MINNESOTA

Robert L. Anderson, Kasson, Minn., in place of A. B. Roth, retired.

MISSOURI

Deloris June Jackson, Delta, Mo., in place of I. P. Swift, deceased.

Luther E. Brewer, Drexel, Mo., in place of J. M. Long, retired.

NEBRASKA

Arnold F. Rogert, Herman, Nebr., in place of J. M. West, retired.

NEW JERSEY

Charles J. Langmaack, Metuchen, N.J., in place of H. G. Holm, retired.

NORTH CAROLINA

J. Paul Haynes, Sr., McLeansville, N.C., in place of O. C. Tew, deceased.

VERMONT

Allen C. Sweatt, Craftsbury Common, Vt., in place of E. L. Sweatt, deceased.

VIRGINIA

Pearle B. Miller, Lightfoot, Va., in place of G. S. Walsh, retired.

U.S. DISTRICT JUDGES

John T. Curtin, of New York, to be U.S. district judge for the western district of New York, vice a new position, Public Law 89-372 approved March 18, 1966.

Morris E. Lasker, of New York, to be U.S. district judge for the southern district of New York, vice Richard H. Levet, retired.

HOUSE OF REPRESENTATIVES

TUESDAY, NOVEMBER 28, 1967

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward Gardiner Latch, D.D., offered the following prayer:

Teach me Thy way, O Lord, and lead me in a plain path.—Psalm 27: 11.

O God, who art our refuge and strength, our help in trouble, we pray that Thou wilt lead us to a higher plane of courage and faith and patience that the influence of our lives and the example of our spirits may always be for Thy glory and for the good of our country.

Renew in us a deeper devotion to Thee, a greater love for our fellow man, and a strong faith that right is right and will ultimately prevail even in uncertain times.

To Thee we commend our Nation. Be Thou the source of her strength and make her ever mindful of Thy providence. Bless Thou our Speaker, every Member of this body, every officer, every clerk, every secretary, every reporter, every page. As men and women selected for service to our Nation may we keep our record true.

To think without confusion clearly;
To love our fellowmen sincerely;
To act from honest motives purely;
To trust in God and heaven securely.

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 bills of the House of the following titles:

H.R. 2529. An act to amend the act of September 8, 1960, relating to the Washington Channel waterfront; and

H.R. 8582. An act to amend chapter 7 of title 11 of the District of Columbia Code to increase the number of associate judges on the District of Columbia Court of Appeals from two to five, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1532. An act to require that contracts for construction, alteration, or repair of any public building or public work of the District of Columbia be accompanied by a performance bond protecting the District of Columbia and by an additional bond for the protection of persons furnishing material and labor, and for other purposes;

S. 1629. An act to authorize the Commissioners of the District of Columbia to enter into joint contracts for supplies and services on behalf of the District of Columbia and for other political divisions and subdivisions in the National Capital region; and

S. 1722. An act to amend the wheat acreage allotment provisions of the Agricultural Adjustment Act of 1938, as amended.

VIETNAM AND MILITARY HARDWARE

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PRICE of Illinois. Mr. Speaker, on Thursday, November 9, 1967, Gen. Bruce K. Holloway, Vice Chief of Staff, U.S. Air Force, delivered an address at the National Security Industrial Association luncheon in New York City on the subject of "Vietnam and Military Hardware."

Among other things in his address, he cites what I call lessons learned from Vietnam and other lesser conflicts of the past 10 years. Study of these lessons learned leads to conclusions that will help to plan strategy, tactics and military hardware for the future. General Holloway has identified nine areas of importance and suggests some of the influences they may have on the development of weapons and supporting systems to meet military requirements. General Holloway's address follows:

Some people will tell you that military strategy and tactics are largely a result of the hardware that technology can provide the military planners. Others hold that the reverse is true—or should be true; that decisions on which items of hardware to build are determined by strategy. Actually, neither the hardware proponents nor the strategy proponents are entirely right or entirely wrong. There is a continuous interaction between strategy and technology, with each influencing the other. It's a sort of closed loop system.

At any given point in time, the scales may be tipped in favor of strategy or of technology, but over the long term, the weighting of these two elements balances out pretty evenly.

For about 15 years after World War II, it seems to me that technology—nuclear and supporting technology—was the heavier factor in the strategy/technology equation. Since 1961, strategy has been ascendant, especially in the area of counterinsurgency and limited war. This new balance is likely to continue, at least as it relates to the kind of aggression we and our allies are combatting in Vietnam.

While a successful outcome to the Vietnam War undoubtedly will have some constraining influence on communist enthusiasm for their so-called wars of national liberation, it isn't an absolute guarantee that other similar wars will not occur. And it is no guarantee that the United States may not find it necessary either unilaterally, or as a member of a regional organization, or as a member of the United Nations to help prevent or to turn back limited aggression that is not Communist-inspired. Remember that Communists have been involved in less than half of the serious insurgencies of recent years, though they are generally ready to exploit a chaotic situation if possible.

It is therefore worth looking briefly at some of the unique characteristics of the Vietnam War before discussing the effects it has had on hardware requirements. I believe these areas of difference from earlier wars will be broadly applicable to the conflicts most likely to take place in the future, and therefore pertinent to our future hardware requirements.

Overshadowing all other differences is the potential consequence of uncontrolled escalation. In this respect, the war is even more complex than Korea because the potential for destruction is considerably higher on both sides than it was in the early 1950's. The possibility that the Vietnam conflict could escalate to a nuclear exchange must always be in the minds of responsible officials. I think that is a very remote possibility, however, in view of our present margin of nuclear superiority over the USSR and Communist China.

A second significant difference is that of objectives. We entered both World Wars after they had been in progress for many months and had grown to hitherto unimagined proportions. Both wars had become total wars by the standards of their times. In both, the situation already had progressed to a point where the only acceptable solution seemed to be the destruction and surrender of the enemy. Vietnam is not a total war. Our objective is a limited one; to assist the Republic of Vietnam in freeing itself of the aggression which has been inspired by and supported by North Vietnam and its Communist backers. The President has stated many times that our intent is not the overthrow of the North Vietnamese government or even necessarily defeat of its army in the field so long as that army gets out of South Vietnam and stays out.

Still another difference is that we are not in direct confrontation with the ultimate supporters and suppliers of enemy forces as we were in both World Wars. Most of the weapons and a large part of the supplies used by Viet Cong and Communist main forces come from China, the USSR, or other Communist-controlled countries. The enemy's logistic support therefore has to be reduced by interdiction of supply routes. This is a more difficult process than it would be to neutralize a few war supporting industrial plants in North Vietnam, if the main source of military supplies were actually in North Vietnam.

In World War II, our military operations and our ability to continue or increase those operations were addressed to a single audience in each theater of operations: Germany, Italy, or Japan. In Vietnam, everything we do is addressed to a variety of audiences, often with dissimilar or even conflicting objectives. Among these audiences are the Hanoi government, China, the USSR, U.S. allies—both those who are and are not engaged in the

war—and other nations not closely associated either with us or with the two Communist powers.

In this intricate web of actions and interactions between and among nations, most of them not directly involved in the fighting, it is always necessary to evaluate operational alternatives in terms of our national objectives. Almost every decision has political implications that affect our relationships with friend and foe alike. This includes many decisions that traditionally have been considered purely operational and hence the province of military commanders. While the situation is not entirely new, the level at which operational and policy considerations may merge is much lower than in earlier wars—particularly those of the pre-nuclear era. Military people understand quite clearly that their recommendations on operational matters have to be tempered by political, economic, social, and psychological considerations.

Although Vietnam has provided some important lessons in dealing with insurgency, I am not suggesting that it serves as a detailed blueprint for similar conflicts that may happen in the future. If others do occur despite our efforts to deter conflict at all levels, each would probably have unique aspects—geographic, social, or political. But Vietnam and other lesser conflicts and incipient conflicts of the past ten years have provided a considerable body of empirical evidence that has been given careful study by the defense community. I believe we can draw some conclusions that will help us plan strategies, tactics and hardware for the future.

I would like to talk briefly about nine areas that seem to me particularly important, and suggest some of the influences they may have on the development of weapons and supporting systems.

First, it is essential that the United States maintain its strategic superiority over any potential enemy or combination of enemies. If we were to lose this superiority, we would be subject to nuclear threats or blackmail whenever the support of our own national interests or those of friends and allies ran counter to the interests of the Communist powers. Hence strategic nuclear superiority bears a direct relationship to counterinsurgency or limited war actions. In order to maintain this superiority, we will soon introduce the Minuteman III intercontinental missile into the Strategic Air Command's missile force and replace some of our earlier B–52 bombers with the FB–111. The Air Force is also doing developmental work on on advanced ICBM and an advanced bomber, an AMSA.

Second: The strategic bomber has proved beyond question its usefulness in limited, non-nuclear war. The B–52 has been used against area targets and other military targets that require a high concentration of firepower. The number of B–52 sorties flown each month has increased four-fold since late 1965. Interrogation of Viet Cong and North Vietnamese prisoners shows that of all weapon systems they fear the B–52 most. Our planning for an advanced bomber to follow the B–52 and B–58 will take account of the extensive experience we have had with B–52 operations in Southeast Asia.

Third: Air superiority is essential in limited wars. Since there has been relatively light enemy fighter opposition in North Vietnam, we tend to forget the importance of air superiority. Try to picture how different the course of the war might have been if enemy air forces had been free to attack our port facilities, logistic net, air bases, carriers and troops in the field.

In order to assure air superiority, we believe there is a need for a fighter specifically designed for air-to-air combat. This is particularly important in a Korea or Vietnam-type war, since the enemy probably will always be able to operate from sanctuaries; hence the possibility of destroying his interceptor forces on the ground may be greatly reduced or even eliminated. An air superiority fighter that we are studying—an F–X—must have performance as good as anything a potential enemy is likely to produce, range that can be converted to loiter or combat time, electronic sophistication, and night and all-weather capability with both air-to-air missiles and guns. It should be able to do other jobs such as interdiction and close support as secondary missions. We have not yet gone into Contract Definition for an F–X, so it is too early to say just what it would look like.

Fourth: In a combat situation where the bulk of enemy materiel comes from outside the theater of operations, interdiction of supply routes becomes extremely important. In my judgment, our operations against military targets in North Vietnam have been very effective in increasing the cost to North Vietnam of infiltrating men and supplies—as well as the cost of the war in general.

The effectiveness of air interdiction can be increased by an improved ability to locate, identify and strike small moving targets in any weather, day or night. One of our most active research and development program areas, known as SHEDLIGHT, includes 68 related programs aimed at denying an enemy the cover of night and bad weather. The effectiveness of interdiction also can be increased by improved planning of entire interdiction campaigns, which will result from our study of the on-going campaign; and by an improved ability to predict accurately the short and longer term results of interdiction operations.

Fifth: All of our aircraft, but particularly those designed for interdiction and close support, must be designed for survivability in a hostile sky. The greatest threat is likely to come from ground fire. There are a great many options for improving survivability in future tactical fighters: new materials for lightweight armor, design features to include alternate control and hydraulic systems, warning devices against both radar and visually directed ground fire, an accurate stand-off missile for use against well-defended targets, fuse deactivators that will neutralize hostile projectiles, devices to prevent or suppress fire aboard the aircraft. Obviously the combination of survivability measures selected for any aircraft will have to be related to its intended mission. A relatively inexpensive close support fighter like an A–X, which we are now studying, would need less sophisticated equipment than would a deep-penetration tactical fighter like the F–111. In all cases, survivability technology is on the rise. In time, tactical fighter survivability and response time will be further enhanced by a V/STOL fighter, but that is not yet on the near horizon.

Sixth: Accuracy of weapons delivery is a must in limited war. We want to reduce collateral damage to a minimum in any environment, but especially in the case of targets lying in friendly territory. Also, our experience in Vietnam has shown that close support of ground forces often has to be *very* close. Errors of even a few feet cannot be tolerated when the safety of friendly ground forces is at stake. Beyond these considerations, the ability to destroy a target on the first pass, day or night and in any weather greatly reduces the vulnerability of our tactical fighter to ground fire.

Seventh: Rapid reaction is a prime requisite for counterinsurgency or limited war operations. This requirement includes both strategic and tactical mobility. Getting the right mix of forces to the right place at the right time may enable us and our allies to nip a developing pattern of aggression in the bud. Our strategic airlift forces, which are responsible for that job, are in good shape today and will be even more effective when the C–5A comes into the operational inventory.

But the requirement for mobility doesn't end there. In the areas where insurgency or small-scale war are most likely to erupt, combat operations are quite likely to resemble certain characteristics of most of the ground fighting in South Vietnam: scattered, small unit actions in remote areas that have poorly developed road and rail nets. In such a situation, the rapid intra-theater movement of ground forces and supplies is essential. In the future, we are going to need STOL transports—preferably some of them with a vertical take-off ability—compatible cargo handling equipment and an all-weather aerial delivery system that will operate without ground aids. A Light Intra-Theater Transport, or LIT, which we are proposing as a replacement for the aging C–7 and C–123, should have a STOL payload of about 20,000 pounds and a vertical take-off payload about half that size. It could be available in the early 1970's.

Eighth: Control of combat forces is essential to the success of any military operation. It becomes particularly important in a type of warfare where a great many operational decisions have strong policy implications. Centralized command and control is particularly necessary in the air war since our aircraft operate at high speeds and deliver tremendous concentrations of firepower. Reliable, survivable, high capacity command and control systems are a must.

Finally: Research and development in the areas of counterinsurgency, and limited conventional warfare must be continued at a much higher level than that of the 1950's and early 1960's. R&D in these areas is very active today. Since July 1965, the Air Force has received a total of 273 requirements for research and development from our people in Southeast Asia. 189 of these requests have been approved and either have been completed or are in various stages of development. In total we are now managing more than 700 programs in the limited war area. I have mentioned only a few of these projects since my purpose was to discuss trends rather than specific programs.

The limited war area is a fertile field for the American scientific and engineering community. It covers every area pertinent to airpower: airframe design, propulsion, fuels, materials, electronics, ordnance. Many of the hardware needs that I have suggested present challenging problems, but given adequate funding they should not exceed the capacity of a nation that pioneered nuclear technology and soon will put men on the moon.

ESTABLISHMENT OF A FEDERAL JUDICIAL CENTER

Mr. CELLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6111) to provide for the establishment of a Federal Judicial Center, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate on the disagreeing votes thereon.

The SPEAKER. Is there objection to the request of the gentleman from New York? The Chair hears none, and appoints the following conferees: Messrs. CELLER, RODINO, ROGERS of Colorado, MACGREGOR, and MCCLORY.

CALIFORNIA, HERE WE COME

Mr. JACOBS. 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 Indiana?

There was no objection.

Mr. JACOBS. Mr. Speaker, the world will note that after considering the matter for a number of years, under the leadership of a young man named John Pont, some young men from Indiana are following the advice of Horace Greeley. They are going West. So as a public service on behalf of the great Indiana University, I am compelled to warn, "California, Here We Come." And we expect to be back "Home Again in Indiana" covered with victory roses.

MESSAGE TO PRESIDENT DE GAULLE

Mr. WOLFF. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WOLFF. Mr. Speaker, yesterday the greatest 20th century debtor, French President de Gaulle, pledged to force a devaluation of the American dollar even while France owes the United States $6.8 billion in World War I debts.

Unless payment of that debt begins immediately, I believe we should freeze French assets in this country.

In the meantime I appeal to American business people and travelers to bypass France while doing business or visiting Europe. Perhaps an end to American tourism in France will carry the message to De Gaulle—"Stop buying gold and start paying your debts."

The time is past due for the United States to stop footing the bill for a French regime devoted to undermining our economy.

DE GAULLE'S ATTACK UPON THE INTEGRITY OF THE DOLLAR

Mr. HAYS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HAYS. Mr. Speaker, I have just returned with the House delegation from the North Atlantic Assembly which met in Brussels. I believe I can report without any disagreement on the part of anybody who was there that the general feeling of all the delegates from all the countries, including France and excepting only those who rode into office on the coattails of De Gaulle, was definitely against his actions in the international economic world as well as the political world.

I had the occasion to point out to the political committee that it took a good deal of gall, and that was not any pun, on the part of the President of France to think that he could destroy the economic integrity of the dollar, when the total gross national product of France, a country of 50 million people, is equal only to the gross State product of the State of California, with 20 million people.

I subscribe to what has been said before, and I especially say that if De Gaulle is successful in destroying the integrity of the dollar it will be because Washington did not have the "guts" to do what was necessary to keep him from doing it.

Now, they owe us a lot of money, and I do not know of any way to make them pay it, but there are plenty of things we can do that will hurt France's economy, which is none too stable at the moment, regardless of what he may say. One little incident is, witness the riots of the French farmers.

There are plenty of things we could do, such as an embargo on imports from France, and so on.

If this man wants economic war, we ought to give it to him. I say to you that the majority of the French people will understand it and the majority of the French parliamentarians will understand it, because De Gaulle's political party will fall apart within 10 minutes after his decease.

DO NOT TURN THE OTHER CHEEK

Mr. RIVERS. 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 South Carolina?

There was no objection.

Mr. RIVERS. Mr. Speaker, I echo what my chairman has said concerning the present leader of the French Republic. I just returned last night from NATO. I say to you that what the gentleman from Ohio [Mr. HAYS] has said is accurate. France has cut NATO in half. Our southern flank has been turned. Greece and Turkey and Italy cannot get to the help of Norway and vice versa. We have only temporary authority to fly over the soil of France, and we cannot use any of that soil by our ground forces. De Gaulle has attacked our currency; he has attacked our motives in Vietnam, and he declared total war on this country. As Mr. HAYS has said, there are 10,000 things we can do to stop this man, one of which is we can put our wheat on the world market. That is France's greatest export. Another thing is we can exercise a little guts in Washington. We should not let him get our gold. Only give him credit on the debt he owes us. We do not have to deplete our gold reserves, if any is left in Fort Knox, Ky. I say this man has declared war on us. I am told we have over an $800 billion gross national product. If that is true, let us see how long De Gaulle can combat this. One French newspaper had this to say the other day, and to this I subscribe: Liberté, equaleté, senilité.

ACTION ON A CONTINUING RESOLUTION NEEDED

Mr. BOW. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOW. Mr. Speaker, 2 weeks ago tomorrow was the last time that the conferees met on the continuing resolution and the spending limitation. The conferees met on five previous occasions, but it has been 2 weeks since they last met.

What has happened, Mr. Speaker, is that we have a number of people who have worked and are not being paid for that work. I do not believe that this House wants that to happen. I know I do not. These people in these agencies who have actually worked are entitled to their payment. This should have been done through the meetings of the conferees of the House and Senate. Again I point out that they have not met for 2 weeks and they permitted the OEO programs to dissipate. They permitted these people to go without being paid.

Mr. Speaker, I suggest that there has been negligence on the part of the leadership of that conference in not calling them together and trying to find some answers. It is very apparent that the stalling tactics are deliberate to try to keep the will of this House from being worked on the spending limitation. This House on three occasions has passed the spending limitation. They are going to let it go by default and not pay these people.

I am introducing today a continuing resolution. I call upon the committee to meet and pass out this continuing resolution so that these people can be paid.

PERSONAL EXPLANATION

Mr. CHAMBERLAIN. Mr. Speaker, last week I was absent on official business and ask unanimous consent to revise and extend my remarks at this point in the RECORD in order that the RECORD will reflect how I would have voted on the rollcalls which I missed during the week.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CHAMBERLAIN. Mr. Speaker, this past week I was privileged to attend the 13th Annual Conference of the North Atlantic Assembly, held in Brussels, Belgium, as a member of the delegation from the House of Representatives. During my absence I missed a number of rollcall votes and in order that the CONGRESSIONAL RECORD may reflect my position on each of these issues, I wish to take this occasion to announce how I would have voted had I been present.

On rollcall No. 394, I would have voted "yea."

On rollcall No. 395, I would have voted "nay."

On rollcall No. 396, I would have voted "yea."

On rollcall No. 399, I would have voted "yea."

On rollcall No. 400, I would have voted "yea."

On rollcall No. 401, I would have voted "yea."

On rollcall No. 402, I would have voted "yea."

On rollcall No. 404, I would have voted "yea."

On rollcall No. 405, I would have voted "yea."

On rollcall No. 406, I would have voted "yea."

On rollcall No. 407, I would have voted "yea."

LIMIT INCREASE IN FARM CREDIT INTEREST RATES TO 2 YEARS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, the House—either late today or tomorrow—is scheduled to consider H.R. 13706, a bill to remove the 6-percent statutory ceiling on the Farm Credit Administration banks.

It is regrettable that the Congress finds itself forced by the Federal Reserve Board to consider this interest rate increase. The statutory 6-percent ceiling has been in effect for the various farm credit banks to protect the family farmer from the whims of the money markets. The Federal Reserve System has now pushed interest rates to the highest levels of this century and the Farm Credit Administration is having difficulty marketing its paper under the 6-percent ceiling.

Mr. Speaker, I have long opposed the concept of "leapfrogging" in interest rates. I oppose the idea that the solution is to have agencies leaping over one another in pursuit of the high interest rates set by the Federal Reserve.

Therefore, I do not look with favor on the removal of this 6-percent ceiling on farm credit. However, if the House does decide to adopt this legislation, then I propose that we limit it to a period of time so that the increase is not permanent.

Mr. Speaker, I will offer an amendment at the appropriate time limiting the removal of the interest rate ceiling on the Farm Credit Administration to a 2-year period. Certainly, this is a minimum protection that the 90th Congress should provide the family farmer of America.

PROPOSED CONTINUING RESOLUTION TO PAY EMPLOYEES ENGAGED IN THE POVERTY PROGRAM

Mr. PEPPER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. PEPPER. Mr. Speaker, I was pleased to see that my friend the able gentleman from Ohio [Mr. Bow], has offered a continuing resolution to take care of all the people who have been working in the poverty program, with an expiration date of December 2.

I have been in touch with the authorities on the other side—Members of the other body—and it is my understanding that they are placing a similar extending resolution on the foreign aid bill, and I am told today that the expiration date of which is also December 2.

Mr. Speaker, the general counsel of OEO, Mr. Donald M. Baker, tells me that they will have to have at least 2 days in order to make the grants to take care of the people whom we discussed the other day—the people who are working under the local facilities where they are supported by grants from the OEO program and who were not paid under the previous continuing resolution.

So, Mr. Speaker, I would hope that we shall speedily enact this resolution so there will be at least a 2-day interval between the effective date of it and the expiration date which will enable OEO to arrange for the people who have been working in the 40 communities who are operating under the grant program including 700 in my district and the district of my distinguished colleague, the gentleman from Florida [Mr. FASCELL], who were not paid under the previous continuing resolution shall be paid.

MR. DE GAULLE

Mr. CELLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, we have heard considerable about President de Gaulle, and in the spirit of levity permit me to tell you a story about that gentleman.

Mr. Speaker, it seems that he went to his Minister of Education, Mr. Malraux, and said, "I should like to visit the Louvre again." Mr. Malraux said, "Why not, Mr. President?" So they went to the Louvre. There in a niche in the wall President de Gaulle looked up and said, "Oh, a Monet." The Minster of Education said, "No, Mr. President, that is not a Monet, that is a Renoir." They went to another part of the Louvre where the President looked up and said, "Oh, that is a Matisse," whereupon the Minister said, "No, Mr. President, that is a Lautrec." The President then looked into another niche and excitedly exclaimed, "This is a Picasso." The Minister said, "No, Mr. President, that is not a Picasso, it is a mirror and you are looking at yourself."

NEW HOME MORTGAGE CRISIS

Mr. WIDNALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. WIDNALL. Mr. Speaker, the "big spender" Johnson administration seems to be trying to provoke a new home mortgage crisis.

It is offering $1 billion of Fannie Mae participations today at new interest rate highs for the current "credit crunch." Interest rates are 6.35 percent on the 2-year maturity and 6.4 percent on the 20-year bonds.

A month ago, the Treasury offered 15-month notes with a 5⅝-percent coupon and 7-year notes with a 5¾-percent coupon. These issues today sell in the market very close to their offering price of par.

Use by the Treasury of expensive participation certificate financing is inexcusable. By now, everyone recognizes that participation certificate financing is just a Treasury gimmick to make the budget deficit look less than it actually is.

But the real tragedy of this high cost participation certificate financing is the inexorable upward pressure it puts on interest rates. Interest rates at 6.35 percent on what in effect is short-term Government credit, will preempt funds from the home mortgage market.

The "big spender" Johnson administration must bear full responsibility for any new home mortgage financing crisis touched off by its high cost, imprudent, participation certificate financing.

CALL OF THE HOUSE

Mr. CEDERBERG. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 412]

Abbitt	Halleck	St. Onge
Annunzio	Hansen, Wash.	Saylor
Bates	Hardy	Schweiker
Bingham	Hébert	Sikes
Broomfield	Heckler, Mass.	Steed
Brown, Calif.	Hosmer	Stephens
Corman	Howard	Stratton
Cowger	Mathias, Md.	Stubblefield
Dickinson	Matsunaga	Udall
Dingell	Moss	Ullman
Dorn	Pool	Williams, Miss.
Downing	Rees	Willis
Evins, Tenn.	Resnick	Wilson,
Flynt	Roberts	Charles H.
Fountain	Rooney, Pa.	Young
Frelinghuysen	Roybal	
Gathings	St Germain	

The SPEAKER. On this rollcall 385 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONTINUING APPROPRIATIONS, 1968

Mr. MAHON. Mr. Speaker, I offer a joint resolution (H.J. Res. 936) making continuing appropriations for the fiscal year 1968, and for other purposes, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Well, Mr. Speaker, reserving the right to object, this is another continuing resolution; is that correct?

Mr. MAHON. Mr. Speaker, if the gentleman will yield, this would be the fifth continuing resolution of the year.

As the distinguished gentleman from Iowa knows, agreement has not been reached on the fiscal 1968 authorization for the antipoverty program, and final action has not been taken on the appropriations for foreign aid. These agencies are without authority to meet payrolls and other appropriate obligations, and have been since November 9.

Mr. Speaker, the gentleman from Ohio [Mr. Bow], the ranking minority member of the Committee on Appropriations, earlier today in a 1-minute speech suggested that we ought to proceed with an interim continuing resolution through December 2. This occurred to me as being a very good temporary action.

Mr. Speaker, what we have been trying to do and are trying to do on the other pending resolution, House Joint Resolution 888, is to work out a continuing resolution which will have some economy substance to it that would be acceptable to both bodies. We have not been able thus far to obtain agreement on this. It is still in a state of indecision. However, the resolution now pending before us will give us a little more time in which to try to work something out. In the meantime, the people involved will get paid. But at the same time the House does not lose its present position to press for further reductions in appropriations.

Mr. GROSS. Then, if this resolution is adopted it would amount to the fifth confession on the part of the Congress that it has not done its job properly? Is that a proper summation of what is about to occur?

Mr. MAHON. Mr. Speaker, if the gentleman will yield further, I would not use the word "confession."

The House has been anxious to reduce spending and to promote economy and efficiency in Government. And the House conferees on House Joint Resolution 888 have declined to pass the continuing resolution of the standard variety, that is, to yield to the other body, which struck out the economy provisions voted by the House on October 18.

As the gentleman from Iowa knows, there has been a great deal of delay with reference to authorization bills this year. Congress should have disposed of them more quickly. I am not out of sympathy with the feelings of the gentleman from Iowa in respect to the position in which we find ourselves today. We should have transacted our business much earlier in the year.

Mr. GROSS. As I understand it, and as I am sure many Members of this body understand it, there is a continuing resolution lodged somewhere in the Congress that carries with it a demand for substantial economies in the operations of the Federal Government.

Am I correct in assuming that continuing resolution No. 4—if this is No. 5—is presently lodged in the other body?

Mr. MAHON. Mr. Speaker, if the gentleman from Iowa will yield further, it is still in conference. I refer to House Joint Resolution 888. But in my judgment—and I may be in error—a decision will be reached and a compromise agreement will be achieved. In other words, I very much hope that further economies, for which the House of Representatives voted some time ago, will to some extent be achieved.

I must add that in terms of appropriation requests this year, Congress is going to probably come close to cutting $6,000,000,000 from the requests in the regular appropriation bills.

The action proposed in the pending resolution would not sacrifice the position of the House or of the other body with respect to the continuing resolution now deadlocked in conference between the House and the Senate.

Mr. GROSS. I would ask the gentleman if this resolution is the result of the meeting at the White House yesterday evening?

Mr. MAHON. This comes as a result of the suggestion of the gentleman from Ohio [Mr. Bow], that these people ought to be paid, and that Congress ought to act responsibly and pass a continuing resolution. The gentleman from Ohio presented the resolution, and I have embraced it and on my own introduced an identical resolution in my capacity as Chairman of the Committee on Appropriations.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. BOW. I believe the gentleman has stated the situation correctly.

I might say to the gentleman from Iowa that earlier today, and I believe the gentleman was here at the time, I in a 1-minute speech pointed out that the conferees on the spending limitation and the continuing resolution had not met for about 2 weeks. This disturbed me. It seemed to me that after this House on three separate occasions had passed a spending limitation bill by a rollcall vote that we then should have been meeting in conference and considering the spending limitation. But for some reason or other the conferees have not been called together. I have my suspicions as to why, perhaps, the thing that has happened did happen.

On the other hand, I felt that since we have people who have worked for the Government, and who are not being paid, and others who are being partially paid, and in some instances a few programs have been shut down, that these people who have actually served the Government should be paid.

That is the purpose of this continuing resolution today. I am not sure whether the gentleman in introducing this continuing resolution today is introducing one of identically the same terms as mine, or not, and I do not know whether the gentleman from Texas in calling up the resolution I introduced today or one of his own and that certainly makes no difference at all. But I did state this morning to the House that we should follow this procedure in order that these people who have worked for the Government could be paid—and particularly because of the hardship involved in some of these cases because of the classification of the people involved, who are paid, many of them, in the very lowest brackets and some of them are living almost from day to day, and I therefore felt, Mr. Speaker, that we ought to do something about this.

I might add, Mr. Speaker, that this does not mean that we have forsaken the spending limitation. On the contrary, I believe we should be back in conference working on it. I cannot understand why we have not been doing so.

But, Mr. Speaker, there is the feeling, it seems to me, that we ought to pay these people who have worked for the Government. And this would only take them through one more pay period.

Mr. GROSS. Mr. Speaker, I agree with the gentleman from Ohio that these employees ought to be paid, and perhaps that this is the only way that this can be accomplished, but there is another side to this coin. I do not want to embarrass anyone, but I feel that I must ask this question:

Who is responsible for the failure in the past 2 weeks to hold a conference as between the House and the other body?

Mr. BOW. I cannot answer that question.

I notice that the distinguished chairman of the Committee on Appropriations is on his feet, but whether he is responsible for this or whether the chairman of the Committee on Appropriations of the other body is, I do not know. However, I have asked, time after time, When are we going to meet? without an answer. And I have requested that we do meet, but we have not met.

I say to the gentleman that this has given me great concern. I would hope that we can go back to meeting because in the last meeting we had 2 weeks ago tomorrow, it seemed to me we were making progress. This has disturbed me because we had not made much progress up to that time, but we seem to be making progress, and than all of a sudden the door was shut and we have not met.

I will be glad to have the gentleman answer the question.

Mr. MAHON. Mr. Speaker, if the gentleman will yield?

Mr. GROSS. I will be glad to yield.

Mr. MAHON. Mr. Speaker, we had five meetings on the continuing resolution, but so far we are deadlocked. We have not met recently. We have been trying to work out ways and means of coming to an agreement.

I believe the Members saw in the press that the President is going to recommend further reductions below the roughly $6 billion appropriation cut which we have been hoping the Congress will make in the appropriation bills. It will be more fully unveiled, as I understand, on tomorrow—and it seems to me this could afford a basis for achieving a meeting of the minds between the House and the other body.

In House Joint Resolution 888, the other body had only a simple continuing resolution. We have refused to agree. The other body refused to agree to the position of the House. But I am very hopeful that we will be able to work out some

kind of compromise for the situation in which we find ourselves.

Mr. GROSS. Does the gentleman anticipate another continuing resolution? The bargaining power of the House with the Senate will practically be gone if this resolution is approved.

Mr. MAHON. Well, this would be the continuing resolution which is now tied up in conference.

Mr. GROSS. Yes, but the resolution now before the House is effective for only approximately 4 days.

Does the gentleman anticipate another continuing resolution?

Mr. MAHON. Not of this type.

But the continuing resolution which is in controversy—House Joint Resolution 888—is not a simple continuing resolution. It provides for a reduction in budgeted spending of some $7 billion. This is one of the reasons why it is not easy to agree when so much is involved.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

Mr. DAVIS of Wisconsin. Mr. Speaker, further reserving the right to object, I would not want this moment to pass with the chairman's comment that the spending limitation was directly involved in the matter of reduction of our appropriations because we have gone through this thing a number of times. I think the record is clear. The President's comments with respect to reductions in expenditures are not directly related to reductions in appropriations.

This House three times expressed itself on the necessity of expenditure limitations—and not necessarily referring to appropriations that we might make.

The thing that concerns me in approving this resolution here today is that the position of the House thrice expressed is being undermined every time we take any affirmative action on an appropriation measure.

If we approve this continuing resolution, then if we subsequently approve the appropriation bill for the foreign assistance program and the war on poverty, we have lost all the leverage that we had with respect to expenditure limitations because they do not need to have the original continuing resolution which included expenditure limitations passed at all.

If these three steps are taken—if we pass this resolution and approve the conference report on the foreign assistance appropriation, and if we pass the appropriation bill to finance the war on poverty, if we go ahead and do all these things—then our position is completely lost and expenditure limitation goes completely down the drain. Is that or is that not a fair statement of the situation?

Mr. MAHON. I do not think that that fully states the whole situation. I would say that the gentleman from Ohio and I agree that the continuing resolution, which also includes an expenditure limitation, should not go down the drain as a result of this stop-gap measure to pay people for work that has already been done. I think the gentleman from Ohio would make that statement, if the gentleman from Wisconsin would yield to him.

Mr. DAVIS of Wisconsin. Suppose we take those steps—suppose we approve of the foreign assistance conference report—suppose we pass the appropriation bill for the war on poverty—would that not be a final settlement of that matter? Then what bridge do we have to expenditure limitation?

Mr. MAHON. The point is that all of that is impossible of fulfillment by December 2. We will not achieve all of that before December 2, so this question is not one that relates realistically to the problem before us at the moment.

I would favor action on the continuing resolution and some sort of expenditure or appropriation limitation, some sort of further economy action, regardless of what happens to the appropriation bills that the gentleman has referred to. I think the gentleman from Ohio [Mr. Bow] has that same view.

Mr. DAVIS of Wisconsin. Mr. Speaker, Members of the House will recall that on an earlier date when the District of Columbia appropriation conference report was here, at that time I urged my colleagues to support the continuing resolution as a part of or as a Senate attachment to the conference report on the District of Columbia appropriation bill.

But now 2 weeks have passed. We have evidence of lack of good faith somewhere in this Capitol on this measure. While I urged my colleagues, as a practical matter, to accept the continuing resolution at that time, I just do not feel that way about it any more. If there is to be a record vote on the resolution, I am not going to support it.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Wisconsin. I yield to the gentleman from Texas.

Mr. MAHON. There has been no lack of good faith. The continuing resolution which passed the House provided in effect for a total reduction in spending below the budget of $7 billion, approximately, according to our best calculations. We have had five meetings. It is true that we have not met recently, but we have been searching and groping for a way to resolve this problem. Now it appears that the recommendations which may be made by the executive branch on tomorrow will offer some approach that can be the basis of resolving the differences between the House and the Senate on the continuing resolution and enable us to bring in a more meaningful continuing resolution than would have been at all possible prior to this time.

The gentleman must understand that in dealing with the other body one cannot write his own ticket. He has to give and take, and we have not been able to achieve a mutually satisfactory solution. The chances of doing so will improve, I believe, after we hear the recommendations tomorrow.

Mr. DAVIS of Wisconsin. By acting on such issues as this on an emergency basis, as we are being asked to do today, are we not facing the prospect of undermining the House position in future actions which we will be called upon to take? Will we not be called upon to take action on an emergency basis again and again? While we cannot insist that our position be maintained, I do think we have a right to expect a recognition of the strongly expressed House position, and that we would have at least some good-faith negotiations, which apparently have not taken place for at least 2 weeks.

Mr. BOW. Mr. Speaker, reserving the right to object—and I shall not object—I should like to make my position crystal clear on this subject. The chairman has made some statements with which I do not completely agree. On three occasions this House has passed a spending limitation on expenditures—not appropriations, but spending limitations of $131.5 billion. That is about $5.8 billion more than was spent in 1967. I offered those amendments. The House went along with them. In conference I tried to sustain the position of the House. I even offered to compromise to some extent that amount. We cannot say whether it is $7 billion, $5 billion, or whatever it might be. It is a spending limitation. It is a ceiling as to what can be spent. It is $5.8 billion more than we spent in all 1967. I believe it is meaningful. And I am not depending upon the Secretary of the Treasury or the Director of the Bureau of the Budget. I am depending upon what this House has done. We should follow the will of the House and not bow to the executive departments. I feel an obligation after three rollcall votes.

In the past the House has passed that legislation, and I think we should have been in conference every day these last 2 weeks trying to work out the differences between the two Houses. I and the gentleman from Wisconsin [Mr. DAVIS] regret that we have not met.

I will say, Mr. Speaker, I will not again support any continuing resolution. I shall oppose any continuing resolution. But it seems to me that when we act today, then responsibility goes to the other side of the aisle and the leadership of the House to call the conferences, get the conferees together, and let us work this out so that these people who are entitled to be paid are paid. I hope that this continuing resolution, which I introduced will pass and we will not be called upon for another such resolution again in this session. It will be necessary if the conferees work this matter out, which can be done if we work diligently.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 936

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That the joint resolution of October 5, 1967 (Public Law 90-102) as amended, is hereby further amended by striking out "November 9, 1967" and inserting in lieu thereof "December 2, 1967".

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken.

Mr. DAVIS of Wisconsin. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 368, nays 13, not voting 51, as follows:

[Roll No. 413]

YEAS—368

Abernethy	Delaney	Howard
Adair	Dellenback	Hull
Adams	Denney	Hunt
Addabbo	Dent	Hutchinson
Albert	Derwinski	Ichord
Anderson, Ill.	Devine	Irwin
Anderson, Tenn.	Diggs	Jacobs
	Dingell	Jarman
Andrews, Ala.	Dole	Joelson
Andrews, N. Dak.	Donohue	Johnson, Calif.
	Dowdy	Johnson, Pa.
Arends	Dulski	Jonas
Ashbrook	Duncan	Jones, Ala.
Ashley	Dwyer	Jones, Mo.
Ashmore	Eckhardt	Jones, N.C.
Aspinall	Edmondson	Karsten
Ayres	Edwards, Ala.	Karth
Baring	Edwards, Calif.	Kastenmeier
Barrett	Edwards, La.	Kazen
Battin	Eilberg	Kee
Belcher	Erlenborn	Keith
Bell	Esch	Kelly
Bennett	Eshleman	King, Calif.
Berry	Evans, Colo.	King, N.Y.
Betts	Everett	Kirwan
Bevill	Fallon	Kleppe
Biester	Farbstein	Kluczynski
Blackburn	Fascell	Kornegay
Blanton	Feighan	Kupferman
Blatnik	Findley	Kuykendall
Boggs	Fino	Kyl
Bolling	Flood	Kyros
Bolton	Foley	Laird
Bow	Ford, Gerald R.	Landrum
Brademas	Fraser	Langen
Brasco	Friedel	Latta
Bray	Fulton, Pa.	Leggett
Brinkley	Fulton, Tenn.	Lennon
Brock	Fuqua	Lipscomb
Brooks	Galifianakis	Lloyd
Brotzman	Gallagher	Long, La.
Brown, Mich.	Garmatz	Long, Md.
Broyhill, N.C.	Gathings	Lukens
Broyhill, Va.	Gettys	McCarthy
Burke, Fla.	Giaimo	McClory
Burke, Mass.	Gibbons	McClure
Burleson	Gilbert	McCulloch
Burton, Calif.	Gonzalez	McDade
Burton, Utah	Goodell	McDonald, Mich.
Bush	Goodling	
Button	Green, Oreg.	McFall
Cabell	Green, Pa.	McMillan
Cahill	Griffiths	Macdonald, Mass.
Carter	Grover	
Casey	Gubser	MacGregor
Cederberg	Gude	Machen
Celler	Gurney	Madden
Chamberlain	Hagan	Mahon
Clancy	Haley	Mailliard
Clark	Halpern	Marsh
Clausen, Don H.	Hamilton	Martin
	Hammer-schmidt	Mathias, Calif.
Clawson, Del		May
Cleveland	Hanley	Mayne
Cohelan	Hanna	Meeds
Collier	Hansen, Idaho	Meskill
Colmer	Harrison	Michel
Conable	Harsha	Miller, Calif.
Conte	Harvey	Miller, Ohio
Conyers	Hathaway	Mills
Corbett	Hawkins	Minish
Cramer	Hays	Mink
Culver	Hechler, W. Va.	Minshall
Cunningham	Helstoski	Mize
Curtis	Henderson	Monagan
Daddario	Herlong	Montgomery
Daniels	Hicks	Moore
Davis, Ga.	Holifield	Moorhead
Dawson	Holland	Morgan
de la Garza	Horton	Morris, N. Mex.
Morse, Mass.	Reuss	Taft
Morton	Rhodes, Ariz.	Talcott
Mosher	Rhodes, Pa.	Taylor
Multer	Riegle	Teague, Calif.
Murphy, Ill.	Rivers	Teague, Tex.
Murphy, N.Y.	Robison	Tenzer
Natcher	Rodino	Thompson, Ga.
Nedzi	Rogers, Colo.	Thompson, N.J.
Nelsen	Rogers, Fla.	Tiernan
Nichols	Ronan	Tuck
Nix	Rooney, N.Y.	Tunney
O'Hara, Ill.	Rosenthal	Ullman
O'Hara, Mich.	Rostenkowski	Utt
Olsen	Roth	Van Deerlin
O'Neal, Ga.	Roush	Vander Jagt
O'Neill, Mass.	Rumsfeld	Vanik
Ottinger	Ruppe	Vigorito
Passman	Ryan	Waggonner
Patman	Sandman	Waldie
Patten	Satterfield	Walker
Pelly	Schadeberg	Wampler
Pepper	Scherle	Watkins
Perkins	Scheuer	Watson
Pettis	Schneebeli	Watts
Philbin	Schwengel	Whalen
Pickle	Scott	Whalley
Pike	Selden	White
Pirnie	Shipley	Whitener
Poage	Shriver	Whitten
Poff	Sisk	Widnall
Pollock	Skubitz	Wiggins
Price, Ill.	Slack	Williams, Pa.
Price, Tex.	Smith, Calif.	Willis
Pryor	Smith, Iowa	Wilson, Bob
Pucinski	Smith, N.Y.	Winn
Purcell	Smith, Okla.	Wolff
Quie	Snyder	Wright
Quillen	Springer	Wyatt
Railsback	Stafford	Wydler
Randall	Staggers	Wylie
Rarick	Stanton	Wyman
Reid, Ill.	Steiger, Ariz.	Yates
Reid, N.Y.	Steiger, Wis.	Zablocki
Reifel	Stuckey	Zwach
Reinecke	Sullivan	

NAYS—13

Brown, Ohio	Gross	Roudebush
Buchanan	Hall	Thomson, Wis.
Byrnes, Wis.	Hungate	Zion
Davis, Wis.	Myers	
Gardner	O'Konski	

NOT VOTING—51

Abbitt	Ford, William D.	Roberts
Annunzio		Rooney, Pa.
Bates	Fountain	Roybal
Bingham	Frelinghuysen	St Germain
Boland	Gray	St. Onge
Broomfield	Halleck	Saylor
Brown, Calif.	Hansen, Wash.	Schweiker
Byrne, Pa.	Hardy	Sikes
Carey	Hébert	Steed
Corman	Heckler, Mass.	Stephens
Cowger	Hosmer	Stratton
Dickinson	McEwen	Stubblefield
Dorn	Mathias, Md.	Udall
Dow	Matsunaga	Williams, Miss.
Downing	Moss	Wilson, Charles H.
Evins, Tenn.	Pool	
Fisher	Rees	Young
Flynt	Resnick	

So the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Bates.
Mr. Annunzio with Mr. Frelinghuysen.
Mr. Byrne of Pennsylvania with Mr. Broomfield.
Mr. Young with Mr. Halleck.
Mr. Bingham with Mr. Saylor.
Mr. Evins of Tennessee with Mr. McEwen.
Mr. St. Onge with Mr. Mathias of Maryland.
Mr. Sikes with Mrs. Heckler of Massachusetts.
Mr. Fountain with Mr. Schweiker.
Mr. Brown of California with Mr. Cowger.
Mr. Moss with Mr. Hosmer.
Mr. Matsunaga with Mr. Dickinson.
Mr. Roberts with Mr. Flynt.
Mr. Dorn with Mr. Dow.
Mr. Corman with Mr. Udall.
Mr. Boland with Mr. Fisher.
Mr. Gray with Mrs. Hansen of Washington.
Mr. Hardy with Mr. Resnick.
Mr. Roybal with Mr. Stratton.
Mr. Steed with Mr. Rees.
Mr. Charles H. Wilson with Mr. Carey.
Mr. Abbitt with Mr. Rooney of Pennsylvania.
Mr. Downing with Mr. William D. Ford.
Mr. Stephens with Mr. St Germain.
Mr. Stubblefield with Mr. Pool.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO HAVE UNTIL MIDNIGHT TO FILE A REPORT

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight to file a report that was prepared some time ago.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2275 WITH THE SENATE AMENDMENT THERETO

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, and on behalf of the gentleman from Hawaii [Mr. MATSUNAGA], I call up House Resolution 985, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 985

Resolved, That immediately upon the adoption of this resolution, the bill H.R. 2275, with the Senate amendments thereto, be, and the same is hereby, taken from the Speaker's table to the end that the Senate amendment to the title of the bill be, and the same is hereby, agreed to; and the Senate amendment to the text of the bill be, and the same is hereby, agreed to with the following amendment:

Strike out the period at the end of the Senate amendment and insert "(except that a State which is entitled to more than one Representative and which has in all previous elections elected its Representatives at Large may elect its Representatives at Large to the Ninety-first Congress)."

PARLIAMENTARY INQUIRY

Mr. JONES of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. PRICE of Illinois). The gentleman will state the parliamentary inquiry.

Mr. JONES of Missouri. Mr. Speaker, my parliamentary inquiry is that somewhere along the road, and I do not want to let the road get too far along and pass me up, as has happened on several occasions—and my point of order is against the Senate amendment to the bill, H.R. 2275. I am inquiring at this time in my parliamentary inquiry if I should make that point of order now since this resolution that the gentleman from Florida has called up does agree to the Senate amendment on a House bill which is as far removed from the subject matter of the amendment as it could be.

What I am asking, Mr. Speaker, is—What is the proper point or time for me to make a point of order?

The SPEAKER pro tempore. The Chair will recognize the gentleman to make his point of order.

Mr. JONES of Missouri. I will make the point of order now.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. JONES of Missouri. The point of order is as follows: As the other body has done so many times in the past, they have taken a bill of no great merit and of interest probably to only one Member of Congress, and have attached to that bill an amendment which would affect practically every Member of Congress and each one of the 200 million inhabitants of the United States. They have tried by subterfuge to obtain the passage of a bill in the form of an amendment which they cannot pass directly.

We have sat here from the beginning of the Congress. Many times the Speaker of the House has told us that the two Houses of Congress are coequal, that we have equal rights. The other body has no superiority over us. But on frequent occasions they take a bill and send it back over here to the House with the request that we adopt in the House an amendment which would be subject to a point of order, if introduced in the House.

I am not speaking about the merits of the amendment. That has nothing to do with the point I am making. I am speaking about a principle. The question now is whether we believe the rights of the House are equal to those of the other body.

From time to time, on similar questions, we have been told that this is a matter of comity between the two Houses. There is no comity involved here at all. It is a matter of the abdication of the rights and the principles of the House of Representatives.

I know as well as anything that I am standing here today engaging in an act of futility. I know that I am up here battling against windmills. But I am appealing to other Members of a like mind, people of principle, people who want to see equity, people who want to see the rights of the House preserved: This is your opportunity to see to it.

The gentleman from the Seventh District of Missouri will recall a few years ago that the other body took a school bill, a little private school bill, and attached onto it a civil rights bill, which the proponents were unable to bring to the floor of the House, except by this method.

Mr. Speaker, I am saying that the amendment to this bill has no connection with the subject of the bill whatsoever. It is not germane in any respect. For that reason I make a point of order against the amendment. I know I am going to lose, but I will read with interest the ruling that will be made.

The SPEAKER. The Chair would like to ask the gentleman from Missouri what rule he claims has been violated.

Mr. JONES of Missouri. I am making the point of order on the basis of the rule of equity. I am making the point of order on the basis of what the distinguished Speaker of the House of Representatives has said on many occasions, that these two bodies are equal. I am making the point of order to restore comity and equality. As everyone in the House knows, if I were a lawyer, I would not be up here trying to make this point today.

The SPEAKER. The Chair would like to inquire of the gentleman from Missouri what rule of the House has been violated.

Mr. JONES of Missouri. All right, we will start with rule XX. I will take it under rule XX, which provides—and I can read the English language, though I cannot give you a legal interpretation—

> Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union, if, originating in the House—

Which this one did not—

> it would be subject to that point—

Then they give a proviso—

> That a motion to disagree with the amendments—

And there is no motion to disagree. The motion in the resolution is to agree with the amendment, not to disagree with it. I think at that point someone slipped up. I said I am not a lawyer, but I think I can read the English language, and I have a pretty good idea of what the intention was. I think I have a pretty good idea of what the intentions of the Members of the House were. I ask the Members of the House to give this matter consideration. We are voting now upon a principle and not upon some specific bill that has never been considered, in this House and which rule XX provides should be considered in the Committee of the Whole.

The SPEAKER. The Chair is prepared to rule. The Chair has given serious consideration to the point of order raised by the gentleman from Missouri. The Committee on Rules has reported out a special rule. It is within the authority of the rules, and a reporting out by the Rules Committee is consistent with the rules of the House. Therefore, the Chair overrules the point of order.

Mr. JONES of Missouri. Mr. Speaker, I know this has never been done, but I am going to appeal from the rule of the Chair and ask for a rollcall.

Mr. PRICE of Illinois. Mr. Speaker, I move to lay on the table the appeal of the gentleman.

Mr. JONES of Missouri. Mr. Speaker, I withdraw my request, but it is still within my heart.

The SPEAKER. The gentleman from Missouri withdraws his request.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from California [Mr. SMITH], pending which I yield myself such time as I may consume.

Mr. Speaker, I yield, if I may, such time as he may consume to the gentleman from Mississippi [Mr. COLMER].

Mr. COLMER. Mr. Speaker, I just want to take these 2 or 3 minutes to supplement what my good friend, one of the finest men in this House, the gentleman from Missouri [Mr. JONES], has just said. He states he is not a lawyer; he states he is not an expert on the rules.

Mr. Speaker, I am a lawyer, but I would not say I am an expert on the rules, but I do happen to know that the ruling of the Chair in this particular matter on the point of order raised by the gentleman from Missouri is a correct ruling. There is no question that under the precedents of the House and under the practice here, this type of thing is not a violation of the rules.

But, Mr. Speaker, my purpose in rising is, as I said, to augment if I can the very strong argument that was made by my friend, the gentleman from Missouri [Mr. JONES]. I think he has rendered a very fine service here in raising this point of order, and I am so glad that he was gracious enough not to insist on an appeal from the ruling of the Chair under these circumstances.

Mr. Speaker, some of us have been very much concerned about this matter, and the rules of the House should be changed to stop this practice. On several occasions I have discussed this matter with the leadership of the House—not only with the present leadership, but the prior leadership of this House. For some reason we have never been able to get the approval of the present leadership or of the previous leadership.

The honorable and able gentleman who preceded me in this position as chairman of the Rules Committee felt the same way that I feel about it, and the same way most of the Members of this House feel about it. Mr. Speaker, for several years I have had a resolution before the Rules Committee to do the very thing that my friend from Missouri is talking about. My present resolution in this Congress is House Resolution 441. What would that resolution do? That would simply amend the rules of the House to say that if extraneous matter in the form of an amendment was put on in the other body, if that was subject to a point of order in this body, when it came back to this body it would still be subject to a point of order.

Something ought to be done about it. I am so happy to see this display of interest in this matter. I brought this question up with the able and distinguished and learned chairman of the Committee on the Judiciary when he was before the committee for this rule. He agreed with me on that occasion.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I am very happy to yield to my friend from New York.

Mr. CELLER. I am quite sure that the resolution which the gentleman offers will have widespread approval in the House. Why could not all of the chairmen of all of the standing committees get together and agree to boycott and to refuse to consider any bill which comes from the other body in the nature of a private bill to which is attached extraneous matter and irrelevant substance? If we would do that, I am quite sure we would bring those gentlemen—I cannot say "culprits" because that might be unparliamentary—to book. I would be willing to join in such a boycott.

Mr. COLMER. In response to the able gentleman from New York, permit me to say that sounds very good to me, but it would not be necessary if the rules of the House were amended as I propose to do under this resolution.

In the meantime, I can think of no better argument or vehicle to force the change in the rules of the House than for the gentleman to organize his boycott. Then I am sure we would get action.

Mr. Speaker, I appreciate my friend the gentleman from Florida yielding to me. This is not the first time I have raised this question on the floor of the House. I hope, when the Rules Committee meets again next year, because we do not propose to meet any more this year, that my colleagues on the committee will see fit to report this resolution, and I hope the leadership will encourage it.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I am happy to yield to my distinguished friend from Iowa.

Mr. GROSS. I wish to commend both the gentleman from Missouri [Mr. JONES] and the gentleman from Mississippi [Mr. COLMER] for the position they have taken on the subject of ungermane subject matter being attached to bills the House sends to the other body.

Many, many times over the years I have asked the question, when a bill came back to the House from the Senate and was being considered on an expedited basis, whether all the amendments were germane.

I hope, with the gentlemen from Mississippi and Missouri, that the next session of Congress will take prompt steps to amend the rules to stop such procedure as this today whereby important legislation has been attached to a small private bill dealing with a totally different subject.

Mr. COLMER. I thank the gentleman for his contribution.

Mr. PEPPER. Mr. Speaker, I yield such time as he may consume to my distinguished colleague and friend the gentleman from Florida [Mr. HALEY].

Mr. HALEY. Mr. Speaker, it is regrettable that this rule is before this body today. It should not have been necessary to bring a bill of this kind, with this kind of an amendment to a little bill that has really no significance except to one Member of Congress, before this House.

Members of Congress will recall that not so long ago by a substantial majority the House passed a bill which would have cured practically all of the so-called discrimination that arises under the so-called one-man, one-vote rule of this alleged Supreme Court that we have.

Mr. Speaker, to show you how far off some of the young mischievous and uninformed Members of the other body may have been when they made their argument against the bill that we sent and in conference were able to sustain their point, I would like to call to your attention what has happened in Florida.

In 1960 the population of Florida was 4,951,000 people. We were entitled to 12 seats in the Congress. That is 8 years ago. Today a very conservative estimate of the increase in the population of Florida is 1.4 million people. On the basis of a congressional seat supposedly having 407,000 people represented nationwide, Florida would be entitled to three additional seats. However, these courts or the so-called courts have ruled that you must use the 1960 census of population in redistricting a State. In the Seventh Congressional District, which I have the honor to represent today, the most conservative estimate is that where we only had 414,000 in 1960, today we have 679,000 people. If that is a one-man, one-vote rule, then I will put in with you.

Let us take one State as an example. Of course, under the Constitution, a State that has a majority of over what one congressional seat is entitled to percentagewise is entitled to two seats. The State of North Dakota has 632,000 people under the 1960 census. So each congressional Member from that State, two Members, represents 316,000 people. Take the State of Montana. They have 674,000 population. Two Members from that State represent 337,000 people each.

So this one-man, one-vote rule that a lot of us cry about sounds fine, but it is impossible to achieve unless that group of old men over there absolutely want to strike down the Constitution of this United States. I think slowly but surely they are eroding the Constitution.

Mr. Speaker, I must say that I agree with the gentleman from Missouri, [Mr. JONES], and with the gentleman from Mississippi [Mr. COLMER]. When is this House going to take a position that they are equal to the other body? I think it is about time we did it. You had better wake up and assert the rights that you in this House are entitled to.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from California [Mr. SMITH] and to myself such time as I may consume.

I want to make a brief statement about what this rule provides. When the private bill H.R. 2275 was passed by this body it went over to the other body and they adopted it but with an amendment which in substance provided that all seats in the House of Representatives shall be filled by districts and not making any provision or allowance for electing Representatives in the House at large. When the matter came back to the floor of the House a point of order was made that the amendment was not germane. It then went to the Committee on Rules which received the able chairman of the Committee on the Judiciary and others. At the request of the able chairman of the Committee on the Judiciary, the Rules Committee considered the matter and added to the amendment of the other body an additional amendment reading, "except that a State which is entitled to more than one representative and which has in all previous elections elected its representatives at large may elect its representatives at large to the 91st Congress."

This rule, if adopted, would make in order the amendment of the other body to which was added the amendment which I just read by the Committee on Rules.

Mr. Speaker, as I understand it the able chairman of the Committee on the Judiciary will perhaps amplify the matter further. The States of New Mexico and Hawaii have heretofore chosen their elected Representatives in this House at large. They wish to continue to follow that practice. The Rules Committee amendment allows them to do so only in the 91st Congress.

Mr. Speaker, I yield such time as he may consume to the able gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker, the distinguished gentleman from Florida [Mr. PEPPER] very succinctly indicates the import of this bill.

It is a rather simple immigration bill to which the other body has attached permanent legislation which, unfortunately, has no relevancy to the private immigration bill involved.

Mr. Speaker, the amendment that was appended to the private immigration bill, in essence, provides that there can be no election of a Representative at large. Each Representative must come from a separate, individual district. Unless that provision is adopted, there may be unfortunate effects upon the State of Indiana. It might be very difficult for the present sitting Members on either side of the aisle to be reelected. At the importunities of the Members from the great State of Indiana, it was thought that we should prohibit election of Members at large.

Then, Mr. Speaker, it was discovered that if we have a policy provision prohibiting election of Representatives at large, then we would militate against the situation that exists in the States of Hawaii and New Mexico. Ever since they have been States, they have elected their Representatives at large. Therefore, it was thought proper to make an exception, and that exception is made in the form of an amendment to the Senate amendment. For the 91st Congress—for one subsequent Congress only—in those two States there may continue to be the election of Representatives at large.

Mr. Speaker, I repeat that exception only applies to those two States and only applies to the 91st Congress.

It might be said that there should be no exception that in the 91st Congress the Representatives from New Mexico and Hawaii may continue to be elected at large. But, it is my opinion that those two States should be given the opportunity to put their house in order so that they may be prepared.

It is a cataclysmic change because they have never elected from individual districts, and to smooth out the rough surfaces, as it were, we thought it well to make that accommodation just for that one Congress for the two States of Hawaii and New Mexico. That is about all this bill does. And I do hope that this small, immigration bill as amended by the Senate, and as amended now by the House, will prevail. If it prevails, there will be no more elections of Representatives at large forever, but that there shall be an exception with reference to the two States of New Mexico and Hawaii for the 91st Congress.

Mr. PEPPER. Mr. Speaker, I yield to the able gentleman from California [Mr. SMITH], and I thank him for allowing me to consume so much of my time in the first instance.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I would like to concur in all the remarks that have been made about germaneness on information added to our bills by the other body. The Members recall, as the gentleman from Mississippi stated, we have been trying

to get this rule changed for some period of time, but we have not had the votes. It would seem to me that what we have to do is to make it in order as a point of order against any language which is not germane, then add to it the same thing we do under suspension of the rules: if two-thirds of the Members present vote for its consideration, go ahead and consider it, and the House could go ahead and work its will, and it would be very simple to do it that way. Maybe some day we will be able to work it out.

In this bill, it is a little bit complicated, and I believe it has been all explained, and I hate to reiterate, but let me put it in this way, if I may:

The resolution before us, House Resolution 985, is the only item that we are voting upon. At the end of the hour's time, when the vote is made on that particular measure, it will conclude the issue one way or the other. In other words, we are not providing a rule to go into the Committee of the Whole House for the discussion of H.R. 2275.

Now, as the bill first started, I believe it was H.R. 2508, and we passed that many months ago in the House. I believe in that particular bill, or in the conference report, we provided exceptions for the 91st and 92d Congresses for the two States involved, and it came back here, and when we first decided to take up the conference report we came to the conclusion very hurriedly it might cause some States to run at large, and we asked unanimous consent that it go back to conference, which was granted. I believe the members of the Committee on the Judiciary have been in possibly eight different sessions trying to work out that particular bill without avail. And we passed a good one here in the House when we accepted the conference report, and it was not accepted in the other body.

Then they did take this private bill and added on the language. The language in the private bill will prohibit any State from running at large in any future elections. While we did pass a bill that permitted Hawaii and New Mexico to run at large for the next two sessions, the 91st and 92d Congresses, we are in the 90th Congress; that was the previous action taken by the House because those two States have always run at large. As it came back here with the Senate amendment, it would prohibit those States running at large next year.

Now, I took the position—and I am taking the position here and now—that this would be unfair for this body to do that, because I believe that the papers will be taken out in many States 2 months from next Monday, and in those two States that have never had districts, to require the the Governors call a special session of the legislature to count up the population and figure it up, and draw districts in the next 2 months before they take their papers out, and then have all the voters go before the registrar of voters, I just believe that is unfair.

So I take the position with the Members from those two States, let them run at large for the 91st Congress, then they should go ahead and redistrict for the 92d Congress. They said they thought that that was fair.

The reason I make that statement is simply that California is in a somewhat similar situation. The State legislature is now in special session to redistrict, by Supreme Court order, the State of California as to our 38 districts.

The California Senate passed a bill. The assembly passed a bill. They went to conference and they agreed on a conference report. The senate passed it. When I say senate here, I am talking about the senate of the State of California. They passed the conference report. The assembly did not pass it. It has not passed it yet. December 7 is the last date in California that they have. If the bill is not passed in the legislature by that date, the Supreme Court has stated in their order that they will redistrict.

If the legislautre cannot do it, then it might be a question of the Supreme Court not being able to do it either. We will be taking out papers in a couple of months. If the 38 Representatives in California have to run at large, it could be disastrous to the State.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman.

Mr. HALEY. I hope that your legislature goes ahead and redistricts because if you allow these courts to do it as they did in Florida, where some of us are unable to find out where the district starts and stops and as a matter of fact some of the lines that they drew in the marble halls down in Miami run right down citrus row—and you may find yourselves in the same position.

Mr. SMITH of California. Every member of the California delegation on both sides of the aisle joins in your hope. We hope it will be done as soon as possible.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman.

Mr. McCLORY. It seems to me that the problem you have in California and perhaps in other large States where the State is under compulsion of an order of the State court or decisions of the Supreme Court of the United States to redistrict presents a far more difficult problem with regard to establishing districts from which Representatives should run than the situation that exists in the States of New Mexico and Hawaii where they have only two districts which would have to be established by the State legislatures.

It seems to me further that if this resolution is going to be meaningful with regard to the one-man, one-vote principle, in the 91st Congress, it should apply to Hawaii and New Mexico as well.

Under the exception which is authorized in the resolution of the Committee on Rules we are depriving the people of Hawaii and New Mexico of that right to one-man, one-vote. I do not see why we have any right to do that. Therefore, I would like to suggest that we oppose this resolution (H. Res. 985) of the Committee on Rules, and that we vote down the previous question in order that we may observe the one-man, one-vote principle in all of the 50 States.

Mr. SMITH of California. The gentleman is certainly entitled to his opinion. He may oppose it if he wishes. I just happen to believe that if I had to divide up the several islands in Hawaii in the next 3 or 4 weeks in order to get them into two districts so that the registrar of voters could enter the names and addresses of the voters and the candidates, I think it is pretty apparent I would not be able to do it.

I do not mind extending it if it could be by the 91st Congress and then you will have them be divided up like everybody else would have to do under Westbury versus Sanders and we would all be within the 5-percent provision at that time and we will have a 1970 census. The gentleman from Florida is talking about Florida. We have had 4½ million people since the 1960 census in California, and we are redistricting the legislature today on a 1960 census. That is pretty unfair, I think, this procedure to make these two States redistrict in the next few weeks so that they can run in June in the primary. I think that is unfair. That is why I am supporting the rule.

The question will be, as I understand it, on the previous question. In other words, objection would probably be made on the previous question, and that will be where the vote will come, as to whether or not this resolution, House Resolution 985, will be adopted. Then if that is done, there will be a vote on that. If it is passed, it will pass the bill, H.R. 2275, with a Senate amendment prohibiting at-large elections, with our exception in the House, that the two States—and they are not named as the two States—but it is those States and it means New Mexico and Hawaii. They can still run at large in the election for the 91st Congress, which is next year, 1968.

I am in support of the resolution.

Mr. JONES of Missouri. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I am happy to yield to the gentleman from Missouri.

Mr. JONES of Missouri. Is the gentleman familiar with rule XX, which reads as follows:

> Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the State of the Union, if, originating in the House, it would be subject to that point—

Does not your resolution provide that the bill in question would be passed without the merits of the amendment ever having been discussed in the Committee of the Whole House on the State of the Union?

Mr. SMITH of California. As I stated, I agree with the gentleman's position. I do not want to get into that rule on this question, because this is a tough situation. I think we may be violating the rules, and I will be happy to go along with the gentleman in an effort to get it changed so that this practice can be stopped in the future.

Mr. JONES of Missouri. I think it is time that we started following these rules rather than violating them. For that reason, when they ask for a vote, I will make a point of order on rule XX, which states that this amendment shall

be considered in the Committee of the Whole, and that is exactly what the rule states.

Mr. McFALL. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from California.

Mr. McFALL. I wish to commend the gentleman from California for his statement, and I join with him in what he has said.

Mr. SMITH of California. I thank the gentleman.

Mr. Speaker, I yield 4 minutes to the gentleman from Ohio [Mr. McCULLOCH].

Mr. McCULLOCH. Mr. Speaker, since April 28, 1967, when this entire question was before us, we have traveled a rough and rocky road, many times traveling the same road four, five, six, and seven times. I presume that, in this session of Congress, if the old adage is an apt one, it is apt in this case: The mountain really has labored and brought forth a mouse—if that.

I am sure it is a condition not to be desired to have an election at large for Members of Congress from any State entitled to more than one Representative. It is regrettable, Mr. Speaker, that there was an exception existing in the law which exempted New Mexico and Hawaii from the fundamental principle that no State should elect its Members at large.

At the earliest opportunity, after this legislation was introduced, I offered an amendment which would have definitely prohibited elections at large. I regret that that amendment was defeated in the subcommittee. It was defeated in the full committee. And it was defeated by way of a motion to recommit in the House of Representatives when the legislation was before us.

I would like to say that the legislation that first came to the House was reasonably good legislation. When it went to the other body it was reasonably good legislation. I am convinced that the changes made there did not improve that legislation. So we went to a conference committee and we came to agreement. The agreement in conference was an excellent agreement. But there was one minor error made, and the report was sent back to conference, and therein began our major troubles. We made little or no progress in the meantime.

Mr. Speaker, I am opposed to this resolution for a number of reasons. I do not want to give additional and further support to the criticism of the procedure of the other body which has been described and properly criticized by the gentleman from Missouri [Mr. JONES], the able chairman of the Rules Committee, the gentleman from Mississippi [Mr. COLMER], and by two or three other Members in the House, including the ranking minority member of the Rules Committee, the gentleman from California [Mr. SMITH].

I do hope that the House—the Members thereof and the leaders thereof—consider the necessity for amending the rules of the House so that we will not be faced with this condition year after year.

The gentleman from Minnesota, Congressman MACGREGOR, who served on the subcommittee that considered this legislation, on the full committee, and who participated in each conference, will have further material on this matter.

Mr. Speaker, I urge the defeat of the previous question.

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Missouri for one question.

Mr. HUNGATE. Mr. Speaker, is it the gentleman's position that if the two bodies are supposedly equal legislatively, and the one can add nongermane amendments and the other not, then this tends to destroy the equality?

Mr. McCULLOCH. It tends to destroy it. Of course, we remain masters of our fate if we are of a mind to be.

Mr. SMITH of California. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota [Mr. MACGREGOR].

Mr. MACGREGOR. Mr. Speaker, how many times have each of us in this body uttered the words: "We hold these truths to be self-evident, all men are created equal"? Today we are being asked to amend that declaration so that it will read: "I believe that all men are created equal except those residing in Hawaii and New Mexico, and with respect to them I believe they are created more equal," or, if you will, "less equal than those residing in the other 48 States."

How many in this body have recited with pride, as I have, the final words of the Pledge of Allegiance to the Flag of the United States: "with liberty and justice for all"? Today we are being asked to amend that to read: "with liberty and justice for almost all" of the American people.

How many have subscribed to the concept of equal protection of the laws for all American citizens? Today we are being asked to say we believe in the equal protection of the laws except for those people living in New Mexico and Hawaii, and with respect to them we believe that the protection ought to be more equal, or less equal, than for those residing in the other 48 States.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. MACGREGOR. Mr. Speaker, I will be delighted to yield to the gentleman from New York, if the gentleman will yield me 1 additional minute, because I have only 4 minutes and I believe what I have to say will take all of that time.

Mr. CELLER. I guarantee I will yield the gentleman 1 additional minute.

Mr. MACGREGOR. I yield to the gentleman from New York.

Mr. CELLER. Mr. Speaker, is it not true the gentleman from Minnesota, who is addressing the House, has been a conferee and on two distinct occasions, in two conference reports approved the very exceptions he is inveighing against now, the exceptions for Hawaii and New Mexico?

Mr. MACGREGOR. No. The gentleman knows I did not sign the conference report. That was debated October 26 in this body, and I made the motion to recommit the conference report so as to provide, in part, for a ban on at-large elections in the interim period before the 1970 census. The ban would have been applicable to all 50 States, applicable to all 200 million Americans.

Mr. CELLER. Mr. Speaker, did not the House twice adopt the exceptions to New Mexico and Hawaii, the House, itself? It adopted those exceptions for New Mexico and Hawaii.

Mr. MACGREGOR. Just because a batter swings with futility at two bad pitches, I would hope he would not swing at a third one.

As the senior Senator from Hawaii said in the other body, why should we enact a ban on at-large elections applicable 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?

Mr. Speaker, a leading national newspaper editorialized on November 22 in a very telling way by asking the question: "Why should the House leave itself in this curious predicament?" Members of the House themselves understand the value of individual representation in America's self-governing society, yet some in the House are insisting on an amendment to the Senate-passed bill so as to exempt Hawaii and New Mexico.

Then this newspaper, which I normally do not agree with, but which I must say has spoken very wisely in this editorial, said as follows:

> The proposed exemption of the two states is merely a political gimmick. The Democratic majority in the House hopes to keep all four of these seats in the Democratic column if the elections are at large. Division of Hawaii and New Mexico into districts might enable the Republicans to pick up one seat in each state. The tail of partisan advantage is thus seeking to wag the dog of principle.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. MACGREGOR. May I now be yielded the 2 additional minutes promised me?

Mr. PEPPER. Mr. Speaker, I have 10 minutes left only. If the gentleman from California does not have time, I will yield.

Mr. MACGREGOR. Perhaps each side could yield me 1 minute.

Mr. PEPPER. I would be glad to.

Mr. SMITH of California. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. MACGREGOR. Mr. Speaker, I thank the gentleman from California.

This editorial concludes as follows:

> In our view, the election of Representatives from districts is sound in both principle and practice.
>
> If the House wants a rule forbidding at-large elections, let it be general in its application. The elimination of congressional district lines or failure to create districts out of partisan motives is a particularly offensive form of gerrymandering which should not be tolerated, much less written into law.

Mr. Speaker, statements were made earlier today that we cannot expect poor little Hawaii to call its legislature into special session so as to draw a line dividing the State into two equi-populous parts. Let us see what the senior Senator from the State of Hawaii said on that point in the other body. I will quote from

the CONGRESSIONAL RECORD, volume 113, part 23, page 31707.

Mr. ROGERS of Colorado. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. ROGERS of Colorado. The gentleman is speaking in violation of the rules of the House when he makes reference to what was said in the Senate.

The SPEAKER. The point of order is well taken. Without objection, the gentleman will proceed in order.

There was no objection.

Mr. MACGREGOR. Mr. Speaker, I should like to share with you the wise words spoken recently by a very fine and knowledgeable gentleman who comes to us from part way across the Pacific Ocean:

> 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.

Mr. Speaker, I resent arguments made in this body on a wholly erroneous factual basis that a particular legislature must be called into special session when in fact that legislature will be meeting in regular session just a little more than two months from now.

Mr. Speaker, I urge the rejection of this resolution.

Mr. SMITH of California. Mr. Speaker, I yield 4 minutes to the distinguished minority leader [Mr. GERALD R. FORD].

Mr. GERALD R. FORD. Mr. Speaker, when we vote rather shortly on the previous question, we will in effect be voting on three issues, two of which are parliamentary and one of which goes to the merits. There will undoubtedly be a rollcall on the previous question. Today we are trying to accomplish the wrong objective in part by the wrong parliamentary method.

