this act. The penalty for a violation is a fine of not more than $500 or imprisonment for not more than 1 year, or both; however, no imprisonment may be imposed except where there has been a prior conviction of a violation of this section.

SECTION 11.—DEFINITIONS

This section defines a number of the terms used in the act. Several of these deserve special discussion.

The term "employer" is so defined as to include only persons having 25 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year. However, until June 30, 1968, employers having fewer than 50 employees will not be considered to be employers. As the term is defined, the United States or a State or political subdivision thereof will not be considered an employer.

The term "employment agency" is defined to mean a person regularly undertaking, with or without compensation, to procure employees for an employer and includes an agent of any such person. Again, the term will not include an agency of the United States or of any State or political subdivision thereof. However, the term will include the U.S. Employment Service and the system of State and local employment services receiving Federal assistance.

The term "labor organization," as defined in the bill, is a special provision under which an organization will be deemed to be engaged in an industry affecting commerce if it maintains or operates a hiring hall or office which procures employees for an employer, or procures for employees opportunities to work for an employer, or if the number of its members is 50 or more for the period prior to July 1, 1968, or 25 or more thereafter.

SECTION 12.—LIMITATION

This section provides that the prohibitions in the act will be limited to individuals who are at least 40 years of age but less than 65 years of age.

SECTION 13.—ANNUAL REPORT

This section requires the Secretary to submit an annual report to the Congress covering his activities under this act for the year, and shall include appropriate information and data and his recommendations for further legislation. The report should contain his evaluation and appraisal of the effect of the maximum and minimum ages established in the act.

SECTION 14.—FEDERAL-STATE RELATIONSHIP

Subsection (a) of this section provides that the act will not affect the jurisdiction of any agency of any State performing similar functions with regard to discrimination in employment on account of age, except that the commencement of an action under this act shall be a stay on any State action previously commenced.

Subsection (b) provides that where any practice which is unlawful under this act occurs in a State which has a law prohibiting discrimination in employment because of age and establishing or authorizing a State authority to grant or seek relief from such discriminatory practice, no suit may be brought under this act before the expiration of 60 days after proceedings have been commenced under the State law unless such proceedings have been earlier terminated. However, the 60-day period would be extended to 120 days during the first year after the effective date of the State law. If any requirement for the commencement of such proceeding is imposed by State authority other than a requirement of the filing of a written signed statement of the facts upon which the proceeding is based the proceeding shall be deemed to have been commenced for the purposes of this subsection at the time such statement is sent by registered mail to the appropriate State authority.

SECTION 15.—EFFECTIVE DATE

This section provides that the act will become effective 180 days after its enactment, except that the Secretary is authorized to delay the effective date for an additional 90 days if necessary and he is authorized to issue necessary regulations any time after the date of enactment.

SECTION 16.—APPROPRIATIONS

This section authorizes the appropriation of such sums, not in excess of $3 million for any fiscal year, as may be necessary to carry out the act.

Mr. YARBOROUGH. Mr. President, as floor manager of this bill, I shall make a brief opening statement setting forth the purpose of the legislation and its major provisions; and then if there are any questions, I shall be happy to answer them.

In simple terms, this bill prohibits discrimination in hiring and firing workers solely because they are over 40 and under 65.

S. 830 is designed to alleviate one of the employment problems which is facing our country. As the life expectancy of our citizens increases, so does their desire to continue working, at least until normal retirement age and often well beyond that time. It is not the purpose of this bill to extend the normal working life of our citizens. The bill is intended to ban discrimination in employment because of age during the years it most frequently occurs—40 to 65.

The lower age limit of 40 was picked because age discrimination in employment most normally appears at this age. However, there is no magic in this figure

and, because this is the first national law on this subject, we have directed the Secretary of Labor to make a special study in regard to the age limits which should be included within the scope of this antidiscrimination law. He has been directed to report his findings to the Congress 6 months after the passage of this act. We have also directed the Secretary to make annual reports so that we may be continually apprised of the effects of this legislation and of any needed changes.

Mr. President, I repeat that the lower age limit of 40 has been picked because the discrimination usually appears at that age. The bill as originally introduced provided for an age limit of 45 to 65. The House provided for an age limit of 40. In the executive committee hearings, the full Committee on Labor and Public Welfare unanimously voted to accept the House figure of 40 years of age as the minimum age at which the law should apply.

The bill provides for four exceptions from the enforcement provisions:

First. Where age is a bona fide occupational qualification reasonably necessary to the particular business. The example is often given—although I do not know at what age this limit would apply—of a jet pilot who flies a plane at many hundreds of miles an hour.

Second. Where differentiation is based on reasonable factors other than age. For example, if a test shows that a man cannot do certain things. He might fail to pass the test at 35; he might fail to pass the test at 55. Some men slow up sooner than others. If the job requires a certain speed and the differentiation is based upon factors other than age, the law would not apply.

Third. To comply with the terms of any bona fide seniority system or employee benefit plan which is not a subterfuge to evade the purposes of this act, except that no employee benefit plan shall excuse the failure to hire an individual.

Fourth. To discharge or discipline an individual for good cause. Where there is good cause for discharge, this bill will not permit an individual to remain in the employment simply because he has reached a certain age. He cannot hide behind that to stay in employment, if there are disciplinary reasons why he should not remain there.

While the bill includes enforcement procedures which are adopted from the Fair Labor Standards Act, it is the hope of the sponsors of this legislation that such procedures will not be needed very often. Rather, it is the fact that our national policy as declared by this bill will be to stop invidious distinctions in employment because of age. Everyone who testified at our hearings felt that the greatest need in this area was to educate employers to the facts—facts which show that older workers are at least as productive as younger workers and that on average they stay with their employers for a longer period of time. Despite the general notion to the contrary, it is the younger workers who are the big job shifters. Older workers are usually more experienced and more stable workers. It will be the major job of the Department of Labor under this bill to educate the country to the fact that older workers are just as capable employees as younger workers.

While this is the first Federal law in this respect, a number of States have State laws; and we were able to bring to the committee hearings the knowledge that has been accumulated by a number of the leading industrial States which have had such laws over a long period of time.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield.

Mr. JAVITS. I believe it would be useful, if the Senator would permit it, to include by unanimous consent a list of the States, with some reference to the nature of the laws of each State, which appears in the hearing record, and which should appear at this point in the RECORD. I ask unanimous consent that the list be printed in the RECORD.

Mr. YARBOROUGH. Mr. President, I accept the suggestion of the distinguished senior Senator from New York. We had that evidence before us at the hearing, and I believe the full Senate should have the benefit of the State laws.

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

SUMMARY OF STATUTORY PROVISIONS RE DISCRIMINATION IN EMPLOYMENT BECAUSE OF AGE

Twenty-four States and Puerto Rico have statutes prohibiting discrimination in employment because of age.

A

The New York Law (§ 296, Executive Law) contains language specifically exempting bona fide pension policies or systems and the varying of insurance coverages as follows:

"But nothing contained in this subdivision or in subdivision one of this section shall be construed to prevent the termination of the employment of any person who is physically unable to perform his duties or to affect the retirement policy or system of any employer where such policy or system is not merely a subterfuge to evade the purposes of said subdivisions; or shall anything in said subdivisions be deemed to preclude the varying of insurance coverages according to an employee's age."

The statutes of the following fourteen (14) states contain exemption language similar to that of the New York Statute:

California: § 2072, Unemployment Ins. Code.
Connecticut: § 31–126.
Delaware: Title 19, § 712.
Hawaii: § 90A–8.
Idaho: §44–1602.
Maine: Title 26, § 852.
Maryland: Art. 100, § 79.
Montana: HJR 12, Laws 1961.
Nebraska: § 48–1003.
New Jersey: § 18:25–2.1.
North Dakota: § 34–01–17.
Pennsylvania: Title 43, § 955, Purdon's Stats.
Washington: § 49.44.090.
Wisconsin: § 111.32(5)(c).

B

The statutes of the following three (3) states contain a provision exempting pension or retirement plans:

Indiana: § 40–2327, Burns' Stats.
Louisiana: § 23:893.
Rhode Island: § 28–6–5.

C

The following six (6) jurisdictions have enacted age discrimination statutes with no exemption for pensions or insurance:

Alaska: § 18.80.220.
Colorado: § 80–11–16.
Massachusetts: Chapter 151 B, § 4.
Ohio: § 4101.17.
Oregon: § 659.024.
Puerto Rico: §§ 146–152, Ch. 7, Part I, Title 29.

D

Texas has enacted such a statute applicable to public employees only.

Mr. YARBOROUGH. New York State is one of the leading States with State law in this respect. I believe the distinguished senior Senator from New York had something to do with the fact that New York State does have such a law.

Mr. JAVITS. I thank the Senator.

Mr. YARBOROUGH. In closing, I might just mention one problem of age discrimination which is not being taken care of in this bill. That is the problem of airline stewardesses, who are forced to give up that job at age 32 or 35. The committee heard a great deal of testimony regarding their special problem, but rather than single out that group for special treatment, or hold up the protection of the 40 million older workers who will be covered by this act, it was decided that the special study to be undertaken by the Secretary of Labor should explore this special problem and that in 6 months the Secretary should give us the benefit of his research into whether this is a unique problem and his recommendations for a solution.

We thought it wiser to do this than to hold up action on a measure designed for the protection of 40 million older workers who would be covered by this measure. Of a population of 200 million, 40 million are dependent upon this measure for protection, and that amounts to 20 percent of the population. If there are an average of four and a half people in the family of a man 45 years of age, you have between 80 million and 100 million people dependent upon this measure to provide an opportunity for the breadwinner to hold a job.

Mr. President, I have received letters from people who are 55 years old in which they say, "I can do any work now that I could do 5, 10, or 15 years ago. I am just as capable, but they tell me they will not hire anybody who is 55 years old. What are you people in Congress going to do with us? Are you going to give us a pill and put us in suspended animation for 10 years so that then we can come out at the age of 65 and start drawing social security?"

This is the problem that is faced by many of the most capable workers that we have.

To sum up, this is a bill to give every American the opportunity to be equally considered for employment and promotional opportunity. It would not give a preference to an older worker over a man who is 35 years old, but it gives him the right to be equally considered for employment and promotion.

No matter how young we may now be, it will not be too long before we will be grateful for the protection that this act will afford us. We are only young once—but we must all work a lifetime.

I urge a "yea" vote on the part of every Senator.

Mr. JAVITS. Mr. President, it is with the greatest satisfaction that I join

the Senator from Texas in support of S. 830. I have had a very special interest in this particular piece of legislation for I have been introducing bills to outlaw discrimination in employment on grounds of age ever since I was a Member of the House of Representatives in 1951. Unfortunately, it has taken all of these 16 years before we could reach the point at which we are now.

I am very grateful to the distinguished Senator from Texas and the chairman of our committee, who afforded us this opportunity.

This is not the first time I have offered a particular measure for many years, finally to see it realized because of the great cooperation of other Senators on the Labor and Public Welfare Committee. I remember very well the cooperation of the Senator from Rhode Island [Mr. PELL] and the Senator from Pennsylvania [Mr. CLARK], and the cooperation of Vice President HUMPHREY in connection with the National Foundation of Arts, which I had sponsored since 1949.

I know the Senator from Texas is aware of the satisfaction I derive this day, at long last, to see age discrimination in employment legislation pass this body.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. YARBOROUGH. Mr. President, I commend and congratulate the distinguished senior Senator from New York for his long and diligent work and leadership in this field. He comes from a State that has a law against age discrimination. He served as attorney general of that State and his experience there has been invaluable in this committee.

Both the Senator from New York and I have had this experience of which he spoke of introducing bills year after year, and finally the consensus arrives.

As the Senator knows, this bill of mine, although I am the principal sponsor, is based on many provisions of his bill and the Department of Labor recommendations. In that sense it is an administration bill, but we might call it a consensus bill. It has had the overwhelming support of a majority of Senators on both sides. I do not know of any opposition to this bill which has been carefully worked out. I hope that it is passed by both Houses in this session of Congress. It was not easy to reach the consensus necessary to pass this bill because certain segments of our economy and society were opposed to this. It has taken years for them to see the necessity of it. The Senator from New York has been in the forefront of the fight.

Mr. JAVITS. Mr. President, I am grateful to the Senator for his generosity.

Mr. President, it is a sad day indeed when a man realizes that the world has begun to pass him by; that happens to all of us sooner or later. But it is surely a much greater tragedy for a man to be told, arbitrarily, that the world has passed him by, merely because he was born in a certain year or earlier, when he still has the mental and physical capacity to participate in it as energetically and vigorously as anyone else.

We in America pride ourselves on our free enterprise system; particularly on the market as the only really objective test for the acceptance or rejection of the worth of goods or services. America was and still is the great land of opportunity, and the reason is clear: It is a land where a premium is put on ability—not rank, not privilege, and, if the system worked to perfection, not nationality, not religion, not sex, not race, and not age. But, Mr. President, we are confronted with the fact that as well as the system does work, there are still some shortcomings. We recognized this when, in the Civil Rights Act of 1964, we specifically prohibited discrimination on the ground of race, sex, religion, or national origin. At the time, we all recognized that the act left untouched another major problem: age discrimination. Although many of us, including myself, felt that the problem was severe enough and obvious enough to justify Federal legislation, the lack of any concrete information and statistics to show the full magnitude of the problem led us as a compromise in conference to direct the Secretary of Labor to make a report to Congress on age discrimination in employment.

In 1965, the Secretary filed his report and with it all doubt as to the need for this legislation vanished. The report found that a substantial amount of age discrimination in employment did exist and, furthermore, that almost all of it was completely arbitrary. As the report stated:

> An unmeasured but significant proportion of the age limitations presently in effect are arbitrary in the sense that they have been established without any determination of their actual relevance to job requirements; and are defended on grounds apparently different from their actual explanation.

During this period the States were also manifesting their awareness of the age discrimination problem. At this date, some 24 States and Puerto Rico have enacted laws prohibiting age discrimination in employment. Half of those laws were passed since 1960, and all but three since 1955. The experience under the State laws has been varied. Unfortunately, most States have not made available sufficient funds or manpower to really make a dent in the problem. However, where forceful attempts have been made, especially in some demonstration projects, great success has been achieved.

What we have learned, essentially, is that a great deal of the problem stems from pure ignorance: there is simply a widespread irrational belief that once men and women are past a certain age they are no longer capable of performing even some of the most routine jobs. The answer to this kind of popular misconception is obviously a broad based program of information and education, and that is exactly what S. 830 provides for. At the same time, the experience of the States has shown that information and education alone are not enough; they must be coupled with the availability of formal remedial procedures to compel compliance with the law. S. 830 also provides these formal procedures through suits, either by the Secretary of Labor or the aggrieved individual, in the Federal or State courts.

The enforcement techniques provided by S. 830 are directly analogous to those available under the Fair Labor Standards Act; in fact, S. 830 incorporates by reference, to the greatest extent possible, the provisions of the Fair Labor Standards Act. This was accomplished through an amendment sponsored by Senator YARBOROUGH and myself which was adopted by the Subcommittee on Labor. The original version of S. 830 called for agency type enforcement, with hearings before the Secretary of Labor and then an appeal to the U.S. courts of appeals.

That was a departure from the approach which the Senate had actually adopted, at the urging of myself and Senators MURPHY, PROUTY, FANNIN, GRIFFIN, and SMATHERS when it incorporated a ban on age discrimination into the Fair Labor Standards Act amendments which passed the Senate last year. Although the age discrimination provisions were stricken in conference, the Secretary of Labor was directed to make specific legislative recommendations concerning age discrimination in employment to Congress this year. Those recommendations were embodied in S. 830, as originally introduced.

Although, as I have stated in my individual views, S. 830 was in most respects an excellent bill, the fact that it eschewed FLSA type of enforcement procedures in favor of an agency type process, which would have required the establishment within the Department of Labor of a wholly new bureaucracy complete with regional directors and attorneys, as well as hearing examiners, was most unfortunate. Happily, this defect has been corrected in the committee process. S. 830, as it has been reported out of committee, actually incorporates the best features of that bill, as originally introduced and S. 788, the bill which I, together with Senators ALLOTT, KUCHEL, MURPHY, and PROUTY introduced earlier this year based on the FLSA type of approach adopted by the Senate last year.

We now have the enforcement plan which I think is best adapted to carry out this age-discrimination-in-employment ban with the least overanxiety or difficulty on the part of American business, and with complete fairness to the workers. I think that is one of the most important aspects of the bill.

