SENATE

WEDNESDAY, NOVEMBER 8, 1967

The Senate met at 11 a.m., and was called to order by Hon. JOSEPH D. TYDINGS, a Senator from the State of Maryland.

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

Let us pray.

Our Father God, we come in the assurance not of our feeble hold of Thee but of Thy mighty grasp of us.

Let Thy work appear unto Thy servants and Thy glory unto Thy children.

And let the beauty of the Lord our God be upon us: Yea, the work of our hands establish Thou it.

We would pause at this wayside altar long enough to be reminded that what supremely counts has nothing to do with the appraisals of men or with honors and recognitions for which men contend, but has to do with what causes use us, what powers surge through us, what ideas master us before daylight fades and our little day is over.

Make us ministers of the good will which asks for itself nothing that it does not covet for the whole world, and which will not halt its growing sway until it joins all nations and kindreds and tongues and peoples into one fraternity that belts the globe.

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

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., November 8, 1967.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JOSEPH D. TYDINGS, a Senator from the State of Maryland, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

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

THE JOURNAL

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, November 7, 1967, be dispensed with.

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

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Is there morning business?

Mr. LONG of Louisiana. Mr. President, I suggest the absence of a quorum.

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Government Operations and the Committee on Aeronautical and Space Sciences be authorized to meet during the session of the Senate today.

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

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore (Mr. TYDINGS) laid before the Senate the following letters, which were referred as indicated:

REPORT OF EXPORT-IMPORT BANK

A letter from the President, Export-Import Bank of Washington, Washington, D.C., transmitting, pursuant to law, a report of that Bank, for the fiscal year ended June 30, 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 secret report on observations on the U.S. balance-of-payments position (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 observations on the U.S. balance-of-payments position, dated October 1967 (with an accompanying report); to the Committee on Government Operations.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The ACTING PRESIDENT pro tempore appointed Mr. MONRONEY and Mr. CARLSON members of the committee on the part of the Senate.

PETITION

The ACTING PRESIDENT pro tempore laid before the Senate a petition signed by Rev. Milan W. Tonn and Janet Marie Tonn, of Albany, Minn., remonstrating against giving aid to the Communist enemies of the United States, which was referred to the Committee on Foreign Relations.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. RANDOLPH, from the Committee on Public Works, with an amendment:

S. 2484. A bill to authorize the extension of the additional Senate Office Building site (Rept. No. 735).

BILLS INTRODUCED

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

By Mr. RIBICOFF:

S. 2635. A bill to amend the Internal Revenue Code of 1954 to provide that industrial development bonds are not to be considered obligations of States and local governments, the interest on which is exempt from Federal income tax; and

S. 2636. A bill to amend the Internal Revenue Code of 1954 to provide that arbitrage bonds are not to be considered obligations of States and local governments the interest on which is exempt from Federal income tax; to the Committee on Finance.

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

By Mr. BOGGS:

S. 2637. A bill for the relief of Avery Franklin Eskridge; to the Committee on the Judiciary.

By Mr. NELSON:

S. 2638. A bill to provide an improved and enforceable procedure for the notification of defects in tires; to the Committee on Commerce.

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

By Mr. METCALF:

S. 2639. A bill for the relief of Wai Tsoi, Shui Liu, Muk Cheung, and Leung Kan Sit; to the Committee on the Judiciary.

By Mr. GRUENING:

S. 2640. A bill for the relief of Yik Kam Lai, Ting Sang Yui, Mau Cheuk Hui, Kai Fu Cheng, and Hang Kwun Chan; to the Committee on the Judiciary.

By Mrs. SMITH:

S. 2641. A bill for the relief of John R. Perkins; to the Committee on the Judiciary.

By Mr. WILLIAMS of New Jersey:

S. 2642. A bill for the relief of Ngo Thi Hong Hao (Lynch) and minor child, Sein (Lynch); to the Committee on the Judiciary.

PROPOSED LEGISLATION RELATING TO AMENDMENT OF INTERNAL REVENUE CODE

Mr. RIBICOFF. Mr. President, I introduce for appropriate reference, a bill to amend the Internal Revenue Code of 1954 to provide that industrial development bonds are not to be considered obligations of States and local governments, the interest on which is exempt from Federal income tax, and a bill to amend the Internal Revenue Code to provide that arbitrage bonds are not to be considered obligations of States and local governments, the interest on which is exempt from Federal income tax.

Mr. President, for over 50 years our State and local governments have benefited in financing their governmental functions from the Federal income tax

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

exemption of the interest on their bonds. Because of this exemption investors have been willing to accept a lower rate of interest on school bonds, water and sewer bonds, and other similar State and local obligations, than they would demand if, like the bonds of the Federal Government, our State and local bonds were fully subject to Federal income tax.

However, recent abuses of the tax-exempt borrowing privilege are undermining the usefulness of this method of helping our State and local governments finance their legitimate functions at the lowest possible cost. These abuses, which are becoming more prevalent every day, represent an intolerable waste of our Federal tax dollars and a real and immediate threat to the ability of our State and local governments to borrow funds at reasonable interest rates to meet their expanding obligations.

The most widespread and well-known abuse of the tax-exempt borrowing privilege is the practice of issuing so-called industrial development bonds. These bonds have permitted some of our largest corporations to issue tax-exempt bonds to the detriment of the best interests of both the Federal Government and the State and local governments.

A typical case might involve a municipality which agrees to issue bonds to finance the building of a factory for a private corporation. The corporation in turn agrees to "rent" the factory for the exact amount needed to pay the interest and amortize the principal of the bonds. The bonds are generally revenue bonds payable only out of the rent and the municipality assumes no obligation, direct or indirect, for repayment of either principal or interest on the bonds. Thus, we are really confronted with bonds of a private corporation. But, because the municipality allows its name to appear on the bonds, it claims and passes on to the private corporation the full benefit of the lower interest rate. This rate stems from the Federal tax exemption of interest on legitimate State and local bonds.

These are truly corporate bonds and the local governments' involvement is often little more than a sham. This was graphically demonstrated last year. The 35 eligible voters of one small town were asked to approve a bond issue of $20 million in order to finance a plant for a prominent textile company. Indeed, the largest industrial bond issue ever announced, $140 million for a Japanese aluminum company, is to be issued by Port of Astoria, Oreg.—a town of less than 30,000 people.

The Federal Government's concern is obvious. The benefits received by the private corporation in the form of lower rental payments represent nothing more than an unauthorized Federal subsidy to private industry. The total cost of this subsidy—which is exclusively attributable to the interest exemption intended to help our State and local governments—is borne by other Federal taxpayers. However, viewed as a subsidy, industrial development bonds are totally unjustified. The benefit of such financing frequently goes to private corporations who do nothing different than they would have done without the use of industrial development bonds and in all cases the cost to the Federal Government in lost tax revenues considerably exceeds the financial benefits to the private corporations involved.

Unlike most Federal programs, the Federal expenditure is not a part of the Federal budget, was never passed on by Congress, and is not even subject to review by a Federal agency. The sole decision as to whether a private corporation shall receive the benefits of tax-exempt financing depends upon whether a local government will permit the use of its name on what are in reality corporate bonds. Moreover, because an agreement to permit the use of its name costs a governmental unit nothing, there is no apparent reason why any governmental unit would withhold its approval of any particular bond issue and of any subsidy.

However, the problem presented by industrial development bonds today is far more than just a problem of wasted Federal revenues. It has become a very serious problem for our State and local governments themselves. The benefit our State and local governments receive by the exemption of the interest on their bonds is dependent on the fact that tax-exempt bonds are a unique exception and that most bonds—both corporate and Federal—are fully subject to Federal income tax. As more and more tax-exempt bonds are issued the interest rate on all tax-exempt bonds, including school bonds, water and sewer bonds, will increase in order to make the total supply of exempt bonds attractive to lower bracket taxpayers. Thus, the cost of local government goes up.

Moreover, in recent years some of the largest industrial corporations in the Nation have used industrial development bonds and many of our smaller State and local governments increasingly find themselves handicapped when they are forced to compete for funds in the same limited market against these corporate giants.

For example, in recent years bonds have been issued or announced on behalf of Armco Steel Corp., Firestone Tire & Rubber Co., Litton Industries, Sinclair Oil, and United Fruit Co. The entry of many of our most prominent corporations into the tax-exempt bond market is also reflected by the dramatic increase in the average size of new public issues in recent years as well as in the geometric growth rate of the total of new issues.

In view of this situation one might well ask why our State and local governments continue to tolerate this abuse of a provision which was designed to help them meet their legitimate needs. The answer is that historically these bonds developed in such a manner that today, even though they pose a serious threat to the borrowing ability of our State and local governments, those same State and local governments are virtually powerless to stop them.

This type of financing was originally developed in 1936 in order to attract relatively small industrial concerns to rural areas. Even as late as 1960 only 13 States authorized industrial development bonds and the data available with respect to public issues in that year indicates that only $70 million in such bonds were issued. However, as interest rates rose States that did not authorize this form of financing found themselves at a handicap in retaining or attracting industry and were forced to authorize industrial development bonds as a competitive measure.

Today over 40 States sanction some form of this abuse and new public issues this year are expected to involve over $1 billion. In addition the private placement of such bonds, as to which no reliable date is available, may involve more than twice the amount of publicly sold issues this year.

Connecticut does not authorize industrial development bonds. As a consequence we have seen corporations which by all logic should have built new plants or expanded existing facilities in Connecticut lured to other areas.

The officials in my State recognize that industrial development bonds are a costly abuse of the tax exemption. It is an abuse that runs directly counter to the best interests of all the States in this country. Yet unless some meaningful action is taken soon, Connecticut will probably be forced, as a matter of self defense, to join the other States in authorizing and perpetuating this waste of Federal and local resources.

These facts explain the dilemma confronting all our State and local governments today. On one hand, since a corporation seeking tax-exempt financing has over 40 States to choose from, it is clear that industrial development bonds no longer serve as a method of attracting industry to any particular State. On the other hand, since an agreement by a State or local government to allow a private corporation to use its tax-exempt borrowing privilege costs the State or local government nothing, no governmental unit can afford by itself to end this abuse in its area for fear of losing industry to another locality.

This means that the use of industrial development bonds will continue to grow even though they have lost their advantage to the issuing State and local governments and have in fact become a detriment by driving up the interest costs for providing legitimate State and local services.

Thus we are confronted with the type of ludicrous situation which recently led one State to enact a law authorizing industrial development bonds throughout the State and simultaneously pass a resolution calling upon the Federal Government to deny the tax-exempt status of interest on industrial development bonds.

The rapid increase in industrial development bonds is today reaching crisis proportions. Occurring as it does at a time when our State and local governments are confronted with larger and larger demands to provide services and facilities for their citizens and when our Federal Government is confronted with an ever-increasing need for revenue, the use of industrial development bonds has presented us with a situation that can no longer be tolerated.

The Federal Government and the States must join together in eliminating this situation which threatens to undermine their own best interest. And because no State can be expected to end industrial development financing on its own while other States continue to permit such financing, the responsibility for action lies with Congress as the only body

with power to enact legislation that can be uniform and simultaneous throughout the 50 States.

In addition to industrial development bonds, another abuse of the tax exemption afforded State and local bonds has gained prominence within the last few years. I am referring to the so-called arbitrage bonds where a local government invests the proceeds of its tax-exempt issue in U.S. bonds which in turn secure the bonds issued. In effect the investor has a certificate evidencing an interest in Federal bonds, but the suggestion is made that the interest received is exempt because the funds pass through the hands of a local government unit.

The local government seeks to make a profit from the difference in interest rates that would arise, since interest on Federal bonds is taxable and the interest paid by the local government is claimed to be exempt. And this profit is claimed on the sole ground that the local government lends its name to a security—without assuming any risk, or responsibility, or work, or anything else.

It takes but little imagination to see that the unchecked spread of arbitrage bonds would pose as great a threat to the Federal revenues and the financing costs of State and local governments as industrial development bonds. From the investors standpoint arbitrage bonds are as secure as Federal bonds and any municipality in the country, no matter how small, could issue unlimited amounts of arbitrage bonds.

In theory the only limit on the amount of arbitrage bonds that could be added to the normal volume of tax-exempt bonds is determined by the amount of Federal obligations that are outstanding. However, the existence of arbitrage bonds on any sizable scale would drastically increase the cost of State and local government borrowings to finance legitimate governmental functions.

Last year the Internal Revenue Service announced that it would not rule on extending the interest exemption to arbitrage transactions under existing law. I am convinced that this action was correct. In essence, the issuing government which engages in an arbitrage transaction is nothing more than a trustee for the bondbuyers who are purchasing—not the obligations of a State or local government—but the obligation of the Federal Government.

I fail to see how an agreement by a locality to act as a conduit for passing interest on Federal bonds to private individuals can be considered the type of "obligation" of a State arising from the exercise of its borrowing power that is encompassed by existing law. To extend the interest exemption to these bonds seems to be outside both the purpose and the literal language of the law which exempts interest on obligations of a State or local government from tax but does not exempt interest on Federal bonds from tax.

A pertinent point here is that this same rationale also casts doubt on the validity of exempting the interest on industrial development bonds.

An examination of most industrial development issues makes it clear that the only real obligor is the private company for whose benefit the bonds are issued. However, the Internal Revenue Service has, for many years, been issuing rulings holding interest on these bonds tax exempt. That position was adopted when the magnitude of these offerings was small and the problems which now loom so clearly were difficult to perceive. I am sure that if the clock were set back the Service would, knowing what it now knows, rule differently.

On the other hand, facing the industrial development situation as it now exists, I feel a legislative solution to this facet of the problem is preferable to administrative action.

To this end, I am introducing a bill which will put a stop to the costly and self-defeating situation which the proliferation of industrial development bonds has brought about. In addition, even though I believe the Treasury Department's position on arbitrage bonds is correct under existing law, to avoid any misunderstandings I am also introducing a separate bill on this subject.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point a memorandum on trends in industrial bond financing prepared by the Treasury Department, followed by a letter and material from the Investment Bankers Association of America, a statement by the AFL–CIO executive council, and the text of the bills with a technical explanation of each.

The ACTING PRESIDENT pro tempore. The bills will be received and appropriately referred; and, without objection, the memorandum, letter, material, statement, bills, and technical explanations will be printed in the RECORD.

The items presented by Mr. RIBICOFF are as follows:

TRENDS IN INDUSTRIAL DEVELOPMENT BOND FINANCING

Generally, each industrial development bond issued by a governmental unit serves to finance a single project for a specific corporation. It is therefore possible to discern a trend in the size of firms acquiring facilities financed by these tax-exempt bonds by examining the changes in the average value of industrial development bond issues.

Prior to 1960, the estimated total value of industrial development bond debt outstanding was just above $100 million. In the seven years 1960–66, the dollar value of new industrial development bonds increased by an estimated $1.2 billion.[1] This absolute growth in the volume of industrial development bonds issued since 1960 is partly explained by the increase in the number of states permitting local units to borrow for this purpose. However, the increase in the number of states authorizing industrial development bonds has coincided with a marked rise in the size of projects financed.

Table I shows the estimated value of publicly issued industrial development bonds for the years 1956–66, the number of issues and the average amounts borrowed to finance projects in each year. The number of projects in each year is approximately equivalent to the number of issues shown in Column 2. Between 1956–60, 217 projects were financed and the average issue size ranged between $267,541–$742,797. Since 1961, the average amounts borrowed to finance industrial projects has ranged between $1.0–$3.0 million.

The growth in average value of projects financed since 1961, is due to the sharp increase in the number of large-scale projects financed, that is, projects in excess of $1 million. In Table 2, the number of issues exceeding $1 million since 1956 is shown. Prior to 1961, the largest industrial development bond issue was $9.5 million; however, between 1961–66, 19 single issues in excess of $20.0 million were floated. In 1966 alone the 8 largest issue accounted for $334 million,[2] more than 60 percent of the estimated $500 million in new public issues for that year. Finally, the preliminary 1967 data involving large issues set forth in Table III reveals that new public issues this year can be expected to substantially exceed $1 billion.

TABLE I.—ESTIMATED VALUE OF PUBLICLY ISSUED INDUSTRIAL DEVELOPMENT BONDS[1] BY LOCAL UNITS, NUMBER OF ISSUES REPORTED, AND AVERAGE ISSUE SIZE, 1956–66

Year	Total amount of bonds issued (thousands)	Number of issues	Average size of issue
1956	$6,421	24	267,541
1957	7,328	22	346,000
1958	12,746	47	271,000
1959	22,096	50	458,920
1960	56,383	74	742,797
1961	57,201	42	1,361,900
1962	77,877	64	1,216,800
1963	135,225	67	2,018,300
1964	201,571	82	2,458,200
1965	191,717	78	2,457,900
1966	504,460	133	3,792,932

[1] See, e.g., Bridges, "State and Local Inducements for Industry", 18 National Tax Journal, 7, 8 (1965).

TABLE II.—*Number of industrial development bonds issued in excess of $1 million, 1956–66*

Year:	*Number*
1956	1
1957	1
1958	2
1959	1
1960	9
1961	5
1962	14
1963	16
1964	25
1965	28
1966	46

[1] The material discussed in this memorandum is drawn primarily from data involving publicly offered industrial development bonds. In addition, there is a large volume of privately placed industrial development bonds which are not reflected in the above estimates. Commentators have estimated that the actual amount of industrial development bonds outstanding may be two to three times larger than estimates based on public offerings would indicate. See, *e.g.*, Bridges, *State & Local Inducements for Industry*, 18 National Tax Journal. 7. 8 (1965).

[2] The eight issues were: $60 million issued for Skelly Oil and American Can Co., $70 million for United Fruit Co., $35 million for Phoenix Steel Corp., $34.4 million for Armco Steel Corp., $46 million for Nookosa-Edwards Corp., $24 million for Air Reduction Co., and $27 million for Hercules Corp.

TABLE III.—INDUSTRIAL DEVELOPMENT BOND TRANSACTIONS EITHER PENDING OR COMPLETED IN 1967 (LARGE ISSUES ONLY)

Corporation	Municipality	Amount (millions)
Armco Steel	Middletown, Ohio	$82.5
Sinclair Petro-chemicals (subsidiary of Sinclair Oil).	Fort Madison, Iowa	60.0
Firestone Tire	Warren City, Ky	30.0
West Virginia Pulp & Paper	Wickliffe, Ky	80.0
Allied Supermarkets	Livonia, Mich	33.0
Georgia-Pacific	Crossett, Ark	75.0
Wycon Chemical	Cheyenne, Wyo	20.0
Minnesota Mining	Nevada, Mo	25.0
Southwire Co	Hancock City, Ky	90.0
Northwest Aluminum (subsidiary of Bell Intercontinental. Leases granted by Bell Intercontinental and Yawata Iron & Steel Co. of Japan.)	Warrenton, Oreg	140.0
Litton Industries (Shipbuilding)	Pascagoula, Miss	130.0
Hystran Fibers, Inc. (jointly owned by Hercules, Inc. and Farberwerke Hoechst A.G. of Frankfort, West Germany).	Spartanburg City, S.C	75.0
General Dynamics Shipyards	Quincy, Mass	$100.0
U.S. Plywood-Champion	Copeland, Ala	100.0
Boise-Cascade	De Ritter, La	110.0
Swiss Aluminum Ltd	Calcasieu Parish, La	75.0
Hercules	do	[1] 30.0
Do	Iberville Parish, La	[1] 30.0
Copolymer	West Baton Rouge Parish, La	20.0
Meade Corp	Michigan	60.0
Minnesota Mining	Weatherford, Okla	10.0
Ingals Shipyard (Litton Industries)	Lorain, Ohio	30.0
Frontier Refining	Cheyenne, Wyo	25.0
Allied Chemical	Green River, Wyo	20.0
Carrier Corp	Warren City, Tenn	12.5
Olin Mathieson	Bradley City, Tenn	12.0
Total		1,475.0

[1] $60,000,000 authorized.

INVESTMENT BANKERS ASSOCIATION OF AMERICA,
Washington, D.C., October 6, 1967.

Hon. ABRAHAM RIBICOFF,
Senate Office Building,
Washington, D.C.

DEAR SENATOR RIBICOFF: The Investment Bankers Association of America appreciates your continued interest and concern with the increased use of municipal tax exempt credit by corporations for their own private use, a practice referred to as municipal industrial financing. This practice is increasing at an extremely fast rate with prospects of over a billion dollars of new securities for this year. There is no question in the minds of many market experts that this increased volume is costing municipalities throughout the country higher interest rates. For example, it has been estimated by some investment bankers that the recent $55 million Fairfax County Water Authority Bonds were forced to carry ¼ to ⅜% higher interest rate because they sold during the same week that the Georgia Pacific Corporation sold $75 million tax-exempt securities under the name of Crossett, Arkansas at 5⅝%. Over the life of a bond issue of this size, it would cost the residents of Fairfax County approximately $4 million in excess interest charges.

The enclosed material shows the list of some of the issues coming to sale and one of which would be of particular interest to you is that of Hegeman Electric Co. of Hartford, Connecticut for expansion in Florence, Kentucky.

The members of our Association hope that you will continue to press for a solution to this problem.

Sincerely,

ALVIN V. SHOEMAKER.

[From the Daily Bond Buyer, Oct. 6, 1967]

APPROXIMATELY $12.3 MILLION BONDS TO BENEFIT INDUSTRY FOR FLORENCE, KY.

The City of Florence, Ky., is preparing for the sale of approximately $12,300,000 industrial revenue bonds to finance plant facilities for four industries to be located within the city.

Scheduled for sale on Oct. 24 is a $2,100,000 issue of Hegeman Electric Co., of Hartford, Conn., manufacturer of electrical control apparatus, wiring devices, and other electrical components.

THREE OTHER ISSUES

Three other issues, anticipated for sale in November, are:

Approximately $5,500,000 for the Hewitt-Robins Co., a division of Litton industries, manufacturer of conveyor systems.

Approximately $2,500,000 for the American Book Co., manufacturer of text books, and a subsidiary of Litton.

$2,200,000 for Globe-Union Inc., of Milwaukee, Wis., manufacturer of electronic devices.

Hayden, Stone, Inc., is financial consultant to the city for these four issues. Grafton, Ferguson, Fleischer & Harper are bond counsel.

BOND BUYER INDEX AT 33-YEAR HIGH

The Bond Buyer's 20 bond, 20-year Index touched a 33-year high yesterday when it registered a 4.25 per cent. This represented the tax-exempt market's lowest point since May 1, 1934, when the Index stood at 4.27 per cent, and places the market six basis points below last week's figure of 4.19 per cent.

In confirmation of the market's lower trend, the higher-grade 11-bond average hit a new recent high of 4.15 per cent, up from last week's 4.08 per cent, and the highest since Jan. 1, 1934, when it stood at 4.50 per cent.

[From the New York Times, Oct. 6, 1967]

BOND RATES SET 33-YEAR RECORD—LEVEL FOR MUNICIPAL ISSUES IS HIGHEST SINCE 1934—SOME SALES DELAYED—INDEX CLIMBS TO 4.25 PERCENT—BIG INDUSTRIAL AID OFFERINGS ARE CITED BY DEALERS AS A REASON FOR SPURT

(By John H. Allan)

Interest rates on tax-exempt municipal bonds have reached their highest level in 33 years, inching above the peak set in late summer last year.

The Bond Buyer's index of municipal bond yields, a widely followed weekly compilation, stood at 4.25 per cent yesterday, up from 4.19 a week ago.

Not since May 1, 1934, has the index been higher. Then, when tax-exemption was not quite the advantage to investors it is today, the index was 4.27.

At the peak of the squeeze in the credit markets in late August and early September, 1966, the index rose to 4.24 and stayed there, for two weeks.

SOME SALES DELAYED

Since mid-April, municipal bond prices have been falling, and interest rates rising along with other sectors of the money and capital markets.

Recently, the trend has been accentuated in the municipal bond market by the prospect of a large volume of sales of tax-exempt industrial development bonds. One compilation shows an estimated $825-million of these bonds scheduled for sale throughout the rest of 1967 and early in 1968.

Several cities recently have postponed bond sales because of high interest rates. A Houston sale of $39.8-million of bonds and a $3-million Daytona Beach, Fla., issue were delayed this week, for example.

Investment bankers offering bond issues auctioned in recent weeks have, in several cases permitted the securities to trade in the open market and prices have dropped sharply.

BALANCE OF FAIRFAX ISSUE IS TRADED IN FREE MARKET

The $7.3-million unsold balance of the $55-million Fairfax County, Va., Water Authority was allowed to trade in the free market. Prices dropped enough to raise yields on the bonds 30 basis points or more. When the bonds were originally offered on Sept. 26, they were priced to yield from 4 per cent in 1970 to 5 per cent in 2007.

The unsold balance of the $35.85-million of Washington bonds offered originally Sept. 13 was freed on Wednesday. Yields also rose about 30 basis points.

As a result, tax-exempted bond dealers seem a bit groggy, but not overwhelmed.

Is the municipal bond market veering toward chaos? Several dealers who were asked agreed conditions were confused, but not chaotic. "I find a lot of weakness but that's a lot different from panic," one investment banker said in a comment that seemed typical.

Another remarked that "things have become pretty bloody." A third commented, "This industrial revenue stuff is killing us."

This was a reference to the buildup in prospective sales of tax-exempt bonds to finance facilities to be leased to private industry. One Wall Street source listed the following 18 issues as likely to come to market over the next six months or so.

Beauregard, Miss., $100-million for the Boise Cascade Corporation; Cheyenne, Wyo., $15-million for Frontier Refining Company (in addition to the $20-million for Wycon Chemical Company) and Corbin, Ky., $7-million.

Also, Copeland, Ala., $100-million; Calcasieu, La., $62.7-million; Florence, Ky., $7-million; Hampden Township, Pa., $7-million to $10-million; Hartwell, Ga., $35-million and Iberville Parish, La., $25-million.

CLINTON, IOWA MAPS NEW BOND OFFERINGS

Also, Lafayette County, Miss., $9.5-million; Mentor, Ohio, $9.8-million; State of Mississippi, $100-million; Astoria, Ore., $142-million; Spartansburg, S.C., $75-million; Warren County, Tenn., $12.5-million; Weatherford, Okla., $8.5-million; Baton Rouge, La., $20-million; and Tama, Iowa, $7.5-million.

In addition, Clinton, Iowa, which negotiated a $60-million industrial aid bond issue last year, is now working to sell $30-million to $60-million more if bondholders approve.

The one bright spot in the tax-exempt bond market recently has been sales of small, highly rated issues. Erie County, N.Y. and Minneapolis, Minn., sold such issues yesterday.

A syndicate managed by the First Boston Corporation won Erie County's $5.25-million. It offered them publicly at yields from 3 per cent in 1968 up to 3.80 in 1980—yields little changed from representative triple-A bonds sold a week ago. The bonds were about half sold by late afternoon.

U.S. AND CORPORATE BONDS REGISTER FEW CHANGES

A Harris Trust and Savings Bank syndicate bought the Minneapolis bonds, scaled them to yield from 3.15 in 1968 to 3.90 in 1987 and have sold all but $615,000.

Prices of Government and corporate bonds showed few changes and traders reported activity as light.

In the new-issue market for corporate securities, Columbia Gas System, Inc., sold $25-million of debentures to a syndicate managed by Merrill Lynch, Pierce, Fenner & Smith, Inc., and White, Weld & Co. The group bid 99.409, specifying a 6⅝ per cent rate. It repriced them at 100.304 to yield 6.60 per cent to maturity in 1992. The securities are rated single-A and carry no special call protection. The underwriters estimated the issue about 45 per cent sold late in the day.

SATURN INDUSTRIES OFFERING IS MADE

The 6.60 per cent compares with a return of 6.25 per cent on the Wisconsin Natural Gas Company issue marketed Sept. 12 in the preceding sale of single-A gas company securities. The "Whisky Nats," however, were a smaller issue, are a rarer name in the bond market and carry a call price of 113.

A $10-million offering of Saturn Industries, Inc., 5½ per cent 20-year convertible debentures priced at 100 was made through Hornblower & Weeks-Hemphill, Noyes and Butcher & Sherrerd and their associates. The group also sold 174,000 common shares at $18.25 a share.

In the Eurobond market, the Kredietbank S. A. Luxembourgeoise reported that loans raised in this market in the first nine months of 1967 totaled $1,241,000,000, a 48 per cent rise from the 1966 period. The total for 1967 could approach $2-billion, it predicted, according to Reuters.

In New York, it was reported Kredietbank is readying a unit-of-account loan for Companhia Uniau Fabril, a diversified Portuguese chemical concern. The loan is expected to equal $5-million and be priced as 6¾s at 98. It would mature in 10 years.

STATEMENT BY THE AFL–CIO EXECUTIVE COUNCIL ON THE GROWING MENACE OF INDUSTRIAL BOND FINANCING, FEBRUARY 23, 1967

Across the country a scheme to saddle the public with the cost of building plants for private use—through the misuse of tax-free state and local government bonds—has been rapidly gaining momentum. First conceived in Mississippi in the 1930's and confined until recently to the south, this device has been so successful in luring industry to the communities that resort to it, it now has been sanctioned by over 30 states and the list grows year by year. Yet this misuse of public bonds for private-profit purposes threatens the job security of workers everywhere and the welfare of almost everyone.

This plant-enticing scheme is possible through a deliberate perversion of the privilege enjoyed by states and localities to issue bonds on which interest payments are free of all federal tax. These tax-exempt bonds were intended to provide a federal subsidy to help states and localities finance expanded public services. They were not intended, however, to finance the building of plants for private employers—often specifically to lure them from other communities.

The private-profit advantages that result from this abuse of the public bonding privilege are substantial:

Because local government agencies can sell tax-free bonds at a low interest rate, factory-financing costs are considerably lower than when an employer has to raise the money himself.

Moreover, often the employer buys such bonds himself and then pockets the tax-free interest.

What is more, when the employer moves into the plant—often built to his own specifications—he pays only a minimal rental which also is deductible as a business cost, tax-free.

Finally, because the plant is "publicly" owned, even payment of a local property tax generally is evaded.

Each year, this scandalous misuse of tax-free bonds for private profit spreads, and even some of our corporate giants are now getting into the act. And as a consequence, scores of thousands of American workers already have lost their jobs because of the loophole in the federal tax law that encourages plants piracy via industrial bond financing. Ironically, it is the federal taxes paid by all Americans—even those levied on workers who are the victims of this loophole—that subsidize this misuse of public bonds.

What is more, these industrial-bond-financing schemes also cause a mounting federal revenue loss, they undermine business competitors who financed their own plant construction and they saddle local communities with unwholesome burdens of debt. Finally, this perversion of the state and local tax-free bonding privilege undermines the effort of the federal government itself to aid genuinely distressed areas by legitimate means, and to prevent the creation of new ones.

Because of all of these evils, the AFL–CIO has long urged the Congress to end the malpractice of industrial bond financing. And because of the rapid spread of this menace, important allies recently have emerged. Enlightened business groups, the Advisory Commission on Intergovernmental Relations, the Secretary of the Treasury and many Democrats and Republicans in the Congress have expressed deep concern over the dangers inherent in industrial bond financing.

Only a month ago the President's Council of Economic Advisers warned that "the use of the federal tax code in this fashion is inefficient and inappropriate."

While more states are resorting to this undesirable practice, there is a growing desire among the states for the federal government to eliminate it.

The AFL–CIO Executive Council believes the federal government has an obligation to call a halt to this type of industrial piracy because it not only means a loss of needed revenue to the U.S. Treasury and other levels of government but also means an addition to the already unfair tax burden borne by middle and low-income families. The federal tax statutes are already shot full of special privilege and loopholes for industry and the more affluent. To preserve the progressive features of the federal tax laws that remain, and to prevent state and local tax laws from becoming more regressive, the use of tax-exempt bonds for plant piracy must be prohibited.

Once again, the AFL–CIO calls upon the Administration to close the federal tax loophole that has far too long abetted the menace of industrial bond financing. The time for action to end this evil is now.

The bill (S. 2635) to amend the Internal Revenue Code of 1954 to provide that industrial development bonds are not to be considered obligations of States and local governments, the interest on which is exempt from Federal income tax, introduced by Mr. RIBICOFF, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 2635

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 103 of the Internal Revenue Code of 1954 (relating to interest on certain governmental obligations) is amended by relettering subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) INDUSTRIAL DEVELOPMENT BONDS.—

"(1) Subsection (a)(1) not to apply. Any industrial development bond (as defined in paragraph (2)) issued after December 31, 1967, shall not be considered an obligation described in subsection (a)(1).

"(2) INDUSTRIAL DEVELOPMENT BOND DEFINED.—

"(A) In general.—For the purposes of this subsection, the term 'industrial development bond' means an obligation the payment of the principal or interest on which is—

"(i) secured in whole or in part by a lien, mortgage, pledge, or other security interest in property of a character subject to the allowance for depreciation, or

"(ii) secured in whole or in part by an interest in (or to be derived primarily from) payments to be made in respect of money or property of a character subject to the allowance for depreciation.

which is or will be used, under a lease, sale or loan arrangement, for industrial or commercial purposes.

"(B) Exceptions.—For purposes of subparagraph (A), property shall not be treated as used for industrial or commercial purposes if it is used—

"(i) to provide entertainment (including sporting events) or recreational facilities for the general public;

"(ii) to provide facilities for the holding of a convention, trade show, or similar event;

"(iii) as an airport, dock, wharf, or similar transportation facility;

"(iv) in the furnishing or sale of electric energy, gas, water, or sewage disposal services; or

"(v) in an active trade or business owned and operated by any organization described in subsection (a)(1).

"(3) EXCEPTIONS.—Paragraph (1) shall not apply to any obligation issued before January 1, 1969, for a project assisted by the United States under title I of the Housing Act of 1949 (42 U.S.C., sec. 1450 and following, relating to slum clearance and urban renewal) or under title I or title II of the Public Works and Economic Development Act of 1965 (42 U.S.C., sec. 3131 and following)."

(b) Section 102(g) of the Housing Act of 1949, as amended (42 U.S.C., sec. 1452 (g)), is amended to read as follows:

"(g) Obligations, including interest thereon, other than industrial development bonds (within the meaning of section 103(c) of the Internal Revenue Code of 1954), issued by local public agencies for projects assisted pursuant to this title, and income derived by such agencies from such projects, shall be exempt from all taxation now or hereafter imposed by the United States."

(c) The amendment made by subsection (a) shall apply with respect to taxable years ending after December 31, 1967.

The technical explanation of Senate bill 2635, presented by Mr. RIBICOFF, is as follows:

TECHNICAL EXPLANATION OF PROPOSED AMENDMENT TO SECTION 103 OF THE INTERNAL REVENUE CODE OF 1954 RELATING TO INDUSTRIAL DEVELOPMENT BONDS

The proposed bill amends section 103 of the Internal Revenue Code by adding new subsection (c). Paragraph (1) of subsection (c) provides simply that an industrial development bond issued after December 31, 1967, shall not be considered an obligation of a State or local government the interest on which is exempt from tax. The definitional aspects of the proposed bill contains the major substantive provisions.

Paragraph (2) of new subsection (c) defines the term "industrial development bond" as any obligation the payment of

principal and interest on which is either—(1) secured by an interest in property of a character subject to the allowance for depreciation or (2) secured (or to be derived primarily from) payments to be made with respect to money or property of a character subject to the allowance for depreciation—which is or will be used, under a lease, sale or loan arrangement for industrial or commercial purposes. In the case of the typical industrial development bond the issuing governmental unit uses the proceeds to construct a facility for lease to a private corporation and an interest in the property is pledged as security for the rental payments. In other cases a deferred payment sale contract may be used instead of a lease but the substance of the transaction is not otherwise altered. In still other cases the bond proceeds may be loaned directly to the private corporation as a working capital loan, to purchase equipment, or for similar purposes. However, irrespective of whether the transaction takes the form of a loan, sale, or lease, it is normal to secure payment of the bonds by pledging either the specific property involved or the payments to be made under the loan, lease or sale contract. Therefore, subparagraph (A)(i) and (ii) includes within the definition of industrial development bond all obligations the payment of principal or interest on which is secured by either (i) the specific property or (ii) an interest in the payments to be made with respect to money loaned or non-depreciable property leased or sold for industrial or commercial purposes.

The essence of an industrial development bond is that it is a device for passing on the benefits of the interest exemption to a private industrial or commercial enterprise. By limiting the definition to cases in which such an enterprise uses the property under a lease, sale or loan arrangement and by also requiring that the property or payment with respect to such property, be pledged as security for the obligation, the bill carefully delineates those financial transactions which involve bonds issued for the purpose of financing industrial or commercial enterprises. Further, by limiting the property involved to cash loans and depreciable property the bill excepts transactions, such as many industrial parks, which involve unimproved land exclusively. The bill thus recognizes that there may be situations where, if land is to be used, a governmental unit must make initial preparations (such as filling a swamp or installing sewage facilities) that no private entrepreneur would be willing or capable of undertaking. However, if in addition to land depreciable property, such as a factory or department store is involved, and the issue is secured in part by such depreciable property the bonds will constitute industrial development bonds.

In addition, if a local government creates a separate governmental authority to issue industrial development bonds, or if a nonprofit corporation is used with authority to issue bonds on behalf of a local government, it is possible to achieve the effect of a security interest in property without a direct pledge of the property involved. This would be true, for example, where an industrial financing authority was created and its powers limited so that its income was primarily derived from the lease or sale of industrial facilities and its expenditures limited in such a way that most of its income could only be expended on principal and interest payment for issued bonds. Since this situation would be tantamount to a security arrangement, the parenthetical clause of part (ii) of subparagraph (A) includes bonds issued in circumstances which demonstrate that repayment is primarily to be derived from payments on a lease, sale, or loan to a private corporation. This provision does not, of course, extend to obligations of a local government merely because, in addition to performance of its normal governmental functions, the government also owns property which it happens to lease for industrial or commercial purposes.

The phrase "industrial or commercial purposes" is intended to have its customary meaning and is not specifically defined by the bill. Thus, for example, bonds issued to construct a facility for an exempt organization, such as a college dormitory, would not be an industrial development bond. In addition, subparagraph (B) of paragraph (2) provides that leases for certain specified purposes shall not be considered leases for industrial or commercial purposes within the purview of the bill. Specifically enumerated are bonds issued to finance facilities which are leased for the purposes of providing entertainment or recreation; for holding of a convention, trade show or similar event; as an airport, dock, wharf or similar transportation terminal; or in the furnishing or sale of electric energy, gas, water, or sewage disposal services. Thus, for example, bonds issued to finance a stadium run by the municipality and leased to various profit-making enterprises for baseball, football, and other similar events, would not be industrial development bonds.

Subparagraph (B)(v) adds a more general exception to make it clear that bonds issued with respect to property used in active trade or business owned and operated by a governmental unit will not be industrial development bonds. Thus, for example, if a municipality were to issue bonds to finance a large apartment building which was to be leased to a substantial number of different tenants with the length of the leases unrelated to the life of the bonds, the municipality would be engaged in the active conduct of a real estate rental business and the bonds in question would not be industrial development bonds within the meaning of this provision. The present bill is confined to cases where the arrangement involves an attempt by a State or local government to pass on to private commercial enterprises the lower interest rates which result from the exemption of interest on State and local bonds.

In accordance with paragraph (1) of new subsection (c) the bill is applicable to bonds issued after December 31, 1967, and applies with respect to taxable years ending after that date. However, since certain Federally assisted projects may involve the issuance of industrial development bonds, paragraph (3) of new subsection (c) provides as a limited transition rule for such cases that only bonds issued after January 1, 1969, will be considered industrial development bonds. Section (g) of the draft bill makes a conforming change in the Housing Act of 1949.

The bill (S. 2636) to amend the Internal Revenue Code of 1954 to provide that arbitrage bonds are not to be considered obligations of States and local governments the interest on which is exempt from Federal income tax, introduced by Mr. RIBICOFF, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 2636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 103 of the Internal Revenue Code of 1954 (relating to interest on certain governmental obligations) is amended by relettering subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) ARBITRAGE BONDS.—

"(1) SUBSECTION (a)(1) NOT TO APPLY.—Any arbitrage bond (as defined in paragraph (2)) shall not be considered an obligation described in subsection (a)(1).

"(2) ARBITRAGE BONDS DEFINED.—

"(A) In general.—For purposes of this subsection, the term 'arbitrage bond' means any obligation if, under the terms of the obligation or any underlying agreement, any portion of the proceeds of the issue of which the obligation is a part may be invested, directly or indirectly, in any securities (other than obligations the interest on which is excluded from gross income under subsection (a) after the application of this subsection) which yield a higher return (taking into account any discount or any premium) that the obligation being issued, and such securities are required to be held as security for any obligations the interest on which is excluded from gross income under subsection (a) before the application of this subsection.

"(B) Exceptions.—Subparagraph (A) shall not apply to an obligation—

"(i) if under the terms of the obligation or underlying agreement all of such securities (other than those described in (ii) and (iii) below) in which the proceeds may be invested may not be held longer than two years from the date of the issuance of the obligation;

"(ii) if the obligation or an underlying agreement limits the amount of the proceeds which may be invested in such securities as of the beginning of any annual accounting period provided for in the obligation or underlying agreement to not more than the amount of interest and principal payments required to be made with respect to such obligation within such annual accounting period and the accounting period following such annual accounting period;

"(iii) to the extent that the proceeds of such obligation are to be used to construct a facility the actual construction of which (other than acquisition of land) must commence within two years from the date of such issuance if under the terms of the obligation or underlying agreement the portion of the proceeds to be used in connection with such construction may not be invested in such securities for a period in excess of five years from the issuance of such obligation.

"(3) SPECIAL SERIES OF OBLIGATIONS.—At the request of an organization described in subsection (a)(1), the Secretary is authorized under the Second Liberty Bond Act, as amended (31 U.S.C., sec. 752 and following), to provide for the issuance of a special series of obligations of the United States the yields on which shall not exceed the yields on obligations described in paragraph (2).

(b) The amendment made by subsection (a) shall apply only with respect to interest on bonds issued after the date of the enactment of this Act.

The technical explanation of Senate bill 2636, presented by Mr. RIBICOFF, is as follows:

TECHNICAL EXPLANATION OF PROPOSED AMENDMENT TO SECTION 103 OF THE INTERNAL REVENUE CODE OF 1954 RELATING TO ARBITRAGE BONDS

The proposed bill amends section 103 of the Internal Revenue Code by adding new subsection (c). Paragraph (1) of Subsection (c) provides that an arbitrage bond shall not be considered an obligation of a State or local government the interest on which is exempt from tax.

Paragraph (1) of new subsection (c) defines the term "arbitrage bond." Subparagraph (A) provides that a bond will only be considered an arbitrage bond (1) if under the terms of the issue, the State or local government may invest the proceeds of the issue in taxable obligations yielding a higher rate of interest than the issue in question, and (2) if the portion of the proceeds so invested is required to be held as security for the payment of the issue in question or any other bond issue the interest payments on which are exempt from Federal income tax.

This definition and the several exceptions discussed below have been drafted in a manner that will permit a prospective purchaser

to determine from the terms of the obligation and underlying agreement that a given obligation is not an arbitrage bond. By the same token an issuing governmental unit, by carefully drafting the bond agreement, can insure that a bond will not come within the definition of an arbitrage bond. This aspect of the bill as well as the exceptions contained in subparagraph (B) will allow State and local governments unfettered freedom to engage in any financing arrangement necessary to achieve the basic purpose of a particular bond issue. Subparagraph (B) excludes from the definition of an arbitrage bond certain common situations which may require a limited investment of the proceeds in taxable securities and it is anticipated that these exceptions will render the bill inapplicable to the vast majority of governmental bond issues. It is also recognized, however, that certain abnormal situations may prompt the issuance of bonds which require an investment exceeding the specified limitations. A municipality, confronted with such an abnormal situation, may avoid the provisions of the bill if it confines any investment exceeding the specified limits to securities which do not yield a higher rate of interest than the bonds being issued. Paragraph (3) of the new subsection (c) authorizes the Secretary of the Treasury to provide for the issuance of special federal obligations which will meet this requirement for municipalities which are unable to purchase bonds yielding the same or a lower interest rate as the issue in question on the open market.

For example, municipalities often find it desirable to engage in advance refunding transactions in order to insure an orderly transition between an outstanding issue approaching maturity and a new issue which is to replace the maturing bonds. The municipality will invest the proceeds of the new issue in securities to be held in escrow for the benefit of the outstanding bonds. Subparagraph (B) (i) of the new subsection (c) (3) provides a general two year exception which would exclude advance refunding issues from the definition of an arbitrage bond if the proceeds could not be invested in higher yield taxable securities for longer than two years. The two year limitation contains the investment profit within tolerable limits and insures that any profit that results is primarily a by-product of the transaction rather than its essential purpose.

On the other hand, in certain unusual cases it may be desirable to invest the proceeds of an advance refunding issue for a period exceeding two years. An oft cited example involves revenue bonds which were issued to build a bridge and which contain a restrictive convenant prohibiting the erection of a second bridge in the same area. A municipality may engage in an advance refunding transaction in order to secure a release from the restrictive covenant and simultaneously raise revenues to build a second bridge. If the portion of the proceeds which are to be held in escrow for the outstanding bonds are to be held for a period in excess of two years (because the outstanding bonds are not callable) the newly issued bonds will constitute arbitrage bonds under the bill unless the municipality also agrees that the proceeds will not be invested in bonds yielding a higher rate of interest than the advance refunding bonds once the two year period is past. If it is necessary, to comply with such an agreement, the municipality may request the Secretary of the Treasury to issue a special series of federal bonds whose yields will not exceed the interest on the advance refunding issue. In this way the bill provides maximum flexibility for all state and local government financing needs while limiting the amount of unjustified profit that may be realized through arbitrage trading on the interest differential between taxable and nontaxable obligations.

In addition to a general two year exception, subparagraph (B) (ii) permits a State or local government to set aside out of the proceeds of a new issue and invest an amount equal to that needed to pay the interest and principal (if any) during a two year period after the date of issue of the obligation. The fund so set aside and invested as a debt service reserve must be reduced in future years as bonds are paid off and the interest and principal requirements needed to meet payments during successive two year periods becomes smaller. Part (iii) of subparagraph (B) provides an additional exception for bonds issued to construct new facilities. Under that provision, if construction is to commence within one year of the bond issue, the proceeds borrowed to permit construction may be invested in taxable obligations yielding a higher return for up to five years from the date of the bond issue.

As in the case of the advance refunding bonds, if a municipality finds it necessary to have a larger debt service reserve or to have a longer construction reserve, the bonds will not constitute arbitrage bonds if the municipality confines the investment which exceeds the specified amount or period to securities which do not yield a higher rate of interest than the interest called for by the bonds in question.

DEFECTIVE TIRES MUST BE RECALLED

Mr. NELSON. Mr. President, I introduce, for appropriate reference, a bill to direct the Secretary of Transportation to develop a procedure for the recall of defectively manufactured tires.

The bill would amend the National Traffic Safety Act to require the Secretary of Transportation, within 6 months, to develop procedures under which the tire manufacturers would notify every tire purchaser of potential defects in his tire. The notification—by certified mail—would explain the nature of the suspected defect and an evaluation of the safety hazard as well as measures to be taken to correct the defect.

In recent months I have received increasing numbers of letters from tire users who have experienced multiple failures of new tires. Let me cite a few examples:

A Washington, D.C., motorist wrote:

In June of this year, I purchased a 1967 ——— equipped with new, wide oval ——— tires. After about 1,500 miles, the tires began to crack, split and peel. By the time the mileage had reached 3,000, the general disintegration of all four tires had reached such an extent that they had to be replaced. The ——— tire dealer assured me that the replacements would not crack, split or peel because the tire had been redesigned.

A Fresno, Calif., widow wrote:

I took delivery on a new ——— in May of this year, because, having been recently widowed and age 62, I wanted a trouble-free car. One Sunday afternoon, when the speedometer showed 3,290 miles, I found I had a tire almost flat. The station operator found that the fabric inside was literally cut to pieces. The other front tire was found to be the same. The back two tires on examination showed a separation at the inside seams where a finger could be placed between the fabric and the rubber.

A tire executive for 15 years wrote:

My personal experience with ——— (tire manufacturer) on a new ——— this past year when four of the tires had to be replaced at approximately 5,000 miles is a good illustration of how the tire companies rob the public . . . even when there are admitted defects.

In many of these cases when these tires were returned to the dealers, they were judged by an expert to be "defective." Fortunately, these letter writers have lived to tell their stories. It is impossible to tell how many have not. For in none of these instances, to my knowledge, has there been a public notification—to the tire owner, the dealer and the press—about this safety hazard. Nor has there been a concerted effort to recall these defective products from their owners.

Under the National Traffic Safety Act passed last year, "motor vehicle manufacturers" are required to notify all car owners by certified mail of any possible safety defect in their automobile. These defect notices must also be sent to the National Highway Safety Bureau.

Over 4 million cars have been recalled in the last year under this program. The astonishing response to this law is clear evidence of the need for such a requirement. Certainly motorists deserve the same measure of protection from defective tires as they now receive from defective cars.

In an effort to determine what system the tire companies use to identify and recall possibly defective tires, last August I wrote to 21 major tire manufacturers in the United States and Europe. I specifically asked each company how they notify the consumer that he has a defective tire, how many tires they have recalled over the last 7 years and how effective these recall campaigns have been.

Twenty of the twenty-one companies have now replied. I ask unanimous consent to have these replies along with my original letter and a copy of the bill printed in the RECORD at the conclusion of my remarks.

These letters document an urgent need for a tire recall program to protect the consumer from defective and dangerous tires. The replies point out clearly that:

Serious quality control problems do exist in the tire industry as in every other manufacturing process. Eleven companies conceded that despite elaborate inspection systems, they continually experience quality control problems.

A number of defective tires are reaching the marketplace, and this number is quite probably much larger than any figures reveal. Six companies replied that they have recalled a total of more than 125,200 tires in the last 7 years for inspection of defects.

Despite the fact that defective tires are reaching the consumer, there has never been a systematic recall of such tires from the consumer. In all cases related, the tires were recalled from warehouses or dealers. Because most tire companies have no system for keeping track of their product after it leaves the factory, they contend that it is impossible for them to locate the owners of defective tires.

The consumer is clearly not being reached under the present system.

It surprised me that some tire manufacturers simply refused to answer the important questions posed in my letter. This refusal in itself indicates a lack of regard for public safety.

Furthermore, several tire companies refused to acknowledge their responsibility for potentially defective tires and placed all the burden for discovering such defects on the consumer. Instead of openly discussing the problems of quality control and defective tires, some tire companies hid behind the old cliche of "customer abuse and wear" as the only reason for tire failure, while admitting that there are over a million unsafe tires on the road today.

We have established beyond a shadow of a doubt that a certain number of defective tires are produced, even in the finest of our plants, and fall into the hands of unsuspecting motorists.

Congress has a clear responsibility to require a recall system for these tires, just as we now require the recall of all potentially defective automobiles. It is high time we put the responsibility for defective tires on the tire manufacturer, where it legally and rightfully belongs.

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

The bill (S. 2638) to provide an improved and enforceable procedure for the notification of defects in tires, introduced by Mr. NELSON, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 2638

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

"SEC. 206. (a) In addition to the requirements of section 113 of this Act, relating to notification of defects, not later than 6 months after the enactment of this section, the Secretary shall establish procedures under which every manufacturer of tires shall be required to furnish notification of any defect in any tire produced by such manufacturer which the manufacturer determines, in good faith, relates to motor vehicle safety, to the last purchaser of such tire known to the manufacturer, within a reasonable time after such manufacturer has discovered such defect.

"(b) The procedures established pursuant to this section shall provide—

"(1) a method of notice to each tire manufacturer of the names and addresses of the purchasers of the tires of such manufacturer;

"(2) for notification (A) by certified mail to tire purchasers other than dealers of tire manufacturers to whom tires were delivered, (B) by certified mail or other more expeditious means to dealers of tire manufacturers to whom tires were delivered, and (C) by such other means as the Secretary deems will assist in carrying out the purposes of this Act; and

"(3) coordination of the requirements of this section with the requirements of section 113 of this Act so as to avoid unnecessary duplication of notification of tire defects while assuring the greatest probability of notification to the user of a tire as to a defect therein as soon as possible.

"(c) The notification required by this section shall contain a clear description of such defect, an evaluation of the risk to traffic safety reasonably related to such defect, and a statement of the measures to be taken to repair such defect or to replace, if necessary, any tire with such a defect.

"(d) Every manufacturer of tires shall furnish to the Secretary a true or representative copy of all notices, bulletins, and other communications to the dealers of such manufacturer or purchasers of tires of such manufacturer regarding any defect in such tires sold or serviced by such dealer. The Secretary shall disclose so much of the information contained in such notice to the public as he deems will assist in carrying out the purposes of this Act, but he shall not disclose any information which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code unless he determines that it is necessary to carry out the purposes of this Act.

"(e) If through testing, inspection, investigation, or research carried out pursuant to this title, or examination of reports pursuant to subsection (d) of this section, or otherwise, the Secretary determines that tires of any class or description—

"(1) do not comply with an applicable Federal motor vehicle safety standard prescribed pursuant to this Act; or

"(2) contain a defect which relates to motor vehicle safety;

then he shall immediately notify the manufacturer of tires of such class or description of such defect or failure to comply. The notice shall contain the findings of the Secretary and shall include all information upon which the findings are based. The Secretary shall afford such manufacturer an opportunity to present his views and evidence in support thereof, to establish that there is no failure of compliance or that the alleged defect does not affect motor vehicle safety. If after such presentation by the manufacturer the Secretary determines that tires of such class or description do not comply with applicable Federal motor vehicle safety standards, or contain a defect which relates to motor vehicle safety, the Secretary shall direct the manufacturer to furnish the notification specified in subsection (c) of this section to the purchaser of any such tire as provided in subsections (a) and (b) of this section.

"(f) For the purpose of this section the term 'manufacturer of tires' includes the retreader in the case of retreaded tires."

SEC. 2. Section 108(a)(4) of the National Traffic and Motor Vehicle Safety Act of 1966 is amended by inserting "or section 206" immediately after "section 113".

The letters presented by Mr. NELSON are as follows:

WASHINGTON, D.C.—Senator Gaylord Nelson of Wisconsin sent the following letter to 18 domestic and 3 European tire manufacturers:

"Over the past several years, I have received hundreds of letters from dissatisfied tire owners. Their complaints are varied. But in rereading these letters now I am struck by the number which refer to multiple failures of new tires, sometimes four out of four, and in a few shocking cases eight out of eight. In many of these instances, when the tire was returned to the dealer, it was judged by an expert to be defective.

"Let me cite a few examples.

"A man from Appleton, Wisconsin wrote:

"'My 1966 ——— came equipped with ——— tires. At 16,000 miles these tires literally fell apart. After some conversation with the tire company, these tires were replaced with a like tire. The local dealer agreed that the tires were defective. Now the replacement tires are following the same route, this time after approximately 10,000 miles. Again the local dealer agrees that the tires are defective. These tires were used only 9 months and I am assured they are a first line tire costing in the neighborhood of $45 each.'

"A doctor from Kentucky wrote:

"'On April 18, 1967 we purchased four ——— tires with the verbal understanding that they had the usual guarantee against any defect in the manufacturing of the tire. On June 26, 1967 we had to have three of the tires replaced and the fourth was replaced three days later. They came apart at the red line. The four new tires are again coming apart after two weeks. The gas station that we do business with has had other customers who are having the same trouble with this same tire. A tire that cost $40.00 and is that poorly made should not be offered to the public.'

"Fortunately, these people lived to tell their story. It is hard to tell how many have not. For in none of these instances, to my knowledge, has there been a public notification—to the tire owner, the dealer and the press—about this safety hazard. Nor has there been a concerted effort to recall these defective products from these owners. Yet it is clear that quality control problems do persist in tire manufacturing, as in automobile manufacturing, and that patently defective tires do on occasion reach the unsuspecting consumer.

"A particularly disturbing case of failure of public notification came to my attention this spring. A special "safety" tire, which has a list price of $125.00 each, failed to pass a tire industry safety test. As a result, the Rubber Manufacturers Association removed the tire from its list of approved tires. It was reported that chunks of the tire broke off when it was put under extra heavy loads and tested at high speeds. (The tire, incidentally, is made especially for heavy high-powered cars such as the Cadillac.) The response of the tire company involved was frighteningly unconcerned. ". . . we have no intention of recalling any tires," the president said.

"The Senate Commerce Committee hearings on tire standards in 1965 produced another example. According to a committee witness, the New York Automobile Club purchased new premium tires for twenty of their staff cars. These tires were made by a large U.S. tire manufacturer and were advertised as the safest in the world with a retail price above $50.00 each. It was soon noticed by the Club officials that these tires had much poorer traction than lower priced tires. After being notified of this situation, the manufacturers replaced the entire group of tires. The trouble stemmed from a rubber compounding error. Other similar tires were not recalled from other car owners.

"Both cases are serious violations of the public's trust in these tire manufacturers. If there is reason to believe that a tire is defective and a potential safety hazard, the tire company has an obligation to inform the customer of this fact. Whether a person has paid $500 to equip his car with 'extra-safe' tires or $80 for adequate tires, or whether a delicate public relations problem is involved is irrelevant.

"Every effort must be made to get this life-saving information out to the people whose lives are endangered—the people who are riding on unsafe tires. The tire companies have the resources at hand to do the job.

"As you know, under the National Traffic Safety Act passed last year, 'motor vehicle manufacturers' are required to notify all car owners by certified mail of any possible safety defect in their automobile. These defect notifications must also be sent to the National Highway Safety Bureau. It is impossible to estimate how many lives have been saved or how many accidents and injuries prevented as a result of this public notification and recall campaign. But the fact that over two million cars have been recalled so far indicates the need for such a program.

"As Congress continues to evaluate the national traffic safety program, I think it would be very helpful to have a thorough and detailed review of the tire industry's notification and recall campaigns since 1960, such as the automobile industry provided last

year. Comprehensive information dealing with your corporate policy on recalls and corrections, the nature of your feedback alert system to detect defective tires and actual recall campaigns would be very useful. In regard to the actual recall campaigns since 1960, I would appreciate having the following breakdown:

"(a) a list of recalled or modified tires by number, type and size

"(b) the date of recall

"(c) the nature of the defect

"(d) the length of time between the first marketing date and the discovery of the defect

"(e) the date of the initial discovery which led to the recall campaign

"(f) the efficiency of recall campaigns at stated dates and in terms of numbers located and recalled

"(g) parties from whom tires were recalled—wholesalers, dealers or final consumers

"(h) whether the tires were sold or leased

"(i) data on defective tires not recalled

"(j) copies of recall or modification letters or other notifications to wholesalers, dealers and consumers

"In addition, it would be useful to know what kind of a system has been devised by which tires which are found not to comply with the new federal tire safety standards can be located and recalled.

"I appreciate your cooperation in this important matter and look forward to hearing from you.

"Sincerely yours,

"GAYLORD NELSON,
"*U.S. Senator.*"

THE B. F. GOODRICH CO.,
Akron, Ohio, August 22, 1967.

Hon. GAYLORD NELSON,
U.S. Senate,
Select Committee on Small Business,
Washington, D.C.

DEAR SENATOR NELSON: Your letter of August 12 has been referred by Mr. J. W. Keener to me for reply.

You cite examples where allegedly defective tires were purchased by several persons in different parts of the country. We are unable to identify any of these as being our tires and, consequently, cannot comment upon the examples.

Upon the subject of tire safety and related matters, as you know, there have been a number of investigations over the past several years by the Federal Trade Commission, the Interstate and Foreign Commerce Committee of the House of Representatives, and the Commerce Committee of the United States Senate. We have participated and cooperated fully in these investigations and hearings.

Considerably before the adoption of any federal legislation dealing with automotive and tire safety, B. F. Goodrich took a leading part in having The Rubber Manufacturers Association adopt the voluntary tire safety standards referred to in your letter.

Also, on January 6, 1966, in response to your letter, we wrote you commenting upon misconceptions and misstatements contained in an article dealing with tires which had appeared in a magazine. Our letter and the enclosures comprised about twenty-one pages.

Further, as a result of the adoption of the National Traffic and Motor Vehicle Safety Act of 1966, which among other things deals with tire safety, we have spent considerable time with the Department of Transportation which has the responsibility for the preparation of safety standards for motor vehicle tires. That Department, after many conferences with public as well as industry representatives, prepared safety standards for pneumatic tires and these were recently revised as the result of comments from all interested parties.

On August 18 our Mr. Keener sent a letter to Dr. William Haddon, Jr., Director, National Highway Safety Bureau, commenting in detail upon Initial Federal Motor Vehicle Safety Standards No. 109 and No. 110. These comments, of course, were the result of careful study and consideration of the proposed standards. Further, the National Motor Vehicle Safety Advisory Council to the Secretary of Transportation is in Akron today and tomorrow seeking information and advice from our company and others regarding motor vehicle tires and tire safety. In short, we are cooperating fully with the Department of Transportation and its Advisory Committee.

We are not aware that the Select Committee on Small Business of the Senate, of which you are a member, is conducting any investigation of motor vehicle tire safety. Since the Department of Transportation now has the responsibility for tire safety at the federal level, we feel that our efforts in this area should be directed toward being of assistance to that Department.

Sincerely yours,

R. G. JETER.

THE ARMSTRONG RUBBER CO.,
West Haven, Conn., October 17, 1967.

Hon. GAYLORD NELSON,
U.S. Senate,
Committee on Interior and Insular Affairs,
Washington, D.C.

DEAR SENATOR NELSON: I apologize for the delay in responding to your recent correspondence concerning tire recall programs and procedures used by various tire manufacturers. We have used the time to thoroughly re-examine our experience, existing policies, and procedures although, of course, tire quality and reliability have always been a continuing, daily concern.

With reference to your comments regarding quality control, we agree that quality assurance is the key to insuring the safety of tires offered for sale to the public. We have what we believe is the most modern, comprehensive Quality Assurance Program in the industry and, in our opinion and experience, there have been only rare isolated instances when a tire of our manufacture, having a defect in workmanship or material, was sold to the ultimate consumer. Furthermore, in such isolated instances, such defects resulted in "reduced quality" rather than "hazardous risk." Under our Quality Assurance Program, we have established raw materials and in-process controls at every strategic point in the manufacturing operations. In addition, our program includes the certification of major raw material suppliers and the random selection and examination of tires in our finished goods warehouses. The philosophy underlying our program is to eliminate and prevent defective merchandise, hazardous or not, from reaching ultimate consumer.

It has been, and continues to be, our consistent practice to take whatever action we consider necessary to eliminate and correct problems related to the quality of our products. In one instance in 1965, we found it necessary to recall a small number of truck tires due to quality deficiencies unrelated to safety. It is our experience that the great majority of consumer tire complaints can be attributed directly to product abuse by the consumer or to vehicle mechanical deficiencies.

Upon detection of a possible defect which in our opinion might result in a safety hazard to the consumer, it would be our policy to take appropriate measures. This, of course, would vary with the facts and circumstances of the particular situation. Fortunately, due to our excellent Quality Assurance Program it has not been necessary for us to institute any such action with respect to passenger car tires. However, in the event that such action becomes necessary, we can, through our product identification system, determine the particular lot of tires involved and through our Field Engineering staff and Distribution System take effective action to adequately protect the consumer.

Senator, we are particularly proud of our Quality Assurance Program and the safety of our products which results from this control system. I extend to you a cordial invitation to visit one of our plants for the purpose of reviewing and familiarizing yourself with our Quality Assurance Program.

Sincerely yours,

F. L. DWYER.

COOPER TIRE & RUBBER CO.,
Findlay, Ohio, September 25, 1967.

Hon. GAYLORD NELSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR NELSON: Concerning your letter of August 12, 1967 requesting "Comprehensive information dealing with your corporate policy on recalls and corrections . . .

To the best of my knowledge Cooper has not used a consumer recall program such as you describe or suggest in your letter. We have no corporate policy which would prohibit our conducting such a recall should it become necessary in the interest of public safety, but it is a remote possibility that we should need to contemplate such a step.

Let me explain in detail.

You point out in your letter that quality control problems persist in tire manufacturing as they do in automobile manufacturing, that in the auto industry over two million cars have been recalled for modification and this has undoubtedly saved lives.

We cannot debate this point. Quality control problems do exist in the tire industry—as they do in every industry—yet these problems are dissimilar to those which exist in the auto industry, and the solution cannot be the same.

The automobile is a complicated device. By comparison, the tire is much simpler.

Despite advances in automation over the years, there remains considerable hand labor in the preparation of components and the assembly and curing of a tire. This has its advantages and its drawbacks. The chief advantage is that a dimensional design error, should one occur, is likely to be observed by a worker and production halted before any product is delivered to a customer. The chief disadvantage is that workers are human and subject to human errors. Random defects can occur because of momentary carelessness on the part of a worker.

To guard against errors in design, extensive pre-testing of a product line is utilized. To guard against random errors, extensive quality control checks are employed during production.

We have established a most elaborate defense against faulty materials. Inspection procedures have been installed at critical areas all along the manufacturing process. For instance, every batch of rubber mixed is sampled and tested before it is even permitted to be removed from the mixing area. The processing of tire cord is constantly monitored on our calenders by a device we call "Accuray" which warns of even the slightest variation in the process.

Our problem, therefore, is really centered around the "random" defect. We make every possible effort to eliminate these with 100 percent inspection of the finished product, testing at critical production points and many random checks throughout the entire manufacturing process.

Although theoretically possible, it is extremely unlikely that a complete production run of tires could be faulty. It is for this reason that we have no established recall system and anticipate no need for one.

Tires do fail in service. But drivers are human, too, and they are at times careless in observing the rules for safe operation of their vehicles and care of their tires. Tires

are designed to operate under certain conditions of load, temperature and inflation pressure. Overloading tires and/or operating them without proper inflation pressures increases temperatures drastically, contributing to failure of the tire. Rough road surfaces, or off-the-road operation or impact with sharp objects or the reduction of a tire's non-skid through wear are all hazards requiring (but frequently not receiving) the continuing vigilance of the driver.

I think the record of our industry regarding quality and safety shows that we are constantly closing this gap between the mean and the ultimate. Despite bigger cars with more powerful engines, which we drive at consistently higher speeds, tire mileage is improving. Independent studies in California and Illinois indicate that relatively few accidents are tire related and that fewer involve defective tires.

It is, perhaps, a compliment to tire technology that the modern driver pays so little attention to his tires and yet he has so little tire trouble. But, as you pointed out, every effort must be made to warn people who may be riding on unsafe tires.

They must stop taking their tires for granted.

They must look for, and know how to recognize, unsafe tires whether these unsafe conditions come about from road hazards, abuse or normal wear. In this regard, I believe carefully conceived vehicle inspection laws can make an important contribution toward getting unsafe tires off our highways.

I am sure that by this time you have amassed a great deal of general information about tire manufacturing and quality control programs. We at Cooper are always anxious to cooperate at any time with anyone who is genuinely concerned with safety particularly as it may concern our industry or our product. If I may provide any additional information in this regard, or if you would like to visit one of our tire making facilities, please let me know.

Sincerely,

WAYNE B. BREWER.

CORDUROY RUBBER CO.,
Grand Rapids, Mich., August 22, 1967.

Hon. GAYLORD NELSON,
U.S. Senate,
Select Committee on Small Business,
Washington, D.C.

DEAR SENATOR NELSON: I wish to apologize for not answering your letter of August 12th at an earlier date, but I was out of town when this letter arrived.

After reading your letter, which explains the reasons you are seeking certain information regarding recall of so-called known defective tires, I will attempt to answer the questions listed on Page 3 as specifically as possible.

In regard to actual recall campaigns since 1960, the answers are as follows:

(a) A list of recalled or modified tires by number, type, and size—we have not had reason by any experience with a defective and/or lots of defective tires to make any such recall.

(b) Date of recall—none.

(c) Nature of the defect—none experienced.

(d) Length of time between the first marketing date and discovery of the defect—none applicable.

(e) Date of initial discovery which led to the recall campaign—not applicable.

(f) Efficiency of recall campaigns at stated dates and in terms of numbers located and recalled—not applicable.

(g) Parties from whom tires were recalled—wholesalers, dealers or final customers—not applicable.

(h) Whether the tires were sold or leased—all our tires are sold; none leased.

(i) Data on defective tires not recalled—not applicable.

(j) Copies of recall or modification letters or other notifications to wholesalers, dealers and consumers—not applicable.

In an attempt to give you information regarding the next to the last paragraph of your letter, regarding a system that we might have devised to locate and recall tires that do not meet federal tire standards, I will say that we have not seen the necessity and consequently we do not have a formal program developed. However, we do keep a complete record of manufacturing dates of all our tires by serial number, a different serial number for each tire, which are kept in sequence. As we are a small manufacturer and deal directly with our customers, we are in close contact with all of our dealers, both through our home office and through our field sales force.

We manufacture tires only under the name of Corduroy, and they carry a complete guarantee in writing against normal road hazards, workmanship and materials. For your information we are enclosing a copy of this guarantee.

We have a very thorough Quality Control program within our tire manufacturing facility and feel that any general defective situation is discovered before any tires are released for shipment. We do not market tires in the "seconds" classification. We do sell tires at a discount in what we call a "blemished" classification, but these carry the same full guarantee as our regular tires. "Blemished" to us is an appearance defect.

We do have an adjustment program, as anyone with any guaranteed product would have. Our adjustment percentages is small, and the major portion of our tires that are adjusted are for road hazards. No honest person would say there are not, however, some defective tires due to workmanship or other causes that get out. However, as for a general defective condition, we feel fortunate that, because of our close control, we have not had any such experience.

We trust this will give you the information you are seeking.

Yours very truly,

C. E. MILLS,
President and General Manager.

DENMAN RUBBER MANUFACTURING CO.,
Warren, Ohio, October 3, 1967.

Hon. GAYLORD NELSON,
U.S. Senate,
Committee on Interior and Insular Affairs,
Washington, D.C.

MY DEAR SENATOR NELSON: I apologize for not replying to your August 12th letter regarding dissatisfied tire owners. Frankly, I have been on an extended vacation and have just returned and received your follow-up letter of September 26th.

As you know, we are one of the smallest producers of pneumatic tires in the United States. Factually, our dollar volume and tonnage represents about 3/10th of 1% of the industry. That being so, it is somewhat less painful for us to earmark tires in the field than companies who are doing business with original equipment, company owned stores and chains, in addition to independent tire dealers. Our distribution is strictly through the independent tire dealer and is primarily directed to the South and Southeast.

We have all of the modern adequate controls that are required to identify tires with defects and, of course, we also have modern testing equipment that is in constant use.

In the past 15 years there have been two occasions whereby we did recall some tires. One involved a special snow tire that we manufactured known as the "Penetred". This is a tire that has wire imbedded in the tire rib which breaks open and improves the traction qualities on snow and ice. We received a bad shipment of wire that did not have the proper tensiles or the proper crimping and, as a result, the wire had a tendency to walk out of the rib. If my memory serves me correctly, at that time we recalled about 600 tires.

The other occasion involved the recall of about 3,000 tires which were, in our opinion, tires that would give rapid wear but were otherwise perfectly sound. We felt it only fair to our dealers and their customers to recall the tires rather than give unsatisfactory tread mileage.

As I pointed out in the beginning of my letter, this recall procedure does not entail much of a problem because of our limited distribution in areas close to our operation. We have no branches or warehouses and all tires sold are shipped directly from our factory warehouse.

I can assure you that our industry, as well as our company, makes every effort, through indoor, fleet and company-owned vehicle testing, to manufacture tires that are free of defects in material, workmanship and quality.

I realize that I have not answered all of the questions you raised in your original letter, but due to the nature of our operation you can see quite a few of your questions do not apply. I trust, however, that the information I have supplied is sufficient for you to fairly evaluate and form conclusions insofar as our operation is concerned.

Yours very truly,

H. J. STEINER,
President.

DUNLOP TIRE & RUBBER CORP.,
Buffalo, N.Y., August 30, 1967.

Hon. GAYLORD NELSON,
U.S. Senate,
Select Committee on Small Business,
Washington, D.C.

DEAR SENATOR NELSON: This will acknowledge your letter of August 12 and a letter in the same terms, addressed to the late Lord Baillieu of the Dunlop Rubber Company Limited, London, England.

Our general reply to the questions on Page 3 of this letter is that tires are made and controlled to the individual manufacturer's specification, inspected at key points of the process, and sample production is tested by machine and fleet testing to insure the specifications are satisfactory and meet the conditions of service in the field. All raw materials and components are similarly tested before incorporation in the product, and every reasonable precaution is taken to prevent unsafe tires reaching the consumer.

In the period you mention we have had two occasions when a small quantity of non-specification tires has escaped these controls, and we have taken measures to recall them as soon as the facts came to our knowledge. The details are enclosed in the form you requested.

There is no set system of recording every tire and its whereabouts throughout its life, and because of the nature of the product and the method of its distribution, this is necessarily a difficult problem. Nevertheless, our branches and dealers have good records of customer sales for reasonable periods of time. In the first case quoted we discovered an error seven months after manufacture due to analysis of some tires which had failed in service. The effectiveness of the recall was necessarily much less than in the second, where the trouble was discovered after one week.

Yours sincerely,

J. M. BILLANE,
President.

Enclosure.

Subject: Recall Program on Bead Insulation Error.

The bead insulation problem was very difficult because it was impossible to determine the actual amount of contaminated insulation used by the factory and as a result many types of tires were investigated. The final results as we now know them show that only a small portion of the 7.60–15 size beads were involved, and our report will be limited to our efforts in this area only.

The above recall program will be presented according to Senator Gaylord Nelson's requested breakdown:

(A) 1. GSA Rayon Tubeless White (7.60–15/4)	200
2. Remington Safe Traction Nylon Tubed Blk (7.60–15/4)	129
3. SP–350 Tubed White #44026 (7.60–15/4)	402
4. Unico Power Cushion Tubeless (7.60–15/4)	80
Total	791

(B) 1. 6–23–64.
2. —.
3. 7–2–64.
4. —.

(C) An error in the mixing of the insulation rubber which caused an improper cure in the bead area of the tire.

(D) Approximately 7 months.

(E) 6–12–64.

(F) 1. 7–24–64—29% located and destroyed; 8–14–64—33% located and destroyed.

2. 6–16–64—67% located and destroyed; 7–24–64—80% located and destroyed.

3. 6–16–64—5% located and destroyed; 7–24–64—16% located and destroyed; 8–14–64—17% located and destroyed.

4. 6–16–64—85% located and destroyed.

(G) Warehouses and Wholesalers.

(H) Sold.

(I) Using the records available today, we conclude that actual tires which failed in the field amounted to .6% of tires which were suspect and subject to recall.

(J) Telephoned warehouses and distributors concerned.

Subject: Recall Program on 8.25–14/4 Remington Society NT 3W for Broken Drill Defect.

(A) 243 Society Nylon Tubeless Triple White, 8.25–14/4 Ply.

(B) 3–21–67.

(C) Broken drill left in Buff Bar vent in Mold #5679 which caused a small hole in the tire sidewall. The defect was too small to be seen by final inspectors on un-inflated tire.

(D) 13 days.

(E) 3–20–67.

(F) 3–23–67 66% located and destroyed or repaired; 5–7–67 87% located and destroyed or repaired; 7–31–67 94% located and destroyed or repaired.

(G) All Warehouses and Wholesalers.

(H) Sold.

(I) All tires recalled.

(J) All people concerned immediately telephoned regardless of location in the United States.

THE FIRESTONE TIRE & RUBBER CO.,
Akron, Ohio, August 28, 1967.

Senator GAYLORD NELSON,
U.S. Senate, Select Committee on Small Business, Washington, D.C.

DEAR SENATOR NELSON: Your letter of August 12 raises some very significant questions regarding the role of tires in highway safety. Because of Firestone's deep concern with the subject of safety I welcome this opportunity to discuss those questions in some detail.

There are unsafe tires on the highway today and in tragically large numbers. But only an infinitesimal fraction of them are unsafe because of factory defects, with which your letter is primarily concerned. Virtually all of them have become unsafe through abuse and wear in service.

1. Abuse and Wear.

In many respects tires are unlike any other product used in highway transportation. Modern tires are of extremely rugged construction and are able to withstand severe punishment. Nevertheless it is in the nature of a tire that it, perhaps more than any other critical item of vehicle equipment, is vulnerable to abuse and wear.

In the first place, even though a tire is perfectly designed and manufactured it can be destroyed in a relatively short time by being operated at high speed in an overdeflected condition. Overdeflection, which is the result of overloading or underinflation or a combination of both is a matter which is entirely within the control of the tire owner or operator and with proper attention can be completely avoided. Nevertheless it is our sad experience that overdeflection has destroyed more tires than any other avoidable circumstance and as a cause of tire destruction ranks second only to road hazards.

Secondly, tires are the only item of automotive equipment intended in ordinary service to come into contact with a solid object in the surrounding environment—namely the highway surface. In a sense, tires are operated in continuous collision with the highway. That contact produces two effects related to safety: tread wear and road hazard damage.

Tread wear is inevitable. Every tire, regardless of construction, will be worn smooth if run long enough. As you may know, the most important single function of tread design is to provide wet pavement traction by giving road surface water some place to go so that it will not form a lubricating layer between the tire and the road. A smooth tire cannot provide adequate wet pavement traction.

In a recent study conducted by the State of California of some 60,000 vehicle accidents less than one percent were reported as having involved tires. It is significant that in 57 of the accidents which did involve tires the tread depth of the tires had been worn to less than 2/32nds of an inch and in 22% the tread was worn to the cords.

The distressing point about these statistics is that dangerously worn tires can readily be detected by simple visual inspection, and yet a shockingly large number of drivers are not taking the trouble to inspect their tires.

In order to warn a vehicle owner even more clearly that tread wear is approaching the danger point, all tires designed for original equipment on 1968 and later model automobiles will have tread wear indicators which will present a distinctive pattern when tires are worn to 2/32nds of an inch of remaining tread depth. As you may know, the Federal Highway Administrator has proposed tire standards which would require such indicators on all passenger car tires. While we heartily approve of this step, there is no reason to suppose that the indicators will make the average driver any more conscientious concerning dangerously worn tires than he is at present.

In addition to tread wear, contact with the highway produces all types of road hazard damage to tires. Frost heaves, chuck holes and the like cause impact stresses that weaken the body integrity of tires. Foreign objects on the highway cause cuts, snags and punctures. Even if such casualties do not produce an immediate loss of inflation pressure, they may cause slow leaks and underinflation or may lead to progressive internal breakdown of body construction or increased vulnerability to subsequent impact. Most of this type of damage can also be readily detected by visual inspection and the tire failure which would otherwise ensue can be prevented by timely repair of the damage or removal of the tire from service.

Finally, tires also suffer abuse and wear as a result of faults in the vehicle on which they are installed. Poor front end alignment can cause lack of adequate steering control and excessive tire wear. We have even seen cases in which maladjusted brakes have produced sufficient friction heat to char the rubber and fabric of tire beads to the point of destroying the tire.

2. Need for Compulsory Periodic Vehicle Inspection.

Although I have not attempted to catalog all of the types of abuses and wear to which tires are subjected, my principal point in describing some of them to you in detail is to emphasize the fact that virtually all types of tire abuse and wear which could lead to unsafe tire conditions can be prevented by proper maintenance, inspection and timely corrective action. We believe it essential in this day of high speed, long distance, super highway travel that legislation be adopted to require compulsory periodic vehicle inspection including careful examination of tires.

According to our information, as of January 1, 1967, only twenty-one states and the District of Columbia required periodic vehicle inspection. In other states there are various types of voluntary inspection programs. Because of Firestone's deep concern with safety it has for many years provided free vehicle inspections under such programs. Those voluntary programs, while better than nothing at all, are not a satisfactory substitute for systematic universal inspections. Not only do the voluntary programs miss the overwhelming majority of vehicles but the vehicles which are submitted voluntarily to inspection are more likely to be the ones owned by careful drivers who maintain their cars properly.

Of 3,363,288 vehicles inspected in voluntary programs in the United States in 1966, 35,938 failed to pass inspection as a result of unsatisfactory tires. Those results would indicate that at least a million vehicles on the highway today are operating on tires which have become unsafe. But we believe that the number is actually much higher, not only because careful drivers are the only ones who submit to voluntary inspections but also because many of the inspection programs do not require a sufficiently rigorous examination of tires, with the result that many vehicles pass which should be rejected for unsafe tires.

To repeat the point with which I began, we know that virtually all unsafe tires in service today are unsafe not because of factory defects but because of abuse and wear after they left the factory. We believe the only truly effective way to deal with this problem is to require adequate periodic inspection of every vehicle using the public highways.

3. Customer Complaints.

Your letter refers to complaints you have received from tire owners. As a producer of several tens of millions of tires a year, Firestone inevitably receives numbers of such complaints. We endeavor to investigate every one of them.

I am constantly surprised at the extremely small percent of the complaints investigated which actually involve any defect in the tire. There are several possible explanations for this.

In the first place, it is common for automobile owners to assume that failure of any part of an automobile indicates that the part was defective. While this is probably not 100% true of any part of a motor vehicle, it is perhaps true to a substantial degree with respect to many. In the case of tires, however, the contrary is true. As pointed out above, the overwhelming majority of tire failures are due not to any factory defect but are due to service conditions. Nevertheless, the average tire consumer is not conditioned to recognize the unique nature of tires in this respect and accordingly makes the easy but incorrect equation between tire failure and tire defect.

In addition, I believe that the tire industry's broad warranties and lavish adjustment programs contribute to the grossly exaggerated numbers of customer complaints based on supposedly defective tires. As you know, every tire manufacturer has some sort of tire warranty covering a broad range of tire conditions, only part of which relate

to tire defects. I know of no other consumer product which carries so broad a guarantee against circumstances which are not the fault of the manufacturer. Although I believe that these warranties are not a healthy thing for our industry, they have been adopted primarily for commercial reasons as a result of the high degree of competition in the industry.

The Firestone guarantee, for example, covers not only manufacturing defects but also casualties due to road hazards. Firestone adjusts far more tires under its warranty program as a result of road hazard damage than it does by reason of manufacturing defect. But I am sure that this distinction is lost on many of Firestone's customers, who are used to product guarantees which may be invoked only if the product is defective. It is understandable, therefore, that so many customers believe that a tire replaced in accordance with a guarantee of this type is defective whether or not it in fact contains a defect.

It is of continuing concern to Firestone that sales personnel in retail tire outlets frequently and wrongly give customers reason to believe that a tire is being replaced under the Firestone warranty because it is defective. As mentioned above the warranty is primarily a commercial program, and it does not make much commercial difference to a tire dealer whether the customer is right or wrong in believing that the replaced tire was defective. It is frequently easier for a salesman to agree with a customer that a tire is defective when he knows it is not.

Most frequently a tire salesman simply does not know whether a tire brought in for adjustment failed because of defect or abuse. Examination by a tire expert is usually required in order to determine whether a tire is defective. Tire dealers and salesmen are not experts in analyzing and determining the causes of tire casualties and their comments to customers in the course of commercial transactions are unreliable regarding the presence or absence of tire defects.

While on the subject of tire warranties, I should like to point out that even in the case of tires adjusted for manufacturing defects many of them are in no sense unsafe. Many tires are adjusted for weathering, discoloration or other appearance defects, or balance or other conditions which are of an aesthetic nature only. Very few factory defects are in any way safety-related.

Although there is no substitute for thorough investigation of customer complaints in order to determine the true basis for such complaints, I should like to comment on the complaints referred to in your letter involving multiple failures of new tires. Our experience indicates that the most likely explanation for such failures is not a defect in the tires but rather some common abusive operating condition to which they are all subjected. A typical case is one in which underinflated tires are installed on a severely overloaded station wagon or camper which is then driven on a family vacation trip through the southwest in the height of the summer. The combination of underinflation, overloading, desert temperatures and high-speed, non-stop driving punishes all of the tires beyond endurance.

Our experience with customer complaints confirms that they are not statistically significant and are frequently not reliable in substance. We have also found, incidentally, that police accident reports are not much more reliable in analyzing the role played by tires in accidents. This is understandable in light of the pressure under which officers must work at accident scenes and the fact that they are not generally technically qualified to make such analyses. We believe there is a need for an objective and analytical in-depth study of vehicle accident causation based on investigations performed by teams of technical experts, each of whom should be fully qualified in a different scientific discipline. As you are aware, such studies are used in connection with airplane accidents and have produced significant improvements in aviation safety. Such a study would fill a significant gap in the body of public knowledge on the subject of highway safety and would provide a basis for more informed legislative and administrative action to promote highway safety. Firestone commends such a study to you for your thoughtful consideration.

In summary, it has been our experience that only a minute fraction of customer complaints regarding tires are based on any safety-related factory defect. I am confident that the results of your investigation of the complaints you have received will be similar to our own.

4. Factory Defects.

In discussing factory defects it is important to understand the nature of tire manufacture. Tires are not produced in a completely mechanical assembly line. They are constructed and cured one at a time. Visitors to our plants are frequently surprised at the large manual element involved in the manufacture of tires.

Under these circumstances it is inevitable that occasional manufacturing mistakes will occur, but it is typical of them that they do not occur in any pattern from which it can be determined that other tires are likely to have the same defect. In order words, factory defects in tires are random rather than systematic and their occurrence cannot be predicted.

To take an extreme example, if during inspection of a tire before it leaves the factory a foreign object is found to have been inadvertently vulcanized into the tire, that fact does not in any way indicate that other tires of the same production run or of the same type and size might have the same defect. Thus, it would serve absolutely no purpose to recall other tires on the basis of discovering such a defect.

The best protection against marketing tires which contain factory defects of this type is not a recall program but rather a most rigorous system of quality control. Firestone has such a system and, although it is extremely effective, Firestone is constantly striving to improve it. The system involves more than 250 tests, inspections and checks at virtually every step of manufacturing, including the manufacture and compounding of the materials which go into the tire. Every tire manufactured by Firestone is individually and thoroughly inspected at least twice by highly trained and experienced specialists, once before curing and once before leaving the factory.

Most manufacturing mistakes are self-revealing, partly as a result of the manufacturing process itself. If they have not been discovered earlier, internal defects in tire construction almost invariably become evident as a result of the curing process in the last stage of manufacture and are readily detected in the final inspection of the tire.

Although it is theoretically possible for a type of tire to be defectively designed, in which case a recall program should be considered. Firestone tests new tire designs so thoroughly before adopting them for commercial production that we know of no safety-related defect in design of tires manufactured during the period of your inquiry. Accordingly, we have not had any occasion to believe that any production run or type or group of tires contains any safety-related defect and have not had any occasion to consider a recall program.

We are extremely proud of our quality control program and will be happy to give you a thorough presentation of it if you wish us to do so.

5. Highway Safety.

Although not directly pertinent to your inquiry, I should like to refer briefly to the major cause of highway accidents—the driver. In virtually every study of causation of highway accidents, the primary cause of the overwhelming majority of accidents is identified as driver error. It is ironic that in Firestone's home state of Ohio compulsory periodic vehicle inspection was defeated this year largely because of a study reported to the legislature which showed that more than half of the accidents in Ohio were due not to defective vehicles but to drivers who had been drinking. While we deplore the action of the legislature in defeating compulsory periodic vehicle inspection, we cannot quarrel with the conclusion that defective vehicles, although a major cause of accidents, are secondary to driver error in that regard.

In a most revealing in-depth study of 40% of all of the victims of fatal traffic accidents in Bexar County, Texas over a period of ten years, it was discovered that 76% of the driver-victims in one-car accidents, 57% of the driver victims in two-car accidents and 60% of the pedestrian-victims in pedestrian-car accidents had been drinking. Although no special effort was made to test for the presence of drugs, certain individuals had a history implying drug intake and subsequent chemical tests confirmed the presence of drugs. Drugs caused at least three fatal accidents in which alcohol did not play a role.

Although it is not directly related to our business, Firestone has, because of its deep concern with highway safety, for many years supported driver training programs through the 4-H Club organization, the National Education Association and otherwise. We believe these programs do much to reduce the staggering toll of highway accidents but, as in the case of voluntary vehicle inspection, they miss the drivers who most need the training they provide. While we see no easy solution to this problem and have no concrete proposal to offer in that regard, we believe much more must be done in the area of training and qualifying drivers and in dealing positively with those who abuse the privilege of driving and imperil themselves and the public at large.

Although we recognize the difficulties in reducing driver error, the principal cause of highway accidents, we can see no excuse for delay in adopting the obvious course to reduce the number of unsafe vehicles on the highways, including vehicles with unsafe tires. We believe that compulsory vehicle inspection should be just as universal and as much a part of annual routine as vehicle registration.

I hope that I have answered to your satisfaction the questions raised in your letter concerning tires which contain factory defects. But more importantly I hope that you will give the most earnest consideration and add your support to the steps that can be taken now to reduce the unacceptably large number of unsafe tires on the highway today, virtually all of which have become unsafe since the time of manufacture.

Very truly yours,

E. B. HATHAWAY, *President*.

THE GATES RUBBER CO.,
Denver, Colo., September 1, 1967.

Hon. GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NELSON: The Gates Rubber Company is sincerely anxious to assist you in accordance with your request of information in your letter of August 11, 1967. It is felt that this sincerity has been amply demonstrated by the degree of cooperation rendered by the efforts of this Company to formulate standards with The Federal Trade Commission, with The National Highway Safety Bureau and others to assure the sales of safe tires.

It should be noted first that automobile tires are basically a hand made item as con-

trasted to many other products that are produced by means employing automatic machine operations. Such machine operations are less subject to human error but more prone to produce a related series, lot, or consecutive group of off specification products when an error does occur. In tire manufacturing, off specification products usually occur as individual instances as a result of operator deficiencies in a specific stage on part of the numerous manual operations by different individual people involved in the material preparation and assembly of an automobile tire. Off specification products do not occur as consecutive easily identifiable groups, series or lots but as individuals within a large population making easy identification and removal virtually impossible to achieve.

In order to protect against possible faulty basic design, material, or fabrication procedures that would result in an overall deficiency in performance as distinct from the usual individual isolated instances noted above, The Gates Rubber Company conducts a comprehensive testing program on new designs, materials, processes and procedures as well as a constant statistically controlled testing program on regular production tires of all types, designs and brands.

The Gates Rubber Company has vigorously pursued a very comprehensive adjustment policy. These records are constantly reviewed, studied and analyzed in order to obtain guidance as to methods, materials and designs leading to products having improved performance characteristics. The Gates Rubber Company has persistently pursued a continuing improvement of product performance whenever information indicates methods of accomplishing this. It was by virtue of this policy that it was possible to give so much assistance to the formulation of safety standards with The National Highway Safety Bureau.

With this information it is obvious that The Gates Rubber Company is interested in tire safety and that we have taken steps to justify the public's trust in the inherent safety of the product they purchase and use. We will continue to cooperate and assist in all avenues of attack on the problem of improved safety and product performance of automobile tires.

Yours very truly,

THE GATES RUBBER CO.,
C. P. MULLEN,
Vice President.

THE GENERAL TIRE & RUBBER CO.,
Akron, Ohio, August 25, 1967.

Hon. GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NELSON: I received a copy of your letter of August 12, 1967, intended for Mr. Charles C. Gates, Jr., President of The Gates Rubber Company of Denver, but addressed to me. I sent it on to Mr. Gates and later his office forwarded my copy to me.

Your concern about tire safety is fully shared by The General Tire & Rubber Company. For more than fifty years our company has grown as a result of a reputation for designing and building quality tires that have contributed to improved safety over the changing conditions of that entire time.

Currently we are working with the Department of Transportation to which, as you know, Congress assigned the task of studying this specific subject. This coordinated program of the Department of Transportation and the Rubber Industry is a time-consuming project. This major effort, in the interest of the consumer, requires our attention over all other inquiries at this time.

As a manufacturer, we have always accepted our responsibilities for basic tire quality and will continue to cooperate in all practical ways to reduce hazards over which we have some control.

Sincerely yours,

M. G. O'NEIL.

THE MANSFIELD TIRE & RUBBER CO.,
Mansfield, Ohio, October 5, 1967.

Hon. GAYLORD NELSON,
Select Committee on Small Business,
U.S. Senate, Washington, D.C.

MY DEAR MR. NELSON: I regret to advise that our company's method of record keeping does not lend itself readily to furnish you the information with respect to tire recalls which you have requested. We have not found it desirable to keep a separate record of recalled tires from other tires returned for various reasons such as credit and inventory balance programs usually worked out with customers and the like.

Our thorough testing program previous to introduction of a new line of tires has been quite helpful in minimizing our problem in respect to unsatisfactory tires, particularly when followed up as we do with a careful quality assurance program.

Such recalls as we have made result from our continuing surveillance of our adjustment records, field reports from our Service Department, and reports from customers. We have no record of defective production of any group of tires where the defect was of a nature to endanger the consumer. The principal items we have recalled are those which appear to be giving less than the full measure of satisfaction that we believe the public is entitled to when they buy our product.

In connection with the Rubber Industry Certification Program, it was determined that two items of our manufacture did not fully conform. In both cases the production was less than 5,000 tires a year and the distribution limited. In one case the defect was a very minor undersize condition and the other an open sidewall splice. While we do not consider either of these defects hazardous, we advised the purchasing wholesalers and dealers and offered to replace all tires. Our returns were quite normal. Since we sell very few tires to consumers direct, any recall of tires from consumers would have to be carried on by those who buy tires from us.

In the absence of any clear definition in the regulations with respect to recall of tires which are found not to comply with new Federal Safety Standards, we woud use a similar program of advising our customers in respect to the failure to comply and offer to replace all tires which they might return. This would include any which they obtained from their customers and returned.

If we should ever have the misfortune to find ourselves manufacturing any of our tire items generally in a way that they were hazardous, we would consider it most desirable to institute promptly a vigorous campaign to get as many back as possible, not because of any Federal regulations, but because of our realization that our good reputation is very important and the further realization that all tires of our manufacture which we sell carry the implied warranty that they are suitable for the purpose for which we have manufactured and sold them.

I trust that this information will be sufficient for your purposes, particularly in view of our relatively small size in the industry and the more readily available information from other larger companies.

Yours very truly,

JAMES H. HOFFMAN,
President.

THE KELLY-SPRINGFIELD TIRE CO.,
Cumberland, Md., September 18, 1967.

Hon. GAYLORD NELSON,
U.S. Senate, Washington, D.C.

DEAR SENATOR NELSON: This letter is in response to your letter of August 12, 1967, concerning safety of automobile tires. Your letter requested information about our policy with respect to recalls and the nature of any system which would advise us of below-standard tires in the hands of customers.

We strive to design and manufacture tires that assure complete safety to the motoring public. The detection system to assure that our tires meet this safety standard is an integral part of our tire guarantee and is monitored by our Service Department which is constantly reviewing claims under the Kelly-Springfield guarantee and any complaints which may be received from the users of our tires. This information is correlated and relayed to our Development Department.

The broad scope of the Kelly-Springfield quality control program and customer guarantee assures a continuous and effective method of reporting and objectively assessing our efforts to sustain our high quality standards; and, based thereon, we have not to date encountered the necessity of recalling a production run of automobile tires. Obviously, as with any manufactured product, there are instances where our high standards for quality have not been met to the degree which we would like, but the instances of below-standard tires have been isolated, and individual adjustments and replacements have been made.

The scientific and engineering work which goes into the design and development of our tires affords the ultimate user the greatest degree of protection. The most modern scientific equipment available is used by our engineers. New designs are subjected to careful screening by engineers before they are approved for obtaining experimental test molds. Tires from the molds are then subjected to abusive laboratory tests, as well as tests on specially designed tracks which subject the tire to every type of use and abuse well beyond that which it will experience when used by the ultimate purchasers. If, in these extensive tests, any weakness of design is revealed, changes are made. As mentioned above, these tests cover not only the normal use of the tire, but abnormal use and abuse. When the tire meets all standards, it is ready for production and marketing.

The quality control program encompasses every phase of the manufacture of the product. Raw materials and components are continuously inspected and tested in every stage of processing. Numerous inspections are made of the final product. In addition, random tires are selected for testing on the resiliometer and on the road. Continuous daily checks are made at the test facilities in our plants to assure that the standards which have been established are being maintained.

The final judge of our efforts is the ultimate user of our tires. As I mentioned above, our broad guarantee assures us a quick response where, in an isolated case, our product has not given satisfactory service; and the continued follow-up through our Service Department and our Development Department quickly detects and, if necessary, corrects any slight deviation from our high standards. We welcome response from our users and make necessary adjustments or replacements.

In our opinion, the response from our customers is an effective method of checking on our product. The reports from our customers permit us to keep at an absolute minimum the instances where our tires do not meet our standards for quality.

We have consistently supported the efforts of all individuals and private and governmental agencies in the development of a meaningful and workable program for highway safety. This certainly includes the education of the driver, not only in the operation of vehicle, but in the proper maintenance of safe equipment. We also support compulsory vehicle inspection laws.

Very truly yours,

G. B. NEWMAN,
President.

U.S. RUBBER TIRE CO.,
New York, N.Y., September 15, 1967.

Hon. GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NELSON: Your letter of August 12th has received our most thoughtful consideration. As Divisional President of U.S. Rubber Tire Company, with responsibility for Uniroyal tire operations, I have been asked to reply. In accordance with our acknowledgement of August 22nd, we have reviewed our practices and performance in the areas in which you have expressed concern. We share your interest in tire safety and the letters from tire consumers to which you refer.

First, we think it would be helpful to note that in our experience we have found that most letters of complaint are not a reliable basis for judging product failure, without thorough investigation and inspection of the tires by one who has been trained and qualified to perform this function. The distinction between failure from a factory defect and failure from other causes is a technical judgment which requires a high level of skill in the interpretation of the evidence available from examination.

As you know, we receive letters of complaint from users of our tires. Each such complaint is investigated thoroughly. As a result of such investigations by our tire service engineers, we know that a relatively small percentage of these complaints involve manufacturing defects. A very large share relates to tires which have been worn out, abused or damaged through consumer neglect or improper usage. Another large share relates to damage from road hazards such as chuck holes, running over broken glass or other objects on the highways. Also, such investigations reveal that terms such as "blowout" and "disintegration" are used indiscriminately by many complainants when referring to a variety of tire conditions which do not result in sudden deflation.

To grow in a competitive industry, we must constantly search for ways and means to improve the performance of our tires by compounding changes, design changes, improved types of synthetic rubber, improved types of tire cord, improved manufacturing procedures, and the like. To this end, we maintain a staff of over 2,000 scientists and engineers for the development of improvements in product, processing, testing and maintenance of uniform quality in regular production.

When innovations show promise of improved tire performance, as judged by laboratory screening tests, tires made with these new constructions are subjected to exhaustive testing at our Laredo Proving Ground, then in auxiliary road testing, then in limited production, before full adoption for regular production. Tire design engineers and compounders are exceedingly cautious not to make any changes without thorough testing and evaluation under a wide variety of conditions extending over a period of time.

Because of this extreme caution and care, any tire specification which we adopt for regular production will produce a satisfactory tire, provided the tire is made in accordance with the specification prescribed and provided the tire is properly used and maintained.

It is recognized in industry that any manufacturing process involves variations in raw materials, variations in equipment, variations in process conditions, and human error. In order to control and minimize these variations, we have developed over the years a number of testing and inspection procedures. These procedures are under constant review and we devote considerable effort to refining and improving them. Currently, our procedures include these steps at all plants:

Thorough inspection and testing of all raw materials;

Use of special beta-ray control equipment to insure that cords are uniformly coated with rubber;

Automatic curing with time and temperature recorders on each curing cycle;

Automatic temperature, time and pressure control on all production equipment wherever pertinent;

Prompt laboratory dissection and testing of finished tires selected hourly at random from the production lines, with immediate reporting to permit retrieval of any defective tires before they get into distribution channels;

Examination of every tire by specially trained inspectors to screen out any defects which can be detected by sight or touch, plus selective tests using non-destructive testing devices;

Road testing at our 6,900 acre proving grounds in Laredo, Texas, of random samples of finished tires taken from regular production;

Road testing of random samples on our auxiliary test fleets which are scattered throughout the country to obtain data under varying climatic and road conditions;

Experience gained from field service engineers throughout the country, who examine every tire offered for adjustment, whether a factory defect or road hazard damage.

In 1966, our comprehensive testing program included 14 million miles on laboratory test wheels, 40 million tire miles at the proving grounds in Laredo, and 400 million tire miles on auxiliary road tests.

To cite an example of the operation of the system, several months ago we had developed an improved construction which showed promise. In accordance with practice, we had run lots of 20 tires, 40 tires and 100 tires with satisfactory tests on all three experimental runs. At that point, we started to produce 20,000 for limited distribution. However, the laboratory wheel test on random tires from the product on line disclosed that the bead performance was not going to be adequate. At this point, approximately 4,000 had been produced but they were still within our control. After careful inspection, 2,974 of them were destroyed.

However, in spite of automation and new improved machinery and manufacturing systems, the high level performance of our people is still a major factor in the quality of production, and the exposure to human error continues to exist. Thus, variations from standards may occur in individual tires, or even in a very few tires in sequence at some one particular building or curing station. However, at the end of the production line, they would be random, not in any sequence or according to any consistent or recurring pattern.

With our inspection and control systems, we believe that any exposure to defective tires in the distribution system is limited to those occasional tires related to human error, which defect cannot be detected by sight, touch or non-destructive testing devices at the inspection station.

Under these conditions, we feel that a recall system similar to that established for automobiles and various appliances would not be applicable. Such products are assemblies of parts which are visible and discrete in nature and can be removed and replaced. A tire is a chemical fusion of materials and components into an integrated product in which the component parts can no longer be separated and replaced. The fact that an individual tire may have a defect in its construction does not mean that other tires produced at or about the same time will contain a similar defect. Thus, there is no basis or reason for recalling tires.

You referred to reports of multiple failures, and we have received a few reports of a similar nature. However, we believe that such failures do not relate to the specifications or processing. If faulty specifications were involved such reports would be far more numerous. Also, any variations in processing would not come to the end of the production line in sequence.

Investigation of reported multiple failures by our tire service engineers has usually revealed a pattern of customer misuse or abuse. When tires are overloaded or under inflated, permanent damage to the carcass of all tires on the vehicle may develop after a relatively few miles of high speed driving. After such damage results in the first tire failure, then all the remaining tires which were so damaged are also likely to fail within a short time, even though load and inflation have in the meantime been restored to safe levels.

In response to your specific question, all tires of our manufacture will be tested carefully and continually against the new Federal Tire Standards when they are issued. Our specification and testing procedures will provide tires of safe performance in full compliance with those standards.

From our field experience, we believe that the best opportunity for substantial and quick improvement in safety lies in mandatory tire inspection, with appropriate police power to remove those vehicles from the highways which are operating on tires which are clearly unsafe by visual inspection, because they are run smooth or show cuts or bruises.

As you know, we have a large tire plant in your home state at Eau Claire. Perhaps you would like to visit this plant, where we could show you better than words can explain the procedures we use to detect, control and eliminate defects in tires we manufacture. If so, we shall be glad to make arrangements for your visit at your convenience.

Please be assured of our primary interest in tire safety and in the development of any practical program which offers a potentially significant contribution to it. We know that safety is the first consideration in the purchase of tires. Therefore, we are keenly aware that the success of our business is based on our providing tires to the public which offer the maximum possible assurance that each and every one will perform safely.

Sincerely,

H. N. BARRETT,
Divisional President

THE SEIBERLING TIRE & RUBBER CO.,
Akron, Ohio, October 4, 1967.

Hon. GAYLORD NELSON,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR NELSON: Your letter of September 26 addressed to Mr. Schrank requests that Seiberling respond to your letter of August 11. We have not received the August 11 letter, but from your description of it I assume that its contents are similar to those of a letter dated August 12 which The Firestone Tire & Rubber Company received from you.

The Seiberling Tire & Rubber Company has been a division of Firestone since February 1965, when Firestone acquired it from the former Seiberling Rubber Company. During that period our experience has been as reported to you by Mr. E. B. Hathaway, President of Firestone, in his reply of August 28 to your August 12 letter. Accordingly, I should be grateful if you would consider Mr. Hathaway's reply to have been made on behalf of Seiberling as well as Firestone.

Very truly yours,

J. L. CUMMING,
President.

THE GOODYEAR TIRE & RUBBER CO.,
Akron, Ohio, September 2, 1967.

Hon. GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NELSON: This is in response to your letter of August 12, 1967, requesting information about our policies and practices to insure that the public is driving on safe tires.

Specifically, you request from us "compre-

hensive information dealing with your corporate policy on recalls and corrections, the nature of your feed-back alert system to detect defective tires, and actual recall campaigns."

Our corporate policy has for many years been that of designing tires of high quality and safety, employing the most modern manufacturing and quality control methods, and monitoring their performance through an extensive feed-back alert system.

The detection system we employ grows out of the Goodyear guarantee which provides a continuing, comprehensive feed-back of actual product performance in the hands of users and enables us to improve and modify the design of the tire to meet changing conditions of use.

This system of monitoring does reveal isolated deviations from our usual quality standard. It has not, however, revealed instances of any widespread product problem which would prompt us to recall tires en masse from the cars of users. Rather, we have made individual adjustments and replacements to correct these isolated instances.

There have been a few instances, in recent years, in which tire product quality has justified recall. These include the following:

1. 107,099 tires were recalled in March, 1965, from our warehouses before being sold to the public. All of these tires were thoroughly reinspected and checked and 13,603 were destroyed. These were tubeless tires which had questionable soft beads that could affect air retention.