I happen to agree very strongly with the gentleman from Mississippi [Mr. COLMER] that this body ought to take action to amend its rules so that we can preclude in the future nongermane amendments added in the other body coming back to this body where by one means or another we are forestalled from acting in the regular way on the merits of the amendment. I will strongly support the gentleman from Mississippi in a rule that comes from the Committee on Rules to achieve that commendable purpose that he set forth a few minutes ago.

I am also in sympathy with the frustration that the gentleman from Missouri [Mr. JONES] showed here on the floor of the House. I hope that we can take care of the situation in one "fell swoop" shortly after the beginning of January by the approval of the amendment to the rules recommended by the gentleman from Mississippi [Mr. COLMER]. However, Mr. Speaker, today we are faced with a single practical situation. We have before us a relatively minor bill involving one individual to which the other body has attached broad legislation affecting every Member of this body and 200 million people. It seems to me that this is an excellent example of completely nongermane legislation being added to a bill from this body by the other body. I hope and trust that we preclude and prevent this from happening in the second session of this Congress.

The second point is that by this special rule the minority on this occasion are prevented from the traditional right of a motion to recommit. In the ordinary course of events, that is something that is always available to the minority. It is available to us when we are the minority and it is available to the other side when they may be the minority. But by this very special rule that traditional right is taken from the minority unless we fight the previous question. By the effort to defeat the previous question, indirectly we can keep the motion to recommit, although it is difficult to explain and it is not a direct vote on the issue. What you are doing if you defeat the previous question is to open up the rule and strike from the rule the special exception that permits at-large elections in New Mexico and Hawaii.

For those two parliamentary reasons, Mr. Speaker, I think that we should defeat the previous question.

Then we come to the issue on the merits. I cannot improve on the arguments that have been made by the distinguished gentleman from Ohio, the ranking minority member [Mr. MCCULLOCH], or the arguments made by the gentleman from Minnesota [Mr. MACGREGOR]. I only add this final comment. If we believe elections at large are wrong, then we should not have any exceptions. I happen to feel that at-large elections are completely the wrong way for the election of Members of this body. I hope and trust that we do not undermine sound principle by the two exceptions provided in this rule.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Nebraska [Mr. DENNEY].

Mr. DENNEY. Mr. Speaker, I shall take only a very short period of time. But, permit me to illustrate to you just what we are getting into if we adopt this rule. I oppose the adoption of this rule.

Mr. Speaker, just last Wednesday a three-judge panel ruled that the State of Nebraska was not properly districted and that the legislature must redistrict the State of Nebraska prior to March 15, or the three representatives of that great State would have to run at large.

Mr. Speaker, under this rule it provides, in conjunction with the amendment from the other body, that only the States of Hawaii and New Mexico can run at large for the 91st Congress.

Mr. Speaker, let us assume that the State Legislature of Nebraska could not agree upon new boundary lines by March 15. This bill says that the State of Nebraska Representatives cannot run at large, and the Federal courts have ruled that we must run at large. We are at an impasse. I do not think we ought to muddy the water any more.

Therefore, Mr. Speaker, I hope that this rule will be defeated.

Mr. PEPPER. Mr. Speaker, I yield 3 minutes to the able and distinguished gentleman from Indiana [Mr. JACOBS].

Mr. JACOBS. Mr. Speaker, I doubt very seriously that there is very much disagreement with the need for a law to prohibit at-large elections, generally, in the United States.

Mr. Speaker, in cases where the Federal court has found a districting statute unconstitutional, the Federal court is without power to draw district lines, unless in that State a constitutional or statutory provision exists requiring Members of Congress to run by districts.

Mr. Speaker, in some States—I believe Maryland is one—such a provision does exist and, therefore, the Federal court has drawn the lines.

If this bill should become law, then in any State whose districts are declared unconstitutional a court could draw district lines and true up those districts that they deemed to be unconstitutional.

With respect to the exception which the Committee on Rules has brought forward in this rule for the States of Hawaii and New Mexico, I commend the gentleman from California [Mr. SMITH] for a very excellent and a very practical statement of the problem.

One of the cardinal principles of law is that when a great change is brought about by a judicial or legislative decision, the implementation should proceed with all deliberate speed.

Mr. Speaker, in the State of Hawaii, for example, three legislatures as I understand it have failed to reach agreement upon the reapportionment of themselves.

The inability of those resulted in legislature to reach agreement has the Supreme Court's order of a constitutional convention to be held in the State of Hawaii in order to accomplish the purpose of reapportioning the legislature of the State of Hawaii.

It is my opinion that the distinguished gentleman from California [Mr. SMITH] is precisely correct. I say this as a member of the Indiana delegation which faces the very serious threat of running at large, something which we have never done before in Indiana, and something which in my opinion would produce utter chaos in my home State, just as requiring sudden districting for an election less than a year from now, would cause chaos in the States of Hawaii and New Mexico.

So, Mr. Speaker, at so late in this session I would hope that the previous question would be ordered; that the rule will be adopted and that the Congress will proceed with all deliberate speed to avoid chaos both in my own State of Indiana and in the States of Hawaii and New Mexico, as well.

Mr. PEPPER. Mr. Speaker, may I just say a few words in response to what has been said by others.

In the first place, were the Senate amendments not adopted and not to become law, we do not know how many States in the Union would, either by the action of their courts or their legislatures, have to have elections of House Members-at-Large. So we might, by the defeat of this amendment, be augmenting the difficulty rather than diminishing it.

Second, I am informed that, due to the failure of the Legislature of New Mexico to district the State for the election of Members of the House it is responsible for the at-large elections of Members from that State.

Now, we are simply, for one Congress, the 91st, not intervening in that situation because we have learned of what has been done by the Legislature of that State.

In respect to Hawaii, I am informed that the one Member of the State, of course, was elected at large, and then when they provided for an additional Member it was provided that that Member should be elected at large. That was an act of Congress that permitted that. That law has never been changed.

All we are saying by this rule we are proposing to the House is that we agree to the Senate amendment that prohibits at-large elections in the future for Members of the House except in these two States where, due to peculiar conditions of law, or the actions of their courts, or the provisions of their statutes or constitutions, they have in all the previous time been electing their Members at large and they may do so only in the 91st Congress. It does not seem to me unfair or unreasonable to allow those two States one more Congress to put their houses in order, that is, to elect their House Members by districts, as other States will have to do, by the adoption of the Senate amendment.

Mr. Speaker, I have no further requests for time.

I move the previous question.

Mr. JONES of Missouri. Mr. Speaker, I make a point of order against a vote on this resolution, and I make the point of order based entirely on rule XX, which says that any amendment of the Senate to any House bill shall be subject to a point of order that it shall first be considered in the Committee of the Whole House on the State of the Union. If it originated in the House it would be subject to that point of order. I believe there is no question about it being subject to a point of order should it originate here in this House. Until that issue is debated in the Committee of the Whole House on the State of the Union I believe that we are violating rule XX of the House rules.

The SPEAKER. The Chair will state that the Chair has previously ruled on the point of order raised by the gentleman, and the matter is one that is now before the House for the consideration of the House, and the will of the House.

For the reasons heretofore stated and now stated, the Chair overrules the point of order.

Mr. JONES of Missouri. Respectfully, Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. JONES of Missouri. Mr. Speaker, can the Chair tell me under what authority the House can consider this in the House rather than in the Committee of the Whole House on the State of the Union, in view of rule XX which says it shall first be considered in the Committee of the Whole House on the State of the Union?

The SPEAKER. The Chair will state that the House can change its rules at any time upon a resolution that is properly before the House reported by the Committee on Rules. The present resolution has been put before the House by the Committee on Rules within the authority of the Committee on Rules, therefore the matter presents itself for the will of the House.

Mr. JONES of Missouri. Mr. Speaker, a further parliamentary inquiry.

The reason I am making this is that I want to get some record on this for this reason: The Chair has said that the Committee on Rules may make a resolution which has not been adopted by the House which summarily amends the Rules of the House which the Members of the House are supposed to rely upon. This rule has not been adopted as yet.

The SPEAKER. The Chair will state that the Committee on Rules has reported the rule under consideration——

Mr. JONES of Missouri. But it has never been voted upon.

The SPEAKER. The Chair will state that we are about to approach that matter now.

Mr. JONES of Missouri. And I am challenging that, and the point of order is made that we cannot vote on that because it says in rule XX that this first shall be considered in the Committee of the Whole House on the State of the Union.

The SPEAKER. The Chair cannot be any more specific or clear in responding to the point of order or in answering the gentleman's parliamentary inquiry.

The matter is properly before the House and it is a matter on which the House may express its will.

The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MACGREGOR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 202, nays 179, answered "present" 4, not voting 47, as follows:

[Roll No. 414]

YEAS—202

Abernethy	Brooks	Dow
Adair	Burke, Mass.	Dowdy
Adams	Burleson	Dulski
Addabbo	Burton, Calif.	Eckhardt
Albert	Byrne, Pa.	Edmondson
Anderson, Tenn.	Cabell	Edwards, Calif.
	Casey	Edwards, La.
Ashbrook	Celler	Eilberg
Ashley	Clark	Evans, Colo.
Aspinall	Clawson, Del	Everett
Barrett	Cohelan	Fallon
Bell	Colmer	Farbstein
Bennett	Conyers	Fascell
Bevill	Daddario	Feighan
Blanton	Daniels	Fino
Blatnik	Davis, Ga.	Fisher
Boggs	Dawson	Flood
Boland	de la Garza	Foley
Bolling	Delaney	Fraser
Brademas	Dent	Friedel
Brasco	Diggs	Fulton, Tenn.
Bray	Dingell	Fuqua
Brinkley	Donohue	Galifianakis
Gallagher	Leggett	Rhodes, Pa.
Garmatz	Lipscomb	Rivers
Gettys	Long, Md.	Rodino
Giaimo	Lukens	Rogers, Colo.
Gibbons	McCarthy	Rogers, Fla.
Gilbert	McFall	Ronan
Gonzalez	McMillan	Rooney, N.Y.
Gray	Macdonald, Mass.	Rosenthal
Green, Oreg.		Rostenkowski
Green, Pa.	Madden	Roudebush
Griffiths	Mahon	Roush
Hagan	Meeds	Ryan
Hall	Miller, Calif.	St Germain
Hamilton	Mills	Scheuer
Hanley	Minish	Selden
Hanna	Mink	Shipley
Hathaway	Monagan	Sisk
Hawkins	Moorhead	Slack
Hays	Morgan	Smith, Calif.
Hechler, W. Va.	Morris, N. Mex.	Smith, Iowa
Helstoski	Multer	Staggers
Hicks	Murphy, Ill.	Stuckey
Holifield	Murphy, N.Y.	Sullivan
Holland	Myers	Taylor
Hull	Natcher	Teague, Tex.
Ichord	Nedzi	Tenzer
Irwin	Nichols	Thompson, N.J.
Jacobs	Nix	Tiernan
Jarman	O'Hara, Ill.	Tunney
Joelson	O'Hara, Mich.	Ullman
Johnson, Calif.	Olsen	Utt
Jones, Ala.	O'Neill, Mass.	Van Deerlin
Karsten	Ottinger	Vanik
Karth	Patman	Vigorito
Kastenmeier	Patten	Waldie
Kazen	Pepper	Watkins
Kee	Perkins	Watts
Kelly	Philbin	White
King, Calif.	Pickle	Whitten
Kirwan	Price, Ill.	Willis
Kluczynski	Pryor	Wolff
Kornegay	Pucinski	Wright
Kyros	Purcell	Yates
Landrum	Randall	Zablocki
Latta	Reuss	Zion

NAYS—179

Anderson, Ill.	Fulton, Pa.	Montgomery
Andrews, Ala.	Gardner	Moore
Andrews, N. Dak.	Gathings	Morse, Mass.
	Goodell	Morton
Arends	Goodling	Mosher
Ashmore	Gross	Nelsen
Ayres	Grover	O'Neal, Ga.
Baring	Gubser	Passman
Battin	Gude	Pelly
Belcher	Gurney	Pettis
Berry	Haley	Pike
Betts	Halpern	Pirnie
Biester	Hammer-schmidt	Poff
Blackburn		Pollock
Bolton	Hansen, Idaho	Price, Tex.
Bow	Harrison	Quie
Brock	Harsha	Quillen
Brotzman	Harvey	Railsback
Brown, Mich.	Henderson	Rarick
Brown, Ohio	Herlong	Reid, Ill.
Broyhill, N.C.	Horton	Reid, N.Y.
Broyhill, Va.	Howard	Reifel
Buchanan	Hunt	Reinecke
Burke, Fla.	Hutchinson	Rhodes, Ariz.
Burton, Utah	Johnson, Pa.	Riegle
Bush	Jonas	Robison
Button	Jones, Mo.	Roth
Byrnes, Wis.	Jones, N.C.	Rumsfeld
Cahill	Keith	Ruppe
Carter	King, N.Y.	Sandman
Cederberg	Kleppe	Satterfield
Chamberlain	Kupferman	Schadeberg
Clancy	Kuykendall	Scherle
Clausen, Don H.	Kyl	Schneebeli
	Laird	Scott
Cleveland	Langen	Shriver
Collier	Lennon	Skubitz
Conable	Lloyd	Smith, N.Y.
Conte	Long, La.	Smith, Okla.
Corbett	McClory	Snyder
Cramer	McClure	Springer
Culver	McCulloch	Stafford
Cunningham	McDade	Stanton
Curtis	McDonald, Mich.	Steiger, Ariz.
Davis, Wis.		Steiger, Wis.
Dellenback	McEwen	Taft
Denney	MacGregor	Talcott
Derwinski	Mailliard	Teague, Calif.
Devine	Marsh	Thompson, Ga.
Dole	Martin	Thomson, Wis.
Duncan	Mathias, Calif.	Tuck
Dwyer	May	Vander Jagt
Edwards, Ala.	Mayne	Waggonner
Erlenborn	Meskill	Wampler
Esch	Michel	Watson
Eshleman	Miller, Ohio	Whalen
Findley	Minshall	Whalley
Ford, Gerald R.	Mize	Whitener

Widnall	Winn	Wylie
Wiggins	Wyatt	Wyman
Williams, Pa.	Wydler	Zwach

ANSWERED "PRESENT"—4

Hungate	Poage	Walker
O'Konski		

NOT VOTING—47

Abbitt	Frelinghuysen	St. Onge
Annunzio	Halleck	Saylor
Bates	Hansen, Wash.	Schweiker
Bingham	Hardy	Schwengel
Broomfield	Hébert	Sikes
Brown, Calif.	Heckler, Mass.	Steed
Carey	Hosmer	Stephens
Corman	Machen	Stratton
Cowger	Mathias, Md.	Stubblefield
Dickinson	Matsunaga	Udall
Dorn	Moss	Williams, Miss.
Downing	Pool	Wilson, Bob
Evins, Tenn.	Rees	Wilson,
Flynt	Resnick	Charles H.
Ford,	Roberts	Young
William D.	Rooney, Pa.	
Fountain	Roybal	

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Matsunaga for, with Mr. O'Konski against.

Mr. Annunzio for, with Mr. Hungate against.

Mr. St. Onge for, with Mr. Poage against.

Mr. Roybal for, with Mr. Frelinghuysen against.

Mr. Brown of California for, with Mr. Broomfield against.

Mr. Bingham for, with Mr. Dickinson against.

Mr. Carey for, with Mr. Mathias of Maryland against.

Mr. Resnick for, with Mr. Hébert against.

Mr. Evins of Tennessee for, with Mr. Abbitt against.

Mr. Moss for, with Mr. Fountain against.

Mr. Halleck for, with Mr. Schwengel against.

Mr. Charles H. Wilson for, with Mr. Saylor against.

Mr. Rees for, with Mr. Schweiker against.

Mr. Machen for, with Mr. Bates against.

Mr. Stratton for, with Mrs. Heckler of Massachusetts against.

Mr. Roberts for, with Mr. Cowger against.

Until further notice:

Mr. Corman with Mr. Williams of Mississippi.

Mr. Young with Mr. Dorn.

Mrs. Hansen of Washington with Mr. Hardy.

Mr. Stubblefield with Mr. Sikes.

Mr. Udall with Mr. Pool.

Mr. Downing with Mr. Steed.

Mr. Flynt with Mr. William D. Ford.

Mr. WATTS, Mr. FISHER, Mr. RIVERS, and Mr. WATKINS changed their votes from "nay" to "yea."

Mr. HUNGATE. Mr. Speaker, I have a live pair with the gentleman from Illinois [Mr. ANNUNZIO]. If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. POAGE. Mr. Speaker, I have a live pair with the gentleman from Connecticut [Mr. ST. ONGE]. If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. O'KONSKI. Mr. Speaker, I have a live pair with the gentleman from Hawaii [Mr. MATSUNAGA]. If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION—CONFERENCE REPORT

Mr. ROGERS of Colorado submitted a conference report and statement on the bill (H.R. 8629) to amend the act of July 4, 1966—Public Law 89–491.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a Joint Resolution of the House of the following title:

H.J. Res. 936. Joint resolution making continuing appropriations for the fiscal year 1968, and for other purposes.

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. 8629) entitled "An act to amend the act of July 4, 1966 (Public Law 89–491)."

INTERNAL SECURITY ACT OF 1950 AMENDMENTS

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 951 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 951

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12601) to amend certain provisions of the Internal Security Act of 1950 relating to the registration of Communist organizations, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Un-American Activities, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Mississippi [Mr. COLMER] is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield the usual 30 minutes to the minority to the distinguished gentleman from Illinois [Mr. ANDERSON], pending which I yield myself such time as I may consume.

Mr. Speaker, I shall be very brief.

Mr. Speaker, House Resolution 951 provides an open rule with 2 hours of general debate for consideration of H.R. 12601 to amend the Internal Security Act of 1950 relating to the registration of Communist organizations, and for other purposes.

Due to certain decisions of the Supreme Court of the United States, the full intent of the Internal Security Act of 1950 has not been accomplished. The purpose of H.R. 12601 is to amend title I of the act to furnish the Attorney General and the Subversive Activities Control Board with the tools to better facilitate a system of public disclosure of the identity of Communist organizations and members of Communist-action organizations.

The bill is intended to improve and strengthen the administration of title I by the inclusion of additional provisions defining the meaning of "Communist-front" organization. It would enlarge the Attorney General's register of Communist organizations. It would require disclosure of Communist organizations using the mail, or any facility of interstate or foreign commerce, to solicit money or property. It would expedite procedures for registration of individual Communists.

In view of the threat to the security of this country posed by the world Communist movement and the U.S. Communist Party, effective implementation of the principles on which the Internal Security Act is based is vital to the national interest. Therefore, Mr. Speaker, I urge the adoption of House Resolution 951 in order that H.R. 12601 may be considered.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, the resolution would make in order under an open rule with 2 hours of debate H.R. 12601, which would amend the Internal Security Act with regard to the provisions of that act that deal with registration of Communist organizations.

As I understand it, the bill that is before us, H.R. 12601, affects only title I of the Security Act of 1950. That act provided for the compulsory self-registration of Communist-action and Communist-front organizations, and also members of so-called Communist-action organizations as they are defined in this act.

Thereafter, because of decisions of the U.S. Supreme Court; namely, in the Albertson and Proctor cases and also in the case of the Communist Party of the United States of America against the Subversive Activities Control Board, this title of the Internal Securities Act was rendered largely nugatory, and I think that perhaps a better title for this bill would be directed toward an effort to breathe some life back into the rather moribund body of the Subversive Activities Control Board.

Most of us frankly had not paid much attention to that group of five men downtown until some publicity received rather wide general attention a few weeks or a few months ago that a 26-year-old individual, who was distinguished largely by the fact that he had married a favorite secretary of the President, had suddenly been appointed to this particular sinecure—because that is what I think it amounts to, a 5-year term at $26,000 a year.

When we got to checking into the Sub-

versive Activities Control Board a little bit, we found out that it had been in existence for 17 years, ever since 1950. It had cost the taxpayers of this country something like $5 million or $5,100,000, which is ignoring, I think, all of the very extensive costs of litigation that were incurred by the Government in attempting to validate the authority of the Board.

During all of that time it had sought to compel the registration of 44 individual Communists, and I think, if I remember correctly, 22 Communist-front organizations, as well as the Communist Party of the United States, and it had not been successful in compelling, or it had not succeeded in getting anyone to register, either the organizations or the individuals. So after 17 years and all of this time and money, the Board really had not accomplished anything, and by these particular amendments there is an effort, I suppose, to breathe some life into that organization.

I find it a little bit difficult myself, frankly, to understand how this legislation is going to work, because if I read the report and understood the testimony before the Rules Committee correctly, it is going to repeal any and all penalties that are contained in the Internal Security Act of 1950, any penalties that would otherwise attach to those who fail to register or to those organizations that fail to register.

So if we cannot punish the organization apparently, and we cannot any longer punish the individual for failing to register, I am not sure what good it is going to do to have the Attorney General of the United States compile what I guess is called the public register, and after a petition has been filed by the Attorney General before the Board, and after they give a finding in a quasi-judicial hearing that a particular individual is a Communist or belongs to a Communist-front organization, then he is registered. He does not register himself. The Attorney General registers him, or he registers the organization, and presumably this register is then available to those who have questions about whether or not a particular organization is indeed a Communist-action or a Communist-front organization.

One of the justifications set forth in the report is that there is some disclosure advantage to protect the innocent and the unwary from belonging to or giving money or donations to an organization, and then finding out it is actually a Communist organization.

I would be less than frank with this body this afternoon if I did not say I think this is a kind of makework proposition. I believe as much as anybody in this Chamber that there is still a Communist threat to this country. I do not subscribe to the notion that in the Soviet Union we just have the traditional nation state imperialism to worry about. I think there is a Communist conspiracy and it is a menace and a threat to this country.

But I seriously question whether this bill is going to do very much to unmask the Communist threat to our country, whether it is going to do very much good to have this, I think, utterly useless appendage on the body politic, this vestigial organ that has been in existence 17 years and has not accomplished anything that I can see, or whether it is going to be worth the time and the money to bring it into being.

Mr. WILLIS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. Yes; I yield to the gentleman from Louisiana.

Mr. WILLIS. Mr. Speaker, Mr. Yeagley, chief of the Justice Department's Internal Security Division, testified before the Senate committee that the Internal Security Act is the most feared by the Communists in America and that they have worked harder to defeat it than any other law. As a matter of fact, when the Supreme Court in 1960 upheld the very constitutionality of the act, as I said before, Mr. Gus Hall said this decision would compel the Communist Party to commit suicide. And I said to myself, "I am glad if you are dead, you rascal, you."

Mr. ANDERSON of Illinois. If the gentleman is seeking by that statement to infer that anyone who stands on the floor of this House and opposes this legislation is somehow less vigilant and less anxious to oppose communism, then I resent it very much.

Mr. WILLIS. I did not mean that at all. I was pointing out an authoritative statement about the effectiveness of the act, in reply to your attack on it.

Mr. ANDERSON of Illinois. I simply say this has not accomplished very much in 17 years, and I doubt, if we pass this bill, that it will accomplish anything more. I resent the implication that anybody who somehow opposes this is less vigilant or less anxious to fight communism.

Mr. WILLIS. I am very sorry. If I left that impression, I apologize. I meant no such implication.

Mr. ANDERSON of Illinois. I thank the gentleman for clearing up the implication I thought was present in his remarks.

Mr. YATES. Mr. Speaker will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, as a matter of fact, have not a number of the sections of the bill been declared unconstitutional by the Supreme Court? Is that not the reason that the act has been so ineffective over the years? As a matter of fact, was not one of the reasons given by President Truman in 1950 when he vetoed the bill, that he thought the act was unconstitutional? Subsequent events and decisions of the Supreme Court proved he was right. Is not threat of unconstitutionality present in this bill before us today?

Mr. ANDERSON of Illinois. In reply to the gentleman from Illinois, the gentleman is correct. Of course, this bill was previously passed in 1950 over the veto of then President Truman. It is also true in the Albertson and Proctor case and the other case to which I referred, that in the various sections of this bill, those dealing with compulsory registration were held unconstitutional.

I did want to make this one point, that in those hearings that took place in the other body, one amendment was adopted.

It was an amendment that I do not believe is present in the legislation before us today; namely, an amendment that provided unless the Attorney General filed a petition with the Board during the next fiscal year—that is, by June 30, 1969—unless he took some action and filed a petition under the act the Subversive Activities Control Board would go out of business. In other words, this was sort of a death sentence clause that if nothing were done after 18 months the Board would go out of existence and the $295,000 or $300,000 a year appropriation they are now getting would no longer be authorized.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Illinois.

Mr. YATES. Was any representation made before the Rules Committee as to whether or not the Department of Justice or the Attorney General favored the passage of this bill?

Mr. WILLIS. Mr. Speaker, will the gentleman yield for an answer to that question?

Mr. ANDERSON of Illinois. I believe I can answer it myself, if the gentleman will permit.

No; the hearing before the Rules Committee indicated that there was no testimony by the Attorney General before the committee. I believe a letter was received by the committee.

Mr. WILLIS. That is right.

Mr. ANDERSON of Illinois. I know a letter was received by the minority leader of the other body, to the effect that if the law were passed he would then proceed to act on the basis of the Constitution and on the basis of the law to enforce it. I believe that was the extent of his comment on the legislation.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Illinois.

Mr. YATES. I have read the report quite thoroughly. I do not find a letter printed in the report of the committee. Was that letter made available to the Rules Committee?

Mr. ANDERSON of Illinois. I yield to the gentleman from Louisiana, because he testified on that point.

Mr. WILLIS. I have the original letter in my hand. Since we are now in the House, I ask unanimous consent to have that letter printed in the RECORD at this point. The gentleman properly paraphrased the letter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The letter is as follows:

THE ATTORNEY GENERAL,
Washington, October 17, 1967.

Hon. EDWIN E. WILLIS,
Chairman, Committee on Un-American Activities, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN WILLIS: You have asked me what course of action the Department of Justice will follow in enforcing H.R. 10390 should it become law.

The bill provides the Attorney General "shall file . . ." proceedings with the Subversive Activities Control Board under the standards set forth. If it becomes law, H.R.

10390 will be enforced. Proceedings will be initiated with the Board as evidence warrants, consistent with the Constitution and the standards of the Act.

Sincerely,

RAMSEY CLARK.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Iowa.

Mr. GROSS. I want to commend the gentleman from Illinois [Mr. ANDERSON] for calling attention to the ineffectiveness of the so-called Control Board.

I yield to no one in the House, and I am sure the gentleman from Illinois yields to no one in the House, in opposition to the Communist conspiracy worldwide or in this country.

As the gentleman previously stated, I know of nothing this Board has accomplished in its existence.

I would gladly support this legislation had the Board been effective, but as far as I know it has not even updated the list of subversives and Communist-front organizations in this country. I believe the taxpayers ought to get something for their money.

If the committee had come to the floor with a bill cutting this Board down to, say, one man, and this man given an opportunity to do something effective in behalf of this cause, I would gladly go along with it. I find it difficult under the circumstances.

Mr. ANDERSON of Illinois. I thank the gentleman from Iowa, because I believe he put his finger on the very crux of the matter which confronts us in the House today.

All of us, of course, are concerned about preserving and protecting the internal security of the United States, but we want to do it, No. 1, in a constitutional manner. No. 2, we do not want to set up a bureaucratic organization that has not done anything for the past 17 years and say, "Well, perhaps with a few changes in the law we can expect better performance in the future."

I am not convinced on the basis of the report, and I am not convinced on the basis of the testimony I heard before the Rules Committee, that that will be the case.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I thank the gentleman for yielding.

I certainly would agree with many things the gentleman said. I do not believe anybody could hold out that the Board has been active. But I believe we have overlooked two very important points.

First, the Board can only do what the Attorney General delegates to the Board. It takes a formal motion from the Attorney General. There has not been an inclination on the part of recent Attorneys General to do much in the field of subversion.

Second, is the matter of the Supreme Court decisions. I believe it is a matter of common knowledge that a number of Supreme Court decisions have effectively whittled down on the entire structure of our internal security laws.

I think this bill is one effort to try to shore up—and I use that word advisedly—to shore up the internal security acts which are on the statute books at the present time. I happen to disagree to one extent. I think it is a credible effort to try to breathe some life into an area where there has not been an inclination on the part of the Attorney General to do so. There have been a number of Supreme Court decisions that cut down on their effective area of operation.

Mr. ANDERSON of Illinois. I do not for one minute question the sincerity of the gentleman from Ohio [Mr. ASHBROOK] or his motives, but the gentleman used the expression "to breathe some life" into it. I think that the corpse is pretty cold at this point.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, I want to join the gentleman from Illinois in making the very valid point that one may be completely anti-Communist, opposed to that evil philosophy completely, and still oppose the bill under discussion.

I would also like to point out to the gentleman from Ohio [Mr. ASHBROOK] that this law has been on the books for 17 years and was under the jurisdiction not only of Democratic Attorneys General, but under the jurisdiction as well of Attorneys General of Republican administrations.

Mr. ANDERSON of Illinois. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. COLMER. Mr. Speaker, I yield to the gentleman from Texas [Mr. FISHER].

(By unanimous consent, Mr. FISHER was granted permission to speak out of order.)

PRESIDENT DE GAULLE'S BLAST

Mr. FISHER. Mr. Speaker, President Charles de Gaulle's gratuitous attack upon the United States and the international role of the dollar can be explained only by the general's dislike of our country and his utter disregard of the truth. Some think it shows symptoms of senility.

The French President seems to have forgotten that during two wars the United States made supreme sacrifices in behalf of the French.

It is high time that Americans forgo spending tourist dollars in France for a while, and it is a good time for our Government to demand that De Gaulle, instead of attempting to undercut international confidence in the dollar, devote himself to the payment of the $7 billion debt which France owes this country.

I find myself in full agreement with the press comment of the world and particularly that of the Swedish newspaper that classified the opinions expressed by the French leader at his press conference on yesterday as "eccentric and disgusting."

General de Gaulle attacks the dollar and repeats his outworn appeal for a return to the prewar gold standard, not realizing—or more probably not caring—that this would mean an automatic rise in the price of gold. He claims the United States exports inflation to the rest of the world.

The general has shown resolute incuriosity concerning the real ills of the world and has compiled a record of stunning indifference to those courses which might cure these ills.

In a word he is the symbol of the fusion of intransigency, abysmal ignorance, and absolute power. And there is no more dangerous or destructive combination. As a classical scholar he might well be guided by Marcus Aurelius' admonition:

Remember this—that there is a proper dignity and proportion to be observed in the performance of every act of life.

Mr. COLMER. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, I would just like to point out that the overriding purpose of this bill is disclosure; disclosure to the American people, those groups and individuals who seek to destroy our form of government. While it is true that the FBI, the CIA, military intelligence branches, and other responsible agencies know who most of the Communists are in our country, this information is normally not disseminated to the public. Patriotic people with sincere intentions are often approached to join or contribute to some group which is nothing more than a front for the Communist Party. These people have a right to know the true nature of the organization in question. I have every confidence that the growth of the Communist Party and its influences in this country will be sharply limited by exposing these groups for what they are.

This is not to limit the free speech of anyone. This is not to deprive anyone of their constitutional rights. None of the constitutional safeguards of indictment, confrontation, cross-examination, trial by jury, proof beyond a reasonable doubt, or due process of law, are denied an individual by the bill under consideration today.

Neither this bill nor the recently passed Senate bill, S. 2171, changes the role of the Subversive Activities Control Board. This role has been specifically upheld as constitutional in recent Supreme Court decisions.

Determinations are made by the Board only upon petitions that have been submitted by the Attorney General and on the basis of evidence presented in open hearings by attorneys for the Department of Justice.

I just want to stress again what you will hear when amendments are introduced concerning past or future inactivity of the Board. Since the Board has no investigative or prosecuting powers, prolonged inactivity can be attributed not to the Board, but in some cases to those whom Congress has directed to initiate proceedings. If these amendments are made to the act to confrom to recent court decisions, then there will be no excuse for inactivity of the Board and those on whom it relies for its impetus.

Mr. COLMER. Mr. Speaker, I urge the adoption of the resolution, and move the previous question.

The previous question was ordered.

The resolution was agreed to.

Mr. WILLIS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12601) to amend certain provisions of the Internal Security Act of 1950 relating to the registration of Communist organizations, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 12601, with Mr. ANDREWS of Alabama in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Louisiana [Mr. WILLIS] will be recognized for 1 hour, and the gentleman from Ohio [Mr. ASHBROOK] will be recognized for 1 hour.

The Chair recognizes the gentleman from Louisiana [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this bill comes before the Committee of the Whole House on the State of the Union today with the most formidable support of any bill which it has been my pleasure to present since I have been a Member of this body.

As the Members know, in the past only the name of one Member could appear as the author of a bill. However, under the new and present rules of the House of Representatives, a bill may have multiple sponsorship. Under that new rule, this bill comes before the committee with the endorsement and introduction of 50 Members of this body.

Mr. Chairman, I, as chairman of the Committee on Un-American Activities, introduced a bill on behalf of the Democratic side. I was joined by 24 other Democratic Members, making a total of 25. The Members of this body who joined me in the introduction of that bill include a number of committee chairman of this body, such as the distinguished gentleman from Texas [Mr. BURLESON], the distinguished gentleman from South Carolina [Mr. RIVERS], and other chairmen who are authors of this bill.

Then, Mr. Chairman, a parallel bill, an identical bill, was introduced by the minority Member, the distinguished gentleman from Ohio [Mr. ASHBROOK]. He was joined in the introduction of his bill by 24 Republican Members.

So I repeat the fact that this bill comes to you as having been introduced by 50 Members on a bipartisan basis.

Mr. Chairman, the bill, if adopted, would amend the Internal Security Act of 1950. The purpose of that act, I will say to my colleagues, was to compel the keeping of a registry of names, addresses of Communist organizations, and Communist members.

Mr. Chairman, 100 years ago President Abraham Lincoln said that if this country is to be destroyed, it will be destroyed by influences from within and not from without. We can take care of ourselves with reference to attacks from without, but it was from the threat of certain forces from within that the Internal Security Act of 1950 was adopted and with which it deals.

Mr. Chairman, the Internal Security Act of 1950 is by far our greatest weapon in the fight, in the constant fight against communism. The act created the SACB, the Subversive Activities Control Board.

Permit me at this point to reply to certain inferences that were made on the floor of the House to the effect that this Board has never accomplished anything. As a matter of fact, every January of each year the Speaker of the House of Representatives receives, and I, as chairman of the the Committee on Un-American Activities receive, a letter from the Department of Justice outlining cases brought before the Board.

Thus far, Mr. Chairman, 70 cases have been considered by the Board.

Mr. Chairman, the hearing records in these cases, is comprised of ever 103,000 pages of testimony. Yet Members come here and say that this Board has accomplished nothing.

Mr. Chairman, as I mentioned during the consideration of the rule providing for the consideration of this measure, in 1950 the Supreme Court upheld the constitutionality of the requirements of registration. At that time Gus Hall said that this decision would compel the Communist Party to commit suicide.

The witnesses who have appeared before the SACB were undercover agents of the FBI, and one after another, after another, after another, of these witnesses have testified to the effect that the most feared instrument in our fight against communism is this law which is on the books today.

As I said, the Supreme Court has upheld the constitutionality of the act, the constitutionality of the Internal Security Act of 1950. By 1965, however, when pursuant to the provisions of the act, proceedings were taken against the Communist Party and individual Communists to register, the Supreme Court said that upon invocation of the fifth amendment they could not be compelled to register.

Frankly, if I had been a member of the Supreme Court, maybe for different reasons, but for good reasons, anyway—because I, too, regard communism as such a degrading, horrible thing—if I were a judge I, too, would hold that no one can be compelled to register that he is a Communist. The Court has said, anyway, upon invocation of the fifth amendment you cannot compel one to register.

I have found a way out of this, as the first author of this bill, to preserve the integrity of the act. What was its purpose? As I said, its purpose was to keep an accurate register of organizations and individuals found by the Board to be communistic.

This was the original structure of the act, as I said, that upon being so found they had to register.

Now, I found a way, and this bill provides the way, to preserve the purpose of the keeping of a register of Communist organizations without impairing the act and without flouting the Supreme Court decision.

How do I do that? Well, by the simple instrument of compelling the Attorney General to keep a list of all organizations and individuals found by the Board to be members of the Communist Party.

It has been said that we are uncertain as to what will happen in the future. I received a letter from the Attorney General. I wrote to him myself. The letter will be made a part of the RECORD and the Members will find it in tomorrow morning's RECORD, this letter from the Attorney General.

What does he say? He says:

> I agree to carry out the functions of the act if enacted, and I will keep the register.

And that is exactly what the bill would do.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman.

Mr. YATES. The gentleman's statement is that the purpose of the act is to keep a list of the members of the Communist Party?

Mr. WILLIS. Their names and addresses.

Mr. YATES. The names and addresses of the members of the Communist Party?

Mr. WILLIS. No, no. All members of the Communist Party found by the Board to be such.

Mr. YATES. To be members of the Communist Party?

Mr. WILLIS. Yes.

Mr. YATES. Does the act go beyond that and require the Attorney General to keep a list of members of the so-called Communist Party fronts and Communist-infiltrated organizations as well?

Mr. WILLIS. No.

Mr. YATES. Just members of the Communist Party?

Mr. WILLIS. That is right.

Mr. YATES. I thank the gentleman for yielding. I had a different impression from reading the report.

Mr. WILLIS. I want to say this: It was stated that a number of sections of the act were declared unconstitutional. That, my friends, is not so, and I would ask the gentleman from Illinois to pay close attention to this:

Only one section—one section of this long act—was found to be unconstitutional, and that is the section dealing with passports. No other section has been declared to be unconstitutional. On the contrary, there are decisions upholding the whole act, and only one decision striking down a single section, not section after section, as has been intimated——

Mr. ADAMS. Mr. Chairman, will the gentleman yield for a question?

Mr. WILLIS. Certainly I will yield to the gentleman.

Mr. ADAMS. I remember handling these cases as they came up, and I want to be sure with regard to the gentleman's statement on the organizations. There is presently in existence, as we both know, a list which has been discredited that is kept by the Attorney General, a list of organizations that were decreed to be subversive, and, as I stated,

this has been discredited—it has gone out of date. I understood under this act there would be a list of organizations found by this board to be required to register. My question is would that list then substitute for and do away for all time with the older list that existed in the past?

Mr. WILLIS. There is no direct relationship between the two. That old list still stands, though it is dated and many organizations on it are now defunct. But this is a new act which would develop a new list, a list of organizations and fronts found to be such by the Board, which would, in effect, compliment and up-date the old list.

Mr. ADAMS. Then what I want to understand is, from your report it is indicated, and my amendment is that one organization has been found to be a Communist organization, which was the Communist party, and it then was upheld in the Supreme Court. Seven others were also found to be organizations, which are now defunct.

Now what I want to now is, Would that be the list you would start with now under this act as you have amended it, and then we start it as an elaborate procedure for determining whether or not an organization is a Communist organization or a Communist front or one of the other categories, and then it would be built on that list of eight, and in effect you would be starting to build again; is that correct?

Mr. WILLIS. That would be my understanding. But the number of organizations found to be Communist by the SACB is more than eight.

Mr. ADAMS. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. ASHBROOK. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I do not intend to take a great amount of time. I think most of you present today have had a chance to read the report.

It is our theory on the minority side that we can very briefly place the bill in its proper perspective and move on to opening the bill for amendment, if such be the case, and as expeditiously as possible vote on this bill.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. Yes, I yield to my chairman.

Mr. WILLIS. I mentioned the sponsors of this bill and I now would like to recite a list of the people who have testified in support of this bill. They are as follows:

WITNESSES WHO SUPPORT H.R. 12601

Loyd Wright, former president, American Bar Association, 1954–55; only honorary life president, International Bar Association; chairman, Commission on Government Security.

John C. Satterfield, former president of American Bar Association, 1961–62; participant in Conferences on World Peace Through Law; fellow of American Bar Foundation; director, American Judicature Society; member, National Conference of Commissioners of Uniform State Laws.

Peyton Ford, former assistant to the Attorney General and Acting Attorney General of the United States.

James J. Davidson, Jr., former president, Louisiana State Bar Association; currently vice president, Council of the Louisiana State Law Institute; member, American Law Institute.

Hon. Michael A. Musmanno, justice of Pennsylvania Supreme Court; former judge, International War Crimes Tribunal and member of Commission on International Rules of Judiciary Procedure.

Robert Morris, president, University of Plano; former municipal court judge, New York City and chief counsel, Senate Internal Security Subcommittee.

Stanley J. Tracey, former Assistant Director, Federal Bureau of Investigation and associate counsel, Project Survey Division of the Commission on Government Security.

John W. Mahan, chairman, Subversive Activities Control Board.

ORGANIZATIONS

American Legion, Veterans of Foreign Wars, AMVETS, Military Order of World Wars, and Sons of the American Revolution.

So we have a formidable array—a most formidable array of people and organizations in support of this bill that I have ever seen in my life.

Mr. ASHBROOK. I thank the gentleman for his contribution.

Mr. Chairman, today I have again heard some of the same kind of remarks I have heard before about the Internal Security Act—remarks to the effect that the act is useless, that it has accomplished nothing, that it has not hurt the Communist Party because no Communist organizations and no party members have registered under it.

I have heard the Subversive Activities Control Board attacked on the grounds that it has done little or no work in the last year or two, when the truth, of course, is that if the SACB has done little or nothing recently, it is not its fault, but the responsibility of the Attorney General—because the Board can act only in response to a petition from him.

The bill we are now considering deals with the Subversive Activities Control Board and the internal security of our country. For this reason, it seems to me that in searching for the facts to determine how we will vote on it, we should go for information to those who know most about the subject. Numerous court cases, including prosecutions under the Smith Act and espionage statutes, plus all the proceedings of the Subversive Activities Control Board can leave no doubt in anyone's mind that the FBI, for many, many years, has done a truly outstanding job of keeping track of the operations of the Communist Party, and that, better than anyone else, it knows what the party is doing, what is hurting it, what is helping it, and just how it reacts to, and is affected by, the laws, policies and actions of the U.S. Government.

It is fortunate that on the matter of the Internal Security Act which the bill we are now considering would amend, the FBI has not been silent. It has not been silent on how the Internal Security Act has affected the Communist Party. It has not been silent on the impact court decisions relating to the Internal Security Act have had on the Communist Party. It has not been silent on the question of what the Communist Party feels about the Internal Security Act.

Over the years, in his appearances before the House Appropriations Committee, FBI Director J. Edgar Hoover has made numerous statements on these subjects—statements which, I believe, must be accepted as the most accurate and authoritative statements available to us, statements which, more than any others, should determine our thinking on the value and effectiveness of the Internal Security Act.

In preparation for this debate, the staff of the Committee on Un-American Activities has compiled all such statements of Mr. Hoover in his appearances before the Appropriations Committee. Time will not permit my reading them. I will therefore request unanimous consent to insert them in the RECORD at the conclusion of my remarks.

For the benefit of the Members who will not have the opportunity to read these statements until the RECORD is printed tomorrow, I would like to summarize what they reveal.

They make it clear beyond all question that the Communist Party fears the Internal Security Act; that it has worked for its repeal for many, many years; that it has spent large sums of money establishing fronts, hiring counsel and influencing other groups to oppose the act; that the party went deeper underground—and its operations were therefore hurt—when the act was passed; that the act has assisted in restricting Communist activities.

They make it clear, in addition, that the Supreme Court decision of June 1961 upholding the constitutionality of the act's basic provisions also hurt the Communist Party and created real problems for it. At the same time—and most importantly—they make it clear that later court decisions which have weakened the effectiveness of the act have revitalized the fervor and efforts of the Communist Party, have resulted in an increase in its membership, have led to the holding of a national convention for the first time in 7 years, and have developed the belief in the Communist Party that conditions for Communist operations are more favorable now than at any time in the last 17 years. The result of all this has been a marked increase in both the amount and the openness of Communist operations.

In a speech made in June of this year, Mr. Hoover stated:

> Never has a stronger spirit of optimism prevailed within the Communist movement than exists today. This optimism is based not on wishful thinking but on actual trends and developments which the Communists interpret as strengthening their ability to undermine America's security and freedom.

This is what we are debating today and now—our country's security and freedom.

Mr. Hoover, who is our best available authority on this subject, has made crystal clear just how the Internal Security Act has affected our security and freedom and also how it has affected those

who are trying to destroy it. It is his policy to refrain from taking a position on legislative matters. For this reason, he did not testify in the hearings on the bill before us. His testimony before the Appropriations Committee, however, leaves no doubt about the fact that to strengthen and preserve our security and freedom the thing we must do is strengthen the Internal Security Act. That is what H.R. 12601 does. That is why, in my view, it merits the full support of this House.

The material referred to follows:

FBI STATEMENTS CONCERNING IMPACT OF INTERNAL SECURITY ACT, AND COURT DECISIONS AFFECTING IT, ON THE COMMUNIST PARTY

J. Edgar Hoover, House Appropriations Subcommittee testimony, January 24, 1952: "* * * Membership [of the U.S. Communist Party] has declined materially over the last several years . . . That decline has been due to a number of factors . . . the congressional investigations which have been made. I think those investigations have been very helpful . . . The McCarron [Internal Security] Act, as well as the Smith Act, has assisted materially in bringing about an effective restriction of Communist activities."

J. Edgar Hoover, House Appropriations Subcommittee testimony, February 25, 1953: "* * * The Internal Security Act of 1950 has added to our responsibilities. It broadened the field of control of subversive organizations."

J. Edgar Hoover, House Appropriations Subcommittee testimony, December 9, 1953: "* * * On the domestic front, the Communists have also directed their attention to urging repeal of . . . the Internal Security Act of 1950."

J. Edgar Hoover—House Appropriations Subcommittee testimony, February 1, 1956: "Significant is the fact that the party proposes during the coming year to tactically exploit the Geneva Four-Power Conference with a background effort to defeat the Internal Security Act of 1950, the Smith Act and other anti-Communist legislation. The party has set aside a fund to conduct an intensive crusade which will last 4 to 6 months to achieve this objective. Their campaign is intended to involve legal maneuvers, acquiring eminent counsel to defend the party in its propaganda efforts. Their tactics will be concealed and will emerge through Communist-front organizations and through so-called liberal groups which they are able to infiltrate and interest in their behalf."

Annual report of FBI Director, J. Edgar Hoover, Department of Justice, fiscal year 1961: "Despite a Supreme Court ruling on June 5, 1961, upholding the Subversive Activities Control Board's findings that the Communist Party, USA, is a communist-action organization which is directed and controlled by the Soviet Union, Party leaders continue to claim that they represent a legitimate political group.

"While openly asserting that it will not comply with the order to register with the Attorney General as required by the Internal Security Act of 1950, the Party petitioned for a rehearing of the Supreme Court's decision. This petition had not been acted upon at the close of the year.

"Setting the stage for Party defiance of the Court's ruling and the order of the Subversive Activities Control Board, Gus Hall, General Secretary of the Communist Party, USA, declared on June 8, 1961:

" 'It [the Internal Security Act of 1950] is a monstrous law and a monstrous decision. It asks the Communist Party to commit suicide and I can say very bluntly that we will not cooperate with any such precedent.' "

J. Edgar Hoover, House Appropriations Subcommittee testimony, January 24, 1962: "Under the false guise of a political organization, the Communist Party in this country acts as the subservient mouthpiece of international communism with the Kremlin setting the line to be followed.

"This thin veil of legitimacy was, however, publicly lifted when the Supreme Court last June judicially affirmed the oft-repeated contention that the Communist Party in the United States is not a legitimate political party, but a subversive group directed and controlled by the Soviet Union.

"As a defensive measure the party is in the process of streamlining its organizational structure. It is eliminating its apparatus between the district and club levels, and district committees as well as clubs are being reduced in size. This is being done as a result of the upholding by the Supreme Court of the registration provisions of the Internal Security Act of 1950. Club meetings are being held less frequently and when held are masquerading as meetings of 'garden clubs,' 'bridge clubs,' and the like. One course of action presently being considered by the party calls for the sending of its members into mass work and the creation of 'umbrella organizations' through which the party's continuance can be guaranteed.

"In line with its streamlining plans, the party is also considering the dissolution of its National Committee as well as its national executive committee and the placing of the party's reins in the hands of a three-member national board.

"The Supreme Court in its decision of last June upheld the 1953 order of the Subversive Activities Control Board that the Communist Party of the United States is a Communist-action organization and required to register as such with the Attorney General under the Internal Security Act of 1950.

"From the outset, the party publicly took the position that it would not comply, showing once again its complete and utter disdain for a government of law and order. The party immediately began numerous devious maneuvers to thwart the law. Gus Hall, the general secretary of the Communist Party, U.S.A., with his admonition, 'It is not what you know, but what you show!' warned party members to destroy incriminating documents which might be used in prosecutions against them.

"They then launched a mass appeal for support. The basic objective of this flood of propaganda was to attempt to destroy the image of the party as an agent of a foreign power and to create an image of the party as an independent political entity."

Annual report of FBI Director, J. Edgar Hoover, Department of Justice, fiscal year 1964: "Many developments on the national and international scene afforded American communists encouragement during the fiscal year. Perhaps the most important, from the Party's point of view, was the decision of the United States Court of Appeals for the District of Columbia which reversed the conviction of the Party for failing to register under the provisions of the Internal Security Act of 1950 and the subsequent refusal of the United States Supreme Court to review this decision. Party National Chairman Elizabeth Gurley Flynn[1] hailed this action as a victorious turning point for the Communists in their 13-year struggle against the Internal Security Act.

"Party leaders have placed the active membership figure of the Communist Party, USA, at 10,000, a numerical strength which may not appear to be too significant. This information is misleading, however, since leaders know that there are a great many inactive members who have not turned their backs on the principles of Marxism-Leninism and can be expected to move back into action if the Party is successful in its fight against the Internal Security Act of 1950."

J. Edgar Hoover, House Appropriations Subcommittee testimony, March 4, 1965: "It would be difficult to single out any period since the passage of the Internal Security Act of 1950 in which the party's optimism surpasses that experienced during 1964. The most important reason for this is the December 1963 decision of the court of appeals reversing the conviction of the party for failing to register under the provisions of the Internal Security Act of 1950 and the refusal of the Supreme Court to review the decision of the court of appeals.

"In the belief that the 'climate' in the United States is changing rapidly in its favor, the Communist Party, U.S.A. is beginning to open the veil of secrecy that has surrounded it since June 1961, when the U.S. Supreme Court upheld the order of the Subversive Activities Control Board that the party must register under the provisions of the Internal Security Act of 1950. Among other things, the party's national committee met in July 1964 for the first time since 1961; a new party program is in preparation; and party leader Gus Hall has indicated that a Communist Party, U.S.A. national convention will be held in 1965."

J. Edgar Hoover, House Appropriations Subcommittee testimony, February 10, 1966: "While the chief foreign policy objective of the Communist Party, U.S.A. continues to be the withdrawal of U.S. forces from southeast Asia, it continues to advocate expanded trade with 'socialist' countries, admission of Communist China to the United Nations and normal diplomatic relations with Cuba as well as with Communist China. The repeal of the Internal Security Act of 1950 and the abolition of the House Committee on Un-American Activities also remain high-priority objectives.

"Fully aware that Federal prosecution under the Internal Security Act of 1950 restricted many of their activities, party leaders continued to mount a massive propaganda assault to remove this obstacle to their aims and purposes. In an effort to gain support from the academic community, party spokesmen have utilized appearances on college campuses specifically to condemn this act. In addition, they have solicited and received support from Communist parties in other countries. The campaign against the Internal Security Act of 1950 is now worldwide in nature and directed to project the illusion that the Communist Party, U.S.A. is a legitimate party being suppressed because it opposes the imperialistic aims of the United States.

"Elated with the November 15, 1965, decision of the U.S. Supreme Court, which declared the membership provision section of the Internal Security Act of 1950 unconstitutional, the Communist Party, U.S.A. began making bold plans for the future as soon as the decision was made public.

"In a press conference on November 15, 1965, Gus Hall, the party's general secretary, declared that the party would move immediately to get Communist candidates on election ballots and would run candidates for public office wherever possible. Hall stated that the party would take steps for greater participation in the 1966 elections and, as part of their stepped-up activity in this regard, would issue a new program to the American people. Part of this program calls for the estbalishment of a new political party which would be based on Negro, labor and 'peace' groups. The program declares that the new party is essential because the current problems facing the Nation cannot be solved under the two-party system as it is presently situated.

"Party leader Gus Hall, in the past, in placing the membership at 10,000, has declared that there are at least 100,000 'state-of-mind' members whom he defined as persons sympathetic to the party line and objectives. Bolstering this declaration of many persons

[1] Died in Moscow, September 5, 1964.

being sympathetic to the party is the claim of party leaders that if they can defeat the Internal Security Act of 1950 they can recruit 50,000 new members within a year.

"In keeping with this, on November 15, 1965, following the Supreme Court decision which held that the membership provision of the act was unenforceable if the fifth amendment was utilized as a defense, Hall promptly indicated the decision would result in renewed growth of the party. In substantiation of his prediction, Hall stated during a press conference in Chicago, Ill., on December 6, 1965, that the party was experiencing the greatest upsurge in its history, and that the party membership had jumped to 1,000 or 2,000 above its 10,000 total of a year ago.

"PARTY'S 18TH NATIONAL CONVENTION

"The most important event facing the Communist Party, U.S.A. in the near future is its 18th national convention. Present plans call for the convention to be held in New York City for 4 days commencing June 23, 1966. Approximately 300 party delegates and 150 alternate delegates are scheduled to attend the convention. In addition, the party plans to invite 300 nonparty members to attend the convention as guests. The purpose of inviting the large number of guests is to create the impression that the convention is not essentially a Communist Party convention and also to create confusion as to who are the actual party members at the convention. To create publicity for the convention, the party plans to call a huge mass meeting of several thousands on opening night. The party also plans to open the convention to television and radio coverage.

"This will be the first national convention for the party since 1959."

Annual report of FBI Director J. Edgar Hoover, Department of Justice, fiscal year 1967: "The Communist Party—U.S.A. is riding the crest of a wave of optimism. The party's 18th national convention, which was held in New York City, June 22–26, 1966, constituted a significant landmark in the history of the Communist movement in the United States. The very fact that the convention was held—the first one since 1959—reflected the feeling of Communists that the time has come to operate openly and boldly. The dominant mood of those who attended the convention was one of optimism based on the belief that the political climate in this country is ripe for 'radicalism' and consequently, the party can reap substantial benefits from the changing times.

"The convention marked the emergence of the Communist Party—U.S.A. from its political isolation and ended the masquerade of top party leaders as 'Communist spokesmen.' In addition, the party plans to have leaders in various districts openly identified and aims to re-establish public headquarters in a number of cities rather than operate from homes of officials or from party bookstores.

"The effect of the convention on the Communist Party—U.S.A. was important in a number of ways. It assured a continuing leadership dedicated to serving Soviet interests; it tightened the framework of party organization; it established greater unity of purpose in regard to objectives; it gave birth to a youthful cadre insisting on a greater voice in party affairs and advocating a more militant role for the party; and it formulated numerous programs designed to increase the party's membership, activity, and influence."

Annual report of FBI Director, J. Edgar Hoover, Department of Justice, fiscal year 1967: "Invigorated by its first National Convention since 1959, held in June, 1966, and bolstered by certain legal victories, the Communist Party, USA, entered the fiscal year with hopeful programs to establish a broad front encompassing youth, labor, civil rights and foreign policy."

Speech by FBI Director, J. Edgar Hoover, Department of Justice, on "Faith, Freedom and Law," before the Regional Conference on Crime Prevention Michigan State Bar, Rochester, Mich., June 8, 1967: "Never has a stronger spirit of optimism prevailed within the Communist movement than exists today. This optimism is based not on wishful thinking but on actual trends and developments which the communists interpret as strengthening their ability to undermine America's security and freedom.

"Foremost among these is the Party's continued success in thwarting the law and circumventing justice in the United States—a success which has prompted Gus Hall and other communist leaders recently to boast of their continuing victories against antisubversive laws and regulations."

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Illinois.

Mr. YATES. I refer to page 4 of the report. The reason I raise the question is because it has been represented that these amendments seek to void the decisions of the Supreme Court which have declared previous provisions of the act invalid.

Mr. ASHBROOK. If the gentleman will permit me, the gentleman uses the word "void." I think we are trying to bring everything into harmony with what the Supreme Court decisions have decreed. I do not happen to agree with some of those decisions, but we are not trying to "void" any law of the land. I think the gentleman will admit that the Supreme Court, like it or not, has mandated that we move in certain directions and not move in others. We are merely complying.

Mr. YATES. That is correct. I accept the gentleman's statement.

On page 4 of the report the following statement appears:

When the Attorney General has reason to believe that any Communist-action or front organizaiton has not registered itself as required under section 7, he is authorized under section 13 of the act to file with the Board a petition for an order requiring the organization to register. He may also file a petition for an order requiring a member of a Communist-action organization to register when the organization has been ordered to register but has not done so, or when, having registered, it fails to include the member's name upon its list of members and the member fails to register himself as required by section 8. If an action or front organization, or a member of an action organization, fails to register pursuant to an order of the Board, penalties are imposed for such failure by section 15 of the act, consisting of a fine as to the organization and both fine and imprisonment as to the individual.

Mr. ASHBROOK. What the gentleman has been reading from is the original act. But there is no comparable provision in our bill.

That has been stated two or three times. I presume the gentleman from Illinois recognizes there are no penalties.

Mr. YATES. Mr. Chairman, if the gentleman will yield further, why then do we need the Subversive Activities Control Board? Why not just place it on the Attorney General to keep this in his office? Why have the board, with all its attendant expense, if we just seek to keep the list in the same way as, under the Foreign Agents Registration Act, the foreign agents are required to register?

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Louisiana.

Mr. WILLIS. Mr. Chairman, the reason why we preserve the Board is that each individual or organization is entitled to due process of law. When one is alleged to be subversive, he is entitled to come there with his lawyers and face his accusers.

Mr. ASHBROOK. Mr. Chairman, there is an effort to separate the functions of the Attorney General. I do not think the Attorney General should act as prosecutor and the court. He, in effect, brings the petition as a prosecutor might, and the SACB acts as a quasi-judicial body, sifting the information and conducting hearings to ascertain the facts and then adjudicating, in effect, and making the decision. What the gentleman suggests puts the Attorney General in the position of being both prosecutor and judge.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, let me follow that up. In the event a foreign agent does not register under the procedure of that act, the Attorney General then goes to court to compel that person to register. Is that not correct?

Mr. ASHBROOK. Yes.

Mr. YATES. Then why not have that procedure in this case?

Mr. ASHBROOK. The gentleman stated the case differently. He is required to go into court. In this case, we do not have a court. We have an adjudicating body, which will air the facts and make a decision, and then that can be taken into court. An aggrieved party has two shots—one before SACB and one before the courts. What the gentleman talks about is going straight into court. The agency has the hearings and makes a finding, and then the finding can then be taken to court.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Louisiana.

Mr. WILLIS. Mr. Chairman, I think the gentleman has made a magnificent explanation. He should add that under the Foreign Agents Registration Act, which contains criminal provisions, if these provisions are violated, then the Attorney General hauls the violator before the courts.

Mr. ASHBROOK. But in this case there will be no court in the first instance. There are no criminal provisions.

Mr. WILLIS. That is right.

Mr. YATES. Mr. Chairman, will the gentleman yield so I can follow up that point?

Mr. ASHBROOK. Mr. Chairman, as I said at the beginning, it is not my intention to take the majority of the time in promoting this bill, but rather to allow those who have questions to raise them, so, consistent with that, I yield further.

Mr. YATES. I thank the gentleman.

When we have the Internal Security Act of 1950 setting up a procedure which

has proven to be ineffective through the courts, why do we have this legislation here today?

The Foreign Agents Registration Act has been sustained. Why, then, should we not use as simple a procedure as that in order to require members of the Communist Party to be registered, if all you want is disclosure?

Mr. ASHBROOK. I do not believe that all we want is disclosure.

Mr. YATES. That is what the chairman said.

Mr. ASHBROOK. The gentleman should recognize that in 1950 Congress determined, in the Internal Security Act, that there would be a separate agency, in effect a quasi-judicial agency, set up. We reaffirmed that belief here today. It is our judgment that this is the best way to do it. I suppose that would be the answer.

Mr. JOELSON. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from New Jersey.

Mr. JOELSON. The gentleman mentioned J. Edgar Hoover. I read the report. I am struck by the fact that there is no evidence that the Attorney General or the Director of the FBI or anybody from the Department of Justice testified in favor of this bill under consideration today. If I am wrong, I wish the gentleman would correct me.

Mr. ASHBROOK. I might say, in response to the gentleman from New Jersey, the chairman has a statement from the Attorney General or from one of his chief assistants, I believe Mr. Yeagley, indicating some support of the bill. I understand it has been placed in the RECORD.

Mr. JOELSON. I read that letter. It is about four sentences long. It merely says that if the bill is passed the Department of Justice will enforce it to the best of its ability, which in my mind indicates the Department has very serious reservations about it.

Mr. ASHBROOK. The gentleman might well be correct on that, but I do not believe that we legislate merely on the basis of what they want downtown, or what the State Department wants, or what the Attorney General wants. It seems to me the House ought to work its will.

The bill before us is what the Committee on Un-American Activities reported and considers to be proper. We hope the House will accept that.

I certainly agree with the gentleman that the agencies have been very quiet on this subject.

Mr. WATSON. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from South Carolina.

Mr. WATSON. In fact, the Justice Department did not favorably look upon the original bill in 1950, yet the House and Senate passed that bill and even overrode the Presidential veto.

Mr. ASHBROOK. The gentleman is correct.

The CHAIRMAN pro tempore (Mr. ASHLEY). The gentleman from Ohio has consumed 15 minutes.

Mr. BURTON of California. Mr. Chairman, will the gentleman yield for a question?

Mr. ASHBROOK. Mr. Chairman, I yield myself 1 additional minute. We want to give everyone a chance to raise questions. I yield to the gentleman from California.

Mr. BURTON of California. Are the appointments to this Board full time or part time?

Mr. ASHBROOK. They are full time appointments.

Mr. BURTON of California. Full time. Are the appointees permitted outside employment?

Mr. ASHBROOK. I assume they are not supposed to do so. They are subject to the usual conflict of interest provisions.

If the gentleman wants to get into an area where I might not agree with the Board, he might bring up this point, because I am not happy with some of the appointments.

Consistent with what has been said by the gentleman from Illinois, this would in no way minimize my feeling that we do need the Board. I am not happy with some of the appointments.

Mr. BURTON of California. What are the statutory requirements for the appointees?

Mr. ASHBROOK. I do not know, I say frankly to the gentleman. Judging by a couple of the last ones, they must be minimal. Probably about the same as the Supreme Court, they often appear to be minimal, too.

The CHAIRMAN pro tempore. The time of the gentleman from Ohio has expired.

Mr. ASHBROOK. Mr. Chairman, I yield myself 1 additional minute.

Mr. BURTON of California. I gather the gentleman from Ohio is concerned as to the qualifications of some of the appointees to this Board.

Mr. ASHBROOK. Yes. They did not clear them with us. Of course, the President does not have to and that is his prerogative.

Mr. BURTON of California. Would the gentleman be concerned if it were his individual welfare that was affected by the decisions of such appointees?

Mr. ASHBROOK. Well, I have some faith in the President of the United States. I am sure the gentleman will agree that he is not going to appoint anybody who is going to intimidate or harass or improperly conduct himself in that manner. It is the same as when he appoints Supreme Court Justices. We have to have some confidence in the President. I would assume that we could count on a similar caliber of appointees to the Supreme Court and the SACB.

Mr. BURTON of California. Does the gentleman from South Carolina share that confidence?

Mr. WATSON. The qualifications for membership on this Board are no less than for the Supreme Court.

Mr. BURTON of California. Am I correct in assuming that the gentleman from South Carolina shares the high regard expressed by the gentleman from Ohio of the President's ability to select men and women who will perform their responsibilities honorably?

Mr. ASHBROOK. The gentleman should not change what I said. I said it is as good in this area as it has been in regard to the Supreme Court. That is what I meant to say, at least.

The CHAIRMAN pro tempore. The time of the gentleman from Ohio has again expired.

Mr. ASHBROOK. Mr. Chairman, I yield myself 1 additional minute.

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. I have one simple question. If this bill does not pass, is the Board terminated or will it continue in its present operation?

Mr. ASHBROOK. As I understand it, the Board would still be in business, but in effect it would not be doing much of anything.

Mr. EDWARDS of Alabama. The failure of this bill to pass in no way kills the Board or terminates its activities?

Mr. ASHBROOK. I think, as the gentleman knows, there have been some activities in the other body directed toward that end. One proposal, of course, was just outright to abolish the SACB and the other to set up a positive mandate that if they do not do something in a year, they will be out of business. However, as the law stands now, they will be in business until we legislatively decree otherwise.

Mr. EDWARDS of Louisiana. To vote for this bill is an effort to improve the operation of this Board. Is that correct?

Mr. ASHBROOK. Very definitely.

Mr. EDWARDS of Louisiana. And to vote against it is to leave them in the position they are in today?

Mr. ASHBROOK. You will in effect have a board which will be legally constituted. Its members will be paid, but they will be doing very little if anything.

Mr. BURTON of California. Mr. Chairman, will the gentleman from Ohio yield to me?

Mr. ASHBROOK. I yield to the gentleman from California.

Mr. BURTON of California. I understood the gentleman from Ohio earlier stated that this was a full-time job.

Mr. ASHBROOK. That is right. But there is a difference between having a full-time job and doing something.

Mr. BURTON of California. Is the gentleman now stating that the members of this Board are not doing anything?

Mr. ASHBROOK. I am now stating they have not been doing very much except in the case of the Du Bois Club petition which is the only significant workload given to it by the Attorney General in recent years.

Mr. BURTON of California. How many years ago was that?

Mr. ASHBROOK. I think that was last year. 1966. I think the point is—and we are not going to argue it—you have a group here that has not done anything very much. I only disagree as to whose responsibility this is. I believe, as said before, it is the Attorney General and, indirectly, the Congress, if we fail to act.

Mr. BURTON of California. What is the gentleman's view of the amendment

adopted by the Senate setting some time within which certain actions must be taken or else the Board will be eliminated?

Mr. ASHBROOK. My position is—and this is my personal view and I do not know whether it is the view of the minority or of the committee—to vest in the Attorney General the absolute power to abolish the SACB within a year if he so desires is wrong. That gives the Attorney General legislative power. If we want to kill the SACB, we should do it here legislatively and not give the authority to the Attorney General. If we want it to have life, then we should give it life. If we want them to function better than they have in the recent past, we should take remedial action to improve the legal framework under which they operate. I choose the last alternative.

Mr. JOELSON. Mr. Chairman, will the gentleman yield for one question on this subject?

The CHAIRMAN. The time of the gentleman has expired.

Mr. ASHBROOK. Mr. Chairman, I yield myself 1 additional minute. I yield to the gentleman from New Jersey.

Mr. JOELSON. I merely want to point out that even though the Board continues, we do not have to appropriate the money.

Mr. ASHBROOK. That is right.

Mr. JOELSON. And if it is a Board that does not do anything, I think certainly we should consider not appropriating any money for it.

Mr. ASHBROOK. The only point I would make on that observation is to say is it is probably more accurate to note that the SACB does not do as much as they could or should rather do than to say that they do not do anything.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Illinois.

Mr. YATES. The term "Communist infiltrated organizaton" is defined as follows:

(4A) The term "Communist-infiltrated organization" means any organization in the United States (other than a Communist-action organization or a Communist-front organization) which (A) is substantially directed, dominated, or controlled by an individual or individuals who are, or who within three years have been actively engaged in, giving air or support to a Communist-action organization, a Communist foreign government, or the world Communist movement referred to in section 2 of this title, and (B) is serving, or within three years has served, as a means for (i) the giving of aid or support to any such organization, government, or movement, or (ii) the impairment of the military strength of the United States or its industrial capacity to furnish logistical or other material support required by its Armed Forces:

The question I want to ask is this: The Quakers propose to gather blood and give it to both sides in the Vietnam war.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ASHBROOK. Mr. Chairman, I yield myself an additional minute. I yield further to the gentleman from Illinois.

Mr. YATES. If they are offering to give blood to the Government of North Vietnam, which is a Communist-dominated government, do they fall within the definition of a Communist-infiltrated organization?

Mr. ASHBROOK. Does the "Communist infiltrated organization" meet all three of those requirements? I would say they would not. No. They certainly do not have a past history of Communist association. I think that is the advantage of having a board to review this. They probably would not be considered as being a Communist dominated or supported organization. It would have to be taken into consideration in the light of the evidence and the intentions that are behind their actions and whether they are willingly assisting in a Communist conspiracy.

Mr. YATES. This talks about the fact that they are dominated for a period of 3 years and are giving aid to a Communist-dominated government. The Quakers have been seeking to do this for more than 3 years.

Mr. ASHBROOK. No. I believe the gentleman is wrong. They have made it clear that they are not intending to give anything to the Government of North Vietnam. They are seeking to aid people in the country. They are making it clear that this is not to the Government but is direct to the people. On this point the gentleman makes, I do not profess to know how they will decide all of the diverse situations that will confront them. They might even make some mistakes. We do not know how a Supreme Court appointee will perform either. It would be improper to ask him in advance. We should not ask the SACB either.

Mr. Chairman, I yield myself 1 additional minute.

Mr. YATES. Mr. Chairman, will the gentleman yield further?

Mr. ASHBROOK. I yield further to the gentleman from Illinois.

Mr. YATES. The definition of that does not include "government," but only includes "movement."

I ask the distinguished gentleman from Ohio [Mr. ASHBROOK] whether or not that someone in North Vietnam, on behalf of the Government is not in support of the Communist government and is not the Communist government, is it not possible that they would fall within that consideration because the definition as contained in the act is so vague and loosely drawn?

Mr. ASHBROOK. First, the gentleman from Illinois has asked two questions. I think the gentleman from Illinois would agree that even the American Civil Liberties Union has complimented us upon setting up standards and it is my opinion that the standards are quite clear, and its purpose is exactly why you would refer this matter to the SACB.

Mr. Chairman, in my opinion I would say that this is not relevant to the question involved.

Mr. YATES. Mr. Chairman, if the gentleman will yield further, I was just using that as an example. However, I was wondering whether this includes organizations now engaged in combat or——

Mr. ASHBROOK. I would say to the gentleman from Illinois I do not see how you possibly could. At this point I would like to make additional observations.

Mr. Chairman, for years opponents of the Internal Security Act have been arguing that the act has been, and is, ineffective because no Communist organizations and no individual members of the Communist Party have registered under its provisions.

I am sure that the Members of this body who have so argued have been sincere in their claims. At the same time, I am afraid that, despite their sincerity, they have been very much misinformed about the facts of the case. They have looked at the register which the Attorney General is supposed to maintain under the provisions of the act, they have seen it bare and, looking no farther, have drawn a seriously mistaken conclusion.

There are certain people in this country who are in a much better position to judge the impact and effectiveness of the Internal Security Act on the Communist Party than any Member of this House—and I say this with all due respect—whether the Member is an opponent of the act, or a supporter of it, which I am proud to be.

The people I am referring to are those devoted and loyal American citizens who, in the interest of protecting our national security and at great personal sacrifice, have consented to join the Communist Party—although they have had no sympathy for it—in order to serve as undercover operatives of the FBI. Having worked within the party as ostensible members for varying periods of years, these people know better than anyone else what the party really thinks about the Internal Security Act, the impact the act has had on party operations, and also just how the party has reacted to court decisions relating to the act.

During the past 3½ years, the Committee on Un-American Activities has received the testimony of five such witnesses. The length of their membership in the Communist Party has varied from 3 to 20 years. The testimony of each and every one of these witnesses indicates clearly that the act has been effective, that the Communist Party truly fears the Internal Security Act—or perhaps I should say that it feared it until the latest court decisions on the act—and that the act has very definitely hurt and impeded Communist Party operations, even though no party members or organizations have registered under its provisions.

At this point, Mr. Chairman, I will include, as an extension of my remarks, the names, salient facts about these witnesses, and the statements they have given the committee, under oath, attesting to the effectiveness of the Internal Security Act and the damage it has done to the Communist Party.

ANDREW J. BERECZ

Mr. Berecz testified before the committee in Buffalo, N.Y., on April 29, 1964. He had served as an FBI undercover op-

erative in the Communist Party from 1942 to 1962, a period of 20 years.

While he was on the witness stand, the following exchange took place between the committee counsel and Mr. Berecz in reference to the effect the enactment of the Internal Security Act had on the Communist Party in 1950:

COUNSEL. What changes, if any, in the security measures taken by the members of the Communist Party took place after the passing of the Internal Security Act?

Mr. BERECZ. Oh, they more or less went underground and they stayed underground. They would only meet at certain places and not more than four at a time, or if there was any more than that, well, it was at a private home most of the time.

COUNSEL. In what fashion were the names of the members of the party recorded?

Mr. BERECZ. When you pay dues or something, you use numbers or they just use your nationality or how long you have been in the party or the union affiliations that you were tied up with.

Mr. Berecz also testified that following, and as a result of, the 1961 Supreme Court decision upholding the Internal Security Act, two meetings were held in Buffalo in the fall of 1961 to discuss the decision and what the party would do about it. Both meetings were addressed by top-ranking Communist Party leaders sent from the party's national headquarters in New York City. The impact of the Supreme Court decision, Mr. Berecz testified, was such that it had created a split in the party in Buffalo, requiring the presence of these national-level leaders to spell out party policy concerning the decision and to threaten certain leaders in Buffalo that, unless they followed it, they would be expelled.