I can assure my colleagues that this bill was given the most careful possible attention by the Subcommittee on Labor and the full Committee on Labor and Public Welfare. Besides the change in enforcement technique to which I have already referred, many other amendments were adopted, some of which I had the honor of cosponsoring: among those amendments were the elimination of the criminal penalty in favor of a provision for double damage in cases of willful violation; an exemption for the observance of bona fide seniority systems or retirement, pension, insurance or similar plans and a provision specifically requiring the Secretary of Labor to promulgate rules and regulations under this act in accordance with the Administrative Procedure Act.

The amendment relating to seniority systems and employee benefit plans is particularly significant: because of it an

employer will not be compelled to afford older workers exactly the same pension, retirement, or insurance benefits as younger workers and thus employers will not, because of the often extremely high cost of providing certain types of benefits to older workers, actually be discouraged from hiring older workers. At the same time, it should be clear that this amendment only relates to the observance of bona fide plans. No such plan will help an employer if it is adopted merely as a subterfuge for discriminating against older workers.

One of the problems which arose before the committee, and which, happily, has been resolved in the bill, as reported, is the airline stewardess problem. I refer to the practice of a few airlines in requiring stewardesses to retire at the age of 32 or 35. At the present time, this practice exists only on a few airlines; most airlines have either never adopted the practice or, if they have, have now changed it voluntarily or as a result of collective bargaining. In their testimony before the Subcommittee on Labor, the stewardesses presented a very forceful case, and at one time the committee was seriously considering lowering the age limits in the bill to 32, or lower.

However, the Subcommittee on Labor and the full Committee on Labor and Public Welfare came to realize that while the stewardesses might have a good case, it was actually not within the province of this bill, directed as it is against the problem of discrimination against older workers. Thus, the committee, in my judgment, wisely decided to lower the age limit only to 40, since that is the age where, according to information currently available, age discrimination generally seems to start. We did however direct the Secretary of Labor to make a study of the feasibility of lowering the minimum age limits or raising the maximum age limits and report back his recommendations to us within 6 months. We anticipate that he will thoroughly study the stewardess problem as part of his overall study.

There are one or two other matters dealt with in the bill that I would like to call attention to. The full committee report is now before us, including not only my individual views, but those of the Senator from Colorado [Mr. DOMINICK], which I think are most important. Especially because of Senator DOMINICK's individual views, I wish to ask a couple of questions of the manager of the bill, which I think will help very much to clarify some of the very intelligent points which Senator DOMINICK raises. I emphasize that he voted to report out the bill and he is permitting it to go through here. We are deeply indebted to him for his fine understanding and cooperation. I think he is entitled to have answers to certain of the very important questions he raises.

The first question, Mr. President, which also was raised with me by our minority leader, the Senator from Illinois [Mr. DIRKSEN] relates to that section 4(f)(2) of the bill, found at page 20, lines 20 to 25. As the Senator from Texas described it, that subsection provides an exemption from the prohibitions of the bill in the case of observance of bona fide seniority systems or employee benefit plans such as a pension, retirement, or insurance plan.

The meaning of this provision is as follows: An employer will not be compelled under this section to afford to older workers exactly the same pension, retirement, or insurance benefits as he affords to younger workers. If the older worker chooses to waive all of those provisions, then the older worker can obtain the benefits of this act, but the older worker cannot compel an employer through the use of this act to undertake some special relationship, course, or other condition with respect to a retirement, pension, or insurance plan which is not merely a subterfuge to evade the purposes of the act—and we understand that—in order to give that older employee employment on the same terms as others.

I would like to ask the manager of the bill whether he agrees with that interpretation, because I think it is very necessary to make its meaning clear to both employers and employees. I ask whether he agrees with that interpretation of subsection (2) of section 4(f) of the bill, found on page 20, lines 20 to 25, inclusive.

Mr. YARBOROUGH. I wish to say to the Senator that that is basically my understanding of the provision in line 22, page 20 of the bill, clause 2, subsection (f) of section 4, when it refers to retirement, pension, or insurance plan, it means that a man who would not have been employed except for this law does not have to receive the benefits of the plan. Say an applicant for employment is 55, comes in and seeks employment, and the company has bargained for a plan with its labor union that provides that certain moneys will be put up for a pension plan for anyone who worked for the employer for 20 years so that a 55-year-old employee would not be employed past 10 years. This means he cannot be denied employment because he is 55, but he will not be able to participate in that pension plan because unlike a man hired at 44, he has no chance to earn 20 years retirement. In other words, this will not disrupt the bargained-for pension plan. This will not deny an individual employment or prospective employment but will limit his rights to obtain full consideration in the pension, retirement, or insurance plan.

Mr. JAVITS. I thank my colleague. That is important to business people.

As it now stands, the bill is limited to protecting people between the ages of 40 and 65. The Senator from Colorado, in his individual views, has raised the possibility that the bill might not forbid discrimination between two persons each of whom would be between the ages of 40 and 65. As I understand it, that is not the intent of the legislation. I do not think any such reading is justified by the terms of the bill. I think we should nail this down.

Section 4 of the bill specifically prohibits discrimination against any "individual" because of his age. It does not say that the discrimination must be in favor of someone younger than age 40. In other words, if two individuals ages 52 and 42 apply for the same job, and the employer selected the man aged 42 solely—and I emphasize that word "solely"—because he is younger than the man 52, then he will have violated the act. The whole test is somewhat like the test in an accident case—did the person use reasonable care. A jury will answer yes or no. The question here is: Was the individual discriminated against solely because of his age? The alleged discrimination must be proved and the burden of proof is upon the one who would assert that that was actually the case. Would the Senator from Texas be kind enough to advise the Senate whether he agrees with that interpretation of the bill?

Mr. YARBOROUGH. I am glad that the Senator from New York has brought this question up for clarification. This matter was discussed in committee, but it was discussed in executive session. I think we should clarify this in the CONGRESSIONAL RECORD. It was not the intent of the sponsors of this legislation, including the distinguished Senator from New York, with all of his contributions, to permit discrimination in employment on account of age, whether discrimination might be attempted between a man 38 and one 52 years of age, or between one 42 and one 52 years of ago. If two men applied for employment under the terms of this law, and one was 42 and one was 52, naturally, the personnel officer or employer would have a choice to make. But if they were of equal capability, or one was higher than the other, he could not turn either one down on the basis of the age factor, he would have to go into the capabilities, experience, of the two men, or he might have to give them a test, either manual or mental, or whatever test that particular personnel officer would require, to see if they could do the work. The law prohibits age being a factor in the decision to hire, as to one age over the other, whichever way his decision went.

Mr. JAVITS. The last question raised by the Senator from Colorado [Mr. DOMINICK], and which I also think we should take account of, is the question of any conflict which might develop in the administration of the law as related also to the Civil Rights Act of 1964, which has some provisions in it with respect to discrimination in employment, or employment opportunity on grounds of race or color.

I do not think this presents any particular problem. The Civil Rights Act of 1964 does not cover age discrimination, and S. 830 does not cover racial or religious discrimination. The laws will operate completely independently of each other, as will the enforcement procedures.

I would ask my colleague again whether he would agree with that comment upon the particular concern expressed by the Senator from Colorado [Mr. DOMINICK].

Mr. YARBOROUGH. I agree with the answer to that comment in the remarks of the distinguished Senator from New York. I agree with his interpretation.

Mr. JAVITS. Let me conclude by stating once again how proud I am to have played a part in bringing this important

bill to the floor of the Senate. This is a long unfinished piece of business that the Senate is about to complete and, hopefully, the House will shortly finish. I thank my colleague from Texas.

Mr. President, I yield the floor.

Mr. YOUNG of Ohio. Mr. President, this is an important and much needed legislative proposal. With the committee amendments just agreed to, I hope very much the bill will be passed immediately by the Senate. The bill provides for the Secretary of Labor to submit annually a report to the Congress covering his activities each year in connection with matters included in this bill. This proposed report must also contain an evaluation and appraisal by the Secretary of the effect of the minimum and maximum ages established by this bill. I am hopeful that if this proposal is enacted into law the Secretary of Labor will make a careful study of the feasibility of continuing the outdated and unjustifiable concept of 65 as an arbitrary age for forced retirement.

Compulsory retirement programs were conceived as a reward for years of toil. Yet, they have forged an iron collar for many Americans who are ready, willing, and able to work beyond the arbitrary age, usually 65.

Today, America's over-65 population is growing at the rate of more than 1,000 a day.

Since the turn of the century, the number of Americans over 65 years of age has grown 2½ times faster than the population as a whole. More than 16 million of our citizens are now of the age of 65 or older. I assert that we, willfully and knowingly waste their resources, their skills, and their experience.

The view that a man or woman is so old at 65 as to warrant compulsory retirement from industry stems from an era before the turn of the century and comes to us from a period when life expectancy was about half of the life expectancy of Americans and Europeans at the present time. It was in 1887 that Otto von Bismarck, Chancellor of the German Empire, proposed the first social security law ever adopted by any government. In the German social security system established at that time, Chancellor Von Bismarck fixed 65 years of age as the age when retirement benefits under the Imperial German Government social security program would commence.

Medical science and other factors have vastly increased the life expectancy of every man, woman, and child. With the advance of medical science and techniques, men and women are no longer old at 65. In fact, today they are not as old at 65 in thought, action, physical and mental ability as men and women of Germany and the United States were at the age of 40 back in the 1880's. Yet, for some reason or other, we Americans have adhered to this view of 65 being the proper age for retirement notwithstanding the fact that this concept is today as outdated and outmoded as are flintlock muskets, candle dips of the 18th century, bustles, mustache cups and civil war artillery of the 19th century, including muzzle-loading cannon such as were used in the Franco-Prussian war of 1870 and for years afterward. The Senator from Texas [Mr. YARBOROUGH], who has done so much to bring this legislative proposal before the Senate, would refer to the muzzle-loading cannon used in the War Between the States, while I, coming from the State of Ohio, would refer to it as the Civil War.

Times have certainly changed. The view that a man or woman over 65 should have his or her compulsory retirement from industry at that age stems from that era.

While I firmly hold that a man or woman, at the age of 65 or at the age of 62, or at the age of 60, if he or she wishes, should have the right to retire in comfort and free of insecurity, I also am convinced that no arbitrary retirement age should in all fairness be applied.

Youth is not merely a time of life or lack of age. It is rather a state of mind. What counts most for all men and women is perhaps a quality of the imagination, a temper of the will, a vigor and also a freshness of the ever-flowing spring of life. We do not grow old merely by living a number of years. People grow old by losing their enthusiasm, deserting their ideals, abandoning their joy for life, and no longer looking forward to the challenges of adventure and change. Instead of yearning for retirement, the desire for a vigorous active life and the wish and ability to work hard and look forward with hope instead of fear often exists in men and women of 70 or more. Sometimes, unfortunately, these qualities are altogether lacking in men and women in their thirties or forties. Years may wrinkle the skin, but to abandon enthusiasm wrinkles the soul and deadens the brain. Men and women are as young as their faith, as young as their self-confidence, and as young as their aspirations and willingness to look ahead and work hard for a better future, not for themselves alone, but for those of generations to come. People are only as old as their doubts, their lack of confidence, their fears and despair.

A working man full of vitality, vigorous and strong; an executive, imaginative and decisive; a secretary, quick and alert—are they useful, productive members of society one day shy of 65, then excess baggage 24 hours later? Must they immediately be cast loose from gainful employment, in many cases from jobs to which they have devoted decades? Are they suddenly old?

Should those 65 or older applying for positions they are eminently qualified to fill be discriminated against in favor of someone with less experience but who happens to be perhaps 10 or 20 or 30 years younger?

The life expectancy tables of insurance companies make provision for the fact that the life expectancy of Americans is now precisely twice that of the life expectancy of people at the time of Von Bismarck, when the first social security law in the civilized world fixed the retirement age at 65.

In the present Congress, many Senators and Representatives are over 65 years of age. Some of us have passed our 75th birthday.

In the past, men of stature in all fields made some of their greatest contributions long after their 65th year. Pope Leo XIII, John Adams, and Michelangelo all strode into their nineties with their intellectual vigor unimpaired.

George Bernard Shaw, in his mid-nineties, was still bowling over false idols with the sharpest wit of the century. Prime Minister Gladstone, at the age of 83, rendered magnificent service to the British Empire. The great poet Tennyson composed his immortal poem, "Crossing the Bar," not long before his death at the age of 83.

The old concept of 65 as the ideal retirement age has no validity whatever in the second half of the 20th century. With each generation, 65 grows younger. In early Rome the average age at death was 22. In those early times, a man of 30 or 35 was considered elderly. In the New England of the mid-18th century, a man who lived to attain the age of 34 was considered well past middle age. For a man in the early 18th century, and even right up to the period of the Revolutionary War, to attain the age of 65 was somewhat of a rarity.

At the turn of the century, a man of 65 had then outdistanced his average contemporary by 18 years. To come down to the present time, a baby born today in the United States or in Europe has a life expectancy of beyond 70 years. The life expectancy of a man who is 70 years old at present is for at least another 13 years. The young woman of today who has attained the age of 70 has a further life expectancy of 16 years.

Recent dramatic reports by scientists of a life potential of 125 years indicate that the 65-year-old of the foreseeable future may be, in fact, in the prime of life.

Mr. President, our concepts must change as the facts around us change. The facts today are indisputable: many persons over 65 have years of active service left in them; many prefer employment to idleness.

I long have felt it is a particular tragedy to amputate a human being's function, to strip productive persons of their skills, cheating them of the dignity of continued self-support. These are the consequences of forced retirement. It squeezes useful, healthy people out of the mainstream of society into a drab tributary on its fringe. For many Americans to whom work is life—and whose way of life, like mine, has been work—this is exile into a limbo of boredom and inactivity.

The tragedy and waste go beyond the scope of those Americans directly affected. Even our prosperous society can ill afford to isolate a huge productive segment of the population without paying the penalty.

Mr. President, it is a fact that employers value older workers for their performance, their attitude toward the job, their loyalty to the organization, their safety records and their attendance records.

Despite this, nearly 60 percent of job openings received by public employment offices have some upper-age restriction. This is age discrimination in action.

Though less dramatic—therefore less newsworthy—it is as insidious, as damaging, and as deplorable as racial or religious discrimination.

In space age America, in this great era of change and challenge, we must adjust our ideas and our methods. Every 65-year-old man or woman who wants to stay on the job and be gainfully employed, and is capable of doing so, should have that right. Involuntary unemployment, in a great Nation like ours, is a moral wrong which should not be tolerated.

One answer is that employers everywhere—in business, in government—must take a long look at their forced retirement policies with a view toward tossing them out. Make retirement after a certain age, say 65, voluntary, with the understanding that those who choose to keep on working must be capable of pulling their weight. Even here, industry, business, and government as employers might well set up tapering off programs. They might even take a page from a policy of the Veterans' Administration and some industries: Upon a man or a woman who wishes to continue in employment attaining the age of 65, such person might be given a medical examination to determine physical and mental fitness, with perhaps a re-examination in 2 or 3 years for those who passed the first one.

Skilled workers, for instance, are too valuable to discard abruptly upon age 65. If they were permitted to work 3 days a week, or 20 or 30 hours, perhaps, spread out over a 5-day week, everybody concerned would benefit.

Mr. President, I congratulate the distinguished Senator from Texas [Mr. YARBOROUGH] and the distinguished Senator from New York [Mr. JAVITS] for their work in bringing this bill before the Senate. Senator JAVITS and Senator YARBOROUGH have performed a real and needed public service, and I am happy to lend my support to this meritorious legislative proposal. If enacted, it will also be a major step forward in bringing America's older citizens who have been the victims of the compulsory retirement programs now in force in many places the status and opportunity which is rightfully theirs.

Mr. YARBOROUGH. Mr. President, I thank the distinguished Senator from Ohio for his contribution and for his kind remarks.

I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I, too, wish to express my appreciation to the distinguished Senator from Ohio for his very gracious words, especially since he demonstrates in his own person so very well, and to the great admiration and affection of his fellow Senators, including myself, the fitness and capacity of which he speaks in respect to employment and employment opportunities for the elderly.

Mr. YOUNG of Ohio. I thank the Senator.

Mr. YARBOROUGH. Mr. President, I wish to associate myself with the remarks of the distinguished Senator from New York. I did not intend to mention age; but the distinguished Senator from Ohio consistently runs away from other candidates who are 20 years younger. I sincerely hope he does not move down to Texas and participate in politics down there against me. I do not think he would, with our voting patterns; but he demonstrates here the living proof of the propositons for which he has argued.