2. 125 tires were recalled from an original equipment manufacturer in April, 1965. This was because they had missed the post-cure operation which prestretches the cured tire for minimum growth in service.

3. 1620 radial ply tires were recalled in September, 1966, from an original equipment manufacturer. These were returned at the request of the car manufacturer because they did not meet its severe test specifications. Even though these tires in all tests for durability met existing criteria for safety and performance, we accepted the tires for return.

Our experience indicates that only in isolated instances have tires found their way into use by the ultimate consumer because of our effective safeguards. These include:

1. *Intensive research, development,* and *testing* to insure that the specifications to which our tires are built exceed desired safety standards.

2. A *quality control program* starting with raw materials and extending *through 100 per cent inspection of tires during and after production.*

3. An extensive *feed-back alert system* which monitors the performance of our tires in actual highway service and is the basis for continuing improvement and modification to meet changing conditions of service.

The design and development of our product is the foundation of our whole quality control program. Our research and development staffs have been provided with the most modern scientific tools. The use of beta ray gauges, radioisotopes, computer analyses, etc., has enabled our tire engineers to make significant advances in tire performance.

Before a new tire is approved for production in our plants, it has been subjected to millions of miles of exhaustive tests conducted over many months. Hundreds of tires are involved with punishing exposure to extremes of overloads, excessive speeds, under-inflation, and high temperatures. Tests are run deliberately with abnormally severe conditions intended to result in tire failures as a means of evaluating margins of durability beyond those encountered in normal conditions.

In the year 1966, this testing amounted to over 31,700,000 miles on Goodyear-owned and operated test cars and specialized laboratory test dynamometers. Testing such as this provides the best assurance possible that the design and specification of every one of our tires is such as to be cmpletely safe in the service for which it is intended.

It is not until a new product has been thoroughly tested and proven that Goodyear management releases the specification for tires to be manufactured and offered for sale to the public.

The next step in our quality control program is to insure that all tires manufactured in our plants are built to the rigid production specifications.

Our extensive plant quality control system is designed and operated so that only high quality, safe tires are manufactured. The most effective means we have found to insure high quality, safe tires is the incorporation of quality control checks at every step in the manufacturing process. The task of maintaining the quality of Goodyear products is the responsibility of the research and development, manufacturing, and quality control divisions.

As an added safeguard, quality control does not report to the manufacturing organization.

Our quality control network begins with testing of every lot of incoming material, rubbers, compounds, fabrics, and bead wire. It continues with frequent control checkpoints throughout the individual operations, utilizing inspection by machines, humans, and highly sophisticated electronic detection gear.

(See Exhibit attached which constitutes Pages 4 and 5 of November 4, 1965, issue of the Wingfoot Clan, a Goodyear Tire & Rubber Company employee publication.) [Not printed in RECORD.]

The numerous inspections of preassembly components are conducted with 100 per cent inspection of each assembled tire before it is cured; and, again, after it has been cured. Thus each tire receives two thorough inspections immediately before it is released to shipping departments.

Our performance proof testing does not stop after approval of the specifications for production tires. All manufacturing plants have their own test wheel resiliometers and use them continuously for testing samples selected from daily production. During the year 1966 an additional two million tire miles were run on these test wheels under accelerated conditions more extreme than those encountered in regular service. This provides the best assurance possible that tires we manufacture will provide completely safe and satisfactory performance in the service for which they have been designed.

We have long recognized that even this rigorous testing and quality control within our organization is not the final proof of product performance. The ultimate test is how the tire performs in the hands of the customer.

That is why we maintain an extensive feed-back alert system to tell us how our tires perform in actual use.

This starts with our consumer guarantee program. Every one of our 70,000 tire outlets is authorized to honor our guarantee. These retailers, in turn, report to our extensive service organization specific information about product performance. Very few performance problems actually relate to safety—rather, they are concerned with economic factors and esthetic factors such as wear, ride, and handling. These performance data are carefully analyzed and provide the basis for constant improvement in the design of the product.

Clearly, in this way we accomplish two important objectives:

First, it gives us comprehensive and meaningful information about the nature of product performance which enables us to improve and modify the design of the tire to meet changing conditions of use.

Secondly, it provides a motivation and incentive for improving the quality of the tires because tires which do not live up to their guarantee jeopardize our good name and reputation.

There is a great amount of automation in tire manufacturing, although there necessarily are certain operations which involve individual skills. Tires are built one at a time by individual tire builders, and their quality is highly dependent on the procedure and skills of each individual builder. It is for this reason that the tire which may perform below standard in the field is an exception.

Your continuing interest in tire safety is one which we share. It is for this reason that we, the Rubber Manufacturers Association, and other members of the Industry, have renewed our efforts to educate drivers on the importance of proper maintenance and inspection of tires.

Our experience shows the principal cause of tire difficulty on the highway is excessively worn, damaged, and improperly maintained tires. Widespread dissemination of information such as contained in the enclosed booklet will do much to help reduce this problem. (See attached.)

We strongly support the efforts of the National Safety Bureau to establish compulsory vehicle inspection, including tires. We are concerned that the proposed budget for such programs may be cut by Congress. We hope, Senator Nelson, that you will use your substantial influence to secure the appropriations required to continue these programs of education and regulation.

Let me assure you, Senator, that improving highway safety has always been a subject of prime concern to our company, and it will continue to receive the highest priority in all of our programs.

Very truly yours,

VICTOR HOLT, Jr.

SCHENUIT INDUSTRIES, INC.,
Baltimore, Md., September 13, 1967.

Hon. GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR NELSON: In reply to your letter and the requested information, Schenuit does not manufacture passenger, bus or truck tires. We are a small specialty manufacturer producing lawn and garden, industrial and aircraft tires. We do market a limited line of passenger and truck tires which are produced for us by the Dayton Tire and Rubber Company, a subsidiary of the Firestone Tire and Rubber Company. (Our unit sales for passenger and truck tires would be less than two-tenths of one percent of total industry sales).

To date, our experience with these automotive and truck tires has been excellent. We have had no product problems of a wholesale or epidemic nature. Our only adjustments have been an individual nature covered under our standard warranty or road hazard guarantee and *we have never had a recall of tires by group or category.*

I trust this will answer your letter satisfactorily and clarify Schenuit's position in the industry.

Very truly yours,

OLIVER S. TRAVERS, Jr.,
President.

THE DAYTON TIRE & RUBBER CO.,
Dayton, Ohio, September 18, 1967.

Senator GAYLORD NELSON,
U.S. Senate,
Select Committee on Small Business,
Washington, D.C.

DEAR SENATOR NELSON: Your August 12, 1967 letter covered a subject which is of great concern to us at The Dayton Tire & Rubber Company.

You may be interested to know that we are a Division of The Firestone Tire & Rubber Company, and we have been given the opportunity to review Mr. E. B. Hathaway's August 28, 1967 letter to you. Our observations have been similar to those of Firestone's as outlined by Mr. Hathaway and, therefore,

you may accept the information in Mr. Hathaway's letter as our response to your inquiry.

Very truly yours,

C. M. BARNES,
President.

LEE TIRE & RUBBER CO.,
Conshohocken, Pa., September 13, 1967.

Hon. GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR NELSON: I have your letter of August 12 relative to the tire experience of various people as it has been brought to your attention.

I would like to preface my remarks by advising you that the Lee Tire & Rubber Company was formed in the spring of 1965 and began the manufacture of Lee tires in July, 1965. Although the origin of the Lee name goes back many years, the name was acquired by our company from Lee National Corporation in the spring of 1965.

We, too, are keenly interested in automotive safety and the important safety functions performed by the tire on a vehicle.

Quality control is a pertinent part of each step in our manufacturing process. Beginning with a carefully devised specification, with emphasis on safety and durability, the preparation of materials is checked repeatedly and the finished product inspected carefully for compliance with the specification. Only those tires which meet the specification are released for sale to the public.

It has been my experience over many years in the tire business that the greatest cause of tire failure is abuse. Running tires underinflated is typical of the kind of abuse I have reference to. The air pressure in a tire must be maintained at the proper level if the tire is to give safe and satisfactory service.

A tire is not indestructible. It requires care and attention the same as any other quality product. You can liken air in a tire to oil in an engine.

My point in citing the foregoing is to suggest, taking first things first, that thought be given to a program of public education in the care of tires and how essential it is to their driving safety.

I personally am aware of a comprehensive effort being made to improve the driving habits of the public—urging the motorist to drive at sensible speeds—stop for a brief respite on the turnpike or interstate highway—learn to drive defensively, etc. As part of these public education efforts, the proper care and maintenance of tires could well be included in the interest of safer driving.

I appreciate that this letter does not give you precisely the information that you requested. However, my own feeling is that the industry through RMA has already taken steps through the institution of safety standards to protect the public. The logical next step, in my opinion, should be a combined effort of the industry and government to inform the public of what they should do to keep their tires in safe operating condition.

Yours very truly,

W. O. GREEN,
President.

PIRELLI,
Milan, September 26, 1967.

Senator GAYLORD NELSON,
U.S. Senate,
Select Committee on Small Business,
Washington, D.C.

DEAR SENATOR NELSON: Your letter of August 12th addressed to my Father, has been referred to me for action.

As you are perhaps aware, our Company has been actively exporting Pirelli tyres to the USA since 1960. They are sold to a specialized public of knowledgeable motorists who are particularly appreciating their high performance levels. Pirelli tyres are normally included in the "premium" price category.

I am pleased to report that, since the very beginning of our sales activity in the USA, it was not necessary to recall a single tyre for reasons that would have affected the safety of their users. Because we believe that the questions listed in your letter refer particularly to safety considerations, it would be possible for us to limit our answers to the above information.

However, since there were some tyres recalled to Italy in 1965 and 1966, for minor quality problems such as unusually rapid tread wear, we have thought it advisable to give you the information listed in attachments (a) and (b).

I hope that my answer is fully respondent to both the spirit and the letter of your request.

Sincerely,

LEOPOLDO PIRELLI.

[From Pirelli Sales, Inc.]

ATTACHMENT A

(a) A list of recalled or modified tires by number, type and size:

6.00S–13, Sempione "S", Tubel.
6.00S–13, Sempione "S", Tubel., WSW.
6.50S–13, Sempione "S", Tubel.
6.50S–13, Sempione "S", Tubel., WSW.
7.00S–13, Sempione "S", Tubel., WSW.
6.50S–14, Sempione "S", Tubel., WSW.
7.00S–14, Sempione "S", Tubel.
7.00S–14, Sempione "S", Tubel., WSW.
7.50S–14, Sempione "S", Tubel.
7.50S–14, Sempione "S", Tubel., WSW.
8.00S–14, Sempione "S", Tubel.
8.00S–14, Sempione "S", Tubel., WSW.
8.50S–14, Sempione "S", Tubel.
8.50S–14, Sempione "S", Tubel., WSW.
6.00S–15, Sempione "S", Tubel.
6.00S–15, Sempione "S", Tubel., WSW.
6.70S–15, Sempione "S", Tubel.
6.70S–15, Sempione "S", Tubel., WSW.
7.60S–15, Sempione "S", Tubel.
7.60S–15, Sempione "S", Tubel., WSW.

(b) The date of recall: 1248 units returned to Milan, Italy, 5–19–66; 1945 units retured to Milan, Italy, 7–12–66.

(c) The nature of the defect:

Tread wearing out more rapidly than usually expected (error in rubber compound not affecting safety). Tires otherwise of the very best quality.

(d) The length of time between the first marketing date and discovery of the defect: Approximately 6 months.

(e) The date of the initial discovery which led to the recall campaign: September, 1965.

(f) The efficiency of recall campaigns at stated dates and in terms of numbers located and recalled: Decision to re-purchase made in March, 1966. Shipments to Milan made in May and July, 1966.

(g) Parties from whom tires were recalled—wholesalers, dealers or final customers: Wholesalers and retailers.

(h) Whether the tires were sold or leased: Sold.

(i) Data on defective tires not recalled: All known cases were either re-purchased or adjusted.

(j) Copies of recall or modification letters or other notifications to wholesalers, dealers and consumers: Verbal authorization given to return tires to Pirelli Sales, Inc.

[From Pirelli Sales, Inc.]

ATTACHMENT B

(a) A list of recalled or modified tires by number, type and size:

6.00–13, Inverno Tubeless.
6.40–13, Inverno Tubeless.
6.50–13, Inverno Tubeless.
6.50–13, Inverno Tubeless, WSW.
6.50–14, Inverno Tubeless.
7.00–13, Inverno Tubeless.
7.00–13, Inverno Tubeless, WSW.
7.00–14, Inverno Tubeless.
7.00–14, Inverno Tubeless, WSW.
7.50–14, Inverno Tubeless.
7.50–14, Inverno Tubeless, WSW
8.00–14, Inverno Tubeless.
8.00–14, Inverno Tubeless, WSW.
6.70–15, Inverno Tubeless.
6.70–13, Inverno Tube Type.
6.40–15, Inverno Tube Type.
6.70–15, Inverno Tube Type.

(b) The date of recall: Two thousand nine hundred ninety-seven units returned to Milan, Italy, July 12, 1966; one hundred sixty-seven units returned to Milan, Italy, October 28, 1966.

(c) The nature of the defect: Occasional stripping of tread block edges.

(d) The length of time between the first marketing date and discovery of the defect: 6 months.

(e) The date of the initial discovery which led to the recall campaign: Approximately 6 months to interruption of sales.

(f) The efficiency of recall campaigns at stated dates and in terms of numbers located and recalled: Approximately 18 months to actual shipment to Milan.

(g) Parties from whom tires were recalled—wholesalers, dealers or final customers: Wholesalers and retailers.

(h) Whether the tires were sold or leased: Sold.

(i) Data on defective tires not recalled: All known cases were either re-purchased or adjusted.

(j) Copies of recall or modification letters or other notifications to wholesalers, dealers and consumers: Verbal authorization given to return tires to Pirelli Sales, Inc.

MCCREARY TIRE & RUBBER CO.,
Indiana, Pa., October 3, 1967.

Senator GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NELSON: In January, 1963, our company took a public stand in favor of some kind of minimum performance standards for tires. At that time, everyone else was saying that this represented a "blow to free enterprise" or that it was "much too complex a subject for standardization" or that it would "elimnate competition", etc., etc. In short, they all agreed that it was "impossible" to set meaningful performance standards for tires.

Frankly, I must admit that there were times when I was sure that we were a voice crying in the wilderness, that no one was listening at all. But we felt so strongly about the whole neglected subject of tire safety that we refused to keep quiet; we kept on talking in spite of the fact that we were sure no one was listening.

Fortunately, we were wrong. Someone was listening.

A handful of legislators, both state and federal, began to realize that the vast subject of automotive safety had been almost completely ignored, and that it was now time for legislative action. The final result was the passage of the National Traffic Safety Act, in 1966.

If I may modestly say so, I feel that our company's pioneering stand on tire performance standards had a great deal to do with the ultimate passage of the National Traffic Safety Act. Someone was listening, indeed.

This brief background now brings me to the question raised in your letter concerning the recall of defective tires. I think we must first answer the question, "What constitutes a defective tire?"

Our feeling on this question is simply that a defective tire is one which is subject to sudden and unannounced catastrophic failure . . . a "blow-out." Anything less

than this is not a "defective" tire, but is rather a tire which may deliver less-than-normal service. For example, tire manufacturers are plagued from time to time by tires whose treads wear out sooner than normal, or tires which develop separations between plies, or white sidewalls which turn distressingly brown, etc. But these tires are not subject to blow-outs. Their owners may not be happy with the service they are getting, but at least they're alive and complaining.

We are not going to claim that we never made a bad tire; and I don't think that there is a tire manufacturer in this country who would make such a ridiculous claim. Like all tire manufacturers, we've had our share of "problem children" and I suppose we'll have some more of them at some unknown time in the future. But these "problem children" were not prone to blow-outs. There may have been some wear-outs, sag-outs and brown-cuts in the group, but there weren't any blow-outs.

The exhaustive road-testing and test-wheel testing which precedes the introduction of any new tire line precludes the possibility of an inherently defective line of tires ever getting to the market-place. After a new design has been approved, the first comment is usually, "It looks good . . . but how will it run?" We attempt to answer this first by running the new tire on an indoor test wheel, gradually building up the load on the tire until it is considerably higher than normal highway usage. If there are any blow-out tendencies in Our New Hope for the Future, they will show up on the test wheel, because internal tire temperatures get much hotter here than they do on the highway.

The test wheel does not tell us how *far* the tire will run. It merely answers the question, "Will it run *at all* at maximum load?" If it will, the next step is to road-test it and the road test answers the question, "How *far* will the tire run?" The problem of blowouts is simply not a factor in the road test, because the tire has already passed the indoor-test-wheel phase. As a matter of fact, as the tire wears more and more of its tread off in the road test, it runs cooler and cooler, and is *less* likely to blow out than a brand-new tire.

Tires *do* blow out; but it's usually because they have been worn beyond the point where they should have been replaced, or because they have hit a sharp obstacle and been ruptured, or because they have been subjected to overloads for which they were not designed.

All this is merely to support our contention that no tire manufacturer in his right mind would ever let a blow-out-prone tire on the market. The test-wheel probing for this defect is: (1) quick, and (2) cheap. If it cost a million dollars and took six months to test for a tire's blow-out resistance, we could understand why a manufacturer might be tempted to save all that time and money, cross his corporate fingers and hope for the best as his New Offering hit the market. But because using an indoor test wheel to test for a tire's resistance to blow-outs is quick and relatively inexpensive, a tire manufacturer would have to be literally out of his mind to cut this particular corner.

It is for this reason that we feel that it is extremely unlikely that a truly "defective" tire has ever been offered to the American public. We have never had to recall any "defective" tires for the simple reason that we have never sold any tires which were "defective", i.e.: subject to sudden and unannounced catastrophic failure.

We can also truthfully say that we do not know of any competitor who has sold any "defective" tires.

In view of the points made above, I hope you will agree that any further comment by us on the subject of a recall program for new tires would be superfluous.

Very truly,

HARRY C. MCCREARY,
President.

THE MOHAWK RUBBER CO.,
Akron, Ohio, October 6, 1967.

HON. GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SIR: We are in receipt of your recent letter requesting information dealing with the recall, since 1960, of our Company's products due to design or manufacturing defects.

First, I would like to state that we have studied the examples set forth in your letter and none of them, to the best of our knowledge, pertain to our products.

You, I am sure, are aware of the method of manufacturing tires, the large and diversified number of raw materials that make a tire and the fact that many of these materials lose their individual identity in the finished product. For these reasons we have, over many years, developed an extensive quality control system within both our Technical Department and each of our tire manufacturing plants. All incoming raw materials are checked by shipment or batch number and, of course, during the various stages of manufacturing, quality control men are making continuous checks to insure that our product meets all the specifications established for it. We are most proud of the quality of Mohawk products over the years.

In the area of tire design, we have a capable, highly trained staff of men who are qualified to design tires which will meet, in every way, the service demands put on tires today. In addition, we carry on extensive tire testing programs prior to marketing any new product, as well as for changes in our existing line. We feel expenditures in this area are of the utmost importance.

As a result of our quality control system and development programs, we have had no occasion where a complete production line of tires has been returned from service. We have returned tires from the retail trade in order to determine quality checks made in our plant. I believe that the answers to your questions will be found in the appropriate order. I hasten to add, even of this minimal number of tires returned, it was purely precautionary.

(a) 436 10.00–20–12 PR Ultimiler heavy truck tires.

(b) The tires were returned in the first half of 1967.

(c) Tires received for adjustment were suspected to have an incorrect compound in the tire.

(d) The tires were marketed between January and April 1967.

(e) The initial discovery of a possible defect was discovered in early 1967.

(f) Completely effective, no need for further precautions.

(g) Tires sold to wholesalers and dealers, not the final customers.

(h) The tires were sold.

(i) We know of no defective tires in service.

(j) Handled through technical people, order department and field sales personnel by telephone.

It has long been of concern to us that many drivers, both abuse their tires and are seemingly unconcerned when their tire tread is gone. To the best of our knowledge and experience, all but a small fraction of the accidents which are attributed to tires are the result of abuse of tires and/or tires in use which an inspection would have indicated should have been replaced. Tire inspection should, and must, be a responsibility of the person driving and we are very much in favor of legislation which will make tire inspection (and, where necessary, replacement of the tire) mandatory and would also hope that such legislation would provide law enforcement personnel with adequate powers to enforce such laws.

Very truly yours,

HENRY M. FAWCETT, *President.*

ADDITIONAL COSPONSOR OF BILL AND JOINT RESOLUTION

Mr. BYRD of West Virginia. Mr. President, on behalf of the junior Senator from Georgia [Mr. TALMADGE], I ask unanimous consent that, at its next printing, the name of the junior Senator from South Carolina [Mr. HOLLINGS] be added as a cosponsor of (S. 2074) a bill to amend title XVIII of the Social Security Act and related provisions of other acts to permit individuals insured for benefits under part A of such title to receive, for a limited period, certain payments with respect to inpatient hospital services and outpatient hospital diagnostic services furnished to them by certain hospitals not participating in the program established by such part A, and to permit individuals so insured to receive certain payments with respect to emergency hospital services furnished to them by certain hospitals which are licensed under State law but which are not authorized to be paid under such part A for services provided by them.

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

Mr. MCCARTHY. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Maine [Mr. MUSKIE] be added as a cosponsor of the joint resolution (S.J. Res. 54) proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

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

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, November 8, 1967, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 219. An act to authorize the Secretary of Agriculture to sell certain land in Lander, Wyo., and for other purposes;

S. 423. An act authorizing the use of additional funds to defray certain increased costs associated with the construction of the small-boat harbor at Manele Bay, Lanai, Hawaii, and for other purposes;

S. 1391. An act to cancel certain construction costs and irrigation assessments chargeable against lands of the Fort Peck Indian Reservation, Mont.;

S. 2179. An act to extend for 3 years the special milk programs for the Armed Forces and veterans hospitals; and

S.J. Res. 114. Joint resolution extending the duration of copyright protection in certain cases.

NOTICE OF HEARINGS ON NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. MCCLELLAN. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that public hearings have been scheduled for

Wednesday, November 15, 1967, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

James M. Carter, of California, to be U.S. circuit judge, ninth circuit, vice Gilbert H. Jertberg, retired.

Herbert N. Maletz, of Virginia, to be judge of the U.S. Customs Court, vice Philip Nichols, Jr., elevated.

At the indicated time and place persons interested in the above nominations may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi [Mr. EASTLAND], chairman, myself, and the Senator from Nebraska [Mr. HRUSKA].

THE HIGHWAY AS CATALYST—IMPORTANT HEARINGS ARE TO BE HELD BY THE SENATE PUBLIC WORKS COMMITTEE ON HIGHWAY PLANNING POLICIES

Mr. RANDOLPH. Mr. President, the Committee on Public Works will begin a series of policy review hearings on Tuesday, November 14, dealing with the opportunities and problems related to the planning, design and impact of the highway program in urban areas. We expect these hearings to continue for several weeks.

Urban highways are a basic element in the transportation skeleton of the city. As such, they affect the growth and development of the urban area and the life within it. The concept of providing efficient transportation within and between the urban areas of our Nation is basic to the Interstate Highway System. The urban highways are vital segments of this integrated, unified national network. The Congress has placed itself clearly on the record as considering the urban highway fundamental to the national roads program.

In many of the cities of our country, great controversy has developed over the route location and design of segments of urban highways. Experience in New Orleans, San Francisco, New York, Chicago, Seattle, San Antonio, Memphis, Minneapolis, and elsewhere indicates either that the laws are inadequate to encourage the full utilization of the opportunities presented by the highway or that the legislative intent to do so is not fully being realized in the highway planning process. Baltimore and Philadelphia, on the other hand, have developed innovative solutions, which together with other governmental programs, are utilizing the highway for positive planning and development.

If out of these controversies new methods and suggested governmental structural revisions emerge, we will strengthen the use of highway planning as a tool for positive urban development.

It is the intention of the Committee on Public Works to reexamine the broad local and national needs such urban highways should serve and to examine policy alternatives relative to achieving those goals.

The highway will be examined as an important opportunity-creating element of urban development. The urban highway does affect the environment of the city. Highway planning must take into account the social, economic, ecological, demographic, esthetic, and the other factors which constitute the total environment of the city. Highway planning must be coordinated with all planning activities in the city.

We will be concerned with the role of the urban highway as an instrument of urban policy. The interrelation of governmental functions concerning highway planning and design and more broadly based planning functions will be examined in this context. Central to this examination must be a concern for the interrelation between and the adequacy of, the Federal, State, regional, and local decisionmaking bodies, and the effects of their interaction on the positive goals sought to be achieved.

This examination will necessitate the accumulation of more information concerning the impact of the highway on the city, and on the opportunities that a highway can present. The residents of urban neighborhoods as well as the suburbanite and the businessman all have a deep stake in the impact of the highway on the urban environment. The opportunities for air rights utilization, open spaces, urban renewal, and control of urban growth should be more fully explored. Innovative approaches to highway planning and design, and the adequacy of the structure of the governmental bodies charged with such responsibilities, will be examined by the committee members who are always seeking to improve the usefulness and value of the highway program. The potential presented through close cooperation with other governmental programs, such as housing, education, and various transportation modes is indeed great.

While the policy intent, as reflected by the various Federal Aid Highway Act, is to achieve maximum direct and indirect utilization of the highway program, the implementation of these policy decisions, experience shows, has not always had the desired effects. The committee will be studying the effectiveness of the administrative implementation of these policies; for example, section 134 of title 23 provides for a "continuing comprehensive transportation planning process" and section 128 provides for hearings to be conducted by the State highway department. We will be seeking ways to make these provisions more significant. Various alternative governmental structures will be examined with the intent of making more effective use of the highway planning and hearing processes and procedures.

During the hearings we will receive testimony from at least five categories of witnesses:

First, we expect to hear from people who can describe the general problems of the city. The great unrest of the urban dweller, the shifts of population within the urban area, and the decentralization of the business district, which are all affected by the urban transportation structure, increase the impact of urban highway planning and design. Our examination of the goals of urban transportation requires a continuing understanding of the background problems and opportunities of the city itself. Transportation policy decisions must be made in the context of the needs of the urban area and its inhabitants.

The second group will be people who have a deep involvement with the broad solutions to urban problems. It is through an appreciation of the many resources and approaches being brought to bear on the multitude of urban problems that the committee can best understand the range of factors to be considered in highway planning. The committee will be hearing from a broad base of specialties and disciplines that are contributing to make life in the city more habitable. These are people who are students of the different factors comprising the health and vitality of the cities. As specialists in the particular fields of human behavior that are components of urban life, they can help define the goals and policy that transportation should serve.

The third group will be those who have the political responsibility for decisions at the local level. The practical considerations of resolving the sometimes conflicting interests within the city form an integral part of this series of hearings. It is at the local level that these decisions concerning the life and growth of the cities must be made. It is on this level that the most immediate benefits of general transportation and highway planning will be realized. Members of the committee will be seeking the views of local decisionmakers as to their experiences, and as to the adequacy of the various administrative structures concerned with life in the metropolis and the growth of the city.

Those people concerned with the execution of the highway program at the urban level will be the fourth category of witnesses to be heard by the committee. Those at the State, regional, county, and city levels who have the continuing responsibilities for administering the program, and building safe and efficient highways can contribute an appreciation for the practical problems encountered. The development of urban highway transportation policy, and the desire to utilize all of the opportunities available must be realistically conceived to be viable. The people with the practical responsibilities for these programs will contribute to the committee's study some insight into why the conflicts and controversies develop, and where the structures and procedures can be modified to achieve better results.

As a conclusion to this series of hearings into the broad goals and policies of the highway as urban catalyst, the committee will seek the advice and counsel of the major Federal departments concerned with life in the urban area, with urban planning and with urban transportation. We will solicit the aid of these Federal departments in examining urban policy and more specifically in developing urban transportation policy.

The committee is concerned also with how the effects of the transportation structure on the city are being considered in the design and planning of the urban highway. How much is known

about the impact of these programs on the life of the urban resident and on the dynamics of the city, and how is this knowledge brought to bear on the practical considerations of building useful, safe, and well-designed roads? The committee will want to know more about how the government departments are structured to meet their broad responsibilities and if this structure is adequate to best utilize the program as a positive tool of urban development. The practices of these agencies in administering the basic Federal laws will be explored.

We will desire to know how the policy of the Congress relative to the opportunities presented by these programs in the urban areas is being implemented. The Departments will be called last so that we can have the benefit of their comments on the matters discussed by the preceding witnesses.

As I said in my speech before the American Association of State Highway Officials, "Our World Changes as We Walk and Ride on It":

Our Nation is not the same demographically as it was in 1947 when the system was first begun. It is not even close to what it was in 1956 when the program was accelerated. The most profound social and economic changes that our Country has experienced in the past 100 years have taken place in the past two decades. Our economy today has soared beyond the expectation of the most optimistic post-World War II forecasters. These changes have had their effect and their impact on the highway program. We have been subjected to substantial increases in the cost of construction. The competition for materials and men and money from other public programs and from private efforts has intensified. But most importantly, we have only recently come to the full awareness of the impact of highways themselves.

URBAN HIGHWAY HEARINGS

Mr. COOPER. Mr. President, I am glad to join with Senator RANDOLPH, the chairman of the Senate Committee on Public Works, in calling attention to the hearings scheduled by the committee, beginning next week, to review policies affecting urban highway planning, location and design. I believe these hearings can have great significance, not only as the urban portions of the Interstate System move toward completion, but especially as we look toward the highway programs which will continue, and which may follow the interstate program.

Transportation around, into, and within cities has the most profound effect upon nearly every activity there—upon the changing character of cities, and upon the development or decay or growth of areas within and surrounding urban centers. It affects the daily lives and future plans of all who live or work in the area.

Mass transportation, interstate routes, freeways, primary roads, the network of streets, parking and service facilities, are all involved in the complex structure which supports the movement of persons and goods, and therefore affects the total activity of these densely settled areas and the quality of urban life.

The practical problems of planning and constructing highways designed to serve major urban centers are widely known—and often by specific examples having acute problems. When the Federal-aid highway programs began, competing interests were usually evident, seeking the location of farm-market roads and the advantages of high-service highways through rural areas. But within cities, it is commonplace that the alternatives for location of transportation routes all involve dislocations and disadvantages—and have social, economic, and development consequences of a kind and order of magnitude quite different from those of routes serving rural areas or between the Nation's centers of urban activity.

For example, urban segments will constitute only 15 percent of the total mileage of the Interstate System. But it is estimated that when completed, they will carry one-half of the volume of traffic on the system, and will account for 50 percent of the cost of the Interstate System. In a number of cities these vital links in the Interstate System, which are meant to serve equally local needs and interstate commerce, have met with difficulties and unresolved problems remain. We know, too, that in the years ahead urban freeways and distribution roads, and the improvement of traffic flow on existing networks, must be given a higher priority.

I think it most appropriate that the Senate Committee on Public Works should receive views at this time from those who understand the complex and interrelated problems of the city, from those experienced in urban planning, from officials who have local responsibility, and from interested Federal agencies—as well as from those primarily concerned with execution of the existing highway programs.

We know that the challenges and opportunities for areawide planning—including transportation—are the subject of increasing attention and new effort by many agencies and thoughtful officials, including those in the Departments of Transportation and Housing and Urban Development. Governors, mayors, and State highway officials are also increasingly concerned, and the Subcommittee on Roads will have the benefit of their views.

It seems to me that this is a field of great opportunity. For the very mobility of people today, and the activity which we call "traffic," exerts a pervasive influence—an influence which will bring about changes in any event, but which with purpose may be guided to constructive effect. Ignored or misunderstood, these forces could contribute to disorder and chaotic development, and to the deterioration of urban life.

I am pleased that the hearings will seek a broad range of testimony. While they are not directed to specific legislation, I believe that the exploration of this subject holds promise in encouraging creative thought and innovative ideas, in the wider adaption of successful methods, and finally toward the development of better policies and the kind of coordinated effort required. If they will better define the problems we face, help give order to the goals we seek, and add to our understanding of the means available, these hearings can have a part in bringing about a fuller contribution by improved transportation to the Nation's growth and life.

ANNOUNCEMENT OF HEARINGS BY SENATOR WILLIAM B. SPONG, JR., CHAIRMAN OF THE FISCAL AFFAIRS SUBCOMMITTEE OF THE SENATE COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. SPONG. Mr. President, the Fiscal Affairs Subcommittee of the Senate District Committee has scheduled 2 days of hearings for next week. On Wednesday, November 15, the subcommittee will hold hearings on S. 1511 and S. 2102, which deal with District police and firemen's pay and certain other benefits, and on S. 1229—H.R. 831—which would permit members of the District of Columbia Fire Department, the U.S. Park Police, and the White House Police to participate in the Metropolitan Police Department bond.

On Thursday, November 16, the subcommittee will hold hearings on S. 317—H.R. 12505—the Teachers' Retirement Act Amendments, on H.R. 5709, amendments to the District of Columbia Teachers' Leave Act; on S. 1225—H.R. 827—amendments to the Presidential Inaugural Ceremonies Act, and on H.R. 8715, amendments to the District of Columbia Alcoholic Beverage Control Act.

Hearings will begin at 10 a.m. in room 6226, New Senate Office Building. Those wishing to testify should contact Mr. Chester H. Smith, staff director of the Senate District Committee, on extension 4161.

INDIAN HISTORY ON MAPS

Mr. MANSFIELD. Mr. President, recently my good friend, John Woodenlegs, president of the Northern Cheyenne Indians, sent me a fine reproduction of a pen and ink hand drawn map of the Northern Cheyenne Indian Reservation in southeastern Montana. The man responsible for the map is Ralph Shane, a road engineer for the Bureau of Indian Affairs in Billings, Mont. The mapwork is a hobby, but one of the most imaginative I have seen in a long time. The maps are accurate topographically and highlighted with sketches of events and places of importance to each Indian Reservation.

Mr. Shane has completed maps for three of Montana's seven reservations and is planning the artwork for the remainder. These maps are the product of a very talented and accomplished artist and a man who has a sincere interest in the history of our first citizens, the American Indians.

Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks in the CONGRESSIONAL RECORD a feature story which appeared in the Billings Gazette on October 29, 1967.

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

[From the Billings (Mont.) Gazette, Oct. 29, 1967]

INDIAN HISTORY ON MAPS: DOODLER'S HOBBY

(By Dick Gilluluy and Kathryn Wright)

"You can work better with people if you understand their backgrounds and history."

That's the philosophy behind the map-making hobby pursued by Ralph Shane of Billings, Bureau of Indian Affairs area road engineer.

Shane, whose dark hair is touched with silver at the temples, makes maps of Indian reservations, illustrating them with meticulously detailed pen and ink drawings of events important in the tribes' histories. He has just completed maps of the Northern Cheyenne and Blackfeet Indian reservations.

"Nope," Shane leaned back in his office chair, eyes twinkling behind his glasses. "I never had any art lessons. Just call me a doodler. I work from photographs of historical events and people."

Map-making is strictly a hobby. Shane earns no money from it, although it takes him eight or nine months per map, including an average of six months' research.

But—goals he sets himself in this hobby are as stringent as if he earned his living at map-making.

"I want them to be attractive enough," he says, "to interest those who see them.

"Brief enough so they can be read effortlessly.

"And complete enough and frank enough to make the reader pause and reflect on the Indians' hardships."

Research involves studying books, records, historical magazines and photos. "I talk with people who've had long acquaintance with the Indians," Shane says. "For instance, the Rev. C. A. Bentley of Billings was a great help. He's spent 40 years on the Crow Reservation.

"And," the map-maker cautions, "don't say the Crow map is finished. That's just a research sketch. I'm still working on the final product."

Shane's office walls in the Federal Building are filled with his sketches of Indians and pen and ink portraits of the prominent—JFK and LBJ, for example. But he does little work on his hobby in the office. The hobby is strictly on his own time and at home, 932 Alderson Ave., where his two daughters, Shannon 13, and Erin, 9, and his wife, a quarter-blood Sioux, frequently watch over his shoulder as a map takes form.

Shane's first map, Standing Rock Reservation in the Dakotas, was made in 1944 when he was stationed at Standing Rock Agency, Fort Yates, N.D. He met his wife there and they were married in July, 1944, at Bismarck, N.D. Besides the daughters, they have a son, Ralph Shane Jr. of Billings.

"I didn't get this map-making idea until I'd been with BIA eight years," Shane says. "But I've always been interested in history, as a boy in Pipestone, Minn., all through grade and high school and at South Dakota School of Mines in Rapid City."

The Shanes have been in Billings 10 years, but Montana wasn't new to him then. Shane's first assignment was as a surveyor with BIA roads to Fort Peck in 1937.

From there he went to the BIA in Sacramento, Calif., then to Fort Belknap in 1941–42. From 1955 to 1957 he owned and edited a weekly newspaper in Newtown, N.D., on the Fort Berthold Reservation.

Since his first map 23 years ago, Shane has completed maps of reservations in Minnesota, Oregon, North Dakota and a state map of North Dakota.

He gives negatives of the maps to tribal councils. They reproduce them and sell them in museums, use them in schools and in tribal offices and halls. BIA presents them to dignitaries.

Shane sometimes hand colors the maps for special purposes, and colored maps of the Cheyenne and Blackfeet reservations are in BIA Area Director James F. Canan's outer office in the Federal building.

Shane draws the maps on tracing paper so they can be reproduced easily. Also, negatives are made for offset printing in large batches.

He recently presented the history-conscious Northern Cheyennes with their map. Legend on the map calls them "The Morning Star People."

This is the way they like to think of themselves—a tribe with a bright future, despite unhappy early history so artfully depicted on the map.

FEDERAL ASSISTANCE WITHHELD FROM SAVANNAH YMCA BECAUSE THE "C" STANDS FOR "CHRISTIAN"

Mr. TALMADGE. Mr. President, the managing editor of the Savannah, Ga., Evening Press wrote last Saturday in an editorial column:

It is simply impossible to understand the federal government.

We witness many things, on many occasions, that make it easy to understand how this newspaper editor can feel the way he does. Some of these things make no sense whatsoever.

I was shocked and amazed last week to learn that the Department of Housing and Urban Development was withholding Federal assistance from a Savannah YMCA because the "C" stands for "Christian." Judging from what I have been able to determine, the West Broad Street YMCA in Savannah is qualified in every respect for a neighborhood facility grant of some $250,000 to partly pay for the construction of a youth center in an underprivilegd part of the city in order to take needy children off the streets and give them a place to work and play.

The YMCA apparently met every prerequisite for the grant and had in fact secured approval of its application—until some bureaucrat found out that the name of the new youth center was going to contain the word "Christian." Then the Savannah people were promptly notified that the Federal grant would be forthcoming, but only if the word "Christian" was omitted in naming the youth center.

Presumably, it is acceptable to grant Federal funds to radical outfits which preach and teach racial hatred and civil insurrection, and where morality is scorned and flouted. But somebody decided that it is not all right to make a Federal grant to an old and respected organization dedicated to humanitarianism, fellowship, and character building, such as this YMCA.

I submit that this is the height of absurdity, but it is about par for the course these days in some branches of our Federal Government.

When I learned of this matter I contacted the Secretary of the Department of Housing and Urban Devolpment to register my strong protest. I was even more appalled to learn that there was not even a written policy or directive governing a decision of this type. This action was taken, not on the basis of some well-defined, reasonable policy or guidelines, but because of something apparently cooked up in somebody's head.

As I stated in a letter to Secretary Weaver, I fail to see how requiring this YMCA to omit the word "Christian" from the name of the youth center would in any way affect its eligibility for Federal assistance. Neither this YMCA nor any other, so far as I have been able to determine, has been operated for members of a particular religion to the exclusion of others, and it has no intentions of doing so.

I cannot help regarding this as just another outrageous example of an aversion in some Federal circles today to mixing God and government, and a blatant attempt to drive religion from the lives of the American people.

Because I think this matter is worthy of the attention of the Senate, I ask unanimous consent to have printed in the RECORD my letter to Secretary Weaver and editorial columns from Savannah newspapers.

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

[From the office of U.S. Senator HERMAN E. TALMADGE]

NOVEMBER 1, 1967.

The SECRETARY,
Department of Housing and Urban Development, Washington, D.C.

DEAR MR. SECRETARY: I am enclosing herewith an editorial from the Savannah Evening Press of October 24, which is self-explanatory. I have been in contact with officials in your Department, and based on the information that I have been able to compile, the situation as set forth in this editorial is substantially correct.

Naturally, members of the Board of Directors of this Y.M.C.A., as well as its Director Dr. Joseph Jenkins, are very much alarmed that its eligibility for a neighborhood facility grant would be contingent upon removal of the word "Christian" from the proposed name of the project, when apparently all other criteria have been met in every respect. In other words, the West Broad Street Y.M.C.A. in Savannah is qualified to receive the grant for a neighborhood youth center and a grant in the amount of $244,856 has in fact been approved. But now the Y.M.C.A. is led to believe that these federal matching funds will not be forthcoming unless the word "Christian" is dropped from the name of the new facility. Ground has been broken for the project, and it presently is under construction.

In an effort to investigate the circumstances involved, my office contacted Congressional Liaison officers of your Department, who stated that this action was in keeping with the Department's policy of "non-sectarianism" in making such grants. This policy, which I was told had been in effect for "a month or two," was outlined thus: (1) there should be no religious functions in the building; (2) there should be no religious symbols in the building; and (3) the name of the center cannot connote any particular religious group. I requested a copy of the regulation defining this policy and/or a copy of the departmental directive which promulgated this policy. I was subsequently informed that this policy is not a written one, but that it is now being put into writing—apparently as a result of my inquiries.

I was further advised by your Congressional Liaison that the underlying philosophy was that of "separation of church and state," as specified by the First Amendment to the Constitution. I fail to see how requiring an organization or agency to change its name would alter its eligibility for federal assistance. This is especially true of a worldwide organization with the old and honor-

able name of the Young Men's Christian Association. It appears to me that the function and purpose of the applicant or operating agency should be the principal considerations in determining whether or not allocating public funds to it would be in violation of the separation doctrine.

Inasmuch as the grant was approved prior to the decision concerning the name change, I judge that this Y.M.C.A. met all necessary criteria as an operating agency. On the basis of the approval of the grant, I can only assume that it is qualified to receive neighborhood facility funds. The name of the facility in no way has any bearing on its plans to offer community health, recreational and social services to benefit all young people in this area. There has been no religious sectarianism connected with the operation of this Y.M.C.A., or any other "Y" anywhere so far as I have been able to determine, and there is none contemplated for this new facility. Well-known and respected members of the Jewish faith in Savannah have served on the Board of Directors of this Y.M.C.A., and traditionally its facilities have not been operated for members of a particular religion to the exclusion of others and no such separation is intended.

Moreover, I think it is significant and to the point that the membership of the Young Men's Christian Association in Jerusalem is 95 per cent Jewish. I bring to your attention this quotation from the Encyclopedia Americana concerning the Young Men's Christian Association:

"The Christian orientation of the 'Y' is intended to define its purposes and the influence it seeks to exert, *not to exclude* any who share its ideals or who wish to participate in its activities. Composition of the membership varies from country to country, according to the national pattern, whether Protestant, Roman Catholic, Orthodox Eastern, or other. In the United States the members are predominantly of Protestant affiliation or background, but include substantial numbers of Roman Catholics, members of the Orthodox Christian churches, Jews, and persons of other or no religious affiliation."

I regret very much that there is a threat that this grant will be withheld or rescinded on the basis of an unwritten and apparently ill-defined policy that, in any event, is not applicable to this immediate situation. I deem this action to be both unecessary and unwarranted.

I earnestly request that the Department of Housing and Urban Development reconsider and reject its edict that the name of this facility be changed so as to erase all identity with the West Broad Street Young Men's Christian Association. I hope that I may hear from you soon about this matter.

With every good wish, I am,

Sincerely,

HERMAN E. TALMADGE.

[From the Savannah (Ga.) Evening Press, Oct. 24, 1967]

WE CALL IT DEPLORABLE

Our federal regulations have reached a new low when they dictate that the word Christian be taken out of the name of a Young Men's Christian Assn. facility if it is to be eligible for a $270,000 grant from the U.S. Department of Housing and Urban Development.

It happened right here in Savannah—to the West Broad Street YMCA. To please the federal government, the westside organization will have to change the name of its planned new facility to West Broad Street Neighborhood Center or something similar.

This is ridiculous. The YMCA has a long and honored history and performs a service to the citizens of our nation. Its doors are open to all Americans. The word Christian in connection with the YMCA organization, denotes the good intent of the "Y" programs.

This latest federal action makes us wonder what's going to happen to Christmas and other names with special meanings. Will we be forced to call Christmas the "annual holiday"?

We would hope that the YMCA incident doesn't go unnoticed by Rep. Elliott Hagan and U.S. Sens. Richard B. Russell and Herman E. Talmadge. It is in their province to send sharply critical letters to the Housing and Urban Development Department and to call the situation to the attention of their fellow congressmen.

Such federal regulations are going too far. If left unchecked, there is no telling how far such rules will be taken. We could vacillate into a nation of people without goals or creeds—something like the godless conditions found in Russia.

[From the Savannah (Ga.) Evening Press, Nov. 4, 1967]

POLICY ON YMCA'S GRANT ABOUT SILLIEST THING YET

(By Tom Coffey)

I am beginning to believe what they've been telling me for years—that it is simply impossible to understand the federal government.

The government has been howling that something has to be done to reach the people in the ghettos. So, when Savannah's West Broad Street YMCA comes along with a plan to build a fine neighborhood center in a predominantly Negro section, the government balks at a $270,000 grant for that purpose because the "C" in YMCA stands for Christian.

Now, if I thought for one minute that a new West Broad Street YMCA built with federal money would rock the foundations of the church-and-state-separation principle, you'd see me first in line protesting the federal grant. That constitutional principle never was intended to mean anything more than a guarantee against a state church. People who belonged to my church were among the leaders in framing the Constitution.

America is so divided in religious denominations and sects that even if an attempt were made to establish a state church it would be almost impossible to settle on any specific sect.

The silly thing about the government's attitude toward the YMCA, however, is that the "Y" is, by no stretch of the imagination, sectarian in the sense that it's Baptist, Methodist, Episcopalian, Roman Catholic or River Brethren. It's simply an organization founded on Christian principles, which embody love, understanding, fellowship. Membership, as far back as I can recall, has never been restricted to any sect, denomination or even to Christians. One of the Savannah YMCA's best handball players for years was a Jew, and when he died his obituary stated that he was on the boards of both the YMCA and the Jewish Educational Alliance.

Suddenly, though, the federal government sees a bad connotation in the word Christian. It says that the grant will be made if YMCA is taken from the title and assurance is given that no religious programs will be held there. I guess there's something bad about religious services, too, since the government didn't ask for assurance against other activities, such as marijuana parties, drinking bouts and roulette games.

It's all right to sin, I suppose, but don't anyone dare pray, or acknowledge the existence of The Almighty—at least, not on property where federal money is involved.

I just can't understand how Congress gets by with a daily prayer, or how the U.S. marshal is allowed to cry the court and say "God save the United States and this honorable court." Federal property, you know. And our money! I distinctly read "In God We Trust" on a dollar bill. Illegal, I suppose. Maybe counterfeit.

All I can say is an administration that seemingly wants to reach people who need reaching, especially the poorer Negroes, should see that a neighborhood YMCA center can do more to "keep 'em off the street" and provide wholesome outlets than five times $270,000 worth of the so-called poverty program.

From what Sen. Herman Talmadge has been able to dig up, this "policy" with regard to the YMCA is something brand new, dreamed up by some bureaucrats and not even reduced to writing until after it was orally enunciated. Exhibit "A" in the case of "It's Impossible to Understand the Federal Government."

Even with ground already broken and a strong dependence upon the $270,000 grant since the project has progressed thus far, it's too bad the YMCA board doesn't tell the government never mind. If I were a millionaire, I'd write them a check for the full amount . . . just so they could.

[From the Savannah (Ga.) Morning News, Nov. 5, 1967]

THE SENATOR DIGS IN

Seldom one to bite his tongue when disturbed by the red tape and nonsensical workings of the federal government, Sen. Herman Talmadge lost no time in letting the Dept. of Housing and Urban Development know his feelings on the senseless delay of a grant to finance a new West Broad Street YMCA facility here.

"Unnecessary and unwarranted" were the words the Georgia senator used to describe the federal agency's demand that the word "Christian" be taken from the official title of the Young Men's Christian Assn., lest the public suspect that sectarianism governed the decision to make the grant.

The senator is a practical man, therefore we would have expected him to express alarm over the furor that has arisen over the YMCA request for money to construct a worthwhile and badly needed neighborhood facility in a predominantly Negro section of Savannah.

What the senator has done, though, is to discover that the policy outlined by the HUD wasn't even contained in the department's written regulations. The senator asked for a copy of the regulation governing this case and was told that the policy "is now being put into writing," apparently as a result of the senator's inquiry.

What kind of agency is it that can make policy orally as it moves along and even before regulations are written? The government's many and varied "guidelines" in many and varied areas have been disturbing for a long time . . . but this just about tops everything for sheer irresponsibility.

We note that since the furor arose statements have come from both the government and YMCA officials indicating that the matter will be ironed out. We feel sure that the senator's inquiry might have had a catalytic effect on the Washington end.

The senator pointedly emphasized the nonsectarianism of the YMCA, its ecumenicity, its aims and purposes. Moreover, he pointed out that the name of the facility "in no way has any bearing on its plans to offer community health, recreational and social services" to the community.

We thank the senator for prodding where prodding was needed. We trust that the nonsense over the name of the YMCA will cease and that the new facility will be built as scheduled and financed as planned with both federal money and local money.

PRIORITIES AND THE WAR IN VIETNAM

Mr. FULBRIGHT. Mr. President, many of us have said on the floor of the Senate—and elsewhere—that this Na-

tion should rearrange its priorities, that the war in Vietnam was not serving but disserving our national interests by costing more in American lives and American wealth than it is worth and that, as a result, our military involvement abroad is weakening our society at home. A most articulate letter on this subject was published in the November 5 issue of the New York Times. I was particularly intrigued because it was written by a permanent member of the Institute for Defense Analyses.

Mr. President, I ask unanimous consent that the letter written by Mr. James Simons and dated October 25, 1967, be inserted in the RECORD at this point.

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

[From the New York Times, Nov. 5, 1967]

EXPENDITURES FOR PEACE

To the EDITOR:

In recent books and articles on the subject of Vietnam, Gen. Maxwell Taylor has made very clear that he supports vigorous prosecution of the war. General Taylor is the president of the Institute for Defense analyses, and his feelings may be shared by many of the people there. However, some of us at that institution have a different view.

My own belief is that any political gains stemming from a military victory cannot possibly be offset by the enormous economic, intellectual and moral investment which we are continuing to place in this venture. The ultimate effect of the war will be to diminish our security rather than to bolster it. The only available course consistent with a rational defense policy is to withdraw with the greatest possible dispatch.

The foundation of our security is not our military power, but the strength and health of our society. By diverting so large a portion of our economic capabilities away from essential domestic projects, by involving so many of our intellectuals in military affairs and at the same time alienating others to the point where they will undertake no Government activity, and by replacing the traditional American atmosphere of hope and confidence with an attitude of fear and uncertainty, the Vietnamese war is very seriously eroding this foundation.

It would make us a stronger country to rebuild Watts than it would to bomb Hanoi. It would make us stronger to construct decent transportation on our East Coast than it would to destroy all the bridges in Vietnam. It would make us stronger to find ways to feed those people in our own country who haven't enough to eat than it would to develop methods to defoliate the farmlands of North Vietnam.

The Institute for Defense Analyses was created by several universities to enable scientists and academicians to contribute directly to the problems of United States defense. Since that word "defense" has been stretched so far as to include our adventures in Southeast Asia, it would perhaps be appropriate to stretch it a bit in the other direction to include other activities which directly benefit the strength of our country.

With that understanding of the word, the most significant contribution an organization like I.D.A. could make to the defense of the United States might well be to direct a substantial portion of its technical and intellectual resources away from the area of military defense and toward some of the truly important problems currently facing our nation.

JAMES SIMONS,
Permanent Member, Institute for Defense Analyses.

PRINCETON, N.J., *October 25, 1967.*

SUPPORT FOR U.S. ARMED FORCES IN VIETNAM

Mr. TALMADGE. Mr. President, in recognition of the fact that it is the duty and responsibility of every American citizen to support their Government, the Junior Chamber of Commerce of Augusta, Ga., recently adopted a resolution expressing support of U.S. Armed Forces in Vietnam.

It is my strong feeling that this very fine organization of young men, as well as other similar groups throughout the country, are the real voice of the young people of America regarding the U.S. involvement in Southeast Asia.

Unfortunately, however, it is the hippies, the beatniks, and the draftcard burners who get the publicity, thereby blowing their significance way out of proportion.

I commend the Jaycees for their outstanding expression of Americanism and ask unanimous consent that the resolution be printed in the RECORD.

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

Whereas, in the days immediately preceding World War II, the United States Junior Chamber of Commerce found it necessary to assume a position of leadership in expressing the feelings and beliefs of this great country's young men; and

Whereas, in those troubled days, the Junior Chamber adopted a resolution endorsing the Selective Training and Service Act of 1940; and

Whereas, the United States of America is once again faced with the grim reality of a distant and complex war; and

Whereas, the true feelings and beliefs of the vast majority of America's young men have not been adequately or accurately expressed; and

Whereas, a small but vocal minority is purporting to represent the majority of said young Americans, and, in so doing, is receiving an inordinate amount of publicity by their actions; and

Whereas, the Augusta Jaycees is an organization composed of young men, the great majority of whom are subject to military duty; and

Whereas, the Augusta Jaycees are desirous of once again assuming a position of leadership as did their predecessors twenty-five years ago;

Now, therefore, be it resolved this 24th day of October, 1967, that the Augusta Jaycees do hereby affirmatively express their unqualified support for the following:

1. The Universal Military Training and Service Act and particularly that section of said Act making it a criminal offense to knowingly mutilate or destroy so called draft cards; and

2. The continued presence of United States Armed Forces in Southeast Asia until such time as a just and equitable peaceful solution to the present conflict is reached, or until such time as ultimate victory is achieved by said forces.

WHEAT AND THE NATIONAL ECONOMY

Mr. CARLSON. Mr. President, the latest figures from the Food and Agriculture Organization of the United Nations show that half of the world's population is undernourished. World agriculture and particularly the agriculture industry in the United States must make an all-out effort to mount a concerted attack on the problem of hunger and malnutrition.

Today, I should like to underscore the importance of the wheat industry in helping to meet this world food crisis and the fact wheat plays a major role in our economy. An in-depth study entitled "Wheat and the National Economy" has been released through my office that illustrates how wheat serves as a humanitarian foreign policy tool and its importance in our economy.

Mr. President, I ask unanimous consent that this study entitled "Wheat and the National Economy" be printed in the RECORD.

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

WHEAT AND THE NATIONAL ECONOMY

SUMMARY

In 1966, wheat in all phases from production through processing, transportation, storage and distribution, involved some 895,000 man-years of employment, or 1.2 percent of total civilian employment in the United States.

Wheat production accounted for 137,000 man-years—approximately 96,000 on the farm and 41,000 in the supplying industries, such as fertilizer and machinery.

Wheat processing involved about 353,000 man-years of employment, primarily in the baking industry. Storage, transportation and distribution accounted for some 397,000 man-years, a large part of which was involved in retailing products to the consumer.

Federal government programs represent the equivalent of about 7,200 man-years of employment, primarily in the operations of the wheat diversion program and grading and inspection of wheat by ASCS and C&MS respectively. State Agricultural Experiment Stations provide about 300 man-years of employment in wheat research.

LIMITATIONS OF THE ESTIMATES

1. The employment data derived are very rough approximations. It is virtually impossible to isolate the influence of an individual commodity in our complex economy with complete confidence in the results. The basic statistical materials at hand cover entire industries in which wheat is only one of many commodities involved. Considerable judgment is involved in allocating that part of employment attributable to wheat and its products. These data do however indicate the general magnitude of the employment involved. Notes are attached describing the procedure used.

2. The figures represent full-time equivalent man-years of employment. This understates very substantially the actual number of workers involved part-time in the various stages of wheat production, processing, etc. For example, the latest estimates indicate that about 740,000 farms produce wheat, compared with the 96,000 man-years of full-time employment on the farm allocated to wheat production. Similarly, in the other stages, such as transportation and retailing, wheat and its products represent only a small fraction of the wide range of commodities handled.

3. The estimates cover employment directly concerned with wheat and its products. It should be noted that employment and purchasing power generated by activity related to wheat provides employment and purchasing power in still other industries, such as the automobile industry. We have not been able to measure all such indirect effects, but some rather tenuous estimates indicate additional employment indirectly related to wheat production only, amounted to about 70,000 jobs.

4. The data are for the Nation as a whole. It should be noted that in some States, such as North Dakota, Montana, Kansas, Oklahoma and Washington where wheat accounts for nearly one-fifth or more of total cash farm receipts, the impact of wheat on the local economies is much greater than for the United States as a whole.

Background materials

In 1966, wheat farmers marketed an estimated 1,239 million bushels of wheat valued at over $2 billion. Receipts from wheat constituted 4.7 percent of total cash receipts by farmers from the sale of all farm products. Wheat ranked seventh among all farm products in receipts from marketings, being exceeded by beef cattle 24.1%, dairy products 12.7%, hogs 9.5%, corn 5.9%, soybeans 5.8% and eggs 4.9%. In the principal wheat producing states, receipts from the sale of wheat are substantially larger relative to total receipts from farm products, accounting for 35 percent of all cash receipts in North Dakota, 28 percent in Montana, 21 percent in Kansas, and 20 percent and 19 percent respectively in Oklahoma and Washington. (Table 1.)

Consumers in the United States spent about $10 billion in 1966 on wheat products, some 11 percent of total consumer expenditures for food. In our normal diet, wheat flour and cereal products, as now enriched, contribute 21 percent of the calories, 19 percent of the protein, 28 percent of iron, 24 percent of niacin, and 35 percent of the thiamine.

During calendar year 1966, some 900 million bushels of wheat in the form of wheat and flour were exported, 73 percent of the total marketed by farmers. The value of wheat and wheat products moving into final use either domestically or abroad totaled over $11.5 billion, a little more than 1.5 percent of the gross national product. Thus, the share of wheat and wheat products in our national economy measured on a value or dollar basis is approximately the same as on an employment basis.

Employment associated with wheat production

Employment associated with the production of wheat, that is, before it moves into the various channels of distribution consists of the direct labor of farm operators, family workers, and hired workers who perform the various operations on the farm, and the labor used to produce and distribute supplies and services used in the production of wheat. In 1966, an estimated 96,000 man-years of labor were employed directly in the production of wheat (Table 2.). Another 41,000 man-years of employment were estimated to be required in industries producing fertilizer, insecticides, tractors and other farm machinery and parts, fuel and other goods and services used in the production of wheat.

Employment associated with the processing

From the farm, wheat moves into the various broad marketing channels shown in Chart I. [Charts do not appear in RECORD.] The activities of storing, processing, and distribution require substantial labor inputs to move the wheat or products made from wheat through the channels of trade and into the hands of final users.

Employment associated with the processing of wheat or wheat products in 1966 is estimated at about 353,000 man-years. The bulk of such employment, 306,000, was in the manufacture of bread and related products, biscuits and crackers and flour and meal (Table 3).

Employment associated with storage, transportation, and distribution

The functions of storing, transporting, exporting, and distributing wheat and wheat products required an estimated 397,000 man-years of employment in the United States in 1966. Employment in retail trade-retail bakeries, grocery stores, and eating places accounted for about 291,000, or nearly three-fourths of the total (Table 4).

Employment associated with Federal Government activities

Activities of the Federal Government provide about 7,200 man-years of employment directly related with wheat. Wheat research, which includes pest and disease control, biological, production, and marketing efficiency, provides about 600 man-years; wheat diversion and price support programs provide about 3,550 man-years; grading and inspection provide 2,800 man-years, and Federal crop insurance on wheat provides 270 man-years. In addition to Federal employment, State agricultural experiment stations devote about 300 man-years to wheat research.

Notes on sources of data and methods used

1. Employment associated with wheat production

The estimated man-hours of farm labor used in the production of wheat are from unpublished estimates of the Production Resources Branch, ERS. Estimated employment in supply industries is based on data obtained from the 1958 Census of Manufacturers and unpublished reports of the Agricultural-Industrial Relations Study, 1958, ERS.

Direct labor requirements for the production of wheat in 1959 were obtained by applying estimated average man-hour requirements for preharvest and harvest operations to estimated acres of wheat planted and harvested, as reported by the Statistical Reporting Service. Estimated man-hour requirements per acre were obtained from studies made by various Federal and State agencies. The 1959 estimate was extrapolated to 1966 on the basis of the change in total man-hours of farm labor used in the production of wheat.

TABLE 1.—CASH RECEIPTS FROM MARKETINGS OF WHEAT, BY STATES, 1966

[Dollar amounts in millions]

State	Cash receipts from sale of wheat [1]	Percent of total cash receipts from farm marketings
Kansas	$325.5	21.2
North Dakota	256.9	35.1
Oklahoma	167.0	19.6
Nebraska	146.2	8.7
Montana	140.1	27.8
Washington	138.7	19.1
Texas	118.2	4.4
Illinois	97.0	3.5
Ohio	72.4	5.6
Indiana	66.1	4.5
Missouri	64.7	4.7
South Dakota	61.0	6.9
Idaho	59.1	10.9
Colorado	50.4	6.1
Michigan	45.7	5.2
Oregon	40.7	7.9
Minnesota	33.1	1.8
Pennsylvania	17.1	1.9
Arkansas	17.0	1.8
California	11.1	.3
Mississippi	11.0	1.4
New York	10.5	1.0
Utah	9.0	4.8
Kentucky	8.0	1.1
New Mexico	7.8	2.7
Wyoming	6.3	3.1
North Carolina	6.2	.5
Maryland	6.0	1.8
Tennessee	5.9	1.0
Virginia	5.1	1.0
Iowa	2.6	.1
Georgia	2.5	.2
New Jersey	2.4	.9
South Carolina	2.4	.6
Alabama	2.2	.3
Louisiana	2.2	.4
Wisconsin	2.1	.1
Arizona	1.4	.3
Nevada	1.2	1.9
Delaware	1.0	.8
Florida	.9	.1
West Virginia	.3	.3

[1] Includes loans made or guaranteed by CCC and purchases under price-support programs.

TABLE 2.—*Employment provided by wheat production, 1966*

Industry	*Estimated employment (man-years)*
Farming (direct labor)	96,000
Supply and service industries:	
Chemicals, fertilizer, pesticides	5,300
Machinery parts, fuel and electric energy	2,300
Miscellaneous repair services and maintenance construction	9,600
Wholesale, retail trade, railroad and truck transportation	13,600
New machinery (tractor, trucks, other)	6,900
New construction	3,500
Total	41,200
Total number of employees dependent on wheat directly on farms and in the supplying industries	137,200

TABLE 3.—*Employment associated with processing of wheat and wheat products, 1966*

Industry:	*Estimated employment (man-years)*
Biscuits and crackers	41,900
Bread and related products	238,400
Macaroni and spaghetti	7,300
Cereal breakfast foods	3,500
Flour and meal	25,700
Flour mixes	7,200
Meat animals	3,900
Poultry and eggs	19,300
Prepared mill feed	5,500
Total	352,700

TABLE 4.—*Employment associated with storing, transporting, and distributing wheat and wheat products, 1966*

Function:	*Estimated employment (man-years)*
Country elevators, terminal elevators, and public warehousing	12,100
Transportation (including exports in American ships)	52,600
Wholesaling (wheat products)	33,500
Retailing (grocery, restaurant and retail bakery)	291,000
Other (building)	8,100
Total	397,300

The producers' value of inputs from the major supplying industries into wheat farms in 1958 as obtained from the Agricultural-Industrial Relations Study were converted to total inputs in terms of man-years of employment on the basis of the ratio of total employment to the value of output in these industries as reported in the 1958 Census of Manufacturers. These were then extrapolated to 1966 using indexes of productivity changes in the wheat sector and the supplying sectors and indexes of changes in the acreage and production of wheat.

2. Employment Associated With Processing Wheat

Estimated employment in 1966 in the major industries processing wheat was obtained from Employment and Earnings Statistics for the United States, 1909–66, BLS, October 1966. Employment in the meat animals and poultry and eggs industries in 1959 was extrapolated to 1966 on the basis of changes in production and production per man hour reported for these industries in Changes in Farm Production and Efficiency, 1967, Statistical Bulletin No. 233, USDA. For biscuits and crackers, bread and bakery products, macaroni and spaghetti, and flour mixes, 100 percent of reported employment was assumed to be dependent on wheat. Employment in

other industries allocable to wheat was based on the estimated ratio of value of wheat inputs to total grain and other miscellaneous crop inputs into these industries as indicated by unpublished estimates of the 1958 Interindustry Relations Study.

3. Employment Associated With Storage, Transportation and Distribution

A. Country elevators, terminal elevators, and public warehousing:—Total employment in these facilities as reported in the 1963 Census of Business was extrapolated to a 1966 level based on trends in employment in these businesses as shown in Employment and Earnings Statistics for the United States, 1909–66, BLS, October 1966. Wheat related employment in country and terminal elevators and public warehousing is assumed to be proportional to the ratio of wheat to total grain marketings from farms. Quantity of wheat and other grain marketings is from unpublished data from the Farm Income Branch of ERS.

B. Construction:—Construction related employment in the wheat and wheat product processing industries was obtained by extrapolating the 1959 estimate on the basis of the change in new capital expenditures between 1958 and 1963 and then adjusting for increasing labor efficiency. New capital expenditures are shown in the 1963 Census of Manufactures and indexes of output per man hour in the private nonfarm economy are from the 1967 Economic Report of the President.

Estimates of employees engaged in construction of new storage facilities in 1966 represented only about 300 full-time jobs and is based on estimates of net changes of off-farm grain storage capacity from SRS.

C. Transportation:—Estimates of employees engaged in transportation of wheat were based on tonnages of wheat and wheat products shipped as reported in (1) Freight Commodity Statistics of Class I Railroads for 1958 and 1965 by the Interstate Commerce Commission, (2) Waterborne Commerce of the U.S. for 1958 and 1965 by the Department of the Army, Corps of Engineers and (3) a study of Changes in Transportation Used by Country Elevators in North Central Region 1958 and 1965, Marketing Research Report No. 724, Economic Research Service.

In general, total employment attributable to domestic transportation of wheat by rail and water was derived by applying an estimate of the ratio of wheat tonnage to total tonnage of all shipments, to the estimated total number of employees engaged in rail and water transportation.

Employment in trucking was based on an estimate of the ratio of truck movement of wheat to rail movement as indicated by the study of transportation of wheat in the North Central Region.

Employment associated with the transportation of wheat to foreign ports in U.S. flag vessels was based on the volume of wheat and wheat products exported, the number of ships required for this volume and the average number of seamen and loading service workers per ship.

D. Wholesale Trade:—Estimated employment for wholesale trade in industries associated with wheat is based on the number of employees reported in the 1963 Census of Business for merchant wholesalers and manufacturers sales branches, wholesaling bread and bakery products and flour. Benchmark totals for 1963 were extrapolated to 1966 on the basis of the change in employment for wholesalers of groceries and related products as shown in Employment and Earnings Statistics for the United States, 1909–66, BLS, October 1966.

E. Retail Trade:—Total employment in retail establishments depending on wheat and related products was based on employment data reported in the 1963 Census of Business. Employment in retail businesses was extrapolated to a 1966 level based on changes from 1963 to 1966 shown in Employment and Earnings Statistics for the United States, 1909–66, BLS, October 1966. The total number of employees estimated for retail bakeries was assumed to be completely dependent on wheat. For grocery stores, an estimated percent of all employees was allocated to wheat and wheat products, based on the assumption that wheat related employment was proportional to sales of wheat and wheat products in retail grocery stores. Wheat related employment in eating and drinking places is based on ratios of wheat product costs to total food costs, food sales to all sales, and food sales to food costs, as reported by the National Restaurant Association and the 1963 Census of Business. Employment in hay, feed and grain stores related to wheat and its products is derived on the basis of the ratio of the value of wheat and wheat products purchased to total materials purchased by such establishments, as shown by the 1947 BLS Interindustry Relations Study.

RESOLUTIONS ADOPTED BY THE NATIONAL GOVERNORS CONFERENCE

Mr. BROOKE. Mr. President, at the National Governors' Conference held last month aboard the SS *Independence*, the chief executives of the States considered and agreed upon a number of subjects which will surely be of interest to the American people.

I ask unanimous consent that the text of the resolutions which they adopted, and the names of the members of the newly elected executive committee, of which the Governor of the Commonwealth of Massachusetts and my longtime friend, the Honorable John A. Volpe, is chairman, be printed in the RECORD.

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

THE NEW EXECUTIVE COMMITTEE ELECTED OCTOBER 20, 1967

Governor John A. Volpe, Massachusetts, *Chairman*.
Governor Calvin L. Rampton, Utah.
Governor Mills E. Godwin, Jr., Virginia.
Governor Buford Ellington, Tennessee.
Governor Otto Kerner, Illinois.
Governor John W. King, New Hampshire.
Governor Walter J. Hickel, Alaska.
Governor Nils A. Boe, South Dakota.
Governor Spiro T. Agnew, Maryland.

RESOLUTIONS ADOPTED BY THE NATIONAL GOVERNOR'S CONFERENCE, OCTOBER 20, 1967

I. Public lands.
II. Reaffirming States' jurisdiction over fish and wildlife management.
III. Advance Federal planning for future highway programs.
IV. World Governors' Conference.
V. State coordination of Federal assistance programs.
VI. Implementation of part I of the report of the Committee on State and Local Revenue.
VII. Highway trust fund allocations.
VIII. Forest fire fighting.
IX. National Guard.
X. Civil disorders and lawlessness.
XI. Constitutional revision and governmental reorganization.
XII. Regional and interstate cooperation.
XIII. State-Urban Relations Committee.
XIV. Retiring Governors.
XV. Governor Lurleen B. Wallace.
XVI. Appreciation.

I. PUBLIC LANDS

Whereas, the public lands of the United States in the aggregate amount to approximately one-third of the land area of the United States; and

Whereas, the public lands of the United States and their resources constitute assets of inestimable value; and

Whereas, these assets belong to all the people of the United States; and

Whereas, the United States Public Land Law Review Commission is engaged in a comprehensive study of laws, regulations, practices, and procedures pertaining to the public lands; and

Whereas, the Commission has developed a study program providing intensive examination of each of the commodities found in or produced on the public lands and additional subjects affecting the public lands, including many of direct interest to the several States:

Now, therefore, be it resolved by the 1967 Annual Meeting of the National Governors' Conference, October, 1967, that the program undertaken by the Public Land Law Review Commission warrants the support of the people of the United States towards the end that the completion of an objective study enhances the probability of agreement on and implementation of recommendations concerning the future retention and management or disposition of the public lands so as to assure, in the words of the statute establishing the Commission, "that the public lands of the United States shall be (a) retained and managed or (b) disposed of, all in a manner to provide the maximum benefit for the general public"; and

Be it further resolved that the Public Land Law Review Commission be and it is hereby memorialized to continue to pursue its program of obtaining the views of the people of the United States concerning retention and management, or disposition, of the public lands and their resources.

II. REAFFIRMING STATES' JURISDICTION OVER FISH AND WILDLIFE MANAGEMENT

Whereas since colonial times in this country, the ownership of wildlife, by law, history and tradition, has been separated from the ownership of the land, in contrast to the European system in which the landowner owns the game thereon; and

Whereas it has been held by the U.S. Supreme Court that all species of wildlife are held in trust by the individual States for the people of each State, the principal exception to this rule arising under the treaty-making power of the United States which makes the migratory bird treaties and federal legislation dealing with migratory birds pursuant to and limited by said treaties the supreme law of the land and

Whereas contrary to Supreme Court decisions and dictates of sound unified fish and game management policies, the Solicitor of the Department of the Interior has held, and the Secretary of the Interior, Stewart L. Udall, has concurred therewith, that the federal government has full and exclusive power and control over both migratory and resident wildlife on all federally-owned land:

Now, therefore, be it resolved that the National Governors' Conference reaffirms the basic right of the States to conserve, manage and regulate the use and harvest of resident species of fish and game on all lands, including those lands owned by the federal government, within each individual State on which said jurisdiction has not been relinquished to the federal government; and

Be it further resolved that, to prevent further encroachment upon the States' responsibilities in the management of wildlife and fish resources, the following basic policies be adopted; the federal government, through existing international treaties and agreements, bears direct responsibility and jurisdiction over specified migratory birds, certain endangered species, basic research, certain oceanic resources, and fauna of certain territorial lands beyond the continental United States, and fish and resident species

of wildlife are and should remain state resources under the direct jurisdiction and responsibility of the individual States; and

Be it further resolved that the National Governors' Conference supports the basic tenets of H.R. 8377, introduced in the First Session of the 90th Congress, which purports to declare and determine the policy by the Congress, with respect to the primary authority of the several States to control, regulate and manage fish and wildlife within their territorial limits.

III. ADVANCE FEDERAL PLANNING FOR FUTURE HIGHWAY PROGRAMS

Whereas, the National System of Interstate and Defense Highways is now more than 60% completed and is providing this nation with the safest and most convenient highway network ever developed; and

Whereas, current progress on the interstate system indicates that it will be essentially completed by 1972; and

Whereas, there is widespread recognition by state highway administrators, federal highway administrators, and the general public of the need for a continuing highway program to augment the complete interstate system; and

Whereas, the planning and development of such a supplemental system will require many years of lead time; and

Whereas, the several state highway departments have submitted to the Department of Transportation their plans both for the completion of the interstate system and the supplemental highway system after the interstate system is completed; and

Whereas, the Governors of this Nation's States recognize the urgency for obtaining federal guidance relative to the future highway program:

Now, therefore, be it resolved that the Congress be urged to enact at the earliest possible moment such legislation as will provide the necessary guidelines for future highway planning, construction and maintenance, and will provide for the supplementation of the National System of Interstate and Defense Highways beyond the currently authorized program to meet the future highway needs of this Nation; and

Be it further resolved that copies of this Resolution be submitted to the Congress, to the Secretary of the Department of Transportation, the Federal Highway Administrator, and the state highway executives of the several States.

IV. WORLD GOVERNORS' CONFERENCE

Whereas for the past six years the National Governors' Conference has conducted a series of highly successful exchange visits with members of the Japanese Governors' Conference, to the mutual advantage of both groups of Governors; and

Whereas during the past decade there have also been visits to other countries under the auspices of the National Governors' Conference including Argentina, Brazil and Mexico; and

Whereas these person-to-person contacts at the gubernatorial level have a significant influence in bringing about better understanding among the peoples of the world and in fostering international amity; and

Whereas Governor John Connally "HemisFair 1968" and the San Antonio Chamber of Commerce have graciously indicated their willingness to serve as hosts to a World Governors' Conference at San Antonio during the course of "HemisFair 1968":

Now, therefore be it resolved by the National Governors' Conference that such a World Governors' Conference be held under its auspices in San Antonio, Texas, in the month of May 1968; and

Be it further resolved that the newly-elected Executive Committee and the staff be instructed to implement this resolution in cooperation with Governor Connally the officials of "HemisFair 1968" and the San Antonio Chamber of Commerce.

V. STATE COORDINATION OF FEDERAL ASSISTANCE PROGRAMS

Whereas, the geographical areas of major problems facing local governments today go beyond the boundaries of single local jurisdiction; and

Whereas, the States bear the primary responsibility for coordinating all forms of technical and financial programs to insure the optimum final benefits in services and facilities; and

Whereas, there are now more than forty federal assistance programs to local government jurisdictions that provide for no involvement by state governments:

Now, therefore, be it resolved that the National Governors' Conference requests that any new federal-local assistance programs adopted by the Congress be drafted so that the interest and participation of the States be included and that remedial legislation be adopted to give the States a participating interest in existing federal-local assistance programs that by-pass the States.

VI. IMPLEMENTATION OF PART I OF THE REPORT OF THE COMMITTEE ON STATE AND LOCAL REVENUE

Be it resolved by the National Governors' Conference that:

1. The Joint Funding Simplification Act introduced August 28, 1967 should be enacted without delay.

2. Authorizations for federal support of planning in States and communities should be increased to facilitate comprehensive planning over the spectrum of state and local governmental activities. Grants should be made not to specified state or single "planning" agencies, but as determined by the Governors.

3. The more than two hundred demonstration or innovational grants now authorized should be consolidated into a single demonstration grant authority for each department and independent agency of the national government having substantial intergovernmental programs.

4. The U.S. Bureau of the Budget should develop general guidelines for the specifications of grant-in-aid formulas and their matching ratios.

5. A detailed study should be made of the existing major grant programs with a view to (a) simplification of present grant provisions; (b) elimination of grant program standards and requirements which are outmoded or unduly restrictive; (c) authorization for consolidation of state plans for closely related programs where several such plans are required as a condition of aid.

a. We also recommend that the national government undertake, in cooperation with the National Governors' Conference, a study of present public welfare programs.

b. We propose a joint study of educational needs and finances by the Education Commission of the States and the U.S. Department of Health, Education, and Welfare.

c. We recommend that forthright steps be taken to correct overlaps and conflicts between existing federal programs for water supplies and liquid waste disposal.

d. We recommend elimination of all categorization and earmarking from the vocational education programs, to provide in effect a single vocational education grant.

6. The Committee recommends a further study of categorical aid programs to determine if there are some that are no longer necessary for the national purpose, and that might properly be replaced by block grants or a general support grant in the interest of greater efficiency, economy and local determination.

VII. HIGHWAY TRUST FUND ALLOCATIONS

Whereas, the federal aid highway system is vital to the defense of our Nation and its economic development in terms of transportation of goods and materials and insuring a mobile society, as conceived by the executive branch of government in 1956 and supported by both Democratic and Republican members of Congress to end the haphazard planning of road construction and proceed on a regularly scheduled and orderly basis; and

Whereas, it is essential to the national defense and the overall economy of each State and the Nation as a whole that the federal aid highway program be allowed to continue as originally conceived; and

Whereas, every State in the Nation has geared its overall planning and appropriations according to the anticipated apportionments previously announced in good faith; and

Whereas, any delays in scheduled releases of federal funds for this program increases the overall cost of the highway system to both the federal government and the respective States, and adversely affects the economy of our States and the Nation; and

Whereas, the Congress did establish a special trust fund composed of the annual receipts from the Federal Gas Tax and other taxes to finance the interstate and defense highways systems; and

Whereas, the Secretary of Transportation on October 8th announced that it may become necessary to impose reduced ceilings on the federal aid highway program in the immediate future; and

Whereas, the Secretary of Transportation, on the other hand, as recently as August 31, 1967, announced a warranted increase in the apportionment of federal aid highway funds for fiscal 1969 of $4.8 billion, up from the $4.4 billion announced for fiscal 1963:

Now, therefore, be it resolved that the National Governors' Conference urge the President to exhaust all alternative remedies to attack the problems of inflation, high interest rates and unbalanced federal budgeting before any reduction of Highway Trust Funds be considered.

VIII. FOREST FIRE FIGHTING

Whereas, in most instances and in most years the several States have been able to handle their fire fighting problems adequately; and

Whereas, in major emergency years such as 1967, the resources of the States, particularly in the sparsely populated areas of the West, become quickly exhausted both in manpower and money; and

Whereas, the federal government, which is the majority landowner in most Western States, has vastly superior resources for use in times of emergencies; and

Whereas, the Corps of Engineers under Public Law 84-99 has rendered invaluable services to the States in times of flood crisis; and

Whereas, these same services are vitally needed by the States from the Bureau of Land Management and the U.S. Forest Service in times of fire crisis:

Now, therefore, be it resolved by the 1967 National Governors' Conference that the U.S. Congress should enact legislation before the 1968 fire season, to provide a law similar to P.L. 84-99 which would make available to the States the services and resources of the BLM and Forest Service when fires become beyond the control of the abilities and resources of the States to handle adequately; and

Be it further resolved that copies of this resolution be sent to the President of the United States, members of Congress, the Secretaries of Agriculture and Interior, and all other persons concerned with enactment of this proposed legislation.

IX. NATIONAL GUARD

Whereas, it is the desire of this National Governors' Conference to reaffirm the responsiveness of the National Guard to a primary Federal Mobilization mission, while, at the same time, recognizing the traditional and historic dual mission of the National Guard to maintain internal security and protect the lives and property of our citizens during either natural or man-made disasters in which capacity the National Guard has rendered outstanding service; and

Whereas, the Department of the Army has made a troop allocation for the reorganization of the National Guard, now approved by the United States Congress, which will eliminate 30 per cent of the company sized units in the present Army National Guard; and

Whereas, this approved plan will culminate in a cumulative reduction since 1958 of 50 per cent of the units and substantially reduce command capabilities and effectiveness of the National Guard in each State:

Now, therefore, be it resolved by the 1967 National Governors' Conference that the Congress be memorialized to give full consideration, consultation and hearing to the States in the next appropriations, and that these now severed National Guard units and combat brigades be restored to the National Guard of the respective States; and

Be it further resolved by the 1967 National Governors' Conference that the Congress consult the States before any future changes in size and organization of the National Guard will be made.

X. CIVIL DISORDERS AND LAWLESSNESS

Whereas, during the past two years a tragic series of disorders have plagued our Nation, turning the streets of our cities into battlegrounds and resulting in the loss of life and destruction of property; and

Whereas, the occurrence of crime of all types in the United States is showing a tendency to increase; and

Whereas, one of our colleagues, Governor Otto Kerner of Illinois, is currently chairman of a committee appointed by the President of the United States to investigate the basic causes of violence and unlawfulness; and

Whereas, this Conference has received and considered the excellent report prepared by the committee headed by Governor John Dempsey of Connecticut:

Now, therefore, be it resolved that the Governors of the several States meeting in the National Governors' Conference and being fully cognizant of the obligation of the States do hereby affirm that:

1. The enforcement of law and the preservation of order is primarily the responsibility of local and state governments.

2. We will strengthen all efforts at state and municipal levels to prevent incidents of disrespect for law and order.

3. Each State should immediately re-examine its own laws to ascertain if current statutes are adequate to deal with civil disorder and crime and that, where necessary, laws should be strengthened and revised.

4. All Governors should immediately determine as an immediate step that the police forces of the respective States and municipalities and the National Guard are well trained to cope with civil disorder.

5. The first obligation of the state and municipal governments in the event of civil disorder is to restore and maintain peace and order by the use of whatever force is reasonably necessary.

6. While seeking immediate short-range treatment of the symptoms, we pledge ourselves to seek the long-range answers to cure the basic causes of crime and civil disorder so that the malice and hatred which a reckless few would use as a torch to ignite civil disorders amid the wretchedness and squalor of our ghettos and slums would no longer find a foothold in these neighborhoods.

7. We recognize that the most effective long-term answer to problems of lawlessness and disorders lies in education and the providing of employment opportunities to the masses of our people.

8. While the primary obligation for the combatting of crime and the prevention of riots and disorder lies with state and local governments, there are many aspects of the problem which transcend state lines and which require effective treatment by the federal government. We pledge ourselves as Governors to seek effective control by the federal government and effective cooperation by the state and local governments with the federal government in the control of the interstate traffic in narcotics and other contraband material, the interstate operation of criminal syndicates and the interstate movement of those who make a profession of inciting and creating civil strife, disorder and lawlessness.

XI. CONSTITUTIONAL REVISION AND GOVERNMENTAL REORGANIZATION

Whereas, the genius of the American form of government has been our federal system; and

Whereas, there is now a determination on the part of all state governments to strengthen the federal system and respond to the problems within the States; and

Whereas, in order for the States to maintain their proper position in the federal system and provide the necessary services to their citizens it is vital that both their constitutions and governmental organization be adequate; and

Whereas, the Study Committee of the National Governors' Conference on Constitutional Revision and Governmental Reorganization has submitted a report which sets forth current developments in constitutional revision and governmental reorganization and sets guidelines for action; and

Whereas, it is desirable that there be further study of state constitutional revision and governmental reorganization by the National Governors' Conference, particularly in the area of the executive article and executive organization:

Now, therefore, be it resolved that the Study Committee on Constitutional Revision and Governmental Reorganization be continued; that it particularly study a model state constitutional executive article and model state executive department organization for both large and small States and the most effective means for accomplishing these ends; and

Be it further resolved that this Study Committee submit a written report to the next annual meeting of the National Governors' Conference.

XII. REGIONAL AND INTERSTATE COOPERATION

Whereas, the report of the Committee on Regional and Interstate Cooperation has drawn attention to the wide variety of cooperative mechanisms, for achieving better program coordination among and between the States, and the Committee also has suggested many useful and innovative applications of these mechanisms in several fields of major concern to state government; and

Whereas, the work accomplished by this Committee during the past year underscores the opportunities and challenges which exist for the States to sustain a role of imaginative leadership in identifying opportunities for creative utilization of the tools for intergovernmental cooperation available to us within the federal system:

Now, therefore, be it resolved that the National Governors' Conference approves the exploratory work of our Committee on Regional and Interstate Cooperation and urges the Executive Committee to continue this study, by special committee or otherwise, exploring the full range of opportunities for cooperation across state lines.

XIII. STATE-URBAN RELATIONS COMMITTEE

Be it resolved by the National Governors' Conference that the Report of the State-Urban Relations Committee be approved, and that implementation of the Committee's recommendations, including continuation of the Committee for another year, be considered by the newly-elected Executive Committee.

XIV. RETIRING GOVERNORS

The National Governors' Conference pays tribute to its distinguished colleagues, Governor Edward T. Breathitt of Kentucky and Governor Paul B. Johnson of Mississippi, who, because of constitutional limitations on gubernatorial succession, will not be in office at the time of our 1968 annual meeting.

We salute Ned and Paul for their significant contributions to the National Governors' Conference and extend to them our very best wishes.

XV. GOV. LURLEEN WALLACE

Be it resolved by the National Governors' Conference that those members in attendance at this 59th Annual Meeting express their sincere regret that the illness of Governor Lurleen B. Wallace prevented her attendance at the Conference and that we send our best wishes and hopes for her early and complete recovery.

XVI. APPRECIATION

Whereas, the National Governors' Conference has been privileged to hold its 59th Annual Meeting aboard the S.S. Independence and in the Virgin Islands during the commemoration of the Islands' 50th Anniversary under the flag of the United States; and

Whereas, the Governors' 1967 Annual Meeting has been particularly outstanding, both substantively and socially—a result of unmatched Conference planning and coordinating efforts on the part of the Virgin Islands' Host Committee and numerous other individuals and organizations:

Now, therefore, be it resolved that the Governors and their official parties, guests, who have had this unique opportunity to participate in a highly rewarding business program and to visit the delightful Emerald Isles, express their deep appreciation for this memorable occasion:

A very special tribute is extended to our colleague, Governor Ralph M. Paiewonsky and his charming First Lady and to the Host Committee. We are grateful for the fine support of the Virgin Islands' Legislature, and we express our genuine appreciation to the people of the United States Virgin Islands for their warm welcome and gracious hospitality.

We wish to record our sincere appreciation to officials and staff of the American Export Isbrandtsen Lines and to the personnel of the S.S. Independence who have labored diligently in caring for our needs.

The National Governors' Conference salutes its retiring Chairman, Governor William L. Guy, and his Executive Committee for their outstanding leadership and guidance during the Conference year 1966–67.

We also wish to acknowledge the exceptional fine work accomplished this past year by our study committees, and express our gratitude to the Carnegie Corporation and to the Ford Foundation for their financial support of special research efforts of the National Governors' Conference.

The communications facilities, so essential to us at a conference of this nature, were ably provided; and we are grateful to RCA Communications, Inc., ITT, the Virgin Islands Telephone Company, Xerox Corporation, International Business Machines, and the Royal Typewriter Company for their services.

And we convey thanks to our news media friends for their fine work and attention to

the 59th Annual Meeting of the National Governors' Conference.

SUPPORT BY THE AERONAUTICAL MACHINISTS FOR THE ARMED FORCES

Mr. TALMADGE. Mr. President, most Americans were outraged recently when about 55,000 demonstrators descended on Washington and virtually stormed the Pentagon in protest of our involvement in Vietnam.

There can be no doubt that because of this shameful display of anti-Americanism, our enemies were given aid and comfort and the war was prolonged. Recently my attention was called to a splendid resolution adopted by the Aeronautical Machinists Lodge No. 709, of Marietta, Ga., expressing support for our Armed Forces in Vietnam and denouncing people and movements which would undermine our Government.

I bring this very fine resolution to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

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

RESOLUTION

Whereas, our troops are scattered over the globe in order to defend this Nation, and

Whereas, our sons, brothers, kinsmen, friends and neighbors are facing grievous injury and death daily in Vietnam in defense of this Nation, and

Whereas, highly publicized group efforts to undermine the position of our troops must necessarily give aid and comfort to the enemies of this Nation,

With full understanding that the right of legal dissent, must be protected in order to preserve the rights of all, be it hereby

Resolved that Local Lodge 709 of the International Association of Machinists and Aerospace Workers is in positive and unalterable opposition to all individual and group efforts to undermine, weaken or reduce the effectiveness of our Armed Forces in Vietnam and/or our Armed Forces in all other parts of the world. Be it further

Resolved that Local Lodge 709 fully supports our Armed Forces in Vietnam and our Armed Forces in all other parts of the world.

PRESIDENT GIVES NEW DIRECTION TO WAR ON WORLD HUNGER

Mr. McGOVERN. President Johnson's report to Congress on America's food aid program for 1966 underscores the depth of our commitments to eliminating the scourge of world hunger.

As the President stated in his message to Congress, America's war on hunger "has meant the difference between life and death for millions all around the world."

The productivity of America's farmers and the generosity of our people have provided the staff of life to people in 116 countries containing almost half the world's population.

Yet, despite our efforts over the past 12 years, hunger still faces much of the world each morning. To reverse the trend in the race between population and food supply, President Johnson gave new direction to our food aid program in 1966.

Emphasis was placed on self-help by recipient nations. Help was provided to nations desiring population control programs. The food aid program was carefully integrated into our overall assistance program. Self-sufficiency was stressed. And the common effort of the world community was enlisted to meet a common challenge.

I have been especially pleased that restrictions on our food use abroad have recently been lifted.

Our program gives us reasons to hope, along with President Johnson, that "working together with rich nations and poor, all equally determined that mankind will conquer its oldest enemy, we will win the war on hunger."

I ask unanimous consent to insert into the RECORD the President's message transmitting his report to Congress on our food aid programs during 1966.

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

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 one hundred 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, United States 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 non-surplus 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 ensure 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 large 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 program, 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 multi-national 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 twelve years, PL 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.*

CRIMINALITY AGAINST LITHUANIA POINTS UP NEED TO RATIFY GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, a number of my constituents in Wisconsin are Lithuanians who today breathe the air of freedom in America but recall

with deep sadness the tragedy of the Soviet-planned genocide of their tiny Republic.

These wonderful Lithuanian people, now making contributions to the United States in culture, science, business, and other fields, still hope and pray for the liberation of their homeland from the subjugation of the Communists. They ask our support in this just cause of freedom for all nations and all people.

As World War I was ending, and coincidental with President Woodrow Wilson's proclamation of the right of all nations to self-determination, the Lithuanian National Council, as the representative body of the Lithuanian nation, on February 16, 1918, proclaimed Lithuania a free and independent democratic Republic.

These dedicated people quickly went to work to rebuild their ancient, war-ravaged land. They established land reform measures and modern ideas for agriculture and the tiny Baltic nation began to prosper.

Despite the plight of a country pillaged by 120 years of czarist rule, the hardy Lithuanians cheerfully went to work to rebuild a happier life for themselves and their children. The country's agricultural production figures rose steadily as formerly landless peasants became farmowners through land reform. The Government gave its people full assistance and complete encouragement.

The move toward unprecedented achievements was ground to a halt as Nazi Germany and Soviet Russia began taking political steps toward the ultimate division of Lithuania and other neighboring states.

Tragedy struck on June 15, 1940, when the Soviet Red armies invaded and occupied Lithuania, throwing into jail the lawful government and substituting a puppet regime. The proud nation was "sovietized" and absorbed into the Soviet Union—all without the consent and against the will of the Lithuanian people.

On July 23, 1940, the United States issued a strong worded denunciation of the "devious processes" employed by Soviet Russia to overpower and seize its smaller neighbors.

Our country has never recognized the Soviet seizure of Lithuania and continues to recognize independent Lithuania as an existing state temporarily under foreign duress.

Communism in its crudest form is being forced on the people of Lithuania by the Reds. There is abject poverty with deprivation of hard-earned land and property, isolation from the free world because of the Iron Curtain, and servitude with no personal rights in this Soviet colonial empire.

The Lithuanian nation lost a sizable portion of its population as a result of this Soviet-planned genocide.

The Soviet slew some 285,000 Lithuanians. They seized approximately 400,000 men, women, and children in a series of raids and horrifying deportations to Siberia and the innards of Russia. Records show, covering 1944 to 1953, that more than 100,000 freedom fighters perished in the struggle with Russia's military forces.

From 1940 until the present, the Communists exterminated approximately 1 million Lithuanians. That is a dreadful genocide executed by the Russians against one small nation.

Lithuania had enjoyed a growing international trade during her independence. The Soviet occupation reduced this nation to the status of a foreign colony within its empire. All land, enterprise, and property were swallowed up by renationalization by the Soviet state. Some 300,000 Lithuanian farms were lumped into 2,000 "kochazes" and "sovchazes" which became nothing but estates operated by the Red masters.

The result? Agricultural production, stifled by the lack of individual initiative, dropped swiftly. Farm and livestock production tumbled disastrously. Whatever production remains is marked for shipment to Russia. The industry and private enterprise, also changed by nationalization, brought the opposite of desired results.

Lithuania still looks to the free world for support in demanding the complete withdrawal of Soviet armed forces, police, administrative apparatus, and personnel. It cannot oppose the might of the Communist forces.

We do a great disservice by our continuing failure to ratify the Convention on Genocide which has been in the Committee on Foreign Relations for 18 years.

The people of Lithuania have still not lost faith in America. We must meet that faith.

THE MAINTENANCE OF LAW AND ORDER

Mr. TALMADGE. Mr. President, the current edition of the Prosecuter, the journal of the National District Attorneys Association, contains an excellent discussion of the rioting during the past summer in numerous American cities. One of the participants in the forum was Lewis R. Slaton, the solicitor general for the Atlanta Judicial Circuit.

Mr. Slaton, who has gained widespread recognition and respect for the outstanding law enforcement work he is doing in Atlanta and Fulton County, laid his finger on what I believe to be our principal concern right now. Mr. Slaton said:

> The first order of business for government is to maintain law and order. . . . It is as equally important that those who violate the laws in the riotous disturbances be prosecuted to the full extent of the law, both to impress upon them that they have violated a law and to demonstrate to the public that there is not safety in numbers in the violation of our laws.

Mr. Slaton said he had determined that the predominant cause of these riots is the lack of respect for law and order among vast groups of citizens. I share this view, and I believe it is generally held throughout the ranks of our many fine law enforcement officers in this country.

I bring Mr. Salton's excellent discussion to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

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

REMARKS OF LEWIS R. SLATON

In the past two years there have been three "spontaneous" riots in Atlanta and one planned riot that was quelled at its inception. In 1966 two of the riots occurred within one week's time. As a result of the 1966 riots, 131 persons were arrested, charged with various violations of the law. Twenty nine of these were indicted for the offense of Riot under the Georgia law and now await trial. Riot is a misdemeanor in the State of Georgia with a penalty of twelve months in the penitentiary and a $1,000 fine as a maximum punishment. After the 29 people were ordered held for the Grand Jury, one of those brought suit in Federal Court, seeking to have certain Georgia laws and the disorderly conduct ordinance of the City of Atlanta declared unconstitutional, and seeking further to have certain officials restrained from actions alleged to have a "chilling effect" on plaintiffs' activities in exercising their fundamental rights. He brought this suit for himself and for the organization known as SNCC which is headquartered in Atlanta, as a class action. It was alleged that there was a plan or scheme to deny plaintiffs the right to eliminate all forms of racial segregation. The style of the case was Stokely Carmichael and Student Non-Violent Coordinating Committee, Plaintiffs, vs. Ivan Allen, Jr., Mayor of the City of Atlanta; Herbert T. Jenkins, Chief of Police; Lewis R. Slaton, Solicitor General, etc. The plaintiffs relied principally upon *Dumbrowski v. Pfister*, 380 U.S. 749, as to the "chilling effect upon the exercising of First Amendment rights", and *Herndon v. Lowry*, 301 U.S. 732, and *Wright v. Georgia*, 373 U.S. 284, to seek to declare vague and unconstitutional the unlawful assembly statute, the insurrection statute, and the circulating insurrectionary papers statute. No temporary injunction was issued, and while the matter was awaiting a hearing the Grand Jury returned indictments of "Riot" against Plaintiff Carmichael and 28 others, including several members of the Student Non-Violent Coordinating Committee. After a 3-day hearing in Federal Court before a 3-Judge panel, the Court took the case under advisement and three months later issued a judgment declaring all of the aforesaid statutes unconstitutional except the Riot statute. Georgia's riot statute reads as follows:

"Riot . . . Any two or more persons who shall do an unlawful act of violence of any other act in a violent and tumultuous manner, shall be guilty of riot and punished as for a misdemeanor."

The Court in its opinion said in part, as to the riot statute, the following: "Plaintiffs content that this statute is void on its face and thus deprives them of liberty without due process of law if sought to be enforced in a criminal case, because it is too vague and uncertain to set any ascertainable standard of guilt. The argument is that even if the Legislature could properly define the crime of riot so as to reach "any two or more persons who shall do an unlawful act of violence", the Legislature could not make guilty of the crime of riot those who might fall within the remaining language of the section "or any other (presumably legal) act in a violent and tumultuous manner." They say that the Legislature simply has not the power to punish a *lawful* act done in a violent and tumultuous manner. "It is not difficult to imagine a number of lawful acts done in a 'violent and tumultuous manner' that would obviously be beyond the proper reach of such a statute . . ." ". . . It also follows from the fact that the acts charged in the indictments before the Court, regardless of whether these indictments ultimately result in conviction or acquittal, describe the 'hard core' conduct that would obviously be prohibited under a limiting construction of the riot statute, and one hereafter to be made by the Georgia Courts . . . It is apparent that the actual indictments against the named plaintiffs and the others said to arise out of the occur-

rence on September 6 and 10 came within the first part of the riot statute in 'two or more persons who shall do an unlawful act of violence'. There is little doubt that in the long history of riot as a common law crime, the conduct charged would come within a possible permissible constitutional construction of the statute by the State Court. We, therefore, abstain from any determination as to the constitutionality of this section of the Georgia criminal code."

Plaintiffs have filed a notice to appeal to the United States Supreme Court, which notice was thereafter dismissed in June of 1967.

While the case was still pending, the Georgia General Assembly passed an "Incite to Riot" statute drafted by this office, to make it a misdemeanor offense for any person who, with intent to cause a riot, does an act or engages in conduct which urges, counsels or advises others, at a time, place and under circumstances which produce a clear and present danger of a riot. Since at the time this statute was passed, the riot statute was on appeal and only called for misdemeanor punishment, it was thought advisable to make "Incite to Riot" a misdemeanor also. We expect the General Assembly in January to make both Riot and Incite to Riot a felony in the State of Georgia.

The above has been called to your attention because a strict construction of some of the riot statutes in the country will probably fall as did a portion of that of the State of Georgia. However, when these indictments were prepared, the weakness of the portion of the riot statute which called for "or any other act in a violent and tumultuous manner" was recognized, and actual unlawful acts were specified in the indictment.

In 1967 we had another riot and another planned riotous disturbance. By moving in promptly the disturbance was stopped immediately and the riot caused very little damage other than to City vehicles. The property damage in the September 1966 riots was held to a minimum and there were no deaths that ensued during the several days of disturbances. A policeman shooting a fleeing fugitive started the September 6th riot. The rumors were voiced over the radio and through sound trucks that the policeman had killed the fugitive, which was not true. The fugitive was later prosecuted and sent to prison. The September 10th riot was started by a white man killing a Negro youth a few blocks from the scene of the first riot. This white man was later prosecuted and sent to prison for life. The 1967 riot was started by objections to arrest by police officers. One person was killed during this riot. The only property damage suffered was to police vehicles. All of the above riots could easily have resulted in a great amount of property damage and great loss of life, because at the scene of each there were many known instigators to feed the fires of mob action.

Atlanta is in the forefront in its efforts to eliminate slum conditions and in its efforts to decrease the so-called unemployment rate. None of the above disturbances took place in our worst slum areas and our unemployment rate is negligible as evidenced by the fact that we now have a program to allow misdemeanor prisoners to work during the day and we do not have enough eligible misdemeanor prisoners to support the demands from employers. Any able-bodied person in Atlanta who wishes to work can find employment. However, we have many of our people who do not wish to work or who wish to work only part-time and desire to spend their leisure time hanging around corners to look for trouble.

It is not my purpose to dwell on the causes of riots in detail, but I have determined to my own satisfaction that the predominant cause is the lack of respect for law and order among vast groups of citizens. These groups resent authority in any form and the police being objects of authority are beleaguered with charges of police brutality in making arrests or enforcing the law and hindered and handicapped in every manner possible by this segment of our population. In this field we are trying to alleviate this feeling as rapidly as possible. The Atlanta Police Department has estabished a Crime Prevention Bureau, assigning certain police personnel to the Economic Opportunity Centers in poverty communities, who work partly as job counselors and advisors and as social workers, then as law enforcement officers if necessary. They investigate complaints of malicious mischief, petty larceny, missing persons, stolen vehicles and all juvenile cases. They try to find a solution without an arrest whenever possible and have taken a page out of the Juvenile Court Manual by making this bureau a correctional agency rather than a punitive one. Their vehicles are equipped with loudspeakers, record players and sprinkler heads. They can close off a street to vehicular traffic, and hook up a sprinkler head to a fireplug and turn on a shower for the children.

There are several groups of citizens in our riot-prone areas who have formed into committees and are working with public officials to keep down disturbances and to provide a forum for the communication of ideas. Recently a group of young men who have been involved in difficulties with the law on previous occasions have banded together and passed out circulars in the Atlanta Stadium area, advising their friends to desist from riotous acts. Part of one of their circulars reads as follows:

"Keep Cool When the Heat's On

"Say Man . . .

"Who Gets Hurt By Riots?

"The Answer: We do!!!

"Riots Hurt You and Me, Baby. We live here. In the last month more than 50 Negroes have died in riots, over 3,000 injured, thousands put in jail. Riots hurt the people in the neighborhood most.

"Our Homes get Burned

"Our Kids get Hurt

"Our friends get locked up

"We are the ones who get killed.

"Outside instigators don't get hurt in riots—they bug out before the action starts. Don't listen to these people—listen to us. Stay out of riots . . . we don't want them."

This circular is signed by several young men, who as stated, have previously had trouble with the law. These people have taken an interest in assisting law and order to assist themselves.

At the same time it is recognized that there are no excuses for participating in group disorder in a violent manner. There are opportunities for dissent and demonstration by dissatisfied citizens, but it must be within the confines of the law and there can be no exceptions. The Atlanta Police Department and the other law officers in Metropolitan Atlanta have been drilled and trained to avoid what has been termed police brutality and to provide equal protection and service to all its citizens and visitors. We have a specially trained and equipped task force of police officers who move in wherever there is a disturbance with authorization to use whatever force is necessary to enforce the law and maintain the peace. Our Governor, our Mayor and Chief of Police and other officials have expressed themselves on the subject of maintaining law and order and the police have authority to protect themselves while enforcing the law and are not subjected to being shot at and having bottles and bricks thrown at them without being able to take appropriate action. They are authorized to use immediately all necessary force to quell any disturbance and the public is aware that they have such authorization.

Sometimes the argument is used that the use of tear gas injures innocent people. Being aware of this, our officers first give the command to clear the streets before tear gas is utilized.

Atlanta has the largest Negro population percentage-wise of any of the 25 largest cities, other than Washington, D.C. We have been blessed with good and strong leadership among our Negro citizens and are represented in the State Legislature by several Negroes; we have a Negro Police Court Magistrate and a Negro alderman. The lines of communication have been kept open, and generally the race relations are probably unequalled elsewhere. However, there is a segment of the populace who are not reached by the leaders of either race, and this is the group we are attempting to reach.

The first order of business for government is to maintain law and order. Mob action is disastrous as it takes along with it many fringe people, those who would not become involved if there were not a crowd already creating a disturbance. It is important that the public be aware that reasonable force is going to be used to quell disturbances. Too often people feel that no one can arrest or prosecute them because they would have to arrest or prosecute too many people, and that there is safety in numbers. It is equally important that those who violate the laws in the riotous disturbances be prosecuted to the full extent of the law, both to impress upon them that they have violated a law and to demonstrate to the public that there is *not* safety in numbers in the violation of our laws.

PRESIDENT JOHNSON AND THE CONGRESS STRIKE A BLOW AGAINST CRIME AND THE OBSTRUCTION OF JUSTICE

Mr. CLARK. Mr. President, last week President Johnson signed a bill which will serve as one of the Nation's bulwarks in the war against crime—the Obstruction of Justice Act.