At the first of these meetings, in October 1961, Mr. Berecz testified, the late Benjamin J. Davis, then the national secretary of the Communist Party, stated that the party might not hold a convention for as long as 5 years or perhaps "never" again, because of the Supreme Court decision—actually, the party held its next national convention just about 5 years later, in June 1966, less than a year after the Supreme Court's Albertson-Proctor decision of November 15, 1965.

At the second meeting, in November 1961, Louis Weinstock, another longtime, high-ranking party official, stated that the party, on the advice of its lawyers, was not going to register, although the deadline for doing so was drawing near, and that one of the security steps it was going to take as a result of the decision was to reduce its formal national leadership to three officials—Elizabeth Gurley Flynn, Gus Hall, and Benjamin Davis.

Mr. Berecz also testified that another effect of the 1961 Supreme Court decision was the dissolution of the industrial section of the party—of which he was a member—in the Buffalo area.

NORMAN BOEHNKE

Norman Boehnke was an alleged or seeming member of the Communist Party, while actually working for the FBI, for a period of 3 years—from 1960 to 1963.

He testified before the committee in Minneapolis, Minn., on June 24, 1964. Following are excerpts from his testimony relating to the impact of the Supreme Court decision of June 1961 on the Communist Party:

COUNSEL. You say at one time you had the Youth Organizing Club. Would you just briefly explain that?

Mr. BOEHNKE. Well, it was in 1961, following the June Supreme Court decision upholding the registration clause of the McCarran Act, that the party issued instructions or directives that the North Side Club was too large, it must meet, have a smaller membership so as to not attract too much attention. First the club was divided in two, and following, some months thereafter, we had a meeting, that is a club meeting, in which Betty Smith read directives of the party. It stated that a youth organizing branch of the North Side Club was to be organized, and that club functioned for a short period. I don't recall exactly how long because I left that club, but I understand that it quit functioning.

COUNSEL. Following the Supreme Court decision of June 5, 1961, which upheld the constitutionality of the registration provisions of the Internal Security Act and the findings of the Subversive Activities Control Board requiring the Communist Party to register as a Communist-action organization, was there any apparent change within the party structure?

Mr. BOEHNKE. Yes; there was a complete change. To give you an example, there was a number of clubs who were listed as being too large, the North Side Club of the Communist Party was too large, it could attract too much attention whenever meetings or club meetings were held there, so it was suggested that the club, or any large club, break in two, and it was also stated that we would no longer know in advance when club meetings would be held, that we would either be notified by telephone or by courier or some way, but we'd have no advance notice or knowledge of when a club meeting was to be held, only the comrade chairman would have the power to call a meeting.

COUNSEL. This change, did it come about as a result of any party directive and, if so, would you explain the circumstances to this committee?

Mr. BOEHNKE. Following the Supreme Court decision there was about three party directives that were issued, that were to prepare the party to go underground, so all these shifts in the party structure were party directives, they came from the higher echelon, they were not as a result of any local decision.

COUNSEL. I want you to return to the security measures employed by the Communist Party in the Minneapolis area. Was there an exercise of greater security following the Supreme Court decision of 1961?

Mr. BOEHNKE. Yes, there was.

COUNSEL. Would you describe some of the security measures used by the party thereafter?

Mr. BOEHNKE. Well, like I stated in my previous testimony or in the prior statement there, following the June Supreme Court decision we were no longer to meet on schedule as we had previously done, we were to meet on orders of the comrade chairman, and whenever possible he would state that he would call us by phone, he'd say we'd have a beer drinking party tonight, and that would mean that we would have a meeting. If he would say we will be drinking wine tonight that would mean there would be no meeting. It was emphasized that we should not park in front of homes where the meeting was held; we were to avoid the telephone as much as possible. I also might add that whenever meetings were held, whenever we did have club meetings, the radio was turned on because they always feared that the homes were bugged by the FBI and therefore it would sort of foul up what was taking place.

COUNSEL. What were your instructions with respect to the parking of automobiles in the vicinity of meetings or gatherings?

Mr. BOEHNKE. We were to park them about two, three blocks or as far away as possible, and then walk up to the house.

COUNSEL. And were guards stationed at specials affairs?

Mr. BOEHNKE. Well, take for example the picnic that we were to have at Lake Minnetonka. It was described as a Freedom of the Press Committee picnic, but everybody who was a member of the Communist Party knew that it was a picnic for Communists and I, for example, arrived there about 10 o'clock in the morning and already at that time I was instructed by Sam Davis and John Forichette, that the two of us—that, John Forichette and myself—were to stand guard and let in only those who we knew to be friendly or to be members of the Communist Party.

COUNSEL. And did it (the Minnesota Committee to Defend the Bill of Rights, a Communist front) have a special function to engage in propaganda activities——

Mr. BOEHNKE. Very definitely——

COUNSEL. In opposition to the Internal Security Act of 1950 and the Smith Act?

Mr. BOEHNKE. Very definitely; it was one of their prime targets to stir up public sentiment against those two acts.

COUNSEL. Are you aware of the existence of party directives with respect to the testimony that witnesses such as Henry Mayville would give before this Committee?

Mr. BOEHNKE. Yes.

COUNSEL. What were those instructions?

Mr. BOEHNKE. Well, we received about three different directives or instructions that if we were contacted by any agent, that is, any agent of the FBI to tell about our party association, and someone, some Federal agency tried to force any party member to register, we were to take the fifth amendment. If the House Un-American Activities Committee subpenaed us we were to take the fifth amendment, and if we received any mail, any order through the mail to register or state our party association, we were to ignore it. If the mail was sent by registered letter, then we were to return it with just the notation. "Refuse to answer on the grounds of the fifth amendment."

HOWARD THOMPSON

Mr. Thompson was a member of the Communist Party from March 1948 until March 1962, a period of 14 years, during which time he regularly reported to the FBI on Communist Party activities. He testified before the Committee in San Francisco, Calif., on July 12, 1964.

He was asked if anything happened in the Communist Party following the June 5, 1961, decision of the Supreme Court upholding the order of the Subversive Activities Control Board that the Communist Party register as a Communist-action organization.

In response to this question, he stated that the Northern California District Committee of the party was dissolved and replaced by a much smaller executive board of seven members, and that a small, five-man outlying counties committee was also appointed to assist in performing the work of the former district committee. A party official assigned to both of these groups served as liaison man between them.

When asked if any explanation was given by the Communist Party "for tightening up security" in this fashion, Mr. Thompson replied:

Well, they felt that the district meetings were such that a large number would attend and they felt it had to be held in some place

like the "People's World" offices, and they were worried about the Supreme Court decision and the party registration, so they did this for the purpose of cutting down the amount of members attending any meeting so that it would be more difficult for the FBI to gain evidence. There were always a lot of cars parked around the "People's World" building, and they felt they were being checked and rechecked.

LULU MAE THOMPSON

Mrs. Thompson, the wife of Howard Thompson, testified before the committee in executive session in San Francisco on July 12, 1964, the same day as her husband, and again in an executive session of the committee held in Washington, D.C., on April 27 and 28, 1966. She had worked for the FBI in the Communist Party from June 1953 until March 1962, a period of 9 years.

She, too, described the impact the 1961 Supreme Court decision had on the Communist Party. After outlining various changes made in the structure of the party as a result of the court decision, she was asked if these changes hurt or hindered the Communist Party. She replied as follows:

Yes; it made their work very difficult. It was almost as bad a situation as they were under during the Smith Act prosecutions. While they did not actually go underground, they broke their organization to such a state that it was difficult to pass word out from one group to the other.

LOLA BELLE HOLMES

Miss Holmes operated undercover in the Communist Party from August 1957 to January 1963, a period of 5½ years. She testified before the committee in Chicago, Ill., on May 25, 1965.

The following are excerpts from her testimony relating to the effect the Internal Security Act, and the Supreme Court decision of June 1961 upholding the act, had on the Communist Party:

COUNSEL. This 1959 convention of the Communist Party, was that the last national convention of the Communist Party?

Miss HOLMES. Yes. That was the last convention of the Communist Party because the Communist Party voted to not have another convention after the Supreme Court rendered its decision ordering the Communist Party to register its membership.

After this order was handed down, the Communist Party National Committee met and prepared a resolution to present to the State committees asking the State committees to give the national committee or the national executive committee power to act between conventions until this emergency was over, for security reasons.

COUNSEL. Now, Miss Holmes, we would like you to tell the committee what decisions the Communist Party made as a result of the June 1961 decision of the Supreme Court.

Miss HOLMES. The party had a national committee meeting subsequent to June 1961—

The CHAIRMAN. You are talking about the decision upholding the Internal Security Act?

COUNSEL. That is correct, the decision requiring the Communist Party to register as a Communist-action organization.

Miss HOLMES. There was some discussion among party groups throughout the country of liquidation, but the national committee decided against liquidation. Orders were handed down for the party to submerge, for the existing executive board to go out of existence.

COUNSEL. You say it was a decision that the party submerge?

Miss HOLMES. The party would submerge and would become one hard core that would work underground and that would not be cracked.

The decision at the last executive board meeting was the State of Illinois Board would go out of existence that particular night at 11:30, that an eight-man board would be appointed to replace the elected boards. The staff of the existing officers, who at that particular time were Sam Kushner and Claude Lightfoot, was to appoint that eight-man board. The existing State committee of approximately 30 to 35 people was to be divided into three sections: North, South, and West.

Claude Lightfoot gave the board members instructions that if they wished they could drop off the State committee and if they wished they could continue. Some of us were dropped. . . .

The party then selected another governing staff of five people to control party policy and to issue party directives to the eight-man board. The eight-man board was to meet with the State committee; one or two of the eight-man board was to meet with each State group of the State committee. The directors from the State committee were to go directly to the party club chairman who in turn—the clubs were to implement party policy.

Each club in the Communist Party was ordered to change its name for security reasons. All party members were told to say that they had resigned from the party for security reasons. If anyone asked when, tell them it was their problem to find out when they resigned. This becomes the famous word, each party member for security reasons had to resign.

The clubs were to take on either press committee names or social functions. Lightfoot did not want the party to assume the name of the press committee because in essence this would be defeative or it would mean, to a certain extent, the party was going out of existence. So, therefore, the clubs were ordered to change their identity.

The CHAIRMAN pro tempore (Mr. ASHLEY). The time of the gentleman from Ohio has again expired.

Mr. WILLIS. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. CULVER], a member of the committee.

Mr. CULVER. Mr. Chairman, I rise in opposition to H.R. 12601. During the time I have served on the House Un-American Activities Committee, I have never found any disagreement with my colleagues with reference to a common and continual dedication to the national security interests of this Nation.

However, Mr. Chairman, I have frequently disagreed with these same colleagues as to how we might best accomplish this very important responsibility. But all of my colleagues who serve on this committee, on both the majority and the minority side, as well as the staff members themselves, have never failed to treat me with courtesy and consideration. For this, I am very grateful.

But, Mr. Chairman, the chairman of the committee has suggested that we should support this legislation because it has received the support and endorsement of 50 Members of this body.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. CULVER. I yield to the distinguished chairman of the committee.

Mr. WILLIS. I did not say that support should be given to this legislation because of that fact. I simply listed the people who are for it and I know they are for it.

Mr. CULVER. Yes, Mr. Chairman. I thank you, and I certainly agree with you that these are fine and responsible Members of Congress who have joined in the sponsorship of this legislation. I think the chairman referred to the fact that three of the Members who have supported this legislation and who have introduced similar legislation are chairmen of committees.

But I would like to point out to the chairman the fact that of the 18 Members still in Congress today who in 1950 opposed this legislation, or four of those men supported the veto of President Truman, sit in this Congress as chairmen of committees. When I say this I see some of these gentlemen present in the Chamber.

I think the issue here, Mr. Chairman, is not whether we support communism; but how we can, consistent with the Constitution of the United States, best protect the national security interest.

Mr. Chairman, I oppose this legislation for three reasons.

First, I believe it is unnecessary; second, I think it is unwise; and, third, I think it is unconstitutional.

As Americans, Mr. Chairman, we all are agreed that we must prevent the success of Communist efforts to overtake the Government of the United States by force or subversion. But this legislation is not necessary to do this, and its passage would both interfere with our liberties and help the Communists. Let us make no mistake about this.

Mr. Chairman, the passage of this legislation in my judgment would clearly interfere with our liberties as well as aid and abet the Communists at home and abroad. This legislation is not properly aimed at those whom we desire to oppose.

No one disagrees about the importance of meeting the very real dangers which the internal Communist movement clearly suggests to this country, but we have strong laws on the books today in this Nation, strong laws to deal with treason, strong laws to deal with sabotage, espionage, and actions calculated to overthrow our Government by force or violence.

In 1950 a great President of the United States, Mr. Harry Truman, vetoed this legislation. In a very exciting and a very dramatic and courageous veto message the President said that he had been advised by every single agency of the Federal Government who were charged with the responsibility to protect and defend the internal security of this Nation—the Department of Defense, the Department of Justice, the Department of State, and the Central Intelligence Agency—that this law was not only unnecessary, but would seriously hamper and hinder the intelligence operations for which these agencies of the Federal Government were primarily responsible.

Mr. Chairman, today we stand here 17 years later and their judgment has apparently not changed. Despite the requests to do so from the chairman of this committee, from Members of the Senate of the United States, all we are able to put forward today in the course of this

debate is a brief letter from the Attorney General of the United States which says no more than if the Congress of the United States passes into law——

Mr. ROUDEBUSH. Mr. Chairman, will the gentleman yield?

Mr. CULVER. Not at this point. I have just a short time to make my statement. If I have additional time I will be glad to yield to the gentleman.

A very brief letter in which the Attorney General says no more than "I, as Attorney General of the United States, hereby say that if you pass a law that I will enforce it."

Mr. Chairman, with all due respect, it would be impossible for him to say less.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. WILLIS. Mr. Chairman, I yield 5 additional minutes to the gentleman from Iowa.

Mr. CULVER. Moreover, Mr. Chairman, the junior Senator from New York said last month in the Senate of the United States, speaking in opposition to this legislation:

> When I was Attorney General, we did not receive, to my knowledge, one piece of information from the Subversive Activities Control Board in connection with communism in the United States that we had not uncovered in other ways. . . .

He went on to say further, that—

> If I were to testify as Attorney General of the United States before a congressional committee I would have to say that to continue the existence of the Board would be a waste of the government's money.

The committee suggests that this legislation is necessary——

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. CULVER. Not just at this point, Mr. Chairman. I would be glad to at the completion of my time.

The committee suggests that this legislation is necessary to give notice to the American people about the existence of Communist-dominated or infiltrated organizations.

Mr. Chairman, this may be a legitimate task of a totalitarian regime, but in my judgment it hardly is consistent with the tradition of a free society. Exposure has been traditionally and properly left in our democracy for nearly 200 years, not to government—not to government—but to democratic institutions, the free press, private organizations devoted to this purpose, and above all, the free and open competition of divergent opinions where they properly should be debated in a marketplace of ideas.

I believe also, Mr. Chairman, that this legislation before us today opens up a myriad of constitutional problems that are going to keep us in the courts only to the advantage of the Communist Party and at great cost to the American taxpayers.

The very existence of the Subversive Activities Control Board itself compromises the first amendment guarantees of free speech, freedom of assembly, and petition, and association.

Whether or not an organization is ever registered, the mere filing of a petition before the Board has a decidedly chilling effect on the ability of that organization to recruit members, to raise funds, and it serves to destroy the very reputation of the organization and its members, however innocent, even though no further action is ever taken.

No organization has ever registered under this act. But of the 23 alleged to be Communist fronts against which proceedings have been brought, 19 are now dissolved.

As former Attorney General Katzenbach acknowledged after filing a petition before the Board:

> One of the major purposes of the Act is to destroy affected organizations before administrative proceedings began.

In the committee report the majority said on page 20 of the report:

> The public petition of the Attorney General asking the Subversive Activities Control Board to hold hearings with regard to a particular organization for the purpose of determining it to be Communist, buttressed by allegations of fact supporting his claim that it is in fact Communist, in itself envelops the organization, and consequently its membership, in a "cloud."

In my judgment, Mr. Chairman, to grant such frightening power to a bureaucrat, to five men or indeed to a Government official be he the Attorney General of the United States or not is indeed most dangerous and irresponsible action because it may only serve to stifle dissent—it may only serve to kill expression of controversial views in this Nation.

To the extent that it denies political vitality and vigor of our own free institutions, then it clearly aids and abets the Communist movement in the world today.

As President Truman said in his veto message:

> We need not fear the expression of ideas—we do need to fear their suppression.

Because, Mr. Chairman, in a democratic society, freedom of expression permits criticism, and criticism permits progress.

One hundred sixty-six constitutional lawyers from every section of the United States including nine deans of some of the most outstanding law colleges in America have come forward in one loud and unanimous voice and said that this legislation to which the Congress is addressing itself this afternoon "contains serious constitutional defects, is wholly unnecessary, and threatens basic freedoms of thought and expression."

Each Member of this House, Mr. Chairman, has taken an oath to uphold the Constitution of the United States—not to weaken it. I think all of us must ask ourselves today if we are honoring that oath by supporting this legislation.

So, in conclusion, Mr. Chairman, I think this legislation is unwise because in the judgment of every agency charged with the responsibility of law enforcement in this area of internal security, to protect America, has said that it is unnecessary and would hinder them in their efforts to combat internal Communist subversion.

It would require the FBI to disclose intelligence sources to the public and thereby inhibit its ability to infiltrate subversive organizations in this country.

The constitutional problems it represents I can assure you, Mr. Chairman, will keep the U.S. Government in the courts for another 17 years, all at great cost to the American taxpayers. Moreover, the Communists welcome these trials and the opportunity they afford for worldwide propaganda against the United States as a country which denies freedom of expression to minority groups.

The SACB in 17 years has cost the taxpayers $5 million. Five Board members each receive $26,000 a year. They are appropriated a $300,000 annual budget. They have yet to register one Communist and I submit there is little prospect for a better return on the taxpayer's dollar in future years.

The Board will not effectively serve notice to the public of Communist organizations. In fact, I think the Board may have aided Communists in their efforts to deceive the American public. When a petition is filed the particular group merely dissolves and forms another group to peddle their views before the traditional methods of exposure can effectively operate to reveal to the American people their true nature.

Mr. ASHLEY. Mr. Chairman, will the gentleman yield?

Mr. CULVER. I yield to the gentleman.

Mr. ASHLEY. I want to say that this is one of the most courageous statements that I have ever heard on the floor of this House during the 13 years that I have served in this body.

Our colleague from Iowa is in his second term. He represents a district which is anything but secure politically. Nevertheless, he has chosen to speak out forcefully on an issue and to take a position which can easily be misconstrued, misrepresented and misunderstood. This is an act of statesmanship and courage of which the House can well be proud.

Our colleague, the gentleman from Iowa [Mr. CULVER] has expressed his view that the legislation before us is unnecessary. The facts suggest that this point is well taken. In 1950, as he points out, spokesmen for all of the departments and agencies directly responsible for the security of the United States and, indeed, the President of the United States, himself, all stated that the Internal Security Act then before the Congress was not only unnecessary but would be detrimental to the security and intelligence operations of this country and they strongly expressed the hope that the bill would not become law.

In the 17 years that have intervened since enactment of the 1950 measure, court tests of the constitutionality of its provisions have largely curbed its operation. Yet, today not a single voice is raised among those responsible for the security of our Nation for enactment of the bill before us.

I agree with my good friend from Iowa when he says that every Member of this body is thoroughly familiar with the nature and aspirations of communism and the threat that this ideology openly presents to the United States and other nations of the free world. Certainly we must take all necessary steps to provide for our internal security. But we do not provide

for internal security by adopting legislation which calls itself an Internal Security Act when such legislation is, in fact, unnecessary, contrary to public policy and, as we have seen, unconstitutional.

The amendments before us today seek to answer the constitutional pitfalls encountered by the 1950 act. Even if successful, which I question, there remain the very real questions as to public policy and necessity. In light of these circumstances, which the gentleman from Iowa [Mr. CULVER] has addressed himself to so eloquently both in his dissenting view and his address of a few moments ago, I shall join him in opposition to H.R. 12601.

Mr. CULVER. Mr. Chairman, not only is this bill wasteful. Not only is it ineffectual. Not only does it produce barren and costly litigation; but it also exacts from our people the costs of distrust, dissension and potential witch hunting by promising cures which, while intimidating our basic freedoms, turn out to be illusory, frustrating, and finally, self-defeating. There are more responsible and profitable channels, to promote what we all seek, the internal security of our Nation and the preservation of our free society.

Mr. Chairman, I urge the defeat of this legislation.

Mr. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. CULVER. I yield to the gentleman from California.

Mr. BURTON of California. I should like to express orally that which was noted by those of us on the floor in terms of bursts of applause on the conclusion of the statement of the gentleman from Iowa. I applaud the gentleman's insight and courage, and I associate myself with his most articulate expression of a free society and the constitutional responsibility of Members of the U.S. Congress with reference thereto.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. ASHBROOK. Mr. Chairman, I yield the gentleman an additional 2 minutes.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. CULVER. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, I join my colleagues in congratulating the distinguished gentleman from Iowa [Mr. CULVER] for his moving and persuasive statement. It is not an easy task to do what he is doing and take the position that he takes in opposing this legislation. But, Mr. Chairman, knowing our colleague Congressman CULVER as I do, he is not one to take the easy way out nor does he run or panic in the face of an issue that carries strong emotional overtones. He does not flinch from doing what he, in good conscience, believes to be right, no matter what the instant popularity of an issue might be. He seeks to legislate, not in fear, but in hard, sound judgment. He has done so in this instance. I applaud him for the soundness of his arguments and the logic of his reasoning. The separate views that he has filed with the report accompanying the bill should be read with care.

Mr. Chairman, I support the position taken by the gentleman from Iowa in opposition to this bill. I am compelled to this stand by the doubtful constitutionality of the proposal. I agree that this legislation has been and can continue to be a vehicle to obstruct our people in the exercise of their rights of free speech. I am impressed by the fact that, in nearly 20 years of experience under the act, there has been no genuine substantive accomplishment. No department responsible for the internal security of our country testified in favor of the bill.

Finally, Mr. Chairman, there are laws aplenty already on the statute books of our country to take care of the problems that this bill seeks to meet.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. CULVER. I yield to the gentleman from Illinois.

Mr. YATES. I should like to join my colleagues in expressing my commendation to the gentleman for his very eloquent and very courageous statement of the rights of Americans, and in pointing out the deficiencies of the bill that is before us. I think the gentleman has struck a real blow for freedom of the individual today. It was a great speech, one of the greatest of this session.

I voted against the parent bill in 1950. I shall vote against this bill today.

There was little reason for passage of the Internal Security Act of 1950. There is less reason for passage of this bill at this time.

In vetoing the internal security bill in 1950, President Truman pointed out the doubtful constitutionality of the bill, the fact that there was adequate law already on the books to deal with any threat to our internal security, the fact that the bill would hinder rather than help the law enforcement agencies in their internal security work, and that the bill posed a threat to the liberties of American citizens. Time has proved the validity and forcefulness of his arguments. Over the almost 20 years since the bill was passed over his veto, the futility and ill-conception of the bill has been sustained.

It is amazing that the committee held no additional extensive hearings on the bill, but has assumed that the situation respecting world communism and status of the Communist Party in this country remains the same as they were in 1950. Nothing is further from the truth. Since that time there is a deep and widening split in the former Communist monolith. There is no single Communist center and source today as there was in 1950. Not only are Moscow and Peking going separate ways, but there are split offs in Cuba, in Yugoslavia, in other Communist countries. The conspiratorial direction and control of the American Communist Party by foreign sources is not as it was 17 years ago. The committee should have gone into that question much more thoroughly.

I believe this bill has many unconstitutional features.

It suffers from what the Supreme Court in recent loyalty oath cases has called legislative "overbreadth." In other words these definitions are so broad that they have the potential to sweep in the innocent and the unknowing, as well as the dedicated Communist.

While these aspects of the act raise questions of due process, the restrictions and penalties imposed invade the freedoms of expression and association. In the recent loyalty oath cases, the Supreme Court has said repeatedly that legislative infringements on first amendment rights must be narrowly drawn. In *Elfbrandt* v. *Russell*, 384 U.S. 11 (1966), the Court, while holding an Arizona loyalty oath unconstitutional, declared:

> A blanket prohibition of associations with a group having both legal and illegal aims would pose a real danger that legitimate political expression or association would be impaired.

It emphasized that—

> Any lingering doubt that proscription of mere knowing membership without any showing of "specific intent" would run afoul of the Constitution was set at rest by our decision in *Aptheker* v. *Secretary of State*.

The Aptheker case, I might add, held unconstitutional those provisions of the act which disallowed a member of a Communist organization the right to apply for or use an American passport.

There is little doubt in my mind but that the existing legislation and the proposed amendments fail to meet the constitutional standards enunciated in the Elfbrandt and Aptheker cases. Nowhere in this legislation is a showing of specific intent required before the brand is attached to the individual; nowhere are legislative infringements narrowly drawn. I, therefore, believe that the restrictions and penalties imposed by the act strike an unnecessarily heavy blow at freedom of expression and association; they strike at both legitimate and illegitimate activity without distinction.

Finally, I must note the enduring wisdom of President Truman when he vetoed the legislation here sought to be amended. He correctly pointed out that the great bulk of these provisions are not directed toward the real and present dangers that exist from communism. Instead of striking blows at communism they would strike blows at our own liberties and at our position in the forefront of those working for freedom in the world. At a time when our young men are fighting for freedom in Korea—and today in Vietnam I might say—it would be tragic to advance the objectives of communism in this country, as this bill would do.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. CULVER. I yield to the gentleman from New York.

Mr. SCHEUER. Mr. Chairman, I congratulate my colleague for his magnificent statement. I am saddened that, in the closing days of this session, when we are trying desperately to dispose of a backlog of important legislative programs, we should be engaging in a wasteful, irrelevant, and demeaning exercise in futility. We are breathing new life into a law and an agency which were unwanted and vetoed by President Truman, which have proven utterly unproductive and repressive during their grey half-life spanning the intervening years,

repudiated by courts and executive branch alike, supported and endorsed now by not a single voice from any Federal law enforcement agency. Let us once and for all close the book on the repression, suppression, intimidation and harassment of the 1950's—all in the name of national security, and get on with the job of legislating the constructive, positive, programs proposed by a historically creative President which will really help us create a strong, prosperous, egalitarian, and free America.

Mr. TUNNEY. Mr. Chairman, will the gentleman yield?

Mr. CULVER. I yield to the gentleman from California.

Mr. TUNNEY. I would like to associate myself with the statements made by the gentleman from Iowa. I can characterize them in only one way—simply outstanding.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. CULVER. I yield to the gentleman from California.

Mr. EDWARDS of California. I would like to congratulate the gentleman from Iowa for his magnificent statement and for his joining the ranks with President Truman who vetoed this bill so many years ago.

Mr. Chairman, I find it poignant that the scandals concerning the Subversive Activities Control Board may result in its reactivation—not its abolishment.

Under our system of government only the courts are given the authority to try and to punish people and organizations—and then subject to ancient rules and safeguards designed to protect the accused—called due process.

By reactivating the SACB through the enactment of this legislation, we are setting up in a free society a star chamber operated by the executive department. We are authorizing the executive department to destroy organizations and individuals because they espouse unpopular ideas.

I suggest that this is basically a dishonest statute. If the Congress had in mind by the act an outlawry of the Communist Party then it should proceed to attempt to write such a bill, but this statute attempts to do the same by subterfuge. In effect, organizations which register pursuant to the act, or whose names are spread on the public register created by the act, would be certified to the world by the Government as guilty of an evil, despicable undertaking bent on destroying this Nation.

The Federal Government is not authorized under the Constitution to harass, by exposure, private citizens and organizations. That is the job, in our open society, of the press and news media, subject to the laws of defamation.

The passage of this legislation would serve to make us less free. Let us not forget that unless the freedom of speech, press, petition and assembly guaranteed by the first amendment are accorded to the ideas we hate, sooner or later they will be denied to the ideas we cherish.

Mr. Chairman, I urge the defeat of H.R. 12601.

Mr. O'HARA of Illinois. Mr. Chairman, will the gentleman yield?

Mr. CULVER. I yield to the gentleman from Illinois.

Mr. O'HARA of Illinois. May I say that this is a bright day in the history of the House. The gentleman from Iowa has delivered one of the most moving appeals to reason, to decency, and to American patriotism in its finest and truest expression that one would ever wish to hear. I congratulate the gentleman from Iowa on the clarity of his thinking and the eloquence of his diction. I am happy to associate myself with him in the position he has so ably presented.

Mr. CULVER. I thank the gentleman from Illinois and all other Members who have asked me to yield. I appreciate your statements.

Mr. WILLIS. Mr. Chairman, I yield to the gentleman from Virginia [Mr. TUCK], a member of the committee.

The CHAIRMAN. The gentleman from Virginia is recognized for 5 minutes.

Mr. TUCK. Mr. Chairman, I thank my friend, the distinguished gentleman from Louisiana, for yielding me this time.

I, too, would like to join in the accolade paid to our very able and very handsome colleague from Iowa, who is a member of our committee. However, I would like to point out that the committee reported out this legislation with a vote of 8 to 1. I do not believe the other members of the committee—certainly I do not—wish in any way to impinge upon the constitutional liberties of anyone. I might say also to the Committee the very constitutional objections which the gentleman has raised were upheld by an overwhelming majority of the Supreme Court of the United States. The object of this legislation is to bring the law into line with the decisions of the Supreme Court of the United States.

On many occasions I have condemned the Court for its decisions, but irrespective of that fact, the decisions are there The major part of this legislation has been upheld not only once, but twice, by the Supreme Court of the United States.

Mr. Chairman, I have only a superficial knowledge of the Constitution. I am just a country lawyer. But I spent 46 years of my life upholding the constitutional liberties of the people of my State, irrespective of race, creed, or color.

Mr. Chairman, I am here today to speak in favor of this legislation because it is needed legislation.

Mr. Chairman, every informed citizen is aware of the fact that Communist Party membership in this country has increased in the last few years and that party activity is definitely on the upswing and much more open than it has been.

Every informed citizen is aware that just last month the Communist Party openly came out in support of Negro violence and rioting—and that it had been covertly agitating to provoke racial violence before that statement was issued. They know that Communists have been doing everything possible to sabotage our war effort in Vietnam—by organizing and promoting nationwide resistance to the draft on the part of American youth; by promoting refusal to serve in Vietnam on the part of those already in military service; by meeting and plotting with representatives of our enemy, the Vietcong and North Vietnam; by staging massive demonstrations against the war in Vietnam; by supporting calls for guerrilla warfare operations in the United States—in short, that the Communists are doing everything possible to undermine and weaken our Nation in order to destroy freedom everywhere and replace it with Red totalitarian power.

And every thinking and informed citizen, of course, also realizes that this stepped up Communist activity is due, in considerable part, to recent court decisions which have had the effect of weakening the Internal Security Act. They further realize that something must be done about this situation. And that is precisely why we are now considering H.R. 12601, a bill to amend the Internal Security Act of 1950.

These Communists are running rampant through the land. They are fomenting strife and discord and are inciting racial and religious rancor and hatred, resulting in riots, bloodshed, death, and destruction. They are undertaking to demean and denigrate the good people of America and our Government by spitting on, stamping, and burning our national banner, the American flag.

They are encouraging the burning of draft cards and violation of all of our laws, including those designed especially for our national defense.

The Communists seek the enslavement and the ultimate destruction of every man, woman, and child in the world. Their main thrust is against the people of the United States of America. We are their targets.

I am in favor of dealing with these culprits firmly and resolutely and in a manner that will suppress and subjugate them—call it brutality or not. Woe be unto these traitors when they are identified and when the American people are informed and aroused, for then and then only will our citizens stand up and demand that retribution and justice will triumph and overtake these scoundrels.

We will hear in this debate much about the Constitution. There is not a man on our committee who would impinge upon the constitutional rights of anyone. We believe in that sacred document and we would oppose vigorously any proposal that would violate constitutional rights.

Let me say at this point that a distinguished justice of the Supreme Court of the Commonwealth of Pennsylvania testified in favor of this legislation. At least two former presidents of the American Bar Association and others, after a careful study of the legislation, gave it their wholehearted endorsement.

I commend the distinguished gentleman from Louisiana, Chairman WILLIS, for his foresight and ingenuity in formulating and drafting this proposal. I hope that it will be enacted into law without substantial amendment.

The Internal Security Act is our principal antisubversive law as far as dealing with the day-to-day operations of the Communist Party is concerned. The Communists began their fight against it in 1947 when it was first introduced as a bill and referred to the Committee

on Un-American Activities. Realizing the danger it poses to the party, they have fought it tooth and nail ever since that time. Since the act was passed in 1950, the party has spent huge sums of money setting up fronts to agitate for repeal of the act and to fight every action against the party, its fronts, and members initiated by our Attorneys General under the act's provisions. The party succeeded in tying up in the courts for many years some basic issues concerning the constitutionality of the act.

All seemed well, however, in June 1961 when the Supreme Court upheld the constitutionality of the Subversive Activities Control Board order that the Communist Party must register itself as a Communist-action organization. At that point, it appeared that the way was finally cleared for effective administration of the act as a weapon against internal Communist Party operations.

Unfortunately, since that time, the Supreme Court and courts of appeal have handed down a number of decisions emasculating the act and making it clear that amendments are needed to restore its effectiveness. For some years, with various issues related to the act undecided by the courts, it was impossible to know just how to amend the act to insure its effectiveness.

The Committee on Un-American Activities, however, has carefully studied and analyzed decisions affecting the act as they have been handed down in the last few years and the point was finally reached where it was felt that we knew definitely that some things, at least, could be done to put teeth in the act.

The result was that, on May 25, the chairman introduced the bill we are now considering. Twenty-four fellow Democrats joined him in sponsoring the bill. My colleague, the ranking Republican on the committee, the gentleman from Ohio [Mr. ASHBROOK], introduced an identical bill on the same day—with 24 Republicans joining him as sponsors. This was the first and only time under the new rules of the House that 50 of its Members had joined in sponsoring a single piece of legislation. Subsequently, two other Members introduced identical bills.

The committee held 4 days of hearings on this bill in August. The hearing record contains the testimony or statements of 21 individuals and organizations, including those of six Members of this House. The only expressed opposition to the bill came from the witness representing the American Civil Liberties Union which, of course, we expected. All the other witnesses, including well-known constitutional authorities and former presidents of the American Bar Association, testified in favor of the bill. The American Legion, Veterans of Foreign Wars, Military Order of World Wars, AMVETS, and Sons of the American Revolution all supported the bill.

The Internal Security Act, despite statements to the contrary made by certain persons and groups, is actually a very mild form of subversive control legislation. Basically, it does no more, in effect, than require the Communist Party to admit the truth that it is a Communist-action organization, an instrument of the world Communist movement, and to file data similar to that which many loyal Americans must file when engaged in certain types of activity. It also provides that groups secretly controlled by the Communist Party must identify themselves as such in their publications and broadcasts and also file basic data about themselves with the Attorney General. Members of the Communist Party, too, are required by the act to register themselves as such.

The Internal Security Act is a disclosure measure enacted by the Congress, by an overwhelming vote, with the intention of preserving the integrity of American political institutions and free speech while at the same time contributing to our national security.

Now, what about the bill before us? How does it amend the Internal Security Act to restore its effectiveness?

As indicated, the principal feature of the Internal Security Act is its disclosure provisions. Practically every court decision impairing the effectiveness of the act has done so on the basis of its self-registration provisions. So this bill eliminates the self-registration provisions and the penalties for violations of them and provides instead that, after full hearings before the Subversive Activities Control Board, the registration will be accomplished by the Attorney General. The fifth amendment problem on which the court decisions have been based is thus eliminated.

The bill also amends the definition of a Communist front to make it more realistic and to remove the unreasonable and excessive burden of proof placed on the Attorney General in front proceedings as a result of a court decision.

It requires Communist organizations soliciting financial or other contributions from the public to identify themselves as Communist in order to prevent the victimizing of loyal Americans who might be tricked by their solicitations into giving financial support to the subversion of their country.

It enlarges the Attorney General's register of Communist organizations.

It provides that the dissolution of a Communist organization will not moot a proceeding against it brought by the Attorney General.

It enables the Board to insure orderly hearings and procedures by granting it the power to institute contempt proceedings.

It authorizes the Attorney General to grant immunity in order to obtain vital testimony and evidence.

It eliminates dilatory collateral proceedings of the type the Communists have been utilizing to frustrate the administration of the act.

Finally, it expedites the registration of members of the Communist Party by authorizing the inclusion of two or more individuals in one petition of the Attorney General to the SACB.

Mr. Chairman, all of these provisions and the reasons for them are spelled out in detail in the committee report on the bill. Because I know that many Members are anxious to speak on this bill, I am not going to take the time for a detailed treatment of each provision.

What I do want to stress is that we, as the representatives of the people, have the responsibility to take whatever steps we can, consistent with the Constitution, to curb, to limit, to render ineffective, the activities of Communist organizations in this country who have but one aim, and that is to destroy every freedom and liberty enjoyed by the American people and to replace our representative Government with a totalitarian Red dictatorship.

I am sure that many Members of this House, in talking with their constituents back home and in reading their mail, have found that there is deep concern among the American people about the extent and the nature of Communist activity that is so apparent today. They find it difficult to understand how the Communists can be permitted to freely engage in activities which they regard as bordering on treasonous.

The question before us now is this: How can we, consistent with the Constitution and pursuant to the duties imposed on us by the oaths we have taken as Members of the House, act to relieve the concern of the American people and to assure them that the Congress is taking all reasonable steps to protect their freedoms and the security of this country?

Earlier this year, Mr. J. Walter Yeagley, Assistant Attorney General in charge of the Internal Security Division of the Department of Justice, testified as follows before a Senate committee:

> There is no question but that the law the Communists fear the most, the law that they have fought the longest and hardest to overthrow, was the Internal Security Act of 1950.

That testimony indicates what we can do to assure the people that we are looking after their interests—our country's interests—in the area of national security.

Obviously the Congress did a basically good job when it passed the Internal Security Act in 1950. Mr. Yeagley's testimony and other evidence proves that. The Supreme Court has upheld as constitutional the basic provisions of the act for dealing with Communist subversion. But, as I said before, the act has been weakened by some later court decisions.

What we must do now is restore the effectiveness the act has lost and the way we can do this is by voting for the bill now before us.

This bill has been carefully drafted in the light of all court decisions affecting its provisions. We have consulted with, and received the testimony of constitutional authorities and outstanding legal minds. We feel certain that this bill will take care of the problems created by some of the recent court decisions and that it will make the Internal Security Act what Mr. Yeagley said it used to be—"the law the Communists fear the most."

Mr. ROUDEBUSH. Mr. Chairman, will the gentleman yield?

Mr. TUCK. I yield to the gentleman.

Mr. ROUDEBUSH. Mr. Chairman, since the gentleman was kind enough to yield to me, I would like to compliment the great gentleman from Virginia for the fine remarks he made today. I found

his speech much more to my own philosophy and my own liking.

I think the gentleman is a great constitutionalist and a great American. I say, "God bless BILL TUCK." I wish we had more like him.

Mr. TUCK. Mr. Chairman, I thank the gentleman. I am here trying to espouse this bill and I thank him for his support.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. TUCK. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I might point out only that some of us note with deep regret the decision of the gentleman not to run for Congress again.

Mr. TUCK. Mr. Chairman, I thank the gentleman, but I want to return to the tranquil and picturesque south Virginia from whence I came.

Mr. CULVER. Mr. Chairman, will the gentleman yield?

Mr. TUCK. I yield to the gentleman from Iowa.

Mr. CULVER. Mr. Chairman, I would like to extend my great respect and affection for Governor TUCK and say in the short time I have been in Congress no man has been kinder to me, and there is no man I will more sorely miss next year.

Mr. TUCK. Mr. Chairman, I thank the gentleman from Iowa.

Mr. ASHBROOK. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. ROUDEBUSH].

Mr. ROUDEBUSH. Mr. Chairman, I thank the gentleman for yielding me this time.

I certainly rise in support of H.R. 12601.

I cannot believe, and do not accept, that there is anything in the Constitution, in the first amendment, or in any other amendment, that bars the registration of people who are actually serving in this country as the agents of a hostile foreign power—and that, basically, is all the Internal Security Act does.

In nearly every State of this Union, individuals operating a business under a trade name are required to register, revealing the names of their officers and all parties in interest.

Republicans and Democrats are required to file a list of their contributors and to sign applications for primary ballots which furnish a registration of the names and addresses of every party member at every primary.

The courts have upheld these statutes on numerous occasions. They have not found them destructive of the rights of businessmen, of Republicans, or Democrats.

How then can anyone argue that it is a violation of a Communist's civil rights or the Communist Party's civil rights to require that Communist-action organizations register the names of their officers and members, an accounting of their moneys received, the sources of their funds, and the purposes for which they are expended?

The Communist Party falsely claims that it is a legitimate political party. Assuming that its claim is true, even though it is not, why then should it object to reporting substantially the same information that the Republican and Democratic Parties must report?

We all know the answer to that question. Communist organizations do not want the truth about their members, their activities, their finances known. They cannot stand the truth.

The Republican and Democratic Parties are even faced with a limitation on the expenditures of their candidates. The Internal Security Act imposes no limitation on any Communist Party expenditures. All it requires is that they be reported.

Why are the so-called civil libertarians so strangely silent about the civil rights features of the Corrupt Practices Act, while they are so loud and vociferous about the reporting features of the Internal Security Act which deal not with a legitimate political party, but a foreign-controlled conspiracy against the Government of these United States?

Why should anyone object to a Communist front; an organization secretly controlled by the Communist Party, having to report the names of its officers and make an annual financial statement when, as I mentioned before, practically every State compels businessmen to file similar information when they operate under a trade name?

There is no deceit intended on the part of such businessmen. There is nothing but deceit intended on the part of every Communist front. Yet, the civil libertarians scream that the rights of Communists and the Communist Party are somehow being violated because they have to file simple, basic information of the same type.

The Supreme Court, as has been mentioned, has upheld the registration provisions of the Internal Security Act. It has denied that they are an infringement of constitutional rights. It has rejected the act-of-attainder claim against the Internal Security Act.

I am beginning to think that we will never be able to please some of the so-called civil libertarians unless we throw out every security law and regulation.

As long as so much is being said about rights, I would like to call the attention of the House to the following facts:

In the late 1940's, President Truman appointed a Committee on Civil Rights. The purpose of this Committee was to study the question of civil rights in the United States and to make recommendations as to what could be done to preserve and strengthen them. The members of this Committee were predominately liberal in their political orientation. This is an excerpt from the 1947 report of the President's Committee on Civil Rights, a report entitled "To Secure These Rights."

> Congress has already made use of the principle of disclosure in both the economic and political spheres. The Securities and Exchange Commission, the Federal Trade Commission and the Pure Food and Drug Administration make available to the public information about sponsors of economic wares. In the political realm, the Federal Communications Commission, the Post Office Department, the Clerk of the House of Representatives, and the Secretary of the Senate—all of these under various statutes—are required to collect information about those who attempt to influence public opinion. Thousands of statements disclosing the ownership and control of newspapers using the second-class mailing privilege are filed annually with the Post Office Department.

Still quoting from the Committee finding of the many fields in which disclosure is properly and constitutionally used:

> Hundreds of statements disclosing the ownership and control of radio stations are filed with the Federal Communications Commission. Hundreds of lobbyists are now required to disclose their efforts to influence Congress under the Congressional Reorganization Act. In 1938, Congress found it necessary to pass the Foreign Agents Registration Act which forced certain citizens and aliens alike to register with the Department of Justice the facts about their sponsorship and activities. The effectiveness of these efforts has varied. We believe, however, that they have been sufficiently successful to warrant their further extension to all of those who attempt to influence public opinion.

I do not know of a single person really qualified as an authority on communism who does not agree that the best weapon against the Communists is exposure—revealing the truth about them, revealing what they are, letting the public know the kind of activities they are engaged in. Communists and other conspirators cannot stand to have the searchlight of truth beamed at them. It hurts them, discredits them, it undermines, to a large degree, their subversive activities.

I know that it is unpopular to talk about exposure in certain circles today. It has become a kind of dirty word. But exposure is no more than disclosure, the revelation of the truth—and this is what the President's Committee on Civil Rights said about exposure in its previously quoted 1947 report:

> The principle of disclosure is, we believe, the appropriate way to deal with those who would subvert our democracy by revolution or by encouraging disunity and destroying the civil rights of some groups. * * *

The President's Committee went on to say:

> The ultimate responsibility for countering totalitarians of all kinds rests, as always, with the mass of good, democratic Americans, their organizations and their leaders. The federal government * * * ought to provide a source of reference where private citizens and groups may find accurate information about the activities, sponsorship, and background of those who are active in the market place of public opinion.

Mr. Chairman, the main purpose and intent of the Internal Security Act is to provide a source of reference where private citizens and groups may find accurate information about the activities, sponsorship, and background of Communists who are active in the marketplace of public opinion.

The bill now before us will strengthen the Internal Security Act, making it a better and more effective source of information. It will do just what the President's Committee on Civil Rights said should be done to protect civil rights in this country and it also follows the method the Committee said should be followed in countering Communists and other totalitarians.

Let us vote for the bill. We have good

authority for believing that in doing so we will be acting in the best interest of this country and its people.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. ROUDEBUSH. I am happy to yield to the gentleman from Illinois.

Mr. YATES. The fact that Congress overrode the President's veto message does not mean that the President was wrong. As a matter of fact, he proved to be right, because the Supreme Court sustained him, and the reasons which President Truman advanced in his veto message are still cogent and valid in opposition to this bill today.

Mr. ROUDEBUSH. The gentleman has a point there; but I believe it depends on which philosophy one follows as to whether the President was right or wrong. In my opinion, Congress was exactly right in overriding the veto. The gentleman is entitled to his opinion.

Mr. Chairman, I yield back the remainder of my time.

Mr. WILLIS. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. ICHORD].

Mr. ICHORD. Mr. Chairman, I rise in support of H.R. 12601, and I hope that the Members will study carefully the report of the committee accompanying H.R. 12601, as the bill is one which is very technical and very complicated and capable of misunderstanding, as has been indicated on the floor earlier in debate.

The bill affects only title I of the Internal Security Act, and title I is set out in full in the latter part of the report.

The bill is necessarily complicated because it has been drafted to comply with the constitutional holdings in three very complicated cases, as follows:

Communist Party against the Subversive Activities Control Board, a Supreme Court case decided in 1961 dealing with an order of the SACB requiring the Communist Party to register.

Albertson and Proctor against the Subversive Activities Control Board, a Supreme Court case decided in 1965 concerning an order of the SACB requiring Communist Party members to register.

Also the Communist Party against the United States, a court of appeals case decided on March 3, 1967, which was a criminal proceeding rising out of the failure of the Communist Party to register after the Supreme Court, in Communist Party against SACB, upheld the provisions of the Internal Security Act requiring the Communist Party to register.

I believe that point should be made very clear. That was the holding in the Communist Party against the SACB case. The case decided that Congress does have the right to require registration.

The bill is necessarily very technical because it deals with a delicate and I might say a very frustrating problem which has confronted the American people since the rise of militant, conquest-minded international communism. How do we protect our Nation, our Government, from Communist subversion and still preserve and maintain the constitutional liberties, particularly the right of free speech, freedom of the press, and the right of free association, under the first amendment? This is undoubtedly one of the most difficult problems ever to face the American people.

Mr. Chairman, I was not a Member of this body when the Internal Security Act was adopted in 1950 over President Truman's veto.

I do not consider it a sacred piece of legislation which should not be touched by the courts or by amendment of the Congress. As a matter of fact, if I had been on the Supreme Court in the Albertson and Proctor case, I feel that I would have voted with the majority. The Albertson and Proctor case was decided on the basis of the freedom from self-incrimination clause of the fifth amendment, one of our basic constitutional rights, which was written into the Constitution for reasons just as valid today as when the fifth amendment was adopted. I do not consider the act to have the potential of combating communism as effectively as some of its more fervent champions would maintain. Nor do I consider the act as heinous and oppressive as does the distinguished gentleman from Iowa.

No doubt there are other Members of this body having a different political philosophy who feel that the Internal Security Act did not go far enough. Instead of requiring the Communist organizations and their members to register, they feel that the Congress should have outlawed the Communist Party outright, as some of the non-Communist nations of the world have done and as advocated by some of the Members of this body who have introduced bills to outlaw the Communist Party outright.

Certainly it must be admitted that the registration provisions of the Internal Security Act have not been effective. Not a single Communist group has registered voluntarily or involuntarily. Not even the Communist Party itself. With a battery of legal talent, the Communist Party has successfully fought the SACB and the Department of Justice to a standstill culminating in the case of the Communist Party versus the United States where the U.S. court of appeals held in effect that although the Communist Party could be required to register, it could not be convicted for failure to register because of the fifth amendment rights of its officers and members.

Consequently, we are here today with a bill rejecting both extremes of political thought with a bill that I think follows a middle-of-the-road position and with one that I believe is reasonable and, unlike the gentleman from Iowa, I do believe that it adheres to the constitutional ground pointed out by the Supreme Court.

May I add I feel that no Member's motives should be attacked if he disagrees with the findings of the majority of this committee. This is an area where reasonable minds can differ.

Let me point out that the registration provisions of this legislation do not require Communists to do anything. It does not provide a penalty for the failure of Communist organizations or their members to register. It merely establishes a system of public disclosure of the identity of the Communist organizations and the members of Communist-action organizations. Note that I say "Communist-action organizations." It does not concern itself with the identity of members of Communist-front organizations or Communist-infiltrated organizations. It does get into the area of first amendment rights, but I would point out that although the Communist Party versus Subversive Activities Control Board was a 5-to-4 decision, eight of the nine Justices of the Supreme Court agreed that although compulsory disclosure of names of an organization's members may in certain instances infringe constitutionally protected rights of the association, that where such disclosure has a substantial bearing on a Federal interest, as in this case, the security of the Nation against foreign danger, congressional power may be appropriately exercised.

Mr. Chairman, Justice Douglas, one of the dissenters in the case of the Communist Party against the SACB had this to say about disclosure with which this bill mainly concerns itself. Justice Douglas stated as follows:

> If lobbyists can be required to register, if political parties can be required to make disclosure of the sources of their funds, if the owners of newspapers and periodicals must disclose their affiliates, so may a group operating under the control of a foreign power.
>
> The Bill of Rights was designed to give fullest play to the exchange and dissemination of ideas that touch the politics, culture, and other aspects of our life. When an organization is used by a foreign power to make advances here, questions of security are raised beyond the ken of disputation and debate between the people resident here. Espionage, business activities, formation of cells for subversion, as well as the exercise of First Amendment rights, are then used to pry open our society and make intrusion of a foreign power easy. These machinations of a foreign power add additional elements to free speech just as marching up and down adds something to picketing that goes beyond free speech.
>
> These are the reasons why, in my view, the bare requirement that the Communist Party register and disclose the names of its officers and directors is in line with the most exacting adjudications touching First Amendment activities.

Mr. Chairman, S. 2171 commonly known as the Dirksen bill has been mentioned. I think I should point out the differences between the Dirksen bill and H.R. 12601.

The Dirksen bill makes only four basic changes in the Subversive Activities Control Act of 1950 as follows:

First. It amends provisions relating to the registration of individual members of Communist-action organizations in the same manner as H.R. 12601, to conform to the Albertson and Proctor holding.

Second. With respect to the registration of Communist-action and front organizations, it has repealed all requirements for orders to register and deals with Communist organizations as it does with individual members of Communist-action organizations; that is to say, it establishes authority only for determinations as to whether the organization is Communist. On the other hand, with respect to action and front organizations, H.R. 12601 retains procedures for orders

to register, in accordance with the 1961 holding in Communist Party against SACB.

Third. The Dirksen bill requires all records and registers to be maintained by the Board itself rather than the Attorney General. Under existing law, and under H.R. 12601, the Attorney General would continue to maintain the public register.

Fourth. The Dirksen bill has repealed all penalties under section 15, not only as to failure of organizations and individuals to register, but also for violations of sections 5 and 10 of the act. Section 5 relates to penalties for members of front and action organizations in connection with Federal employment and employment in defense facilities. Section 10 relates to penalties for the use of the mails and instrumentalities of interstate or foreign commerce for transmission of publications and broadcasts not identified as of Communist origin. H.R. 12601 retains penalties for violations of sections 5 and 10, while repealing other penalties.

The Dirksen bill does not contain any of the new major provisions of H.R. 12601, such as:

First. Amendment to definition of Communist-front.

Second. The amendment to section 10 adding requirement for disclosure of Communist organizations using the mail or any facility of interstate commerce to solicit money or property.

Third. Provisions against mooting of proceedings upon dissolution of Communist-action or front organizations subsequent to filing of Attorney General's petition.

Fourth. Compulsory testimony and production of evidence over fifth amendment claims on grant of immunity.

Fifth. Authority of Board to initiate contempt proceedings in district court for misbehavior in presence of Board.

Sixth. Denial of jurisdiction to Federal courts to entertain collateral proceedings.

Seventh. Inclusion of two or more individuals in one petition.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. ASHBROOK. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from South Carolina [Mr. WATSON].

Mr. WATSON. Mr. Chairman, I trust that we shall not take the entire 5 minutes. However, I think we should say one or two things that will perhaps clear the air and the misunderstanding with reference to this bill.

In the first place, Mr. Chairman, I must admit that I am at a loss to understand why some of my friends who oppose this bill are opposing it. I say this because this bill is simply an effort to take care of some of the constitutional defects which were contained in the earlier bill.

Now, Mr. Chairman, if those who oppose this bill are genuinely interested in protecting the constitutional rights of the people, why under the name of the sun, would they oppose this effort to take care of some of the constitutional defects?

Now, Mr. Chairman, I think, perhaps, we might understand—and I believe these gentleman will admit that, basically, they are against this entire piece of legislation. Let us not deceive ourselves. They are against the Internal Security Act.

Mr. Chairman, I daresay that many who oppose this measure were against it when it was originally passed. The distinguished gentleman from Iowa [Mr. CULVER]—and everyone knows that I have a very high respect for the gentleman which is mutually shared, and that I have the highest regard for the gentleman personally and would never question his courage—but the gentleman from Iowa [Mr. CULVER] made the statement that 100 professors advocated the defeat of this legislation.

Mr. Chairman, did we not have 200 or 300 professors who advocated earlier this year the total abolition of the House Committee on Un-American Activities? I daresay that these 100 professors were included in that group.

Mr. Chairman, when I agreed to serve on this committee this year, I am sure I was not looking for a committee on which to serve that would end up receiving a lot of abuse.

Mr. Chairman, the chairman of the Committee on House Un-American Activities, the distinguished gentleman from Louisiana [Mr. WILLIS], I might guess that some of his health problems have been caused as the result of the harassment, abuse and vilification which he has received at the hands of a lot of these people who are engaged in these various activities and who are opposed to this legislation.

Mr. Chairman, I am sure that part of the cause of the retirement of the distinguished and able gentleman from Virginia—his announced retirement—former Governor TUCK, is because he is tired of all this vilification and harassment of the House Committee on Un-American Activities.

Mr. Chairman, those of you who have been before the committee when we have held hearings know of the vilification and the harassment that we undergo. In my opinion this represents a sad situation.

Mr. Chairman, this morning this committee was holding a hearing looking into the subversive activities or a possible subversive involvement with reference to the rioting and looting of this land which occurred during this past summer. We had appearing before the committee a very responsible man, the mayor of the great city of Los Angeles, Mayor Yorty, and Detective Harris, who pointed out the Communist involvement in the rioting and looting which occurred in that city during the time with which all of us are familiar. However, we did not have a corporal's guard over there trying to inform the American people as to what all responsible people had to say in this particular area.

Mr. Chairman, we can sit back and play "dead" and say that this menace is going away. A lot of people say that the SACB has not been effective.

Gentlemen, we have to realize that this Board can do nothing unless it is initiated by the Attorney General, and in prior years other Attorneys General have been very active in this field.

The gentleman, my friend from Iowa, said the gentleman either from Massachusetts or New York, one of the Senator Kennedys—I have forgotten from which State—said he has never been able to find out anything new on communism from the Subversive Activities Control Board.

Let us look at what they have done, according to the record, and this is in the record, the Subversive Activities Control Board over a period of 17 years has handled 70 cases referred to it. The breakdown of these cases is as follows:

The Communist Party cases, the cases of 23 Communist fronts—and I will agree with my friend from Iowa when he said, of these 23 cases, before the case was finally adjudicated, 19 of them had been dissolved. The gentleman is right. Is that not to the credit of the Board that, once they turned the public spotlight on them these people dissolved and went under cover? Is that not the purpose of this particular board?

They say we have spent $5 million trying to expose these Communist activities groups, the front groups, the infiltrator groups, $5 million over the past 17 years. Let us be fair with the Board. and I do not make brief with any of them particularly, over the past 17 years this Board has been honest with the Congress and with the taxpayers. They have turned back into the Federal Treasury approximately $900,000, as I recall the testimony of the Chairman of the Board on that.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. ASHBROOK. Mr. Chairman, I yield 2 additional minutes to the gentleman from South Carolina.

Mr. WATSON. And then as we are looking at this particular Board here, and the record of it, it says here that there have also additionally been cases against Communist controlled unions, and 44 individual cases against high-level national Communist leaders in the United States of America. Additionally, the transcript of the hearings held before the Board over the years runs to 103,959 pages. And if the Senator from New York or Massachusetts cannot find something in that many pages, then he had better stick to his business a little more closely.

It says further that they have 745 exhibits that have been presented over the years. Also there are 16,824 pages dealing with the record on the Communist Party case only.

Mr. Chairman, this is a good bill here. It cures the constitutional defects that the Court and others have been so concerned about. This bill will not provide any penalty to a Communist organization, front organization or infiltrated organization, or a Communist who will not voluntarily register. They have been wiped out, but it does provide the vehicle whereby the Attorney General, after hearings before the Subversive Activities Control Board, can list for the American people these various groups, and then let the American people from California over to Virginia decide as to whether or

not they want to give money to a Communist group, or whether they want to join a Communist group, or a Communist-front group. We are not impinging upon the rights of anyone. They are actually, just as the gentleman is, concerned about preserving the constitutional rights of all of the people. And I respect honest dissent, but at the same time I want it to be all open and above board.

Mr. Chairman, for years the Subversive Activities Control Board went about doing its work quietly and effectively. For the most part, it received relatively little publicity. The American people heard little about it. The press said little about it.

Suddenly, early this year, the SACB became a national issue—because of a story published in a nationally known newspaper. This story really had nothing to say about the basic issues we are concerned with today—the Internal Security Act, the effectiveness of the SACB in carrying out the duties imposed on it by the Internal Security Act, and related matters affecting the internal security of the country. Unfortunately, however, this story—an attack on an SACB appointee—has done more harm to our security interests in one area than the Communists themselves have been able to do. It accomplished what the Communists have not been able to achieve in 17 years of unremitting effort—debate in the Congress over whether or not the SACB should be kept alive, and action by one body which may lead to its destruction and thus the complete emasculation of the Internal Security Act.

Since that first attack, the Board has been unjustly accused over and over again of being an idle, unproductive agency. Through ignorance or malice, numerous accounts pointing up the alleged defects of the Board have failed to mention the fact that it is not an independent organization able to act on its own initiative. They have not pointed out the fact that it is up to the Attorney General of the United States to keep the Board busy and that he must bear major responsibility for any inactivity on its part. These accounts have failed to point out that in the past, under other Attorneys General, the Board has been very busy.

Because the Board has been the subject of so much unjust treatment, I would like to review for the record at this time what it has actually accomplished.

In the 17 years of its existence, various Attorneys General have referred 70 cases to the Board. The breakdown of these cases is as follows: The Communist Party case; the cases of 23 Communist fronts; cases of two Communist-controlled unions—Communist-infiltrated organizations—and the cases of 44 individual national-level leaders of the Communist Party.

The Board held hearings on all of these cases, except three front cases which were dismissed because the organizations ceased functioning subsequent to the Attorney General's petition, but before the Board could initiate hearings.

The transcript of the hearings held by the Board over the years runs to 103,959 pages. The hearing record in the Communist Party case, the key to all others, ran to 16,824 pages. There were 745 exhibits introduced in that hearing.

In addition to receiving this voluminous testimony, the Board, during the 17 years of its life, has issued numerous reports, orders, rulings and memoranda opinions. These documents, together with an index-digest, have recently been combined and published in bound volumes by the Board. They total almost 3,200 pages.

These facts make it clear that, contrary to the misleading picture of the Board painted in recent months by certain elements, the Board has been most diligent in carrying out the duties imposed on it by the Internal Security Act. I wish to stress that the Board's hearings and reports are all public. They are available for study and inspection by everyone. They comprise an excellent, extensive, extremely accurate and enlightening record of Communist activities in this country during the past two decades.

Security does not come cheap. Developing a record of this type about a conspiracy cannot be done easily and inexpensively. Yes, the Board has cost us money—and it will continue to do so. But I, for one, believe that the information it has produced—and the damage it has done to the Communist Party—have been well worth the cost.

Whether or not the Communist Party, any of its fronts, and any of its leaders or members have registered with the Attorney General, there is a voluminous public record about their nature and their operations available for all to see and this, we must recall, is the basic intent of the Internal Security Act—to disclose for the benefit of the American people just who and what organizations in this country are doing the work of Moscow.

Mr. John Mahan, the present Chairman of the Subversive Activities Control Board, appeared before the Committee on Un-American Activities on August 16 of this year during its hearings on the bill we are now considering. In the course of his appearance, he submitted for the record a statement of the Board which, I believe, forcefully and objectively spelled out the basic issues involved in this debate. As soon as Committee rises, under unanimous consent I place in the RECORD at this point the statement of the SACB presented to the Committee on Un-American Activities by its Chairman, Mr. Mahan:

STATEMENT OF THE SUBVERSIVE ACTIVITIES CONTROL BOARD

The Subversive Activities Control Board was created 17 years ago by the Congress of the United States specifically for the purpose of disclosing to the American people, Communist-action, Communist-front, and Communist-infiltrated organizations, and the members of Communist-action organizations. Such groups and individuals, according to the Congressional findings, constitute a real and continuing danger to the national welfare.

BACKGROUND

Rarely has there been a more intense study of methods of dealing with a particular evil than that which preceded and produced the Subversive Activities Control Act of 1950. The Act was the final distillate of investigations begun in the 1930's, and which was enacted after more than two years of Congressional work on a number of different bills. The Act was amended in 1954 to enlarge its coverage.

The Subversive Activities Control Board, as established by the 1950 Act, is the *only* agency in the Executive Branch in which is vested the authority to spotlight and expose Communist activities in the United States. Congress in establishing the Board guaranteed full and fair hearings to accused groups or individuals. The Board is a quasi-court to hear and decide cases brought before it by the Attorney General of the United States. The Board does not itself conduct investigations nor initiate proceedings. Board hearings are subject to the requirements of the Administrative Procedure Act. The law requires that the hearings be open to the public and that an accurate stenographic record be kept. Written findings of fact must be made by the Board in each case it hears. Orders of the Board are subject to judicial review and cannot become effective unless upheld by the courts, if appeals are taken.

During the past 17 years the Board has performed a good function for the Nation. Accomplishments of the Board are set forth below. The basic scheme of disclosure as provided in the Act was upheld by the Supreme Court in 1961. The device of disclosure was again held valid by a Federal Court of Appeals in March 1967, just five months ago, although the court pointed to the need to change some of the provisions. The courts in a series of cases, however, have determined one of the provisions of the Act to be unconstitutional and have interpreted another provision in a way which limits its application. A consequence, of course, has been to decrease the work of the Board.

Pending legislation will remove the limitations and cure the constitutional defect. The other extreme is a move to abolish the Board.

It is absolutely crucial that the Nation take every reasonable and lawful means to protect itself against Communist subversion. Whatever is done with respect to the S.A.C.B. should be done with care and deliberation. The issues are very important—too important for being decided hastily or on impulse.

The Chairman and members of the Subversive Activities Control Board are fully in accord with proposals that the Congress debate and consider all aspects. Should Congress decide that the people have *no* right to know and be warned of Communist activities, or that there is no Communist threat to the Nation, or that there is a threat but different means should be followed to meet and counteract it; then the Board should be abolished. Otherwise, the Act should be amended so as to accord with the court decisions and, perhaps, to again broaden the coverage and scope.

Cases which have been handled by the Board are listed in the attached Table A. An average of just about $300,000 per year has been spent by the Board in the past 17 years. This amounts to $5,000,000 in round numbers. Over $849,000 of unused appropriations have been returned by the Board to the U.S. Treasury.

ACCOMPLISHMENTS OF THE BOARD

No one knows the full effect the Subversive Activities Control Act has had in controlling Communist efforts to subvert our government. No one knows what the situation would be today but for the enactment of that statute. Some things, however, are known and other things reasonably can be assumed.

We do know that many organizations ceased their Communist-directed activities and dissolved when threatened with disclosure by the Board. Part of the statutory

concept of a Communist front is that it conceals the facts as to its true character and purpose. Many people would not render support to such an organization once the true facts are known. The Court of Appeals has stated in a formal opinion that when a Communist-front group dissolves, "the purposes of the Act, and more, are accomplished." Dissolved organizations where there are no "final" orders of the Board are shown separately on Table A. As indicated in the Table, some of the organizations as to which there are in effect "final" orders have also become defunct.

We know that the Board has made a very large number of findings of fact which, when upheld on judicial review, place the spotlight on the myriad ways in which the Communist conspiracy operates. This has tremendous value in informing the public. The rulings, findings, and orders of the Board up to June 30, 1966, are contained in four printed volumes having a total of just under 3,000 pages. As stated, Board hearings are open to the public and may be held at any place within the United States. Each party has the full right to cross-examine the witnesses of his adversary. These hearings afford the opportunity for the public to see democracy in action and to learn at the same time. The great quantity of evidence presented at Board hearings is indicated from Table C.

We see from a mere inspection of Table A the types of organizations to which the Act applies and the various activities covered. The Communist activities included in the Board's findings in these cases cover many and varied fields, such as: sit-ins, rallies, marches, and other protests against the foreign and domestic policies of our government; Communist educational programs to indoctrinate our youth in Marxism-Leninism; Communist efforts to infiltrate legitimate civil rights organizations and other groups to covertly guide them to following the Communist line. Disclosure of such activities has obvious value since a well-informed public is a well-armed public.

From judicial review of Board orders we have learned much as to the procedural and constitutional limitations within which laws to protect the national welfare must operate. We now know much more of how best to balance freedoms and security. There have been 30 or more court decisions (some unreported) in which Board orders and provisions of the Act were considered. In one of these, Chief Judge Bazelon of the Court of Appeals stressed "the strong public interest in the Act's enforcement." A decision of the Court of Appeals in March of the present year in effect suggested the desirability of amending the Act. The Court said in part, ". . . *there is very much indeed that Congress may do in the single purpose to regulate the Communist Party by the device of disclosure.*" Senior Circuit Judge E. Barrett Prettyman, who wrote a separate concurring opinion said, "I agree that the disclosure provisions of this statute are valid in and of themselves. . . ."

Very importantly, the orders of the Board when they become "final," following judicial review where sought, cover or apply to a great number of persons. This is not apparent from the face of the orders. For instance, one case in which an organization is determined to be a Communist front brings within the restrictions of the Act all members who choose to remain such after the Board's order has become final. The Communist Party is said to have between 10,000 and 12,000 members. According to the Director of the Federal Bureau of Investigation there are at least 100,000 "state of mind" members who are sympathetic to the Party line and objectives. It is reasonable to assume that all or most of them are active in Communist fronts.

PRESENT ACTIVITIES

There is presently pending in the Board a case on petition of the Attorney General for hearings and determination whether an organization named the W.E.B. DuBois Clubs of America is a Communist-front organization as defined in the statute. Shortly after the Attorney General's petition was filed the DuBois Clubs and others began litigation in the District Court seeking to enjoin the Board proceedings under the "Communist-front" provisions of the Act, and for declaratory judgment that such provisions are unconstitutional.

The petition of the Attorney General in this case was filed in the Board in March 1966. Thereafter various motions of the parties were heard and ruled upon by the Board until May 31, 1966, when it became necessary to suspend further proceedings because of the court litigation. On May 5, 1967, after almost a full year, the court dismissed the suit by the DuBois Clubs. The Board called the parties before it for a prehearing conference on May 25, 1967, and subsequently fixed June 20, 1967, as the date to begin hearing evidence. On June 12, 1967, the court directed the Board to postpone all further proceedings in the Board until the Supreme Court disposes of the DuBois Clubs' appeal from the refusal of the lower court to enjoin the hearing in the Board and to declare the Act unconstitutional.

During the period from January 20, 1966, to June 14, 1967, there have been 45 formal meetings of the Board (official minutes recording actions taken) and at least that many informal meetings (no minutes kept). Actions with respect to the proceedings in the Board and in the courts involving the DuBois Clubs were among the matters considered at 25 of the 45 formal meetings, and many of the informal meetings.

Parenthetically, other actions taken by the Board during this period included, among others: orders issued with respect to the Veterans of the Abraham Lincoln Brigade and the International Union of Mine, Mill and Smelter Workers; reports adopted giving the Board's views, as requested by Congressional Committees, on H.R. 5942, H.R. 6134, S. 518, H.R. 12302, H.R. 10390 and H.R. 10391, and other proposed legislation; formulated and issued rules and regulations in compliance with the Public Information Act.

Considerable effort has been devoted by the Board in working with its attorneys with respect to possible changes in the present statute. The members have studied a great many court opinions that bear either directly or indirectly upon the Act's provisions. Recommendations of the attorneys have been discussed and drafts arrived at so that specific suggestions can be made as to legislation.

THE FUTURE

The following quotations from statements made by the Director of the Federal Bureau of Investigation clearly and forcefully show that the Communist threat to the Nation not only continues but has become intensified. These statements are informed and reliable. They indicate strongly the necessity that the Subversive Activities Control Act be amended so as to disclose and regulate, in the national interest, those organizations and individuals that are carrying out the Communist activities:

"In its struggle to become a more potent force on the American scene, the Communist Party, USA, greatly stepped up its activities during the past twelve months." (January 5, 1967.)

". . . Gus Hall, General Secretary of the Communist Party, USA, stated that the Party was experiencing the greatest upsurge in its history. Hall said that the Party membership had jumped 1,000 or 2,000 above its 10,000 total of a year ago." (January 6, 1966.)

"The Party is today, in every way possible, attempting to camouflage its true communist identity. . . . The Party is intensifying its campaign to infiltrate and subvert the institutions of our society. . . . In the civil rights field, the Party is becoming bolder. . . . The Party is eagerly trying to reach the hearts, minds and souls of our young people." (March 27, 1967.)

"The Communist Party is riding the crest of a wave of optimism . . . in Communist eyes, recent Supreme Court decisions invalidating portions of the Internal Security Act of 1950 have given the Party the green light to become more active in mass agitation. . . . The Party, moreover, senses a new mood of radicalism in America. . . ." (1966.)

"The Communist Party, U.S.A., undoubtedly is in a much stronger position as a result of the 18th National Convention. [Held in June 1966.] Completely loyal to a foreign power, the Soviet Union, it remains a serious threat to our national security."

Findings of the Board have disclosed many of the strategies and tactics followed by the Party in its efforts to accomplish the goals outlined by F.B.I. Director Hoover. The Party's efforts to ensnare young Americans may be used to demonstrate both the past, present, and future of the Board's activities.

The Board in its first case found that the Communist Party, pursuant to foreign directives, established in this country a Young Communist League affiliated with the Young Communist International (see 1 SACB 236). The Y.C.L. was dissolved in 1943 when the International had become widely known as a part of the world Communist conspiracy. The Communist Party next organized the "American Youth for Democracy" as a technically non-Communist organization designated to recruit and influence as many young people as possible for the Party. (See 1 SACB 237.)

Next came the Labor Youth League. The Board has determined that this group was created as a purportedly independent organization devoted to the so-called needs of the youth but which was in fact completely subservient to the Party and used as a means whereby a segment of American youth was indoctrinated and trained for dedicated membership and future positions of leadership in the Party. (See 1 SACB 378.) The Labor Youth League dissolved after having been ordered by the Board to register as a Communist-front organization. The case is subject to further Board consideration if the purported dissolution is shown to have been a sham.

The demise of the Labor Youth League was followed by a Board hearing on petition of the Attorney General with respect to a youth organization named "Advance and Burning Issues Youth Organizations." That organization disbanded after a Board hearing officer recommended that it be ordered to register as a Communist front. The Board is holding the case in abeyance in the event the organization resumes activities.

There is now pending in the Board for hearings, as soon as the court-imposed stay is lifted, a petition of the Attorney General charging that the W. E. B. DuBois Clubs of America is a front for the Communist Party which seeks, among other things, to indoctrinate American youth in Marxism-Leninism and recruit them into the Party.

Two other cases are also being held by the Board in the status of indefinite abeyance. They, too, involve groups which ceased activities and dissolved when threatened with disclosure by the Board. The Board is holding the cases subject to an order to reopen them should it develop that the purported dissolutions were a sham to avoid disclosure, or if the groups again undertake their Communist activities.