The PRESIDING OFFICER. The committee amendment is open to amendment. If there be no amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The PRESIDING OFFICER. The question is on engrossment and third reading of the bill.

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

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 830) was passed.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. YARBOROUGH. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD of West Virginia. Mr. President, I 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.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

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

H.R. 11627. An act to amend the act of June 16, 1948, to authorize the State of Maryland, by and through its State roads commission or the successors of said commission, to construct, maintain, and operate certain additional bridges and tunnels in the State of Maryland.

LANDS TO BE HELD IN TRUST FOR CERTAIN CHILOCCO INDIANS AT CHILOCCO, OKLA.

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 536.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 536) to provide that the United States shall hold certain Chilocco Indian School lands at Chilocco, Okla., in trust for the Cherokee Nation upon payment by the Cherokee Nation of $3.75 per acre to the Federal Government, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BYRD of West Virginia. On behalf of the junior Senator from Washington [Mr. JACKSON], I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MCGOVERN, Mr. ANDERSON, and Mr. FANNIN conferees on the part of the Senate.

SUPPORT THE WAR ON POVERTY

Mr. CLARK. Mr. President, as the House begins its debate on antipoverty legislation, I should like to make a few comments on that subject in the hope that the Members of the other body may give them some attention.

THE POOR WILL BE VICTIMIZED IF EXISTING PROGRAMS ARE SLASHED

The first point I wish to make is that the poor will be victimized if existing programs are slashed.

Mr. President, recent legislative developments have made it plain that many Federal programs benefiting the Nation's poor are in jeopardy. This has been emphasized by apprehensive Members of both the Senate and the House, by community and welfare officials in a score or more States, by spokesmen for antipoverty groups, by trade union leaders, and the Nation's labor press.

A concise and illuminating summary of the hazards facing these antipoverty programs has been prepared and syndicated by Press Associates, a national news and feature service for the Nation's trade union publication. This summary deserves to be read by Members of Congress and others who are concerned with the continued progress of the war on poverty. In fact, Mr. President, this report is important because the very survival of these programs is menaced. Therefore I ask consent that this Press Associates report be placed in the RECORD at this point.

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

The poor will be the obvious victims of a two-pronged drive in the 90th Congress—if it is successful.

One drive is the so-called economy move in which the House has already voted to force cutbacks in federal spending up to $8 billion. The Senate is set to act on this.

The second drive is against the War on Poverty itself.

Director of the Budget Charles L. Schultze, appearing before the Senate Appropriations Committee, gave some insight into what the $8 billion slice in "non-war" spending would mean.

The spending cuts would have to be made agency by agency and Schultze gave this "rough" estimate of the impact in some agencies.

[In millions]

Defense, nonwar items	$2,200
Health, Education, and Welfare	1,100
Housing and Urban Development	500
Office of Economic Opportunity	400

He pointed out that much of the HEW budget involved payments fixed by law but that the heaviest cutbacks would probably come in aid to elementary and secondary schools, public health and health research.

Expectation is that when other Great Society programs, such as the Teachers Corps, model cities and rent supplements come up for new appropriations they will be mangled or eliminated.

Even more significant, the conservative Republican-Dixiecrat coalition, now firmly in control in the House, is sharpening its knives for the antipoverty bill which is scheduled to reach the floor the week of November 7.

The Senate passed the appropriation for the Office of Economic Opportunity calling for expenditures for $2,258,000,000. The House Education and Labor Committee whittled about $200,000,000 off this figure.

As reported out of the House committee, the OEO bill would be further weakened by turning control of spending over to the states and cities.

What is at stake in the anti-poverty effort was spelled out recently by Vice President Humphrey in a speech to the Baltimore AFL–CIO.

He said that if the country lets up on the war against poverty it "will be deciding to go backwards."

"If this country should decide to pause," he said, it will be only to "watch more children grow up in poverty, to watch explosive slums become tense and more crowded, to watch more American children preparing for the 21st century in inadequate classrooms, to watch more workers inexcusably left behind in this posperous society."

The Vice President said this would be a tragedy, "a tragedy made all the greater by the fact that for the first time in the history of mankind there is a nation capable of providing the best for all.

"Now, I don't mean the best in welfare, the best in care and feeding. I mean something grander, something much more consistent with the inherent dignity of man, I mean full and equal opportunity."

ANTIPOVERTY TRAINING PROGRAM IS PHILADELPHIA SUCCESS STORY

Mr. CLARK. Mr. President, second, I should like to note the success of the antipoverty training program in my home city of Philadelphia.

Mr. President, it is an ancient belief, as old as history, that good news never receives the attention given to bad news. The report of a disaster, a crime, or a misfortune almost always obscures a report of a favorable happening. The justification, tradition tells us, is the belief that the negative or antisocial occurrence is more dramatic.

I find that borne out once again, Mr. President, in the Federal war on poverty. The errors or transgressions are dramatized; the solid unspectacular achievements are not. Most of the time the numerous accomplishments of the various antipoverty programs go unheralded and unsung.

A success story that probably will never receive the public applause it deserves is being written these days in Philadelphia. It involves the manpower development and training program and the hundreds of young people it has trained, and continues to train, for skilled occupations. How quietly effective this program is can be judged from the fact that General Electric, Westinghouse, ITE Circuit Breaker Co., and many other firms are waiting for the graduates of this program, waiting for them with jobs to be filled.

This success story can best be told in the words of a gentleman who has come to know the program intimately after 4 years of participation. Mr. J. William Henry, Jr., is supervisor of the machine tool program and he recently wrote me the following letter, an extremely impressive report which I am anxious to share with other Members of the Senate.

I ask unanimous consent to have the letter from Mr. Henry printed at this point in the RECORD.

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

It was with interest that I read of your subcommittee on Employment, Manpower and Poverty coming to Philadelphia to conduct hearings on unemployment in the city's depressed areas. After being in industry for more than 30 years, I became associated with the Manpower Development and Training Program four years ago. At present my position is to supervise all instructors and training in the Machine Tool Operators Program. We have more than 200 students training in six machine tool specialties (i.e. Engine Lathe, Turret Lathe, Automatic Screw Machine, Multi-Head Drill Press, Milling Machine and Production Grinder) at this time.

I also have close contact with all trainees and instructors in Manpower Programs training men and women here at the John F. Kennedy Center for Vocational Education. Our school is administered by the Philadelphia Board of Education. I am certain that the findings of your hearings would be materially benefitted if you include interviews with the staff: the instructors, students, and graduates of the Manpower Development Program in Philadelphia.

You will find that the trainees are led by people who are motivated themselves, are experienced in the field they are teaching, and consider without exception the success of the program and placement of the graduates, above all else. You will find that the students, after several weeks of initial orientation are changed people, not only in the desire to learn a new skill, but to take a respectable place in society. They are acquiring a new outlook, the means to a new life, frequently not contained in "cut and dried" curricula. So much so that it cannot be adequately detailed on paper, you must see their endeavor and wholesomeness for yourself.

I have tapes which are extremely interesting as they cover comments by students at their graduations. They display unearthed talents which have been hidden so long. You and other officials will enjoy hearing these.

The graduates are, frankly, completely changed, new citizens, happy and proud of what they have been able to do in so few months. Speaking for the Machine Tool Courses, 62 men have completed training during the past five months and have begun new careers at rates from $2.50 per hour to $3.48 per hour. With overtime pay, many are taking home from $150 to $200 per week.

At inadequate marginal rates (i.e. $1.90 per hour etc.) a man cannot be the head of a family and assume successfully its financial burdens. At this rate over a 40 year earning career he would earn a gross income of $158,000. At skilled workmen's rates (ie. appx. $3.90 per hour up) he will earn at least $324,000 over a career. This does not include overtime hours. With this income, the man can assume without excessive stress the burden and joy of raising a family. The increased monies, as you are well aware, generate a higher velocity of increase of goods and services within our country.

General Electric Company, Westinghouse Corporation, I.T.E. Circuit Breaker Company and many other companies are waiting for graduates and will vouch for the superior quality of employees we are supplying. The same story can be repeated for every class being graduated (i.e. Auto Mechanics, Stenographic, Medical Record Clerks, Auto Body Repairmen, Welders (as high as $4.20 per hour) and all categories).

This is truly a training program which you can be proud of having sponsored. It has had its growing pains, but is now maturing to become a permanent factor in the economic growth of industrial Delaware Valley.

This program just cannot be slowed down at this time. Its effect would be to cancel and nullify effective money already invested toward good ends. Progress would be set back many months. Real costs would increase human costs.

Senator, we are with you in your efforts. It is our desire to help, for the benefit of all mankind, in any way possible. Please feel free to call on me if you feel I may be helpful in crystalizing your efforts in the Congress of the United States.

Most sincerely,

J. WILLIAM HENRY, Jr.,
Supervisor, Machine Tool Program, The School District of Philadelphia, John F. Kennedy Center for Vocational Education.

THE DEPRESSION NEVER ENDED FOR RESIDENTS OF THE SLUMS

Mr. CLARK. Mr. Preisdent, the civil disturbances that exploded in more than a hundred American communities last summer have provoked a great deal of soulsearching, and rightly so.

Two questions above all others dominate the reflections of communities and private citizens: First, why did the riots happen; and, second, what must we do to prevent their recurrence?

To answer these questions a national examination of the causes and consequences of the riots is now underway by the National Advisory Commission on Civil Disorders, and scores of other studies have been undertaken by municipalities, private research organizations, labor and religious groups.

By the time these investigations are completed and correlated, we should know a great deal more than we do now about the economic and social conditions that trigger wholesale destruction and bloodshed and what action must be taken nationally and locally to eliminate those conditions.

However, Mr. President, one major cause of the uprisings is already indisputably clear. The depression has never ended for the slum Negro. This is proved by the fact that living conditions in the urban slums have not improved since the depression years—in fact, in many places they have deteriorated horribly since then—and also that the unemployment rate among nonwhite slum residents is two, three and even four times higher—depending upon age levels—than the national average.

One of the most thoughtful and penetrating analyses of the breeding grounds of riots appeared in the October issue of Nation's Cities, the authoritative journal published by the highly respected National League of Cities. This editorial deserves a careful and reflective reading by Members of Congress and all citizens who are concerned with eradicating joblessness, penury, ignorance and other causes of civil eruptions. For that reason,

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD at this point.

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

A WAY TO ATTACK RIOTING'S ROOTS

"Those terrible days in July—the sudden appearance, as from the bosom of the earth, of a most infuriated and degraded mob; the helplessness of property owners and the better classes; the boom of cannon and rattle of musketry in our streets; the sky lurid with conflagrations; the inconceivable barbarity and ferocity of the crowd . . . the immense destruction of property were the first dreadful revelations to many of our people of the existence among us of a great, ignorant, irresponsible class who were growing up without any permanent interest in the welfare of the community, of the success of the government . . . of the gradual formation of this class and the dangers to be feared from it, the agents of this society have incessantly warned the public for the past 11 years."

This description of whites rioting in New York in 1863 could be of Newark or Detroit or of a dozen other American cities in which rioting erupted this past summer. Daniel P. Moynihan, who is director of the MIT-Harvard Joint Center for Urban Studies, states that the rioting in Detroit and other cities was begun and probably largely continued by young persons who could be described as "urban underclass." They happen in this case to be Negro. And yet, in its first annual report, dated 1854, the Children's Aid Society of New York had predicted the formation of such a class among the white immigrants of the city:

"It should be remembered that there are no dangers to the value of property or to the permanency of our institutions so great as those from the existence of such a class of vagabond, ignorant, and ungoverned children. This dangerous class has not begun to show itself as it will in eight or 10 years when these boys and girls are matured. Those who were too negligent or too selfish to notice them as children will be fully aware of them as men. They will poison society. They will perhaps be embittered at the wealth and the luxuries they never share. Then let society beware, when the outcast, vicious, reckless multitude of New York boys, swarming now in every foul alley and low street come to know their power and use it."

A decade or so ago, Moynihan says, we began to see the formation of a Negro version of this class growing up in our northern cities. We did little or nothing about it.

Moynihan points out that the basic conditions that would appear necessary for the formation of such a class have clearly existed in our cities for a generation now. "First and uppermost," he says, "is unemployment. The Depression has never ended for the slum Negro."

"To unemployment add low wages, add miserable housing, add vicious and pervasive forms of racial discrimination, compound it all with an essentially destructive welfare system, and a social scientist would have every ground on which to predict violence in this violent country."

The "destructive welfare system" he refers to is primarily the miserable Federal Aid to Dependent Children program, which has at some time supported something like six out of every 10 Negro youths reaching 18. This probably accounts for the steady deterioration of family structure in low-income neighborhoods. Probably not more than a third of the children of low-income Negro families now 18 years old have lived all their lives with both parents.

"Breakdown in family relations among poor persons is a pretty good clue that an underclass is forming," according to Moynihan. With something like one New York City child in five living on welfare, Dr. Mitchell Ginsberg of the Lindsay administration this summer declared the system "bankrupt."

The Social Security Act is right now in the process of being overhauled by the U.S. Congress, not by its Labor and Public Welfare Committees, but by its tax-writing House Ways and Means Committee and Senate Finance Committee. It retains the old welfare concept of Aid to Dependent Children, which encourages the break-up of families—if the father leaves the household, the mother then becomes eligible for relief for the children. Too many people, including members of Congress, seem to associate the Social Security Act exclusively with insurance taxes for old age pensions and Medicare. Actually the Act has many other titles which have profound influence on our welfare programs, including the out-moded Aid to Dependent Children concept.

The opposite approach should be taken in this country to encourage permanent family formation among the poor, whose children should have the advantage of the experience of family discipline. Moynihan believes the best known way to do this is through a family (or children's) allowance and points out that the United States is the only industrial democracy in the world that does not have such a system of automatic payments to families who are raising minor children. These payments would have the advantage that everyone would get them, not just a special segment artificially defined as below a certain income level. It has worked well all over the world, including Canada. It needs serious consideration in America.

UNIQUE OEO-PEDIATRICIANS' PROGRAM TO IMPROVE HEALTH OF U.S. CHILDREN

Mr. CLARK. Mr. President, over the past 3 years the Office of Economic Opportunity, the command post of the war on poverty, has chalked up many achievements which the history of our times, I am confident, will record as uniquely progressive.

One such achievement—described as "the largest cooperative effort ever undertaken by the Federal Government and a voluntary professional organization"—was revealed recently in Chicago. This unprecedented undertaking, which holds out immense promise for improving and maintaining the health of hundreds of thousands and perhaps millions of American children, is a working alliance between the prestigious American Academy of Pediatrics, representing 10,000 child specialists, and the OEO.

Nothing can be more precious to a nation than the well-being of its youngsters, the citizens and leaders of the new generation. Here in this trailblazing OEO program is perhaps the dawn of a new era of active cooperation between the medical profession and the war on poverty. It is a program that will help, at the beginning, to protect and improve the health of 700,000 boys and girls currently participating in the Headstart program. I have christened it "Medikids."

Mr. President, only those who have personally observed, as have members of the Senate Subcommittee on Employment, Manpower, and Poverty, the horrible ravages of hunger on innocent children can fully appreciate how invaluable a program such as this can be.

The sight of tiny innocent toddlers with swollen bellies, shriveled limbs and the open sores that betray malnutrition and even starvation, the lethargy and listlessness that leave children unable to attend school and even apathetic toward childish play—these are experiences that must strike horror and revulsion into the hearts of all adult men and women.

We of the older generation, Mr. President, cannot be forgiven and should not be forgiven for the stunted growth and the gnawing pain in the bellies of hundreds of thousands of children in this richest and most resourceful of all countries. We should not be forgiven for this crime against a future generation until we make amends such as this program devised by the OEO and the organization of 10,000 childrens' doctors.

This being true, Mr. President, the OEO and the American Academy of Pediatrics deserve more than our praise for this pioneering program. They deserve our heartfelt thanks and our prayerful wishes not only for the success of this program but for its enlargement until every American child who needs medical care receives it. Such should be, from this moment on, the birthright of every child born in this land.

Mr. President, I ask consent that an article by Staff Writer Betsy Bliss, which appeared in the October 25 issue of the Chicago Daily News, describing this auspicious alliance and program, be printed in the RECORD at this point.