This measure makes it a serious crime to obstruct a Federal criminal investigation through bribery, intimidation, force, or threats of force.

It will protect those innocent citizens who help their Government ferret out criminals.

The chief impact of this new law will fall on organized crime. But it will not end organized crime, nor will it end crime in the streets.

For that the President's total crime-fighting package is needed.

The Congress must act on the strong gun control bill now before it.

We must pass the Safe Streets and Crime Control Act which strengthens local police forces and local law enforcement agencies.

We must get final action on the historic poverty bill which helps eliminate the conditions on which crime and violence breed.

I congratulate the President for this strong step forward on behalf of the lives and property of our citizens. I ask unanimous consent to have printed in the RECORD the President's statement on the signing of S. 676, the obstruction of justice bill.

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

STATEMENT BY THE PRESIDENT UPON SIGNING S. 676, THE OBSTRUCTION OF JUSTICE BILL

Organized crime is the shame of a modern nation.

It mocks every concept of an ordered and just society.

It is a disgrace that hobbles our progress, as its influence spreads into businesses and threatens the home of private citizens.

The files of our federal law enforcement agencies document a series of incidents which should shock all Americans:

Citizens brutally beaten with baseball bats.

Men and women burned and maimed by blow torches.

Families terrorized, homes invaded, and lives threatened.

Why?

Because these citizens gave federal officials information to expose suspected criminals.

These outrages obstruct our system of federal criminal justice.

They frustrate our efforts to root out the underworld.

But because the federal government did not have the necessary federal law, the government has been powerless to act.

Today there are strict federal penalties for those who coerce, intimidate, harass, or attack a witness once court action has begun.

But it is not a federal crime to commit these same brutal acts during the investigation preceding trial.

Last February, in my Message on Crime in America, I urged the Congress to promptly correct this omission in our laws.

The bill I signed last night—S. 676—corrects this omission and closes that loophole.

Now, for the first time, it will be a serious crime to obstruct a federal criminal investigation through bribery, intimidation, force, or threats of force.

This measure will impose strict sanctions against all who hamper the work of federal law enforcement.

But its chief impact will fall on organized crime—those corporations of greed and corruption that infect our society.

This bill will not banish organized crime.

That will not happen until all Americans roll up their sleeves in righteous anger, determined to remove this blot from our midst.

But this bill will help.

It will help break the racketeer's grip of fear which forces citizens to remain silent and permits crime to go unpunished.

S. 676 is an important part of our continuing work to improve the machinery of law enforcement.

This vital work will be furthered when the Congress enacts two other bills I proposed last February in my Crime Message. These measures are essential to the control of crime in America. I again urge the Congress to join me in the war against crime by making these bills the law of the land.

They are:

The Safe Streets and Crime Control Act—the most comprehensive measure ever devised to strengthen the power of local communities across America in enforcing the law and administering criminal justice. For in our system law enforcement has always been—and must remain—a local responsibility.

The State Firearms Control Assistance Act—to keep deadly and dangerous weapons out of the wrong hands so that our homes and families and children can be protected.

Violations of law and order—in whatever form—erode the roots of society.

All Americans must recognize that it is not enough to complain about the fact of crime, or lament its statistics.

For we know that crime will yield not to cries of woe—but to responsible action.

The work of fighting crime ranks as one of the most pressing responsibilities of the nation's communities.

We are committed to the cause of preventing crime where it can be prevented.

We are committed no less to the task of bringing to justice—fairly and swiftly—those who break the law.

The measure I signed helps move us closer to these goals.

JOHN NANCE GARNER

Mr. GRUENING. Mr. President, I have a warm feeling toward John Nance Garner, Vice President during the 8 years of President Franklin Delano Roosevelt's first two terms in the Presidency. One reason for this feeling is his prompt acceptance of my invitation to him back in 1949 to be one of a nationwide committee of 100 that I was organizing to help Alaska fight its battle for statehood.

At that time, supporters of the Alaska statehood cause south of the Mason-Dixon line were scarce. I might say in passing that one of those from the Deep South who was most helpful from the very beginning was our able and distinguished colleague from Florida, SPESSARD HOLLAND. Being not only from the Deep South but generally considered a conservative, his support of statehood was particularly valuable.

To go back to Texas and this nationwide committee, there were altogether four Texans, three besides John Nance Garner who accepted my invitation. They were Oveta Culp Hobby, editor and publisher of the Houston Post and subsequently as we know, Secretary of Health, Education, and Welfare in President Eisenhower's Cabinet; Jessie Holmes Jones, distinguished financier, head of the Reconstruction Finance Corporation, and one of the outstanding Texans of his time. The other was Adm. Chester W. Nimitz, five-star admiral, who so brilliantly commanded the Pacific Fleet in our war with Japan. These renowned names helped Alaska's statehood cause greatly.

When the vote came in the House, it brought the support of four members of the Texas delegation—James C. Wright, still in Congress, representing the 12th District which is located at Fort Worth. His was one of the most brilliant speeches for statehood made during the course of the debate—and it was made extemporaneously. Two of the others, Lindley Beckworth, who unfortunately is no longer in Congress and regrettably, neither is Clark Thompson; and last but most important was the late and beloved Speaker of the House, Sam Rayburn, whose conversion to the statehood cause was of supreme importance since it was his overruling of various points of order raised against the Alaska statehood bill which preceded its passage in the House in the spring of 1958.

So I want to express this gratitude on behalf of myself and my fellow Alaskans to this great Texan who has just gone, John Nance Garner.

I ask unanimous consent that an editorial on John Nance Garner from this morning's New York Times, entitled "Son of the House," as well as a biographical sketch from the same issue of the New York Times, be printed at this point in my remarks.

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

[From the New York Times, Nov. 8, 1967]

SON OF THE HOUSE

John Nance Garner was a true son of the House of Representatives. He was "a thirty-year man," as House veterans call themselves. He knew and loved the House and its unique ways, and was a keen judge of its moods. When he was elected Speaker in 1931, his career reached its peak—or so he always thought, and few members of the House would disagree.

He gave up the Speakership the following year to run for Vice President on the ticket headed by Franklin D. Roosevelt. By releasing his delegates from Texas and California, he had made Roosevelt's nomination possible and opened the way for strong national leadership in a time of crisis.

Mr. Garner's willingness to strike an honorable bargain was in the best Congressional tradition. Like every master legislator, he knew that sooner or later personal ambitions, partisan passions and regional interests have to yield to some reasonable accommodation. It is such men who have made the American constitutional system work successfully for nearly two hundred years.

Mr. Garner made more skillful use of the Vice-Presidency than most occupants of that honorable but powerless office. For the first several years of the Roosevelt Administration he was a shrewd, effective worker behind the scenes in the Senate in putting through major pieces of social legislation.

Disapproving of a third term and in disagreement on other issues, Mr. Garner broke with President Roosevelt and retired from public life in 1940. His dignified years in retirement were a model of good humor and good sense.

The nation has reason to be grateful for the character and the disinterested devotion of John Nance Garner. Speaking to a young reporter several years ago, Mr. Garner said, "Remember, our Government is not run by ugly men." As passions rise over the war in Vietnam and as another political campaign approaches, Americans of every political veiwpoint would do well to recall a wise old man's homely truth.

[From the New York Times, Nov. 8, 1967]

UVALDE, TEX., November 7.—John Nance Garner, Vice President of the United States under President Franklin D. Roosevelt, died in his home here this morning. He would have been 99 years old on Nov. 22.

Mr. Garner was Vice President during Mr. Roosevelt's first two terms as President. He broke with the President, however, over Mr. Roosevelt's controversial plan to enlarge the United States Supreme Court.

Mr. Garner developed a fever yesterday and went into a coma during the night. His son, Tully, who was his only child, was at his bedside when he died. He is also survived by a granddaughter, Mrs. John J. Currie of Amarillo, and three great-grandchildren.

A funeral service will be held in Uvalde on Thursday.

INFLUENTIAL IN NEW DEAL

(By Alden Whitman)

The Texan who was the 32d Vice President of the United States was never fully happy in the eight years he spent in that office, from 1933 to 1941.

More accustomed to the Congressional committee room and the small gatherings of influential legislators, he frequently said that he had been just "a spare tire of the Government" in the first two terms of President Franklin D. Roosevelt's New Deal.

"Worst damn-fool mistake I ever made was letting myself be elected Vice President of the United States," he remarked after he had left office. "Should have stuck with my old chores as Speaker of the House. I gave up the second most important job in the Government for one that didn't amount to a hill of beans."

Although Mr. Garner disparaged his job, he was nonetheless one of the most influential men on Capitol Hill in the first years of the New Deal. Having been in the House

of Representatives since 1903 and a member of its powerful Ways and Means Committee for many years, he was practiced, as few legislators were, in the intricate and offstage business of getting bills through Congress.

As presiding officer of the Senate and as Mr. Roosevelt's designated "Mr. Common Sense," Mr. Garner put his political knowledge to work in obtaining passage of New Deal legislation. He was more conservative than his President and he did not wholeheartedly approve of much of the legislation he promoted, yet personal friendship, Mr. Roosevelt and he played poker together, and party loyalty persuaded him to help gather the necessary votes and to direct legislative strategy.

BOURBON IN THE CHAMBER

Mr. Garner did most of his wheeling and dealing in a private office in the rear of the Senate chamber, to which he quietly invited key legislators to join him in what he called "striking a blow for liberty." The Vice President's excellent bonded bourbon and his persuasive, often sarcastic tongue succeeded in persuading his guests to vote his way.

However, after the election of 1936, Mr. Garner found himself increasingly out of step with Mr. Roosevelt. Their political differences reached a breaking point over the President's proposal to enlarge the Supreme Court to obtain judicial approval of New Deal statutes. The Vice President was against the plan, and when he knew how the votes were tending he told the President.

"How do you find the Court situation, Jack?" Mr. Roosevelt asked.

"Do you want it with the bark on or off, Cap'n?" Mr. Garner countered.

"The rough way," Mr. Roosevelt replied.

"All right, you are beat," Mr. Garner said. "You haven't got the votes."

Mr. Roosevelt then agreed to drop his proposal and commissioned Mr. Garner to patch up as best he could the party feuds that the Court plan had engendered.

Although the two men remained friendly, Mr. Garner was dropped from the circle of White House intimates and from the list of those who lunched with the President at his desk.

The Vice President was persuaded by his conservative friends to harbor ambitions for the White House, but these were effectively frustrated by his lack of touch with organized labor, especially its militant leaders in the Congress of Industrial Organizations.

The mark of labor's disenchantment was stamped on Mr. Garner by John L. Lewis, head of the C.I.O., in a memorable display of his phrase-coining talents.

The occasion was a hearing on July 28, 1939, before the House Labor Committee that was considering liberalizing changes in the Wage-Hours Act, which Mr. Garner opposed. Referring to this, Mr. Lewis labeled the Vice President "a poker-playing, whiskey-drinking, labor-baiting, evil old man."

STAYED WEST OF POTOMAC

The description hurt Mr. Garner politically and so did his opposition to a third term for President Roosevelt. They added to the sourness with which he left Washington in 1941 for his home in Uvalde. He vowed never again to come east of the Potomac, and he never did.

In his Washington years, Mr. Garner was a man of striking appearance. He was somewhat under average height, but his ruddy complexion, white hair, and slanting blue eyes under shaggy eyebrows made him difficult to forget.

He was not given to speeches (he boasted that he had not made a single formal speech as Vice President) but he was an industrious and powerful member of the House.

The nickname Cactus Jack, given to him because he came from an infertile area of Texas, remained with him all his life.

Although he became a millionaire from business interests in his home state, he lived simply in Washington. For many years his wife, the former Ettie Rheiner, whom he married in 1895, performed all his secretarial duties and prepared their lunch on a gas range in his Congressional office. Because he spent so penuriously, Mr. Garner had a wide reputation as a tightwad, which he did nothing to dispel.

Apart from baseball, pecan-growing and farming (he raised fowl), Mr. Garner's chief avocation was poker. He was so adept at the game that his winnings in some sessions of Congress exceeded his pay of $10,000 a year.

FATHER A CONFEDERATE TROOPER

A product of the rugged frontier, John Nance Garner was born Nov. 22, 1868, in a mud-chinked cabin near Detroit, Tex. His father, John Nance Garner 3d, had been a Confederate cavalry trooper who had migrated to Texas from Tennessee.

The boy's education was so sketchy that he had trouble keeping up with his classmates when he went to Vanderbilt University. Returning home, he read law with a lawyer in Clarksville, was admitted to the bar at the age of 22, moved to Uvalde, near the Mexican border, and joined a law firm that eventually became Clark, Fuller & Garner.

When he acquired a newspaper, The Uvalde Leader, as part of a legal fee, he made his name known and was elected county judge of Uvalde County, a post corresponding to county executive in other states.

From county judge, Mr. Garner moved to the Texas Legislature, which he entered in 1898. In his two terms he fought railroad interests in behalf of his Populist-minded small-farmer constituents, who sent him to Congress in the election of 1902.

"When I entered Congress," Mr. Garner once reminisced, "the autocratic leaders of the [Democratic] party thought I was just another cow thief from Texas. They 'rolled' me on committees, giving me minor assignments. I kicked until they put me on the Foreign Affairs Committee. Being the newest Democrat, I sat beside Nicholas Longworth, the junior Republican. That was how we struck up our friendship.

"It was darned peculiar that a silver-spoon aristocrat like him and one of the common people like me should hit it off, but we tried to outsmart each other for 30 years."

Over the years Mr. Garner formed friendships with men who exerted great influence in national affairs—Joseph T. Robinson of Arkansas, Carter Glass of Virginia, James F. Byrnes of South Carolina, Sam Rayburn of Texas, George W. Norris of Nebraska, Andrew W. Volstead of Minnesota and William Randolph Hearst, the publisher.

Increasingly, the Texan was admitted to the inner circles of the House leadership, those who frequented a Capital hideaway and were known collectively as "the Board of Education."

Mr. Garner, a party stalwart except in international affairs, moved into the national spotlight in 1928, when he was elected House minority leader. As such he was active in the election of 1930, in which the Republican majority in the House was cut almost to the vanishing point.

In those days a new Congress did not organize until 13 months after an election, and by the time the House met in December, 1931, the Republican majority has disappeared, owing to deaths, including that of Speaker Longworth.

Mr. Garner was elected Speaker by three votes, a margin that obliged him to exercise his skill as a politician to obtain the legislative results sought by his party.

In the jousting for the Democratic nomination for President in 1932, Mr. Garner was Texas's favorite son. He was also, because of his conservative and isolationist views, the choice of Mr. Hearst, a major force in the party, who had, most improbably, won the California delegation for Mr. Garner.

On the first convention ballot in Chicago, Mr. Roosevelt had 666 votes of the 770 needed for nomination. Alfred E. Smith, the former New York Governor and the candidate in 1928, was second, and Mr. Garner was a poor third.

By the third ballot, Mr. Roosevelt had gained only 16 votes and James A. Farley, his campaign manager, was fearful that on the next ballot delegates would slip away to Mr. Smith or to Newton D. Baker, an internationalist who had been President Woodrow Wilson's Secretary of War.

Thus it came down to Mr. Hearst and Mr. Garner's 86 votes, 44 of them from California. At first Mr. Hearst refused to listen to Mr. Farley's entreaties until he received assurances, in phone calls from San Simeon, his California castle, that Mr. Roosevelt would eschew internationalist policies.

Then Mr. Hearst made his decision. Although he did not particularly care for Mr. Roosevelt, he cared far less for Mr. Smith and not at all for Mr. Baker. Through an intermediary, the publisher got in touch with Mr. Garner in Washington.

According to "Citizen Hearst," W. A. Swanberg's authoritative biography: "Garner knew that he owed Hearst the strength that he had. He thought it over and agreed [to deliver his California votes to Mr. Roosevelt]."

Although there have been denials, it has been widely accepted that the quid pro quo was the Vice-Presidential nomination for Mr. Garner. In any event, Mr. Roosevelt was nominated on the fourth ballot and Mr. Garner was chosen as his running mate without significant opposition.

In the election Mr. Garner's homespun manner and conservative fiscal views added strength to Mr. Roosevelt's appeal among those who regarded the New Yorker with skepticism.

As Vice President Mr. Garner adhered to the then current tradition—to be seen very little and not to be heard at all. Instead, he confined himself to the task he liked (and knew) best—maneuvering legislation through Congress.

He liked to joke about himself in this respect. One day a circus clown met him in the Senate Office Building and said by way of introduction:

"I am head clown in the circus."

"And I am Vice President of the United States," Mr. Garner replied solemnly. "You'd better stick around here a while—you might pick up some new ideas."

When Mr. Garner, at the age of 72, retired to his house in Uvalde, set among live oaks and pecan trees, he said that he wanted to live in quiet until he was 93. If he attained that age, he explained, he could say that he had spent half his life in public office and half as a private citizen.

TENDED TO FINANCES

He passed much of his time looking after his ranch holdings, real estate and banking interests.

He rejected offers for his memoirs, and, it was said, he burned his letters and other material bearing on his service in Washington.

When his wife died in 1948, he moved out of the main house into a smaller frame building nearby. He was generally known among his neighbors as Judge Garner, the title he had held in his first office. He read a bit, mostly history, and celebrated his birthdays with a special cake and a modest party.

Several years ago he gave up whisky on his physician's suggestion and cut down smoking the strong Mexican cigars, to which he had been addicted for scores of years.

Starting in 1961, he made gifts that eventually totaled $1 million to Southwest Texas Junior College, an institution on the outskirts of Uvalde. Pressed as to the reasons for his philanthropy, he said:

"I don't want these kids around here to have to suck on the hind teat when it comes to getting a good education. I can't explain my time schedule on what I've given to the college except to say that when you get in

your nineties you can't afford to be a mañana man."

Although Mr. Garner only dressed in what he called his "store clothes" for such occasions as his birthday, he was the object of some attention and curiosity by visitors to Uvalde.

"People come by here to see me," he once explained. "They want to see what a former Vice President looks like. They expect to see some big imposing man, and it's me. I'm just a little old Democrat."

JOHNSON LEADS TRIBUTES

WASHINGTON, November 7.—President Johnson paid tribute today to former Vice President Garner as a man who inspired many generations of Americans.

In a statement issued by the White House, the President said:

"John Nance Garner would have been 99 years old on the 22d of this month.

"Few are given so long a time, and fewer still have used their years to such advantage. Few men in history had more experience in government nor more respect from his colleagues during his long career in public service.

"The nation joins with the people of his beloved Uvalde in mourning the loss of one whose determination and joy of life were an inspiration to so many generations of Americans."

Former President Harry S. Truman described Mr. Garner as "a vital force for several generations on the American scene as Speaker of the House and Vice President."

Informed of Mr. Garner's death at his home in Independence, Mo., Mr. Truman said:

"He enjoyed the respect of all Americans as the spokesman for the rugged and practical individualism that played such an important role in the building and growth of this nation.

"He was my friend and I was his. Mrs. Truman joins me in sincere sympathy to his family."

James A. Farley, Postmaster General during Mr. Garner's terms as Vice President, said in part: "The passing of former Vice President John Nance Garner marks the end of one of the greatest eras in the history of this country. I know of no man who made a greater contribution to his country."

John L. Lewis, the old labor leader who was Mr. Garner's adversary in the nineteen-thirties, was asked to comment but declined.

PRIME MINISTER SOUVANNA PHOUMA OF LAOS GRATEFUL FOR AMERICAN PRESENCE IN ASIA

Mr. BREWSTER. Mr. President, Prime Minister Souvanna Phouma's recent visit with President Johnson marks the great importance Asian nations attach to America's presence in Vietnam.

The Prime Minister of Laos recognized the contribution to Asian freedom made by the American presence in Vietnam. He expressed free Asia's gratitude by telling President Johnson:

> We are grateful that you came to Indo-China to help us survive. If it weren't for your presence, Laos and, indeed, all of Southeast Asia, would fall under Communist influence.

The Prime Minister leads a brave nation—beset by armed indigenous Communists and invading North Vietnamese regulars. Yet Laos held democratic elections for their National Assembly in the midst of their strife—because it is democracy for which they fight.

Other nations of Asia wish, like Laos, to mark out their own destinies free of Communist coercion. It is our high purpose in Vietnam to assure them this right.

Prime Minister Souvanna Phouma has spoken for the troubled neighbors of Vietnam—even for those whose silence bespeaks fear of Chinese repression rather than disagreement with American policy—in recognizing that Vietnam is the testing ground for Maoist revolutions.

As Souvanna Phouma said:

> If tomorrow South Vietnam became Communist, all that would be left for us to do would be simply to pack up and go.

We must not—and we will not—allow this to happen to Laos or its sister states.

I applaud Prime Minister Souvanna Phouma and President Johnson for their continuing efforts to bring peace to troubled Asia.

PRESIDENT'S ADDRESS ON INTERNATIONAL EDUCATION PRAISED

Mr. HARRIS. Mr. President, in his recent speech to an international education conference in Williamsburg, Va., President Johnson challenged the nations of the world to give every child on this planet "as much education as he needs and can absorb."

Worldwide illiteracy—40 percent on a global basis—presents one of the greatest barriers to social and economic progress in many areas of the world.

Its curse leaves shallow spirits, warped minds, frustrated human beings. It is the fuel upon which violence feeds.

President Johnson has challenged the world's educators to tap the vast potentials of modern technology for a frontal attack on poverty of the mind. As President Johnson stated:

> There is no reason why modern technology cannot, for example, permit the best professor in the world to teach students all over the world.

Through satellite communications, educational television on a global basis, and sharing of educational resources the President's vision can become a reality.

Modern technology must be our servant for good not our master for evil. This was the President's message to the world's educators. This is the challenge the world must accept.

Ours must be an age of education for all mankind.

I ask unanimous consent that two editorials—from the Washington Evening Star and Washington Daily News—complimenting the President on his address be inserted into the RECORD.

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

[From the Evening Star, Oct. 13, 1967]

AGE OF EDUCATION

In his Williamsburg speech the other day President Johnson dwelt on a thought which fully deserved his attention. Educators, the President said, have barely begun to tap the vast potentials of modern technology to improve teaching methods and to attack the worldwide dilemma of illiteracy.

Johnson's remarks were aimed mainly at the global dimensions of the problem. With the advent of satellite communications, he speculated, such new media as educational television invite the possibility of applying basic education on a mass basis even in those areas where illiteracy rates range as high as 80 percent. "There is no reason," he said, "why modern technology cannot, for example, permit the best professor in the world to teach students all over the world."

Nor, of course, would the remote areas of the world be the only beneficiaries. Some strides in this direction already are being made in the United States. Most of our progressive colleges, and a good many school systems, are experimenting with various forms of electronic or computerized aides to classroom instruction. But the President is quite right in his reminder that in this area "every nation, including this one, is still a developing country."

In this regard, incidentally, Washington's new Federal City College will offer unparalleled opportunity as a laboratory. Its goal—a higher education opportunity for every District high school graduate who desires it—is enormously ambitious. While the details have not been fully formulated, the intention is to offer, beyond baccalaureate degrees, various terminal courses of shorter duration. The possibilities of sharing educational resources through the use of technological devices might well produce vital economies as well as invaluable instructional aides.

President Johnson already has made clear an intention that Washington should become a "model city" in other respects. A similar degree of support from the administration could help to make the Federal City College a model for the sorts of teaching breakthroughs required if the President is to realize his hope that these years will be called the "age of education" in America.

[From the Washington Daily News, Oct. 14, 1967]

L. B. J.'s CALL FOR EDUCATION

At a recent conference on education in Williamsburg, Va., President Johnson laid out a far-off goal which he urged the delegates from 52 nations to shoot for.

The goal: To give every child in the world "as much education as he needs and can absorb."

An ideal, as Mr. Johnson said, which is urgent and compelling. And none could be more necessary or productive.

On a global basis, he said four of 10 adults cannot read or write, and in some regions the ratio is eight of 10.

"Shame on the world," he cried, "and shame on its leaders!"

And shameful it is.

gree of support from the administration went on, the peoples of the world have spent "literally trillions of dollars" on war, on preparations for war, and 100 million have died because of wars.

No doubt.

If all of these enormous sums had been spent on education and other betterments for human welfare, it would be possible at last to call the world civilized. It is a sorry reflection on mortal intelligence in general that it has not been that way.

But it doesn't follow that if only every man were literate there would be no wars.

"Shame" on the world's leaders, the President said.

But the world's leaders have not been uneducated. Unprincipled perhaps. Greedy perhaps. Overly ambitious perhaps. Even stupid, perhaps. But not illiterate.

Education, then, for all the high priority it deserves in the affairs of humankind, is not the solution to the plague of war.

Something more is needed. It could be understanding. Or an ability for co-operation. Or a heart for fellow humans. Or some kind of purity of soul. Whatever it is—despite education, despite religion, despite every other so-called civilized development—it has been missing in this century of war and slaughter.

Education yes, all that can be absorbed; but with it a prayer for the wisdom that will provide the mysterious key to what should be the simplest of all human purposes—living in peace and tolerance with each other.

GEN. OMAR BRADLEY'S VISIT TO VIETNAM

Mr. McGEE. Mr. President, for those who, perhaps, have not done so, I recommend a reading of Gen. Omar Bradley's account of his visit to Vietnam in the edition of Look magazine now on the newsstands.

General Bradley's report is a hopeful one. He has found no stalemate. Further, he has found that we are fighting this war "at the right place, at the right time and with the right enemy." This conviction comes as the Evening Star pointed out in an editorial yesterday, from a general who, at the time of Korea, advised against carrying the war to Red China by crossing the Yalu River. Obviously, he is not indifferent to the often-quoted dangers of a major land war in Asia. But he is convinced that Vietnam is the place where we must stand, just as we have before in Berlin, Greece, Cuba, and Korea.

Mr. President, I ask unanimous consent that General Bradley's report on his visit to Vietnam, published in the November 14 issue of Look magazine, and the Washington Evening Star editorial of November 7, be printed in the RECORD.

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

[From the Evening Star, Nov. 7, 1967]

A GENERAL'S JUDGMENT

General Omar N. Bradley wears five stars. He was a World War II commander and chairman of the Joint Chiefs of Staff during the Korean war. He is the highest ranking officer to have visited the fighting fronts in South Vietnam. And his report of his findings, which appears in the current issue of Look, is a decidedly hopeful one.

No one, we suppose, will say that General Bradley was brainwashed by the diplomats or the soldiers. So it should carry some weight when he says he is convinced that the war in Vietnam is "a war at the right place, at the right time and with the right enemy—the Communists."

After talking with the men in the foxholes, the junior officers and the commanders, General Bradley was convinced that we are making progress. "We are gaining, often dramatically, in the military struggle," he says, "and in the even more difficult task of healing the social ills on which the Communists feed." A stalemate? Not when "the other side is getting weaker and we are getting stronger."

Why fight in Vietnam? This is his answer: "If we fight in Vietnam, and win, it is *possible* we may have to repeat our effort elsewhere. If we pull out it is *certain* that we will face more and tougher Vietnams."

Why does Hanoi keep fighting? "Ho Chi Minh's one hope is to hang on in the expectation that the American public, inadequately informed about the true situation and sickened by the loss in lives and money, will force the United States to give up and pull out."

How will the antiwar extremists respond to this? They can hardly attack General Bradley on the ground that he is a mindless military man, for it was he who said in 1951 that to carry the Korean war to Red China by crossing the Yalu "would involve us in the wrong war, at the wrong place, at the wrong time, and with the wrong enemy." It would be absurd to say that he is indifferent to the dangers of a major land war in Asia.

But he does believe this: "History will judge that, alongside Berlin, Greece, Cuba and Korea, Vietnam was one of our finest hours. We did not flinch. Or it will say that the Communists are right, and History will belong to them."

Rhetoric? Perhaps. The truth? We think so.

[From Look, Nov. 14, 1967]

MY VISIT TO VIETNAM

(NOTE.—In 1915, when Cadet Bradley was graduated, the West Point yearbook predicted: "If he keeps up the clip . . . some of us some day will be bragging . . . 'Sure, General Bradley was a classmate of mine!' " He kept up the clip in Africa, Sicily, Normandy and the sweep to Berlin in World War II, as Veterans Affairs Administrator, Army Chief of Staff, Joint Chiefs Chairman thereafter. He is the last, along with classmate Dwight D. Eisenhower, of nine men to be honored with five-star rank.)

(By General of the Army Omar N. Bradley with Mrs. Bradley)

History will give high marks to the United States for its responsible behavior since World War II. Never has a nation of such power been so sorely and so systematically tried. The Communists, disciples of a doctrine that no people ever willingly embraced, have sought domination by attacking a supposed weak spot through trickery, propaganda, bluster and violence. Each time, the United States has reacted and, with the help of allies, blocked them from achieving an easy victory. And always we have done it without resorting to that horror of horrors, all-out total war.

The Communists tried blockade in Berlin, terrorism in Greece, conventional warfare in Korea. In each instance, we stopped them. In Cuba, they tested us to see if we were prepared to go to nuclear war and found we were. Now we are being tested again. As with Berlin, Greece, Korea and Cuba, Vietnam is a proving ground. This is no simple civil war fought solely by patriots, although there certainly are patriots on both sides. It is, in essence, a laboratory experiment, executed with callous disregard for human life by those in Hanoi and Peking who want to see if the "protracted war" theories of Mao Tse-tung will work. If these theories hold in Vietnam, they unquestionably will be applied elsewhere, and we shall have to confront them again and again. The Communists have spelled it all out for us. In statements as blunt as Hitler's *Mein Kampf*, they have assured us time and again it is their intention to impose their form of government upon the world.

In May of 1951, testifying before two Senate committees as chairman of the Joint Chiefs of Staff, I opposed enlarging the Korean War to include the China mainland. I was referring solely to the crossing of the Yalu River, although in ensuing years, I frequently have been misquoted as opposing the action in Korea, which I actually supported. I said that a "limited war" with Red China then "would involve us in the wrong war, at the wrong place, at the wrong time, and with the wrong enemy."

The Soviet Union had a mutual defense treaty with Red China providing that each would treat any attack on the other as an attack on itself. Furthermore, the Russians were furnishing most of the war supplies used by North Korea. If we had wanted to stop the flow of those supplies by strategic bombing or other means, our attack should have been directed against Russia. In my view now, as then, Red China was the wrong enemy.

Maybe, as some critics claim, Vietnam is the wrong war too, in the sense that we should have avoided getting involved so deeply in it. I don't know. Playing armchair general is much easier than bearing the responsibility and rendering the decisions at the moment of crisis, and history does not reveal the results of untried alternatives. It is fruitless to dwell upon what-might-have-been when faced with the screaming realities of the here and now. After tramping throughout the length and width of South Vietnam, going wherever I wanted to go and talking to whomever I wanted to talk, I am convinced that this is a war at the right place, at the right time and with the right enemy—the Communists.

My wife Kitty brought the trip about. She sensed my growing conviction that I had to go and see Vietnam for myself. She knew I had always believed there is no substitute for talking to the men in the field. The deterrent to taking a trip like this was a bothersome cartilage in my right knee, torn while playing football at West Point. I did not want to go into a war zone and then wind up a nonbattle casualty. Recent surgery removed the entire kneecap and made it possible for me to walk once again without limp or pain. Kitty was with me during a postsurgical checkup in late July, when the doctor pronounced the knee "as close as it ever will be to God's work." In the car en route home, she turned to me and softly said, "You've been aching to go, and now you can." I nodded and had to admit, "An old soldier never really fades away."

Kitty had no objection to my going to Vietnam. She just didn't want me to go without her. We both knew that as a general officer on active duty, I could officially request permission to visit Vietnam, but she would have to stay behind.

My wife is a quiet, determined woman. Less than a week after the knee checkup, she had arranged with Look to accompany me to Vitenam as a correspondent, with the stipulation that all payment for this article be turned over to the United States Organizations for distribution to the USO facilities serving our men in Vietnam.

Kitty was invaluable on the trip. A professional writer for more than 20 years, she is a trained observer and, in the evenings, when we mulled over where we had been and what we had seen, I found she had often picked up details that I had missed. She was great for morale, particularly in hospitals, where she paused for unhurried chats with the wounded, and at isolated outposts in the boondocks. Kitty felt she wanted to do something special to justify her presence. She decided that upon our return, she would communicate with the family of every serviceman to whom she talked in Vietnam. Whenever she volunteered to give a personal message to the folks back home, she was surrounded by the homesick, and at last count, she had telephoned or written a personal letter to 917 families.

Those fine young men out there did something for our morale too. One night at Pleiku, after an exhausting day in the central highlands and after a sobering but otherwise uneventful oil-line failure while helicoptering over Vietcong territory, we talked quietly about the brave men and how selflessly they worked, the gruesome scars of war all around, the now-familiar grumbling of nearby artillery, the Vietcong mortar bursts on a motor pool at Saigon's Tan Son Nhut Airport as we were landing. And Kitty, who had never before been this close to battle, said: "If something should happen, and we should die, at least we are in good company—each other's and these wonderful men fighting here." I agreed.

Gen. William C. Westmoreland, our commanding general in Vietnam, met us at the airport when we arrived August 17. I had known him as Cadet Westmoreland 32 years

ago, when I was on the West Point faculty, and our paths have crossed several times since. He looked fit. We later were told that he gets out into the field with his men several times a week. I know that wherever we went, there was nothing but praise and affection for him. "Westy's been carrying this responsibility for three and a half years," one man said, "but he always has the drive and enthusiasm of a second lieutenant who arrived only yesterday."

From that day until August 30, when we left Vietnam, we stayed constantly on the go, traversing the country from one end to the other, keeping a schedule of 14 to 16 hours daily. We saw thousands of Americans—soldiers, sailors, marines, airmen, Seabees. We went to them where they live and fight—aboard a carrier, a fleet oiler, a hospital ship, a "Riverine" ship; in trenches, foxholes, dugouts, jeeps, tanks; at artillery positions, radar posts on hilltops, montagnard villages in the highlands, Special Forces camps on the South China Sea coast and in the waterlogged paddies of the Mekong Delta. We visited allied units—the South Vietnamese, Koreans, Filipinos and others. Everywhere, they seemed glad to see us and somehow managed to have a five-star flag or plate to greet us.

We mingled with villagers who have known nothing but war for a generation. At Plei Bong Hiot, a montagnard hamlet in the central highlands, all 376 inhabitants turned out to greet us. A montagnard band playing gongs scaled in size from saucers to manhole covers beat out an eerie tune, over and over, as we sipped rice wine from a communal jar through communal straws to become honorary members of the Bahnar tribe. The straws were plastic fuel tubes borrowed from our helicopters. Because the plastic tubes were transparent, the hamlet leaders could see whether we really drank or simulated drinking. My wife tried to fudge, but she got caught and there was no make-believe the second time. She said the rice wine tasted like a mixture of sake, tequila and helicopter fuel. At Edap Enang, a montagnard village in the same general area, we saw some 7,800 people who had been relocated because of military operations near the Cambodian border, where they formerly lived. These families are comfortably housed, and each has its own vegetable patch. Some had run away at first, but when their crops sprouted, the runaways returned and began to take root in their new homes.

The noncombatant Philippine Civic Action Group was working closely with another village, made up of 491 refugee families. The Filipinos, doing what amounts to Peace Corps work under occasional fire, proudly showed us a new school where 1,000 children were being educated. Brig. Gen. Gaudencio V. Tobias, the Philippine commander, demonstrated to us the self-government, sanitation and hygiene techniques his command is teaching the people.

Ambassador Ellsworth Bunker and General Westmoreland abided by my request to spend most of the time in the field. They arranged for two days of orientation briefings in Saigon, after which we flew north to Da Nang. Throughout our travels in Vietnam, we were cloaked by the code name "Burma Road" for security reasons. Wherever we went, we were cordially received by the various commanders, who saw to it that we spent much of our time in no-holds-barred talking with their junior officers and enlisted men. We asked hard questions and got direct answers. They showed us the bad with the good and left it to us to decide how things stood on balance.

From Da Nang, we flew out to sea to the U.S.S. *Constellation*. She was circling with two other carriers in the Gulf of Tonkin, far north of the 17th Parallel dividing the two Vietnams. In the two days aboard, we questioned crew members, visited fliers in their ready rooms and saw several strikes launched against targets in the Hanoi area and elsewhere in North Vietnam. On one strike, one of our aircraft was shot down, but quick work by rescue helicopters plucked the two-man crew from jungle highlands. When we learned they were being returned to the carrier, Kitty begged to wait to see for herself that they were safe. We delayed our departure and were able to congratulate Cdr. Robin McGlohn of Balboa Beach, Calif., and Lt. (jg) James M. McIlrath of San Diego.

I never heard a pilot aboard the *Constellation* question the usefulness of what he was doing. One senior officer estimated that 100 times as much ammunition was being expended against our planes in the North as against our ground troops in the South. "That's a plus in itself," he said.

Back in Da Nang—after a stop at a field hospital to fix a tooth my wife broke in the jolt of the catapulted takeoff from the carrier—we were shown to our billets by Marine Maj. Charles Edwards of Raleigh, N.C. He casually mentioned that according to our Intelligence, the enemy might fire rockets at the base at any time, as they had done in July. He showed us the bunker in which we were to take cover if that happened. Kitty assured the major she has no sense of direction and wondered if in the event of a rocket attack, he could come and lead the way. "Yes ma'am, if I'm alive," he replied earnestly. "I just wanted to show you in case a rocket gets to me first."

At my request, the marines helicoptered us to a forward base for an open discussion with junior officers and enlisted men. About 25 assembled in a rattan hut that served as their mess hall. One of them, Cpl. Lester W. Shell, Jr., of Chesapeake, Va., a gangling 23-year-old, said the hardest job was identifying the Vietcong. They mingled with the rice farmers until dusk, and after dark, slipped into black pajamas, took up hidden weapons "and turned into VC's." Corporal Shell assured us that things were getting better because more farmers were reporting VC operatives as they developed trust in the marines. "When I arrived 11 months ago, we had to send out patrols in company size, about 160 men, and now we go on squad patrols, 12 to 15 men. That right there is progress."

Another member of this group, a sniper, showed us his weapon, a civilian rifle with a telescopic sight. He said: "Sometimes, we find a seat in a tree or a hole in the ground and just sit down and wait. Quite often, someone shows up. We're doing better. We're learning patience."

In Da Nang harbor, we went aboard the U.S.S. *Repose*, one of two hospital ships in the area. We had visited two general hospitals near Saigon, and we would go to field hospitals elsewhere, but the *Repose* offered prime insight into how quickly the wounded are treated. The speed is amazing. The secret is helicopters. The *Repose* has a heli-pad on its deck, just as the hospitals ashore have them on their grounds. The wounded go directly from the battlefield to the hospital. Rarely is ground transportation necessary. This means that except in very few cases, no man in the country is more than 30 minutes away from complete, expert medical care. Only 2.5 percent of the wounded admitted to a medical facility die. More than 40 percent of the wounded return to duty without being admitted to a medical facility. And over 80 percent of all wounded admitted to a medical facility are returned to their units. The effect on morale is evident. Kitty and I found most of the patients we visited in a cheerful bantering mood, and anxious to get back to their units and their work.

Wherever we ate, whether with officers or enlisted men, the chow was good. In my 56 years in the Army, I have never seen better fed men, in peace or war. Ninety percent of the meals served to American personnel in Vietnam are hot. It is commonplace, according to some men I talked with, to have a helicopter hover over an embattled unit and lower what my wife termed "a businessman's breakfast"—fruit juice, two soft-boiled eggs, buttered toast, marmalade and hot coffee.

At China Beach, near Da Nang, we visited with men enjoying a three-day respite from all duty. Kitty took on a couple of the GI's in Ping-Pong to put them at ease and encourage them to talk freely. We learned that like all servicemen, however dedicated, they count the days until they go home. In this war, except for key officers, they know exactly how long that will be. Our men go over for a one-year tour of duty unless they voluntarily extend. I asked one fellow how long he had to go, and he quickly replied, "Seventy-six days and a wake-up." Not 77 days, but 76 and a wake-up—a little autopsychology, like setting a clock ahead, because it sounds shorter that way. But many found themselves irresistibly drawn back, like John Paul Vann of Littleton, Colo. He had served a military tour in Vietnam, gone home, left the service and signed on with Revolutionary Development. Marine M/Sgt. George A. Mitchell had been there for 2½ years, and when we asked him why, he said simply, "I want to see the job finished."

As times goes on, the steady flow of returning Vietnam veterans, currently at the rate of 50,000 a month, may give Americans a better picture of Vietnam. The quality of these young men, tempered by their travail and the ringside knowledge of the plight of those they fought to help, cannot but improve the quality of American society.

As we worked our way south from Da Nang, we spent most of a day with the South Korean forces headed by Lt. Gen. Chae Myung Shin. He commands more than 49,000 men and, from all reports, they are doing a superb job. One of his staff officers gave us an excellent briefing, winding up with the assurance that ROK forces are pleased to fight by our sides to repay in some small measure all that the Americans did for their country when it faced a similar threat. The Koreans seem to have a special zest for their mission and a particular talent for keeping the highway open and driving the VC out of the coastal area in the central part of the country.

Here, as elsewhere, a strengthened effort is being made in Revolutionary Development, the program to provide a new life for villagers formerly under VC control. We visited one such village, where all the people turned out to meet us. They showed us what they were building—an infirmary, a bridge, a concrete road. This is the new concept, involving the villagers more deeply in the things they need. Foremost is security, provided by the villages' own Popular Forces.

At Nha Trang, we watched South Vietnamese soldiers training at the Noncommissioned Officers Academy. I was interested because the high caliber of our own military forces today is the result of such schools. I witnessed two combat problems conducted with live ammunition. They were impressive. Not only are the Vietnamese learning to defend themselves by fighting alongside our troops, but gradually they are adopting our methods.

In the heavily populated Mekong Delta, traffic is by water, and so is the war. Our Army and Navy have combined operations there, in the Riverine Force. Soldiers live aboard ship when not slogging the paddies and swamps, and sailors called "Seals" fight like the green-bereted Special Forces. These men are effectively hampering the movement of VC units and supplies. Navy personnel, accompanied by South Vietnamese civil officers, stop and search between 1,500 and 2,000 boats a day. Sometimes, they are fired on from the banks, but quite often our boats pull away without returning the fire to avoid hitting innocent civilians in the area.

I had heard complaints that we were killing innocent people in Vietnam. I am not

sure how those who make such complaints define "innocent." If they mean civilians as distinguished from men in uniform, it should be pointed out that since 1958, the Vietcong have assassinated an estimated 11,798 South Vietnamese civilians and have kidnapped 41,177. This toll includes 1,000 civilian officials killed and 1,500 kidnapped. Anyone in a combat area is apt to become a casualty, as we found when we landed in Normandy during World War II. Wherever possible, people are moved out of a battle zone, which is what we are doing in Vietnam today. As careful as we are modern weapons make it difficult to confine casualties to the fighting men. But there is no such excuse for the deliberate, premeditated, selective killings by the VC.

In the Delta, far from the source of men and materials in the North, the enemy seems to be having considerable trouble. One unit I visited reported capturing 10 VC. Two were 12 years old and one was 13. These children said they were told that unless they joined the VC, their families would be killed. One Riverine Force reported the enemy they were chasing simply melted away after burying their guns. I saw 43 of these arms, including three automatic weapons, displayed on the deck of one of our ships.

On our last afternoon in Vietnam (we had that day and a wake-up to go), we met with Ambassador Bunker, General Westmoreland and a team of American officials who are setting up an agency modeled along the lines of our own Veterans Administration, of which I was administrator for more than two years following World War II. Already they are planning the postwar future of South Vietnam's veterans.

As we climbed abroad the jetliner taking us back to the States, my head was bursting with information, and my heart with pride. What a paradox this war is. The morale of the men in the foxholes is higher than that of many people safely at home. The fighting men know why they are in Vietnam. It is a pity their understanding, patience, fortitude and enthusiasm cannot be transmitted to the home front.

As Kitty turned to look back at Saigon fading from our view, she murmured half to herself, "I don't believe anybody can fly into Vietnam a dove, and fly out a dove."

We are in Vietnam because we cannot long remain the leader of the free world if we do not stand by our promises to help the smaller nations threatened by Communist engulfment. Vietnam is an historical necessity, not because we said so but because the Communists want it that way. On September 2, 1965, the Red Chinese Defense Minister Lin Piao declared in Peking that Vietnam was the "testing ground" for the worldwide application of Mao Tse-tung's military-revolutionary strategy. This strategy, used by Mao in China and by Ho Chi Minh in Southeast Asia, starts with a peasant base and gradually encircles, throttles and captures the cities. Marshal Lin likened underdeveloped countries such as South Vietnam to the peasants and described the capitalist countries as the "cities of the world." We are on notice then that this is the challenge.

If we fight on in Vietnam and win, it is *possible* we may have to repeat our effort elsewhere. If we pull out, it is *certain* we will face more and tougher Vietnams. History repeatedly has taught us that appeasement is at best a temporary measure and inevitably leads to war.

Wherever we went, I asked the question: Are we making progress? And, as a Missouri native, I added: Show me. From Ambassador Bunker, General Westmoreland and their top subordinates, from the Korean and other Free World Force units, from the South Vietnamese, from our men at all levels and from what I could see with my own eyes, the answer was clear: Yes. And I could not help but wonder why this was not clear to the American people. Perhaps it is because, as a people, we have appetites that lean toward the extraordinary in the news. Too often, we are disinterested in the 99 percent that is right and focus our attention on the one percent that is wrong.

How do you measure progress? To me, it is progress when things are better than they were previously. From what I saw and heard, things are better than they were three or six months or a year ago. We are making progress in Vietnam. We are gaining, often dramatically, in the military struggles and in the even more difficult task of healing the social ills on which the Communists feed.

As we traveled, I became increasingly aware that we are slowly but inexorably rolling the enemy back from the cities and the seacoast. His movement in areas he used to own is now severely restricted. Main force units inside the country, except up north near the Demilitarized Zone, generally stay under cover and keep shifting their bases to avoid detection and contact. The enemy's supply and communication routes, especially around Saigon and in the Mekong Delta, are being interdicted with improved efficiency. Because of his logistics problems in the midlands and down south, he has had to concentrate activity up north near the DMZ. There, the supply route is shorter. Except for that area and a few others, his regiments and battalions are splitting into small groups. "I can't find a fight," complained one American commander whose unit six months ago was battling for its life. One reason we invite attack is because we can react so quickly; in one Delta area, the VC assaults, usually limited to mortar fire, last no more than five minutes because by then our planes and artillery start pounding them. This is a far cry from early 1965, when North Vietnamese regulars and hard-core Vietcong sought to cut the country in two and, in the opinion of many observers, were dangerously close to succeeding.

Intelligence is the key. It seems to be improving as more captives and defectors appear. I have a hunch the other side is hurting a good deal more than it lets on. It may be, as I was told, that the enemy has reached the "crossover point" at which he is losing men through death, wounds, capture and defection at a faster rate than he can replace them by recruitment and infiltration. It seems unlikely that Hanoi can meet such manpower requirements for any protracted length of time. Ho Chi Minh's one hope is to hang on in the expectation that the American public, inadequately informed about the true situation and sickened by the loss in lives and money, will force the United States to give up and pull out.

A North Vietnamese captured this year told interrogators that anti-war demonstrations help sustain the morale of his people and the troops. This man Nguyen Huu Nghia, who speaks Russian and holds a Ph.D. degree in psychology, described demonstrations as "very effective" encouragement for the North Vietnamese. He compared the situation to that of France during the Indochina War. He said an anti-war movement in France started slowly, gained momentum and influenced the final outcome—French capitulation.

If the French pattern should be repeated, it would be a stigma the American people would have to bear forever. Pulling out now would break faith with those who have died there, with the families of those who have died there and with those who after much suffering are on the threshold of success. The Communists assuredly would take revenge against the South Vietnamese who cast their lot with us.

Neighboring nations like Thailand, which recently sent a regiment to fight and from whose territory most of the air strikes against the North are launched, would immediately face Communist infiltration and aggression. American influence would wane, not only in the Far East, but around the globe. Our integrity as a nation would be gravely questioned.

In Hanoi, there is no free press, radio or television to give uncensored sustained reports of what goes on behind the smoke screen of propaganda. But word leaks out. The port of Haiphong has become more a bottleneck than a distribution point. Haiphong's docks and streets are piled high with supplies requiring transshipment because the railroad to Hanoi is unserviceable. Trucks on the Hanoi-Haiphong route now average less than ten miles an hour because the highway is so torn up. U.S. bombing is paralyzing North Vietnam.

The Navy pilots my wife and I watched fly off the U.S.S. *Constellation*, as well as the Air Force crews that fly out of Thailand, have developed electronic gear and aerial tactics to escape antiaircraft fire, including Soviet-built surface-to-air missiles (SAM's). When we visited the carrier, the last full week's tally reported 128 SAM's fired; only one of them hit a plane.

"Stalemate" was a much-used word when we went to Vietnam. I don't call it stalemate when almost everywhere, the enemy is avoiding contact and our troops are progressively digging him out and pushing him back. I don't call it stalemate when, by every measurement, the other side is getting weaker and we are getting stronger. This war is like no other in my experience. There are no great wall maps on which to draw lines and say, "Here is the front." The front is everywhere.

Captured prisoners tell a story of constant attrition. One man, taken in his first battle, said he had started out from Hanoi in a 300-man unit, but only 30 survived the six-week trek. Other prisoners said North Vietnamese soldiers sent south are told they are "mop-up troops" because the war is virtually won. Instead, infiltrators find they must live in the jungle, harassed by bombs, artillery and patrols, and soon they realize their mission is near-suicidal. Enemy defections under South Vietnam's *Chieu Hoi*, or "Open Arms," policy are stepping up. All these things tell a story, not of stalemate, but of an enemy that is hard pressed.

There was criticism, too, that we had little progress to show for the 13 years we have been in Vietnam. Actually, we only started building strength there two and a half years ago, and did not reach current force level until this year.

General Westmoreland first had to concentrate on building a logistics base. Once this base was laid down, he was able to take the initiative. He could begin rooting out and pushing back the Communists, while the South Vietnamese, learning to fight by our side, simultaneously developed a nation with a government more responsive to the needs and the will of the people.

In the process of creating logistical support for our troops, we have invested in South Vietnam's future. A short while ago, Saigon was the only major seaport, and there were only three airfields capable of handling jet aircraft. There are now six ports and eight jet fields, several with two runways. These tremendous resources back up more than the U.S. forces. They support allied troops, the South Vietnamese military effort, American civilians and the South Vietnamese economy. When the war is over, this nation will have a floor on which to build.

Flying over Camranh Bay, once little more than sand and water and now a teeming complex of American power, I was struck by a thought: What if the other side could see what it is up against? Why not invite Ho Chi Minh down south and grant him immunity and every possible protection? Let him see the dug-in magnitude of our effort. If Ho would take the trip I took, he would realize the futility of continuing the war.

Before we went to Vietnam we heard critics say that Hanoi would agree to truce talks if we would stop the bombing. Maybe. I do know that previous bombing halts did not have this result. The mud-spattered GI's in

the central highlands near Dragon Mountain and the marines up at the DMZ know that the tons of ammunition being expended against our planes would be coming down the trail to be fired at them. They know the vast manpower kept occupied by the raids would be free for use against them. It is not academic up where the fighting is.

Two weeks in Vietnam do not make me an expert. But I have seen battlefields before. What this war needs more than anything else I believe is home-front understanding. I would like to see the people at home more deeply involved in Vietnam. Even those opposed to the war cannot be opposed to the men fighting it. My wife Kitty has suggested that women's clubs take a few minutes off from their bridge sessions to write letters to our men in the field. Marines in Vietnam receive 150 pounds of cookies every month from 231 citizens of little Dayton, Wyo.; they demolish the cookies but their gratitude to Dayton is indestructible. Other Americans are shipping soap for the war refugees. These are relatively small in themselves but as symbols of an America that cares they are important. What we do does not matter as much as that we do it.

On our last evening in Saigon Ambassador Bunker showed Kitty a definition of Freedom I wrote many years ago: "Freedom—No word was ever spoken that has held out greater hope, demanded greater sacrifice, needed more to be nurtured, blessed more the giver, damned more its destroyer, or came closer to being God's will on earth. May Americans ever be its protector."

We are a free people, a learning people. As pilgrims, we learned to farm. As colonists, we learned to govern. As immigrants, we learned new ways. As pioneers, we learned the wilderness. As victors, we learned that the end of a great war does not mean peace.

History, I believe, will judge that, alongside Berlin, Greece Cuba and Korea Vietnam was one of our finest hours. We did not flinch. Or it will say that the Communists are right and History will belong to them.

THE SUCCESS OF MEDICARE

Mr. METCALF. Mr. President, in just its first year of operation, the success of the medicare has been demonstrated most dramatically. But as we all knew from the beginning, unforeseen problems would require constant evaluation and adjustments to keep the program sound and effective. Just such a problem now confronts us in the sharp rise of medical fees charged older Americans who are participating in medicare. An editorial in a recent issue of the AFL–CIO News warns that unless doctors voluntarily abandon the present whatever-the-traffic-will-bear system, controls may be necessary to protect the public interest in an efficient and effective medicare program.

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

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

THE DOCTOR GOUGE

The medicare program completed its first year with tributes to its successful beginnings in bringing hospital and doctors' care to the nation's elderly.

The basic legislative defects that labor had pointed up at the time of congressional passage were still there—co-insurance, deductibles and exclusions. But now a new factor has surfaced, the increasing costs of the program triggered by rising hospital costs and a skyrocketing of doctors' fees.

As a result, the government is seriously considering an increase in the monthly cost to the elderly of the supplemental medical insurance program—an increase that could range as high as 33⅓ percent.

The unprecedented rise in doctors' fees is the major factor in the proposed increase in cost to the elderly. For the year ending June 1967 the boost in physicians' fees was nearly three times the rise in the overall Consumer Price Index.

Their incomes, estimated to be averaging in the $35,000–$40,000 a year bracket, have gone up even more sharply as they receive full fees from many medicare and medicaid patients who previously were treated at reduced rates.

For the year 1966 doctors' fees jumped 7.8 percent; for the 12 months ending August 1967 they spurted up at a rate of 8.9 percent.

Part of the spectacular increase is tied to the demand for doctors' services and the number of doctors available. The demand for services is expected to increase by one-third by 1975 while the supply of doctors is expected to increase only 17 percent—and most of these will be specialists. With demand running ahead of supply, fees are being geared to a tight market.

If the medicare program is to continue to operate effectively and efficiently, physicians must bring their fees into line and drop a system tied to whatever the traffic will bear. The alternative is a control system to protect the public interest.

STATEMENT BY THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS

Mr. HARRIS. Mr. President, in order that Senators may not be misled by some erroneous press reports concerning the work of the National Advisory Commission on Civil Disorders, I ask unanimous consent that a press release by the Commission, dated November 2, 1967, be printed at this point in the RECORD.

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

STATEMENT BY THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS, NOVEMBER 2, 1967

Reports have been published in the press over recent days describing the Commission as planning, in its interim report, to "lay major blame for last summer's riots on unresponsive city governments." The Commission has arrived at no such conclusion.

The Commission has heard many points of view, from more than 100 witnesses, during the last two and a half months. It has received voluminous other information from its staff and from other sources, which also represent many points of view.

Until all of the available evidence is in, the Commission intends to reserve judgment on all the issues involved.

The Commission has not singled out any individual, any group, any level of government, or any officials of government for criticism or for praise.

Regardless of what may be reported by persons who are—or who profess to be—familiar with the operations of the Commission, the facts are these:

The Commission is still receiving testimony and its staff is still gathering information, all of which will be weighed in consideration of its interim report.

The Commission has voted on, and agreed upon, only two recommendations, both of which already have been announced. Those are the recommendations (1) concerning the National Guard and (2) a federally-sponsored series of seminars for local officials on law enforcement and police-community relations.

The Commission has neither voted upon, nor approved, any other finding or recommendation. Any report to the contrary is untrue.

Any prediction about what the Commission will or will not include in its report is speculative and premature.

The Commission disassociates itself from such speculation.

HIGH NOON FOR TWO CALIFORNIA CO-OPS

Mr. METCALF. Mr. President, a drama worthy of Cecil B. de Mille is unfolding in the desert of southern California. Two Davids face Goliaths. Both Davids are down to pebbles.

I refer to the attempts of Anza Electric Cooperative at Anza, southeast of Los Angeles, and Mountain Empire Rural Electric Cooperative at Campo, on the Mexican border, to receive electric power to which they are entitled.

They have an allocation of power from the Bureau of Reclamation. They do not have the transmission line with which to receive the power. The two large investor-owned utilities in the area have so far refused to transmit the power to them. Instead, the two big companies, Southern California Edison and San Diego Gas & Electric, sell these "captive" customers power at exorbitant rates. The co-ops would pay a fair price for the Bureau power, and the two companies would get a fair profit for transmitting it. But they will not, unless forced, preferring to overcharge for their own power instead.

Thus, we have another example, similar to those which I have referred to in the past, of large investor-owned utilities using their monopoly position to gouge small customer-owned systems, in the hope that the small systems will be forced to sell out to the big ones. Here is another situation deserving of action by the Antitrust Division of the Department of Justice, whose attention was called to the Mountain Empire Electric case last summer. It is my intention to ask the Department this week to expedite action in both of these two cases.

Another aspect of these cases illustrates the difficulty faced so often by persons or groups who seek information on utility matters. Utilities are supposed to file agreements regarding purchase and sale of energy with the Federal Power Commission. Some of them do not. One which did not was San Diego Gas & Electric. The Federal Power Commission had to make a special request to receive a copy of the agreement between the company and the Imperial Irrigation District, the type of document which should be readily and conveniently available. This agreement when finally produced, showed that the Imperial Irrigation District, which has facilities to bring power part of the way to Mountain Empire Electric Cooperative, was prohibited from doing so under the terms of the contract.

Many of us are interested in electric power reliability, economical use of our technology of transmission, and saving money for taxpayers and ratepayers alike through use of existing lines, rather than construction of duplicating facilities. Restrictive language such as that in the agreement cited, and a similar re-

striction in the contract between other California power companies and utility or irrigation districts, warrant review, in my opinion, by the Senate Commerce Committee and the Federal Power Commission, in connection with S. 1934, the proposed Electric Power Reliability Act.

Mr. President, I ask unanimous consent to have printed in the RECORD three documents which detail this subject. One is the June 30, 1967, letter to Assistant Attorney General Donald F. Turner from John F. O'Laughlin, an attorney with the firm representing Mountain Empire Electric Cooperative. The second is the agreement of purchase and sale between the Imperial Irrigation District and San Diego Gas & Electric. The third is an article, "Year of Decision," by William Murray, which appeared in the August 1967 issue of Rural Electrification.

When the last-mentioned article was written the Secretary of Interior was still considering the request of the general manager of the National Rural Electric Cooperative Association that contracts with the big utilities not be signed until the co-ops received the power to which they were entitled by law. Subsequently, the Secretary of Interior signed the contracts. The co-ops still do not have their share of the power.

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

SHEELA, O'LAUGHLIN, HUGHES & CASTRO,
San Diego, Calif., June 30, 1967.

Hon. DONALD F. TURNER,
Assistant Attorney General,
Antitrust Division,
Justice Department,
Washington, D.C.

DEAR SIR: This office represents Mountain Empire Electric Cooperative, Inc., a rural electric financed cooperative. Since its inception in November 1938 it has been buying its power from the San Diego Gas & Electric Company, a privately owned utility. The main offices of Mountain Empire Electric Cooperative, Inc., are located at Campo, California, approximately 60 to 65 miles due east from San Diego and in close proximity to the Mexican border.

Because of the fact that we are paying approximately twice the national average for our power supply, we have found it necessary to attempt to get out from under the necessity of purchasing our power from San Diego Gas & Electric Company. We now have made arrangements with the Bureau of Reclamation and they have allocated an amount of electric energy that will satisfy our needs. However, to bring this power from Boulder Dam to our members it will be necessary for us to construct 72 miles of line which brings into focus an Agreement between the San Diego Gas & Electric Company and the Imperial Irrigation District, dated April 23, 1946, a copy of which is enclosed. You will notice that Article 3(a) and (b) indicates that the District (Imperial Irrigation District) will not directly or indirectly sell or distribute electric power or energy in any of the areas in San Diego County lying westerly of a line hereinafter described in paragraph (a), or sell or distribute electric energy or power in any other area for transmission into, for use, resale or consumption within any or all of said areas in San Diego County lying westerly of said line. The line is then described and the Mountain Empire service area is westerly of that line. Because of this fact the Imperial Irrigation District will not wheel the power that we are to receive from the Bureau of Reclamation. This will necessitate the building of 22 miles of additional line at a cost of approximately $10,000 per mile. It is my thinking, and I am passing this on for your decision to determine whether or not this is a horizontal territorial limitation within *White Motor Coach* v. *U.S.* 372 U.S. 253, or *Greylines* v. *Greyline Sightseeing*, 246 F. Supp. 495. It is my understanding that your division is undertaking an examination of the utility interest at (1) the seeming elimination of competition in areas served in combination gas and electric utilities; (2) questionable promotional practices by utilities; and (3) the possible exclusion of municipal and cooperative systems from pooling and interconnection agreements.

I am also forwarding a copy of this letter and Agreement to Mr. Edwin Miller who is the U.S. Attorney here in San Diego, as well as to Stanley Disney who is with your Division in Los Angeles.

I would appreciate your views and comments as to whether or not this Agreement violates the Sherman or Clayton Anti-Trust Acts.

Any consideration that you can give to us in this matter will be greatly appreciated not only by the undersigned, but by each and every member of our Electric Cooperative.

Sincerely yours,

JOHN F. O'LAUGHLIN.

AGREEMENT OF PURCHASE AND SALE BETWEEN IMPERIAL IRRIGATION DISTRICT AND SAN DIEGO GAS & ELECTRIC CO.

This agreement made this 23 day of April, 1946, by and between Imperial Irrigation District, a State Agency, organized and operating under the laws of the State of California as an irrigation district, herein called District, First Party, and San Diego Gas & Electric Company, a corporation, organized and operating under the laws of the State of California as a public utility hereinafter called Company, Second Party, Witnesseth:

RECITALS

District owns in addition to its irrigation system and as a part of its electric power system a certain transmission line and appurtenances hereinafter described for the transmission and distribution of electric energy in San Diego County, which transmission line and appurtenances thereto was acquired by District under its agreement with California Electric Power Company, dated October 15, 1943.

Company owns and operates within San Diego and Orange Counties certain plants and transmission and distribution lines for the generation, transmission and distribution of electric power and energy and is actively engaged as a public utility in the distribution within portions of said counties of electric power and energy to the public, and desires to acquire from District that part of the transmission line and appurtenances thereto hereinafter referred to.

District desires to sell and grant to Company and Company desires to purchase a portion of the said electric transmission line and appurtenances in San Diego County, and the parties desire thereafter to have their respective service areas segregated, limited and defined and conditions pertaining thereto approved by public authority so as to remove and prevent destructive and uneconomic competition and also to make other provisions relative to the future relations between said parties, all as set forth in this Agreement.

Orders have been issued by such Federal and State Agencies as have jurisdiction over the subject matter hereof or over the parties hereto authorizing the parties to this Agreement to consummate the transaction herein contemplated and as herein set forth.

AGREEMENTS

Now, therefore, in consideration of the premises and of the terms, conditions, agreements and covenants herein set forth said parties do and each of them does hereby agree as follows, to wit:

Article I. Sale and purchase of properties and rights

District hereby assigns, sells, transfers, grants, conveys and delivers to Company and Company hereby purchases from District for the consideration of one hundred forty thousand dollars ($140,000.00) lawful money of the United States of America, which sum is to be paid by Company to District, all of the real and personal property and rights hereinafter in this Article I described, and possession of said properties and rights has been taken by the Company under the terms of a Preliminary Agreement, dated October 16, 1945, which Preliminary Agreement shall terminate concurrently with the execution and delivery of this Agreement and the payment of said purchase money.

Said properties and rights are described as follows, to wit:

a. Portion "R" Transmission Line and Appurtenances:

That portion of District's "R" transmission line extending from Rincon Substation of California Electric Power Company in Lot 1 of Section 23, T. 10 S., R. 1 W., S. B. B. and M., in San Diego County the point of severance being the point of attachment of conductors of said transmission line to the easterly side of the air break switch in said line at said Rincon Substation; thence southeasterly across Section 23, T. 10 S., R. 1 W.; Rancho Pauma; Sections 19 and 20, T. 10 S., R. 1 E.; Rancho Cuca; Sections 27, 26, 25 and 36, T. 10 S., R. 1 E.; Sections 31 and 32, T. 10 S., R. 2 E.; Sections 5, 4, 9, 10, and 3, T. 11 S., R. 2 E.; Section 34, T. 10 S., R. 2 E.; Rancho Valle de San Jose; Sections 22, 23, 26, 25 and 36, T. 11 S., R. 4 E.; Section 1, T. 12 S., R. 4 E.; Sections 6, 5, 4, 9, 10, 11 and 12, T. 12 S., R. 5 E.; Sections 7, 8, 9, 16, 10, 15, 14 and 13, T. 12 S., R. 6 E.; and to a point in Section 7, T. 12 S., R. 7 E., S. B. B. and M., which point is approximately at the junction of California Highway 78 and the county road leading from the said State highway to Borego Valley and more particularly described as structure No. A 639 of said transmission line; and also that certain operating telephone line of District approximately paralleling said transmission line from said Rincon Substation to said county road in said Section 7, the point of severance of said telephone line at said Rincon Substation being at Structure 2197 in said telephone line in said Rancho Pauma approximately one-half mile north of said Rincon Substation and the point of severance in said Section 7 being the point of attachment of the conductors of said telephone line to structure T 1211 in said line.

b. Grapevine Patrol Station:

That Portion of the N. ½ of Section 36, T. 11 S., R. 4 E., S. B. B. and M., in San Diego County, described as follows: Beginning at a point whence the northwest corner of said Section 36 bears north 64°43′ west a distance of 2894.4 feet; running thence south 3°38′ west 150 feet; thence south 86°22′ east 170 feet; thence north 3°38′ east 150 feet; thence north 86°22′ west 170 feet to the point of beginning. Also all of the right, title and interest of the District in and to the south 200 feet of the north 1450 feet of the east 200 feet of the northwest quarter of said Section 36.

c. Federal Power Commission Licenses:

All rights of District in, to and under that certain license for Project No. 544 (El Centro-Rincon Transmission Line and Telephone Line, Imperial and San Diego Counties, California), issued by Federal Power Commission under date of August 24, 1925,

and transferred to District under date of October 15, 1943, so far and only so far as such license covers or applies to that portion of said "R" transmission line and telephone line described in Paragraph a above; provided that, in the event said Federal Power Commission refuses to transfer to either District or Company the portions of said license for Project No. 544 applying to the respective portions of said "R" transmission line and telephone line retained by each, then if requested by District so to do, Company agrees to a joint license with District for said lines, each party to have and maintain exclusive control over the respective portions of the lines retained by them under such joint license, and Company shall have the right to request cancellation by the Federal Power Commission of that part of said license for Project No. 544, covering the part of said "R" transmission line and telephone line acquired by Company hereunder.

d. Improvements:

All buildings, structures, improvements and appurtenances of District located in or upon the lands hereinabove described.

e. Rights of Way or Easements

Any and all rights of District, acquired by grant, conveyance, or use, over private properties or by license or permit to use or occupy public lands for power lines or other electric power and telephone purposes within that portion of the County of San Diego within which District, as described in the Agreement, agrees that it will not render service to the public, including, within such rights, all rights of way and easements used, occupied or had by District in said portion of said County, but not including any of said "R" transmission line and telephone line retained by District.

f. Other rights. Data and records:

All other properties and rights appertaining to the hereinabove described properties acquired by Company hereunder, whether or not herein expressly described, belonging to District within said portion of San Diego County within which District agrees not to render service to the public and all privileges passing to District, such as the privilege and right to have data and records pertaining to said portion of the transmission line and its appurtenances of the kind and character described in Article VIII of the Agreement dated October 15, 1943, between District and the said California Electric Power Company and not applying to the portion of said "R" transmission line and telephone line retained by District.

Article II. Undertaking of the parties with respect to mutual and dependent rights of operation

1. The transmission line owned by District of which the portion hereinabove described is sold and conveyed to Company extends as one continuous line into the Imperial Valley and to the City of El Centro located in Imperial County and both District and Company agree that for a period of two years from and after the 1st day of November, 1945, or until the execution of this Agreement, whichever is the longer time, said transmission line, (that portion sold to Company as well as the portion retained by District) shall be maintained in operating condition by District and by Company, respectively, as to their separate portions thereof at a nominal voltage of 88 kv and that no change shall be made by either party in said line or other facilities, except as required for maintenance and minor additions, which would interfere with service to or over said line for the use and benefit of either of the parties hereto. Normally, said line shall be kept energized by Company to the El Centro Substation of District.

2. Company shall provide and maintain a suitable switch in said "R" transmission line at the point of severance in Section 7, Township 12 South, Range 7 East or in the event Company locates the connection of the line which it proposes to build to Borego Valley at some point other than at said point of severance, Company may, in that event, locate and maintain said switch in said "R" transmission line on the El Centro side of said connection. The point of severance hereinabove described as Structure No. A639 consisting of a two-pole structure, fixtures and insulators shall be the property of District.

3. Company and District mutually agree to assist each other in case of emergency. Should District have an emergency and desire service from Company, District shall notify Company of that fact, and if Company has capacity and is able to supply District with energy requested, Company shall do so. The same applies in the event Company requires emergency service from District. For energy so furnished by one to the other, the charge therefor shall be the cost of the energy to the supplier plus an amount equal to 15 per cent of said cost. Meters required for the purpose of measuring energy furnished by one party to the other as an emergency service shall be installed at such place or places as may be mutually agreed by the parties. In the event Company is not able to furnish such emergency power to District from its own sources of supply, but power is available from other interconnected sources, then Company shall buy such power for resale to District, subject at all times to Company's prior rights to such power for its own customers, and provided also that the transmission of such power to District will not interfere with service to the customers of Company.

Article III. Limitation of areas within which district and company respectively may distribute electric power or energy

(a) For and during the period of twenty-five (25) years from and after the date of this Agreement, District, except to Company, shall not directly or indirectly sell or distribute electric power or energy in any or all of the areas in San Diego County lying westerly of a line hereinafter in this Paragraph (a) described, or sell or distribute electric power or energy in any other area for transmission into or for use, re-sale or consumption within any or all of said areas in San Diego County lying westerly of said line; said line is described as follows and all references hereinafter are to San Bernardino Base and Meridian.

Beginning at a point on the boundary line between San Diego and Riverside Counties in the State of California, which point is the Northeast corner of Section 2, Township 9 South, Range 7 East; thence South along the East line of Sections 2, 11, 14, 23, 26 and 35, Township 9 South, Range 7 East, the East line of Sections 2, 11, 14, 23, 26, and 35, Township 10 South, Range 7 East, and the East line of Sections 2, 11, and 14 in Township 11 South, Range 7 East, to the Southeast corner of said Section 14; thence from the Southeast corner of said Section 14 Southwesterly in a direct line to the Southeast corner of Section 32, Township 11 South, Range 7 East, which is also the Northeast corner of Section 5, Township 12 South, Range 7 East; thence West along the North line of said Section 5 to the Northwest corner of said Section 5, Township 12 South, Range 7 East; thence South along the West line of Sections 5, 8, 17, 20, 29, and 32 to the Southwest corner of said Section 32, Township 12 South, Range 7 East, which is also a point in the north line of Section 4, Township 13 South, Range 7 East; thence west from said point in the north line of said Section 4 to the northwest corner of said Section 4; thence South along the West line of Sections 4, 9, and 16 in Township 13 South, Range 7 East, to the Southwest corner of said Section 16; thence Southeasterly in a direct line to the Northwest corner of Section 2, Township 15 South, Range 8 East; thence South along the West line of Sections 2, 11, 14, 23, 26 and 35, Township 15 South, Range 8 East, to the Southwest corner of said Section 35; thence East along the South line of said Section 35 and Section 36 in Township 15 South, Range 8 East, to the Southeast corner of said Section 36, Township 15 South, Range 8 East, which said Southeast corner of said Section 36, Township 15 South, Range 8 East, is a point on the Easterly boundary line of said San Diego County; and thence South along the Easterly boundary line of said San Diego County to the intersection of said Easterly boundary line of said San Diego County with the International Boundary Line between the United States and Mexico.

(b) For and during said period of twenty-five (25) years from and after the date of this Agreement, Company, except for use by District, shall not directly or indirectly sell or distribute electric power or energy in any or all of the areas in San Diego and Imperial Counties lying easterly of the line as hereinabove described in Paragraph (a) of this Article, or sell or distribute electric power or energy in any other area for transmission into or for use, re-sale or consumption within any or all of the said areas lying easterly of said line.

Article IV. Further execution of documents

If the execution of other instruments or conveyances, whether in this Agreement specifically referred to and provided for or not, is necessary or desirable to carry out the intent and purpose of this agreement, District will at any and all times do, execute and deliver or will cause to be done, executed, acknowledged and delivered any and all further acts, deeds, transfers and assurances for the better assuring, conveying and confirming to Company all and singular the properties hereby conveyed or intended to be conveyed to Company as shall reasonably be required for the better accomplishing of the provisions and purposes of this Agreement.

Article V. Title

With respect to the properties of District herein agreed to be sold and conveyed to Company, insofar as the same consist of rights-of-way or easements, or licenses, or permits for the use and occupancy of public lands, it is understood that District is not to convey any greater title than District has and in that respect any provision in any agreement between District and Company the use of the term "grant" or other similar term shall not be construed to impose upon District any obligation to convey any better title than District has.

Article VI. Successors and assigns

This Agreement shall inure to the benefit of and be binding upon the successors and assigns of District and Company.

In witness whereof, the parties hereto have caused these presents to be executed in eight counterparts in their respective names by their officers for that purpose duly authorized by resolutions of their respective Boards of Directors the day and year in this Agreement first above written.

IMPERIAL IRRIGATION DISTRICT,

By _____

President of the Board of Directors.

ATTEST:

_____

Secretary.

SAN DIEGO GAS & ELECTRIC CO.

By _____

President.

ATTEST:

_____

Secretary.

YEAR OF DECISION

(By William Murray, special assistant to the NRECA general manager)

(EDITOR'S NOTE.—In recent months Mr. Murray has spent much of his time in providing advice and assistance to the management and members of these two cooperatives. He is particularly well-qualified to discuss their problems and prospects.)

Two tiny rural electric cooperatives in sunny California are in a fight for survival. The question of whether they live or die could well be determined in the next 12 months.

They are Anza Electric Cooperative, at Anza to the southeast of Los Angeles, and Mountain Empire Rural Electric Cooperative at Campo, to the east of San Diego. Their adversaries are Southern California Edison Company, ready, willing, but not yet able to take over Anza, and San Diego Gas & Electric Company, which wants to "merge" with Mountain Empire.

BATTLE FAR FROM OVER

In recent months the prospects of the cooperatives surviving the attacks have improved. But the battle still rages, and is far from over.

Whether the cooperatives will survive depends in great measure on their getting wholesale power at rates considerably cheaper than they are getting it now from the power companies. The long-range related question is whether these consumer-owned utilities are going to benefit from the giant Northwest-Southwest Intertie now being put together in the states along the Pacific Coast.

Almost as important to the long-range future of the cooperatives is whether their membership stands together or continues to be fragmented, thus giving the power companies the opportunity to pick up the pieces.

BOARD SEATS CONTESTED

Both cooperatives held annual meetings in June, at which a portion of the members of their boards of directors were to be elected. It was plain before the meeting that these seats would be contested, for in each co-op dissident members had formed committees to promote the proposals of the power companies and each committee was promoting a slate of candidates.

At Anza it was known as the "Rate Reduction Committee." At Mountain Empire it was the "Citizens' Committee for Electric Service Information." Both committees had the same lawyer.

The extent of the disaffection these committees had been able to arouse among the membership was apparent in the votes. Approximately 400 of Anza's 600 members attended the meeting or voted by proxy. The three-member pro-sellout slate lost, but only by margins ranging from 27 to 41 votes. At Mountain Empire, however, two candidates committed to "considering" the company offer defeated two incumbent board members opposed to selling-out to San Diego Gas & Electric. The two new members, however, are still a minority on a board of seven.

"LOWER RATES" COMPANY PITCH

Helping the pro-sell-out forces to arouse dissatisfaction at both cooperatives are high rates, a direct consequence of the fact that the two power companies charge the cooperatives a wholesale rate of better than one cent per kwh—10. 2-mills to Anza, 12.6-mills to Mountain Empire.

"We'll lower your rates" was the smooth pitch the companies were able to make.

What the companies left unsaid, however, is that they will get the tremendous benefit of low-cost Federal power when the Intertie is completed. The wholesale rates the companies are charging Anza and Mountain Empire are, to put it bluntly, gouging.

When negotiations were held in 1964 between the Federal government and these and other private power companies, agreement seemed to be reached that cooperatives and municipal systems, as preference customers under precedents that extend back to the time of President Theodore Roosevelt, would receive a share of the benefits.

WHEELING AGREEMENT NECESSARY

But it took strenuous protests by NRECA General Manager Clyde Ellis in recent months to get Interior Department to agree to allocating Intertie power to the two cooperatives.

Anza in particular is in a vulnerable position, since the only foreseeable way at present that it will be able to get Intertie power will be through a wheeling agreement with Southern California Edison. NRECA General Manager Ellis has asked Interior Secretary Stewart Udall not to sign the Intertie contracts with Southern California Edison or San Diego G&E until both co-ops are receiving the benefits of Intertie power to which they are entitled and which the Secretary promised they would receive. Cheaper power and greatly increased use of electricity predicted for the Anza coopertative by REA power requirements studies should enable the co-op to lower its retail rates substantially.

SOME "WEEKENDERS" CUSTOMERS

Most of Anza's customers are ranchers and farmers. However, about a third of the members consist of "weekenders" from Los Angeles who spend a limited amount of time out where the air is cleaner and the traffic is less.

Mountain Empire is in a better position. With an REA-approved loan, the cooperative is planning to build a 71-mile transmission line eastward to connect with the Bureau of Reclamation system in the Imperial Valley.

The co-op must obtain approval of the California Public Utilities Commission before it can build the line. San Diego G&E is expected to lead the fight against approval. A great deal hinges on the California PUC's action. Unless the co-op can get permission to build the line, it will have no other choice at present but to continue to buy from San Diego at high rates. And, as a result, little hope of lowering rates to members. This would aid the power company's campaign to gobble up the co-op.

IMPROVE MEMBER RELATIONS

The recent board elections seem to have impressed upon the directors and management of the two cooperatives the absolute necessity for an effective member relations program, which neither co-op has had in the past.

It is likely that the showdown in these sell-out battles will come at next June's annual meetings. This is a year of decision for these two rural electric systems.

DECLARATION OF 50,000 AMERICANS AGAINST THE CRIME OF SILENCE

Mr. GRUENING. Mr. President, the New York Times on November 8, 1967, published an advertisement containing a declaration which 50,000 Americans have already signed against the "Crime of Silence."

The individuals who have already signed this declaration are to be highly commended.

For more than 3½ years I have been speaking out against the illegal and immoral military involvement of the United States in Vietnam. I am glad to be joined by the many thousands who have declared against the "Crime of Silence," who are "appalled and angered by the conduct of our country in Vietnam," and who feel that they must speak out because of their own deep "democratic traditions" and their "dedication to the ideal of human decency among men."

I ask unanimous consent that the advertisement be printed in the RECORD.

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

INDIVIDUALS AGAINST THE CRIME OF SILENCE

(NOTE.—50,000 Americans have signed the declaration below. Our goal is 5,000,000. Your signature does have power. Sign this declaration and mail it today.)

A Declaration To Our Fellow Citizens Of The United States, To The Peoples Of The World, And To Future Generations:

1. We are appalled and angered by the conduct of our country in Vietnam.

2. In the name of liberty, we have unleashed the awesome arsenal of the greatest military power in the world upon a small-agricultural nation, killing, burning and mutilating its people. In the name of peace, we are creating a desert. In the name of security, we are inviting world conflagration.

3. We, the signers of this declaration, believe this war to be immoral. We believe it to be illegal. We must oppose it.

4. At Nuremberg, after World War II, we tried, convicted and executed men for the crime of Obeying their government, when that government demanded of them crimes against humanity. Millions more, who were not tried, were still guilty of The Crime of Silence.

5. We have a commitment to the laws and principles we carefully forged in the American Constitution, at the Nuremberg Trials, and in the United Nations Charter. And our own deep democratic traditions and our dedication to the ideal of human decency among men demand that we speak out.

We Therefore wish to declare our names to the office of the Secretary General of the United Nations, both as permanent witness to our opposition to the war in Vietnam and as a demonstration that the conscience of America is not dead.

On September 23, 1965, a Memorandum of Law was incorporated in the Congressional Record of the 89th Congress of the United States of America, in which eighty leading American attorneys, after careful analysis of our position and actions in the Vietnam War, came to the conclusion that we are violating the following accords: The Charter of the United Nations, The Geneva Accords of 1954, the United States Constitution.

To Protest—To Object—To Dissent has long been an American tradition. The following are a few among the many who have signed this declaration to be on permanent record.

Abe Ajay, James Baldwin, (Father) J. E. Bamberger, M.D., OCSO, Daniel Berrigan, S.J., Rev. Phillip Berrigan, S.S.J., Ray Bradbury, Robert McAffee Brown, Rev. William H. DuBay, James Farmer, W. H. Ferry, Dr. Jerome D. Frank, Rev. Stephen H. Fritchman, Ben Gazzara, Dr. Fred Goldstein, Naomi L. Goldstein.

Dr. Ralph R. Greenson, Prof. Abraham J. Heschel, Brig. General H. S. Hester, Ret., Dr. Stanley Hoffman, Teressa B. Hoffman, Charles H. Hubbel, Sander L. Johnson, Esq., Prof. Donald Kalish, Edward M. Keating, Phil Kerby, Ring Lardner Jr., Rabbi Richard N. Levy, Louis Licht, Esq., Dr. Robert E. Litman, Victor Ludwig.

Herbert D. Magidson, Shirley Magidson, Norman Mailer, Thomas Merton, Sidney Meyer, Eason Monroe, Prof. Hans J. Morgenthau, Henry E. Niles, Dr. Mark F. Orfirer, Ava Helen Pauling, Dr. Linus Pauling, Bishop James A. Pike, Richard M. Powell, Carl Reiner, Janice Rule.

Robert Ryan, David Schoenbrun, Lorry Sherman, Prof. Robert Simmons, Dr. Benjamin Spock, Fred H. Steinmetz, Esq., Dr. Norman Tabachnick, D. Ian Thiermann. Bryna Ivens Untermeyer, Louis Untermeyer, Dick Van Dyke, Robert Vaughn, Dr. Maurice N. Walsh, Dr. Harvey Wheeler, A. L. Wirin, Esq.

I wish to sign my name to the above Declaration to the United Nations and want to go on record with this Declaration of the Individuals Against the Crime of Silence.

Signature _____

(For clarity, also print your name after your signature)

Address _____ date _____

city _____ state _____ zip _____

Sign, complete and mail to P.O. Box 69960, Los Angeles, Calif. 90069. The office of the Individuals Against the Crime of Silence will then forward the information to the United Nations.

Should you also wish to support additional publishings and communications, send $1 or more in cash or by check made payable to Individuals Against Crime of Silence. This donation entitles you to the lapel emblem and the wallet-sized registration card. Money is needed to speed our progress.

The strength of our numbers will regularly and effectively be made known. Your signature does have power.

Murray Abowitz, M.D., Peter Amacher, James A. Anderson, Ph.D., Barbara Avedon, Anita Altman, Aris Anagnos, Wesley Bilson, Mrs. Wesley Bilson, Harold Bloom, Lester E. Buhai, Frances E. Bloom, Ruth Berlin, Ted Berlin, Jay R. Bergman, Blanch Berkow, Charles Berkow.

Peter F. Brussard, Louise Burr, David Brod, Harriet Buhai, Viola Brown, Lenore Breslauer, Gerald Breslauer, Whitney Blake, Frederic Bradlee, Lloyd Burlingame, Peggy Brooks, John Benson Brooks, Lucille Banta.

Carolyn Bloomberg, Erma Bley, Paul Bickart, Lewis Beyman, Bernard Baumrin, Ruth Blank, Mary Ellen Cyrus, Rose Chernin, Valerie C. Chase, Marlene Clever, Marion Clever, Ruth Cowan, Jean G. Colvin, John Caccavale, Joe Caldwell, Remy Charlip.

Kingsland Camp, James Chickos, Jack K. Cohen, Edward R. Carroll, Irving Centor, Daniel J. Cook, Admiral Dawson, T. F. Daiell, Florence Daiell, Ray Doyle, William Dawson, David A. Dumas, Lloyd DeKay, Harold Dreyfuss, John Desmond, Martin Duberman, Jack Diether.

Ben Ettin, Edith Ettin, Bruce Ehrlich, Albert M. Eisner, Phyllis Edgecombe, Ronnie Elliott, Ise Erythropel, Martin Eisenberg, Anthony Econom, William Eustace, Molly Edmundson, Barbara Frank, Alan E. Flanigan.

Betty Field, Selma B. Feldman, Esther Friedman, Hy Fontwit, Elsie Fontwit, Robert Gates Folk, III, Mike B. Friden, Daniel Frumkes, Carol Frumkes, Rose Fields, Henry Forman, James L. Fry, Leon Forer.

Samuel Fishman, Mitchell Goodman, Marion Greenstone, Myron Greenstone, Cecile Glayt, Rod Gorney, MD, Jeffrey Gillman, A. L. Gillett, Selma Gillett, Kerri Gillett, Frank Gibson, Shirley Gibbs, Lilliam Glick, Edward Groth, III, Jan Green, Marlene Gilbert, E. Robert Gluck, Audrey Gluck, Charlotte E. Gluck, Lila Garrett.

Myrtle Gustin, Robert Grodsky, Paul Goldstein, Mel Grizer, John Hellman, Michael Hirsh, Jay D. Hinds, Katharine Hinds, Steve Hellman, Milly Hellman, Dr. George E. Hlavka, Joan Hersh, Ronald R. Hoy, Joanna T. Hanawalt, Philip C. Hanawalt, Dr. Stanley H. Hoffman, Teressa B. Hoffman, Esther Hovey, D. Hyman, Linda Holland, Dave Howell.

April Hallat, Michael E. Hanson, Doreen Hanson, Darryl F. Hersh, James Leo Herlihy, Joseph Hardy, John Clellan Holmes, Lynne Holcomb, Hershl Hartman, Del Hanley, Anne Harvey, James Hynes, Phyllis Horing, Manuel Infante, Maitland Jones, Jr., Mary B. (Boots) Jones, Everett L. Jones, John Jacobus, Benjamin Jaffe, Dr. Murray Krim.

Pauline Kramer, Wilma Keller, Stanley L. Keller, Marion Krupin, Seymour Kern, Jean Kover, H. B. Kern, Toni Kimmel, Anna Karen, Eugene H. Kramer, Samuel Katz, Certa Katz, James Kirkwood, Joseph M. Kling, Dennis N. Krakow, Lee Levey, Robert Levey, Irmgard Lenel, Eileen Levine, Walter G. Levine, Alma Lasher, Edward A. Lasher, Robert E. Litman, Martin L. Levy, Mark Lester, Denise Levertow, Townley Lawrence.

Phil Leshin, Robert A. Lewis, Gale Levy, Roslyn Lacks, Harmon Levenback, J. Roger Morris, Phyllis Marusak, Seymour Mandel, Diana Miles, Dr. Alex Miles, Marcia D. Margolin, Harold F. Margolin, Donald J. McLarty, Toni Michels, Lou Michels, Rita Marsh, Robert Carter McDaniel, Allan Manings, Evelyn N. Miller, Katherine Martinet, Donald March, Jean Merrill, Diane March.

Carla A. Moore, Dr. Howard L. Millman, Mrs. Howard L. Millman, John P. Mills, Br. Jos. P. McMorrow, FMS, Helen Mears, Gerald Melnick, Pent MacDougall, Paul Mundschenk, Dianne Mundschenk, Louis Miano, Kurt Mislow, Hugh Martin, Harvey Mayes, Janet Mayes, Sherle North, Ellen Neiman, Mark Nickerson, Betty Nilsen, Elisabeth Olson, John C. Olden, Prof. Homer Price.

Walter N. Pharr, Jr., Pauline C. Pharr, William Pierce, Betty Pierce, Louis H. Pignolet, Felix Padilla, William Oscar Player, Michael A. Parzanese, Susan Plotkin, Frank S. Pestana, Barbara G. Pease, Gerald E. Pease, Maureen E. Pirtle, J. Stanley Pirtle, Leonard D. Petty, Joseph Raffael, Helen M. Rueben, Janine Rosales, Jack Rosales, LeVonne A. Rowley, William E. Rowley, Sr., Dorothy Richner.

Betsy Rich, Dr. Arthur J. Rich, Mrs. Arthur J. Rich, Stuart H. Rubenstein, James Rubin, Chuck Rothbaum, Donald Righter, Samuel Rosenwein, Dr. E. Mark Stern, Virginia Fraser Stern, Baird Searles, Burt Supree, Sucha Sierra, Robert E. Schultz, Ronni Solbert, Lois C. Schwartz, Sahl Swarz, John E. Spears, Robert Spears, Warren L. Siegel, Peter J. Stang.

Paul Schleyer, Daniel J. Sandman, Benedicta Schwager, Sidney Schwager, Norma Schwartz, Rosemary Salimbene, Paula Schraeter, Karsten J. Struhl, Paula Rothenberg Struhl, Stephen M. Spielman, Lewis M. Schwartz, Jill Hoffman Schwartz, Israel Schechter, Eric Sherman, David Shapiro, Larry Steinberg, Evelyn Stern, Beverly Singer, Rose Selesnick, H. A. Steingart, Allen I. Selverston, Carlene Schmidkunz.

Meredith Schuytin, Lillian P. Schuman, Martin M. Shapero, Joyce L. Stone, Jan Shutan, Robert Shutan, David Tillotson, Victoria Tillotson, Harold Thomas, Priscilla Todd, Donald Tucker, Jack Temkin, Shirley N. Taylor, Rita Tomkin, Ian Theirmann, Jane Thiermann, Evelyn Tabachnick, Florence Temkin, Gail Title, Bertha Thomas, Philip Thomas, Vicki Temkin, Rich Toberoff, Cavin Tondre, Marleen Tondre.

Pearl Tondre, Valerie Vreeland, Lillian Vogel, Harriette Williams, Gerald Walker, John Wulp, Anna L. Weissberger, Rosalind Wells, Charles Weiss, Michael L. B. Weil, Brian Wester, Sonya M. Weil, James E. Williams, Jr., Arnold M. Weiss, Jerome Weinblatt, Barbara Weinblatt, Ruth Weinblatt, Richard Willis, Art Warren, Sylvia Wolf.

Leo Wolf, George Willett, Henry A. Waxman, Atheline Wold, W. T. White, O. C. Wilson, Nicki Wilson, Katherine J. Wilson, John H. Winkelman, Harriet Wendell, Donald M. Wilson, Nancy A. Wilson, Ron Weiss, Brian D. White, Marvin L. Wiseley, Jan Wilson, Louise W. Wilkins, Lois Yudovin, Josemario Zayas, Allen Zak, Richard Zumwinkle.

(Above is a partial list of signers who have contributed to the cost of this ad)

TRIBUTE TO SENATOR MONRONEY

Mr. HARRIS. Mr. President, since 1951 my distinguished senior colleague, the Senator from Oklahoma [Mr. MONRONEY], has been working effectively in the U.S. Senate for the best interests of his State and Nation. Much of this work has to do with perfecting legislation, and is done quietly in committee without fanfare or publicity, so that the public sometimes does not realize the full extent of his contribution to good government.

I am pleased that more and more members of the Oklahoma press are taking close, careful looks at the operations of this body, and are telling their readers about the excellent job Senator MONRONEY is doing. Examples of this are an editorial in the October 31, 1967, issue of the Duncan Banner entitled "Burdensome Rules Prevented," and a column by Milt Phillips entitled "Depletion Tax Benefit Target" in the September 29, 1967, issue of the Seminole Producer. Both the column and the editorial outline Senator MONRONEY's effective efforts in behalf of the oil industry, so vital to Oklahoma's economy and to the welfare of this Nation.

I ask that the Duncan Banner editorial and Mr. Phillips' column be placed in the RECORD at this point:

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

[From the Duncan (Okla.) Banner, Oct. 31, 1967]

BURDENSOME RULES PREVENTED

Sen. Mike Monroney again has shown knowledge of and demonstrated his effectiveness in holding the line on regulations that would have been burdensome to the oil and gas industry.

Monroney's latest contribution to the welfare of the industry was made last week when he succeeded in getting the Senate Commerce Committee to accept an amendment to a pipeline transportation bill which exempts natural gas gathering lines from regulatory standards imposed on the long distance systems. He presented to the committee the logical facts which impressed his colleagues that gathering lines are not subject to the operating hazards of main lines which carry natural gas from one end of the country to the other.

Oil and gas operators in the Duncan area, as well as in every other section of the state, regulations due to Monroney's stand to exempt them from the provisions of the proposed transportation act. It will be remembered that Oklahoma's senior United States senator led the fight that resulted in passage of a bill which would have exempted all natural gas production and gathering operations, including sales, from jurisdiction of the Federal Power Commission. That measure, for reasons which could not be justified, was vetoed by President Eisenhower.

The bloc of senators and congressmen seeking to eliminate or reduce the tax depletion rate on oil and gas is getting larger each session. Monroney has been effective in helping to kill such legislation during the years he has served in Congress and the Senate. He has made his influence felt for the welfare of Oklahoma and its industries.

[From the Seminole Producer, Sept. 29, 1967]

DEPLETION TAX BENEFIT TARGET

(By Milt Phillips)

Informed Washington sources report President Johnson will eventually get most or all of the tax increase he is seeking this year. But most such sources say a half dozen major tax "reforms" are due the most forceful support any such proposals have received in many years. Top among the so-called "loopholes" is the 27½ percent oil depletion allowance. Down the list a ways is the tax-free municipal, county and state industrial bond. Both of these tax incentives are of vital importance to Oklahomans. Those oil operator beneficiaries of the oil depletion allowance and those industrialists who likewise are beneficiaries of the tax free industrial bonds had better be giving second thoughts to removing such stalwart defenders of these tax incentives as Mike Monroney, Tom Steed and Carl Albert. Issue-dodgers like ex-governor Bellmon and those who, like him, have been tried as legislators and served without distinction, would be of questionable value in Washington when the tax battles that lay ahead must be fought and won if Oklahomans and Oklahoma is to be protected from economic difficulties.

Oklahomans in the business of producing oil, and those with mineral rights and oil production income, would be severely hurt if the depletion allowance should be mate-

rially reduced or eliminated. But though these would be hurt the most, all Oklahomans would be injured because venture capital would not be attracted to the drilling of new wells and job opportunities in the drilling and producing business would be reduced. In direct proportion, other related industry and the economy which lives on the search for and production of oil would be severely damaged. Even though many of Oklahoma's oilmen are stupid, politically, surely they are not stupid enough to replace the effective and influential team which has saved them in this oil depletion allowance field so many times in the past—and is now the only hope they have of staving off an aggressive drive by those who will use the tax increase as the major lever to smash the tax allowance and tax incentives which help the oilmen and all Oklahomans.

WASTE TREATMENT PRACTICES AT FEDERAL INSTALLATIONS IN MONTANA

Mr. METCALF. Mr. President, my interest in protecting and cleaning up our Nation's water resources dates back to boyhood and swimming in the clear waters of the Bitterroot River near my home. This interest has been sharpened by work on the appropriate committees in both Houses of Congress.

I have cosponsored and worked on behalf of legislation under which we can require that private industry take care of the pollution it creates. I feel deeply that we can expect no less of Federal agencies.

Recently I asked the Federal Water Pollution Control Administration for a report on waste treatment practices at Federal installations in Montana.

That report shows that, of 35 Federal installations polluting public water supplies in Montana, only five have taken positive action to clean up the mess they are making. The rest, in the words of the report, are planning, or recommending, or considering, or proposing, or surveying, or evaluating, or studying, or reviewing proposals to do the job.

The report covers seven Federal agencies—the Air Force, Bureau of Indian Affairs, Forest Service, Park Service, General Services Administration, Bureau of Sport Fisheries and Wildlife, and the Corps of Engineers. Pollution sources ranged in size from a major Strategic Air Command base to a border patrol station on the United States-Canadian border.

The report lists five installations in Montana where work is in progress. There are two which are the responsibility of the Bureau of Indian Affairs, and one each for the Forest Service, National Park Service, and the Bureau of Sport Fisheries and Wildlife. By agency, type of pollution, and action being taken, they are:

Bureau of Indian Affairs: Fort Belknap Agency, Blaine County; lagoon effluent enters Milk River above water supply intake; relocation of effluent line should be completed this fiscal year. Ranger station and residence, Flathead Agency, Hot Springs; septic tank effluent overflows to surface disposal; new tile field to be completed during fiscal year 1968.

Forest Service: Lodgepole Campground, Deerlodge National Forest; construction of waterborne sewage treatment facility during summer of 1968.

National Park Service: McKinley Dormitory, Many Glacier Area, Glacier National Park; cesspool overflow eventually reaches Lake Sherburne; connection to existing adequate sewage treatment facility to be made in fiscal 1968 or early in fiscal year 1969.

Bureau of Sport Fisheries and Wildlife: Medicine Lake National Wildlife Refuge, Sheridan County; septic tank and pit privies discharge effluent to Medicine Lake; adequate tile fields and vault privies should be completed this fiscal year.

Mr. President, Congress has acted responsibly and in the public interest. We have turned the administration of legislation aimed at clean water over to those we taxpayers have hired to transact our public business for us. We expect them to apply the same standards to public installations that they do to private business.

The record of performance, if that is what you want to call it, is not good enough. I have gone back to each of the Federal agencies involved for a report on what they propose to do about the pollution that is their responsibility, when they propose to do it, how much it will cost, whether they have asked or will ask for the money to do it, how the degree of sewage treatment they propose will compare with that of the area in which the Federal facility is located, and their plans for coordinating their work with that of nearby communities.

Because I feel deeply that clean water is everybody's business, I wish to share this report on Montana with the Senate. I ask unanimous consent that the report be printed in the RECORD.

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

[From the U.S. Department of the Interior, Federal Water Pollution Control Administration, Federal Activities Coordination Division]

SUMMARY OF WASTE TREATMENT PRACTICES AT FEDERAL INSTALLATIONS IN MONTANA

Installation and location	*Type of pollution*	*Action being taken*
	U.S. AIR FORCE	
Kalispell Air Force Station, Lakeside, Flathead County.	Inadequately treated waste from imhoff tank and lagoon discharged directly to Stoner Creek, a direct tributary of Flathead Lake.	Subsequent to State and County complaint action this station was visited. Corrective measures recommended to restore system and preclude any effluent to Stoner Creek were reviewed September 28, 1967. Present funding status unknown.
Malmstrom Air Force Base, Cascade County.	Effluent from primary sewage treatment plant enters Missouri River.	Secondary treatment plant planned for FY '68. Connection to City of Great Falls sewage system under consideration.
Havre Air Force Station, Hill County.	Overloaded lagoon discharges inadequately treated sewage.	Additional treatment facilities planned for FY '69. Capacity of existing facilities to be increased.
Opheim Air Force Station, Valley County.	Existing lagoons discharge inadequately treated sanitary sewage to poorly defined water course.	Additional lagoon area planned for FY '70.
	BUREAU OF INDIAN AFFAIRS	
Fort Belknap Agency, Blaine County.	Lagoon effluent enters Milk River above water supply intake.	Relocation of effluent line should be completed this fiscal year.
Ranger Station and Residence, Flathead Agency, Hot Springs, Sanders County.	Septic tank effluent overflows to surface disposal.	New tile field to be completed FY '68.
Kicking Horse Job Corps Center, Flathead Agency, Sanders County.	Lagoon effluent to surface disposal.	Proposed modification to include overflow structure and drainline. Chlorination recommended. Funding status not known. Plans reviewed by FWPCA September 12, 1967.
	U.S. FOREST SERVICE	
Missoula Aerial Fire Depot, Missoula County.	Septic tank effluent discharged to Bitterroot River.	Lift station and two-cell lagoon system proposed.
Seeley Lake Campground, Missoula County.	Existing pit toilets pose pollution threat to lake.	Collection system, septic tank, and drainfield proposed.
Lolo Ranger Station, Missoula County.	Septic tank effluent discharges to Lolo Creek.	Two-cell lagoon system proposed.
Pattee Creek Picnic Area, Missoula County.	Area served by 19 pit toilets. Waste discharged to Pattee Creek during high water stage.	Collection system, septic tank and drainfield proposed for FY '69.

SUMMARY OF WASTE TREATMENT PRACTICES AT FEDERAL INSTALLATIONS IN MONTANA—Continued

Installation and location	*Type of pollution*	*Action being taken*
	U.S FOREST SERVICE—Continued	
Lookout Pass Ski Area, Coeur d'Alene Forest, Idaho, Lolo Nat'l Forest, Montana.	Potential pollution of St. Regis River, Montana, and South Fork Coeur d'Alene River, Idaho.	This permittee operation on USFS properties to be surveyed and evaluated to determine corrective needs.
Seeley Lake Ranger Station, Lolo National Forest.	Septic tank effluent discharges to Seeley Lake.	Relocate septic tanks and install drainage fields as necessary to prevent discharge to surface waters.
Superior Ranger Station, Lolo National Forest.	Raw sewage discharged to Clark Fork River.	Relocate septic tanks and install drainage fields as necessary to prevent discharge to surface waters.
Seeley Lake Ranger Station, Lolo National Forest.	Inoperative drainfields and cesspools contributing to groundwater pollution.	Lagoon in planning stage.
West Fork Ranger Station, Bitterroot National Forest.	Septic tank effluent discharged to creek and ultimately to the West Fork, Bitterroot River.	Relocate septic tanks and install drainage fields as necessary to prevent discharge to surface waters.
Condon Ranger Station, Flathead National Forest.	Septic tank effluent discharged to Swan River.	Relocate septic tanks and install drainage fields as necessary to prevent discharge to surface waters.
Noxon Ranger Station, Kaniksu National Forest.	Septic tank effluent discharged to Clark Fork River.	Relocate septic tanks and install drainage fields as necessary to prevent discharge to surface waters.
Upper Ford Work Center, Kootenai National Forest.	Seepage pit overflow enters Yaak River.	Relocate septic tanks and install drainage fields as necessary to prevent discharge to surface waters.
Troy Ranger Station, Kootenai National Forest.	Old septic tank and seepage system in need of replacement, polluting Kootenai River.	New septic tank and disposal field in planning stage.
Sylvanite Ranger Station, Kootenai National Forest.	Old septic tank and seepage system in need of replacement, polluting Yaak River.	Relocate septic tanks and install drainage fields as necessary to prevent discharge to surface waters.
Raven Ranger Station, Kootenai National Forest.	Old septic tank and seepage system in need of replacement, polluting Fisher River.	Relocate septic tanks and install drainage fields as necessary to prevent discharge to surface waters.
Aspen Grove Campground, Helena National Forest.	Pit toilets discharge to water table adjacent to Blackfoot River.	Relocate septic tanks and install drainage fields as necessary to prevent discharge to surface water
Blackfoot Campground, Helena National Forest.	Pit toilets discharge to water table adjacent to Blackfoot River.	Relocate septic tanks and install drainage fields as necessary to prevent discharge to surface waters.
Lincoln Ranger Stations, Helena National Forest.	Existing drainfield in groundwater table polluting Blackfoot River.	Relocated drainfield in planning stage.
Lodgepole Campground, Deerlodge National, Forest.	Not known.	Construction of waterborne sewage treatment facility, evapotranspiration, during summer of 1968.
	NATIONAL PARK SERVICE	
Lake McDonald Lodge, Glacier National Park.	Inadequately treated effluent discharged to Snyder Creek.	Under study by National Park Service.
Sperry Chalet, Glacier National Park.	Septic tank effluent discharged to ground surface.	Under study by National Park Service.
Avalanche Creek Campground, Glacier National Park.	Defective drainfield discharges septic tank effluent to McDonald Creek.	New drainfield, etc. to be accomplished as a maintenance item.
Kintla Lake Campground and Ranger Station, Glacier National Park.	Present pit privies overloaded.	NPS proposes to install septic tank and subsurface seepage system in distant future.
McKinley Dormitory, Many Glacier Area, Glacier National Park.	Cesspool overflow eventually reaches Lake Sheburne.	Connection to existing adequate sewage treatment facility to be made in FY '68 or early FY '69.
Logan Pass, Glacier National Park.	Septic tank effluent eventually enters Swiftcurrent Creek.	Improvements recently recommended by Missouri Basin Regional Office, FWPCA, under consideration by National Park Service.
	GENERAL SERVICES ADMINISTRATION	
Babb-Piegan Border Station, Glacier County.	Failure of subsurface soil-absorption causing discharge of small amounts of septic tank effluent to surface.	Needed improvements will be based on study of difficult soil conditions which is now in progress.
	U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF SPORT FISHERIES AND WILDLIFE	
Medicine Lake National Wildlife Refuge, Sheridan County.	Septic tank and pit privies discharge effluent to Medicine Lake.	Adequate tile fields and vault privies should be completed this fiscal year.
	CORPS OF ENGINEERS	
Libby Dam Project, Trego Elementary School.	Surface disposal of septic tank effluent.	Proposal reviewed April 11, 1967, for new septic tank and underground disposal system. Final Review July 11, 1967.