Enactment of remedial legislation will greatly add to the workload of the Board. It can be argued that legislation should

not be considered until the Supreme Court has disposed of the case now before it as respects proceedings under the Communist-front provisions. However, the actions open to the court cover many possibilities and it is doubtful that the decision will provide additional guidelines for legislation. Moreover, pending legislation has as a primary purpose making it possible to disclose and restrict individual hard-core Communists. This is not involved in the matter now before the Court. The Supreme Court has already spoken in this respect.

CONCLUSION

The Nation is at the cross-roads as to disclosing and regulating the Communist conspiracy in this country. At issue is whether the Subversive Activities Control Board be required to close up shop and, in effect, let the Communists win a 17 year battle by default.

The Congress must decide what the American people need and want. Congress must determine whether to keep the Board alive and give it the tools necessary fully to disclose and regulate the operations of the Communist conspiracy in this country. This involves the question whether $5,000,000 and 17 years of effort in disclosing the Communist conspiracy and in developing ways of doing so within the framework of the Constitution of the United States are to be thrown away in order to "save" another $295,000.

Calm and studied deliberation is necessary. Press reports that the Board is doing nothing and serves no purpose should be examined in the light of the facts. The matter is too vital to warrant gambling with the national security.

JULY 28, 1967.

Mr. CULVER. Mr. Chairman, will the gentleman yield?

Mr. WATSON. I yield to the gentleman from Iowa.

Mr. CULVER. Mr. Chairman, if the gentleman is suggesting that the purpose of the legislation is to put the American public on notice so as to be advised as to such organizations in order not to become identified with them one way or another, does the gentleman also feel that the fact that they have been dissolved, genuinely carries out that purpose and intent of the statute?

Does the gentleman believe that that represents notice to the American people that this particular group no longer exists, and was at one time involved in Communist activities?

Mr. WATSON. I want the Members to pay attention to the question that the gentleman has just raised, because it is important to hear and to know about this, because this is an important change in the present act which I believe is an indispensible change in the act.

The gentleman from Iowa pointed out that heretofore when an organization was brought up by the Attorney General before the Subversive Activities Control Board, if that organization is dissolved before a final decision is reached, then the courts said you can no longer list that organization, it has been dissolved. We have 19 such cases. We change and provide this under the present law, we still want to protect innocent people who are taken in by an organization which dissolved as a result of the Board bringing pressure against it, and bringing it into the public spotlight. I believe it is important that we have this provision, although this organization, after it is cited, even though it is dissolved—and that is one of the general principles of the Communists, once they have set up this organization then the public spotlight is turned on it, and it is exposed, then they run under cover and establish a new organization.

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

Mr. ASHBROOK. Mr. Chairman, I yield 2 additional minutes to the gentleman from South Carolina.

Mr. WATSON. They run under cover and they get another organization out.

So that is why I think it is important to make the changes we make in this bill, even if that organization is dissolved and after proceedings begin that they go through to conclusion and that the Board establish whether or not it is a Communist-action group or Communist-front group or Communist-infiltrated group.

It is entered in the Attorney General's record and it is noted there that it has been established as a Communist-front group but it has been dissolved. That lets these people know, who unwittingly got into this organization, and they do know the people who started it, that they are going to be hesitant to deal with those same people again.

That is what we want to do—protect innocent Americans from being taken in by these professional Communists and their sympathizers.

Mr. CULVER. I would certainly depend upon the enlightened judgment of this Congress to make a determination as to whether they feel that such an exercise would justify both the expense and reducing the effective enforcement of our internal security interests as well as the very serious constitutional problems involved.

Will the gentleman yield for another question?

Mr. WATSON. Let me talk about the expense involved.

Mr. CULVER. I have no question about the expense.

Mr. WATSON. But let us take the questions in proper order and in context.

Mr. CULVER. Will the gentleman yield for another question?

Mr. WATSON. Yes, after I have answered this question first.

You say—will this justify the expenditure? I do not want to be melodramatic, JOHN, you know me better than that. We have boys overseas who are paying a tremendous expense—even their lives, fighting communism. If we sit back here and do not put a little money to make a determined effort in fighting it here at home, it will do little good for those boys to win over there and that we should lose right here at home. Do not measure the expenditure in ferreting out Communists on the basis of a paltry $5 million spent over a period of 17 years.

Mr. CULVER. I would respectfully suggest to the gentleman that he not misconstrue the issue involved in this bill.

Mr. WATSON. Of course, the gentleman asked me the question.

That I would never seek to do and I do not believe that I have done so in this instance.

Mr. CULVER. The issue here is not whether or not we support the men in Korea as the issue was 17 years ago or whether or not we support the men today in Vietnam. The issue is not whether one is for or against communism. There is no disagreement on those points in this body.

The issue here is very clear cut, to preserve the national security interests of this country consistent with the preservation of our free institutions and, in my judgment, you betray the men who fight so gallantly in Vietnam for this great country of ours when you begin to inject those suggestions in this debate.

Mr. WATSON. I would never for a moment impugn your motives, and you know me too well for that.

I happen to be one like Governor TUCK and some of the others, a country lawyer, who comes before you not sufficiently sophisticated to understand all of the intricacies of the Communist government. So far as I am concerned, if I err, I want to err on the side of fighting the Communists, and being too strong in my opposition to them rather than being too soft. I think if we had gotten a little tougher there would not be some of these people out here who have been demonstrating and rioting and looting throughout America. And as it was pointed out this morning, they were Communist inspired and Communist agitated.

Mr. CULVER. If the gentleman will yield, I never heard of a good country lawyer who was worthy of the name who could not keep his mind on the issue before the court.

Mr. WATSON. I submit that the sole issue before us is how to effectively cope with the Communist movement in this country, and I have stuck to that issue regardless of whether or not the gentleman may approve or what has been said.

Mr. TUCK. Mr. Chairman, I yield to the gentleman from Montana [Mr. OLSEN].

Mr. OLSEN. Mr. Chairman, I thank the gentleman.

I must say that the chairman of this Commission is a very close personal friend of mine. I have had many conversations on this subject, and I have become convinced that this bill of the very able and distinguished chairman of the subcommittee, the gentleman from Louisiana [Mr. WILLIS], should pass, and I support it.

Mr. Chairman, it is a matter of gravest concern that there are in this country clandestine groups controlled by or loyal to foreign governments or foreign organizations and which groups principal efforts are directed to furthering the foreign interests in the United States to the detriment of the United States. Who are these groups and their leaders?

Congress and the public must be adequately and correctly informed—the dangers stemming from nondisclosure are serious. H.R. 12601, which I support, is one step at least in curbing and dealing with such dangers. I am in full agreement with our courts which have said in upholding the basic purpose of the Subversive Activities Control Act that disclosure of those who seek to deceive

us implements rather than detracts from the prized freedoms guaranteed by the first amendment.

The Subversive Activities Control Act is aimed at disclosing, among others, those groups which by deceit and secrecy are serving as fronts for the Communist conspiracy. The courts have been consistent in holding that we, the Congress, have the power and the duty to remove the false face worn by these Communist-front organizations. Mr. Chairman, the courts have no quarrel with the purpose of disclosing the operations of the Communists in their efforts to destroy our form of government.

The courts have, however, pointed out deficiencies in the existing law; in the way the Congress heretofore sought to go about accomplishing this disclosure. During the years since the enactment of the existing law we have also had brought to our attention areas where the existing law should be strengthened. The report from the Committee on Un-American Activities fully discusses the legal and practicable problems in the existing law.

H.R. 12601 is designed to remedy these problems. It is a necessary and I hope just a first step in effectively meeting at home the challenge of the world Communist movement. The existence of a threat to the United States presented by the Communist movement is a recognized fact of modern history. Nowhere is the need for disclosure of the true nature and status of groups and individuals more pressing than in the case of foreign-controlled elements which use the technique of concealment.

Mr. Chairman, disclosure is a proved and legal means greatly to diminish the influence of clandestine groups. Our esteemed brothers in the other Chamber have by a resounding vote passed a bill to correct the defects in the disclosure scheme embodied in the existing law. We owe it to the American people to pass our version of such a bill; to meet with our colleagues from the Senate in conference to iron out any differences; and at this session give to the people a revised practicable tool for dealing with the Communist threat.

Mr. WILLIS. Mr. Chairman, I have no further requests for time.

Mr. ASHBROOK. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, as I said in my original presentation, it is not my inclination or intention to carry this debate into the late hours of the evening.

Mr. Chairman, the Members of this House have been asked to heed, and be influenced by, a letter they have received signed by Thomas I. Emerson of Yale Law School which alleges that some 166 law professors are opposed to the bill now before us.

Much has been said on the floor today about the element of disclosure, the various disclosure statutes enacted by the Congress, and upheld by the courts, as a means of protecting the integrity of our political institutions, our economic life, and other aspects of our society. Specific mention has been made of the Lobbying Act.

Thomas I. Emerson's letter is a form of lobbying. For this reason, I believe, the Members of the House should be informed of the facts about Thomas I. Emerson and his activities over a period of many years in order to help them determine just how much weight they should give to his letter.

Thomas I. Emerson, professor of law at the Yale Law School, has a record of support for Communist fronts and opposition to all attempts at anti-Communist legislation that goes back many years. The full extent of Emerson's record of Communist front affiliations is far too detailed to recite here. What follows is but a representative sampling.

Emerson appeared before the Committee on Un-American Activities in 1950 to testify against the bill that became the Internal Security Act. The year before he had attacked the Federal loyalty program. In 1950, he also opposed the prosecution of Communists under the Smith Act. In 1962, he was a signer of a letter urging repeal of the Internal Security Act, circulated to all Members of Congress.

Emerson's affiliations with Communist fronts have been far from casual. An undated leaflet of the International Juridical Association listed Emerson as a member of the National Committee of the IJA, one of the early Communist defense organizations. Emerson has been a leading figure in the National Lawyers Guild, the "legal bulwark" of the Communist Party since 1937, serving the group at various times as president, speaker, vice president, and member of the advisory board, as well as in numerous other capacities.

Emerson's participation in Communist fronts has often been in connection with the party's unceasing campaign of opposition to the House Committee on Un-American Activities. Several such projects with which he has been associated include the Committee To Defend the Victims of the Committee on Un-American Activities, the Committee of One Thousand, the National Committee To Abolish the House Un-American Activities Committee, and an open letter sponsored by the Arts, Sciences, and Professions Council of the Progressive Citizens of America.

Professor Emerson was also very active in the Communist-led third party movement of 1948, the Progressive Party which nominated Henry Wallace for President on a platform of accommodation with the Soviet Union. Among the organizations active in this campaign, the following had Emerson's active support: the Progressive Party, the Progressive Citizens of America, the National Council of the Arts, Sciences, and Professions, and the National Wallace for President Committee.

In addition to the foregoing, Emerson's affiliations with Communist fronts and enterprises have included the following: the American Committee for Protection of Foreign Born, the Committee To Secure Justice for Morton Sobell, the Southern Conference for Human Welfare, the Eugene V. Debs Centennial Meeting, a petition to President Kennedy in behalf of clemency for convicted Communist Junius Scales, a petition in behalf of students arrested for illegal travel to Cuba in 1963, the Citizens Emergency Defense Conference, the Emergency Civil Liberties Committee, the National Committee To Repeal the McCarran Act, the Civil Rights Congress, the Fort Hood Three Defense Committee, the United Public Workers of America, the National Committee To Defeat the Mundt Bill, the Committee for Peaceful Alternatives to the Atlantic Pact, the Spanish Refugee Appeal of the Joint Anti-Fascist Refugee Committee, the Louise Pettibone Smith 75th Birthday Tribute, the Jefferson School of Social Science, and, as recently as this year, the Veterans of the Abraham Lincoln Brigade.

Mr. Chairman, there are undoubtedly many sincere men who have joined Mr. Emerson in his appeal to the House to defeat H.R. 12601. I do note, however, that one of the signers is Mr. Arthur Kinoy. Mr. Kinoy, you will recall was the attorney who was arrested and convicted for disorderly conduct after an abusive and noisy shouting tirade against the subcommittee chairman. I only point this out to indicate that a long list of names on a petition is meaningless per se. I am surprised that Mr. Emerson did not get more names since more than 200 are on record against the House Committee on Un-American Activities.

Mr. Emerson's petition follows:

YALE LAW SCHOOL,
Washington, D.C., November 27, 1967.

DEAR CONGRESSMAN: H.R. 12601 to amend the Internal Security Act comes to the House Floor tomorrow, Tuesday, November 28.

I would like to acquaint you with the opinion of 166 law professors (including 2 deans) on the constitutionality of such a measure.

When the Senate version of H.R. 12601 came before the Senate in October, the attached list of law professors and deans signed the following telegram to Attorney General Ramsay Clark:

"We believe Senate bill 2171 to revive McCarran Act contains serious constitutional defects, is wholly unnecessary, and threatens basic freedoms of thought and expression. We urge you to make public the views of the Department of Justice on this legislation and hope you will vigorously oppose enactment."

Senator Everett Dirksen described H.R. 12601 as "a far more drastic bill" than the Senate version. (CONGRESSIONAL RECORD, vol. 113, pt. 22, p. 29706.)

Rep. John C. Culver, a member of the Committee on Un-American Activities, dissented from the recommendation of H.R. 12601 because of serious "constitutional objections" among other reasons.

The Attorney General, who has the responsibility for enforcement, still has not expressed his view. May I suggest that you seriously consider the reasons for Rep Culver's dissent on pp. 51–56 of House Report No. 733?

Sincerely yours,

THOMAS I. EMERSON.

LAW SCHOOL PROFESSORS AND DEANS ON RECORD AGAINST S. 2171 (SENATE COUNTERPART TO H.R. 12601 TO AMEND MCCARRAN ACT)

Prof. William Anderson, Univ. of Washington Law School.

Prof. Michael Asimow, Univ. of California at Los Angeles Law School.

Prof. Frank Askin, Rutgers Law School.

Prof. Edward J. Bander, New York University Law School.

Dean Ralph Barnhart, Univ. of Arkansas School of Law.

Prof. Babette Barton, Univ. of California at Berkeley Law School.

Dean Louis F. Bartelt, Jr., Valparaiso Law School.

Prof. Paul Barton, Harvard Law School.

Prof. David Becker, Washington University Law School (St. Louis).
Prof. Albert Beisel, Boston University School of Law.
Prof. Alex Bickel, Yale Law School.
Prof. Robert Birmingham, University of Indiana Law School.
Prof. Ralph F. Bischoff, New York University Law School.
Prof. Vincent Blasi, Univ. of Texas Law School.
Prof. Douglass Boshkoff, Univ. of Indiana Law School.
Prof. Alexander D. Brooks, Rutgers Law School.
Prof. Clark Byse, Harvard Law School.
Prof. Kenneth R. Callahan, Wayne State Univ. Law School.
Prof. Benjamin Carlin, Wayne State Univ. Law School.
Prof. Charles N. Carnes, Univ. of Arkansas Law School.
Prof. Robert A. Carter, Rutgers Law School.
Prof. David Cavers, Harvard Law School.
Prof. Thomas G. S. Christensen, New York University Law School.
Prof. William Cohen, Univ. of California at Los Angeles Law School.
Prof. Robert Cole, Univ. of California at Berkeley Law School.
Prof. Daniel G. Collins, New York University Law School.
Prof. Charles H. Cottingham, Rutgers Law School.
Prof. Vern Countryman, Harvard Law School.
Prof. Thomas A. Cowan, Rutgers Law School.
Prof. William C. Cunningham, S.J., Loyola Univ. of Chicago Law School.
Prof. John Dawson, Harvard Law School.
Prof. Robert Dawson, Univ. of Texas Law School.
Prof. Norman Dorsen, New York University Law School.
Dean Robert F. Drinan, S.J., Boston College Law School.
Prof. Richard B. Dyson, Boston University School of Law.
Prof. Thomas I. Emerson, Yale Law School.
Prof. Robert Feinschreiber, Wayne State Univ. Law School.
Prof. M. Carr Ferguson, Jr., New York University Law School.
Prof. Ted Finman, Univ. of Wisconsin Law School.
Prof. Vincent E. Fiordalisi, Rutgers Law School.
Prof. Morris Forkosch, Brooklyn Law School.
Prof. William Fritz, Univ. of Texas Law School.
Prof. Walter Gellhorn, Columbia Law School.
Prof. Ruth Ginsburg, Rutgers Law School.
Prof. Martin Gitelman, Univ. of Arkansas School of Law.
Acting Dean John E. Glavin, Wayne State Univ. Law School.
Prof. Donald H. Gordon, Wayne State Univ. Law School.
Prof. Gidon A. Gottlieb, New York University Law School.
Prof. Kenneth W. Graham, University of Calif. at Los Angeles Law School.
Prof. Edward F. Greene, Wayne State Univ. Law School.
Prof. Hyman Gross, New York University Law School.
Prof. Rafael Guzman, Univ. of Arkansas Law School.
Dean Edward C. Halbach, Univ. of California at Berkeley Law School.
Prof. Robert Hamilton, Univ. of Texas Law School.
Prof. Robert J. Harris, Univ. of Michigan Law School.
Prof. Frederick M. Hart, Univ. of New Mexico Law School.
Prof. Joseph W. Hawley, New York University Law School.
Prof. Harold Horowitz, Univ. of California at Los Angeles Law School.
Dean Leo A. Huard, Univ. of Santa Clara Law School.
Prof. Graham B. J. Hughes, New York University Law School.
Prof. Jerold H. Israel, Univ. of Michigan Law School.
Prof. Mark Jacoby, Boston University School of Law.
Prof. Louis Jaffe, Harvard Law School.
Prof. Eli Jarmel, Rutgers Law School.
Prof. Edgar A. Jones, Jr., Univ. of California at Los Angeles Law School.
Prof. Fredrich K. Juenger, Wayne State Univ. Law School.
Prof. Joseph R. Julin, Univ. of Michigan Law School.
Prof. Harry Kalven, University of Chicago Law School.
Prof. Yale Kamisar, Univ. of Michigan Law School.
Prof. Leo Kanowitz, Univ. of New Mexico Law School.
Prof. Benjamin Kaplan, Harvard Law School.
Prof. Kenneth L. Karst, Univ. of California at Los Angeles Law School.
Prof. Paul G. Kauper, Univ. of Michigan Law School.
Prof. James Kelley, Univ. of Texas Law School.
Prof. William J. Kenealy, S.J., Boston College Law School.
Prof. Robert B. Kent, Boston University School of Law.
Prof. D. Kilbourne, Boston University School of Law.
Prof. Lawrence P. King, New York University Law School.
Prof. Arthur Kinoy, Rutgers Law School.
Prof. Fanny P. Klein, New York University Law School.
Prof. Robert L. Knauss, Univ. of Michigan Law School.
Prof. Robert E. Knowlton, Rutgers Law School.
Prof. Douglas A. Kohn, Univ. of Michigan Law School.
Prof. Frederika B. Koller, Wayne State Univ. Law School.
Prof. Jack L. Kroner, New York University Law School.
Prof. Richard Kummert, Univ. of Washington Law School.
Prof. Leon Lebowitz, Univ. of Texas Law School.
Prof. Arthur Leff, Washington University Law School (St. Louis).
Prof. Leon Letwin, Univ. of California at Los Angeles Law School.
Prof. Pierre Loiseaux, Univ. of Texas Law School.
Prof. Arthur Lombard, Wayne State Univ. Law School.
Prof. Andreas Lowenfeld, New York University Law School.
Prof. John Lowenthal, Rutgers Law School.
Prof. Louis Loss, Harvard Law School.
Prof. Banks McDowell, Jr., Boston University School of Law.
Dean Robert B. McKay, New York University Law School.
Prof. Julius J. Marke, New York University Law School.
Prof. Robert Mathews, University of Texas Law School.
Prof. T. James McDonough, Univ. of Arkansas Law School.
Prof. Dan G. McLeod, Boston University School of Law.
Prof. Saul Mendlovitz, Rutgers Law School.
Prof. Roy Mersky, University of Texas Law School.
Prof. Frank Michelman, Harvard Law School.
Prof. Arthur R. Miller, University of Michigan Law School.
Prof. Frank W. Miller, Washington University Law School (St. Louis).
Prof. Stephen E. Mochary, University of Arkansas Law School.
Prof. Henry P. Monaghan, Boston University School of Law.
Prof. Eugene Mooney, Univ. of Kentucky College of Law.
Prof. Eva Morreale, Rutgers Law School.
Prof. Arval A. Morris, Univ. of Washington School of Law.
Prof. Grant Morris, Wayne State Univ. Law School.
Prof. Herbert Morris, Univ. of California at Los Angeles Law School.
Prof. Nathaniel L. Nathanson, Northwestern Univ. School of Law.
Prof. Arthur Neef, Wayne State Univ. Law School.
Prof. Melville B. Nimmer, Univ. of California at Los Angeles Law School.
Prof. Daniel G. Partan, Boston Univ. School of Law.
Prof. Ray Paruas, University of Arkansas Law School.
Prof. Richard N. Pearson, Boston Univ. School of Law.
Prof. Cornelius J. Peck, Univ. of Washington Law School.
Prof. Roger Paul Peters, Notre Dame University Law School.
Prof. Robert Peterson, Wayne State University Law School.
Prof. William J. Pierce, Univ. of Michigan Law School.
Prof. Robert Pitofsky, New York University Law School.
Prof. Daniel H. Pollitt, Univ. of North Carolina School of Law.
Prof. Sidney Posel, Rutgers Law School.
Prof. Monroe E. Price, Univ. of California at Los Angeles Law School.
Prof. Bert S. Prunty, New York University Law School.
Prof. Charles A. Reich, Yale University Law School.
Prof. David A. Rice, Boston Univ. School of Law.
Prof. Vincent J. Rinella, Wayne State Univ. Law School.
Prof. Fred Rodell, Yale Law School.
Prof. Eugene Roemele, Boston University School of Law.
Prof. Yosal Rogat, Stanford University School of Law.
Dean Ivan C. Rutledge, Ohio State University Law School.
Prof. Millard Ruud, University of Texas Law School.
Prof. William E. Ryckman, Jr., Boston Univ. School of Law.
Prof. Theodore J. St. Antoine, Univ. of Michigan Law School.
Prof. Frank E. A. Sander, Harvard Law School.
Prof. Joseph L. Sax, Univ. of Michigan Law School.
Prof. George Schatzki, University of Texas Law School.
Prof. Alan Schenk, Wayne State Univ. Law School.
Prof. Stephen Schulman, Wayne State Univ. Law School.
Prof. Herbert E. Schwartz, Univ. of California at Los Angeles Law School.
Prof. Warren Schwartz, Univ. of Texas Law School.
Prof. Robert Sedler, University of Kentucky College of Law.
Prof. Thomas L. Shaffer, Notre Dame Law School.
Prof. Malcolm P. Sharp, Univ. of New Mexico School of Law.
Prof. Morgan Shipman, Harvard Law School.
Prof. Samuel Shuman, Wayne State Univ. Law School.
Prof. Boaz Siegel, Wayne State Univ. Law School.
Prof. Peter Simmons, Ohio State Univ. Law School.
Prof. Allan E. Smith, Univ. of Texas Law School.
Prof. Ronald J. Stanger, Ohio State Univ. Law School.

Prof. Leonard P. Strickman, Boston Univ. School of Law.
Prof. R. Dale Swihart, Washington University Law School (St. Louis).
Prof. John Taggart, New York Univ. School of Law.
Prof. Robert Taylor, Univ. of Washington Law School.
Prof. James Treece, Univ. of Texas Law School.
Prof. Anthony M. Vernava, Wayne State Univ. Law School.
Dean David H. Vernon, Univ. of Iowa College of Law.
Prof. Robert Walker, Univ. of New Mexico Law School.
Prof. Bernard J. Ward, Notre Dame University Law School.
Prof. Henry Weihofen, Univ. of New Mexico School of Law.
Prof. L. Hart Wright, Univ. of Michigan Law School.
Prof. Irving Younger, New York Univ. Law School.
Prof. Stanley Zimmerman, New York Univ. Law School.

Mr. CURTIS. Mr. Chairman, will the gentleman yield so that I may ask a couple of questions?

Mr. ASHBROOK. I yield 4 minutes to the gentleman from Missouri.

Mr. CURTIS. What position does the administration take on this bill? Are President Johnson and the Department of Justice in favor of or against the bill? I did not have an opportunity to look through the hearings. I understand the Attorney General did not even appear. Is that correct?

Mr. ASHBROOK. That is correct.

Mr. CURTIS. Usually the administration expresses its views on legislation. Can the gentleman or anyone on the committee state whether such a position was taken?

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from Louisiana to clarify the situation as to the administration's position.

Mr. WILLIS. I did not happen to discuss it with the President, but I happen to know that the President is personally for the bill.

Mr. CURTIS. Has he so stated publicly?

Mr. WILLIS. He said that to a high official of this Government.

Mr. CURTIS. I mean publicly. He is not backward about expressing himself.

Mr. WILLIS. The only public statement we have is a letter from the Attorney General of the United States, who stated that he could honestly say if we pass the law he will enforce it. He cannot say any more; he cannot say any less.

Mr. CURTIS. I must say that this is certainly an incomplete position of the administration on some very vital legislation, whichever position one takes. Does not the administration have a position?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from Illinois.

Mr. YATES. I asked that question before. I do not agree with the chairman of the committee when he said that no Attorney General could say more or less than was stated in that letter. I think that letter is a minimum statement. All the Attorney General said was if the bill is passed, he will do his best to enforce it. If the Attorney General favored passage of the legislation, he could say a great deal more in favor of the legislation. The fact that he has not said so would indicate to me that he is opposed to it.

Mr. CURTIS. It has been pointed out that President Truman vetoed the 1950 act. Is there any indication that President Johnson would veto this legislation?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from Illinois.

Mr. YATES. I asked not that question directly before, but I have read the report; I have seen no hearings that were published on this point. Perhaps I have not been able to find it. However, I have seen no official statement of any member of the administration which goes further than the statement to which the chairman of the committee alluded in the letter from the Attorney General.

Mr. CURTIS. I thank the gentleman for that clarification, which leaves the whole thing muddied.

Mr. YATES. Mr. Chairman, will the gentleman yield further?

Mr. CURTIS. I yield to the gentleman from Illinois.

Mr. YATES. I might say in addition to what I said previously that the Attorney General was requested on two separate occasions to testify before this committee and did not appear.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from Louisiana.

Mr. WILLIS. The gentleman is perfectly correct. I personally invited him and was disappointed that he did not come.

Mr. CURTIS. Let me say again that I think the Attorney General does a disservice to the Congress and to this country by not taking a position one way or the other on legislation of this importance. The President of the United States does a disservice. These things are serious. I have been very much concerned in listening to the debate and the presentation by the gentleman's side, those who are opposing this legislation.

Having a serious situation like this with the administration taking no position disturbs me more than the debate itself.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from Illinois.

Mr. YATES. I just want to say that if I were the Attorney General of the United States and I wanted this legislation, I would be knocking on the doors of Congress asking for the opportunity to testify in favor of it.

Mr. CURTIS. On the other hand, if the Attorney General felt, as was expressed here, that the measure is unconstitutional or involved seriously civil rights, he should speak up on that subject. It looks like a part of the lack of leadership that goes to many basic questions in this administration.

Mr. ASHBROOK. Mr. Chairman, the gentleman from Missouri has an excellent point. Were the Attorney General against this bill, it seems he would have appeared voluntarily and testified against it.

I certainly am not trying to infer support to the Attorney General, because he has not gone on record. I think it is equally unfair to infer the opposition of the Attorney General. I think the gentleman from Missouri [Mr. CURTIS] has made a good point. They have just ducked a good chance to speak out.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the last indication with respect to this act and the predecessor act was that the Attorney General and the Director of the Federal Bureau of Investigation were opposed to the original act. They did not appear in support of this act, so presumably the opposition would still continue.

Mr. ASHBROOK. Wait a minute. The gentleman said "presumably." He said the last indication—when was that?

Mr. YATES. In 1950. They have not testified for this act since. As a matter of fact, the hearings on this particular amendment to that original bill are very sparse indeed. There should have been a much more thorough airing of the matter for this legislation than was undertaken by this committee.

Mr. ASHBROOK. Mr. Chairman, I did not hear the gentleman, but I think he did say 1950 as the last time.

Mr. YATES. Yes. If the gentleman will yield further, may I say the gentleman who is a Senator from New York, who was one of the predecessor Attorneys General to the one who holds office at the present time, indicated he did not favor the legislation when he was Attorney General and that he does not favor it today. He indicated he considered the legislation to be a step backward in enforcement of our rights against the members of the Communist Party.

Mr. ASHBROOK. This legislation was not before the Congress when the gentleman was Attorney General. How could he have opposed it when he was Attorney General?

Mr. YATES. He was an Attorney General of this country at a time when he had the responsibility of enforcing this legislation.

Mr. ASHBROOK. If I understood the gentleman correctly, he said the former Attorney General, now a U.S. Senator, opposed this legislation when he was Attorney General.

Mr. YATES. No, I did not say that at all. I said he considered this legislation not to be legislation which would serve the purpose for which it was enacted.

Mr. ASHBROOK. Maybe I misunderstood the gentleman.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from California.

Mr. EDWARDS of California. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think the point brought up by the gentleman from Mis-

souri [Mr. CURTIS] is very important. In the event I have the opportunity to offer the motion to recommit, my motion to recommit will require the committee to have additional hearings, so we can have a witness from the Department of Justice. After all, the Department of Justice is heavily involved in enforcement of this act, and it seems rather irresponsible of us to be legislating without having their testimony.

Mr. ASHBROOK. Could I say to the gentleman from California, I can understand his motion to recommit, but how does the gentleman intend to get the Attorney General to come when he does not want to come?

Mr. EDWARDS of California. I want to make sure every effort was made, and I am not sure every effort was made.

Mr. ASHBROOK. The chairman of this committee on two occasions invited the Attorney General.

Mr. EDWARDS of California. The distinguished gentleman also pointed out that he has learned the President of the United States is in favor of this bill, so perhaps he can help us get the witness.

Mr. GROSS. Mr. Chairman, during consideration of the rule which made this bill in order for consideration, I stated that I would find it difficult to support it. This despite the fact that many weeks ago I joined in sponsoring legislation of this general nature.

My opposition, contrary to that of some Members of the House, is not to the objectives of the legislation—the control of subversives and subversive organizations in this country—but to recent disclosures of the composition of the Subversive Activities Control Board.

It is apparent that the Control Board has been made a dumping ground by this administration for political favorites and straphangers. But it has now been made clear that the defeat of this bill would not eliminate the members of the present Board. Defeat of the pending bill would not cure the ineffectiveness that now exists.

There remains the appropriation process and when the appropriation bill comes before the House next year it will be my purpose to ascertain whether the Control Board has performed any useful function in the intervening months. If it has failed as it has in the past to make a worthwhile contribution then I say that every dollar of support should be cut off and I will have no hesitancy in voting to that end.

Mr. FRASER. Mr. Chairman, I intend to vote against this bill. My reasons for doing so are summarized in the dissenting view of the gentleman from Iowa [Mr. CULVER] in the committee report on the measure.

These are some of Mr. CULVER's objections to the legislation:

First. Its "broadsweeping—cq—registration requirements" might force the registration of innocent organizations which might take positions "from time to time on matters of policy" which "do not deviate from those" of the Communist movement.

Second. It prohibits collateral proceedings depriving a person of his rights to seek judicial redress "at precisely the time when he may need it most."

Third. It raises the "lingering constitutional problem" of punishing individuals "not for specific criminal acts but for advocacy and associations, activities protected by the first amendment."

Fourth. Its criminal penalties for failing to label propaganda or for employment in certain forbidden positions could be levied without "established constitutional safeguards."

In addition to these objections, Mr. Chairman, the dissenting view quotes from the remarks of President Truman when he vetoed the Internal Security Act of 1950:

> Our position in the vanguard of freedom rests largely on our demonstration that the free expression of opinion, coupled with government by popular consent, leads to national strength and human advancement. Let us not, in cowering and foolish fear, throw away the fundamental basis of our free society.

Those words are just as true and as eloquent in 1967 as they were in 1950. Should the ill-advised legislation we are now considering be enacted by Congress, I hope that it will meet the same fate as the 1950 bill and be vetoed by President Johnson.

Mr. COHELAN. Mr. Chairman, the entire course of the Internal Security Act of 1950 is strewn with derelict provisions which have violated the Constitution. I am afraid, Mr. Chairman, that H.R. 12601, the Internal Security Act Amendments, will add more to this history of constitutional transgressions.

In reviewing these amendments, I find that they are replete with what more than 150 law school professors have called "serious constitutional defects."

The offenses described by the act remain unconscionably vague. The amendments add the further unconscionable note that it would be criminal to hold certain employment if one were a member of a group required to be registered, even if that person did not actually know the group was registered. And, this conviction could be obtained without the least showing or proof that the accused individual had engaged in any subversive conduct.

The bill has many other objectionable features. It bars proceedings in the courts at the very time when access to the courts may be most important to protect one's rights. It allows innocent individuals and groups to be branded as Communist affiliates when the only act they have committed is to hold or espouse a view that may also, and purely coincidentally, be advocated by Communists.

And, the most serious objection to this bill may well be that it would revitalize the now defunct Subversive Activities Control Board. In the 17 years of its existence, this Board has spent more than $5 million and has performed little or no useful constitutional function.

Past Attorneys General have advised against the continuation of the Board, and one has stated that during his tenure the Board did not produce one piece of not otherwise available information.

President Truman, who had no love for Communists, but who has a good deal of respect for free speech, vetoed the initial attempt to institute the Board. Today, there is more than ample reason to agree with his decision—and with his statement that the Board puts the Government in the "thought control business" and provides "vast powers to harass all of our citizens in the exercise of their rights of free speech."

Mr. RYAN. Mr. Chairman, H.R. 12601 would revive certain aspects of title I of the Internal Security Act of 1950, which have been properly declared unconstitutional by the U.S. Supreme Court. Earlier this year we were reminded of the dormancy of the creature of that act, the Subversive Activities Control Board, by a controversial appointment. The issue of the wisdom of that appointment is of superficial importance. The issue today is whether an agency, which the Supreme Court has rendered virtually impotent in order to conform to the U.S. Constitution, should be artificially revived.

The Internal Security Act of 1950, or the McCarran Act, was generated by a climate of hysteria and fear in the postwar years, representing the culmination of 3 years of agitation for antisubversion legislation.

Positing an ironclad Communist conspiracy in language chillingly reminiscent of the stridency of the times, the act established a five-man Board which, upon petition of the Attorney General, would hold quasi-judicial proceedings to determine if an organization was required to register with the Attorney General as a Communist action, Communist front, or Communist infiltrated group. Individual members of Communist-action groups were required to register. But, as President Harry Truman's prophetic veto message of September 22, 1950, predicted, things did not quite work out that way. He said:

> The idea of requiring Communist organizations to divulge information about themselves is a simple and attractive one. But it is about as practical as requiring thieves to register with the sheriff. Obviously, no such organization as the Communist Party is likely to register voluntarily.

The President then elaborated on the procedural requirements for Board hearings—submission of proof by the Attorney General that an organization was in fact a "Communist-action" or "Communist-front" organization, submission of evidence by the organization, prolonged hearings by the Board, and appeal through the Courts. He concluded:

> All these proceedings would require great effort and much time. It is almost certain that from two to four years would elapse between the Attorney General's decision to go before the Board with a case, and the final disposition of the matter by the Courts.
>
> And when all this time and effort had been spent, it is still most likely that no organization would actually register.

And, of course, none has.

Congressional reaction was equally swift. The following day, both Houses overrode President Truman's veto, the House by 286 to 48, the Senate by 57 to 10. On the floor of the House, Representative Rankin, of Mississippi, righteously proclaimed:

This document should be answered on the floor. I have never heard so many misstatements in the same number of words. I am sure the President did not write it, and I doubt if he ever read it. It sounds like Communist propaganda.

The rumor is that Felix Frankfurter wrote it.

That, I suspect, was intended as damnation. I suggest, however, that whoever authored the message, it stands out as a monument to sanity.

Senator Herbert H. Lehman courageously pleaded with the Senate to sustain the Prsident's veto:

This bill is based upon misconception, hysteria, and suspicion. People have been led to believe that this is simply a bill to require registration, that under its provisions there are no complications, no further responsibilities, no further duties, no further consequences.

It is not so. In my opinion . . . this bill would in no way help to combat communism. It would do communism no harm. It would harm the country. It would harm the things for which we have stood and for which our forefathers have fought for 200 years and more. . . .

On November 20, 1950, the Attorney General petitioned the Subversive Activities Control Board to require the Communist Party of the United States to register. The Board's hearing consumed the next 18 months and over 14,000 pages of trial transcript. On April 20, 1953, the Board directed the Communist Party to register with the Attorney General as provided by section 7 of the act.

The Communist Party, of course, refused to comply with the registration directive. Seven years of litigation through the lower courts ensued until the case reached the U.S. Supreme Court in October of 1960. On June 5, 1961, the Supreme Court handed down the decision of *Communist Party of the United States* v. *Subversive Activities Control Board* (367 U.S. 1), in which the registration requirement contained in section 7 of the 1950 act was upheld. Ironically enough, the opinion was written by none other than Mr. Justice Frankfurter. In upholding the Board's registration order the Court said:

The purpose of the Subversive Activities Control Act is said to be to prevent the worldwide Communist conspiracy from accomplishing its purpose in this country.

It is not for the courts to re-examine the validity of these legislative findings and reject them . . . They are the product of extensive investigations by Committees of Congress over more than a decade and a half (367 U.S. 1, at 94, 95).

Of course, Congressional power in this sphere, as in all spheres, is limited by the First Amendment. Individual liberties fundamental to American institutions are not to be destroyed under pretext of preserving those institutions, even from the external dangers. But where the problems of accommodating the exigencies of self-preservation and the values of liberty are as complex and intricate as they are in the situation described in the findings of S. 2 of the Subversive Activities Control Act . . . the legislative judgment as to how that threat may best be met consistently with the safeguarding of personal freedom is not to be set aside merely because the judgment of judges would, in the first instance, have chosen other methods (367 U.S. 1, at 96, 97).

The Communist Party, however, had contended that the registration requirement constituted a denial of the fifth amendment guarantees against self-incrimination of its officers. The Court made no determination on this claim on the ground that it was premature. Claims of violations of fifth amendment privileges would be justiciable only after the Board's order became final and after the officers had invoked the privilege in refusing to register with the Attorney General.

The Board's order became final on October 20, 1961. The party did not register. Under another section of the act, it then became the duty of each individual member to register himself. None did. The Attorney General filed petitions against 44 high-ranking officials. In each case, the Board directed registration. None did.

Litigation against two members, William Albertson and Roscoe Quincy Proctor reached the Supreme Court in October 1965, and the decision was handed down a month later on November 15. The Court, by an unanimous 8-to-0 vote, set aside the Board's registration orders—*Albertson et al.* v. *Subversive Activities Control Board* (382 U.S. 70)—holding that the orders clearly violated petitioners' privilege against self-incrimination. I quote from the decision:

The risks of incrimination which the petitioners take in registering are obvious. Form IS–52a requires an admission of membership in the Communist Party. Such an admission of membership may be used to prosecute the registrant under the membership clause of the Smith Act . . . or under Sec. 4(a) of the Subversive Activities Control Act . . . to mention only two federal criminal statutes (382 U.S. 70, at 77).

Thus, the registration orders of all 44 individuals were vacated.

The Subversive Activities Control Board has not held a formal hearing in 2 years. It has one pending case, filed by the Attorney General on March 4, 1966. Formal hearings by the Board cannot be scheduled until a preliminary action is settled by the courts.

In the meantime, how is the Board amusing itself? On August 15 of this year John Mahan, Chairman of the Subversive Activities Control Board, appeared before a subcommittee of the Senate Appropriations Committee, Senator ELLENDER asked—

You have been more or less doing nothing since 1965, and this is the only case you have had?

Mahan answered:

In relation to the cases, we have prepared all the cases that have been tried, and they are in four volumes and an index digest, since I have been there, in less than two years. The staff did that.

A remarkable feat. The Board has spent approximately $700,000 on this project, and Congress is about to give them $300,000 to do the same thing for another year.

At the same Senate subcommittee hearing, Assistant Attorney General J. Walter Yeagley stated:

As I say, we have only filed the one case. We may have another one forthcoming, which is not a lot of business.

Now after such expenditures and futile effort the Un-American Activities Committee proposes a device to circumvent the decisions of the Supreme Court of the United States and perpetuate a bureaucratic agency which really has no function.

H.R. 12601 voids the present self-registration requirements and substitutes a provision that the Attorney General be responsible for registering those who will not register themselves. Organizations determined by the Board to be "Communist action," "Communist front," and "Communist infiltrated" would be registered by the Attorney General. In addition, the names of individual members of Communist-action groups would be registered. This is intended to circumvent the Albertson-Proctor decision of the Supreme Court, which held the self-registration requirement of the present law in violation of the fifth amendment.

The effect of the bill is to have the Attorney General "incriminate" a citizen who fails to take the necessary steps to do so himself, with the same ramifications and violations of Constitutional safeguards. Where is the due process?

Under section 5(d) of the bill judicial review is explicitly prohibited until the completion of board proceedings. The committee's justification is that—

It is designed to protect the due administration of the act and prevent frivolous delays in its enforcement by depriving Communist organizations of the ability to initiate dilatory collateral proceedings.

The assumption is that anyone who seeks to challenge a proceeding of the Board must be a Communist. This is another demonstration of the committee's well-known contempt for our constitutional safeguards.

Section 5(c) of H.R. 12601 is designed to compel testimony by granting immunity from prosecution to persons who invoke the fifth amendment privilege against self-incrimination. This is particularly subject to abuse, giving an administrative agency power to intimidate and expose. It is reasonable to assume that threats of contempt proceedings and perjury prosecutions would accompany the Board's efforts to extract information.

This provision is another device to evade constitutional safeguards, and the Board should not be invested with such sweeping powers.

Congress should be most reluctant to extend the power to grant immunity. Justice is best served by restricting it, if possible, to grand jury proceedings which are secret and not likely to become public spectacles.

The most serious aspects of this bill involve not what it alters but what it leaves unchanged. The restrictions on freedom of association inherent in the original McCarran Act are unchanged. The definitions of "Communist action" and "Communist front" are so vague as to raise serious questions. "Communist infiltrated" is undefinable on its face. If one Communist joins an organization and seeks to influence its policies, is the organization thereby permanently polluted? Communists have sought to influence every progressive movement.

As our colleague, the gentleman from Iowa, Congressman CULVER, points out in his well reasoned dissenting views, the act as amended would continue to brand as "Communist-front" organizations that take positions "from time to time on matters of policy" which "do not deviate from those" of the Communist movement. Under this language, any coincidence of views or deliberate decision by Communists to exploit a cause could result in the impugning of innocent organizations. It was not so long ago that the Un-American Activities Committee used a similar tactic in harassing advocates of civil rights, disarmament, and a host of other issues, through the use of the neat phrase: "Are you aware that this is the position of the Communist Party?"

When this bill was first proposed in 1950, all of the agencies charged with the maintenance of the Nation's security, foreign and domestic, opposed the bill on the grounds that it would impede their work. None of these have rushed forward in support of today's amendments.

Mr. Chairman, during the debate on the similar bill in the Senate a few weeks ago, Senator KENNEDY of New York had this to say:

> We know the Act will be challenged and we know that the Supreme Court will very likely throw it out, as it has done in the case of sections of the law now on the books. This law has not helped us to advance in the last 17 years in connection with subversive activities, and if this legislation is passed, we will still not have taken a step forward. We will be standing still.

This is unique testimony from a man uniquely qualified. Senator Kennedy of New York was, of course, Attorney General from 1961 to 1964 and was intimately concerned with the administration of the Internal Security Act.

Furthermore, the serious deficiencies in these proposals have been pointed out by some of our most competent and respected legal authorities, among them, Prof. Thomas S. Emerson, of Yale, Dean Robert F. Drinan, of Boston College Law School, Prof. Walter Gellhorn, of Columbia, and Prof. Benjamin Kaplan, Louis Loss, and Clark Byse, of Harvard.

Let us look closely at this bill before we vote. The witch hunts of the 1950's are over. Did we learn nothing from them? Have we forgotten the degradation, the denial of democratic freedoms, the smearing of the reputations, and destruction of human dignity that took place? Have we no faith in the intelligence and integrity of the American people? In their good judgment?

This is an opportunity to take a firm stand for protection of the most basic constitutional and human rights of all Americans and to correct a mistake made in an emotional climate 17 years ago—a mistake which should not be perpetuated.

Mr. PHILBIN. Mr. Chairman, this bill has been very ably debated on both sides. Insofar as I am concerned, it presents some very disturbing constitutional implications.

In the first place, I believe that most of us can agree that there is an urgent need for energetically searching out internal subversion, checking its activities and ramifications, and punishing the specific acts of those who engage in violation of existing law and in seeking to undermine the foundations of our great, free society.

There are, in my humble judgment, adequate laws in this area protecting the nation against treason, espionage, sabotage and efforts and actions designed to overthrow our Government by force, violence and conspiracy.

In that sense, this bill would be redundant and repetitious and it might well serve to duplicate existing laws while placing dangerous restrictions on the personal liberty of our people.

Our Constitution zealously protects the political views of the people and the right to dissent in every lawful manner.

The application of registration requirements and spying upon fellow citizens and neighbors are characteristic of the arbitrary police state, and since the formation of this Government, these practices have been looked upon with great disapproval by the American people.

Above all, we are under a sacred obligation to protect the great freedoms of the Constitution—freedom of belief, freedom of speech, freedom of the press and assembly and freedom of criticism and dissent, and we must exert every precaution against infringement of the personal liberty of our fellow citizens and those residing in the United States.

In this country, it is of paramount importance that, under our Constitution and the laws, every person shall be free to speak his mind and express his beliefs and views as criticism and dissent, without the restraining hand of meddlesome government interfering with his affairs, and trifling with his basic constitutional liberties, so long as he does not violate the law of the land.

As to those among us, who are working for the overthrow of the Government, there are ample laws to punish them, and to stamp out their conspiracies, and I think we would do great disservice to our form of government if, in order to check subversion and fight communism, we should adopt the very totalitarian techniques that communism and other absolute systems of government utilize to suppress and enchain their subject-citizens and those living within their domains.

The regimentation of the people of this country into thought cliques imposed by governmental laws and edicts is certainly not one of the purposes of this great Government, and we must repudiate such efforts by Government officials, agencies, or devices of law, which do not square with the Constitution of the United States.

Time and again, our courts have dealt with these questions and I do not wish to belabor them here. While I believe that we must continue to combat subversion and communism in every possile way, so as to check the dangers they present to the perpetuity of free institutions, law and order, and the existence of our freedoms, it is my conviction that we must do these things under the letter and spirit of the Constitution, and that any departure from this rule would, not only work a wrong against the rights of the individual in our society, but would also be capable of restricting precious personal and civil liberties, and this must be studiously and firmly rejected by the Congress.

Mr. ASHBROOK. Mr. Chairman, I have no further requests for time.

Mr. WILLIS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

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

SECTION 1. Paragraph (4) of section 3 of such Act is amended to read as follows:

"(4) The term 'Communist-front organization' means any organization in the United States (other than a Communist-action organization as defined in paragraph (3) of this section) which (A) is substantially directed, dominated, or controlled by a Communist-action organization, or (B) is substantially directed, dominated, or controlled by one or more members of a Communist-action organization, and (C) is primarily operated for the purpose of giving aid and support to a Communist-action organization, a Communist foreign government, or the world Communist movement referred to in section 2 of this title."

SEC. 2 Section 8 of such Act is amended to read as follows:

"REGISTRATION OF MEMBERS OF COMMUNIST-ACTION ORGANIZATIONS

"SEC. 8. (a) When there is in effect a final order of the Board requiring any organization to register under section 7(a) as a Communist-action organization and such organization has not filed a statement of its members as required by subsections (d) and (e) of section 7, it shall be the duty of the Attorney General to petition the Board for a determination as provided in section 13(a) as to each individual whom the Attorney General has reason to believe is at the time of the filing of his petition under section 13(a) a member of such organization.

"(b) When any organization files a statement of its members pursuant to subsection (d) or (e) of section 7 it shall be the duty of the Attorney General to petition the Board for a determination as provided in section 13(a) as to each individual whom the Attorney General has reason to believe is at the time of the filing of his petition under section 13(a) a member of such organization but whose name was not included upon the statement filed by the organization.

"(c) Any individual as to whom there is in effect a final order of the Board determining such individual to be a member of a Communist-action organization and who is no longer a member of such organization may file a petition for a determination as provided in section 13."

SEC. 3. (a) Subsection (a) of section 9 of such Act is amended to read as follows:

"(a) The Attorney General shall keep and maintain separately in the Department of Justice—

"(1) a 'Register of Communist-Action Organizations', which shall include (A) the names and addresses of all Communist-action organizations registered or by final order of the Board required to register under the provisions of this title, (B) the registration statements and annual reports filed by such organizations thereunder, and (C) the names and last-known addresses of individuals who by proceedings under section 13 are by final order of the Board determined to be members or officers of such organizations;

"(2) a 'Register of Communist-Front Organizations,' which shall include (A) the names and addresses of all Communist-front organizations registered or by final order of the Board required to register under the provisions of this title, and (B) the registra-

tion statements and annual reports filed by such organizations thereunder; and

"(3) a 'Register of Communist-Infiltrated Organizations', which shall include the names and addresses of all Communist-infiltrated organizations determined by final order of the Board to be used by proceedings under section 13A."

(b) Subsection (d) of section 9 of such Act is amended to read as follows:

"(d) Upon the registering of each Communist organization by the Attorney General under the provisions of this section, the Attorney General shall publish in the Federal Register the fact that such organization has been registered by him as a Communist-action organization, or as a Communist-front organization, or as a Communist-infiltrated organization, as the case may be, and the publication thereof shall constitute notice to all members of such organization that such organization has been so registered."

SEC. 4. Section 10 of such Act is amended to read as follows:

"SEC. 10. It shall be unlawful for any organization which is registered under section 7, or for any organization with respect to which there is in effect a final order of the Board requiring it to register under section 7, or determining that it is a Communist-infiltrated organization, or for any person acting for or on behalf of any such organization—

"(1) to transmit or cause to be transmitted, through the United States mails or by any means or instrumentality of interstate or foreign commerce, any publication which is intended to be, or which it is reasonable to believe is intended to be, circulated or disseminated among two or more persons, unless such publication, and any envelope, wrapper, or other container in which it is mailed or otherwise circulated or transmitted, bears the following, printed in such manner as may be provided in regulations prescribed by the Attorney General: 'Disseminated by '; (setting forth the name of the organization in lieu of the preceding blank, followed immediately by whichever statement is applicable and setting forth in lieu of the blank whether Communist-action, front, or infiltrated, as the case may be), 'which is registered with the Attorney General of the United States as a Communist- organization', (or) 'which has been determined by final order of the Subversive Activities Control Board, to be a Communist- organization'; or

"(2) to use the United States mails, or any means, facility, or instrumentality of interstate or foreign commerce, to solicit any money, property, or thing unless such solicitation, if made orally, is preceded by the following statement, and if made in writing or in print, is preceded by the following written or printed statement: 'This solicitation is made for or on behalf of ', (setting forth the name of the organization in lieu of the preceding blank, followed immediately by whichever statement is applicable and setting forth in lieu of the blank whether Communist-action, front, or infiltrated, as the case may be) 'which is registered with the Attorney General of the United States as a Communist- organization', (or) 'which has been determined by final order of the Subversive Activities Control Board, to be a Communist- organization'; or

"(3) to broadcast or cause to be broadcast any matter over any radio or television station in the United States, unless such matter is preceded by the following statement: 'The following program is sponsored by ', (setting forth the name of the organization in lieu of the preceding blank, followed immediately by whichever statement is applicable and setting forth in lieu of the blank whether Communist-action, front, or infiltrated, as the case may be) 'which is registered with the Attorney General of the United States as a Communist- organization', (or) 'which has been determined by final order of the Subversive Activities Control Board, to be a Communist- organization'."

SEC. 5. (a) Subsection (a) of section 13 of such Act is amended to read as follows:

"(a) Whenever the Attorney General shall have reason to believe that any organization which has not registered under subsection (a) or subsection (b) of section 7 of this title is in fact an organization of a kind required to be registered under such subsection, or that any individual is of the type referred to in subsection (a) or (b) of section 8 of this title, he shall file with the Board and serve upon such organization or individual, as the case may be, a petition for an order requiring such organization to register, or determining such individual to be a member of such organization, pursuant to such subsection or section. Each such petition shall be verified under oath, and shall contain a statement of the facts upon which the Attorney General relies in support of his prayer for the issuance of such order. Two or more such individuals, members of such organization or of any section, branch, fraction, cell, board, committee, commission, or unit thereof, may be joined as respondents in one petition for an order determining each of such individuals to be a member of any such organization. A dissolution of any organization subsequent to the date of the filing of any petition requiring it to register shall not moot or abate the proceedings, but the Board shall receive evidence and proceed to a determination of the issues: *Provided, however,* That if the Board shall find such organization to be a Communist-action or Communist-front organization as of the time of the filing of such petition and prior to its alleged dissolution, and shall find that a dissolution of the organization has in fact occurred as aforesaid, the Board shall enter an order determining such organization to be a Communist-action or Communist-front organization, as the case may be, and the Attorney General shall register it as such in the appropriate register maintained by him pursuant to subsection (a) of section 9 of this title, together with a notation of its dissolution. No such organization found to be dissolved as aforesaid shall be required to file any registration statement or annual report, nor shall any member or officer thereof be registered or required to register as a member or officer of such organization under the provisions of this title."

(b) Subsection (b) of section 13 of such Act is amended to read as follows:

"(b) Any organization registered under subsection (a) or subsection (b) of section 7 of this title, or any organization which by final order of the Board has been required to register, and which no longer is an organization of such type, or any individual who by final order of the Board has been determined to be a member of a Communist-action organization, and who no longer is a member of such organization, may file with the Board a petition for a determination that such organization no longer is an organization of such type, or that such individual no longer is a member of such organization, as the case may be, and for appropriate relief from the further application of the provisions of this title to such organization or individual. Any individual authorized by section 7(g) to file a petition for relief may file with the Board and serve upon the Attorney General a petition for an order requiring the Attorney General to strike his name from the registration statement or annual report upon which it appears. Each petition filed under and pursuant to this subsection shall be verified under oath, and shall contain a statement of the facts relied upon in support thereof. Upon the filing of any such petition, the Board shall serve upon each party to such proceeding a notice specifying the time and place for hearing upon such petition. No such hearing shall be conducted within twenty days after the service of such notice."

(c) Subsection (c) of section 13 of such Act is amended by inserting the following sentence immediately preceding the last sentence thereof: "No person, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture, shall be excused from testifying or producing documentary evidence before the Board in obedience to a subpena of the Board issued on request of the Attorney General when the Attorney General represents that such testimony or evidence is necessary to accomplish the purposes of this title; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he, under compulsion as herein provided, may testify, or produce evidence, documentary or otherwise, before the Board in obedience to a subpena issued by it: *Provided,* That no natural person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying."

(d) Subsection (d) of section 13 of such Act is amended as follows:

(1) Amend paragraph (2) of said subsection to read as follows:

"(2) Where an organization or individual declines or fails to appear at a hearing accorded to such organization or individual by the Board in proceedings initiated pursuant to subsection (a), the Board shall, nevertheless, proceed to receive evidence, make a determination of the issues, and enter such order as shall be just and appropriate."

(2) Add the following paragraphs:

"(3) Any person who, in the course of any hearing before the Board or any member thereof or any examiner designated thereby, shall misbehave in their presence or so near thereto as to obstruct the hearing or the administration of the provisions of this title, shall be guilty of an offense and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not less than $500 nor more than $5,000, or by imprisonment for not more than one year, or by both such fine and imprisonment. Whenever a statement of fact constituting such misbehavior is reported by the Board to the appropriate United States attorney, it shall be his duty to bring the matter before the grand jury for its action.

"(4) The authority, function, practice, or process of the Attorney General or Board in conducting any proceeding pursuant to the provisions of this title shall not be questioned in any court of the United States, nor shall any such court, or judge or justice thereof, have jurisdiction of any action, suit, petition, or proceeding, whether for declaratory judgment, injunction, or otherwise, to question such, except on review in the court or courts having jurisdiction of the actions and orders of the Board pursuant to the provisions of section 14, or when such are appropriately called into question by the accused or respondent, as the case may be, in the court or courts having jurisdiction of his prosecution or other proceeding (or the review thereof) for any contempt or any offense charged against him pursuant to the provisions of this title."

(e) Paragraph (1) of subsection (f) of section 13 of such Act is amended to read as follows:

"(1) the extent to which persons who are active in its management, direction, or supervision, whether or not holding office therein, are active in the management, direction, or supervision of, or as representatives or members of, any Communist-action organization, Communist foreign govern-

ment, or the world Communist movement referred to in section 2; and"

(f) Paragraph (2) of subsection (g) of section 13 of such Act is amended to read as follows:

"(2) that an individual is a member of a Communist-action organization, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such individual an order determining such individual to be a member of such organization."

(g) Paragraph (2) of subsection (h) of section 13 of such Act is amended to read as follows:

"(2) that an individual is not a member of any Communist-action organization, it shall make a report in writing in which it shall state its finding as to the facts; issue and cause to be served upon the Attorney General an order denying his petition for an order determining such individual to be a member of such organization; and send a copy of such order to such individual."

(h) Paragraph (2) of subsection (i) of section 13 of such Act is amended by inserting the words "or officer" following the word "member" in the first clause thereof, and striking the numeral "8" in clause (B) and substituting in lieu thereof the numeral "9".

(i) Paragraph (2) of subsection (j) of section 13 of such Act is amended by inserting the words "or officer" following the word "member" in the first clause thereof, and striking the numeral "8" in clause (B) and substituting in lieu thereof the numeral "9".

SEC. 6. Section 13A of such Act is amended as follows:

(1) Subsection (a) of such section is amended by inserting the following immediately preceding the last sentence theerof: "A dissolution of such organization subsequent to the date of the filing of any petition for a determination that it is Communist infiltrated, shall not moot or abate the proceedings, but the Board shall receive evidence and proceed to a determination of the issues: *Provided, however,* That if the Board shall determine such organization to be a Communist-infiltrated organization as of the time of the filing of such petition and prior to its alleged dissolution, and shall find that a dissolution of the organization has in fact occurred as aforesaid, the Board shall enter an order determining such organization to be a Communist-infiltrated organization and the Attorney General shall register it as such in the appropriate register maintained by him pursuant to subsection (a) of section 9 of this title, together with a notation of its dissolution. Nothing in this section or in this title shall be construed to preclude any organization or any member thereof at any stage of a hearing on the Attorney General's petition for an order determining it to be Communist infiltrated, from alleging and submitting relevant evidence of a change with respect to the direction, domination, or control of the organization effected by it or occurring subsequent to the filing of the Attorney General's petition; and the Board shall receive and consider such evidence in making its determination as to whether the organization is Communist infiltrated."

(2) Subsection (b) of such section is amended to read as follows:

"(b) Any organization which has been finally determined under this section to be a Communist-infiltrated organization may thereafter file with the Board and serve upon the Attorney General a petition for a determination that such organization no longer is a Communist-infiltrated organization, and that its name be stricken from his register maintained under section 9 hereof."

(3) Subsection (d) of such section is amended to read as follows:

"(d) The provisions of subsections (c) and (d) of section 13 shall apply to hearings conducted under this section."

SEC. 7. Clause (B) in the sixth sentence of subsection (a) of section 14 of such Act is amended by striking the numeral "8" and substituting in lieu thereof the numeral "9".

SEC. 8. Section 15 of such Act is amended to read as follows:

"PENALTIES

"SEC. 15. Any organization which violates any provision of section 10 of this title shall, upon conviction thereof, be punished for each such violation by a fine of not more than $10,000. Any individual who violates any provision of section 5 or 10 of this title shall, upon conviction thereof, be punished for each such violation by a fine of not more than $10,000 or by imprisonment for not more than five years, or by both such fine and imprisonment."

Mr. ALBERT (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. If there are no amendments to be proposed, under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ANDREWS of Alabama, Chairman of Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 12601) to amend certain provisions of the Internal Security Act of 1950, relating to the registration of Communist organizations, and for other purposes, pursuant to House Resolution 951, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 269, nays 104, not voting 59, as follows:

[Roll No. 415]

YEAS—269

Abernethy	Ayres	Bray
Adair	Baring	Brinkley
Adams	Battin	Brock
Addabbo	Belcher	Brooks
Albert	Bell	Brotzman
Anderson, Tenn.	Bennett	Brown, Ohio
	Berry	Broyhill, N.C.
Andrews, Ala.	Betts	Buchanan
Andrews, N. Dak.	Biester	Burke, Fla.
	Blackburn	Burleson
Arends	Blanton	Burton, Utah
Ashbrook	Boggs	Bush
Ashmore	Bolton	Byrnes, Wis.
Aspinall	Bow	Cabell
Carter	Irwin	Price, Tex.
Casey	Jarman	Pryor
Cederberg	Johnson, Calif.	Pucinski
Chamberlain	Johnson, Pa.	Quie
Clancy	Jonas	Randall
Clark	Jones, Ala.	Rarick
Clausen, Don H.	Jones, Mo.	Reid, Ill.
	Jones, N.C.	Reifel
Clawson, Del	Kazen	Reinecke
Collier	Kee	Rhodes, Ariz.
Colmer	Keith	Rhodes, Pa.
Corbett	Kelly	Riegle
Cramer	King, Calif.	Rivers
Cunningham	King, N.Y.	Rogers, Colo.
Daniels	Kirwan	Rogers, Fla.
Davis, Ga.	Kleppe	Rostenkowski
Davis, Wis.	Kluczynski	Roth
Dawson	Kornegay	Roudebush
de la Garza	Kuykendall	Roush
Delaney	Kyl	Sandman
Dellenback	Kyros	Satterfield
Denney	Laird	Schadeberg
Dent	Landrum	Scherle
Derwinski	Langen	Schwengel
Devine	Latta	Scott
Dole	Lennon	Selden
Dowdy	Lipscomb	Shipley
Downing	Long, La.	Shriver
Dulski	Lukens	Sisk
Duncan	McClory	Skubitz
Dwyer	McClure	Slack
Edmondson	McCulloch	Smith, Calif.
Edwards, Ala.	McDonald, Mich.	Smith, N.Y.
Edwards, La.		Smith, Okla.
Erlenborn	McEwen	Snyder
Esch	Machen	Springer
Eshleman	Madden	Stafford
Everett	Mahon	Staggers
Fallon	Mailliard	Stanton
Fascell	Marsh	Steiger, Ariz.
Feighan	Martin	Steiger, Wis.
Fino	Mathias, Calif.	Stuckey
Fisher	May	Sullivan
Flood	Mayne	Taft
Friedel	Meeds	Talcott
Fulton, Pa.	Meskill	Taylor
Fulton, Tenn.	Michel	Teague, Tex.
Fuqua	Miller, Ohio	Thompson, Ga.
Galifianakis	Mills	Thomson, Wis.
Gardner	Minish	Tuck
Gathings	Minshall	Ullman
Gettys	Mize	Utt
Gibbons	Montgomery	Vigorito
Goodell	Moore	Waggonner
Goodling	Morgan	Walker
Gray	Murpry, Ill.	Wampler
Gross	Murphy, N.Y.	Watkins
Grover	Myers	Watson
Gubser	Natcher	Whalley
Gurney	Nelsen	White
Hagan	Nichols	Whitener
Haley	O'Konski	Widnall
Hall	Olsen	Wiggins
Hamilton	O'Neal, Ga.	Williams, Miss.
Hammer-schmidt	Passman	Williams, Pa.
	Patman	Willis
Hanley	Patten	Wilson, Bob
Hanna	Pelly	Winn
Hansen, Idaho	Pepper	Wright
Harrison	Perkins	Wyatt
Harsha	Pettis	Wydler
Hays	Pickle	Wylie
Henderson	Pike	Wyman
Herlong	Pirnie	Zablocki
Hull	Poage	Zion
Hunt	Poff	Zwach
Hutchinson	Pollock	
Ichord	Price, Ill.	

NAYS—104

Anderson, Ill.	Eckhardt	Hungate
Ashley	Edwards, Calif.	Jacobs
Barrett	Eilberg	Joelson
Blatnik	Evans, Colo.	Karsten
Boland	Farbstein	Karth
Bolling	Findley	Kastenmeier
Brademas	Foley	Kupferman
Burke, Mass.	Fraser	Leggett
Burton, Calif.	Gallagher	Lloyd
Button	Giaimo	Long, Md.
Byrne, Pa.	Gilbert	McCarthy
Celler	Gonzalez	McDade
Cleveland	Green, Oreg.	McFall
Cohelan	Green, Pa.	Macdonald, Mass.
Conable	Griffiths	
Conte	Gude	MacGregor
Conyers	Halpern	Miller, Calif.
Culver	Hathaway	Mink
Curtis	Hawkins	Monagan
Daddario	Hechler, W. Va.	Moorhead
Diggs	Helstoski	Morris, N. Mex.
Dingell	Hicks	Morse, Mass.
Donohue	Holifield	Morton
Dow	Horton	Mosher

Nedzi	Rodino	Teague, Calif.
Nix	Ronan	Tenzer
O'Hara, Ill.	Rooney, N.Y.	Thompson, N.J.
O'Hara, Mich.	Rosenthal	Tiernan
O'Neill, Mass.	Rumsfeld	Tunney
Ottinger	Ruppe	Van Deerlin
Philbin	Ryan	Vander Jagt
Railsback	St Germain	Vanik
Reid, N.Y.	Scheuer	Waldie
Reuss	Schneebeli	Whalen
Robison	Smith, Iowa	Yates

NOT VOTING—59

Abbitt	Fountain	Resnick
Annunzio	Frelinghuysen	Roberts
Bates	Garmatz	Rooney, Pa.
Bevill	Halleck	Roybal
Bingham	Hansen, Wash.	St. Onge
Brasco	Hardy	Saylor
Broomfield	Harvey	Schweiker
Brown, Calif.	Hébert	Sikes
Brown, Mich.	Heckler, Mass.	Steed
Broyhill, Va.	Holland	Stephens
Cahill	Hosmer	Stratton
Carey	Howard	Stubblefield
Corman	McMillan	Udall
Cowger	Mathias, Md.	Watts
Dickinson	Matsunaga	Whitten
Dorn	Moss	Wilson,
Evins, Tenn.	Multer	Charles H.
Flynt	Pool	Wolff
Ford, Gerald R.	Purcell	Young
Ford, William D.	Quillen	
	Rees	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Annunzio against.
Mr. Fountain for, with Mr. Holland against.
Mr. Abbitt for, with Mr. Bingham against.
Mr. Bevill for, with Mr. Brasco against.
Mr. Evins of Tennessee for, with Mr. Multer against.
Mr. Roberts for, with Mr. Matsunaga against.
Mr. Whitten for, with Mr. Resnick against.
Mr. Garmatz for, with Mr. Rees against.
Mr. Sikes for, with Mr. Roybal against.
Mr. Quillen for, with Mr. Brown of California against.
Mr. Dickinson for, with Mr. Carey against.
Mr. Cahill for, with Mr. William D. Ford against.
Mr. Frelinghuysen for, with Mr. Moss against.
Mr. Bates for, with Mr. Rooney of Pennsylvania against.
Mr. Young for, with Mr. Mathias of Maryland against.
Mr. Stratton for, with Mr. Udall against.

Until further notice:

Mr. Steed with Mr. Gerald R. Ford.
Mr. Charles H. Wilson with Mr. Saylor.
Mr. Purcell with Mr. Broomfield.
Mr. Corman with Mr. Brown of Michigan.
Mr. Flynt with Mr. Broyhill of Virginia.
Mr. Dorn with Mr. Cowger.
Mr. Watts with Mr. Schweiker.
Mr. Hardy with Mr. Halleck.
Mr. Stubblefield with Mr. Hosmer.
Mr. St. Onge with Mr. Harvey.
Mr. Stephens with Mrs. Heckler of Massachusetts.
Mrs. Hansen of Washington with Mr. Howard.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. WILLIS. Mr. Speaker, I ask unanimous consent for the immediate consideration of S. 2171, a Senate bill similar to that just passed by the House.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2171

An act to amend the Subversive Activities Control Act of 1950 so as to accord with certain decisions of the courts

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Subversive Activities Control Act is hereby amended by adding immediately following paragraph (15), a new paragraph, as follows:

"(16) The findings of fact contained in paragraphs (1) through (15) of this section are reiterated. Recent court decisions involving the registration provisions of this Act make it necessary to enact legislation to accomplish the purposes of such Act without the requirements of registration. Disclosure of Communist organizations and of the members of Communist-action organizations as provided herein is essential to the protection of the national welfare."

SEC. 2. Section 5 of the Subversive Activities Control Act is amended as follows:

(a) By changing that part of subsection (a) thereof beginning with the first word of the subsection and continuing down to subparagraph (1) thereof, so as to read:

"(a) When there is in effect a final order of the Board determining any organization to be a Communist-action organization or a Communist-front organization, it shall be unlawful—"

(b) By changing that part of subparagraph (1) of subsection (a) thereof which precedes (A) so as to read:

"(1) For any member of such organization, with knowledge or notice of such final order of the Board—".

(c) By changing that part of subparagraph (2) of subsection (a) thereof which precedes (A) so as to read:

"(2) For any officer or employee of the United States or of any defense facility, with knowledge or notice of such final order of the Board—".

SEC. 3. Sections 7 and 8 of the Subversive Activities Control Act are hereby repealed.

SEC. 4. The caption to section 9 of the Subversive Activities Control Act is amended so as to read: "RECORDS OF FINAL ORDERS OF THE BOARD; PUBLIC INSPECTION; REPORTS TO PRESIDENT AND CONGRESS."; and

Section 9 of such Act is amended so as to read:

"SEC. 9. (a) The Board shall keep and maintain records, which shall be open to public inspection, giving the names and addresses of all organizations as to which, and individuals as to whom, there are in effect final orders of the Board issued pursuant to any of the provisions of subsections (g) through (j), inclusive, of section 13, or subsection (f) of section 13A.

"(b) Copies of the reports and orders of the Board so issued shall be furnished by the Board to any person upon request and upon the payment of the reasonable costs thereof as then currently fixed by the Board.

"(c) The Board shall submit to the President and to the Congress on or before June 1 of each year (and at any other time when requested by either House by resolution) a report giving the names and addresses of all organizations as to which, and all individuals as to whom, there are in effect such final orders of the Board."

SEC. 5 (a) That portion of section 10 of the Subversive Activities Control Act which precedes subparagraph (1) thereof is amended to read as follows:

"SEC. 10. It shall be unlawful for any organization with respect to which there is in effect a final order of the Board determining it to be a Communist-action organization or a Communist-front organization—".

(b) The phrase following the colon at the end of subparagraph (1) thereof is amended to read: "Disseminated by , an organization determined by final order of the Subversive Activities Control Board to be a Communist- organization;".

(c) The phrase following the colon at the end of subparagraph (2) thereof is amended to read: "The following program is sponsored by an organization determined by final order of the Subversive Activities Control Board to be a Communist- organization."

SEC. 6. Begining with the clause designation "(1)" contained in section 11(a) of the Subversive Activities Control Act, strike out all of that subsection down to and including the words "register under section 7", and insert in lieu thereof the following: "there is in effect a final order of the Board determining such organization to be a Communist-action or a Communist-front organization".

SEC. 7. Beginning with the clause designation "(1)" contained in section 11(b) of the Subversive Activities Control Act, strike out all of that subsection down to and including the words "register under section 7", and insert in lieu thereof the following: "there is in effect a final order of the Board determining such organization to be a Communist-action or a Communist-front organization."

SEC. 8. Paragraph (2) of subsection (e) of section 12 of the Subversive Activities Control Act is amended so as to read:

"(2) upon application made by the Attorney General under section 13(a) of this title, or by any individual under section 13(b) of this title, to determine whether any individual is a member of any organization as to which there is in effect a final order of the Board determining such organization to be a Communist-action organization."

SEC. 9. Section 13 of the Subversive Activities Control Act is amended as follows:

(a) By amending subsection (a) thereof so as to read:

"(a)(1) Whenever the Attorney General has reason to believe that any organization is a Communist-action organization or a Communist-front organization, he shall file with the Board and serve upon such organization a petition for a determination that such organization is a Communist-action organization or a Communist-front organization, as the case may be.

"(2) Whenever the Attorney General has reason to believe that any individual is a member of an organization which has been finally determined under this section to be a Communist-action organization, he shall file with the Board and serve upon such individual a petition for a determination that such individual is a member of such organization. Each petition under part (1) or part (2) of this subsection shall be verified under oath, and shall contain a statement of the facts upon which the Attorney General relies in support of his prayer for the issuance of such order."

(b) By amending subsection (b) thereof so as to read:

"(b) Any organization as to which there is in effect a final order of the Board determining it to be a Communist organization, and any individual as to whom there is in effect a final order of the Board determining him to be a member of a Communist-action organization may, not more often than once in each calendar year, file with the Board and serve upon the Attorney General a petition for a determination that such organization no longer is a Communist organization (in the case of an organization which has been determined under subsection (a) of this section to be one of the types of Communist organizations) or that such individual no longer is a member of a Communist-action organization, as the case may be. Each petition filed under and pursuant to this subsection shall be verified under oath, and shall contain a statement of the facts relied upon in support thereof. Upon the filing of any such petition, the Board shall serve upon

each party to such proceeding a notice specifying the time and place for hearing upon such petition. No such hearing shall be conducted within twenty days after the service of such notice."