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

PEDIATRICIANS JOIN EFFORT TO AID POOR—700,000 KIDS

(By Betsy Bliss)

WASHINGTON.—Add 300 outstanding pediatricians to 700,000 Head Start youngsters—at 50 cents per child—and get better health care for the nation's poor children.

That's the goal of Dr. Robert S. Mendelsohn, one of Chicago's best-known pediatricians.

Dr. Mendelsohn Tuesday was named medical director of a new alliance between the 10,000-member American Academy of Pediatrics and the Office of Economic Opportunity. It is the largest co-operative effort ever undertaken by the federal government and a voluntary professional organization.

The partnership and Dr. Mendelsohn's appointment were announced during the annual meeting of the AAP at the Washington Hilton Hotel.

Called Medical Consultation Service Project Head Start, the program will enlist private physicians on a part-time basis to improve effectiveness of existing Head Start medical programs and to bring in the physicians' knowledge of additional financial and medical resources.

The project involves a $361,000 contract between the OEO and AAP—or about 50 cents per child. "Considering the consultants' many outside contacts, we expect to be getting a lot of our money," an OEO spokesman said.

The consultants will be paid $100 a day, the standard government consulting fee. But they will work only about 2½ days a year per project. Each will be assigned to assist three or four Head Start programs.

The outside pediatricians will have no authority over present Head Start medical directors. Instead, "we'll be a kind of medical ombudsman, advocating the child's best interests," Dr. Mendelsohn said.

Problems in poverty medicine, he added, include hearing and visual impairment, dental decay, anemia and psychological and mental retardation. "But we want to do more than direct trouble; we want to make sure

that each child gets treatment and follow-up care."

Initially the American Academy of Pediatrics will select 300 physician-consultants, on a geographic basis, from its membership and other leaders in the field of child health. Criteria for acceptance include "outstanding professional reputation and leadership in nonmedical, civic activities."

Already 430 pediatricians have accepted invitations for consideration. This "enthusiastic response," according to Dr. Mendelsohn, is evidence of "doctors' basic humanistic impulses and social consciences—which have not been encouraged in any kind of structural way."

Pediatricians have traditionally taken a different approach from the American Medical Assn. toward social problems and private-public co-operation. AAP began as a protest in 1922 against AMA opposition to a federal maternal and infant program.

The AAP–OEO partnership symbolizes, Dr. Mendelsohn believes, a "growing general awareness of the need to provide equal medical services to all. What is happening in many medical fields is that doctors are sitting down with social workers, educators, administrators, and finding ways to work together."

PARTNERS OF THE ALLIANCE FOR PROGRESS

Mr. CLARK. Mr. President, last June the National Association of the Partners of the Alliance sponsored a meeting of their National Rural Development Advisory Committee in Washington, D.C. This committee is composed of Agricultural experts from a number of U.S. States participating in the Partners of the Alliance program, the citizen level involvement of people working toward the broad objectives of the Alliance for Progress. Among participating States with representatives on the Rural Development Advisory Committee of the National Association of the Partners are Alabama, New Jersey, Wisconsin, Texas, Missouri, Pennsylvania, Florida, Louisiana, Utah, Idaho, Arkansas, Michigan, and Vermont. The Pennsylvania Partners of the Alliance are represented by Dr. Russell Dickerson, vice dean, College of Agriculture, Pennsylvania State University, at University Park.

The committee met to consider ways and means for the Partners of the Alliance committees, throughout the hemisphere, to assist in the development of democratic institutions in rural Latin America, and how to assist also in increasing the level of food production. The committee favored a campesino-oriented program and pledged to work toward the goal of providing material and technical assistance for agriculturally oriented self-help projects in Latin America.

Mr. President, since that meeting, a number of agricultural teams from several participating U.S. Partner States have gone to pilot areas to conduct on the ground surveys designed to implement the basic goals of the Rural Development Advisory Committee. Among those teams which have traveled were technicians in agriculture from Arkansas and Michigan. The States of Vermont, Texas, New Jersey, and Pennsylvania are scheduled to send teams very soon.

Dr. Dickerson of Pennsylvania State University also serves as the chairman of the Pennsylvania Partners Agriculture Committee. He recently announced plans of the Pennsylvania State Grange to join in the effort to assist farmers in Pennsylvania's Partner State of Bahia in Brazil. I ask unanimous consent that an article published in the Greater Philadelphia Chamber of Commerce News for September 14, 1967, be printed at this point in the RECORD, for the interest of my colleagues.

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

PARTNERS, GRANGE TO HELP IMPROVE FOOD PRODUCTION ON BAHIAN FARMS

The Pennsylvania State Grange is joining hands with the Pennsylvania-Bahia Partners of the Alliance for Progress to develop programs which would help farmers in the Brazilian State of Bahia to increase their food production.

The disclosure came at a meeting of the Partners' Board of Trustees in the Board Room of the Philadelphia National Bank on Tuesday, when Dr. Russell B. Dickerson, Chairman of the Partners' Agriculture Committee, reported that John W. Scott, Master of the Pennsylvania State Grange, has expressed the desire of his organization to cooperate with the Partners on a Bahian agricultural program.

VISIT PLANNED

First step in the development of the program, Dr. Dickerson said, will be a trip to Bahia later this year by himself and a representative of Mr. Scott.

During the visit to Bahia, which is being made at the invitation of James H. Boren, Federal Director of the Partners of the Alliance for Progress program, Dr. Dickerson and the Grange representative will survey conditions on Bahian farms and determine ways in which the Partners-Grange may be of most help to the campesinos (farmers).

FORMS OUTLINED

Dr. Dickerson, who is Assistant Dean, Director of Resident Education and Coordinator of International Development at Pennsylvania State University's College of Agriculture, explained that this help might take various forms.

It could be help in improving seed, fertilizer, or pesticides, he said, assistance in forming an organization to improve farmer credit; assistance in improvement of marketing, including transportation, storage, or processing; help in land and water development, including irrigation, or aid in providing machinery and equipment, such as small tools, water pumps, small generators, and tractors.

As is the case with other Partners' projects, programs will be sought which permit the Bahians to help themselves as much as possible, Dr. Dickerson added. The self-help concept is a cornerstone of the Pennsylvania-Bahia Partnership, whose Pennsylvania Committee was organized in 1965 by Chamber officials and other civic leaders.

Frederick Heldring, President of the Pennsylvania-Bahia Partners and Senior Vice President, International Division, Philadelphia National Bank, reported that a new slate of officers has been elected by the Bahian counterpart of the Partners' organization. Heading the slate is Jayme Messeder de Souza Soares, President, who succeeds Dr. Jorge Calmon, who has headed the Bahian organization since its inception in 1965.

A DESERVED TRIBUTE TO A REMARKABLE WOMAN: MRS. LYNDON B. JOHNSON

Mr. BAYH. Mr. President, Mrs. Lyndon B. Johnson recently visited one of the Nation's most prestigious universities and was subjected to the kind of rudeness that seems to be commonplace nowadays among irresponsible elements on our campuses.

I do not suppose any Member of this body feels more strenuously than I about the American right to dissent. But today it seems to me that increasingly those who are dissenting are indeed destroying the basic philosophy of what dissent is all about.

I know that Mrs. Johnson is too gracious to complain about the treatment accorded her.

Mr. President, we had a similar situation at Indiana University when Secretary of State Dean Rusk spoke there last week. Some two dozen or so hecklers almost prevented 4,000 students and faculty members from hearing our Secretary of State.

I believe all responsible Americans will join in sternly condemning such inexcusable boorishness and poor judgment by those who have abused the right to dissent by acting like a mob of savages.

Our First Lady deserves better treatment. She is a remarkable woman, whose keen intellect and warm heart deserves the Nation's respect and admiration.

Mr. President, I believe it is no exaggeration to say that Lady Bird Johnson personifies the best qualities of American womanhood through her loyalty and devotion to her family, and her concern and devotion to the welfare of the Nation.

It is no secret that she is a tower of strength to the President, his confidante and helpmate, who helps to ease his enormous burdens through her kind and understanding ways.

I am proud to pay tribute to such a woman, and extend to her my deep admiration and respect.

I think it is well worth recalling a recent interview with Mrs. Johnson that appeared in the New York Times. I doubt whether any of the thoughtless hecklers read that interview. For if they had, their jeers would have been turned to cheers in the presence of such a woman. And although it is "after the fact," Mr. President, I ask unanimous consent to insert this interview in the RECORD, with the hope that those who participated in the rudeness to Mrs. Johnson may feel the full weight of shame for their ill-mannered act.

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

A TALK WITH THE FIRST LADY

(NOTE.—Mrs. Johnson is interviewed at the White House by Henry Brandon, the Washington correspondent and associate editor of the Sunday Times of London.)

Now you grew up in Texas, and I'm sure that the scenery and the people have had a great influence on you. Would you tell me a little about what it means to grow up in Texas?

For me it meant growing up in what's affectionately called Deep East Texas, which is the economy and the culture and the landscape of the South. It was in Harrison County, close to the Louisiana line. My father was a landowner and merchant. The economy is cotton—at that time, I mean, it was—almost entirely a one-crop way of living. And we lived in a big, old, red-brick house with white columns which, in terms of our country, was an old house. It was built

before the Civil War and the bricks were right on the place, and it's still a quite noble-looking old house.

My mother died when I was 5, which was, I'm sure, quite a radical change in my life, although at 5 one is anesthetized and one doesn't know it, you know, and I didn't.

My greatest delight as a very small child was to have her read to me. My two brothers, Tony and Tommy, were gone most of my childhood years off to school in New York and various places.

What difference did it make being brought up by your father, without a mother?

When my mother died, my daddy necessarily had to take over. He had quite a good deal of land and was always buying more from those people who moved to town, even in those days. He had a large country store and cotton gin, and he took me with him a lot. It made me very aware of him and very admiring of him, which one necessarily would have been because he was a commanding figure. In his small world he was a man of size and authority and presence.

The size was physical as well as in character. He was about 6 feet 3 and very broad-shouldered and a rather handsome man and, like all the men in his family, had a name that's dear to me—Thomas Jefferson Taylor. No kin to their famous namesake whatsoever except the kin of loving admiration.

But, you know, some people say that you're a very good businesswoman, too. Has this something to do with watching your father at work?

It taught me the importance of a solid economic base. On the other hand, no, Mr. Brandon, I think my business acumen is much exaggerated. I simply hope I have a sense of judgment about people. I've tried to select good people who have helped run the business interests I have and make it worth their while to stay with us through the years, establishing strong cords of friendship and interest with them. Then, as it so happens, I landed in a growing industry in a growing community and 20 or 25 years passed. That's just the story of the economic progress of our country really—no credit to me.

What was your life like as a child?

People always look back at it now and assume it was lonely. To me it definitely was not. I lived in a country of farm lands and pine forests and little country lanes. In spring there were wild cherokee roses along the fence rows, and in the woods there were violets. In the fall the roads are real bright with the sweet gum and hickory trees and all the fall foliage: I spent a lot of time just walking and fishing and swimming.

When I was 5, after my mother's death, my Aunt Effie from Alabama, my mother's sister, came to live with me. She was a very gentle and rare person. I cannot say that any of her gifts to me in raising me were on the material or practical side, but she certainly did instill in me more valuable ones like a love of nature and an enjoyment of the world around me.

What kind of education did you have?

The first years were at a little one-room school right up the hill from home called Fern School. We were about eight children, and all the grades were taught in the same room. And then high school in Jefferson and in Marshall, where I drove myself back and forth the 15 miles to school for two years, and St. Mary's School for Girls in Dallas. And on I went to the University of Texas, and that was a very great step because I—well, I had the feeling that all the doors of the world swung open.

Wasn't it something unusual for a girl to go to the university then?

Oh, no, not at all. Of the 6,000 student body at that time, I don't know how many girls there were, but I would say at least a third and maybe more.

You said you were driving yourself to school—was it unusual for a girl to have a car?

Yes, but it was simply the fact that living 15 miles out in the country, it was an awful chore for my daddy to have to delegate some person from his business to take me in and out.

So in a way there was a certain independence already developing in you?

Quite.

When did you meet the President?

I suppose it was because I went to the university, because there I made quite a few friends. Among them, Gene Boehringer, who was secretary to a member of the Texas Railroad Commission and had many friends in the political world. She was a friend of Lyndon's father, who had been a member of the Texas Legislature off and on for 20 years. And she was also a friend of Lyndon's and probably had a number of dates, although they were just friends, they both assured me. And it was through her that I met him—in her boss' office, in fact. Neither of us quite remembers the exact date . . . maybe the very first day of September of 1934.

Was it a long courtship?

No. From approximately the first of September until we married on Nov. 17.

So he's really a very fast worker?

Yes. When I met him, he asked me for a date at breakfast the next morning—and breakfast turned out to be also about a four-hour drive out into the country in which we discussed everything about each other.

Was it love at first sight?

Not on my part. It was keen interest and excitement. When I say we discussed everything, I mean he told me a great deal about his job—he was at that time secretary to Congressman [Richard M.] Kleberg from Corpus Christi—and about his interests and his family. Then he asked me if I would drive with him to meet his mother and father.

On the first date?

Yes. I think it was probably—I'm trying to remember—I think it was the next day we went to see his mother and father, and I did not know what sort of young man I had met, I just knew that he was different from anybody I'd ever met before—more intense and driving and, somehow or other, more alive.

In talking about his job, it must have already been clear that he was an ambitious person?

Yes. I would say certainly ambitious, but more a person who was immersed, enthralled in doing his job, and because it was important to him he wanted to talk about it to someone that he felt he was beginning to like.

Did he ever as a young man like to say to you, "I'd like to become President"?

No, never, never (*laughs*). And then I remember so distinctly meeting his mother and father and just seeing how much they loved him and how much their lives centered around him, and also a certain question in their eyes about "Who are you?" and "What part do you play?" Then he asked me to go down to meet his boss, Congressman Kleberg [a grandson of Richard King, founder of the 1,125,000-acre King Ranch], which was quite an experience, because the King Ranch was a fabulous place then, as now, and presided over at that time by a woman of great authority—sort of a head of the clan—Grandmother Kleberg, for whom my husband had a great admiration, and I think she liked him, too.

Now, in Texas terms you really lived in more sumptuous surroundings than, I presume, the Johnson family did. How did this strike you at first?

Well, Mr. Brandon, there was nothing in my background that would have taught me to seek the same kind of economic level I had. One rather turned one's back on aiming toward that, because there was always the thought that with hard work and ability you could arrive at just about anywhere you wanted to. Heaven knows, my father had come up from no economic background to a very solid one, and as for my husband's family, his father had been a rancher, farmer and legislator—the latter is a very sapping job as regards making money—you don't make any—and yet he loved public service and he put an awful lot of time in on it. And his fortunes had risen and fallen with the depressions and with the slope of the years, and at the time I met Lyndon they were of quite modest means. That to me was obvious and no barrier.

When did he propose to you finally?

He and I are really not quite sure, but I think it was perhaps the second day—of course, I didn't believe it. I just thought—well, nobody in quite such clear terms had made such a proposal on the second day, but I just couldn't believe that he would be willing to take such a chance any more than I would at that time.

How old were you then?

I was 21.

And he was?

Twenty-six.

Did you decide to wait?

The decision on my part was, "We'll wait," and on his part, "We'll go ahead pretty soon."

And then you got married, and how soon did he try to get into politics after that?

Well, I would say that he was in politics, actually, when I met him, because being secretary to a Congressman you learn all about the job, and his boss was an open and generous man who made it possible for him to exercise some amount of initiative and judgment.

At any rate, we came to Washington, we lived here from right after the honeymoon in early December of 1934 until the following July—at which time he was offered by President Roosevelt, the job of State Director of the National Youth Administration for Texas, one of those many efforts of the early depression years to help young folks of high-school and college age get skills and education. It was just tailored to his loves, and so he accepted the job. We came back to Texas in August of '35.

The period of N.Y.A. was one of the richest and happiest and most productive of our lives. It's remembered with great warmth and spice and satisfaction. Lyndon was in that until suddenly, in February of '37, the Congressman from Tenth District [James P. Buchanan]—his district—died. Overnight he was confronted with, "Shall I run for this unexpired term? Do I take the plunge? Do I dare?"