Report prepared October 18, 1967.

DISSENT OVER CONDUCT OF WAR IN VIETNAM

Mr. McGEE. Mr. President, given our free and democratic society, dissent is to be expected and, always, to be tolerated. That we have dissented, of course, is obvious. That this dissent over the conduct of the war in Vietnam gives encouragement to our enemies is often denied by the dissenters. But on the basis of propaganda outpourings from Hanoi and Peking, it cannot be effectively denied any longer.

Crosby S. Noyes, writing in the Washington Evening Star of November 7, comments upon this fact, suggesting that the leaders in Hanoi are influenced in their calculations by the critics of our Government's policies here at home. I ask unanimous consent that his column, entitled "Peking, Hanoi Count Heavily on U.S. Dissent," be printed in the RECORD.

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

PEKING, HANOI COUNT HEAVILY ON U.S. DISSENT

Nothing, of course, infuriates critics of President Johnson's Vietnam policies quite so much as the suggestion that these critics may be giving encouragement to the Communists in Hanoi and Peking.

Yet, in fact, there is almost no aspect of the war in Vietnam that is more easily docu-

mented than this one. Johnson's suggestion that the American public might pay a bit more attention to the reactions of Hanoi to some of the things being said in this country is very much to the point.

Consider, for example, the announcement by Radio Hanoi on October 17 of the formation of "The South Vietnam People's Committee for Solidarity with the American People."

The prime objective of this committee, according to the official communique, is "to unite and coordinate with the American people in the struggle for peace, justice, freedom, democracy and civil rights and in demanding that the U.S. government put an end to its aggressive war in Vietnam."

To accomplish this, the committee proposes "to establish relations with and contact all progressive organizations and individuals in the Untied States . . . who want to acquaint themselves with the situation in Vietnam and to join the Vietnamese people" in demanding an end to the war.

In several thousand well-chosen words, the new committee hails the plans of the "American People's Movement" to demonstrate throughout the United States.

"Our struggle will certainly grow more powerful," the statement concludes, "and in coordination with your struggle, it will certainly be capable of compelling the U.S. government to put an end to its aggressive war in Vietnam."

Throughout the following week, daily broadcasts and statements in Hanoi and Peking paid glowing tribute to the riots and demonstrations in American cities. Of the march on the Pentagon, the New China News Agency commented:

"Johnson himself was so seized with fear that he stayed in the White House all day. This fully showed up the Johnson administration's fear of the people and its true color as a paper tiger."

Communist propaganda differentiates sharply, of course, between what it describes as "people's" protest movements against the war and President Johnson's political opposition. There is a tendency to assume that Republican and Democratic doves—regardless of what they may say—are in fact committed to the war.

The Communists apparently have some trouble swallowing the idea of serious dissent within the Congress or the major political parties—an idea which is hard to square with the stereotype of entrenched and viciously reactionary "ruling circles' in the United States.

Nevertheless, the finer points of the administration's political situation are not lost on the leaders in Hanoi and Peking. There is hardly a statement made, a poll taken, an editorial written, a vote in Congress or the United Nations that is not turned to use as grist for the Communist propaganda mill.

Thus Defense Secretary McNamara himself is duly misquoted in North Vietnam's Nhan Dan on November 1 as saying that "Americans had no grounds to believe that an indiscriminate bombing campaign would shatter the North Vietnam people's determination or shake the spirit of their leaders."

The New York Times is cited as authority for the claim that "more and more people in American political circles realize the Johnson clique's failure in Vietnam." The UPI is credited with the discovery that "the number of those opposing the war in the United States has nearly doubled in the past two years." And columnist Clayton Fritchey is quoted as opining that the elections in South Vietnam "have not so much resolved old problems but have introduced new ones."

Even such random and fragmentary quotes as these suggest that the leaders in Hanoi do in fact derive substantial encouragement on a day-to-day basis from the critics of the war in the United States. Given a free and democratic society it is, indeed, inevitable that this should be so. To pretend that it isn't may possibly ease the conscience of the critics. But it will not change the fact that dissent in the United States is a very important factor in the calculations being made today in Peking and Hanoi.

POLICY OF CONTINUED BOMBING OF NORTH VIETNAM IS A TRAGIC FAILURE

Mr. YOUNG of Ohio. Mr. President, in February 1965, the administration made the fateful decision to turn a civil war in Vietnam into an American air and ground war. This decision was marked first by the bombing of North Vietnam, and second, by the rapid escalation of American ground forces in South Vietnam to the point where today we have more than 500,000 young Americans fighting there—more than we had in Korea at the height of the Korean war; more than we have committed to any war in our history except for the Civil War and World Wars I and II.

The justification for this tragic turn of events was the hope that relentless intensification of military pressure would end the war and force the Hanoi Government to the negotiating table. This policy has proven a tragic failure.

Twenty-four hundred years ago Sophocles in his play Antigone wrote:

> Think: all men make mistakes, but a good man yields when he knows his course is wrong, and repairs the evil.

Mr. President, the cost in priceless lives of young Americans and the loss of aircraft far exceed any gains resulting from the bombing of north Vietnam. The time is long past due for an announcement by our President that we will unconditionally cease the bombing of north Vietnam, hoping that there will then be a conference leading to an armistice and cease-fire. A way to the peace table must be found before the point of no return is reached. We must pick up the pieces of our misguided Vietnam policy and make a new start toward peace.

When the decision was made 32 months ago to maintain constant and widespread bombing of North Vietnam, Gen. Maxwell Taylor stated:

> The objective of our air campaign is to change the will of the enemy leadership.

It has failed dismally. If the bombing has brought about any change in the will of the North Vietnamese, it has been to stiffen their resolve to continue fighting and to fight harder. Even Secretary of Defense McNamara in testifying before the Senate Preparedness Investigating Subcommittee last August admitted:

> There is no basis to believe that any bombing campaign, short of one which had population as its target, would by itself force Ho Chi Minh's regime into submission . . . As to breaking their will, I have seen no evidence in any of the many intelligence reports that would lead me to believe that a less selective bombing campaign would change the resolve of North Vietnam's leaders or deprive them of the support of the North Vietnamese people.

The reaction by the North Vietnamese to the bombing is identical to the reaction of the British people during the battle of Britain in the dark days following the fall of France in World War II. The Luftwaffe not only failed to break the will of the English people, but by the indiscriminate bombing of civilian targets the Nazis strengthened the resolve of the English to fight to the end.

The bombing of North Vietnam has not only failed to force the Hanoi government to the conference table. It also has in itself prevented any negotiations whatever. Officials of the North Vietnamese Government have made it abundantly clear that they will never negotiate so long as the bombing continues.

Every escalation of the war on our part has been made on the assumption that the North Vietnamese and the Vietcong would not make a reciprocal gesture. In every instance this assumption has been proven false. While our bombing may have increased the cost of infiltration from North Vietnam to the south, it has at the same time increased the number of infiltrators and the quality of enemy arms. According to officials of our own Department of Defense, in March 1965, there were only 400 regular North Vietnamese troops in South Vietnam. Today there are 50,000. In March 1965, the Vietcong were fighting with small arms and mortars. Today, following our huge buildup of men and equipment, the Russians have supplied them with increasingly more sophisticated and effective weapons. The infiltration of men and supplies has not stopped. As Secretary McNamara has pointed out, the Vietcong requires significantly under 100 tons a day of materiel, other than food, a quantity that can be transported by only a few trucks or a few hundred bicycles. He further stated:

> I don't believe that bombing up to the present has significantly reduced, nor any bombing that I could contemplate in the future would significantly reduce, the actual flow of men and materiel to the south.

Some administration warhawks, notably Secretary of State Rusk, have contemptibly suggested that those Americans who oppose the continued bombing of North Vietnam do not consider the fact that a halt in the bombing would result in the deaths of thousands of young Americans. They ignore the fact that more than half the Americans killed in the entire Vietnam war from 1961 to the present have been killed since the beginning of this year, the period of the most intense escalation of the war. Statistics further reveal the number of American deaths declined during the bombing pause last February. The Secretary of Defense has himself expressed doubt that reduction of the bombing would bring a marked increase in American casualties in South Vietnam, as claimed by the warhawk generals.

In April 1965 President Johnson stated that our increased involvement in the Vietnamese civil war would strengthen the Government of South Vietnam and the will of the South Vietnamese people to continue fighting. Let us face the facts. The government now in power in Saigon would not last a week were it not for the presence of our Armed Forces and operatives of the Central Intelligence Agency. President Thieu and Vice President Ky received less than 35 percent of the vote in the election held on September 3—an election in which the two most formidable opposition candidates, Au Troung Thanh, the former Minister of

Finance, and Gen. Duong Van Minh, were disqualified from running. Even at that, the constituent assembly in Saigon was induced to confirm the results of this election by a vote of only 58 to 43.

Furthermore, the so-called friendly forces of South Vietnam have proven much too friendly, indeed. For all practical purposes they have ceased to fight. They have even failed in their now primary duty of helping to pacify the countryside. There are nearly 700,000 men in the South Vietnamese Army. They are miserably paid and miserably led. Of the officers with the rank of lieutenant colonel or higher, only two fought against the French in the war for Vietnamese independence. That fact is not startling when we consider that nine of the 10 generals in the ruling junta in Saigon, a group which still retains real power there, fought with the French against their fellow Vietnamese fighting for their nation's independence.

The more we fight, the less the South Vietnamese fight. Today our casualty figures far exceed theirs. During the month of October more than 900 young Americans were killed in combat in Vietnam. Contrast this with the fact that only 684 South Vietnamese soldiers lost their lives during the same period. The fact is that now this is our war, not theirs. We have allowed ourselves to become mired in a land war in Southeast Asia with no end in sight.

Secretary of State Rusk has raised the specter of a billion Chinese armed with nuclear weapons overwhelming Asia as a justification for our sending thousands of additional soldiers into South Vietnam and continuing the bombing of North Vietnam, destroying that nation which forms a natural barrier against Chinese aggression. The Vietnamese for years have feared the Chinese colossus to their north. Monuments commemorating victories of the past over Chinese aggressors are evident throughout Vietnam. Ho Chi Minh himself was a prisoner in a Chinese dungeon in 1944.

There is no reason to suppose that Asian communism is a unified, centralized movement. Certainly there is no evidence that North Vietnam has been or is a puppet of Communist China. The fact is that North Vietnam with support from the Soviet Union would be inclined to resist Communist Chinese expansionism and to do so much more effectively than the parade of puppet regimes which we have sponsored in Saigon. In the long run, it will not be our intervention that will prevent Communist Chinese expansion in Asia, but local nationalism.

Secretary Rusk ignores the fact that the Vietcong is a nationalist movement as well as a Communist movement, more nationalist than Communist. The Vietnamese have been fighting for their independence for 27 years, first against the Japanese, then against their French colonial oppressors, and now many of them against the United States, which they feel has replaced the French presence in Vietnam. Apparently, Secretary Rusk cannot comprehend we are fighting Vietnamese nationalism which, far from opening the door to Communist Chinese conquest, really offers the best hope of erecting political and cultural barriers to such conquest. The war in Vietnam is making the containment of China harder, not easier.

On numerous occasions, administration officials have stated that if we do not keep our so-called and very "iffy" commitments in Vietnam, then no nation can ever trust our word in the future. The fact is that our intervention in Vietnam has caused many of our allies to turn against us. Very few nations in the world support our involvement in the civil war. Heads of state of practically every nation in the world have called for us to stop the bombing of North Vietnam and to extricate ourselves from that conflict. Except for South Korea, which is in reality a client state of ours, no nation in the world has given us any meaningful support. For the first time in this century, we are going it alone.

In addition, the escalation policy has set in motion throughout the Nation a basic questioning about the whole idea of our military, economic, and political commitments to other nations. It has been the greatest stimulus to American isolationism in the last 30 years. It can very well prevent us in the future from taking action in a country where our national interests are vitally involved and our military presence urgently required. Our involvement in Vietnam has been a monumental diplomatic failure.

Mr. President, the warhawk Joint Chiefs of Staff and other admirals and generals consistently urge further escalation of the war in spite of the fact that their advice to date has proven to be abysmally wrong. The views of such outstanding military leaders as Gen. James M. Gavin, Matthew Ridgway, and David M. Shoup, who have urged deescalation of the war, cessation of the bombing, and eventual withdrawal to our coastal enclaves under the protection of our airpower and our 1st and 7th Fleets, have been ignored.

The patriots who wrote our Constitution provided that civilian authority in our Nation must always be supreme over military authority. Unfortunately, the fact is that with over more than a half a million troops better trained and equipped than any troops in our history, with 700,000 South Vietnamese soldiers, with 45,000 South Koreans, with total command of the air and sea, we have been brought to a standstill by 280,000 Vietnamese armed, until recently, with only rifles and mortars. The inescapable conclusion is that our military leaders have grossly misjudged and misconceived the character of this war.

Their constant answer to past failures is more men and more bombing. If they are going to continue seeking to destroy a nation and to kill off thousands and thousands of civilian men, women, and children, in addition to the 150,000 civilians we have already killed and maimed with our artillery and napalm bombing, then those in power in the Defense Department and the administration should tell the truth to the American people. They should tell them that it is going to require the participation of more than 1 million American soldiers and marines. Let us hope that the administration will come to its sense before we are committed to such a tragic course of action.

The first step that must be taken is an announcement by our President that we will cease the bombing of North Vietnam unconditionally in the hope that this will bring the North Vietnamese and the Vietcong to the negotiating table where a cease-fire and an armistice can be formulated. Along with this our President should announce that we will withdraw to our coastal enclaves once negotiations begin, providing of course that the Vietcong cease offensive action during that period.

Mr. President, we must seek to neutralize Vietnam and end the bloodletting there. Otherwise, the future holds forth for us indefinite involvement in that wartorn land. Even more compelling is the fact that to continue our present tragic course is likely to lead to a third world war.

We are ravaging a small country which presents no threat to our interest or security. For this we are paying a price which more and more Americans regard as far, far too high.

UNEMPLOYMENT INCREASE TO 4.3 PERCENT TORPEDOES CASE FOR TAX INCREASE

Mr. PROXMIRE. Mr. President, rumors persist that the political case for the tax increase is improving and that some kind of coalition of Democratic and Republican leaders will put together a package that can pass both bodies of Congress and become law. But the economic case for the tax increase is getting weaker and weaker.

Yesterday I called the Senate's attention to the fact that new factory orders—perhaps the best single indicator of the future of industrial production—have fallen for the third consecutive month and that they fell by a whopping billion dollars in the latest reporting month.

Now the Bureau of Labor Statistics has just revealed that unemployment increased last month from 4.1 to 4.3 percent after a jump from 3.8 to 4.1 percent in September. This constitutes the largest 2-month increase in unemployment in 7 years.

It means that unemployment is now far above the 3.5-percent target level for unemployment unanimously agreed upon by the Republican and Democratic members of the Joint Economic Committee in January.

Certainly any argument that it is an overall shortage of available manpower that is responsible for inflation should evaporate in the light of these figures which show, when analyzed, an increase in joblessness among adult men as well as others.

Certainly a tax increase under these circumstances would be cruel indeed for the 2,951,000 Americans who are seeking work and cannot find it. The tax increase would make it more difficult than it is now to find work.

Mr. President, unless economic conditions change by the time a tax increase bill comes to the floor of the Senate I would certainly feel impelled to make the most strenuous case I know how against it. I cannot believe that a ma-

jority of Senators would favor such action if they fully considered all the economic facts involved.

I ask unanimous consent that an analysis by the staff of the Joint Economic Committee, the release from the U.S. Department of Labor reporting the employment situation in October, and tables A-1, A-2, A-3, A-4, A-5, and A-6 be printed in the RECORD.

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

ANALYSIS BY STAFF OF JOINT ECONOMIC COMMITTEE: UNEMPLOYMENT RISE STRONG EVIDENCE AGAINST A TAX INCREASE

Yesterday the Bureau of Labor Statistics reported that unemployment rose to 4.3 percent of the labor force during October. This second straight monthly rise has brought the unemployment rate to its highest level in two years. Coupled with recent declines in industrial production, capacity utilization and durable goods orders, this new evidence of sluggishness in the private economy further nullifies the case for a tax increase. Enactment of a tax increase now would place the health of the economy in serious jeopardy.

The latest statistics on the employment situation indicate that there is certainly no general labor shortage. Indeed, they give cause for renewed concern about the hardship brought about by higher unemployment. The substantial rise in the number of unemployed workers in the past two months has resulted from the fact that employment failed to increase, while the civilian labor force increased substantially. It is not enough for employment to hold steady, since the normal trend of the labor force is an increase of approximately 1.8 percent annually. And, the relatively short workweek is an additional indication of unused labor resources.

UNEMPLOYMENT

Nor is this rise in unemployment a temporary aberration in an otherwise favorable trend. During 1966 and the first half of 1967, the unemployment rate fluctuated in a relatively narrow band of from 3.5 to 4.0 percent. Since August, it has increased one-half percentage point. The number of persons unemployed was approximately 3 million—up half a million from October a year ago. The September increase was somewhat ambiguous due to problems of seasonal adjustment which clouded the interpretation of the sharp rise in the female unemployment rate. On the other hand, the October data indicate that the brunt of the rising unemployment is being borne by those in lower-paying, less-skilled work, especially nonwhite workers and teenagers.

The unemployment rate for nonwhite workers for October was 8.8 percent—up substantially from 7.9 percent in September and 6.9 percent in August. One must go back to February 1965 to find the nonwhite rate this high. The unemployment problem is perhaps most severe for nonwhite teenagers, whose unemployment rate in the first nine months of 1967 amounted to 26½ percent. Their unemployment rate was 2½ times the rate for white teenagers.

By occupation of last employment, the unemployment rate in October increased most in the case of less-skilled workers. Although the rate for white-collar workers was unchanged from September, it was 2.5 percent compared to 2.1 percent a year ago. Unemployment among blue-collar workers increased to 4.9 percent from 4.4 percent in August and 4.0 percent in October 1966. The rate for nonfarm laborers was 9.2 percent—up substantially from 6.8 percent in October 1966. The unemployment rate for service workers was 5½ percent—up from 4.6 percent in October 1966.

By major industry of last employment, the seasonally adjusted unemployment rate in October was 7.2 percent in construction compared to 5.4 percent in September. In manufacturing, the unemployment rate held steady, but was more than 1 percentage point above October 1966.

EMPLOYMENT, PAYROLLS, AND HOURS

The level of civilian employment, on a seasonally adjusted basis, was approximately unchanged in October compared to the September level and down about 100,000 from August. Employment increased 2.0 percent from October 1966 to October 1967 and 2.3 percent from October 1965 to October 1966. Employment, after reaching 74.3 million in January 1967, was relatively soft during the February to May period, but then increased significantly from May to August to a level of 74.6 million. Thus, the latest October to October period encompassed periods of weaknesses, recovery, and then the present weakness.

The number of employees on nonfarm payrolls rose in October by 120,000. The increase was concentrated in Government and trade. Payrolls were up slightly in manufacturing but down in construction, mining, and transportation and utilities.

Average weekly hours of production or nonsupervisory workers on private nonagricultural payrolls amounted to 38.1 in October—down .2 hours from September and .6 from October 1966. The seasonally adjusted work week in manufacturing was 40.7 hours—down from the cyclical peak of 41.6 in February 1966 but up from the low of 41.0 in December 1966 and January 1967.

THE EMPLOYMENT SITUATION: OCTOBER 1967

The unemployment rate rose in October for the second consecutive month, and at 4.3 percent was up 0.2 percent from September, the U.S. Department of Labor's Bureau of Labor Statistics reported today. The rise in the jobless rate was occasioned by a larger than usual labor force increase rather than reductions in employment. The increased joblessness in October occurred among teenagers and adult men. After advancing in September, unemployment among adult women was virtually unchanged in October.

Total employment, at 74.6 million seasonally adjusted, was about the same in October as in September, and was up 1.4 million from October 1966. The civilian labor force, however, has increased more rapidly; at 78.0 million seasonally adjusted, it was up by 200,000 over the month and 1.9 million from October 1966.

UNEMPLOYMENT

The number of unemployed persons totaled 2,951,000 in October, up nearly 200,000 from September after seasonal adjustment. The total was 500,000 higher than in October 1966, when the unemployment rate was 3.8 percent.

Unemployment rates for adult men and married men, at 2.5 and 1.9 percent in October 1967, were not significantly changed from a year earlier and were close to their average levels in the past 12 months. Similarly, the rate for workers insured under State unemployment insurance programs, who tend to have a firm labor force attachment, was unchanged over the month at 2.4 percent.

Rates of unemployment among both whites and nonwhites were up over the month to 3.8 and 8.8 percent, respectively. Both were at their highest points since 1965.

The bulk of the increase in unemployment over the year has been concentrated among women and teenagers; unemployment among both groups was up about one-fourth. In October 1967, the jobless rate was 4.8 percent for women and 15.1 percent for teenagers. Reflecting the substantial unemployment increase among adult women which occurred in September, medium-term unemployment (5 to 14 weeks) rose to 884,000 in October. Long-term unemployment—which lags behind changes in the economic situation—remained below a year ago levels, though up somewhat from summer averages.

Unemployment rates have moved up for workers in occupations requiring less skill and in those in which women are concentrated. The rate for operatives was up from 4.1 to 5.3 percent over the year, and for nonfarm laborers from 6.8 to 9.2 percent. For workers whose last job was in a clerical occupation, the rate increased from 3.2 to 3.9 percent over the year. The rate for sales workers moved from 2.2 to 3.4 percent, and for service workers from 4.6 to 5.5 percent.

LABOR FORCE AND TOTAL EMPLOYMENT

In October 1967, the civilian labor force was up 1.9 million from October 1966. Total employment rose 1.4 million and unemployment increased 500,000 over the year. This large year-to-year increase in unemployment—which includes 275,000 women, 175,000 16 to 19 year-olds and 50,000 adult men—developed almost entirely in the last few months along with the unusually large labor force increases.

PAYROLL EMPLOYMENT, HOURS, AND EARNINGS

The number of employees on nonfarm payrolls rose in October by 120,000 (seasonally adjusted) to 66.2 million. The increase was concentrated in State and local government and trade, with the return to work of teachers previously involved in labor disputes accounting for about 60,000 of the gain in government. The increase in trade (40,000) was for the most part confined to retail trade, reflecting the modest but continued growth in retail sales.

Manufacturing employment was unchanged between September and October. Employment totaled 19.2 million (seasonally adjusted) in October, 400,000 less than the all time high of January 1967. For the past few months, factory employment has varied within the narrow range of 19.2 to 19.3 million. To some extent these recent developments reflect the lower level of new orders for durable goods and the effects of the Ford strike. Strikers, who are not on payrolls, are not counted in the payroll employment statistics, although in the household survey they are considered to be employed but not at work.

Over-the-month employment changes in mining, contract construction, transportation and public utilities, finance industries, and miscellaneous services were small and for the most part in line with seasonal expectations.

Over the year, payroll employment has risen by 1.5 million. The entire increase was a result of employment growth in the service-producing industries, notably government (670,000), miscellaneous services (500,000) and trade (400,000). Manufacturing employment was 260,000 lower in October 1967 than a year ago; much of the reduction was accounted for by an over-the-year increase in the number of striking workers off payrolls. After large employment gains in the 1965–66 period, manufacturing employment has shown little change this year.

HOURS AND EARNINGS

Average hourly earnings for rank and file employees on private nonfarm payrolls were $2.72 in October—up 1-percent from September and 12-cents from October 1966. Their workweek averaged 38.1 hours, down 0.6 hour from a year ago.

The workweek for manufacturing production workers edged down 0.1 hour in October to 40.7 hours (seasonally adjusted). Average weekly hours declined in 14 of the 21 manufacturing industries. Over the past three months, the workweek has averaged 40.7 hours, 0.3 hour more than in the February–July period, but still down more than one-half hour from last October.

TABLE A-1.—EMPLOYMENT STATUS OF THE NONINSTITUTIONAL POPULATION BY AGE AND SEX

[In thousands]

Employment status, age, and sex	October 1967	September 1967	October 1966	Seasonally adjusted: October 1967	September 1967	August 1967	July 1967	June 1967
Total:								
Total labor force	81,595	80,982	79,488	81,460	81,259	81,160	80,954	80,681
Civilian labor force	78,132	77,526	76,209	77,997	77,803	77,701	77,505	77,237
Employed	75,181	74,631	73,744	74,630	74,625	74,718	74,489	74,147
Agriculture	40,033	3,931	4,114	3,707	3,676	3,992	3,856	3,727
Nonagricultural industries	71,148	70,700	69,630	70,923	70,949	70,726	70,633	70,420
On part time for economic reasons	1,687	1,883	1,451	1,813	1,977	1,855	2,011	1,939
Usually work full time	922	1,073	811	949	1,081	992	1,058	1,072
Usually work part time	765	810	640	864	896	863	953	867
Unemployed	2,951	2,895	2,466	3,367	3,178	2,983	3,016	3,090
Men, 20 years and over:								
Civilian labor force	45,606	45,600	44,828	45,513	45,476	45,559	45,433	45,314
Employed	44,714	44,761	43,989	44,375	44,435	44,479	44,338	44,156
Agriculture	2,922	2,924	2,932	2,791	2,806	2,835	2,791	2,726
Nonagricultural industries	41,792	41,837	41,058	41,584	41,629	41,644	41,547	41,430
Unemployed	893	839	839	1,138	1,041	1,080	1,095	1,158
Women, 20 years and over:								
Civilian labor force	26,398	25,903	25,197	26,092	26,051	25,557	25,516	25,177
Employed	25,167	24,615	24,231	24,827	24,781	24,558	24,421	24,094
Agriculture	736	638	770	567	512	705	624	581
Nonagricultural industries	24,430	23,978	23,461	24,260	24,269	23,853	23,797	23,513
Unemployed	1,231	1,287	966	1,265	1,270	999	1,095	1,083
Both sexes, 16 to 19 years:								
Civilian labor force	6,128	6,024	6,183	6,392	6,276	6,585	6,556	6,746
Employed	5,300	5,254	5,523	5,428	5,409	5,681	5,730	5,897
Agriculture	374	369	411	349	358	452	441	420
Nonagricultural industries	4,926	4,886	5,111	5,079	5,051	5,229	5,289	5,477
Unemployed	828	769	660	964	867	904	826	849

TABLE A-2.—UNEMPLOYED PERSONS 16 YEARS AND OVER BY DURATION OF UNEMPLOYMENT

[In thousands]

Duration of unemployment	October 1967	September 1967	October 1966	Seasonally adjusted: October 1967	September 1967	August 1967	July 1967	June 1967
Less than 5 weeks	1,653	1,810	1,368	1,847	1,889	1,660	1,805	1,649
5 to 14 weeks	884	715	663	1,153	945	946	876	919
15 weeks and over	415	370	435	489	437	441	435	444
15 to 26 weeks	259	226	235	313	278	231	265	298
27 weeks and over	156	144	199	176	159	210	170	146

TABLE A-3.—MAJOR UNEMPLOYMENT INDICATORS

[Persons 16 years and over]

Selected categories	Thousands of persons unemployed: October 1967	October 1966	Seasonally adjusted rates of unemployment: October 1967	September 1967	August 1967	July 1967	June 1967	October 1966
Total (all civilian workers)	2,951	2,466	4.3	4.1	3.8	3.9	4.0	3.8
Men, 20 years and over	893	839	2.5	2.3	2.4	2.4	2.6	2.4
Women, 20 years and over	1,231	966	4.8	4.9	3.9	4.3	4.3	4.0
Both sexes, 16 to 19 years	828	660	15.1	13.8	13.7	12.6	12.6	12.7
White	2,305	1,942	3.8	3.6	3.5	3.5	3.5	3.4
Nonwhite	647	523	8.8	7.9	6.9	7.2	7.8	7.4
Married men	564	537	1.9	1.8	2.0	1.8	2.0	1.9
Full-time workers	2,108	1,885	3.9	3.8	3.6	3.6	3.9	3.4
Unemployed 15 weeks and over	415	435	.6	.6	.6	.6	.6	.7
State insured [1]	901	752	2.4	2.4	2.7	2.8	2.6	2.1
Labor force time lost [2]			4.7	4.6	4.3	4.3	4.5	4.1
Occupation:								
White-collar workers	837	681	2.5	2.5	2.2	2.2	2.2	2.1
Professional and managerial	193	192	1.2	1.3	1.1	1.2	1.2	1.3
Clerical workers	496	393	3.9	3.7	3.4	3.2	3.2	3.2
Sales workers	148	96	3.4	4.1	3.2	3.7	3.8	2.2
Blue-collar workers	1,160	929	4.9	4.6	4.4	4.7	4.7	4.0
Craftsmen and foremen	218	222	2.8	2.2	2.4	2.3	2.8	2.9
Operatives	656	507	5.3	5.4	4.8	5.4	5.1	4.1
Nonfarm laborers	286	200	9.2	8.1	7.8	8.0	7.8	6.8
Service workers	484	402	5.5	5.1	4.1	4.5	4.3	4.6
Industry:								
Private wage and salary workers [3]	2,186	1,771	4.4	4.2	3.9	4.1	4.0	3.8
Construction	170	206	7.2	5.4	7.1	7.6	8.6	8.8
Manufacturing	766	545	4.1	4.1	3.8	4.0	3.9	3.0
Durable goods	400	273	3.6	3.7	3.4	4.1	3.6	2.5
Nondurable goods	366	272	4.8	4.5	4.5	4.0	4.3	3.6
Transportation and public utilities	86	56	2.6	2.4	2.6	2.4	2.9	1.7
Wholesale and retail trade	571	648	5.0	5.1	4.2	4.4	4.1	4.3
Finance and service industries	571	479	4.2	4.0	3.5	3.5	3.3	3.7
Government wage and salary workers	221	173	2.2	2.1	1.5	1.7	2.1	1.9
Agricultural wage and salary workers	89	71	8.6	11.1	7.1	7.2	7.8	7.3

[1] Insured unemployment under State programs as a percent of average covered employment.

[2] Man-hours lost by the unemployed and persons on part time for economic reasons as a percent of potentially available labor force man-hours.

[3] Includes mining, not shown separately.

TABLE A-4.—FULL- AND PART-TIME STATUS OF THE CIVILIAN LABOR FORCE

Full- and part-time employment status	Total	Men, 20 and over	Women, 20 and over	Both sexes, 16 to 19 years
Full time:				
Civilian labor force	67,309	43,581	20,773	2,956
Employed:				
Full-time schedules	63,267	41,898	19,011	2,358
Part time for economic reasons	1,934	887	845	201
Unemployed, looking for full-time work	2,108	796	916	397
Unemployment rate	3.1	1.8	4.4	13.4
Part time:				
Civilian labor force	10,823	2,025	5,625	3,173
Employed (voluntary part time)	9,980	1,929	5,310	2,741
Unemployed, looking for part-time work	843	97	315	431
Unemployment rate	7.8	4.8	5.6	13.6

TABLE A-5.—EMPLOYED PERSONS BY AGE AND SEX

[In thousands]

Age and sex	October 1967	September 1967	October 1966	Seasonally adjusted				
				October 1967	September 1967	August 1967	July 1967	June 1967
Total, 36 years and over	75,181	74,361	73,744	74,630	74,625	74,718	74,489	74,147
16 to 19 years	5,300	5,254	5,543	5,428	5,409	5,681	5,730	5,897
16 and 17 years	2,237	2,113	2,183	2,288	2,246	2,341	3,322	2,363
18 and 19 years	3,063	3,141	3,340	3,106	3,148	3,331	3,404	3,491
20 to 24 years	8,525	8,491	7,990	8,514	8,522	8,612	8,604	8,571
25 years and over	63,355	60,885	60,230	60,738	60,724	60,393	60,128	59,678
25 to 54 years	47,510	47,090	46,768	46,876	46,768	46,709	46,471	46,062
55 years and over	13,845	13,795	13,462	13,712	13,698	13,632	13,563	13,627
Males, 16 years and over	47,624	47,705	47,016	47,425	47,479	47,712	47,555	47,448
16 to 19 years	2,910	2,944	3,027	3,050	3,044	3,233	3,217	3,292
16 and 17 years	1,330	1,291	1,301	1,400	1,409	1,436	1,399	1,403
18 and 19 years	1,580	1,653	1,726	1,639	1,653	1,786	1,810	1,856
20 to 24 years	4,787	4,861	4,567	4,806	4,849	4,891	4,856	4,881
25 years and over	39,926	39,900	39,422	39,588	39,589	39,566	39,468	39,266
25 to 54 years	30,913	30,905	30,585	30,637	30,648	30,638	30,584	30,424
55 years and over	9,014	8,996	8,837	8,915	8,898	8,889	8,860	8,870
Females, 16 years and over	27,557	26,925	26,728	27,205	27,146	27,006	26,934	26,669
16 to 19 years	2,390	2,310	2,496	2,378	2,365	2,448	2,513	2,605
16 and 17 years	907	822	882	888	837	905	923	960
18 and 19 years	1,483	1,488	1,614	1,467	1,495	1,545	1,592	1,635
20 to 24 years	3,738	3,630	3,423	3,708	3,673	3,721	3,748	3,690
25 years and over	21,429	20,985	20,808	21,130	21,135	20,827	20,660	20,412
25 to 54 years	16,598	16,186	16,183	16,239	16,120	16,071	15,887	15,638
55 years and over	4,832	4,800	4,625	4,797	4,800	4,743	4,703	4,757

Note: Due to the independent seasonal adjustment of several of the series, detail will not necessarily add to totals.

TABLE A-6.—UNEMPLOYED PERSONS BY AGE AND SEX

Age and sex	Thousands		Percent looking for full-time work, October 1967	Seasonally adjusted unemployment rates					
	October 1967	September 1967		October 1967	September 1967	August 1967	July 1967	June 1967	October 1966
Total, 16 years and over	2,951	2,895	71.4	4.3	4.1	3.8	3.9	4.0	3.8
16 to 19 years	828	769	47.9	15.1	13.8	13.7	12.6	12.6	12.7
16 and 17 years	373	345	22.3	16.5	15.6	15.3	14.4	14.0	14.7
18 and 19 years	455	424	68.8	13.9	12.6	12.7	11.4	11.3	11.4
20 to 24 years	521	569	80.8	6.5	6.6	5.5	6.2	5.8	5.4
25 years and over	1,602	1,557	80.6	2.9	2.7	2.5	2.6	2.8	2.6
25 to 54 years	1,293	1,267	82.1	3.0	2.8	2.6	2.7	2.9	2.6
55 years and over	309	290	74.4	2.5	2.3	2.5	2.3	2.3	2.5
Males, 16 years and over	1,324	1,214	73.8	3.4	3.0	3.1	3.1	3.3	3.1
16 to 19 years	431	375	42.0	15.0	12.4	12.4	11.6	12.3	11.7
16 and 17 years	238	188	23.1	17.3	13.2	15.3	14.5	14.2	14.1
18 and 19 years	194	187	64.9	12.9	11.4	10.2	9.2	10.3	9.9
20 to 24 years	206	206	83.0	5.3	4.9	5.0	5.0	5.1	4.3
25 years and over	686	633	91.0	2.1	1.9	2.0	2.1	2.2	2.1
25 to 54 years	490	481	95.3	2.0	1.9	2.0	2.0	2.1	1.9
55 years and over	196	152	80.6	2.5	2.0	2.4	2.3	2.5	2.1
Females, 16 years and over	1,627	1,681	69.5	5.8	5.9	5.1	5.3	5.2	5.0
16 to 19 years	397	394	54.2	15.1	15.6	15.4	13.8	13.0	13.9
16 and 17 years	135	157	20.7	15.3	19.3	15.4	14.3	13.8	15.7
18 and 19 years	261	237	71.6	15.1	13.8	15.4	13.8	12.4	13.0
20 to 24 years	315	363	79.4	8.0	8.8	6.1	7.6	6.8	6.9
25 years and over	916	924	72.7	4.3	4.1	3.5	3.7	3.9	3.5
25 to 54 years	802	787	74.1	5.0	4.5	3.7	4.1	4.5	3.9
55 years and over	113	137	64.6	2.6	2.9	2.7	2.2	1.7	3.1

SMALL BUSINESS DEVELOPMENT IN SOUTH DAKOTA

Mr. McGOVERN. Mr. President, the State of South Dakota occupies a favorable position in the center of the rapidly developing Northern Plains area of the United States.

It is a natural gateway for tourists traveling in any direction across the plains, and for established trade routes of commerce and industry.

South Dakota's fine highways, favorable climate, abundance of pure water, ample power, and ready supply of labor are basic resources that promote industrial development.

However, it is the people of the Northern Plains that give the area its special appeal. They are of a basic stock who radiate the pioneer spirit and possess the driving energy of their forebears. Their self-reliance and progressiveness stems from the fact that they, like most Americans of an earlier generation, are close to the soil.

The economy of South Dakota is predominately agricultural, and it is on that solid foundation that its people are developing food processing, meatpacking, and allied industries. Characteristically, in an area where there are no great metropolitan centers, much of the drive for diversification comes from small business enterprises.

It is this drive, sparked by small businesses, that is a basic fact of South Dakota today, as it is of the other States of the Northern Plains.

If anyone doubts that South Dakota is making forward strides they have but to visit the rapidly developing water playground and recreation areas that stretch for 200 miles along the Missouri River Valley, ranging to the west and

north of Yankton to include much of the central part of the State.

The many thousands of visitors who every year seek recreation in South Dakota attest to the fact that it is a rapidly growing recreation area for millions of people of the Midwest. And like all developing areas, it offers many attractions and opportunities for the small businessman.

The importance of small business to the growing economy of South Dakota becomes apparent when one considers that during the 5 years I have served in the U.S. Senate, the Small Business Administration has helped some 1,200 individual small businesses in the State with long-term loans totaling $36 million.

These loans have, for the most part, been made with bank participation, and in many cases they have enabled local development companies to provide facilities for new enterprises that have brought jobs and small industries to their areas.

What kind of small businesses have received help from the Small Business Administration? They range all across the spectrum, from retail establishments such as shoe stores and clothing stores and farm implement dealers to fishing and hunting resorts and grain elevators, potato processors and other industrial enterprises.

The size of SBA loans varies with the enterprise but most of them are small, averaging $40,000. They provide financing that the small firm cannot obtain from any other source and enable him to contribute to the growing economy.

Last year alone the Small Business Administration made nearly $7 million in long-term loans to aid 167 small businesses in South Dakota. In each case it was help from SBA that gave them the chance to survive and prosper.

In addition to business loans, the Small Business Administration also approved last year 34 economic opportunity loans totaling $540,000. These loans went to low income or disadvantaged small businessmen and potential small businessmen to help them get a start in a small business of their own, or to help them expand an existing small enterprise. They went to aid people who cannot normally qualify for bank credit and who, except for help extended by SBA, would have little hope of succeeding in a business of their own.

SBA last year also approved two loans to aid small South Dakota firms that had been forced to relocate because of highway or urban renewal projects. SBA approved five loans totaling $7,000 to aid persons whose property had been damaged by floods, windstorms, or other natural disasters.

And during the year SBA also approved 11 loans totaling $2,275,000 to aid local development companies. These companies were formed by public-spirited citizens who wished to bring in new businesses or to help existing businesses expand. They are an important part of South Dakota's drive to diversify its economy and create jobs that will keep the young people at home.

It is significant, I think, that in the 5 years that I have served in the U.S. Senate, the Small Business Administration has approved 29 loans totaling $4.4 million to aid local development projects in South Dakota.

To finance these projects the local citizens raised nearly $1 million of their own funds and banks provided another $230,000. The small businesses aided by these projects hired nearly 600 people to fill newly created jobs, and many of these firms have steadily increased their employment since.

The local development companies the Small Business Administration aided last year were located in Salem, Mitchell, Pine Ridge, Armour, Big Stone City, Britton, Huron, Arlington, Bryant, Watertown, and Timber Lake. One of the largest loans was $305,600 to build a cheese factory at Big Stone City, where more than 100 people are employed.

Because the SBA's local development company program offers so much to the future economic development of South Dakota, I should like to point out what the creation of new jobs can mean to a community.

For every 100 new factory workers, a community can expect a 75-percent increase in employment, in trade and services, with a corresponding increase in population, number of households, school attendance, and personal income.

This, of course, is just the immediate impact on the community. Actually, the impact is continuous, it multiplies. This is so because he gets a job and he rents or buys a home for his family; his paycheck is spent in the community; the merchants prosper; the new employee buys a car, sends his children to school.

It is this type of dynamic growth that the Small Business Administration is helping finance in South Dakota today.

Speaking of rural America, President Johnson has said:

> Local leadership and initiative are necessary if rural development is to keep pace with the needs of the people. But the government can and should provide information as well as technical and financial assistance which will speed progress.

Under its new Administrator, Robert C. Moot, the Small Business Administration is doing its part to help small business lead the way to increased diversification of South Dakota's economy.

The future of South Dakota and indeed of the North Plains area depends upon diversification of its industries. And it is the small businessman who is leading the way.

UNDER SECRETARY WOOD SPEAKS OUT IN SUPPORT OF TAX INCREASE AND VIETNAM CONFLICT AS VITAL TO INTERESTS OF URBAN AMERICA

Mr. McINTYRE. Mr. President, Robert C. Wood, Under Secretary, Department of Housing and Urban Development, delivered a most important address to the Iowa Home Builders Association on November 3, 1967. He put in perspective for the homebuilders how the President's proposal for a tax increase and how the President's efforts in Vietnam would affect our efforts in rebuilding American cities.

He called upon the homebuilders to support the President's surtax proposal as a "program of temporary fiscal restraint—if we are to preserve a healthy and balanced economy—if we are to begin the massive job of rebuilding our cities and housing the less fortunate—if we are to continue a conflict which threatens the stability of the entire world."

He pointed out that many have decried our involvement in Vietnam and have said:

> Give this money to our cities—take it from the rice fields of Southeast Asia and put it in the streets of America.

But Under Secretary Wood correctly noted:

> However attractive this cry is to those engaged in the massive tasks of rebuilding our cities—they have to ask themselves how lasting a victory? How lasting a victory if we break treaty obligations to allies? How lasting a victory if we withdraw to a "Fortress America."

In his speech, he reminded us of the words of an illustrious French leader after France fell to the Nazis:

> Our spirit of enjoyment was greater than our spirit of sacrifice. We wanted to have . . . more than we wanted to give. We spared effort, and we met disaster.

Under Secretary Wood noted that this administration has "a spirit of sacrifice when necessary to meet aggression, a willingness to give for freedom." And he said that "we shall spare no efforts and we shall not meet disaster."

Mr. Speaker, I commend Under Secretary Wood for his forthright discussion of the tax increase and of the Vietnam conflict as they relate to the task of rebuilding our cities. It was excellent.

So that my colleagues might read the full context of Dr. Wood's speech, I would like to include it in the CONGRESSIONAL RECORD.

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

FOUNDATIONS FOR URBAN AMERICA

(Remarks by Robert C. Wood, Under Secretary, Department of Housing and Urban Development, before the Iowa Home Builders Association, November 3, 1967)

Thank you for your invitation that lets me come back again to the Nation's heartland and for your warm welcome.

I have spent the morning with some of your leaders here in Sioux City learning of the opportunities, the progress and the problems of your state. I have been received with hospitality and great courtesy and I have had the chance to see first hand visible, tangible evidence of a community going forward with confidence.

So the temptation is strong to continue in the spirit of good will and good fellowship to accentuate the positive, to tell a few stories of bizarre life in Washington and to say goodbye.

It would be easy and comfortable simply to acknowledge with pleasure the calibre of the NAHB leadership with whom I've worked across the past two years. Larry Blackmon and Leon Weiner have represented your interests with vigor, with eloquence and with a strong sense of responsibility. Most of the major legislative and policy battles have found NAHB and the Administration on the same side of the fence. We have welcomed your support—and when we have differed, I believe we have done so openly, honorably and with mutual respect. I look forward to the same effective professional relationship and friendly personal relationship with NAHB's next president.

It would be easy and comfortable as well, simply to indulge in expressions of self-pity and recriminations over the course of the money market and the fate of homebuilding in the recent past. It would be easy and comfortable to point fingers, identify devils, accuse, berate and adjourn.

Although we are in generally rich and prosperous times in America these days, we are not in easy and comfortable times. It would ill serve your interest or mine to speak in platitudes.

So, if I may this afternoon, I would like to talk of reality—most specifically to express my concern over the future of our urban programs working within economic and social restraints of a total society.

My propositions in simplest form are these.

First, during the past three years we have begun to develop a capability of response to pressing urban problems—a model cities program, a rent supplements program, an expanded research and development program—in effect, an urban strategy. And the tally sheets on these efforts are just beginning to come in.

Second, in an effort to make workable this urban strategy, we have to recognize better than we do today that our strongest ally is a growing economy and a healthy nation. Only in this climate can urban programs flourish and take their rightful place at the council of concerns.

Third, the program of temporary fiscal restraint proposed by the President is imperative—if we are to preserve a healthy and balanced economy—if we are to begin the massive job of rebuilding our cities and housing the less fortunate—if we are to continue a conflict which threatens the stability of the entire world.

Reflect for a moment on our experience in 1966 when, by most standards, we were a prosperous nation. And the housing industry should have been claiming its share of prosperity: population trends pointed toward a moderate rise in the demand for housing; personal income was increasing at a rate of almost 3.7 percent; unemployment remained below the magical 4 percent mark and more than 1.3 million new workers were being absorbed into the civilian work force; materials were in adequate supply and costs rising only at moderate rates.

But the housing industry was not sharing in this unprecedented prosperity. Instead, it was trapped in a "tight credit" syndrome—credit demands running strong, supplies limited, interest rates on open market paper continuing to rise, withdrawal of funds from thrift institutions, direct investments by individuals in high-rate paper, order backlogs mounting, delivery delays growing longer, prices increasing, credit expansion reaching unsustainable proportions.

This "tight money market" put the homebuilding industry through the wringer. Residential construction bore the brunt as housing starts plummeted 52 percent—a twenty year low.

We have, during 1967, seen a revival in the homebuilding industry. This year, traditional market lenders experienced record inflows of money. Some of it has gone to rebuilding depleted liquidity, but the availability of mortgage funds has also improved greatly.

But with the 1966 experience fresh in mind, there is no room for complacency. Early this spring disturbing signs began to surface—rising interest rates on corporate securities attracted some funds from thrift institutions into securities and away from mortgages. Rises in short-term rates showed potential for pulling savings funds directly out of the thrift institutions.

Equally disturbing were mounting increases in the Federal deficit. Adding together the increases in Treasury debt, Federal agency debt and participation certificates, we could anticipate an increase in outstanding obligations of some $20 to $21 billion. I need not spell out the pressures the borrowing requirements of such a deficit could exert on the money and credit markets.

To prevent a repeat of 1966, or possibly worse, President Johnson proposed a temporary surcharge of 10 percent of tax liability to be placed on corporations and those individuals with tax liability above the exemption level. For purposes of clarity, this proposed tax would not be ten percent of income, but ten percent of the tax on the income—a tax on a tax—equal to about one cent on the dollar.

I can assure you the President did not make this proposal just before an election year in a carefree and jovial spirit. Indeed, the surtax recommendations ran counter to three previous steps the Administration had taken that were saving taxpayers $24.2 billion this year: the 1962 investment tax credit; the 1964 reductions in personal and corporate income taxes, the greatest in history; the 1965 excise taxes that removed over two hundred items from the taxable list.

President Johnson reminded us:

"If Americans today still paid taxes at the rates in effect when I became President, a little over three years ago, they would be paying this year over $23 billion more than they are paying now."

Thus, the enactment of the President's proposed surcharge would temporarily take tax rates less than one-half the way up to 1963 levels.

This is a small price to ask of a nation that spends annually almost $13 billion for alcoholic beverages, over $8 billion for tobacco, $3 billion for jewelry, $58 million for electric blenders, $60 million for electric can openers, $41 million for electric toothbrushes and almost $4 billion on television sets.

Support for tax increases comes from the nation's leading businessmen and labor leaders, economists, industrialists, bankers and financial leaders. Foremost is the strong endorsement of the National Association of Homebuilders. Your president, Mr. Weiner, has said:

"We recognize that a very large Federal deficit is looming for fiscal 1968. This presents a prospect of heavy Federal borrowing, which would create even worse chaos in the money markets than occurred last year so far as housing is concerned.

"We recognize, of course, that a tax surcharge may inhibit somewhat our ability to sell the homes which we construct. But we are convinced this is a far less evil to face than what will occur if the Government must resort totally to borrowing to handle the estimated budget deficit."

Mr. Weiner's testimony has been reaffirmed by the vast majority of knowledgeable and responsible leaders:

Henry Ford, joined by numerous well-known members of the business community issued a statement supporting a tax increase.

George Meany, President of the AFL–CIO noted before a Congressional Committee that organized labor backs higher taxes under current circumstances in both principle and practice.

Twenty-four leading businessmen, headed by Howard Boyd, Chairman of the Board of El Paso Natural Gas Company told a Congressional Committee that the tax surcharge is "vitally necessary to the continued economic health and well-being of the Nation." Those joining Mr. Boyd included J. Peter Grace, President of W. R. Grace and Company; Edgar F. Kaiser, President of Kaiser Industries Corporation, and James A. Linen, President of Time, Inc.

Leading business and financial organizations have unanimously supported the call for a tax increase and reduced expenditures.

Included are the Committee for Economic Development, the National Association of Manufacturers, the American Bankers Association, the U.S. Savings and Loan League, the Investment Bankers Association, the Life Insurance Association and the National League of Insured Savings Association.

A group of 260 academic economists signed a statement circulated by Walter Heller, former Chairman of the Council of Economic Advisers.

Every man who served as Chairman of the Council of Economic Advisers under Presidents Eisenhower, Kennedy and Johnson lined up in favor of the tax increase.

William H. Chartener, Vice-President of the National Association of Business Economists, said a poll of the group revealed that three out of four economists employed by major U.S. business firms favor an increase in income tax rates immediately or in the near future.

These are but samples of the responsible and growing consensus supporting the tax surcharge. Among all—businessmen, financial leaders, homebuilders, economists—there is a singular recognition that the alternatives to a tax increase is an economy in shambles.

The alternatives facing the President in his recommendation are just not acceptable.

First, we could allow the economy to continue unchecked on its perilous course—borrowing more and more to make up deficits.

But a large volume of Federal borrowing in the lending market will produce still higher interest rates and tighter conditions of credit availability. Further, high Federal demands might coincide with an increasing build-up in private demands that would revive inflationary pressures.

And spiraling inflation would take its toll on all families and businesses—but most of all on millions of low-income families. For example, a family of four with an annual income of $5,000 will pay, we estimate, $147 a year in a period of spiraling inflation—but nothing under the surcharge proposal. Inflation also levies an unjust depreciation of income on those who are elderly and retired and must live on fixed incomes—with no prospects of increased earnings.

Moreover, following every excessive boom period is the inevitable recession years. In 1954 and 1958 over a million jobs a year disappeared in sharp contrast to years beginning in 1962 when more than a million new civilian jobs were created annually.

Certainly the tax surcharge is not being promoted as the answer to all the ills of the mortgage market nor the homebuilding industry. Alone it will not cut interest rates immediately nor sharply. But it will reduce the size of the Federal deficit and the size of the Federal borrowing needs. It will reassure borrowers and lenders that there is no need for a renewed scramble for funds of run-up of interest rates. And it could well turn the tide in the credit markets, calm down precautionary borrowing and produce freer flows of funds at more reasonable rates of interest.

Secondly, the President might turn away from grievous domestic issues and sacrifice his programs to aid the urban poor. Precisely this is the objective of those opposing the surcharge—as they call for crippling reductions in urban programs.

President Johnson rejected this course of action in his proposal for increased revenue, when he said: "The nation's unfinished agenda here at home must be pursued. The poor must be lifted from the prisons of poverty, cities must be made safe and livable, sick and undernourished bodies must be restored, and air and water must be kept clean, every hour of our future must see new opportunities unfold."

Your associates are well represented in the highest urban policy councils of this Administration. Leon Weiner, your President, serves on the President's Committee to Rebuild America's Slums. Alex Fineberg, Counsel for the New Jersey Homebuilders sits on the National Commission on Urban Problems. They know the urgency of the nation's unfinished agenda. And they know we have a great stake in the President's

decision not to sacrifice his urban domestic programs.

Almost $10 billion of Federal aid will, this year, be channeled into urban areas. Cities and their Mayors are pressing for the Model Cities program to begin the massive job of rebuilding our slum and dilapidated areas. Desperately needed is the Rent Supplement program to continue providing decent, privately developed housing for the elderly and the disadvantaged. Also, if we are to sharpen our response capabilities by bringing coherence to urban programs we must increase our research and development tools.

In addition, urban areas need the full funding of the $2 billion for the Office of Economic Opportunity program, and the programs for manpower and job training, reduction of disease and the many other problems festering in our urban slums.

This is not to suggest that the President will stand fast for no cuts in Federal expenditures. He merely asks that they be made in terms of national priorities. Indeed, in his Tax Message of August 3, 1967, he pledged to the country and to Congress that he will make every possible expenditure reduction—civilian and military—short of jeopardizing the nation's security and well being.

The *third* alternative to a tax increase is abandoning our commitments in Southeast Asia. Special costs of Vietnam are now being incurred at a rate—in excess of $22 billion—that calls for additional revenues to meet a portion of these costs.

Many have decried this involvement, and have said: "Give this money to our cities—take it from the rice fields of Southeast Asia and put in the streets of America."

However attractive this cry is to those engaged in the massive tasks of rebuilding our cities—they have to ask themselves how lasting a victory?

How lasting a victory if we break treaty obligations to our allies? How lasting a victory if we withdraw to a "Fortress America"?

Granted, the questions surrounding our involvement in Vietnam are many. We ask—Is it worth it? What are the stakes? Should we stick or get out? These are questions that every American must answer to his own satisfaction.

For myself, I believe we continue in Vietnam, to affirm as we did in Korea and in Cuba, the proposition that aggression, however presented, however complex, will not be tolerated.

In Korea we established the principle that open aggression across a physical boundary line would not be accepted. In Cuba we established the principle that the subversion of a satellite nation could not extend to creation of military basis capable of offensive action.

In Vietnam, holding in mind the lessons learned in Greece and Czechoslovakia a generation ago, we tackle more subtle conditions. But we advance the same sort of principle that we will not accept violence as a means of domestic politics.

Lessons of unchecked aggression are written on the pages of every history book. We have in our time, seen such aggression. From 1945 to 1949 we watched Eastern Europe—first Romania, then Bulgaria, Albania, Hungary, Czechoslovakia and finally Poland—fall under the iron hands of communist aggression. And I remind you that these "civil conflicts" were pursued under the cloak of "people's liberation." *Many now question our complacency.*

All too current was Eastern Europe when, in the early fifties, we encountered aggression and watched the principles of self-determination being destroyed in South Korea—again in the name of "people's liberation." While that land war in Asia went on, domestic critics were both numerous and vocal. Some wanted out; some wanted total war; and few could find reason or value in what we did. Now South Korea is free today, politically responsible, economically resurgent and able to play a leading role in Asian affairs. *Few today question this involvement.*

Then in 1962, the threat no longer remained thousands of miles away. It came within 90 miles of our shores. Blatant aggression in Cuba was affronted by a determined United States. *Few today denounce our course of action.*

Now once again we face armed aggression. Once again we face the question of whether small nations can retain their independence—choose their own social, economic and political systems—and do so without military pressures from external powers.

And once again we are reminded of President Kennedy's warning to America as we entered the sixties:

"Basically they believe that the United States lacks the nerve, the will and the determination for a long, hard fight. It is one thing to stand up to a military invasion, it is one thing to go to war and defeat the Japanese and Hitler. It is quite another thing, year after year, decade after decade, to be engaged in struggles all around the world, in countries which we did not know anything about ten years ago, but where we and the communists are now locked in deadly embrace."

President Johnson is heedful of this warning. He recognizes our commitment to supporting self-determination in Southeast Asia—through the SEATO Treaty and through the voices of three Presidents. Our purpose has been made amply clear by former Deputy Secretary of Defense, Cyrus Vance:

". . . a promise kept in one place, gives integrity to promises made in other places. Aggression halted in one place, discourages aggression in other places. And what happens anywhere is known everywhere in the modern world of swift transport and rapid communication."

President Johnson is painfully aware of the high price we are paying for the principle of self-determination in South Vietnam—it is a costly conflict and one with no clear prospect of an early ending. But he is also aware that it is a temporary cost and that it will terminate when the enemies of freedom conclude that the price of aggression is too high.

The President is determined to see these hostilities end—but only under conditions consonant with a future for peace and freedom that offers no reward for communist aggression or its cult of violence and subversion.

To those who responsibly seek a purpose in our Mission in Vietnam, I remind you of the advice offered by an illustrious French leader after France fell to the Nazis:

"Our spirit of enjoyment was greater than our spirit of sacrifice. We wanted to have . . . more than we wanted to give. We spared effort, and we met disaster."

This Administration has a spirit of sacrifice when necessary to meet aggression, a willingness to give for freedom. We shall spare no efforts and we shall not meet disaster.

And while we undertake to establish the shield of our Republic abroad, we will continue the challenge of city building at home.

We will go forward with the Model Cities program.

We will demonstrate to a still dubious Congress the potential and the promise of the Rent Supplement Program.

We will work to stabilize the conditions of home finance.

We will work to reduce the cost of land and land development for housing.

We will work to bring the full power of technology to bear on the problem of the costs of homes—so that all Americans can acquire them.

So I come to you today to ask your continuous support in the President's efforts to sustain a nation powerful abroad and effective at home.

As an industry committed to building homes for all American families, your goals, ambitions, and purposes can be thwarted by a spiraling economy and a tight money market.

As an industry deeply committed to rebuilding our cities you know the irreparable damage that can come to the elderly and our disadvantaged if urban programs are sacrificed or if these citizens must, through inflation, bear the brunt of increased costs.

As an industry commmitted to building a strong nation, you understand so well that a temporary tax increase is, indeed, a small price to pay for halting aggression which, in the final analysis, threatens us all.

But given such commitment and common effort the America of the 21st Century can offer its urbanites greater hope than the newly urbanized nation entering the 20th Century offered earlier generations.

This nation will have come to peaceful terms with the urban destiny that it now no longer refuses to acknowledge. It will have arrived at the time the President pictured when he said; "Those who came to this land sought to build more than just a new country. They sought a new world. . . . Let us from this moment begin our work so that in the future men will look back and say, 'It was then, after a long and weary way, that man turned the exploits of his genius to the full enrichment of his life.'"

TO FURTHER WORLD TRADE

Mr. WILLIAMS of New Jersey. Mr. President, the traffic of world trade has yet to encounter a rush-hour problem. The need to ever expand world trade markets and, indeed, to make the ocean a two-way street remains with the far-sighted.

These farsighted include a group of 13 steamship companies who comprise an organization known as the Committee of American Steamship Lines—CASL. Under the capable administration of trade expansion director Robert W. Barrie, a great American, and executive director Ralph K. James, CASL has discovered new markets for products ranging from fabrics to fish.

In order to acquaint a potential firm with the committee's program, workshops are set up in various areas of the country with representatives of the steamship lines on hand to answer any inquiries concerning overseas marketing. I am pleased to note that two of these workshops have taken place in the State of New Jersey at Trenton and Newark. Sixteen others have been held across the country in major cities such as Portland, Oreg., and St. Louis, Mo.

The effect of these workshops, plus a periodic world trade newsletter to many thousand businessmen, has been to spur interest in the form of 25,000 inquiries from 4,500 firms.

The Sunday Star on October 29 published a noteworthy article describing the valuable efforts of the CASL. Because of the far-reaching importance that such an organization has on world trade, I ask unanimous consent that this article be reprinted in the RECORD and strongly commend its reading to my colleagues of the Senate.

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

[From the Sunday Star, Oct. 29, 1967]

FOREIGN TRADE WORKSHOPS REALLY STIR UP MELTING POT

(By Charles Covell)

Ice cream for the Viennese, dresses for South Africa, lawn sprinklers for Scotland, fiberglass boats for Britain, canned hearts of palm and mahi-mahi fish for the United States.

These are some of the markets turned up by the Committee of American Steamship Lines in its 2-year-old foreign trade expansion drive, now entering the third year with "workshops in various parts of the country."

Some of the markets are plain oddities, like the ice cream, because Vienna is supposed to be as well known abroad for its ice cream as for its waltzes. Scotland's green valleys didn't need the lawn sprinklers but they've proven useful in spraying liquid fertilizer.

The fiberglass boats went to Dartmouth, Devonshire, itself a noted boat building center. The hearts of palm are familiar to gourmets but the mahi-mahi fish? They went to Polynesian-style restaurants in the United States.

CASL's program to expand world markets for exporters and importers and, incidentally, to beef up business for its 13 member steamship companies, got going again this fall with workshops in Portland, Oreg., Seattle, Wash., and St. Louis.

Others are planned for Memphis, Denver, Atlanta, Baltimore, Boston and Hartford, Conn.

WORKSHOP VISITS

Under the direction of CASL's trade expansion director, Robert W. Barrie, the one and two-day workshops give area manufacturers an opportunity to visit with top management of the steamship lines, ready to answer questions about overseas marketing.

In addition, a world trade news letter is distributed periodically to about 75,000 businessmen. To date, says retired Navy Rear Admiral Ralph K. James, executive director of CASL, the trade expansion program has resulted in 25,000 inquiries from 4,500 United States firms.

The inquiries are processed at CASL headquarters in Washington and by the various shipping lines and then forwarded to a world-wide network of 1,300 CASL line marketing representatives in major ports.

The ice cream deal came out of a query by Sealtest Foods about marketing U.S. ice cream abroad. Vienna ice cream was transported to the United States by an American passenger ship for Sealtest food engineers to break down and analyze. Then Sealtest ice cream was introduced at a Vienna frozen food show and made an instant hit.

A distributing arrangement between Sealtest and a Vienna chain store followed. Small air shipments of Sealtest ice cream were made and now 20,000 pounds of American ice cream are going abroad periodically in a refrigerated American ship.

The dresses for South Africa came about through a CASL trade expansion lead. CASL's Dallas representative alerted Loom Treasures, a suburban firm, that a textile agent in South Africa had outlets for American dress materials.

A sample order of $200 was sent to Cape Town where the textile agent, John E. Massey, a cousin of actor Raymond Massey, immediately asked for more. Today, Loom Treasures has added $80,000 to its revenues.

The mahi-mahi imports came about through a request from a Taiwan fish exporter about finding a market in the United States for his exotic specialty. One of the CASL lines carried frozen mahi-mahi samples to the United States and circulated them. As a result, $50,000 worth have been imported.

QUERY IN BRAZIL

Another example of how the ocean can be made a two-way street was the search by a canning company in Sao Paulo, Brazil, for a U.S. distributor for its canned hearts of palm. The company took the question to a CASL member line and within 60 days negotiations were underway with a large Chicago firm.

The Chicago distributor placed an order for 1,000 cases with the understanding that the order probably would be repeated every 60 days.

A CASL member company also received a query from Hart en de Zwaan, a Dutch supplier of quality paint and printing ink, asking for help in finding a U.S. producer of special ingredients that go into top-notch paint.

During a workshop at Newark, an executive with U.S. Bronze Powders, Inc. of Flemington, N.J., which produces the special ingredients, asked about outlets abroad. He was put in touch with the Dutch firm and both are now profiting.

CASL companies participating in the program are the Farrell Lines, Grace Line, Moore-McCormack Lines, Prudential Lines, United States Lines, Delta Steamship Lines, Gulf & South American Steamship Co., Lykes Bros. Steamship Co., American Mail Line, American President Lines, Pacific Far East Line, States Steamship Co. and the Oceanic Steamship Co.

MINERAL KING

Mr. MOSS. Mr. President, the senior Senator from California [Mr. KUCHEL] recently wrote an engaging article entitled "Mineral King: The Opportunity That Should Not Be Lost," which appeared in the October issue of a magazine known as Western Ski Time.

Even though the State of Utah has what we call the greatest snow on earth, I recognize the continuing need to develop additional winter recreation areas to serve a growing population in the Western States.

The article by the Senator from California makes clear the need for more ski area development in his State of California and in the West.

Accordingly, I ask unanimous consent that the text of his article be printed in full in the RECORD.

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

MINERAL KING: THE OPPORTUNITY THAT SHOULD NOT BE LOST

(By Senator THOMAS H. KUCHEL)

Mineral King is a beautiful alpine valley of about 15,500 acres in the Sequoia National Forest. The Sierra Mountain peaks surrounding the valley floor rise to heights of 10,000 to 12,000 feet. It is midway between San Francisco and Los Angeles and is bounded on three sides by the Sequoia National Park.

The spectacular beauty of Mineral King has been enjoyed for years by those who have vacationed in their valley homes or who have camped and picnicked in the surrounding mountains. It is a major take-off point to the rugged undeveloped high country around it. Activity in Mineral King, however, has been restricted to the warm summer months. With the first snow, the access road is closed for the winter. In my view, it is time for Mineral King to be opened up as a major skiing and winter sports area for the enjoyment of all.

Just five years ago the Outdoor Recreation Resources Review Commission, under the leadership of the distinguished conservation leader Laurence Rockefeller, submitted its report to the President and discussed America's future recreational needs. The report said:

"Compared to 63 percent in 1960, about 73 percent of the people will be living in metropolitan areas by the year 2000. There will be more young people. The proportion of those in the 15–24 age bracket—the most active of all—will go from the current 13 percent of the total to about 17 percent by 1976.

"Incomes, for one thing, will be higher. With a projected annual growth rate of gross national product of 3.5 percent, disposable consumer income is expected to rise from $354 billion in 1960, to $706 billion by 1976, and to $1,437 billion by 2000. More people will be moving into the higher income brackets. In 1957, about 14 percent of the consumer units had incomes of $10,000 and over; by 1976, it is estimated the proportion will be up to 40 percent and by 2000 to 60 percent (in constant 1959 dollars).

"People will have more free time. By 1976, it is estimated that the standard scheduled workweek will average 36 hours for the entire industrial work force versus 39 hours in 1960. And by 2000 it may be down to 32 hours. Much of the extra time will go to recreation; at least one-fifth of free time goes into outdoor recreation today, and we may expect at least this much in the future."

The Commission's projections dramatize the urgency for action today to meet the demands of tomorrow. The development of Mineral King is the kind of timely action needed to meet the demands foreseen by the Commission.

With a vertical rise second only to the famed Chamonix Area in the Alps, it can become a famous international winter sports area, attracting the world's best skiers. Its varied terrain would provide enjoyment to skiers of all ages and all levels of proficiency. The potential of Mineral King for development as a year-round vacation spot has been recognized and studied by Federal officials for over 20 years. Forest Service officials have worked closely with National Park officials to insure that the eventual development would harmonize with the adjoining Sequoia National Park.

The Forest Service first invited proposals to develop Mineral King in 1949, but the cost of constructing a year-round road proved too great an obstacle.

By 1965 the demand for recreational opportunities had grown to such an extent that the Forest Service again invited proposals for the valley's development. After careful consideration of a number of excellent proposals, the proposal submitted by Walt Disney Productions was selected, and a preliminary three-year permit was awarded the company to study, and plan the detailed development of the area.

As could have been expected, the Disney proposal is an imaginative one. It provides for a central alpine village. Automobiles would not be permitted to invade the valley; they would be parked at the valley entrance. Continuous transportation by a new system, esthetically compatible with the alpine setting, would move people in and out of the valley. Ski lifts and tramways would take summer and winter vacationers to eight major alpine bowls above the valley floor. Under Forest Service supervision, prices would be held at a level assuring that food and lodging would be available at reasonable cost for families and tourists.

Since early 1966, the Walt Disney and Forest Service planners have worked together in developing the final detailed plan. The State of California Highway Commission began the surveys and studies necessary to locate and plan a yearlong access road. Fol-

lowing detailed on-the-ground studies, technical experts of the National Park Service, the Forest Service, and the State of California have agreed that a two-lane road would be adequate to meet the needs for the Mineral King development, and that it can be built without jeopardy to any of the area's unique natural values.

Opponents of Mineral King raise a legitimate question of whether the valley's present wilderness-like condition is a more important public resource than would be the recreation opportunities resulting from its development. With our nation's wilderness ever shrinking, we have a solemn duty to consider this question whenever it is proposed that the character of wilderness be altered. As a cosponsor of the Wilderness Act of 1964, and as the Senate author of the first addition to our nation's wilderness system under that Act, I am especially sensitive to that obligation.

Mineral King is virtually surrounded by wilderness-like country, but it does not qualify as wilderness itself. There is a road into its very heart. A mining road into Mineral King was built in the 1920's. It has since been improved to serve dozens of summer homes, an old resort and other improvements in the valley. The existing road alone disqualifies Mineral King for inclusion in the Wilderness System under the 1964 Act.

The possibility of adding Mineral King to Sequoia National Park was studied when the boundaries were expanded in 1926. However, Mineral King was not proposed for inclusion in the park because mining and improvements in the valley were inconsistent with National Park objectives.

The demand for suitable winter sports sites has increased dramatically during the last few years and will continue to grow. But areas suitable for winter sports development are extremely limited. Most have already been developed. This need is particularly critical in California where, according to a recent study, 35 percent of all skiers in the nine western states now live.

We must make balanced judgments on whether any given resource should be developed commercially, developed for recreation, or maintained in its natural state. These are difficult judgments for which there are all too few guideposts. But if we fail to allocate a balanced portion of our total resources to each of these needs, sheer economic and demographic pressures will lay waste to the remaining wilderness we possess.

People will continue to go to the mountains. There is no way to stop them. Indeed, why should we try to stop them? Is it not far better for their government to help set aside specific and suitable areas for their enjoyment and recreation? If we fail to develop selected areas, such as Mineral King, the 50 million people who will be in California before the end of this century will spill over the sides of the coastal cities and ravage the Sierra with unplanned and undirected enthusiasm for the vanishing outdoors.

The best assurance that we will permanently protect portions of our natural heritage lies in orderly development to accommodate the demands of our growing population to be near nature.

In Mineral King, California has an outstanding opportunity that should not be lost. It is a spectacularly unique area which, if carefully planned, can be developed into one of the finest recreation complexes of the world.

A CLOSER LOOK AT THE PROBLEMS OF RETIRED PEOPLE

Mr. WILLIAMS of New Jersey. Mr. President, the U.S. News & World Report of October 16, 1967, carried an informative story describing the increasing interest demonstrated by Members of Congress in problems faced by increasing numbers of retired Americans.

As the story points out, there is a growing realization that this Nation is now in the midst of a retirement revolution, in terms of population affected and in terms of added length to the average period of retirement.

Many of the problems that arise because of the new dimensions of retirement are being studied by the U.S. Senate Special Committee on Aging, and as chairman of that comittee I believe that the Congress has a clear responsibility to give full information about such problems to the Congress and to the public.

But such problems will be understood only if they are related to the institution of retirement itself, as it now is and as it will become.

For that reason, I believe that Senator WALTER MONDALE, of Minnesota, is performing a great service for the committee and for Congress as chairman of the Subcommittee on Retirement and the Individual. He has already conducted productive hearings in Washington, D.C., and in Ann Arbor, Mich., and I know that he plans to continue his inquiry with his characteristic energy and incisiveness.

Mr. President, the U.S. News & World Report article reported on many of the major points already made by witnesses before the Mondale subcommittee. I ask unanimous consent that the article be reprinted in the RECORD.

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

A CLOSER LOOK AT THE PROBLEMS OF RETIRED PEOPLE

(NOTE.—New concern is centering on the elderly. The White House has a job program. Congress is digging into retirement problems. Business, too, is surveying the impact of a retirement revolution.)

The country's "older Americans" are popping back into the national spotlight.

Not since the passage of medicare in mid-1965 has there been such a flurry of attention given to the elderly.

The White House, in the closing days of September, gave the go-ahead for a big step-up in spending on an employment program for people aged 60 and over. They will be paid for jobs ranging from highway beautification to care of foster children.

Congress, for its part, is exploring the broad range of problems that older persons face—from a skimpy pension to forced retirement. New laws of importance to business and to people young and old could emerge.

A REVOLUTION

Behind all the activity is a growing realization that this nation is now in the midst of a retirement revolution.

Americans 65 and over now number nearly 19 million. By 1980, there will be 23 million in that age group.

Science and improved medical care, all the while, keep stretching the life span. Health and vigor now are retained by more and more people into their seventies and beyond.

Retirement age, however, keeps getting lower under the pressure of automation and technology.

Result: a growing army of the elderly who feel that they have been put on the shelf prematurely. They complain of the pinch of poverty, the pangs of loneliness.

What is it really like to retire? The question is pertinent for working people. Of the 78 million Americans who are now employed, about 13 million will reach retirement time within the next 10 years.

HOW AUTHORITIES FEEL

Experts in many fields in recent weeks have testified on today's retirement revolution before various committees of Congress. Here is the picture that emerges—

Poverty. The link between poverty and old age is an ancient one. Experts say that link has not yet been broken for many older people.

Sociologist Abram Jaffe, of Columbia University, testified that three fourths of all unmarried pensioners are living in poverty—on incomes of less than $2,000 annually.

Says Mr. Jaffe:

"Retire and go broke. Pension incomes are far too low. Pensioners' economic position in society is steadily deteriorating."

Retirement usually means that a person must get along on half or less of his working-time income. Inflation, year after year, eats into the buying power of the pension check.

Very few companies increase pensions for people already retired to help meet higher living costs. Social Security payments are increased from time to time for those already retired, but the latter benefits usually lag behind the rise in prices.

Proposals are being made to raise income of pensioners by granting automatic increases in line with rising prices—putting Social Security pensions on a cost-of-living escalator. Other proposals would go even further. For example: Columbia's Mr. Jaffe wants to put Social Security on an escalator that would keep pension payments at not less than 75 per cent of wages prevailing for people on their jobs.

Retirement age

Aging is an exceedingly individual experience. Yet the trend in the U.S. is toward blanket retirement policies.

Automatic retirement at 65 is found to be the general rule.

Companies are said to favor that approach because it does away with arguments over the merits of keeping one employe and not another after a certain age has been reached.

Retirement age keeps dropping. Men and women can stop working and draw reduced Social Security at 62. A widow can get Social Security retirement benefits at 60. Workers in some key industries—autos, steel, farm equipment, for example—can take early retirement at the age of 55.

Yet people are retaining their "youth" longer.

Augustus Kinzel, president of the Salk Institute for Biological Studies, stressed the vigor and health of today's older people and made this prediction:

"By 1980 . . . the man of 65 to 75 years of age . . . will have that health and vigor . . . which he had at 45 to 55 years of age."

With longer lives, and earlier retirement, the time is coming, say the experts, when most Americans will live as long after they have stopped working as before.

Question raised: Will this vast amount of time be used constructively or in aimless boredom?

Finding jobs

Manpower experts told the lawmakers that jobs for older people are hard to get and to keep.

The accent in business and industry is on youth. Getting a job after the age of 45 is often very difficult. Obtaining one at 65 is even tougher.

Older people in large numbers want to work beyond retirement age. Often, though, they are let go "to make room for the young ones."

One expert estimated that 3 out of 4 reaching the age of 65 in good health retire involuntarily.

Efforts to make jobs for older people have had only limited success. Mrs. Walter W. Walker, chairman of the Minnesota Governor's Citizens Council on Aging, testified that older people in her State are acting as "foster grandparents" for mentally retarded

adults and children in State and church institutions. The program has aided both the helper and the patient. The trouble is only 138 have been lucky enough to get jobs as "foster grandparents"—and the State has 400,000 aged people.

Retirement "shock"

Workers all across the U.S. are found to be ill-prepared for retirement and the big changes it brings. For thousands each year, say the experts, retirement becomes a personal crisis—a time of emptiness, depression and helplessness.

Listen to Edward L. Bortz, a doctor at Lankenau Hospital in Philadelphia:

"There is a clinical syndrome known as retirement shock. This is well known to doctors and laymen alike. Physicians come face to face with anxiety neuroses, depression and despair, and, at times, self-destruction, if the retired one, shut off from fellow workmen and associates, is unable to face the ogre of loss of status and isolation."

One expert in the field of health is quoted this way in pointing out the problems faced on retirement:

"You know, one day you are sought after by all of your colleagues, your associates and citizens for advice, counsel and assistance and for your participation and involvement. The next day nobody wants you at all. You are the same person that you were the day before. What's the difference? You are one day older; you've had your birthday; you are 65!"

Senator Walter F. Mondale (Dem.), of Minnesota, chairman of a subcommittee on retirement and the individual, says:

"We are not ready in terms of understanding the subtle, yet profound, changes with which the individual must cope when he retires—voluntarily or otherwise—from his job in this work-oriented society of ours.

"There is a tendency to downgrade those who are no longer engaged in productive labor, and, as a result, retirement to many becomes a time of being shunted aside and being made to feel useless, indeed even worthless."

Senator Mondale is pushing for more pre-retirement preparation and counseling for today's workers.

John W. Gardner, Secretary of the Department of Health, Education and Welfare, thinks an answer to retirement shock may be clinics run by the nation's businesses. He says:

"I would like to see the time come when many employing organizations will sponsor mid-career clinics to which men and women can go to re-examine the goals of their working life and consider changes in direction.

"Schools, universities, unions and other organizations could have similar clinics."

But what would mid-career clinics have to do with retirement? Answers Secretary Gardner:

"A great deal. If the individual reaching retirement is fully alive and accustomed to thinking constructively about life's transitions, he will be far better fitted for that next stage of the journey.

"All too often the man reaching age 65 has spent much of his work career in a routine or a blind-alley job, has been denied the opportunity to think actively and constructively about the use of his abilities and has learned no new skills or interests for years. Then we plunge him into one of life's toughest adjustments and expect him to make it easily."

PROBLEMS . . . CONTENTMENT

Attention now being given to the nation's "older Americans" by Congress and the White House centers on the problems of getting old.

Not all the elderly fit into that group. Millions of retired people have ample funds to live on. Millions more are happy to be able to ignore the alarm clock and never work again. About all some retired persons miss about their jobs is the money. Yet, for millions of other retired people, as brought out in hearings in Congress, the "golden years" hold no glitter. Retirement becomes a barren, unproductive period between working years and death.

"NEED TO BE NEEDED"

Says Secretary Gardner: "Like everyone else, older people need to be needed.

"They need to have something to occupy their hands and minds and hearts."

As the retirement revolution gathers momentum, the nation's "older Americans" are going to be pressing more and more for that "something" Secretary Gardner is talking about.

VIETNAM

Mr. HARTKE. Mr. President, the November 13 issue of Newsweek magazine contains a most interesting article entitled "Whose Benefit?—Whose Doubt?" which relates to what the magazine describes as "the growing split between the U.S. administration and the press in Vietnam." The article observes:

On one side General Westmoreland and embassy chiefs Ellsworth Bunker and Eugene Locke argue the war is inexorably being won by the United States and South Vietnamese forces.

The article goes on to state:

On the other side, the senior correspondents among the 500 or so newsmen covering Vietnam appear to be reporting another war.

The article points out an interesting reversal of the usual complaint made by the administration about its critics—that only those who have been in Vietnam for a considerable period of time can really understand the situation. Newsweek comments:

A few years ago, the official complaint was that the reporters were green young newsmen—the Saigon commandos—out to make a quick reputation by knocking everything. Now the complaint is that, as one U.S. official in Saigon put it last week: "There is such a thing as being around too long."

Saigon newsmen argue that the "old hands" in Vietnam are the only ones who really know what *is* going on. Unlike fresh recruits and occasional visitors, they are not likely to be captivated by the excitement of combat or impressed by the official line of high-ranking spokesmen. They have been around long enough to see for themselves what is happening and have cultivated sources that do not pipe the "official" view.

Mr. President, I ask unanimous consent that the article referred to above be inserted in the RECORD at this point.

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

WHOSE BENEFIT? WHOSE DOUBT?

Vice President Humphrey, weary and sunburned after a day in the field with U.S. troops in Vietnam last week, faced some 30 American correspondents at Chu Lai and asked them a favor: "When you speak to the American people give the benefit of the doubt to our side. I don't think that's asking too much. We're in this together."

Back in the ranks one veteran newsman grumbled: "Benefit of the doubt? Hell, what do they think we've been doing for the past six years?"

These two points of view dramatize the growing split between the U.S. Administration and the press in Vietnam. On one side General Westmoreland and embassy chiefs Ellsworth Bunker and Eugene Locke argue the war is inexorably being won by the U.S., and South Vietnamese forces. As evidence they point to such statistics as the increasing number of roads that are open to safe travel, the amount of land under government control, the fact that planes now land unscathed at Tan Son Nhut airport and the number of Viet Cong who are deserting. "In World War II you could clearly see the light at the end of the tunnel when the tide was turned," says a U.S. spokesman. "Here the signs of progress are little things."

On the other side, the senior correspondents among the 500 or so newsmen covering Vietnam appear to be reporting another war:

R. W. Apple Jr., who heads the three-man New York Times bureau in Saigon, argued in August: "In the opinion of most disinterested observers, the war is not going well. Victory is not close at hand. It may be beyond reach."

Robert Shaplen, The New Yorker's Far East correspondent, wrote on Sept. 29: "The assumption—primarily an American one—that the Vietnamese elections . . . have had, or are likely to have, any salutary effect on the war or on the internal political situation here is regarded by most Vietnamese as unwarranted and unrealistic."

Peter Arnett, the Associated Press's Pulitzer Prize winner, wrote in mid-September: "The dispirited Vietnamese Army, shot through with inefficiency, often lacks the will for combat and is increasingly prone to let Americans do the fighting . . . The loss of American lives traceable to Vietnamese inaction or incompetence is expected to rise . . ."

Merton D. Perry, a Newsweek correspondent in Saigon, added in a report last month: "The South Vietnamese Army, in short, is sick. Like the society which created it, it is riddled with factionalism, nepotism, corruption, inefficiency, incompetence and cowardice."

Such coverage out of Vietnam about the progress—or what the correspondents consider the lack of progress—is of genuine concern to the Administration. As one observer puts it: "The people get their information through the press filter and how the war is reported could seriously affect the views of the American people." Indeed, newsmen in Saigon have the distinct impression that they are regarded by Washington as "a problem second only to the Viet Cong."

This estimate may be overinflated. Nevertheless, the Administration has reason to be concerned. The latest Gallup poll indicates that 70 per cent of the American people think the Administration isn't giving them all the facts about the war. Increasingly, newspapers are breaking with the President and calling for a pause in the bombing. The White House, to provide Administration spokesmen with material to counteract these views, recently set up a Vietnam-war information center—cynically dubbed by some newsmen the Viet Prop group—under Harold Kaplan, a onetime press deputy at the U.S. Embassy in Vietnam. Its first document, a ten-page memo from Saigon, was aimed at refuting critics who claim the war is a stalemate. One point: enemy troop strength has dropped from a total of 126,000 in August, 1966 (the peak) to 118,000.

SOMETHING POSITIVE

The Administration argues that only the government—by necessity—has the "big picture" of the war. It also argues that the newsmen, particularly the TV men, are under pressure from headquarters for exclusive stuff which seeks out the dramatic. When CBS newsman Jack Laurence trekked to Con Thien in early September to film the shelling of the marines by the North Vietnamese just south of the Demilitarized Zone, he set off a chain reaction of coverage that soured some military men. "The enemy firing 200 rounds of artillery at Con Thien doesn't mean a rat's nest tactically," claims Col. Roger Bankson, director of defense information, "but that's

what gets the headlines while no one writes about the fact that villages that could only bring in 15 per cent of their rice crop a year ago can bring in 50 per cent this year because their area has been pacified." And in the same vein, a visiting official from Washington complained to a newsman in Saigon recently: "There's discouragement in the U.S. over our progress in Vietnam because you reporters are only writing about negative things. Why don't you write something positive?"

Not all observers, of course, are negative. Look magazine last week offered Gen. Omar Bradley's impressions of the two weeks he spent in Vietnam last summer. Concluded the retired five-star general: "History, I believe, will judge that, alongside Berlin, Greece, Cuba and Korea, Vietnam was one of our finest hours." And columnist Joseph Alsop, who has been visiting Vietnam twice a year since 1964, has been consistently sanguine. "There is no stalemate here," Alsop wrote from Saigon late last month. "Gen. William C. Westmoreland at last has the other side over a barrel." Such reports delight the Pentagon. Says Bankson: "It's like grandma coming for a visit and looking at your son and saying 'my, how he's grown' when you hardly realized it."

Military historian Gen. S. L. A. Marshall also defends the Administration's position. "The great difficulty over there," he says, "is with the old hands who made up their minds some years ago that we were wrong in getting into the fight and wrong to pursue it, and they'll maintain that position at all costs."

TOO LONG

This charge is one of the ironies in the tangle of ironies that abound in Vietnam. A few years ago, the official complaint was that the reporters were green young newsmen—the Saigon commandoes—out to make a quick reputation by knocking everything. Now the complaint is that, as one U.S. official in Saigon put it last week: "There is such a thing as being around too long."

Saigon newsmen argue that the "old hands" in Vietnam are the only ones who really know what is going on. Unlike fresh recruits and occasional visitors, they are not likely to be captivated by the excitement of combat or impressed by the official line of high-ranking spokesmen. They have been around long enough to see for themselves what is happening and have cultivated sources that do not pipe the "official" view.

As for the so-called "big picture," Saigon newsmen argue it is sadly out of focus. The government bases its optimism about the war on battle reports, statistics, and the great military information-collection machine fed by reports from all over the country. Against this behemoth, newsmen have to rely on their own battlefield observations and intuitive sense. "Anybody who has been in the field," says William Tuohy, correspondent for The Los Angeles Times, "knows that in 95 out of 100 cases there is literally no such thing as a body count. All you get is the estimate of the local commander—and how many guys are going to admit failure in an official report?"

This critical stance has come as a surprise to many military men, who thought they could count on the press's "loyalty." "A lot of generals," says Arnett, "got used to having press coverage that was all praise during World War II."

The appeal to loyalty is a familiar one in Saigon. In 1963 when The New York Times's David Halberstam, the UPI's Neil Sheehan and the AP's Malcolm Browne were critical of the Diem regime, one frustrated visiting commander told Browne: "Get on the team."

OPTIMISM

During 1964 and 1965 the big news was the U.S. troop buildup. As long as newsmen focused on the military's search-and-destroy missions—rather than the upheavals in Vietnamese society—friction was relatively light. Even through 1966 reporters were moderately receptive to the government's insistent claim that it "could see the light at the end of the tunnel." Says one newsman, a veteran of four years: "Last fall we had a real optimistic period out here. With operations in War Zone C and Cedar Falls, a good number of correspondents thought we were making headway in the main-force war."

But this spring the enemy sent troops across the DMZ. It became obvious U.S. forces were not just fighting a mopping-up operation. American troop losses rose above those of the South Vietnamese Army (ARVN). Westmoreland called for more American soldiers and newsmen began probing to find out what the ARVN was doing to fight the war.

Officially, the U.S. military insisted the main problem with the ARVN was simply the bad press it was getting. At the daily 4:45 briefings in Saigon (referred to by newsmen as "the follies"), the military began ticking off ARVN victories—and ignored ARVN failures.

Such omissions discredited the credibility of the big picture. Even peripheral issues have chipped away at the U.S. mission's reputation. Claims that marijuana was smoked widely by U.S. troops in Vietnam were dismissed by Brig. Gen. Winant Sidle, MACV information chief in Saigon. But newsmen interviewed the Army's Provost Marshal in Vietnam, who said that marijuana was not only a problem, it was one of the Army's most serious problems.

COBRAS

When Washington reads Vietnam's "bad press," it often rockets its disapproval to officials in Saigon and demands to know why such downbeat stories are being filed. As a result, military and civilian aides in Vietnam are often caught in a cross fire between Washington and the press. Says the AP's John Wheeler: "Lately, the information officers in many units look at us as if we were a basketful of cobras."

Perhaps the factor that contributes most to the government-press split is the recurrent claim that the corner has been turned. "I've been hearing that since 1961," says one seven-year veteran. "The strategic hamlets set the stage; the first helicopters were going to make the difference; Ngo Dinh Diem was going to do the job; "Big Minh" was going to make the change; then it was Gen. Nguyen Khanh; then U.S. troops, then the revised pacification programs, then the reorganization of the civilian aid programs. Now it is the new government and the reorganization of pacification under the military."

One U.S. mission spokesman admits victory claims have been continuously overstated in the past. "We've cried 'wolf' once too often," he confesses. "Yet we see the start of solutions to lots of problems. The congestion in the port of Saigon is an example. When the reporters were writing about how bad it was, we said that we saw the light at the end of this particular tunnel. Now the port is actually functioning smoothly, but the reporters have lost interest in it."

IN CONCRETE

Barry Zorthian, head of the Joint United States Public Affairs Office in Saigon, has subdued some of the conflicts between the press and the government. "I wouldn't charge the press with deliberate blindness or distortion," he says, "but it does tend to look for the critical to keep the government on the straight and narrow. The Vietnamese are measured against high standards, but there is progress. Once an impression is set it is hard to dislodge. The impression about the ARVN, for example, is set in concrete."

Will relations between the government and the press become still more bitter? Some reporters argue that they will. They believe that when the U.S. election campaign heats up next year, Washington will put more and more pressure on Saigon officials to show progress in the war and to produce a "good press." If the war news just isn't good, these reporters believe, the press and the government will be at one another's throats. And even if the war news does take a decided turn for the better, there is still the problem of whether the officials can get the story across. Such is the legacy of past mistakes.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

DISTRICT OF COLUMBIA APPROPRIATIONS, 1968

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 8569) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1968, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate resumed the consideration of the bill.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, and that the bill, as thus amended, be regarded for purposes of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to the request.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, line 1, after the word "and", strike out "$56,000,000" and insert "$68,000,000"; in line 22, after the word "appropriated", strike out "$48,100,000" and insert "$79,200,000"; and, on page 3, line 3, after the words "general fund", strike out "$31,800,000" and insert "$62,900,000".

On page 3, line 14, after the word "Commissioners", strike out "$25,885,000" and insert "$26,509,700".

On page 4, line 20, after the word "purposes", strike out "$91,995,000" and insert "$92,541,700"; at the beginning of line 21, strike out "$248,000" and insert "$288,400"; on page 5, line 13, after the word "exceed", strike out "$15,000" and insert "$25,000"; and, in line 15, after the word "each", insert a colon and "*Provided further*, That the Metropolitan Police Department is authorized to expend in fiscal year 1968 the unobligated balance of $670,000 provided in 1967 appropriations for communications equipment".

On page 6, line 1, after the word "amended", strike out "$93,730,000" and insert "$97,481,900".

On page 6, line 11, after the word "Park", strike out "$15,906,000" and insert "$15,120,900"; and, in line 12, after the word "fund", insert a colon and "Provided, That this appropriation shall be available for the purchase of four passenger motor vehicles".

On page 6, line 21, after the word "Health", strike out "$103,439,000" and insert "$104,782,900".

On page 8, line 10, after the word "of", strike out "fifty-five" and insert "fifty-six"; in line 11, after the word "only", strike out "$16,705,000" and insert "$16,627,300"; and, in line 12, after the word "which", strike out "$11,184,800" and insert "$11,108,700".

On page 8, line 19, after the word "only", strike out "$26,379,000" and insert "$26,732,-500"; in line 20, after the word "which", strike out "$8,078,600" and insert "$8,086,-700"; and, in line 21, after the word "fund", strike out "$5,314,000" and insert "$5,318,-900".

On page 10, line 8, after the word "thereby", strike out "$7,790,000" and insert "$7,760,000".

On page 10, line 25, after the word "Southeast", insert "West Elementary School addition, Morgan Elementary School replacement, Bruce-Monroe Elementary Schools replacement, new elementary school in the vicinity of 40th Street and Lane Place, Northeast, Carver Elementary School addition, Benning Elementary School replacement, new elementary school in the vicinity of 44th and Foote Streets, Northeast, Burrville Elementary School addition, Orr Elementary School replacement, Montgomery Elementary School addition, Gage-Eckington Elementary Schools replacement, Lenox Elementary School addition, Langdon Elementary School addition, Anacostia Senior High School addition,"; on page 11, line 16, after the word "Reformatory", insert "institutions for higher learning, new Receiving Home for Children, and the new District Court Building"; on page 12, line 9, after the word "retarded", insert "Moten Elementary School addition, Weatherless Elementary School addition, Browne Junior High School addition, Wilson Senior High School addition, Dunbar Senior High School addition, prekindergarten relocatable classroom buildings, air conditioning of Tenley-Friendship and Benning branch libraries, Chevy Chase community center, replacement of the farm cottage at District Training School, Fort Dupont Swimming Pool,"; in line 23, after the word "plant", strike out "$1,766,000" and insert "$1,966,-500"; in line 25, after the word "expended", strike out "$79,658,000" and insert "$115,-552,500"; on page 13, line 1, after the word "which", strike out "$15,617,400" and insert "$22,781,400"; and, in line 5, after the word "and", strike out "$1,528,800" and insert "$3,893,300".

On page 17, after line 7, insert a new section, as follows:

"SEC. 16. Appropriations in this Act shall not be used for the assignment or transportation of students to public schools in the District of Columbia in order to overcome racial imbalance."

On page 17, after line 11, insert a new section, as follows:

"SEC. 17. The cost of living allowance annualized in the appropriation for the Department of Welfare shall be limited to the 'net payment' in computing the assistance payments for recipients in the five regular categories of public assistance."

On page 17, after line 16, insert a new section, as follows:

"SEC. 18. The joint resolution of October 5, 1967 (Public Law 90–102) is hereby amended by striking out 'October 23, 1967' and inserting in lieu thereof 'November 9, 1967'."

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

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

The assistance legislative clerk proceeded to call the roll.

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

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

DRAFT CARD BURNINGS AND STREET DEMONSTRATIONS CONCERNING THE VIETNAM WAR

Mr. ERVIN. Mr. President, on October 24, 1967, WBTV of Charlotte, N.C., telecast an editorial entitled "Same Old Tactics," which contains some trenchant remarks concerning the current wave of draft card burnings and street demonstrations against the war in Vietnam. This editorial merits wide dissemination, and for this reason I ask unanimous consent that it be printed at this point in the RECORD.

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

SAME OLD TACTICS

The current anti-war sentiment, draft card burnings and street demonstrations, make us wish that the people who participate would review the history of the communist tactics that drove the French out of Viet Nam.

The Vietnamese Communists knew they could not win against the French in conventional warfare. Therefore, they decided to defeat the French at home, on the streets and boulevards of Paris, in the newspapers and magazines, and on the radio.

Every criticism of how the war was being conducted, every demand for a change of tactics was magnified by the Communist Party in France and by the world-wide radio network and advertised as a sign of deep division among the French people.

This propaganda made the war so unpopular that, as Sen. Hollings of South Carolina recalled last week, the dead and wounded from Indochina, as it was then called, had to be returned home under cover of darkness to avoid demonstrations and riots.

To anyone familiar with propaganda techniques, it is plain that Ho Chi Minh is using the same tactics against the United States.

Ho has rejected all of the two-score or more of offers that President Johnson has made to negotiate an end of the war. The Viet Cong boss has read American newspapers, listened to American broadcasts, and received reports from his spies in the United States, that the American people are so divided that it is not necessary for him to negotiate. He will, he believes, defeat the Americans at home just as he did the French. He reasons that if he can only hold out until the United States election in 1968, the peace-at-any-price supporters will defeat President Johnson and put one of their own in the White House. Then negotiations can begin on North Viet Nam's terms. South Viet Nam will be handed over to him, and the Americans will go home, leaving Ho free to make war on the next southeast Asia country, Thailand.

He thinks he can hold out that long, even though his country may be reduced to rubble by United States bombers, because the Soviet Union has promised him all the war material he needs to keep the war going. In Viet Nam our real enemy is not Ho Chi Minh, but the Soviet Union. That country, a specialist in proxy wars, is fighting the second one against the United States right now in Viet Nam. If we allow ourselves to be brainwashed, Russia's next proxy war will be in Thailand.

We agree with Speaker McCormack: If we were among those advocating surrender and defeat that would plunge us into still another proxy war, our conscience would disturb us for the rest of our lives.

PRIVATE PENSION PLANS AND PUBLIC POLICY

Mr. ERVIN. Mr. President, on September 13, 1967, Mr. Robert C. Tyson, chairman of the finance committee of the United States Steel Corp., made an exceedingly thoughtful address entitled "Private Pension Plans and Public Policy," before the Council of State Chambers of Commerce in New York City. This thoughtful address merits wide dissemination, and for this reason I ask unanimous consent that it be printed in the RECORD.

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

PRIVATE PENSION PLANS AND PUBLIC POLICY

(An Address by Robert C. Tyson, chairman, finance committee, United States Steel Corp., before the Council of State Chambers of Commerce, New York, N.Y., September 13, 1967)

I am honored to speak before the Council of State Chambers of Commerce. Your outstanding organization, founded in 1932, has long rendered fine public service in exploring issues and problems involved in your three main areas of concern—Social Security, labor-management relations, and Federal spending and taxation. Appropriately, my topic today of private pension plans and public policy is very much involved in all three areas as well as in, I may add, our heritage of free enterprise and limited government.

My message to you in these remarks is, I trust, simple and to the point: Now is the time for all good men in private and public life to preserve and promote America's dual retirement system. For I believe that the drift of public policy is endangering that duality and jeopardizing the future of private pensions—the very pensions to which millions of workers and their families are looking to provide more adequate retirement security.

All of us, I am sure, accept the role of Social Security in supplyingg retirement income. But all of us should accept the role of private pension plans in also supplying retirement income. Yet even these two parts do not necessarily add up to the whole of retirement security. For workers in our free society seek to build security with still such other retirement blocks as savings accounts, common stocks, bonds, real property, insurance policies and annuities.

Certainly this highly individualistic security-building—this nest-egg-building—differing as it does worker by worker, family by family, is part of the American dream. It is part of that heritage of free enterprise and limited government to which I just referred. For let it not be forgotten that this heritage is primarily responsible for the world's highest standard of living. And let it not be forgotten that income—private or public, retirement or pre-retirement—originates solely from production, from our free enterprise system. Finally, let it not be forgotten that this marvelous free enterprise engine of production is built and expanded by investment, and sparked and guided by profit.

Now consider some revealing trends in private and public pensions. Aggregate employee-employer taxes for Old Age and Survivors Insurance started out in 1937 modestly enough (at least by today's standards), with a total of $576 million, equivalent to 1.4% of total private compensation of employees. There was little change in that effective tax rate until 1950, when it rose to 2.0%. By 1966, however, these taxes, reflecting wider coverage plus Medicare, totaled over $25 billion, or 7.3% of aggregate private

compensation. Meanwhile, employer contributions to private pension funds have risen from around $2 billion or about 1.6% of total compensation in 1950 to around $8 billion or about 2.4% of compensation in 1966. From a benefit standpoint, total private pensions have increased about eightfold since 1950, while total Social Security benefits have increased about twentyfold, or more than twice as fast.

Thus, as I see it, the future of our private pension plans is in jeopardy, even though private pension plans are an integral part of the free enterprise system, even though they have distinctive advantages in furnishing a voluntary system, in financing retirement security, in providing retirement flexibility, in providing incentives, in promoting savings and capital formation, and in coping with inflation.

The jeopardy comes from the drift of public policy in two directions. In one direction sharply rising Social Security costs and benefits threaten to put the private pension system out of business. In the other direction, under a smog of misunderstanding and misinterpretation about the facts and nature of private pension plans, proposed restrictive legislation similarly threatens the private system.

Let us explore each of these threats, beginning with the threat of runaway Social Security. Social Security is becoming more and more costly, perhaps prohibitively so. While its benefits have more than doubled in the past 18 years, the combined employe-employer maximum tax has increased from $60 per employe in 1949 to $581 today, and is scheduled to go to $746 by 1987, quite apart from the even higher taxes scheduled in the Social Security bill passed last month by the House of Representatives. And while today's Social Security recipients will receive benefits far greater than they and their employers paid in, many of today's newcomers to the labor force might just be better off if Social Security taxes could be diverted to private annuities.

So we see why there is growing talk in Congress that Social Security may be reaching the end of the road as a self-supporting payroll tax system. Both employe and employer are beginning to wince. Does this wincing preclude further cost and benefits escalation? Admittedly, the bill passed by the House scaled down the Administration's recommendations for further Social Security escalation. Still, some in Congress are talking of dipping into general revenues to finance the difference between Social Security taxes and expanding benefits. For example, last year one senator proposed that the amount coming from general revenues to finance Social Security would progressively increase until it would reach 60% of the combined employe-employer tax.

The danger to private pension plans from such a proposal is clear. Once Social Security has ceased to be work-related, once it is freed of directly taxing employe and employer, benefits would no longer be restricted to the limit of payroll taxation. Then private pension plans could hardly compete with such a welfare system because of accelerating benefits—and accelerating income taxes required to finance them, which would in turn impair corporate ability to finance future private pensions. At that point, private pension plans could well be on their way to the dustbin of history.

Again, while the word "insurance" still clings to the public system of old age benefits, the fact is that it is no such thing. It is a tax on today's productive workers to pay benefits to those who are no longer productive. It is threatening to become another welfare system. It is on a compulsory basis. It is dependent on future legislative disposition. And it discourages enterprise: The man between 65 and 72 years of age who is regularly employed and earns more than a minor monthly stipend foregoes part or all of his public pension.

On these scores note how private pension plans stand in sharp contrast: They are adaptable to individual personnel needs and company situations; they are heavily funded, almost completely actuarially determined, entirely on a voluntary basis and entirely on a contractual basis between the employer and employe, or his agent.

Fortunately, the employes' stake in private pension plans is heavy and the number of workers participating in these plans is large. While Social Security now covers about 86 million persons and has about $23 billion in reserves, private pension plans have grown more rapidly on both counts. Take 1950 as a benchmark. Then such plans covered about ten million employes and had reserves of about $12 billion; now they cover almost 30 million employes and have reserves approaching $100 billion. Based upon this growth, I think it fair to say that all employes have much to lose in any falling-behind of private pension plans.

Let us see why this is so before we discuss the other threat to private pension plans from excessive regulation. First, I think it behooves us to remind ourselves that while Social Security funds are entirely "invested" in U.S. Government securities, private pension funds are mainly invested in free enterprise activities through such vehicles as corporate securities and real estate mortgages. Hence, while Social Security reserves are practically immediately spent in all the pursuits of the Federal Government, private pension reserves are generally adding to capital formation and therefore to the economic growth of the nation. So we see that private pension funds serve as a means of accumulating private savings and investment. And, since one new job requires a capital investment of up to as much as $100,000 or more, these savings provide a source of job creation and wage improvement as well as of retirement security.

There are other important advantages of private pension plans to employes. While Social Security must ever remain a monolithic uniformity, private pensions can be tailor-made to meet differing situations and conditions. Thus, there is not "one private pension plan" but literally thousands, each one adapted to meet the conditions of specific employee-employer relationships—relationships that differ with each company, industry, location, time of installation, time of operation and specific requirements of specific personnel. In view of the infinite variety of such changing conditions across our land, private pension plans offer abundant opportunities for evolutionary experiments and dynamic innovations.

And, perhaps most important of all, private pension plans tie in with the free enterprise precept of incentives. Being pretty fully work-related, private pensions recognize the importance of individual incentives to produce more and save more—the social need for retirement incomes to differ from one individual to another in accordance with each individual's employment contributions to society.

So much for the threat to private pension plans from runaway Social Security.

Now let us explore the other threat to private plans—excessive and restrictive Federal regulations. Already too many Washington monkey wrenches are poking into the private pension motor. Consider some of the high-powered Government committees that have been studying or investigating private pension plans. Among them are the President's Committee on Corporate Pension Funds and Other Retirement and Welfare Programs including its Interagency Staff Committee, the Senate Subcommittee on Employment and Retirement Incomes of the Special Committee on Aging, the Senate Permanent Subcommittee on Investigations, and the Subcommittee on Fiscal Policy of the Joint Economic Committee. One upshot: In this session of Congress alone more than 30 bills have been introduced to restrict or regulate private pension plans.

The nub of these studies and investigations to date seems to be a general charge of inadequate public control of private pension plans, frequently coupled with charges that the plans are recipients of tax subsidies. The thrust of these bills is, hopefully, to render more adequate protection to the employe and thereby to the public interest. But if these bills were passed, would not the employe be more hurt than protected?

For instance, the charge of tax subsidy reflects the premise that the Government tends to control that which it subsidizes. I do not here question the premise, but I do question the subsidy and hereby submit that there is none. To be sure, the employer obtains tax deductibility for his contributions to a qualified pension trust fund. In addition, pension trust fund income in such forms as dividends on common stocks and interest on loans and mortgages is not taxable until disbursed as retirement payments to pensioners. Similarly, employees do not have to pay taxes on their pension credits until they retire when very likely their benefits will be taxed at lower rates.