(c) By amending that portion of paragraph (2) of subsection (d) thereof which precedes the last sentence thereof so as to read:

"(2) Where an organization or individual declines or fails to appear at a hearing accorded to such organization or individual by the Board in proceedings under subsection (a) of this section, the Board shall, nevertheless, proceed to receive evidence, make a determination of the issues, and enter such order as shall be just and appropriate. Upon failure of an organization or individual to appear at a hearing accorded to such organization or individual in proceedings under subsection (b) of this section the Board may forthwith and without further proceedings enter an order dismissing the petition of such organization or individual."

(d) By amending subsection (g) thereof so as to read:

"(g) If, after hearing upon a petition filed under subsection (a) of this section, the Board determines—

"(1) that an organization is a Communist-action organization or a Communist-front organization, as the case may be, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such organization an order determining the organization to be a Communist-action organization or a Communist-front organization as the case may be;

"(2) that an individual is a member of a Communist-action organization, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such individual an order determining such individual to be a member of a Communist-action organization."

(e) By amending subsection (h) thereof so as to read:

"(h) If, after hearing upon a petition filed under subsection (a) of this section, the Board determines—

"(1) that an organization is not a Communist-action organization or a Communist-front organization, as the case may be, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served upon the Attorney General an order denying the determination sought by his petition, and shall send a copy of such order to such organization;

"(2) that an individual is not a member of any Communist-action organization, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served upon the Attorney General an order denying the determination sought by his petition, and shall send a copy of such order to such individual."

(f) By amending subsection (i) thereof so as to read:

"(i) If, after hearing upon a petition filed under subsection (b) of this section, the Board determines—

"(1) that an organization no longer is a Communist-action organization or a Communist-front organization, as the case may be, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served upon the Attorney General and such organization an order determining that the organization no longer is a Communist-action organization or Communist-front organization as the case may be;

"(2) that an individual no longer is a member of any Communist-action organization, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served upon the Attorney General and such individual an order determining that such individual no longer is a member of a Communist-action organization."

(g) By amending subsection (j) thereof so as to read:

"(j) If, after hearing upon a petition filed under subsection (b) of this section, the Board determines—

"(1) that an organization is a Communist-action organization or a Communist-front organization, as the case may be, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such organization an order denying its petition for a determination that the organization no longer is a Communist-action organization or a Communist-front organization as the case may be.

"(2) that an individual is a member of a Communist-action organization, it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served upon such an individual an order denying his petition for a determination that the individual no longer is a member of a Communist-action organization."

(h) By amending subsection (k) thereof so as to read:

"(k) When any order of the Board issued under subsection (g), (h), (i), or (j), of this section becomes final under the provisions of section 14(b) of this title, the Board shall publish in the Federal Register the fact that such order has become final, and publication thereof shall constitute notice to all persons that such order has become final."

SEC. 10. The seventh sentence of subsection (a) of section 14 of the Subversive Activities Control Act is amended so as to read: "If the court shall set aside an order issued under subsection (j) of section 13, it may, in the case of an organization, enter a judgment requiring the Board to issue an order determining that such organization no longer is a Communist-action organization or Communist-front organization, as the case may be, or in the case of an individual, enter a judgment requiring the Board to issue an order determining that such individual no longer is a member of a Communist-action organization."

SEC. 11. Section 15 of the Subversive Activities Control Act is amended so as to read:

"SEC. 15. (a) In the case of any organization which by proceedings under section 13(a) prior to the date of enactment hereof has been finally determined by the Board in carrying out its duties under subsection (e) of section 12, to be a 'Communist-action organization' or a 'Communist-front organization', and as a result of such determination has been ordered to register, the Board shall forthwith modify its previously issued registration order as may be necessary to conform such order to the provisions of section 13(g) hereof, and shall forthwith include such organization on the record maintained under section 9: *Provided, however,* That nothing in this subsection shall be construed so as to prevent any such organization from filing a petition as provided in subsection (b) of section 13.

"(b) In the case of any proceeding pending before the Board on the effective date of this enactment the Board and the Attorney General are authorized to proceed in accordance with the provisions of this Act as herein amended. No suit, action, or other proceeding lawfully commenced prior to this enactment in any court of the United States shall abate by reason of this enactment. The court in any such case may allow such motion or supplemental pleadings as may be necessary to conform the litigation to the provisions of this Act as amended."

SEC. 12. Section 12 of the Subversive Activities Control Act (30 U.S.C. 791) is amended by adding at the end thereof the following new subsection:

"(i) The Board shall cease to exist on June 30, 1969, unless in the period beginning on the date of enactment of this subsection and ending on December 31, 1968, proceedings under this Act shall have been instituted before the Board and hearings under this Act shall have been conducted by the Board. On or before January 10, 1969, the Attorney General shall determine whether such proceedings have been so instituted, and such hearings have been so conducted, within that period. The determination so made by the Attorney General shall be published in the Federal Register."

Nothing in the Act shall be construed to impair the power of Congress to provide for an instrumentality to carry out the purposes of this Act.

SEC. 13. Subsection (3) of section 3 of the Subversive Activities Control Act is amended by striking out "(a)" and by striking the whole of paragraph (b).

SEC. 14. Subsection (f) of section 4 of the Subversive Activities Control Act is amended by striking the last sentence of the subsection.

AMENDMENT OFFERED BY MR. WILLIS

Mr. WILLIS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WILLLIS: Strike out all after the enacting clause of the bill S. 2171 and insert in lieu thereof the provisions of H.R. 12601, as passed by the House.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 12601) was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. WILLIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

THE U.S. INCOME TAX SYSTEM—THE NEED FOR A FULL ACCOUNTING

Mr. WATTS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. WATTS. Mr. Speaker, the Assistant Secretary of the Treasury, the Honorable Stanley S. Surrey, recently made an address before the Money Marketeers in New York City.

Mr. Surrey in his address presented some interesting and intriguing ideas which I believe deserve further analysis and consideration by the Congress. Perhaps the most intriguing idea he presents would call for an annual accounting of all tax privileges, preferences, or concessions according to the amount of money

involved and as to the objective of the preference. Presumably his suggestion ultimately would entail an annual review of these features of the tax law.

Since I have been a member of the Committee on Ways and Means I, along with the other members of the committee, have had the privilege of working closely with Mr. Surrey in his capacity as representative of the Treasury Department on a wide array of tax matters. In this relationship I have found Mr. Surrey to be an outstanding civil servant. He is, of course, widely recognized for his broad and deep knowledge of the tax laws but, in addition to that, in his relationships with the committee he has shown an ability that bureaucrats tend not to have; namely, the ability to also see the problem from the congressional point of view. This has enabled him in many instances to aid us in the practical solutions to many difficult tax problems.

I commend Mr. Surrey's speech, which I insert at this point, to your reading:

THE UNITED STATES INCOME TAX SYSTEM—THE NEED FOR FULL ACCOUNTING

(Address by Hon. Stanley S. Surrey)

The United States income tax system is a powerful factor in our society, in our businesses and in our households. Viewed in the aggregate, its importance for fiscal policy has been demonstrated in recent year, notably in the 1964 revenue reduction—and we hope again this year through the tax surcharge. American business is intimately aware of its importance in the particular, and tax planning is an integral part of business planning. About 90 percent of our adult population is involved in filing an income tax return and 75 percent in paying an income tax—a coverage broader than in any other country.

An income tax system of such strength and breadth of application warrants a full accounting. It would seem but obvious that we should be fully aware of its content and scope, so that we could intelligently pass judgment on its effects. This being so, it is all the more surprising that there are gaps in the accounting that now obtains. These gaps exist both at the Governmental level, in the way our Budget reflects the income tax, and at the level of the individual business, in the way financial accounting handles the impact of the tax. These gaps have serious implications for our understanding of the tax system.

We may start with the way our income tax is reflected in the Federal Budget in aggregate terms. The Administrative Budget and the Cash Budget both treat tax receipts on a cash basis. This being so, the degree to which changes in income tax or other rates are currently reflected in the Budget depends upon the timing of tax payments. Recent changes in that timing, notably graduated withholding, estimated tax payments for corporations, and currency of deposit for withheld taxes and excise taxes, have considerably narrowed the gap betwen legislative changes in rates and the impact of the changes on the Administrative and Cash Budgets. The National Income Account Budget reflects taxes on an accrual basis, except for non-withheld individual income taxes which are on a cash basis. These variances in the Federal Budget statements of revenues have made it difficult for the general public to readily comprehend the aggregate economic effect of the tax system. The problem is heightened by the fact that the Administrative Budget does not cover the taxes earmarked for various trust funds, such as Social Security taxes and highway taxes, while the other two Budgets do include these revenue sources.

Each of the Budgets conveys some information and a thorough analysis would make use of all of them. Many people, however, think of "the Budget" in terms of one set of figures; this one set of figures is usually that in the Administrative Budget, which is probably the least useful for general economic analysis.

The recent Report of the President's Commission on Budget Concepts seeks to develop one comprehensive measure to reflect aggregate revenues. Its recommendation for the revenue and expenditures part of the Budget would include all revenue sources—both general revenues and trust fund revenues—and would place reporting of the income tax revenues on an accrual basis. The Commission states that the use of an accrual basis for the corporate tax and other taxes could be done at this time, while its application to the individual income tax requires further study. These changes in Budget reporting will permit a better public understanding of the economic weight of our taxes. The changes will thereby contribute to a more informed consideration of what will be our major fiscal policy issue in the Post-Vietnam period—how the revenues released by the reduction in military expenditures should be distributed between tax reduction and aggregate civilian expenditures.

The President's Commission on Budget Concepts also made recommendations regarding the Budget treatment of expenditures, but one aspect was not considered. The aspect not considered—and this is reflected in all discussions of expenditures—concerns the Government expenditures made through the tax system. At first blush, such a phrase—Government expenditures through a tax system—seems almost meaningless. A tax system presumably concerns itself with raising revenues rather than spending funds. But a closer analysis of our present tax system would reveal real substance to the phrase. Through deliberate departures from accepted concepts of net income and through various special exemptions, deductions and credits, our tax system does operate to affect the private economy in ways that are usually accomplished by expenditures—in effect to produce an expenditure system described in tax language.

Let us take a simple example: The Federal budget for the Department of Health, Education and Welfare has line items detailing expenditures, including trust fund expenditures, for old age assistance. But that budget contains no line item for the $2.3 billion expended through the tax system to aid the elderly—under the special $600 exemption, the retirement income credit, the exclusion of Social Security retirement benefits, and so on. The HEW budget also has line items for medical assistance expenditures, but no line item for $100 million expended through the tax system by reason of the special exemption for sick pay paid to employees.

The budgets of the Commerce Department and the Transportation Department contain line items for expenditures under Federal programs for aiding business. But there are no line items for the very large amounts, reaching over $1 billion, expended through the tax system either as tax relief, incentives, or assistance for a variety of business activities: for example, financial institutions, through special deductions for reserves; Western Hemisphere Trade Corporations, through special rate reductions; shipping companies and life insurance companies, through special deferrals.

The budget of the Interior Department has line items for natural resources programs, but no line items for the large amounts, also over a billion dollars, expended under the tax system to assist our natural resources industries, including timber, through expensing of certain capital costs, expensing in excess of cost under the treatment of depletion, and special capital gain treatment. The budget for the Agriculture Department has line items representing programs to assist agricultural activities, but no line items for amounts, over a half-billion, expended under the tax system through the expensing of certain capital costs, the availability of the cash method of accounting even if inventories are used, and special capital gains treatment of livestock.

The absence of line items in the Budget for these tax expenditures—this lack of a full accounting for our tax system—has many facets. To begin with, it lessens public understanding of significant segments of our tax policies. For the most part there are no line items in the Internal Revenue Service Statistics of Income delineating these items, so that in the absence of special studies the amounts involved are simply unobtainable. Indeed, many of these "tax expenditure" programs cannot be found in the Internal Revenue Code, so that unlike direct expenditure programs where the budget trails are relatively well posted, the "tax expenditure" trails are very often obscurely marked.

A large part of the tax benefits for the elderly rests on a very brief and cryptic administrative ruling of the Internal Revenue Service excluding Social Security retirement benefits from income, without citation of any authority for the result; much of the benefits for financial institutions rests on administrative rulings stating how the reserves against debts owed to banks shall be computed; a large part of the benefits to agriculture and natural resources also find their origin and even some of their current expression in administrative rulings and regulations.

When Congressional talk and public opinion turn to reduction and control of Federal expenditures, these tax expenditures are never mentioned. Yet it is clear that if these tax amounts were treated as line items on the expenditure side of the Budget, they would automatically come under the close scrutiny of the Congress and the Budget Bureau. But the tax expenditures are not so listed, and they are thus automatically excluded from that scrutiny. Instead, since they are phrased in tax language and placed in the Internal Revenue Code, any examination to be given to them must fall in the classification of "tax reform" and not "expenditure control". There is a vast difference between the two classifications.

It can be suggested therefore that we need a full accounting for these effects of the tax system. The approach would be to explore the possibility of describing in the Federal Budget the expenditure equivalents of tax benefit provisions. We should not, of course, overlook the difficulties of interpretation or measurement involved here. Thus, just which tax measures can be said to fall in this category—in other words, which tax rules are integral to a tax system in order to provide a balanced tax structure and a proper measurement of net income, and which tax rules represent departures from that net income concept and balanced structure to provide relief, assistance, incentive or what you will for a particular group or activity. Also, once a tax item can be identified as falling in this second category, we must then compute its expenditure equivalent. Presumably this would be the amount of revenue lost, i.e., "spent," under the special tax treatment, and in a number of situations revenue statistics would have to be improved to give us this information.

This discussion is not to be taken as saying that all tax relief measures are bad—or that all are good—just as it is not intended to state that all Federal expenditure programs are bad or all good. This is not a qualitative discussion of tax preferences or, as some say, tax loopholes.

I might here digress to note that one reason tax reform is so difficult may be the hard, unfeeling way we go about it. The very word

"loophole" has a jarring ring. I commend to your attention the delicacy of the following paragraph from a recent Canadian Budget speech of last year:

"In recent months there has been evidence of increasing abuse of the section of the Act providing special tax treatment for deferred profit sharing plans. In 1960 and 1961 my predecessor, then the Hon. Member for Eglinton, with the worthiest of motives, introduced a section in the Act to provide for these plans, which he described as an important piece of social legislation. Since then various businessmen and their professional advisers have exploited this well-intended but vulnerable section in various ways."

Nor is my discussion intended to say that tax relief deliberately programmed as a direct expenditure item would look the same. Indeed, a possible consequence of describing tax preferences as expenditure equivalents is that more efficient ways to achieve the objective may be developed. I cannot think of any responsible HEW or Budget Bureau official who would put together an expenditure program of assistance to the elderly that would in any way resemble the crazy-quilt pattern of our tax treatment of the elderly. Under that treatment half of the tax revenues spent go to people over age 65 on retirement whose annual income is over $10,000 and hardly any goes to people in that age group who continue to work for their maintenance and whose incomes are far lower. Nor can I think of an agricultural expert who would put together a farm program under which the benefits would become greater the wealthier the owner and the less he relied on his farm activity as the source of his income. Indeed, I suspect that cost-benefit experts assigned to measure the efficiency of tax expenditure programs would have a fascinating time. Appropriate budgetary recognition of these tax expenditures would facilitate such cost-benefit studies.

At this point a word on the investment credit may be helpful to illustrate a different kind of tax device. This credit is a feature of our tax law designed to improve rates of return and to increase investment. We believe it is a sound provision which serves to achieve a better balance in a tax system which would otherwise impinge too heavily on the level of private savings and investment. Perhaps it could be cast as a direct government expenditure, and the English have recently taken this approach. But there are very definite advantages in handling the sums involved through the tax system. The computation of the credit depends entirely on tax concepts, such as the basis for depreciation and depreciable lives, and being in the tax system its effect is limited to firms which, at least over the long run, expect to make profits. Also, by being in the tax system it remains quite neutral with regard to the investment to which it is applied; it does not involve extensive government decisions as to which investments are particularly meritorious. It is spread very broadly over all business, agriculture, finance, the professions and so on—the whole gamut of American enterprise.

Let us turn from the accounting at the Federal Budget level for aspects of our tax system and consider the accounting at the taxpayer level We must, of course, recognize that American accounting practices, the requirements of the Securities and Exchange Commission, and above all the integrity and experience of our accounting profession, have combined to give the American public a very considerable amount of reliable data regarding the operations of our business concerns. This is a long cry from an accountant's statement recently submitted to our Internal Revenue Service representative in one of our European Embassies with respect to the balance sheet of a concern in that foreign country. The statement said that the balance sheet was:

"Prepared from the official books (of the economy) together with data made available (to the accountant) with regard to secret surplus reserves originating from profits that were not disclosed to the . . . Government. These secret reserves consist of cash balances at two local banks; marketable securities held by these same two banks as guaranties to overdraft accounts, and an overstatement of the liability regarding commissions payable to the London agent"

It is not this situation that I am now discussing, for fortunately we do not face in the United States this kind of lack of full accounting regarding the profits picture of a corporation, and hence its tax picture. Rather, I would like to consider the question of how a properly, and of course honestly, prepared financial statement should account for these special tax expenditure programs I have been discussing.

The Accounting Principles Board of the American Institute of Certified Public Accountants has recently issued an Exposure Draft of a proposed Opinion on financial accounting for income taxes. One aspect of that Opinion relates to how business firms should, in their financial reports, handle the 7 percent investment credit. The present accepted accounting for the credit affords an option: the company may, in computing after-tax profits, simply treat the tax reduction provided by the credit as a reduction in the current year's tax expense, or it may amortize that reduction over the life of the asset giving rise to the credit. Apparently about 80 percent of the firms use the first option, that of direct reduction (sometimes called the "flow-through" approach). The proposed Accounting Principles Board Opin ion would eliminate the optional approach and require the second method, that of amortization or the "deferred method." The result of the deferred approach would be to show lower after-tax profits, since the tax reduction resulting from the credit is spread over future years. The Opinion also considers the accounting for various other tax reduction provisions, and here also applies "deferred accounts."

The Treasury Department has a substantial interest in the manner in which business concerns report their Federal income tax liabilities on financial statements. The proposed Accounting Principles Board Opinion raises a crucial issue whose resolution is of vital significance to the public understanding of our tax system. Just as it is important to know at the level of the Federal Budget what is happening with respect to the aggregates under our tax system with its many special tax provisions, it is equally important to delineate as clearly as possible the effects of those provisions on individual firms.

The Treasury's concern with respect to the proposed Opinion has nothing to do with income tax collections—the corporations affected will pay the same amount of tax annually whichever approach is adopted. Rather, our concern is with the proper representation in the financial statements of these corporations of the effect of the tax system.

While the statutory corporate income tax rate is 48 percent, it is clear that the effective corporate tax rate on American business as a whole is considerably less than this. The reduction results from decisions on the part of the Congress to achieve this lower effective tax rate on American business in general and on special industries in particular. The accounting approach suggested in the proposed APB Opinion would, however, in the aggregate, substantially overstate the current tax liability of American business and present an inaccurate picture of our tax system. Since the tax liability would be substantially overstated in the aggregate, it would obviously also be overstated individually for the vast majority of United States corporations.

The preferences incorporated within the tax law clearly result in an effective corporate tax rate for many taxpayers that is less than 48 percent. Financial accounting should recognize this—both because it is the fact, and because the stimulative effects resulting from the tax reduction should not be obscured.

Special care must be exercised with respect to the investment credit because of its magnitude and because most companies would have to change their existing practice in response to the position taken in the Accounting Principles Board Exposure Draft. Presumably, this would result in a massive restatement of earnings whose effects on the economy, while difficult to measure, could be serious. Furthermore, a mandate to defer the benefit arising from the investment credit could well blunt its effectiveness in promoting modernization and expansion.

For these reasons the Treasury Department responded to the request of the Accounting Principles Board for comment on its Exposure Draft with a letter expressing its serious concern over the approach taken by the APB in its proposed change in the method of accounting for the 7 percent investment credit. We believe our comment underscores the need for further study of the financial accounting for income tax liabilities at the level of the individual firm.

There are thus considerable gaps in the present accounting for our income tax system. It may be helpful to relate this description of these gaps to a current matter—the use of tax incentives to meet our social problems.

America faces many social problems that desperately require solution. A major part of these problems centers around the plight of our cities and their disadvantaged residents. One aspect of suggested solutions involves an increase in moderate and low income housing, with special emphasis on housing located in these areas. Another involves providing jobs for the disadvantaged, through manpower training programs and greater employment in business activity within these areas or the aided movement of the inhabitant to jobs outside the areas. Participation by private enterprise, especially large concerns, is considered helpful to achievement of these goals. But it is said that the likely rate of return from business activity involving that participation may not be adequate to enlist that participation. Hence it is proposed in some quarters that the rate of return be increased by some form of tax reduction in exchange for the participation desired. The tax reduction suggested generally involves a large credit against tax or special deductions.

This is one illustration of the tax incentive approach in the setting of social reform. Other illustrations may be found in other social objectives—pollution control, aid to education, assistance to rural areas, and so on.

Certainly no one can quarrel with these social objectives. In the past tax incentives were generally sought—and at times obtained—on the ground that a particular industry needed support. The crucial question of why that support was in the public interest was barely spelled out, if at all, and the details of proof were held to a minimum. But today the public interest objective is in the forefront, and needs no proving. And it is generally taken for granted that private enterprise participation will always be helpful. What is not shown is why the tax route is to be preferred over other means of inducing the desirable participation of private enterprise.

The immediate leap to the tax solution serves only to stultify thinking about these social problems. Once the leap is made there is no opportunity to explore the details of the problems. Yet a great many useful questions can be asked: For example, as to low

income housing in urban areas and jobs for the urban disadvantaged, just why has private enterprise not undertaken these tasks in the past? Is it that the immediate return is insufficient, or is it that the participation has been seen as only sporadic? What forms of private enterprise are best suited to the tasks? Is it a large industrial concern or a small indigenous business locally owned; is it manufacturing activity or service activity; is it an experienced builder or a concern new to the building field but with management know-how in other business fields? More crucial, what measures are needed to induce the participation—what rate of profit, what assistance in financing, what guarantees against loss, what assurance of a continued market, what other forms of protection against the risks that have hitherto restrained participation, and so on?

With these questions answered as best we can, the task is then imaginatively to search the arsenal of possible Governmental action—if Government assistance is needed—to see which forms of Governmental action can be most responsive, effective and efficient. Here also the immediate leap to the tax route can only prove stultifying, for it tends to foreclose consideration of all other avenues of assistance. And yet experience has taught us that with respect to Governmental assistance to a particular group or activity, the non-tax route is far more likely to yield the better answer at a lesser cost. Moreover, the tax answer once enacted may well inhibit further useful thought about the problem. It would seem far better to let HUD or Commerce or Labor or HEW gain experience and flexibility through non-tax solutions that can be varied and tested, than turn much of the task over to the Internal Revenue Service, which has no background of experience to use and for whom an increase in experience in the social area will not yield the productive return that it would in the other Departments.

Our progress in space exploration is not built on tax incentives, but on direct relations between Government and business that brings forth the required participation by private enterprise. Our capsules are not propelled into space by the Internal Revenue Code.

In large part those who leap to the tax route recognize all this. But they assume that the non-tax solutions will involve large Government expenditures and they fear that the appropriation door is shut or will not open very wide. Whatever may be the validity of those assumptions and fears as to any particular program, there is no reason to conclude that because the front door of appropriations is closed or narrow, the back door of tax reduction will open wide.

Those who are concerned with the level of government expenditures are cognizant of the two doors to the Federal budget. They readily understand that a decrease in revenues through a tax expenditure has the same impact on the Budget deficit as a direct increase in expenditures. Chairman Mills of the House Ways and Means Committee, for example, has said he considers such tax incentives as "a form of back door spending." He thus fully recognizes it is the door of his Committee that is being knocked on as the entrance to the Budget through tax incentives, rather than the direct route of government assistance. And he can also recognize if that door opens for one or two tax incentives, it must inevitably stay permanently ajar for the wave of tax incentives that would follow.

Chairman Mills is on sound ground. For here also we reach the aspect of full and proper accounting. Our experience with the tax incentives of the past should give us pause before we add a new tax-route expenditure and then keep it buried in the Code away from public scrutiny. We have learned that the tax incentive of the moment becomes the tax reform target of many tomorrows. What can be said about tax incentives for these urban problems can also be said about tax incentives for our other social problems—pollution control, college education within the reach of all who are qualified, development of rural areas and new towns, assistance to depressed areas, and so on. It is almost demeaning to our collective wisdom to say that every one of these problems will yield and yield only to the universal solvent of a tax incentive. And if they did, how would we solve the loss of our tax system that this maze of tax incentives would mean?

All of this is not to be taken—and this must be underscored—as saying the Treasury Department stands aloof from society and its problems. The Treasury clearly recognizes that a negative answer as respects the tax route equally does not solve a problem. It therefore has joined—and continually will join—the other Departments and agencies in the active search for constructive solutions involving other forms of governmental assistance or action.

Indeed, the Treasury has found that the way to obtain imaginative and broad thinking about these social problems—to obtain real brainstorming—is to tell the groups concerned to forget their stereotype, first impulse solution of a tax incentive, to close the Internal Revenue Code, to bar their tax lawyers from the meeting—and then get down to the real task of analyzing the problems and thinking about the possible solutions. The results are always positive. Once the blinders of a proposed tax incentive solution are removed and the whole horizon of approaches is opened to exploration, we begin to appreciate that there are many constructive measures that can be taken outside of the tax system.

Our social problems are causing very large demands to be made upon the Federal Government. We are a wealthy nation and we certainly should be able to solve these problems. But even with our great wealth the solutions for all these problems will come more readily if our planning is efficient and sound. There are limits to the ways in which we can use our resources and those limits require careful expenditure control. Such control in the planning of a particular program, even one with a high priority, means other useful programs will not have to be starved.

We must therefore recognize that our tax system should not be used as a back door through which the dollars are to flow free from this careful planning. We need a much higher degree of accounting for the dollars that the tax expenditure programs which grew up in the past are now absorbing. We also should be careful not to leap to a new set of uncontrolled tax expenditure programs through a new set of tax incentives. This is especially so when there are adequate non-tax measures at hand with which to attack these social problems. As a consequence, closing the back door of tax incentives does not mean that no solution will be provided. Rather, it means that the doors and windows are opened for constructive thinking about these other measures. This is the way to both social progress and a sound tax system.

THE AMERICAN FLAG

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BRINKLEY. Mr. Speaker, a few days ago the flag of the United States flying over the Rayburn Building commanded my attention. It was a raw and blustery day, with intermittent showers. The flag *had* to be wet and cold and heavy, but it was not hanging like a wet towel. It was arched and rippling in the wind; strong, free. Like our country.

In yesterday's press, two stories begged for attention. A foreign headline read, "Carmichael Returning to Hell," *meaning our beloved land,* and a local newspaper dealt with the "King strategy" for massive civil disobedience here in Washington, D.C., next spring. In other media there was a reference to a high Government official's declaration that he was a longtime dissenter and stood foursquare behind the right to dissent.

Mr. Speaker, these people symbolize the wetness in the flag and the heaviness to our country.

The Government official, Mr. Speaker, reckoned without the Holmes theory that words are skins of living thoughts and that to the King-Carmichael element in our country, dissent is defined as a license for civil disobedience, violence, and rioting. Let that Government official say that he believes, heart and soul, in freedom of speech; let him say that he believes in a perpetual and enduring right to petition for redress of grievances, and there would be few Americans indeed who would not rally around him.

But, Mr. Speaker, there are many Americans—and I would submit that there are a great majority of Americans—who will refuse to support his philosophy or that of any other officeholder or candidate unless it is built upon the platform of law and order.

Under our form of government no man has a tenure to public position. Each office belongs to the people. If Americans will measure each applicant for his dedication and commitment to law and order; if Americans insist that such a commitment be a prerequisite to election, our Republic will be strong enough to sustain the heaviness across our country and to prevail against it.

My response to inquiries of "Who will you support?" shall be "It depends." It depends on a measurement of the planks of respect for law, and enforcement of law. This is the critical need of our country.

Mr. Speaker, is public office so dear as to be bought with the price of appeasement and permissive license to destroy our government of laws and not of men? "Forbid it, Almighty God."

THE NEED FOR RETALIATION TO PRESENT FRENCH POLICIES

Mr. ABERNETHY. 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 Mississippi?

There was no objection.

Mr. ABERNETHY. Mr. Speaker, I have a great affection for the French people. They have had a glorious history. They have a wonderful heritage. They have produced some tremendously fine world leaders.

There was a time when this country of ours was tremendously indebted to

the French. Other than that of the first President of this Nation, the only portrait that graces the walls of this Chamber is that of the great French soldier-statesman, General Lafayette. He came to our shores many years ago and with the aid of a substantial number of brave French soldiers helped produce the freedom that we enjoy today. As a descendant of those Americans who fought in that Revolution, I wish to express the same appreciation expressed by my progenitors for that which Lafayette and his men did for us. Indeed, every freedom-loving American is most grateful. Down through the years Americans have felt an obligation to the French.

But, Mr. Speaker, have we not repaid that obligation many times? We have sent two expeditionary forces to France to preserve her independence. We did this at a tremendous cost of life and limb; yes, multiplied thousands upon thousands of casualties, to say nothing of the dollar cost that ran into so many, many billions.

Thousands upon thousands of American sons are resting under French soil, Americans who gave their lives in World War I and World War II to preserve the French nation. De Gaulle could not save his country. Americans saved it for him.

Surely, we have more than reciprocated the obligation we owed France as a result of her participation in the Revolution that gained our independence.

In addition to the acts of reciprocity I have referred to, we have given to France many millions to help restore her economy. And we have also loaned her amounts in the billions, most of which they still owe and just do not pay.

Americans are getting sick and tired of the critical mouthings against them and their country that are coming from the present head of the French Government. Mr. Speaker, I am greatly amazed that high level official Washington is not also exhibiting signs of getting sick and tired of such. The criticisms which are being heaped upon the people of this land today are coming from the highest level of the French Government, President de Gaulle.

Mr. Speaker, in return there should be a challenge of and a retaliation from the highest level of this Government. Great Britain, too, has been the target of De Gaulle. But the head of the British Government, Prime Minister Wilson, has spoken out and retaliated. Canada, also, has been another De Gaulle target. But the head of the Canadian Government, Prime Minister Pearson, has strongly challenged De Gaulle and lifted his voice in defense of Canada and her people.

It is my feeling, Mr. Speaker, and that of many Americans, that Washington and the White House are much too silent. The silence cultivates a sense of assent on our part around the world for what De Gaulle says about and is attempting to do to us. I do hope that appropriate retaliatory words will soon be forthcoming from the highest level of our Government.

In addition, Mr. Speaker, I strongly urged that we tell De Gaulle to pay up the more than $7 billion debt France owes the United States. I urge that consideration be given to banning French imports, American travel to France, and American investments in France's industry.

Why not give De Gaulle a dose of his own medicine. If such a move were made I feel sure he would after only a few days be not so possessed of his imaginary grandeur.

PRESIDENT JOHNSON FACE TO FACE WITH THE COUNTRY

Mr. ROGERS of Colorado? Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ROGERS of Colorado. Mr. Speaker, rarely has a President of the United States made the impression on the press, radio and television that was made by President Johnson when he stood before reporters and analysts and the American people at his extraordinary press conference of November 17, 1967.

The Denver Post described the President's performance as "one of the most effective extemporaneous appeals for the Nation's support he had delivered in the 4 years he has lived in the White House."

The Denver Post was not alone in using the word "leader" to describe how and what the President had to say to the Nation.

It was a straightforward, effective, down-to-earth, honest position face to face with the country.

And there is hardly a man who heard the President who could resist the feeling that what he was saying was right, that what he had to bear was difficult, and that he was trying—and succeeding—to do his best in the highest position the people can offer an elected official.

I join the Denver Post and all the news media who have complimented the President on his message to the people.

We look forward to more face-to-face situations like this one. And we know that there is much deep support and sympathy for the President throughout the Nation.

I insert in the RECORD an editorial from the Denver Post of November 20, entitled "L. B. J. Face to Face With the Country":

L. B. J. FACE TO FACE WITH THE COUNTRY

Not a new President Johnson but the real President Johnson stood up in the East Room of the White House last week and made one of the most effective extemporaneous appeals for the nation's support he has delivered in the four years he has lived there.

It was effective partly because it contrasted so markedly with most of his previous press conferences; some Washington newsmen who attended last Friday's called it the best ever.

But it was effective mostly because it came at a time when the mood of the whole nation was dejected. Americans might well have expected Lyndon Johnson to reflect that mood in the cold, defensive manner he has frequently assumed in recent months. The opinion polls and a critical press have brought out the quarrelsome side of a troubled President.

What emerged before the surprised press corps and what came across on television screens throughout the country was a leader who suddenly had seemed to figure out how to get his message across to his people. When he took his glasses off and stepped out in front of the familiar conference podium and began to talk with his arms as well as his voice, President Johnson finally came face to face with the country.

Liberated by a microphone hung around his neck, the President launched a vigorous, freewheeling, aggressive offensive on behalf of his position on Vietnam that was impressive for its content as well as its style. He blasted the demonstrations against his war policies for using "bullying, storm trooper tactics," then graciously, even humorously, accepted responsible criticism as part of his job.

He said, "We welcome responsible dissent and some of the things that have happened in this country." Then he added, "If I have done a good job of anything since I've been President, it's to assure that there are plenty of dissenters."

With several pertinent references to American history, the President also told Ho Chi Minh in no uncertain terms that America was not going to give up the ship in Vietnam. If Ho had any doubts about it, he said, "I want to disillusion him this morning."

Neither Ho nor the American people could have many doubts about the sincere resolve of the President of the United States as it was demonstrated to his countrymen last week.

If he gave little satisfaction to those who have been pressing for more activity on the negotiations front, for more unilateral moves to effect a nonmilitary solution in Vietnam, he at least made his own position abundantly clear.

We commend the President for the kind of presentation he made of his position, and we believe the American people appreciated the way he talked to them.

I also include the following editorial from the November 24, 1967, issue of the Denver, Colo., Rocky Mountain News:

SUPPORT HIM

EDITOR: Ted Knap's article, "LBJ after four years in office," provokes a few idle thoughts. No doubt he looks older and grayer, his physical changes are a necessary evil, he no longer has quite the vim and vigor he had early in the campaign and in his reign of office.

It's sad but true, when he took over after Mr. Kennedy's death the people were with him wholeheartedly, somebody had to take over the load, so then when election time came around he was elected because it was felt, this old boy already has some know-how, he's served some time already, so let him go on with it.

Now come the complaints, the protestors, the doubting Thomases, the why didn't Goldwater get elected? Now everyone's wondering who they can run against LBJ who can get his head on the proverbial platter.

Now no one's satisfied with the way LBJ has run the war in Vietnam. They want him to call it quits. Everyone has his own idea on how things should be run, but it gives cause to wonder, if the wonderers were in office just what would they do then?

Mr. Johnson has had a tough job up to now, and as his predecessors before him, he has done what he felt was best in Vietnam.

I wonder what would have happened if Franklin D. Roosevelt had turned tail when Pearl Harbor was bombed and I wonder what rule we might be under if President Harry Truman, the man that didn't think he had a chance, had not used the atom bomb when he did.

Life at best is a gamble, but when you are facing an enemy, it's self-preservation.

It's a sad, sad thing that there must be

wars, but it, like everything else these days, is a fact of life that must be faced.

It is a pitiable thing that lives must be lost, and no doubt the man or men that make the decisions as to whether or not they must remain firm or pull out of the whole sticky mess, must lie awake nights wondering which is the right way.

Instead of the "blaming it on LBJ" and the doubts and fears, why not people write him notes of encouragement, and offer prayers for his guidance?

IRENE FERRARI.

DENVER.

A MEMORIAL TO THE AMERICAN SOLDIERS OF THE VIETNAM WAR

Mr. GROVER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GROVER. Mr. Speaker, I have today introduced a House joint resolution (H.J. Res. 941) to provide for the designation of the Union Station building, to be a part of the National Visitor Center, as the "National Visitor Center Memorial Building," in honor of the gallantry and devotion to duty of the American soldiers who have given of their lives and of their blood in the Vietnam war.

As every Member of this body and every American well knows, we are engaged in a bitter war in Vietnam demanding great economic and personal sacrifice. The gallantry and devotion to duty of the men of our armed services who have been or are now engaged in this war are unsurpassed in the annals of military history. Many thousands of these men have given of their lives and of their blood to win this costly war. These men are deserving of the honor, respect, and gratitude of all freedom-loving men and particularly of all Americans and their representatives in Congress. It is altogether fitting and proper that some monument in the Nation's Capital be designated as a memorial in honor of these gallant men.

The joint resolution which I have today introduced, if enacted, and I am confident that it will be enacted in some form, would provide, as I have indicated, for the designation of the Union Station building here in the Nation's Capital, as a continuing memorial in honor of these men in uniform.

Yesterday the House passed by an overwhelming vote a bill, H.R. 12603, to, among other purposes, provide the mechanisms for the United States to lease the Union Station building as part of the National Visitor Center.

The Union Station building has been deemed by several renowned study groups as one of the most important structures in the Washington area. Its architecture is striking and impressive.

As a member of the House Committee on Public Works and its Subcommittee on Public Building and Grounds, which had jurisdiction over the National Visitor Center legislation, I had the pleasure of serving as a member of the Study Commission on a National Visitor Center, a Commission which was created by statute last session.

As a member of that Study Commission, I had an opportunity to see practically all, if not all, of the possible buildings in the Washington area which could appropriately be designated as a memorial to our gallant men in Vietnam. I think I can truthfully say that there is no building in the Washington area which could serve as a more fitting memorial to these men who have fallen in Vietnam than the one to be leased by the United States as part of the National Visitor Center—the Union Station building.

Testimony before our subcommittee indicated that millions upon millions of people would come through the National Visitor Center when it becomes fully operative. Estimates range as high as 24 million people annually by 1970. What better and more fitting monument could be named in honor of our men who have fallen in Vietnam than such a monument as this. Every visitor to our Nation's Capitol that goes to the National Visitor Center will be reminded of the heroism of the fighting men.

Mr. Speaker, the resolution is noncontroversial. It is in no way intended to become embroiled in any controversy with respect to the pro's and con's of our Vietnam engagement. Rather, it is to designate a continuing memorial in honor of the men who have given of their lives and blood in this conflict. It is, I suggest, the very least that a humble Congress can do, on behalf of the American people, to honor these men.

Mr. Speaker, the full text of the joint resolution follows:

H.J. RES. 941

Joint resolution to designate the Union Station Building in the District of Columbia, a part of the National Visitor Center, as the "National Visitor Center Memorial Building"

Whereas the United States is presently engaged in a difficult, frustrating, and perilous war in Vietnam which has demanded great economic and personal sacrifice;

Whereas the gallantry and devotion to duty of the men of our armed forces who are engaged in this war are unsurpassed in the annals of American military history; and,

Whereas thousands of these men have given of their lives and of their blood to win this war; and,

Whereas these men are deserving of the honor, respect, and gratitude of all freedom-loving peoples and particularly of all Americans and their representatives in Congress; and

Whereas it is altogether fitting and proper that some monument in the Nation's Capital be designated as a memorial in honor of these gallant men; Now therefore be it,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon the leasing of the Union Station Building by the United States for use in connection with the National Visitor Center, such building shall, for the term of such lease, be designated as the "National Visitor Center Memorial Building" in honor of those men who have given their lives and blood in the war in Vietnam.

Mr. Speaker, I strongly recommend the enactment of this joint resolution. I sincerely hope that the Senate Committee on Public Works, when it considers the National Visitor Center legislation in the future, will favorably consider the inclusion of the import of this joint resolution in the provisions of H.R. 12603 to provide for such a National Visitor Center. This could be done merely by changing the name of the Union Station Building itself to the National Visitor Center Memorial Building under the provisions of title I of H.R. 12603. Appropriate language could then be written into the Senate report on the legislation as to the purposes behind such a change in name.

REMOVAL OF FCA INTEREST CEILING THREATENS FAMILY FARMER: ANY CHANGE SHOULD BE LIMITED TO 2 YEARS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, it is sad indeed that the Federal Reserve System is forcing the 90th Congress to consider vetoing and destroying great programs enacted as part of President Roosevelt's New Deal.

Mr. Speaker, I refer to H.R. 13706, which would amend the Federal Farm Loan Act and the Farm Credit Act of 1933 by removing the 6 percent interest rate ceiling on loans made by the various farm credit banks. This bill would remove the ceiling on loans made by the Federal land banks, the banks for cooperatives, and the production credit associations—all prime sources of credit to the Nation's farmers.

The Farm Credit Act of 1933 was one of the earliest measures of the New Deal to be enacted into law. It was part of an economic Magna Carta for the American farmer who had for years been crushed by high interest rates and the lack of loan funds. The establishment of these Federal credit programs for farmers was a great milestone in the advancement of America's agriculture.

Mr. Speaker, I regret that credit conditions have reached the point where another Democratic Congress must actually consider the removal of the 6 percent interest rate ceiling and thereby turn the farmers over to the mercy of the Nation's commercial banking community. Without a ceiling, these farm credit programs will be left to the whims of the money markets. And these markets are run by men who have never shown great concern for the welfare of the family farmer.

Mr. Speaker, the farm credit programs and the various Federal banks were established specifically to provide credit to farmers on a reasonable basis. By removing the ceiling, we raise the possibility of pricing these farm credit programs out of the reach of the family farmer. The very purpose of the farm credit programs was to provide a buffer between the farmer and impossibly high interest rates on farm credit. Now, we propose removing this buffer.

All of us in the Congress recognize the

need to keep the Federal land banks, the production credit associations, and the bank for cooperatives. We recognize the need for these institutions to have plentiful funds to loan to farmers. No one wants to cripple these institutions in any manner.

However, it is regrettable that the only proposal before us is to raise interest rates. Invariably when the Federal Reserve System raises interest rates, there is a tendency to urge that other institutions join in the upward parade of rates. We have faced this time and again in the Congress.

When the Federal Reserve raises interest rates, for example, it is almost automatic for someone to propose an increase in the 4¼-percent ceiling on long-term Government bonds. Fortunately, we have been able to successfully oppose these increases and thereby have maintained an important yardstick for lower interest rates.

It is important that we hold the line wherever possible on Federal credit programs so that this yardstick for lower interest rates may be maintained. By removing statutory ceilings on various credit programs, the Congress, in effect, endorses the high interest policies of the Federal Reserve System. We should hold the line firmly and let it be known that the Congress does not endorse high interest rates.

Mr. Speaker, I do not look with favor on the removal of the 6 percent ceiling on these farm credit banks. At the same time, I recognize that the Federal Reserve Board's high interest policies have created a near-emergency situation for our farm credit system.

Should the House, in its wisdom, decide to adopt this legislation, then I strongly urge that we limit its application to a specific period of time. Mr. Speaker, I will, at the appropriate time, offer an amendment which would limit the removal of a 6-percent ceiling to 2 years.

In other words, Mr. Speaker, after 2 years have elapsed, the 6-percent ceiling would be in effect again. By that time, Mr. Speaker, I hope that the administration and the Congress will be able to require the Federal Reserve System to lower interest rates and to conduct monetary policy in the public interest. Surely no one in this House hopes that the current high level of interest rates is a permanent part of American life. So, if we agree that high interest rates are temporary then we should also make this removal of the interest rate ceiling on farm credit temporary.

It is no secret that it is difficult to put back a ceiling of this sort once it has been removed by an act of Congress. If we vote to remove the ceiling—without the limitation—then we are, for all intents and purposes, eliminating it forever.

Mr. Speaker, many rural and farm organizations have spoken out against high interest rates and have urged the Congress to stop the Federal Reserve's tight monetary policies.

I place in the RECORD an article which appeared in the November 3 edition of the National Farmers Union Washington newsletter, entitled "Interest Rate Rise Will Be Costly to Farmers":

INTEREST RATE RISE WILL BE COSTLY TO FARMERS

On November 2 hearings were held by the Senate Agriculture Committee on a bill, S. 2565, which would remove the 6 percent interest rate ceilings on loans made by the Federal Land Banks, production credit associations and banks for cooperatives. The bill, sponsored by the Administration and the Farm Credit Board of Governors, will cost farmers dearly since interest rates, it is predicted, are due to increase in the months ahead.

Federal Land Banks, one in each of twelve farm credit districts, make long-term mortgage loans to farmers and ranchers. During the period July 1, 1966 through June 30, 1967 the Land Banks made 45,600 loans amounting to $1.2 billion. During the same period the 13 banks for cooperatives made 2,474 loans amounting to $1.7 billion. At the end of the period the 3,016 cooperatives had loans outstanding amounting to $1.3 billion. Loans to production credit associations during the period totaled $5.1 billion.

The reason given for the removal of the ceilings is that interest rates have been gradually rising the past few months and it is expected will push against the 6 percent ceiling soon. Farm Credit Administration officials told Farmers Union that they would be unable to market their debentures in the money market if the going rate rose to 6 percent or above. They emphasized that they had the interest of the farmers at heart and would not raise interest rates more than necessary.

The Legislation would seem to ignore the purpose of the farm credit program which was to establish a yardstick which would keep interest rates down. Apparently farm credit officials have no alternative proposals and feel they must get on the escalator with private commercial credit institutions.

Farmers Union has suggested that in the event interest rates on government programs rise above the ceilings that the Treasury pick up the difference. If interest rates in the money market rose to 6⅛ percent, the government might pay the difference which would amount to ⅛ of one percent interest on the loan.

Another method of holding interest rates down might be a government guarantee of loans. The Farmers Home Administration sponsors a program under which the commercial banks make loans to farmers with FHA guaranteeing the loan. This tends to keep loans down to a reasonable level and gives an opportunity for not-so-prosperous farmers to borrow money.

The point should be emphasized that if government-sponsored institutions included in the farm credit program are to rely completely on interest rates determined by big money lenders that the whole purpose of the program is destroyed. There is no point in carrying on such a farm credit program if it does not tend to hold interest rates down.

Wright Patman says that the Federal Reserve Board could lower interest rates tomorrow if it so desired. It could reduce the amount paid on certificates of deposits (time deposits) which it raised to 5½ percent in December 1965. This action of the Board drained money out of the housing investment market since big depositors could obtain a higher interest rate than would be forthcoming from an investment on a long-term housing mortgage.

The Federal Reserve Board could also reverse its policy in regard to support of government bonds. If the Federal Reserve Board announced that bonds would be supported at their face value there would be a drastic decline in interest rates since government bonds are not selling at par value and have not been for some time.

The action of the Administration in recommending removal of ceilings is in direct contradiction of a pledge made by the Democratic party in its platform of 1964. The Democrats promised an end to tight money and contended that the Democratic party had kept interest rates down to home owners.

The Farm Credit Administration, in its explanation of the recommended legislation points out that the proposal to remove interest rate ceilings is in conformity with recommendations made in 1961 by the Commission on Money and Credit and that the Bureau of the Budget has advised that there is no objection to the submission of the Bill to Congress from the standpoint of the administration's program.

Mr. Speaker, I also place in the RECORD a resolution adopted by the delegates to the 25th annual meeting of the National Rural Electric Cooperative Association in San Francisco on February 23:

TIGHT MONEY

Whereas, NRECA has repeatedly taken a stand against high interest rates and a tight money policy, and

Whereas, current Federal Reserve Board policies have resulted in a tightening of credit and an increase in interest rates at all levels of the economy, and

Whereas, the recent efforts of the Federal Reserve Board to loosen money have been a step in the right direction but have had only a slight effect in achieving a flow of money and interest rates necessary for a growing and secure economy, and

Whereas, this places an unnecessary burden on the American Consumer,

Now, therefore, be it resolved that we reaffirm our long established position and join our friends in urging the President and the Congress to take positive action now to bring about lower interest rates and an expansion of credit.

I also place in the RECORD a resolution entitled "High Interest Rates" adopted by the annual meeting of the East River Electric Power Cooperative, Inc., at Madison, S. Dak., on September 13, 1967:

Despite promises to the contrary, the Federal Reserve System, the Congress of the United States and President Johnson have allowed interest rates to continue to climb during 1967. Today, interest rates are nearing the record levels established during the worst days of the money crisis of 1966.

Once again, the heaviest burden of the high interest and tight money policies are falling on the rural citizens and, particularly, on the family farmer. This prolonged period of high interest rates is virtually halting efforts to redevelop rural areas. It is endangering the possibilities for additional financing for the rural electrification program.

Current estimates indicate that the American people are paying more than $36 billion in excess interest charges in this calendar year. At a time when all domestic programs—including REA—are suffering from a severe shortage of funds, the United States Treasury is forced to pay out more than $14.2 billion in interest each year. This sum is second only to the outlay for national defense and is placing a severe burden on the entire Federal Budget.

In traditional fashion, these high interest payments are transferring the basic wealth of the nation from the hands of the farmers, the laborers, and the wage-earners, to the more prosperous sector. High interest rates are a tax on the low and middle income segments of our population. The bankers and others at the upper income levels of our society are the beneficiaries of high interest rates and tight money.

Interest rates have continued at extremely high levels since December, 1965. Despite se-

vere hardships to millions of Americans, the Johnson Administration and the Congress and the Federal Reserve Board have failed to act.

We deplore this inaction. We believe that high priority should be placed on proposals to bring an end to high interest rates and tight money and permanent reform of the Federal Reserve System.

We support Representative Wright Patman's call for a more equitable allocation of the nation's credit dispensed by commercial banks. We believe that all segments of the population should have access to bank credit. Through the years, the rural areas have received a deplorably small percentage of the total credit provided by the commercial banking system, a fact that has held back progress in many areas.

We believe that government lending programs, such as REA, Farmers Home Administration, and others, provide a substantial yardstick in keeping down interest rates. In this period of high interest rates, we strongly urge that low interest Federal credit programs be strengthened and expanded.

We support H.R. 11, introduced by Representative Wright Patman. This legislation is designed to reform the Federal Reserve System and to make it more responsive to the people and their elected representatives. Such reform is necessary, we believe, if the rural people of this nation are to have a voice in monetary policy. We urge action on this bill in the 90th Congress.

We deplore the fact that the Federal Reserve Board currently is without a member representing the rural and agricultural areas. We urge President Johnson to correct this situation when the next vacancy occurs on the Federal Reserve Board. We further urge that President Johnson make a vigorous effort to broaden the representation of the Federal Reserve Board to include all segments of the population including farmers, labor, and the average consumer. We object strenuously to the Board being the exclusive domain of bankers and-or banker-oriented economists.

Also indicative of the deep concern about high interest rates is a resolution adopted by the rural electric cooperatives in Region X which includes the States of Texas, Arizona, and New Mexico. This resolution was adopted at the regional meeting in Dallas, Tex., on October 5, 1967:

TIGHT MONEY POLICY

Whereas, we commend Congressman Wright Patman of Region X for his efforts to reverse the tight money policies of the Federal Reserve Board and the Treasury Department; and

Whereas, we deplore these high interest rate policies as an unwarranted burden upon the homeowners, businessmen and consumers of America:

Now, therefore, be it resolved that we urge the President and the Congress to eliminate the factors which have resulted in or will result in artificially high interest rates: and

Be it further resolved that we urge the Congress to give serious attention to the recommendations made by Congressman Wright Patman in favor of monetary policies which will be in the best public interest.

Mr. Speaker, these resolutions and policy statements are but a few which have been adopted in recent weeks by concerned rural groups throughout this Nation. Frankly, I do not believe there is a single family farmer anywhere who looks with favor on the prospect of higher and higher interest rates.

Traditionally, the costs of high interest rates fall first on the farmer, the small businessman, the low income and the moderate income families. It is this segment of the population that suffers the earliest and the most in periods of high interest rates and tight money. It is the rich who benefit the most from high interest rates.

High interest rates are a return to the old and totally discredited "trickle down" theory. The "trickle down" method does not work and it is regrettable that the Federal Reserve Board has not yet gotten that message.

We learned a long time ago in the Southwest that you could not fatten the herd by feeding only the bull.

Money circulates to the benefit of everyone when it is in the hands of the poor and moderate income families. They spend the money that they receive and it moves upward in the economy, benefitting everyone, including the rich. In the hands of the low-income family, a dollar travels around and is involved in at least 50 transactions every year; and on each of these transactions a little income tax is paid.

But high-interest rates reverse this trend and return us to the trickle down methods which hurt everyone.

The farm family, of course, depends heavily on credit. Farm equipment—tractors, combines, milking machines—are expensive items which most often must be purchased on credit. The farmer, like the small businessman, cannot afford to be without credit on reasonable terms.

Perhaps it is easy for many to talk about a 1-percent increase in interest rates as a minor matter. But let me assure you that a 1-percent increase in interest rates can be the difference between survival and bankruptcy in farm operations. For example, Mr. Speaker, take the case of a farmer who must borrow $20,000 to maintain his operations. A 1-percent increase will cost this farmer $4,734 over the life of a 30-year loan. This is more than twice the disposable, per capita income for farmers in 1966. In other words, the farmer has to work almost 2 full years just to pay the additional interest cost that results from a 1-percent rise in rates.

Therefore, my colleagues, we must remember that 8-, 9-, and 10-percent interest rates will spell disaster for thousands of American farmers. It is easy for us to say, "let the farmer pay the market interest rate," but if this rate means bankruptcy then it is the responsibility of the Congress to find another route.

One alternative, of course, is to require the Federal Reserve banks as well as the Federal Reserve's Open Market Committee to buy paper issued by the farm credit system. The Federal Reserve allows the commercial banks to use its discount windows. There is no reason why the farm credit system banks should not be allowed this same privilege, particularly when they are serving a broad public purpose.

Another alternative would be a direct Federal subsidy to cover the difference between the statutory limit of 6 percent and the actual market rate.

These are some of the alternatives and I am sure there are others. Certainly there is an alternative to pricing the farm credit banks out of the reach of the average family farmer.

Of course, the only long-lasting alternative to the present farm credit conditions is a complete reform of the Federal Reserve System. We now have the highest interest rates of this century—some are the highest since the Civil War—and all of this can be laid at the doorstep of the banker—first policies of the Federal Reserve.

Today, every program of our Federal Government is being choked by high interest rates. We have already budgeted $14.2 billion for interest on the national debt just in the current fiscal year. This figure is second only to the expenditures for national defense. It dwarfs everything else in the budget.

Mr. Speaker, we are reaching the stage where interest payments are so large that they endanger the financing of other needed programs such as education, poverty, social security, veterans benefits, and the farm programs.

Actually, the interest charges on the debt have first call on the Federal Government's revenues. These interest payments must come right off the top; nothing has higher priority. They constitute a first lien. Presumably national defense would have second call on the available money with the domestic programs coming in last with a "third lien" on available funds.

So, as the outlays for the first lien—interest charges—grow, we endanger the other areas of the budget.

THE 13TH ANNUAL SESSION OF THE NORTH ATLANTIC ASSEMBLY

Mr. CHAMBERLAIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CHAMBERLAIN. Mr. Speaker, I have just returned from serving as a member of the U.S. delegation to the 13th annual session of the North Atlantic Assembly, held last week in Brussels, Belgium. As I was privileged to address this conference, I took the occasion to urge again our NATO allies to make greater efforts to stop free world trade with North Vietnam. Because of the deep interest evidenced in floor debate on this subject, particularly in recent weeks, I would like to make my remarks available to my colleagues who are well aware of my longstanding concern with respect to this problem. Therefore, I ask unanimous consent that my remarks made at the North Atlantic Assembly on November 23, 1967, be included at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The matter referred to follows:

REMARKS OF REPRESENTATIVE CHARLES E. CHAMBERLAIN, U.S. DELEGATE, BEFORE THE NORTH ATLANTIC ASSEMBLY, 13TH ANNUAL SESSION, NOVEMBER 23, 1967, BRUSSELS, BELGIUM

As one who has devotedly believed in NATO and still believes in the necessity for main-

taining and strengthening our Alliance, I am grateful for this opportunity to address this Conference. I would like to preface my remarks, however, by the general observation that we must do all within our power, in our respective countries, to counteract the insidious theory that is frequently expressed to the effect that NATO has done its job. NATO has not done its job in the sense of completing it. NATO will have completed its job—its historic mission—only when the threat of Communist subversion, expansion, and aggression ceases to exist.

To achieve their goals, the forces of Communism throughout the world would like nothing better than to isolate, fragment and neutralize the desire and ability of NATO member countries to help the cause of freedom wherever it is threatened. This, to me, is one of the great challenges that confronts NATO today.

Earlier this month, in the course of his four hour long report on "The Fifty Years of the Great October Socialist Revolution", Communist Party Secretary Brezhnev asserted, with no little satisfaction and hope, that "aggressive military blocs" such as NATO are "shaking loose and are clearly showing cracks". It should be abundantly clear then that the Kremlin today is no less interested in the demise of NATO than it was in 1949.

The success of NATO, while tangible and real, is not, of course, absolutely assured. The Soviets have shown that they respect military force. They have yet to demonstrate that the goal of a Communist world, by whatever means, has been abandoned.

The peace and prosperity that Europe has experienced under the shield of NATO stands in sharp contrast to events elsewhere in today's world. The security of one part of the world, we have certainly learned in this century, is no longer unrelated to that of another. The cause of true freedom and peace cannot be defended one place and ignored or abandoned at another. The crimes of totalitarianism, no matter where on the globe they are committed, are crimes against the great political and cultural heritage that NATO was created to preserve and safeguard.

It is with this in mind that I wish to direct my remarks more specifically to the members of the Atlantic Alliance. For the past two or three years in which I have been privileged to be a delegate to this Conference, I have expressed my deep and continuing concern over the need for greater assistance in the matter of trade with North Vietnam, especially the traffic carried on by vessels flying Free World flags.

In 1964 there were a total of 401 such ship arrivals in North Vietnamese ports, of which 283 flew the flags of NATO countries. During 1965, the total number of Free World ship arrivals was 256, of which 201 were registered under the maritime laws of NATO countries. Last year, in 1966, the level of this traffic dropped to 74 arrivals, 58 of which flew NATO flags. The good efforts and cooperative action to reduce and eliminate this trade by a number of the countries represented here today have been indeed appreciated and are most encouraging. Nonetheless, it is obvious that trade in this volume must be of substantial aid to the war economy of the Hanoi Regime.

To indicate the importance of the goods that Free World flag ships have carried to North Vietnam this year I would point out that the U.S. Department of Defense has informed me that in most months of 1967 these cargoes have included strategic goods. The 63 Free World vessels that have delivered cargoes to North Vietnam so far this year represent a cargo capacity of more than 427,000 deadweight tons. Let us make no mistake about it, every NATO ship that puts cargo on the docks of North Vietnam is helping the enemies of freedom.

It is estimated that last year at least as much as 10% of the imports of North Vietnam originated from Free World sources. What is more, I am told, some Free World flag ships also carry considerable quantities of Communist goods, consequently, these vessels provide the transportation for an even greater percentage of North Vietnam's total imports.

As you may be aware, the United States Congress has expressed itself with respect to this trade on several different occasions this year. In previous years, I, myself, have sponsored and supported amendments to our foreign aid legislation as one means to help stop this aid to our enemies. Just a few days ago, in fact, during consideration of the 1968 foreign aid authorization legislation this question was discussed quite fully in our House of Representatives and, frankly, my friends, many of my countrymen feel strongly about this issue.

We have helped our friends with our resources. We have been at your side in the past. We are at our side today . . . and in addition, with substantial forces, we are endeavoring to resist Communist terror and aggression in Vietnam. Many citizens of my country share my hurt when we learn that shipload after shipload continues to go to North Vietnam in the bottoms of ships flying Free World and NATO flags.

After studying this situation for several years, I am aware that the maritime laws of some nations are such that it may well be difficult to control the use of vessels that may be chartered by Communist interests. Unfortunately, this does not, however, take the sting out of the situation. The fact remains that Free World assets are being used to bolster a policy of Communist aggression and subversion. In all frankness, if this immoral trade with our enemy is protected and sustained by the existing laws, then perhaps the time has come to consider whether or not those laws should be reviewed and revised.

So, as we meet today in our common bond in defense of freedom, I would like to suggest most respectfully to my fellow Parliamentarians that when you return home and have occasion in the course of your legislative activities to review the maritime laws and trade policies of your respective nations, that you have this situation in mind, and, I would further like to express my hope that you will give this problem your sympathetic consideration and do whatever you can to help strengthen our efforts to eliminate the possibility of this unfortunate result.

In conclusion, may I say again that it is time we realistically face the fact that the defense of freedom is not strategically divisible, but, rather, is the mutual problem of all of those who believe in freedom. In this shrinking world it is clear that the strategy of Communism to destroy freedom as we know it is world wide. What happens to those who believe in freedom in the Atlantic world can no longer be separated from what happens to freedom in the Pacific world. Ever since the formation of this Alliance, the United States has made a sincere effort to live up to its obligations to NATO in the defense of freedom in Europe and the Mediterranean . . . and the United States today is making a most sincere effort to live up to its obligations in the defense of freedom in Southeast Asia. We cannot evade the hard, cold fact that in our changing world, NATO's outer ramparts reach far beyond the boundaries of our several nations. Since the United States has put its hand to the sword to resist Communist aggression in Southeast Asia, I sincerely believe that realism, strategic necessity, and basic morality require that the member nations of this Alliance do everything within their power to eliminate completely all trade with North Vietnam. Your sympathetic understanding and cooperation are earnestly solicited to achieve this end.

NATIONAL SCIENCE FOUNDATION GRANT AWARDED TO STEPHEN SMALE OF THE UNIVERSITY OF CALIFORNIA

Mr. ROUDEBUSH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ROUDEBUSH. Mr. Speaker, after nearly a year of stalling, the National Science Foundation has awarded an $87,500 grant to Stephen Smale of the University of California.

Smale is the college instructor who used Federal funds to visit Moscow and call a press conference to denounce his native land.

Smale is the person who led leftist attack on troop trains in California.

Smale is the one who belonged to the Fair Play for Cuba Committee—the same pro-Castro group which claimed Lee Harvey Oswald, the assassin of President Kennedy, as a member.

Smale is the person quoted in California as hoping for a Vietcong victory as an important step in revolutionary success in America.

Smale is the close associate of the notorious Jerry Rubin who was a key figure in the recent siege on the Pentagon which has been established as a Communist-organized and Communist-led assault.

Despite all of these actions and associations the National Science Foundation has designated Smale, a math instructor, as the recipient of $87,500.

So now the taxpayers of the United States, whose incomes are depleted each year by a nearly $70 billion defense budget to insure the security of the Nation, will be further tapped to insure the comfortable Federally financed security of a professor whose actions and statements reflect anything but sympathy and support for the U.S. Government and its people.

Smale's new grant follows on the heels of an exhausted grant of $91,500 which enabled the California professor to spend a summer junketing about Europe, climaxed by his anti-American tirade in Moscow.

Since last spring, when I announced the National Science Foundation was getting set to underwrite with taxpayer funds another huge grant for Smale, the NSF has been stalling.

At one point they indicated Smale would get no money, and found that he had mishandled his former grant on a number of counts.

But, at this first slight stiffening of the backbone, the full fury of the academic community fell in one swoop upon the NSF.

Many professors, most of them, of course, drawing Federal funds from the taxpayers on grants similar to Smale, threatened to refuse any more Federal financing.

Instead of saying "OK, if that is the way you want it, we are not going to finance anyone who uses taxpayer funds

to run down this Nation or support anyone who does so," the NSF caved in like an accordian and scaled down its original plans to set Smale up with a $250,000 fortune, and came up with the face-saving $87,500 award on November 20, 1967.

So, now Smale can continue his political work at Berkeley which consists of organizing demonstrations against this country.

But, lest the National Science Foundation believe it has won the undying gratitude of the academic community for succumbing to a radical leftist who incidentally teaches, my mail on Smale throughout the year indicates that the vast majority of college instructors do not support federally financed grants for the likes of Smale, and indicated their objections to me.

And, despite the NSF's apparent collapse on the control of its own funds, we intend to continue our efforts to cut off funds for Smale and others like him by working through the administration, the House Appropriations Committee, and the House Space Committee.

And, if we are unsuccessful this year, perhaps the political climate and makeup of the administration and Congress next year will be more conducive to removing Smale from the backs of the American taxpayer.

AID'S $4 MILLION "JUNK" DEAL

Mr. HALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, there is absolutely no justification for the Department of Justice or any other agency of Government to throw the "cloak of secrecy," over the dealings by which Napco Industries, of Minneapolis, Minn., dumped obsolete and junk gearmaking machinery on certain interests in India. Nearly $4 million is involved.

According to Richard Harwood, a Washington Post staff writer, in an article appearing in that newspaper on November 25, 1967:

> Records of the Napco "deal," it was discovered, were no longer available for inspection by either Congress or the public.
>
> In India, AID officials became "very sensitive" on the subject.

Mr. Speaker, President Johnson and the Justice Department, as well as the Agency for International Development—AID—has an obligation to immediately get to the bottom of this shoddy deal which reeks of incompetence, or fraud, or both.

If AID is unable to recover the taxpayers' money it is guilty of very bad management, or worse.

Despite the fact that AID and others involved have tried to clamp a secrecy lid on this Napco mess, there are a number of points that are abundantly clear at this state:

First. There was gross incompetence on the part of officials in AID, or this Napco deal would never have been approved in the first place.

Second. After it was approved, there was negligence in the entire inspection operation, or this Napco deal would have been cancelled before the second loan for $840,000, and the third loan for $840,000 were approved.

Third. The Napco firm had the help of Mr. Max Kampelman, a well-connected Washington operator, and also some consistent prodding from at least one important political figure—Vice President HUBERT H. HUMPHREY.

Fourth. The difficulty in the prosecution of crimes involving foreign aid frauds should be understood by the AID agency officials, and there should have been extraordinary care in protecting the interests of the U.S. Government.

It is possible that the death of one potential defendant and a key witness may make it impossible to initiate a successful criminal prosecution in connection with this fraud. The situation has been made more complicated since citizens of India are involved. They naturally would not come within the jurisdiction of the U.S. courts.

However, if this fraud goes unpunished, it is only because of the gross negligence of AID. If the Justice Department cannot take a civil action to obtain a refund of the $3.9 million, it will be because of its own lack of prosecution drive, and the gross negligence of AID. If there was such gross negligence on this case, the public is entitled to all of the facts, so there will at least be a public exposure of the details of how $3.9 million in Government funds were wasted.

The article in the Washington Post follows, as well as an article in the Minneapolis Tribune of November 26, 1967, on this subject:

[From the Washington (D.C.) Post, Nov. 15, 1967]

AID'S $4 MILLION "JUNK" DEAL: UNITED STATES PROBES SALE OF SHODDY MACHINERY TO INDIA

(By Richard Harwood)

H. R. Gross, the grumpy congressional moralist from Waterloo, Iowa, arose in the House last month to complain angrily of a "deal" that "reeks of incompetence or fraud, or both."

The "handout artists" of the Agency for International Development, Gross declared, had been "hoodwinked" out of nearly $4 million by an obscure little company, Napco Industries of Minneapolis.

As often happens with Gross crusades, the House was not moved to positive action. There were, however, certain ripplings within the Executive Branch of the Government.

Records of the Napco "deal," it was discovered, were no longer available for inspection by either Congress or the public. In India, AID officials became "very sensitive" on the subject, a correspondent for The Washington Post reported.

In Washington, all inquiries were referred to the Justice Department where, it was learned, an "investigation" of Napco is under way. What kind of an investigation? Justice wouldn't say. But in Minneapolis, Napco's president, Gary Rappaport, said it was all "routine."

His father, Max, started the business as an auto junkyard in 1918 and over the next 40 years built a small industrial empire that, at various times, included breweries, parts factories and an assembly plant. The company's market was the world.

With business success came political involvement for Max Rappaport.

Max Rappaport was well known in Minneapolis as a self-made man.

One of his lawyers recalls that he was a registered Republican, but he raised money for Democrats, too, and became a friend of Minnesota's distinguished sons, Hubert H. Humphrey and Orville L. Freeman. As Governor of Minnesota in the 1950s, Freeman occasionally invited Rappaport to sit with him at college football games. He contributed to Humphrey's unsuccessful presidential campaign in 1960 and may have once entertained Dwight Eisenhower at his home, although recollections of that visit are unclear.

He was, in any event, sufficiently established in the political community that on the occasion of his death in 1965, Vice President Humphrey sent a letter of condolence that was quoted in Napco's annual report for that year: "We have lost a very good friend and the community has lost a fine civic leader."

Humphrey had at least one other connection with the family and with Napco. Sometime in the late 1950s or early 1960s—the date or dates are unknown outside the Government—he rendered what his office says was a routine "constituent service" to the company in its dealings with the Agency for International Development for loans that ultimately totaled nearly $4 million.

Other prominent public figures were then involved or have since become involved in that transaction—Sen. Walter F. Mondale (D-Minn.); William S. Gaud, who is now in charge of AID; Herbert J. Waters of AID, a former administrative assistant to Humphrey, who, according to Gross, helped process the loans; Max M. Kampelman, the Washington lawyer who served for six years as Humphrey's legislative counsel in the Senate and who is now involved in politics, television, business (he is a Napco director and stockholder), finance and scholarship.

LAWSUIT CONSIDERED

A more recent involvement is that of the Assistant Attorney General Edwin Weisl Jr., whose father is the Democratic National Committeeman in New York and a close friend of the President. Weisl has been pondering for many weeks the wisdom of a lawsuit against Napco to recover public funds that were spent, the General Accounting Office has said, to purchase Napco machinery that was "little more than junk."

The genesis of the Napco loans and the political assistance the company may have received are difficult to establish. Administrator Gaud, who approved the original loan, and Assistant Attorney General Weisl have impounded (and refuse to release) the pertinent records in the case, including the report of an investigator who has stated that "someone should answer for this useless and flagrant waste of money."

Sen. Eugene McCarthy (D-Minn.) has said that Napco's dealings with AID were "handled largely through the other Senator's office." The "other Senator" at that time was Humphrey, whose staff reports:

"Our senatorial office referred all inquiries from Minnesota business constituents to the appropriate agencies without discussing the merits. We simply asked in each case that the inquiry be judged on its merits and that a decision be made, one way or the other, as quickly as possible."

APPROACHED BY FIRM

Mondale, who became Senator when Humphrey was elected Vice President, was approached by Napco after the AID loans had been made. "I had some conversations with Kampelman about it," Mondale said, "after the project got into trouble. The foreign aid people were unhappy about it, and Kampelman came to me as a representative of a constituent. I merely asked the AID . . . people to talk to them and give them a hearing.

Intercessions of this sort are as much a part of the American Senator's life as saluting the flag and smiling at babies. They reflect his "errand boy" role as a middleman between constituents and the Federal bureaucracy.

It is a role that rarely attracts public attention except when something goes wrong, as in the case of AID's $4 million investment in Napco.

That story seems to have begun in 1959 or thereabouts. Napco's gear factory in Detroit was running out of Government contracts and was having no luck in finding new customers. Its equipment was old and noncompetitive in the American market.

PLANT COULD PROSPER

"We concluded," Rappaport later told his stockholders, ". . . (that) if we could make satisfactory arrangements to move our Detroit facility to a foreign country . . . with the lower labor costs and less competitive markets, such a plant could prosper."

The country he picked was India, where a group of businessmen were willing to buy Napco's old machinery, provided AID would put up the cash. They formed a corporation—Napco Bevel Gear of India, Ltd.—and set about convincing both the Indian and U.S. governments that the project was feasible. It took three years to work out the details; the loan agreement between AID and Napco of India was signed by Kampelman on July 27, 1962.

Under the agreement, AID loaned the Indian company $2.3 million. The Indians turned the money over to Rappaport in Minneapolis to pay for the machinery in the Detroit plant. They also gave Rappaport's company stock in Napco of India which was then valued, the GAO later found, at $1 million "to cover the remainder of the sale price of the equipment and for technical supervision and other costs relative to moving the equipment to India."

For AID, it was a unique loan. It had never before financed the purchase of used machinery from an American firm, according to a Napco official.

ASSURED BY PROMOTERS

Its risks were minimized, however, when the Indian State of Punjab agreed to guarantee the entire amount of the loan—$2.3 million. AID was also assured by the promoters of the project that the Indian plant would be in business within 13 months.

That deadline was never met. AID records, the GAO has reported, "show that the project was hardly launched before it ran into difficulties."

The GAO, in fact, understated the problem. Napco officials recall that the difficulties began before the project was ever launched and before the loan agreement was ever signed. The two principal Indian partners, they reported, had a fatal falling out in 1961. Kampelman flew out to India that year to try to repair the breach, but he failed. One of the embittered partners withdrew from the venture and, according to a Napco official, vowed to wreck the enterprise through political harassment.

Nonetheless, Rappaport and his associates continued to push the deal and the shipment of machinery from the Detroit plant began after the AID money came through.

LITTLE MORE THAN JUNK

What eventually arrived at the plant site at Faradibad, India, 20 miles south of New Delhi, was an assortment of shoddy machines. "The equipment," GAO said in a recent report, ". . . had not been reconditioned . . . much of it could not be reconditioned and was little more than junk."

GAO quoted a tool engineer for Napco of India who estimated that $1 million worth of tools was obsolete or worn out and that many others were of no use since they pertained to "job applications the company never will undertake."