Then he took the first plunge into politics. How clear were his ambitions then—I mean—

To go to Congress from the Tenth District, and that—oh, that, Mr. Brandon, was and is a very wonderful thing. He was pretty daring to assume he could because he was still a very young man and from a county which was the smallest of the 10 counties of the district, with the least population, and he was on a field of 10 candidates. He left the house terribly early in the morning, and I didn't see him until long after midnight—we were living in a little rented apartment—and he worked awfully hard across those 10 counties, and my contribution was simply to talk to the grocery man and the laundry man and to my own friends.

You didn't actually campaign?

Now, I didn't. I would have loved to begin even then, but I was pretty shy and, well, I just didn't. I did help, though, because we couldn't really have taken this plunge if it hadn't been for the fact that my daddy was still handling my inheritance from my mother, and so I just called him up and said,

"Can I have a part of it?" And he said (it was on Sunday when I called him), "Well, honey, I can't get it to you before tomorrow morning at 9 when the bank opens." That was the financial basis, and the campaign ended on April 10, and he was elected. And though it took him several years, he insisted on paying this back.

So you really encouraged him to go into politics?

Yes, I was committed and interested, because after all, by that time I'd had a 2½ years' indoctrination. The very first thing after we married, Lyndon asked me to learn the names of the county seats of those counties that his boss represented and, say, three or four of the outstanding men who were able to get things done in each county and the basis of his district's economy and working.

So already you were in favor of women in politics? This was in your blood.

No, I wouldn't say that. I was in favor of everyone knowing about their part of the country and having their say about it. And I was very much in favor of my husband making the try, although I recognized what a slim chance he had.

Were you ever tempted to go into politics yourself?

Good heavens, no! Not then, now or ever.

You went on your own whistle-stop campaign tour much later, which I thought was very courageous and very enterprising. Yet I had certain reservations about it at the time, because people were not voting for you but for your husband, therefore you were using your charm and personality to help your husband. How do you feel about this?

Mr. Brandon, I think in this country there is still the legend, the deep strain of feeling, that people want to *know* the man that they're entrusting so much of their own power to, and not even the rising prevalence of radio and television has taken away that personal bond of "campaigning on the courthouse square," meeting everybody and shaking hands, and knowing what that man is like. Well, the man can't be everywhere and meet everybody. An interpreter—somebody close to him, his wife or members of his family—can do something to explain him, his aims, his character, his hopes for the folks, and I was simply an extension, an interpreter.

Do you think that the news media like radio and television project the President as you see him? You know, some people's personality comes over on television very accurately, others don't.

I do think that he is at his best in a small group of people where he simply talks straight from the heart. There's a pungency and a color and a humor and a force in meetings of that sort, and it may be equally as good in a face-to-face confrontation with a larger group. It is somewhat diluted and restricted when it gets to the mechanics of TV and the great invisible audience. I do not think it is quite as good as face to face. I think it's perhaps because he's used to and likes that bond of looking at people and feeling their response. Nevertheless, I have seen him lots of times on TV when I thought, "That is the real flavor of the man coming through."

Why at times doesn't that flavor come through?

I simply think that the sheer mechanics and the absence of the audience make it somewhat more difficult for some people. He's a human man and not a machine man.

Do you think he is somewhat afraid of these machines?

No, not at all. He just is not responsive to them. He responds to humans.

Is he ever afraid?

Yes, of course. He would be less than intelligent if he weren't afraid sometimes. Sometimes you have to be afraid, evaluate the alternatives, choose the one that you think holds the least fear, holds the least dynamite and obstacles, and go ahead. I don't think any really wise, aware person could say that he wasn't ever afraid.

Do you remember when the President discussed with you such alternatives that involve—more or less—fear?

Those several times when there have been those dead-of-the-night calls that some violence has erupted in some part of the world, and when there are minutes only to evaluate action—because one thing you don't have is the luxury of inaction, and you try to balance alternatives based on judgment of the best people you know and pick whichever path offers the most hope and the least dynamite. And in a democracy you must weigh always what path you can get your Congress and your allies to follow you on.

How much can you give him in this sort of situation?

I can give none, really, except a peaceful setting right here in the house. The best thing I can do for him is to try to create a pleasant little island where he can *work*—where you like the food and where you are not constantly bothered with questions about household and family and where you know you're coming back to somebody who, even if they don't always agree with what you're doing, are not going to—

Are you not being too modest? Because you are a very alert, very intelligent woman, and you will understand the President's dilemmas and, after all, you are his best friend, and it's very difficult these days to have somebody one can trust 100 per cent.

Perhaps there is this—I'm terribly average—something like litmus paper—and I think maybe my reaction would be the reaction of millions of people across the country. On, for example, a big controversial question with innumerable ramifications, if I have a straight-from-the-heart reaction, it may have some value in that respect. Certainly I can give him a very honest criticism. In this job—his job—you are surrounded by two things—adulation and "yes," "yes," "yes," and on the other hand the acid bath of biting criticism. Maybe somewhere in between there is a firmer ground for reaction to a state of affairs and saying what you think about it.

Does he take criticism from you easily?

Yes, I think so. I'm not thinking of it so much in terms of criticism as of saying, "This is what I think about it, and why." And it is sometimes different from his own view—but, goodness knows, he asks all sorts of people that he trusts for their reaction.

Now, I presume that you really know something about Washington politics or national politics. Is this where the President takes your advice most?

Mr. Brandon, I think perhaps you think I've entered into it more substantively than I have. I have feelings about people and programs, but I think mostly it's been from the standpoint of the citizen that's going to be affected by those things, and then the wife of the man. No, sir, I don't think of myself as deeply versed—I don't know the first thing about parliamentary procedures.

You mentioned that you are interested in programs. What programs, and how did you come to select them?

After Lyndon was elected in '64, and when we got back and settled here early in January of '65, I began to think of what I could do to be of help to him and his aims. What had the greatest appeal to me (and I think in order to work on something it has to be something that you love and know a little bit about) was the whole field of conservation and beautification. And if you'll come up with a better word for it than that last, I will thank you kindly.

Why did I choose it? I think because what has given me the most joy, what surfaces when I think back over the last 50 years, are things like walking through the piney woods of East Texas listening to the wind sighing, or along the banks of Caddo Lake with gnarled cypress trees heavy with moss, and, well, the whole beautiful picture of our diverse country . . . and the little towns with the squares that have the elm trees all around the courthouse, and the long shaded residential streets, and I want that to be just as good for our grandchildren's children as it was for me. So beautification became one of the primary things I interested myself in.

The other was Headstart, one of the many educational programs—and that's my husband's most loved field. It attempts to help youngsters of 4 and 5 who have lived in deprived circumstances—to give them an opportunity to play with other youngsters, to have medical examinations which will reveal anything like bad eyesight, bad hearing, the sort of thing that would burden their start in school—to give them something of the same vocabulary and ability to cope that other youngsters have when they hit first grade, so they'll get there with hope and interest rather than be burdened with that feeling of failure already at the age of 6.

Now, the beautification program has very wide ramifications, hasn't it?

Yes, Mr. Brandon, it began, of course, as everything should begin, right at home. I mean, for me it began with setting up the Committee for a More Beautiful Capital, which operates here in Washington. But as the months went by, I found that it has so many ramifications—right down to the level of getting people not to chuck that bottle or that piece of paper out the car window as they drive along, because the sheer amount of litter in this country, now that we're really a "packaged society—everything comes all wrapped up so fancy, you know—is tremendous. The cost of it has actually gotten to be 32 cents per article picked up off the highway.

And speaking of highways, you know the highways of the U.S.A. are the biggest public-works program in the history of mankind—bigger than the pyramids of Egypt, the temples of Greece or Rome—they cost more money, take up more land and they can be beautiful as well as being functional and safe. I think we're just now beginning to apply some sort of esthetic barometer to them. Of course, Mr. Brandon, I sort of stepped on to a moving train in all this.

Part of the beautification program is city planning, and the great problem of the cities today is that the center becomes all-Negro and the whites are moving out into the suburbs. That is now creating some sort of social confrontation. Is there any way by which, through city planning, this problem can be solved?

It's a subject of very agonizing and urgent thinking and effort. It's obvious what it does to the tax base, and it's true the center of many cities and towns is decaying. The problem is becoming clear and is of tremendous importance. The answer I do not know, except that I think our country has had the vitality to solve most of the problems it's had to face, and I believe we will solve this one.

What did you see when you visited Hartford, Conn.?

That was about two years ago. It was an extraordinary example of handling the downtown traffic problem. Great new shops were grouped around a raised plaza, which was beautifully planted. The garage was down below ground, and automobiles, moving or parked, didn't dominate the landscape. I thought it was a very impressive, clean, fresh approach to downtown.

Would you have had any inkling that Negroes in Hartford were bubbling with discontent and that there would be such outbreaks as happened recently?

I was there for one day. You don't learn a city in depth and all its problems in a time like that. No, it wasn't apparent to me.

The President in his program is trying to do so much to advance the lot of the Negro, and he can be proud of what he's done—and yet these things happen. What is the explanation?

That's a long deep question. I suppose the

problem has been accumulating for—what?—175 or more years?—and I earnestly believe more has been done in the last 10 years and, very especially, I think, in the last three years, to solve it than in many, many decades before. Obviously it has not been solved and won't be in just a few years. I think. Mr. Brandon, the only solution is education and training and time, and I realize to an impatient people that is a hard answer.

Has the President discussed with you bills in advance of their being drafted—bills about schools or beautification?

Oh, the rush is so fast you don't get a chance to discuss nearly everything you want to—but, yes, we do talk about them and the people who will implement them.

How much do you see of him during the day?

Oddly enough, more, now, than when he was in the Senate, for the very simple reason that his office is within about a block of our bedroom, and he comes home for lunch every day. His hours are extremely unusual. He eats and sleeps when his work is in shape, when he can stop it, so—if he does not have guests—he may have lunch as late as 4 in the afternoon and dinner as late as 11 at night. Weekends—Sundays especially—are our safety valve, our cushion. That's our time to sleep late and talk a lot and, after church, to look at the TV programs and, in the evening, just to get up a quick casual party of good friends and perhaps go out on the boat—or just come in and have dinner here and sit out on the balcony and watch the twilight.

Does he easily relax?

Oh, yes. That he can't relax is purely an incorrect impression.

What do you think is his favorite relaxation?

I think his favorite is to be at home at the ranch, and to drive around, especially in the late afternoon, looking at the cattle and the deer and just talk. We both have a feeling of closeness to the land.

He also relaxes in telling stories, doesn't he?

Yes, I think he's quite a humorous raconteur.

I mean some people relax by sinking into silence——

No, I'd say that's not his habit.

What do you do with your own free time?

Oh, it's just like a jewel to be sought and preserved. I get my daughter Lynda to go with me, and we whisk away quickly and maybe go down to the National Theater or the Arena Theater and see a play. Then I remember one golden October day when Lynda Bird and I flew out to a rocky canyon in West Texas with an archaeologist friend and the rancher who owned the place, and climbed upon the cliffs and ledges and looked at early Indian pictographs; and then I enjoy walking along the river which flows in front of our house, the little Pedernales River; along stretches of anywhere from three miles to 10 miles—there's no way to learn the country like walking on it. Riding will never do it. You come within feet of an arched-backed black and white skunk, or an armadillo that looks like it was left over from dinosaur times or—if it's April and there's rain—a pasture that's yellow—and—red with gaillardias or blue as the sea with bluebonnets.

You like walking?

It depends on how interesting it is. I'm sure I wouldn't like to walk very far just along cement streets. I think the longest river walk we had—this was quite by chance and not planning—was 10 miles. It's simply we couldn't find a place to get out. You see, there were steep cliffs on both sides.

What do you read?

Right now I'm reading three books. I frequently read several at a time, according to what mood I am in. Thomas Wolfe's "Of Time and the River." Just a torrent, a tide, a flood of language, and some of it's quite magnificent, I think, but undisciplined. And then I'm reading Thornton Wilder's "The Eighth Day." It's good writing all the way through. I just finished "Travels with Charlie" by John Steinbeck, who's one of my real favorites. It's a delicious, humorous book.

I enjoyed reading it, although I think it's probably one of his weaker ones, isn't it?

I thought it was totally fun. I can't say that it carries the wallop of "Grapes of Wrath" or—what's the one about the whaling village?—"The Winter of Our Discontent." That, too, is one of my favorites.

The relationship with the dog is quite unusual, isn't it?

Not for us. We're a dog-loving family. Dogs get to be people. We ascribe to them all sorts of personal characteristics and we spend a lot of time talking to each other about our dogs and with them. They're understanding friends.

But the President spends enormous time reading?

Yes, the tyrant of his life—the compelling master is that big stack of night reading that comes in folders from the different Cabinet members or agency heads or his own executive assistants. The tough things—well, there they are at night on his bed. Sometimes it takes him until 2 A.M.—I wish we could change the way and do it in the morning, but that's the routine.

Is it that he doesn't easily fall asleep?

Oh, no. The Lord has blessed him with many things—a very, very rugged constitution and remarkable resiliency and the ability to sleep when the job permits and—most of all—a deep well-spring of faith—confidence—in the ability of mankind to solve man's problems.

He has an enormous amount of energy and dynamism although he's had this heart attack. Do you try to slow him down sometimes? Or—

I did, yes, for a while, for—perhaps two years. He was very good about his diet and reasonably good—never quite as good—about hours spent. But, you know, as danger recedes, discipline relaxes. It's not that you forget it—I'm sure that it's back there in the back of his mind, but today's needs are the ones that are pressing.

What do you do when he reads till 2 A.M?

I, too, read, but not serious things like his are. And, then, I'm likely to go to sleep earlier.

Does he sometimes hand over a piece of paper and ask you to read it?

Yes—yes, quite often.

What does he think would interest you among state papers?

I think, mostly, the things about education and conservation are the ones he's more likely to talk over with me.

He talks to you at 2 A.M. about those?

(Mrs. Johnson laughs.)

It's sometimes been suggested that he doesn't feel altogether at ease in the company of non-Americans.

I simply don't think it's true. Of course, I think he prefers to be able to talk to people and be understood in the same language, but, no, I think that is fiction.

Have you traveled abroad?

Yes, I have.

Where have you been?

I went with my husband to Senegal, Africa, in the early spring of '61, and later in the year to six southeast Asian countries. The following year we went around the world again, and then in the early fall to the Scandinavian and Benelux countries. And, of course, I've been to Mexico many times.

Have you spent much time in England?

Alas, no. The meager sum of 24 hours. And, oh, I do envy my daughter so! She's having the most marvelous time in England right now. Old books are one of her passions, and she has some friends over there who know a lot about them and have taken her to places to look for them. Sotheby's, I think, was one. And she spent the weekend at a lovely old house that was built in Tudor times. And then she went to see Mr. [Ernest] Shepard, a very elderly man who did the drawings for the Winnie the Pooh books—you know, A. A. Milne's. She was raised on those. The characters in them are part of our lives. We are always comparing each other or somebody to Eeyore or Piglet or some other character. So she loved seeing Mr. Shepard.

What do you think, as a mother, of the American youth today?

My experience, Mr. Brandon, has been pretty much limited to my two children and their numerous friends. And I hardly recognize what I see in this great spate of writing as being related to those I know. I just think they're pretty marvelous young folk. And I'm not afraid of the future in their hands.

Yet the American youth today is much less conformist than it used to be even 10 years ago. It is less interested in money and in security.

Perhaps because so many of them have always had it. They never have had to struggle for a living. Maybe when they have to get out and make a living, it might change them somewhat.

And then they are critical of the misuse of American affluence.

I don't know, I see with admiration the reaching of a lot of them for personal contribution such as they manifest in the Peace Corps and VISTA.

You think that what we read about so much relates to a small minority that gets a lot of publicity?

Mr. Brandon, how can I talk about something I don't know anything about or haven't experienced? I read about marijuana and LSD and I don't know anybody that uses it. I don't have my head in the sand—I don't deny the problem exists in many countries—I simply have not had any close observation of it that qualifies me as an authority. What I see are Lynda and Luci and their friends, and I feel good about them.

The most fun I've had in years, if I may inject this here, were the 11 days I spent with Luci about the time that the baby was going to be born. It was my good fortune that the baby was several days late. I finished a trip to New England and left immediately afterward to go down to be with Luci and had just the most wonderful time—just talking, talking, talking with her. Having dinner around the kitchen table. Sometimes she would cook it, and a very good cook she is.

And sometimes she and Patrick and I and some of their friends would go out in town for dinner. And I got acquainted once more with my own very lovely home town of Austin. And it was just the happy, slow-pace domestic life that I had missed and yearned for and didn't know it, really. I'm glad I got it. And then it was climaxed in the happiest of ways when the baby was born, well and strong, and Luci acted like this was what she'd been waiting for all her life, and she knew just exactly how to cope with it.