I fail to see any subsidy in these arrangements. Tax deductibility for pension fund contributions is no different from tax deductibility allowed for any other form of deductible employe compensation. Indeed, pension costs are simply another ordinary and necessary cost of doing business. Again, payment of taxes by the pensioner when he receives his pension is not tax exemption but only a matter of tax timing. For in the case of compensation in wages or salaries, the employe is the recipient of highly spendable—and taxable—cash income. In the case of employer contributions to the pension fund, however, the employe receives concurrently no such spendable—or taxable—income. It is true that when he retires his income bracket is generally lower, but this situation in no way obviates a cardinal principle of income taxation—namely, that a tax is not incurred until income is received.

In fact, it is my considered opinion that over the full pension cycle—from the active service years through the retirement period—the Government can be better off financially from present funding arrangements and tax treatment than it would be from non-funded pay-as-you-go plans, and that there is no tax subsidy whatsoever.

So much for the charge of tax subsidy, which I further submit is a myth intended as an attempt to justify Government control of private pension plans.

The charge of inadequate public control of private pension plans also calls for a rebuttal. This charge should be considered in the light of all the compliance already required by agencies checking on private pension plans—agencies such as the Labor Department, Securities and Exchange Commission, and Internal Revenue Service.

The charge frequently details such allegations as inadequate vesting and funding, and insufficient disclosure and fiduciary responsibility. On this latter point, let me say that I firmly believe in the principle of fiduciary responsibility. And, in my judgment, virtually all of the established plans are exercising full fiduciary responsibility and are managing pension fund investments as would a prudent man with his own funds. Look at the record. Cases of irresponsible fiduciary management turned up so far are few in number, minor in extent, and most if not all of these cases are in welfare plans—not pension plans.

Thus the wording and implementation of the fiduciary responsibility section in any private pension bill before the Congress should be closely watched. For talk of fiduci-

ary responsibility may imply fiduciary irresponsibility which, although unfounded, tends to undermine confidence in the private pension system.

On the other allegations of inadequate vesting, funding and disclosure, I have even stronger reservations.

On vesting, we see further attempts on the part of the Government to impose arbitrary vesting standards—standards as to eligibility, age and years of service, etc. Here, again, the necessarily great variety of plans to meet different needs throughout our complex economy seems to have been ignored.

Without any mandate from Government, the actuality is that various vesting provisions have increasingly been incorporated into private pension plans. U.S. Department of Labor surveys of 300 large plans, for example, indicated that 25% of the plans in 1952 already had some vesting provisions; in 1958 the percentage had climbed to almost 60%; the percentage is probably much higher today. As a matter of fact, a more recent Labor Department study of a greater number of plans found that some two-thirds carried vesting provisions.

But advocates of compulsory vesting argue, why not raise the percentage of 100%? The answer is simple. Priorities and voluntary choices are involved: Vesting is not inexpensive—the broader and sooner the vesting, the greater its preemption of other forms of employe compensation improvement perhaps more desired by employes and employers. More desired improvements, for example, could take the form of higher wages, shorter hours, greater vacation time, better incentive payments, other fringe benefits, or even other pension benefits. Overruling such desire by law strikes me as being neither democratic nor economic.

Critics of private pension plans also argue that non-vested or inadequately vested plans impede labor mobility—the ability to switch from one job to another. These critics charge that the employe's private pension credits serve as an impediment to his free choice to take another job. This charge of being "locked in" by pension credits, however, does not stand under scrutiny. According to a 1964 study published by the Bureau of Labor Statistics, seniority rights and other employment practices may be greater impediments to labor mobility. Also, the very service-required vesting rights sought by private pension plan critics may themselves impede mobility. Moreover, private pension plans serve as a way to compete for experienced skilled employes. Lastly, these plans are a voluntary arrangement, a matter of employe and employer choice and accommodation.

Or take the allegation of inadequate funding. Being against adequate funding is like being against motherhood or morality. But adequacy has to be correlated with feasibility, and on feasibility reasonable men can differ. Yet clearly whatever the funding requirement—if indeed any fixed requirement can really be imposed by law—it could only be done by a rigid and highly restrictive rule, which could not possibly take into account the vast variety of pension plans, vesting provisions and actuarial methods in use.

Flexibility is the key. The present Internal Revenue rule for qualified plans requires, as a minimum, funding equal to current service costs plus interest on the unfunded cost of past service. But stipulating funding beyond this involves the danger of slowing down pension plan improvements, discouraging new plans from coming into existence, or driving old plans out of business.

On the allegation of inadequate disclosure, I believe private pension plans already operate in a goldfish bowl. But even goldfish need a degree of privacy. For I believe there is need to distinguish between a fishing expedition and meaningful disclosure. Disclosure through current reporting requirements is already very heavy. Further requirements would further bulge the Government's already bulging files—burdening Government, business and hence taxpayers generally, without providing, in my judgment, any real benefit to the pension plan participants themselves—and might, in fact, even reduce benefits.

Moreover, some disclosure proposals would call for financial information that is inherently confidential and competitive. Such information also could tend to generate unfair hindsight criticism in Washington and elsewhere of financial practices and particular investments by pension fund trustees. Moreover, information on pension cost determination and investment portfolios could fall into the hands of competing companies. Pension costs are just as much a part of production costs as any other cost. Similarly, disclosure to others of a long-range investment program by any fund could force up the market price of the investment before completion of the program; or disclosure of portfolio changes could be misconstrued as an expression of confidence or lack of confidence in particular companies or industries. In all these cases the employes participating in the plan could be hurt instead of helped.

So I hope that it is evident that fast and easy demands for restrictive legislation and control of private pension plans may well not be in the public interest, that they can bring about a state of affairs less satisfactory to the pension plan participants than exists today, that they can interfere with employe and employer choices and accommodations on how the production pie is to be cut. For let the record show that there is just so much pie to be cut no matter how you slice it—and not just for employes, but also for consumers, suppliers, governments and investors. In the problem of private pension determinations—including public pensions—we must ever keep our eye on expanding the pie of production.

And let the record also show that private pension plans have come a long way toward meeting retirement security in America. U. S. Steel's plan, I believe for one, has been fairly and equitably administered, has flexibly met particular pension needs, has maintained the work-related principle of pension credits, has improved steadily over the years, has fully informed employes of their benefits, has kept promises made to employes, has been adequately funded, and has various vesting and early retirement provisions; also, its funding costs have been actuarially determined; its trustee has acted in a proper fiduciary capacity in all respects; and its fund is yearly audited and reported upon by independent public accountants. This is true of the U. S. Steel Fund; I am sure it is equally true of most other funds.

The private part of our dual retirement system has proved its worth, and we would be derelict in our duty if we did not protest against its being placed in a straitjacket of controls. Yet both private and public parts of the dual retirement system are being short-changed by that artful silent thief, inflation. Inflation robs those who can afford it least—low income groups, those living on fixed or relatively fixed incomes and, perhaps most pertinent to our discussion today, pensioners under private pension plans and Social Security. To be sure, private pension plans, unlike their public counterpart, may cope with inflation to some extent by investments in common stocks and real estate, which in their market values may hedge against inflation.

Now can it be that the same Government calling for Social Security escalation and tighter controls over private pension plans is the same Government whose inflationary policies are hurting both private and public pensions? I say, it can be, and is, public policies are contributing to demand-pull and cost-push inflation—inflation via nondefense expenditure acceleration and excessive expansion of the money supply, via wage-pushes far beyond productivity and tax increases further pyramiding costs.

Permit me to expand on the last point. For all the talk about the deflationary effects of the tax increase now under consideration, I wonder if sufficient consideration has been given to the inflationary potential of a tax increase. I cite three reasons for this potential. First, the increase may encourage the Parkinsonian spending tendencies of Government (recall Parkinson's Second Law: expenditures rise to meet income). Second, it may add to cost-push inflation as labor leaders seek to maintain take-home pay levels and as businesses seek to recoup tax costs. Third, it may have a negative impact on the anti-inflationary incentives to save and invest. In addition, let me suggest that present tax rates are already oppressive, that Congress and the Administration should redouble the effort to reduce or defer nondefense and unessential defense spending, and that a tax increase be authorized only if the remaining deficit is of unmanageable proportions and if the increase is uniformly distributed over all taxpayers, individual and corporate.

To sum up: Destructive public policy can snuff out private pension plans through overregulation and runaway Social Security; it can also erode private and public pensions by inflation. Constructive public policy will seek to avoid inflation and will recognize and safeguard the dual nature of our private and public retirement system. Thus I would hope that the role of Government would be limited to fostering a climate for the fulfillment of private pension promises made and not to specifying what those promises should be nor how they should be fulfilled.

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

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

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

RESTORING AND RETURNING TO THE UNITED STATES THE LAST SURVIVING AMERICAN SQUARE-RIGGED MERCHANT SHIP, THE "KAIULANI"

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 714, Senate Joint Resolution 101.

The ACTING PRESIDENT pro tempore. The joint resolution will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A joint resolution (S.J. Res. 101) amending title XI of the Merchant Marine Act, 1936, to authorize the Secretary of Commerce to guarantee certain loans made to the National Maritime Historical Society for the purpose of restoring and returning to the United States the last surviving American square-rigged merchant ship, the *Kaiulani*, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the joint resolution which had been reported from the Committee on Commerce, with an

amendment, strike out all after the enacting clause and insert:

That title XI of the Merchant Marine Act, 1936, is amended by adding at the end thereof the following new section:

"SEC. 1112. (a) Notwithstanding any other provision of law including sections 1101(f), 1104(a)(2), and 1104(a)(8) of this Act, the Secretary of Commerce is hereby authorized to insure all or any part of the principal of and interest on any mortgage made, within the three-year period beginning on the date of enactment of this section, by the National Maritime Historical Society of the District of Columbia for the purpose of restoring and returning to the United States the vessel, Kaiulani, the last surviving American-built, square-rigged merchant ship presented as a gift to the people of the United States from the people of the Philippines.

"(b) An insurance contract issued under this section shall be made only with respect to a mortgage which, in the opinion of the Secretary of Commerce, is economically sound and such contract and the related mortgage shall be subject to such reasonable terms and conditions as he may deem necessary to protect the interests of the United States.

"(c) The Secretary of Commerce is authorized to make commitments to insure a mortgage under this section.

"(d) The aggregate unpaid principal amount of any mortgage insured under this section shall not exceed $500,000.

"(e) The faith of the United States is solemnly pledged to the payment of interest on and the unpaid balance of the principal amount of each mortgage insured under this section.

"(f) Notwithstanding any other provision of law, the vessel Kaiulani shall be entitled to be registered or enrolled under the laws of the United States at any time, and shall be exempt from all United States customs duties and tonnage taxes, if any, upon her return to the United States.

"(g) Such of the provisions of this title as the Secretary of Commerce determines, shall apply to the insurance granted under this section."

The ACTING PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 101) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 73), explaining the purposes of the joint resolution.

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

PURPOSE OF THE RESOLUTION

The purpose of this resolution, as hereby reported, is to amend title XI of the Merchant Marine Act, 1936, to authorize the Secretary of Commerce, subject to such reasonable terms and conditions as he may deem necessary to protect the interests of the United States, to insure certain mortgages, not to exceed an aggregate unpaid principal amount of $500,000, made to the National Maritime Historical Society of the District of Columbia for the purpose of restoring and returning to the United States the vessel *Kaiulani*, the last surviving American-built, square-rigged merchant ship, which was presented as a gift to the people of the United States from the people of the Philippines; provided, that in the opinion of the Secretary of Commerce such mortgages are economically sound; to provide for the U.S. documentation of the vessel *Kaiulani;* and to exempt the vessel *Kaiulani* from the payment of any U.S. customs duties and tonnage taxes upon her return to the United States.

BACKGROUND OF THE LEGISLATION

The vessel *Kaiulani* is the last surviving American-built, square-rigged merchant ship. Maritime historians have estimated that during the course of American history, approximately 17,000 square-rigged merchant ships have been built in the United States. The *Kaiulani*, the only survivor, ended her working career as a log barge in the Philippines hauling Philippine mahogany logs from Mindanao to Manila under the flag of the Madrigal Shipping Co.

The Madrigal Shipping Co., Inc., of Manila, P.I., and the family of Don Vicente Madrigal recognized the *Kaiulani's* historical and sentimental importance to the United States, and in 1964 offered the vessel to then Philippine President Diosdado Macapagal to present to the people of the United States as a gift from the people of the Philippines.

On October 5, 1964, during the course of his state visit to the United States, President Macapagal presented the *Kaiulani* to the American people at a White House ceremony. In "returning the *Kaiulani* to her native land," President Macapagal expressed the hope that the *Kaiulani* would serve not just as a reminder of the proud traditions of America's maritime heritage, but as a "constant and unchanging symbol" of the "good will and friendship" between the Philippines and the United States.

The gift was evidenced by execution of a deed of absolute donation on September 18, 1964, by the Madrigal Shipping Co., Inc., and the family of Don Vicente Madrigal on behalf of the people of the Republic of the Philippines to the Maritime Historical Society of the District of Columbia (since January 25, 1965, known as the National Maritime Historical Society) for the benefit and enjoyment of the American people. The gift was consummated on November 18, 1964, by the execution of a deed of acceptance on behalf of the society.

In a statement dated November 13, 1964, President Johnson recognized that the society as trustee for the American people, had undertaken to restore the vessel, return it to the United States and convert it to a maritime museum in the Nation's Capital.

The vessel's Philippine registry was canceled on November 17, 1964, and the vessel is now moored at the ship repair facility of the Philippine Navy at Cavite City, Philippines.

The National Maritime Historical Society undertook a comprehensive and exhaustive campaign, both in the United States and the Philippines, to raise funds on a voluntary donation basis to restore the *Kaiulani*. The society raised about $100,000 and received excellent cooperation from the navies of the United States and the Philippines on towing, drydocking, and use of shipyard repair facilities. Material and tools were donated by many Philippine firms and individuals. The incumbent President of the Philippines, Ferdinand Marcos, has expressed his deep interest in the project and serves as honorary chairman of the National Maritime Historical Society.

Substantial progress was made in restoring the *Kaiulani's* steel hull, but unfortunately, the campaign to restore the *Kaiulani* by public donations has not been a complete success and funds which were collected have been exhausted. Prospects of additional public donations sufficient to complete the restoration are rated poor.

The *Kaiulani* fundraising campaign has received congressional recognition and support. On June 22, 1966, Senator E. L. Bartlett, chairman of the Merchant Marine and Fisheries Subcommittee of the Committee on Commerce, introduced Senate Resolution 275, expressing the sense of the Senate that the *Kaiulani* project deserves the full support of the American people, and particularly, the full support of the American merchant marine. A companion resolution was introduced in the House by Representative Edward Garmatz, chairman of the Committee on Merchant Marine and Fisheries.

Upon her return to the United States, the *Kaiulani* will be berthed on the Maine Avenue waterfront in Washington, D.C., and converted into a nonprofit maritime museum. The society has a resolution from the Board of Directors of the District of Columbia Redevelopment Land Agency stating everything possible will be done to facilitate the berthing of the *Kaiulani* on the Maine Avenue waterfront. Nominal admission fees will be charged to defray operating expenses. Based on the earnings of a similar square-rigged museum ship on the San Francisco waterfront, the *Balclutha*, it appears the *Kaiulani* can earn enough not only to defray her operating expenses but could earn enough to repay the costs of her own restoration and return to the United States.

The National Maritime Historical Society thoroughly explored the possibilities of commercial financing for the restoration of the *Kaiulani*. Commercial financing for American merchant vessels engaged in trade is normally only available when Federal ship mortgage insurance is available under title XI, Merchant Marine Act, 1936. Without such a Federal mortgage guarantee, commercial financing for the restoration of the *Kaiulani* was unavailable.

The members of the Committee on Commerce and other Senators recognized not only the historic importance of preserving the *Kaiulani* for the American people, but also the disappointment, or possibly even an affront, to the Philippines, and especially those Filipinos, including two Presidents, whose participation, along with that of President Johnson, have given the *Kaiulani* project the character of an expression of the good will and friendship between the two countries.

Thus, on August 4, 1967, Senators Bartlett, Muskie, and Fong introduced Senate Joint Resolution 101 to amend title XI, Merchant Marine Act, 1936, to authorize the Secretary of Commerce to insure such loans. Senators Magnuson, Hartke, and Cotton subsequently joined as cosponsors of the resolution.

HEARINGS

A hearing was held on September 28, 1967, on the resolution. J. M. Gulick, Acting Maritime Administrator, accompanied by John R. Tankard, Chief, Division of Mortgage and Marine Insurance of the Maritime Administration, appeared on behalf of the Secretary of Commerce. Mr. Gulick proposed several amendments of a technical nature to facilitate the granting of the insurance under title XI, and with the proposed amendments, recommended favorable consideration of the joint resolution.

Witnesses on behalf of the National Maritime Historical Society included: Alan D. Hutchison, president; Karl Kortum, director for the San Francisco Maritime Museum and a trustee of the society; and M. Belmont Ver Standig, a retired advertising and marketing executive and a trustee of the society. Mr. Hutchison told the history of the *Kaiulani* and the restoration project and outlined in great detail the steps taken to obtain donations. Mr. Kortum testified on the historic significance of the *Kaiulani* and described the economic aspects of the square-rigged museum ship *Balclutha*, operated by the San Francisco Maritime Museum, which strongly supported the economic feasibility of the *Kaiulani* project. Mr. Ver Standig devoted his testimony entirely to the economic aspects of the *Kaiulani* project to establish the feasibility of granting the title XI guarantee with every reasonable expectation that the principal and interest could be readily repaid.

The final witness, Hoyt S. Haddock, executive secretary of the AFL-CIO Maritime Committee, strongly supported the resolution.

SUBCOMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Subcommittee on Constitutional Amendments of the Committee on the Judiciary be permitted to meet during the session of the Senate today.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking and Currency be permitted to meet during the session of the Senate today.

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

REDISTRICTING

Mr. LAUSCHE. Mr. President, it is my understanding that this afternoon the bill dealing with the redistricting of areas in which Congressmen are candidates will be considered. The conferees have reported a bill with which I am in complete agreement. The bill that will come before us does not provide at present for permanent redistricting procedures. It seeks to establish a temporary measure to be effective until reliable population figures are available after the Federal decennial census in 1970. That means that the permanent redistricting bill will be sought to be made effective for the 1970 elections.

The courts have consistently held that the only reliable figures now in existence on which redistricting could be built are those contained in the 1960 Federal census. In other words, those figures are 7 years old. They are not reliable. The reliable figures will come into existence when the census of 1970 is completed.

I shall support the bill as it is recommended by the conferees because I believe it would be unwise to require the States now to go into the expense and the difficulties involved when the redistricting would have to be built upon the inaccurate figures of 1960. The 1960 figures are obsolete. The 1970 census figures will be reflective of the true status of the population. For that reason I believe it would be unwise and it would not justify the expenditures to presently establish the permanent redistricting formula. Congressman EMANUEL CELLER of New York has recommended the adoption of the conference report. He is certainly a liberal. I shall support the report of the conferees. I commend the Senator from Nebraska for his able presentation of the subject on the floor of the Senate several days ago.

DISTRICT OF COLUMBIA APPROPRIATIONS, 1968

The Senate resumed the consideration of the bill (H.R. 8569) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1968, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, on last evening, I made my opening statement in explanation of the bill making appropriations for the District of Columbia for the fiscal year 1968.

I have few further comments to make at this time other than to say again that it is a very good bill. It perhaps should be repeated that the committee was fully sympathetic to the needs of public schools in the District of Columbia, and its actions have reflected this sympathetic appreciation of those needs.

All of the teaching positions were allowed. The Senate allowed 415 new teaching positions, making a total of 777 under supervision and instruction.

The committee was sympathetic also to the need for additional capital outlay projects in the school system and allowed 26 out of the 28 capital outlay items requested.

The committee, fully cognizant of the increasingly difficult problems facing the police department in the District of Columbia, allowed every penny requested for the police department and made only those reductions which resulted from the delay in consideration and markup of the bill.

Parenthetically, let me say that that delay was caused by the unclear revenue picture. It was the consensus of opinion between the House and Senate Subcommittees on Appropriations for the District of Columbia that we should wait until the revenue bill was enacted and signed by the President before we on the Senate side proceeded to mark up the bill.

In considering the regular budget estimates for fiscal year 1968, the Appropriations Subcommittee has also considered the supplemental estimates, so that the bill before us includes both the regular and supplemental estimates.

I invite particular attention to the language in the committee report dealing with crime and court congestion in the District of Columbia.

In my judgment, the subcommittee has held the most fruitful, the most useful, the most enlightening, the most productive hearings on crime and court congestion in the District of Columbia ever held by the subcommittee.

Certainly, that is true with regard to the 7 years during which I have served as chairman of the subcommittee. I call attention, with pride, to the invaluable service of the committee staff, Paul Cotter, Harold Merrick, and Joseph McDonnell, and to the fine cooperation which was rendered in the course of the crime hearings particularly, and in general throughout the entire hearings, by the distinguished Senator from Nebraska [Mr. HRUSKA], who is the ranking minority member of the subcommittee.

Without that Senator's help, the hearings would not have been so productive as, I think, they were productive. Without his advice, guidance, cooperation, and support, I could not have performed my task as well as I think I was able to do it.

I invite the attention of the appropriate legislative committees, which have jurisdiction over legislation dealing with crime, to the excellent hearings in volume 3 of the printed volumes before us.

I feel that it would be very productive for the legislative committees to have their staffs carefully study the crime hearings in volume 3, and also consider very carefully the points—I believe they are seven in number—enumerated in the committee report dealing with crime and court congestion in the District of Columbia.

Mr. President, as I indicated last evening, the Federal payment as envisioned in the bill before us would amount to $68 million, which is $12 million over the House allowance, and $2 million under the authorization. The total appropriation in the bill is approximately $505 million.

I feel that when Senators take note of the fact that there are three volumes of hearings totaling 3,708 pages, and when they have carefully studied the committee report, they will agree, I believe, generally speaking, that this is a very good bill, one which is responsive to the growing and modern needs of the District of Columbia, and one which reflects painstaking, meticulous, thorough, and comprehensive effort and study on the part of the subcommittee.

Again, I wish to express my gratitude for the able support which has been given to me by the truly distinguished and able Senator from Nebraska. As I was thinking, the other night, on my way home, I thank God that there are men like ROMAN HRUSKA in the Senate of the United States. I am grateful for his participation in this combined effort which I think has resulted in an excellent bill.

Mr. HRUSKA. Mr. President, the generous remarks of the Senator from West Virginia are noted with gratitude. He is most generous. He is a most able chairman with whom to work.

The bill before the Senate today is the eighth product of the chairmanship of the Senator from West Virginia [Mr. BYRD] as chairman of the Subcommittee on the District of Columbia Appropriations.

Each one of his previous bills has been a work of art. Each has been the result of a great deal of detail and, in some instances, tedious proceedings. This one, I think, compares favorably with any of the rest of them. In my judgment, it has many marks of superiority to any of the previous bills.

The Senator from West Virginia [Mr. BYRD] has very vast knowledge and skill and know-how in this field, which has been achieved over the years. He applies this knowledge and this skill he has with great dedication and with a great deal of time devoted to the work.

Mr. President, my remarks will be brief. The bill provides for appropriations that are $41 million in excess of the amount the House appropriated for the District of Columbia.

There is an increase of $83 million over the amount appropriated for fiscal year 1967. These figures, of course, will be scanned by a great many people, and I should like to make brief reference to how these increases are accounted for.

First, the increase of $41 million over the House figure is readily explained. The bill before the Senate today includes

not only the regular budget requests but also the supplemental request of the District. The bill before the Senate today is based upon the enactment of a new loan authority and the new revenue measure applying to the District of Columbia. Neither of these acts was in existence when the other body acted upon this bill, and consequently, the House did not take them into consideration.

The $83 million increase for this fiscal year over 1967 is likewise readily and, I think, justifiably explained. It was gratifying to the Senator from Nebraska that the thrust of the increase was in education, police, and the courts.

An example of that is to be found in the fact that of the $83 million difference between this fiscal year and last year, $32 million goes into the actual construction of schoolbuildings, including $6 million for the new Federal City College. Allowances are also made for additional teachers, commensurate with the increase in staff of some of the present schools. That is gratifying to those of us who know what the situation has been.

Another item included in the proposed increase of $83 million is the $11 million reserve that has been placed in the bill as against the pay increase which is being contemplated and which will very likely be enacted soon.

When we take those gross figures into consideration, we can see that this budget is very much in line with the budgets of previous years, and yet it makes room for all those areas that are admittedly of high priority, such as the schools, the police system, the court system, the prosecuting system, and so on, of the District of Columbia. Therefore, I think the increase is well justified and should be approved without difficulty.

As to the rest of the bill and the line items in it, each of them has been processed with great care. The chairman and the staff are to be commended for that result. I add my commendations and my gratitude to the members of the staff: Mr. Merrick, professional staff member, and clerk of the subcommittee; Mr. McDonnell; Mr. Cotter; and, of course, Mr. Robert B. Clark—all of whom have been so helpful in this whole process.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. COOPER. May I say first that I believe the District of Columbia and the Senate are very fortunate in having as chairman and ranking Republican member of this subcommittee the Senator from West Virginia [Mr. BYRD] and the Senator from Nebraska [Mr. HRUSKA].

There have been many articles in the newspapers about the critical crime situation in the District of Columbia, and there have been other articles pointing out that it is not noticeably more critical than it is in many other cities.

I note that the Senator from West Virginia, a few moments ago, spoke of the work of the committee in respect of the courts, recommendations for the courts, to deal with the matter of congestion of cases. I note that the Senator from Nebraska also referred briefly to the work of the committee in this field.

For the record, could the Senator say something to the Senate of the problem, as the committee saw it, regarding crime in the District of Columbia and what the committee did with respect to the courts, police, and so forth, in trying to give greater protection to the people of the District of Columbia, and also any long-term, affirmative steps the committee took to resolve, hopefuly, this situation in the District of Columbia?

Mr. HRUSKA. I shall be happy to respond; however, the chairman of the subcommittee would be much more able to do so, and I hope he will supplement my remarks.

The detailed hearings had on the subject treating of crime in the District of Columbia have been very illuminating. I think reference in the report only characterizes the subject. Only a reading of the testimony in volume 3 will convince one of the very bad situation in the District of Columbia. It is characterized in the report language, at page 6, which reads, in part, as follows:

> The testimony was overwhelming that the Bail Reform Act and the Criminal Justice Act, as they are operating in concert in the District of Columbia, permit persons charged with serious crimes to remain on the street pending trial, regardless of their danger to the community, and contribute to a wide range of devices to delay the disposition of their criminal cases. This is considered to be a major factor in the rising crime rate and the overburdened court dockets. In the light of testimony received, it is recommended that the Congressional Judiciary Committees make an early reexamination, particularly of the relatively new Bail Reform Act, with a view to affording greater protection to the public from criminal recidivists.

Therein lies an explanation for the crowded state of the criminal docket. The docket not only has a heavy backlog, but is actually having added to it 40 cases a month. The subcommittee believes that has taken place under some of the practices that have grown up, and until those practices have been brought into line by legislation, the backlog will grow.

In the District of Columbia, there are more police per capita than there are in any other major city in the United States. The fact is that one of our big troubles here in the District of Columbia is the recruitment of policemen. I forget exactly how many positions are still vacant. The number had been less than it is now, I am informed by a member of the staff. There are 380 positions on the police force that are vacant now. That represents an increase from the figure obtained, when we had hearings 3 months ago, from the police department as a justification for the budget.

Mr. COOPER. To what does the Senator ascribe the difficulty in filling those positions?

Mr. HRUSKA. The recruitment of police officers is a difficult problem in all large cities, because the position of a law enforcement officer is not a very attractive one. It is often made more difficult by lack of support of law enforcement on the part of the public in general and the courts in particular. Those conditions make consideration of a policeman's life a very dim one in the mind of a young man who wants to go into some line of work. It is a difficult problem. The authorities are working for solutions to this grave problem.

Mr. COOPER. What about the adequacy of the courts, the number of judges?

Mr. HRUSKA. The number of judges is established by law, of course.

Mr. COOPER. Yes.

Mr. HRUSKA. A backlog exists. Perhaps the chairman of the subcommittee would like to elaborate on that. The courts seem to be very active in the consideration and disposition of cases, but the input always seems to be greater than the disposition.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. HRUSKA. I am happy to yield.

Mr. BYRD of West Virginia. I call the attention of the senior Senator from Kentucky to page 6 of the committee report (No. 729), paragraph 2, wherein it is stated:

> The U.S. district court has assigned 12 of its 14 regular judges to its criminal calendar in an effort to reduce the lapse of approximately 1 year between arrest and trial of persons charged with serious crimes. However, even with the substantial assistance of the senior district court judges in the trial of civil cases and motions, it cannot for long continue to assign such a large proportion of its judge power to criminal matters, unless it receives assistance from the judges of the U.S. Circuit Court of Appeals for the District of Columbia, the calendar of which is current, and from visiting judges from other judicial districts. The emergency would seem to demand the immediate and fullest cooperation of both the local U.S. court of appeals and the Federal judicial system until some longer range solution can be found. Adequate supporting personnel for this crash operation has been promised by the Department of Justice and the Administrative Office of the U.S. Courts.
>
> Further, it is imperative that the vacancy on the U.S. district court, which has existed since November 1966, be filled forthwith, and that appointments to fill existing vacancies on the U.S. court of appeals and the court of general sessions also be expedited.

I have read the committee report language, so as to call attention to the need for the prompt filling of existing vacancies in judgeships in the District of Columbia. The Senator from Kentucky [Mr. COOPER] has properly put his finger on an area of increasing concern, and I hope that action will be taken to comply with the committee's recommendations.

Mr. MANSFIELD. Mr. President, will the Senator yield?

The ACTING PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Montana?

Mr. HRUSKA. Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, I should like to ask some questions, if I may, of the distinguished chairman of the subcommittee, the manager of the bill now before us. My questions have to do with the item on page 5 of the report under the title "Transfer of Activities." It reads as follows:

> The committee directs that before any transfers of activities provided for in this act are effected, prior approval of the Appropriations Committees shall be obtained as heretofore the practice.

Is it the committee's intention, may I ask the distinguished chairman of the subcommittee, to invite the mayor to advise and consult with the Appropriations Committees of Congress as to major future transfers of activities within the District of Columbia government?

Mr. BYRD of West Virginia. Perhaps, in response to that question, I should briefly allude to the background practice which has prevailed heretofore.

In the past, if there were any unobligated balances, any consolidations or eliminations or transfers of funds, any reprograming of funds, the Commissioners consulted with, by letter, by telephone, and/or by personal contact, the chairmen of the Senate and House Appropriations Subcommittees, Mr. NATCHER and myself.

The practice has worked very well. Often, after an appropriation bill had passed, and perhaps months before the next appropriation bill was scheduled to be considered, some reprograming of funds was necessary, or some change in the overall picture, which was not apparent at the time the appropriations bill passed, became obvious; and so it was deemed necessary, on the part of the Commissioners and various agency heads, to make concomitant changes in the application of funds.

Such matters were brought to the attention of the two subcommittee chairmen, and were given careful, positive, and responsible consideration, and we either approved, disapproved, or offered certain suggestions, which usually met, I think, with the general approval of the District government operation.

I think the practice was good. As I say, it worked well. The Appropriations Committee was able to maintain control over expenditures in this way, and it is felt by the chairman of the subcommittee and the members of the subcommittee generally—and I am sure that the ranking minority member of the subcommittee supports me in this statement—that Congress ought to continue to maintain this oversight function over the fiscal affairs of the District.

When the reorganization bill came before Congress, as I understood it and as I understand it now, it was necessary to accept the reorganization plan in its entirety or to reject it in its entirety. Congress had a certain number of days in which to approve or reject the proposal; and so it was impossible to amend the proposal.

In that proposed reorganization plan was section 304, which reads in part as follows:

> With respect to personnel, property, records, and unexpended balances of appropriations, allocations and other funds, available or to be made available, relating to functions transferred by the provisions of this reorganization plan, the Commissioner may from time to time effect such transfers between the agencies of the Corporation (including transfers between the Commissioner and any other agency of the Corporation) as he may deem necessary in order to carry out the provisions of this reorganization plan.

Mr. President, this language, to a considerable degree at least, takes away from the Appropriations Committees the vital instrument of oversight function which we have heretofore had, and, as we view it, if something is not done by way of changing the law or by way of committee report language, the Commissioner would be under no obligation to come back to Congress after we have appropriated moneys; he would be under no constraints or compulsions, he could go ahead and transfer the funds, and the committees, therefore, would lose control over that particular appropriation.

So the language in the report is merely to require that the Commissioner come back to the Appropriations Committees, as has heretofore been the practice, and he will certainly receive the utmost cooperation and responsible attention to whatever requests he may deem necessary. This language merely leaves in our hands, as Members of Congress—and I feel that under the Constitution it should remain in our hands—the control of the purse strings, because that is the one great and effective instrumentality of oversight function which Congress still possesses.

I believe that if everyone concerned can realize that the Appropriations subcommittee chairmen will act responsibly, as they have in the past—always sympathetic to the needs of the District of Columbia and with an ear to the justifications that are presented in connection with those needs—it will be agreed that this is right and proper; and I believe, in truth, that the new Commissioner, Mr. Washington, is himself given some protection by this language.

This has been, perhaps, a long and desultory response to the question of the majority leader; but I thought we ought to have that background in the RECORD.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Yes, indeed.

Mr. HRUSKA. Mr. President, the language to which the Senator from Montana refers was the subject of a great deal of debate, informally among the members in the subcommittee and in the full committee.

First of all, we ought to realize that the language calls for a continuance of a practice that has heretofore existed.

The inclusion of this language was deemed necessary because in the reorganization bill pertaining to the District of Columbia, there this was absolute veto of power vested in the Commissioner-Mayor Washington.

It is not the desire of the chairman of the House or Senate committee, nor of the committees themselves, to have a veto power over any of the activities of the mayor in connection with reorganization or the function of the District government. It is not in the nature of veto power, because language in the report cannot supersede a statute.

We wanted, however, to indicate something in the report and something in our appropriation bills here to the effect that we are not surrendering or abdicating the power of the purse which Congress holds.

The practice that has been engaged in up to now is not being changed rather what we are doing is by way of a constructive effort to perhaps prevent a buildup of tremendous hostilities to some of the changes that might be engaged in. Some of the reprograming that might be achieved would cause a big buildup of hostility and resentment within the committees and Congress. This hostility could then result in legislation which would undo the effectiveness of the reorganization.

By reference to the reprograming request on the part of the Commissioners heretofore and the mayor hereafter, it is meant that suggestions are to be made such as: "You will run into trouble if you pursue this course. Would you consider modifying it in a given way which will still give you the net result that you desire? However, you should do it in a different way."

I do believe it will avoid a lot of trouble if this were done.

There was considerable sentiment to the effect that this language should not only be in the report, but also in the bill, which would be tantamount to an amendment of the Reorganization Act.

There are some who contend: "You say that you give us self-rule in the District, and then you take it away because you have Congress riding herd on us."

First, we have a responsibility here because: $68 million of Federal funds are paid out of Congress into the treasury of the District of Columbia. We expect to check into that to see that it is properly used. We of Congress owe that obligation to the taxpayers of America.

Second, it is difficult to conceive of self-rule as meaning absolute rule. There is no agency of Government, no official in the Government, which has absolute power. There is always some governing authority, some check and balance exercised by somebody else, and certainly on the score the office of mayor of this Capital City will be better managed and will proceed to a better result if there is proper guidance forthcoming there from the Congress.

So, it is on that basis that we did forego the consideration of putting this into the statute at this time. It was felt that a reminder in the report language that we would like to have this practice continue as it did in the past should be given a chance to work.

We hope that there will be a good faith response in that respect, and if there is such a response on the part of the committees of the two Houses of Congress, we will not have any trouble, and the achievement and result will be an advance in Government on a cooperative basis.

On the other hand, if the committees get obstreperous or if the other end of the avenue gets a little out of line, I venture to say that in the next session of Congress we will have a proposal to put this language in the statute and not merely have the language in the report.

Mr. MANSFIELD. Mr. President, I am happy that the language is not in the bill itself and is merely carried in the report.

I would assume, on the basis of the explanations given by the manager of the bill and by the ranking minority member of the subcommittee that the committee does not intend to stand in the way of reorganization and strengthening of the local government pursuant to the reorganization plan, but would, indeed, en-

courage such strengthening, maintaining at the same time a legislative oversight function which ties in with the passage of legislation and the appropriating of money, and that the committee does not intend to limit the rightful executive responsibility of Mayor Washington. Is that correct?

Mr. BYRD of West Virginia. Mr. President, I think the majority leader has stated precisely the position of the subcommittee intent which is back of this language.

Mr. HRUSKA. It certainly comports with my understanding of the discussions and thinking we had on the subject.

Mr. MANSFIELD. I would assume further that the committee and the Congress have an interest in being informed where major changes in organization or financing plans are contemplated. Such information will afford the committee an opportunity to give constructive suggestions to the mayor or to initiate helpful mutual exchanges of views. Would that be a correct statement?

Mr. HRUSKA. It certainly would be, and it is reflective of the remark I made a little while ago along that line. It is in accord with the discussion and thought had in the committee and the subcommittee.

Mr. BYRD of West Virginia. Mr. President, if I may supplement what the Senator from Nebraska has said, I would not want any misunderstanding to arise concerning the word "major." There may be some difference of opinion as to what constitutes major changes.

I do not want, by anything I say, to surrender any of the constitutional prerogatives or powers that are reposed in the Appropriations Committee or any constitutional duties that devolve upon it. So I would not want to bind the committees by any misinterpretation of the word "major."

In the past, however, the subcommittee chairmen have been taken into consideration and they have been kept informed of any reprograming, transfer of funds, reorganization, and so forth.

This is what we are asking. We want to be kept informed of everything. And if we, in our honest judgment, and acting in good faith, feel that whatever proposals are sent to us are for the benefit and upbuilding and improving of the District of Columbia, and constitute wise expenditures of funds we will have no objections. We Members of Congress are just as interested in upbuilding this city and we are just as proud of our Nation's Capital as is any newly appointed official in the District of Columbia or anyone at the other end of Pennsylvania Avenue or anyone who has ever served as an appointive official of the District government.

So I want to emphasize that I for one do not want to bind the Appropriations Committees by a colloquy which leaves only so-called major changes subject to congressional approval when there can be a wide variation of interpretations as to what constitutes major changes. I do not mean to be evasive, nor do I want to appear to be unyielding or difficult.

I want the Appropriations Subcommittees to be informed of all such transactions, as they have been in the past. And, as far as I am concerned, that is what the language means.

I hope that I have been properly responsive to the majority leader.

Mr. MANSFIELD. Mr. President, the chairman has been responsive.

May I say that the word "major" is subject to interpretation. It cannot be considered in its broad meaning, ipso facto. Perhaps it might be better to say changes of consequence. But anyway, the idea in general is understood.

Mr. HRUSKA. Not in this budget, but in future budgets, the mayor and Council will be aware of this when they make justifications of each of these line items.

Mr. MANSFIELD. Which has not been the case up to this time.

Mr. HRUSKA. The Commissioners have always appeared.

Mr. MANSFIELD. But I mean with respect to the mayor of the city.

Mr. HRUSKA. The Senator is correct. If they do appear before us and say: "This money is to be used on project X," and they then come along 20 or 30 days later and say: "Let us scrap that project and use that money for project F," how are we then to accord good faith to them in the future?

If they think it is wiser and better to use the money for one project than for another, and they wish to make a change, the least they can do is to inform us.

The chairman of the subcommittee has displayed to me a number of letters and communications from the Commissioners heretofore calling attention to the fact that they would like a reprograming or a change in this or that program.

I do not know that I would have approved many of them with as great facility as did Representative NATCHER and the Senator from West Virginia. But I accord them a superior knowledge in the field, and I have no objection to that. However, it has been my observation that the consent has been given with great liberality and also with great constructiveness.

Mr. BYRD of West Virginia. And will be in the future.

Mr. HRUSKA. And will be in the future because, again, it is an exercise of good faith.

Mr. MANSFIELD. I would assume, on the basis of what the senior members of the Appropriations Committee have just said, that the purpose is to carry out the intent of Congress in a reasonable and, if necessary, flexible manner if changes of value are brought to the attention of the committee. Of course, there has to be an oversight function, in my opinion, so far as all committees of Congress are concerned, if the intent of Congress is to be carried out and if the appropriations are, by and large, to be spent as stated by the Appropriations Committees.

So I would assume, on the basis of what has been said this morning, that the committee expects to have good relations with Mayor Washington and will be in a position to be helpful, through the maintenance of close communications on all sides.

Mr. BYRD of West Virginia. That is certainly my desire, and I believe that the majority leader has indicated and displayed a very deep concern, and rightly so, with regard to the committee report language. I believe that this discussion will have clarified, as well as it can be clarified, the intent of the committee and the position of the subcommittee chairman and the ranking minority member.

I certainly wish to thank the majority leader for his questions, and I trust that my answers and the answers of my colleague, the Senator from Nebraska, not only have been responsive but also have been helpful and enlightening.

Mr. MANSFIELD. They have been responsive and responsible.

Mr. HRUSKA. It is true that a great deal of responsibility will rest upon the Appropriations Committee in the House and in the Senate. It is also true that great responsibility for good faith will rest upon the mayor and the Council and the administration there. Under the Reorganization Act, they have absolute power to transfer wherever they wish. The effect of it, strictly applied, would be that Congress appropriates $505 million, and they may spend it in any of the activities of the District they choose.

So that there is a corresponding responsibility that there will not be capricious or arbitrary, or whimsical decisions which will not be in the interests of the District. So there is that countervailing responsibility, of which I am sure the administrators of the District of Columbia will be well aware; and if not, there will be some people who will remind them.

Mr. MANSFIELD. I have no doubt that Mayor Washington will take his job most seriously and most responsibly, and will be happy to work with the appropriate committees having to do with the affairs of the District; and this could be helpful on both sides and protective as well.

I thank both Senators.

Mr. PROXMIRE. Mr. President, I rise to speak on the same point that has been made so well by the distinguished majority leader; and I wish to go into some detail on this point because I believe it is of the greatest importance, and exactly what has been done should be clearly understood in the RECORD.

I believe there have been very substantial misinterpretations of what can be done in committee report language and what cannot be done, and it should be tied down.

The committee report language on page 5 reads:

> The committee directs that before any transfers of activities provided for in this Act are effected, prior approval of the Appropriations Committees shall be obtained as heretofore the practice.

I believe this is an important action by the committee, and it is controversial. It goes to the heart of President Johnson's message on the Reorganization Act that provided for a beginning of self-government in the District of Columbia. I shall quote briefly from that act, because the President put great emphasis on the capacity of the new Commissioner and his Council to be able to use some judgment and to make these changes.

The President said:

> The plan I submit today is more than a matter of routine reorganization. Its vital

purpose is to bring Twentieth Century government to the Capital of this Nation: to strengthen and modernize the government of the District of Columbia; to make it as efficient and effective as possible.

The machinery designed more than 90 years ago to govern a small community is now obsolete. The commission form of government—unorthodox when the Congress accepted it as a temporary measure in 1874—provides neither effective nor efficient government for the Nation's Capital. That form of government has long since been abandoned by the few cities which adopted it around the turn of the century. Today none of the Nation's 27 largest cities and only two of the country's 47 cities with populations exceeding 300,000 have a government of divided authority.

So the thrust of the President's Reorganization Act was that there should be changes, and substantial changes, and those changes should be effected by people who have responsibility and who were appointed by him.

The President continued:

The reorganization plan I propose would remedy these deficiencies in the present form of government. It would—

Unify executive and administrative authority.

Eliminate competing and sometimes conflicting assignments of responsibility—

That, as I understand, is exactly what the new mayor would try to do, and he should not be limited in trying to accomplish it—

Provide for the informed exercise of quasi-legislative functions through a Council which would be bipartisan and representative of the community.

Mr. President, I believe this is an important point, because we must recognize that the President did not only appoint one Commissioner; he appointed a quasi-legislative body which should be given some capacity to use its judgment and not be required to run up here on virtually every matter that it feels should be modified and changed, if it is going to have any power worthy of the name.

The President continued:

Permit the single Commissioner to organize the District government to provide effective day-to-day administration.

Mr. President, let me quote the key sections of this Reorganization Act. The following are the key sections:

SEC. 303. Establishment of other new offices. There are hereby established in the Corporation so many agencies and offices, with such names or titles, as the Commissioner shall from time to time determine. The said offices shall be filled by appointment by, or under the authority of, the Commissioner. Each officer so appointed shall perform the functions delegated or otherwise assigned to him in pursuance of this reorganization plan and shall receive compensation to be fixed in accordance with the classification laws as amended from time to time.

The next one is even more crucial:

SEC. 304. Transfer of personnel, property, records, and funds. With respect to personnel, property, records, and unexpended balances of appropriations, allocations and other funds, available or to be made available, relating to functions transferred by the provisions of this reorganization plan, the Commissioner may from time to time effect such transfers between the agencies of the Corporation (including transfers between the Commissioner and any other agency of the Corporation) as he may deem necessary in order to carry out the provisions of this reorganization plan.

The point is that this is the basic act. It has not been repealed. It is still on the books. This power to transfer is still vested in the Commissioner. The House acted on it. The Senate acted on it. The President signed the bill. It became law. We cannot repeal this. As the Senator from Nebraska said so well, we cannot veto it with language in a committee report—language which, of course, is not susceptible to any action by the Senate or the House, because we cannot amend the committee report.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. JAVITS. As a member of the Appropriations Committee, I should like to identify myself with the position now being taken by the Senator from Wisconsin and to express my agreement with his interpretation of the statutory effect of the reorganization plan as contrasted with the statement made in the report. Also, I wish to express my satisfaction that, as I understand—I was not in the Chamber at the time—the manager of the bill and the ranking minority member of the committee have now indicated that this represents the attitude of our committee, undoubtedly correct as to a majority of the committee; and that whatever implications that has in the life of Washington, it has, but it certainly has no statutory effect. The only statutorily effective mandate is the one just read by the Senator from the reorganization plan.

Mr. PROXMIRE. The Senator from New York is correct, and I believe this is a point that has to be understood and recognized by Mayor Washington, by the Council, and by Members of Congress.

The House Government Operations Committee in its report knew what it was doing. This was not done inadvertently. In reporting favorably the Reorganization Plan the House Government Operations Committee said:

We consider Sections 303 and 304 to be both proper and necessary if an effective reorganization is to be made.

"These sections provide the authority to the (Mayor) to establish offices and agencies within the municipal corporation and to transfer personnel and funds as necessary to carry out the reorganization plan." The Committee continued, "This authority is similar to that already granted most department and agency heads within the federal government.

I do not wholly agree with the House Government Operations Committee in that statement because I have checked the power that the various departments have, and with the exception of the Department of Defense, they do not have this kind of power. But this is not a common department.

This is a new, quasi-autonomous body. It is new; and with it a new department has been created, as this new Mayor and City Council have been created, Congress has provided this kind of power to reorganize. For example, the new Department of Transportation was given the kind of power which the House Government Operations Committee provided.

The House Government Operations Committee report continues and states as follows:

It is a necessary attendant of executive responsibility. The Congress expects the (mayor) to use his authority as an aid in the elimination of waste, of overlapping and duplicating structures and to bring much-needed efficiency to the day-to-day operation of the District Government.

As we know, the mayor appointed 21 urban experts. They are supposed to act as promptly as possible and submit proposals for reorganizing, and for the transfer of personnel, I suppose. That should not be limited by the notion that they are unable to act until we have an appropriation bill in the fall of 1968. They should be free to make recommendations, and the mayor should be free to put these recommendations into effect with considerable promptness.

Mr. President, I am so exercised about this matter because the language in the committee report provides that we should follow the previous practice. If we were to follow the previous practice it could be disastrous.

The language of the report of the Committee on Appropriations on District of Columbia Appropriations reads as follows:

The Committee directs that before any transfers of activities provided for in this Act are affected, prior approval of the Appropriation Committees shall be obtained as heretofore the practice.

In the most recent past the former District Government has had to seek the approval of the Senate and House Appropriation Committees for the following items: One, to change the designing of an incinerator for the District from the authorized 800-ton-per-day incinerator to a 1,500-ton-per-day incinerator.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. BYRD of West Virginia. What was the amount of money involved in the change?

Mr. PROXMIRE. There was, as I understand it, planning——

Mr. BYRD of West Virginia. How much money was involved?

Mr. PROXMIRE. About $25,000.

They have also had to seek approval to increase the impact funds for the folding partitions of Tubman School. A total of $5,000 was involved.

Mr. BYRD of West Virginia. Mr. President, will the Senator further yield?

Mr. PROXMIRE. I yield.

Mr. BYRD of West Virginia. Will the Senator also indicate whether that item was approved?

Mr. PROXMIRE. Yes. These items were approved. They came up. I wish to establish some legislative history on what approval means and who has to approve under the present law, as it now stands. In my judgment, approval does not lie in the Committee on Appropriations, and that should be made clear for the record.

The third matter for which they had to seek approval was the use of $600,000 for mobile schools in the District of Columbia. That was approved. A fourth in-

stance was that in order for the Board of Higher Education to receive $80,000 from the Board of Education to proceed with the Board of Higher Education's authorized efforts in establishing city colleges, the approval of both the House and the Senate District Committees had to be obtained.

What I am trying to establish is not that there should not be consultation, for there must be consultation. I am sure that the mayor would consult with the committee whether we have this language or not. The Senator from West Virginia [Mr. BYRD] who has done such a magnificent job for so long as a member of the Subcommittee on District of Columbia appropriations, will be making that decision, and Representative NATCHER will be making that decision in the other body in cooperation with the ranking minority member of the subcommittee, the distinguished Senator from Nebraska [Mr. HRUSKA] who also is very able in the field.

Under those circumstances, the mayor is not going to go hog wild and do something that would result in retribution when the matter comes up the following year. If he were to do that, he would suffer.

I wish to establish now, by colloquy with the chairman of the committee, what this language does mean. Before I ask my first question, I refer once again to the language in the committee report which provides:

> The committee directs that before any transfers of activities provided for in this act are effected, prior approval of the Appropriations Committees shall be obtained as heretofore the practice.

But on the other hand, in the law, section 304, it is provided that the transfer of personnel, records, and funds with respect to personnel shall be vested in the mayor.

I wish to ask the distinguished Senator from West Virginia the following question:

Under these circumstances, if the Commissioner, or mayor, wishes to shift funds from one category to another, what, if any, legal compulsion is there on him to secure the approval of Representative NATCHER, or the Senator from West Virginia [Mr. BYRD], or the Senator from Nebraska [Mr. HRUSKA], or the ranking minority member in the House? What legal compulsion is there?

Mr. BYRD of West Virginia. I beg the Senator's pardon. Would the Senator please repeat his question?

Mr. PROXMIRE. Certainly.

If the Commissioner, or mayor, wishes to shift funds from one category to another, what legal compulsion is there on him to secure the approval of Representative NATCHER or the Senator from West Virginia of the House and Senate Appropriations Committees, respectively?

Mr. BYRD of West Virginia. There is none.

Mr. PROXMIRE. I agree with the Senator wholeheartedly.

In the second place, in the event the mayor chooses to consult with the Appropriations Committees' subcommittee chairmen and does not secure their approval, what legal compulsion, if any, is there for him to abide by their desires and not transfer funds from one department to another?

Mr. BYRD of West Virginia. There is none.

Mr. PROXMIRE. On the assumption that the mayor does consult with the Appropriations Committees chairmen, and they specifically disapprove his request, what legal compulsion is there for the mayor to abide by their decision and not transfer funds from one department to another?

Mr. BYRD of West Virginia. There is none.

Mr. PROXMIRE. I am happy to get that response from the Senator from West Virginia. I expected to have that response.

I think it is important to recognize, as the Senator from Nebraska said—and, unfortunately, this has been obscured because of some discussion—that the basic law is the Reorganization Act, which gives the mayor the authority to transfer funds.

This language is an instruction from the Appropriations Committee which the mayor would be wise to recognize and he would be wise to consult on these transfers. But when he does so he has the legal authority and the right to accept or not to accept Appropriations Committee decisions. No longer is there a provision for approval or disapproval by the Appropriations Committee unless we decide to change the law in the future.

The mayor has the power to shift personnel or functions from department to department. He has been asked to consult with the appropriate members of the Appropriations Committees. He is free under the law to accept or reject the recommendations of the Appropriations subcommittees chairmen.

Mr. President, once again I apologize for having labored this point, I think it is important. I wish to put the matter in proper context.

This is an excellent Appropriations bill. It is as good a bill as I have seen for the District of Columbia, although I disagree with some of its policy implications. It provides everything the Board of Education asks for on behalf of the taxpayers, it provides for all the teachers requested and for almost all requested buildings and construction of schoolrooms, and it provides what is needed for the Police Department, the Fire Department, and the courts. The Senator from Nebraska and the Senator from West Virginia deserve a great deal of credit.

I feel certain the Senator from Nebraska would join me in saying that the work of Senator BYRD of West Virginia is unparalleled. I commend the Senator for a fine job.

Mr. BYRD of West Virginia. Mr. President, I wish to express appreciation to the Senator from Wisconsin for his able support, his efforts, and hard work in the subcommittee. I value that support. I appreciate the kind comments he has made on the floor of the Senate today.

While it is true that the committee report language is not legally binding, this does not mean that it can be lightly disregarded.

I think it should be pointed out that this budget is largely a line-by-line item budget, and the House and Senate subcommittees meticulously examine each item line by line. Such careful scrutiny would be for naught if, after the enactment of an appropriations bill, the officials of the new government were allowed complete authority to shift and change and transfer and reprogram those items at will.

We may as well give them the $505 million in the bill before us, with no strings attached, and say "spend it as you like." This would be a clear abdication of our congressional responsibility under the Constitution, and we do not intend to so abdicate our responsibilities. After all, as the Senator from Nebraska [Mr. HRUSKA] has pointed out, this is the Federal City, there is an appropriation of $68 million in Federal money in this bill, to say nothing of the $174 million in Federal grants which are estimated to be made to the District of Columbia in fiscal year 1968, and the Appropriation Committees have a clear and unquestioned responsibility to exercise a surveillance function over the expenditure of these moneys.

Mr. KENNEDY of New York. Mr. President, I rise to express my concern at a potentially damaging blow to the hope that the new District of Columbia government will be an effective force for change.

All of us are encouraged at the energy shown thus far by newly organized District government. Led by Walter Washington and Thomas Fletcher, and with the guidance of the newly appointed City Council, the reorganized government offers to the citizens of Washington the promise of a concerned and committed government—eager to be responsive to the wishes of those it serves, and dedicated to resolving the dilemmas which this city faces.

A major share of the promise of this new government is based upon its announced determination to accomplish whatever internal reorganization of the District Government is necessary to meet contemporary problems. This requires broad, flexible, executive authority to restructure the existing administration of District government.

Congress recognized this need when it approved the reorganization plan 3 months ago—it gave the mayor statutory authority to reshape the city administration, consolidating departments, and transferring personnel where their abilities and skills were most vitally needed.

This power—internal government reorganization, including the shifting of funds and personnel—was explicitly granted in section 303 and 304 of the reorganization plan. In approving this concept, the House Government Operations Committee noted:

> We consider [this authority] to be both proper and necessary if an effective reorganization is to be made. . . . This authority is similar to that already granted most department and agency heads within the Federal Government.

Yet this power is questioned by language in the report of the Senate Appropriations Committee. Page 5 of this report notes:

> The Committee directs that before any transfers of activities provided for in this

act are effected, prior approval of the Appropriations Committee shall be obtained as heretofore the practice.

In my judgment, this limitation—not offered as any part of the legislative process—shall not be taken to affect the power of the new government under the reorganization plan. The essence of reorganization is that the antiquated District government is to be swiftly and effectively remolded to the needs of this city. One committee of Congress cannot by report language undo what Congress did by law 3 months ago.

As a member of the Committee on the District, I find it significant that this limit was not part of the District of Columbia reorganization plan—nor was any effort made to specifically add this limit as part of the appropriation. Instead, the Appropriations Committee would undercut reform by a committee report on which the Senate itself has no opportunity to vote.

The report clearly has no legal effect, since it is inconsistent with statutory law. Nevertheless, we in Congress must also make clear that we shall support the new government of the District in exercising its statutory powers to give Washington an effective, modern city administration. That is why I speak today.

Mr. LAUSCHE. Mr. President, I contemplate voting for the recommendations made by the committee and set forth in the bill which is pending before us.

I wish to address certain questions to the Senator from West Virginia with the objective of learning what the total cost of the government of the District of Columbia will be, what part of that total cost is contributed by the U.S. Government, and what part of it is contributed through the collection of revenues in the District of Columbia.

Do I correctly understand that the Senate has recommended the appropriation of $504,960,100 for fiscal year 1968?

Mr. BYRD of West Virginia. The Senator is correct.

(At this point Mr. MONTOYA took the chair as Presiding Officer.)

Mr. LAUSCHE. In addition to the $504-million-plus, there is available to the District of Columbia the sum of $174 million granted to it by the United States?

Mr. BYRD of West Virginia. Yes.

Mr. LAUSCHE. Do I correctly understand that if we add the $505 million to the figure of $173 million, which will make $678 million, we will have achieved the figure which embraces the total cost of running the government of the District of Columbia?

Mr. BYRD of West Virginia. Well, there are, in addition to this figure, certain private contributions which are made into the District, such as the Agnes Meyer Fund, for example; but I think that the Senator from Ohio has, in referring to the Federal grants, and to the appropriations in the bill, pretty well summed up the total as being something like $678 million.

Mr. LAUSCHE. As I understand, the $505 million which Congress has appropriated involves 3 items; namely, one for $71 million, in round numbers, which the U.S. Government contributes to the general fund——

Mr. BYRD of West Virginia. No, no—of which $68 million is to the general fund.

Mr. LAUSCHE. $68 million to the general fund, yes. The balance goes to the water and sanitary sewerage funds making a total of $71 million.

Mr. BYRD of West Virginia. That is correct.

Mr. LAUSCHE. The authorization in the appropriation bill also authorizes the loan to the District of Columbia by the U.S. Government for certain purposes of the sum of $79 million.

Mr. BYRD of West Virginia. That is correct. This is at the going interest rate.

Mr. LAUSCHE. According to the figures contained in the report, the Federal Government puts up $71 million plus $173 million, which totals $244 million.

Mr. BYRD of West Virginia. That is correct.

Mr. LAUSCHE. So it would appear, then, that the District of Columbia expends of its own money the difference between the $244 million which the Federal Government turns over to it and the sum of $678 million which is the total amount of money which it spends outside of the special contributions which it gets, making a total expenditure by District of Columbia taxpayers of $434 million.

Mr. BYRD of West Virginia. Will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. BYRD of West Virginia. Yes. I might put it this way: Aside from the $173 million in grants which is not in this bill, approximately 83, 84, or 85 percent of the $505 million being appropriated here today is District money, money paid by the District of Columbia taxpayers.

Mr. LAUSCHE. A final question. We have already covered this, but the total cost of operating the District government in fiscal year 1968, exclusive of the moneys received through contributions, is $505 million plus $173 million, making a total of $678 million; is that not correct?

Mr. BYRD of West Virginia. I think that is a pretty fair statement.

Mr. LAUSCHE. Is that correct?

Mr. BYRD of West Virginia. There may be funds that were appropriated in a previous year which could not be spent in the same year, resulting in obligated balances coming over to the current year.

Mr. LAUSCHE. But the amount is at least $678 million?

Mr. BYRD of West Virginia. That is correct.

Mr. LAUSCHE. I thank the Senator.

Mr. JAVITS. Mr. President, there are some profound questions which arise from the bill. They may lead to my proposing amendments. I would not wish Senators to believe that this is a nice, simple appropriation bill that we are going to pass quietly and let it go at that. I say that for the benefit of Senators who may be thinking of doing other things today—not that I intend to take any inordinate length of time, but I do feel that these issues have to be raised.

First, I should like to raise what I consider to be the simpler of two issues, the provision of the bill which occurs on page 17, lines 10 and 11:

> Appropriations in this Act shall not be used for the assignment or transportation of students to public schools in the District of Columbia in order to overcome racial imbalance.

I invite the attention of the Senator from West Virginia, the manager of the bill, to the colloquy that occurred with respect to very much the same matter when the Senate was considering the appropriation for the Department of Health, Education, and Welfare. It occurs at page 21001 of the RECORD of August 2, 1967. At that time, I asked the Senator from West Virginia the meaning of roughly a similar clause in another bill, and he made an explanation. I merely desire to be certain that the legislative record is the same with respect to the pending bill. I quote from the Senator's statement:

> I do not object, of course, to the busing of students to relieve overcrowding in the public school system. I do object to deliberate, planned busing of public school students calculated to eliminate racial imbalance in public schools.

Would the Senator from West Virginia object to including that whole colloquy in the debate on the pending bill, so that the Senate may clearly understand that the fundamental point made is, as the Senator from West Virginia himself puts it, "deliberate, planned busing of public school students calculated to eliminate racial imbalance in public schools," and therefore would not apply to busing designed to eliminate overcrowding, which I understand is the problem in the District of Columbia schools, or perhaps to deal with other problems of school administration which are not "deliberate, planned busing of public school students calculated to eliminate racial imbalance in public schools"?

Mr. BYRD of West Virginia. I certainly do not object to the inclusion of the statement, which was with regard to language in the committee report on the Department of Health, Education, and Welfare fiscal year 1968 appropriation bill.

However, I feel that I am perfectly able, at this time, to make eminently clear my own position concerning what I think is the intent of the committee with regard to the language.

It is not my intention, it has not been, nor will it be, so far as I can see, to oppose the assignment or transportation of students attending public schools in the District of Columbia or anywhere else in the country for the bona fide purpose of relieving overcrowded school conditions. I do strenuously object to the assignment or the transportation of pupils who attend public schools in the District of Columbia or anywhere else when that purpose is to overcome so-called racial imbalance. The language here in this bill is, I think, very clear; and I am glad that the distinguished senior Senator from New York has raised the question, so that there can be no ambiguity as to the legislative intent. The intent is that there be no assignment or transportation of students in the public schools in the District of Columbia

to overcome racial imbalance. And, of course, the language directs its thrust to the appropriations in this act.

Mr. JAVITS. I hope the Senator will forgive me for again making the request. He and I came pretty well together—and I think it is very much in accord with the policy which he has in mind—on this categorism, which I quote:

> I do object to deliberate, planned busing of public school students calculated to eliminate racial imbalance in public schools.

May we adopt that—because it seems to be a very clear statement of policy—as the policy to be attached to the meaning of the words as they apply in this act?

Mr. BYRD of West Virginia. Almost, but not exactly. I used the words, which the Senator has just read in floor colloquy earlier this year during debate on the HEW appropriation bill. At that time, I used the word "eliminate," but I think more precisely the word should be "overcome."

Mr. JAVITS. I will accept that. So it would then read, for the purpose of this bill:

> I do object to deliberate, planned busing of public school students calculated to overcome racial imbalance in public schools.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. Let us have order in the Senate.

Mr. JAVITS. May I read it again, so we can agree upon what will be the language with reference to the bill:

> I do object to deliberate, planned busing of public school students calculated to overcome racial imbalance in public schools.

I substituted the word "overcome" for the word "eliminate."

Mr. BYRD of West Virginia. I do not want to be trapped by words I have used in floor colloquy heretofore. I do not know that either of the words, "calculated" or "deliberate," or the word "planned," could cause trouble in the future, but I point out to the Senate, and to the Senator from New York, most respectfully, that the words in the amendment, section 16, which appears on page 17 of the bill before us, were taken from the 1964 Civil Rights Act.

Title IV of the Civil Rights Act of 1964, Public Law 88–352, section 401, paragraph (b), reads as follows:

> "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

And so, in drafting this language in the bill under present consideration, I merely sought to pull out of an existing statute language which I think should be complied with in the District of Columbia. Now, I added the words "or transportation" because I am not absolutely sure that "assignment" in itself carries the connotation of transportation. I think it does, but I added the words "or transportation" simply because the issue had arisen in recent days involving transportation of students in the District of Columbia.

The issue, as I understand it, is not whether students may be transported to relieve overcrowding—I have no objection to that—but whether or not they may be transported to schools outside their neighborhoods for the purpose of overcoming racial imbalance.

In my judgment, that is in clear violation of the 1964 act. I did not vote for that act. There are some parts of it I could have voted for. Some parts I could not support. But it is the law, and I have never advocated violating a Federal statute. The statute should be complied with. And so I feel that this language in the bill before us merely comports with the language and the intent of the paragraph which I have just read from title IV, "Desegregation of Public Education," as it was written in Public Law 88–352.

I hope that I have been responsive to the Senator's question.

Mr. JAVITS. Well, I would say to the Senator that the words "in order to overcome racial imbalance" mean that the basic purpose of busing must be in order to overcome racial imbalance; but if the the basic purpose of busing is for some other reason, such as overcrowding, and the incidental fallout of that busing may result in overcoming racial imbalance, that would not violate the law.

The only reason I ask this question of the Senator—he knows my strong feeling in this and I know his relative to agreeing to a policy—is that we can agree to what the language means. That is very important to the administrative officials. I would not have questioned the Senator at all; I would have taken my chances with the Corporation Counsel of the District of Columbia had we not come to some meeting of the minds relative to a previous situation in a measure which had exactly the same language. But I am willing to leave the colloquy where it is. I do not think either one of us can change the law by colloquy. I have stated my willingness to accept as a proper interpretation of the language—and I speak as a lawyer as well as a Senator—the construction put on it by myself and the Senator from West Virginia on another occasion. That is the only thing I wanted to clarify. I am satisfied that it has been. I am willing to rest the matter at this point.

Mr. BYRD of West Virginia. Mr. President, I am not tying the legislative intent in the statute which is before us to any previous colloquy on the floor. I was addressing myself at that point several months ago to language in a committee report on the HEW appropriation bill. Today I am addressing myself to language in a bill making appropriations for the District of Columbia.

My feelings at that time were the same as they are now. The only question I raise as to the colloquy that day is that I do not think it was pertinent, in the first place, to the matter now before us, and in the second place I did not respond, in that instance, after having given as much considered judgment as I have given to the amendment that is in the bill before us.

If the school officials can justify the transfer of students to overcome bona fide overcrowded conditions in the schools, I have absolutely no objection to the relief of such over crowding.

Mr. JAVITS. I thank the Senator very much for his cooperation, as always, in engaging in colloquy of this character.

Mr. BYRD of West Virginia. But, if I may continue, any request for moneys of this subcommittee for transporting students in the public school system of the District of Columbia will have to be justified on that basis; and I shall go into the request very thoroughly, so that I am perfectly satisfied, in my own mind, that the justification is on that basis and that basis alone, that overcrowded conditions do exist, and that those overcrowded conditions cannot be relieved except in the way recommended by the public school officials.

I simply want to make sure that there is not any devious action under the pretext of relieving overcrowding. I am not attempting to say that anyone would act in a devious manner; but the subcommittee will have to be satisfied that that is the sole purpose of transporting the students. We will go into it thoroughly.

I wish to call to the attention of Senators that students in the District of Columbia are presently being transported from east of Rock Creek Park to west of Rock Creek Park. I believe, 1,300 elementary school students are being transported from east of Rock Creek Park to west of Rock Creek Park; and, additionally, some 400 students from secondary schools east of Rock Creek Park have been offered bus tickets, if they wish to transfer to underpopulated schools west of Rock Creek Park.

I call attention to the fact that there exist, east of Rock Creek Park, several hundred spaces in underpopulated secondary schools, to which those same secondary students in overcrowded schools east of the park could go, and which they could fill without any cost to the Board of Education.

So I ask the question, why should students in the secondary schools east of Rock Creek Park be given bus tickets to attend schools west of the park, at a cost to the public school system of the District of Columbia, when those same students can go to underpopulated schools east of the park without any cost to the Board of Education?

That, in my judgment, is not a transfer of students solely for the purpose of relieving overcrowding in the schools. The plain purpose of that transfer is to overcome so-called racial imbalance, and to bring about a higher degree of racial mix in the schools of the District of Columbia.

Almost 93 percent of the school population in the District of Columbia is Negro. I think we are kidding ourselves if we think that we can appropriate enough money to bring about an even blend, or an even mix across the board, of the remaining 7 percent of the school population which is white. I maintain that the attempted forcing of white students into schools out of their neighborhoods, and the attempted forcing of Negro students into schools out of their neighborhoods, will not work, will be inordinately expensive, and will provide an impetus to the exodus of white students from the District of Columbia. What will be done to bring about the integration of schools in the District of

Columbia when there are no white students left in the District of Columbia?

The busing is being done, Mr. President, at a cost of $200 per student. The cost of transporting these students from east of the park to west of the park is approximately $400,000 a year—$200 per student, with approximately 2,000 students being transferred or provided bus tickets.

I feel that this is a waste of money, a waste of time, and a waste of energy. I do not believe that Negro parents in the District of Columbia—the majority of them, at least—are interested so much in forced integration as they are in the education of their children. Furthermore, I do not think that the average Negro parent relishes the idea of his child being used as a guinea pig in an experiment in folly, by having that child transported all the way across town, arriving late at class, arriving late back home, en route perhaps 30 minutes, 1 hour, or one hour and a half, depending upon the traffic and the weather, and being confronted with the hazards of snow and ice, when that child can be put into a vacant space on the east side of the park, in his own neighborhood and nearer home.

Congress may not, in the past, have lived up to its responsibility of providing adequate school facilities in the District of Columbia. But I do not believe that the program of forced transportation and forced integration is likely to relieve that problem. I think it is up to us to provide adequate facilities for the children in the District of Columbia, Negro and white; and whatever integration results, in the normal course of things, is perfectly all right.

If Negro children wish to go to school with white children, and vice versa, and their parents want it that way, I have no objection. But I am against forced segregation and against forced integration; and I am certainly against the wasteful and inexcusable expenditure of the taxpayers' money in such an activity which cannot and will not result in better education of or benefit to the children.

I hesitate to believe that the average Negro parent is as much concerned with whether his child has rubbed elbows with some white student on a football team as he—the parent—is with the proper education of his child in the fields of reading and writing and mathematics and science and arts and music, and so forth. Those are the things that will really count toward that child's benefit in the years to come when he goes out into the school of hard knocks and has to compete with other people in the labor and professional market.

This subcommittee, of course, has no control over Federal moneys, but we are going to maintain a close scrutiny over the expenditure of moneys requested in the bills that come through this subcommittee. It will not be my purpose to obstruct or to impede or to resist any bona fide effort to relieve overcrowding.

I want to see overcrowding relieved, and I have been fully cognizant in the past of busing that was being carried on in the District of Columbia for the purpose of relieving overcrowding.

Dr. Hansen, upon numerous occasions when he came before my subcommittee, was asked the question as to whether there was any money contained in the bill for busing and whether there was any busing going on and, if so, for what purposes.

Dr. Hansen repeatedly stated that such busing as was being carried on was for the sole purpose of relieving overcrowding in the schools and that when that overcrowding was relieved and the need for busing no longer existed, there would be no further busing.

I have no objection to that, and will not have in the future. But I will object to any busing to overcome racial imbalance in the public schools of the District of Columbia if it is on that pretext or if it is done on any other pretext, but with that purpose in mind.

Mr. President, I hope I have not detained the Senate too long, but I thought it necessary to state what I have said.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Mr. President, do I still have the floor?

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. JAVITS. Mr. President, I have heard the Senator from West Virginia with the greatest of interest, and I am happy to hear his point of view, which I respect. But it starts from a premise which is not mine.

I am against forced segregation in public schools under any pretext, and it is the national policy today to be against the forced segregation of any school. And it may well be—and I say this with the greatest of respect and friendship which the Senator knows I have for him—that what I might consider to be a legitimate use of force for the purpose of overcoming overcrowdng would appear to the Senator from West Virginia a contrivance.

So, very fortunately I think, the authorities ought to have this in mind as well as the strong statement of the Senator from West Virginia on the subject. There are six members of the subcommittee, of which I am one, and there are 26 members of the whole committee, of which I have the honor to be one. And we will just have to judge it that way. That is exactly right and fair. And I do not think the authorities ought to have any impression that one of our most distinguished, valued, and important members represents the point of view of the whole committee or of the whole Senate.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. JAVITS. I will yield in a minute. All I was trying to do was to put in focus the meaning of these words.

The Senator from West Virginia has made a great study of the Government of the District of Columbia. I would not dream of trying to rival him in that field.

I think it is wonderful that our Members do make specialties of particular things, as the Senator from West Virginia has done in this respect, but I do think that the authorities who administer the Federal Government sometimes get a somewhat exaggerated view as to how absolutely decisive may be the views of a single Member. That is all I am addressing myself to.

I am happy to yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I merely stated my views, as is the right of every other Senator on the committee, on the subcommittee, and in the Senate.

I think what the authorities do have to consider is the language in the pending bill. And it would appear to me that there should be no difficulty whatsoever in understanding and interpreting the intent of the legislative body from reading this language. So, as far as I am concerned, let the language of the bill on its face speak for itself. And also let it be remembered that the use of Federal resources to assign students in the public schools to overcome racial imbalance clearly flies in the face of the legislative intent back of the 1964 Civil Rights Act.

Mr. President, I ask unanimous consent to insert excerpts from the floor colloquy as it appeared in the CONGRESSIONAL RECORD of June 4, 1964, during the debate on the 1964 Civil Rights Act.

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

Mr. BYRD of West Virginia. Can the Senator from Minnesota assure the Senator from West Virginia that under title VI schoolchildren may not be bussed from one end of the community to another end of the community at the taxpayers' expense to relieve so-called racial imbalance in the schools?

Mr. HUMPHREY. I do.

Mr. BYRD of West Virginia. Will the Senator from Minnesota cite the language in title VI which would give the Senator from West Virginia such assurance?

Mr. HUMPHREY. That language is to be found in another title of the bill, in addition to the assurances to be gained from a careful reading of title VI itself.

Mr. BYRD of West Virginia. In title IV?

Mr. HUMPHREY. In title IV of the bill.

Mr. BYRD of West Virginia. But would the Senator from Minnesota also indicate whether the words (in title IV) would preclude the Office of Education, under section 602, of title VI, from establishing a requirement that school boards and school districts shall take action to relieve racial imbalance wherever it may be deemed to exist?

Mr. HUMPHREY. Yes. I do not believe in duplicity. I believe that if we include the language in title IV, it must apply throughout the act.

Mr. BYRD of West Virginia. So, Mr. President, the legislative intent, as expressed by the then U.S. Senator HUBERT H. HUMPHREY, floor manager of the 1964 Civil Rights Act, was clearly against assignment of students in public schools to overcome racial imbalance. I stand for compliance with the legislative statute.

Additionally, Mr. President, the U.S. Supreme Court has never ruled against racial imbalance in the schools as long as that imbalance is not the result of State action of a discriminatory nature. It has only ruled against State-enforced segregation.

I ask unanimous consent to insert in the RECORD at this point the communications I have received from District of Columbia residents referring to my statement in last week's hearings expressing opposition to busing for the purpose of overcoming racial imbalance in the District of Columbia public schools.

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

NOVEMBER 2, 1967.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: I would like to applaud your decision to withhold federal funds fated to be used for school bussing as a result of Judge Wright's ruling.

Respectfully yours,

W. N. R.

NOVEMBER 3, 1967.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: I wish to congratulate you on your stand with regard to the busing of school children across the District simply to more effectively achieve integration.

It is high time someone with sufficient weight to have his views felt spoke out against this stupidity, the decision of Judge Wright to the contrary notwithstanding. Be assured you have the support of a great number of people who feel as you do.

Sincerely yours,

E. M. P.

WASHINGTON, D.C.,
November 3, 1967.

Hon. ROBERT C. BYRD,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR BYRD: Congratulations on your firm stand against the spending of tax money to bus school children here in the District.

I am personally familiar with the damage that has resulted from Judge Wright's unfortunate decision.

As an example, the Amidon School which was once a model of integrated quality education is now in a shambles—it is now not much more than a slum all-Negro school, with a rapidly sinking quality of education.

Most middle class Negro families and most whites have placed their children in private schools, or have fled from the southwest, as a result of the tinkering that has taken place with our schools.

Keep up your good work in countering the deleterious effects of Judge Wright's terrible decision. On a positive note, we need to return to the concept of the neighborhood school, and concentrate on making that school a good one.

Faithfully,

D. E. D.

WASHINGTON, D.C.,
November 3, 1967.

Senator ROBERT C. BYRD,
Senate Office Building,
Washington, D.C.

DEAR SIR: Thank God that somebody is with us. Let us bus Judge J. S. Wright from his segregated area of Westmoreland Hills, Maryland to the Adams Morgan Area which he seems to favor.

Respectfully yours,

T. W. S.

WASHINGTON, D.C.,
November 3, 1967.

Hon. ROBERT C. BYRD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR BYRD: Congratulations on your courageous and intelligent stand on the subject. What earthly motive, other than to waste taxpayers money and harass and waste our children's time, can be accomplished in a mass movement of children around the District. With a school population of over 90% Negro there are not enough White children to go around. Messrs. Wright and Hobson, I am informed, send their children to private schools so of course their ox is not being gored in what they so hypocritically endorse. In fact, both have caused irreparable harm to all District children, Black and White. The tragedy of our time is that we give so much news space to these publicity hungry men who are sacrificing our children's best interests and future on the altar of their egos. It is long past the time for both Congress and the voter to wake up to the fact that our liberal approach to the problems of our nation have created a climate in which the very future of our nation is now imperiled.

I write as a former liberal Democrat, I regret to say I was one of the original members of the A.D.A., who believes in the public school system but who violently opposes the utterly devious, dishonest and dastardly manner in which we as a nation have approached this problem. It is time we returned to the basic moral and ethical philosophy of our forebears.

Keep up the fight—you are on the side of justice and humanity.

Sincerely,

J. K. E.

NOVEMBER 3, 1967.

Senator BYRD.

DEAR SIR: In reading the paper my husband and myself are for you all the way in this busing of children for integration only. For over crowding is fine.

With the social security payments going up and maybe taxes we just can't afford it. It isn't necessary to spend more money for busing just to spend money. My husband makes less than $9000.00 a year and all of these things are making it hard on us as he is getting near retirement age.

We hope you stand firm and we are behind you.

Yours truly

Mr. and Mrs. W. R. M.

WASHINGTON, D.C.
November 3, 1967.

DEAR SENATOR: I wish to thank you for your courage to express your opinion against the ridiculous spending of thousands of dollars to bus children crosstown. That despicable Shelly Wright should pay for it as you said. Since the godless U.S. Supreme Ct. with their rulings, we now have nothing but riots, civil disobedience—no respect for law and only the criminals, murderers, etc. have all the rights and we elderly, such as I, decent law abiding tax paying citizens get robbed, beaten, etc., and our police get murdered. Only police brutality is heard. I strongly urge a law for gun control also.

Am against Foreign Aid also. All we get is hate in return. Also against this ridiculous poverty program of billions that Shriver wastes. We elderly who don't riot get no subsidized rents and as I'm in my 83rd year cannot afford a Rest Home but I have pride and manage on a very limited income and never on relief.

Miss R.

WASHINGTON, D.C.,
November 3, 1967.

MY DEAR SENATOR BYRD: I was delighted to read in the Star last night and the Post this morning your decision to bar use of tax money to force integration by busing.

But, we are not getting at the real root of the problem. The cuckoo is famous for laying its eggs in the nests of other birds to escape the responsibility of rearing them. Countless negroes in the U.S. are laying their illegitimate babies on your doorstep to raise by means of welfare, just like the cuckoo bird. Until a means is found to stop this annual influx of hungry black mouths into our midst we will have more riots and burning and destruction.

Yours is a start in the right direction but only a start. I'm proud that we have men like you who refuse to let one biased judge upset the standards of the whole U.S. by his stupid ruling. I wish you'd run for president so I could vote for you.

Sincerely,

A. E. S.

WASHINGTON, D.C.,
November 3, 1967.

Senator ROBERT C. BYRD,
Old Senate Office Building,
Washington, D.C.:

As resident and taxpayers of the District of Columbia we commend you for your firm stand on the busing of school children from one area to another.

Mr. and Mrs. E. W. M.

NOVEMBER 3, 1967.

Senator ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: Thank you so much for your opinion and stand against this farce of busing between schools to increase pupil integration. You have our support in this matter and we are writing our state congressmen to let them also know our views. I think the matter of welfare with so many jobs available plus the A.D.C. program primarily for illegitimate children should be investigated and measures taken. I also think the factor of "free speech" is being taken too literally and denial made of any so called "peace marches."

God bless you and help you.

Mr. and Mrs. R. C.

WASHINGTON, D.C.,
November 6, 1967.

Hon. ROBERT C. BYRD,
Senate Office Building,
Washington, D.C.

DEAR MR. SENATOR: I was pleased to read in the Washington papers of the actions taken by your office to prevent the wasting of funds incurred by the busing of school children.

It is hard to understand a person of Judge Wright's education and background when he diverts public funds from so many needfull causes. He must not realize that people still have the right to move. The Capitol Beltway will soon be our main street.

Enclosed is an article on busing from the Washington Post.

Thank you for your many efforts on behalf of our city.

Sincerely yours,

E. R.

NOVEMBER 3, 1967.

Senator ROBERT C. BYRD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR BYRD: We wish to congratulate you for your courage and for the great service to your country because of your efforts to block the misuse of tax payers' money in "busing" children to achieve a so-called racial mix. Someone must, by one means or another, over turn that Skelly Wright decision, which is another clear violation of our Constitution.

As you know, there is much more to this than just the absurb "liberal" ideology to mix the races. It is another gross usurpation of the power of the peoples Representatives by Federally appointed judiciary.

It is by such illegal and unconstitutional means that socialist infiltrators are able to defy the clear wishes of the majority of our citizens, forcing on American their ideological policies, which can only result in the destruction of our Republic. A good and recent example of this was the manipulation that resulted in de facto "home rule" for the District, which was overwhelmingly opposed by most Members of Congress and their constituencies. The liberal Washington Press even calls that presidential appointee "Mayor" Walter Washington!

Sir if you will stick by your guns and actually succeed in preventing use of school funds for this absured "busing," you will have an issue which will not only make headlines across the Nation, but will be a real turning point wherein the Congress starts to reassert its authority under the Constitution. It takes a brave Senator and an especially brave Congressman to defy the "arm twisting" and virtual blackmail that the Executive Branch habitually applies to force compliance often against the interest of the Nation and against the conscience of the Representative. Good luck, sir.

Respectfully yours,

T. H. S.

WASHINGTON, D.C.,
November 3, 1967.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR BYRD: My purpose in writing this letter is to commend your eminent good sense and statesmanlike conduct as displayed yesterday when you forbade the indefensible use of tax monies for the fruitless busing of children from their neighborhood schools. In these trying times when belt-tightening is all too appropriate, it is encouraging to have a man on the District Committee who is capable of separating wheat from chaff.

Please be assured that I have no animus against the improvement of D.C. educational facilities and programs. However, as an owner of real estate in the District of Columbia who has just had his residential taxes increased by $13.00 per month, I am delighted that my additional taxes will be used for essential purposes only.

I regret that the local press chooses to distort your motives and I apologize for their lack of perspective. Yours, is a thankless task. However, I feel that you should know that there are those of us who deeply appreciate your efforts. In time, I feel sure that there will be yet another addition to "Profiles on Courage."

Sincerely yours,

R. E. L.

WASHINGTON, D.C.,
November 6, 1967.

Hon. ROBERT C. BYRD,
U.S. Senate, Washington, D.C.

DEAR SIR: Your stand against busing school children has my full support. According to this morning's Post forced integration has little if any effect in raising the achievement scores for children in the lower IQ brackets. Those with higher IQ's don't need the busing.

White children are afraid to go to Negro schools. The black children beat them up because that's one sure way they can excel. Furthermore some white children omit lunch because they can't stand the odor.

Black children in a mixed class monopolize the teachers' attention.

Did you know Negro children may attend practically any school they wish but white children in D.C. may not? If you have any doubt of this, call the principal at Wilson High School. White children pay their own transportation costs but even then they do not have the same privileges in choosing a school as a black child has.

The Negroes object to racial imbalance in the school so I suggest that no more than 50% of the enrollment in any school in a white neighborhood be black.

I further suggest that all busing be outlawed and that the money saved be used to improve the teaching all over the city.

The only thing that matters in education is the quality of the teaching. I taught children of foreign born who lived in small log houses, who had very little money, and who spoke a foreign language at home and everywhere but at school. Those children walked miles to and from school through deep snow in −40 degree Northern Minnesota weather. Their fathers worked in gravel pits or logging camps in bitter weather below zero.

The schools were frame buildings with some kind of metal on the walls. A huge wood stove was our "central" heating and the plumbing was outside. I carried a pail of water to school every day. I taught eight grades in one room. The beginners did not speak English. In four months they not only spoke it but they could read it as well. The children in the upper grades are now teachers, engineers, business men, etc.

Not one of those families ever was on welfare; they exerted themselves and succeeded through effort.

I sincerely hope you stick to your guns. I am a Minnesota voter but my income tax money is going for busing. I don't approve of it but I wasn't asked.

All it is is an expensive experiment that is failing. Judge Wright is only one man, and I don't think he should have so much power. I hope you are successful in curbing him and Hobson so some white people can stay in the District.

In any case, there's enough traffic without crowding the streets with huge buses to satisfy black egos.

Have you ever read the story "The Man Who Would Be King?" Some day the Negroes with their constant demands will want to be God and they will find themselves back where they started from.

I'm glad you have courage.

Very truly,

E. P.

NOVEMBER 3, 1967.

Hon. ROBERT C. BYRD,
Senate Office Building,
Washington, D.C.

DEAR SIR: Although not a constituent of yours, I would like to commend you on your very sensible opinion concerning busing of students. As an experiment in Harlem has shown, what the poor need is better schools, not just integrated ones.

In this age of racial blackmail, it is good to see one man stand firm with a no-nonsense attitude.

If you ever decide to move to Virginia, I will pound pavement for you any day of the week.

Good show, sir!

S. T.

Senator ROBERT BYRD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I wholeheartedly approve your "bussing" position with regard to D.C.—or any—school.

Sincerely,

E. M. C.

NOVEMBER 5, 1967.

Hon. ROBERT BYRD,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR BYRD: I enclose a clipping from last night's "Star," which shows to one and all, the fruits of coddling the Negro lawbreakers, and not punishing them for their criminal acts over the past several years.

Now they are completely out of hand! When, as described in the enclosure, Negro youths will attack D.C. firemen at work in their line of duty and even try to get hooks and axes off of the fire truck to continue the assault on them, then the time is long-overdue for a crackdown. Not only firemen, but policemen are considered fair game and yet no voice on high seems to be particularly concerned about it.

The writer cannot understand why the city should be interested in pouring more money into projects for a race which has proven it has no gratitude.

Your recent statements about not making money available for the bussing of Negro children into white NW schools brought a cheer from many white parents of my acquaintance. The white citizen and parent appears to have no "civil rights", nowadays.

I am glad you took the stand you did, for I fear that Judge Wright's ruling is just a "first step." It would not be surprising if a little later he should decide that white children should be bused into Negro center-city schools, or that suburban children should be bused into Washington, or vice-versa.

The fixed determination of Judge Wright to effect integration of the races at any cost, should be brought up short, now. The chief sufferers in all this are the children. There are many angles to this, including considerations of health and cleanliness and the very basic right of a child to go to his neighborhood school.

Please continue to speak out for the children—there are so few, nowadays, who think of their wellbeing.

Gratefully yours,

M. E. G.

Senator ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: I have intended writing you on several occasions to commend you for your stand on matters pertaining to the District of Columbia.

You seem to be about the only Member of Congress who has any concern for the taxpayer in the District. I think you are completely right on the question of bussing school children across the city. I could write a long list of grievances which have come upon the taxpaying citizens of Washington, but you are well aware of what goes on. The Nation's Capital has been turned into a shambles.

Now that Congress has passed laws or regulations to provide protection for themselves on Capitol Hill, maybe they could do something to protect the women of Washington who are afraid to go out in their own backyards for fear of being attacked. This has occurred a dozen times in the Chevy Chase, D.C. area and the criminal is still at large.

Please continue in your efforts to protect the people of this community. This city was intended to be a Federal City and this so-called Commission and Council are not the answer, especially when the quality of the membership is considered.

Sincerely yours,

(Miss) A. E. P.

P.S.: Please don't bother to answer this, as I know you must receive so many letters.

WASHINGTON, D.C.,
November 6, 1967.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BYRD: The ——— Association wishes to express its appreciation to you for your firm and sensible stand against the dissipation of District funds in hauling school children needlessly across the city for no purpose related to their education. Such an activity would produce no results other than the diversion of funds needed for education, the disruption of class schedules, and expenditures of time and energy which could be better used for study.

Regardless of Judge Wright's fantastic decision and related orders to the school system, we question the legality of using money appropriated for educational purposes for social experimentation in racial mixing instead.

Particularly in view of pending efforts to appeal the Wright decision. We believe that the Board of Education acted improperly in attempting to implement all elements of the decision thereby confronting the commu-

nity with a fait accompli in the face of the prospective appeal.

We hope that the community can be spared from the disastrous effects of the Wright decision either through legislative action such as yours, or by judicial review. Pending the latter, your stand in the busing issue is a valuable service to public education and to the city.

Respectfully,

A. S. T.

Senator ROBERT BYRD,
Senate Office Building,
Washington, D.C.:

Congratulations on your stand concerning the bussing of pupils across the city. It is not only an inconvenience to the families involved, but is an unnecessary burden on the taxpayers. Absolutely nothing is free. Someone had to pay for the service that is afforded the recipient.

Mr. and Mrs. P. R.

NOVEMBER 3, 1967.

Senator ROBERT C. BYRD,
Senate Office Building,
U.S. Capitol,
Washington, D.C.

DEAR SENATOR BYRD: Congratulations on your outspoken stand on the bussing problem. It is doubly good to hear your opposition expressed in language both expressive and accurate. It is time the tyranny of the political courts is called just that. A case in point is screaming from this morning's headlines. A woman is sentenced to three years in prison for speeding. She had no previous record. But criminals with records a mile long get a pat on the wrist for treason!

I regret I am not in your state so I could support you with my vote. But I look forward to the time when I can vote for you for national office. That time will surely come.

Please don't waste your staff's time answering this letter. And may the good Lord give you strength to continue your crusade for a return to common sense in the land.

Yours sincerely,

L. E. S.

NOVEMBER 3, 1967.

Hon. ROBERT C. BYRD,
U.S. Senate.

DEAR SENATOR: It is a rare occasion that I would write to a man in Congress to say I admire him for his stand on questions that take character and common sense.

So your stand against busing children all over the city to different schools. Especially those juniors to high.

In Boston, if I am not correct at this time one can go to any school they want to, from West Roxbury to Charleston high but pay for the tickets on the bus.

Of course this city will not get like Boston was in the 1930 era. Pay a sum to get a teaching job even though you were qualified.

Good health to you.

Very truly yours,

J. D.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD a story which appeared in the November 6 issue of the Washington Post, by J. W. Anderson, entitled "Achievement Unchanged, No Real Effect Found in New York Negro Busing."

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

NO REAL EFFECT FOUND IN NEW YORK NEGRO BUSING

(By J. W. Anderson)

Busing Negro children out of New York's ghettos to predominantly white schools has had no visible effect on their achievement scores, a study reported yesterday.

New York's voluntary busing program appears to skim off the ablest and most ambitious children from the slum schools, the study found.

Prof. David J. Fox of the City University of New York wrote the report for the Center for Urban Education, a research group which is surveying Federally aided school programs for New York City's Board of Education.

Busing is now an issue in nearly every large city with segregated Negro neighborhoods. Congress has been churning over the question ever since U.S. Commissioner of Education Harold Howe II last year termed busing "helpful in some situations" and urged cities to apply for Federal aid for busing.

Fox's findings raised new questions about the Coleman Report, the massive statistical survey published last year by the U.S. Office of Education.

The Coleman Report found that Negro children in predominantly white classes reach higher levels of achievement than Negro children in predominantly Negro classes.

Many scholars hailed the Coleman Report as solid evidence that Negro children learn better and faster in integrated schools.

But Fox offers another explanation: that integrated schools attract more of the best Negro students.

Achievement scores show that the Negro students being bused under New York's Open Enrollment program generally work at higher levels than the average in the slum neighborhood schools they leave behind, Fox wrote.

But when the bused children are matched with children of similar ability and background who stay in the slum schools, Fox added, there is no significant difference in progress.

"Of 212 matched pairs," he found, "the child who entered OE (Open Enrollment busing) showed the greater gain 89 times, whereas the child who remained in the sending school showed the greater gain 114 times, with no difference for the remaining nine pairs."

Fox headed a team of two dozen educators who observed and graded both sending and receiving schools. They reported that the quality of teaching was no different between sending and receiving schools at the elementary levels. But at the junior high school level, they found the quality of teaching to be much higher in the receiving schools.

One effect of busing is that children are directed toward better secondary schools, the report noted.

The bused children "gain in terms of classroom functioning, particularly in terms of participation and verbal fluency," Fox wrote.

But, he added, "there was no evidence of steady long-term improvement in reading level."

But he also found that busing did no harm to the quality of education in the receiving school.

Meanwhile, the Stanford Research Institute last week published a study of busing in San Francisco. It also found that busing had no measurable effect on reading scores.

San Francisco's school system has been busing about 600 children out of slum schools to middle-class neighborhoods for the past year and a half.

"In this period of time, nothing major has happened," said Thomas C. Thomas, who with Philip H. Sorensen wrote the Stanford Research report. Thomas described its conclusions as "very tentative."

While the New York program buses only children who volunteer, the San Francisco program buses whole grades out of certain schools.

That gives special significance to the San Francisco results, because they involve typical groups of children, chosen at random without the factor of self-selection found among the New York volunteers.

But New York's busing program remains the most important in the Nation. With 40,000 children involved, it is the Nation's biggest. Running since 1960, it is the only one with data on the same children over a long period of time. And New York has incomparably the best staff of any big American city.

Fox and his team of observers also wrote the recent Center for Urban Education study of New York City's More Effective Schools program. MES, as it is called, is an experiment in small class size and high expenditure.

Fox and the Center concluded that MES was not producing significant results in reading achievement. MES in one of the country's largest efforts to raise achievement levels in schools serving slums.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD a story which appeared in the Washington Evening Star of November 4, 1967, which carried the headline "White Exodus Continues at District of Columbia Schools."

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

WHITE EXODUS CONTINUES AT DISTRICT OF COLUMBIA SCHOOLS

District schools west of Rock Creek Park are more fully integrated than last year, but the exodus of white students from the school system continues, figures released yesterday by school officials show.

Negroes make up 92.3 percent of the enrollment in the District's elementary, secondary and vocational schools this year, compared to 91.3 percent last year.

In a year, 4,784 additional Negro students have entered the schools, and there has been a net loss of 1,796 white students, as the total enrollment for all divisions of the system rose from 148,149 to 151,677.

The report shows that predominantly white schools which have received pupils bused in from overcrowded schools by order of Judge J. Skelly Wright, have substantially larger Negro enrollments.

The Jackson School, which last year had three times as many white pupils as Negroes, now has a student body of 102 Negroes and 24 white. Mann last year had five Negro children in its student body of 219, compared to 57 Negroes among 262 this year.

In 10 elementary schools west of the park the enrollment of Negroes has grown from 281 in 1966 to 696 this year.

The Tri-schools in the Southwest area are apparently losing the campaign to maintain racially integrated classrooms and attract more middle-class involvement.

Bowen, Syphax and Amidon schools have a Negro enrollment of 1,869, virtually unchanged since last year, but the white enrollment has dropped from 190 to 145.

On the secondary level Western High School has 177 more Negroes and 36 fewer whites than last year, and Wilson has 8 more whites and 139 Negroes.

There are 74 more Negroes and 21 fewer whites at Deal Junior High, and at Gordon Junior High white enrollment dropped by 132 and there was a gain of 6 Negroes.

Mr. JAVITS. I thank my colleague. I think he very properly and adequately explored the subject. I am grateful for his cooperation.

Mr. President, with respect to section 18 of the bill I would like to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Is the provision which is contained in this section amendable?

The PRESIDING OFFICER. It is open to amendment.

Mr. JAVITS. I asked the Chair if it is amendable, or is an amendment to this provision subject to a point of order?

The PRESIDING OFFICER. The provision is amendable, and it is also subject to a point of order.

Mr. JAVITS. That is, the whole provision?

The PRESIDING OFFICER. The original provision.

Mr. JAVITS. I see.

Mr. President, I have a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Is an amendment to the provision subject to a point of order?

The PRESIDING OFFICER. It would be subject to a point of order.

Mr. JAVITS. As would the original provision?

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. I thank the Chair.

We passed a continuing resolution here to extend the operations of Government departments and agencies—which departments and agencies have not received appropriations—to November 15, 1967. That measure is now locked in conference. It is very well known that a titanic struggle is taking place on that matter.

Why do we have a continuing resolution in this case, in effect, until November 9, 1967? Why did we not use the same date, November 15, 1967?

I must apologize to the Senator from West Virginia for my absence yesterday when I could have learned all of this information in the committee. However, I was in New York necessarily because it was election day. It was a very unfortunate day for some of us to have our full Appropriations Committee meeting. But, nonetheless, that is no excuse for not being present, but it is an explanation.

I beg the Senator to enlighten me on this matter.

Mr. BYRD of West Virginia. The Senator was justified in being absent yesterday, and he explained that matter to me one day this week. The Senator from New York indicated that he would not be able to be present on election day. It was fully understood. The Senator is quite justified in raising all of the points he has raised today, and not merely this point.

Seeing the distinguished senior Senator from Florida present on the floor, I will ask the Senator from New York to yield to the senior Senator from Florida, so that the Senator from Florida might address himself to the question.

Mr. HOLLAND. Mr. President, I will be glad to address myself to the question, but I would prefer to have the Senator from New York address questions to me that bother him, and I will attempt to answer them and give him the full background of the matter as best I can.

Mr. JAVITS. Mr. President, I have already asked the Senator from West Virginia the question, but I will repeat it.

My question is, Why did we insert the date November 9, 1967—which is tomorrow—in what is for all practical purposes a continuing resolution for all appropriations which are as yet unmade, as they are contained in the pending bill? There is no assurance whatever that the bill will be signed by the President tomorrow. Since we had the date of November 15, 1967, in the other continuing resolution, a matter which is now in conference, why did we not use the same date?

Mr. BYRD of West Virginia. Mr. President, if the Senator will allow me, I want to say, especially in view of the fact the senior Senator from Florida has been a key participant in the conference on the continuing resolution, he would certainly be in a much better position than would I to respond to the question of the distinguished Senator from New York.

Mr. HOLLAND. If the Senator will yield to me, I will be happy to explain the situation as I understand it.

Mr. JAVITS. I yield.

Mr. HOLLAND. The continuing resolution to which the Senator refers is House Joint Resolution 888. That is in conference, and it is one of the most difficult conferences that we have ever had with the conferees from the other body; because it does not relate solely to the continuation of the earlier continuing resolution, but it also relates to numerous other matters.

Four amendments are attached to that continuing resolution, one of which is known as the Whitten amendment, with which the distinguished Senator is familiar. The second is known as the Bow amendment, and I am sure the Senator is familiar with that, also. The other two, with which he may or may not be familiar, are the amendments that are called the Broyhill amendment and the Passman amendment.

The first two I have mentioned have to do with a determined effort made in the other body, based upon amendments that were offered on the House floor, to force cuts in the expenditure budget, as differentiated from the appropriation budget, in large amounts which are uncertain and indefinite and really were not established in the debate in the other body and for a long time have not been established in the conference.

The conference has met, I believe, four times already, and will meet again this afternoon at 2 o'clock, and will run into very difficult questions, in the effort, first, to try to define what the other body wants done—and we have come nearer, I believe, to the point where we will know what they are shooting at; and, in the second instance, to defend, of course, the position of the Senate in continuing the existing extension resolution for a term of days ending November 15.

The Senator from Florida, as one of the conferees, made certain proposals to the House conferees with reference to the Broyhill amendment and the Passman amendment. The Broyhill amendment is really an extension amendment, but applicable only to the OEO for a date, and had a limitation expressed in it. The Passman amendment is an extension amendment applicable only to AID, or to the foreign aid program, applicable as to a certain date and certain limitations of expenditures, which need not be mentioned here.

The Senator from Florida, realizing that payday will soon be here on which the many thousands of employees of OEO and AID would be entitled to receive their pay, and having been advised by the Bureau of the Budget that there was no money now with which to pay them, requested the House conferees to agree, if they would, to our attaching those two amendments to the District of Columbia bill, which we already knew would be the first appropriation bill to come up in the Senate.

There was some little discussion of that question, after which the House conferees stated that they were not willing for that to be done, because they feared it might weaken their position in the conference already underway. We found, after we had gone into this matter at some length, that paydays are coming very soon for five activities which do not have funds with which to meet their payrolls. They are these: AID, November 14; Peace Corps, November 14; OEO, November 14; the program for migrants and refugees, November 16; the Export-Import Bank, November 17.

So the Senator from Florida was not the one who offered this amendment. The distinguished Senator from Arizona [Mr. HAYDEN], having been advised, after a full check of the situation, that these five payrolls were coming up in the immediate future, and having discovered from the attitude of the House conferees that they did not want the Broyhill and Passman amendments to be incorporated in this bill, figured out what would be the latest date that could be stated that would still take care of these five payrolls—the earliest date or the date which would not interfere with the pending conference. The chairman [Mr. HAYDEN] discovered that the date of November 9 would not interfere, or would interfere to a minimum, with the proceedings of the conference already underway. He also discovered that a conference on this particular bill, if it is passed today, is set for tomorrow, November 9, and that we would be in the position to state to the House—or, the Senate conferees on this bill would be in such position—we are simply trying to take care of the responsibilities of meeting these payrolls, which will be due on the dates I have indicated and have been obligated already, prior to November 9. And we are attempting in no wise to interfere with the pending conference in any greater way than to simply make sure that these five payrolls, involving thousands of employees, will be met, rather than dishonored, on the dates I have indicated.

The Senator from Arizona [Mr. HAYDEN] explained this matter in some detail to all members of the Appropriations Committee who attended the markup of the District of Columbia bill; and we were all of the opinion that we should take the smallest action that we could in this matter to assure the meeting of these payrolls and to show to conferees of the other body that we were not trying to disturb the conference already underway.

Now, this is the minimum step which could be taken to assure the payment of the payrolls of these five agencies, which will fall due in the immediate future, as

I have already indicated. It was for that reason, and in proper deference to the attitude of the conferees of the other body, already made known to us, that this particular amendment was put in the bill. This is the least that will take care of these five payrolls and at the same time it is not broad enough in covering anything other than these payrolls. We hope it is not broad enough to irritate the conferees of the other body on the continuing resolution on which the conference is now pending. We do not want to irritate them. We do not want to do anything but to honor the obligations of the Federal Government to the thousands of employees who will expect to receive their pay on the dates I have indicated. This is the least step we could take to make sure that that objective would be realized.

If the Senator has additional questions, I hope he will address them to me. I have attempted to make the situation clear.

Mr. JAVITS. I believe I understand the situation very well, and I am grateful to the Senator from Florida and the Senator from West Virginia for explaining it. However, I can hardly say that I am satisfied, and for this reason: It seems to me that we are shouldering the burden which belongs properly to the other body.

We have moved in a timely way by passing a continuing resolution to November 15, to see that poverty programs throughout the country did not fold, with untold distress to tens of thousands of Americans, with complete uncertainty to hundreds of thousands of workers, Federal and otherwise, and the other body has just been sitting tight and letting us stew and letting the country stew.

I think it is a pretty close question as to whether or not they should be faced with the consequences of their action. Let us see how strongly they feel about it and whether they really want Federal employees to go unpaid. They obviously are perfectly satisfied to see all kinds of programs folded up because they are funded too late to do any good, even if we fund them now. I make my suggestion, rather than for us to bail them out again by doing what is considered minimal in this bill, which is fixing a date of November 9, which is tomorrow.

The other point is that there is no assurance the other body will go along with this. They can hang it up, as they have hung up, as I understand it, by their strong feelings—and I respect them—the continuing resolution.

I do not see why we, at least, cannot be consistent about this matter. Even if we are going to act in this way, we should stand by our position and stand by our guns, as we have no assurance they will take this. Why not stand by our guns and say the 15th, or at least not permit this bill to be deadlocked in conference by providing this continuing resolution, so much as contained in this bill, shall be in effect until the day of enactment of this act?

But if they do not agree in conference on this bill, which would be the minimal measure, let them, rather than us, carry the responsibility for it. It seems to me that without any agreement or without any real knowledge as to whether they will take it or not, for us to decide the very basic minimum is not good strategy or policy.

I raise the question, not in any sense of troubling Federal employees, and so forth. I think everybody knows that is the last thing in my mind. I raise it because when people take important decisions and feel that they are taking very important decisions on the basis of high principle, they should be faced with the consequences of those decisions.

I know the Senator from Florida remembers the session on the continuing resolution as I remember it, and it was quite a compromise. Or I would like to ask the Senator from West Virginia what he would think of striking "the ninth" and inserting "the date of enactment of this Act."

That much, it seems to me, would be an inducement to the other body to come to some agreement tomorrow or tonight on this particular bill without leaving the whole responsibility with us by cutting it off at the very minimal point, to wit, tomorrow.

Mr. BYRD of West Virginia. I hope this bill will be enacted tomorrow.