A private consulting engineer, Harry H. Whittingham, hired by AID after the project had failed, found that Napco in Detroit had failed to recondition properly any of the tools shipped to India; that only 10 to 15 per cent of the machines would ever service the Indian plant, and that the appraisal of the machinery's worth was "a fantastic overstatement of value."

By the time AID got the Whittingham and GAO reports, its investment in the gear plant at Faradibad had mushroomed from $2.3 to $3.9 million.

MORE MONEY ADVANCED

It advanced an extra $840,000 for the plant in July, 1963, and still another $840,000 in August, 1964.

With its investment, AID had enabled Rappaport to dispose of a questionable asset and repair the declining fortunes of Napco in Minneapolis. Prior to the AID loan, he told his stockholders in 1965, "our gear manufacturing division became increasingly troublesome creating losses that at times more than consumed the profits of the healthy divisions."

The AID loan also produced temporary benefits for the Indian sponsors of the project. They set up dummy firms that overcharged the plant, according to the Whittingham report, built a guest house with servants for their rent-free use, and padded the payroll with friends and relatives. These fringe benefits, plus the salaries drawn by the local directors, covered their own investment five times over, Whittingham found.

Today, the plant is idle. The State of Punjab will apparently lose $2.3 million, if AID demands payment of the loan guarantee. AID—meaning the American taxpayer—apparently will lose $1.6 million from the unsecured loans of 1963 and 1964.

Whether the plant will ever reopen is not known. Whether Napco in Minneapolis will be sued by the Federal Government is also unknown. Whether AID could have avoided its present difficulties is still another unknown.

REPORT IMPOUNDED

The Whittingham report, which goes into some of these questions, has been impounded by AID and the Justice Department, along with all other documents in the case. The official explanation from Assistant Attorney General Weisl and from Administrator Gaud is that disclosure of the documents would be inappropriate so long as legal action against Napco is under consideration.

Meanwhile, rumors and gossip—both within and outside the government—that "political influence" was a factor in the Napco loans. Kampelman vigorously denies those reports. Humphrey's office likewise rejects suggestions that anything more than "routine" assistance was given to Napco. Weisl implies that even his files are rather barren. "If you turn up anything," he said the other day, "let me know."

[From the Minneapolis (Minn.) Tribune, Nov. 26, 1967]

UNITED STATES DROPS PROSECUTION IN NAPCO CASE

(By Clark Mollenhoff)

WASHINGTON, D.C.—The Justice Department has decided against criminal prosecution in a $3.9 million foreign aid case involving Napco Industries, Hopkins, Minn., because one potential defendant is dead, and other potential defendants are outside of the jurisdiction of U.S. courts.

It was learned Saturday that U.S. Atty. Patrick Foley made the initial decision declining prosecution and spelled out his reasons in a 10-page letter to the Justice Department.

Justice Department officials in Washington have concurred in Foley's decision.

In addition to the death of Max Rappaport, former president of Napco Industries, several citizens of India are outside the jurisdiction of U.S. courts, Foley said. He also pointed out that Ralph O. Lundgren of Washington also is deceased. Lundgren was a key inspector of the equipment sold by Napco to Napco of India.

Foley said there is no certainty that it would be possible to develop a criminal fraud case even if all of the key figures were alive because of the international aspects of the Napco transactions.

Foley said there is evidence indicating misrepresentations in connection with the sale of Napco's money-losing Bevel Gear Division to the Indian firm, but there also is evidence showing that some of the Indian partners were engaged in the theft or embezzlement of property that arrived in India.

In such instances, the U.S. attorney said it is difficult to determine what equipment was missing when shipped and what equipment was stolen after it arrived.

Foley's letter to the Justice Department was critical of the entire transaction, and concluded that the Agency for International Development (AID) had no business approving a transaction in which there were so few safeguards for the taxpayers' money.

Foley said the contract between AID and Napco had inadequate provisions covering guarantee of the condition of the equipment to be delivered by Napco Industries to India.

In addition, there was an incomplete list of equipment to be delivered that left room for differences of opinion as to whether Napco was delivering, Foley said.

On top of this, Foley said, inspections by Lundgren were "totally inadequate."

Foley said the Napco transaction was one the government should have avoided, and that if it had deemed the loans as vital to U.S. interests it should have taken greater care to protect the taxpayers' interests.

Foley completed his study of the Napco case in August, before it became the focal point in a dispute over President Johnson's effort to name Max Kampelman, a former Minneapolis lawyer, as chairman of the Washington City Council.

Rep. H. R. Gross, R-Iowa, and Sen. Carl Curtis, R-Neb., called the Napco transaction "a fraud" and pointed out that Kampelman was lawyer for Napco Industries of Minneapolis, and a director of Napco Bevel Gears of India, and also had signed the original foreign AID loan agreement.

Gross pointed out that was a political reason for the poor judgment used by AID officials in approving the transaction with Napco. He had called attention to the fact that Rappaport had been a long-time friend and a financial supporter of Humphrey.

Gross charged that there was a political connection between the poor judgment used by AID officials in approving the transaction with Napco. He had called attention to the fact that Rappaport had been a long-time friend and a financial supporter for Humphrey.

Humphrey has declined any comment on the role his office played in connection with the approval of the loans.

It was learned that there were objections to the loans to Napco within the AID agency, but AID officials would not make the records available.

MEDICAL EXPENSE DEDUCTIONS FOR SENIOR CITIZENS

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BROWN of Michigan. Mr. Speaker, until this year, taxpayers over age 65 were permitted an income tax deduction in the full amount of medical expenses not otherwise compensated for. With the advent of medicare, it was felt that this allowance would no longer be needed, but events have demonstrated that there remains a gap which must be bridged.

Last Wednesday, the Senate amended H.R. 12080 so as to include what in effect is the old rule of medical expense deductibility for those over 65. In a study recently conducted at my request, the Library of Congress estimated that such a provision would cost $192 million in 1967 in lost revenues.

Realizing the need to help certain of our senior citizens, I have contemplated for some time introducing a bill similar to the Senate amendment. I also realized the necessity of having my proposal considered as part of a general social security measure. It was impossible to suggest my proposal during House debate of H.R. 12080 because of the closed rule. But because of the Senate action, it is now timely to introduce my bill and to express the hope that it will be given serious consideration by our colleagues, particularly by the conferees on H.R. 12080.

My bill will allow all taxpayers over age 65—or those with dependent parents over 65—to exclude when computing medical expense deductions the first $7,000 adjusted gross income on a joint return or $4,000 on a separate return. The current percentage limits are retained for all other taxpayers.

According to the same LRS study, this bill would save $165 million from the Senate version, yet would fill the real need of giving assistance to senior citizens with low incomes. It is estimated that 2.5 million taxpayers would benefit from my bill, at a cost of $27 million. Much has been said, Mr. Speaker, about the excessive cost of the Senate version of H.R. 12080. Here is a chance for the House to provide a necessary service to senior citizens in need, at a saving of $165 million.

TAFT CHALLENGES JUSTICE DEPARTMENT ON STATISTICS

Mr. STEIGER of Arizona. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. GERALD R. FORD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, under leave to extend my remarks, I include a statement by Representative ROBERT TAFT, JR., entitled "TAFT Challenges Justice Department on Statistics," and a release of September 13, 1967, by the Republican task force on crime on the same subject.

I also include a release of September 12 entitled, "Articles Dramatize Need for Wiretap Law: Representative POFF," and one of August 28 on "Rules Ham Stringng Agents, Says Crime Task Force," which is accompanied by a statement of the House Republican task force on crime.

The material follows:

TAFT CHALLENGES JUSTICE DEPARTMENT ON STATISTICS

WASHINGTON, D.C.—Representative Robert Taft, Jr. (R.-Ohio) Wednesday challenged the Justice Department on its "statistical justification" of the "War on Organized Crime." In response to Administration criticism of recent GOP crime statements, Taft stated, "Since the Justice Department cited the numbers of their convictions as a measure of their success in fighting Organized Crime, I suggest that additional figures deserve comment."

Taft is Deputy Chairman of the House Republican Task Force on Crime and one of the authors of the recent attack by 23 Republican moderates on the Johnson Administration's failures in fighting Organized Crime.

"The President's Crime Commission called 'Cosa Nostra' the core of Organized Crime and estimated its membership at some 5,000," Taft told his House colleagues. *"Since 1961 only about 130 identified 'Cosa Nostra' members have been convicted by the Federal government. That amounts to roughly 2.6% of 'Cosa Nostra' membership for the entire seven-year period—a conviction rate of 0.4% per year,"* Taft calculated.

"The 130 convictions represent the sum total of the efforts of 26 Federal investigative agencies, 94 United States Attorney's Offices, and, of course, the Organized Crime Section of the Justice Department."

Taft listed a number of questions asked by the Crime Task Force and, in a separate statement, 23 House Republicans. "Those questions remained unanswered," he charged. He noted that the Administration's rebuttal to the GOP papers had referred to "additional new measures to fight Organized Crime . . . pending in Congress." The Administration blamed Republicans for delays on two bills.

Stated Taft, "The bills referred to have been the subject of legislative proposals since 1961. Both, one to compel testimony in Racketeering cases, the other to make it a crime to threaten potential witnesses, have received strong Republican support. Both have been sponsored in this session of Congress . . . by Republicans and Democrats alike. *Until the Justice Department utilizes every legal weapon, the fight against crime will continue to be a losing battle,"* Taft concluded.

TAFT CHALLENGES JUSTICE DEPARTMENT ON STATISTICS

The statement made on August 30 by Deputy Attorney General Warren Christopher in reply to criticism by Republican groups of the Administration's "War on Crime" deserves a direct retort. It evades questions, quotes meaningless statistics, pleads partisanship, and usurps credit where none is due.

The House Republican Task Force on Crime commented on the Attorney General's limitation of legal electronic surveillance and simply questioned why it was necessary to exceed the limitations of the Supreme Court outlined in the *Berger* decision. The Task Force asked what the logical purpose of the additional restrictive regulations was, and where the Attorney General derives the authority to establish them. These questions remain unanswered.

In another statement, 23 House Republicans, including myself, recently outlined a 12-point program for combating Organized Crime nationwide and asked a number of questions such as:

1. Why the activities of the Organized Crime Section of the Justice Department have been dramatically reduced since 1964?

2. Why the Administration influenced the Crime Commission to reverse an earlier recommendation for wiretap legislation?

3. Why the Administration persists in its position that court authorized electronic surveillance is of little value despite statements to the contrary from almost every law enforcement official in the country?

4. Why the Administration has ignored almost every recommendation by the President's Crime Commission on Organized Crime?

These questions remain unanswered by Mr. Christopher and the Justice Department.

Instead, Mr. Christopher says FBI-investigated Organized Crime convictions rose 39% from the previous year and two new measures to aid the fight against organized crime are pending in Congress. "With Republican aid, these bills could be promptly passed," Christopher comments. He adds, "The partisan obstruction of the Republicans only serves to interfere with the war against crime."

The two bills referred to have been the subject of legislative proposals since 1961. Both have received broad Republican support, both have been sponsored in this session of Congress, in House and Senate, by Republicans and Democrats alike. These bills are bipartisan efforts, and were among recommendations of the President's Crime Commission.

With respect to the Administration's statistical justification of its war on Organized Crime, we must note that it is carefully confined to FBI-investigated convictions. It makes no mention of who the subjects of convictions were or what their standing was in the hierarchy of Organized Crime. What of IRS-investigated Organized Crime convictions? Hitherto, they have accounted for 60% of the success of the entire Federal effort. In addition, how many "high echelon" Organized Crime figures are among those convicted? Conversely, how many numbers-writers, petty bootleggers, prostitutes, race track touts and similar small fish have found their way into their statistics?

Since the Justice Department cited the number of convictions in a selected area as a measure of their success in fighting Organized Crime, additional figures deserve comment. The President's Crime Commission called "Cosa Nostra" the core of Organized Crime and estimated its membership at some 5,000. Since 1961 only about 130 identified "Cosa Nostra" members have been convicted by the Federal government. That amounts to roughly 2.6% of "Cosa Nostra" membership for the entire seven-year period—a conviction rate of 0.4% per year. Current issues of Life Magazine detail the dominance over the underworld of those remaining free.

And the 130 convictions represent the sum total of the efforts of 26 Federal investigative agencies, 94 United States Attorney's Offices and, of course, the Organized Crime Section of the Justice Department.

Criticism of the Organized Crime Section of the Justice Department is not intended. The Section should not be dissuaded from prosecuting even low-level figures. They are as much a part of Organized Crime as anyone else. In addition, no one can tell when a conviction might lead to important further prosecutions. It is a well known fact, however, that the high echelon racketeers—the syndicate gamblers, the mob leaders, "Cosa Nostra" members—are extremely well insulated from the day-to-day criminal activities they direct. As a result, they are extremely difficult to prosecute. The problem is basically one of uncovering evidence.

It's to the credit of the Organized Crime Section that they have accomplished even this much under present Justice Department rules laid down for them and the evidence gatherers they supervise. But the claimed import of their success is obviously quite misleading.

The most dramatic and typical issue is the authorization of court approved electronic surveillance, within Constitutional limits, as one of the necessary tools for obtaining evidence against syndicate leaders. Until the

Justice Department recognizes the need to utilize every legal weapon, the fight against crime will continue to be a losing battle.

ARTICLES DRAMATIZE NEED FOR WIRETAP LAW: REPRESENTATIVE POFF

WASHINGTON, D.C.—Representative Richard H. Poff (R.-Va.) Monday charged that a recent magazine series on Organized Crime dramatizes the need for legislation legalizing court authorized electronic surveillance of Organized Crime conspiracies.

Representative Poff, Chairman of the House Republican Task Force on Crime, told his House colleagues that he wrote Attorney General Ramsey Clark, *"A constituent called me to ask if I have read the articles in the September 1 and September 8 issues of Life Magazine. I have done so," Poff reported. He asked the Attorney General, "If you have not, I urge you to do so."*

He stated that the constituent wanted to know whether the magazine articles were factual "and if so, why something hasn't been done . . ."

Anticipating a possible Justice Department response, Poff explained that much of the information appears to come from electronic surveillance. Under present law, wiretap evidence and evidence traceable thereto is tainted . . ."

"If this is your answer," Representative Poff wrote, "and if the wiretap tapes and log entries in the possession of Federal investigators do in fact document the crimes charged in the magazine articles, then I have a question of my own. *Does this not fully justify legislation legalizing electronic surveillance of organized crime conspiracies by law enforcement officers acting under court orders in the nature of a search warrant?"* He concluded, "Your reply will be helpful in answering the mail I am beginning to receive on the same subject."

RULES "HAM STRINGING" AGENTS SAYS CRIME TASK FORCE

The House Republican Task Force on Crime today called on the Attorney General "to utilize every legal investigative tool available" to combat the nation's spiraling crime rate.

The Task Force charged that the Attorney General's June 1967, regulations "strictly limiting legal electronic surveillance" have no other effect than the "ham-stringing of Federal agents in their day-to-day conduct of organized crime investigations. No need for the Attorney General's regulations has been shown. They are, in fact, further evidence that the *Attorney General is fighting a war of retreat against organized crime,"* the group charged in a prepared statement.

"We view his regulations as inevitably discouraging the use of sound, acceptable, and legal investigative techniques in combating organized crime. He now sits in judgment as to what may or may not be necessary in an investigation thousands of miles from his Washington office. An agent in the field places his life or personal safety in jeopardy during investigations . . . Time, obviously, may be vital—delay deadly," the Task Force asserted.

"The cumbersome, time-consuming, interagency procedural structure the new regulations erect is likely to intimidate and frustrate the most diligent investigator. *So long as adequate safeguards against illegal practices exist, investigating ought to be left to investigators."*.

The Task Force declared, *"We urge the Attorney General to reexamine and revise what is to us an incredible retreat in the war against criminal activity."*

STATEMENT OF THE HOUSE REPUBLICAN TASK FORCE ON CRIME

The House Republican Task Force on Crime believes that it is a necessary and proper function of the Attorney General and the Department of Justice to operate within the framework of existing law in conducting its investigations into and prosecutions of criminal matters, be it organized crime or any other type of crime. By this we mean they should not go beyond the law but at the same time they should utilize every effective investigative tool available to them inside the law.

In June, the Attorney General promulgated and issued to the Department of Justice and to other departments and agencies of the federal government (for example, the Bureau of Narcotics of the Treasury Department) a set of regulations expressly designed to, in the language of the regulations, "strictly limit *legal* electronic surveillance." These regulations have no other practical effect than the "ham-stringing" of Federal agents in their day-to-day conduct of organized crime investigations. We view them as yet another manifestation of the fact that the Attorney General is fighting a war of retreat against organized crime and that it is only a matter of time before his federal forces will be in a full scale rout.

The limitations in his regulations go far beyond wiretap and third-party bugging. They go far beyond the strict limitations placed upon these practices by the Supreme Court in the Berger case. They reach even transmitters and recording devices used by one of the parties to a conversation, a Narcotics agent who is about to make a purchase or a Treasury agent who is about to be bribed. This technique was specifically sanctioned by the Supreme Court as recently as last November in the Osborn case, and it is a technique most frequently employed in organized crime investigations. To be sure, these regulations do not actually forbid the use of transmitters and recorders under those circumstances, but they do create a labyrinth of procedure, inventory control and just plain red tape which culminates in the obtaining of advance approval from the Attorney General before any use may be made of such devices. And if that advance written approval has been or will be denied or simply delayed in just one single instance, then that is just one less case the government may be able to bring.

Frequently an agent in the field places his life or personal safety in jeopardy during the investigation of organized crime cases. Necessarily, he must deal clandestinely with people who are armed and dangerous. Under those circumstances it is usually mandatory—from a safety consideration alone—that what transpires be overheard instantly by other agents nearby. The same thing may be said of informants, particularly narcotics informants, for whose protection there ought to be at least some concern. Informants are even now difficult enough to find and cultivate; they will be altogether unavailable if they are to be abandoned to their own wits in dangerous situations. Further, potential witnesses in organized crime cases are, for a variety of reasons, sometimes difficult to corroborate. What is overheard by a transmitter may be preserved by a recorder and later become probative, competent and, most important, accurate corroborative evidence in the prosecution.

Quite apart from the fact that we seriously question the authority of the Attorney General to meddle in this fashion in the purely investigative affairs of other departments and agencies of the federal government, we view his regulations as inevitably discouraging the use of sound, acceptable and legal investigative techniques in combating organized crime. It is proper, of course, for him to advise other departments and agencies of the federal government as to the existing law with respect to the use of investigative tools. But as the ultimate authority, under his own regulations, he now sits in judgment as to what may or may not be necessary in an investigation thousands of miles from his Washington office. Time may be vital—delay deadly. He cannot possibly know the facts better than the agent in the field, even after he has required the agent to justify his request in considerable written detail. The cumbersome, time-consuming, inter-agency procedural structure the new regulations erect is likely to intimidate and frustrate the most diligent investigator. And where authority to employ a device is denied, agents may understandably decline to expose themselves to danger, informants will refuse to cooperate, and crime will go unpunished because witnesses are not corroborated.

No need for the Attorney General's regulations has been shown. On the contrary, he has himself informed us that as far as federal agencies are concerned, electronic surveillance by all *illegal* means has been a thing of the past since July 1965. If that is true, then the regulations are without a logical purpose. Where *legal* investigative techniques are available, their use ought to be encouraged and the decision to use them ought not be subjected to unwarranted interagency interference. In short, this Task Force believes that, so long as adequate safeguards against illegal practices exist, investigating ought to be left to the investigators. In the war against crime they are the people on the firing line; they are doing the work; they are taking the risks.

We call upon the Attorney General to reexamine and revise what is to us an incredible retreat in the war on criminal activity. As the chief law enforcement officer of this country he should move vigorously by all means within the law to enforce the law.

SUPPORT GI'S PLAN SPREADS THROUGHOUT UNITED STATES

Mr. STEIGER of Arizona. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, while we realize that the antics of some anti-Vietnam protestors represent but a very small minority of American citizens, it is nevertheless stimulating when private citizens and organizations undertake to show our servicemen in Vietnam that we support their efforts. In the past I have inserted in the CONGRESSIONAL RECORD accounts of patriotic support by citizens of New York City for ventures seeking to reassure our servicemen that they are not forgotten. On May 13, in New York City, many thousands attended the Support-Our-Boys-in-Vietnam Parade. Again on October 22 New Yorkers participated in Operation Gratitude, described by the New York Daily News in these words:

With parades, speeches, songs, bands, flags and auto headlights, hundreds of thousands of New York area residents showed their support for U.S. forces in Vietnam yesterday.

These operations were the handiwork of two veterans, Ray Gimmler and Charles Wiley, who recognized the need for communicating to those in Vietnam the concern and support of the majority of citizens. The National Committee for Responsible Patriotism, with Wiley as executive director, succeeded in obtaining the support of 32 Governors and the

mayors of nine cities in approval of the Operation Gratitude proposal.

More recently, in Wheaton, Ill., a housewife, Mrs. William C. Walton, propelled by the same desire to tell our servicemen that we really care, began collecting cosigners to a letter to Gen. William Westmoreland, with 5,000 signatures as a goal. According to a story in the Chicago Tribune of November 22, Mrs. Walton anticipates acquiring far more than the original 5,000. In fact, the idea spread into Du Page County and has branched out into other parts of the country. According to Mrs. Walton, the program is really snowballing:

Everyone wants to help collect signatures. They keep asking what more they can do to help make the project successful. People are taking the letter to their churches and to the organizations they belong to. One fine young man, a father of four, is taking it to his trucking company and sending it out with fellow drivers into other parts of the nation. High school students are taking it to school.

Additional help is coming from other sources:

Many people are organizing the idea for me in their own communities. Veterans are helping. College students are rallying to the cause. The wonderful Wheaton police are collecting signatures. Merchants are doing the same.

To publicize more fully the wonderful effort of one concerned American housewife, I insert the article "Support GI's Plan Spreads Throughout United States." in the RECORD at this point:

SUPPORT GI'S PLAN SPREADS THROUGHOUT THE UNITED STATES—PROGRAM IS STARTED BY WHEATON WOMAN

If a Wheaton woman's plan is successful, every American fighting man in Viet Nam will soon know "we at home love them and are concerned about them."

To materialize her plan, Mrs. William C. Walton, 1105 N. Irving av., is getting signatures on a letter to Gen. William Westmoreland and "all our men serving in Viet Nam," acknowledging community support of our armed forces in Southeast Asia. Her goal is 5,000 signatures.

MORE THAN 5,000

"It looks like I'll be getting far more than 5,000 signatures," Mrs. Walton said. "The project has caught fire and is now spreading all over Du Page county. In fact, it is being carried beyond into other parts of the United States."

She said she thought of the idea for the letter the week-end anti-war demonstrators marched in Washington.

"I just felt I had to do something to show there are many more of us who do support the boys over there," Mrs. Walton said. Originally, she planned that the letter would show that Wheaton is behind the men, but the idea began to spread.

PLENTY OF SUPPORT

"Everyone wants to help collect signatures," she said. "They keep asking what more they can do to help make the project successful. People are taking the letter to their churches and to the organizations they belong to. One fine young man, a father of four, is taking it to his trucking company and sending it out with fellow drivers into other parts of the nation. High school students are taking it to school.

"Many people are organizing the idea for me in their own communities. Veterans are helping. College students are rallying to the cause. The wonderful Wheaton police are collecting signatures. Merchants are doing the same."

Mrs. Walton introduced her project at the Wheaton Veterans day parade.

ALL WANT TO SIGN

"It was announced over the loudspeakers," she said. "Everyone flocked over to sign the letter." The theme of the parade was "Support Our Boys in Viet Nam."

"If this is a sample of American opinion," she said, "I have the feeling the same opinion holds all over the nation."

Part of the letter reads:

"We, the undersigned citizens of Wheaton, Illinois, and surrounding communities humbly send this letter to you in deep gratitude for your defense of the freedoms we cherish.

"Those who oppose the war by marching, desecrating our flag, burning their draft cards, and thru this giving aid and comfort to the enemy, do not represent the majority. They do make their voices heard, so thank God they are in the minority. Still their deeds must sadden you, as they do us.

"The time has now come that more and more loyal and patriotic Americans will make it known to you that you have our full support. You are in our thoughts and prayers at all times.

"WHEN PEACE IS RESTORED"

"May God bless you, keep you in His care, and bring you safely home when peace and freedom is restored to Viet Nam."

Affixed to the bottom of the letter is a note to those who signed it. It reads:

"Please, please respond to this call for help. Let our boys, who are fighting and dying for us in the swampy rice paddies and steaming jungles far from home, know we at home love them and are concerned about them."

THE ECONOMIC SHELL GAME

Mr. STEIGER of Arizona. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, the New York Daily News, in its usual hard-hitting style, editorialized on the dangers of continued deficit spending in its November 13 issue. The increasing cost of living is of mounting concern to all citizens who are trying to balance income against expenditures. I believe that it is hard for the average wage earner to understand how its Government can continue to run up large bills and still refuse to cut its spending in nonessential areas.

The New York News editorial states the case briefly and bluntly, and I insert it in the RECORD at this point:

DOLLARS AND DISASTER

Our esteemed colleague, the Chicago Tribune, recently filled its spacious editorial column for seven days in succession with a series of masterly editorials on inflation.

The pieces were printed under the title "How Sound Is Your Dollar?" They discussed the current creeping inflation in the United States from every angle, and the danger that it may leap from a creep to a gallop before long.

We borrow some of the Tribune's points for use in this space today. There are few if any things more important to the American people just now than maintenance of a reasonably sound and solid dollar.

There are two kinds of inflation: (1) demand-pull inflation, when goods are scarce and money over-plentiful; and (2) cost-push inflation, when goods are plentiful, but labor unions keep driving wages higher and higher and corporations pass these ballooning production costs along to consumers.

We are suffering from cost-push inflation now, and have been for some years.

In 27 years—since January, 1940—the dollar has sagged from 100c to 41.5c in buying power. It is sagging faster now than in most of those 27 years—meaning inflation is speeding up already.

Ever since President Franklin D. Roosevelt's time, the U.S. government has run up yearly deficits far oftener than it has balanced its budgets. This deficit financing is dangerous, contributes to inflation, and can generate an inflationary whirlwind if it continues long enough.

The man responsible for it is long dead, but his soul goes marching on—to cadge a line from an old Civil War song.

He was John Maynard Keynes, an Englishman and an alleged economist whose theories are still popular with many politicians.

Lord Keynes' basic theory was that governments can and should spend themselves rich and their people prosperous; that deficit financing is a governmental virtue oftener than not.

Private citizens can't live indefinitely beyond their incomes, but Keynes believed governments could, by some magic which ordinary minds cannot grasp.

The United States is now approaching the logical results of living for decades beyond its income so far as its government is concerned.

The President himself fears a deficit of up to $29 billion in fiscal 1968 (ends next June 30). Some European bankers think the deficit may hit $35–40 billion.

The $29 billion gap between government intake and outgo would be bad enough; a $35–40 billion deficit could bring financial disaster.

PERILOUS DEFICITS

It would destroy much of the world's confidence in the dollar, lead to increasing foreign demands on our shrinking gold reserve, and drive interest rates on the home-front to business-paralyzing heights.

How about the 10% surcharge which the President keeps begging Congress to clap on most income taxes? Wouldn't this increased revenue help stave off inflation?

It would—IF—IF the federal government would radically cut down its spending on foreign aid, domestic give-aways and handouts, and Great Society projects of one kind or another.

If the added revenue is to be used only to help finance ever-bigger government spending, we can expect inflation to speed up and become not only cost-push inflation but demand-pull inflation as well.

What can individual citizens do to head off a disastrous inflation?

COMMUNICATING WITH CONGRESS

Individual citizens have elected senators and representatives in Congress. Those persons pay close attention to their mail—believe it or not.

Hence, citizens can best hope to insure against inflationary calamities by flooding Congress with letters, telegrams, telephone calls, demanding drastic cuts in federal nonmilitary spending—prompt and lasting cuts.

Better get busy. This can be a matter virtually of financial life or death for us all.

VIEWS ON VIETNAM

Mr. STEIGER of Arizona. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. TEAGUE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. TEAGUE of California. Mr. Speaker, I call to the attention of my colleagues an excellent letter from a military man who has completed a year's service in Vietnam:

Just to let you know my feelings on Vietnam after spending a year here: I am firmly convinced that we are really winning this war in the only way it can be won. By attrition of the enemy and a will to keep fighting longer than he does. He will never come to a table, it will just fade out and face will be saved. The antiwar demonstrators are just prolonging the war by giving Mr. Ho a feeling that we will eventually cave in and all the sacrifices the South Viets and we have been through will be for naught and Uncle Ho will just walk in. Please don't *you* sell the U.S. down the river as so many people seem to be doing deliberately or unwitting. Through isolation and disengagement policies we were kept out of the League of Nations, this seriously weakened the League from the start. All the Nations hung back when Italy went into Ethiopia. Hitler could have been stopped militarily up to Poland if Chamberlain hadn't been so frantic for peace. Don't we ever learn.

Capt. MELVIN S. BURCKES.

OJAI, CALIF.

MEDICAL EXPENSE DEDUCTIONS FOR SENIOR CITIZENS

Mr. STEIGER of Arizona. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. BROWN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. BROWN of Michigan. Mr. Speaker, as I discussed on the floor earlier today, I am introducing a bill to amend section 213 of the 1954 Internal Revenue Code regarding medical deductions.

Prior to this year, the old rule provided that if either the taxpayer or his spouse had attained the age of 65, there was allowed as a deduction all medical expenses, including expenses for medicine and drugs, for the taxpayer and his spouse, as well as for the care of dependent parents over age 65. Persons under 65 were allowed a full deduction for the medical care of dependent parents over age 65, but as for the taxpayer, his spouse, and other dependents, the rule was that only such amounts as exceeded 3 percent of adjusted gross income could be deducted for medical expenses, and only those amounts which exceeded 1 percent of adjusted gross income were deductible for drugs and medicine.

The Social Security Amendments of 1965 eliminated the special status of persons over age 65 and provided a uniform rule for all taxpayers regardless of age. This uniform rule, effective for the first time this tax year, provides that only such amounts as exceed 3 percent of adjusted gross income may be deducted for medicine and drugs. This new law eliminated the full deduction for the medical care of dependent parents over age 65 for all taxpayers.

The rationale for the change was that taxpayers over 65 would receive adequate reimbursement for their medical expenses from medicare, but this has not proved to be the case. There are gaps in the overall cost picture. There are, first of all, certain expenditures which meet the definition of medical care for the purposes of income-tax deduction but which are not covered by the medical care and health insurance programs. In addition, there are other expenditures which, although included in the medicare and health insurance programs, are not fully reimbursable. Third, there are taxpayers who have not registered to receive medicare benefits but who, nonetheless, have medical expenses. Due to these categories of nonreimbursable medical expenditures, several bills have been introduced to liberalize the strict rules now in effect.

The most popular approach to amending section 213 to date has been to simply reinstate the old rule, and this is essentially the action taken by the Senate last Wednesday when it considered H.R. 12080, the Social Security Amendments of 1967. The Legislative Reference Service of the Library of Congress, in the study made for me, has estimated that such a bill would cost the Federal Government $192 million in lost revenues in the tax year 1967, an amount equal to what was estimated to be the revenue gain by adoption of the changes in 1965, effective for the first time this 1967 taxable year.

Another suggestion has been to eliminate the percentage limits for everyone, regardless of age. The LRS has estimated that this would cost $1.8 billion in lost revenues in 1967. Aside from its obvious political appeal, such a proposal must seriously be questioned, both in terms of its policy objectives and in light of the present fiscal posture of the Federal Government.

Any changes regarding medical deductions should be based on reason, rather than political appeal or mere return to the status quo. There should be considered the underlying reasons for medical deductions, the merit of allowing a special status to persons over age 65, and the economics of change.

The primary purpose for allowing medical deductions is to help allay the costs of medical care when they adversely affect the taxpayer with special force. When illness strikes, it should not be reinforced by a biting and rigid tax structure. Therefore, historically, there has been allowed as a deduction those amounts which exceed certain percentages of income, with the thought that these limits are the points beyond which Federal tax relief is not only fair, but also just. This policy should be continued. It not only gives assistance when assistance is due, but it also prevents a substantial drain on Federal revenues.

Persons over age 65 have traditionally been singled out for special assistance in recognition of the fact that the majority of such persons are retirees and have little disposable income. However, today it must be recognized that there are a substantial number of persons over age 65 who have quite adequate income, and that the reason for giving them additional assistance has ceased to exist. When the reason for the rule ceases to exist, the rule should fall also.

Finally, there should be considered the economics of change. While there may be persuasive reasons for allowing full deduction of all medical expenses, clearly, we cannot afford to do so at the present time. The Senate-passed restoration of the old rule is equally undesirable, for it not only fails to consider the reasons for allowing deductions, but it also would cost the Federal Government $192 million in lost revenues this year. This is too much. The bill which I am introducing today, Mr. Speaker, will lend additional assistance to all persons over age 65, but especially to those who have a real need, and yet will have little adverse effect on Federal revenues.

This bill will allow taxpayers over age 65 to exclude the first $7,000 adjusted gross income on a joint return or $4,000 adjusted gross income on a separate return for purposes of section 213 deductions. The effect of this provision is that taxpayers over age 65 will be allowed to deduct all medical expenses as well as expenses for medicine and drugs if their adjusted gross income is $7,000 or less on a joint return or if the taxpayer has an adjusted gross income of $4,000 or less on a separate return. For those taxpayers over age 65 with adjusted gross incomes over $7,000 and $4,000 this bill will also be beneficial, for income up to these amounts will be excluded before the percentage limits apply. This bill retains the percentage limits for all other taxpayers, as well as the provision allowing the deduction of one-half of the expenses paid for medical insurance. It also reinstates the old provision allowing everyone, regardless of age or income, a full deduction for the medical care of dependent parents over age 65. According to the same LRS study, mentioned above, this bill would cost an estimated $27 million in lost revenues, instead of the $192 million revenue loss which would be suffered if the conferees on H.R. 12080 were to accept the Senate version without change.

Here is a marvelous chance, Mr. Speaker, for the House to render an important service for those senior citizens in need, yet save the Treasury $165 million.

I trust the conferees on H.R. 12080 will give this proposal serious consideration.

DE GAULLE SHOULD PUT UP OR SHUT UP

Mr. STEIGER of Arizona. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. HARSHA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. HARSHA. Mr. Speaker, French President de Gaulle is doing his best to undermine the American dollar. This megalomaniac wallowing in the delusions of his own grandeur and power has been on a determined course since 1960 to wreck the American economy. It is time

our Government put a stop to this nonsense by requiring France to pay her obligations to the United States.

While France denies any deliberate part in this new wave of gold buying, her withdrawal from the international gold pool whetted speculative activity in gold. Add to this her actions over the last few years and one begins to doubt the sincerity of France's disavowal.

At the end of 1960, total French gold holdings were $1.641 billion, at the end of 1966 they were $5.238 billion. This represents an increase of $3.597 billion over the past 5 years. Not all of this was purchased from the United States, but a substantial part was. Some was purchased from Great Britain and some from Russia, but as a practical matter it makes little difference where France buys the gold since it tends to result in a drain on our gold supplies.

Contrasting France's gold position is that of the United States. In 1960, U.S. gold stocks amounted to $17.80 billion. At the end of 1966, they totaled $13.24 billion or a loss of $4.56 billion over the same period France was gaining. As of the latter part of February 1967, this figure had dropped to $13.109 billion, the lowest level since August 24, 1938. Today, the total is $12.9 billion.

The situation becomes even more deplorable when we realize that France owes the United States a debt as the result of World War I in the total sum, as of September 1966, of $6,716,000,000. No payments have been made on this since 1931.

In addition, as a result of World War II, France is obligated to the United States by an additional balance of $302.8 million. This sum was considerably larger but France has paid back, as of last September, $880 million.

In spite of this, France continues to place a severe strain on our gold reserves by purchasing our gold bullion instead of paying her obligations. Before honoring France's claims for gold the United States should insist upon payment of France's debt to America. Certainly, now the moratorium on France's indebtedness must be ended.

WINS AND THE GREAT ONES

Mr. STEIGER of Arizona. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. KUPFERMAN] man extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. KUPFERMAN. Mr. Speaker, WINS, a fine all-news station in my district, is performing a public service in its broadcast of the series of original radio dramas entitled "The Great Ones," a history of 10 American Negroes who contributed in large measure to the development of the United States.

Under the managership of Charles Payne, WINS, one of the Group W stations, has pioneered in news, public events, and service to the community, and this recognition of important Negro history adds one more chapter to this fine record.

I am pleased to bring the notice as to the programs to the attention of my colleagues, as follows:

WHO ARE "THE GREAT ONES"?

(Biographical details on the 10 American Negroes whose lives are being dramatized on WINS)

Ten notable American Negroes, whose achievements have largely been overlooked or forgotten in the pages of American history, are the subject of a series of original radio dramas called "The Great Ones."

The series was produced by Group W (Westinghouse Broadcasting Company) and is currently being heard on the Group W radio stations in Boston (WBZ), Philadelphia (KYW), Pittsburgh (KDKA), Fort Wayne (WOWO), Chicago (WIND) and Los Angeles (KFWB). In New York, "The Great Ones" will be heard on WINS, starting Sunday, December 3rd at 9:30 PM.

Who are "The Great Ones"? Their names constitute a roll call of distinguished Americans. In order of broadcast, they are:

Harriet Tubman, called the Moses of her people, who rescued hundreds of slaves from the ante-bellum South via the underground railroad, and was active in a Union Army capacity during the Civil War.

Dr. Charles Drew, who was the scientist who developed the process of preserving blood plasma and set up a blood-bank program in Great Britain during the Nazi Blitz and later for the American Red Cross.

Benjamin Banneker, a free man at the time of the American Revolution, who was an astronomer-mathematician, friend of Thomas Jefferson, and the man responsible for laying the plans for Washington, D.C.

George Washington Carver, botanist known for his research on the peanut and sweet potato, was an outstanding figure in chemistry, physics and education as well.

Charles Clinton Spaulding, one of the nation's successful businessmen, who began without local train fare in the South and formed one of the largest insurance companies in the country.

Dr. Daniel Hale Williams was the father of open-heart surgery; he performed the first such operation on a patient in Chicago in July, 1893.

Paul Lawrence Dunbar was an American poet whom William Dean Howells, 19th Century arbiter of American literary taste, acclaimed a genius.

W. C. Handy, the composer of "St. Louis Blues" and "Memphis Blues," the latter written for Boss Crump of Tennessee politics, who left his indelible mark on American popular music.

Jan Ernst Matzeliger, who was the self-taught inventor of Lynn, Massachusetts, and who devised the mass-production shoe machinery now employed in every shoe factory in the U.S.

Frederick Douglass, an ex-slave, who was the orator, publisher and abolitionist whose fight for emancipation led to the use of Negro Union troops, including his two sons, in the Civil War.

Famous Negroes of stage and screen portray these towering figures of history in "The Great Ones." William Kaland directed and produced. John Hope Franklin, Head of the History Department at the University of Chicago, is consultant.

LINCOLN AND LEE

Mr. STEIGER of Arizona. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. GOODLING] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GOODLING. Mr. Speaker, the Lincoln Speech memorial in the Gettysburg National Cemetery was formally dedicated on November 19, and some 55 years after it had been erected near the western gates of the cemetery.

On that day and in honor of that occasion, an inspiring address on Abraham Lincoln and Robert E. Lee was delivered at a Lincoln Fellowship Luncheon in Gettysburg, having been presented by Prof. Bell I. Wiley, of Emory University, Atlanta, Ga. Because this address contains some important and interesting references on two of America's great men, I insert Professor Wiley's address in the RECORD at this point:

LINCOLN AND LEE

On 19 January 1807, at Stratford Hall, Virginia, a son was born to Henry and Ann Carter Lee. The mother named the infant Robert Edward after her two brothers. The thirty-seven-year-old Ann, naturally frail and not fully recovered from bearing four older children, had not wanted another baby. But Robert Edward Lee, dark-eyed, handsome, healthy, and amiable, soon won a favoured place in the family circle.

Two years and twenty-four days after the birth of Robert Lee—12 February 1809—Abraham Lincoln first saw the light of day in a Kentucky log cabin. There is no record of how Lincoln looked at birth. Judging from his appearance in later years, probably he was not handsome, but as the second child and first son of Thomas and Nancy Hanks Lincoln his arrival must have brought happiness to his parents.

Lincoln and Lee, one born in Virginia and the other in a state carved from the Old Dominion, lived and died in the same era. Apparently they never met, but their destinies were closely intertwined and each played a conspicuous role in the great American conflict of a century ago.

The Civil War of 1861–5, as many people have observed, was America's greatest tragedy. The enormity of the tragedy is attested by the fact that more American service men died in that conflict than in all other American wars combined, from the Colonial Revolt to the Korean War.

Sometimes in the careers of nations, as in the lives of individuals, tragedy is a prologue to progress. This was true of the tragedy of the American Civil War. That conflict ended slavery. It decided that the country founded in 1776 would be one great nation rather than a loose aggregation of separate and competing entities, each claiming to be sovereign. The 'one nation, under God, indivisible' to which Americans pledge allegiance was forged on the Civil War battlefields of Lee's Virginia, Lincoln's Kentucky, and various other states of North and South.

The Civil War also gave the United States its most cherished heroes, and the most outstanding of these were Lincoln and Lee. Indeed, I think it no exaggeration to state that these admirable men were the finest products of the American Civil War. Certainly, during the four tragic years of a century ago both of them achieved outstanding and enduring fame. Lee the soldier is recognized throughout the world as one of the greatest military leaders of all time. Lincoln the statesman enjoys even greater renown. On 25 October 1961 Carl Sandburg made a speech in the Library of Congress in which he stated: "One world figure came out of the Civil War. The name of Lincoln went around the world and is now a familiar and beloved name nearly everywhere. . . . More books have been written about Lincoln than

about any other character in history except Jesus Christ. Biographies of him are available in more foreign translations than any other character in American history."

Let us take a look at these two remarkable men. First, let us look at their contrasts. In background and early associations they were dissimilar. Lee was an aristocrat. His father was Henry Lee, "Light Horse Harry Lee," of Revolutionary fame, and Governor of Virginia, 1792–5. Henry Lee died when Lee was only eleven years of age. Indeed, Robert E. Lee did not see his father after he was six years old because Henry Lee went on a five-year mission to Barbados and died on the return trip. He was buried on Cumberland Island in Georgia. Lee's mother was Mary Ann Carter, the daughter of Charles Carter, of Shirley Plantation on the James River. The old-time Virginians referred to the "Cyatah" family on the "Jeems" River. One could have no greater claim to social pre-eminence among early Virginians than to be a Carter. Robert grew up to be more of a Carter than a Lee. He spent much time with his cousins at Shirley. Outstanding traits of the Carter family were geniality, devotion to family, and loyalty to community. The Carters were traditionally religious, but none was fanatical. They mixed revealed religion and *noblesse oblige* in a delightful manner. Their code stressed economy, moderation, courtesy, gentility, honour, and devotion to duty.

Lincoln's parentage, on the other hand, was humble. It is a noteworthy fact that both his father, Thomas Lincoln, and his mother, Nancy Hanks, were Virginians; but like many of their contemporaries they had crossed the Appalachians in the great westward flow of humanity that came in the wake of the Revolution. Thomas Lincoln was not nearly as worthless as some of the biographers have represented him. He was a respected, honest, amiable man. He got along well with his neighbours, but he had difficulty staying put. He was a chronic mover. Nancy Hanks was probably illegitimate, but she was an honourable, admirable woman. Thomas Lincoln could not read, and it was with the greatest difficulty that he was able to write his name. Nancy Hanks could neither read nor white. When Lincoln was seven years old, the family moved from Kentucky to Spencer County, Indiana, then a vast wilderness, where they lived first in a partially open shelter and then in a crude log cabin. In the second year in Indiana, Nancy Hanks died of what was known as "milk fever" and about a year later Thomas Lincoln stirred himself to go back to Kentucky and persuade a widow, Sarah Bush Johnston, to come to Indiana with him as his wife. This was a very fortunate thing for Abraham Lincoln because Sarah was a dynamic and resourceful woman, and a strong bond of affection developed between her and her lanky stepson. In his later years he referred to Sarah as "my angel mother."

In schooling these men were markedly different. Lee was educated by private tutors and in Alexandria Academy, near Washington. He excelled in Latin and in Mathematics. When he was eighteen he went to the United States Military Academy at West Point. He graduated from the Military Academy in 1829, second in his class and with no demerits. (Charles Mason, later a distinguished lawyer in Iowa and Washington, D.C., was the top man in the class of 1829.) Lincoln's schooling was sparse and disjointed. He went to one-teacher country schools in Kentucky and Indiana, but in his whole life he had less than a year of formal schooling. Yet his letters and his speeches reveal him to be a well-educated man. He educated himself by reading, studying, observing and reflecting. Among the books that he read as a boy were *Robinson Crusoe, Pilgrim's Progress, AEsop's Fables,* Weem's *Life of Washington,* and Grimshaw's *History of the United States.* He also pored over the *Revised Laws of Indiana,* which shows how hard up he was for reading matter. But this ponderous volume contained such important documents as the Constitution of the United States, the Declaration of Independence, and the American Bill of Rights, all of which Lincoln virtually committed to memory. Another book that he read was the Bible.

In culture and demeanour these two men also stand in notable contrast. Lee was a model of propriety, as evidenced by the fact that he went through four years at West Point without getting a demerit, and demerits were very easy to acquire at that time because the rules of the Academy prohibited the possession in the cadets' rooms of any cooking utensils, games, novels, romances, or plays. He was remarkably clean in his language and his habits. When Douglas Southall Freeman had completed the research for the monumental four-volume biography, *R. E. Lee,* he made a speech before The Southern Society in New York City. In the course of his remarks he stated that in all of the research that he had done for the biography—an investigation extending to literally thousands of books, pamphlets, and manuscripts—he had never found indication of the use by Lee at any time in his life of a single profane or obscene word or phrase. There are not many high-ranking military men in history about whom such a statement could be made. Indeed, why pick on the army? There have not been many men in any vocation or profession about whom such a statement could be made. Lee was a devout Episcopalian, and he attended church services whenever circumstances would permit.

Lee liked women, especially if they were pretty. He preferred the companionship of attractive women to that of men—which I think reflects favourably on his judgment. On 7 December 1862 he wrote to his wife: 'Thank Miss Norvell for her nice cake, but tell her I prefer kisses to cake.' He was teasing, of course, because he was absolutely faithful to his wife.

But Lee was no prig. Joseph E. Johnston, a classmate of Lee's at West Point, wrote in later years: 'He was full of sympathy and kindness, genial, fond of gay conversation and even of fun. . . . No other youth or man so united the qualities that win warm friendship and command high respect.' Lee drank only moderately, and then strictly for his health. Some biographers claim that Lee never drank at all, but several years ago in reading the Lee family letters, then in the Library of Congress, I came across a note of General Lee to his wife, dated 29 May 1864, in which he stated: 'I have not been very sick. . . . Do not send any of the whisky. Some kind gentleman has sent me some brandy which I am using.' It is inconceivable that if Lee never drank whisky he would tell Mrs. Lee not to send him any of that beverage. And in the Richmond City directory for 1869 I found this advertisement: 'Steven Mason's—Gen. Robert E. Lee's brand of pure malted rye whisky put up expressly for family use.' Since Lee was still alive at this time, it seems unlikely that the advertiser would have dared represent the brand thus without Lee's consent.

Lincoln was a product of the frontier. Apparently he never drank; but his language was sometimes unpolished, and he developed a fondness for crude stories. After he became President he sometimes shocked people like Gideon Welles, who wore a funny little cap, had a beard, looked like a patriarch, and to whom Lincoln humorously referred as "Father Welles", with his frontier anecdotes. Sometimes he also annoyed Edwin Stanton and the Puritanic Salmon Chase with his raw humour. In his schoolboy copybooks appeared these verses:

"Abraham Lincoln, his hand and pen.
He will be good, but God knows when.
Hail Columbia, happy land.
If she ain't broke, well I'll be damned."

Lincoln never joined a church, but he was deeply religious. His wartime letters and speeches indicate that in the toils, the burdens, and the anxieties that he bore as President of a divided nation he experienced a genuine spiritual deepening. His wife said of him: "He never joined the church, but still he was a religious man. But it was a kind of poetry in his nature, and he never was a technical Christian."

In their relations with their associates there were also marked differences between these two men. Few men outside of Lee's family and close circle of friends were ever intimate with him. Dignity and abstemiousness tended to preclude intimate associations; but his was a benevolent nature and his generosity, his courtesy, and his graciousness commanded the respect and the admiration of all who knew him. Lincoln was thoroughly approachable, easy, informal, genial, sympathetic. One of his greatest attributes as President was his ability to identify himself and the cause that he led with the interests and aspirations of the great masses of the people, both at home and abroad. He instilled in the common folk a feeling of closeness to him. He never forgot that his own origins were lowly, and in his manner and outlook he always remained one with the people from whom he sprang. The common soldiers on the Union side frequently referred to him in their letters as "Uncle Abe", "Father Abraham", and "Old Abe". These were not terms of disparagement but rather of genuine affection born of a kinship of interests and ideals.

In their administrative methods the Virginian and the frontiersman were also very different. Lee was a model of orderliness and precision. Lincoln on the other hand was informal, easy-going, and unsystematic in his administrative procedures. His law office in Springfield was a shambles; books were piled all around on the floor. His desk was stacked high with papers, a fact which affords me considerable comfort. One large, tightly packed envelope bore the note: "When you can't find *it* any where else, look into this." He stuffed letters and papers in the crown of his stovepipe hat, so that he could consult them on his travels. Once when he bought a new hat "the contents of the discarded headpiece were lost." One historian is unfair, I think, when he characterizes Lincoln as "an amiable bungler," but there can be no doubt that the President's conduct of his office had a certain loose-jointed quality which violated the best principles of administration.

The contrast between Lincoln's and Lee's administrative practices and human relationships was due in part to differences in personality and temperament.

Lee was consistently poised, emotionally stable, and self-confident. He seemed always to be in complete control of himself and his surroundings.

Lincoln, on the other hand, was subject to great depression, extending sometimes over several days. During these periods he was so despondent as to be incapable of performing his work effectively.

Dr. Edward J. Kempf, a distinguished psychiatrist of many years' practice, in 1965 published a three-volume study entitled *Abraham Lincoln's Philosophy of Common Sense.* Dr. Kempf attributes the severe melancholia to a brain injury received when Lincoln at the age of nine was kicked in the forehead by a horse and rendered unconscious for a whole night. This accident impaired the victim's vision and voice and led to recurrent eyestrain and headache. According to Dr. Kempf, Lincoln sought in various ways to compensate for the injury. For example, to offset the mal-focusing of his left eye he adopted the practice of lying on his back when reading; and to combat excessive gloom he told humorous stories. More important, because he found that emotional stress of any kind tended to aggravate discomfort and nervousness, he prac-

tised patience, restraint, deliberation, and common sense in dealing with the problems and responsibilities of life. Another influence helping to shape Lincoln's personality, in the opinion of Dr. Kempf, was sensitiveness to his mother's illegitimacy. A part of the adjustment-compensation process to which Lincoln resorted was an earnest effort to be compassionate and just in dealing with the humble and oppressed and to achieve high standing among his fellows. I am not competent to assess the validity of Dr. Kempf's conclusions, but his study is an interesting example of the trend in recent years to gain new insights into history by utilizing the skills and techniques of other disciplines. Certainly, serious historians should not lightly cast aside this experienced psychiatrist's careful analysis of Lincoln the man and the statesman.

It is perhaps in their loyalties that these two men stand in greatest contrast. Lincoln, a product of the frontier, appreciated the benefits and blessings of the Union. He realized the need of national authority and national means for building roads, canals, railroads, opening up the West, and providing schools, homesteads, and protection from the Indians. Growing up in this atmosphere he developed a deep attachment and loyalty to the nation.

Lee, on the other hand, was the product of a locality and an authority that was two-and-a-half centuries older than the Union. His first loyalty was to Virginia. As the intersectional crisis approached in 1860–1, he condemned the extremists, north and south, who were threatening the permanency of the Union. But when the break came and he had to choose between Virginia and the nation, he chose Virginia. Douglas S. Freeman states that this was the choice he was born to make. There can be no doubt of Lee's sincerity. As Americans of our times ponder the events that led to secession and war, cognizance should be taken of the fact that a man as sincere, as admirable, as unselfish, and as honorable as Lee could prefer the state—his state—above the nation. It is not fair to judge Lee on the basis of twentieth-century ideas concerning the Union, for his ideas about the relative position of the nation and the states—ideas deriving largely from his background, experiences, and associations—were quite different from those of present-day Americans, reared in an intellectual atmosphere vastly different from that of a hundred years ago.

Now, let us turn to the similarities between Lincoln and Lee; these far outweigh the differences. They were very similar in goodness and in character. Lee had seven children—three sons and four daughters. The sons were Custis; William Henry Fitzhugh, known as 'Rooney' to distinguish him from his cousin, Fitzhugh Lee; and Bob, the youngest. The four daughters were Mary, Agnes, Annie, and Mildred. It is interesting that none of the daughters married. Interesting, too, is the fact that Custis and 'Rooney' both became major-generals in the Confederate Army, as did their cousin, Fitzhugh. Lee's relations with his children were marked by much tenderness and affection. Before the war, when the girls were little, Lee liked to come home in the afternoon, remove his military boots, take a comfortable position in a soft chair, put his feet on an ottoman, and have his young young daughters tickle his feet while he told them stories. He was a gifted raconteur, and sometimes the little girls would become so absorbed in the story that they would forget to tickle. Then the father would look up and with a smile on his face say, 'No tickle—no story'; whereupon, they would resume the tickling, and he would resume the story.

Lincoln had four children, all boys. Eddie, the second son, born in 1844, died in 1850. When the war came, Robert was eighteen; Willie, eleven; and Tad, eight. Lincoln was devoted to his boys. Once during the war when Tad and Willie were playing soldiers with a doll whom they named Jack, they decided that Jack had been guilty of the terrible offence of going to sleep on picket. They held a quick court martial and sentenced him to be shot. They were about to carry out the execution in their play when the White House gardener suggested that the President might pardon the offender. Lincoln fell in readily with the scheme and sent a note on White House stationery, stating: "The doll Jack is pardoned, by order of the President, A. Lincoln."

Both Lincoln and Lee lost a child during the war. Agnes Lee died in 1862 at twenty-three. Lee's letters reveal what a great tragedy this was in his life. Willie Lincoln died the same year. He was Lincoln's favourite son, the light of his life. Relationships between the two were very close. Just after the boy died Lincoln came down the stairs in the White House to his secretary's office and chokingly said: "Well, Nicolay, my boy is gone—he is actually gone." Then the President burst into tears, went into his office, shut the door, and remained for a while in seclusion.

Both men loved animals. During Lincoln's Presidency the White House was a menagerie of kittens, goats, and rabbits, and in the yard there were ponies. The family dog sometimes sat in the President's lap at mealtimes, and Lincoln fondled the animal while he ate. Lee loved cats. On 29 June 1861, after the Federals had driven the Lees from the family home at Arlington, Lee wrote to his wife: "I saw a beautiful cat the other evening that reminded me of Tom. The latter no doubt lords it in a high manner over the British at Arlington. He will have some strange things to tell when you next see him." (An interesting characteristic of Lee was that he rarely referred to his opponents as the Federals or the Yankees. He called them "those people", but in his letter to Mary he characterized them as "the British", which I suppose he meant to be a compliment.)

Both were good husbands. Lee was the soul of tenderness in dealing with his wife, Mary, who during the war and afterwards was severely afflicted with arthritis. He consulted her on important decisions concerning his career and family. He wrote to her frequently, even during the most strenuous campaigns of the war, and his letters fairly glowed with affection. On a dark November day in 1864 he wrote from a camp near Petersburg to his youngest daughter, Mildred (he sometimes addressed her as "My dearest Life"); "Give a great deal of love to dear, dear Mother and kiss your sisters for me. Tell them they must keep well, not talk too much and go to bed early." Recall the circumstances: Mrs. Lee was ill; Lee himself was already showing indications of the heart malady that five years after the war was to take his life; his soldiers were ragged and hungry, deserting by the scores because of the troubled letters that they were receiving from their families, telling of great suffering at home. The mantle of defeat was settling over the beleaguered Confederacy. Yet in this dismal situation Lee could write to his daughters: "Keep well, don't talk too much, and go to bed early."

Lincoln's relations with his Mary were not always smooth. Mrs. Lincoln was nervous and high-strung, and she sometimes lashed out at him. The war was a difficult period in her life. But these outbursts were not always without provocation. Lincoln was absent-minded, neglectful of small attentions, and careless of home furnishings and routine. A product of the frontier, he never became completely housebroken. One Sunday he was pulling his two little boys along in a wagon. His mind was absorbed in matters far, far removed. A neighbour came up to him and nudged him. Lincoln looked around, and saw that one of the children had fallen out of the wagon. If Mrs. Lincoln had happened to be looking out of the window we can understand that she might have been a little upset. Despite the differences between Mary Todd and Abraham Lincoln, she made him an excellent wife. She came from a cultured background—she was of the Todd family of Lexington, Kentucky. Lincoln and his Mary complemented each other in a splendid way. She was able to polish some of the rough edges that remained from his frontier upbringing and prepare him for polite society. In dealing with his tense and anxious spouse, Lincoln was gentle, patient, and sympathetic. There can be no doubt that he and his Mary had a very deep affection for each other and that theirs was a good marriage.

Lincoln and Lee were both generous and tolerant. They did not utterly condemn people who failed to come up to their own high standards and attainments. During the war a report came to General Lee that his good friend, a former Governor of Virginia, General Henry A. Wise, had cursed an intruder out of camp. Lee called Wise to his tent and began to reprove him for this unseemly conduct and violation of army regulations. Wise, who was of the very few men who dared speak his full mind to General Lee, interrupted and said: 'General Lee . . . your whole life is a constant reproach to me. Now I am perfectly willing that Jackson and yourself shall do the praying for the whole army . . . but in heaven's name let me do the cussin' for one small brigade.' Lee smiled and said: 'General Wise, you are incorrigible', and let the matter drop.

Neither Lincoln nor Lee was the sort of person to harbour enmities. In 1863 one of Lincoln's young friends, J. Madison Cutts, became involved in a serious controversy. Lincoln wrote to him: 'Quarrel not at all. No man resolved to make the most of himself can spare time for personal contention.' What better advice could be given to a young man! Very rarely does a person benefit from ill-tempered controversy. On one occasion Lincoln wrote to a military governor: 'I shall do nothing through malice. What I deal with is too vast for malice.' In dealing generously with his enemies, and refusing to fight back at his critics, Lincoln achieved one of his most impressive claims to greatness.

After the war a faculty member at Washington College (later Washington and Lee) spoke disparagingly of General Grant in the hearing of Robert E. Lee, then the president of the institution. Lee immediately said: 'Sir, if you presume ever again to speak disrespectfully of General Grant in my presence, either you or I will sever his relations with this institution.' And he meant it.

Both Lincoln and Lee were scrupulously honest. In the debunking period of historiography when it was the fashion 'to push the patriots from their pedestals', to substitute sneers for cheers, and to play up bum and strumpet while soft-pedalling drum and trumpet, no biographer was able to attribute peculation, fraud, or any other form of dishonesty to either of these great characters.

Lincoln and Lee were both abundantly endowed with tact. Lee was able always to get along with the rampant individuals that the plantation system tended to nurture, the hypersensitive *prima donnas* who held high place in the Confederacy, among them Jefferson Davis, Joseph E. Johnston, and Pierre Gustave Toutant Beauregard. He maintained harmonious relations with the Confederate Cabinet and Congress. Lee quarreled not at all.

Lincoln was able to get along with and use for the cause of the Union the talents of people who were personally distasteful to him—people who were opinionated and who thought that they were better qualified to head the nation than he. One of these was William H. Seward, the Secretary of State, who on 1 April 1861 wrote Lincoln a letter which the late Professor James G. Randall

called "Seward's Fools' Day Aberration". In this letter Seward said in effect: "I know you are not very well qualified to run the country, Mr. President. I am a man of much experience. I am able and willing to bear this responsibility." Seward went on to suggest for himself something approximating the position of prime minister. But Lincoln overlooked Seward's incredible presumption and kept him on in the Cabinet because he felt that he was the man best fitted for the position of Secretary of State. Lincoln got along with Salmon P. Chase. Chase was an egotistical, self-righteous man. He was exceedingly ambitious, and he worked behind Lincoln's back in a cunning, deceitful way to try to obtain the Presidency. Lincoln thought Chase was the man best qualified to be Secretary of Treasury, and he put up with him, though watching him, until the summer of 1864, when he finally had to let him go. But instead of being vengeful or spiteful, he appointed Chase Chief Justice of the Supreme Court. Lincoln got along with Edwin M. Stanton, who also was very difficult; but when Lincoln was forced to get rid of Simon Cameron, the bungling, incompetent Secretary of War, he felt that he should appoint as successor the person best qualified for the position; and on that basis he chose Stanton, even though this man had once snubbed him in a lawsuit.

Neither Lincoln nor Lee personalized opposition, a fatal mistake for anyone in high administrative position, because genius and ability sometimes come wrapped in strange and unattractive packages.

Another similarity between these two men was their devotion to duty. Duty, particularly to the Union, was an obsession with Lincoln during his critical days in the White House. Many times late at night he walked the floor in his carpet slippers pondering the problems of the imperilled nation. And he walked alone, bearing on his stooped shoulders the enormous burdens of the world's most difficult position.

Duty was the guiding rule of Lee's life. On one occasion he stated: "There is a true glory and a true honor, the glory of duty done and the honor of integrity of principle."

Both demonstrated exceptional capacity for growth, and this is one of the most critical factors in greatness. At the beginning of the war Lee had the reputation of being a model officer, but he had never led troops in combat. As a staff officer in the Mexican War he had acquitted himself gallantly, but he did not command troops. In peacetime, the largest unit that he had led was a regiment. In his first campaign of the Civil War, in western Virginia, he made a poor showing; and his direction of the Seven Days Battle, when he was first in command of the Army of Northern Virginia, left much to be desired. But Lee grew rapidly as an army commander, and he profited enormously by his mistakes. By the end of 1862 he had established a solid reputation, and before the end came at Appomattox he made a record that places him among the greatest military leaders of all time. Some of the most impressive testimonials to his exceptional stature are by Britishers. Colonel G. F. R. Henderson rated Lee as "one of the greatest, if not the greatest, soldier who ever spoke the English tongue". Cyril Falls states: "Lee alone in a century of warfare deserves to be ranked with Hannibal and Napoleon." Sir Winston Churchill, in his *History of the English Speaking People*, calls Lee "one of the greatest captains known to the annals of war."

Lincoln was hardly more than an ordinary politician at the beginning of the war, but under the trials and responsibilities of the Presidency he grew tremendously. And in the face of enormous obstacles he achieved a stature so awesome that many people regard him as the greatest of all Americans.

Finally, these men were both leaders of enduring influence. Lincoln's reputation increases with the passing of time. Throughout the world today he stands as the personification of American democratic idealism and a symbol of hope for the oppressed, even behind the Iron Curtain. Lee's finest hour came after Appomattox. To General Beauregard he wrote late in 1865: "I am glad to see no indication in your letter of an intention to leave the country. I think the South requires the aid of her sons now more than at any period of her history. I have no thought of abandoning her unless compelled to do so." To General Jubal Early and other comrades who fled the country to escape Yankee rule he wrote in effect: "Come back to the South. Here is where you are needed. Use your labor and your influence to make of your native region a happy and a prosperous land." Lee set an example for those to whom he gave this advice. With considerable hesitation, deriving from his modesty, he accepted the presidency of a struggling little college at Lexington, Virginia, at a salary of $1,500 a year; and he devoted his remaining five years to the task of preparing young Virginians to become useful citizens of a reunited country. Lee, the champion of the Old South, became the first citizen of the New South; and Lee the Virginian became Lee the American.

I am often asked the question, especially when I point out the shortcomings of Jefferson Davis as Confederate President, who would have made a better President? Invariably, and without any equivocation, I say "Robert E. Lee", because there was no man in high position, either among the military or in civilian life, who demonstrated as much of true greatness or statesmanship as did Lee. It was a good thing for the future of the American Nation that Lee was not the chief executive of the Confederate States of America, and it was fortunate for the Union that it had as its chief a man with the personality, the vision, and the greatness of Abraham Lincoln—a people's President in a people's war. Lincoln and the people, bound to each other by ties of mutual affection and respect, were an unbeatable combination.

SCANDAL IN THE AID?

Mr. STEIGER of Arizona. Mr. Speaker, I ask unanimous consent that the gentleman from Utah [Mr. BURTON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. BURTON of Utah. Mr. Speaker, the gentleman from Iowa [Mr. GROSS] has again rendered a significant service in behalf of the sorely abused taxpayer by bringing to light what appears to be a scandal of major proportions involving the Agency for International Development. Several times within the past few weeks, the gentleman has taken to the well of the House to enlighten Members with respect to an incredible $4 million loan agreement by AID to interests in India, the money to be used to purchase worn equipment from Napco Industries of Minneapolis. As it now appears, the loan was engineered principally to rescue Napco, a small and ailing company, and only secondarily to aid the economy of India. The machinery which Napco sold to the Indians is reportedly mostly junk and has little value. In the meantime, Napco is $4 million richer and has gotten rid of some junk machinery for which it had little use anyway. This is a hell of a way to run a foreign aid program. For my part I am grateful to the gentleman from Iowa for bringing this matter to the attention of the House but I regret very much that the news he bears is of such a sad and sorry character.

The Washington Post in its Saturday, November 25 edition carried a front page story laying bare some of the bones of the AID-Napco deal. The Post article suggests that some high-level political arm twisting took place to get the loan approved. It tells of departures from established AID policy in granting the loan. It tells of considerable lack of oversight and general ineptitude on the part of AID officials. In short, it uncovers further what has all the appearances of a really rotten deal—and it should be thoroughly investigated, not just by somebody in the executive branch, but by the Congress itself. The newsstory appears elsewhere in today's RECORD and was inserted under the auspices of the gentleman from Missouri [Mr. HALL].

The people who foot the bills for AID's operations are entitled to know why this deal was consummated, who was responsible for it—both within the agency itself and outside of it, and whether any of the $4 million, as a practical matter, is recoverable. These and many other questions should be asked, and the full answers submitted by the people who are in a position to know them. I believe the appropriate committee or committees of the House should make a full-scale inquiry into this matter at the earliest time and strongly recommend that such a course of action be followed. Four million dollars for a load of junk to India, indeed.

PROTECTIONISM IN THE UNITED STATES

Mr. STEIGER of Arizona. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. TALCOTT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. TALCOTT. Mr. Speaker, a great hue and cry has been raised about the growing sense of "protectionism" in the United States, particularly, relating to the agriculture industry.

The "free traders," "one-worlders" and "internationalists first" should pay some attention to how the other countries behave as well as they orate.

Since the GATT negotiations, the European Common Market nations have raised their tariffs on chicken and turkey parts from the United States.

The foreign countries are experienced enough and wise enough to protect their own industries and, particularly, their domestic food supply which they have learned from actual sad experience is basic and absolutely essential to the existence of any nation.

Meat production is an industry which is essential to our Nation. The cattle industry cannot be permitted to be phased out in the United States. U.S. consumers cannot be compelled to rely upon foreign producers for their meat supplies. The meat industry, once closed down, cannot

be revived in a few months in case of international emergency or foreign disaster. Other countries protect their meat producing industries.

I herewith insert pertinent portions of a poignant column carried in the San Francisco Chronicle of November 15, 1967. The story involved "international society," but it dramatically discloses the attitude of foreign countries regarding their own meat industry.

IRISH HUNT GOES MEXICAN

(By Gwenn Graham)

Highlight of the Irish Hunting Tour was the Saturday night dinner hosted by the Richard Collinses for Masters of the various Hunts with whom the Pebble Beach group is hunting during the fortnight they are in Ireland, and their wives.

Marguerite decided on a Mexican theme for the affair, since most of the honored guests will be traveling to Mexico for the Olympic Games next year, some of them riding on the Irish Three-Day Team. It is hoped that they will not only attend the Olympics, but will stop at Pebble Beach for a visit where they are certain to receive a warm welcome from those visiting in their country now.

The staff at the Dunraven Arms Hotel joined in the preparations with great delight. They have no doubt never seen such a production. Crepe paper streamers in bright colors were stretched from the crystal chandeliers in the entrance hall to the walls. Huge paper bows in Mexican colors decorated the hallways, and gaily colored Mexican posters were on the doors.

Large vari-colored papers balls hung in clusters from the chandeliers in the dining room, where the tables were covered with red and white checked cloths and decorated with large paper mache pinatas (burros) in a variety of colors.

Each male guest had a large straw sombrero hanging from the back of his chair, and the Irish ladies had blue bandanas (the red ones never arrived, though shipped weeks before). Arrangements of large colorful Mexican paper flowers were everywhere.

All these things Marguerite Collins started gathering and shipping as early as June, including ingredients for the menu. However that's where she really ran into trouble. She shipped canned tamales, whole kernel corn, fritos, etc.—all the makings for a tamale pie, but she soon was informed that the tamales could not be accepted in Ireland since they contained meat.

Although she explained that the shipment was not to be sold, she was firmly turned down and was told that she could send them to a friend in England or have them returned to America.

She chose to have them sent to Patsy (Mrs. Peter) Hately in London, but somehow they went to the wrong address on the right street and were not actually delivered until much later.

Marguerite was determined to serve the Mexican dishes anyway, so she shipped, via air mail, corn meal, and dehydrated chile powder, and carried eight cans of tomato sauce in her luggage. Since the Irish chef at the hotel had never even heard of tamale pie or chile con carne, Mrs. Collins and Marie Wemmer Davies spent the afternoon (the morning was turned over to decorating) in the kitchen preparing the meal, which also included broiled chicken and a green bean salad. All the while they had a fascinated staff looking on and helping them when they could. Dessert was a chocolate cake brought by Mrs. Hans Urban from Vienna.

There you have it. Ireland, the third largest exporter of meat into the United States, would not even permit a minuscule amount of meat to be imported for a special private party.

If our Federal Government would only be equally concerned about our meat producers and meat consumers.

LAFAYETTE, WE HAVE HAD IT

Mr. STEIGER of Arizona. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. MINSHALL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. MINSHALL. Mr. Speaker, the irresponsible talk still echoing from President Charles de Gaulle's news conference in Paris yesterday marks the beginning of the end for the aged general. The free world cannot in good conscience long put up with such rash and despotic statements.

De Gaulle's utter arrogance in calling for a "free Quebec," ordering Britain to overhaul its entire economy, and urging a return to the gold standard, are the marks of a bumbling, power-hungry ingrate. His prediction that the American dollar may well go the way of the British pound—and the thinly concealed efforts that make the wish the father to the thought—puts him in the position of biting the hand that has fed France.

France, at De Gaulle's direction, has been hoarding gold until it now has the second largest stockpile of that precious metal in the free world. Perhaps the time has come to advise Americans not to spend U.S. dollars in De Gaulle's France and thus add to that stockpile. Perhaps, too, he should be advised to put some of that gold back in circulation by repaying the $6.8 billion France owes the United States today.

That debt, including interest, dates back to the time when the United States went to the rescue of La Belle France in World War I. Mr. De Gaulle should pay up or shut up.

Lafayette, we have had it.

HELP WANTED: AMERICA'S GROWING PROBLEM

Mr. STEIGER of Arizona. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. GROVER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GROVER. Mr. Speaker, the House of Representatives is fortunate to have in its ranks a number of Members skilled and knowledgeable in the field of economics. Outstanding among them is Hon. THOMAS B. CURTIS, to whom so many of us look for advice and guidance.

The following article from the December edition of Social Service Outlook by our well informed and forward-looking colleagues should be of interest to all Members concerned with our unemployment and manpower problems.

HELP WANTED! AMERICA'S GROWING PROBLEM

(By Congressman THOMAS B. CURTIS)

"It is a truism, but often overlooked, that successful economic policy depends directly on the timeliness and reliability of our economic statistics and forecasts." This statement by my able colleague on the Joint Economic Committee, Senator William Proxmire, appropriately sets the stage for my discussion of a project which has been dear to the hearts of many of us on the Joint Economic Committee for a number of years—the need for a systematic compilation of job-vacancy statistics.

The problem is a seemingly simple one and just as seemingly uncontroversial. After all, the Federal Government has, particularly since Depression days, demonstrated a deep concern with problems of unemployment. Many federal programs have been initiated to combat unemployment—programs ranging from increased federal domestic spending designed to increase aggregate demand in the economy, thereby creating new jobs, to job retraining and vocational education programs, to tax reforms to improve labor mobility through job relocation.

In the area of labor statistics, numerous types of statistics concerning unemployment are gathered by the Bureau of Labor Statistics—statistics ranging from the number of non-agricultural unemployed generally to indexes of aggregate weekly man-hours in industrial and construction activities.

In light of these unemployment relief programs and these numerous unemployment statistics programs, it seems anomalous that the other side of the coin has not been developed, that is, it is strange that there is no comprehensive statistics program designed to compile job *vacancies*.

The need for such statistics is quite obvious. Factual data is always necessary to reach an informed judgment. The validity of any judgment, given a sound reasoning process, varies with the validity of the facts used as the basis for such judgment.