Has it changed you, being a grandmother?

Someone asked me how I liked it, and I said I liked the condition but not the name (*laughs*).

I'd like to go back for a moment to the President. His first year after he was elected was enormously successful, and more bills were passed, perhaps, than ever in American history. Since then the situation has changed, and now he must feel much more frustrated.

Mr. Brandon, he's been in this so long, you know—30 years. And I think he knew in the beginning that you strike while the iron is hot, and you get what you're able to get, and you settle down knowing that the pace will be slower and more restricted. No, I do not look upon him as being frustrated. I don't

think he ever thought that it would be an unbroken stretch of Congressional successes.

Do you think he is concealing his frustration from you?

(*Laughs*) No.

Does the war in Vietnam weigh him down?

Yes. Terribly.

In what way?

That every one of those soldiers out there is a valuable life to himself and to his family and friends and country. Of course it weighs.

He must also feel that the war is interfering with many of his plans for the Great Society program?

Don't let that idea cloud the fact that all of those programs are going ahead. For instance, in the last three years we're spending vastly more on education and on medical care than ever before. In fact, since 1963 the Government has tripled its investment in education and medical care—and those two things are the hinge points, I think, of Lyndon's whole philosophy of government.

But don't you think that without the war he would be able to do more than he is already doing?

Yes, of course. But neither must we let the war overshadow the fact that much is being done.

Do you discuss the war with him, and do you have a personal view about it?

Mr. Brandon, I just have to trust and believe in people whose good minds and good hearts are dedicated to finding the way to deal with it.

Are you aware of having changed since you've come into the White House? What it has done to your life and personality?

I think in a way it has stretched and expanded me. You see your country in greater depth—I have traveled a lot, learned a lot. More is demanded of you, and you try to respond, you know. In a lighter vein, for instance, one thing I've tried to learn, oh, quite simply, is how to dress better. How to look better. That pleases my husband. And what pleases him pleases me.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. BAYH. I am glad to yield to the distinguished Senator from Maryland.

Mr. BREWSTER. Mr. President, I wish to join my distinguished friend from Indiana in expressing the sentiments he has just expressed in the Senate.

Our First Lady has earned the respect and affection of us all. Her sense of public service and deep humanitarianism is recognized and respected by the American people. The American people like their First Lady. They are well aware of her leadership in beautification of our streets and highways and her devotion to the welfare of the American performing arts.

They know, too, that Mrs. Johnson cares deeply about the needs of our people and the kind of American future we are building today.

Those who attempted to insult our First Lady recently succeeded only in insulting themselves and defaming their causes.

Mrs. Johnson would be the first person to grant her husband's critics the right to be heard. She would defend this right as one that is inalienable in our system of government. And she would be the last person to protest when this right is blatantly abused by those seeking only to humiliate and embarrass her.

But we, her friends and admirers, will not remain silent. We deplore those mindless individuals who have tried to insult the First Lady. And we join with all responsible Americans in extending to her our genuine respect and warm affection now and in the years to come.

Mr. BAYH. I appreciate the thoughtful remarks of the Senator from Maryland. I think the Senator has made a good point. There is the right to dissent and the right to freedom of speech in this country, but if we are not careful, those who dissent will stifle the right of free speech of the majority of the people in this country. This is not in the best tradition of America and it is inexcusable when it is directed toward our First Lady. I appreciate the Senator's thoughtful remarks.

MRS. LYNDON B. JOHNSON—A GREAT AND GRACIOUS LADY

Mr. HARRIS. Mr. President, I join the distinguished Senator from Indiana [Mr. BAYH] in his warm and sincere remarks about the character and stature of our wonderful First Lady, Mrs. Lyndon B. Johnson.

Unhappily, I also share his shock and disappointment that the wife of a President of the United States could be abused and mistreated at a public gathering by a coterie of so-called dissenters.

Lady Bird Johnson has contributed more to the elevation of American national life than any of her detractors.

Her deep personal commitment to Project Headstart; her energetic work in behalf of the beautification of our cities, roads, and countryside; and her devotion to the cultivation of the arts and humanities are all a matter of public record and fully deserve public praise.

Mrs. Lyndon B. Johnson merits the respect of the American people not only because she is the First Lady, but because she is a great and gracious lady whose life and work bespeak her rank.

Mrs. Johnson would have gained national stature in whatever vocation she pursued.

I am personally proud that such a fine woman is at the President's side to counsel and aid him.

Our country is proud of her.

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

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

INTERGOVERNMENTAL PERSONNEL ACT OF 1967

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 699, Calendar No. 684, the Intergovernmental Personnel Act of 1967. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be read by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 699) to strengthen intergovernmental cooperation and the administration of grant-in-aid programs, to extend State and local merit systems to additional programs financed by Federal funds, to provide grants for improvement of State and local personnel administration, to authorize Federal assistance in training State and local employees, to provide grants to State and local governments for training of their employees, to authorize interstate compacts for personnel and training activities, to facilitate the interchange of Federal, State, and local personnel, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Government Operations, with an amendment, strike out all after the enacting clause and insert:

That this Act may be cited as the "Intergovernmental Personnel Act of 1967".

DECLARATION OF POLICY

SEC. 2. The Congress hereby finds and declares—

That effective State and local governmental institutions are essential in the maintenance and development of the federal system in an increasingly complex and interdependent society;

That, since numerous governmental activities administered by the State and local governments are related to national purpose and are financed in part by Federal funds, a national interest exists in a high caliber of public service in State and local governments.

That the quality of public service at all levels of government can be improved by the development of systems of personnel administration consistent with such merit principles as—

(1) recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial appointment;

(2) providing equitable and adequate compensation;

(3) training employees, as needed, to assure high-quality performance;

(4) retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;

(5) assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, or religious creed and with proper regard for their privacy and constitutional rights as citizens; and

(6) assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office; and

That Federal financial and technical assistance to State and local governments for strengthening their personnel administration in a manner consistent with these principles is in the national interest.

SEC. 3. The authorities provided by this Act shall be administered in such manner as to recognize fully the rights, powers, and responsibilities of State and local governments.

TITLE I—DEVELOPMENT OF POLICIES AND STANDARDS

DECLARATION OF PURPOSE

SEC. 101. The purpose of this title is to provide for intergovernmental cooperation in the development of policies and standards

for the administration of programs authorized by this Act.

ADVISORY COUNCIL

SEC. 102. (a) Within one hundred and eighty days following the date of enactment of this Act, the President shall appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, an advisory council on intergovernmental personnel policy.

(b) The advisory council shall be composed primarily of officials of the Federal Government and State and local governments, but shall also include members selected from educational and training institutions or organizations, public employee organizations, and the general public. At least half of the members shall be officials of State and local governments.

(c) It shall be the duty of the advisory council to study and make recommendations regarding personnel policies and programs for the purpose of—

(1) improving the quality of public administration at all levels of government, particularly in connection with programs that are financed in whole or in part from Federal appropriations;

(2) strengthening the capacity of State and local governments to deal with complex problems and confronting all levels of government;

(3) aiding State and local governments in training their professional, administrative, and technical employees and officials;

(4) aiding State and local governments in developing systems of personnel administration that are responsive to the goals and needs of their programs and effective in attracting and retaining capable employees; and

(5) facilitating temporary assignments of personnel between levels of government.

(d) Members of the advisory council who are not regular full-time employees of the United States, while serving on the business of the council, including traveltime, are entitled to receive compensation at rates not exceeding the daily rate for GS–18; and while so serving away from their homes or regular places of business, all members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

REPORTS OF ADVISORY COUNCIL

SEC. 103. (a) The advisory council on intergovernmental personnel policy shall from time to time report to the President and to the Congress its findings and recommendations.

(b) Not later than eighteen months after its establishment, the advisory council shall submit an initial report on its activities, which shall include its views and recommendations on—

(1) the feasibility and desirability of extending merit system requirements to additional Federal-State grant-in-aid programs;

(2) the feasibility and desirability of extending merit system requirements to grant-in-aid programs of a Federal-local character;

(3) appropriate standards for merit personnel administration, where applicable, including those established by regulations with respect to existing Federal grant-in-aid programs; and

(4) the feasibility and desirability of financial and other incentives to encourage State and local governments in the development of comprehensive systems of personnel administration based on merit principles.

(c) In transmitting to the Congress reports of the advisory council, the President shall submit to the Congress proposals of legislation which he deems desirable to carry out the recommendations of the advisory council.

TITLE II—STRENGTHENING STATE AND LOCAL PERSONNEL ADMINISTRATION

DECLARATION OF PURPOSE

SEC. 201. The purpose of this title is to assist State and local governments to strengthen their staffs by improving their personnel administration.

STATE GOVERNMENT AND STATEWIDE PROGRAMS AND GRANTS

SEC. 202. (a) The United States Civil Service Commission (hereinafter referred to as the Commission) is authorized to make grants to States for up to 75 per centum of the costs of developing and of carrying out programs or projects which the Commission finds are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act, to strengthen State and local government personnel addministration and to furnish needed personnel administration services to local governments in that State. The authority provided by this section shall be employed in such a manner as to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own systems of personnel administration.

(b) A grant authorized by section (a) of this section may be made to a State on application to the Commission at such time or times and containing such information as the Commission may prescribe.

To be approved, the application shall—

(1) provide for designation, by the Governor or chief executive authority, of the State office that will have primary authority and responsibility for the development and administration of the approved program or project at the State level;

(2) provide for the establishment of merit personnel administration where appropriate and the further improvement of existing systems based on merit principles;

(3) provide for specific personnel administration improvement needs of the State government and, to the extent appropriate, of the local governments in that State, including State personnel administration services for local governments;

(4) provide assurance that the making of a Federal Government grant will not result in a reduction in relevant State or local government expenditures or the substitution of Federal funds for State or local funds previously made available for these purposes; and

(5) set forth clear and practicable actions for the improvement of particular aspects of personnel administration such as—

(A) establishment of statewide personnel systems of general or special functional coverage to meet the needs of urban, suburban, or rural governmental jurisdictions that are not able to provide sound career services, opportunities for advancement, adequate retirement and leave systems, and other career inducements to well-qualified professional, administrative, and technical personnel;

(B) making State grants to local governments to strengthen their staffs by improving their personnel administration;

(C) assessment of State and local government needs for professional, administrative, and technical manpower, and the initiation of timely and appropriate action to meet such needs;

(D) strengthening one or more major areas of personnel administration, such as recruitment and selection, training and development, and pay administration;

(E) undertaking research and demonstration projects to develop and apply better personnel administration techniques, including both projects conducted by State and local government staffs and projects conducted by colleges or universities or other appropriate nonprofit organizations under grants or contracts;

(F) strengthening the recruitment, selection, assignment, and development of handicapped persons, women, and members of disadvantaged groups whose capacities are not being utilized fully;

(G) achieving the most effective use of scarce professional, administrative, and technical manpower; and

(H) intergovernmental cooperation in personnel administration, with respect to such matters as recruiting, examining, pay studies, training, education, personnel interchange, manpower utilization, and fringe benefits.

LOCAL GOVERNMENT PROGRAMS AND GRANTS

SEC. 203. (a) The Commission is authorized to make grants to general local governments, or combinations of such governments, that serve a population of fifty thousand or more, for up to 75 per centum of the cost of developing or carrying out programs and projects which the Commission finds are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act, to strengthen the personnel administration of such governments. Such a grant may be made only if, at the time of the submission of an application, the State concerned does not then currently have an approved application for a grant providing adequately for assistance in strengthening the personnel administration of that local government or combination of local governments. However, such a grant, except as provided in subsection (b)(1) of this section, may not be made until the expiration of one year from the effective date of the grant provisions, as provided in section 513 of this Act.

(b) A grant authorized by subsection (a) of this section may be made to a general local government or combination of local governments on application to the Commission at such time or times and containing such information as the Commission may prescribe. To be approved, the application must meet requirements similar to those established in section 202(b) of this Act for a State application for a grant, unless any such requirement is specifically wavied by the Commission, and the requirements of subsection (c) of this section. Such grants may cover the costs of developing the program or project covered by the application. The Commission may—

(1) waive at the request of a general local government or combination of such governments, the one-year waiting period, unless the State concerned declares, within ninety days from the effective date of the grant provisions, as provided in section 513 of this Act, an intent to file an application for a grant that will include the local government or governments; and

(2) make grants to general local governments, or combinations of such governments, that serve a population of less than fifty thousand if it finds that such grants will help meet essential needs in programs or projects of national interest and will assist general local governments experiencing special problems in personnel administration related to such programs or projects.

(c) An application to be submitted to the Commission under subsection (b) of this section shall first be submitted by the general local government or governments to the State office designated under section 202(b)(1) of this Act for review, except that, if no State office has been so designated, such application shall be submitted to the Governor for his review. Any comments and recommendations of the State office or of the Governor and a statement by the general local government or governments that such comments and recommendations have been considered prior to its formal submission will accompany the application to the Commission. However, the application need not be accompanied by such comments and recommendations and by such a statement if the general local government or governments certify that the application has been before

the State office or the Governor, as the case may be, for review for a period of sixty days without comments or recommendations on the application being made by that office.

INTERGOVERNMENTAL COOPERATION IN RECRUITING AND EXAMINING

SEC. 204. (a) The Commission may join, on a shared-costs basis, with State and local governments in cooperative recruiting and examining activities under such procedures and regulations as may jointly be agreed upon.

(b) The Commission also may, on the written request of a State or local government and under such procedures as may be jointly agreed upon, certify to such governments from appropriate Federal registers the names of potential employees. The State or local government making the request shall pay the Commission for the costs, as determined by the Commission, of performing the service, and such payments shall be credited to the appropriation or fund from which the expenses were or are to be paid.

TECHNICAL ASSISTANCE

SEC. 205. The Commission may furnish technical advice and assistance, on request, to State and general local governments seeking to improve their systems of personnel administration. The Commission may accept from such governments payments, in whole or in part, for the costs of furnishing such assistance. All such payments shall be credited to the appropriation or fund from which the expenses were or are to be paid.

COORDINATION OF FEDERAL PROGRAMS

SEC. 206. The Commission, after consultation with other agencies concerned, shall—

(1) coordinate the personnel administration support and technical assistance given to State and local governments and the support given State programs or projects to strengthen local government personnel administration, including the furnishing of needed personnel administration services and technical assistance, under authority of this Act with any such support given under other Federal programs; and

(2) make such arrangements, including the collection, maintenance, and dissemination of data on grants for strengthening State and local government personnel administration and on grants to States for furnishing needed personnel administration services and technical assistance to local governments, as needed to avoid duplication and insure consistent administration of related Federal activities.

INTERSTATE COMPACTS

SEC. 207. The consent of the Congress is hereby given to any two or more States to enter into compacts or other agreements, not in conflict with any law of the United States, for cooperative efforts and mutual assistance (including the establishment of appropriate agencies) in connection with the development and administration of personnel and training programs for employees and officials of State and local governments.

TRANSFER OF FUNCTIONS

SEC. 208. (a) There are hereby transferred to the Commission all functions, powers, and duties of—

(1) the Secretary of Agriculture under section 10(e)(2) of the Food Stamp Act of 1964 (7 U.S.C. 2019(e)(2));

(2) the Secretary of Labor under—

(A) the Act of June 6, 1933, as amended (29 U.S.C. 49 et seq.); and

(B) section 303(a)(1) of the Social Security Act (42 U.S.C. 503(a)(1));

(3) the Secretary of Health, Education, and Welfare under—

(A) sections 134(a)(6) and 204(a)(6) of the Mental Retardation Facilities and Community Health Centers Construction Act of 1963 (42 U.S.C. 2674(a)(6) and 2684(a)(6));

(B) section 303(a)(5) of the Older Americans Act of 1965 (42 U.S.C. 3023(a)(5));

(C) sections 314 (a)(2)(F) and (d)(2)(F) and 604(a)(8) of the Public Health Service Act (42 U.S.C. 246(a)(2)(F) and (d)(2)(F) and 291d(a)(8)); and

(D) sections 2(a)(5), 402(a)(5), 503(a)(3), 513(a)(3), 1002(a)(5), 1402(a)(5), 1062(a)(5), and 1902(a)(4) of the Social Security Act (42 U.S.C. 302(a)(5), 602(a)(5), 703(a)(3), 713(a)(3), 1202(a)(5), 1352(a)(5), 1382(a)(5), and 1396(a)(4)); and

(4) any other department, agency, office, or officer (other than the President) under any other provision of law or regulation applicable to a program of grant-in-aid that specifically requires the establishment and maintenance of personnel standards on a merit basis with respect to the program;

insofar as the functions, powers, and duties relate to the prescription of personnel standards on a merit basis.