Mr. JAVITS. I know, but may I point out that we are now deadlocked in conference on the continuing resolution. We have no premium to induce the other body to come to a speedy agreement on the bill unless we change the date. Then they might have a premium for a quick agreement.

Mr. BYRD of West Virginia. I do not intend to jeopardize the passage of this bill or delay it as a result of this amendment that has been tacked on as a rider. This is just an attempt to give the House of Representatives an opportunity to act in such a way as to pay employees who have performed their work and their duties. It is putting it up to the House. If the House does not want to yield on this point, I do not intend to be in conference very long, because the District of Columbia appropriation bill has been held up too long already.

My subcommittee held its last day of hearings on this bill on Thursday, a week ago tomorrow.

I hope this bill will be gotten out of conference tomorrow, that both Houses can act on the conference report tomorrow, and that the bill will be on the way to the White House tomorrow.

We are going to make a sincere effort to uphold the Senate's position, vis-a-vis this language, but I do not intend to wrestle with the House into next week on the matter, because the House has had its chance, and I want to give it one more opportunity. If it is unyielding, I do not intend to take much time on the matter.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. HOLLAND. I am not surprised that the Senator from West Virginia has stated his position as he has, although I had no prior knowledge what his position would be.

It seems to me that it would be appropriate for him and the other conferees on this bill, if the House is unwilling to accept this amendment, to let them accept the responsibility for withholding payroll payments for these five important activities and the many thousands of employees involved.

In other words, if the House will not accept these amendments I feel our conferees should recede. I am stating that now. But at least we are doing our best, and all the members of the Appropriations Committee present in the markup of the bill felt we should do our best to see that the commitment of the Federal Government to pay its employees is honored, and to do it in a way that least disturbed the conference already underway.

The Senate is clearly on record covering all the activities of Government that are affected by the continuing resolution, House Joint Resolution 888, which is now in conference. That is going to continue until it is settled one way or the other. This effort, as I have stated, is a minimal one which will take care of these payroll payments.

We believe the House will prove to be as interested as is the Senate in seeing that the solemn obligations of the Federal Government to pay its employees are not disregarded, and that instead they are met. That is all that would be involved in the House accepting this payment amendment.

The other resolution shows the much larger attitude of the Senate toward the whole question. The Senate will remember that we struck all four of these amendments, the Whitten amendment, the Bow amendment, the Broyhill amendment, and the Passman amendment, and simply made our resolution a continuing resolution of existing law, changing the date, however, from November 23, which was the date in the House resolution, to November 15.

But essentially we made the continuing resolution simply that for the period covered, and affecting all agencies of the Government with respect to which there had been no appropriation bills passed.

We think that the Senate will have done its full duty in holding out this method by inclusion of this amendment in the District of Columbia bill, this method of meeting all of these payrolls on the dates as indicated, and that the House will probably agree with us that those payrolls should be met. I cannot conceive of their taking a different position because the conference on the resolution will already be underway and continue underway and grind on to whatever conclusion can be reached regardless of this action.

But this is the only appropriation bill which is coming up. We know the conference is planned for tomorrow. The Senator from Arizona [Mr. HAYDEN] suggested the date to be put in this bill would be the date on which the conferees were meeting. Certainly our conferees could say, "All we are trying to do is to see that obligations incurred prior to the date we are meeting will not be ignored but met."

Personally, I agreed with the opinion of all members of the Committee on Appropriations who were present that the suggestion of Senator HAYDEN was a good one and that we should incorporate this amendment in the bill. If it does not

meet with the approval of the House of Representatives I feel that the Senate Committee on Appropriations and the Senate itself will have clearly shown its desire that these payrolls be met.

The other body can assume full responsibility for taking the opposite position.

Mr. JAVITS. Why, therefore, would it not be fully in accordance with the Senator's logic to insert "November 15" here, which means that we stand by our guns? Let the House decide how much of that it wants to take and give them the option. In other words, it is not tied into the continuing resolution. It stands by itself in this bill.

The Senator from West Virginia states that he will recede anyhow, if they object. At least, let us stick by our guns and be consistent with what we have done before. But, if in conference they say they will take the responsibility, that is the end of it. That is the deal. If in conference, they will not take it all, then he will recede. Why should we walk downhill before we have any arrangement with them whatever, or any assurance whatever is given that they will do anything?

Mr. BYRD of West Virginia. I do not want the Senator from New York to misunderstand what I said to indicate that I would merely walk over to the Old Supreme Court Chamber and sign the conference report and then walk back and say that we have yielded to the House. I am going to ask the Senator from Florida to be named as one of the conferees on the bill because I think he, more than any of the rest of us on the subcommittee, is certainly far more conversant with this subject than we are and I want him as a conferee. I do not think we want to go over there and recede ipso facto. I think we will be putting up, in all good conscience, a good-faith fight. Yet, I do not intend to go on for 2 or 3 days over this question when we need to get the District of Columbia appropriation down to the President for his signature.

Mr. HOLLAND. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. HOLLAND. I appreciate the attitude of the Senator from West Virginia to put a little more load on the shoulders of the Senator from Florida.

I want to remind my good friend from New York that we have not even talked about receding in the conference which is underway. There has not been the slightest suggestion on the part of the Senate conferees that they would recede. That question is open and pending. What we are trying to do is to get a minimal arrangement which, on the face of it, will not interfere with the questions being so heavily debated in the conference on the continuing resolution, House Joint Resolution 888, but will take care of only a single objective; namely, of paying Government employees in those agencies whose payroll date comes in the immediate future and for which obligations have already been made prior to November 9.

We would very much like to have this November 9 date remain because it happens to be the date the conference has already set up, as I understand it, and it happens to interfere least with any question which is pending before the conferees on H.J. Res. 888.

I hope that my dear friend from New York will take my word for it that this is one of the roughest conferences this Senator has ever been confronted with in the 21 years that I have been in the Senate, and that we will not do anything to interfere with that conference. We are showing here, by this RECORD, that what we are trying to do is to do the least possible to take care of the payrolls and the most possible to avoid any disturbance of the questions pending before the other conference.

Mr. JAVITS. Let me ask the Senator from West Virginia a direct question: Would the Senator have any objection to letting the Senate vote on whether, in lieu of the words "November 9," we include the words "date of enactment of this bill"?

Mr. HOLLAND. Mr. President, will the Senator from New York yield on that point?

Mr. BYRD of West Virginia. I yield to the Senator from Florida.

Mr. HOLLAND. Will the Senator from New York yield to me for that purpose?

Mr. JAVITS. I yield.

Mr. HOLLAND. Mr. President, I would object to that strongly, because I think it would be calculated to give us more trouble with the House conferees in the other matter. That is the main show. That is the place where the real argument is going on. It is a very difficult and complex argument. We are trying to show good faith. The Senator from Florida stated in the conference that he would not be a party to offering the Broyhill or the Passman amendments, because the House conferees said that they would not agree to that. The changing of this date to the 15th, or the 23d, or to some other indefinite date, is much more likely an approach to the Passman and Broyhill amendments than what the Senator from Arizona [Mr. HAYDEN] has worked out here, which is a minimal approach. I hope that the distinguished Senator realizes that the present conference is a very rough one and we should not do anything to make more trouble, either for our conferees or for the House conferees on that matter.

Mr. JAVITS. I should like to point out to the Senator from Florida that that is not quite a two-way street. The Senator from Florida can, let us say, make a point of order against the amendments. He could make a point of order against the provision.

Mr. HOLLAND. I have not done that.

Mr. JAVITS. But I am very——

Mr. HOLLAND. I did not say that I would raise a point of order. I said that I would object.

Mr. JAVITS. Objecting—that is another matter.

Mr. HOLLAND. The Senator in charge of the bill would have to decide whether to raise a point of order. I simply know the difficulties which are now confronting the conferees in the major conference, and I do not want to do anything to increase those difficulties.

Mr. JAVITS. Well, Mr. President, the difficulties which face the conference are very real, but the difficulties which face the country are even more real. We read in the newspapers every day reports of withholding programs, especially in the antipoverty field, in which the poor themselves are involved in the management, by our invitation, and they have become frustrated by the reverses and rebuffs to the very things that we promised them we would do. If Congress decides differently on the law or the appropriations, that is one matter, but here they are just caught with inaction. It seems to me in so sensitive a field as the antipoverty field, that such inaction is, really, inexcusable.

Yet, that is exactly what we are faced with. Indeed, even the November 15 date now would appear to be a date which is far too limited in order to bring about action and an opportunity to do the things that need to be done. By constantly making the date retroactive—that is all we are doing here, if we make it as of November 9—so that we are, for all practical purposes, cutting off the opportunity for the OEO to take any action even under its previous legislation, because that would be effectively the result of taking the date of November 9.

We are not children. We understand that. All it will do will be to make sure of certain payrolls. It will not continue the authority which is granted in previous appropriation acts, or in previous enabling legislation. Yet that is exactly the purpose and intent of the continuing resolution. So that we are faced with a very serious Hobson's choice on an appropriation bill of this character. I realize what the Senator from West Virginia has said, that we probably cannot win this anyhow, because he is not going to let this appropriation bill die in conference—and my guess is that the other conferees would probably go along with him—on account of this continuing item; but I do think that it is time to lay bare to the country—as I am trying to do today—pointing out that there is another appropriation bill to come up on Friday—the military construction bill—which is 1 day after the conference on this one, and which may not, therefore, be subject to the same matter of foresight. I am very much minded to raise the same thing there at this time, giving notice for a suspension of the rules and the necessary action on that ground, so that we are not faced with the question of points of order.

I have no desire to do things which are vain or useless. I should like to know, if I may, from the Senator from West Virginia, whether he would feel constrained to make the point of order against an amendment to this resolution. If he felt so constrained—as I know he already would like—I tell him in advance that I will not offer it, but I do think that we should at least lay the situation clean and bare and forthrightly before the country as to exactly what is happening here, what is happening to the country, and what is happening in the Senate, and who is responsible. We are not responsible. I think it should be made crystal clear to the country

that the Members of the other body are responsible and that they should answer to that responsibility. If that means that people do not get paid, perhaps that would be a good thing because sometimes loud and important voices are the only things which turn people to an understanding that a decision of yes or no is a decision which must be made even though it may be adverse to people who feel as I do. Still, a decision is important and vital, nonetheless, and in time.

The difficulty here is that this decision is being delayed. If we said to the poor, "we are going to cut off your program," then they would fight and struggle and go to their States and cities and do something about it. But to be cut off so that no one knows what the end result will be, and to dismantle structures that many people have spent months and months putting together, I do not think is right. As one Senator, I want to do what I can about it.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. JAVITS. Let me yield first to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, the language in question, of course, is subject to a point of order. I fully appreciate and am sympathetic to the viewpoint expressed by the Senator from New York, but in view of the increasing difficulties which would confront the conferees, among whom is the senior Senator from Florida [Mr. HOLLAND], I would be constrained to make a point of order against the amendment if the Senator from New York insisted on offering the amendment.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, would the Senator allow me to respond to the Senator from West Virginia? I appreciate his refreshing frankness. I will not offer the amendment. I will not be responsible for cutting off the pay of any Federal employee by offering such an amendment. The fact that we may be threatening one class, to wit, the poor, does not mean that all should suffer. However, I think it is critically important to make this clear. We will have another chance. This conference will take place tomorrow. It is critically important to point out where the responsibility lies, so the country is not confused about where the responsibility lies and who wants to do what about this vexing and critical question.

The Senate of the United States finds itself in a bind momentarily, today, because it wants to work out this matter in good faith. It is in conference to get some kind of a continuing resolution. Mr. President, the patience may be endless, but the situation is not endless. I really, think, in all honesty and sincerity, that there is a grave duty devolving upon us, if we can, to break the deadlock.

I am trying to do two things today. One is to show where the responsibility lies. It lies in the other body. Second, it is to show that this deadlock can be broken. It can be broken if the Senate says, "All right, House of Representatives, if that is the way you want it, then people will not be paid." We cannot penalize all and bail out some. That, it seems to me, is unfair. Right now it is plain that the poor are being discriminated against.

I yield now to the Senator from Florida [Mr. HOLLAND].

Mr. HOLLAND. Mr. President, I want to say that I am completely in sympathy with the feelings of the distinguished Senator from New York. Yet I am trying to be practical about this matter. I want to remind him that the reason we are in trouble on the other resolution is that after a resolution had come out of the House Appropriations Committee—a quite large body—the House, on the floor, in effect substituted or added four troublemaking amendments which are pending in the existing conference. I would not like to see us do something of that same sort here. After all, there were 16 members of the Appropriations Committee present when the bill was marked up. After hearing the explanation of what the Senator from Arizona was trying to do, we unanimously agreed that it was a wise course and the course most apt to bring about a favorable result.

I appreciate the statement of the distinguished Senator from New York that he will not offer his amendment at this time, because, after all, by Friday we will know what will happen on this bill. I do appreciate his statement. I think he is following a wise course. I do believe that the House, because they want to have the Government's obligations honored as well as we do, will agree to this minimal approach to see that the men and women who expect to receive their paychecks on November 14 up to the 17th will get paid in accordance with the Government's obligation. I thank the Senator for his willingness not to insist on offering the amendment.

Mr. JAVITS. The only reason I am not doing it is that, if the point of order were not sustained, it would strike out the whole provision, which would be equally irresponsible on my part. I reserve the right, as a member of the Appropriations Committee and as a Member of the Senate, to act on any other appropriation bill. There will be one here on Friday.

What is more important than what any individual Senator does is that the country should be aware that, if the bill passes, the Government employees are going to be paid, but the poor will be allowed to languish. Let the responsibility for that lie where it belongs. This is not an action that is taken in camera. The people of the country have an impact on every Member of the House and the Senate. It is time they felt it and were responsive to it, and not stand apart if, for deep ideas of economy in this or that, we fail to come to a resolution of the problem. I am not urging any Member of this body to suborn his conscience by acting one way or the other. But this cliff-hanging piecemeal extension which covers some and leaves others without funds is a way of dissolving people in a sea of jelly—and tears. I do not think it is right. There will be a tomorrow. We are going to have a poverty bill and a poverty appropriation. We will be weeping bitter tears over the fact that what has been dismantled will have to be restructured and it will cost us a great deal more money to do it that way.

Mr. President, I have made my point. As far as I am concerned, the bill can be passed now.

Mr. BYRD of West Virginia. Mr. President, the Senator from New York is an able and conscientious Senator. He is also a responsible Senator. I am glad he has decided not to try to change the language written into the bill by the Appropriations Committee. I thank him for it. And let us not be too sure, at this point, that Senate conferees will yield. Mr. NATCHER and the House conferees have always been reasonable men, and they will be again. The Senate's position may yet be upheld.

Mr. BROOKE. Mr. President, the District of Columbia Committee has reported to the Senate a bill which is commendable in many ways. It provides a total appropriation to the District government of $504,960,100. This is $83 million more than the appropriation for fiscal 1967, and nearly $42 million more than the amount approved by the House of Representatives.

The funds approved for the District government this year will go far toward meeting some of the outstanding needs of the city. Under this appropriation, the salaries of firemen and policemen will be increased. New classrooms will be constructed. An elementary school and a new senior high school will be built. Plans will be initiated for new playgrounds and recreation centers, and present facilities will be expanded. All of these measures deserve the full support of this body.

However, the committee in its final report included one provision which places a severe limitation upon the authority of the newly created government of the District of Columbia. The reorganization plan which was put into effect this year was designed to give the people of Washington and their government greater control over their own affairs. Washington is a city of close to 800,000 people. Because it is also the seat of the Federal Government, it has been denied the popularly elected form of government which is the right of every other city and town in this Nation. But with the adoption of the new plan for city government, and the placing of the control of that government in the hands of a single mayor advised by a city council, it was intended that the District of Columbia would assume more control over its own affairs.

We cannot know what problems may arise in the city of Washington in the course of the next year. We do not know now what needs may increase and what needs may decrease, what departments and agencies of city government may require more funds, and what branches of the Government may prove capable of managing with less than the designated amount. The mayor of Washington, assisted by his city council, should be given the opportunity to shift funds from one branch of government to another as the need arises. No other city in the country, no one of the 50 States, not even the President himself is so limited in his discretionary power as is the mayor of Washington by this expressed intention

of the Committee on the District of Columbia.

This is not a matter which can be brought to a vote. The wording of the committee's final report cannot now be changed. But the committee's insistence that its intentions be observed can be modified. And its suggestion that this provision may be written into law in the years to come can and should be opposed.

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 (H.R. 8569) was passed.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. HOLLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. MONTOYA in the chair) appointed Mr. BYRD of West Virgina, Mr. HOLLAND, Mr. PROXMIRE, Mr. YARBOROUGH, Mr. SPONG, Mr. HRUSKA, and Mr. JAVITS conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, it is always a pleasure to be in the Senate Chamber when the District of Columbia appropriation measure is being considered. I say this because the efforts of the Senator from West Virginia [Mr. BYRD] in bringing to the floor a funding bill that meets the overall support of the Senate have always been successful. It is a great tribute to Senator BYRD, to his unfailing devotion, and to his keen diligence. He has again performed an outstanding service as the chairman of the District of Columbia Appropriations Subcommittee.

The Senator from Nebraska [Mr. HRUSKA] also contributed immensely to the overwhelming success of this measure. As the ranking minority member of the subcommittee, he too has demonstrated an abiding devotion to the task of reporting a funding bill that is assured of receiving ready acceptance. Other Senators joined the discussion of this measure and I particularly wish to note the exemplary contributions of the Senator from Wisconsin [Mr. PROXMIRE] and the Senator from New York [Mr. JAVITS]. They demonstrated first of all a broad understanding of the problems and the needs that face the people of the District of Columbia as well as its new government. Their articulate statements exhibited a great deal of insight on District operations and future development.

The Senate is grateful to them and to others for enabling a thoughtful and meaningful discussion. Again, to Senator BYRD and Senator HRUSKA, and to the entire Senate, goes the sincere appreciation of the leadership for disposing of this matter swiftly and with full regard for the views of all Members.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. John Nance Garner, formerly Speaker of the House of Representatives and Vice President of the United States, and transmitted the resolutions of the House thereon.

The message announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 1556. An act for the relief of Dr. Orlando O. Lopez; and

S. 2168. An act for the relief of Dr. Pedro Pina y Gill.

The message also announced that the House had passed the bill (S. 1552) to amend the Highway Safety Act of 1966, with amendments, in which it requested the concurrence of the Senate.

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

H.R. 1592. An act for the relief of Dr. Rene Jose Triay;

H.R. 1705. An act for the relief of Sophie Stathacopulos;

H.R. 2688. An act for the relief of the estate of Charles C. Beaury;

H.R. 3031. An act for the relief of Mr. and Mrs. Christos Photinos-Svoronos;

H.R. 3032. An act for the relief of Mrs. Karen Wood Davila;

H.R. 3516. An act for the relief of Andres Mauricio Candela, M.D.;

H.R. 3525. An act for the relief of Israel Mizrahy, M.D.;

H.R. 3865. An act for the relief of Mauritz A. Sterner;

H.R. 3866. An act for the relief of Dr. Eduardo Enrique Ramos;

H.R. 4974. An act for the relief of Dr. Manuel A. Turbat;

H.R. 5186. An act for the relief of Dr. Armando Cobelo;

H.R. 5187. An act for the relief of Dr. Hector Alfredo E. Planas-Pina;

H.R. 5575. An act for the relief of Panagiotis Paulus;

H.R. 5853. An act for the relief of Raymond E. Grail;

H.R. 6088. An act for the relief of Dr. Manuel Jose Coto;

H.R. 6326. An act for the relief of Chrisanthe Savas Karatapanis;

H.R. 6670. An act for the relief of Dr. Virgilio A. Ganganelli Valle;

H.R. 6766. An act for the relief of Dr. Raul Gustavo Fors Docal;

H.R. 7431. An act for the relief of Gilmer County, Ga.;

H.R. 7890. An act for the relief of Dr. Josefina Quintos Marcelo;

H.R. 7896. An act for the relief of Dr. Jose A. Rico Fernandez;

H.R. 7898. An act for the relief of Dr. Nemesio Vazquez Fernandez;

H.R. 8256. An act for the relief of Dr. Hermes Q. Cuervo;

H.R. 8258. An act for the relief of Jorge Gabriel Lazcano, M.D.;

H.R. 8407. An act for the relief of Dr. Raquel Maria Cruz-Flores;

H.R. 8738. An act for the relief of Guillermo Ramon Palacio Sela;

H.R. 9081. An act for the relief of Dr. Josefina Esther Kouri-Barreto de Pelleya;

H.R. 9568. An act for the relief of Lucien A. Murzyn;

H.R. 9574. An act for the relief of Joseph J. Wojcik;

H.R. 10449. An act for the relief of Camille Anita Dobson;

H.R. 10058. An act for the relief of Mrs. Esther D. Borda;

H.R. 11254. An act for the relief of Jack L. Good; and

H.R. 11565. An act to amend section 358 of the Agricultural Adjustment Act of 1938, as amended, to authorize the transfer of peanut acreage allotments.

ENROLLED BILLS SIGNED

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

S. 62. An act for the relief of Dr. Pablo E. Tabio;

S. 808. An act for the relief of Dr. Menelio Segundo Diaz Padron;

S. 863. An act for the relief of Dr. Cesar Abad Lugones;

S. 1105. An act for the relief of Dr. G. F. Valdes-Fauli;

S. 1109. An act for the relief of Dr. Ramon E. Oyarzun;

S. 2167. An act for the relief of Dr. Rolando Pozo y Jimenez; and

S. 2192. An act for the relief of Dr. Rafael de la Portilla Lavastida.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 1592. An act for the relief of Dr. Rene Jose Triay;

H.R. 1705. An act for the relief of Sophie Stathacopulos;

H.R. 2688. An act for the relief of the estate of Charles C. Beaury;

H.R. 3031. An act for the relief of Mr. and Mrs. Christos Photinos-Svoronos;

H.R. 3032. An act for the relief of Mrs. Karen Wood Davila;

H.R. 3516. An act for the relief of Andres Mauricio Candela, M.D.;

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H.R. 3865. An act for the relief of Mauritz A. Sterner;

H.R. 3866. An act for the relief of Dr. Eduardo Enrique Ramos;

H.R. 4974. An act for the relief of Dr. Manuel A. Tabat;

H.R. 5186. An act for the relief of Dr. Armando Cobelo;

H.R. 5187. An act for the relief of Dr. Hector Alfredo E. Planas-Pina;

H.R. 5575. An act for the relief of Panagiotis Paulus;

H.R. 5853. An act for the relief of Raymond E. Grail;

H.R. 6088. An act for the relief of Dr. Manuel Jose Coto;

H.R. 6326. An act for the relief of Chrisanthe Savas Karatapanis;

H.R. 6670. An act for the relief of Dr. Virgilio A. Ganganelli Valle;

H.R. 6766. An act for the relief of Dr. Raul Gustavo Fors Docal;

H.R. 7431. An act for the relief of Gilmer County, Ga.;

H.R. 7890. An act for the relief of Dr. Josefina Quintos Marcelo;

H.R. 7896. An act for the relief of Dr. Jose A. Rico Fernandez;

H.R. 7898. An act for the relief of Dr. Nemesio Vazquez Fernandez;

H.R. 8256. An act for the relief of Dr. Hermes Q. Cuervo;

H.R. 8258. An act for the relief of Jorge Gabriel Lazcano, M.D.;

H.R. 8407. An act for the relief of Dr. Raquel Maria Cruz-Flores;

H.R. 8738. An act for the relief of Guillermo Ramon Palacio Sela;

H.R. 9081. An act for the relief of Dr. Josefina Esther Kouri-Barreto de Pelleya;

H.R. 9568. An act for the relief of Lucien A. Murzyn;

H.R. 9574. An act for the relief of Joseph J. Wojcik;

H.R. 10449. An act for the relief of Camille Anita Dobson;

H.R. 10058. An act for the relief of Mrs. Esther D. Borda; and

H.R. 11254. An act for the relief of Jack L. Good; to the Committee on the Judiciary.

H.R. 11565. An act to amend section 358 of the Agricultural Adjustment Act of 1938, as amended, to authorize the transfer of peanut acreage allotments; to the Committee on Agriculture and Forestry.

RESERVE FORCES BILL OF RIGHTS AND VITALIZATION ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 716, H.R. 2.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 2) to amend titles 10, 14, 32, and 37, United States Code, to strengthen the Reserve components of the Armed Forces and clarify the status of National Guard technicians, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Reserve Forces Bill of Rights and Vitalization Act."

SEC. 2. Title 10, United States Code, is amended as follows:

(1) Section 136(b) is amended by inserting below the first sentence the following: "One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Manpower and Reserve Affairs. He shall have as his principal duty the overall supervision of manpower and reserve component affairs of the Department of Defense."

(2) Section 136 is amended by adding at the end thereof a new subsection as follows:

"(f) Within the Office of the Assistant Secretary of Defense for Manpower and Reserve Affairs there shall be a Deputy Assistant Secretary of Defense for Reserve Affairs who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate. Subject to the supervision and control of the Assistant Secretary of Defense for Manpower and Reserve Affairs, the Deputy Assistant Secretary shall be responsible for all matters relating to reserve affairs within the Office of the Assistant Secretary of Defense for Manpower and Reserve Affairs."

(3) Section 175(a)(2) is amended to read as follows:

"(2) the Assistant Secretary of the Army for Manpower and Reserve Affairs, the Assistant Secretary of the Navy for Manpower and Reserve Affairs, and the Assistant Secretary of the Air Force for Manpower and Reserve Affairs;".

(4) Section 175 is amended by striking out subsections (b), (c), (d), and (e), and inserting in lieu thereof the following:

"(b) Whenever the Coast Guard is not operating as a service in the Navy, the Secretary of Transportation may designate an officer of the Regular Coast Guard or the Coast Guard Reserve to serve as a voting member of the Board.

"(c) The Board, acting through the Assistant Secretary of Defense for Manpower and Reserve Affairs is the principal policy adviser to the Secretary of Defense on matters relating to the reserve components.

"(d) This section does not affect the committees on reserve policies prescribed by section 3033, 5251, 5252, or 8033 of this title.

"(e) A member of a committee or board prescribed under a section listed in subsection (d) may, if otherwise eligible, be a member of the Reserve Forces Policy Board.

"(f) The Board shall act on those matters referred to it by the Chairman and, in addition, on any matter raised by a member of the Board."

(5) Section 262 is amended by striking out "the reserve components" and inserting "each reserve component" in place thereof.

(6) Section 264 is amended to read as follows :

"§ 264. Reserve affairs: designation of general or flag officer of each military department; personnel and logistic support for reserves; reports to Congress

"(a) The Secretary concerned may designate a general or flag officer of the armed force under his jurisdiction to be directly responsible for reserve affairs to the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, or the Commandant of the Coast Guard, as the case may be. This subsection does not affect the functions of the Chief of the National Guard Bureau, the Chief, Office of Army Reserve, or the Chief, Office of Air Force Reserve.

"(b) The Secretary concerned is responsible for providing the personnel, equipment, facilities, and other general logistic support necessary to enable units and Reserves in the Ready Reserve of the Reserve components under his jurisdiction to satisfy the training requirements and mobilization readiness requirements for those units and Reserves as recommended by the Secretary concerned and by the Joint Chiefs of Staff and approved by the Secretary of Defense, and as recommended by the Commandant of the Coast Guard and approved by the Secretary of Transportation when the Coast Guard is not operated as a service of the Navy.

"(c) The Secretary concerned shall submit a written report to the Committees on Armed Services of the Senate and the House of Representatives each year regarding the extent to which units and Reserves in the Ready Reserve of the Reserve components under his jurisdiction have satisfied the training and mobilization readiness requirements pursuant to subsection (b) of this section for the year with respect to which such report was submitted. Reports under this subsection shall be made on a fiscal year basis and the report for any fiscal year shall be submitted within 60 days after the end of the fiscal year for which it is submitted."

(7) The section analysis at the beginning of chapter 11 is amended by striking out "264. Reserve affairs: responsibility for.".

and inserting in lieu thereof

"264. Reserve affairs: designation of general or flag officers of each military department; personnel and logistic support for reserve; reports to Congress.".

(8) Section 268 is amended by inserting the designation "(a)" at the beginning thereof and by adding the following new subsections:

"(b) Within the Ready Reserve of each of the Reserve components defined in section 261 of this title, there is a Selected Reserve, consisting of units, and, as designated by the Secretary concerned, of Reserves, trained as prescribed in section 270(a)(1) of this title or section 502(a) of title 32, United States Code, as appropriate.

"(c) The organization and unit structure of the Selected Reserve shall be approved—

"(1) in the case of the Coast Guard Reserve, by the Secretary of Transportation upon the recommendation of the Commandant of the Coast Guard, and

"(2) in the case of all other Reserve components, by the Secretary of Defense based upon recommendations from the military departments as approved by the Joint Chiefs of Staff in accordance with contingency and war plans."

(9) Section 269(e) (1)–(6) is amended to read as follows:

"(1) he served on active duty (other than for training) in the armed forces for an aggregate of at least five years; or

"(2) he served on active duty (other than for training) in the armed forces for an aggregate of less than five years, but satisfactorily participated, as determined by the Secretary concerned, in an accredited training program in the Ready Reserve for a period which, when added to his period of active duty (other than for training), totals at least five years, or such shorter period as the Secretary concerned, with the approval of the Secretary of Defense in the case of a Secretary of a military department, may prescribe for satisfactory participation in an accredited training program designated by the Secretary concerned."

(10) Section 270(a)(1) is amended to read as follows:

"(1) participate in at least 48 scheduled drills or training periods during each year and serve on active duty for training of not less than 14 days (exclusive of traveltime) during each year;".

(11) Section 511(d) is amended to read as follows:

"(d) Under regulations to be prescribed by the Secretary of Defense, or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a non-prior-service person who is under 26 years of age, who is qualified for induction for active duty in an armed force, and who is not under orders to report for induction into an armed force under the Military Selective Service Act of 1967 (50 App. U.S.C. 451–473), except as provided in section 6(c)(2)(A) (ii) and (iii) of such Act, may be enlisted in the Army National Guard or the Air National Guard, or as a Reserve for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve, for a term of six years. Each person enlisted under this subsection shall perform an initial period of active duty for training of not less than four months to commence insofar as practicable within 180 days after the date of that enlistment."

(12) The text of section 3013 is amended to read as follows:

"There are an Under Secretary of the Army and four Assistant Secretaries of the Army in the Department of the Army. They shall be appointed from civilian life by the President, by and with the advice and consent of the Senate. One of the Assistant Secretaries shall be the Assistant Secretary of the Army for Manpower and Reserve Affairs. He shall have as his principal duty the overall supervision of manpower and reserve component affairs of the Department of the Army."

(13) The first sentence of section 5034(a) is amended by striking out "three" and inserting in lieu thereof "four".

(14) Section 5034(b) is amended by adding at the end thereof the following: "One of the Assistant Secretaries shall be the Assistant

Secretary of the Navy for Manpower and Reserve Affairs. He shall have as his principal duty the overall supervision of manpower and reserve component affairs of the Department of the Navy."

(15) The text of section 8013 is amended to read as follows:

"There are an Under Secretary of the Air Force and four Assistant Secretaries of the Air Force in the Department of the Air Force. They shall be appointed from civilian life by the President, by and with the advice and consent of the Senate. One of the Assistant Secretaries shall be the Assistant Secretary of the Air Force for Manpower and Reserve Affairs. He shall have as his principal duty the overall supervision of manpower and reserve component affairs of the Department of the Air Force."

(16) Chapter 303 is amended by adding at the end thereof a new section 3019 as follows:

"§ 3019. Office of Army Reserve: appointment of Chief

"(a) There is in the executive part of the Department of the Army an Office of the Army Reserve which is headed by a chief who is the adviser to the Chief of Staff on Army Reserve matters.

"(b) The President, by and with the advice and consent of the Senate, shall appoint the Chief, Office of Army Reserve from officers of the Army Reserve not on active duty, or on active duty under section 265 of this title, who—

"(1) have had at least 10 years of commissioned service in the Army Reserve;

"(2) are in grade of brigadier general and above; and

"(3) have been recommended by the Secretary of the Army.

"(c) The Chief, Office of Army Reserve, holds office for four years but may be removed for cause at any time. He is eligible to succeed himself. If he holds a lower reserve grade, he shall be appointed in the grade of major general for service in the Army Reserve.

(17) The following new item is added to the analysis of chapter 303:

"3019. Office of Army Reserve: appointment of Chief."

(18) The text of section 3033 is amended to read as follows:

"(a) There is in the office of the Secretary of the Army an Army Reserve Forces Policy Committee which shall review and comment upon major policy matters directly affecting the reserve components of the Army, and the Committee's comments on such policy matters shall accompany the final report regarding any such matters submitted to the Chief of Staff and the Assistant Secretary responsible for reserve affairs.

"(b) The Committee consists of officers in the grade of colonel or above, as follows:

"(1) five members of the Regular Army on duty with the Army General Staff;

"(2) five members of the Army National Guard of the United States not on active duty; and

"(3) five members of the Army Reserve not on active duty.

"(c) The members of the Committe shall select the Chairman from among the members on the Committee not on active duty.

"(d) A majority of the members of the Committee shall act whenever matters affecting both the Army National Guard of the United States and Army Reserve are being considered. However, when any matter solely affecting one of the reserve components of the Army is being considered, it shall be acted upon only by the Subcommittee on Army National Guard Policy or the Subcommittee on Army Reserve Policy, as appropriate.

"(e) The Subcommittee on Army National Guard Policy consists of the members of the Committee other than the Army Reserve members.

"(f) The Subcommittee on Army Reserve Policy consists of the members of the Committee other than the Army National Guard members.

"(g) Membership on the Committee is determined by the Secretary of the Army and is for a minimum period of three years. Except in the case of members of the Committee from the Regular Army, the Secretary of the Army, when appointing new members, shall insure that among the officers of each component on the Committee there will at all times be two or more members with more than one year of continuous service on the Committee.

"(h) There shall be not less than 10 officers of the Army National Guard of the United States and the Army Reserve on duty with the Army General Staff, one-half of whom shall be from each of those components. These officers shall be considered as additional members of the Army General Staff while on that duty."

(19) Chapter 803 is amended by adding at the end thereof a new section 8019 as follows:

"§ 8019. Office of Air Force Reserve: appointment of Chief

"(a) There is in the executive part of the Department of the Air Force an Office of Air Force Reserve which is headed by a chief who is the adviser to the Chief of Staff, on Air Force Reserve matters.

"(b) The President, by and with the advice and consent of the Senate, shall appoint the Chief of Air Force Reserve from officers of the Air Force Reserve not on active duty, or on active duty under section 265 of this title, who—

"(1) have had at least 10 years of commissioned service in the Air Force;

"(2) are in grade of brigadier general and above; and

"(3) have been recommended by the Secretary of the Air Force.

"(c) The Chief of Air Force Reserve holds office for four years, but may be removed for cause at any time. He is eligible to succeed himself. If he holds a lower reserve grade, he shall be appointed in the grade of major general for service in the Air Force Reserve."

(20) The following new item is added to the analysis of chapter 803:

"8019. Office of Air Force Reserve: appointment of Chief."

(21) The text of section 8033 is amended to read as follows:

"(a) There is in the Office of the Secretary of the Air Force an Air Reserve Forces Policy Committee on Air National Guard and Air Force Reserve Policy which shall review and comment upon major policy matters directly affecting the reserve components of the Air Force and the Committee's comments on such policy matters shall accompany the final report regarding any such matters submitted to the Chief of Staff, and the Assistant Secretary responsible for reserve affairs.

"(b) The Committee consists of officers in the grade of colonel or above, as follows:

"(1) five members of the Regular Air Force on duty with the Air Staff;

"(2) five members of the Air National Guard of the United States not on active duty;

"(3) five members of the Air Force Reserve not on active duty.

"(c) The members of the Committee shall select the Chairman from among the members on the Committee not on active duty.

"(d) A majority of the members of the Committee shall act whenever matters affecting both the Air National Guard of the United States and Air Force Reserve are being considered. However, when any matter solely affecting one of the Air Force Reserve components is being considered, it shall be acted upon only by the Subcommittee on Air National Guard Policy or the Subcommittee on Air Force Reserve Policy, as appropriate.

"(e) The Subcommittee on Air National Guard Policy consists of the members of the Committee other than the Air Force Reserve members.

"(f) The Subcommittee on Air Force Reserve Policy consists of the members of the Committee other than the Air National Guard members.

"(g) Membership on the Air Staff Committee is determined by the Secretary of the Air Force and is for a minimum period of three years. Except in the case of members of the Committee from the Regular Air Force, the Secretary of the Air Force, when appointing new members, shall insure that among the officers of each component on the Committee there will at all times be two or more members with more than one year of continuous service on the Committee.

"(h) There shall be not less than 10 officers of the Air National Guard of the United States and the Air Force Reserve on duty with the Air Staff, one-half of whom shall be from each of those components. These officers shall be considered as additional members of the Air Staff while on that duty."

(22) Section 8850 is amended by inserting before the period at the end of the first sentence "and who are not assigned to a unit organized to serve as a unit."

SEC. 3. Section 404(a) of title 37, United States Code, is amended by striking out "and" at the end of clause (2), striking out the period at the end of clause (3) and inserting in place thereof "; and", and adding the following new clause:

"(4) when away from home to perform duty, including duty by a member of the Army National Guard of the United States or the Air National Guard of the United States, as the case may be, in his status as a member of the National Guard, for which he is entitled to, or has waived, pay under this title."

SEC. 4. The last sentence of section 502(b) of title 32, United States Code, is amended to read as follows: "However, to have a series of formations credited as an assembly for drill and instruction, all parts of the unit must be included in the series within 30 consecutive days."

SEC. 5. Section 412 of Public Law 86-149, as amended, is amended by adding at the end thereof a new subsection as follows:

"(c) Beginning with the fiscal year which begins July 1, 1968, and for each fiscal year thereafter, the Congress shall authorize the personnel strength of the Selected Reserve of each Reserve component of the Armed Forces; and no funds may be appropriated for any fiscal year beginning on or after such date for the pay and allowances of members of any Reserve component of the Armed Forces unless the personnel strength of the Selected Reserve of such Reserve component for such fiscal year has been authorized by law."

SEC. 6. The provisions of this Act shall become effective on the first day of the first calendar month following the date of enactment.

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

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

ORDER OF BUSINESS—UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, following the disposition of H.R. 2, which is now the pending business, the next order of business will be the conference report on the congressional redistricting bill. After speaking with the interested Senators, I ask unanimous consent that debate on the report be limited to 2 hours, the time to be equally divided between the distinguished Senator from Tennessee [Mr. BAKER] and the distinguished Senator from North Carolina [Mr. ERVIN].

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. 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.

TRIBUTE TO SENATOR BYRD OF WEST VIRGINIA FOR HIS EXCELLENT WORK ON THE DISTRICT OF COLUMBIA APPROPRIATIONS BILL

Mr. YARBOROUGH. Mr. President, I commend the distinguished Senator from West Virginia for his work on the District of Columbia appropriation bill to restore previously eliminated funds that would have provided the department with real services involving pesticide examinations.

The record shows that in the District of Columbia there had been only 223 specimens examined last year from milk programs, when the District of Columbia requires the examination of at least 5,000 specimens of milk, water, food, and soil. There is virtually no inspection of pesticides for health purposes in this District.

There is no other great city in America that affords as little protection for people by virtue of such a small examination of specimens of milk, water, food, and soil.

The appropriation for that item was cut entirely out of the House bill. In the subcommittee, on which I serve with the distinguished Senator from West Virginia, I have worked for years to get the pesticide residue program inserted in the city program and included in the funds.

We find in the slipsheets at page 87 that it would take the restoration of the request of $100,761 to cover the program for a full year. Half of that amount was restored for the remaining half of the year.

This amount would allow the employment of one GS-13 chemist, one GS-12 chemist, two GS-11 chemists, two GS-9 chemists, one GS-4 physical science aide, and one GS-4 clerk-typist, as well as providing for the required physical facilities.

This is one of the most needed programs to protect the health of the people in the city of Washington. We have a very tight budgetary situation, and everyone serving on the Appropriations Committee knows how difficult it is to restore anything that has been cut out, and how difficult it is to hold an item in conference.

Despite that, the Senator from West Virginia accepted my amendment to restore the funds for a real program to protect the health of the people of the city of Washington. Under the leadership of the distinguished Senator from West Virginia, that item was restored.

I commend the Senator and express the hope that this item can be held in conference with the House despite the fact that the House has removed this provision.

Unless it is held in conference, many people in Washington will be virtually without the protection that it derived from an inspection of specimens from milk, water, food, and soil—a protection that people of this great city need with respect to their milk and food supply.

Mr. BYRD of West Virginia. Mr. President, the Senator from Texas [Mr. YARBOROUGH] has been diligent in his attention to this matter. And over the years he has pursued the matter tenaciously. The subcommittee has repeatedly put the item in the bill, largely at the behest of the Senator from Texas because we have confidence in his knowledge of the subject and the need for the positions and for the funds. So the committee again was very agreeable to including the item this year at the request of the Senator.

The Senator from Texas will be a conferee, and I know that he will do everything he possibly can to maintain the position of the Senate in conference. I shall do the same.

I thank the Senator for his kind references to my part in the matter, but I salute him for his leadership in the field.

The fact that the item is in the bill is more because of his study and his insistence in that regard than because of anything I have done.

Mr. YARBOROUGH. Mr. President, the distinguished Senator from West Virginia, with his usual modesty, disclaims credit to which he is entitled. He is the man who heard the testimony day after day. We have three large volumes of testimony here.

I thank the Senator for his work.

TRIBUTE TO SENATOR BYRD OF WEST VIRGINIA FOR HIS EXCELLENT WORK IN RESTORING TEACHING POSITIONS FOR THE DISTRICT OF COLUMBIA

Mr. YARBOROUGH. Mr. President, as a member of the Education Subcommittee for the last 9 years, I have learned something of the education needs of the District and the Nation.

It was under the leadership of the distinguished Senator from West Virginia [Mr. BYRD] that restoration of funds was made for hundreds of schoolteacher positions that had been cut out of the bill. One of the great needs in the District is for better education.

The Senator from West Virginia worked that matter out and brought it before the Subcommittee on Education so that funds would be restored for the hiring of hundreds of additional teachers, needed in Washington to help build up the kind of school system that the Capital of the Nation will be proud of.

I thank the Senator for his leadership in restoring those hundreds of positions to the Washington school system. This is very badly needed because of overcrowded schoolrooms.

Mr. BYRD of West Virginia. Mr. President, I had the close support of the Senator from Texas, and, if the subcommittee had not included the teaching positions, he would have insisted upon it.

I say with all seriousness that the Senator from Texas was very interested in these teaching positions. I knew of his support and wishes in this regard, and certainly in this respect our thoughts concur. He repeatedly urged that the positions be allowed, and he brought to the attention of the subcommittee the written expressions of support from various interested individuals and groups.

Mr. YARBOROUGH. Mr. President, I thank the Senator.

RESERVE FORCES BILL OF RIGHTS AND VITALIZATION ACT

The Senate resumed the consideration of the bill (H.R. 2) to amend titles 10, 14, 32, and 37, United States Code, to strengthen the Reserve components of the Armed Forces, and clarify the status of National Guard technicians, and for other purposes.

Mr. STENNIS. Mr. President, for the information of the Senate, H.R. 2 is legislation that deals with the Reserve components of the Armed Forces. It is of considerable interest to the Members of the Senate.

Title II of the bill as it passed the House deals with the National Guard technicians. Even though title II was recommended by the committee to be deferred for action for further review, I nevertheless will discuss it to some extent because of the broad general interest in it, and I will indicate what the committee did and why, and what we expect to do in pursuing this matter further as soon as additional material can be obtained and considered.

Mr. President, at the proper time I shall ask for the yeas and nays on the pending bill because of its importance. And further, by way of introductory remarks, this is the bill that, if it becomes law, will create by statute a Selected Reserve in each of the Ready Reserve components. This means that the Selected Reserve cannot be abolished by administrative order. Such was about to happen to the Army Reserve some 3 years ago until opposition of a very vigorous kind arose in Congress.

The delay and the lack of attention to the Army Reserve during this 3-year intervening period is almost intolerable and is justification within itself for the passing of a bill by Congress that makes it mandatory law, representing the judgment of Congress.

Mr. President, the pending bill, H.R. 2, is a highly significant legislative item for our Reserve components.

The various amendments will affect the Reserve in a number of different ways. The common objective, however, of the entire bill is to provide for a number of organizational changes which

should enable our Reserves to more effectively fulfill their role as a part of our national defense.

I shall discuss now briefly some of the major elements of the legislation and then try to respond to questions.

First is the creation of a Selected Reserve with the requirement of annual strength authorization. The bill would create within the Ready Reserve of each of our seven statutory Reserve components a Selected Reserve.

This legislative designation will provide a statutory basis for that portion of our Reserve components which will be given the highest priority in terms of personnel training and equipment. It will be the Selected Reserves which will have the highest priority Reserve role in meeting our defense mission.

The bill does not prescribe the composition of the Selected Reserves in terms of types of unit. The matter of organization and structure of these Reserve Forces will be determined within the Department of Defense.

The committee, however, added a significant amendment which provides that beginning with the next fiscal year, 1969, Congress will authorize the personnel strengths of these Selected Reserves for each fiscal year. Furthermore, this authorization must be enacted annually before any funds may be appropriated for the pay and allowances of the Reserves generally. In this way, the Committee on Armed Services of the House and the Senate will recommend each year a strength for the Selected Reserves. This will be a part of the general authorization legislation now required in connection with the annual appropriations for aircraft, naval vessels, missiles, and the research and development program.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. YARBOROUGH. I am reluctant to ask the distinguished Senator from Mississippi to yield in the middle of his explanatory statement.

Mr. STENNIS. I assume the Senator has an emergency of some type.

Mr. YARBOROUGH. We have an emergency meeting of the Post Office and Civil Service Committee, and we are trying to finish the pay bill. Otherwise, I would not interrupt at this point.

Mr. STENNIS. I understand.

Mr. YARBOROUGH. The report on the bill is not yet available.

Mr. STENNIS. The Senator may proceed with his questions.

Mr. YARBOROUGH. My question deals with a point that the Senator from Mississippi has not yet reached, and that is the status of National Guard technicians. My State has two very old divisions of the National Guard. One has a history going back to participation in the Battle of San Jacinto in 1836. The people of my State are interested in the situation of the National Guard technicians. I understand that that matter has been deferred for further study.

Mr. STENNIS. That is correct.

Mr. YARBOROUGH. That matter was not changed in this measure?

Mr. STENNIS. No.

Mr. YARBOROUGH. I am sure that, with his great knowledge of the structure of our Armed Forces, the Senator is thoroughly conversant with that problem.

Mr. STENNIS. The Senator has raised a very serious question. It is covered in my formal statement and in the report.

For the information of the Senator from Texas and other Senators, the high point is this: Title II proposed to make all the technicians of the National Guard and the Air National Guard—they are approximately 40,000 in number and are scheduled to be 42,000 by next year—Federal employees, with full rights in the Federal civil service retirement system. One of the main rubs at that point involves the question of what that may do to the State National Guard as a State institution. Many of those who are working for the State National Guard and the officers in the Guard are Federal employees.

This also raised a serious question of financing, because if they are all made Federal employees, that will immediately create a future responsibility of the Federal Government of $1,500 million in retirement funds for those who are now employed.

To start with, it would mean latching on to the annual retirement fund that much of a liability. In addition, each year approximately $30 million would have to be appropriated to keep it going. Of course, if we appropriated it all in one lump sum—which we would not do, I assume—it would not be that much, because it would earn an estimated 3½ percent interest. That is a sizable sum of money, even if it is $750 million. That would be giving them credit now, even though they had not paid into the fund themselves for the full years of their prior employment in this role.

That matter requires much analysis, and we must know more about the facts. But we did not kill that title, did not vote it down, did not table it. We merely deferred it until we could get a review and would be able to know exactly what the effect of it would be.

We hope and expect—our report so indicates—to bring this matter up again in early 1968 and try to move it along in some form. The committee did not pledge itself to any particular form.

There is a great deal of interest in this matter. The committee's vote on the action it took was unanimous, which indicates that the need for this study is necessary.

Mr. YARBOROUGH. I thank the distinguished Senator from Mississippi for the explanation.

The report on the bill has now arrived from the Document Room. I will read the report in full.

It has been noted that the committee vote was unanimous, and it seems to me that will be the action of the Senate.

I commend the committee on its determination to study this matter by next year. We realize it is very late in the year and that to study it now might delay action on the bill.

Mr. STENNIS. Frankly, we had considerable time to study it before now, and we did study it. The more you study it, the deeper you get down into the well. We could not arrive at any solution on which we could stand, and we decided that it was necessary to defer it.

Mr. YARBOROUGH. I thank the Senator for yielding to me.

Mr. BURDICK. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. BURDICK. I have just entered the Chamber, and I heard the Senator from Mississippi discussing the subject of technicians with the Senator from Texas.

Mr. STENNIS. Yes.

Mr. BURDICK. This matter will be considered by the committee again next year, in the next session of Congress?

Mr. STENNIS. Yes, without a doubt. We did not defeat the matter or table it, but were just overwhelmed with the necessity of having further facts and further review, in an attempt to work out some plan of an affirmative nature, which would still protect the States in their authority with respect to the technicians, and also to determine what the cost of such a plan would be.

Mr. BURDICK. I, too, thank the Senator from Mississippi for the consideration he will give the technicians next year.

Mr. STENNIS. We are all interested in this problem, and it must be solved one way or the other.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Iowa, who is a member of our committee. He is very well versed in this matter and expressed a very constructive viewpoint about it at the committee meeting when the bill was marked up.

Mr. MILLER. I thank the Senator.

So long as the matter of the technicians has been raised, it seems to me that I should add to what the Senator from Mississippi has already said. During the hearings on title II, the representatives of the Guard technicians and the National Guard, I thought, were eminently fair in making it clear to the committee that they were not seeking action which would lead to any windfalls on the part of any of the technicians.

I believe that testimony and research have developed that a substantial number of the some 35,000 or 40,000 Guard technicians would—under the House-passed version of title II—receive windfalls. This would not be fair to their brother technicians, nor would it be fair to other members of the civil service retirement system.

Another aspect of this matter concerns me considerably, because Iowa is one of the some 20-odd States which have a retirement program into which the Guard technicians have been paying down through the years. Some of the other States—most of the other States—do not have such a retirement program; therefore, the Guard technicians in those States have not been paying anything at all. Add to this the fact that those who are in the civil service retirement system today have been paying out of each paycheck a portion of their salary into the civil service retirement program, and if we are going to integrate these technicians into the same program, equity must be done with respect to them.

The net result was, I thought, that the position of those representing the

technicians was that they were not asking for any windfall, but they would like to have those people integrated into the civil service retirement system.

I think the Senator from Mississippi would agree that the consensus of the opinion is that we want to do this but it is the mechanics of doing the job and getting the job done which thus far has made it very difficult for us to arrive at a decision.

Mr. STENNIS. I could not say I think the majority of the committee were then in favor of making them Federal employees.

That is one route it could go. Another route it could go would be to cover the State employees with certain supplemental funds and retirement benefits.

However, all members of the committee wanted this problem dealt with in an affirmative way and to work out a better plan, if I may use that word, for these technicians.

I think everyone is free to go whichever way he wishes to go on these two systems.

Mr. MILLER. The Senator is correct. There was no consensus of how we were going to do it but there was strong feeling among members of the committee that we should do something.

Mr. STENNIS. It was unanimous that we should do something. I thank the Senator.

Mr. President, for the record, I am going to cover the history of this entire matter, and I am going to cover all of it and have printed in the RECORD excerpts from the report, because there is much interest in this matter at the State level.

I should note, Mr. President, that the Senate committee deleted from the House version language which would have established minimum strengths as a matter of permanent law for the Selected Reserves. The Senate committee did not think it was wise to establish minimum strengths in the form of permanent law. In view of the ever-changing requirements and conditions, the size of the Selected Reserves, just as in the case of the Active Forces, should be determined on an annual basis by the Congress in the manner we have provided in the amended bill.

These are covered. We are adopting a system that will give them a statutory status, and each year, just as we authorize aircraft, naval vessels, missiles, and research and development programs in the early part of the session, we will have as a part of that bill an annual figure to establish for the strength of the various Selected Reserves.

STATUTORY MANDATE FOR EQUIPPING RESERVES

Mr. President, there is no existing provision of law specifically requiring the military departments to provide the necessary material and support for our Reserve components. Neither, I should add, is there any such provision relating to the Active Forces.

The bill before us contains a statutory mandate making each of the Secretaries having Ready Reserve forces within their department responsible for the personnel, equipment, facilities, and logistic support necessary to satisfy the training and mobilization requirements for the elements of the Ready Reserve within their department. In this way, Mr. President, there will be no doubt that it is the intent of the Congress that the civilian Secretaries must take all the steps necessary within their departments to insure that the Reserve components satisfy the training and mobilization requirements. Among other things, Mr. President, this means that the Secretaries are charged with making sufficient appropriation requests to satisfy these requirements.

I would add, at that point, that the final responsibility is with Congress, because we are the ones who appropriate the money. We did not require that these facilities or this equipment and everything for the battalions and divisions be earmarked, or that a separate appropriation bill be made therefor. That would encumber the military departments unnecessarily and make it appear that all equipment had to be separately earmarked and could not be exchanged, transferred, or used in an emergency. We made it direct, positive, and clearly spelled out that it was the duty of each Secretary to provide for this equipment and the things to go with it; that is, assuming Congress appropriates the money. This gives us a chance to follow up and see that the law is observed. It has been neglected in the past. The Army Guard and others have been neglected and they have gotten what is left.

Frequently, it was division of the dollar. That is what it came down to. The Regular Forces have to be provided for, but in many instances they require too much themselves. We decided to ask Congress to nail it down.

The first fact is that we shall have these Selected Reserves. They cannot be abolished. Second, there shall be a floor which Congress shall set. Third, there shall be the responsibility for equipment. I think that is as far as we can go in hard, cold language and have a workable system. We intend to go all the way to get results.

Everyone who comes before us to get money is going to be asked, "What have you done about Reserve equipment and the Guard? Here is the law. What have you done to carry it out?"

In addition, the committee added language requiring an annual report from the Secretaries regarding the extent to which Ready Reserves are meeting their training and mobilization requirements.

It might be observed that the committee did delete from the House version a provision to earmark equipment solely for the Reserves. The committee was of the opinion there should be greater flexibility with regard to the Reserve operation; that is, flexibility as might be needed in day-to-day management but not in the basic requirements.

CHANGES IN STATUTORY ORGANIZATION

Mr. President, the bill contains a number of statutory changes aimed at improving the organization of the Department of Defense as it relates to our Reserve components. I shall outline briefly these changes as recommended in the bill.

(At this point, Mr. HOLLINGS assumed the chair.)

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. LAUSCHE. Mr. President, so that the Senator from Ohio may understand what the Senator from Mississippi is talking about, the Senator used the terms "Ready Reserves" and "Selected Reserves." What is covered in each?

Mr. STENNIS. The Selected Reserve is a special group, kind of the elite corps, within the Ready Reserve. The Ready Reserve covers the broader categories, defined by law, which are subject to call by the President. They include persons both in units and others in the general reserve pool. Finally, there is the Standby Reserve which has a lower priority in terms of readiness and priority for recall. For instance, if a man has served for 2 years and in Vietnam under the Selective Service Act, when he gets home he is placed in the Standby Reserve, although he can go voluntarily into a Ready Reserve unit.

Mr. LAUSCHE. In the Ready Reserve, is the National Guard included?

Mr STENNIS. Yes; they are included as a matter of law. That is a good question.

DEPUTY ASSISTANT SECRETARY

The bill would create the Office of Deputy Assistant Secretary of Defense for Reserve Affairs. This Office would exist within the Office of the Assistant Secretary of Defense for Manpower and Reserves. The Deputy Assistant Secretary would be appointed by the President from civilian life with the advice and consent of the Senate, and would be responsible for matters relating specifically to Reserve affairs within the Office of the Assistant Secretary.

The committee deleted the proposal in the House bill which would have created a separate Assistant Secretary of Defense for Reserve Affairs. Under the Senate version, there would remain one Assistant Secretary responsible for all manpower matters, including Reserves, but within this Office there will be a statutory deputy responsible solely for Reserve matters within the Department of Defense.

We did not propose as many new offices as the House version did, but we did add this Office of Deputy Assistant Secretary. This person is specifically charged with the responsibility for the Reserves. He has to be taken from civilian life. He has to be appointed by the President, and he has to be confirmed by the Senate. When his confirmation comes up, there would be an opportunity to lay down patterns and get his idea of what the law means and what he is going to do about it.

The confirmation process has a rather salutary effect upon officials. It might keep high officials who want to cut off that authority from giving such a narrow interpretation. Thus, we think that will meet the situation. But, also, we deleted the proposal in the House bill which would have created a separate Assistant Secretary of Defense for Reserve Affairs and made the substitution. Under the Senate version, there would remain one Assistant Secretary responsible for all manpower matters, including Reserves, but within this Office there would be a statutory deputy responsible solely for Reserve matters.

The bill increases the number of Assistant Secretaries in the military departments—meaning, of course, the Army, Navy, and Air Force—from three to four, and creates a new Assistant Secretary for Manpower and Reserve Affairs.

Each of these three officers will serve in the same manner at the departmental level as the Assistant Secretary of Defense for Manpower and Reserves, and also will have to be appointed by the President and confirmed by the Senate, with the same influences working there.

The bill would create a military chief of the Army Reserves and chief of Air Force Reserves—these are military officers. This office would be headed by a Reserve major general who would be appointed by the President, confirmed by the Senate for a 4-year term. This office will serve to provide the Army and Air Force Reserves with an arrangement similar to that now existing for the chief of the National Guard Bureau.

I emphasize, at this point, that the Senate committee deleted the House version which would have created a statutory staff for the chief of the Army and Air Force Reserves. There is ample authority under existing law to employ the necessary staff. The present system has been satisfactory for the National Guard Bureau. It is an internal management matter. They have always had sufficient staff and we believe that these Reserve officers will have sufficient staff. If they do not get it, why, we would consider mandatory language.

The bill provides for minor changes with respect to the Reserve Forces Policy Board along with certain language changes for the Reserve Policy Committee within the Army and Air Force. The membership of these latter committees is reduced to 15 from the present number of 18 in the Air Force and 21 in the Army. These committees by law will comment on all major policies affecting Reserve matters and will submit their recommendations to their respective chiefs of staff.

In other words, we do not leave the Reserves dependent upon what may have been recommended by the regular service.

I should like to outline now the highlights of the provisions of this bill as reported by the committee.

The committee report is available, which speaks for itself.

The special word "technicians" has already been mentioned in several ways, but I have a special statement to make about technicians which, I have said, is the subject of considerable interest. There are other provisions in the bill, but title II deserves special comment.

The committee deferred action on title II at this time. Title II related solely to the matter of National Guard technicians. That word "technicians" as used here is somewhat of a misnomer, because technicians includes nontechnical personnel such as secretaries, clerks, and administrative persons. The military ranks range from private to general officer, who number about 25.

Most of them, however, are in the category of noncommissioned officers. Then there are the other so-called lower grade officers, such as lieutenants, captains, majors, lieutenant colonels—it includes pilots in the Air National Guard and even to the unit commanders. So we are dealing now not just with technicians—those who deal with electricity and mechanics—but a variety of occupations. About 95 percent of them are military members of the National Guard and perform their military responsibility on weekends. The civilian responsibility is performed during the week. Most of the technicians are required to hold a military status in the Guard as a condition for their civilian technician employment.

We now have a law under which the Federal Government pays 6.5 percent of their pay as the employer's share to the State retirement system in States that will permit them to join. That covers everyone employed within the categories I have mentioned. In the State system, the retirement age is different and the benefits are not so liberal as they are in the Federal system. Generally, the Federal system is much more liberal. Under title II as written, it would have made them full-fledged Federal employees, subject to the 40-hour week, subject to time and a half for overtime, subject to double time on Sunday, to hospital benefits and related matters. They would also have the right of appeal—that is, if some order were given to them which they did not like, such as would be the case for regular civil service employees. Frankly, it never has been clear to me how we could have an effective military unit if a lot of the key men in it are at the full status of a Federal employee under the civil service system.

I think that we could put in some safeguards to protect the States, the Governors, and their adjutants general having some authority. Certainly, it presents a problem.

Now a word regarding costs. There are a little over 40,000 of them now. Placing them on the Federal civil service retirement rolls and giving them credit for all the years they have already served—and that is what title II proposes to do—the ultimate cost to the Federal civil service retirement system, if the money were appropriated when retirement is paid and assuming the current pay pattern for the future would be $1½ billion. I did not say $1½ million—I said $1½ billion. Now that is one thing on which the committee choked. It did not recommend it in title II at this time.

Mr. LAUSCHE. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I shall be glad to yield in a moment.

The tables show the figures based on the actuary, submitted by the Department of Defense. Another point is, one of the columns shows that the liability incurred on passage of the bill would be $752 million. But that is on the assumption that we pay all that money into the civil service retirement system now, and let it go in there at the interest rate of 3½ percent per year. Then that would be the outlay required. But we do not follow that system now. I think it is just theoretical even to talk about it. The actual ultimate cost would be $1½ billion if we increase salaries in the present pattern during those intervening years and if we keep the age retirement at 60. There would be some retirements at 55 which would run the cost up that much more.

Now I am glad to yield to the Senator from Ohio.

Mr. LAUSCHE. The Senator from Mississippi spoke about 40,000 technicians.

Mr. STENNIS. That is correct.

Mr. LAUSCHE. Employed as civilians in State National Guards.

Mr. STENNIS. That would be a proper description of the situation.

Mr. LAUSCHE. Those civilian technicians employed in State National Guards would develop retirement rights as State employees, would they not?

Mr. STENNIS. Under present law, there are about 20 States that permit them to come in. There are about 30 States that do not let that group come in. So they have only the social security and such military retirement as they earn.

Mr. LAUSCHE. These 40,000 technicians have been recommended to be taken over under the civil service requirements of the Federal Government. Is that correct?

Mr. STENNIS. That provision was in the bill as passed by the House. I speak with all deference of the House. It was supported by the Department of Defense. The figures, though, the Department of Defense had, were of a lesser sum than those which I have related.

Mr. LAUSCHE. What would become of the rights of these civil service technicians to retirement pay under State retirement systems if they were taken over by the Federal system?

Mr. STENNIS. There is provision in title II which states that the technician will have a right to select whether he would stay in the State system or come under the Federal system. That sounds good, but when we go into the State systems, there are some that provide that they are taken in as a group if they stay in as a group. If the State fails to add new ones when some have left, then, under that system, they are all out of it. That matter has to be worked out. That is a complication, and a very serious one.

Mr. LAUSCHE. What happens to the money that has been paid in by the technicians to the State retirement system in the event they are taken over by the Federal system?

Mr. STENNIS. I think that would depend entirely on the State system. That is something we cannot control. Some of the States might pay this technician the amount he had paid in. Some of them provide that, if the technicians went out for any reason, they would forfeit what they had paid. That is something we do not know. We are going to write to every State to find out.

Mr. LAUSCHE. It is because of these complications and unsettled conditions that the committee voted unanimously to defer action on the technician matter, in order to permit further review of a number of questions?

Mr. STENNIS. That is exactly right. Another question here is what kind of precedent the Congress is going to set by putting in this group under the Federal system? What is Congress going to say

when some other group that is paid in part by a State or by Federal funds wants to be treated the same way? All kinds of questions like that have not been resolved, because the facts are not known.

Mr. LAUSCHE. Will the Senator from Mississippi restate the cost of including those technicians under the Federal system, as estimated by the staff member?

Mr. STENNIS. Assuming there are 40,000 of them—and that is approximately correct—and having checked into the approximate time they have served, if title II should pass as written, and further assuming the retirement age stays at 60, and further assuming that there are no more salary increases, two figures emerge from these assumptions. One is $376 million cost, to start with. That would apply if we appropriated the money and put it in a fund and let it start earning an estimated 3.5 percent interest every year, which, under the current practice, we would not do. Instead, we would pay it as it became due each year and, on this assumption, the cost would be $732 million. On the assumption that the age of retirement will average 60 and we will have a future pay pattern similar to the past, it would cost $1.5 billion. In addition, the current service cost would be about $27 million a year to maintain at the present 40,000 level.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from North Carolina.

Mr. ERVIN. Would it not be correct to say that this bill increases the statutory standing of the Reserve components of the Army over the previous law and is more in keeping with the importance of the tasks they perform for our country?

Mr. STENNIS. Yes. The Senator is referring to the whole Reserve system?

Mr. ERVIN. Yes.

Mr. STENNIS. Yes. It gives statutory recognition and mandates in the law to the effect that they have to be maintained, and equipped.

Mr. ERVIN. It gives a greater power to the Reserve components in what we might call the hierarchy of our national defense system. Does it not?

Mr. STENNIS. It does. It gives them some recognition in that way, and a better voice in the affairs, and a somewhat better place at the table, too.

Mr. ERVIN. I would like to ask the Senator, with respect to the question of National Guard technicians, if the members of the Senate Armed Services Committee did not come to the conclusion that the committee needed further information before it could legislate intelligently in this field, and if this was not the reason why the committee deferred action in respect to the National Guard technicians.

Mr. STENNIS. Yes; the Senator is correct. That is the sole major reason. We did not have the facts as to the amount involved. We did not have an accurate measurement as to the change in the Federal and State relationship that we would be causing; the extent of power of the State government which would be left and how much would be taken away. We had not worked out the meaning of the provision that the individual could elect to stay in the State system if he wished, because it was not known what the rights were in the 50 States.

There was the further complication shown that, under present law, some of the people would have retirement benefits under four different systems. There would be about 4,500 of them—about 10 percent—who would come under State retirement, civil service retirement, Federal, and they would have their military retirement for service in the military Reserve for the time they did serve, and they would have social security.

About 20,000 of them would have social security, Federal civil service, and military retirement pay. So there would be three sources for 20,000 of them.

There would be four sources for 4,500 of them.

There would have to be some adjustment of the equities before we could bring before the Senate a bill on which we could give an answer to the American people and to those who are members of the civil service retirement system.

Mr. ERVIN. Did not the Senator from Mississippi gather the impression, which the Senator from North Carolina gathered, that the members of the Senate Committee on Armed Services are very sympathetic to the situation of the National Guard technicians and are anxious and desirous to work out, as soon as possible, after the necessary information is obtained, a bill which will be fair to them as well as do justice to the country?

Mr. STENNIS. The Senator is exactly correct. It was the unanimous feeling of the committee, as the vote on this question was unanimous, that for the time being we would defer it and we would move into the question early next year. There is no way to say just what date, but early in 1968. We would come back and try to move on some fair and equitable bill that would meet the situation. Some may prefer the State system. We could just appropriate money and say it is up to the State, or they could go the Federal route.

Mr. ERVIN. I thank the Senator for yielding, and I also would like to take this occasion to commend the Senator from Mississippi for the fine work he has done on this proposal.

Mr. STENNIS. I thank the Senator. Many other Senators have worked on it. The Senator from Georgia [Mr. RUSSELL] is in the Chamber. He is chairman of the full committee. He has brought to this proposal great interest, zeal, and a fine knowledge of this problem. I know he will contribute in the future. The Senator from Maine [Mrs. SMITH] is the ranking Republican member of our committee. The Senator from South Carolina [Mr. THURMOND] is well versed in this matter. The Senator from Washington [Mr. JACKSON], the Senator from Missouri [Mr. SYMINGTON], and many other members of the committee have likewise contributed.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Ohio.

Mr. LAUSCHE. I merely wish to state, Mr. President, that I am glad to hear the Senator's statement that deferring action on this issue does not mean that the committee has yet reached any definite conclusion except that of intent to be fair and just with the 40,000 technicians involved.

Mr. STENNIS. That is correct. We expect to recommend some affirmative action of some kind on this policy early next year. But no one is now committed irrevocably to any particular plan.

Mr. LAUSCHE. I thank the Senator.

Mr. STENNIS. Mr. President, while this subject has been covered fairly thoroughly by questions, I think that I should cover it further, in the sequence that I have it here in the statement.

I was speaking of those who are included as National Guard technicians. These are the persons who are paid from Federal funds and employed as civilians by the adjutants general in connection with administration, training, and maintenance of equipment for the National Guard. Most of this group also hold a dual status as military members of the National Guard.

I can say here that I personally know that this group represents some of the finest mechanics, electricians, and electronics people, as well as those who fly the planes. They are as fine a group as may be found anywhere in the entire Nation.

As Senators may know, title II would have converted the technicians to Federal employees and would provide for credit for all past technician service for civil service retirement and other Federal employee purposes.

Due to the many complexities involved in this problem the committee did not feel it was in a position to act at this time. I should like to emphasize, however, that the failure to report legislation on the technician matter should not be construed as any intention on the part of the committee to kill any legislation on the technician problem.

Due to the interest in this matter I shall briefly discuss some of the problems involved in terms of figures.

There are involved here about 40,000 of these persons. Over 90 percent are presently covered by social security for retirement purposes and about 16,000 covered under State retirement systems. They will also be entitled to the usual military reserve retired pay at age 60. They generally feel, however, that the present retirement and fringe benefit system is insufficient since about 60 percent are covered only for social security and their military reserve retirement.

I shall just touch briefly on some of the issues involved in converting these people to a Federal employee status, with recognition for all past service.

There is the question that arises as to whether by making these people Federal employees we would be changing in some degree the Federal-State relationship of the National Guard. Many of us look upon the National Guard as a semimilitary organization of the various States. When many of the key members of the State Guard become Federal employees

with all the rights which go along with Federal employee status, there does arise the fundamental question of whether the State character of the Guard is being maintained.

There is also the question of whether an undesirable precedent would be created by recognizing the past non-Federal service for civil service retirement and other Federal purposes. There are many other employee groups paid wholly or in part from Federal funds who desire inclusion in the civil service retirement system and other Federal benefit programs. I should add that for many years and at the present time legislation has been introduced or pending before the Congress along these lines.

Moreover, Mr. President, I do not think that the cost implications of bringing the technicians into the civil service retirement system can be completely ignored. I should like to add that there would be a minimum added deficit to the civil service retirement fund because of the recognition of the past technician service of $752 million. This is on the conservative assumption that the technicians would retire at an average age of 60 and not earlier, and that there are no future statutory pay increases.

Of course, those things are not going to happen that way. There will be additional statutory pay increases, and the retirement age will not average 60; it will average less than 60. Therefore, the average person will draw more years of benefits. So $752 million is not an accurate figure; it is just a starting point.

The sum I have mentioned would become an added cost at the time the bill would be approved even though it would not be paid out until the technicians who have past service would be gradually retired. Mr. President, the amount of the liability would be greatly increased if we wish to assume a future pay increase pattern along the lines that have occurred in the last few years. Instead of being $752 million the added cost would be $1,500 million, and even here we are assuming an average retirement age of 60, and not earlier.

Mr. President, I have here a table entitled "H.R. 2, Title II, Committee Print Table on Comparative Past Service Costs." I ask unanimous consent that this table be printed in the RECORD at this point.

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

COMPARATIVE PAST SERVICE COSTS—ESTIMATED PAST SERVICE COSTS FOR NATIONAL GUARD TECHNICIANS UNDER THE CIVIL SERVICE RETIREMENT ACT, BY AVERAGE AGE AT RETIREMENT (AS OF JAN. 1, 1967)

FULL CREDIT FOR MILITARY SERVICE AND FULL CREDIT FOR TECHNICIAN SERVICE

[Excludes District of Columbia National Guard]

	Assuming no future pay or price index increases		Assuming future pay and price index increases [1]	
	If appropriated to CSR fund immediately (A)	If appropriated as retirement is paid [2] (B)	If appropriated to CSR fund immediately (C)	If appropriated as retirement is paid [2] (D)
Average age at retirement:				
50	$573,000,000	$1,146,000,000	$1,146,000,000	$2,292,000,000
51	560,000,000	1,120,000,000	1,120,000,000	2,240,000,000
52	546,000,000	1,092,000,000	1,092,000,000	2,184,000,000
53	531,000,000	1,062,000,000	1,062,000,000	2,124,000,000
54	516,000,000	1,032,000,000	1,032,000,000	2,064,000,000
55	500,000,000	1,000,000,000	1,000,000,000	2,000,000,000
56	474,000,000	948,000,000	948,000,000	1,896,000,000
57	449,000,000	898,000,000	898,000,000	1,796,000,000
58	424,000,000	848,000,000	848,000,000	1,696,000,000
59	400,000,000	800,000,000	800,000,000	1,600,000,000
60	376,000,000	752,000,000	752,000,000	1,504,000,000
Based on present civil service age pattern of retirements	330,000,000	660,000,000	660,000,000	1,320,000,000

[1] Assumed future pay increases at 3½ percent annually and price index increases at 1½ percent annually.
[2] This represents that portion of the lifetime retired pay attributable to service performed in the past.

Mr. STENNIS. Mr. President, I do not make any attempt to debate all aspects of the technician matter which are highly complicated, but I did want to bring to the attention of the Senate some of the issues which I feel are involved.

In that connection, Mr. President, page 6 of the committee report on this bill contains a section under the heading "Committee Action on Title II, H.R. 2, Relating to National Guard Technicians."

I ask unanimous consent that the portion of the report so designated be printed in the RECORD at this point.

There being no objection, the excerpt from the report (No. 732) was ordered to be printed in the RECORD, as follows:

COMMITTEE ACTION ON TITLE II, H.R. 2, RELATING TO NATIONAL GUARD TECHNICIANS

Title II of H.R. 2 as passed by the House related to the civilian technicians who are employed by the National Guard in connection with the administration, training, and the maintenance of supplies for the National Guard. These persons, now numbering about 40,000, are non-Federal employees except for those in the District of Columbia. They are considered State employees although all States do not recognize them as such.

The principal purpose of title II was to convert the guard technicians to Federal employee status with the technicians becoming Federal employees. All past technician service would be recognized in full for the various Federal benefits including civil service retirement.

The committee voted unanimously to defer action on the technician matter in order to permit further review of a number of questions. The issues involved in converting the technician program to Federal employee status are complicated. The actuarial questions and other problems relating to State retirement systems, possible windfalls. State/Federal relations which have not been resolved require additional review. It was the consensus of the committee, however, that further action on the technician problem should be completed as soon as feasible. It is hoped that the additional work can be completed in order to permit Committee consideration relatively early in the next session of Congress.

Some of the issues presented by title II with respect to the technician program include the following:

(a) The effect of title II on the Federal/State relationship of the National Guard.

(b) The precedent which may be established by title II with respect to other employee groups now paid wholly or in part from Federal funds who may in the future desire inclusion in the civil service retirement system and other Federal benefit programs.

(c) The effect of title II on the employees who might desire to remain within the State retirement system.

(d) The actuarial and cost implications involved in the legislation.

(e) Other possible legislative alternatives for meeting the technician retirement problem.

Mr. STENNIS. Furthermore, I think that one of the additional issues involved is whether there are not some other alternatives which could meet the technician retirement and fringe benefit problem other than making them Federal employees.

Finally, I wish to note that the action of the Committee on Armed Services in deferring the technician matter was by unanimous vote.

I repeat, this was done with the understanding that the entire matter, with all its problems, would be further reviewed by the committee, and that the matter would be taken up for disposition in the early months of 1968.

Mr. President, that concludes my formal statement.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Ohio.

Mr. LAUSCHE. I have a letter from the Ohio National Guard Association, discussing the reorganization plan which has been mentioned here for several years.

This letter asks me to submit to Congress a measure providing for the attachment of a rider to the legislative bill now desired by the administration, which would prevent the implementation of the reorganization plan until after the 90th Congress reconvenes.

My question is, Was there before the committee any proposal that the reorganization of the National Guard be delayed until there is an opportunity, in the second session, to have a full discussion of the item?

Mr. STENNIS. In the first place, this reorganization to which the Senator refers is an administrative matter. There is nothing in this bill that would affect that. We would have the power, however, to pass legislation to prevent or delay it, as the Senator points out.

No one fully approves of this reorganization plan. However, the problem has been gone over many times in the last few years, and strong objections were made at the congressional level to some of those proposed plans.

In my own State, they took a division and split it up. We did not like that at all. However, by and large and as a whole, it was generally thought to be the best plan that we could get, even though the

plan did not meet with the approval of all.

That is the reason why we did not oppose the matter more vigorously.

Mr. LAUSCHE. The committee has considered the subject.

Mr. STENNIS. The Senator is correct.

Mr. LAUSCHE. The committee concluded that it could not take the action which this letter suggests that I take, to offer an amendment to stop the administration from reorganizing the National Guard.

Mr. STENNIS. I am sure I cannot speak for anybody except myself, but what I have said is the way I see it. And I think that is the way most of us who are familiar with the problem finally concluded, that the proposal was not altogether acceptable, but that it was better than many that had been submitted, and that something had to be done.

We decided as a general proposition not to try to have any statutory stoppage of this plan.

Mr. LAUSCHE. Has information come from practically all of the States representing one view or another on the administration's proposed plan of reorganization?

Mr. STENNIS. They have all been heard, I am sure, and the plan has to be submitted back to them. None of them were totally happy about it, as I recall.

The Governor is left in that position. He can disapprove of the plan and it will not go into effect if he does. However, still he has to go ahead and approve some plan finally.

We just decided, with everything considered, that it was about six of one and half a dozen of another.

Mr. LAUSCHE. And therefore the committee allowed it to stand as it is.

Mr. STENNIS. The Senator is correct. We considered the matter fully and discussed it at all levels. We finally decided not to do anything.

Mr. LAUSCHE. It would seem to me that to carry into effect the request of the Ohio National Guard to offer an amendment would not meet with the approval of the committee in view of what the committee has done in the past.

Mr. STENNIS. The committee would have to oppose the amendment. And I do not know how the matter would affect Ohio, but I know that in my State we had to take a lot that was not favorable to us.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, I yield to the Senator from Colorado for a question. The Senator is a member of the committee and is interested in this matter. He has made a contribution to the solution of the problem.

Mr. DOMINICK. Mr. President, I thank the Senator.

I congratulate the Senator from Mississippi for his excellent handling of a very complex and difficult problem. I know that the Senator is as interested in getting legislation as I am and as most of the committee members are, particularly with respect to the issue involving some type of control over manpower levels of both the National Guard and the Reserve, which the Senator so ably put in the bill.

It is obvious that we will have to have a conference with the House. We are also interested in getting this thing through as rapidly as possible.

Would it be in the ballpark to ask the Senator if he has had conversations with the House leaders on this situation and the possibility of working out an acceptable conference bill?

Mr. STENNIS. I have not had a chance to talk to the House Members on this matter since the Senate acted on the bill. However, before the Senate acted on the bill, the subject was discussed many times with them. The Senator from Georgia [Mr. RUSSELL] and I met with some Members of the House of Representatives 3 weeks ago, and we anticipated a lot of these problems.

I think the House will readily agree on assurances given that we are not trying to kill title 2, but that we need a further review of it. That is my judgment on the matter.

I feel almost certain that they will agree to these adjustments we have made in title 1. I feel that we will get on mutual ground there very easily.

Mr. DOMINICK. Mr. President, I thank the Senator.

Mr. STENNIS. Mr. President, I hope the bill will move along rapidly and become law.

Mrs. SMITH. Mr. President, as the ranking minority member of the Committee on Armed Services I would reiterate the unanimous nature of the committee action on H.R. 2.

The bill as reported will provide for significant improvement in the organization of our Reserve components. The creation of the selected Reserves, together with the requirement of an annual authorization for their personnel strength will provide a much better method for the Congress to judge the state of readiness of our reserve forces. In an era of ever changing requirements, this is a matter which should be the subject of annual review.

The provision in the bill providing for a statutory mandate for the service secretaries to provide the needed equipment in order for our Reserve components to maintain the necessary degree of mobilization readiness is a provision that has long been needed.

The provision of the bill providing for a Deputy Assistant of Defense for Affairs, for three new assistant secretaries in the military departments who will have responsibility for all manpower, including reserve matters, together with the creation of a military Chief of Reserves in the Army and the Air Force represent statutory recognition of the importance of our Reserve components and should lead to improvement in the administration of the reserve forces. At the same time, Mr. President, the deletion made by the committee of the House bill on various organizational questions leaves it clear that the Reserve components are an integral part of our total defense establishment. Any organization of the Reserves must be closely intertwined with the operation of our active forces.

Lastly, Mr. President, I am in complete accord with the position of the committee with respect to the deferment of any action at this time on converting the National Guard technician program to a Federal employee status. The numerous issues involved in this matter justify a reasonable delay.

Mr. President, I urge the Senate to act favorably on H.R. 2 as reported by the Committee on Armed Services.

Mr. MONRONEY. Mr. President, this bill we have before us represents a major step forward in improving policies relating to the Reserve components of our armed services. even though it will not accomplish a number of vital objectives, including the much needed conversion of National Guard technicians to Federal employment benefits.

The Committee on Armed Services has given all of these matters very thorough study, and the provisions that are incorporated in H.R. 2, as now before the Senate, reflect the committee's detailed analysis and good judgment. I particularly commend the Senator from Mississippi, who has once again demonstrated superb leadership and incisive and effective draftsmanship in the preparation of the committee's new language.

We must remember that this measure is being considered at a time when our armed services are heavily committed on battlefields far from our shores. These are not ordinary times and this, therefore, cannot be considered the final and complete legislative answer to long-range requirements of the military Reserve components.

The committee wisely provided that the strength of the selected Reserves will be established legislatively on an annual basis. This will make it possible for Congress to adjust both authorizations and appropriations according to defense needs. Hopefully we will eventually reach a period of stabilization in foreign affairs which will permit a gradual reduction in our military commitments both at home and overseas. This bill provides the flexibility in respect to the strength of the Reserves of each branch of the armed services.

I am pleased to see the statutory position of Deputy Assistant Secretary of Defense for Reserves added to the bill. Although this does not put the position at the status which the House had established when it voted to provide for an eighth Assistant Secretary of Defense, it is a reasonable compromise.

The person assigned to this newly created post would have the benefit of a provision included in this bill assigning to the Assistant Secretary of Defense for Manpower and Reserve Affairs the overall supervision of manpower needs affecting Reserve components.

But for the overriding demands of the Vietnam war, I would not favor postponement of the provisions which were included in title II of this bill as it passed the House. The Department of Defense endorsed these provisions, mainly because of serious manpower problems existing in National Guard organizations across the Nation due to inadequate personnel provisions. Admittedly it is a complicated matter to convert 40,000 Guard employees to full Federal civil service status. This will be a costly item at the beginning, but it is fully justified both from the standpoint of the individ-

uals who now are disadvantaged and from the standpoint of Guard efficiency. The longer we delay this matter, the more difficult it will be to find qualified employees for these vital technical positions.

I have in the past suggested to the Armed Services Committee certain amendments which would reduce the liability against the civil service retirement fund. I urge this committee to follow through as it has indicated in its report it will do and consider the technician matter as early next year as possible.

I thank the distinguished Senator from Mississippi for this opportunity to join in this discussion at this time.

Mr. STENNIS. I am glad to see the distinguished Senator from South Carolina on the floor. I know of his great interest in this matter. The Senator has contributed much work on this matter over many months and in the meeting when we wrote the bill up.

Mr. THURMOND. Mr. President, I thank the Senator from Mississippi. I congratulate the distinguished Senator from Mississippi for his fine work on H.R. 2.

The title of the bill is "The Reserve Forces Bill of Rights and Vitalization Act."

The purpose of the bill originally, aside from part 2, was to enable all of the Reserve components to more effectively meet their mobilization role in accordance with military war plans.

I feel that the pending bill is going to assist the Reserves in the performance of their duties.

As I stated in the committee, we are not getting everything that I would have preferred. For instance, the House included a provision that would prohibit the transfer of funds appropriated for the Reserve unless such transfers were specifically authorized by subsequent legislation.

I realize that right now, due to the war in Vietnam, it may be necessary to make these transfers. We have to give priority to the war in Vietnam. And I realize that this is important.

I want to say, however, that if we are going to have a Reserve at all, we ought to have a first-class Reserve. There is no use in deceiving the American people and making them think that we have a strong Reserve when the Reserve has not had adequate training or does not have adequate equipment.

If a Reserve is worth being a Reserve, and a part of the total Army or the total defense force, it ought to be equipped and trained and ready to take the field. It ought to be combat ready.

I think that eventually the Pentagon must recognize that if we are going to maintain the kind of Reserve that the people of this Nation want and will ultimately demand, this equipment must be provided.

The funds have got to be provided.

Another thing that I think is important and that we should ultimately obtain, is a provision which was contained in the House bill. This would provide for an increase in the number of Assistant Secretaries of Defense from 7 to 8 to create a new Assistant Secretary of Defense for Reserve Affairs.

In my judgment, we are never going to obtain the status that the Reserves deserve and should have until this has been done.

I think we have to have a man at a high level in the Pentagon who can speak for the Reserves and see that they are not discriminated against and that they receive adequate training and equipment and proper direction.

Mr. President, I feel that we need an Assistant Secretary of Defense for that purpose. However, I think that what was done in the committee is helpful.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. THURMOND. I yield.

Mr. STENNIS. Mr. President, I ask for the yeas and nays on the bill.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, I thank the Senator for yielding.

Mr. THURMOND. Mr. President, the Senate bill does provide for creating the statutory provision of Deputy Assistant Secretary of Defense for Reserve Affairs within the Office of the Assistant Secretary of Defense for Manpower and Reserve Affairs.

That will help. That will give some status, but it will not do what I think is necessary. This will be a deputy under the Assistant Secretary of Defense for Manpower and Reserves.

I believe we must have an Assistant Secretary of Defense for the Reserves, if the Reserves are to be accorded the treatment I believe they need in order to be prepared to render this country the service that will be required in time of emergency. I hope that this can be done in the future. I realize that you cannot get everything at one time, and I believe that Congress has shown its interest in the Reserves and Congress has done its part in trying to do whatever it can to build a strong Reserve. However, too often in the Pentagon the will of Congress has been thwarted, and in my judgment statutory provisions may be required in order to accomplish the necessary result.

I believe that the passage of H.R. 2 would improve the Reserves and would improve our entire defense posture, and I believe it is very worth while. I supported the measure very strongly, and I urge the Senate to support it and pass it.

With respect to title II, Mr. President, I wish to point out that the National Guard technicians perform a vital service to our national defense. It is a very complex matter. The Senator from Mississippi has gone into the matter in great detail; and with the able assistance of Mr. Ed Braswell, a very competent member of our staff, a study has been made and the statistics which have been prepared are available. I hope it will not be very long—it is my desire that it can be done in the early spring—before a hearing will be held to allow the technicians, through their spokesmen in the respective States, to come to Washington and express their views, and that in the meantime the study can continue so that we can solve this problem.

Some people feel that it is entirely a Federal problem, since the National Guard is a vital part of our national defense. On the other hand, the National Guard is commanded by the Governor of the State, under the direction of the Adjutant General, and some people feel it is a State problem. These matters must be and can be thrashed out, and the sooner the better.

The National Guard technicians are rendering a fine service. It is not so much a question of the country giving them something; it is a question, I believe, of whether we will be able to retain these National Guard technicians. Many of them can make larger salaries in other places. Many of them can earn more money in civilian life, because they are civilians on weekdays and they are soldiers on weekends. They wear two hats. They perform a dual role.

It is my sincere desire to see an adequate, a complete, a fair, a just, and an equitable study of this subject, so that we can do justice to these people, who are rendering such a fine service to our country.

Again I express my admiration and appreciation to the distinguished Senator from Mississippi for all he has done with respect to H.R. 2.

Mr. STENNIS. I thank the Senator from South Carolina for his remarks. I also thank him for his very valuable assistance and untiring efforts in connection with this subject.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was 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? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada [Mr. CANNON], the Senator from Tennessee [Mr. GORE], the Senator from North Carolina [Mr. JORDAN], the Senator from Oregon [Mr. MORSE], and the Senator from Ohio [Mr. LAUSCHE] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Washington [Mr. MAGNUSON], and the Senator from Florida [Mr. SMATHERS] are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada [Mr. CANNON], the Senator from Connecticut [Mr. DODD], the Senator from Tennessee [Mr. GORE], the Senator from North Carolina [Mr. JORDAN], the Senator from Washington [Mr. MAGNUSON], the Senator from Florida [Mr. SMATHERS], and the Senator from Ohio [Mr. LAUSCHE] would each vote yea.

Mrs. SMITH. I announce that the Senator from Colorado [Mr. ALLOTT], the Senator from Illinois [Mr. DIRKSEN], the Senator from Oregon [Mr. HATFIELD], the Senator from Iowa [Mr. HICKENLOOPER], the Senators from California [Mr. KUCHEL and Mr. MURPHY], the Senator from Pennsylvania [Mr. SCOTT] and the Senator from North Dakota [Mr. YOUNG] are necessarily absent.

If present and voting, the Senator from Colorado [Mr. ALLOTT], the Senator from Illinois [Mr. DIRKSEN], the Senator from Oregon [Mr. HATFIELD], the Senators from California [Mr. KUCHEL and Mr. MURPHY], the Senator from Pennsylvania [Mr. SCOTT] and the Senator from North Dakota [Mr. YOUNG] would each vote "yea."

The result was announced—yeas 83, nays 0, as follows:

[No. 312 Leg.]

YEAS—83

Aiken	Hansen	Morton
Anderson	Harris	Moss
Baker	Hart	Mundt
Bartlett	Hartke	Muskie
Bayh	Hayden	Nelson
Bennett	Hill	Pastore
Bible	Holland	Pearson
Boggs	Hollings	Pell
Brewster	Hruska	Percy
Brooke	Inouye	Prouty
Burdick	Jackson	Proxmire
Byrd, Va.	Javits	Randolph
Byrd, W. Va.	Jordan, Idaho	Ribicoff
Carlson	Kennedy, Mass.	Russell
Case	Kennedy, N.Y.	Smith
Church	Long, Mo.	Sparkman
Clark	Long, La.	Spong
Cooper	Mansfield	Stennis
Cotton	McCarthy	Symington
Curtis	McClellan	Talmadge
Dominick	McGee	Thurmond
Ellender	McGovern	Tower
Ervin	McIntyre	Tydings
Fannin	Metcalf	Williams, N.J.
Fong	Miller	Williams, Del.
Fulbright	Mondale	Yarborough
Griffin	Monroney	Young, Ohio
Gruening	Montoya	

NAYS—0

NOT VOTING—17

Allott	Hatfield	Morse
Cannon	Hickenlooper	Murphy
Dirksen	Jordan, N.C.	Scott
Dodd	Kuchel	Smathers
Eastland	Lausche	Young, N. Dak.
Gore	Magnuson	

So the bill (H.R. 2) was passed.

The title was amended so as to read: "To amend titles 10, 32, and 37, United States Code, to strengthen the Reserve components of the Armed Forces, and for other purposes."

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PEARSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, I move that the Senate insist upon its amendments and request a conference thereon with the House of Representatives, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. RUSSELL, Mr. STENNIS, Mr. SYMINGTON, Mr. JACKSON, Mrs. SMITH, and Mr. THURMOND conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, the Senator from Mississippi [Mr. STENNIS] is to be highly commended for his handling of this measure which involves a reorganization of our Reserve forces and National Guard. More than anything, his outstanding presentation was responsible for its unanimous approval by the Senate. Of course the Senator from Georgia [Mr. RUSSELL], the distinguished chairman of the Armed Services Committee, deserves the Senate's high praise for his strong efforts and deep interest in this legislative proposal.

We are thankful also for the support of the senior Senator from Maine [Mrs. SMITH], who has consistently made outstanding contributions as the ranking minority member of the committee. Her efforts on this measure were no exception. The Senator from South Carolina [Mr. THURMOND] similarly is to be thanked. The fact that the Senate voted unanimously for this proposal clearly demonstrates the superior manner in which it was handled by the committee—all of its members are accordingly to be commended.

CONGRESSIONAL REDISTRICTING STANDARDS—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2508) to require the establishment on the basis of the 18th and subsequent decennial censuses, of congressional districts composed of contiguous and compact territory for the election of Representatives, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of Oct. 26, 1967, p. 30240, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

MODIFICATION OF UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, as the Senate knows, there has been a 2-hour limitation agreement, the time to be equally divided between the proponents and the opponents on this conference report.

With the full approval of the distinguished junior Senator from Tennessee [Mr. BAKER], I ask unanimous consent that half the time be allocated to the distinguished Senator from Massachusetts [Mr. KENNEDY], and the other half to the distinguished Senator from North Carolina [Mr. ERVIN].

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

Mr. ERVIN. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, after the passage in June of the Senate substitute to H.R. 2508, the Senate conference committee met eight times in a diligent effort to arrive at a proper solution to the very difficult problems posed by congressional redistricting.

The compromise bill that finally emerged from the conference committee is certainly not a solution to all congressional redistricting problems but it does solve all of the immediate and pressing problems for the benefit of those who are running for the House of Representatives and it leaves the question of permanent legislation to be determined at a more convenient and less pressing time.

The compromise bill, which was proposed in conference by a House Member and passed the House by a vote of 241 to 105, contains two provisions: First, there can be no Members elected at-large for the 91st and 92d Congresses except in the States of New Mexico and Hawaii, and second, no State shall be compelled to redistrict prior to 1970 Federal census unless an updated special census is available.

The main area of disagreement in the conference was on the issue of allowing the courts to construct district boundaries. In other words, the Senate conferees were not willing to give the Federal courts authority to be the final judge as to the size and shape of every congressional district in the United States. Even though a provision allowing this was contained in the Senate substitute to H.R. 2508, from my analysis of the Senate vote, there was little debate on this issue of the compactness of congressional districts and the main reason the Senate accepted the substitute was, I feel, because it felt a strong disagreement with the 35-percent temporary provision in the bill we were considering.

Because there was lack of agreement by the conferees on the issue of allowing the courts to construct district boundaries, we decided to limit the bill to those matters of agreement which the House considered necessary. The House conferees felt very strongly that at-large elections should be prohibited for the next two elections. Also, 1960 census figures were considered so hopelessly out of date that it would not be practical or equitable to require the States to redistrict using these outmoded figures for the 1968 and 1970 congressional elections.

Mr. President, I feel very strongly that in order to comply with the one-man, one-vote doctrine there must be reliable statistics with which to work. The 1960 figures are so archaic that if the courts continue to use these figures to redistrict prior to the next decennial census, the one-man, one-vote doctrine will be defeated. To illustrate this we only have to look at the extreme population shifts in many of the States in which court proceedings have been started or threatened. For example, in California since 1960 there has been a resident population change of 22 percent; in Florida 21 percent, Connecticut 15 percent, and in Nebraska 15 percent. These examples illustrate the problems encountered by Judge Sobeloff when he said in the Maryland Citizens Committee for Fair Congressional Redistricting, Inc., against Tawes:

> Even if a district plan initially comports with the one-to-one formula, discrepancies

may be expected to arise with changing conditions. Such discrepancies are unavoidable and must be tolerated for a time, till the next census, but in initial districting the aim should be to come as closely as possible to a one-to-one ratio . . .

A difficulty encountered by anyone who undertakes in 1966 to draw district lines with a view to achieving substantial population equality, is that the only accurate figures available are those from the 1960 census. The dilemma presents two possible choices: to accept the 1960 census figures which are not up to date, or to attempt to make estimates of changes in population figures since that date. Neither choice is a happy one, but we have concluded that it is better to adhere to the census figures than to engage in speculative estimates or projections which vary widely with the estimators and the manner in which they handle the figures available to them from various sources. The alternative we have rejected would indeed lead into a mathematical thicket.

Judge Sobeloff indicated that it was unfair for States to be forced to redistrict using the 1960 census figures. Of course, he and his colleagues did redistrict. But, if Judge Sobeloff was reluctant to use 1960 census figures to redistrict in Maryland in 1966, I think you will all agree that it would be intolerable for States such as California and Florida, which have had extreme population shifts, to be required to redistrict 2 years later in 1968.

I feel there is no doubt that the conference report of H.R. 2508 would be upheld by the Supreme Court. Congress is charged by the Constitution with the duty of judging the elections and the qualifications of its Members. Because of the above fact and the presumed constitutionality and reasonable conclusions of the bill, H.R. 2508 will certainly be constitional legislation.

H.R. 2508 is needed and desired by the House Members and I hope the Senate will support it.

Mr. President, to recapitulate, the bill would do two things. It would provide that no State can be compelled to redistrict prior to the 1970 census unless it has available a special Federal census showing the current population of the State. That is a reasonable requirement because, due to population shifts since 1960, it would be unreasonable, indeed, and I submit, it would be unconstitutional, to require States to redistrict in 1968 on the basis of the 1960 census.

Many States are in jeopardy at this hour in this respect. It is less than 1 year until the next Congress is to be elected. Congressmen now are in a state of uncertainty even as to the districts in which they are to run. For this reason, the Senate ought not to insist on rejection of a proposal which has met a 2-to-1 favorable response in the House of Representatives, whose Members are primarily concerned with this question.

In the second place, the conference report contains one other additional provision, and that is that there must be elections at large in all of the States for the next two Congresses, except in the States of New Mexico and Hawaii, where they now elect their Representatives at large.

This conference report is a stopgap measure. It does not attempt to deal permanently with the difficulties of congressional redistricting. It merely enables the present Congressmen to know in what districts they are going to have to run, instead of being left in a state of uncertainty.

Mr. CURTIS. Mr. President, will the Senator yield me 2 minutes?

Mr. ERVIN. I yield 3 minutes to the Senator from Nebraska.

Mr. CURTIS. Mr. President, it is clear that a congressional redistricting bill should be enacted. The meeting of the requirements of the Constitution for representation according to population should be met in an orderly manner. Order is the prime concern of government.

Without legislation concerning the manner in which the States shall comply with existing Supreme Court decisions on congressional representation, the situation will be chaotic. If this conference report is adopted and it is signed into law, no State shall be forced to redistrict prior to the 1970 census. This measure will not, however, prevent any State from redistricting at any time prior thereto but no compulsion is placed upon the State.

Following the 1960 census the Legislature of Nebraska did an excellent job in redistricting. The legislature was diligent in getting the best information possible. When everything is considered, it must be stated that Nebraska's Redistricting Act of 1961 was a good one and served its purpose for this decade. It should not be disturbed prior to the next census and with the passage of this measure it will not be.

I want to commend my colleague, the distinguished senior Senator from Nebraska [Mr. HRUSKA], for his part in this legislation. I concur with him that this conference report should be adopted. In some respects this bill is a disappointment. For instance, I do not agree with the way the State of Hawaii has been treated. The alternative to this measure is no legislation at all. Therefore, the conference report should be approved and the proposal enacted.

I thank the distinguished Senator from North Carolina for yielding. I yield back the remainder of my time.

Mr. KENNEDY of Massachusetts. Mr. President, I yield myself 7 minutes.

Mr. President, a conference report normally merits the respect and support of all of the Members of each House of Congress. Certainly, in the time I have been in the U.S. Senate, I have seen, time and time again, the Members of this body go to conference with our colleagues in the House of Representatives, there to try to work out some reasonable kind of compromise, which may not be agreeable to all Members, but which nevertheless we realize it is our legislative function to go along with and vote for.

I think every Member of this body would like to support a compromise which accommodates the House of Representatives, the body which this legislation most dramatically affects. The bill before us, however, can in no way be considered a compromise with our friends in the House of Representatives. As a matter of fact, I think every Member of this body who looks at what happened on the floor of the House of Representatives when this bill was debated, will recognize that even the Members of that body had serious doubts about this measure.

We know that the first redistricting bill this year had only 60 Members of the House of Representatives in opposition. Yet on the final conference report, there were in excess of 100 Members of that body who voted against it, and for very sound and fundamental reasons.

First of all, I believe that there is absolutely no question that this legislation is unconstitutional. I believe that it is poorly drafted. I believe it opens itself to a great variety of interpretations. It states, on the one hand, that no Federal court will be able to require a State legislature to redistrict unless it has available a special census to supplement the 1960 census. Even though it says that, there is nothing in this legislation which prohibits that very legislature from using the 1960 census figures for redistricting it, nor, under the interpretation of the manager of the bill in the House, is there anything to prevent the court itself from redistricting the State using only the 1960 census.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield.

Mr. ERVIN. Is the Senator talking about the House or Senate manager?

Mr. KENNEDY of Massachusetts. The House manager.

Mr. ERVIN. The Senate manager thinks it is constitutional.

Mr. KENNEDY of Massachusetts. The Senator might think it is constitutional, but I remember when that very question was asked of the distinguished Representative from New York [Mr. CELLER], who was the chairman of the conference committee. He was asked if this conference report was constitutional. He said, as shown in the CONGRESSIONAL RECORD, "That is a very sticky question."

When we have one of the principal architects of the measure, one of the principal proponents of it, saying that its validity is a "sticky question," and when we give this question the kind of study that many of us have, I do not think it is difficult to reach the clear decision that it is unconstitutional. Certainly, any measure is unconstitutional when it violates completely the clear mandate of the Supreme Court in the Wesberry case. If we passed legislation which said that under no circumstances, could a court enforce the mandate of the Wesberry case, which affirmed the principle of one man, one vote in congressional redistricting cases, we know it would be unconstitutional. Yet this is what the conference report seeks to accomplish. It tries to prohibit and proscribe any court from requiring that there be redistricting, using only the 1960 census.

The language of this conference report admits to all kinds of interpretations. It seems to permit any legislature, by voluntary action, to use the 1960 census. It would be interesting to hear why the proponents say the 1960 census, which they think is unrealistic, can be used by the legislatures, and can be used by the courts themselves, by the interpretation of the House proponents, but can be used

by a court ordering a legislature. If it is so bad in one case, why is it not just as bad in the other? We cannot have it both ways.

I think what this conference report quite clearly does is violate the clear mandate of the Supreme Court in Wesberry against Sanders. In effect, it says there will be no redistricting between now and 1972, in States which prefer not to redistrict.

If we clearly put forward that kind of proposal to the Members of the Senate, it would be overwhelmingly defeated. Nevertheless, under the kind of draftsmanship in this bill, we have verbiage that smokes up and fouls the issue in ways are extremely confusing and unfathomable; and I am sure the Members of this body are going to repudiate it.

Mr. President, I wish to make my formal statement at this time.

Ordinarily the report of a conference committee deserves and receives the highest respect and regard of the Members of both Houses of Congress. A conference report carries with it a presumption of merit, for it normally represents the good-faith efforts of Members of each House, who have supported respective versions of a measure, to design a common bill which follows the parent bills insofar as they are consistent, and affords a compromise between them insofar as they conflict.

No one regrets more than I the fact that House Report No. 795, the conference report on the congressional redistricting bill, does not meet these criteria, and that the presumption of merit does not apply. For while the Senate bill was more workable and more effective than the House bill, the two bills had enough in common and enough leeway for compromise, so that any one of a number of conference bills might have met our responsibility to provide election guidelines and to implement the constitutional principle of one man, one vote. Both bills contained temporary, as well as permanent, standards for congressional districting. Both treated the problem of gerrymandering. Both recognized the practical necessity of using the 1960 census as a guide to population for the rest of this decade.

Yet the present bill not only contains none of these features, it attempts instead to protect those States which have disobeyed the constitutional mandate, and it attempts to deprive their citizens of equal representation in Congress for another 5 years.

As difficult as it is to understand how a conference committee could produce such an anomalous result, we need not address that question now. For the future guidance of this body, it may be sufficient to note that five of the six Senate conferees voted against the bill passed by the Senate.

But whatever the reasons, we now have before us a bill which is unconstitutional, unconscionable, unclear, unworkable, and unresponsive. This is especially unfortunate in view of the great amount of time and effort many members of both Houses have invested in this subject over the past 6 months. And it is surely unfortunate in light of the fine work the Senate has done in this area. For in early June we took a House measure of doubtful validity and effectiveness, and transformed it into a comprehensive and workable redistricting bill. And later in June, when the conference reported out a bill which undid our work, we were prepared, according to all reports, to reject the bill and reassert our desire for vindication, not evasion, of the one-man, one-vote rule. Now, once again, it is the Members of the Senate who are left with the responsibility of rejecting a serious challenge to the Constitution and to the rights of millions of Americans.

It may be of interest to the Members of the Senate that, whereas only about 60 Members of the House voted against the original version of H.R. 2508 which we subsequently rejected, almost twice that many Congressmen voted against the report now before us. Considering the nature of the bill, the size of this negative House vote on a conference report is indeed telling.

THE CONSTITUTION, THE COURTS, AND THE CONFERENCE REPORT

It is ironic that in a time when strong voices are pleading for strict obedience to law, and when most people—and certainly most politicians—totally reject the doctrine of civil disobedience to laws with which one disagrees, we are being asked to reward and encourage disobedience to the Constitution and to court decrees.

For the simple fact is that the Supreme Court held in early 1964 that the Constitution requires congressional districts that are as nearly equal in population as practicable. Once that holding was issued, it was the responsibility of every State to move quickly and in good faith to comply. Compliance in time for the 1965 elections would in fact have been extremely difficult. Compliance in time for the 1966 elections would have been easy, and was required if the rule of law was to prevail. Many States complied by 1966. They adopted fair redistricting plans based on the 1960 census which placed their citizens in as good a position as they would have been in if there had been a constitutional districting in 1961. The new districts would govern three out of the five elections to be held between the 1960 and 1970 census years.