"STRUCTURAL" AND "CYCLICAL" UNEMPLOYMENT

I see these numerous statistics as indispensable aids in the ultimate determination as to the shape and extent of our manpower programs. For example, unemployment generally is viewed as resulting from two broad causes. One cause is called "structural," the other "cyclical." In the "structural" category falls unemployment caused by a lack in training and skills and "transitional" unemployment, people in the process of changing to a different job, and, I would add, institutional and social reasons such as afflict many Negro citizens in our society. "Cyclical" unemployment is related to the business cycles of growth and recession. This type of unemployment, according to the theorists, results from a "deficiency in aggregate demand" wherein the national economy in general is not operating at "full capacity" and, in theory, the economy is simply not creating as many jobs as it is capable of. Whether this is a valid explanation for cyclical unemployment or whether business cycles recur for multifold reasons, of which aggregate demand is merely one major factor, it is true that during periods of economic upturn it is easier to treat the problems of structural unemployment and, conversely, during periods of economic downturns, it is more difficult.

Quite obviously, the two categories are not entirely separable. Nevertheless, general conclusions can and must be drawn concerning the causes of unemployment since proper solutions to the two causes differ greatly and an improper attempt at a legislative solution can work at cross-purpose to the goal of reducing unemployment. If, for example, the general unemployment rate is 6 percent and national industrial plant usage is at a figure much lower than capacity, there is a possibility that there is a deficiency in de-

mand in the national economy (aside from questions of structural unemployment). An increase of the Federal Government purchases of needed goods and services in the market place during such times is good economics, both for itself and the slack national economy. However, if unemployment is down to perhaps a 3 percent level, increasing federal purchasing programs might overheat an already warm economy and result in inflation, since demand for employes might exceed the supply of employables. At such a point, programs geared to converting unemployables to employables (structural unemployment programs) are the much more effective programs. This is not to suggest that these two types of unemployment programs must compete with each other or that when programs which stimulate demand are pursued that structural unemployment programs must be de-emphasized. Realistically, such programs should work together harmoniously in eliminating both causes of unemployment simultaneously. The impression that the two types of programs must compete with each other arises from the fact that economists and legislators carry on a continuing dialogue concerning the causes of unemployment and the best means of solving the problems. Some theorists emphasize one approach, others emphasize other approaches. Very few will suggest, however, that either approach is an exclusive panacea. On the other hand, most will agree that, while there is an ever-present need for programs to attack structural unemployment (such as job retraining to upgrade generally the skills of the labor force to meet the ever-increasing need for technical skills), the need for demand stimulation through federal spending comes and goes with fluctuations in the economy.

The problem is sophisticated, the theories are not simple, and the need for an ever-watchful eye on the economy is great.

I say all this in re-emphasizing my view that, in light of the complexity of the problem, in light of the numerous sets of unemployment statistics, in light of the number of programs and amount of money spent to relieve unemployment, it seems to me anomalous that there is no comprehensive program designed to compile statistics on the number and type of job vacancies available in the economy.

RECOMMENDATIONS FOR JOB-VACANCY REPORTING

Realizing this pressing need, the Subcommittee on Economic Statistics of the Joint Economic Committee, after hearings in 1966, unanimously recommended that the Department of Labor promply proceed to carry out the mandate embodied in the Manpower Development and Training Act of 1962 to establish a statistical series of jobs available on a comprehensive basis. In 1962, the President's Committee to Appraise Employment and Unemployment (the Gordon Committee) wrote:

"The Committee has been impressed by the widespread interest in statistical series on unfilled jobs. The present lack of such data constitutes one of the more conspicuous gaps in our labor-force information."

Also in response to the need for job-vacancy statistics, the National Industrial Conference Board, in its 1967 report, *Measuring Job Vacancies*, stated:

"The absence of a national statistical program on job vacancies as a counterpart to existing measures of unemployment constitutes a serious informational gap. The need for these data has become acute as manpower programs, an essential weapon in the war against poverty, have come to engage an ever-larger fraction of public attention and resources."

The hearings held by the Subcommittee on Economic Statistics reached some general conclusions concerning the usefulness of job-vacancy statistics. Generally, the usefulness of such statistics has been seen in the probability that such statistics would raise the efficiency of the nation's manpower programs and of the labor market in general. Usefulness in job counseling as well as manpower training and development programs was seen as another benefit. Also the Committee believed that such statistics would help to match employers' need for workers with unemployed or underemployed workers.

Aside from need, questions of feasibility and cost were considered by the Subcommittee.

As to the question of cost, the Subcommittee recommended, on the advice of the Department of Labor, an initial expenditure of $2.5 million. The Subcommittee stated:

"If the $2.5 million program led to slightly more efficient use of the several billions of dollars appropriated to manpower development, the investment for data would pay handsomely. If it enabled unemployed or underemployed workers to find productive jobs, the investment would pay a private dividend in the form of additional tax dollars and lower welfare payments; and it would pay dividends in terms of greater national output. Job-vacancy information along with manpower retraining, can help to break the bonds of isolation afflicting low income persons in urban ghettos, areas of chronic high unemployment, and subsistence agriculture."

It is my own estimate that an investment of $2.5 million a year in this program would produce returns a thousand-fold, namely an increase of $2.5 billion in the Gross National Product resulting from more efficient training programs based on a factual knowledge of what jobs are and would be available, a diminution of both unemployment and of the growth lag resulting from jobs available remaining unfilled.

Concerning the question of the feasibility of a national job-vacancy statistics program, the subcommittee reviewed the findings of a number of pilot studies and concluded that such a program is "feasible; the cooperation of the employers excellent; and the technical problems of vacancy definition and sampling can be coped with effectively." The National Industrial Conference Board also concluded that such a program is feasible, stating:

"It is feasible (and meaningful) to measure job vacancies on a *voluntary* basis. The qualifications regarding voluntary submission of the data is important. By providing the information on this basis employers demonstrate that the appropriate data can be obtained without resort to compulsory registration of job openings with the offices of the U.S. Employment Service."

The report proceeds to conclude that the fact that such a program is feasible on a voluntary basis renders unwarranted the fears of some who felt that a program of compulsory registration might lead to serious encroachment on employers' freedom to choose their employes.

I believe it is fair again to conclude, as was concluded in the enactment of the Manpower Development and Training Act of 1962, that: (1) there is a definite and pressing need for a comprehensive national program to gather and publish job-vacancy statistics; (2) such a program is economical in terms of cost-benefits; and (3) such a program is technically feasible.

LABOR OPPOSES THE PROGRAM

But the requirement set forth in the Act has been ignored, as well as the specific proposal by the Subcommittee on Economic Statistics for $2.5 million to fund such a program. The AFL–CIO national leadership has consistenly taken a strong stand in opposition to the collection of job-vacancy statistics. It has been labor's opposition year after year which has proven to be the stumbling block within the subcommittee of the House Appropriations Committee charged with considering requests for funds for this program.

Since congressional appropriations have not been forthcoming, a comprehensive job-vacancy program has been postponed. During hearings before the Joint Economic Committee, Secretary of Labor Willard Wirtz indicated that some information is available through the Bureau of Labor Statistics concerning the "job shortage situation." However, these are only "pilot" studies conducted in only a limited number of cities (16 cities in 1965, 14 in 1966, and 12 in 1967), and there is no publication that embodies even these surveys. The need still exists, therefore, for a truly comprehensive job-vacancy statistics program.

Apparently the opposition from organized labor stems from a belief that such statistics would distract from attention paid to the problems of unemployment. They argue that the statistics would be misused and that the number of job openings would simply be subtracted from the number of unemployed in an effort to gauge the true extent of the unemployment problem. Hidden in the background, however, is the fundamental belief of labor economists in the "aggregate demand" theory of unemployment. They advocate higher Federal Government spending as the primary approach to eliminate unemployment, rather than structural and institutional approaches. They fear that economists of the "structural school" will use job-vacancy statistics to reinforce the structural argument, and perhaps they fear that training and retraining and institutional reforms in civil rights and race relations will really solve the unemployment problem, leaving them with little ammunition to pressure for increased federal spending programs.

The possible misuse of job-vacancy statistics in the manner they fear evidences a very low estimation of the abilities of the economists and the legislators who formulate our national labor policy. Also, the fear the job-vacancy statistics might give the "structural school" more debating ammunition is unhealthy. Job-vacancy statistics are facts. If the revealed facts bear out the contentions of the "structural school," then our unemployment-relief programs should be geared toward these findings. If the labor economists are truly convinced that the causes of unemployment stem largely from a deficiency in aggregate demand, then they should be unafraid that the facts might indicate otherwise.

However, if the labor leaders are incorrect in their basic assumption that the causes of unemployment stem from a deficiency in aggregate demand, then persistent promotion of this theory will do positive harm. If unemployment is "structural," which I believe is in fact the type that we are now experiencing, then increased federal expenditure programs designed to stimulate demand will not reduce unemployment but will produce inflation. Inflation, of course, is brutal to everyone—most particularly to the low-income groups.

Another objection to job-vacancy statistics comes from some craft union leaders who contend that job-vacancy statistics will be used to pressure them into expanding their apprenticeship programs, especially if they reveal shortages of skilled workers. They say this might result in a surplus of craftsmen, weakening union power. The use of such an argument indicates to me that Labor is far from the strong force for progress that it once was. If there are really shortages of skilled workers in certain occupations, then it is in the national interest to move to fill these shortages. Also, if a job-vacancy survey indicates that certain occupations do not need more skilled workers, then we should know about that so we can channel our manpower retraining efforts and expenditures to other occupations. Given the fact that we already

have manpower-training programs, it is dangerous to remain uninformed as to where workers are really needed. Such ignorance may indeed lead to a surplus of skilled workers in some occupations.

Because not only the national welfare but the welfare of the individual working man are at stake, I am hopeful that a comprehensive job-vacancy program will be undertaken without further delay.

PORTSMOUTH NAVAL SHIPYARD'S HIGH STANDARDS

Mr. STEIGER of Arizona. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. WYMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. WYMAN. Mr. Speaker, the Portsmouth Naval Shipyard, last week completed the regular overhaul of the U.S.S. *Sam Houston*—SSBN–609—and in so doing set a record for which the yard and its employees can be justly proud. Where in the past, the regular overhaul, including core renewal, of a nuclear submarine has taken anywhere from 16½ to 18 months, in public and private shipyards alike, Portsmouth has completed this work in just 15 months; and at a savings to the Government of more than $1 million.

Congratulations are due to the men and women who work at the Portsmouth Yard and to its commandant, Rear Adm. William C. Hushing. This significant accomplishment is a further indication that the Secretary of Defense would be well advised to rescind his closure order for Portsmouth and not require these 8,300 loyal, capable, and diligent workers to labor under the shadow of a phaseout of operations.

Not only does a performance record such as that of Portsmouth justify its retention, but its capability as a public naval shipyard is absolutely essential to be preserved and continued so that we can keep our undersea fleet in top condition. This is the fleet that we rely so heavily upon for its Polaris and Poseidon deterrent capabilities. This is the fleet that operates to protect America from nearly every ocean of the world.

Mr. Speaker, I do not believe that there can be any question of the very real need to keep the Portsmouth Naval Shipyard in operation on a continuing basis, and I most respectfully urge our Secretary of Defense to make a public announcement that the closing order on this yard has been reconsidered and is rescinded in the interests of the national defense security.

NEW FISCAL POLICY NEEDED TO DEFUSE THE TIME BOMB

Mr. STEIGER of Arizona. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. COLLIER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. COLLIER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include a tabulation which lists the 112 new programs, to which I previously refer, in chronological order, so that students of governmental fiscal policy can see that most of these activities were initiated during the Kennedy and Johnson administration. This is the second of a series of three inserts regarding Federal expenditures.

NEW PROGRAMS, FISCAL 1956 TO FISCAL 1968, INCLUSIVE

[In millions of dollars]

Programs	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967 [1]	1968 [1]
Food for freedom	121	156	1,195	1,120	1,230	1,653	1,398	1,779	1,704	1,641	1,785	1,710	1,799
Urban renewal programs	18	38	56	75	105	145	227	173	235	324	357	412	469
College housing loans	5	97	165	180	201	198	227	284	219	221	312	−253	−1,262
Construction grants, waste treatment works	.....	1	17	36	40	44	42	52	66	70	82	86	152
Libraries and community services	.....	5	6	5	7	9	8	8	7	26	41	55	145
Grants-in-aid for airports	.....	9	34	51	56	64	57	51	65	71	54	54	59
Construction of health research facilities	.....	3	12	23	26	22	31	36	38	34	26	38	38
Urban planning grants	.....	1	2	2	3	3	7	12	15	17	20	22	30
National Library of Medicine	.....	1	1	2	2	2	2	2	4	4	4	13	25
Great Plains conservation program	.....	[2]	2	5	8	9	9	10	12	13	14	16	17
Emergency conservation measures	.....	1	2	3	1	1	9	3	3	10	13	13	13
Public works planning fund	.....	1	2	4	5	5	8	6	7	8	9	12	10
Space research and technology	.....	.....	89	145	401	744	1,257	2,552	4,171	5,093	5,933	5,600	5,360
Forest protection and utilization	.....	.....	94	117	130	156	190	198	204	216	226	259	242
National Defense Education Act:													
Higher educational activities	.....	.....	.....	78	129	73	97	117	135	158	219	257	100
Elementary and secondary activities	.....	.....	.....			54	54	49	70	68	122	144	72
Other aids to education	.....	.....	.....			17	31	33	35	44	5	6	4
Educational improvement for the handicapped	.....	.....	.....	.....	[2]	1	1	2	3	14	15	25	40
Subscription to International Development Association	.....	.....	.....	.....	.....	74	62	62	62	62	.....	59	122
Research and training, education	.....	.....	.....	.....	.....	3	4	5	8	13	20	50	67
Agency for International Development	.....	.....	.....	.....	.....	40	49	53	52	52	57	65	65
Agricultural Research Service (foreign currency)	.....	.....	.....	.....	.....	2	3	4	5	7	7	7	10
Office of Field Services	.....	.....	.....	.....	.....	3	3	3	4	4	4	5	5
Cooperative demonstration programs, welfare	.....	.....	.....	.....	.....	[2]	1	1	1	1	1	2	4
Development loans, revolving fund	.....	.....	.....	.....	.....	.....	11	402	567	641	627	660	650
Alliance for Progress development loans	.....	.....	.....	.....	.....	.....	74	116	113	202	291	450	450
Peace Corps	.....	.....	.....	.....	.....	.....	11	42	60	79	94	100	112
Alliance for Progress development grants	.....	.....	.....	.....	.....	.....	71	95	94	98	99	88	88
Water supply and water pollution control	.....	.....	.....	.....	.....	.....	15	23	28	31	35	36	68
Open space land programs	.....	.....	.....	.....	.....	.....	[2]	[2]	5	6	8	29	58
Air pollution control	.....	.....	.....	.....	.....	.....	6	10	13	16	21	28	50
Chronic diseases	.....	.....	.....	.....	.....	.....	10	16	39	51	54	79	47
Satellite operations	.....	.....	.....	.....	.....	.....	[2]	10	10	22	27	24	37
Nursing services and resources	.....	.....	.....	.....	.....	.....	7	8	10	14	13	18	17
Statistical Reporting Service	.....	.....	.....	.....	.....	.....	8	10	11	12	14	14	14
Scientific activities overseas	.....	.....	.....	.....	.....	.....	1	1	3	4	5	7	12
National health statistics	.....	.....	.....	.....	.....	.....	4	5	6	6	6	8	10
U.S. Travel Service	.....	.....	.....	.....	.....	.....	2	3	3	2	3	3	4
Manpower development and training	.....	.....	.....	.....	.....	.....	.....	52	110	230	276	276	295
Food stamp program	.....	.....	.....	.....	.....	.....	.....	20	30	34	70	138	193
Civil supersonic aircraft development	.....	.....	.....	.....	.....	.....	.....	7	5	48	99	170	90
Assistance to refugees in the United States	.....	.....	.....	.....	.....	.....	.....	53	43	32	30	43	51
Research and training (foreign currency program)	.....	.....	.....	.....	.....	.....	.....	[2]	[2]	[2]	1	1	2
Public works acceleration	.....	.....	.....	.....	.....	.....	.....	63	332	322	88	38	.....
National Institute, Child Health-Human Development	.....	.....	.....	.....	.....	.....	.....	.....	19	28	37	52	55
Educational television facilities	.....	.....	.....	.....	.....	.....	.....	.....	2	3	5	8	20
American schools and hospitals abroad	.....	.....	.....	.....	.....	.....	.....	.....	5	8	12	11	14
Biologics standards	.....	.....	.....	.....	.....	.....	.....	.....	4	4	5	7	7
Foreign language training and area studies	.....	.....	.....	.....	.....	.....	.....	.....	[2]	1	2	2	3
Rural renewal	.....	.....	.....	.....	.....	.....	.....	.....	[2]	1	1	2	2
Economic opportunity program	.....	.....	.....	.....	.....	.....	.....	.....	.....	194	988	1,553	1,839
Urban mass transportation	.....	.....	.....	.....	.....	.....	.....	.....	.....	11	19	56	110
Land and water conservation	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	13	58	102
Rehabilitation loan fund	.....	.....	.....	.....	.....	.....	.....	.....	.....	[2]	2	11	22
Economic opportunity loan fund	.....	.....	.....	.....	.....	.....	.....	.....	.....	17	30	27	21
Civil rights educational activities	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	5	8	21
Coordination and development of programs for aging	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	2	8	17
Resource conservation and development	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	2	4	7

See footnotes at end of table.

NEW PROGRAMS, FISCAL 1956 TO FISCAL 1968, INCLUSIVE—Continued

[In millions of dollars]

Programs	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967 [1]	1968 [1]
Watershed planning										5	6	7	6
Appalachian region conservation program										(2)	1	7	4
Educational assistance, elementary-secondary											815	1,244	1,423
Higher education activities											154	545	807
National Institute of General Medical Sciences											32	126	130
Cropland adjustment program											6	63	90
Appalachian development highway system											9	42	81
Development facilities grants											2	23	59
Regional medical programs											(2)	8	37
Rural water and waste disposal grants											(2)	41	30
Supplemental grants-in-aid											1	22	22
National Teacher Corps											(2)	8	21
High-speed ground transportation											2	11	20
Environmental health sciences											10	17	18
National Foundation on the Arts and Humanities											1	8	15
Technical and community assistance											6	20	11
Appalachian mining area restoration											(2)	2	11
Office of State Technical Services, grants											2	4	8
Urban research and technology											(2)	1	8
Equal Employment Opportunity Commission											3	6	7
Cropland conversion program											2	3	5
Solid waste disposal, mines											(2)	1	5
Aid for commercial fisheries, research											1	3	4
Regional economic planning											1	6	1
Grants for local development districts											1	2	1
Arts and humanities educational activities											(2)	1	1
Payment, health insurance for the aged												950	931
Comprehensive city demonstration programs												6	150
Grants for basic water and sewer facilities												40	110
Comprehensive health planning and services												5	88
Health manpower education and utilization												13	72
Grants for neighborhood facilities												3	15
Asian Development Bank												10	10
Economic development center assistance												1	6
Rural housing for domestic farm labor												6	4
Higher education for international understanding												(1)	4
Packers and Stockyards Act												3	3
Great Lakes fisheries conservation												1	1
Improvements in cash assistance, welfare													58
Industrial development loans, guarantees													58
Economic development facilities													56
Improvements in child health, welfare													33
Economic development assistance													20
Expansion of Partnership for Health													20
Planning, technical assistance, and research													17
Indian program improvement													15
Repair and reconstruction of highways													15
Metropolitan development incentive grants													7
Chamizal Memorial Highway													4
Desalting plant construction													4
Preservation of historic properties													2
Urban information and technical assistance													2
Community development training programs													1
Underground power transmission research													1
Total 112 new programs	144	313	1,677	1,846	2,344	3,320	3,997	6,432	8,634	10,296	13,365	15,932	16,542

[1] Estimated.
[2] Less than $500,000.

Note: Columns will not necessarily add to totals, due to rounding.

TAX INCREASE: GO SLOW

The SPEAKER pro tempore (Mr. GRAY). Under a previous order of the House, the gentleman from Washington [Mr. PELLY] is recognized for 15 minutes.

Mr. PELLY. Mr. Speaker, devaluation of the British pound has caused every Member of this House of Representatives to think in terms of protecting the American dollar.

As a result of the British action, pressure on the value of the American dollar has received a renewed administration push for a tax hike. However, the chief remedy against an attack on our dollar, it seems to me, lies more in curing the continued deficit in overseas payments and seeing that excessive amounts of dollars do not get into foreign hands.

Indications are, Mr. Speaker, that the deficit in the U.S. balance of payments is heading for a figure between $2.2 billion and $2.5 billion in 1967, the greatest deficit since 1964.

Of course, in addition to overcoming the problem of the imbalance in our international payments, the policies of our Government must be such as to instill confidence in the future buying power of the dollar, which means steps must be taken to control spiraling inflation.

In this connection, we must bear in mind that deficit Government spending is one of the chief causes of inflation. To reduce that cause of inflation, Congress has been urging the President to reduce nonessential Government expenditures. On the other hand, the President has been urging Congress to increase taxes, thereby cutting the deficit.

Mr. Speaker, it appears that President Johnson has finally decided to compromise with the Congress and is willing that Government revenues be reduced. If so, the Members of Congress have an obligation to at least consider raising taxes.

Mr. Speaker, when I say "consider raising taxes," I use those words advisedly. After all, unemployment has been rising in the past 2 years and industrial production has been sluggish. In the United States today, industrial plants are operating at only 84 percent of their capacity. It seems to me great care should be taken that no real damper is thrown on the economy. That could depress industry with the result being less Government income.

It is the across the board tax increase proposal that most concerns me, for I do not think it is either wise or necessary. After all, most likely there will be one tax increase on payrolls as a result of Senate action on the new social security bill. This would reduce the incomes of low income wage earners by itself.

As for voting a general tax increase, I would support legislation to continue the automobile excise tax. The extension of the manufacturers excise taxes on automobiles would provide $300 million of added revenue for fiscal 1968 and $2 billion for fiscal 1969, thus decreasing the deficit by those amounts.

Congress, meanwhile, has already made cuts in the President's budget request that would reduce 1968 spending by another estimated $3 billion.

If the President acts to cut another $4 billion from fiscal 1968 spending, as Congress insists, the question is how much more in the way of spending cuts can the country stand without economic repercussions and a major crisis or depression.

It seems to me, as I said, an across-the-board tax increase or surtax may be very unwise. Instead, I would certainly think plugging a few tax loopholes would in-

crease Treasury receipts without a major adverse effect.

Tax reforms and closing loopholes in our present tax laws would add billions of dollars to the Government revenue. For example, in 1966, 22 large petroleum corporations reported profits of almost $7 billion. Their combined Federal income tax liability was only 8.5 percent of their gross profits because of special oil depletion allowances. Most corporations pay income taxes at the rate of 48 percent of their gross income.

Meanwhile, there are a number of tax reform bills before the House Ways and Means Committee to reduce this and other allowances. And, of course, there are other suggested opportunities to close loopholes that would result in collecting as much, if not more than President Johnson's 10-percent surtax proposal.

So, Mr. Speaker, let us not be hasty and in the emotional stress of the British crisis take some action that may be regretted.

A tax increase, in addition to Government spending cuts, may be called for, but let Congress be sure that the taxes imposed are such as not to harm people already hurt by inflation.

Especially let us remember that consideration by the House of any tax measure, unlike a measure in the Senate, is almost never subject to amendment. We invariably are forced to vote a bill up or down.

Therefore, I hope the Ways and Means Committee does not succumb to the executive branch and insist on L. B. J.'s surtax proposal.

I am confident a tax reform bill would accomplish the same objective without violence to the wage earners. After all, I understand there are 482 taxpayers reporting an income of $1 million or more a year, 19 of whom pay no income taxes at all through the use of loopholes, and a good percentage of the remaining millionaires pay less than those who earn less than $20,000 a year.

Closing these loopholes would certainly be a way of raising the Government's revenues to help pay for the war in Vietnam as well as for programs of the war on poverty, instead of placing further burden on the average taxpayer who already is paying his fair share.

Finally, Mr. Speaker, I do not count as any protection of the American dollar, France's $6 billion unpaid World War I loans. Of this $6 billion, about $2 billion has matured and is due the United States today, and with interest it raises the overdue amount to more than $2.5 billion.

I suggest, Mr. Speaker, that the United States look to herself as a source of strength and not to those like France whom we have helped in the past.

THE JOHNSON RECORD RECEIVES HIGH PRAISE

Mr. OLSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. OLSEN. Mr. Speaker, in an article appearing in the Washington Post, Adolfe Berle analyzes the Johnson years and finds them to be among the most productive in our Nation's history.

Domestically, the Johnson administration has forged a powerful new ideal—the Great Society—to improve the quality and excellence of American life as well as increase its quantity and richness. Our cities are being rebuilt, our countryside is being beautified, and the lives of our people—rich and poor alike—are daily being given new meaning.

In foreign affairs, Berle points out that the President is achieving world order in "as dangerous and difficult a period as America has ever encountered." The administration has maintained the world balance of power, defended liberty in its most trying hours, and demonstrated to the world the steadfastness of the American people in the face of challenge.

In these perilous times, President Johnson has lighted the path the Nation and the nations of the world must pursue to achieve the blessings of peace and prosperity.

I insert at this point in the RECORD Mr. Berle's excellent article in the Washington Post:

L. B. J.'s RECORD WILL SHOW HE DID HIS DAMNEDEST

(By Adolfe Berle)

(A retired Columbia University law professor, Berle was an adviser to Franklin D. Roosevelt in the 1932 campaign and an Assistant Secretary of State under Roosevelt. He also served President Kennedy as head of his inter-American task force.)

When John F. Kennedy was assassinated Nov. 22, 1963, Lyndon B. Johnson was catapulted into the White House and thereby into world power. After four years as a historical figure, his record will be passed on and his position determined by next year's election.

Owing him nothing and being beyond the age of political ambition, I think I can offer an objective view. Overcoming my rage at the abuse leveled at him by propaganda and his enemies, and forgetting personal friendship for some of his Republican opponents, here it is.

BOTH FLANKS EXPOSED

The 1968 race will be President Johnson's first real campaign; the real issues were not presented in 1964. He goes into it with both flanks exposed. The left wing hates his foreign policy and blames him (as it blamed Franklin D. Roosevelt) for not reforming overnight. The right wing opposes the whole social program. Votes of the American center will make the decision.

Mr. Johnson's 1964 majority represented not consensus but his heirship to the tragic drama of his brilliant predecessor, to a deep American feeling that a man so placed should have a chance to speak his piece and to temporary seizure of the Republican Party by a reactionary wing whose program and attitudes had been obsolete for 30 years.

A more normal balance appeared in 1966 as Southern Democrats and Northern conservatives combined against him in Congress. But in the two intervening years, he had carried through two unrealized Kennedy programs: civil rights for Negroes and stimulation of the economy by tax reduction.

More importantly, he had also added a powerful new conception to American politics, giving it a new dimension and direction. This was the Great Society. He had pushed through some bills giving it a measure of reality. In domestic affairs, his 1968 campaign will seek a solid mandate to carry this conception forward.

In foreign affairs, Mr. Johnson inherited and for four years has traversed as dangerous and difficult a period as America has ever encountered. As public opinion is running, the liberals support his domestic policy and oppose his foreign policy; the conservatives support his foreign policy and oppose the Great Society. On this combination he must make his campaign.

SUBSTANCE FOR A DECADE

The current low level of American political debate cannot obscure the historical significance of the positions President Johnson has taken or the fact that his forward policies will be the grist of American campaigns for a decade to come.

Civil rights became statutory law in 1964. But law alone cannot bring the American Negro population into economic and social equality. President Johnson tackled the rest of the problem by proposing all-out war on poverty, black and white alike.

One factor in poverty is the city, where poverty is most concentrated. Reorganization of urban life was seen to be essential—not merely for "the poor" but for all city dwellers. If in process of reconstruction the sheer ugliness of its towns could be conquered, American civilization might be put on the road to a great expression.

So remodeling of cities was thrown into the political arena, bringing direct Federal aid to endless projects for urban reconstruction. The beginnings of these programs are in effect and no city in the country will tolerate their discontinuance. Controversy there will be, but the odds against abandonment are enormous.

A STATE OF MOTION

Foreign affairs have presented a vaster issue. In 1963, the United States was in the throes of a virulent cold war. President Kennedy had checked it in the Western Hemisphere by going to the verge of nuclear war in the Cuban missile crisis of 1962. He had maneuvered with it in the Far East, relinquishing Laos and Cambodia but resolving to resist in Vietnam, where he sent 25,000 American troops. In the unresolved Arab-Israeli conflict, Mr. Kennedy's answer had been to work with NATO and keep the Sixth Fleet near Suez.

President Johnson in 1963 found the whole scene in a state of motion. Mr. Johnson's basic problem was whether the United States should attempt to maintain a world balance or should withdraw from difficult areas, leaving the Communists to guide the course of events.

His decision was to attempt to maintain the balance. He met the threat to Vietnam by escalation to the * * * North Vietnamese attack. He responded to the threat to the Dominican Republic when that country fell into chaos by swift action, establishment of a popularly based Dominican government and prompt withdrawal of the inter-American force.

CONFRONTATION AVERTED

His least recognized exploit was in the Arab-Israeli war last June. Soviet arms and diplomacy had engineered a shaky Arab unity and a Soviet flotilla moved through the Dardanelles to the fighting front. At that point, Mr. Johnson used the "hot line" to Moscow to reach agreement with the Soviet leaders that neither the Russians nor the Americans would participate in the conflict. A confrontation carrying the possibility of a world war was avoided.

Mr. Johnson's political troubles stem more from his foreign policy than from any other part of his program. Most Americans are inherently pacifist and many are latently isolationist. Many advocates and beneficiaries of his social programs joined in reviling him for his actions in Santo Domingo, in Viet-

nam, in the Congo and, though in less measure, in the Mediterranean.

AN HONORABLE RESULT

Nevertheless, the possibility of bringing the world disarray under at least temporary control has been preserved. Power-political probes to determine the steadfastness of the American President seem to have ceased. Despite all the shouting against him, this is an honorable result.

Mr. Johnson's limitations are obvious. He is not the young, appealing, liberal-aristocratic, dramatic youth ideal that President Kennedy was. He has not the golden gift of laughter of FDR. He is not the darling of the press. Especially in foreign affairs, his case has been badly stated and worse pleaded.

He has not constructed in his government a close-knit team of personal friends. He is not a faithful supporter of his political allies outside Washington. He has thought in the simplest terms, a dogged, roughhewn Texas politician who nevertheless apprehended the problems of America at home and abroad. He simply did his damndest to see her through on all fronts.

The man may have been wrong in some of his decisions. One may dislike him, or like someone else better. But it would be nonsense not to assign him historical status of the first importance.

ADDRESS BY HON. WILLARD WIRTZ

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. BRADEMAS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. BRADEMAS. Mr. Speaker, one of the wisest and best men I have met during public life is the distinguished Secretary of Labor, the Honorable W. Willard Wirtz.

Although a very busy man as head of a department and a member of the President's Cabinet, Secretary Wirtz' public statements always reflect careful thought on important issues facing our country.

No exception to this observation is an address delivered by Secretary Wirtz on the subject, "Youth Protests," at the 75th anniversary celebration of the University of Colorado School of Law on November 10, 1967.

I include this address at this point in the RECORD:

YOUTH PROTESTS

(Remarks by Willard Wirtz, Secretary of Labor)

These remarks have revealed, in their preparation, marked schizophrenic tendencies. A 75th Anniversary should be a gala occasion, set in diamonds, warmed by champagne, tuned to the waltz, bathed in the bathos of nostalgia, toasted rather than talked at. Yet a speaker brought a long distance, especially from capitol to campus, feels the conflicting compulsion to "be with it"—to speak to the present instead of the past—to try, in terms of today's issues, to throw at least a pontoon bridge of oratory across "generation gap," to recognize the current escalation to national proportions of the traditional strain between "town and gown," to counter-march from Washington and meet youth's protest on youth's terms and its home field. What you are about to hear may be the Anniversary Waltz as it might be played by Walter Mitty's Ragtime Band.

The wiser counsel would be to opt squarely for the anniversary tradition. Few are competent as witness, none respected as judge, in the litigation between the ages. For an incumbent bureaucrat on the wrong side of thirty to so much as question today before a university audience the sanctity of unrestrained, unbridled, unhousebroken protest would be for him to envy the more favorable auspices under which an illegitimate son of immigrants would rise to speak at a D.A.R. convention on the irrelevancy of geneology or in a maternity ward on the triviality of motherhood.

Yet I confess, borrowing Gladstone's phrasing of it, that "I have a speech on this subject fermenting within me, and feel as a loaf might in the oven." Not a somber speech. The times are blighted by dreary speeches. The nation's sense of humor seems to be on vacation. This *is* a joyous occasion. And Protest is a subject on which we have taken not only the subject but sometimes ourselves too seriously. It will comport with both tonight's circumstance and Gladstone's yeasty metaphor to leaven pertinence a little with impertinence—to proceed on the basis that half a laugh is better than none.

Herein, then, of sit-ins in deans' offices, graffiti picket signs, marching on the Pentagon; of the comforting middle-aged view that most young Americans must be somebody else's children, the convenient faculty view that they should all have matriculated someplace else, and the strong endorsement of both of those views by the young Americans.

THE PLACE TO START

The place to start is with the conventional wisdom that reminds of the proneness to exaggerate current vicissitude. "Generation gap" is unquestionably wider than it used to be, but if there is novelty here it is more in the phrase than in the fact. And it helps read the temperature of protest to note some of the things that happened 75 years ago—in 1892.

That summer at Homestead, Pennsylvania ten people were killed in a 13-hour pitched battle between striking steelworkers and 300 Pinkerton detectives, before the State militia took over; and Federal troops were moved into the Coeur d'Alene silver mines in Idaho because of violence there between strikers and strike-breakers.

The Populist Convention met at Omaha, with the leading "agitators" of the time in attendance: "Pitchfork Ben" Tillman, "Sockless" Jerry Simpson, and Mary "Yellin" Lease, from Kansas, "rousing the West to enthusiasm and the East to terror by exhorting the farmers to 'raise less corn and more hell'."

Jacob Riis was fighting, almost single handedly, the war against poverty and typhus fever in New York's slums—issuing his "remonstrances."

President Harrison's 1892 State of the Union Message was about "the frequent lynching of colored people accused of crime" and about "lawlessness (that) is not less such but more, where it usurps the functions of peace officers and the courts."

Two years later, Jacob Coxey led his ragged "army" from Ohio to Washington—to demand the issuance of half a billion dollars in paper money, and to be arrested, when they reached their destination, for "not keeping off the grass" at the White House.

Accepting history's soothing condolence that there is nothing new about protest, we mark, too, the realization that a lot of current attention, especially to inter-generational differences, involves what Gerald Johnson would call its "superficial aspects." Our differences, for example, about deviationism from yesterday's—and almost certainly tomorrow's—tonsorial and sartorial norms. My own strong preference for the crew-cut is manifest. I also confess the prejudices that mini-skirts are attractive only on the very young, that knees are the ugliest part of most anatomies, and that net hose distract the roving eye from its true objectives. But if youth decides, at least partly in protest against more mature hypocrisies, to press the logic of men wearing their hair as long as Daniel Webster or English barristers, and the reasoning that decency's hemline must be the same in the ballroom and on the beach—this seems insufficient cause for more than passing concern.

A FEVER OF PROTEST

There remains, nevertheless, the hard fact of a fever of protest different from any this nation has known before, or at least for a long time. There is particular poignancy, and more than that, in its involving so large an element of loss of confidence—and of love—between those who are older and those who are younger; so that age seems suddenly a higher wall than nationality, or religion, or sex, or race. There is bitter cruelty and deep hurt—to individual human beings and to the society—and this without fairness or effect—when picket signs pervert legitimate disagreement about Viet Nam into the ugly accusation that older men are willing to roll dice with younger men's lives, and when the equally irresponsible reply—even from some who seek national leadership—is that one reason for declaring war is that it would stop this kind of protest.

This fever is rising. Looking only at youth's protest:

Where there were all-night teach-ins and solemn picketing a year ago protesting the nation's foreign policy, there is now the "trapping" of Navy and CIA recruiters and those whose companies make napalm.

Where there were peaceful protests two years ago against university policies regarding Selective Service, there is now the burning of draft cards and the refusal to serve when called.

Where there were sit-ins and freedom schools and the Mississippi summer project three years ago to express youth's deep commitment to civil rights, there are now black power rallies, riots—and a significant, meaningful fall-off in white student participation.

Where student protest against university "bureaucracy" started off at Berkeley as a free speech movement, it became then a filthy speech movement, and appeared in gross caricature last week in CCNY's muddy ditch affair—with a spokesman shouting through the bull horn: "The name of the game is: Confront the policy makers"—about, apparently, whatever is convenient at the moment.

I don't know how large the element of protest is in the developing degeneration of insistence on social freedom that has led to wherever we are now in the "experimentation" with marijuana, LSD, STP.

I reject the Cassandra counsel of those who look at the signs of escalating protest and increasing unrest—especially in the slums but in their other manifestations as well—and warn, as one of them put it recently: "We must prepare for the onset of terrorism."

Surely, though, it would be grossest negligence to disregard what is emerging plainly as one of democracy's recurrent, critical testings.

THE NEED FOR UNDERSTANDING

I feel, almost guiltily, the frustration of being unable to match description with proposal. Yet there is more than rationalization in suggesting that there is quite a lot of understanding left to be done here as the necessary preliminary to confident prescription. It is in this limited respect that I suggest tonight what seem to me two essential elements in this understanding:

First, recognition that youth's contemporary protest is not properly appraised—whether in criticism or condonation—in terms of the acts of protest alone, but only in the significant context of the central fact

of the times—which is kaleidoscopic change;

Second, recognition that this protest reflects—but often distorts—an emerging ethic which has much to commend it and which is strikingly true to the free and responsible society's authentic tradition.

It would be perhaps presumptuous, but probably not wrong, to suggest that this is a hard, frightening, time to grow up in—and that difficulty and fear are plausible, reasonable, elements in protest. It is more reservedly analytical to find a constructive understanding—but by no means a condonation—of contemporary youth's convulsive protest in the facts of contemporary convulsive change—change not only in the technological and scientific spheres but also in the far reaching, deep reaching social, political, psychological and philosophical spheres.

THE EFFECTS OF TECHNOLOGICAL AND SCIENTIFIC REVOLUTION

The facts of mid-20th century technological and scientific revolution are clear. Its effects are anything but clear:

What, for example, is the effect of automation on the inner satisfaction which is probably essential to life's making sense and which craftsmen traditionally took from the work they did with their hands?

What is the effect on individuals and on the family of television—with its obsession for what is bad and wrong and shoddy—becoming a larger influence on children's minds than their parents or their peers or their teachers? Is there ever a perpetrator of violence on the streets at night, or a purchaser of heroin, who hasn't seen the thing he does done a hundred times before—in living, dying, color?

What of the impact of scientific discovery on traditional philosophical and political notions?

How much of an influence is it on the philosophy of this generation of youth that its members know—what none knew before because it wasn't true before—that they are committed to live their lives a single spark away from the incineration of the earth?

Or what does it do to democracy when more and more of the decisions the majority has to make hinge on the possession of sophisticated knowledge shared in fact by fewer and fewer members of that majority?

As the astronaut's rocket carries him beyond the effective force of gravity he enters a state of "weightlessness" in which the principles of balance and motion and stabilization he had previously relied on are no longer applicable. There is only a starting consciousness of the disorienting and unstabilizing effects on his earth-bound counterparts—especially those who are still getting their bearings—of a dozen recent achievements of the physical and life scientists.

The sharpest critics of youth's protest associate it with the protestors' alleged lessened sense of values.

If by this it is meant that some of the extremes of protest are what happens in a vacuum of values created in the eye of a hurricane of change, there is unquestionably evidence of that.

A PROTEST AGAINST VALUELESSNESS

There is other evidence—evidence that youths' protest, except for those few for whom protest is an end or a "game" in itself, is *against* valuelessness—that its opposition to particular inherited values is that they are identified with antique forms of institutionalism—that youth is seeking as earnestly as desperate humanity always has for values that give life sense.

If I understand at all what is happening in the philosophy of thinking American youth, it centers on the insistence that the individual must have the opportunity for *direct participation,* for *involvement,* for *actual engagement,* for *commitment,* in some felt experience—and that institutions and procedures are valid only as they provide this opportunity.

Youth is persuaded that government, church, corporations, labor unions, political parties, universities, even the family, have come to be considered too much as ends and individuals too much as means to those ends; that as these institutions now operate they offer too little opportunity for actual, direct involvement of the individual in the conduct of his own and the community's affairs.

PARTICIPATION AND INVOLVEMENT

Young Americans count a civil rights sit-in more "relevant" than a civil rights decision by a court or a civil rights enactment by Congress—because they can themselves take part in the sit-in; and the Peace Corps more relevant than a foreign aid program because they can *be* the Peace Corps.

"I think," the older philosopher reasoned, "and therefore I am."

"I act," the youth says today, "and therefore I am."

Does the record of youth's protest in fact bear out its base in ethics, in a search for values, in a renewed insistence on the central meaningfulness not of institutions but of individuals, in a desire not only to believe but to be involved?

I think the answer is that it did reflect such a base during the first half of this decade. Surely, then, there was full reason for youth to feel that its desire to participate in "the shaping and molding of the world" was being fulfilled.

The civil rights sit-ins, boycotts, marches, and freedom schools did help create not only a wave of conscience across the country, but the Civil Rights Act, the Voting Rights Act, and the Economic Opportunity Act.

The student free speech movement and complaints about the growing impersonality of the university bureaucracy did help to produce specific changes in university regulations and practices.

The early teach-ins on the war and the early sit-ins on the draft did help to produce a wider and more serious debate on Viet Nam and a deeper examination by universities of their policies with respect to Selective Service.

DEMOCRACY'S CHANNELS

In the last few months, however, it is manifest that impatience, frustration, and now bitterness, have set in. The feeling has grown that speaking out is no longer enough, that democracy's channels no longer carry youth's message, and that all bureaucrats and politicians are by definition, 'nasty, brutish and short.' New *forms* of protest have emerged: teach-ins have been replaced by sit-ins and sleep-ins and lawlessness and acts of civil disobedience; integrated freedom schools by black power rallies; peaceful demonstrations for peace by active resistance and draft card burnings. At the same time, new *objects* of protest have been fixed: visibly discriminatory Southern laws have lost center stage to less visibly discriminatory Northern practices and then to the whole system of allegedly "undemocratic institutions;" specific debatable issues on Viet Nam policy have given way to personal and symbolic supporters and critics of that policy; specific complaints against certain conventional social values have been replaced increasingly by expressed rejection of the whole notion of social values.

It would be much less than candour not to express the deep conviction that *in its present extreme forms*—and particularly in the apparent decision to change the present order of things from without instead of working from within—student protest finds no excuse in the "weightlessness" which change creates, and reduces the ethic of doing-as-being to a claimed license for what amounts to nothing much better than individual anarchy.

MORE SELF-DISCIPLINE, NOT LESS

Whether we like it or not, part of the necessary adjustment to change, to an increasing tempo of even dubious "progress," is more self-discipline, not less. Insisting on participation in the setting of those new disciplines is one thing; denying all responsibility is another. Nobody is going to be excused, if he puts a car in the ditch or kills someone with it, by his explaining that he took his hands off the wheel because he was going too fast.

The pragmatics of it are that the current extremes of protest dis-serve their purposes—seriously.

The riots in the slums this summer hurt the poverty program and the advance of civil rights as much as the marches on Washington and Selma four years ago helped those causes.

If the objection of some members of Congress to the presently pending poverty bill appropriation is based on considerations of economy, the unspoken objection of others—utterly wrong in my judgment—is that the war on poverty did not prevent the riots.

The march on Washington three weeks ago hurt the cause of most of the marchers more than it advanced that cause. It all ended so meanly—with the walls covered with filth, the air full of dead fish and vegetables and sputum and tear gas, and the jails full of young men and women whose offense—more against themselves than the society—was the inciting of synthetic violence. It was youth's protest, and youth could not have been proud. A generation of decency was discredited by a few who degraded legitimate dissent into obscenity and anti-reason

HUMAN COSTS AND PRICES

The net of it is that the youth's increasingly extreme form of protest and the adult's increasingly bitter recrimination and retribution are now creating an infinitely more bitter inflationary cycle—with human costs and prices.

There is debate about the draft—then a decision—then expressed disagreement and counter-argument—all in democracy's truest tradition. But then, suddenly, a despicable burning of draft cards and the barricading of recruiters behind doors held shut by students who thereby deny the one absolute tenet of the university: that *reason* must *never* bow to force. And now, the retributive action of threatening the students with a choice between being drafted or going to the penitentiary.

I resent with everything in me the abuse by those students of the ideals I hold highest. I think they are dead wrong about what is necessary to win freedom *and* peace in Viet Nam, and wronger about what freedom offers and demands. To the extent that their action does in fact violate the Selective Service Act, I support completely the firm and full carrying out of the law. But when those who administer the law say: "It may be that we are assuming just a little" by adding a new pressure to what the law provides, and when it is then put that the boy "may always go to the penitentiary if he likes," this isn't what I understand democracy to mean.

It is all so senseless, this spiraling of protest and recrimination.

UNPRECEDENTED SOCIAL GAINS

There has never been a large commonalty of purpose in this country. In a very real sense much of today's protest—at least about our condition in this country—reflects not only the technological progress of recent years, but the unprecedented social gains as well—in educational and economic opportunity, increasingly equal opportunity. We have learned that in the most developed—as well as the least developed—countries there will come with new opportunity, a further revolution of still faster rising expectations. In large measure, today's dissatisfaction results from the increasing realization that

the true measure of achievement is not how much better things are than they were last year, but how much the country is still short of the realization of its full potential. We were determinists once. Now we believe in the idea that Man is made with the competence inside to control his destiny.

But neither words nor philosophy—nor protest against protest against protest—will be enough this year, or next, or ever.

You are lawyers, present or future—and I perhaps return, in closing, to the schizophrenia acknowledged at the start about fashioning an instrument which might both let me speak to you whose interest and love is the law and still let loose with the concern fermenting inside me.

Yet in a very real sense, all I have said here is the setting up of a case which requires your professional attention. For law is not only the application of precedents, but even more centrally the development of procedures and institutions which serve the inexorably changing human desire and purpose.

There is a "weightlessness" today, and meeting it will require social and legal invention as curious and bold and effective as the scientific invention which created it.

THE LAWYER'S OBLIGATION

Youth's protest may carry it outside any reasonable boundaries. It has. And it is partly the lawyer's obligation—as not only artisan but architect—to better refine the rules and principles and practices regarding protest so as to distinguish between dissent and disorder.

Beyond this, I press youth's case for changes in established institutional concepts which make the individual more clearly the master and the institution more clearly the servant; and changes in established procedural concepts which give the individual a more active role in his own and the community's affairs.

But new "concepts" are not enough.

There is the need for new programs which will provide the young people of the country the opportunity they ask to make both it and the world better, safer, more sensible. The Peace Corps is a precedent. So is VISTA. So is Israel's two-year national service program.

There is the need for better lines of communication between academic and political forums.

Max Lerner's proposal this week of a university procedure in which administration, faculty, and students would participate on a 7–5–3 ratio basis in making *some* decisions deserves careful consideration.

FURTHER EXPERIMENTS, NEW PROGRAMS

There are further experiments to be made, new programs devised, to meet the necessity of full participation—and more than that, the assumption of full responsibility—by the residents of slums and ghettos in making their own repairs against the ravages—more psychic than physical—of centuries of bigotry.

These are only seed suggestions, meager illustrations of the kind of new institution and procedure building that is required.

This is a job for citizens—yes, but most particularly for lawyers. For what is raised most centrally in youth's protest today is the free society's essential legal question: how to achieve under constantly changing circumstance that balance of rights and responsibilities which will maximize *individual* opportunity and significance.

There has been constant reminder, in the preparing of these remarks, of Wiley Rutledge. Of three pictures I see every night above my dresser, his is one. I wouldn't be here tonight, nor doing what I do, if my life had not touched and then drawn heavily upon his. More than any but a few, I know what this School meant to him.

WILEY RUTLEDGE AND THE INDIVIDUAL

Wiley Rutledge believed in the individual—*every* individual—the very idea of the individual—more devoutly than any other man I have known. He would take, today, youth's case—but with due recognition of his obligation to serve his client by recognizing fully the common interest. He would say, as he did, now twenty-two years ago, in *Thomas v. Collins*:

"This case confronts us . . . with the duty to say where the individual's freedom ends and the State's power begins. Choice on that border is always delicate. It is the character of the right, not of the limitation, which determines what standard governs the choice.

"It is in our tradition to allow the widest room for discussion, the narrowest range for its restriction, particularly when this right is exercised in conjunction with peaceable assembly."

THE RIGHT TO BEAR ARMS: PRO AND CON

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MULTER. Mr. Speaker, for many years I have been urging the Congress to enact legislation to control the sale and distribution of firearms, particularly the sale of these instruments of death through the mails. In the 90th Congress my bill is H.R. 5463, which is pending before the Committee on Ways and Means.

The following article from the November 10, 1967, edition of the Seafarers Log, a publication of the Seafarers International Union, contains an excellent analysis of the arguments concerning this issue and I commend it to the attention of our colleagues:

THE RIGHT TO BEAR ARMS: PRO AND CON

While waiting quietly for President Kennedy's motorcade to come down the crowd-packed streets, Lee Harvey Oswald checked his Italian-made Mannlicher-Carcano rifle carefully. It was a fine piece of equipment—quick-firing, long-range, and equipped with a sensitive telescopic sight. It wasn't long ago that Oswald had scrawled the pseudonym "A. Hidell" on a gun order form, and mailed the slip into one of numerous mail-order gun companies in this country. This was the way Oswald received his gun, quite legally, with no law existing that might have prevented that sale. In this way, Lee Harvey Oswald was able to obtain a rifle and ammunition; in this way, he was able to point the gun's muzzle out the window; and it was in this way, that Oswald's mail-order rifle murdered a President and bereaved a nation.

In most states, a person can purchase anything from a starter pistol to a submachine-gun, in person, or, if his own locality prohibits the sale of a gun to him, he can obtain one by mail-order from another locality or state.

But the prospect of limiting the accessibility of guns has provoked strong emotions on both sides of the fence. As of this writing, numerous firearm bills have been studied by Congress but not one has been passed.

Just what are the issues?

THE EXTENT OF GUN CRIME

President Johnson, who has been pressing for Congressional passage of strong gun legislation, recently re-emphasized the need for action in a letter sent on September 15 to the Speaker of the House and the presiding officer of the Senate. He told of the late 1966 incident at the University of Texas, in which a student climbed into a building-tower with a legally-purchased mail-order arsenal of weapons, and killed or maimed 44 innocent people. In the 13-month period since that day, Johnson noted, guns were involved in over 6,500 murders, 50,000 robberies, 43,500 aggravated assaults, 2,600 accidental deaths, and 10,000 suicides across the nation. How many guns are in circulation?

In 1966 alone, the President continued 2,000,000 guns were sold in the United States. An October 1966 study by the Senate Committee on the Judiciary, noted that "Best estimates indicate that there are, within the United States, over 100 million privately owned firearms in the possession of over 20 million citizens."

Who are the users of these weapons?

"Many millions," reports the President's Commission on Law Enforcement and Administration of Justice, ". . . belong to hunters, gun collectors, and other sportsmen. . . . Many other millions of firearms . . . are owned by citizens determined to protect their families . . . and property" from criminal attack and burglary.

In a nationwide sampling conducted by the National Opinion Research Center, 37 percent of the persons interviewed said that they kept firearms in the household to protect themselves.

Of the two million guns sold last year alone, the President remarked in the September 15 letter. "Many were sold to hardened criminals, snipers, mental defectives, rapists, habitual drunkards and juveniles."

Senator Edward Kennedy cites a recent survey which found that of 4,000 people ordering guns by mail from two Chicago firearms dealers, "one-fourth—or 1,000—of them had criminal records."

Who are the victims?

With FBI Director J. Edgar Hoover reporting that the use of firearms in dangerous crimes is on the upswing, the trend of statistics suggest that well over 100,000 Americans will be the victims of gun-crimes this year.

THE PRACTICAL ISSUE

Those who favor gun legislation say that while the effect of our penal system's threat of punishment may hold crime down to a certain extent, the best means of preventing crime in the first place would be to cut off the supply of weapons from potential criminals. With FBI statistics for the first nine months of 1966 showing that about ⅔ of all willful killings in this country are being committed with guns, a huge segment of criminal activity might be severly restricted, they say, if those guns become unavailable to dangerous persons.

There are objections to this idea. Various groups argue that such limitations are unwarranted, would be unfair to the law-abiding citizen, that the wrongdoers would obtain guns illegally with ease, that the causes of crime rather than the instruments of crime must be wiped out, and that abridgment of the "right to keep and bear arms" would be unconstitutional.

The basis for most proposals to control the sale of guns is that the buyer must be licensed, and can only receive his license after having been adjudged law-abiding and showing a specific need for the weapon.

The objections that are being brought against this are the same type of objections that arose years ago concerning another deadly weapon: the automobile. Regardless of the dissent that sprang up, when cars became hazardous to life and property, it became necessary to enforce strict safety measures by requiring that drivers be licensed.

A gun-user differs from a driver in that a gun-user controls a device that was specifically designed to kill; therefore, his intentions concerning the use of it must be considered carefully before it can be sold to him.

At present, according to Senator Joseph Tydings of Maryland, "practically no effective state or federal laws exist to control gun traffic. In nearly every state in the Union, anyone, regardless of his age, criminal record, or state of mind, can buy a gun or order one by mail, using order forms conveniently provided in sporting magazines and even comic books. In almost every state in the Union it is easier to buy a gun than to register to vote. It is easier to buy a gun than to get a driver's license or a prescription cold remedy."

The balancing of rights versus the dangers of violation of rights is the prickly subject that plagued Congress when it passed the National Firearms Act of 1934, the Federal Firearms Act of 1938, and the Mutual Security Act of 1954. None of these three laws provides for a close and effective check of the sales or purchases, or the prospective purchasers' characters, in regard to concealable weapons such as pistols, which are the devices most frequently used in crimes. The same touchy issues are plaguing the national legislature right now, but the pressure for some sort of strong crime-prevention system is building.

The delicateness of the subject is illustrated in an example given by Colorado's Senator Gordon Allott. A young woman who worked in his office "owns a handgun and knows how to use it. . . . About a year ago she was awakened at five in the morning by a noise in her apartment. It subsequently turned out that there was a prowler there. The young lady lives alone and her only real means of protection against lawless elements is the gun, which she brought with her from Colorado and keeps in her apartment. . . . With that gun she was able to subdue the housebreaker and hold him until police arrived. . . . The man involved has pleaded guilty . . . but I have often wondered what I would have had to tell that girl's parents if she had not had the gun." It is suggested that if a restrictive gun law had been in force in this case, and the young woman had not had a gun, while the prowler might have obtained one illegally, that she might have been law-abiding but also dead. The key to such situations, Allott and several other Senators have pointed out, is in the very careful construction of such laws, which should only prohibit the obtaining of these instruments of death by hardened criminals, the mentally ill, drunkards, felons, etc. In this way, they explain, lawful citizens would not be hampered in obtaining firearms, but in fact would be made more safe by a law that would shrink the threat of criminal attack.

The argument that criminals would obtain guns from other sources, if they couldn't buy them legally, is only partially valid, according to statistics from in the offices of Senators Thomas Dodd of Connecticut and Tydings:

In the 1962–1965 period, 57 percent of all murders in the U.S. were committed with guns. However, in the few states with their own gun laws, gun-murder rates are significantly lower than in other states. Figures for states with controls show that in Pennsylvania, 43 percent of murders were by guns; in New Jersey, 39 percent; in Massachusetts, 35 percent; in New York, 32 percent. On the other hand, states with little or no gun controls showed: Colorado, 59 percent; Louisiana, 62 percent; New Mexico, 64 percent; Arizona, 66 percent; Montana, 68 percent; Texas, 69 percent; and Nebraska, 70 percent.

A question now arises as to why a Federal gun law is needed, if states appear so capable of cutting gun-crime rates themselves. The answer is that they have no way of preventing someone from simply crossing into a state with lesser controls and buying a gun, or from ordering a gun by mail from out-of-state. According to Senator Kennedy of Massachusetts, "Unless the Federal Government regulates gun traffic between the states, even strong state laws will be easily circumvented by interstate gun traffic. In 1963 alone, for example, over a million weapons were sold by mail order. In Massachusetts, which has strong gun laws, the traffic in guns cannot be halted because guns are easily purchased out of state. . . . Eighty-seven percent of the concealable firearms used in Massachusetts crimes came from out-of-state purchases."

THE CONSTITUTIONAL ISSUE

As Senator Allott puts it, a law that goes too far in its scope and restrictions would be akin to "cutting off the head to cure the headache." While Congress is taking pains to create gun legislation that is practical, effective, and cautious, there are lobbies which immediately claim that the Federal Government has no right to invoke any type of gun-control legislation.

The most powerful and largest lobby, the 850,000-member National Rifle Association, has stated that "firearms legislation is of insufficient value in the prevention of crime to justify the inevitable restrictions which such legislation places on law-abiding citizens." Such lobbies imply that Federal firearms legislation, while ineffectually attempting to protect citizens from the armed criminal, would instead chop off a vital portion of every citizen's Constitutional rights. Not only would this be in total disregard of the document on which this nation is founded, they say, but it would also open the door to an eventual police state against which there could be no redress.

On the other hand, a long sequence of Supreme Court decisions over the years has affirmed that such legislation is in no way unconstitutional. Three Federal gun control laws (not dealing with control as closely as several currently-proposed laws purportedly would) plus several state and local gun control laws have been in effect for years; all are Constitutional.

In addition, a variety of Federal, state, and local officials and groups have declared that Federal gun legislation, properly constructed, would in fact be a great aid in crushing the growing crime rate. According to Senator Edward Kennedy, some of these include: the President of the United States; the Attorney General; the Director of the Federal Bureau of Investigation; the International Association of Chiefs of Police; the American Bar Association; the National Crime Commission; the country's best police chiefs and prosecutors, and, "I believe, the vast majority of our citizens."

Yet objections to Federally-operated gun controls are still voiced.

At the heart of the matter is the Second Amendment to the Constitution. It states:

"A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

The so-called "gun lobby," which includes sportsmen's associations as well as dangerously fanatic groups such as the Minutemen, claim that this Amendment clearly grants the individual an absolute right to purchase, keep, and use guns. The President's National Crime Commission, however, stated that "The U.S. Supreme Court and lower Federal courts have consistently interpreted this Amendment only as a prohibition against Federal interference with State militia and not as a guarantee of an individual's right to keep or carry firearms. The argument that the Second Amendment prohibits State or Federal regulation of citizen ownership of firearms has no validity whatsoever."

In response to such rebuttals, anti-gun legislation groups have taken to arguing that a "militia" need not be governmentally controlled, and therefore citizens should be able to form their own "militias" and obtain guns without restriction. Proponents of controls point out the trend of history in which the need for such "citizen armies" or "vigilante groups" has vanished, now that the United States has developed permament, professional, and comprehensive law enforcement organizations—local police, state troopers, the National Guard, the FBI, etc., to provide for internal protection.

Senator Dodd, in explaining the necessity for the firearms legislation he is proposing, said that "former Secretary of the Army, Stephen Ailes, testified that armed civilians are not necessary to the maintenance of the borders' safety, and that they are not a part of any defense plan for this Nation."

Yet a number of extremist organizations, intent on "saving America" from one threat or another, have created their own underground armed forces. Much of their equipment has been legally purchased from private sources (and until recently, government sources) and includes an amazing array of deadly-material such as machine guns, bombs, and anti-tank guns, in addition to a wide assortment of other implements of war. A group known as the Minutemen was allegedly involved not long ago in a fanatic plot to attack and destroy several New York, New Jersey, and Connecticut camps which it had branded as "Communist." Fortunately, before the plan could be carried out, the Queens District Attorney's office uncovered the conspiracy and impounded the group's arsenal of tons of deadly devices. If not for the District Attorney's action, many innocent people might have been slaughtered.

Regulation of firearms in this country is provided for in limited degree, by various local, state, and federal laws. At issue is the necessity for stricter and more comprehensive controls which, it is argued, can only be made effective with new Federal legislation.

EXISTING FEDERAL LAW

Three major Federal laws concerning guns have been in existence for years.

The first of the existing Federal laws is the National Firearms Act of 1934, applying to machineguns, short-barreled and sawed-off rifles, shotguns, mufflers, silencers, and concealable firearms (Oswald's rifle was long-barreled and not covered by this legislation) but not pistols. It requires that owners of these weapons register them with the Treasury Department, and imposes taxes on firearms manufacturers, importers, and dealers.

The second Federal law, the Federal Firearms Act of 1938, provides that all firearms dealers and manufacturers whose business involves interstate or foreign commerce must be licensed. They are prohibited from knowingly shipping arms by interstate commerce to any person convicted of a felony or who is a fugitive from justice. Along with more technical provisions, it stipulates that licensed manufacturers and dealers are forbidden from transporting firearms into states in violation of state laws requiring a permit to purchase firearms.

Unfortunately, this particular provision provides no effective machinery for keeping dealers and manufacturers aware of which states and localities have which type of gun-control laws or related crime prevention laws. Thus, they are unable to cope with this very complex situation.

The third major Federal law (there have been a number of minor Federal firearms laws which made slight changes in these and other lesser Federal gun laws) is the Mutual Security Act of 1954, which authorizes the President to regulate the export and import of firearms. Administration of the Act has been delegated to the State Department.

The February, 1967 report of the President's Commission on Law Enforcement and the Ad-

ministration of Justice, explains that none of these laws prevent a person from simply going to another locality or state to purchase firearms. "Despite the Federal laws, therefore," writes the Commission, "practically anyone—the convicted criminal, the mental incompetent, or the habitual drunkard—can purchase firearms. . . ."

EXISTING STATE AND LOCAL LAW

With the ever-present dangers of crime, many state and local governments have taken it upon themselves to correct the situation as much as possible by enacting gun legislation.

Of the numerous states with some degree of controls, New York's Sullivan law provides the most stringent. It requires that a license is required not only to purchase a pistol or revolver, but also to keep it in one's home or place of business as well as to be able to carry the weapon. Though the state has no law requiring a license for rifles or shotguns, the Sullivan Law stipulates that they cannot be carried in a car or public place when loaded.

Even this tough law apparently is not satisfactory in preventing crime. Thus, through the efforts of New York City's Mayor John Lindsay, Senator Robert Kennedy, and Councilman Theodore Weiss, the New York City Council has just passed a strict law requiring that all persons owning or buying rifles and shotguns, register them and obtain a license from a new Firearms Control Board. Applicants would be fingerprinted and would be required to state if they had any criminal record or had once been treated for mental disorder, narcotics addiction, or alcoholism. There would be a small fee for registration.

In August, 1966, a strict gun law went into effect in the state of New Jersey. It required, among other things, that applicants for gun permits and identification cards submit fingerprints for a check of any possible criminal record. According to the state Attorney General's office, the check of the 45,771 fingerprints submitted during the first year of operation revealed that 3,167 applicants had arrest records. At the same time, the number of handgun permits issued under the new law rose to 13,279, as opposed to the pre-gun-law figure for fiscal 1965–1966 of 9,000. These statistics, the Attorney General's office explains, present evidence that the new law, contrary to gun lobby objections, is beneficial, fairer to applicants—it allows no favoritism or inconsistencies in issuing licenses and permits.

Still, state and local laws, many say, are just not enough. New Jersey Attorney General Arthur Sills writes: "Certainly the devastation wreaked upon the city of Newark (in the recent riots) . . . is conclusive testimony to the ineffectiveness of our law in preventing the importation of firearms into New Jersey by persons with criminal intent. We know that many of the weapons used by snipers and rioters . . . could not have been purchased legally in New Jersey. . . . If the riot in Newark is not enough to insure an immediate exercise of Congressional responsibility, what more will it take?"

LOBBIES AND PUBLIC OPINION

The question is a good one. Congress has been hard put in debating numerous gun-control bills—the Administration bill, the Dodd bill—and many others, and as yet has been unable to pass one. While national opinion surveys show a marked desire for gun laws, these laws apparently have been held back by the so-called gun lobby, a conglomeration of sportsmen's and right-wing groups, dominated in size and strength by a group which the New York Times declared has "organized one of the most successful lobbying campaigns in recent history": the National Rifle Association.

The NRA reportedly has 850,000 members, $10,000,000 in assets, and, according to the Times, is so well organized for exerting pressure through letter-writing campaigns that it can probably get its huge membership to "hit Congress with half a million letters on 72 hours notice." The NRA's anti-gun-law campaign has been so effective, the Times adds, that except for one significant bill in the state of New Jersey, not one of the more than 500 gun-bills considered by state legislatures has passed.

NRA's executive vice president, Franklin Orth, explained that the NRA "looks upon the vast majority of bills for firearms legislation as the misdirected efforts of social reformers, do-gooders, and/or the completely uninformed. . . ."

In submitting evidence that the NRA and allied groups are the major hindrance to the passage of gun control legislation, Senator Edward Kennedy cites a January, 1967, Gallup Poll which showed that "73 percent of those polled favored a law which would require the registration of a rifle or a shotgun. Eighty-five percent favored a law requiring the registration of pistols. Seventy-five percent favored doing away with all mail order buying of guns. Eighty-four percent felt there should be restrictions on who is allowed to buy a gun. Only 12 percent believed that anyone who wants a gun should be allowed to buy one with no questions asked."

In view of such apparently overwhelming odds in favor of legislation, the lack of a new law appears even more puzzling. Senator Tydings explains: ". . . passage of an effective Federal law has been blocked by a very small, but very vocal, minority, using invalid arguments. The reason this bill has not been passed is that the overwhelming majority of Americans who favor reasonable gun control legislation have not been mobilized to write their Congressman and Senators in favor of such legislation."

"It is indeed amazing," says Senator Kennedy of Massachusetts, ". . . that we continue to tolerate a system of laws which makes it ridiculously easy for any criminal, madman, drug addict, or child to obtain lethal firearms which can be used to rain violence and death on innocent people."

THE 50TH ANNIVERSARY OF FINNISH INDEPENDENCE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. COHELAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. COHELAN. Mr. Speaker, I am delighted to be able to add my endorsement to this resolution commemorating the 50th anniversary of Finnish independence.

This 50th anniversary is a most fitting time to pay tribute to the people and the accomplishments of Finland. This year, the United States issued a commemorative stamp in honor of the 50th anniversary of Finnish independence. This was only the third national commemorative stamp ever issued by the United States.

The Finns are a most remarkable people. The tenacity and courage of their national character is admired around the world. This "sisu," as it is known in Finnish, is at the heart of Finnish independence.

While the country of Finland is celebrating its 50th anniversary of independence this year, the Finnish people have in a real sense always been independent. They managed to preserve a national culture, a national integrity, and a national language throughout their entire history. And this strong national integrity has been seen time and again in this century. The Finns have fought hard to maintain their independence and have had to go to war to keep it.

The Finns' integrity and character has shown up in other ways too. The Finns have assiduously paid back their World War I food loan. And today, the funds from this repayment are being used to provide a cultural and education program between our two countries.

The Finns too have devoted their national energies to rebuilding their country.

Today, they produce some of the finest artistic and design work produced anywhere in the world.

Today, the Finns have one of the highest literacy rates in the world, and they can boast of one of the highest newspaper readership rates in the world.

And in an area which deeply concerns me, the preservation of natural resources, and particularly forest resources, the Finns are among the world leaders. Their resources are being protected and at the same time they have developed an advanced and efficient lumbering and pulp industry.

While the Finns are today a most modern nation, their roots in America go all the way back to 1638 when they founded a settlement in what is now Chester, Pa. The 400,000 Finnish Americans, can be proud of the accomplishments of their ancestral home.

I congratulate the Finnish people on their accomplishments, at this the 50th anniversary of their independence.

CONSUMER SAFETY AT ALL LEVELS

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PICKLE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. PICKLE. Mr. Speaker, when the President signed the bill to create a Product Safety Commission, he took occasion to outline other valuable steps needed in the field of consumer protection. Again, in signing the Clean Air Act of 1967, he made a plea for quick action on several of the other important pieces of consumer legislation now before Congress.

At this time, important consumer bills are pending at every level of the legislative process. In addition to those measures already enacted, bills dealing with Federal meat inspection, truth in lending, flammable fabrics, gas pipeline safety, and animal drugs have passed at least one House, and I am hopeful that both Houses can reach agreement by early next year.

With the actions last week of the House Judiciary Committee, it is becoming more and more apparent that there will be an investigation forthcoming on auto insurance and the rights of the insured against cancellation or the inability to get coverage due to nonrisk factors.

My own committee, Interstate and

Foreign Commerce, has jurisdiction over many of these consumer safety bills. Already we have completed work on many of the bills I have mentioned. But we still have much to do, and the initiative now rests largely with the committees. In my own committee, we have bills concerning hazardous substances labeling; to provide a uniform system of identification for all receptacles containing compressed gas; and to provide full disclosure of real estate sold through the mails. Also, under the committee's food and drug jurisdiction, we have bills to provide a definition of food supplements and other food additives.

In short, Mr. Speaker, while we can be proud of the record of this Congress in the field of consumer safety and protection, we should realize that there is still much to do, and I hope that we will see further progress in the next session.

THE 10-PERCENT SURCHARGE WOULD LEAVE TAXES LOWER THAN IN 1963

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Oregon [Mr. ULLMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ULLMAN. Mr. Speaker, on Wednesday our Ways and Means Committee convenes to hear details of the spending cuts planned by the administration as part of its fiscal program.

While the administration's expenditure-cutting plans will be the center of attention, there seems to me to be an important need to focus on just what the proposed 10-percent surcharge calls for and just how much of a tax burden it would place on Americans.

I, for one, detect a good deal of confusion among Americans on this subject. Most Americans do not realize that even with enactment of the surcharge, 1968 Federal income taxes would be substantially less than 1963 taxes—the year before the tax cuts of 1964.

With the resumption of hearings on the President's fiscal program, it is important to set the record straight in this regard once and for all.

First, let us be perfectly clear on what the proposed 10-percent surcharge does. It would add a levy of 10 percent on top of an individual's or corporation's existing tax bill. I want to stress that the surcharge would not impose an additional tax of 10 percent on income. What the small additional levy really amounts to is only about 1 penny on a dollar of income; under the administration's plan announced in August there would be no tax increase at all for individuals in the lower brackets.

TAX BURDEN DOWN

Second, let us be perfectly clear on what the proposed surcharge would mean in terms of the size of the Federal tax burden Americans would have to shoulder. In 1964, the Congress approved a broad program of tax reduction. I suspect some Americans believe enactment of the surcharge would return their Federal income tax rate to a level higher than before the 1964 tax cut.

This is a completely false impression. For in reality, if the 1963 rates were still the law, the tax take from individuals would be $10 billion more than present rates plus the surcharge. This is an important point, and I therefore have asked the Treasury Department to prepare several tables that would show the smaller tax burden for Americans in 1968—including the proposed surcharge—compared with the tax burden in 1963.

The three tables that I have received are very instructive and informative. Let us take some examples from each:

The married couple with two dependents and an income of $3,000 paid $65 in taxes in 1963 prior to the tax cut; the couple's taxes in 1968, including the surcharge, would amount to only $4—94 percent less than 5 years earlier. A similar couple with income of $5,000 paid $420 in taxes in 1963; they would pay $290 in 1968, for a tax savings of $130 or 31 percent compared with 1963. If that family had a $7,500 income, its 1963 taxes of $877 would compare with $756 in 1968. This is $121 or 14 percent lower than in 1963.

Mr. Speaker, to illustrate, I would like to insert the first of the three tables supplied by the Treasury:

TABLE 1.—COMPARISON OF FEDERAL INCOME TAX IN 1963 WITH 1968 TAX, INCLUDING THE PROPOSED SURCHARGE[1]—MARRIED COUPLE, 2 DEPENDENTS

Wage income	1963 tax[2]	1968 tax (including surcharge)[2]	Tax savings (amount 1968 tax is less than 1963 tax)	Tax savings in 1968 as a percent of 1963 tax
$1,000	0	0	----------	----------
2,000	0	0	----------	----------
3,000	$65	$4	$61	94
5,000	420	290	130	31
7,500	877	756	121	14
10,000	1,372	1,225	147	11
12,500	1,901	1,724	177	9
15,000	2,486	2,268	218	9
20,000	3,800	3,476	324	9
25,000	5,318	4,853	465	9
35,000	9,037	8,282	755	8
45,000	13,513	12,414	1,099	8

[1] Proposed surcharge of 10 percent of tax, exempting from surcharge single returns with taxable income of $1,000 or less and joint returns with taxable income of $2,000 or less.

[2] Tax computations assume standard deduction (or MSD in 1968) or deduction equal to 10 percent of wage income, whichever is greater. Tax is rounded to whole dollars prior to surcharge computation in 1968. Where wage income is less than $5,000, tax liability is from optional tax tables in 1963, and tax liability prior to surcharge is from optional tax tables in 1968.

Source: Office of the Secretary of the Treasury, Office of Tax Analysis.