(b) The Commission shall—

(1) provide consultation and technical advice and assistance to State and local governments to aid them in complying with standards prescribed by the Commission under subsection (a) of this section; and

(2) advise Federal agencies administering programs of grants or financial assistance as to the application of required personnel administration standards, and recommend and coordinate the taking of such actions by the Federal agencies as the Commission considers will most effectively carry out the purpose of this title.

(c) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds of any Federal agency employed, used, held, available, or to be made available in connection with the functions, powers, and duties vested in the Commission by this section as the Director of the Bureau of the Budget shall determine shall be transferred to the Commission at such time or times as the Director shall direct.

(d) Personnel standards prescribed by Federal agencies under laws and regulations referred to in subsection (a) of this section shall continue in effect until modified or superseded by standards prescribed by the Commission under subsection (a) of this section.

(e) Any standards or regulations established pursuant to the provisions of this section shall be such as to encourage innovation and allow for diversity on the part of State and local governments in the design, execution, and management of their own individual systems of personnel administration.

(f) Nothing in this section or in section 202 or 203 of this Act shall be construed to—

(1) authorize any agency or official of the Federal Government to exercise any authority, direction, or control over the selection, assignment, advancement, retention, compensation, or other personnel action with respect to any individual State or local employee;

(2) authorize the application of personnel standards on a merit basis to the teaching personnel of educational institutions or school systems;

(3) prevent participation by employees or employee organizations in the formulation of policies and procedures affecting the conditions of their employment, subject to the laws and ordinances of the State or local government concerned;

(4) require or request any State or local government employee to disclose his race, religion, or national origin, or the race, religion, or national origin, of any of his forebears;

(5) require or request any State or local government employee, or any person applying for employment as a State or local government employee, to submit to any interrogation or examination or to take any psychological test or any polygraph test which is designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters; or

(6) require or request any State or local government employee to participate in any way in any activities or undertakings unless such activities or undertakings are related to the performance of official duties to which he is or may be assigned or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties.

(g) This section shall become effective sixty days after the date of enactment of this Act.

TITLE III—TRAINING AND DEVELOPING STATE AND LOCAL EMPLOYEES

DECLARATION OF PURPOSE

SEC. 301. The purpose of this title is to strengthen the training and development of State and local goverment employees and officials, particularly in professional, administrative, and technical fields.

ADMISSION TO FEDERAL EMPLOYEE TRAINING PROGRAMS

SEC. 302. (a) In accordance with such conditions as may be prescribed by the head of the Federal agency concerned, a Federal agency may admit State and local government employees and officials to agency training programs established for Federal professional, administrative, or technical personnel.

(b) Federal agencies are authorized to receive payments from, or on behalf of, State and local governments for the costs of training provided under this section, and to enter into agreements with them for this purpose. The head of the Federal agency concerned may waive all or part of such payments. Payments received by the Federal agency concerned for training under this section shall be credited to the appropriation or fund used for paying the training costs.

(c) The Commission may use appropriations authorized by this Act to pay the additional developmental or overhead costs that are incurred by reason of admittance of State and local government employees to Federal training courses and to reimburse other Federal agencies for such costs.

TRAINING OF PERSONNEL ENGAGED IN GRANT-IN-AID PROGRAMS

SEC. 303. (a) Any Federal agency administering a program of grants or financial assistance to State or local governments may—

(1) establish, provide, and conduct training programs for employees and officials of State and local governments who have responsibilities related to the federally aided program, and, to the same extent provided in section 302(b) of this Act, receive or waive payments for such training and credit any such payments to the appropriation or fund used for paying the training costs; and

(2) authorize State and local governments—

(A) from Federal funds available for State or local program administration expenses under grants or financial assistance; or

(B) from other Federal grant or financial assistance funds when so provided in appropriation or other Acts;

to establish, conduct, provide, and support training and education programs for their employees and officials who have responsibilities related to the federally aided program, including internship, work-study, fellowship, and similar programs if approved by the Federal agency concerned, provided that full-time, graduate-level education supported under this subsection shall be consistent with provisions made for Government Service Fellowships under section 306 of this Act.

(b) The State or local government concerned shall—

(1) in accordance with eligibility criteria

prescribed by the Federal agency concerned, select the individual employees and officials to receive education and training in programs established under this section; and

(2) during the period of the education or training, continue the full salary of the employee or official concerned and normal employment benefits such as credit for seniority, leave accrual, retirement, and insurance.

GRANTS TO STATE AND LOCAL GOVERNMENTS FOR TRAINING

SEC. 304. (a) If in its judgment training is not adequately provided for under grant-in-aid or other statutes, the Commission is authorized to make grants to State and general local governments for up to 75 per centum of the cost of developing and carrying out training and education programs, for their professional, administrative, and technical employees and officials, which the Commission finds are consistent with the applicable principles set forth in clauses (1)–(6) of the third paragraph of section 2 of this Act. Such grants may not be used to cover costs of full-time graduate-level study, provided for in section 306 of this Act, or the costs of the construction or acquisition of training facilities. The State and local government share of the cost of developing and carrying out training and education plans and programs may include, but shall not consist solely of, the reasonable value of facilities and of supervisory and other personal services made available by such governments. The authority provided by this section shall be employed in such a manner as to encourage innovation and allow for diversity on the part of State and local governments in developing and carrying out training and education programs for their personnel.

(b) A grant authorized by subsection (a) of this section may be made to a State on application to the Commission at such time or times and containing such information as the Commission may prescribe. To be approved, the application must meet requirements established by this subsection unless any requirement is specifically waived by the Commission. Such grant to a State, or to a general local government under subsection (c) of this section, may cover the costs of developing the program covered by the application. The program covered by the application shall—

(1) provide for designation, by the Governor or chief executive authority, of the State office that will have primary authority and responsibility for the development and administration of the program at the State level;

(2) provide, to the extent feasible, for coordination with relevant training available under or supported by other Federal Government programs or grants;

(3) provide for training needs of the State government and of local governments in that State;

(4) provide, to the extent feasible, for intergovernmental cooperation in employee training matters, especially within metropolitan or regional areas; and

(5) provide assurance that the making of a Federal Government grant will not result in a reduction in relevant State or local government expenditures or the substitution of Federal funds for State or local funds previously made available for these purposes.

(c) A grant authorized by subsection (a) of this section may be made to a general local government, or a combination of such governments, that serves a population of fifty thousand or more only if, at the time of the submission of an application, the State concerned does not then currently have an approved application for a grant providing adequately for training of employees of that local government or combination of local governments. However, such a grant, except as further provided in this subsection, may not be made until the expiration of one year from the effective date of the grant provisions of this Act. To be approved, an application for a grant under this subsection must meet requirements similar to those established in subsection (b) of this section for State applications, unless any such requirement is specifically waived by the Commission, and the requirements of subsection (d) of this section. The Commission may—

(1) waive, at the request of a general local government or a combination of such governments, the one-year waiting period provided under subsection (c) of this section unless the State concerned declares, within ninety days from the effective date of the grant provisions of this Act, an intent to file an application for a grant that will provide training for employees of the general local government or governments; and

(2) make grants to general local governments, or combinations of such governments that serve a population of less than fifty thousand if it finds that such grants will help meet essential needs in programs of national interest and will assist general local governments experiencing special needs for personnel training and education related to such programs or projects.

(d) An application to be submitted to the Commission under subsection (c) of this section shall first be submitted by the general local government or governments to the State office designated under section 304(b)(1) of this Act for review, except that, if no State office has been so designated, such application shall be submitted to the Governor for his review. Any comments and recommendations of the State office and a statement by the general local government or governments that such comments and recommendations have been considered prior to its formal submission will accompany the application to the Commission. However, the application need not be accompanied by such comments and recommendations and by such a statement if the general local government or governments certify that the application has been before the State office or the Governor, as the case may be, for review for a period of sixty days without comments or recommendations on the application being made by that office.

GRANTS TO OTHER ORGANIZATIONS

SEC. 305. (a) The Commission is authorized to make grants to other organizations to pay up to 75 per centum of the costs of providing training to professional, administrative, or technical employees and officials of State or local governments if the Commission—

(1) finds substantial State and local government interest in the proposed program; and

(2) approves the program as meeting such requirements as may be prescribed by the Commission in its regulations pursuant to this Act.

(b) For the purpose of this section "other organization" means—

(1) a national, regional, statewide, areawide, or metropolitan organization, representing member State or local governments;

(2) an association of State or local public officials; or

(3) a nonprofit organization one of whose principal functions is to offer professional advisory, research development, educational or related services to governments.

GOVERNMENT SERVICE FELLOWSHIPS

SEC. 306. (a) The Commission is authorized to make grants to State and general local governments to support programs approved by the Commission for providing Government service fellowships for State and local government personnel. The grants may cover—

(1) the necessary costs of the fellowship recipient's books, travel, and transportation, and such related expenses as may be authorized by the Commission;

(2) reimbursement to the State or local government for not to exceed one-fourth of the salary of each fellow during the period of the fellowship; and

(3) payment to the educational institutions involved not in excess of $3,000 per academic year for each fellow less any amount charged the fellow for tuition and nonrefundable fees and deposits.

(b) Fellowships awarded under this section may not exceed two years of full-time graduate-level study for professional, administrative, and technical employees. The regulations of the Commission shall include eligibility criteria for the selection of fellowship recipients by State and local governments.

(c) The State or local government concerned shall—

(1) select the individual recipients of the fellowships;

(2) during the period of the fellowship, continue the full salary of the recipient and normal employment benefits such as credit for seniority, leave accrual, retirement, and insurance; and

(3) make appropriate plans for the utilization and continuation in public service of employees completing fellowships and outline such plans in the application for the grant.

COORDINATION OF FEDERAL PROGRAMS

SEC. 307. The Commission, after consultation with other agencies concerned, shall—

(1) prescribe regulations concerning administration of training for employees and officials of State and local governments provided for in this title, including requirements for coordination of and reasonable consistency in such training programs;

(2) coordinate the training support given to State and local governments under authority of this Act with training support given such governments under other Federal programs; and

(3) make such arrangements, including the collection and maintenance of data on training grants and programs, as may be necessary to avoid duplication of programs providing for training and to insure consistent administration of related Federal training activities.

TITLE IV—MOBILITY OF FEDERAL, STATE, AND LOCAL EMPLOYEES

DECLARATION OF PURPOSE

SEC. 401. The purpose of this title is to provide for the temporary assignment of personnel between the Federal Government and State and local governments and institutions of higher education.

AMENDMENTS TO TITLE 5, UNITED STATES CODE

SEC. 402. (a) Chapter 33 of title 5, United States Code, is amended by inserting the following new subchapter at the end thereof:

"SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

"§ 3371. Definitions

"For the purpose of this subchapter—

"(1) 'State' means—

"(A) a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States; and

"(B) an instrumentality or authority of a State or States as defined in clause (A) of this paragraph (1) and a Federal-State authority or instrumentality; and

"(2) 'local government' means—

"(A) any political subdivision, instrumentality, or authority of a State or States as defined in clause (A) of paragraph (1); and

"(B) any general or special purpose agency of such a political subdivision, instrumentality, or authority.

"§ 3372. General provisions

"(a) On request from or with the concurrence of a State or local government, and

with the consent of the employee concerned, the head of an executive agency may arrange for the assignment of—

"(1) an employee of his agency to a State or local government; and

"(2) an employee of a State or local government to his agency;

for work of mutual concern to his agency and the State or local government that he determines will be beneficial to both. The period of an assignment under this subchapter may not exceed two years. However, the head of an executive agency may extend the period of assignment for not more than two additional years.

"(b) This subchapter is authority for and applies to the assignment of—

"(1) an employee of an Executive agency to an institution of higher education; and

"(2) an employee of an institution of higher education to an Executive agency.

"§ 3373. Assignment of employees to State or local governments

"(a) An employee of an Executive agency assigned to a State or local government under this subchapter is deemed, during the assignment, to be either—

"(1) on detail to a regular work assignment in his agency; or

"(2) on leave without pay from his position in the agency.

An employee assigned either on detail or on leave without pay remains an employee of his agency. The Federal Tort Claims Act and any other Federal tort liability statute apply to an employee so assigned. The supervision of the duties of an employee on detail may be governed by agreement between the Executive agency and the State or local government concerned.

"(b) The assignment of an employee of an Executive agency either on detail or on leave without pay to a State or local government under this subchapter may be made with or without reimbursement by the State or local government for the travel and transportation expenses to or from the place of assignment and for the pay or supplemental pay or a part thereof, of the employee during assignment. Any reimbursements shall be credited to the appropriation of the Executive agency used for paying the travel and transportation expenses or pay.

"(c) For an employee so assigned and on leave without pay—

"(1) if the rate of pay for his employment by the State or local government is less than the rate of pay he would have received had he continued in his regular assignment in the agency, he is entitled to receive supplemental pay from the agency in an amount equal to the difference between the State or local government rate and the agency rate;

"(2) he is entitled to annual and sick leave to the same extent as if he had continued in his regular assignment in the agency; and

"(3) he is entitled, not withstanding other statutes—

"(A) to continuation of his insurance under chapter 87 of this title, and coverage under chapter 89 of this title or other applicable authority, so long as he pays currently into the Employee's Life Insurance Fund and the Employee's Health Benefits Fund or other applicable health benefits system (through his employing agency) the amount of the employee contributions;

"(B) to credit the period of his assignment under this subchapter toward periodic step-increases, retention, and leave accrual purposes, and, on payment into the Civil Service Retirement and Disability Fund or other applicable retirement system of the percentage of his State or local government pay, and of his supplemental pay, if any, that would have been deducted from a like agency pay for the period of the assignment and payment by the Executive agency into the fund or system of the amount that would have been payable by the agency during the period of the assignment with respect to a like agency pay, to treat (notwithstanding section 8348(g) of this title) his service during that period as service of the type performed in the agency immediately before his assignment; and

"(C) for the purpose of subchapter I of chapter 85 of this title, to credit the service performed during the period of his assignment under this subchapter as Federal service, and to consider his State or local government pay (and his supplemental pay, if any) as Federal wages. To the extent that the service could also be the basis for entitlement to unemployment compensation under a State law, the employee may elect to claim unemployment compensation on the basis of the service under either the State law or subchapter I of chapter 85 of this title. However, an employee or his beneficiary may not receive benefits referred to in subparagraphs (A) and (B) of this paragraph (3), based on service during an assignment under this subchapter for which the employee or, if he dies without making such an election, his beneficiary elects to receive benefits, under any State or local government retirement or insurance law or program, which the Civil Service Commission determines to be similar. The Executive agency shall deposit currently in the Employee's Life Insurance Fund, the Employee's Health Benefits Fund or other applicable health benefits system, respectively, the amount of the Government's contributions on account of service with respect to which employee contributions are collected as provided in subparagraphs (A) and (B) of this paragraph (3).

"(d)(1) An employee so assigned and on leave without pay who dies or suffers disability as a result of personal injury sustained while in the performance of his duty during an assignment under this subchapter shall be treated, for the purpose of subchapter I of chapter 81 of this title, as though he were an employee as defined by section 8101 of this title who had sustained the injury in the performance of duty. When an employee (or his dependents in case of death) entitled by reason of injury or death to benefits under subchapter I of chapter 81 of this title is also entitled to benefits from a State or local government for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. The election shall be made within 1 year after the injury or death, or such further time as the Secretary of Labor may allow for reasonable cause shown. When made, the election is irrevocable unless otherwise provided by law.

"(2) An employee who elects to receive benefits from a State or local government may not receive an annuity under subchapter II of chapter 83 of this title and benefits from the State or local government for injury or disability to himself covering the same period of time. This provision does not—

"(A) bar the right of a claimant to the greater benefit conferred by either the State or local government or subchapter III of chapter 83 of this title for any part of the same period of time;

"(B) deny to an employee an annuity accruing to him under subchapter III of chapter 83 of this title on account of service performed by him; or

"(C) deny any concurrent benefit to him from the State or local government on account of the death of another individual.