Some States, however, continued to resist. Either they refused to redistrict or redistricted improperly. Their disobedience and obstruction and delay allowed them to go through the 1966 election still out of compliance with the Constitution. And now, having deprived their citizens of a basic right for half of a decade, they ask us to become a party to continuing this deprivation for the other half. They ask us to relieve them of an obligation which was part of the Constitution adopted 180 years ago, which for 50 years was directly mandated in Federal statutes, which for nearly 4 years has been explicitly enforceable in the courts of the Nation, and which State after State has complied with during those 4 years.

Let there be no mistake about the intent of those who framed the language now before us. We would not pause for a moment to consider their work if the bill said plainly, "Wesberry against Sanders is hereby reversed," or, "The constitutional rights described in Wesberry against Sanders are hereby denied for 5 years." Yet this is the clear intent of the conference bill's drafters. They would have us do by indirection what we would not for one moment consider doing directly. They are attempting and hoping to give each State the option of whether or not to comply with the Constitution between now and 1972.

The bill is not so heavyhanded as to display openly even this obvious intent. Instead its method is to prevent a State from being required to redistrict unless it has available a special Federal census. But, it is well known by now that such a census is expensive to the State and, for a State of any size, requires an extended time for completion. Thus under a simple reading of the bill, if a State does not or cannot make a special census available for the 1968 or 1970 election, it could avoid the necessity to redistrict before 1972 no matter how unconstitutional its districts are. As we shall see, this reading is neither the only nor the most logical one, but this is the reading proposed by the bill's drafters.

Their rationalization for this result is specious, illogical, and incredible. They would ask us to sympathize with the plight of the "unfortunate" States which find themselves required to redistrict for 1968, although they will have to redistrict again for 1972, and which find themselves required to use the 1960 census. The lack of any cause for sympathy with them, or special dispensation for them, is obvious.

First, they face these prospects only because of their own delay and their own disobedience of the law. If they had moved expeditiously after Wesberry, they, too, would have had stable and constitutional districts for three out of this decade's five elections. They can still have proper districts for two of the five, and this goal is certainly worth achieving.

Second, if they had districted constitutionally in 1961, they would have used the 1960 census, and the districts so established would have been valid until 1972. The fact that population changes may, during a decade between censuses, dilute the equality of representation both among and within States is a fact we have traditionally accepted as a practical necessity. But it is not a fact which relieves a State of the initial obligation to district in accord with the Constitution, even if that obligation is belatedly fulfilled. There is a vast difference between having one's vote diluted by the accident of an influx of new neighbors, and by the conscious design of a politically motivated legislature.

Third, the effect of population shifts on the total districting picture in any particular State is purely speculative while the effect of the initial inequality in a districting plan is clear and observable. A State which starts with a 95-percent disparity in districts in 1961 is not likely to have equal districts in 1967. In fact it is very likely to have 150- to 200-percent disparity currently. If that State is now redistricted equally on a 1960 basis, the inequalities induced by popu-

lation changes are, as we have seen, constitutionally unobjectionable, but in any event they are unlikely to be anything like the disparity which now actually exists.

Moreover, as a matter of fact, if a State does have some idea of its population shifts, it can anticipate these in any 1960-based redistricting done now, by placing the fastest growing areas in somewhat smaller than average districts, and stable population areas in slightly larger districts, although the permissible tolerance would be very small. In Nebraska, for example, which had a 31-percent 1960 disparity, it is possible to shift just three counties and get a districting with a maximum disparity of about 7½ percent based on the 1960 census and about 10 percent based on some available—but disputed—1966 estimates. In short, a State can now place itself in an even better current position than it could if it had districted properly in 1961.

Fourth, both Houses of Congress, many State legislatures, and courts at every level have found it proper, practical, and, in fact, necessary to use the 1960 census as the basis for delayed redistrictings. Both H.R. 2508 as it passed the House and the Senate substitute allowed courts to base new districting decisions on the 1960 census. Almost all the acceptable districting plans adopted by the State since 1964 have used the 1960 census as their base, including my own State of Massachusetts, and others like Mississippi and North Carolina.

But the decisions of the courts are most dispositive. They remove the need for speculation on the constitutional significance of the arguments made above. For the assertion that the obsolescence of the 1960 census justifies delay in fair districting until new figures are available has been made to the courts and rejected by them as constitutionally unsound.

The Supreme Court itself has set a strict standard for promptness in voting-district cases. In *Swann* v. *Adams* (383 U.S. 210, 1966), for example, it made clear that it would brook no delay in effectuating the one-man, one-vote rule. And even after the 1966 elections it has continued to order redistricting despite the lapse of time since the 1960 census. Other courts have followed suit. In California, one of the States most directly interested in the legislation before us, the State supreme court specifically reviewed the arguments for waiting until 1970, and felt constitutionally bound to reject them.

Having found a disparity of 97 percent between the largest and smallest districts, this court, one of the most highly regarded State courts in the Nation said:

> If the departures from equally populous districts were substantially less than they are, it might be Constitutionally permissible to defer reapportionment until after the 1970 census. The United States Supreme Court has made it clear, however, that the practical difficulties necessarily resulting from reapportioning cannot justify perpetuating an unconstitutional apportionment. (Citing *Swann* and *Reynolds*.)

And the court added:

> Except in those few districts where by chance uneven growth may have corrected an inequality created at the time of the 1961 apportionment, reapportionment pursuant to the 1960 census will not create population-shift inequalities that do not already exist under the present apportionment.

The court found that "time is of the essence," and stated that it would adopt a redistricting plan this December if the State legislature does not do so first. The legislature is now in special session for this purpose.

Now I ask, do we have some better basis for decision than the seven members of the State supreme court? Have we received any briefs or testimony or information they did not have, which indicates that planned disparity of 97 percent can somehow be constitutional? I think not, and I think we would be deceiving ourselves if we thought there could be any valid basis for sustaining, even for one more election, a situation like that. The simple fact is that if we reject this report, California will be redistricted by its legislature or by its court, within 1 month. California's Congressmen and citizens will know where they stand once and for all without delay and without confusion.

The same goes for New York. A three-judge district court found New York's plan unconstitutional last May. It recognized that population shifts since 1960 might affect the accuracy of a new plan based on the last census, and suggested that where such changes were massive they might be taken into account. But regardless of imperfections, redistricting for the 1968 elections was ruled to be constitutionally required. The court said:

> The 1968 and 1970 Congressional elections ought to be held in districts far more equalized than they are at present. There are enough changes which can be superimposed on the present districts to cure the most flagrant inequalities . . .
>
> Therefore, although not unmindful of the risks and disturbances attendant to change, the court assumes this risk. . . . Even if perfection cannot be achieved between now and 1973, improvement is worth the effort.

Thus New York, too, will have constitutional districts in 1968 unless we interfere.

The same goes for Nebraska, as I have said, where the three districts can be brought into line just by changing two or three counties, an action which the court will surely order unless we muddy the waters, and will probably order no matter what we do. In fact even the Nebraska Congressman who would be most directly hurt by such an order—who happens to be a Republican—has agreed that the bill before us is probably unconstitutional, and he voted against it in the House.

The clear fact is that the Constitution requires these States to redistrict. Their present districts are constitutionally invalid, and cannot be used. The courts will have available two means of enforcing this requirement if the conference report is adopted. The first would be to declare the bill unconstitutional. Since as we shall see, its provisions are so interlocking, and interdependent, and since there is no severability clause, the entire measure would fall, including the one-member district provision which is of great concern to some House Members. The result will be that sometime after the first of the year, the courts and legislatures will find themselves right where they are now, only with much less time until primary day. Candidates will not know who their voters are, and vice versa, until the last minute. If the delays are extended enough, at-large elections will be the only solution. What we will have passed will be less than a nullity; it will have been an invitation to further delay, an excuse for more obstruction, and a cause of exactly the result our colleagues in the House want most to avoid.

TRYING TO INTERPRET THE CONFERENCE BILL

The second course open to the courts would be to intrepret the bill in such a way that the demands of the Constitution will be met. This requires ignoring the intent of the bill's drafters, but if the choice is either to follow their intent and invalidate the bill, or to ignore their intent and save the bill, some courts may choose the latter. In fact the language of the bill is rich and pregnant with meanings of such variety and subtlety as to be a law student's dream and a judge's nightmare.

The most simple rereading probably fails in cloaking the bill with constitutionality, but clearly indicates the range of possible results. Since a special census must be available for use before a redistricting is ordered, a court might merely order the State to obtain a special census before redistricting. In some small States, like Nebraska, this might be possible even in time for 1968, although it would be a colossal waste of State money, since even under the conference bill, by redistricting voluntarily, the State can use the 1960 census. In larger States the special census would be available only for the 1970 election, requiring at-large, or court-drawn, or voluntary 1960-based districts, for 1968, and new "permanent" census-based districts in 1970, just in time for the decennial census.

The next reading is that expounded upon at length by the chairman of the House Judiciary Committee on the floor of the House 2 weeks ago. He argued that the bill merely says "no State shall be required to redistrict" without a special census meaning that a court cannot require a legislature to redistrict; but he pointed out that the bill does not prevent a court from itself redistricting the State on the court's own initiative, using whatever figure it wants. This magnificent exegesis practically reads the special census requirement out of the bill, since a court can use 1960 figures if it redistricts, and the State can still also do so if it "voluntarily" redistricts. Thus, for example, under this reading of the bill, the courts in Nebraska and California could, and probably would, adopt their own redistricting plans if the State refuses to redistrict, although they could not order the State to do so.

Under a third reading, however, the present court order to the California Legislature to redistrict might be perfectly appropriate. For during the floor debate on the original bill in the House last April, it was made clear by Chairman

CELLER that for the purposes of these bills a State court would be considered part of the same State government as the State legislature, so that any action taken by the State legislature on order of the State court would be considered "voluntary" State action not subject to the conference bill. Thus a State court order to use the 1960 census to redistrict is equivalent to voluntary use of that census by the State legislature, and is proper even under this bill.

A fourth reading affects the status of at-large elections. The first sentence of the bill requires a State to redistrict so as to have one district for each Congressman. However, the second sentence says that no State is required to redistrict until it has a special census available. The logical construction is that the second sentence operates as a limitation on the first, so that a State is not required to redistrict into one-member districts until it has a special census. Under this reading, Indiana, for example, while it could not be required to run at large because of the third sentence of the bill, could not be required to redistrict to avoid an at-large election until it had a special census.

I could go on in this vein, but I think my message is clear enough already. To make this legislation valid the courts would have to read away major parts of it. The trouble is that different courts would read away different parts. Different States would be happy with different readings. In general, the result might be that we would find the courts doing almost exactly what they would have done without the bill, with such minor distortions as adopting redistricting plans instead of ordering them, or allowing choice between "voluntary" at-large elections and "voluntary" redistrictings, neither one of which could be ordered. But in the meanwhile we would have total confusion, lengthy delays, clogged courts, stymied legislatures, and hundreds of Congressmen who do not know where their next district is coming from.

That state of affairs would not be fair to the courts; it would not be fair to our colleagues in the House; and most of all it would not be fair to the Americans whom we in the Senate also represent. We cannot in good faith send to the President a bill which we know is either going to be found unconstitutional or is going to be construed in so many different ways that its impact is totally unpredictable. It is said that the principal motivation of our colleagues in the House was the avoidance of at-large elections. But if the bill is voided, or construed in certain ways, even this goal will not be achieved. If it is a worthwhile goal, it must be met in other ways.

Our responsibility is clear and simple. We must not establish precedent that meaningless and retrogressive legislation can pass if its backers just keep trying over and over. Persistence is no substitute for substance.

We must not yield to those who seek to reverse every decision of the Supreme Court with which they disagree. We must not reverse the trend toward more effective voting set in motion by the abolition of the poll tax and the passage of the Voting Rights Act. We cannot dilute the promise of the Constitution that each man's vote shall be "as nearly as practicable" equal to every other man's—not perfectly equal, but as equal as practicable. We must, therefore, reject this conference report.

I yield to the Senator from Tennessee such time as he may require.

Mr. BAKER. I thank the Senator for yielding. I shall require about 7 minutes.

Mr. President, with all due deference to the conference committee, I am opposed to the report of the Senate-House conference on congressional redistricting. I will vote against acceptance of it, and I earnestly hope that a majority of the Senate also will vote to reject it.

The issue which the report presents is essentially the same issue with which this body dealt definitively and, in my judgment, properly, during the debate on congressional redistricting in May and June of this year; that is, whether the Congress may validly, or should desirably, enact a law which would in 18 States, which include 259 Congressmen, delay for 5 years the enforcement of the clear constitutional mandate that each man's vote for his Congressman counts as much as the next man's vote.

The American people are familiar with the nature of this mandate and with the brief history of its swift implementation by the courts and the State legislatures. The constitutional basis for fair districting begins with the U.S. Supreme Court's 1964 decision in Wesberry against Sanders, which established that the Constitution's plain objective is that of making "equal representation for equal numbers of people the fundamental goal of the House of Representatives"—376 U.S. 1, 18. The Court held that:

> The command of Art. I, sec. 2, that Representatives be chosen "by the People of the several states" means that as nearly as is practicable one man's vote in a congressional election is to be worth as much as another's. Id. at 8.

Language in the Court's later holding in *Reynolds* v. *Sims* (377 U.S. 533, 578 (1964)) made clear the suggestion in Wesberry that there is a more exacting standard of equality required in congressional districting than in State legislative election districts.

Perhaps because population is so clearly the central, and probably exclusive, factor of importance in congressional redistricting, the Supreme Court has moved more swiftly than in State legislative redistricting toward requiring near exactness of population equality among the districts within a State. The Court's latest decisions indicate that a State's district lines do not conform to the requirements of the Constitution if any district's population deviates more than 10 percent above or below the State's average district population. See *Duddleston* v. *Grills* (385 U.S. 455 (1967)); *Kirkpatrick* v. *Preisler* (385 U.S. 450 (1967)).

These landmark decisions have worked extraordinary changes in the quality of the Nation's representative Government. Since the Wesberry decision, district lines have been reshaped in 33 States. Many States redistricted voluntarily; some only with the encouragement of a court's order; and, in a few States where the legislatures could not agree, the courts themselves redrew the lines.

The magnitude of the importance of the decision is dramatically demonstrated by the fact that between 1964 and 1966 lines in 158 congressional districts were redrawn, in response to the requirements set down in the Wesberry decision and others, and in response to the requirement of the Constitution for equal representation in the House of Representatives.

The conclusion one draws from these events in inescapable: the determined implementation of the principle of the Wesberry decision during the past 2½ years has been the backbone of the movement toward fair districting in the Nation; any weakening or avoidance of that principle or delaying of its implementation would seriously undermine pending and future efforts at fulfillment of these important constitutional rights.

And let there be no doubt that much remains to be done. There are today 18 States with congressional districts which have been declared unconstitutional by the courts—California, Indiana, and New Jersey—or in which court challenges are pending—Texas, Missouri, Ohio, New York, and Florida—or in which district lines are vulnerable to attack under constitutional standards—Colorado, Connecticut, Georgia, Iowa, Louisiana, Minnesota, Nebraska, Pennsylvania, Washington, and West Virginia.

There is also the question of gerrymandering—which will not be dealt with today—but with which the Senate did deal firmly in June. The outlawing of this shoddy practice—which has been employed to discriminate against minority parties, interests, groups, and races—is essential to a completion of the task of assuring fair representation for all Americans in the U.S. Congress.

I should like to emphasize at this point that my motives in my actions today do not spring from any narrow, local interest. The State of Tennessee has no districting problem of which I am aware; its lines were redrawn only this summer by court order, after extensive consideration of the views of all parties affected, and to the seeming satisfaction of all parties.

Neither am I motivated by partisan political interests. While it is true that in some States the Republican Party has been disadvantaged by unfair districting, it is equally true that in other States unfair drawing of district lines has worked against the Democrats.

And I have not succumbed, I hope—despite my lawyerlike inclination in that direction—to a detached entrancement with the manipulation of barren legalisms in an attempt to justify my position or prove my point.

Instead I am concerned about each individual's right in this democracy to the most perfect form of representative government possible under the Federal Constitution. This concern is based upon the proposition that the House of Representatives is the keystone of our Nation's representative form of self-government. The process of electing Congressmen is the most effective means the majority of

the people have of regularly imposing their will upon the Central Government, which in our federal system is the dominant Government.

The primary means of determining what set of beliefs will be imposed upon the Central Government is, of course, our traditional system of partisan political competition in which two national parties contend for the right to express the ambitions, desires, aspirations, and dissent of all Americans.

Our Nation comes closest to true representative government expressed through political party competition when each man's vote counts as much as the next man's.

If a man has only a part of a vote, the candidate of his political party has only a part of a fair opportunity to compete for the right to speak for him in the House of Representatives, and his Nation has a Government which represents a part of the people more adequately than it does the rest.

Acting upon these principles and this belief, the Senate, on June 8, passed by a convincing margin, 55 to 28, legislation which would have set definite legislative standards implementing and fully consistent with the Federal Constitution's strict one-man, one-vote requirement. That legislation would have prohibited the gerrymandering of congressional districts and would have permitted a population variance of only 10 percent between the smallest and largest districts in a State beginning with the 1968 elections.

The Senate action came in the form of an amendment to a House-passed bill, and the debate focused upon the same issue upon which we focus today. The House version, H.R. 2508, would have permitted a population variance of 30 percent between the largest and the smallest districts in the States—a variance that clearly exceeded the limits permitted by the Constitution. The House also would have left the question of gerrymandering to the States—or, in other words, would have left the question of gerrymandering where it is today. Finally, the House bill prohibited at-large elections for House members, except in Hawaii and New Mexico, beginning with the 1968 elections.

Although the distinguished chairman of the House Judiciary Committee [Mr. CELLER] began as early as 1951 to gain enactment of sound legislative standards for redistricting, the measure that came to the Senate this year from the House had not felt the scrutiny of careful public hearings. Indeed, the first real public attention to the bill was drawn briefly during the limited House debate—largely through the efforts of the Congressman from Michigan [Mr. CONYERS]—and during a more extended discussion in this body.

Following the debate, the Senate rejected the attempt by the House to fashion legislation that would avoid the one-man, one-vote decision, amended the bill to establish sound constitutional legislative standards for redistricting, and there was a conference.

The conference, despite diligent efforts, could not agree on the gerrymandering question and on the question of temporary and permanent standards governing population variance between districts.

Finally, on October 19, the conference filed its report with the House of Representatives. There was nothing in the report that was included in the Senate's amendment. Instead, the House reported one provision which was in the House bill as it originally came to the Senate, and one new provision which had been in neither the House nor the Senate version.

The part of the report extracted from the House version, and later agreed to by the Senate, made illegal at-large elections for House Members, except in Hawaii and New Mexico, for the 1968 and 1970 elections.

This provision reflected a widespread, and justifiable, I think, concern among House Members that a Federal court faced with a recalcitrant State legislature might simply order all members of that State's delegation to run at large in the 1968 or 1970 elections.

Such a result would be an unwelcome distortion of the political process. A strength of the House is that its Members represent narrowly defined groups of people. In all but the smallest States, a Member elected from a district can pay closer attention to the needs and problems of individual constituents than can a Senator or a Representative at large who must represent many more individuals.

The desirability of Congress acting promptly and definitively to remove the possibility of at-large elections in all States with more than one district is clear. And no one doubts that Congress may properly enact such a provision pursuant to its constitutional power under article I, section 4, to alter regulations governing the times, places, and manner of holding elections for Senators and Representatives.

The problem with the at-large prohibition contained in the conference report is that the prohibition is inseparably connected to another provision regarding special Federal censuses which, I am convinced and as I will explain in a moment, is unconstitutional.

If the courts declare the one part unconstitutional, the at-large prohibition will also fall, for there is no severability clause contained in the report.

The result will be, if this report is enacted and then found unconstitutional, to heighten the possibility of at-large elections in 1968 for the 259 Members of Congress in those 18 States which are now under court order to redistrict, or in which court challenges are pending, or in which district lines are vulnerable under constitutional standards.

This is so because, given the usual delays in the legislative and judicial process, it may be next spring before the Supreme Court provides a definitive answer on the constitutionality of this proposed legislation. Until that time, the judicial and legislative endeavors in many of these 18 States probably will grind to a halt awaiting the Court's decision. After that decision, there may not be time to convene the legislature in order to redistrict. The courts could then either draw the lines themselves—which has only happened in Arizona, Illinois, Maryland, Montana, and Tennessee—or order at-large elections.

Therefore, I think it fair to say that a vote to accept this conference report is a vote for increasing the possibility of at-large elections for House Members in 1968. From the point of view of those concerned about at-large elections, no bill is better than this bill.

The most effective way to prohibit at-large elections will be to pass separate legislation, unclouded by doubts of constitutionality, that immediately and finally bans at-large elections in all States. I have indicated my firm intention to attach to some pending business in the Senate an amendment that will do exactly this. I reiterate my intention to do so. I feel confident that both the Senate and the House will accept such an amendment.

Therefore, for those Senators concerned about at-large elections, I submit that the most effective method of prohibiting such elections is to vote against acceptance of this conference report—which heightens the possibility of at-large elections—and to vote for my amendment to ban such elections.

I am hopeful that this suggested treatment of the at-large elections issue should satisfy those with qualms about voting against a report containing an at-large election prohibition, and that the remainder of the debate might focus upon the question whether the special census provision is unconstitutional and bad policy and whether therefore the report should be rejected by the Senate.

The second sentence of the conference report provides that no State shall be required to redistrict prior to the Nineteenth Federal Decennial Census unless the results of a special Federal census conducted pursuant to the act of August 26, 1954, as amended, are available for use.

The justification for this provision, according to the House managers of the bill, is that:

> Changes that have occurred in the structure of the U.S. population since 1960 are too vast in many instances to permit any reasonable degree of accuracy in establishing district lines on the basis of the 1960 census data.
>
> The expense and effort involved in congressional redistricting should not be devoted to an enterprise that necessarily in many states must be so inaccurate as to be unreasonable when based on 1960 census data. It is preferable to wait until the 19th decennial data is available if updated special census data is not available.

I should like to respond in the following way to the arguments in favor of this new provision which was in neither the original House bill nor the original Senate amendment to the House bill, but was developed in the conference.

First, if this provision is saying to the courts, "You cannot order a State to redistrict unless that State voluntarily agrees to pay for and provide a special Federal census," then the legislation is unconstitutional because it permits a State the option of declining to redistrict by refusing to authorize and pay for

a special Federal census. There is no question that Congress can act, as the Senate did in June, to establish more defined standards within the limits set by the Constitution.

There is equally no doubt in my mind that congressional action which attempts, as this special census provision does, to limit the Supreme Court's definition of the Constitution will be ruled repugnant to the Constitution.

This provision is repugnant to the Constitution because it permits the State the option to withdraw from the court's jurisdiction over implementation of the one-man, one-vote principle.

But it has been suggested by proponents of the report that because the legislation has a presumption of constitutionality, we should interpret the special census provision in a way that might be constitutional.

It has been pointed out that nothing in the bill prohibits a State from voluntarily redistricting on the basis of 1960 census figures. It has also been suggested that a Federal court could itself redraw the State's lines on the basis of the 1960 census figures.

Finally, it is suggested that even if there is some unconstitutional aspect to the legislation, that this legislation serves only as an admonition to the courts.

Such arguments certainly create confusion about the justification for the special census provision. If the purpose of the provision is to establish a congressional policy against the use of 1960 census figures, then why should the 1960 figures be bad only when Federal courts order a State legislature to draw new district lines? Why are 1960 figures also not outdated when Federal courts themselves redraw district lines, or when a State decides to redistrict, or even when a State court—as in the California situation—has ordered a legislature to redistrict? One must conclude that there must be some reason other than the inaccuracy of 1960 census figures to justify our acceptance of this special census provision.

The only other interpretation is that the Congress is either admonishing or ordering the courts not to require any State to redistrict until the 1972 elections unless it voluntarily agrees to do so.

This interpretation is suggested in the remarks of the distinguished Senator from Nebraska [Mr. HRUSKA], made on the Senate floor on October 31, RECORD, page 30635, where he says:

> The language of the conference report is simple and direct. It accomplished its objective very well. In short, no state shall be forced to redistrict prior to the 1970 census; however, a state can voluntarily redistrict at any time. It also prohibits at-large elections except for the states of Hawaii and New Mexico. This and nothing more is the intent of the bill.

In short, the Senator seems to be saying that this bill is designed to delay redistricting in all States which do not voluntarily decide to redistrict until after the 1970 census is completed.

Mr. President, after the congressional redistricting bill was sent to conference and returned, first to the House of Representatives and then to the Senate, I find, upon close examination, that not one provision of the amended Senate version of this bill was retained in conference. The House provision against running at-large was eliminated in the Senate form, but restored in conference. The provision against gerrymandering in the Senate form was eliminated in conference. The provision dealing with the permanent limitation of not more than 10 percent variation between districts was eliminated in conference; and we are presented, Mr. President, with a conference report which is, in fact and deed, a complete innovation of that committee, and which has the practical effect of doing two things, in my judgment: First, depriving the Federal judiciary of any effective right to review the inadequacies of redistricting prior to 1972; and second, heightening the possibility and advancing the probability that this Nation may be faced with at-large elections in many of our States in 1968.

The reason for that, Mr. President, in my judgment, is that a close reading of the conference version of the bill will disclose that there is no severability clause to establish the independence of the provision which defers redistricting until 1972 from the provision which prohibits at-large elections.

If the courts find, and I feel they will find, that this conference report is unconstitutional, if any part of the bill fails, the entire bill will fail, and we will have no prohibition against at-large elections.

In conclusion, it therefore seems to me that there is no way to interpret the bill in a way that is both reasonable and consistent with the Constitution. It must be read either to be unconstitutional or to mean nothing. It does not establish a congressional policy against the use of the 1960 census figures: First, because it unreasonably permits the figures to be used in all types of situations but one; and second, because it could not establish such a policy since the courts have repeatedly ruled that, whatever the inaccuracies of those figures, there will continue to be court-ordered redistricting and it will be done on the basis of 1960 figures. If the justification for the special census provision is to delay redistricting until 1972 unless a State voluntarily elects to do so, it is clearly unconstitutional. If the justification for it is to "admonish" the courts to delay redistricting until 1972, the legislation is either suggesting that the courts overrule themselves, which is not likely, or it means nothing.

So, Mr. President, as I stated earlier, I shall vote against this conference report, for I feel that in this instance, no bill is better than this bill.

The PRESIDING OFFICER. The Senator's 7 minutes have expired.

Mr. BAKER. I ask for 1 additional minute.

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

Mr. BAKER. I believe I yielded control of the entire time in opposition to the conference report to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Tennessee got half, and the Senator from Massachusetts got half.

Mr. BAKER. I understand.

As I say, Mr. President, I feel that no bill is better than this bill, for these reasons:

Because of the heightened possibility of at-large elections.

Because of the iniquitous possibility of deferring any sort of redress for inequalities of congressional districts for 5 full years.

And because I feel that this body, and the Congress, have another alternative. While it is true that under the rules of the Senate, the conference report cannot be amended, I would respectfully urge and hope that my fellow Senators will vote down the conference report, vote no, vote against it, and then, at a subsequent time, I shall propose simple legislation which would directly, explicitly, and very clearly prohibit elections at large, thus accomplishing what we must do if we are to avoid one of the serious risks and dangers that I believe are presented and heightened by the pending legislation in its present state.

Mr. President, I have previously stated on this floor that I intended to introduce such legislation as an amendment to appropriate pending legislation. If the Senate does concur in disapproval of this conference report, then I propose to amend accordingly the first and convenient and appropriate piece of legislation, so that the Senate will have an opportunity to vote on a straightforward prohibition against at-large elections, without having to run the risks that this conference report presents, and without having to saddle the country with congressional districting inequality until 1972.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY of Massachusetts. Mr. President, I yield 5 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 5 minutes.

Mr. TYDINGS. Mr. President, I take this opportunity to support the position taken by the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Tennessee [Mr. BAKER].

Mr. President, last May the Senate took historic action in approving a bill which provided valuable guidelines for State legislatures to follow in drawing congressional districts. The bill would have allowed no more than a 10-percent population deviation between the largest and smallest congressional districts in a State, and would have provided safeguards against gerrymandering of district lines. The bill approved by the Senate, in short, supported the constitutional principle of one man, one vote, and gave State legislatures and the courts a proper blueprint for implementing the mandate of the Constitution.

I deeply regret that this excellent Senate bill was not approved in conference. For many months, the conference labored in attempting to resolve differences between the Senate and House bills, but finally it was determined that the differences ran too deeply and that no meeting of the minds was possible on the key issues of population variances or gerrymandering.

There were, however, two matters on which a majority of the conferees were

able to agree—that, except for Hawaii and New Mexico, Representatives in Congress shall be elected from single-member districts and not at large, and that no State shall be required to redistrict until after the 1970 census, unless a special census is taken earlier in that State to update the 1960 population figures.

I believe that this second provision—placing an embargo on congressional districting for at least two congressional elections, until after the results of the 1970 census are known—is, at best, of dubious constitutionality. Although proponents of the bill may argue that the 1960 census figures are so outdated that they cannot be reliable guides for implementing the one-man, one-vote principle, I believe it is even less reasonable to acquiesce in an apportionment which was made without any attempt whatsoever to conform to this principle. Obviously, it would be desirable to have congressional districting based on current population figures. But the absence of current data cannot be a ground for wholly ignoring the Constitution's mandate. If we do not have current data, we must use the best that is available. To do otherwise is to flout the Constitution.

In my judgment, if Congress approves this bill, we will spawn vast confusion in the State legislatures and more controversy in the courts. State legislatures already under court orders to redistrict will take this congressional act as an excuse to disregard the orders. And those of us who have served in State legislatures know that they do not need much excuse. Litigation will ensue which ultimately can only be resolved in the Supreme Court, and the course of litigation will take well into 1968.

In May or June of 1968—with a congressional election looming around the corner—I believe it most likely that the Supreme Court will declare this embargo on reapportionment unconstitutional. At that point, no Congressmen in the challenged States will know where he stands. No citizen in those States will know who will be representing his district, or whose record he should be evaluating for purposes of casting his vote. In short, the political processes of a great number of States will be thrown into considerable disarray. This situation can and should be avoided. The confusion will not be the fault of the courts. It will not be the fault of the one-man, one-vote principle. The confusion will have been created by the Congress of the United States which will have led the State legislatures down an improper, constitutionally impermissible path.

The confusion will have been created by the Congress of the United States in adopting a conference committee report which the junior Senator from Massachusetts has characterized as unclear, unconstitutional, and unconscionable.

This situation can and should be avoided.

We can avoid this situation easily, directly, and firmly by rejecting the conference committee report.

I urge the Senate to take this action.

Mr. President, I yield the floor.

Mr. KENNEDY of Massachusetts. Mr. President, I yield 5 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. CLARK. Mr. President, the pending bill is a bad bill. It is one of the worst bills that I think has been brought to the floor of the Senate during the years in which I have been here.

I hope the conference report will be rejected. However, I shall leave to others, the Senator from Maryland [Mr. TYDINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Tennessee [Mr. BAKER], and the Senator from Michigan [Mr. GRIFFIN] the detailed arguments as to why the pending bill is a bad bill.

I would rather turn to a discussion of a parliamentary procedure which I think has been violated in a most unfortunate way in connection with the appointment of conferees to the pending bill.

Since the time of Jefferson, the principle has been acknowledged that the majority of conferees from a given House should represent the prevailing view of that body on the bill to be considered.

The current manual states that this is Senate practice. There is no rule which establishes this practice. It is merely established by a long series of precedents.

When the issue has been raised that a majority of the Senate conferees had voted against the position of the Senate, on numerous occasions the conferees have in good conscience resigned of their own will—because they were gentlemen of honor—in order to assure that a majority of the conferees going into conference with the House should support the views of the Senate.

I yield to no man in my admiration and, indeed, my respect for the conferees who undertook to represent the Senate in this matter. They are men of honor. I would never suggest otherwise.

I doubt whether this matter was appropriately called to their attention.

Let me call the roll.

Senator EASTLAND, a conferee, voted "no" on the Senate bill.

Senator ERVIN, a conferee, voted "no" on the Senate bill.

Senator MCCLELLAN, a conferee, voted "no" on the Senate bill.

Senator HRUSKA, a conferee, voted "no" on the Senate bill.

Senator DIRKSEN, a conferee, voted "no" on the Senate bill.

The only conferee who was prepared by his vote to support the position of the Senate was the Senator from Massachusetts [Mr. KENNEDY], and he went into that conference with five of his colleagues who had opposed him in his successful and victorious effort to persuade the Senate to adopt a good reapportionment bill. What chance did he have? Obviously none, as this conference bill indicates.

I think that we ought to reject the conference report and that in good conscience five of the six Senate conferees should resign, and that conferees who believe in fair and equitable apportionment of Members of the House of Representatives should be appointed in their stead. We should go back to conference and do what we can, with these new conferees who believe in what the Senate believes in, to bring back a bill which we can conscientiously support.

I will vote against the conference report.

Mr. President, I yield back the remainder of my time.

Mr. KENNEDY of Massachusetts. Mr. President, I yield 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 5 minutes.

Mr. GRIFFIN. Mr. President, when it comes to selecting Members of the U.S. House of Representatives, one man's vote should be worth as much as anothers. This principle was established in the Constitution, and the Supreme Court has sought to give meaning to the principle through its decision in *Wesberry v. Sanders* (376 U.S. 1, 8 (1964)).

Although Congress has the opportunity and the responsibility, under the Constitution, to implement this fundamental principle by enacting appropriate legislation, the conference report before us does not achieve that worthy purpose.

The legislation proposed in the conference agreement is inadequate and unacceptable from a policy standpoint. Furthermore, the legislation is unconstitutional, in my opinion; and I find it necessary, therefore, to oppose it.

In April, the House of Representatives passed H.R. 2508, a bill which purported to establish standards for congressional redistricting.

In June, the Senate passed a much better substitute measure which included a 10-percent limit on the permissible population variation between the largest and smallest congressional districts in a State; a provision to guard against gerrymandering; a requirement that necessary redistricting be completed in time for the 1968 elections; and an assurance that no State would hold at-large congressional elections to select more than one Representative.

Ordinarily, a conference agreement reflects compromise between House and Senate versions of legislation. But, in this instance, the agreement does not represent middle ground. Instead, it is a departure, in important respects, from both bills.

The Senate bill provided for a 10-percent allowance for population variation; the House bill provided for 30 percent. The conference report sets no limit whatsoever.

Both bills would have established permanent limitations as to population variation; but the bills differed as to whether the limitations would become effective in 1968 or in 1972. The conference report provides for no permanent standards whatsoever as to population variation.

The conference agreement purports to bar at-large elections—but then it proceeds to except Hawaii and New Mexico. On its face, it seems to me that this is ridiculous and should be unconstitutional. If Hawaii and New Mexico, each of which has two Members of the House, can elect their representatives in at-large elections, then on what possible basis can we constitutionally declare that other States, such as Idaho, Montana, and

New Hampshire, for example, may not do so?

Mr. President, it strikes me that the Nation would be better off with no legislation than would be the case if Congress should adopt this conference report.

The legislation which it proposes does not establish a 10-percent ceiling—or any other ceiling—on population variation.

It does not deal at all with the gerrymandering problem.

After two elections—which will select Members of the 91st and 92d Congresses, for which no redistricting would be required—this legislation would expire.

Mr. President, this proposal would not be operative soon enough nor long enough—and during its brief life it would accomplish little or nothing. However, it would create considerable confusion.

The conference report implies that Congress, by enacting this legislation, could somehow suspend or postpone a constitutional right, or the power of the Federal judiciary to enforce that right. It is difficult to believe that any constitutional lawyer could seriously advance such a proposition in light of recent decisions of the Supreme Court in this field.

I am certain that Michigan voters who elected me in 1966 to the U.S. Senate did not do so with the expectation that I would postpone my responsibilities as a Senator until 1970 or 1972. Congress should not postpone or duck its responsibilities. And certainly we would be unwise to enact legislation which would give rise only to a 5-year hiatus.

Mr. President, because two issues which are totally different are often confused and interwoven in the minds of many people, I wish to draw a distinction that is important to bear in mind.

Although the Supreme Court correctly interpreted article I of the Constitution by applying the one-man, one-vote principle to congressional districting, I wish to emphasize my view that the Supreme Court erred when it interpreted the 14th amendment to require that both houses of a State legislature be apportioned strictly on a population basis regardless of the wishes of the people in the State.

The Supreme Court went too far, in my view, when it ruled in *Lucas* v. *Colorado* (377 U.S. 713), that the people of a State do not have the power to establish one house of a bicameral legislature on a basis other than population—even when such a system is overwhelmingly adopted in a referendum by the people—voting one man, one vote.

Because I believe the Supreme Court went too far in Sims and Lucas, I have consistently supported the call by Senator DIRKSEN for a constitutional amendment to reverse the Court on this point.

Under our Federal system, of course, only one House of Congress is apportioned on the basis of population. And the business now before the Senate is to make sure that representation in that one House will, in fact, be based on population.

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

Mr. GRIFFIN. I ask that I be permitted to proceed for 2 additional minutes.

Mr. KENNEDY of Massachusetts. I yield 2 additional minutes to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I believe the Supreme Court reached far beyond the intent of the Constitution's framers when it ruled that both houses of a State legislature must necessarily be apportioned solely on a population basis. There is nothing in the Constitution or in the history of the constitutional debates which should interfere with the right of the people in a State to establish a legislative system similar to the Federal system, particularly if they choose to do so by a referendum, voting one man, one vote.

Mr. President, the constitutional principles involved in apportioning the U.S. House of Representatives are not identical to those which govern establishment of a bicameral State legislature. I have chosen to focus briefly on this matter because there seems to be considerable confusion and an unfortunate tendency in the minds of many to equate the two situations.

I am proud that the State of Michigan ranks fourth among the 50 States in the effort to give meaning to the one-man, one-vote principle as it applies to apportionment of seats in the House of Representatives. In Michigan, the percentage by which the population of the largest House district exceeds the population of the smallest House district is only 3.4 percent—which is clearly within any reasonable guideline or limitation.

As a Republican, I am also glad to know, as the distinguished junior senator from Tennessee [Mr. BAKER] has pointed out, that Republicans provided leadership in Tennessee in advancing the cause which finally culminated in the landmark decision of Baker against Carr.

But the constitutional right of equal representation in the U.S. House of Representatives is not a State issue or a party issue—it is a national issue. It is a right which should not and cannot be postponed until 1972.

Mr. President, I join the distinguished Senator from Massachusetts and the distinguished junior Senator from Tennessee in appealing for rejection of the conference report.

Mr. HRUSKA. Mr. President, I ask the Senator from North Carolina to yield me 10 minutes.

Mr. ERVIN. I yield 10 minutes to the distinguished Senator from Nebraska.

Mr. HRUSKA. I thank the Senator.

Mr. President, whether a bill is good or bad depends, to a great extent, upon the circumstances which exist at the time the decision on that bill is made.

In my opinion, this conference report is as good as we could obtain under the existing circumstances. The alternative that has been pointed out many times today, is no bill at all.

As one of the conferees who attended all conference meetings, I can assure everyone that a genuine and sincere effort was made to reconcile the House and the Senate bills.

The conferees acted in good faith, but on many points we were unable to reach agreement. In this connection, attention should be directed to the fact that on June 27, 1967, the conference committee reported a compromise measure. It was a much more comprehensive report than the one now being considered, but when it reached the floor of the House, unanimous consent was obtained to recommit it to the conference committee. The report before us is a much different proposal than the agreement in the June 27 report.

This fact is overlooked when it is charged that there was no bona fide attempt to reconcile the House and Senate versions. There was such an effort. And it was made in good faith. The result of this good faith effort is the conference report we now have before us. It is brief; nevertheless, it embodies the only agreement that could be obtained.

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator yield on my time, or would he prefer that I wait?

Mr. HRUSKA. I am happy to yield for a question.

Mr. KENNEDY of Massachusetts. On the question of compromise, Mr. President, I think it is important——

Mr. HRUSKA. I yield for a question. If the Senator wishes to make a statement, he should make it on his own time.

Mr. KENNEDY of Massachusetts. I am willing to make it on my own time. Mr. President, is the Senator from Nebraska familiar with the remarks made by Representative MATHIAS of Maryland, one of the conferees, in the House debate? I shall read a brief excerpt, and ask the Senator whether he is familiar with it.

Mr. MATHIAS said:

> It is no secret that the House conferees had agreed to accept the House interim provisions and the Senate permanent provisions for congressional districts. This would have been an honest compromise.

Then, in response to an inquiry, Representative MATHIAS of Maryland continued:

> If the gentleman is interested in those subjects, the thing to do is to send the report back to the other body as written, to let the other body give instructions to its conferees, because that is where the trouble is on those questions.

I am wondering if the Senator from Nebraska is familiar with those questions that were raised by a Member of the House conferees, who is one of the architects of what appeared to many of us—both those who supported the proposal in the House and myself—as a reasonable compromise.

Mr. HRUSKA. Yes; I am familiar with those questions. I will point out, however, it was also the gentleman from Maryland [Mr. MATHIAS] who said in debate in the House that he would vote for the conference report since it was the best we could do.

Mr. President, the vote in the other body on passage of this conference report was 241 to 105. It is a matter primarily affecting the other body, and the report is a reasonable compromise; therefore, comity should be extended by the Senate to accommodate the preference of the other body.

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator yield?

Mr. HRUSKA. I would prefer to yield after I have finished developing a point.

Mr. President, much has been said about one man, one vote. It is asserted repeatedly that one man's vote should

be worth as much as the vote of another man. I subscribe to that theory, but with certain limitations. An example of such a limitation was mentioned by the Senator from Michigan when he stated that the 14th amendment was wrongfully construed when the Supreme Court made it applicable to both houses of State legislatures. It must be remembered, however, that one man, one vote will not be achieved by the rejection of this report.

The 1960 population figures are obsolete, and to use them would be to magnify the very disparity among congressional districts. Since 1960 there has been a great population shift. This shift has been among the several States and among congressional districts within each State.

Mr. President, I ask unanimous consent to have printed in the RECORD a chart showing the population differences from 1960 to 1967 of 16 States.

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

TOTAL RESIDENT POPULATION CHANGES IN SELECTED STATES 1960-67

[In millions]

State	1960 census (Apr. 1)	1967 estimate (July 1)	Change 1960-67	
			Number	Percent
California	15.7	19.1	+3.4	+21.9
Colorado	1.754	1.975	+.221	+12.6
Connecticut	2.535	2.925	+.390	+15.4
Florida	4.952	5.996	+1.045	+21.1
Georgia	3.943	4.511	+.568	+14.4
Indiana	4.662	4.999	+.337	+7.2
Iowa	2.758	2.753	−.005	−.2
Minnesota	3.414	3.582	+.168	+4.9
Missouri	4.320	4.605	+.285	+6.6
Nebraska	1.411	1.435	+.024	+1.7
New Jersey	6.067	7.004	+.937	+15.4
New York	16.7	18.3	+1.552	+9.2
Ohio	9.706	10.462	+.756	+7.8
Pennsylvania	11.3	11.6	+.307	+2.7
Washington	2.853	3.089	+.236	+8.3
West Virginia	1.860	1.798	−.063	−3.4

Source: Bureau of Census Population Estimates, Sept. 5, 1967.

Mr. HRUSKA. Mr. President, it will be noted from this chart that California had an increase in population of 3.4 million from 1960 to 1967. There was a shift of population in Colorado of a quarter of a million; in Florida, over a million; Georgia, 500,000; New York, 1.5 million; New Jersey, 900,000; and Ohio, 700,000.

By the same token, while there is an estimate by the Bureau of the Census as to the number of people gained or lost by a State, there are no comparable estimates available as to the population shifts in the respective districts.

If this conference report is rejected, we would be forcing upon the courts the admittedly impossible task of trying to divine in some way the respective populations of these congressional districts. In California, where estimates of county population are not even available, or in New York where a similar situation exists, this alternative is beyond comprehension.

Under these circumstances it is submitted that the one-man, one-vote rule cannot be achieved by assigning to the courts the task of trying to guess population figures. Rejection of the conference report would mean a hasty and imperfect determination of population, by the court, in each district involved. Of course, this would magnify the problems and create new injustices rather than correct old ones.

Mr. President, the one-man, one-vote rule is an important principle, but it is not the only one to consider. The Representative from Maryland, Mr. MATHIAS, called this point to the attention of the House of Representatives. He said, among other things, that one of the most important principles is to achieve representative government. Other elements also are needed, such as the stability of political institutions, the familiarity of voters with the candidate and his opponent, and their respective records, promises, views, and temperaments.

In addition, it is important that the candidates be familiar with the various aspects of their districts. They must know who they represent. They must know the characteristics of the population, its desires, and its different economic, social, and other attributes. How can that be achieved if a redistricting is ordered prior to the next Congress; a redistricting that will be patently and necessarily inaccurate and violative of the one-man, one-vote rule?

Certainly, elections at large are not conducive to representative government and should be stricken. This conference report would accomplish this with the exception of Hawaii and New Mexico. I was not in sympathy with the exception given to those two States. I am in sympathy, however, with the thoughts of the Senator from Michigan that it may be an unconstitutional exception.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). The time of the Senator has expired.

Mr. HRUSKA. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

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

Mr. HRUSKA. Mr. President, the solution is not to condemn the entire conference report. The portion of the report that deals with Hawaii and New Mexico is separable from the remainder of the bill. There is no separability clause in the conference report. There does not have to be. An elementary rule is that if part of an act is unconstitutional, and part is constitutional, then the provisions shall be separated if they are not inextricably connected, and the constitutional provision will stand.

In the eagerness to achieve storybook purity and perfection in terms of the one-man, one-vote rule, let me caution that if the conference report is rejected, there will be new inequities, new injustices, and additional obstacles to the achievement of effective government.

The report should be approved. It will provide stability. It would not be necessary for the courts to undertake an admittedly impossible task to order redistricting without the facts. No violence would be done to the spirit of good representative government and attempts to achieve it. The Supreme Court virtually has asked for some indication from Congress in this matter. Anything that is reasonable, I am sure, would be favorably considered by the Supreme Court.

There have been many bland statement to the effect that this report is unconstitutional. I do not know where that facility of clairvoyance arises, since so many people say that the Supreme Court does not know itself, from day to day, where it stands on various problems.

I would say that the Supreme Court would welcome this report, as an indication of congressional preference as to how this difficult problem should be resolved. There are many inequities one way, and there are many more inequities and injustices the other way. On balance, Congress is seeking to be of assistance and say, "We choose this way. Here it is."

We should approve the conference report and at a future date tie it into permanent standards for congressional redistricting.

It is my earnest hope that there will be a favorable vote on this conference report.

Mr. FONG. Mr. President, will the Senator from Massachusetts yield me 10 minutes?

Mr. KENNEDY of Massachusetts. Mr. President, how much time remains now?

The PRESIDING OFFICER. The Senator from Massachusetts has 24 minutes remaining.

Mr. KENNEDY of Massachusetts. I thank the Chair. I am happy to yield 10 minutes to the Senator from Hawaii.

Mr. FONG. I thank the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 10 minutes.

Mr. FONG. Mr. President, I wish to associate myself with the remarks of my distinguished colleagues from Massachusetts, Tennessee, and Michigan, and to ask all Senators to join us in voting down the conference report.

Mr. President, the conference committee on the congressional redistricting bill (H.R. 2508) has reported a bill containing the following provisions:

First. All States entitled to more than one Representative during the 91st and 92d Congresses are required to establish single-Member districts—except that the States of Hawaii and New Mexico may continue to elect Representatives on an at-large basis.

Second. No State is required to redistrict prior to the 1970 decennial census, unless there is conducted a special Federal census, and no State is required to elect its Representatives at large prior to that 1970 census.

Mr. President, I am extremely disappointed with this conference agreement.

Although authorities on constitutional law agree that the Congress may properly establish standards for State legislatures to follow in the creation of congressional districts—under article I, section 4, of the Constitution—I respectfully submit that the conference agreement will very likely be declared unconstitutional on two grounds.

First, I believe that the second section of the conference agreement may well be unconstitutional.

It would permit any State not to redistrict by not having a special Federal census before the 1970 Federal census is taken. This would permit the States to withdraw unilaterally from the Court's

jurisdiction over congressional redistricting.

This, I am convinced, the Congress may not do, for there appears to be no constitutional basis for this delegation of authority.

Moreover, the conference agreement would have the effect of delaying until the 1972 elections any Federal judicial enforcement of its one-man, one-vote ruling in congressional redistricting. Aside from the large number of States affected—18 States represented by 259 Congressmen, more than half the membership of the House of Representatives—or the enormous cost involved which the 18 States must pay—one estimate is that it would cost these States some $35 million for special Federal censuses—it is highly dubious that the Federal courts would tolerate such a delay in compliance with the Supreme Court's ruling on fair congressional districting.

The second ground on which I believe the conference agreement to be unconstitutional is that a State may not elect its Members of the House of Representatives on an at-large basis. Therefore, I believe that the exemption of the States of Hawaii and New Mexico from the requirement to elect Representatives on a single-district basis is clearly unconstitutional.

The principle of electing Representatives by single-Member districts is firmly established in our constitutional traditions.

The question of representation in a national legislative body was debated at great length during the Constitutional Convention of 1787. Some of the eminent men who went to the Convention conceived a National Government as a league of States, each having equal representation at the national level.

Other delegates, disagreeing strongly with this approach, thought the National Government ought to be very close to the people, a personal government in which small areas—each one comprising a small settlement—would send a representative to the National Government.

After extensive deliberation on these questions, the Convention agreed to a settlement which has been called the great compromise. A bicameral national legislative body was established. The upper House, the Senate, would be made up of Members elected to represent States for 6-year terms, staggered so that one-third of the membership would be elected every 2 years.

The lower House, the House of Representatives, would be made up of Members elected every 2 years directly by the people and, constitutional traditions show, from smaller political subdivisions of the States.

As James Madison pointed out in his classical work, "The Federalist," No. 52, Cooke edition, at page 355:

> As it is essential to liberty that the government in general, should have a common interest with the people; so it is particularly essential that the branch (lower House) of it under consideration should have an immediate dependence on, and intimate sympathy with the people.

The Convention thus conceived of Senators, representing entire States, as being the more remote of the two Houses from the electorate, while Members of the House of Representatives, representing small constituencies, would be the more personal representatives of the people and more intimately acquainted with the needs of their particular area and group. Thus, as part of this great compromise, article I, section 2 of the Constitution provided that Members of the House should be chosen "by the People of the several States" and should be "apportioned among the several States according to their respective Numbers."

The delegates to the Convention, concerned that State legislatures might apportion House seats unequally and unfairly, provided in article I, section 4, that while the "Times, Places and Manner of holding Elections" may be left to the States, the Federal Government was to have the last word: "the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators."

All of this historic data was taken primarily from three classical works of American history, as follows: James Madison "The Federalist"; Alexis de Tocqueville, "Democracy in America," volume 1; Max Farrand, "The Records of the Federal Convention of 1787," volume 1.

Following ratification of the Constitution, each State set about to find a method which would secure to the people that best representation.

In 1842, when the Congress decided to review these methods of election, it was found that only 17 of the 26 States had established single-Member Representative districts, and that the remaining nine States allowed their Representatives to run at large.

Seeking to end the practice of these nine States of electing Congressmen at large rather than from single-Member districts, and deciding that this practice gave undue power to the majority political party in the State, Congress passed the Apportionment Act of June 25, 1842 (5 Stat. 491)—the first time it had ever exercised its power under article I, section 4 of the Constitution to regulate election of Members of the House.

That law apportioned Representatives among the several States according to the Sixth Decennial Census, and provided that—

> In every case where a State is entitled to more than one Representative, the number to which each State shall be entitled under this apportionment shall be elected by districts composed of contiguous territory equal in number to the number of Representatives to which said State may be entitled, no one district electing more than one Representative.

With the enactment of this law, the Congress clearly intended to reassert the wishes of the framers of the Constitution that the Members of the House of Representatives represent smaller, more intimate constituencies.

In 1862, Congress reiterated its desire for single-Member districts in the Reapportionment Act of that year (12 Stat. 572), and, in 1872, Congress added a requirement that districts should contain "as nearly as practicable" equal numbers of inhabitants (17 Stat. 28).

The requirement that districts be composed of "compact territory" was added in 1901 (31 Stat. 733), and all three requirements were restated in 1911 (37 Stat. 13).

There was no apportionment act following the 1920 census, but the 1929 legislation (46 Stat. 26) and the 1941 law (55 Stat. 761) failed to repeat these requirements; so that since 1929 apportionment acts have contained none of the requirements for single-Member or compact districts, or districts having nearly equal numbers of inhabitants.

For the past 38 years, then, since 1929, the Congress has failed to fill the role which the framers of the Constitution envisioned for it.

Nevertheless, for more than 87 years, each State having more than one Representative was required to elect them from single-Member districts.

The principle of electing Representatives by single-Member districts—called by President Truman in 1951 a "basic policy of our Government"—House Document No. 36, 82d Congress, first session—was therefore established more than a century ago in our constitutional law.

The provision of the conference bill exempting Hawaii appears to me to fly in the face of well-established constitutional law.

I consider the Hawaii exemption particularly unreasonable, unfair, indefensible, and unconstitutional. The conference agreement is therefore quite unacceptable to me.

I have steadfastly opposed such an exemption—during the Judiciary Committee's consideration of H.R. 2508, and during the Senate debate on the bill earlier this year.

Although the committee agreed with me and adopted my amendment to strike the Hawaii exemption, and the bill as passed by the Senate on June 8 did not contain the Hawaii exemption, I regret and deplore its inclusion in the conference bill.

From my study of the debate which took place in the House when the bill was considered on April 27, it is clear to me that the Hawaii exemption provision was approved hastily and only after perfunctory debate.

Full consideration of all the factors involved plainly shows that the Hawaii exemption should not have been included in the conference bill.

I strongly believe, Mr. President, that what is applicable to 48 other States of the Union should be equally applicable to Hawaii.

It is my understanding that the purposes of H.R. 2508 are: First, to require that States establish districts for the election of Representatives in Congress, and second, to provide that congressional redistricting be based on the 1970 census or an up-to-date special Federal census, and thus implement the one man, one vote doctrine of *Wesberry* v. *Sanders* (376 U.S. 1, 18 (1964)).

If these are the reasons for the enactment of this bill, then why not have them applicable to all States? Why did the House exempt Hawaii?

One reason advanced during the House debate on the Hawaii exemption was that

the geography of the State of Hawaii renders it difficult to draw district lines.

This is absolutely untrue.

Ever since Hawaii's annexation to the United States in 1898 and the election of the first Territorial Legislature in 1900, territorial senators and representatives were elected to the bicameral legislature according to senatorial and representative districts, Hawaii Organic Act of April 30, 1900.

In fact we have only recently reapportioned both houses of our State legislature—so that district lines had to be redrawn for both the senate, in 1966, with eight senatorial districts, and for the house, in 1959, with 18 representative districts.

Having this long history and experience in drawing district lines among the eight major islands of the Hawaiian archipelago, there is no reason to believe that congressional district lines could not also be drawn, in conformity with the requirements of H.R. 2508.

Another reason cited during House debate on the Hawaii exemption and, I understand, during the conference committee's deliberations, is that never in the history of the State have congressional district lines been drawn. This is true. But we became a State only in 1959.

Hawaii's population at the time she entered the Union in 1959 was determined on the basis of the decennial census of 1950. At that time, in 1950, Hawaii's population was 499,794, which entitled the State to only one Congressman.

The 1960 decennial census, however, showed that Hawaii's population rose to 632,722. This new figure entitled Hawaii to a second seat in the House.

Thus, only since 1960 has Hawaii elected her Representatives to the National House on an at-large basis.

One apparent purpose of the conference bill's provision that no State is required to elect its Representatives at large for the 91st and 92d Congresses was to afford a transition period to some 22 States which have not yet reapportioned their legislatures.

The State of Hawaii, however, has already reapportioned its legislature.

In accordance with a decision of the Hawaii Federal District Court of March 9, 1965, and the U.S. Supreme Court case of Burns against Richardson, handed down April 25, 1966, the Hawaii Legislature reapportioned the State senate. Elections under this new apportionment were held in November 1966, and the legislature, including the newly apportioned senate, has completed its 1967 session.

Hawaii, then, does not require a transition period provided by the conference bill. Having already gone to court, and, under court order, having reapportioned the legislature, Hawaii is now prepared to proceed to implement the Wesberry ruling of the U.S. Supreme Court and draw congressional district lines. And this can be done when the State legislature meets for its 1968 session next February.

Another apparent purpose of the conference bill's provision, that no State is required to elect its Representatives at large for the next two Congresses, was to afford relief to the State of Indiana, which is the only State now under court order to elect all of its 11 Representatives on an at-large basis.

Why, Mr. President, should a ban on at-large elections be enacted to benefit especially and only one State of the Union? Why should the ban be made applicable only to 48 States, and not to all 50? Why should at-large elections be permitted in only two States of the Union, and not in the other 48?

Is it not a fact that the conferees felt that by exempting the State of Hawaii from mandatorily drawing congressional district lines, this would insure the continuation of the present political complexion of our congressional delegation?

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

Mr. FONG. May I ask for 2 more minutes?

Mr. KENNEDY of Massachusetts. I yield 2 additional minutes to the Senator from Hawaii.

Mr. FONG. Is it not also a fact that by banning at-large elections in the other 48 States, which would force the State of Indiana to redistrict, this would insure benefits to a certain political party?

Is it reasonable to conclude that party politics was a motivating factor in exempting Hawaii and in banning at-large elections in 48 States?

Mr. President, in terms of size of population, Hawaii ranks 40th among the 50 States, 11th from the bottom, according to the Census Bureau's 1965 estimates.

Of the 10 States with smaller populations than that of Hawaii, five States are entitled to two seats in the House of Representatives. These five States are Idaho, Montana, New Hampshire, North Dakota, and South Dakota.

If Hawaii is to be exempted from the provisions of section 2 of the bill, it is only fair that these five States also be exempted.

There appear to be absolutely no grounds on which the exemption of Hawaii from the requirement of single-Member districts may be justified: not in terms of geography; not because of any longstanding tradition; not because of the necessity for a transition period or for relief from a court order; not in terms of population size.

Indeed, the exemption seems to me to be clearly unconstitutional.

I therefore say, Mr. President, that any State electing its Congressmen at large is doing so unconstitutionally.

For this reason, I will urge an early court test of the constitutionality of this bill if the conference report is approved by the Senate. I am very hopeful that the courts will sustain my view and strike down the exemption provision as unconstitutional.

Mr. President, because the conference report contains a proposal which I strongly believe to be unconstitutional, unfair, and unreasonable, I will vote against its approval.

For all the reasons I have cited, I urge my colleagues to vote down the conference report.

Mr. BAYH. Mr. President, I would like to ask the Senator from North Carolina to yield me 3 or 4 minutes in order that I may ask some questions, one question in particular.

The PRESIDING OFFICER. Does the Senator from North Carolina yield?

Mr. ERVIN. Yes, for whatever time the Senator and I consume in this colloquy.

Mr. BAYH. I think the Senator from North Carolina and the Senator from Massachusetts both know that I am in a somewhat torn position on this question, particularly being concerned about one part of the conference report, and yet feeling very strongly about the other.

Inasmuch as there has been considerable discussion about the constitutionality of this conference report, and inasmuch as I do not suppose any one of us here has the infinite wisdom to predict with absolute certainty what the Supreme Court is going to do, I would like to ask the Senator from North Carolina, inasmuch as he is chairman of the Senate conferees, what would be his judgment concerning the severability of these two provisions. In other words, if the Supreme Court were to rule that it is unconstitutional to prohibit redistricting, would the requirement of single-Member congressional districts still stand?

Mr. ERVIN. As the Senator from Nebraska stated a moment ago, in determining the severability of the provisions of an act, the Court looks to see whether a provision would stand by itself and be enforceable. On that basis, the provision providing that there shall be no redistricting prior to the 1970 census without a special Federal census is, in my opinion, clearly constitutional, and would stand, regardless of what the Court might say on the other questions.

I would say the same thing as to the other question. I think they are two separate things. I think either of them could stand by itself.

I might state to the Senator that I have no doubt in my mind—as the Senator from Indiana stated, a person would be foolhardy nowadays to predict what the Supreme Court will decide—if the Supreme Court observes the provisions of article III of the Constitution, it will certainly sustain as valid the provision stating that no State shall be required to redistrict prior to the 1970 census in the absence of a special Federal census. That is so because section 1 of article III of the Constitution states:

> The judicial Power of the United States, shall be vested in one supreme Court and in such inferior Courts as the Congress may from time to time ordain and establish.

With respect to the jurisdiction of inferior courts, it is established that these are not constitutional courts and have no jurisdiction whatsoever except such jurisdiction as the Congress gives them.

So, under this provision, if it were approved, Congress would deprive them of the jurisdiction to order a redistricting in the absence of a special Federal census.

Congress has the power to enact that requirement of a special Federal census, because Congress has the power to establish rules of evidence for the governance of Federal courts.

It is certainly a reasonable thing to say that we are not going to enforce the one-man, one-vote principle unless we

have the best evidence of a violation of it by a State, and the best evidence is a current census of the population of a district.

With reference to the other question, I have no difficulty with that.

Section 2 of article III of the Constitution states that "the judicial Power" of the United States "shall extend" and enumerates the specific cases. Then it states, in next to the closing paragraph of section 2:

In all cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the Supreme Court shall have original Jurisdiction.

That is all the jurisdiction the Supreme Court has of an original nature. Then it states:

In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

So the Congress can state what appellate jurisdiction the Supreme Court will have. It can restrict it. That is what it does in this provision of the act.

Now, with reference to the other matter——

Mr. BAYH. I appreciate the Senator's full explanation. As he knows, I have discussed this matter with him many times. I am not fully convinced of the correctness of his analysis of what the Supreme Court will do to part of it, but I am relieved——

Mr. ERVIN. I do not attempt to say what the Supreme Court will do. I am just saying what the Constitution says.

Mr. BAYH. The main reason I appreciate his dealing so forthrightly with this issue is that he thus makes his position abundantly clear, as did the Senator from Nebraska. I wish the Senator from North Carolina would repeat what he said about this severability aspect, because their interpretations will have significant weight, I am sure, if this matter comes before a court for determination.

I thank the Senator.

Mr. ERVIN. Mr. President, let me make these few observations:

We worked very hard on this conference. The Senator from Pennsylvania undertook to take some of the conferees to task because they happened to disagree with him; but I made various suggestions about all of the provisions of the report, in trying to reconcile the positions of the two Houses. That is, after all, the function of conferees.

We could not, at any time, obtain a consensus on anything except the provisions of this present conference report.

Of course, it would be fine if this were a perfect world, and we could get perfect legislation; but we are confronted with the fact that 435 Members of the House of Representatives have to run, be nominated, and then be elected to office within less than 12 months; and we shall face chaos and confusion in the absence of the adoption of this conference report. On behalf of those 435 Representatives and their constituents, I urge the Senate to agree to the conference report, and not look for some "pie in the sky by and by" that may be perfect according to some people's ideas.

Mr. KENNEDY of Massachusetts. Mr. President, will the Senator from North Carolina yield for a question?

Mr. ERVIN. I am happy to yield.

Mr. KENNEDY of Massachusetts. I understand, Mr. President, that I have only 10 minutes remaining. I wonder if it would be agreeable with the Senator from North Carolina that my question go on my time.

Mr. ERVIN. I am happy to let it go on any time remaining to me.

Mr. KENNEDY of Massachusetts. I appreciate the courtesy of the Senator from North Carolina.

I direct the Senator's attention to the specific language of the conference report. I read now from the congressional redistricting conference report itself, beginning about 4 or 5 lines from the bottom of the first page:

No State shall be required to redistrict prior to the 19th Federal decennial census unless the results of a special Federal census conducted pursuant to the provisions of the Act of August 26, 1954, as amended (68 Stat. 1013; 71 Stat. 481; 13 U.S.C. 8), are available for use therein.

I wonder whether the Senator would elaborate on his interpretation of those words, "No State shall be required to redistrict." In the Senator's interpretation, does that language pertain to redistricting by State legislatures, or by the courts, or by both?

Mr. ERVIN. A State legislature could voluntarily redistrict, if it saw fit. But I do not think any other power on the face of the earth could require a State to redistrict, under that language. It is a restriction upon the jurisdiction of the court. The court can require redistricting, under this provision, if they have a special Federal census showing the current population.

I think, if the court were to require them to redistrict now under the 1960 census, for example, the court would be violating the one-man, one-vote principle; for, in most cases, that census is now very unreliable evidence, totally outmoded. If the Constitution requires the one-man, one-vote doctrine to be implemented in 1962 on the basis of the 1960 census, then it requires it to be done in 1964, in 1966, in 1968, and on and on until the last lingering echo of Gabriel's trumpet trembles into ultimate silence. It would require redistricting every 2 years—every election year.

Mr. KENNEDY of Massachusetts. As I understand the response of the Senator from North Carolina, it is that no State legislature will be required to redistrict unless there is a special census, and that there is also a prohibition against the courts themselves redistricting; is that the response of the Senator?

Mr. ERVIN. Yes. A State legislature, on its own voluntary action, can redistrict if it sees fit.

Mr. KENNEDY of Massachusetts. That is correct.

Mr. ERVIN. But no State can be required by the courts to redistrict, unless there is a special Federal census showing the current population.

Mr. KENNEDY of Massachusetts. Then, as I understand your position, that means that no State legislature can be required by the courts to redistrict and, as well, that no court itself can redistrict a State. Does the Senator include the courts as well?

Mr. ERVIN. I do not know how anyone can require a court to do anything.

Mr. KENNEDY of Massachusetts. I ask the Senator from North Carolina does he interpret this language to permit State courts as well as Federal courts to adopt new redistricting plans, if they find that the current districts violate the Wesberry decision?

Mr. ERVIN. As I understand it, no power on earth can require States to redistrict under any circumstances, except either a Federal or a State court. However, this bill would limit the power of a Federal or a State court to require a State to redistrict to those special cases where they have available a special Federal census.

Mr. KENNEDY of Massachusetts. Then as I understand the interpretation that has been placed upon the matter by the distinguished Senator from North Carolina, he believes that this bill not only prevents a court from ordering a legislature to redistrict, but also prevents a court from itself redistricting a State.

In this connection, I think it is interesting to note the colloquy which occurred on the floor of the House of Representatives on October 26. I direct the attention of the Senator from North Carolina to that colloquy.

Mr. ERVIN. I would call the attention of the Senator from Massachusetts to what the House manager, Representative CELLER, said.

Mr. KENNEDY of Massachusetts. That is what I am referring to. I refer to page 30242 of the RECORD, to a series of questions that he posed to himself and then answered.

He said:

Question: How is the conference report intended to affect court cases where districts are challenged?

Answer: The conference report provides guidance to the courts. It is anticipated that the courts would follow the conference report and require the results of a special census to be available before it would order a State to be redistricted. If, however, a court found that existing districts in fact were contrary to the Constitution, the court of its own order could draw new district lines. They have in a number of cases drawn new district lines. In event districts were found to be unconstitutional, the conference report intends that the court could draw new district lines.

On the same page, we read:

The Court may draw new lines if it finds it necessary for compliance with the requirements of the Constitution.

I am still wondering whether the Sentor from North Carolina interpreted the language of the conference report this way, because this issue poses a genuine problem to those of us who have serious reservations about the bill. There seems to be an ambivalence in the interpretation that can be placed on the language. I feel that the interpretation that has been placed on the language by the Senator from North Carolina——

Mr. ERVIN. I have no ambivalence about my interpretation. Representative CELLER, whom I respect highly, stated,

on page 30242 of the RECORD of October 26, 1967:

I personally—and my colleagues in the majority on the conference—deemed this report to be constitutional.

Mr. KENNEDY of Massachusetts. The Senator is correct, but Mr. CELLER reached that conclusion only on the basis of his interpretation of the bill, with which the Senator from North Carolina appears to disagree.

Mr. ERVIN. Representative CELLER did not think that the Supreme Court would hold it unconstitutional.

Mr. KENNEDY of Massachusetts. I respect the interpretation that has been placed on the language of the conference report by the Senator from North Carolina. But what troubles many of us who have reservations about the report is the duality of interpretation of the report. The interpretation that has been placed on it by the Senator from North Carolina runs quite contrary to the interpretation placed on it by the manager of the bill in the House of Representatives on this one point.

Mr. ERVIN. I shall have to disagree with the Senator from Massachusetts on that point, because Representative CELLER said:

I personally—and my colleagues in the majority on the conference—deemed this report to be constitutional.

Of course, Representative CELLER said the Supreme Court might hold it unconstitutional, but he also said that, in his opinion, the report was constitutional.

Mr. KENNEDY of Massachusetts. What I was inviting the Senator's attention to was the language in the conference report. The reference made by the Senator from North Carolina to the statement by Representative CELLER is certainly appropriate. Although Mr. CELLER did say he thought the question of constitutionality was a rather sticky question, I believe that Representative CELLER does feel the language is constitutional. But what the Senator from North Carolina and the Representative from New York differ on is the power of the courts themselves to redistrict under the language of the conference report. The Senator from North Carolina this afternoon expressed reservations as to whether the courts themselves would be able to redistrict under this provision of the conference report.

As I understand it, the interpretation of the House managers is that the courts would be able to redistrict. If I have misinterpreted the comment of the Senator from North Carolina, I wish he would correct me.

Mr. ERVIN. Mr. President, this language does not need any interpretation:

No State shall be required to redistrict prior to the 19th Federal decennial census unless the results of a special Federal census conducted pursuant to the provisions of the act of August 26, 1954, as amended, are available for use therein.

That, to my mind, is so clear that it is not susceptible of misinterpretation. It means exactly what it says, no more, and no less.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield.

Mr. BAKER. Mr. President, if I might, I shall question my friend, the Senator from North Carolina, to make sure that I fully understand his interpretation of the conference report.

Does the Senator interpret the provision of section 2 which states that "no State shall be required to redistrict prior to the Nineteenth Federal Decennial Census unless the results of a special Federal census conducted pursuant to the provisions of the act of August 26, 1954, as amended, are available for use therein," to mean that unless there is a special census, the Federal courts cannot require a State legislature to redistrict?

Mr. ERVIN. That is exactly what I mean. That is exactly what it says. That is exactly what it was intended for.

Mr. BAKER. Does the Senator from North Carolina understand the fair intent of the conference report to be that a State legislature, if it chooses to do so, could voluntarily redistrict?

Mr. ERVIN. Absolutely. The Senator is correct. What the conference report would prohibit would be compulsory action by the courts to compel the legislature to redistrict. However, it would not prevent the State legislature from acting voluntarily.

Mr. BAKER. Is there any provision which could require or compel any State legislature to conduct a special census?

Mr. ERVIN. None whatever. It would involve no political entity but the State legislature itself.

Mr. BAKER. So, is it not necessarily true that the overall impact of the conference report is to give State legislatures the veto power over the Federal judiciary prior to the 1970 census on the question of whether the court can exercise jurisdiction in this field?

Mr. ERVIN. If the legislature does not want to redistrict and has not obtained or made provision for a special Federal census, then the State legislature would have control under this measure.

Mr. BAKER. But there is no provision in the conference report that would require a State to have a special census, and a special census is, under this version, a condition precedent to any action by the Federal judiciary prior to 1972.

Mr. ERVIN. The Senator is correct, and it is a wise condition precedent, because it is the only way we can get accurate information as to whether a State is malapportioned and whether it should be redistricted. The 1960 census is out of date, outmoded, and unreliable.

Mr. BAKER. Mr. President, much has been said by the distinguished Senator from Nebraska [Mr. HRUSKA] and by the distinguished Senator from North Carolina [Mr. ERVIN] concerning the fact that one of the underlying reasons for this deferral until 1972 is that the 1960 census figures are old, and are outmoded.

What is the justification for permitting a State legislature to apportion on the basis of the 1960 figures if we do not permit the Federal judiciary to do so?

Mr. ERVIN. Fundamentally, the power to redistrict belongs to the State.

Mr. BAKER. I inquire then if my colleague, the Senator from North Carolina, will agree that the basic conflict in our viewpoints in this respect is whether under article I, section 4 of the Constitution, this basic right which a State clearly has is subject to the review and jurisdiction and supervision of the Federal judiciary under article I, section 4, as exemplified in the language in the Wesberry decision.

Mr. ERVIN. The Wesberry decision is a new invention. That was the first such decision. On previous occasions, the Supreme Court said they would not enter that political thicket. And from the time the Constitution of the United States became law in 1789, down to the time of the Wesberry decision, it was held that the question of whether a congressional district was malapportioned was a political question and not a court question.

Mr. BAKER. What is the rationale for permitting a State legislature to use the 1960 census figures on the one hand, but denying that right to the Federal judiciary?

Mr. ERVIN. I do not know that any State legislatures have threatened to redistrict. It is not necessary to restrict them.

The thing that was causing the perplexity was the danger of going into the Federal courts and getting a decree based upon the 1960 census which contains some very unfair and unreliable statistics.

There is no use in trying to keep somebody from doing something they do not propose to do.

Mr. BAKER. I ask the Senator from North Carolina whether in his judgment under the language of the proposal it might be possible for a legislature of a State which is now equitably apportioned to convene and reapportion in an inequitable manner and whether under this proposal the Federal judiciary would be powerless to do anything about this situation until 1972.

Mr. ERVIN. I think that is about as unlikely a proposition as my being admitted into the kingdom of heaven without having obtained forgiveness of my sins.

Mr. BAKER. Mr. President, I agree that it is unlikely, but I ask if that is not possible under the pending legislation.

Mr. ERVIN. I think it is so remote a possibility that we do not need to be troubled by it.

Mr. BAKER. Mr. President, speaking as a lawyer, would not my colleague agree that it would be at least theoretically and legally possible within the framework of the language of the pending legislation?

Mr. ERVIN. I think we are talking about a hypothetical situation that will not come into existence.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ERVIN. I yield to the distinguished senior Senator from Florida whatever time I have remaining to the extent that he desires to use it.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. HOLLAND. Mr. President, my attention has been called to the fact that some States have State censuses, and that all States have a right to have a State census and might have one as a

special measure prior to redistricting the State legislature.

Does not the provision which has been brought into question by my distinguished friend, the Senator from Tennessee, simply recognize that a State that does have a State census is not precluded from proceeding on the strength of the facts shown, or a State that wants a special State census, knowing that its apportionment of its congressional delegation is not as sound as it should be, might want to have a special State census and then proceed in the legislature to redistrict?

Mr. ERVIN. This merely proceeded upon the theory that the legislature would act as reasonable men should act, and that if it had reliable figures that would show that it was malapportioned, it could be given permission by this conference report to correct the situation.

Mr. HOLLAND. And Congress, therefore, is taking notice of the fact that some States—and there are a good many States—already have State censuses at the period midway between the decennial censuses, and others can have them as a special guide for more appropriate redistricting, if they wish to have them and pay for them. Is that correct?

Mr. ERVIN. That is correct.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HART. Mr. President, I rise to support the distinguished Senators from Massachusets and Tennessee in their efforts to defeat the conference report (H. Rept. 795) on congressional redistricting.

Mr. President, this conference report clearly violates the one-man, one-vote principle so consistently enunciated by the Supreme Court since 1964.

Specifically, the conference committee bill presently before the Senate suffers from two glaring defects.

First, it sets no standards, temporary or permanent, for congressional districting; and second, it allows States to continue in noncompliance with the Constitution for another 5 years.

Mr. President, at this point I ask unanimous consent to insert in the RECORD today's Washington Post editorial urging Senate rejection of this conference report on redistricting.

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

THE SENATE WAS BETRAYED

Much is at stake in the Senate's vote today on the conference committee's badly botched substitute for the redistricting standards bill. No doubt the Senate will concern itself, first of all, with the committee's unprincipled sabotage of the measure which the Senate itself passed. As Sen. Edward M. Kennedy has pointed out, the strange measure concocted by his fellow conferees "bears no relationship to either house's version or to any logical compromise."

Both the Senate and House bills would have required the states to create congressional districts (after the 1970 census) with no more than 10 percent variation in population. That wise provision was completely thrown out by the conference committee. Both bills had differing antigerrymandering provisions that could have been readily reconciled. These too were discarded. The two houses approved varying equal-representation standards that would have been applicable in the next two elections. These were also thrown out lock, stock and barrel.

Senator Kennedy was the only conferee who stood by the excellent bill which the Senate had passed. The other Senate conferees scandalously betrayed their trust and ought to be rebuked for it. The principal question before the Senate is whether a handful of willful men can flout the will of the Senate with impunity.

The other question that must be answered is whether there is any shred of merit in the substitute which the conferees brought forth. We can find none. The bill started out as an effort to instruct the states as to how they must draw congressional districts in fairness to all voters and ended as a shabby attempt to hamstring the courts in ordering the states to redistrict on constitutional grounds. Its constitutionality is open to grave question. Instead of giving a clear mandate to the states, it would plunge them into confusion.

We find it difficult to believe that the Senate will become a party to such a fiasco. Its best course would be to reject the conference report and send the bill back to conference, with provision for new conferees who will stand by the Senate bill or agree to a rational compromise.

Mr. KENNEDY of New York. Mr. President, I rise to oppose the conference report on the congressional redistricting bill. I do so with genuine regret. The bill which the Senate passed last June was constructive and progressive and I had hoped that this report would reflect the spirit of compromise and accommodation which House and Senate conferees usually bring to legislation.

But the result of the conference is unacceptable, in my judgment. It conforms neither to the Constitution nor to the demands of sound public policy; neither to the dictates of common sense nor to the traditions of the legislative process.

The original purpose of this legislation is simple—it is to give legislative content to the constitutional principle that congressional districts, like those of the States, must be substantially equal in population. The Supreme Court found, in Wesberry against Sanders, that according to the Constitution—specifically, article I, section 2—"as nearly as is practicable, one man's vote in a congressional election is to be worth as much as another's."

This requirement is as vital as it is simple. As the Court in Wesberry said.

No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right vote is undermined. Our Constitution leaves no room for classification of people in a way that necessarily abridges this right.

This is the principle for which we argued in the Supreme Court when I was Attorney General—a principle which finds reflection throughout our constitutional history and in the needs of the future. For it is the regions most underrepresented in the Congress—the growing metropolitan centers of America—which face the most critical challenges, and the greatest needs. To perpetuate malapportionment, then, is to deny these regions their just representation in the body which will decide how their needs will be met.

Last June, we faced one proposed legislative response to this principle—the original redistricting bill passed by the House. This bill would have permitted a 35-percent variation in the size of congressional districts. This body last spring rejected the House bill, and instead passed a bill which hewed far closer to the mandate of the Constitution, and to basic fairness. Under the Senate proposal, no more than a 10-percent variation in congressional districts was allowed—and contiguity of districts was required.

The Senate thus spoke, clearly and unmistakably, last June. It said that the principle of equal representation was to become a substantial reality—and that the delays invited by the House bill, the long, weary rounds of litigation, appeal, and delay, were at direct variance with the principle of equal representation.

We in the Senate had a right to expect that the conference report would reflect an accommodation between the divergent views of the two Houses concerning the implementation of equal representation. Many of us would have insisted—rightfully—that the stricter bill be given special consideration, the Senate bill, in our judgment, was based not merely on legislative policy, but also on constitutional necessity.

Yet the conference report did not fulfill this basic tradition of the Congress. It ignored the wishes of the Senate—and the House as well—by rewriting the districting bill according to hazy, ill-defined standards, which even the report's supporters cannot fully clarify.

I do not believe it would serve any useful purpose to review the confused, contradictory interpretations to which this proposal is subject. The exhaustive and persuasive statement of the Senator from Massachusetts has covered this subject fully. I wish to add only these points.

First, this report sanctions a 5-year delay before most States would be required to meet the constitutional principle of equal congressional districts. There is no argument that these States have been trapped into noncompliance. Since Wesberry against Sanders, the States have had ample time, whether through legislative or judicial machinery, to meet these constitutional standards. There are no awesome challenges, no deep-seated community emotions to overcome, as with school desegregation. These States do not lack the machinery to implement a simple standard of substantial equality. Those States which are not now in compliance have simply chosen to ignore the Supreme Court—and to ignore its ruling which adversely affects millions of American citizens in the exercise of a basic constitutional right.

Would anyone in this body—would anyone in the Congress—argue that the franchise could be suspended for 5 years? Would anyone argue that one man's vote could, for the next half decade, be counted twice as heavily as his neighbor's?

This is the unavoidable result of the conference report. Without a special census, says this report, a State need not redistrict for 5 years. Yet this requirement is a subterfuge—the plain intent is to permit those States which have not complied with the mandate of the Con-

stitution to continue their noncompliance. The simple mechanism of the 1960 census—which has been used by courts and legislatures alike over the period of the last 4 years—is ignored; and a specious special census test adopted instead—as if to reward the indifferent or hostile States for their delay.

Moreover—and almost incredibly—the conference report's authorization of this delay stems from neither the House nor the Senate bill. It is a proposal written from the desires of the conferees themselves, without authorization or approval by either legislative body. With all deference, I submit that this is not the function of a House-Senate conference. To what proposal is this bill a response? What conflict does this bill resolve? What overwhelming legislative intent is reflected by this denial of equality for the next two congressional elections?

In my judgment, there is only one alternative open to this body. That is to reject this conference report, and leave the matter of redistricting where it is now—in the hands of the legislatures and the courts.

This is hardly a satisfactory solution. But what would the consequences be should we pass this bill? The courts could interpret the bill to permit judicial redistricting immediately. But, as the Senator from Massachusetts has noted, this would require a twisted reading of the bill, and would render it all but senseless. But it would at least leave to the courts the same powers to implement the Constitution they have now.

Or, the courts could strike down the entire bill. Let us remember, we are dealing not with ordinary legislation, but with constitutional requirements. Should a Federal court be faced with a bill permitting two more malapportioned elections, it would have little choice but to strike this bill down. And we will have accomplished nothing—except more delay, more confusion, and more interference with an orderly adjustment to equal congressional districts.

We also owe it to the citizens of our Nation not to undercut their constitutional guarantees. We owe it to them to reject legislation which will confuse the elective process. So I conclude—we owe it to them not to accept this aberration. I urge, therefore, that the report be rejected. Let us not put our stamp of approval on this ill-considered, unresponsive, unconstitutional legislation.

Mr. KENNEDY of Massachusetts. Mr. President, I do not know what the wish of the Senator from North Carolina is. I understand that the Senator from North Carolina has 10 to 12 minutes remaining. I have 10 minutes remaining.

If it is agreeable with the Senator from Tennessee, I will take approximately 1 minute and yield back the remainder of my time.

Mr. ERVIN. The Senator from Ohio wishes to ask me one question, and I will agree to that proposal as soon as he does so.

Mr. LAUSCHE. The conference report contains the signature, among a number of others, of Representative EMANUEL CELLER, of New York.

Mr. ERVIN. That is correct.

Mr. LAUSCHE. Does Representative CELLER recommend the adoption of the bill suggested by the conferees?

Mr. ERVIN. He did, in signing the conference report, and also on the floor of the House. He voted for the conference report, and the conference report was adopted in the House by a vote of 2 to 1.

Mr. LAUSCHE. What was the argument of Representative CELLER in supporting the measure?

Mr. ERVIN. The argument of Representative CELLER was fundamentally the same argument I make: That we have met in conference eight times, we have discussed this matter at great length, and this is the only consensus we could reach.

Mr. LAUSCHE. Is the WILLIAM M. MCCULLOCH, whose name is subscribed to the report, from Ohio?

Mr. ERVIN. He is one of the ranking Republicans on the House Judiciary Committee, and he is a Representative from Ohio. He also recommended the adoption of this report.

Mr. LAUSCHE. Did Representative EMANUEL CELLER at any time urge the rejection of the report?

Mr. ERVIN. No, not this report.

Mr. President, I am willing to yield back the remainder of my time.

Mr. KENNEDY of Massachusetts. I do not know whether the Senator from Tennessee desires any time. Mr. President, I yield myself 1½ minutes.

There has been much discussion about what has been the attitude of Representative CELLER on this question. Representative CELLER, when asked about the constitutionality of this conference report, said it is a rather sticky question; but also, in a series of responses to questions which were suggested to him, he did recognize the continuing competency of the courts to redistrict any of the States that the courts themselves would find have unconstitutional districts.

I refer to a portion of the debate in which he said:

> But we cannot dictate to a court of competent jurisdiction what they shall do under circumstances where they have declared lines to be unconstitutionally drawn . . .

So he has recognized that the courts themselves have the jurisdiction even under this bill to redraw what they consider to be unconstitutional districts. That is why he finds this measure to be constitutional. But I cannot agree that if Representative CELLER were to assume that the bill places the restriction suggested by the Senator from North Carolina on the ability of the courts themselves to redraw these congressional districts, he would find the bill constitutional.

Mr. President, this issue has been fully debated. It has been debated in the Senate on other occasions, and it has been debated in the House of Representatives. The conflict in philosophies is apparent and should be resolved here once and for all. I believe we can reach a solution, if this conference report is rejected, to meet the critical problem facing some Members of the House and their constituents, who do not want to contend with at-large elections, which really deprive citizens of the kind of representation the Constitution envisions.

Mr. President, I am prepared to vote. I believe that the case has been made. I believe the Senate went on record in June in favor of the vindication of the one-man, one-vote principle, by a vote of 44 to 39. I am hopeful that we can today reaffirm our dedication to the Constitution, to the right of equal representation, and to the rule of law, by rejecting this conference report.

I yield back the remainder of my time.

Mr. ERVIN. I yield back the remainder of my time.

The VICE PRESIDENT. The question is on the adoption of the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD (when his name was called). On this vote I have a pair with the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN]. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. RANDOLPH (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Mississippi [Mr. EASTLAND]. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia (after having voted in the affirmative). On this vote I have a live pair with the Senator from Oregon [Mr. MORSE]. If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I withdraw my vote.

Mr. LAUSCHE (after having voted in the affirmative). On this vote I have a live pair with the Senator from Washington [Mr. MAGNUSON]. If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I withdraw my vote.

Mr. YOUNG of Ohio (after having voted in the negative). On this vote I have a pair with the Senator from North Carolina [Mr. JORDAN]. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada [Mr. CANNON], the Senator from Tennessee [Mr. GORE], the Senator from North Carolina [Mr. JORDAN], and the Senator from Oregon [Mr. MORSE], are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Louisiana [Mr. ELLENDER], and the Senator from Washington [Mr. MAGNUSON], are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut [Mr. DODD] and the Senator from Nevada [Mr. CANNON] would each vote "nay."

On this vote, the Senator from Louisiana [Mr. ELLENDER] is paired with the Senator from Tennessee [Mr. GORE]. If present and voting, the Senator from Louisiana would vote "yea," and the Senator from Tennessee would vote "nay."

Mrs. SMITH. I announce that the Senator from Colorado [Mr. ALLOTT], the Senator from Illinois [Mr. DIRKSEN], the Senator from Oregon [Mr. HATFIELD], the Senator from Iowa [Mr. HICKENLOOPER], the Senators from California [Mr. KUCHEL and Mr. MURPHY], the Senator from Pennsylvania [Mr. SCOTT] and the Senator from North Dakota [Mr. YOUNG] are necessarily absent.

The Senator from Wyoming [Mr. HANSEN] and the Senator from Kentucky [Mr. MORTON] are detained on official business.

If present and voting, the Senator from Wyoming [Mr. HANSEN], the Senator from Oregon [Mr. HATFIELD] and the Senator from Pennsylvania [Mr. SCOTT] would each vote "nay."

The pair of the Senator from Illinois [Mr. DIRKSEN] has been previously announced.

On this vote, the Senator from North Dakota [Mr. YOUNG] is paired with the Senator from California [Mr. KUCHEL]. If present and voting, the Senator from North Dakota would vote "yea" and the Senator from California would vote "nay."

On this vote, the Senator from California [Mr. MURPHY] is paired with the Senator from Colorado [Mr. ALLOTT]. If present and voting, the Senator from Califorina would vote "yea" and the Senator from Colorado would vote "nay."

The result was announced—yeas 22, nays 55, as follows:

[No. 313 Leg.]

YEAS—22

Anderson	Fulbright	Montoya
Bayh	Hartke	Russell
Bennett	Hill	Smathers
Bible	Holland	Sparkman
Byrd, Va.	Hollings	Stennis
Curtis	Hruska	Talmadge
Ervin	Long, La.	
Fannin	McClellan	

NAYS—55

Aiken	Hayden	Nelson
Baker	Inouye	Pastore
Bartlett	Jackson	Pearson
Boggs	Javits	Pell
Brewster	Jordan, Idaho	Percy
Brooke	Kennedy, Mass.	Prouty
Burdick	Kennedy, N.Y.	Proxmire
Carlson	Long, Mo.	Ribicoff
Case	McCarthy	Smith
Church	McGee	Spong
Clark	McGovern	Symington
Cooper	McIntyre	Thurmond
Cotton	Metcalf	Tower
Dominick	Miller	Tydings
Fong	Mondale	Williams, N.J.
Griffin	Monroney	Williams, Del.
Gruening	Moss	Yarborough
Harris	Mundt	
Hart	Muskie	

NOT VOTING—23

Allott	Hansen	Morse
Byrd, W. Va.	Hatfield	Morton
Cannon	Hickenlooper	Murphy
Dirksen	Jordan, N.C.	Randolph
Dodd	Kuchel	Scott
Eastland	Lausche	Young, N. Dak.
Ellender	Magnuson	Young, Ohio
Gore	Mansfield	

So the conference report was rejected.

Mr. MANSFIELD. Mr. President, I wish to express the appreciation of the Senate to the senior Senator from North Carolina [Mr. ERVIN] for the tireless efforts he demonstrated in attempting first to reach an agreement that was satisfactory to most of the conferees on this redistricting matter and also for the exemplary manner in which he presented that report to the Senate today.

The fact that the Senate voted not to adopt the conference report does not in any way reflect on the sincere devotion of Senator ERVIN and the other conferees to obtain a reasonable settlement of the issues in dispute. Senator ERVIN performed a most difficult task and he accomplished it with the same dedication that characterizes all of his efforts and many achievements in the service of the Nation.

The senior Senator from Massachusetts [Mr. KENNEDY] is to be commended for successfully urging his position on this matter. His deep understanding of the issues involved, coupled with his highly articulate presentation on the floor today, served to assure the success of that position. The junior Senator from Tennessee [Mr. BAKER] is equally to be commended for his strong efforts and articulate presentation. He too urged what ultimately proved to be the prevailing view of the Senate and his efforts were certainly indispensable to that result.

Many other Senators joined to make the discussion lively and highly thoughtful. The Senator from Nebraska [Mr. HRUSKA] offered his clear and, as always, persuasive arguments, as did the Senators from Pennsylvania [Mr. CLARK] and Hawaii [Mr. FONG]. The leadership is particularly pleased that the Senate cooperated to dispose of this conference report with dispatch and yet with full consideration for the views of each Member.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1872) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

REPORT OF SURGEON GENERAL ON REGIONAL MEDICAL PROGRAMS—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 181)

The VICE PRESIDENT 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 Labor and Public Welfare:

To the Congress of the United States:

I am happy to send to you the Surgeon General's first report on regional medical programs, as required by the Heart Disease, Cancer, and Stroke Amendments of 1965.

Because the law and the idea behind it are new, and the problem is so vast, the program is just emerging from the planning stage. But this report gives encouraging evidence of progress—and it promises great advances in speeding research knowledge to the patient's bedside.

In 49 regions covering 91 percent of our population, regional alliances have been formed between medical schools, hospitals, and local doctors. Twenty-four million dollars in Federal planning money has been awarded. By early 1968, we hope to have programs underway covering 98 percent of the Nation's population.

Most important, the imagination, knowledge, and energy to operate these programs will come from the local level. More than 1,600 local health leaders—physicians, officials of medical centers, hospital administrators, teachers, and other health workers—are active as members of regional advisory groups.

In five regions, cooperative medical programs are already operating, with the help of $7.3 million in Federal grants:

The Albany region, covering northeastern New York, and portions of southern Vermont and western Massachusetts;

The intermountain region, covering Utah and parts of Colorado, Idaho, Montana, Nevada, and Wyoming;

The States of Kansas, Missouri, and Wisconsin.

These areas are reporting important results already.

In the intermountain region, for example, physicians in community hospitals are now linked by special radio and television networks with experts at the University of Utah Medical Center in Salt Lake City.

In Wisconsin, doctors are making special studies of uterine cancer patients, with the hope of improving and standardizing treatment methods.

The Missouri region is pioneering new services in the Smithville area, where doctors and patients benefit from computer-assisted X-ray diagnosis and other advanced techniques which may some day be available in the entire region.

Progress is being made and I believe these programs will help us overcome the dreaded killer diseases—heart, cancer, and stroke. And they will put us further along the road to our goal of modern medical care for every American citizen.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *November 8, 1967.*

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Post Office and Civil Service.

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

FOREIGN ASSISTANCE ACT OF 1967—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1872) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes. I

ask unanimous consent for the present consideration of the report.

The VICE PRESIDENT. The report will be read for the information of the Senate.

Mr. MANSFIELD. Mr. President, I ask that the Chamber be cleared of all persons except attachés who have business in the Chamber, and that Senators take their seats.

The VICE PRESIDENT. All staff members not necessary to business in this Chamber will please leave the Chamber. All Senators will please take their respective chairs.

Mr. FULBRIGHT obtained the floor.

Mr. FULBRIGHT. Mr. President, has the conference report been laid down?

The VICE PRESIDENT. No; it has not. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of today.)

The VICE PRESIDENT. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. FULBRIGHT. Mr. President, for the RECORD, I only wish to say that the conference report was not signed by all the conferees of both Houses. The Senator from Oregon [Mr. MORSE] did not sign it, and I believe that Representative ADAIR did not.

The VICE PRESIDENT. The statement of the Senator from Arkansas is correct. It was signed by a majority of the conferees.

Mr. FULBRIGHT. Mr. President, I believe that this conference report approaches more closely the action of the Senate than at any other time since I have handled the foreign aid bill.

Many conferences were held on it. I believe we met 12 times over a period of 6 or 7 weeks.

For various reasons, the House was agreeable, this year and the conference report reflects those principles which the Senate decided by majority vote after vigorous debate.

I do not know that there is any need for me to make a full speech at this time. I would be perfectly willing to answer any questions. This topic has been discussed at such great length during the past several months that I do not feel it necessary to take the time of the Senate to make a speech. However, I have prepared a thorough statement, which I should like to place in the RECORD, and then answer any questions, if that would be agreeable to the Senate, in the interests of conserving time.

Mr. MUNDT. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. MUNDT. I think that it would be in the interests of conserving the time of the Senate and expediting its business if the Senator would simply relate briefly those areas where the Senate's position did not prevail or what was substantially modified. Can we know what we did on the Senate side that would give us a chance to evaluate the report?

(At this point Mr. BYRD of West Virginia took the chair as Presiding Officer.)

Mr. FULBRIGHT. Well, there are no areas which were substantially modified. For example, the Senate bill provided for the liquidation of the foreign military credit sales revolving fund as of December 31, 1967, and the conference report provides for liquidation June 30, 1968. I would not call that, really, a very substantial change. The same would apply, I believe, to the guarantee authority which is allied with exactly the same program.

The purpose, in both cases, was to slow down this burgeoning arms-sales program to underdeveloped countries. The total amount of money is almost the same as in the Senate bill. The Senate bill authorized $2.6 billion for fiscal year 1968; $2.1 billion for economic aid; $475 million for military aid. This was $682 million below the appropriation request.

The House voted a total of $2.8 billion, not including the NATO infrastructure, a difference of $187 million. The conference agreed to a total of $2.67 billion, of which $2.1 billion is for economic aid and $510 million for military assistance.

Please notice that the total of the Senate bill was $2.63 billion. In the conference report it was $2.67 billion. There is only a $40 million difference between the Senate bill and the conference. This is the first time we have not more or less split the difference.

So, both with respect to amounts, and with respect to the principle of restricting military sales and use of the revolving fund, the conference report is practically the Senate bill, except for a slight extension of time on the military guaranty authority and provision for orderly liquidation of the revolving fund.

On the subject of limitation of arms sales to Africa—which does not affect the total amount; it was merely a ceiling—we were seeking to avoid the start of an arms race in Africa, particularly the sub-Sahara countries, the new African countries. We have set a ceiling on total sales and grants to Africa. It was set at $25 million in our bill; we compromised it at $40 million, including the training program. That is simply a ceiling. It does not add to the total amount.

I am perfectly willing to go into the details.

Mr. MUNDT. Mr. President, I wondered if there were any changes or alterations in the amendments added in committee or on the floor, or whether the Senator has told us the full story of the meaningful changes.

Mr. FULBRIGHT. I do not think of any change of principle, only of degree. We did accept a quite extensive policy statement. The House felt they wanted it in. The Senate had deleted all policy statements. That is a change in principle. We established the principle of no policy statements, but we accepted the House's statement as part of the compromise.

Mr. MUNDT. They simply put the preamble in.

Mr. FULBRIGHT. Yes. We did not like it. The committee voted against it, and it was sustained in the Senate.

There was that difference. The final thing we accepted was their policy statement.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. JAVITS. I merely inquire as to the order of magnitude and the amounts for economic aid authorized by the Senate.

Mr. FULBRIGHT. The Senator refers to the items?

Mr. JAVITS. Yes.

Mr. FULBRIGHT. I gave the totals, which are very similar.

Mr. JAVITS. In other words, was there a basic internal shift in the allocation of the aggregate funds?

Mr. FULBRIGHT. There was no substantial shift. The difference between the House and the Senate, for example, on the Development Loan Fund, was $50 million. The Senate voted $500 million. The House voted $450 million. The Senate accepted the House figure. That is a major point.

On supporting assistance, there is a difference of $60 million from the Senate bill.

On partners for the Alliance, there was an item of $714,000.

Mr. JAVITS. Is that figure which was agreed upon less than the Senate figure?

Mr. FULBRIGHT. That was not in the Senate bill. The House put in an item of $714,000 for that. We accepted it.

Mr. JAVITS. I was speaking of the last two items, the Development Loan Fund and the $60 million difference. Was that the difference between the House and Senate figures, or is that the way it came out of the compromise?

Mr. FULBRIGHT. On the item of supporting assistance, the Senate figure was $600 million. The House figure was $720 million. We compromised on $660 million.

Mr. JAVITS. The same is true as to the Development Loan Fund, $50 million?

Mr. FULBRIGHT. We took the House figure on the Development Loan Fund. It was not a split figure. The House figure was less than the Senate figure.

Mr. President, I ask unanimous consent that there may be printed in the RECORD my full prepared statement. I do not wish to deny any Senator the opportunity to ask questions.

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

I take a greater measure of satisfaction than is usually the case each year in presenting the conference report on foreign aid for the Senate's consideration. When the foreign aid bill passed the Senate I promised that I would ". . . let the bill languish in conference indefinitely if we cannot reach a satisfactory agreement on the major proposals." This conference report, I believe, sustains the Senate position on all basic issues, and, in particular, its position on arms sales.

But this agreement did not come easy. There were 89 points of difference between the Senate and the House when the conferees began meeting on September 14. It took two months, twelve meetings, and an attempted end run by another committee to resolve them. Let me discuss briefly some of the more significant differences and how they were resolved.

First, the question of amounts. The Senate

bill authorized a total of $2.6 billion in foreign aid for the 1968 fiscal year—$2.1 billion for economic aid and $475 million for military aid, including funds for international military headquarters and the NATO infrastructure. This was $682 million below the appropriation request. The House voted a total of $2.8 billion, not including the NATO infrastructure item, a difference of $187 million from the Senate amount. The conference agreed to a total of $2.67 billion, of which $2.1 billion is for economic aid and $510 million is for military assistance. The $60 million item in the Senate bill for the NATO infrastructure was deleted but the funds for United States contributions to international military headquarters were retained.

There were only two economic assistance items of any significance in dispute. For development loans the House had $50 million less than the Senate and $120 million more for supporting assistance. The Senate agreed to the lower figure for development loans and the conferees compromised the item for supporting assistance in the middle. In view of the mounting fiscal dilemma facing the government because of the war, I would like to have held the total authorization to the Senate level but, as Senators know, we can never get 100% in a conference. Under the circumstances, I believe that the compromise on amounts is reasonable and, on the whole, favorable to the Senate's position of holding the line on foreign aid.

On the issue of limiting the number of countries which can be furnished aid, I point out that the Senate voted fixed ceilings which could be increased only if the Congress passed a concurrent resolution. According to executive branch plans presented to the Congress earlier this year, some ninety-five countries were slated to receive foreign assistance this fiscal year—economic, military, or commodity aid under Public Law 480. Some type of assistance was planned for practically every non-Communist nation except Canada, Japan, Australia, New Zealand, and those of Western Europe. The Committee felt very strongly that the bilateral aid program should be retrenched and that more of our aid should be channeled through multilateral agencies. It, therefore, set these limits on the number of countries which could be given *bilateral* aid—10 for development loans, 40 for technical assistance, and 10 for supporting assistance. These limits on the development loan and technical assistance programs did not apply to Latin America.

The principle approved by the Senate was adopted by the conference committee and for the first time fixed limits, with no escape clause, will be imposed. Under the conference agreement a ceiling of 20 countries was set for development loans, 12 for supporting assistance, and 40 for technical assistance, except that a total of $600,000 can be used in additional countries on self-help projects. Although the limits are not as strict as the Senate would like, the adoption of these ceilings is a benchmark in bringing about a more rational approach to foreign aid. Hopefully, it will result in the channeling of more of our aid through multilateral agencies, and in reducing the American "aid presence" in many countries.

Many Senators have been interested in the growing population crisis and in how the foreign aid program could be made more effective in helping to meet this problem. The conference reached what I believe is a satisfactory compromise on the differences between the two bodies on new and more specific Congressional guidelines for assistance on population matters. Under the agreement $35 million of appropriations for economic aid will be earmarked for use on population growth programs. This action will insure that proper emphasis is placed at last on this important activity.

During the debate on the foreign aid bill in the Senate some concern was expressed over the Committee's actions relating to the investment guaranty program. The agreement reached in conference on authorizations for this program should help to relieve Senators who feared that there would not be sufficient authority to meet demands for guaranties. Under the conference agreement the ceiling on all guaranty programs would be increased. The Committee expects to take a close look at the investment guaranty program next year.

The conference agreed, with slight modification, to the amendment of the Senior Senator from Missouri which prohibits aid to countries which divert our aid, or their own resources, to military purposes to the extent that economic development is impaired. This is a very significant amendment which, if used effectively by executive branch officials, should act as a restraint on useless military spending by aid recipients. It is also intended to restrain our bureaucracy who, all too often, whet the arms appetites of foreign generals and admirals. Recent developments concerning the advent of supersonic jets in Latin America, where our flip-flop policy left much to be desired, point up quite vividly the need for greater leverage through use of our aid, and for firm Congressional guidelines against pouring tax dollars into countries where sound development is stifled by unnecessary military spending. In too many countries our economic aid goes in one pocket and comes out the other in the form of sophisticated—but useless—weapons, often bought from the United States. I am not at all sure that the threat to cut off aid will be effective in bringing about changes in military spending in countries we aid, but I am convinced that we should try and that this new authority should be used where necessary. The Committee on Foreign Relations did not write the prohibition into the bill merely for it to be an idle threat on paper. The Committee expects it to be put into action in appropriate cases.

Finally, I come to the point which was most troublesome in conference—the amendment of the Senior Senator from Idaho, adopted by a two-to-one margin in Committee, which repealed the Department of Defense's authority to finance long-term credit sales to underdeveloped countries through a revolving fund. As I said in the Senate during debate on the amendment, I could not have supported the bill if the Committee's action had not been upheld by the Senate. And I could not have supported a conference agreement which did not carry out the intent of the Committee and the Senate. In a statement in the Senate on October 31, I described the negotiations in the conference on this issue and made it clear that I believed the public interest would be better served by not having a foreign aid bill at all this year than by allowing continuation of the current policy of arming poor and underdeveloped countries.

I can assure the Senate that the conference agreement upholds the Senate's position. Instead of terminating the revolving fund on December 31, 1967, as in the Senate bill, the agreement would extend its life to June 30, 1968, primarily in order to eliminate the need for additional appropriations this year. The authority to guarantee credit for arms sales extended by the Export-Import Bank or private banks would be permitted to continue until the end of this fiscal year instead of being terminated immediately as provided in the Senate bill, with a ceiling of $190 million on guarantees that can be issued before the authority expires. The Senate conferees reluctantly agreed to this extension of the life of the guaranty program in order to allow for a more orderly liquidation of it and to give some flexibility in enabling certain outstanding commitments to be met. Thus, the practical effect of the compromise is to phase-out the guaranty program over the next eight months rather than terminate it immediately.

I believe that the repeal of the guaranty program and the abolition of the revolving fund are important steps toward bringing about a foreign policy designed to meet our long-range interests of building a more stable and peaceful world. The true interests of America are not served by a program which puts sophisticated weapons in the hands of poor people around the world while giving lip service to stopping arms races. The repeal of this arms sales authority will do much to make the officials in the executive branch practice what they preach.

I think that, from the Senate's standpoint, this conference has produced a bill which lays the foundation for a more effective foreign aid program. Although much remains to be done to get the aid program on the right track, this is a good start and is probably as much as one could expect under the emotional climate which exists in the Congress today. The Committee will review the entire program next year and I hope that we can, at that time, build on the foundation we have laid by passage of this bill.