"§ 3374. Assignments of employees from State or local governments

"(a) An employee of a State or local government who is assigned to an Executive agency under an arrangement under this subchapter may——

"(1) be appointed in the Executive agency without regard to the provisions of this title governing appointment in the competitive service for the agreed period of the assignment; or

"(2) be deemed on detail to the Executive agency.

"(b) An employee given an appointment is entitled to pay in accordance with chapter 51 and subchapter III of chapter 53 of this title or other applicable law, and is deemed an employee of the Executive agency for all purposes except——

"(1) subchapter III of chapter 83 of this title or other applicable retirement system;

"(2) chapter 87 of this title; and

"(3) chapter 89 of this title or other applicable health benefits system unless his appointment results in the loss of coverage in a group health benefits plan the premium of which has been paid in whole or in part by a State or local government contribution.

"(c) During the period of assignment, a State or local government employee on detail to an Executive agency—

"(1) is not entitled to pay from the agency;

"(2) is deemed an employee of the agency for the purpose of chapter 73 of this title, sections 203, 205, 207, 208, 209, 602, 603, 606, 607, 643, 654, 1905, and 1913 of title 18, section 638a of title 31, and the Federal Tort Claims Act and any other Federal tort liability statute; and

"(3) is subject to such regulations as the President may prescribe.

The supervision of the duties of such an employee may be governed by agreement between the Executive agency and the State or local government concerned. A detail of a State or local government employee to an Executive agency may be made with or without reimbursement by the Executive agency for the pay, or a part thereof, of the employee during the period of assignment.

"(d) A State or local government employee who is given an appointment in an Executive agency for the period of the assignment or who is on detail to an Executive agency and who suffers disability or dies as a result of personal injury sustained while in the performance of his duty during the assignment shall be treated, for the purpose of subchapter I of chapter 81 of this title, as though he were an employee as defined by section 8101 of this title who had sustained the injury in the performance of duty. When an employee (or his dependents in case of death) entitled by reason of injury or death to benefits under subchapter I of chapter 81 of this title is also entitled to benefits from a State or local government for the same injury or death, he (or his dependents in case of death) shall elect which benefits he will receive. The election shall be made within 1 year after the injury or death, or such further time as the Secretary of Labor may allow for reasonable cause shown. When made, the election is irrevocable unless otherwise provided by law.

"(e) If a State or local government fails to continue the employer's contribution to State or local government retirement, life insurance, and health benefit plans for a State or local government employee who is given an appointment in an Executive agency, the employer's contributions covering the State or local government employee's period of assignment, or any part thereof, may be made from the appropriations of the Executive agency concerned.

"§ 3375. Travel expenses

"(a) Appropriations of an Executive agency are available to pay, or reimburse, a Federal or State or local government employee in accordance with—

"(1) subchapter I of chapter 57 of this title, for the expenses of—

"(A) travel and per diem instead of subsistence to and from the assignment location;

"(B) per diem instead of subsistence at the assignment location during the period of the assignment; and

"(C) travel and per diem instead of subsistence while traveling on official business

away from his designated post of duty during the assignment when the head of the Executive agency considers the travel in the interest of the United States;

"(2) section 5724 of this title, for the expenses of transportation of his immediate family and of his household goods and personal effects to and from the assignment location;

"(3) section 5724a(a)(1) of this title, for the expenses of per diem allowances for the immediate family of the employee to and from the assignment location;

"(4) section 5724a(a)(3) of this title, for subsistence expenses of the employee and his immediate family while occupying temporary quarters at the assignment location and on return to his former post of duty; and

"(5) section 5726(c) of this title, for the expenses of nontemporary storage of household goods and personal effects in connection with assignment at an isolated location.

"(b) Expenses specified in subsection (a) of this section, other than those in paragraph (1)(C), may not be allowed in connection with the assignment of a Federal or State or local government employee under this subchapter, unless and until the employee agrees in writing to complete the entire period of his assignment or 1 year, whichever is shorter, unless separated or reassigned for reasons beyond his control that are acceptable to the Executive agency concerned. If the employee violates the agreement, the money spent by the United States for these expenses is recoverable from the employee as a debt due the United States. The head of the Executive agency concerned may waive in whole or in part a right of recovery under this subsection with respect to a State or local government employee on assignment with the agency.

"(c) Appropriations of an Executive agency are available to pay expenses under section 5742 of this title with respect to a Federal or State or local government employee assigned under this subchapter.

"§ 3376. Regulations

"The President may prescribe regulations for the administration of this subchapter."

(b) The analysis of chapter 33 of title 5, United States Code, is amended by inserting the following at the end thereof:

"SUBCHAPTER VI—ASSIGNMENTS TO AND FROM STATES

"Sec.
"3371. Definitions.
"3372. General provisions.
"3373. Assignments of employees to State or local governments.
"3374. Assignments of employees from State or local governments.
"3375. Travel expenses.
"3376. Regulations."

REPEAL OF SPECIAL AUTHORITIES

SEC. 403. The Act of August 2, 1956, as amended (7 U.S.C. 1881–1888), section 507 of the Act of April 11, 1965 (20 U.S.C. 867), and section 314(f) of the Public Health Service Act (42 U.S.C. 246(f)) (less applicability to commissioned officers of the Public Health Service) are hereby repealed.

SEC. 404. This title shall become effective sixty days after the date of enactment of this Act.

TITLE V—GENERAL PROVISIONS

DECLARATION OF PURPOSE

SEC. 501. The purpose of this title is to provide for the general administration of titles I, II, III, and V of this Act (hereinafter referred to as "this Act"), and to provide for the establishment of certain advisory committees.

DEFINITIONS

SEC. 502. For the purpose of this Act—

(1) "Commission" means the United States Civil Service Commission;

(2) "Federal agency" means an executive department, military department, independent establishment, or agency in the executive branch of the Government of the United States, including Government owned or controlled corporations;

(3) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States, and includes interstate and Federal-interstate agencies but does not include the governments of the political subdivisions of a State; and

(4) "local government" means a city, town, county, or other subdivision or district of a State, including agencies, instrumentalities, and authorities of any of the foregoing and any combination of such units or combination of such units and a State. A "general local government" means a city, town, county, or comparable general-purpose political subdivision of a State.

GENERAL ADMINISTRATIVE PROVISIONS

SEC. 503. (a) Unless otherwise specifically provided, the Commission shall administer this Act.

(b) The Commission shall furnish such advice and assistance to State and local governments as may be necessary to carry out the purposes of this Act.

(c) In the performance of, and with respect to, the functions, powers, and duties vested in it by this Act, the Commission may—

(1) issue such standards and regulations as may be necessary to carry out the purposes of this Act;

(2) consent to the modification of any contract entered into pursuant to this Act, such consent being subject to any specific limitations of this Act;

(3) include in any contract made pursuant to this Act such covenants, conditions, or provisions as it deems necessary to assure that the purposes of this Act will be achieved; and

(4) utilize the services and facilities of any Federal agency, any State or local government, and any other public or nonprofit agency or institution, on a reimbursable basis or otherwise, in accordance with agreements between the Commission and the head thereof.

(d) In the performance of, and with respect to the functions, powers, and duties vested in it by this Act, the Commission—

(1) may collect information from time to time with respect to State and local government training programs and personnel administration improvement programs and projects under this Act, and make such information available to interested groups, organizations, or agencies, public or private;

(2) may conduct such research and make such evaluation as needed for the efficient administration of this Act; and

(3) shall include in its annual report, a report of the administration of this Act.

(e) The provisions of this Act are not a limitation on existing authorities under other statutes but are in addition to any such authorities, unless otherwise specifically provided in this Act.

REPORTING REQUIREMENTS

SEC. 504. A State or local government office designated to administer a program or project under this Act shall make reports and evaluations in such form, at such times, and containing such information concerning the status and application of Federal funds and the operation of the approved program or project as the Commission may require, and shall keep and make available such records as may be required by the Commission for the verification of such reports and evaluations.

REVIEW AND AUDIT

SEC. 505. The Commission, the head of the Federal agency concerned, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of a grant recipient that are pertinent to the grant received.

DISTRIBUTION OF GRANTS

SEC. 506. (a) The Commission shall allocate grants under this Act in such manner as will most nearly provide an equitable distribution of the grants among States and between State and local governments, taking into consideration such factors as the size of the population, number of employees affected, the urgency of the programs or projects, the need for funds to carry out the purposes of this Act, and the potential of the governmental jurisdictions concerned to use the funds most effectively.

(b) In each fiscal year, 15 per centum of the total amount available for grants under this Act shall be apportioned equally among the States and the amount apportioned for each State shall be reserved for programs or projects in that State: *Provided*, That any amount so reserved but not used in any fiscal year shall be added to the total amount available for grants under this Act in the next succeeding fiscal year.

(c) Notwithstanding the other provisions of this section, the total of the payments from the appropriations for any fiscal year under this Act made with respect to programs or projects in any one State may not exceed an amount equal to 12½ per centum of such appropriation.

TERMINATION OF GRANTS

SEC. 507. Whenever the Commission, after giving reasonable notice and opportunity for hearing to the State or general local government concerned, finds—

(1) that a program or project has been so changed that it no longer complies with the provisions of this Act; or

(2) that in the operation of the program or project there is a failure to comply substantially with any such provision;

the Commission shall notify the State or general local government of its findings and no further payments may be made to such government by the Commission until it is satisfied that such noncompliance has been, or will promptly be, corrected. However, the Commission may authorize the continuance of payments to those projects approved under this Act which are not involved in the noncompliance.

ADVISORY COMMITTEES

SEC. 508. (a) The Commission may appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, such advisory committee or committees as it may determine to be necessary to facilitate the administration of this Act.

(b) Members of advisory committees who are not regular full-time employees of the United States, while serving on the business of the committees, including traveltime, are entitled to receive compensation at rates not exceeding the daily rate for GS–18; and while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

APPROPRIATION AUTHORIZATION

SEC. 509. (a) To carry out the programs authorized by this Act, there are authorized to be appropriated at any time after its enactment not to exceed $20,000,000 for fiscal year 1968; $30,000,000 for fiscal year 1969; and $40,000,000 for fiscal year 1970.

(b) Any amounts appropriated under this section shall remain available until expended, and any amounts authorized for any fiscal year under this section but not appro-

priated may be appropriated for any succeeding fiscal year commencing prior to July 1, 1970.

REVOLVING FUND

SEC. 510. (a) There is established a revolving fund, to be available without fiscal year limitation, for financing training and such other functions as are authorized or required to be performed by the Commission on a reimbursable basis by this Act and such other services as the Commission, with the approval of the Bureau of the Budget, determines may be performed more advantageously through such a fund.

(b) The capital of the fund shall consist of any appropriations made for the purpose of providing capital (which appropriations are hereby authorized), and such unexpended balances of appropriations or funds relating to the activities transferred to the fund and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Commission may transfer to the fund, less the related liabilities, unpaid obligations, and accrued annual leave of employees who are transferred to the activities financed by the fund at its inception.

(c) The fund shall be credited with—

(1) reimbursements or advance payments from available funds of the Commission, other Federal agencies, State or local governments, or other sources for supplies and services at rates which will approximate the expense of operations, including the accrual of annual leave, the depreciation of equipment, and the net losses on property transferred or donated; and

(2) receipts from sales or exchanges of property and payments for losses or damage to property accounted for under the fund.

(d) Any unobligated and unexpended balance in the fund that the Commission determines to be in excess of amounts needed for its operations shall be deposited in the Treasury as miscellaneous receipts.

LIMITATIONS ON AVAILABILITY OF FUNDS FOR COST SHARING

SEC. 511. Federal funds made available to State or local governments under other programs may not be used by the State or local government for cost-sharing purposes under grant provisions of this Act. State or local government funds used for cost sharing on other federally assisted programs may not be used for cost sharing under grant provision of this Act.

METHOD OF PAYMENT

SEC. 512. Payments under this Act may be made in installments, and in advance or by way of reimbursement, as the Commission may determine, with necessary adjustments on account of overpayments or underpayments.

EFFECTIVE DATE OF GRANT PROVISIONS

SEC. 513. Grant provisions of this Act shall become effective one hundred and eighty days following the date of enactment of this Act.

ADJOURNMENT

Mr. LONG of Louisiana. Mr. President, I move that the Senate adjourn until 12 noon tomorrow.

The motion was agreed to; and (at 3 o'clock and 16 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, November 7, 1967, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate November 6, 1967:

U.S. JUDGES

James M. Carter, of California, to be U.S. circuit judge for the ninth circuit, vice Gilbert H. Jertberg, retired.

Herbert N. Maletz, of Virginia, to be a judge of the U.S. Customs Court, vice Philip Nichols, Jr., elevated.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Paul G. Clark, of Massachusetts, to be an Assistant Administrator of the Agency for International Development.

DISTRICT OF COLUMBIA COURT OF GENERAL SESSIONS

Arthur Christopher, Jr., of the District of Columbia, to be associate judge of the District of Columbia court of general sessions for the term of 10 years, vice Catherine B. Kelly, elevated.

WITHDRAWAL

Executive nomination withdrawn from the Senate November 6, 1967:

DISTRICT OF COLUMBIA COURT OF GENERAL SESSIONS

William C. Gardner, of the District of Columbia, to be associate judge of the District of Columbia Court of General Sessions for the term of 10 years, vice Catherine B. Kelly, elevated, which was sent to the Senate on August 7, 1967.

HOUSE OF REPRESENTATIVES

MONDAY, NOVEMBER 6, 1967

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

My meat is to do the will of Him that sent me and to finish His work.—John 4: 34.

God of our fathers and our God, we would begin the day conscious of Thy presence and committing our lives anew to Thee. Sustain us with Thy spirit and make us ready for our responsibilities, equal to our experiences, and adequate for every task. In the midst of the heat of daily duties let not our strength fail, nor our steps falter, nor our vision fade.

Make us patient with each other and understanding, remembering that each one of us walks a lonely road and each one has struggles no one else knows.

Give to us a real reverence for personality, a deep desire to speak the truth, and an unending enthusiasm for the reign of liberty and justice in our Nation and in our world. In the Master's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Friday, November 3, 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 without amendment bills of the House of the following titles:

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

H.R. 11627. An act to amend the act of June 16, 1948, to authorize the State of Maryland, by and through its State roads commission or the successors of said commission, to construct, maintain, and operate certain additional bridges and tunnels in the State of Maryland.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1985) entitled "An act to amend the Federal Flood Insurance Act of 1956, to provide for a national program of flood insurance, and for other purposes, agrees to a conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPARKMAN, Mr. WILLIAMS of New Jersey, Mr. PROXMIRE, Mr. BENNETT, and Mr. HICKENLOOPER to be conferees on the part of the Senate.

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

S. 391. An act to amend the act of March 1, 1933 (47 Stat. 1418), entitled "An act to permanently set aside certain lands in Utah as an addition to the Navajo Indian Reservation, and for other purposes";

S. 561. An act to authorize the appropriation of funds for Cape Hatteras National Seashore; and

S. 1321. An act to establish the North Cascades National Park and Ross Lake and Lake Chelan National Recreation Areas, to designate the Pasayten Wilderness and to modify the Glacier Peak Wilderness, in the State of Washington, and for other purposes.

THE LATE HONORABLE CLARE HOFFMAN

Mr. HUTCHINSON. 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. HUTCHINSON. Mr. Speaker, it is my sad duty to announce to the House the death of my distinguished predecessor, Clare Hoffman. He passed away last Friday evening, November 3, at Allegan, Mich., his home. He was in the 93d year of his life. He had been in poor health since the fall of 1961, when he suffered the first of several strokes which, very much against his will, incapacitated him, and he reluctantly declined to be a candidate in 1962.

Since leaving the House of Representatives he has lived in complete retirement.

Funeral services will be held tomorrow afternoon in Allegan.

Mrs. Hoffman, his wife for nearly 70 years—now herself past 90 years of age—survives him, as do his two sons who followed their father into legal careers, and several grandchildren and great-grandchildren.

Mr. Speaker, Clare Hoffman was first elected to Congress in 1934, in the 60th year of his life, at an age when most men look forward to retirement, but not Clare Hoffman. He had no idea of retiring ever.

He came here after a long, prominent, and successful legal career, and served 28 years. Until his illness, his skill in debate and parliamentary procedure had no superior, as the 250 Members of the House who served with him will agree.

Mr. Speaker, I hope that within the next few days time can be arranged to eulogize the career of our late former colleague, Clare Hoffman.

At this point, Mr. Speaker, I include