I urge the adoption of the conference report.

Mr. DOMINICK. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield.

Mr. DOMINICK. It was my recollection—I just want to be sure for the record—that the increase in interest rates which the Senate voted was also included in the House bill. It stayed in the bill?

Mr. FULBRIGHT. That is right. That item was not in conference.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). The question is on adoption of the conference report.

The conference report was agreed to.

Mr. FULBRIGHT. Mr. President, I wish to make a very brief statement. I did not want to delay the vote. However, I feel bound to say a word, in particular, about the contribution on the Senator from Idaho [Mr. CHURCH] to the foreign aid bill.

The Senator from Idaho was the principal sponsor and supporter and did all the work on what came to be known as the Church amendment, which dealt with the very troublesome problem of the utilization of the revolving fund and the Export-Import Bank in the sale of arms.

I think the Senator from Idaho deserves great credit and the gratitude of the Senate and of the country. Without his help, and without his initiative, it could not have been done. He really initiated and sponsored that particular aspect of the bill, which turned out to be the principal policy action in the bill. It was debated at length on the floor. Senators will recall that we had a vigorous debate on it and a close vote. The Senator was on the conference committee.

I feel he deserves special commendation for his contributions to this bill.

I must also say that other Members of the Senate did a great deal of work.

The staff as usual, particularly Mr. Holt and Mr. Jones, who are our specialists on foreign aid, deserve commendation. It is a very complicated bill. They did a very magnificent job in counseling the committee and the conferees.

I believe this bill was, certainly from the Senate's point of view, one of the

best bills since I have been having anything to do with it.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. AIKEN. I should like to endorse what the chairman [Mr. FULBRIGHT] has said about the work of the Senator from Idaho. The people of his State can well be proud of the part that he has played in bringing this legislation to what appears to be a successful conclusion.

I also wish to say that the steadfastness of the chairman had a great deal to do with bringing this foreign aid authorization bill to what appears now to be a successful conclusion. I am not sure but that we should extend a vote of thanks to the House Appropriations Commitee for what they have done on this legislation up to now.

Mr. FULBRIGHT. I shall have to join with the Senator from Vermont in saying that we got very substantial assistance from the Committee on Appropriations of the House.

I wish to add one further word concerning the matter of the sales of military equipment, on the background of that matter. While the Senator from Idaho deserves credit for the amendment, there were two other Senators who held hearings on that matter in their own subcommittees; namely, the Senator from Tennessee [Mr. GORE] and the Senator from Missouri [Mr. SYMINGTON]. They held extensive hearings in their subcommittees on the question of arms sales to other countries, and I think the Senator from Missouri particularly, because he was active in the debate, was of indispensable assistance in obtaining a favorable result on the floor of the Senate.

He and the Senator from Tennessee did a great deal of independent work in their subcommittees, developing the basic facts in a most complicated field. This was the material that was necessary to support the amendment offered by the Senator from Idaho.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. Mr. President, I join the distinguished chairman of the Committee on Foreign Relations, the Senator from Arkansas [Mr. FULBRIGHT], and the senior Senator from Vermont [Mr. AIKEN] in what they have stated about the fine work done in bringing this particular legislation covering the field of foreign aid to fruition this year.

The efforts of the distinguished Senator from Idaho [Mr. CHURCH], the distinguished Senator from Missouri [Mr. SYMINGTON], the distinguished Senator from Tennessee [Mr. GORE], and the others who supported them, represented a long, hard fight; and it was no easy victory, but I think it was a victory worth while, and much credit is due them, all the way around, so far as the Senate is concerned.

Several Senators addressed the Chair.

Mr. FULBRIGHT. I yield to the Senator from Alaska.

Mr. GRUENING. Mr. President, I wish to add my congratulations to the chairman of the Foreign Relations Committee and the conferees. For many years, wise amendments, it has seemed to us in the Senate, have been added by us to the foreign aid bills, in attempting to introduce a little sanity and life into them; and those amendments, as a rule, have been lost in conference, through pressure of the House conferees.

Now, for the first time, we have a situation where the Senate has largely had its way; and I think we owe the conferees our congratulations.

Mr. FULBRIGHT. I thank the Senator. As I say, we had some very powerful forces going with us this time, which I think is why we succeeded.

Mr. GRUENING. While our domestic programs are being drastically cut—vital programs legislated with such great enthusiasm in the previous Congress—it would be unreasonable for us to expect not to cut down on the foreign aid program.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. JAVITS. I extend my congratulations to the chairman of the committee and the conferees on the action taken on extended risk guarantees, about which we had considerable trouble in the Senate, both as to the amount set up, and on the provision extending authority through 1970.

I do not think anyone ought to delude himself as to the sufficiency of this program. It represents a distinct contraction from what we have been doing in the foreign assistance field, and it also shows the tremendous problems which will result in trying to fill in the gaps which are created by virtue of our contraction. This should be done, without any question, by the private sector and by other nations.

Mr. FULBRIGHT. And through multilateral agencies.

Mr. JAVITS. That is right. But we must still do our full part in this regard.

First I wish to express my satisfaction and appreciation to the Senator from Arkansas, because he was not thoroughly convinced on the extended risk matter, and yet he has worked out an agreement which I think is very satisfactory.

Mr. FULBRIGHT. I appreciate what the Senator from New York has said, but there are many other circumstances which have contributed to this situation, as he is well aware.

For example, we are making some progress toward shifting this burden from a direct unilateral responsibility of the U.S. Government to multilateral agencies. I remind the Senator that we recently authorized $900 million for the Inter-American Bank. We have a bill, which I hope in due time—there are very great difficulties at the moment, because of other matters—will be acted upon, on the Asian Bank. This is the direction in which I think this gap should be filled, and I hope it will be. I am prepared to support that kind of direction. But I am very much disillusioned about our bilateral aid.

Mr. JAVITS. If the Senator will yield further very briefly, I call his attention to the fact of the needs of the world in the interests of peace, and the contraction which we have had for that reason; but we should not delude ourselves into thinking that this can be accomplished by default or with no further effort. Something else has to be done.

Mr. FULBRIGHT. That is right.

Mr. JAVITS. I join the Senator in the expectation that we will be taking further steps, as he mentions we have already in connection with the Inter-American Development Bank.

"PATRIOTISM"—ADDRESS BY FORMER SENATOR A. WILLIS ROBERTSON

Mr. STENNIS. Mr. President, this morning the Senate breakfast group heard a splendid address, entitled "Patriotism," by a former Member of the Senate who is loved and greatly esteemed by every Member, the Honorable A. Willis Robertson, of Virginia. Senator Robertson personifies true patriotism in its highest and best form; he is a Bible scholar as well as a man of strong convictions.

He values and reflects in his daily living the highest spiritual values.

I ask unanimous consent that his remarks appear in the RECORD at this point in order that they may be shared with the people of the Nation.

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

PATRIOTISM

(Address by A. Willis Robertson, meeting of the Senate breakfast group, November 8, 1967)

I have been asked to talk about patriotism and the vital force of spiritual values.

Being concerned by those who burn draft cards and participate in anti-war demonstrations, the distinguished and beloved chairman of our breakfast group cast around for a leader who would make a patriotic talk to commemorate Armistice Day. Based in part upon the fact that I was serving in the Army when the Armistice was signed in 1918 but primarily, I am sure, because of the lack of first-team volunteers, the assignment came to me. To speak to this group of distinguished dedicated Senators is a privilege I have always coveted but never exercised without a feeling of trepidation. I know enough about the Bible to realize how little I do know of the greatest book in the world and I understand only too well what is meant by "falling short of the mark for the prize of the high calling of God"—my best assurance therefore is that I am among friends who share my philosophy that "man's reach should exceed his grasp, or what's a heaven for—."

Webster's Dictionary defines a patriot as "one who loves his country and zealously supports its authority and interests." Because of the importance of the discussion period I shall briefly outline my belief that patriotism and religion are related and then ask for your views. Students of our form of government know that it is based upon the teachings of the Bible. Our Founding Fathers proclaimed that rights were "God given" and that man was "endowed by his Creator". We sing in our national anthem—"Then conquer we must, for our cause is just, and this be our motto: 'In God is our trust'" and we stamp the same motto on our coins. In our national hymn we sing "Protect us by Thy might, great God—our King."

While the number of those who neither love nor zealously support our Government is disturbing, it is my feeling that their lack of patriotism is due primarily to their ignorance of the Bible or to a repudiation of

its teachings. We know that a deep and abiding religious faith characterized the patriots of the Revolutionary period. During a long and bitter struggle for independence and personal freedom our Continental Army faced heavy odds. Creasy lists Saratoga as one of the decisive battles of history because it influenced France to give the colonies vital and much needed help. But our Founding Fathers believed that God was on their side and they gave the credit to Him.

Our relatively new nation was torn asunder and almost wrecked by a civil war which statesmanship could and should have prevented. Daniel Webster urged a peaceful solution of the issue of slavery. Pleading against a resort to force, he said: "When mine eyes are turned to behold for the last time the sun in heaven may I not see it shining upon the broken and dishonored fragments of a once glorious Union; upon a land torn by civil strife, and drenched perhaps, in fraternal blood!" Yet both North and South claimed God to be on their side.

It took a long time to justify the hope of Oliver Wendell Holmes: "One flag, one land, one heart, one hand, one nation, evermore!" But when the call came to carry our flag for the first time on a European battlefield patriotism was at high-tide—a half century of industrial growth had repaired the ravages of war and time had healed its wounds. When an imperialistic war in Europe threatened the survival of democracy, patriots accepted the battle cry of our Commander-in-Chief that we would fight for the protection of freedom. What a thrill our nation got when the Southern "grey" and the Northern "blue" were blended in the "dough-boy khaki" of 1917 and became the emblem of victory in our first global war. National unity, patriotism and faith in God were expressed in this appeal to victory:

"Here's to the sons of the windswept North
When they meet on the fields of France
May the spirit of Grant be with them all
As the sons of the North advance.

"Here's to the sons of the sunny South
When they meet on the fields of France
May the spirit of Lee be with them all
As the sons of the South advance.

"Here's to the blue and the grey as one
When they meet on the fields of France
May the spirit of God be with them all
As the sons of the flag advance."

Unfortunately, the Christian spirit and unselfish patriotism which had characterized our participation in World War I didn't last. We elected a President whose Chib boleth was a "return to normalcy". Idealism was succeeded by materialism and international cooperation by isolationism. Heartbroken by that trend, our World War I leader and author of an international covenant to prevent future wars said: "If our civilization is to survive materially it must be redeemed spiritually. It can be saved," said he, "only by becoming imbued with the spirit of Christ and made free and happy by the practices which spring from that spirit."

Since that warning was given we have fought two wars and are now engaged in a third one; we have military installations in 48 nations and a military budget of nearly 70 billion dollars. The primary responsibility of handling that vast program has fallen upon the shoulders of our breakfast group leader—Senator Stennis. He believes, as I believe, that there is a connection between the brotherly love and good neighbor teachings of the Bible and unselfish patriotism. He believes, as I believe, that God governs in the affairs of men and for a just cause we can call upon Him for aid. But in recent years these beliefs have been so widely and seriously challenged it becomes the duty of those whose faith has not wavered to hold aloft the torch of patriotism allied with religion.

We have never fought a war of aggression. We have resorted to war only for the protection of freedom. Some challenge the claim that we are now fighting in Vietnam in defense of freedom and there is a difference of opinion on how that war should be fought. Those are issues on which patriots may differ. But that cannot be said of draft-card burners—they are law violators; nor can it be said of most participants in anti-war demonstrations—they are protesting in an unpatriotic way against our entire social order. Some are even Communist who would rejoice in the destruction of our Government and democratic institutions. Those are groups which know not the Bible or who have repudiated God.

Knowing that patriots in our revolution who fought for freedom and patriots who fought for the preservation of one nation under God had appealed to him for help and that their prayers were answered, why should patriots doubt the power of God to help us in our present crisis.

I challenge the claim that draft-card burners and the anti-war demonstrators are speaking for the majority of the present generation. Heads of five large universities recently said that they have never had finer students. Military leaders who have seen our men in action in Vietnam say that their patriotism, their morale, their undaunted courage has never been surpassed. And what do the chaplains say. Never in their experience have those in military service been more eager to hear about God and the saving grace of Jesus Christ. In a tough war, and one in which our Nation is not united, men of the present generation in military service have met, and will continue to meet, the acid test of patriotism. But standing on the brink of eternity they want the help of God.

Without minimizing the danger of another world war which could, as the historian H. G. Wells said, leave a remnant of civilization cowering behind a wind-brake or in the disease soaked ruins of a slum, I feel that the lack of patriotism evidenced by the appalling increase in crime is an equally serious threat to the perpetuity of our cherished institutions. "None can doubt" says a former president of the American Bar Association "that America faces a crisis of lawlessness with the gravest potential for disaster." Nor can this warning of half a century ago by Theodore Roosevelt be successfully challenged: "No nation ever yet retained its freedom for any length of time after losing its respect for the law, after losing the law-abiding spirit, the spirit that really makes orderly liberty." Human nature has not changed since the days of anarchy in Israel recorded in the Book of Judges when, "There was no king in Israel: every man and that which was right in his own eyes." In his "Decline and Fall of the Roman Empire" Gibbon referred to the moral degeneracy that characterized Rome before its destruction and said that patriotism fell to such a low point mercenaries were employed for the city's defense.

It is not a mere coincidence that our criminals who are without a moral code have no patriotism. Billy Graham in commenting on the fact that Japan has the lowest crime rate in the world says that the Japanese, some Buddhists some Shintoists, are very religious and they are responding by unprecedented thousands to his message of the one true God.

While the method of dealing with criminals in Japan indicates that prompt punishment commensurate with the crime is a deterring influence, Dr. Graham feels that the good citizenship of the Japanese—their love of country and desire to promote its interest—are outward evidences of spiritual values. Patriotism cannot be bought nor criminals reformed by force. We need to reach the hearts of men through the power of the living God. In Chronicles, He gives us this positive assurance "If My people who are called by My name will humble themselves and pray and seek My face and turn from their wicked ways, then will I hear from Heaven and will forgive their sin and will heal their land."

JOHN NANCE GARNER

Mr. TOWER. Mr. President, I rise today to mourn the passing of one of the grand men of Texas politics, John Nance Garner. In him was embodied the epitome of the Texas politician, tough, taciturn, and always fighting for his principles and his beloved Texas. In a remarkable career that spanned all the way from the county courthouse to the U.S. Congress, to the Speaker of that body, and finally to the Vice-Presidency of the United States, John Nance Garner was always the same, his own man. He was humble. He never forgot the past or the promise of the future.

Vice President Garner was born in a log cabin in Red River County in 1868 and was brought up there in the rugged frontier of that day. In 1902, he was first elected to Congress and served there until he became Vice President in 1933. One of the highlights of his career was his election as Speaker of the House in 1931, and in 1932 there was much talk of his being the Democratic nominee for President.

His main concern was to see that the House worked vigorously to tackle the challenge of the great depression that concerned all Americans. As Vice President, Mr. Garner served his country with candor. His views of this office were well known, but not once did he shirk the many duties that were required of him. He always served his President and his country.

After two terms in the Vice-Presidency, Mr. Garner elected to return to his beloved Texas cattle country in Uvalde, believing that the tradition of George Washington should be followed. This was Mr. Garner's farewell to politics, and in the ensuing years, he spent much time enjoying his native State, meeting her native sons, and enjoying her history. A few years ago, he turned his home into a museum of Texas history as a gift to his hometown of Uvalde, and moved into smaller quarters in the rear of the home. He continued to supervise the museums operations and remained quite active until the day that he passed on.

Mr. President, the service and the career of John Nance Garner should be an inspiration to us all. It is certainly to be wished that we could everywhere in the Nation possess his sense of duty to country and to principle. Texas has lost a beloved son and the Nation one of its most loyal citizens.

NATIONAL MEATPACKERS ESTABLISH INTRASTATE OPERATIONS TO AVOID FEDERAL INSPECTION

Mr. MONDALE. Mr. President, the plot thickens on the meat inspection issue now before the Senate Agriculture Committee. This morning's Des Moines Register and Minneapolis Tribune carry a story by Mr. Nick Kotz disclosing that Agriculture Department investigators found improper conditions at six plants operated by Swift & Co., which is the Na-

tion's largest meatpacking firm. These plants are wholly owned subsidiaries which limit their sales to intrastate markets and thus under the highly technical jurisdictional rules of meat inspection are beyond the reach of Federal inspectors. The abuses reported were derived from inspections made in 1962 and again in 1967.

Despite the fact that the Congress is trying to determine what policy it should pursue in protecting the public against unsanitary and unwholesome meat, the Nation's largest meatpacking firm has refused to disclose how many of its plants are exempt from Federal inspection, either in response to inquiries from Members of Congress or similar inquiries from newsmen.

It would appear that Swift & Co. is pursuing its policy of owning subsidiaries which operate in a fashion to escape Federal inspection so that they might better compete with nonfederally inspected meatpacking plants. This practice apparently permits them to resort to practices which save them money and which would never be tolerated if they were under Federal inspection. The losers, of course, are the American consumers who buy unwholesome meat or meat stuffed with cheap additives, such as water, cheap meats, or other inexpensive fillers, which are at best worthless to the consumer.

This disclosure, in my opinion, obliterates the argument that the only thing that prevents States from adopting adequate standards and appropriating sufficient funds for adequate State inspection is the mere absence of financial resources. It is now quite apparent that some of the largest meat packing firms in the country purchase or establish intrastate meat plants to avoid Federal inspection and thereby reduce costs for what they regard to be important competitive reasons. Thus, it becomes perfectly apparent that while we should offer to help the States by sharing the costs of adequate inspection, we must also insist that standards comparable to those of Federal inspection be required for all meat sold to consumers of this Nation.

I have been advised that the Swift Co. has declined the opportunity to testify before the Senate Agriculture Committee. I hope they will reconsider. It is now apparent that we must shape a measure in the Senate Agriculture Committee to assure that all meat sold to the American consumer is wholesome and unadulterated.

Mr. President, I ask unanimous consent that the article by Nick Kotz, referred to above, be printed in the RECORD.

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

CITE POOR CONDITIONS IN SWIFT PLANTS—SIX INSANITARY FACILITIES NAMED IN 1962—FAULTS ELIMINATED, FIRM SAYS—MEAT INDUSTRY SHOWS SIGNS OF WILLINGNESS TO ACCEPT A STRONGER MEAT-INSPECTION BILL

(By Nick Kotz)

WASHINGTON, D.C.—Agriculture Department investigators have reported finding improper conditions in at least six plants operated by Swift & Co., the nation's largest meat packing firm. None operated under federal inspection.

The reports were contained in 1962 and 1967 nationwide surveys made to determine conditions in some of the 14,000 meat packing plants that are not under federal inspection.

Swift, which reportedly handles 4 billion pounds of meat annually, operates 61 federally inspected plants and an undetermined number of intrastate plants not subject to federal inspection.

SWIFT SILENT

Swift officials have declined to tell either The Register or Representatives Neal Smith (Dem., Ia.) and Thomas Foley (Dem., Wash.) how many of its plants are exempt from federal inspection because they do not sell across state lines. The Agriculture Department also declines to reveal this information.

Swift officials have said only that 98 per cent of the firm's slaughtering and 90 per cent of its processing are under federal inspection.

The department's 1962 and 1967 reports are being cited by congressmen pushing for expanded federal meat inspection or improved state inspection.

In the department's 1962 survey, five of Swift's intrastate plants were cited for improper conditions, mainly relating to sanitation. They were located in San Antonio, Tex.; New Orleans, La.; Richmond, Va.; Orlando, Fla., and Jacksonville, Fla. The Jacksonville plant has since been closed.

A Swift & Co. spokesman declined to comment Tuesday on whether the inspectors had accurately described conditions existing in the plants at the time of the inspections. He also declined to reveal the number of locations of Swift plants not under federal inspection.

The Swift spokesman, informed of the plants to be referred to in this story, issued the following statement:

"Swift and Co. thinks it both unfair and less than factual to base a news story and/or a plea for current legislation on conditions alleged to have existed five years ago in its meat packing units, when such conditions no longer exist.

"According to this story, unsatisfactory conditions were reported in 1952 in five Swift and Co. units, yet every one of these units has been greatly modified in the last five to eight years through the company's continuing program of upgrading facilities and installation of new and efficient equipment.

"For example, completely new sales units were built in both Jacksonville and Orlando, Fla. Furthermore, no meat processing is done in the Richmond, Va., unit.

"The only current government inspection report referred to in the story is the Swift Phoenix sales units, which was just built and equipped in 1966. While the inspector might have been critical of a few housekeeping matters, this facility is modern in all respects."

YEAR 1967 SURVEY

The Agriculture Department did not release to the press or to Congress names of the plants cited in the 1967 survey. However, informed sources have identified one plant in Phoenix, Ariz., as being operated by Swift.

W. F. Bonilla, the Agriculture Department investigator who made the inspection, wrote of the Swift plant, in a July 31, 1967, report:

"This plant is a wholesale meat jobber and conducts smoking of hams. It is under the state of Arizona meat inspection system. The building is new, but facilities are inadequate. Working areas are crowded.

"General sanitation is poor throughout. Smokehouse area is cluttered with storage of boxes, paper, bags, etc. Over-all sanitation could be greatly improved. No sterilizers in the working areas. Wooden tables are in use. Equipment is inadequate(ly) sanitized."

The Agriculture Department did not begin to make public the 1962 reports until last summer.

RICHMOND PLANT

In a September, 1962, report, the USDA inspectors reported on a Swift plant in Richmond, Va., which cuts and grinds meat, smokes cured pork parts and manufactures sausage. (The plant now only distributes meat.)

The report stated, in part:

"The meat grinder bearings had much encrusted putrid material which would readily result in bacterial contamination of the ground meat. Sausage was hung on unclean aluminum smoke sticks and no attempt was made to clean the sausage mixer.

"Some beef cuts hanging in the cooler showed evidence of soilage while in transit and had not been reconditioned by removing soiled portions. Other insanitary conditions noted were ceilings with leaks dripping on exposed meat causing serious contamination.

"Some cockroaches were observed in the curing cellar where exposed meat is handled and stored."

In a September, 1962, report on a Swift plant in New Orleans, La., the federal inspector noted "there is no control over trichina" and no control in the use of such "restricted items" such as nitrite and aureomicyn.

RUSTY BARRELS

The inspector also noted "rusty barrels" used to hold meat products and meat boning boards that "were old and caked with fats and meat juices, cracks and deep knife marks."

In a September, 1962, report on the Swift plant at Orlando, Fla., the inspector noted that a loading dock door was covered with green mold, even though the plant was newly constructed. He also described the freezer as being "overcrowded, without proper aisles."

In another 1962 report, the inspectors devoted four pages of remarks to conditions in a large Swift plant at San Antonio which the inspectors said slaughters 640 animals in an eight-hour day.

Among conditions noted were:

"As a result of inadequate (handwashing) facilities, we noticed in the bacon slicing room after a girl picked up the product off the floor, she then handled edible product without washing her hands.

". . . On the killing floor, the hands of the hog brisket splitter and hogheaders were heavily contaminated with blood and hair due to infrequent washing of hands.

MEAT CONTAMINATED

"Numerous carcasses and tubs of meat were observed to be contaminated with drippings from the ceiling. Paint, scale, rust and plaster were scalding down from the walls and ceiling on the product through the plant.

"At least 50 hogs split and headed with no attempt made on the part of the house employes to clean their hands and knives from the contamination of blood and hair.

"Improper work-up of offal—upon inspection the offal was found to be grossly contaminated with fecal material, metal filings, hair, hide, dirt, etc. . . . He [the state inspector] felt that all of the offal should be condemned; however, he took no action.

"Inspectional procedures were inadequate. Although we were told that all diseased animals were suspected (marked with a suspect tag) . . . upon visiting the pens, it was noted that two animals with epitheliomas had not been suspected. Head inspection was done in a haphazard manner.

"A majority of the hogs contained a great number of 'beater, wounds' on them which were grossly contaminated with tub water and hair. Other hog carcasses were found to have large chronic wounds on them.

HAM DEPARTMENT

". . . In the ham processing department, the inspector had no way of determining whether or not hams came back to 'green weight' after pumping and smoking.

". . . Condemned product was not tanked under supervision.

". . . In general, the plant was operating beyond capacity. In all departments, products were stacked on tables so high that at times they fell on the floor."

A number of other large national firms also operate both federally and non-federally-inspected meat packing plants. In a Register survey several months ago, all the largest national firms except Swift were willing to discuss the number of and location of their intrastate plants.

Several sources in the meat packing industry have explained that some of the national firms feel they have to operate some non-federally-inspected plants to meet strong local competitors in particular states.

The national firms were publicly united in opposing a bill that would have expanded federal inspection to cover the 6,000 now exempt plants which gross more than $250,000 annually.

WEAKER BILL

After first opposing any legislation, the major meat packing association decided to support a weaker bill, which offers federal aid to states willing to improve their own inspection system.

The weaker bill passed the House and is now in the Senate. The strong bill, sponsored by Foley and Representative Neal Smith (Dem., Ia.), was defeated.

DR. RICARDO VALLEJO SAMALA

Mr. MANSFIELD. Mr. President, I am about to ask that the Senate turn to the consideration of Calendar No. 665, H.R. 2275, and at that time it is the leadership's intention to ask that there be a time limitation of one-half hour on the bill and all amendments thereto.

Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calender No. 665.

The PRESIDING OFFICER. The clerk will state the bill by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 2275) for the relief of Dr. Ricardo Vallejo Samala.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President I ask unanimous consent that there be a time limitation of a half hour on the bill and all amendments thereto, the time to be equally divided and controlled between the majority and minority leaders or whomever they may designate, and that the usual rules apply.

The PRESIDING OFFICER (Mr. MONDALE in the chair). Is there objection? The Chair hears none, and it is so ordered.

Who yields time?

Mr. MANSFIELD. Who has the first amendment?

Mr. BAYH. Mr. President, I have an amendment.

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. MANSFIELD. I yield all the time on this side to the distinguished Senator from Indiana [Mr. BAYH].

Mr. BAYH. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 1, after line 6, it is proposed to insert the following new section:

"SEC. 2. (a) In each State (other than the States of New Mexico and Hawaii) which is entitled in the Ninety-first Congress or in any subsequent Congress thereafter to more than one Representative under an apportionment made pursuant to the provisions of subsection (a) of section 22 of the Act of June 18, 1929, entitled 'An Act to provide for apportionment of Representatives' (46 Stat. 26, as amended; 2 U.S.C. 2), there shall be established a number of districts equal to the number of Representatives to which such State is so entitled, and Representatives shall be elected only from districts so established, no district to elect more than one Representative.

"(b) When such districts have been so established within any such State in accordance with the decennial census of the United States taken in 1960, such districts shall not be altered before the results of the decennial census of the United States taken in 1970 are available unless alteration thereof is required by a statewide special census of the United States conducted before 1970 pursuant to the provisions of the Act of August 26, 1954 (71 Stat. 481, as amended; 13 U.S.C. 8)."

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. KENNEDY of Massachusetts. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Massachusetts will state it.

Mr. KENNEDY of Massachusetts. As I understand, the unanimous-consent request applied to a certain bill. As I understand, the request has now been changed. I have not seen the proposal, and I may have some objection to the unanimous-consent agreement. I should like to have the Chair state what the agreement is.

The PRESIDING OFFICER. The Parliamentarian advises the Chair that the request for unanimous consent was for one-half hour on the bill itself and all amendments thereto, the time to be equally divided.

Mr. KENNEDY of Massachusetts. And any amendments thereto?

The PRESIDING OFFICER. And any amendments thereto.

Mr. BAKER. Mr. President, I offer as an amendment in the nature of a substitute amendment No. 436, which is at the desk. I ask that the amendment be read.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the bill, it is proposed to insert the following:

"In each State entitled in the Ninety-first Congress or in any subsequent Congress thereafter to more than one Representative under an apportionment made pursuant to the provisions of subsection (a) of section 22 of the Act of June 18, 1929, entitled 'An Act to provide for apportionment of Representatives' (46 Stat. 26), as amended, there shall be established by law a number of districts equal to the number of Representatives to which such State is so entitled, and Representatives shall be elected only from districts so established, no district to elect more than one Representative."

The PRESIDING OFFICER. Is the Senator from Tennessee offering his amendment as a substitute for the pending amendment offered by the Senator from Indiana?

Mr. BAKER. It is my intention to offer the amendment as a substitute for the amendment of the Senator from Indiana.

The PRESIDING OFFICER. Who yields time?

Mr. BAKER. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. BAKER. Mr. President, the purpose of my amendment in the nature of a substitute is straightforward and simple. It is to adopt the language of the original, amended Senate version of the redistricting bill relating to the prohibition against election of Representatives to the U.S. House of Representatives at large.

The measure makes no other provision. It has nothing to do with gerrymandering. It has nothing to do with compactness. It has nothing to do with census. It strictly provides in a straightforward manner that when there is more than one Member of the House of Representatives from a State, the State must be districted, and that the Members may not run at large.

This, as I said previously, is the language of the Senate version adopted in June of this year. This, I am told, is essentially the language which was proposed by Representative CELLER, chairman of the House Judiciary Committee as long ago as 1951. This is substantially the language that was adopted by Congresses dated from 1842 until very recently.

Mr. President, this measure makes no exceptions. The conference report, if one recalls, excepted from the provision which prohibited elections at large the States of New Mexico and Hawaii. This measure does not exclude any State, and therefore, of course, does include New Mexico, Hawaii, and all of the other States.

My amendment differs in material respects from the amendment offered by the Senator from Indiana [Mr. BAYH] in that, as I understand it, Senator BAYH's amendment has certain restrictions on how frequently the State legislature may reapportion.

I believe that my amendment is the most straightforward and direct and simple way to get at the most urgent need in the entire field of redistricting, and that is to prevent the several States of the Union from being under the threat of having their Representatives to the U.S. House of Representatives stand for election at large.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. HRUSKA. Mr. President, is it not true that it was this point which stood in the way of approval of the conference report which was agreed upon on June 28 of this year and referred to the House? It was found that it did not include a prohibition on election at large, and it was that point which caused the recommital of the full conference report to the conference so that they could rework it to include that point.

Mr. BAKER. I believe that to be entirely correct. And obviously the House of Representatives is very sensitive indeed to the proposition of having to run at large in the various States.

Mr. HRUSKA. The Senator is correct.

I commend the Senator for having offered his amendment. I will support it and vote for it.

Mr. FONG. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. FONG. Mr. President, as I understand, one provision of the Bayh amendment would exempt the States of Hawaii and New Mexico from the single-Member-district requirement.

Mr. BAKER. The Senator is correct.

Mr. FONG. And the substitute amendment of the Senator from Tennessee would require that every State elect its Representatives from single-Member-Representative districts.

Mr. BAKER. The Senator is correct.

Mr. FONG. This requirement would apply to all 50 States of the Union, including the States of Hawaii and New Mexico.

Mr. BAKER. There would be no exception relating to New Mexico or Hawaii.

Mr. FONG. Mr. President, there is no doubt in my mind that the amendment offered by the distinguished Senator from Indiana is clearly unconstitutional. If we could exempt two States, why could we not exempt 50 States? If we could pass a bill containing the pending amendment and say that it is constitutional, why could we not say that 25 of the States may redistrict, and the other 25 of the States may not? Why could we not say that the Members of the House of Representatives from 25 of the States are required to run at large, and that the Members of the House of Representatives from 25 other States must run by single-Member congressional districts?

There is absolutely no reason why the State of Hawaii should be so exempted. We have not asked for that privilege. We have not asked for that exemption. Rather, we ask that Hawaii be placed on exactly the same footing with her sister States.

Surely the State of Hawaii has been entitled to two Representatives since the 1960 Decennial Census, and we have elected them on an at-large basis since that time. But this is no justification to exempt Hawaii.

If Hawaii is exempted, then so should the five States having smaller populations than Hawaii and entitled to two Representatives also be exempted. But under the Bayh amendment, they are not.

The only conceivable reason for the Hawaii exemption was that if the Representatives from Hawaii were to run from single-Member congressional districts, the political complexion of our congressional delegation would be changed.

Mr. President, because of that and because of the unconstitutionality of the Bayh amendment, I ask Senators to support the amendment offered by the distinguished Senator from Tennessee.

Mr. BAKER. Mr. President, I thank my friend, the Senator from Hawaii.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum for 1 minute and ask unanimous consent that the time be taken out of the time of the Senator from Indiana.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, has the minute expired?

The PRESIDING OFFICER. The minute has expired.

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

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

Mr. BAYH. Mr. President, I yield myself 4 or 5 minutes in which I hope I can be at least as eloquent as I was in the last 1 minute which was also charged to my time.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. BAYH. Mr. President, we have been dealing with the problem of congressional redistricting for a long, long, time. I do not know of anything that is fraught with more controversy and disagreement within the Senate and, indeed, within the House of Representatives.

What I have tried to do is to take that part of the conference report over which there was no dispute, or a minimal amount of dispute, and attach that part to the bill which is now the pending business.

The question has been raised as to why New Mexico and Hawaii should be included in the exemption. There are only four good reasons why New Mexico and Hawaii should be included in the exemption. The reason is that the two Congressmen from both of those States wanted them to be exempt.

Theoretically, this may not be a good idea. But if we are trying to get something passed with a minimum amount of dispute, or at least get it passed, it seems to me that we can maintain the same provisions that were approved by the other body. It is for that reason that those two exceptions are included; because we know that if they are excluded from the overall coverage, it can pass the House and we can get a prohibition of at-large elections, which we all believe is necessary.

Subsection (b) would provide one thing, and only one thing, if there has been a constitutionally recognized reapportionment which the court holds constitutional based on the 1960 census. In other words, if some of the 17 States that are required to reapportion—reapportion next year—it seems to me that it would be a fallacy to try to have them reapportion again in 1969.

Subsection (b) would direct that once that reapportionment has taken effect, another reapportionment could not be enacted until you get the 1970 census. That is what it would do—no more, no less.

I should like to ask the Senator from Tennessee one question, if I may, on my time.

Mr. BAKER. Yes.

Mr. BAYH. I note that my friend and colleague, the Senator from Tennessee, mentions, on line 6, "as amended, there shall be established by law." I would interpret "by law" to mean if the reapportionment is done either by the State legislatures or by the court. I should like to know whether the Senator from Tennessee agrees with that interpretation.

Mr. BAKER. Mr. President, in the ordinary course of events, it is clearly the province of the State legislature to establish the number, the size, and the location of congressional districts. It would be only if State legislatures failed in their performance of that duty that there would be any derivative right of the judiciary, Federal or State, to intervene. So, in answer to the question, this language would imply, to me, without equivocation, that it would be the duty of the State legislature by law to create these districts.

Mr. BAYH. I am not making myself clear. Suppose a State legislature does not do it. Does the Senator not think that, to be consistent, we should say that the Federal court should not be permitted to reapportion a State and let all the legislators run at large?

Mr. BAKER. With respectful deference to my colleague, I think not; because I believe that you are then running afoul of the very problem that is created by occasional failure of State legislatures to adhere to the provisions of article I of the Constitution.

It seems to me that the only thing we need to do or that properly should be done at this point is to provide that legislative districts shall be created. The law already exists to direct that the State legislature shall do it, and I see no reason to go any further nor to make any elaboration or extension of that language.

Mr. BAYH. Let me rephrase the question. Take a hypothetical situation in which the State legislature has been ordered by the court to reapportion, and the State legislature, for reasons which I believe all of us who have sat through this discussion during the past several months can understand, would not come to agreement. Then the court would take it upon itself to do one of two things—to carve up the districts or to say that the Congressmen shall run at large.

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

Mr. BAYH. I yield myself 5 additional minutes, or however much time I have remaining.

If we are going to be sincere about this matter, if it is bad government for the legislature to say that Congressmen should run at large, then it is bad government for the court to have an entire group of Congressmen running at large in a State.

Mr. BAKER. In response to that point, I agree, and I would point to my own situation in Tennessee, where the legislature was not able to agree on redistricting, and the Federal judiciary un-

dertook to redistrict, did so, established boundaries by counties, and designated the areas from which Members would run.

If we should fall on those unhappy circumstances, I would greatly prefer that the judiciary, State or Federal, designate individual single-Member districts; running at large never really accommodates the principle of equal representation. It never really accommodates the idea that the House of Representatives is properly made up of Representatives of districts of varying interests.

Mr. BAYH. Perhaps I was not clear in the first question. Let me rephrase the question in light of the colloquy.

When we say "as amended, there shall be established by law a number of districts equal to the number of Representatives to which such State is so entitled, and Representatives shall be elected only from districts so established, no district to elect more than one Representative," we are talking about either of two situations—whether the legislature reapportions or whether the court reapportions.

Mr. BAKER. The Senator is correct.

Mr. MANSFIELD. Mr. President, will the Senator yield back the remainder of his time, except for 1 minute?

Mr. BAYH. I yield back the remainder of my time, except for 1 minute.

Mr. BAKER. I yield back the remainder of my time.

Mr. MANSFIELD. Mr. President, the colloquy this afternoon between the distinguished Senators from Indiana and Tennessee has been most enlightening as well as heartening. I believe much of the confusion has been eliminated. A great deal of credit must go to the distinguished Senator from Indiana for offering his amendment. Above all, it demonstrates his deep devotion to the people of his State and to the cause of fair and better government. And to the distinguished Senator from Tennessee goes our appreciation for offering a method to assure the success of this matter and perhaps make possible a better understanding of this vital question. It can be resolved now in a better way than before. The Senator from Indiana and the Senator from Tennessee also are to be commended for the cooperation each of them displayed. It certainly credited them highly. The Senate is grateful to them both.

The PRESIDING OFFICER. The question is on agreeing to the substitute amendment offered by the Senator from Tennessee.

The substitute amendment was agreed to.

Mr. MANSFIELD. I ask for third reading, Mr. President.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the Senator from Indiana as amended by the amendment of the Senator from Tennessee.

Mr. FONG. Mr. President, I ask unanimous consent that my name be joined as a cosponsor with that of the distinguished Senator from Tennessee on the substitute amendment.

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

Mr. BAYH. Mr. President, is discussion permitted on this amendment?

The PRESIDING OFFICER. All time has been yielded back.

Mr. BAYH. Mr. President, in light of the colloquy, permit me to ask one question of the Senator from Tennessee. I ask unanimous consent that I may proceed for 2 minutes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that despite the unanimous-consent agreement entered into, the distinguished Senator from Indiana may be allowed 2 additional minutes, at the conclusion of which a vote will be had.

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

Mr. BAYH. Mr. President, I appreciate very much the effort the Senator from Tennessee has made in this matter. I am not completely in accord with the final result, but I believe it will make considerable progress. I just wish to make one brief comment in summary, in light of the colloquy.

This will make it mandatory for all Congressmen to be elected by single-Member districts, whether the reapportionment is done by State legislatures or by a Federal court.

Mr. BAKER. That is my understanding.

Mr. BAYH. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana, as amended.

The amendment as amended was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMINICK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

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

The bill (H.R. 2275) was read a third time, and was passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOMINICK. I move to lay that motion on the table.

Tre motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I ask that the title be appropriately amended.

The title was amended, so as to read: "An act for the relief of Dr. Ricardo Vallejo Samala, and to provide for congressional redistricting."

SAFETY REGULATIONS FOR TRANSPORTATION OF NATURAL GAS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 718, S. 1166. 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. 1166) to authorize the Secretary of Transportation to prescribe safety regulations for the transportation of natural gas by pipeline, 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 Commerce, with an amendment, to strike out all after the enacting clause and insert:

This Act may be cited as "the Natural Gas Pipeline Safety Act of 1967".

DEFINITIONS

SEC. 2. As used in this Act—

(1) "Person" means any individual, firm, joint venture, partnership, corporation, association, State municipality, cooperative association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof;

(2) "Gas" means natural gas, flammable gas, or nonflammable hazardous gas;

(3) "Transportation of gas" means the transmission or distribution of gas by pipeline or its storage in or affecting interstate or foreign commerce;

(4) "Pipeline facilities" includes, without limitation, new and existing pipe, rights-of-way, and any equipment, facility, or building used in the transportation of gas or the treatment of gas, but "rights-of-way" as used in this Act does not authorize the Secretary to prescribe the location or routing of any pipeline facility;

(5) "State" includes each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico;

(6) "Municipality" means a city, county, or any other political subdivison of a State;

(7) "National organization of the State commissions" means the national organization of the State commissions referred to in part II of the Interstate Commerce Act;

(8) "Adversely affected" includes exposure to personal injury or property damage;

(9) "Interstate transmission facilities" means pipeline facilities used in the transportation of gas which are subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act; and

(10) "Secretary" means the Secretary of Transportation.

STANDARDS ESTABLISHED

SEC. 3. (a) As soon as practicable but not later than three months after the enactment of this Act, the Secretary shall, by order, adopt as interim minimum Federal safety standards for pipeline facilities and the transportation of gas in each State the State standards regulating pipeline facilities and the transportation of gas within such State on the date of enactment of this Act. In any State in which no such standards are in effect, the Secretary shall, by order, establish interim Federal safety standards for pipeline facilities and the transportation of gas in such State which shall be such standards as are common to a majority of States having safety standards for the transportation of gas and pipeline facilities on such date. Interim standards shall remain in effect until amended or revoked pursuant to this section. Any State may adopt such additional or more stringent standards for pipeline facilities and the transportation of gas not subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act as are not incompatible with the Federal minimum standards, but may not adopt or continue in force after the interim standards provided for above become effective any such stand-

ards applicable to interstate transmission facilities.

(b) Not later than twenty-four months after the enactment of this Act, and from time to time thereafter, the Secretary shall, by order, establish minimum Federal safety standards for the transportation of gas and pipeline facilities. Such standards may apply to the design, installation, inspection, testing, construction, extension, operation, replacement, and maintenance of pipeline facilities. Standards affecting the design, installation, construction, initial inspection, and initial testing shall not be applicable to pipeline facilities in existence on the date such standards are adopted, unless the Secretary finds that a potentially hazardous situation exists, in which case he may by order require compliance with any such standards. Such Federal safety standards shall be practicable and designed to meet the need for pipeline safety. In prescribing such standards, the Secretary shall consider—

(1) relevant available pipeline safety data;

(2) whether such standards are appropriate for the particular type of guideline transportation;

(3) the reasonableness of any proposed standards; and

(4) the extent to which such standards will contribute to public safety.

(c) Any standards prescribed under this section, and amendments thereto, shall become effective thirty days after the date of issuance of such standards unless the Secretary, for good cause recited, determines an earlier or later effective date is required as a result of the period reasonably necessary for compliance.

(d) The provisions of subchapter II of chapter 5 of title 5 of the United States Code shall apply to all orders establishing, amending, revoking, or waiving compliance with, any standard established under this Act. The Secretary shall afford interested persons an opportunity to participate fully in the establishment of such safety standards through submission of written data, views, or arguments with opportunity to present oral testimony and argument.

(e) Upon application by any person engaged in the transportation of gas or the operation of pipeline facilities, the Secretary may, after notice and opportunity for hearing and under such terms and conditions and to such extent as he deems appropriate, waive in whole or in part compliance with any standard established under this Act, if he determines that a waiver of compliance with such standard is not inconsistent with gas pipeline safety. The Secretary shall state his reasons for any such waiver. A State agency, with which an agreement is in effect pursuant to section 5(a), may waive compliance with a safety standard in the same manner as the Secretary, provided such State agency gives the Secretary written notice at least sixty days prior to the effective date of the waiver. If, before the effective date of a waiver to be granted by a State agency, the Secretary objects in writing to the granting of the waiver, any State action granting the waiver will be stayed. After notifying such State agency of his objection, the Secretary shall afford such agency a prompt opportunity to present its request for waiver, with opportunity for hearing, and the Secretary shall determine finally whether the requested waiver may be granted.

(f) Not later than one year after the date of enactment of this Act, the Secretary shall report to the Congress on the need for Federal safety standards for gathering lines for the transportation of gas, together with such recommendations as he deems advisable.

TECHNICAL PIPELINE SAFETY STANDARDS COMMITTEE

SEC. 4. (a) The Secretary shall establish a Technical Pipeline Safety Standards Committee. The Committee shall be appointed by the Secretary, after consultation with public and private agencies concerned with the technical aspect of the transportation of gas or the operation of pipeline facilities, and shall be composed of fifteen members each of whom shall be technically qualified by training and experience in one or more fields of engineering applied in the transportation of gas or the operation of pipeline facilities to evaluate gas pipeline safety standards as follows:

(1) Five members shall be selected from governmental agencies, including State and Federal Governments, one of whom, after consultation with representatives of the national organization of State commissions, shall be a State commissioner;

(2) Five members shall be selected from the natural gas industry after consultation with industry representatives, not less than three of whom shall be currently engaged in the active operation of natural gas pipelines; and

(3) Five members shall be selected from the general public.

(b) The Secretary shall submit to the Committee all proposed standards and amendments to such standards and afford such Committee a reasonable opportunity, not to exceed ninety days, unless extended by the Secretary, to prepare a report on the technical feasibility, reasonableness, and practicability of each such proposal. Each report by the Committee, including any minority views, shall be published by the Secretary and form a part of the proceedings for the promulgation of standards. In the event that the Secretary rejects the conclusions of the majority of the Committee, he shall not be bound by such conclusions but shall publish his reasons for rejection thereof. The Committee may propose safety standards for pipeline facilities and the transportation of gas to the Secretary for his consideration. All proceedings of the Committee shall be recorded and the record of each such proceeding shall be available for public inspection.

(c) Members of the Committee other than Federal employees may be compensated at a rate to be fixed by the Secretary not to exceed $100 per diem (including travel time) when engaged in the actual duties of the Committee. All members, while 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 persons in the Government service employed intermittently. Payments under this section shall not render members of the Committee employees or officials of the United States for any purpose.

AGREEMENTS WITH STATE AGENCIES

SEC. 5. (a) Subject to the provisions of this section, the Secretary is authorized by written agreement with an appropriate State agency to exempt from the Federal safety standards pipeline facilities and the transportation of gas not subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act, under which agreement such State agency—

(1) adopts each Federal safety standard applicable to such transportation of gas and pipeline facilities and any amendment to each such standard, established under this Act;

(2) undertakes a program satisfactory to the Secretary, designed to achieve adequate compliance with such standards and with the plans of inspection and maintenance required by section 11; and

(3) agrees to cooperate fully in a system of Federal monitoring of such compliance program and reporting under regulations prescribed by the Secretary.

No such agreement may be concluded with any State agency which does not have the authority (i) to impose the sanctions provided under sections 9 and 10, (ii) to require record maintenance, reporting, and inspection responsibilities substantially the same as are provided under section 12, and (iii) to require the filing for approval of plans of inspection and maintenance described in section 11.

(b) With respect to any State agency with which the Secretary determines that he cannot enter into an agreement under subsection (a) of this section, the Secretary is authorized by agreement to authorize such agency to assume responsibility for, and carry out on behalf of the Secretary as it relates to pipeline facilities and the transportation of gas not subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act the necessary actions to—

(1) establish an adequate program for record maintenance, reporting, and inspection designed to assist compliance with such standards;

(2) establish procedures for approval of plans of inspection and maintenance substantially the same as are required under section 11;

(3) to implement a compliance program acceptable to the Secretary including provision for inspection of pipeline facilities used in such transportation of gas; and

(4) to cooperate fully in a system of Federal monitoring of such compliance program and reporting under regulations prescribed by the Secretary.

Any agreement executed pursuant to this subsection shall require the State to promptly notify the Secretary of any violation or probable violation of a Federal safety standard which it discovers as a result of its program.

(c) (1) Upon an application submitted not later than September 30 in any calendar year, the Secretary is authorized to pay out of funds appropriated pursuant to section 15(a) up to 50 per centum of the cost of the personnel, equipment, and activities of a State agency reasonably required to carry out such agreement during the following calendar year. No such payment may be made unless the State agency making application under this subsection gives assurances satisfactory to the Secretary that the State agency will provide the remaining cost of such an agreement.

(2) Upon application by the national organization of State commissions, the Secretary is authorized to pay out of the funds appropriated pursuant to section 15(a) the sum of $20,000, plus such additional sums as he deems justified, to such national organization to pay the reasonable cost of coordinating the activities of the State commissions, to assist them in the maintenance and improvement of gas pipeline safety programs and to render technical assistance to such commissions in other regulatory matters.

(3) Payments under this section may be made in installments, in advance or by way of reimbursement, with necessary adjustments on account of overpayments and underpayments.

(4) The Secretary may, by regulation, provide for the form and manner of filing of applications under this section, and for such reporting and fiscal procedures as he deems necessary to assure the proper accounting for Federal funds.

(d) Where an exemption from Federal standards for pipeline facilities or the transportation of gas is in effect under subsection (a) of this section the provisions of sections 8(a)(1), 8(a)(2), 9, and 10 of this Act, shall not apply. Any such exemption shall remain in effect until a new or amended Federal safety standard for pipeline facilities or the transportation of gas not subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act is established pursuant to this Act, and such exemption shall not apply to any such new standard or amendment until the State has adopted

such new standard or amendment pursuant to the provisions of subsection (a) of this section. The provisions of this Act shall apply to such standard until such adoption has become effective.

(e) Any agreement under this section may be terminated by the Secretary if, after notice and opportunity for a hearing, he finds that the State agency has failed to comply with any provision of such agreement. Such finding and termination shall be published in the Federal Register, and shall become effective no sooner than fifteen days after the date of publication.

JUDICIAL REVIEW ORDERS

SEC. 6. (a) Any person who is or will be adversely affected or aggrieved by any order issued under this Act may at any time prior to the sixtieth day after such order is issued file a petition for a judicial review with the United States Court of Appeals for the District of Columbia or for the circuit wherein such petitioner is located or has his principal place of business. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or other officer designated by him for that purpose.

(b) Upon the filing of the petition referred to in subsection (a), the court shall have jurisdiction to review the order in accordance with chapter 7 of title 5 of the United States Code and to grant appropriate relief as provided in such chapter.

(c) The judgment of the court affirming or setting aside, in whole or in part, any such order of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

(d) Any action instituted under this section shall survive, notwithstanding any change in the person occupying the office of Secretary or any vacancy in such office.

(e) The remedies provided for in this section shall be in addition to and not in substitution for any other remedies provided by law.

COOPERATION WITH FEDERAL POWER COMMISSION AND STATE COMMISSIONS

SEC. 7. Whenever the establishment of a standard or action upon application for waiver under the provisions of this Act, would affect continuity of any gas services, the Secretary shall consult with and advise the Federal Power Commission or State commission having jurisdiction over the affected pipeline facility before establishing the standard or acting on the waiver application and shall defer the effective date until the Federal Power Commission or any such commission has had reasonable opportunity to grant the authorization it deems necessary. In any proceedings under section 7 of the Natural Gas Act (15 U.S.C. 717f) for authority to establish, construct, operate, or extend a gas pipeline which is or will be subject to Federal or other applicable safety standards, any applicant shall certify that it will design, install, inspect, test, construct, operate, replace, and maintain the pipeline facilities in accordance with Federal and other applicable safety standards and plans for maintenance and inspection. Such certification shall be binding and conclusive upon the Commission unless the relevant enforcement agency has timely advised the Commission in writing that the applicant has violated safety standards established pursuant to this Act.

COMPLIANCE

SEC. 8. (a) Any person engaged in the transportation of gas shall—

(1) at all times after the date any applicable safety standard established under this Act takes effect comply with the requirements of such standards; and

(2) file and comply with a plan of inspection and maintenance required by section 12; and

(3) permit access to or copying of records, and make reports or provide information, and permit entry or inspection, as required under section 13.

(b) Nothing in this Act shall affect the common law or statutory tort liability of any person.

CIVIL PENALTY

SEC. 9. (a) Any person who violates any provision of section 8(a), or any regulation issued under this Act, shall be subject to a civil penalty of not to exceed $1,000 for each such violation for each day that such violation persists, except that the maximum civil penalty shall not exceed $400,000 for any related series of violations.

(b) Any such civil penalty may be compromised by the Secretary. In determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the person charged, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance, after notification of a violation, shall be considered. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged or may be recovered in a civil action in the United States district courts.

INJUNCTION AND JURISDICTION

SEC. 10. (a) The United States district courts shall have jurisdiction, subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this Act (including the restraint of transportation of gas or the operation of a pipeline facility) or to enforce standards established hereunder upon petition by the appropriate United States attorney or the Attorney General on behalf of the United States. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views, and, except in the case of a knowing and willful violation, shall afford him reasonable opportunity to achieve compliance. However, the failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

(b) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, which violation also constitutes a violation of this Act, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

(c) Actions under subsection (a) of this section and section 9 may be brought in the district wherein any act or transaction constituting the violation occurred, or in the district wherein the defendant is found or is an inhabitant or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or transacts business or wherever the defendant may be found.

(d) In any action brought under subsection (a) of this section and section 9, subpenas for witnesses who are required to attend a United States district court may run into any other district.

INSPECTION AND MAINTENANCE PLANS

SEC. 11. Each person who owns or operates any pipeline facility used in the transportation of gas not subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act shall file with the Secretary or, where an agreement pursuant to section 5 is in effect, with the State agency, a plan for inspection and maintenance of each such pipeline facility owned or operated by such person, and any changes in such plan, in accordance with regulations prescribed by the Secretary or appropriate State agency. The Secretary may, by regulation, also require persons who own or operate pipeline facilities subject to the provisions of this Act to file such plans for approval. If at any time the agency with responsibility for enforcement of compliance with the standards established under this Act finds that such plan is inadequate to achieve safe operation, such agency may, after notice and oppportunity for a hearing, require such plan to be revised. The plan required by the agency shall be practicable and designed to meet the need for pipeline safety. In determining the adequacy of any such plan, such agency shall consider—

(1) relevant available pipeline safety data;

(2) whether the plan is appropriate for the particular type of pipeline transportation;

(3) the reasonableness of the plan; and

(4) the extent to which such plan will contribute to public safety.

RECORDS, REPORTS, AND INSPECTION FOR COMPLIANCE

SEC. 12. (a) Every person engaged in the transportation of gas or the operation of pipeline facilities shall establish and maintain such records, make such reports, and provide such information as the Secretary may reasonably require to enable him to determine whether such person has acted or is acting in compliance with this Act and the standards established under this Act. Each such person shall, upon request of an officer, employee, or agent authorized by the Secretary, permit such officer, employee, or agent to inspect books, papers, records, and documents relevant to determining whether such person has acted or is acting in compliance with this Act and the standards established pursuant to this Act.

(b) The Secretary is authorized to conduct such monitoring of State enforcement practices and such other inspection and investigation as may be necessary to aid in the enforcement of the provisions of this Act and the standards established pursuant to this Act. He shall furnish the Attorney General any information obtained indicating noncompliance with such standards for appropriate action. For purposes of enforcement of this Act, officers, employees, or agents authorized by the Secretary, upon presenting appropriate credentials to the individual in charge, are authorized (1) to enter upon, at reasonable times, pipeline facilities, and (2) to inspect, at reasonable times and within reasonable limits and in a reasonable manner, such facilities. Each such inspection shall be commenced and completed with reasonable promptness.

(c) Accident reports made by any officer, employee, or agent of the Department of Transportation shall be available for use in any civil, criminal, or other judicial proceeding arising out of such accident. Any such officer, employee, or agent may be required to testify in such proceedings as to the facts developed in such investigations. Any such report shall be made available to the public in a manner which need not identify individuals. All reports on research projects, demonstration projects, and other related activities shall be public information.

(d) All information reported to or otherwise obtained by the Secretary or his representative pursuant to subsection (a), (b), or (c) which information contains or relates to a trade secret referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this Act or when relevant in any proceeding under this Act. Nothing in this section shall authorize the withholding of information by the Secretary or any officer, employee, or agent under his control, from the duly authorized committees of the Congress.

ADMINISTRATION

SEC. 13. (a) The Secretary shall conduct research, testing, development, and training necessary to carry out the provisions of this Act. The Secretary is authorized to carry out the provisions of this section by contract, or by grants to individuals, States, and nonprofit institutions.

(b) Upon request, the Secretary shall furnish to the Federal Power Commission any information he has concerning the safety of any materials, operations, devices, or processes relating to the transportation of gas or the operation of pipeline facilities.

(c) The Secretary is authorized to advise, assist, and cooperate with other Federal departments and agencies and State and other interested public and private agencies and persons, in the planning and development of (1) Federal safety standards, and (2) methods for inspecting and testing to determine compliance with Federal safety standards.

REPORTS

SEC. 14. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress on March 17 of each year a comprehensive report on the administration of this Act for the preceding calendar year. Such report shall include—

(1) a thorough compilation of the accidents and casualties occurring in such year with a statement of cause whenever investigated and determined by the National Transportation Safety Board;

(2) a list of Federal gas pipeline safety standards established or in effect in such year with identification of standards newly established during such year;

(3) a summary of the reasons for each waiver granted under section 3(e) during such year;

(4) an evaluation of the degree of observance of applicable safety standards for the transportation of gas and pipeline facilities including a list of enforcement actions, and compromises of alleged violations by location and company name;

(5) a summary of outstanding problems confronting the administration of this Act in order of priority;

(6) an analysis and evaluation of research activities, including the policy implications thereof, completed as a result of Government and private sponsorship and technological progress for safety achieved during such year;

(7) a list, with a brief statement of the issues, of completed or pending judicial actions under the Act; and

(8) the extent to which technical information was disseminated to the scientific community and consumer-oriented information was made available to the public.

(b) The report required by subsection (a) shall contain such recommendations for additional legislation as the Secretary deems necessary to promote cooperation among the several States in the improvement of gas pipeline safety and to strengthen the national gas pipeline safety program.

APPROPRIATIONS AUTHORIZED

SEC. 15. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

(b) To help defray the expenses of Federal inspection and enforcement under this Act, the Secretary may require the payment of a reasonable annual fee to him by all persons engaged in the transportation of gas.

DR. PEDRO PINA Y GIL

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair lay before the Senate a message from the House on S. 2168.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2168) for the relief of Dr. Pedro Pina y Gil which was, in line 6, strike out "February 28, 1962" and insert "March 2, 1962."

Mr. BYRD of West Virginia. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

PROTECTIONISM

Mr. KENNEDY of New York. Mr. President, the Under Secretary of State, Nicholas deB. Katzenbach, gave a thoughtful address last week about the new wave of protectionism which has arisen in Congress. His arguments are cogent and persuasive, and deserve the attention of all of us. I ask unanimous consent, therefore, that his speech be placed in the RECORD at the close of my remarks.

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

PROTECTIONISM: A POLICY OF RETREAT

(Address by the Honorable Nicholas deB. Katzenbach, Under Secretary of State, before the 54th National Foreign Trade Convention, New York City, October 30, 1967)

There is an old Talmudic story about the disciple who asks of a famous rabbi: "How does one become wise?" The rabbi responds: "One studies and works hard."

"But," the disciple asks, "Many study and work hard and are not wise."

"Then," says the rabbi, "I suppose one studies, works hard, and has experience."

"Yes," responds the disciple, "but many persons study, work hard, and have experience, and still are not wise."

"But then one needs good judgment," says the rabbi.

"But how does one get good judgment?" the disciple pleads.

"By having *bad* experience," is the response.

Those of us who remember the creeping protectionism of the early part of this century, culminating in the Smoot-Hawley Tariff Act of 1930, know something about bad experience. And the lessons of that experience are worth remembering today.

What started out as an attempt to raise tariffs on a limited range of agricultural goods ended up, before the Congress was through, with tariff increases on more than 800 rates—including a wide variety of industrial as well as agricultural products.

And what did Smoot-Hawley accomplish? Little or nothing for those it sought to help; great damage to the economy of the United States and our trading partners.

Those of us who lived through the Depression know how Smoot-Hawley became part of a world-wide spiral of retaliatory and defensive trade and exchange restrictions. The largest trading nation in the world made the disastrous mistake of concluding that it could defend its own economy against depression by drastic tightening of import restrictions. The smaller and more vulnerable national economies had little choice but to follow our lead.

The lesson of that experience was simply that our economic health is inseparable from that of our trading partners, as theirs is from ours. The facts of modern economic life have been recognized and acted upon by Presidents Roosevelt, Truman, Eisenhower, Kennedy, and Johnson. Since the mid-1930s we have seen that we have a tremendous stake—politically and economically—in a liberal trade policy, and acknowledgment of that truth has led to a series of imaginative initiatives, culminating in the recent successful conclusion of the Kennedy Round.

Today that policy is challenged by powerful forces in this country. There are those who are determined, it would seem, to prove Santayana's gloomy prediction right—that every generation is condemned to repeat history.

Legislation now before the Congress and supported by a significant number of Senators and Congressmen, would not only undo the past four years of hard negotiations in Geneva, but would reverse in large part 30 years of success. Should these proposals become law, the spiral of retaliation and protectionism unleashed by our unilateral act would rock the free world and its trading system to its foundations.

Let me summarize the scope and dimensions of this blatant, frontal attack on our trade policy.

First, the proposed restrictions would apply, in one form or another, to a very substantial share of our total trade. We aren't talking about a relatively isolated escape clause action. We are talking about the guts of our whole policy. These restrictions would cover imports that reached $6.4 billion last year. They would apply to one third of all our imports subject to duty.

But that is the modest proposal. There is also a proposal for a general quota system which, through an elaborate series of trigger points, would set limits to the market share of imports. If it became law, coverage would rise to over $12 billion, almost 80 percent of all United States dutiable imports.

Second, these proposals all take the form of import quotas—the method universally acknowledged to be most disruptive to international trade and specifically outlawed under the GATT. To put it bluntly, these bills propose to dispense altogether with the price mechanism as the regulator of international trade for the range of commodities affected.

Third, the implications for existing statutes and commitments: The bills would set aside existing procedures of inquiry designed to ensure that claims for relief from import competition receive impartial review. And they would violate international commitments and agreements undertaken under authority expressly given by the Congress.

That any such legislation on our part would result in a spiral of retaliation by others is scarcely open to doubt. The United States has already been formally put on notice by some forty countries that they strongly oppose the proposed legislation.

Not only have the European Six protested, but the Commission, the executive arm of the Common Market, is reported to have already begun a study of retaliatory actions.

The four Scandinavian countries have sent a collective protest, as have the governments of the United Kingdom, Canada, and Japan.

Twenty-one Latin American countries in a joint letter have conveyed their concern, and President Diaz Ordaz of Mexico last Friday eloquently reminded a Joint Session of Congress of the consequences for the world of a resurgence of American protectionism.

Under GATT rules of reciprocity other countries are entitled to retaliate. The scope of the proposed restrictions make it impractical for us seriously to consider the possibility of compensation through equivalent concessions on other products. Other nations would select American exports representing an equivalent amount of our trade and impose restrictions upon them.

No one can say precisely the nature of such retaliation. But it would be a safe bet that other countries would select from among our exports those which have the greatest growth potential in their markets and represent the greatest competitive threat to their industries.

We can get some notion of the damage to our export industries which these bills would

cause by looking at the effect they would have on the exports of our major trading partners.

The more modest proposal would impose quota restrictions on one-fourth of our imports from the EEC, one-half of our imports from Australia and Japan, and one-third of our imports from Argentina. The more general quota bill would probably more than double the figures.

Therefore, between $1 and $2 billion of the $5 billion of U.S. exports to the EEC would become subject to retaliation; so would at least one-half—and probably more—of the $2.4 billion of U.S. exports to Japan.

Who are the prime candidates for such retaliation?

Possibilities in the industrial field would include chemicals, farm equipment, industrial machinery, electronic equipment, computers and office machinery. In agriculture, wheat, feed grains, soy beans, fruit and vegetables, and tobacco would seem to be likely targets.

Now, I don't believe that we are doomed to repeat history. But I am afraid we *are* doomed to hear endless repetition of the same tired old protectionist arguments.

Argument number one: Because of its higher wage standards, our economy needs protection; it can not compete against economies where wages are one-third, one-half—or less—the going U.S. rate.

Answer: Our high wage rates reflect the high productivity of our labor force and our economy. The record shows that the United States is and continues to be competitive in world markets. Last year our exports rose by more than 10% to a new high of over $30 billion. Increases were concentrated in Japan, the EEC and the EFTA countries—the same countries that would be hardest hit by the protectionist bills now before the Congress.

Argument number two: With our continental economy and vast resources we are far less dependent upon foreign trade than other countries.

Answer: While it is true that we are less dependent upon foreign trade than our major trading partners—foreign trade is a relatively smaller segment of our total economy—our dependence is, nevertheless, very real. Any examination of key sectors of our economy shows how dependent is their prosperity—sometimes even their very existence—on the possibility of export.

For example, we export 17% of our soy bean oil products, 26% of our cotton and 46% of our rice. We export one-fifth of our soft coal and synthetic rubber production; one-fourth of our total output of machine tools, textile machinery, and lubricating oils; and 35% of our output of construction and mining equipment.

I could go on. The list is long. And virtually all of these industries are prime candidates for retaliation in a trade war set off by the United States. They have to be. Because our trading partners could not take the balance of payments consequences of inaction.

These industries happen to be large employers. Last year our exports provided 3,000,000 jobs in various industries. Almost half of these were located in manufacturing, with machinery, transportation equipment, and primary metals heading the list.

For example, in the field of mining and construction equipment some 50,000 workers are directly dependent on exports.

Wages in these industries, which are leaders in productivity, were 10% to 30% higher than average weekly earnings for manufacturing as a whole.

It is these jobs and business opportunities—the expanding part of our economy—which protectionists would be willing to sacrifice. And it is these jobs and opportunities which the Kennedy Round would expand.

Indeed, the reasons for implementing the tariff reductions of the Kennedy Round are today even more compelling than they were in 1962.

The EEC is now a going concern. American exports are meeting ever increasing competition in Western Europe and will suffer if the Community's external tariffs are not reduced.

The United Kingdom and other EFTA countries are again pressing for membership in the European Economic Community.

Japan has continued in these five years its remarkable economic growth, and is on its way to becoming the third strongest economic power in the world.

Under the agreements negotiated at Geneva the common external tariff of the European Economic Community will be reduced on more than $10 billion of the Community's worldwide imports, including almost 90% of its dutiable imports from the United States. The average reduction of tariffs on industrial products will be 33 percent. Comparable reductions will be put into effect by Canada, the EFTA countries, and Japan.

To preserve our position in the world economy, the United States must be able to compete on more equal terms. We must break down—not build up—trade barriers.

Argument number three: We must restrict imports to improve our balance of payments.

Answer: Exactly the opposite is true. The way to improve our balance of payments is to expand our exports more rapidly than our imports. For this, American business needs more—not less—access to foreign markets. The proposed import quotas would drastically reverse the improvement of our trade balance.

In addition to the certain retaliation by other countries, there are at least two other reasons why import quotas would adversely affect our efforts to increase exports.

First, there is the so-called "feed back" effect of our imports on our exports. When we import we put dollars into the hands of foreign countries which are likely to use the bulk of them directly or indirectly to purchase United States goods and services or United States long-term investments.

Second, lower imports would encourage higher domestic prices. To argue for import restrictions is really to argue for inflation.

But inflation is only one of the costs which the American economy would have to bear. We must never forget that competitive imports make a genuine contribution to our way of life and the strength of our economy—by expanding the variety of goods available to the consumer—by exerting pressure on producers at home to maintain efficiency—and by providing raw materials and semimanufactured supplies to our industries at reasonable prices. The fundamental strength of this economy of ours, both at home and abroad, is in its ability to compete. And, believe me, we can and do and will compete. Our free economy is not about to be buried by foreign competition. Nor, I hope, is it about to commit suicide.

None of this is to say that we should be callous or indifferent to the difficulties of individual firms and workers competing against imports.

But we believe that industries or firms which are injured by import competition resulting from tariff reductions can avail themselves of existing safeguards in the Trade Expansion Act. The Tariff Commission is available to give impartial judgment. Only one of the industries now seeking legislative relief has in fact ever been willing to submit its claim to objective review by the Commission. Yet none—to the best of my knowledge—has ever accused the Members of the Commission of bias, impropriety, or prejudice. I have never understood what there is to fear in impartial judgment if the facts support the argument.

Let me say, however, that in one respect the law should be modified. The adjustment provisions of the Trade Expansion Act are, I believe, drawn too tightly. Legitimate claimants have been unable to qualify. We need a more liberal adjustment assistance statute. But we don't need to penalize efficiency to protect the inefficient, to moderate competition to protect the non-competitive.

In 1962 President Kennedy said:

"If we are to retain our leadership, the initiative is up to us. The revolutionary changes which are occurring will not wait for us to make up our minds. The United States has encouraged sweeping changes in Free World economic patterns in order to strengthen the forces of freedom. But we cannot ourselves stand still. If we are to lead, we must act. We must adapt our own economy to the imperatives of a changing world, and once more assert our leadership."

Under President Johnson we have done so. "We have," the President said less than a week ago, "an enormous stake in keeping and extending the benefits of 30 years of constructive trade policy."

A reversion to protectionism would have major political consequences. A spiral of trade restrictions would create dissension and disunity in the Western Alliance. It would turn our allies inward—it would stimulate economic and political isolationism both here and abroad. And, most cruelly, it would undermine the efforts of developing countries to expand their exports, to substitute trade for aid, to earn by their own efforts an increasing share of the imports they require for development.

It does not require a very vivid imagination to visualize the dismal ramifications of such a policy for the world.

It was only yesterday—in the frame of world history—that the advanced countries of the free world sought to put internecine struggle behind them and began to apply their immense capacity to help others have a decent life. The great breeding ground of strife and instability for the coming generations lies precisely in the unmet needs—and aspirations—of the bulk of humanity still living in poverty. The possibilities of helping them help themselves through trade is only beginning to be understood by them and by us.

But there is that beginning. And, if we are wise—and if we lift our eyes to see beyond the problems of the hour—we can nurture those hopes into realities.

And so I think we have the judgment—and the wisdom—of experience, good and bad. And I think we have the vision and the stamina of a people still willing and able to cross new frontiers, to build a great society. But that society won't be built in an isolation born of timidity and fear. Its essential is freedom—of people, of ideas, of trade.

THE WAR ON POVERTY

Mr. HART. Mr. President, even those of us who have most actively supported the war on poverty have not always fully appreciated its values.

One of the difficulties of our job is that we so often deal, not with people, but with abstractions, with statistics, with national patterns.

People, too often, are represented in these Halls in terms of charts and graphs, census figures and unemployment rates, school populations and racial breakdowns.

Last week, in 4 days of travel through several major Michigan cities, I spent a number of hours talking with those most directly concerned with the war on poverty—workers in the field and the people they are trying to help.

In Grand Rapids and surrounding Kent County, in Battle Creek and surrounding Calhoun County, in Pontiac and surrounding Oakland County, in Detroit and Wayne County, the cry was the same.

Basically it was this message, directed to Congress: "If only you knew what you were doing, you wouldn't cut back."

I have long believed that the war on poverty was a magnificent fight which, after years of promises, is finally giving the weak and the poor their chance to shape a better future.

In Grand Rapids, one worker in the Upward Bound program told quietly of how the poor in one neighborhood searched among themselves to find boys who could be urged to go to college.

One did go and now his younger brother tells those who will listen, "My brother is in college."

The whole spirit of the neighborhood was lifted, this worker told me and she added—this time the quiet going out of her voice: "Knock that down? No one would have any business knocking that down."

That is a story, I am sure, that could be multiplied across the country.

I talked briefly to a white, middle-aged school principal who had had occasion to stop by at the OEO-supported Sheldon Complex Center in Grand Rapids.

I sat in the reception room for 45 minutes—

He said—

and saw 37 people come in and find help.

And he added:

You know, the "establishment," the people who run this town are well-meaning enough but they don't really understand what the problems and attitudes are down here. Neither did I until recently

But this Center is in touch. It's where the action is.

This, perhaps, points up one of the unrecognized benefits of the war on poverty: its effectiveness as a device to allow better understanding among classes that really understand each other very little.

One of the most eroding of all attitudes is distrust. Should we propose to choke off a program that is promoting trust even a little?

And have any of us considered how much distrust would be generated if successful programs offering genuine help were now to be throttled back or cut off altogether?

At one of the meetings I spoke of there was handed to me a letter that voices concern and dismay at this prospect. It is not written in gentle language and I hesitated for a time before deciding to present it to readers of the RECORD.

Even the writer worried whether it might do more to hurt than to help the cause she was pleading, as her note enclosing the letter describes. Yet, I think perhaps we would be the better for reading it because it does voice a tone of shock, alarm, and dismay.

The letter is not from a Negro American in poverty or some other disadvantaged group but rather from a white professional nurse who has volunteered in the poverty struggle.

I ask unanimous consent that the letter and the note be printed at this point in my remarks.

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

NOVEMBER 2, 1967.

DEAR SENATOR HART: I give you the enclosed letter by hand because I dont know what else to do with it.

It was written this week as an Open letter to Congress. It expresses my feelings about the OEO Program, and the apparent callousness of politicans and the power structure in general in even considering the weakening of the total attack on the problems of the poor and the Negro in America.

I have been in active contact with the problems of social justice for over twenty-five years and have worked in many ways involving the white problem in regard to his disdain and oppression of his negro neighbor. I have *been* desperately poor; I have lived through many of the ills that I now try to help heal.

The total range of the Anti-Poverty Program is all dear to my heart; and the Community Action Program (in which I have been actively involved on a volunteer basis since it started) is a Key program which coordinates and inspires and draws into itself both the poor from the inner city, and the agencies and individuals from the wider community who have never really had close contact with problems of poverty and discrimination.

I showed the enclosed "letter to Congress" to my parents—who are in their 70's, active and intelligent and educated people. They urged me not to mail this letter as I had planned—strictly on the basis that it would only alienate Congress further. But they *believed* in the letter! Their disillusionment only echoes my own. They advised me not to write—because the program is too important to take a chance on angering somebody who might have voted for it. And we need support.

(I also asked some of my friends who whole-heartedly agree with me and *they* said: "Are you sure you can't get arrested for that!")

So, even though it didn't get mailed, I would like to give it to you personally. Because it is not going to alienate *you*—I believe that you do stand firmly in favor of these programs.

But this paper does express a view! And it is not my view alone. And it is something *I* think the Congress should be aware of. The Senate has given us a good bill. (Altho some skeptics have said that some voted for it to be strong—to be sure it *wouldn't* get through the House.)

If you can find any use for this enclosed paper, please use it. For example, this *is* the kind of thing that is going to be said openly at Election time.

I tremble because I have read History—where promises were made to the poor, and then broken or not followed through. We have studied the French Revolution and the Russian Revolution and others . . . and still we say . . . "It cannot happen here."

But most of all I grieve for the poor and the negro—because it looks like no matter what happens, they will get the short end of the stick. Broken promises, shattered hopes, the scattering of leadership and constructive impact; the loss of communication with the outer community—and in the end violence—and exploitation by whatever group takes over the power vacuum that will be formed.

I am glad of the opportunity to meet you.

I hope you will give consideration to my opinion, and share it with those who do not believe this shade of opinion exists—among educated middle-aged professional white people, as well as among those labelled as Black Revolutionaries.

Sincerely yours,

DOROTHY HOOGTERP, R.N.

GRAND RAPIDS, MICH.

AN OPEN LETTER

OCTOBER 31, 1967.

To the Members of Congress of the United States

GENTLEMEN: You have been chosen by us, the people of the United States, because we sincerely hoped and trusted that you would do as all our public officials swear to do: Uphold the Constitution . . . which holds its whole heart in the words "to form a more perfect union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity."

This above all is your task—delegated to you by your people.

I accuse you of betraying your people in a hundred ways.

To be sure this betrayal is not always intentional, nor is it total. Some of you I am sure are only taking the path of least resistance in not studying out all the issues yourselves. Some indeed are honestly confused. Some of you, less experienced than others in the unusual ethics of American Congressional Maneuvers, may be misled into believing that you are truly doing the will of at least a portion of the American People. But even if you were doing the will of the majority, that is *not* what you are pledged to do. The promise is *to promote general welfare*. It is to work for the Common Good of us, your people!

As a nation we have been trying to rebuild our society as a great democratic nation; completely dedicated to the ideals of our founding fathers: the dignity of man, the worth of the individual, the freedom of many children under God our one Father. To this end President Johnson (and President Kennedy before him) followed the paths of other great American Statesmen of all parties and have initiated programs to help solve our domestic problems.

In this age of global crisis, in spite of the pressures of a heartbreaking and unbearable foreign war, a broad constructive program has been set forth to attack our domestic problems of racism, illiteracy, unemployment, hunger, sickness, delinquency, despair, and violence.

For two years now these small efforts, all over the nation, have been functioning night and day: making mistakes; making progress: learning by trial and error. OEO Programs have united local communities in cooperative approaches to local programs in ways that have not existed in our social structure since the days of the Town Meeting. Religious, civil, and government-sponsored groups have joined hands—both to study duplications, and to iron out conflicts. New unmet needs have been discovered, and attempts have been made to meet them. Old ways have been re-examined and (where they seem to have failed) new approaches have been tried.

Our high schools and colleges are filled with youngsters who are more interested and better informed about their country's problems than any previous generation. Their demonstrations may have been noisy, colorful, contradictory, and a bit shocking. But has not youth always been like this? This generation is not playing; it is participating; it is trying to lead.

It seems to me that you as our leaders are betraying these teen-agers and young adults when you shout communism whenever they demonstrate over their own sincere concerns. You should smile when their antics amuse you. But our youth should be praised for

their determination to participate, to express their concerns, to lead.

I believe that you, our leaders, are betraying the very businessmen and industrialists whom you profess to serve: when you consider tearing out by the roots the newly planted programs visioned by the Great Society. Our affluent powerful society, of which you are so proud, cannot stand on a foundation of sand: the pitiful struggles of the poor and the Negro and the Puerto Rican and the Indian and the Latin-American and the Oriental-American are the sands on which the edifice of American Power is built; and these sands are being eroded and washed away (more and more rapidly) by the undercurrents of hopelessness, mistrust of national leadership, and personal despair.

The end-result of Despair is violence. What is the meaning of violence to the man who has reached the point of suicide? When you have completely taken away the meaning of life in America for a substantial portion of her people, you have driven them into a frame of mind in which suicidal violence will be their only way out!

This kind of violence will not respond to repressive measures, for the suicide cannot be threatened by death.

This kind of violence will not respond to pleas or Reason from any leadership in the world—because the suicide has let go his connection with life. He has no leader. He is alone.

Members of Congress, you are all educated men! You understand human nature, human passions, human pain. And yet you increase the pressures on the desperate.

It is for this reason that I accuse some of you of actually desiring the suicide of the poor, the disadvantaged, the foreigner, and especially the negro!

For the past few months you as a body have been studying the causes of the violence in the summer of 1967.

Why did you study? Was it only to learn how to exploit the agonies of the dispossessed.

In your present large-scale effort to destroy President Johnson's entire Domestic Program, I can see no response to what you have learned. No attempt to cure.

For this reason I accuse the Congress, insofar as it attempts to undo all that the Anti-Poverty programs have done, of inciting to riot. There have been some harsh remarks made in Congress about those who incite to riot!

The Community Action Programs are gaining strength and popular support within local community structures. Leaders of all faiths are meeting with OEO representatives to ask how they can help run broader programs.

The poor and the Negro are learning to take part in their own government and in their own restructuring of the decaying segment of American Life that is their portion. The Poor are becoming articulate; and are learning to communicate with each other. They are beginning to dream dreams. They are even beginning to trust (a little bit) the Outer Community which they have only seen from the outside.

Is the Congress of the United States *really* willing to sabotage their dreams: to raise social injustice to an all-time high: to go back on all its high-sounding promises; and to turn the destinies of the common people back into a political football!

I do not understand political reasoning.

Can it be so important that rural communities' Congressmen must turn their backs on the tragedies of our inner cities?

Can it really be important, so that it matters more than the common good, that Republicans must sabotage programs originated by Democrats *because* they were so sponsored.

Is it necessary, is it reasonable, is it important to politics, that congressmen of every age and shade of political opinion should vent their personal spleen at a hard-working and heavily-burdened President: so that they will willingly destroy his programs for the people of the U.S. simply for the personal satisfaction of slapping their president in the face!

The leaders of the Anti-Poverty Programs are trapped in this fight to which they have given their time and their labors and their love. They cannot use tax-payers money to defend the programs which are trying to save society for the tax-payer! They cannot use government time to try to save these government programs on which so much is at stake. These actions would be prosecuted as unethical and illegal.

In effect this entire new leadership group, with two years experience in the untried fields which are now under fire, is bound and gagged and left for dead. These leaders have steadfastly taken the criticism and fire from every direction. But to actively defend themselves is unethical.

I do not get paid by any Federal Program—as a Volunteer I am free to protest to you the destroying of your own people and our programs.

I accuse you of hypocrisy in these rules of OEO ethics also. How can the Congress of the United States stand up and call anybody unethical—and refuse to form a Code of Ethics for itself!

Every Sunday of the year, in every Church in the land, Christians and Jews pray for you, our leaders. They pray that you may be given strength and wisdom and courage above that of lesser men. When you fall beneath these standards, do you not betray them, and dishonor their prayers?

In threatening to destroy the OEO programs, you are setting up a nationwide situation which you know well may lead to widespread violence, disorder, and social disorganization.

The evidence forces me to believe that for many members of Congress this is the real reason for destroying the Anti-Poverty Program . . . to precipitate violence and so to split the American community once again. To alienate the white community; to break down established Negro leadership; to reinstate an atmosphere of fear and hatred. Why? Except that society can again be manipulated by those presently in power, for their own personal whims, goals, and ambitions!

But those who are actively enemies of the Program could not alone defeat it.

Therefore I also seriously accuse those who are passive: who think that they should be spared blame: Because they have done nothing!

Exactly by doing nothing (except straddle political fences) these neutralists have left to a very few, the total burden of rebuilding the American Dream.

There is something grossly unethical and dishonest in being paid by the people of the United States to deliberately do nothing! Pilate washed his hands over the crucifixion of Christ, but the shadow of his guilt has hung over him through the ages. In the same sense the Do-nothing congressmen will never be free of the guilt of crucifying a people.

When the dispossessed rise up to express their despair; or to demonstrate their disappointment; or to plead for the reinstatement of these bridges to their rightful place in society, The establishment will label this as rioting and it will be put down with violence. The American Public will be brainwashed with new scare stories about Communism; and new atrocity stories devised to convince the unthinking that the Negro and the others who are dispossessed with him are not *really* human beings: Not really *worthy* of their share in this society which has always laid such heavy burdens upon them.

If this is a letter to the entire Congress, I must also speak to the dearly beloved leaders who *have* labored so tirelessly for the rights of the bottom quarter of our society.

If I would *accuse* you also, it must only be because you have not been supermen: that for all your efforts, the voice of truth has not yet come through strongly enough, often enough, and passionately enough to be heard throughout the nation and the world.

Perhaps the reason is very simple: you have been working so hard for our welfare that you have had no time to play the game of Politics as it is played.

Last of all, let me accuse us—the people who believe and work in the Anti-Poverty Programs—because maybe we haven't been articulate enough in our support of the leadership which *does* believe that every man is a first class citizen . . . and that Lincoln's dream is still our dream . . . that government is of the people, by the people, and for the people . . . and it must not perish from the earth!

Members of Congress. The issues are before you at this moment. Give to the Negro and the Inner City Dweller and the Poor your attention and your leadership. Vote to continue and enlarge all the creative new programs. Continue and strengthen the OEO. These struggling ones are your people too—give them a chance to prove what great citizens they can be.

Members of Congress, I have accused you of not caring!

Please Prove me wrong!

Sincerely yours,

DOROTHY HOOGTERP.

GRAND RAPIDS, MICH.

Mr. HART. Mr. President, across the Nation, there are many other indications of anguish at the prospect of the war on poverty going down the drain.

The Washington Post on Sunday carried a story about VISTA workers staying on the job without pay. That brief report is worth reading.

I also have Marquis Child's Monday column in the Washington Post. I think many would be interested in a portion of another Washington Post story on poverty—the portion dealing with the united reaction of prominent clergy.

I ask unanimous consent that these articles be printed at this point in my remarks.

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

[From the Washington (D.C.) Post, Nov. 5, 1967]

UNPAID VISTA STAFF TO STAY

Washington Vista volunteers are prepared to stay on their jobs and community members are prepared to feed and shelter them, while Congress decides whether to continue their program, a survey here indicated yesterday.

Francis Luzzatto, an assistant director of the Capital Head Start program, to which 14 volunteers are assigned, said parents of students in the program, teachers and teachers' aides have agreed to help tide the volunteers over.

Lillian Wright, of 1103 Stephens rd, se., one of whose children was in the program last year, has been providing meals for Vista volunteer Lynn Severance.

"She ate just like my family," said Mrs. Wright. "They do a wonderful job in the community."

Luzzatto said that most of the volunteers had last been paid two weeks ago. So far, they had not yet faced severe financial hardship, he said, adding, however, that many would be in trouble if they are not paid soon.

"When funds really run out," he said, "then the neighbors will have to put them up and feed them three meals a day. Right now it's just beginning."

Isabelle Wiener of 719 E st. se., one of the Vista Volunteers, said, "We're going to stick to our jobs. This means a lot to us. As long as we can manage, we'll stay."

Two other volunteers who have no money

for their rent are now living in the apartment shared by Miss Wiener and volunteer Marian Sternat.

"We've been very upset," said volunteer Larry Holcomb, "because it looks like Vista is down the drain."

"It's heartening to know there are people who will help us get along," he said, "But I don't relish taking things from people who have very little for themselves."

[From the Washington (D.C.) Post, Nov. 6, 1967]

DEEP DISCONTENTS: THE OEO STRUGGLE

(By Marquis Childs)

For the Office of Economic Opportunity Halloween is coming late this year, and the rule is all tricks and no treats. As the House is in a shambles of disorder and leaderless confusion prepares to take up the poverty program, anything can happen, not excluding the possibility that OEO will be tossed out.

It is not hard to find reasons why this should be so. A voting coalition of Republicans and Southern Democrats shattered the Johnson consensus, and OEO is a principal victim because of the deep discontent of white middle-class America. The riots, crime in the streets, the threat of even more radical and violent change—all this hardens resistance to any change at all. And the voting coalition represents, insofar as it is representative, the stubborn stand of the white suburbs and the Deep South.

The tricks began even before Halloween. In the snarl in the House over economy versus a tax cut, funds for OEO were shut off along with money for several other agencies. Oct. 31 was OEO's last payday. Across the country projects such as Head Start are being suspended unless workers stay on as volunteers without pay. Unless Senate and House agree on a resolution to continue the agency's funds at current levels, and no one is sure this will happen, the headquarters staff will be payless.

By special amendment to the Federal pay-raise bill congressional hostility to the antipoverty workers was demonstrated when they were specifically excluded from the general salary increase. In the battle of budget cuts as against new taxes the House cut the rate of OEO spending $400,000,000 below that of 1967.

The contradiction of this deeply embedded hostility is the fact that unlike another program in serious trouble—foreign aid—OEO has a wide and articulate following in the country. Few voters will fight, bleed and die to give tractors to farmers in Brazil or Thailand. But in the slums there is evidence of a growing understanding of what the poverty program can mean.

And not only in the slums, since at the state and city level those struggling with the rising tide of disaffection and violence look on the Federal poverty program as shoring up their efforts. In this number are many Republican mayors and governors.

That Republicans in Congress should oppose hard-pressed Republicans on the urban firing line is the paradox of this troubled and uncertain moment in the Nation's life. It was illustrated in Wisconsin where Gov. Warren Knowles, a Republican, wrote to OEO Director Sargent Shriver supporting, with some qualifications, the poverty program and calling for a larger appropriation at the community action level.

This drew down on Knowles the wrath of Republican members of the House. What did he mean, they demanded, by calling for more money when the Republican bloc was for slashing the budget?

Republicans in the House have not all favored dumping the poverty programs. Early in the session Reps. Charles Goodell of New York and Albert Quie of Minnesota put forward a substitute Opportunity Crusade which would have turned most of the antipoverty war over to Health, Education and Welfare. Goodell and Quie are now sponsoring an amendment to "restore true involvement of the poor in the Community Action Program."

They mean this to counteract the move of Rep. Edith Green (D-Ore.) who succeeded with a proposal in committee which would give authority to mayors and county officials. That, in Goodell's words, means that a so-called Community Action Board would be completely subservient to local political machines.

In the brawl expected on the floor it is not impossible that the Goodell-Quie Opportunity Crusade will be put forward as an amendment to what at the eleventh hour came out of the Education and Labor Committee. Nor is it excluded that such an amendment will in the end be adopted as a substitute. One of the ardent supporters of OEO speaking of the Goodell-Quie team said, "With friends like that you don't need enemies."

At times the struggle over OEO seems to be a battle among the bureaucrats, with the poor, the jobless, the hungry, the dispossessed merely pawns in a political chess game. They have little reality in the rhetoric of friend or foe. Yet almost everyone will concede that unless action is taken on a far larger scale than now contemplated the urban explosion of next summer threatens to make Newark and Detroit hardly more than a Fourth of July salute.

[From the Washington (D.C.) Post]

* * * * *

In other action, leading Washington clergymen called on Congress yesterday to fulfill its "moral commitment" to the Nation's poor through strong antipoverty legislation.

In strongly worded letters sent to all House members, the Interreligious Committee on Race Relations, headed by Methodist Bishop John Wesley Lord, said abandonment of the war on poverty would smash the hopes of the poor and lead to strife, bitterness and despair.

"In the midst of unprecedented national prosperity, none of us can afford the shame of continued crippling poverty," the Committee said.

Bishop Lord was flanked by Patrick Cardinal O'Boyle, archbishop of the Catholic Archdiocese of Washington; the Right Rev. William F. Creighton, bishop of the Episcopal Diocese of Washington, and Dr. Isaac Franck of the Jewish Community Council as he announced the Committee action to a news conference.

The religious leaders called for a minimum of $2.06 billion in antipoverty appropriations and for retention of the U.S. Office of Economic Opportunity as the top Federal antipoverty agency. They asked maximum participation of the poor without political domination in their programs and elimination of local, cash-matching fund requirements.

"You don't talk the better life to people who are hungry," Cardinal O'Boyle declared.

Mr. HART. Mr. President, I also ask to have printed in the RECORD a brief summary of work done at the various centers in Kent County, Mich., during the past year.

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

The following is a summary of the number of people served from November 1966–October 1967 in various education, training, and social service programs financed with OEO funds:

COMMUNITY CENTER PROGRAMS

1. Ten thousand plus people were provided outreach, counselling, referral or other services through the Sheldon Complex Center.[1]

2. Seven thousand plus people were provided outreach, counselling, referral or other services through the Franklin Hall Complex Center.[1]

3. Four thousand plus people were provided outreach, counselling, referral or other services through the West Side Complex Center.[1]

4. Four thousand, four hundred and forty individuals obtained legal counseling through Legal Aid.[1]

5. Seven hundred and fifty-six women obtained family planning services through Planned Parenthood.[2]

JOB DEVELOPMENT AND TRAINING PROGRAMS

6. Six hundred adults obtained jobs through the Job Development Program.

7. Three hundred adults obtained jobs through Project 1003.

8. Seventy-six adults obtained jobs through on-the-job training.

9. Three hundred and twenty-five youth aged 16–21 obtained pre-job training through out-of-school Neighborhood Youth Corps; one hundred and twenty-five of these youth obtained jobs through this program.

10. One hundred and fifty youth aged 16–21 obtained pre-job training through Job Corps.

11. Three hundred and thirty heads of households obtained education and job training through title V work experience and training program; two hundred and two household heads were placed on jobs and thus off public welfare through this program.

EDUCATIONAL PROGRAMS

12. Seven hundred and five children obtained pre-school training through Head Start.

13. Three hundred and fifty-six high school youth obtained pre-college training through Upward Bound.

14. Two hundred and forty adults obtained literacy training through Adult Basic Education.

15. Five hundred and forty high school youth were provided work experience and training through In-School Neighborhood Youth Corps.

OTHER PROGRAMS

16. Three hundred and sixty-one children were served by 256 Big Brother and Big Sister Volunteers.

17. Three hundred and fifty-two volunteers (in addition to above) have given 12,000 hours of their time to 20 specific projects through Community Action Volunteers.

18. Six hundred and eighty youth were enrolled in special summer educational, enrichment, and recreation programs through Project Summer.

19. Twenty-four urban agents and other non-professional OEO program staff members have been motivated to begin college training as a result of their involvement with OEO programs.

These are partial results of one year of operation of the OEO War on Poverty in Kent County. Many other kinds of self-help community education and rehabilitation programs were operated throughout the year. This kind of positive self-help action must be continued if we are to solve the problems of unemployment and poverty in our community.

Mr. HART. Mr. President, I returned a few days ago from 3 days in Michigan, where I talked to men and women who are waging the war on poverty and also some of those who will be beneficiaries.

A few years ago we decided we would conquer space. We had developed the means or we were approaching the breakthrough that would permit us to do it. We now operate in outer space, not because somebody sat around here

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[1] These are conservative estimates based on three months experience with the new intake data control system.

[2] This is the total for 18 months program experience under CAP.

and wished that we could get into space. We made up our minds that we would.

More recently we decided we would land a man on the moon. I doubt if there is a person here who doubts we will put a man on the moon. He will not get there because we wished he would get there or because we hoped it. He will get there because we decided we had the means and knowledge to put him there, if we decide that is what we want to do.

In the last 2 years we have discovered the means that will assist millions of Americans to have lifted from their spirits and bodies the curse of poverty. We know we can do it. The war on poverty has proved it. Will we? We will if we make the same decision that we shall win that war on poverty, that we shall remove the curse of poverty from those Americans, that we made with respect to getting a man operating in outer space and the day after tomorrow on the moon.

That is what the fight in Congress this week is all about: Whether a government that discovered a means for eliminating a curse that man thought once upon a time would never be possible to be removed, will abandon the effort or will continue.

No one has to be a Ph. D. in psychology to understand the reaction that will occur if those persons who live in the centers of our cities and have seen the successful ventures that make up the war on poverty now see us abandon it. I ask Senators to put themselves in their shoes. What would you do? Let us not put them to that task. Let us make the commitment that we are going to carry out this war because it is a war we can win, and we have never been engaged in a war where it was more essential that we not lose it.

DANIEL CAPLIN

Mr. KENNEDY of New York. Mr. President, 2 weeks ago New York City and the Nation lost a great citizen. He was not a famous man. He was a dedicated, competent teacher and school administrator who worked for 40 years in the New York City schools and was respected and revered by all who knew him. His name was Daniel Caplin. He had a commendable career, and his family and friends were justly proud of him. One member of his family, of whom I know he was especially proud, is known to many of us—Mortimer Caplin, who taught at the Virginia Law School, and was then Commissioner of Internal Revenue. Let us join Mort Caplin, then, and the other members of his father's family and circle of friends, in remembering Dan Caplin. I ask unanimous consent that the testimonial read at Dan Caplin's funeral be placed in the RECORD at the close of my remarks.

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

DANIEL CAPLIN: MARCH 4, 1893 TO OCTOBER 25, 1967

Dan Caplin had a full and rich life. He was a happy man, most of whose dreams came true. He came very close to realizing everything he hoped for—far more than most of us achieve.

Dan had a great capacity for joy and living. Everything he did was a fresh experience to him: he seemed to squeeze the most and best out of each day. Those about him basked in his enthusiasm and frequent satisfactions. He had that rare quality of spreading good cheer and gaining the affection of all who knew him. He had many friends—old schoolmates, former students, teachers and colleagues in the Board of Education, members of the sporting world, businessmen, politicians, people from all walks of life. You could see their eyes light up when they saw him. "Danny, Danny Caplin"—was a typical greeting, quickly to be followed by a warm handclasp and often a hug.

Dan Caplin could have been anything he wanted to be. He was interested in politics from an early age and often said that he might have become a lawyer. He took great pleasure in his son's practice of law and enjoyed leading him into discussions of some of the technicalities of legal cases.

Dan might have had a career on the stage, too. He loved to dance and sing and to play his favorite old tunes on the piano. Only a few weeks ago he visited his family in Washington and gave a good sampling of his full repertoire, to the delight and applause of his grandchildren. He was a splendid storyteller and enjoyed reciting some of the old poems and stories—with dialect and gestures, as only he could do.

On the occasion of Dan's appointment as Assistant Director of Health Education of the City of New York, his friends honored him at a dinner at a Brooklyn hotel. Many splendid things were said about him and his career, and it soon came time for him to say a few words. He did this gracefully, but the hundreds of people there didn't let him stop at that. "A song and dance, Dan" they shouted. And he did exactly that, Irish jig and all. This was probably the only time in recorded history that a formal response at a testimonial dinner was given in this manner—to the cheers of all in attendance, including his young son.

Dan Caplin devoted most of his life to education and teaching, to the benefit of thousands of students and colleagues. At the age of eighteen he had his first teaching assignment in Puerto Rico, with the illustrious title—as he liked to tell with a chuckle—of "Professor of English". The illness of his mother brought him back to the States where he attended the Savage School of Physical Education and began his long career in the New York school system. Dan went back to Columbia University later to take the additional courses to qualify him for the high administrative post he finally achieved. He derived great satisfaction from his years with the Board of Education, particularly his pioneering efforts to test hard-of-hearing children throughout New York City.

His life was always a busy one. As a young man, while teaching, he served for many years as Director of the Rutgers Street Gymnasium. A good athlete himself, he enjoyed coaching and training young men in a wide variety of sports. It was here, in the East Side of New York, that he found some promising young boxers who later won worldwide acclaim in the professional ring.

So much more could be said about Dan Caplin—his compassion, his love of his fellow man, his willingness always to give someone a helping hand: a student entering school, or a teacher needing a summer job, or someone trying to get into a hospital or home for the aged, or a young man seeking a letter of introduction. No matter what it was, Dan was there—reaching out, without reward other than the personal satisfaction of helping another human being. The underdog never had a more constant supporter.

Dan looked for the best in people, and was quick to go out on a limb for those he knew. If he took your case, he became your champion. He saw only the good side and ignored the blemishes, although he had his share of disappointments. Someone said: "Dan was a true believer." He believed in people and causes and rarely had a bad word for anyone.

Dan was continuously the optimist, searching for the bright side. In the hospital he still was talking about new business prospects, his plans for a trip to Florida, and another visit with his children and grandchildren.

How he loved his family! His wife, Josie, his daughter and son, his six grandchildren, his brothers. His grandchildren, of course, were on the tip of his tongue all the time. You could always be sure to make "Grandpa" happy by recounting their day-to-day activities. No accomplishment of theirs was too small to be recognized and complimented. Every incident filled him with pride—gave him new joy. The mere mention of any of their names would bring that bright sparkle to his eyes and his wonderful smile.

Dan Caplin leaves much to his grandchildren, children, wife, brothers and friends. His deep love, his humor, his warmth, his eternal optimism, his joy of all aspects of life—an automobile drive, a walk in the park, a view of a country lake, a new motel, a good dinner, a visit with his family and friends. The thought of Dan will come often—and, each time, it will evoke in everyone who was fortunate to know him an inner glow, a warm smile, a fond recollection of a remarkable and wonderful human being.

AN ACT DECLARING A PORTION OF BAYOU LAFOURCHE, LA., A NONNAVIGABLE WATERWAY OF THE UNITED STATES

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. 6692.

The PRESIDING OFFICER laid before the Senate H.R. 6692, declaring a portion of Bayou Lafourche, La., a nonnavigable waterway of the United States, which was read twice by its title.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment until 12 noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 15 minutes p.m.) the Senate adjourned until tomorrow, Thursday, November 9, 1967, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate November 8, 1967:

POSTMASTERS

The following-named persons to be postmasters:

ALABAMA

Malcolm D. Graham, Courtland, Ala., in place of E. R. Todd, retired.

CALIFORNIA

Rowenah P. Harmon, Avery, Calif., in place of L. H. Biskeborn, resigned.

Carl Sidner, Montague, Calif., in place of E. M. Martin, transferred.

CONNECTICUT

Joseph A. Doyle, Ansonia, Conn., in place of D. J. McCarthy, retired.

IDAHO

Leroy P. Walters, Moyie Springs, Idaho, in place of B. R. Teer, retired.

IOWA

Bobby D. Hough, Eddyville, Iowa, in place of A. E. Newell, retired.

Daniel J. Doyle, Neola, Iowa, in place of M. C. Burns, retired.

Pearl M. Hailey, Shannon City, Iowa, in place of G. G. Ayers, retired.

KANSAS

Charles O. Gelino, Morganville, Kans., in place of J. A. Trudell, retired.

KENTUCKY

William C. Preston, Olive Hill, Ky., in place of C. M. Crawford, resigned.

MISSISSIPPI

Edwin P. Connolly, Laurel, Miss., in place of H. H. McRae, retired.

Messena F. Jones, Vaughan, Miss., in place of D. L. Doty, retired.

NEBRASKA

Robert E. Koinzan, Davenport, Nebr., in place of H. H. Row, retired.

NEW YORK

Joseph R. White, Holmes, N.Y., in place of H. R. Ballard, retired.

Dorman R. Youmans, Nanuet, N.Y., in place of H. M. Fisher, Jr., retired.

NORTH CAROLINA

William J. McCall, Penrose, N.C., in place of I. T. Rustin, retired.

NORTH DAKOTA

Ernest S. Johnson, Hankinson, N. Dak., in place of E. W. Green, retired.

Berniece M. M. Maley, Verona, N. Dak., in place of D. A. Supler, deceased.

OHIO

Gerald I. Borer, New Bavaria, Ohio, in place of C. S. Wolf, retired.

Eloise L. Moore, Savannah, Ohio, in place of J. M. Gibson, retired.

OREGON

Robert W. Thompson, Glendale, Oreg., in place of H. T. Edson, retired.

Clifford J. Driscoll, Grants Pass, Oreg., in place of H. G. Prestel, retired.

Clarence A. Williams, Jacksonville, Oreg., in place of L. H. Valentine, retired.

Mary E. Sinclair, Monroe, Oreg., in place of E. R. Stewart, retired.

Robert F. Landers, Silverton, Oreg., in place of Henry Alm, retired.

PENNSYLVANIA

Anthony J. Marcolivio, Ridgway, Pa., in place of M. F. MacDonald, retired.

William E. Start, Sewickley, Pa., in place of C. S. Borem, retired.

Wilson U. Allebach, Worcester, Pa., in place of H. C. Allebach, retired.

TENNESSEE

Albert M. Daniel, Bean Station, Tenn., in place of M. E. Leedy, retired.

James H. Wheeler, Bloomington Springs, Tenn., in place of R. J. Way, retired.

VIRGINIA

Mercer V. Hogge, Jr., Yorktown, Va., in place of Joseph Schmidt, retired.

WASHINGTON

Mildred M. Agnew, Rock Island, Wash., in place of A. M. Ensley, resigned.

WISCONSIN

Warren M. Johnson, Drummond, Wis., in place of W. L. Lee, retired.

HOUSE OF REPRESENTATIVES

WEDNESDAY, NOVEMBER 8, 1967

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

I am ready for anything through the strength of the One who lives within me.—Philippians 4:13.

O God, our Father, who gives us the day for work and the night for rest, grant us health of body, cleanness of mind, and courage of spirit that we may do our work this day with all our might. Deliver us from the bitterness that blights our lives, from the fears that frustrate our faith, and from the ill will which dampens our upward struggle.

Make us one in Thee that we may be hospitable to the highest in life and thus be ready with new strength for a new day.

May we walk in straight paths until Thy glory shall be revealed in our efforts to make the world a better place in which men can learn to live together and to work together and to pray together. To this end may Thy will be done in us and in all men, through Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday 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 a bill of the House of the following title:

H.R. 13165. An act to extend the period during which Secret Service protection may be furnished to a widow and minor children of a former President.

The message also announced that the Senate agrees to the amendments of the House to a joint resolution of the Senate of the following title:

S.J. Res. 33. Joint resolution to establish a National Commission on Product Safety.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11641) entitled "An act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, Interstate Commission on the Potomac River Basin, the Tennessee Valley Authority, and the Water Resources Council, for the fiscal year ending June 30, 1968, and for other purposes."

The message also announced that the Senate agreed to the amendment of the House to the amendment of the Senate No. 2 with an amendment, and receded from its amendment No. 13 to the above entitled bill.

The message also announced that the Senate insists upon its amendment to the amendments of the House to the bill (S. 1788) entitled "An act to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments," agree to conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. ANDERSON, and Mr. KUCHEL to be the 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. 448. An act 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;

S. 699. An act to strengthen intergovernmental cooperation and the administration of grant-in-aid programs, 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;

S. 1306. An act to assist cities and States by amending section 5136 of the Revised Statutes, as amended, with respect to the authority of national banks to underwrite and deal in securities issued by State and local governments, and for other purposes, and

S. 2211. An act to amend section 509 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1159) to provide for construction aid for certain vessels operating on the inland rivers and waterways.

THE HONORABLE HALE BOGGS

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. Mr. Speaker, we notice this morning a very pleasant sight; namely, back in his seat, after a period of illness, the majority whip of the House of Representatives, HALE BOGGS. We all are pleased that he is back on the job—well on the way to complete recovery. We have missed him during his absence.

We welcome the distinguished gentleman back in our midst again this morning.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?