I now want to turn to some examples of the 1968 versus 1963 tax burden for the married couple with no dependents. With a $3,000 income this couple paid taxes of $305 in 1963, and would pay $204 in 1968, or $101 less for a tax savings of 33 percent compared with 1963. With a $5,000 income this couple's taxes came to $660 in 1963, and would amount to $551 in 1968 or $109 less than 1963. And with $7,500 income, the couple's 1963 taxes of $1,141 would compare with $1,007 in 1968, or $134 less than 1963. To illustrate the tax burden comparisons of this group of taxpayers I would like to insert the following table:

TABLE 2.—COMPARISON OF FEDERAL INCOME TAX IN 1963 WITH 1968 TAX, INCLUDING THE PROPOSED SURCHARGE[1]—MARRIED COUPLE, NO DEPENDENTS

Wage income	1963 tax[2]	1968 tax (including surcharge)[2]	Tax savings (amount 1968 tax is less than 1963 tax)	Tax savings in 1968 as a percent of 1963 tax
$1,000	0	0	----------	----------
2,000	$122	$58	$64	52
3,000	305	204	101	33
5,000	660	551	109	17
7,500	1,141	1,007	134	12
10,000	1,636	1,476	160	10
12,500	2,213	2,014	199	9
15,000	2,810	2,569	241	9
20,000	4,192	3,832	360	9
25,000	5,774	5,276	498	9
35,000	9,601	8,797	804	8
45,000	14,149	13,008	1,141	8

[1] Proposed surcharge of 10 percent of tax, exempting from surcharge single returns with taxable income of $1,000 or less and joint returns with taxable income of $2,000 or less.

[2] Tax computations assume standard deduction (or MSD in 1968) or deduction equal to 10 percent of wage income, whichever is greater. Tax is rounded to whole dollars prior to surcharge computation in 1968. Where wage income is less than $5,000, tax liability is from optional tax tables in 1963, and tax liability prior to surcharge is from optional tax tables in 1968.

Source: Office of the Secretary of the Treasury, Office of Tax Analysis.

As a final example let me deal with the 1963–68 tax burden for single individuals. With a $3,000 income, the single individual paid $427 in 1963 and would pay $366 in 1968 or $61 less taxes than in 1963. With a $5,000 income, taxes for the single individual in 1963 were $818 and would amount to $738 in 1969, or a tax bite $80 less than in 1963. And with a $7,500 income, the single individual's taxes in 1963 were $1,405 and would amount to $1,285, in 1968 or $120 lower than 5 years earlier. I would like at this point to insert into the RECORD the last of the three tables to illustrate the tax burden comparisons for single individuals:

TABLE 3.—COMPARISON OF FEDERAL INCOME TAX IN 1963 WITH 1968 TAX, INCLUDING THE PROPOSED SURCHARGE [1]—SINGLE INDIVIDUAL

Wage income	1963 tax [2]	1968 tax (including surcharge) [2]	Tax savings (amount 1968 tax is less than 1963 tax)	Tax savings in 1968 as a percent of 1963 tax
$1,000	$62	$16	$46	74
2,000	242	179	63	26
3,000	427	366	61	14
5,000	818	738	80	10
7,500	1,405	1,285	120	9
10,000	2,096	1,916	180	9
12,500	2,887	2,638	249	9
15,000	3,787	3,469	318	8
20,000	5,900	5,410	490	8
25,000	8,324	7,680	644	8
35,000	13,778	12,790	988	7
45,000	19,671	18,273	1,398	7

[1] Proposed surcharge of 10 percent of tax, exempting from surcharge single returns with taxable income of $1,000 or less and joint returns with taxable income of $2,000 or less.

[2] Tax computations assume standard deduction (or MSD in 1968) or deduction equal to 10 percent of income, whichever is greater. Tax is rounded to whole dollars prior to surcharge computation in 1968. Where wage income is less than $5,000, tax liability is from optional tax tables in 1963, and tax liability prior to surcharge is from optional tax tables in 1968.

Source: Office of the Secretary of the Treasury, Office of Tax Analysis.

In conclusion, let me add that I favor a temporary tax increase, provided it is combined with a positive and responsible plan for expenditure reductions. I believe both fiscal measures are necessary to keep interest rates from soaring and to maintain a sound and stable economy.

ONLY THE DEAD HAVE SEEN THE END OF WAR

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. WAGGONNER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WAGGONNER. Mr. Speaker, when the crisis came in the Middle East last June, the Shreveport Times published an editorial, "Only the Dead Have Seen the End of War," a most provocative commentary on the situation at that time. I clipped the editorial and have kept it on my desk in the ensuing months. As the Times prophesied, nothing has really been settled in that churning area of the globe.

Five months after this editorial was written, it is more compelling than the day it was published. For those who share my grave concern over the continuing unrest in the Middle East I commend this editorial:

ONLY THE DEAD HAVE SEEN THE END OF WAR

The superbness of Israel's military forces in the Middle East war, the training of its men and the planning of both strategy and tactics by the generals probably has not been matched—when the size of the nation and its combat armies are considered—since gunpowder was invented.

Above all was the magnificent efficiency of the individual Jewish soldier, fighting not only with head and hands but with a heart bursting with nationalism—patriotism, love of country, belief in his nation's cause. There is no surprise in this. The Jewish Brigade that fought beside France, Britain and the U.S. was one of the most decorated units in World War II.

The competency—from long training and instillation of the sharpest of discipline—of Israel's field leaders and commanders from corporals to generals was outstanding.

The pre-war espionage must have been virtually perfect; the Egyptian Sinai desert peninsula between that country and Israel was crossed by six air-tank-mechanized infantry Israeli military columns in blitzkrieg tactics—heavy air bombing preceding fast moving ground forces—with speed measured by hours, despite heavy Egyptian resistance. The Sinai desert was infested with mine fields, but the Israelis had 100 per cent accurate maps of them. They zigzagged back and forth through the mined areas with ease. The Egyptian air force was virtually wiped out before more than a few planes could get off the ground from the Cairo area—with some air units not even aware that the war had started.

Thus came a military victory in a matter of a few days while much of the world still wondered what was going on. But the wonder was from civilians. Military leaders of most non-belligerent nations—perhaps even Russia, and this would account for its lack of enthusiasm once the shooting started—were not surprised. A pre-war report from General Wheeler, Chairman of the U.S. Joint Chiefs of Staff, to President Johnson, now made public, said Israel could win in three days if its armies got the jump on the Arabs with blitz tactics.

Israel's first attacks on the Arabs—regardless of which side fired the first shots—came through simultaneous launching of 12 separate blitzkrieg columns into Arab territory, each column poised on separate Arab border areas, springing forward on a single command. Some of these columns then were split into a total of 14 driving forces of tanks and mechanized infantry, preceded by heavy air attack, which often left the ground forces little to do except mop up the debris of the Arab fighting equipment, as well as the Arab casualties.

But some Israel leaders are forgetting both facts and history in their repeated and natural proclamations that "Israel did it alone!" It did as to the fighting—but it fought with 1,000 British Centurian tanks—Britain's best—quite a few American Patton tanks, hundreds of French Mirage jet planes—about as good as any nation can put into the air in quantity.

And Israel became a nation in large part through the tremendous pressure put on other nations, through President Truman, by the United States in the late 1940's; and since then Israel has had friendship and financial as well as physical help from the U.S. or France or Britain, or all three.

Russia supplied most of the Arab weapons—two billion dollars worth, it is said. All nations have known of this for several years. Russia and its satellites now are supplying North Vietnam at the rate of two billion dollars in war materiel per year. The United States has put two billion dollars in foreign aid into the Arab lands in past years.

But, what does Israel's conquest mean?

Wars settle nothing and this one can be no more than another incident in 3,000 years of Middle East strife unless Israel arises far beyond its insistence now that it will keep the land it has won by military victory and that Israel alone will decide Middle East boundaries—meaning boundary lines of Syria, Jordan and Egypt, and thus of Israel.

Few years, if any, have meant real victory for anyone. World War I, bloodiest per man and per square mile in the history of shooting combat, was one of history's most useless conflicts.

War II created several dozen new nations, mostly incapable of handling themselves.

Israel's past two conflicts with the Arabs, prior to its current victories, drove a million to a million and a half human beings from the homes of their ancestors. The present conflict already has created another million refugees according to some Middle East estimates.

Israel always has been right as to the Gulf of Aqaba. It has historical claim to all of Jerusalem and the Arabs have an occupational claim—through generations—to what has been their part of the city. The Gaza Strip argument could be settled quickly if common sense were used.

The National Observer (of Washington) editorially says that everyone lost in this Middle East War—Great Britain, France, Russia, the United States, the Arabs and Israel. Israel's Cabinet is split—General Dayan was pushed into the Ministry of Defense three days before combat started, against the will of Prime Minister Eshkol, who tried to prevent war by negotiating. Now the Dayan group want to oust the Prime Minister and have the "warhawks" take over.

That could mean that not only would conquest triumph over common sense, but lust for power—and land—might triumph over even conquest.

Israel, in its war settlement pronouncements, defies the United Nations, the United States and the civilized world in general. The United States, France and Britain are committed by solemn and formal agreement to preserve territorial and political integrity in the Middle East—meaning to prevent expansion of one nation, Arab or Jew, by military conquest. President Johnson reiterated this pledge on May 23. Israel is committed to the U.N. as the world's peace making and seeking organization.

The National Observer, in detailing ultimate losses to non-belligerents as well as belligerents in the conflict just ended, terms "aggressor" a word that is now "mere mockery." It then continues in this way as to Israel's possible losses in a war it won spectacularly:

"For Israel, the damage is more subtle perhaps. First, it looms as an expansionist state in a world tired of expansionist states. Further, there is the problem faced by any expansionist state—what to do with the peoples absorbed. Refusing its obligations towards the Arab refugees from past wars, it now faces the probability that more must be dealt with, Arabs in whom deep revulsion for the Israeli already is rampant.

"Nor will other Arab states forget. Further, granting severe provocation in the Egyptian blockade of the Gulf of Aqaba, Israel nonetheless threw its forces into battle while negotiation was in progress—in fact, the United States may have been an unwitting accomplice by encouraging Arab negotiation while the Israelis put the finishing touches on the blitzkrieg plan.

"Nations going to war do not keep their aircraft on the ground, and by Israeli accounts the Egyptian air force was largely destroyed before a single sortie had been flown.

"Israeli trigger-happiness in strafing and torpedoing a lightly-armed U.S. Naval auxiliary vessel, flying its flag and alone on international seas, has had its effect on American opinion.

"Internally, Israel's unstable domestic politics may face the impact of a crop of warhawk heroes, more skilled in war than

in peace. Such a development, in a land whose people have been forced to become militaristic for survival, is worth watching for."

Truly, as Plato said nearly 2,500 years ago: "Only the dead have seen the end of war."

THE HONORABLE HORACE R. KORNEGAY

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. FOUNTAIN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. FOUNTAIN. Mr. Speaker, I am certain that all Members have seen the press release issued yesterday by our colleague, HORACE KORNEGAY, announcing that he will not be a candidate to succeed himself at the end of this term.

Few, if any, of you outside our North Carolina delegation have seen a copy of his personal statement to the press in his hometown of Greensboro and I am consequently inserting it in the CONGRESSIONAL RECORD in full together with a joint statement issued yesterday by nine members of the North Carolina delegation.

Three members of our delegation have issued separate statements.

Mr. Speaker, I know that all of our colleagues will regret the loss of the services of this distinguished North Carolinian, but few will argue that his reasons are not sound ones. The statements follow:

STATEMENT OF HONORABLE HORACE R. KORNEGAY

Thank you all for coming this morning.

I have a statement that I would like to make and following that I will be glad to submit to any questions you might have.

On the completion of my present term in Congress, I will have spent 20 years in public service—as a soldier, a prosecuting attorney, and a Congressman; and after much thought and soul searching I have come reluctantly to the decision that it is time for me to return home to my family—my wife and our three children. I will therefore not be a candidate for reelection to Congress.

The primary reason for my decision to *not* seek reelection is that the Congressional sessions have become practically year 'round, and for the past seven years I have been deprived of the normal relationship with my family and with my growing children. These are the years when my children most need the presence of a father, and I am sorry to say that my duties in Washingon have made me a father *in absentia*.

I reached this decision, the most difficult one of my life, a number of weeks ago and planned to make it public upon my return home after the adjournment of this session of Congress. It is now apparent that this session will not conclude until shortly before Christmas, if then. And, I feel it would not be fair to wait any longer to inform the people of the 6th District of my decision. Now that you know of my decision not to seek reelection, I want to emphasize that it is *final*.

In less than three years my son Robie will, I hope, enter college, and two years thereafter my daughter Kathy will do likewise. And, the way time flies, it will not be many years before little Martha will reach college age. I feel very strongly the obligation to spend as much time as possible with my children before they leave home.

Some may ask why I have not moved my family to Washington? My answer is that my Congressional duties extend into the evening and often into the late evening. This naturally conflicts with a normal family life. Also, I feel that I have rendered a greater service to the constituency by returning to the District on a weekly basis to talk with the people and to aid them with their problems.

I am grateful for the confidence the people of the Sixth District have placed in me and feel that I have been fortunate in the redistricting process—I have made so many friends I shall always value in the Counties of Durham and Orange and Davidson, as well as Alamance and my home County of Guilford; and I appreciate the kind offers of support which have already been made to me by Caswell and Rockingham Counties, which will be a part of the new 6th District in 1969. This wonderful Piedmont area of North Carolina is the best place in the United States, and I would rather have had the privilege of representing these Piedmont Counties than any other area under the sun.

There are so many to thank for their support and confidence that it would take me years to get around to the individual expression of my appreciation and of my humility in the trust which has been reposed in me through these years.

Let me now say to all my good supporters and to my loyal staff and to all who have borne so patiently with my heavy and rushed schedule: Thanks a million, and may you have the representation you deserve in the future. I have given to you the best of my ability, but I have given you no more than you deserve. I am confident in the hope that our area will continue to progress and to be a shining part of our state and of our nation. I thank you for letting me be your spokesman in the House of Representatives for eight years.

I was elected in 1966 to serve a fourth term in the Congress and I want everybody to know that I intend to continue to represent this district, this state and nation to the very best of my ability for the remainder of my term. I intend to stay on the job for 13 more months and be of the greatest service possible until January, 1969, when some other fortunate person will be sworn in as Representative from the Sixth District in the 91st Congress.

Thank you for coming and I will now open the floor to questions, but I must leave within a few minutes to return to Washington and get back on the job. There is some important legislation coming up in the House this afternoon and I must be there.

STATEMENT BY THE NORTH CAROLINA CONGRESSIONAL DELEGATION, NOVEMBER 27, 1967

WASHINGTON, D.C.—The news that Representative Horace Kornegay will not seek reelection to the Congress is a source of great regret to us as we are sure it is to the people of the Sixth District and all of North Carolina.

In his seven years in Congress, he has established a record of service and devotion to his district, his state and his country that reflects his unquestioned integrity, energy, interest and concern.

As a ranking and influential member of the House Committee on Veterans' Affairs and the House Committee on Interstate and Foreign Commerce, Horace Kornegay will be leaving positions of great importance and authority. In rising to those positions, he has worked closely and diligently with matters of vital concern to all North Carolinians.

In the important Veterans' Affairs Committee, he has helped shape legislation, including hospital, medical, research, insurance and education services, affecting thousands of Tar Heels who have served in our nation's armed services and their wives and children.

As a key member of the Interstate and Foreign Commerce Committee, he has been instrumental in the passage of landmark legislation concerning public health, air pollution control, mental health, mental retardation, traffic safety, medical research, drug abuses and control, and other subjects designed to improve the quality of life for all North Carolinians and all Americans.

Within the North Carolina Congressional Delegation, Horace Kornegay has been a source of inspiration and enlightenment to all of us. His wise counsel will be sorely missed.

Yet, in spite of his record of service, despite his contributions to his district, his state, his nation and to each of us individually, and despite his love of public service, we can understand his decision not to seek reelection to Congress.

The sacrifices of serving in Congress are not without their rewards. But they are also not without limitation.

In view of all the circumstances explained in Horace Kornegay's statement, we understand his decision. We fervently hope, however, that this decision, announced today, does not mean an end to his outstanding record of public service.

SAM J. ERVIN, Jr., B. EVERETT JORDAN, U.S. Senators; L. H. FOUNTAIN, ALTON LENNON, BASIL WHITENER, ROY A. TAYLOR, DAVID N. HENDERSON, WALTER B. JONES, NICK GALIFIANAKIS, Members of Congress.

THE NEED FOR REGISTERED NURSES

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. DULSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. DULSKI. Mr. Speaker, each day there is an increasing need in our Nation for registered nurses, yet the number of graduates is declining and many of the diploma schools have been forced to close.

By 1970, it is estimated that our Nation will have need for at least 210,000 more nurses than we have today. But instead of moving to meet that increasing need, the prospect is that we will not have even as many nurses as we have now.

There were 918 diploma schools of nursing in 1959, but 121 of those schools have been forced to discontinue their nursing education programs in just these few years.

Congress sought to alleviate the situation in 1964 with the Nurse Training Act which I supported. We had high hopes for that program but so many schools already were in such financial plight that they could not qualify for assistance.

It is not a lack of educational facilities—ironically, there were more than 4,000 vacancies in nursing classes entering this fall.

The problem is that many young people who would like to pursue a nursing education cannot afford the increasing tuition rates which the diploma schools must charge to meet their modern-day budgets.

The need for nurses is so acute that I believe we should establish a temporary 5-year program of Federal help that will not only help the nursing schools reestablish their financial footing but also will give limited tuition help to student nurses.

Accordingly, Mr. Speaker, I am introducing legislation today that would:

First, help bolster training resources and staff through annual grants ranging from $12,000 to $24,000 per school, based on enrollment.

Second, improve library resources through matching fund grants not exceeding $6,000 per year.

Third, help reduce training deficits and control rising tuition costs through $400 per pupil grants to diploma schools.

Fourth, authorize the Surgeon General to participate in determining eligibility of diploma schools for assistance.

Fifth, stimulate development of comprehensive plans for nursing education, including development of facilities and recruitment of students, in each State.

LESSONS IN HISTORY

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. KIRWAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. KIRWAN. Mr. Speaker, how many times must we relive the lessons of history to gain the wisdom needed to answer the problems of today. How many times will we have the opportunity to reap the benefits of the great lessons of the past.

We in the Congress are called on every day to give our best advice and judgment on issues of the world. We read, debate, and discuss these issues with all the wisdom and knowledge we possess; yet the lessons of history continue to serve as a pillar of support to answer the issues we face. Such is the article I am pleased to insert in the CONGRESSIONAL RECORD today which appeared in the Washington Post this past Saturday, November 25, 1967, written by Roscoe Drummond:

NEW ISOLATIONISM IGNORES EVERY LESSON SINCE THE TWENTIES

Believe me, it isn't easy to find good reasons for abandoning South Vietnam, for embracing high protectionism, for thinking we can't successfully resist Communist aggression and for fondling the idea about how nice it would be to live in Fortress America.

It does take some mental straining to embrace these propositions but there is a way to do it.

All we have to do is throw over every valuable lesson which most Americans feel they have learned the hard way during the past 38 years.

If we are careless enough and heedless enough to ignore what we have learned from the agony of the Great Depression until today, then it is quite understandable that some Americans will be disposed to repeat the errors of history by neglecting the lessons of history.

There are diverse voices today which, with differing motives, are beckoning the Nation to try to prepare the road to political, military and economic isolationism. If these beckonings are to lure most Americans, their advocates will have to persuade us to reject our whole national experience since 1929 and to conclude that what we learned as a people and as a Nation is no longer true.

These are the lessons to which I refer:

The lesson of appeasement—In the 1930s, during the rise of Hitler when the danger of Nazi aggression was no bigger than a man's fist, the United States sought to keep out of war by withdrawing within itself and by closing its eyes to what was happening. Britain and France and the United States, all of us, hoped that if we threw a few small nations to the aggressor, his appetite would be appeased.

It didn't work and worse war under worse conditions with worse casualties became inescapable. The result—World War II.

The lesson we learned was that the only way to contain the peril of major war is to successfully resist aggression at its start.

The lesson of the depression—At the first signs of economic recession in the late 20's, the Congress turned to the one course of action which speeded up the process, turned recession into depression, made what was bad still worse and delayed recovery—high protectionism under the Smoot-Hawley Tariff Act.

Nearly every economist knew it was wrong but the political fears and the political pressures were too great.

But Congress and every President since 1933 acted to repair this painful mistake, first through the reciprocal trade laws and then through the Kennedy Round of freeing trade at Geneva last year and this. Now 89 Senators have put their names to measures designed to retreat to the protectionist path by providing for import quotas to shield U.S. firms from competition.

The lesson we once learned is that modern industrial economies, from Germany's to Japan's and including our own will suffocate and wither in a world of throttled trade. Foreign trade benefits every nation and we can't afford to throw that benefit away.

The lesson of the new economics—We are supposed to have learned that if we are going to reduce taxes when the economy needs to be stimulated, we must have the political courage to raise taxes when the economy needs to be restrained—as it does today under the impact of the Vietnam war. If Congress reduces taxes because it is politically pleasant and refuses to raise taxes because it is politically painful, we are in for the worst of both worlds.

The lesson of success—The United States, with its allies, has successfully resisted Communist aggression against Greece and Turkey, against Iran, Lebanon and Quemoy-Matsu, against South Korea and the Dominican Republic. We have blunted the instrument of Soviet nuclear blackmail in Cuba.

It is a record of remarkable success.

The defense of South Vietnam may be painful, but resisting aggression at the start is the way to avert worse war under worse conditions with worse casualties.

ADDRESS BY UNDER SECRETARY OF AGRICULTURE JOHN A. SCHNITTKER

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PURCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. PURCELL. Mr. Speaker, the Under Secretary of Agriculture, Dr. John A. Schnittker, made an outstanding address on November 22 in Wichita, Kans., at the Chamber of Commerce Farm-City Week luncheon.

I believe this hopeful and optimistic expression deserves the attention of my colleagues. It follows:

ADDRESS BY UNDER SECRETARY OF AGRICULTURE JOHN A. SCHNITTKER AT CHAMBER OF COMMERCE FARM-CITY WEEK LUNCHEON, LASSEN HOTEL BALLROOM, WICHITA, KANS., NOVEMBER 22, 1967

One night in September Eric Sevareid interviewed a guest on television. The thoughts expressed on the program brought a tremendous response from Americans who have been aching to hear someone say something good about their country. So it was repeated in November.

The viewers learned something good about America that night. They saw a craggy-faced, 65-year old longshoreman express his faith in America in words so eloquent and so compelling that no one who heard them could fail to be moved.

In an hour Eric Hoffer, laborer, philosopher, author and champion of the common man, put to rout the cynics who predict that America has had her finest hour, and that mankind is headed toward a dead end. Afterward, he found himself hailed as an authentic voice of America.

What did he say that was so electrifying? Nothing really new. It was just that no one had said it for so long that it sounded new . . . and good . . . and worth saying.

He said that ours is a great nation—the greatest in history, the country in whose hands rests the fate of the world.

The magic of his message lay in the fact that he cut straight through to the heart of the matter. He acknowledged the unsolved problems, the setbacks, the disappointments and frustrations. But he resoundingly affirmed his belief that America is *still* America . . . and that this country is *still* moving up.

For months, now, we've heard that this country is going to the dogs in a hurry . . . while virtually every conceivable measuring stick tells us just the opposite!

We can hardly pick up a newspaper or a magazine, spend an evening watching television or listening to the radio, see a movie or hear a lecture, without being told what's wrong with America.

Now the truth is, there are many things wrong with America.

As a people, perhaps we are over-materialistic. Too often we do equate money with success. We are, to some degree, pleasure-minded.

We are the wealthiest nation that ever existed . . . yet we do have in our midst abject poverty—rat-infested slums—hunger—polluted water and air—crime in epidemic proportions—congested cities—empty countryside—and a growing alienation among our youth.

But it is one thing to recognize shortcomings and another to be dominated by them.

I'm disturbed, and I'm certain many of you are, by the developing habit of running America down.

We see it in the growing practice of headlining our faults out of proportion to reality.

We see it in the chronic negativism that condemns mistakes, however small, by our leaders—in Wichita or in Washington—while overlooking both the complex nature of today's problems and the mistakes of others . . .

We see it in efforts to avoid the responsibility of proposing and working for a better community, a better State, or a better world.

And we see it in the growing proportion of Americans who are, as the Hippies put it, "tuning in, turning on . . . and dropping out." Dropping out of *all* responsibility.

It shouldn't be necessary to say this, but

I want it to be clear that I am not in any way calling for an end to criticism.

The right to dissent is basic to the integrity of our democracy. Every responsible person wants to protect it. But what I am suggesting is that what we need is less negative criticism and more constructive criticism . . . dissent is perspective.

Everything is *not* wrong in and with America. Indeed, there is far more that is *right*.

Winston Churchill said that "Democracy is the most ridiculous system of government ever invented . . . except all the others."

Perhaps we could paraphrase Churchill and say that America is the worst country in the world—except all others. For when we compare this land of ours—its freedom—its capacities—its generosity—its potential—its idealism—then, despite the flaws, we must admit there is far more to admire than to condemn.

What is *right* with America?

Let's start at the material level.

We have the highest standard of living, the greatest wealth per capita, in the world.

I see no reason to apologize for this. Wealth and productivity are positive things, goals that people have sought since history began. We in America have achieved those goals—and should not be ashamed because we have.

This month our business expansion became the longest uninterrupted economic expansion in history. The expansion which started in February of 1961 is now entering its 81st consecutive month . . . 50 months longer than the average business boom.

But there are far more things right with America than the mere concentration of wealth.

America is a unique political creation of a design so grand it promises the ultimate evolution of a society in which every individual has a chance, in which each individual is of value, in which no individual is irreparably damaged by preventable circumstances. On a loftier scale, a society that will release the full human potential, enhance human dignity, and free the human spirit.

America has seen in the past four years a series of breath-taking advances in personal freedom and economic opportunity.

The 89th Congress voted more Federal funds for education than all the previous Congresses together. The 89th Congress voted nearly as much money for the Nation's health as all of its predecessors put together. And that money has been put to work.

The Economic Opportunity Act of 1964 was the "breakthrough" law that launched 10 separate programs coordinating an attack on the multiple causes of poverty . . . and today there is 25 percent less poverty in the United States than there was just seven years ago!

The Elementary and Secondary Education Act of 1965 is helping almost every school child in the country, and the Higher Education act is assisting millions of college students.

For the first time in history, American cities and the transportation industries that link them together are represented in the highest councils of government. Through the new Department of Housing and Urban Development, the Federal Government can now do effective battle with the physical and social decay plaguing many of our cities. Through the Department of Transportation we have taken the first steps toward a national transportation policy.

The Food and Agriculture Act of 1965 has increased farm income, reduced price depressing surpluses, and enabled us to meet world competition in farm exports.

And this decade has brought much more: Medicare, the Civil Rights Act, the Peace Corps, the Nuclear Test Ban, more water projects, Social Security increases, expanded agricultural research . . .

I list these accomplishments not for any partisan purpose to challenge the growing suspicion that America is not on the move—that Americans have lost sight of the grand design for our society in their headlong race for personal gain.

Eric Hoffer put it this way: "Anybody who writes a book about America and doesn't mention kindness doesn't know what his country is. You don't sing about it . . . this is part of our life."

Yet while many people work for the benefit of *all* people, there are millions of their fellow citizens not yet fully conscious of the challenge; there are others who are not committed to the values involved; still others are bitterly disillusioned that the millenium has not yet arrived; and some so apathetic or cynical they believe nothing good can be achieved.

To the disillusioned, I say: A better life is not built in seven days . . . or seven years . . . or seven decades. A nation is never finished nor is a state. Each must be built and rebuilt by succeeding generations. But neither can be built for even one generation unless every sector of the society, and every person in it, does his bit, in partnership with one another.

Whatever the job, it is absolutely clear that the Federal Government cannot do it alone. Let me give you one little statistic that rather dramatically illustrates both the demands on Federal authority and the limits of Federal action.

We hear constant complaints about crime in the streets and insistent demands that something be done about it. Most of the complaints and most of the demands are aimed directly at Washington.

Yet the Federal Government controls only 5 percent of all the law enforcement personnel of this country! Ninety-five percent are State or local officers. Obviously, the Federal Government alone cannot wipe out crime. Nor does it have the major responsibility for doing so.

I know I am echoing the sentiments of Kansas businessmen and farmers when I speak of the importance of local responsibility. There is another area where local initiative is increasingly important. This is in the creation and development of tomorrow's communities. If we are to have living and growing town and country communities linked together not only by highways, but by education systems, medical units, governing systems, comprehensive plans, and by a spirit of community action reminiscent of pioneer days, it will take a calibre of personal leadership even the pioneers never knew.

National Farm-City Week is an appropriate time to consider this emerging community of tomorrow. Here in the Plains, developments in agriculture, in transportation and in communication have changed many things in the last 40 years. But they have not altered the interdependence of town and country. They have reinforced it.

The interdependence of the past between farm and city is only a hint of the future.

On another occasion, speaking in Kansas, I called attention to projections of economic growth by regions of the country, projections which indicate that in the Plains and the Midwest, people are coming into the labor force faster than jobs are being created.

In other areas of the U.S., especially the West and Southwest, jobs are being created at a rate which is outrunning the availability of people, *in that area*, to fill them.

If these trend projections are borne out by events, it will mean further concentration of industry and people in a few areas of the country—in a nation where 70 percent of the people now live on 1 percent of the land—and where it is already clear that the costs of further population concentration will be enormous.

It is difficult for us to realize just how congested some parts of our cities are. In Harlem, for example, the population density in 1960 was more than 122,000 persons per square mile! If all the people of this nation were so congregated, our entire population of 200 million could be accommodated on Long Island.

You know as I know this terrible crowding of impoverished human beings leads to desperate, hopeless people—and to riots and looting which are the instruments of hopelessness.

Last summer's riots caused the death of 85 persons, injury to more than 3,200, and the arrest of 16,000. They cost—in destruction of property and riot related expenses—hundreds of million of dollars.

All of this points up the crucial importance of the right answer to this question: Where will the 100 million more Americans of the Year 2000 live? Where *can* they find jobs and a chance for decent lives in a place where they *want* to live?

The unhappy fact is that in *this* moment in time a great many Americans have no real choice, for their dreary options are often either a decaying countryside or an exploding gnetto.

In less than two decades, the countryside across the nation has lost 20 million persons to the big cities. *And it is still losing them at a rate of 500,000 to 600,000 a year.*

Obviously, not all of these rural migrants wind up in ghettoes. Some have been able to better their lives by moving to the cities. But just as obviously, a great many rural people *do* wind up in ghettoes. Indeed, city ghettoes and slums have been described as little more than the spillover from rural slums.

The challenge before America is to offer people a real choice of where they want to live and to work . . . and not just a geographical option between slums.

Can it be done? I think it can. There is *much* that we can do about it—much that we are *already* doing—and more that we *must* do.

There is an alternative to city-suburban living for that part of the population which chooses such an alternative. For want of a better term, I call that alternative the "town-country community."

We *can* influence settlement. We *can* allocate opportunities to various areas. We *can* generate communities that will entice people to leave their deteriorating suburb, their high rise from nowhere, their nasty ghetto. Man makes himself. This is what we live by.

Outside the great metropolitan areas, there are now some 300 identifiable non-metropolitan complexes made up primarily of farming, small manufacture, recreation, and other "open" land, and dotted here and there with villages and small towns where people live and trade and are tied together by one or more small cities—cities that are growing and moving forward.

Such multi-county town and country communities are a realistic alternative to mass urban agglomeration.

There is more fertile ground for domestic peace and tranquility in these areas than in the cities. There is not the crowding. Not the pressure of people, one against another. Not the indifference and impersonality. Not the deep running bitterness you find in so many of our cities.

Don't misunderstand me. I am not saying that the small towns and farming areas of America are models of sweetness and light and the cities a chamber of horrors.

With Lewis Mumford I can say: "Men have loved cities"—and I am one of them. "Loved them for their beauty and power, for their variety and animation; loved them as one loves old friends, for their own sakes, despite their many historic shortcomings."

But I am alarmed that these great cities of ours, established as centers of wealth, culture, education, and refinement, have become pitted with crime, disease, unemployment, poverty, and pollution.

One reason why we must encourage the

smaller cities and revive the countryside is to save our largest cities.

If we are to succeed, however, we must first lay to rest some of the damaging myths that sap the strength of our efforts.

The first of the myths holds that *the mass stacking up of people in cities is inevitable.* Why is it inevitable? I've not yet found a convincing argument that it is. The problems of the largest cities *and* of the countryside *demand* that we not yield to this alleged inevitability.

Then there is the myth that *Americans are a city people and want to live in cities.* Millions of metropolitan Americans don't live in the city at all. They live in a suburb, because it's the closest thing to a small town environment they can have while they work in the city. National polls have shown that a majority of our people would prefer small town living to city living, if they had the job to go with it.

Another myth: *The family farm is disappearing and the small towns are drying up.* The truth is that a good 95 percent of all U.S. farms are still family farms. The family farm is getting stronger, not weaker. And while it is true that many tiny towns and crossroad villages are in eclipse, it is equally true that there are thousands of rural towns and agriculture-based cities ranging in population from a few hundred to 50,000 people—towns not only healthy, but the fastest growing population centers in the nation.

Still another myth: *The concentration of some 80 to 90 percent of all our people in a few major urban regions can be accomplished without major damage to the fabric of society.* Can anyone seriously believe this, in view of the urban decay already so evident?

Mayor Davis of Kansas City said last year, ". . . a city can get too big simply because the cost of providing services increases out of all proportion to total population growth."

In some cities during rush hours, it's faster to walk than take a cab. Trucks cross town at an average speed of 6 miles an hour—slower than a horse and buggy in the old days.

Our cities are still centers of culture, the museums filled with art, the theatres bright with stellar performers. But in many instances it's the tourists who flock there. The city residents stay home in droves. It just takes too long to get back and forth.

Modern man, as Arnold Toynbee has said, is already threatened with a "relapse into his 19th century plight of being the prisoner of the city, and, this time, with no possibility of escape." This is not a pleasant prospect because as Toynbee adds, "an inescapable city cannot be a seedbed for vegetables or cereals, but it has often been a seedbed for riots and revolutions."

We pride ourselves in America on the options and alternatives people have as consumers in the market place, in where they will work, and at what—in the many different ways of living open to most of us.

Let's work toward a pluralistic environment too. Let's give people a choice not only of the house they live in but also whether it be in the inner city or the small town, the suburb or the rural community, California or the Great Plains.

Keep before your eyes the vision of 300 million Americans living at ease with each other and with their environment in an attractive land—a land dotted with clusters of renewed small cities and towns, sprinkled with the farms of a prosperous agriculture, and marked by great cities standing tall, free of pollution and blight, and unmarred by massive social discontent and disorder.

Keep in your mind's eye and in your business plans, and in your long-range targets, a Kansas that is growing as fast as Arizona or California—a Kansas dotted with new industry—a prosperous dryland and irrigation agriculture geared to growing world markets—a cattle growing and feeding business geared to better diets through more beef as incomes rise—an economy and a people built on hardwork and faith in education and research and excellence.

We can build such an America and such a Kansas. We can have it long before the year 2000. But it will take the energy, the determination, the imagination of farmers, business, architects, engineers, labor unions—of every thinking American working shoulder to shoulder.

I am hopeful for the future of America and of Kansas. I am hopeful because people like you—farmers and businessmen and lawyers and doctors—town and country—united for mutual strength, make an unbeatable combination.

NEED FOR ACTION TO COUNTER CRIME IN OUR CITIES

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. FARBSTEIN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. FARBSTEIN. Mr. Speaker, the recent wave of muggings in New York, some of which have occurred in my district, should be a matter of concern to city dwellers everywhere. It points to the need for immediate enactment of anticrime legislation, which the House has already approved. But the very senselessness of these acts, performed for petty gain or no gain at all, suggest strongly that at their root is despair, self-contempt, and indifference.

We are fooling ourselves if we believe that placing a priority on riot control will solve the fundamental social problems that serve as a catalyst for urban unrest and crime. I support legislation aimed at strengthening local law-enforcement agencies in order to protect our citizens against the tragedy of riots and against organized crime. But, to me, it is of crucial importance that our society be mobilized to attack the basic cause of this problem: personal despair. I believe these muggings are further evidence that through the war against poverty and related programs, we must assure all citizens the opportunity to lead productive lives. In my judgment, this is the only way to make our cities truly safe for all citizens.

BILINGUAL TEACHING "WORKS," OR—SI APRENDEN EN DOS IDIOMAS

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. PEPPER. Mr. Speaker, on November 13, the House Education and Labor Committee reported the Bilingual Education Act for full House consideration. As one of the original cosponsors of this legislation, H.R. 9896, I was indeed honored to be asked by my good friend and colleague, the gentleman from New York [Mr. SCHEUER] to be a cosponsor of the committee-reported bill, along with 23 of my colleagues. More than 30 bills have been introduced into the House and Senate to amend the Elementary and Secondary Act of 1965 so as to provide for such a program as bilingual education. I feel that all of my colleagues who have done so, have again shown this Congress is very much aware of the need to establish this needed program.

Mr. Speaker, I would like to call to my colleagues' attention a story which appeared in the Miami Herald concerning the Dade County public school system's bilingual education program. Since I am honored to represent this area of my fine State, along with my colleague, Congressman FASCELL, I am most proud to see that this school system, the sixth largest in the Nation, has taken the initiative to begin its own bilingual education program and has now become one of the model bilingual school systems in the country.

I would like at this time to insert this article by Georgia Marsh of the Miami Herald staff, on this magnificent program in Dade County:

CORAL WAY ELEMENTARY EXPERIMENT: BILINGUAL TEACHING 'WORKS,' OR . . . SI APRENDEN EN DOS IDIOMAS

(By Georgia Marsh)

Take a group of Cuban youngsters who speak only Spanish and a group of North American children who speak only English, and put them in the same classes.

The result, at Coral Way Elementary, is not confusion but a model school teaching in both languages that:

Recently drew praise from a top U.S. education official.

Has drawn visitors from almost every part of the world.

Has a principal, Joseph Logan, whose original reluctance has been converted to all-out enthusiasm. He now recommends bilingual teaching go "countywide."

Five years and some controversy later, Coral Way's experiment in total pupil bilingualism is registering as a success. It recently won praise from U.S. Education Commissioner Harold Howe.

Under the bilingual program, all students spent part of the day learning in Spanish and part learning in English.

Three years ago a group of Coral Way parents objected to a combination fifth and sixth grade class formed for students who did not want to participate in the bilingual plan. The parents wanted separate classes for the two grades but the size of the individual classes did not justify hiring two fulltime teachers. The students have since gone on to Junior high.

Logan said about a dozen parents who also transferred their children out of the school when it went bilingual but said these resulted from "individual problems."

Coral Way's entry into the bilingual education field is but one of several new educational programs which are the result of the huge influx of Cuban school children here.

The influx started out as a "crisis" in the early 1960s but is now viewed as a "blessing," by Paul W. Bell, supervisor of bilingual education.

Faced with the "fantastic educational challenge of absorbing thousands of Spanish-speaking children, Dade schools responded by providing significant new educational programs.

In addition to Coral Way, Dade's projects include a native language curriculum for Spanish-speaking children. Under this program, about 10,000 Spanish-speaking students study Spanish just as North American students are required to study English every year.

The influx also led to the development of special first and second grade reading books for non-English speaking pupils known as the Miami Linguistic Readers. It is now used nationally.

Dade's school population of 212,000 includes 22,500 Cuban children and another 7,500 from other countries where the native language is Spanish.

In 25 of Dade's 213 schools, the native Spanish-speaking pupils make up half, or more than half, the total school enrollment.

And the number of Cuban children increases by 300 each month as daily flights bring refugees to Miami.

"The influx was the catalyst for developing new programs," Bell said. "The needs were not new but the crisis and federal assistance made it both imperative and possible to meet those needs."

Federal aid this year is $10 million, given so Dade can provide without higher taxes the same education for refugees as is provided for children who are permanent residents.

The money goes into the school system's general operating budget.

Bell said it costs an additional $25 a pupil to operate a bilingual school. The funds are needed for special materials and teacher aides.

But, Bell continued, the purpose of the bilingual program is "not to help Cuban children keep up. The purpose is to prove that children can learn a second language."

Proof it can be done is evident at Coral Way where native Spanish-speaking students and native North American students converse so easily in either tongue that it is difficult to determine a child's native language.

Studying in a second language has not hampered the student's learning ability either, Bell and Logan say.

Mrs. Josephine Sanchez, a bilingual teacher, said test grades show a normal curve following the ratio of five Cuban students to every two North Americans enrolled at the school. "For every five poor Cuban students we have two poor North Americans," she explained.

Coral Way starts its bilingual program in first grade. As the pupils progress they spend more and more time learning in the second language so that this year's sixth graders are working equally in both languages.

Bilingual teaching does present some problems. Teachers work in teams of three and sometimes find their schedule forces them to move to next subject though they would prefer pounding home a particular lesson a few minutes longer.

Principal Logan said students don't sacrifice anything but "busy work" the nonessential material often used just to fill out the school day.

Logan, who originally was apprehensive about the bilingual plan, now is convinced that "any child can learn a second language."

Coral Way's program has been adopted in modified forms in schools throughout the nation.

In Dade, bilingual education has spread to Feinberg and Mae E. Walters Elementary schools. Shenandoah Junior High now offers two hours of bilingual teaching to students coming from Coral Way.

At Feinberg, Principal Bernard Nissman is sold on the idea but cites "lack of space and materials" as some of bilingual teaching's special problems.

"We have to adapt rather than adopt materials," Nissman said.

Still another need is inservice training for teachers. "With 13 per cent of our school population speaking Spanish, more of our teachers should at least be aware of the instructional needs of the bilingual student so they can help with regular classroom work," said Bell.

Bell considers money spent on the bilingual program "a good investment . . . One of the fascinating things we are discovering is that the total spectrum of education can be bilingual. Anything we can do in one language we can do in two."

NEW CENTRAL AMERICAN CANAL

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. PEPPER. Mr. Speaker, Mr. Lee Ruwitch, publisher of the Miami Review and Daily Record of Miami, has made a bold proposal regarding U.S. rights in the future canal paralleling the Panama the Panama Canal in Central America.

The Miami Review is a very vital publication in our area and is of special interest to the legal profession. So that my colleagues may have the benefit of the suggestion of the able publisher of the Miami Review, I wish to insert it in the RECORD at this point:

BOLD STEP IS NEEDED

Why can't the United States take a bold step into the future by ending once and for all the question of control over whatever canal will be built across Central America?

The step would mean outright purchase of whatever land is needed, no matter what the price. On the surface, this may seem like a visionary plan, but our history is replete with examples of such purchases. At times, in the past such bold action was needed—and it was taken. Why not now?

An outstanding example, of course, was the purchase of Alaska from Russia in 1867 for a price of little more than $7 million. The deal was known at the time as "Seward's Folly," but who today questions the wisdom of that step?

Even though details of the proposed treaties between the U.S. and Panama dealing with the Panama Canal are not fully known, it is apparent that whatever compromises are finally reached, a lasting and peaceful settlement will be next to impossible to achieve.

This is a pessimistic view, but a realistic one. On one hand are the U.S. citizens, in public office and out, who strongly regard the 10-mile-wide Canal Zone cutting across Panama as a strip of U.S. soil. It is unthinkable to them to yield any measure of control over the famed waterway. They are certain to fight for their views when treaties come up for ratification and debate in the U.S. Senate.

Ranged on the other side are an untold number of Panamanians, sparked by a long pent-up nationalistic fervor, who regard the Zone as their own land and want complete sovereignty. They are resentful of some 50 years of what they regard as U.S. dominance and want it ended. It is hardly likely that any compromise on the treaties will be more than a truce.

It is clear that a new Canal must be built. The present "Big Ditch" is becoming outmoded and its days are numbered as demands of world commerce increase and more and more ships are being built of such huge size that they cannot fit into the present Canal's locks.

Extensive studies are underway to determine the site of a new and sea-level Canal. Two of the four proposed sites are in Panama. One is in the region of the present Canal, the other in Panama's Darien region. The others are along the Nicaragua-Costa Rica border and in northwest Colombia.

A prime consideration will be to select a route where nuclear excavation will be feasible. That is an engineering problem of no small dimensions, but tens of millions of dollars can be pared off the cost of excavating by conventional methods.

No doubt the engineers can and will solve such problems. But no slide-rule calculations can solve the problems of nationalism. The answer would be purchase of the necessary land. Certainly, a purchase need not affront national pride. The amount of land needed is proportionately small even in relatively tiny countries. It seems certain that any affected country would consider how land values would rise in the Canal area, how virgin areas would be opened for use, and how health controls could improve the public welfare.

The idea is bold, but it is worth considering. With this assurance, the U.S. could concentrate peacefully and efficiently on operating a waterway for the ships of all nations for years to come.

PATIENCE AND PERSEVERANCE MUST BE OUR WATCHWORDS IN VIETNAM

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. BYRNE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. BYRNE of Pennsylvania. Mr. Speaker, two of America's most distinguished public servants—Gen. William Westmoreland and Ambassador Ellsworth Bunker—have recently given the American people an on-the-spot report and evaluation of American progress in Vietnam.

General Westmoreland saw a gradual limiting of the American involvement there, with a possible deescalation of our military presence.

Ambassador Bunker gave a very valuable rundown on the political, economic, and pacification programs which have also led to positive results in elections, a more viable economy, and securing the countryside from hostile forces.

Mr. Robert Spivack, a noted Washington journalist, commented on these reports in his Thanksgiving newsletter.

It is Mr. Spivack's assessment that in about 2 years South Vietnamese military forces will be able to hold their own against the Communists.

It was also Mr. Spivack's opinion that in the months ahead the United States will not increase its troop commitments, that there will be no invasion of North Vietnam, that, unfortunately, there will be no negotiations, and that the Red Chinese will not enter the conflict.

The end will come, Mr. Spivack said, when the Communists dissolve into the rice paddies. There will be no formal victory or defeat to signal the end.

This seems to me to be a very accurate assessment of the Vietnam situation.

It also seems to me to suggest that the American people must have patience and

must persevere in a war which will not have a classic ending.

Ho Chi Minh is being beaten. The Communists are being beaten. The United States is paying a price in men and materials, but the Communists are paying a much higher one. Yet, the middle course of staying with it seems to be the only plausible and realistic course for the United States to pursue.

Spivack says of Ho Chi Minh:

Now he is practically beaten. How soon the Communists will understand that message will determine how much longer the fighting will go on and how many more men must die.

I insert in the RECORD the Thanksgiving "Watch on the Potomac" report of Robert G. Spivack:

WESTMORELAND'S HOLIDAY CHEER

(By Robert G. Spivack)

WASHINGTON.—There is understandable skepticism about reports that we are now witnessing the beginning of the end of the war in Vietnam.

Even though the reports come this time from two cautious and realistic insiders, Gen. William C. Westmoreland, and Ambassador Ellsworth Bunker, it's hard to believe that the worst may be over rather than that the worst is yet to come.

There have been so many disappointments over the last two years and so much Hanoi-inspired confusion and propaganda that many people do not know what to believe. For reasons which may or may not have been valid, the Administration has always countered Communist propaganda in a low key so that many people do not know who the "enemy" is; many think its LBJ, not Ho Chi Minh.

Westmoreland and Bunker have both been quite careful in what they have told the public at large and also what they have told members of Congress behind closed doors. As the news from Vietnam indicates the Communists have not yet laid down their arms. There will undoubtedly be dramatic incidents of sabotage and terror and perhaps also some more battlefield encounters just to convince the world that they are not surrendering.

None of this should surprise us. But neither should it cause great alarm.

As I understand it, what is happening in Vietnam is that we have about two more years of more or less intense fighting but with the South Vietnamese forces gradually growing strong enough to take over many of the security chores themselves.

There is no immediate—or anticipated—need for sizeable increases in U.S. troops. We do not intend to invade North Vietnam unless every present calculation proves wrong. We do not expect Red China to come in.

There will be no negotiations with the Communists, the fighting will just peter out as they realize they are getting nowhere. But there will be no Communist surrender or, as Westmoreland put it, any "classic" conclusion to the war. The Communists will do what they have done in the Philippines and elsewhere when beaten, just sort of vanish into the hills.

Until this outcome is assured the President will keep up the pressure on the Communists in both the North and the South. He is not the least bit impressed by those who call for an end to U.S. pressure because the Communists have made it clear they do not want a negotiated settlement.

Through all this period of escalation it has been clear—except to those who will not believe what they see—that it is Ho Chi Minh who values life cheaply. Even allowing for his initial miscalculation about U.S. determination, there has been ample time for him to turn around, save his people's lives and end the conflict on honorable terms anytime he wanted to do so. He chose not to do so, with incalculable harm to his own people, their property and their pride.

Now he is practically beaten.

That, as I understand it, is what Westmoreland and Bunker are telling us. How soon the Communists understand their message will determine how much longer the fighting will go on and how many more men must die.

SPEECH BY MISS MARILYN WINSOR APPEARING IN THE WOONSOCKET CALL

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. ST GERMAIN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ST GERMAIN. Mr. Speaker, the lips of the very young sometimes utter some very profound thoughts to which we should all take heed.

Such was the case depicted in the Woonsocket Call, the highly esteemed newspaper of my native city in Rhode Island.

Students in the eighth-grade speech class at Lincoln Junior High School were called upon to assume the role of President Johnson at a press conference. One very articulate member of the class, Miss Marilyn Winsor, of Lime Rock, delivered an exceptional speech which is worthy of great praise and attention.

In her remarks, Miss Winsor asked a very poignant question:

How can we set an example for other alien countries when we, ourselves, do not know how to act?

It is a question to which we should all address ourselves, for the measure of America's worth to the world is to be found in the degree to which our ideals at home are achieved. If the scene at home is one of moral decay and civic irresponsibility, how can we ask others to follow in our wake?

I insert Miss Winsor's address, as noted in the November 24 edition of the Woonsocket Call, into the RECORD so that my colleagues may also be afforded the pleasure of reading this very profound and eloquent address:

FROM BRIGHT EIGHTH GRADER: "IF I WERE PRESIDENT . . ."

LINCOLN.—While the adult community is faced daily with problems at home and abroad, what are children thinking?

Some adults tend to put children down—to relegate them to the corner because "they don't know anything about what is going on." Is that necessarily so?

Edward D. McCarthy, who directs a speech class at Lincoln Junior High School, asked his eighth-graders recently what President Johnson might say at a certain press conference.

"In fact," McCarthy said, "you be the President and make a speech."

The best result, McCarthy said, came from Marilyn Winsor of 243 Angell Road, Lime Rock. The youngster is quite articulate. She plays the guitar and sings.

Marilyn's "presidential" address to the nation follows:

"My fellow Americans, we are gathered here today, not to talk about our foreign policy, not to talk about the war in Vietnam, but to talk about what is happening here right in our own towns and cities. You all know what I'm talking about. I'm talking about the protest marches, the millions of narcotics charges, the problems in juvenile court, and many, many others.

"How can we set an example for other alien countries when we, ourselves, do not know how to act? If we could prove to ourselves that we can live in peace within our own borders, we might be able to spread the feeling.

"We have so much to be thankful for, why do we turn to narcotics for pleasure? If we want peace, why do we show it with protest marches? If you want to be well-off, healthy young Americans, with nothing and no one against you, why do you turn to robbery when you know you can only end up on the wrong side of the scale?

"I have tried my hardest to do what is right for this country, but I am only human and I make mistakes, many of them. I cannot improve this country without your help. I ask you to march forward with clean hearts and help me on my way.

"A man is just a man, but men in unison are one strong barrier against what is wrong. I hope you will think about your next protest march or dope party, I ask you to march forward in unison as Americans."

LEGISLATIVE PROGRAM ADOPTED BY VETERANS OF WORLD WAR I

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. DANIELS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. DANIELS. Mr. Speaker, I am inserting the legislative program of the Veterans of World War I, Department of New Jersey, in the RECORD following my remarks.

Mr. Speaker, this Nation—for reasons which I cannot understand—has never shown the degree of consideration to World War I veterans that it has shown to those who served in earlier and later wars.

Those men who served in 1917 and 1918 are now over 70 years of age. Is it not possible, Mr. Speaker, for this Congress to make amends for the years of neglect to our forgotten veterans?

I hope that all Members of this House will heed the requests—which as I see it are not excessive—of the veterans. In our time of need these men came forward. In their time of need, can we do less?

The legislative program follows:

LEGISLATIVE PROGRAM ADOPTED BY VETERANS OF WORLD WAR I OF UNITED STATES

We propose the elimination of Social Security and other retirement programs to which the veteran has contributed for consideration as income for the purpose of qualifying for pension.

(a) The corpus of estate not be considered for pension purposes.

(b) We believe the present law pertaining to spouse's income is unrealistic and we propose this amount be raised from $1200. to $2000.

(c) We believe that income limitations should be set at $2400. if single for veteran and widow, and $3600. for veteran with dependents.

(d) An escalation clause for compensation and pensions according to the cost of living index.

(e) A cost of living increase for all veterans and widows under the law in effect as of June 30th 1960 should be granted.

(f) Eliminate the annual financial report when veteran reaches the age of 67.

2. Increase in the basic rate of compensation payments for the service-connected veterans, and statutory awards.

3. Elimination of the so-called pauper's oath for purpose of entering VA hospitals.

4. Out patient care and medicines for veterans and widows over 65.

(a) Nursing home care under the VA to be expanded to 8,000 beds in addition to an increase in contract nursing home beds. Eliminate six month's clause in nursing home care.

5. National cemeteries should be established in Alaska and other areas. National cemeteries should be enlarged and new ones should be established where the need is greatest according to veteran population. The entire program should be under the administration of the VA.

(a) In view of modern cost of living, burial allowance of $250 is unrealistic, and we believe this should be increased to $350.

(b) We vigorously protest the discrimination in effect with regard to burial in Arlington National Cemetery, and we recommend that burial space be made available to all veterans without restrictions until filled, after which it should become a National Shrine.

SNEAK ATTACKS ON AMERICAN FREEDOM

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. ANNUNZIO] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, in the November 29 edition of the Christian Century magazine, a timely editorial appeared on the Subversive Activities Control Board entitled, "Sneak Attacks on American Freedom."

The Christian Century magazine is one of the most respected religious publications in America, and I call this editorial to the attention of my colleagues in the House because it is forthright in presenting its position with reference to H.R. 12601, which threatens some of the inherent rights and liberties enjoyed by the American people under the Constitution of the United States.

The editorial follows:

SNEAK ATTACKS ON AMERICAN FREEDOM

Before Congress at present are two companion bills that if passed will revive the (McCarran) Internal Security act, Title I, and its agency, the Subversive Activities Control Board. If these assaults on American freedom are defeated, several similar threats wait their turn in the legislative wings. The people of the U.S. thus face from their own Congress grave threats that only they can repulse. When the (McCarran) Internal Security Act, Title I, was passed over President Truman's veto in 1950, he said of it: "It would put the Government of the United State in the thought-control business . . . give Government officials vast powers to harass all of our citizens in the exercise of their right of free speech . . . open a Pandora's box of opportunities for official condemnation of organizations and individuals for perfectly honest opinions which happen to be stated also by Communists."

President Truman then put the matter most cunningly but truly: "This is a time when we must marshal all our resources and all the moral strength of our free system in self-defense against the threat of Communist aggression. We will fail in this, and we will destroy all that we seek to preserve, if we sacrifice the liberties of our citizens in a misguided attempt to achieve national security."

Fortunately some of Truman's strictly personal opinions never became law, but as President he was almost clairvoyant in detecting threats to the basic rights of the people and courageous in fighting for those rights. As he predicted, the McCarran act was the legislative soil in which macarthyism flourished for years. Seventeen years of litigation proved the act unconstitutional and unenforceable. After years in which it nevertheless spread its mischief throughout the country this legislation was finally declared inoperative by the courts.

Now that war fever has begun to grip many of the people, the fungus of tyranny—which never dies—flares up again. A fearful and confused people are in danger of surrendering their birthright. Conservative members of the Senate and the House—many of them southerners—are applying deceptive cosmetics to the McCarran act in the hope of making it acceptable to the people, but these cosmetics do not make this kind of legislation more attractive to intelligent men or less deadly to any of us. The bills to which we refer and those that will come to the fore if these are defeated should be vigorously opposed by the people if they want to resist the current attack on their freedom.

The first of the deadly twins is S. 2171, a bill that bears the name of Senator Everett M. Dirksen (R., Ill.) but, we understand, was produced by the Senate internal security committee chaired by Senator James O. Eastland (D., Miss.). One of the purposes of the Dirksen bill—perhaps the primary one—is to reclothe the McCarran act so as to make it acceptable to the people and thus stifle criticism of the most unpopular war in American history. (It is difficult to imagine President Johnson vetoing this one, even though he should.) Senator Dirksen made this intention clear in a statement quoted by the *New York Times* on October 12, 1967: "The time for fooling is past. We have 475,000 youngsters and oldsters out in Vietnam. What do you think they think when they read about these things going on in the Senate—people trying to stop the Subversive Activities Control Board from doing its work? What does the Senate think the North Vietnamese and Vietcong are composed of, if they are not reds? . . . Are we going to . . . let them run loose here in this country, or are we going to come to grips with them?" The voice is the voice of Dirksen, but the hands are the hands of the radical right that flies into a rage at the slightest criticism of the United States. If passed, S. 2171 would silence dissent against the Vietnam war at the very time dissent is most needed.

The companion bill in the House—H.R. 12601—was produced by the House Committee on Un-American Activities (HUAC), and all its sponsors—except one from Missouri—are from the south. We at first thought it might be helpful to cite sections of the bill that are particularly bad—but they are all particularly bad. In effect, though not in words, this bill threatens civil rightists as well as dissenters against U.S. policy in Vietnam. It does so by making them subject to condemnation and penalty on the charge that they are communist-front organizations or communist-sympathizing individuals. And we well know that some congressmen—especially some from the south—view all people who have any sympathy for Negroes as communist-inspired. The penalty for violation of the bill's un-American provisions would be a fine of $10,000 for organizations and the same fine or five years' imprisonment for individuals. And don't conclude that the bill could never harm you. It is so loosely structured that it could have you indicted for preaching a controversial sermon on Vietnam or for listening without protest when one is preached. Hitler would have been proud of the wording of this bill.

Fortunately, if both these bills are passed the difference between that of the Senate and that of the House will have to be resolved. This gives the people time—but not much—to resist the coming of totalitarianism to the United States. We are happy to say that resistance to these un-American bills is rising. Numerous law school professors and deans have expressed the opinion that a law produced by this legislation would be an unconstitutional assault on the First amendment. Editorials opposing the bills have appeared in such newspapers as the *New York Times*, the *Los Angeles Times* and the *Chicago Sun-Times*. But where are the churches? Thus far only a few churches and a few church organizations have joined the fight against these threats to American freedom. You can speak freely now, but you may not be able to if the bills pass.

AUTO INSURANCE REFORM NEEDED

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. RODINO] may extend his remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RODINO. Mr. Speaker, I am pleased to note that the public and the States, and in particular my own State of New Jersey, have become deeply concerned with the mushrooming problems of auto insurance practices.

Some of the States are now beginning to move in the direction of long-overdue reforms, and while it is generally recognized that perhaps only Federal legislation can adequately regulate this $9 billion industry, it is nonetheless encouraging to see State governments begin to act. I include in the RECORD at this point the following articles:

[From the Newark (N.J.) Evening News, Nov. 16, 1967]

CAR VICTIM INSURANCE PROGRAM IS SEEN LIKELY IN NEW JERSEY

(By Alexander Milch)

CHERRY HILL.—Although the Keeton-O'Connell plan for compensating auto accident victims without regard to liability has failed its first legislative test in Massachusetts, something like it will yet be adopted, the New Jersey Association of Independent Insurance Agents was told yesterday.

Speaking at the 74th annual mid-year meeting of the association at Cherry Hill Inn, Hugh M. Chapin of Cambridge, Mass., president of the Massachusetts Association of Independent Insurance Agents and Brokers, said that the plan has too many faults in its present form. It was proposed by two law professors, Robert E. Keeton of Harvard University and Jeffrey O'Connell of the University of Illinois.

Massachusetts became the first testing ground of the idea when the House of Representatives in response to public enthusiasm passed a bill encompassing the plan last August, Chapin said.

But the insurance industry decided the plan went too far too fast, and the State Senate was persuaded to reject the bill, the speaker asserted. Trial lawyers joined in the opposition.

The idea of compensating auto accident victims by a system similar to workmen's compensation proved "just too revolutionary and sweeping" as outlined in the Keeton-O'Connell plan, Chapin said. Every new benefit promised is matched by an old benefit eliminated, he asserted.

The plan would require insurance to be compulsory, with claims of riders or pedestrians up to $10,000 payable by the company insuring the vehicle. Court action would be necessary only for claims in excess of that amount.

Damages for pain and suffering associated with injury would be restricted unless the jury found value of the damage exceeds $5,000.

Chapin said his group is studying ways of revising the plan. Agents can't afford to be anti-Keeton-O'Connell because of changes that are inevitably on the way for auto insurance, he emphasized.

[From the Newark (N.J.) Star Ledger, Nov. 26, 1967]

HOWELL SEEKS PANEL STUDY OF AUTO INSURANCE SYSTEM

(By Herb Jaffe)

A special commission to study the need for an overhaul of the automobile insurance system in New Jersey is expected to be recommended to the Governor shortly by Banking and Insurance Commissioner Charles R. Howell, The Star-Ledger has learned.

In weighing a New Jersey study, Howell is expected to hold off recommendations until after he decides on the request by stock insurance companies for an average 20.6 per cent rate increase.

Howell would not say for certain that such a special commission will be proposed, but he indicated that recommendations drawn from his final determination on the rate application may justify such an action.

A decision on the application, which accounted for five separate public hearings last summer, is expected next month.

NOT A PROBE

According to reliable sources, the special commission would be asked to consider methods of refining not only problems of cancellations, rate increases, nonrenewals and allegations of discrimination, but it would probably review the entire negligence philosophy in New Jersey.

"If we do get involved with such a proposal, it would be independent of any federal actions," Howell said. "It would not be an investigation, as is being discussed in Washington, but might serve as an advisory and exploratory commission."

Sources say its ultimate recommendations might determine what kind of state legislation is necessary toward overall solutions of the auto insurance problems.

Both Howell and Motor Vehicle Director June Strelecki have been known to favor a more detailed study of the Keeton-O'Connell Plan, which does away with the fault principle in all accidents involving $10,000 or less in actual loss and $5,000 or less in pain and suffering.

The Keeton-O'Connell Plan is presently being discussed in many state legislatures, and expectations are that Michigan and Massachusetts will adopt its basic protection features next year.

Howell also has stated that New Jersey might give some future consideration to compulsory insurance.

COMPULSORY INSURANCE

"Compulsory insurance is certainly no cure all for the ills that prevail," Howell said, "but there might be merits for the motorist. Since the unsatisfied Claim and Judgment Fund has become such a financial burden for the state, outright compulsory insurance might deserve a good look," Howell added.

The commissioner said it is essential that the Legislature alleviate the fund's present shortage by taking $3 million from the Motor Vehicle Liability Security Fund.

"If they don't provide a temporary stopgap solution soon, there may not be anything left in the claim fund by the end of next month," Howell said.

Such a measure again points to the need for a general evaluation of the state's auto insurance system. "This would be only an immediate answer," said Howell. "We must find something more substantial and long range."

Several legislators openly admit that a form of compulsory insurance, borrowing many of the features of the New York and Massachusetts compulsory laws, is the only answer for New Jersey.

CROWDED COURTS

In addition to creating problems in the general auto insurance picture, the present negligence—or fault—system has been blamed for complicating the court calendars.

"There's no doubt that negligence causes jam our courts," said Chief Justice Joseph Weintraub of the New Jersey Supreme Court.

"We must ask ourselves if our concept of fault is a rational basis for determining liability," Weintraub said. "Negligence on the highways is a split second inadvertence. Does it make sense to have the loss sustained when there is a practical inability to prove what actually happened?" Weintraub asked.

"It is a pretty sad way to deal with such inevitable phenomena," he added. "This problem must be borne by all society in general."

Weintraub said that under the Keeton-O'Connell Plan," if a claim amounts to more than $10,000 the same form of litigation as presently exists would take place.

"But the plan sounds good at this point because most claims are below that figure. It would be a step forward in relieving the courts," Weintraub said.

The special commission, if established prior to any federal endorsement of a Keeton-O'Connell type of protection, would undoubtedly look into the present negligence system at great length.

CITES EXAMPLES

Leo P. Moynihan, director of the MIT-Harvard Center for Urban Studies, recently cited examples of how the negligence system works in actual practice:

"One party is traveling down a freeway at 75 miles an hour; the other at the moment decides to change lanes and does so without signaling. The resulting smashup demolishes both cars and sends one man to the hospital with a broken pelvis and the other is killed. Each carried full bodily injury and property damage insurance. Neither can recover for personal injury or damage to the car. Reason: Each party was guilty of contributory negligence."

In another illustration, Moynihan said:

"Defendant runs his car across a sidewalk and smashes into the front room of a simple cottage, killing the grandmother and crippling for life the little children. The cause of the accident was that the driver was hit in the eye with a bullet from a B–B gun shot by some unknown. The driver carried public liability insurance, but the injured persons cannot recover. Reason: The injuries were purely accidental."

A recent Philadelphia study disclosed that 43 percent of all accident victims are not compensated at all, under the fault system, 10 percent recover less than the actual cost of the accident, and the remaining 47 percent—fewer than half—recover the full loss.

A GREAT SECRETARY OF DEFENSE WILL ASSUME ANOTHER VITAL POSITION

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. MOORHEAD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MOORHEAD. Mr. Speaker, according to reports in the press, the manager of the most awesome Military Establishment the world has ever seen will soon resign to assume the Presidency of one of mankind's best hopes of achieving lasting peace, the World Bank.

It is a good measure of Robert S. McNamara's greatness that he can relinquish his stewardship of a vast engine of war to take control of an organ that daily diminishes the prospect of conflict.

Mr. McNamara's pending resignation as Secretary of Defense is a great loss to this Nation, Mr. Speaker, but his prospective appointment to the World Bank presidency is an enormous gain for the world at large.

I believe that Mr. McNamara is the ablest Secretary of Defense this Nation has ever had. In 7 long and difficult years of service, he has built the world's most powerful and most flexible military machine. More importantly, he has firmly established the principle and practice of civilian control of this machine, and has stood resolutely for moderation in the use of its power.

Mr. McNamara has served two great Presidents through a series of crises that would have broken a lesser man—the Berlin confrontation, the frightening showdown over the Soviet missiles in Cuba, and the painful escalation of the Southeast Asian conflict. Throughout these crucial years, Mr. McNamara has carefully balanced our national interests with the need to prevent a world holocaust. It will be difficult to find another man for the post with Mr. McNamara's courage and judgment.

Mr. McNamara's stewardship of the world's greatest military force has made him more conscious than almost any other man of the necessity of preventing situations in which its full power would have to be used. Thus, he is the ideal choice for the presidency of the World Bank.

In this new post, he will oversee the lending of $1 billion a year to the underdeveloped nations of the world, where rising expectations and inadequate resources frequently breed frustration and conflict. He will direct one of the best means mankind has devised for ending the want that leads to war.

This is a critical period for both the United States and the world, Mr. Speaker. I hope that we can find a man as capable of filling the vital position at the Defense Department as Mr. McNamara was, and that Mr. McNamara will succeed as brilliantly at the World Bank as he has at the Pentagon.

WE CANNOT TAKE PROSPERITY FOR GRANTED

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. HERLONG] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. HERLONG. Mr. Speaker, I believe that the Members of Congress, and the American people should note carefully a warning voiced this week by one of the Nation's most distinguished and knowledgeable bankers, William McChesney Martin, Jr., chairman of the Board of Governors of the Federal Reserve System.

In an address before members of the petroleum industry, Mr. Martin spoke forcefully and persuasively of the need to restrain further inflation.

Let me quote briefly from his remarks:

I want to make it clear at this point that the Federal Reserve intends now, as in the past, to contribute all that it responsibly can toward conditions that will make for an actively employed, productive, steadily growing economy with sensibly stable prices and orderly functioning markets.

But I do not see how it could be any plainer than it is now that those conditions cannot be provided by monetary policy alone.

How does Mr. Martin propose that we restrain the inflationary pressures—and inflationary psychology—that already have been exerting a disruptive influence in our economy and in the financial markets?

The necessary and most effective means of accomplishing this restraint, he says—and here I again quote from his remarks—"is fiscal action encompassing both reductions in Federal spending and a tax increase across the board."

Mr. Speaker, while I have not yet made up my mind on the President's surtax proposal, I do believe that Mr. Martin's arguments should be read and considered carefully by the Congress and the public.

For this reason, under unanimous consent I place his speech in the RECORD:

SUMMARY OF REMARKS BY WM. MCC. MARTIN, JR., CHAIRMAN, BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, BEFORE THE 47TH ANNUAL MEETING OF THE AMERICAN PETROLEUM INSTITUTE, CHICAGO, ILL., NOVEMBER 15, 1967

The prime challenge we face today, as I see it, is to prove that a free society can have enough wisdom, self-discipline and cohesion to advance the common good in an orderly, sustainable fashion.

What makes it so difficult is that advancement of the welfare of our society as a whole often requires of us as individuals the mutual forbearance of personal advantage and sometimes the acceptance of a degree of personal sacrifice.

Nowhere is that challenge more pressing than in our economic and financial affairs. For there, in the 81st month of the longest period of expansion in our history, we are confronted once more by the very problem that always seems hardest for us to solve or even to face up to, precisely because of the self-discipline, forbearance, and willingness to accept sacrifice that solving it requires.

The problem is, of course, that of maintaining growth by preventing unsustainable spurts, that of keeping overall demand from outrunning our real economic and financial supply capacities and thus generating further severe inflation and its bitter aftermath of recession and unemployment.

In more immediate terms, it is the problem of capping the inflationary pressures—and inflationary psychology—that already have been exerting a disruptive influence in our economy and in our financial markets.

I do not think there is any need for me to dwell on these matters or the dangers involved, and I do not feel any need to take you on another conducted tour of the latest data on economic and financial developments. You are too familiar with the facts for that. Suffice it to say that—even though the visibility of the economy's strength has been partly clouded by the effects of strikes—debate on the economy's course has moved increasingly from whether it will expand further to how much and how rapidly, and with what consequences.

How then, are we to restrain further inflation? Bluntly, the answer is to be found in a moderation of borrowing and spending, both governmental and private, and the most effective and necessary means of accomplishing it is fiscal action encompassing both reductions in Federal spending and a tax increase across the board.

I want to make it clear at this point that the Federal Reserve System intends now, as in the past, to contribute all that it responsibly can toward conditions that will make for an actively employed, productive, steadily growing economy with sensibly stable prices and orderly functioning markets.

But I do not see how it could be any plainer than it is now that those conditions cannot be provided by monetary policy alone. Nor can I see how it could be any plainer that, *whatever* course monetary policy may follow, there will *still* be prospects for trouble unless and until our Government's finances are brought into better control.

All of you know that monetary policy has many times been applied to the exercise of restraint, as well as to stimulus, when conditions made it necessary. The question being posed in our economy and financial markets, to which an affirmative answer seems to be long overdue, is when—if ever—is overall fiscal restraint going to be tried?

When a temporary surcharge on income taxes was first proposed last January as a part of the President's fiscal 1968 budget program, to be effective July 1, the amount thought appropriate to the conditions then envisaged was 6 per cent. Since then, it has been felt necessary to up the proposed surcharge to 10 per cent—the figure fixed by the President in his message to Congress in August—largely in reflection of changes in conditions that occurred in the meanwhile. I see nothing in that progression that suggests that it pays us to wait. Yet we are still waiting.

When the President's August message went to Congress, the program set forth was one that aimed—though this seems to have been overlooked or forgotten by many—not only at increasing revenues through higher taxes but also at restraining, cutting and controlling Government spending so as to reduce the prospective deficit in fiscal 1968 *and thereafter* to more manageable levels.

Since then, many members of Congress have likewise expressed feeling that restraining, cutting and controlling appropriations and expenditures is an urgent necessity, and some have gone beyond the President in setting targets. So at least on the need to reduce Government expenditures we have a considerable area of agreement among those with the power to bring that reduction about, but of course the final returns are not in yet.

I realize that there is some sharp disagreement among those involved—in the Congress and in the Administration—over how much the spending reductions should be, or how they should be accomplished. But I find it hard to believe that disagreement of this kind could be allowed to stalemate *any* action to cut spending, or to increase tax revenues. We need restraint on both sides of the Federal ledger, and we need it as quickly as it is possible to get it.

This is the richest country that the world has ever known, and it is only fitting and right that we devote large sums to public endeavors. But in our governmental activities, as elsewhere, we must recognize—especially at a time when we are engaged in a major war effort—that our resources are not unlimited. And we must recognize also that we cannot keep on calling upon our governments—federal, state or local—to do things we are unwilling to pay for. If we are to achieve in fact the public goals we feel most useful and desirable, then we must, as a self-governing people, be willing to accept and adhere to some sensible order of priorities among them in accord with the national preferences.

There is no question in my mind about the ability of the American people and their government, pulling together, to overcome every danger that today threatens the continuance of the economic advance that has been going forward now for just three months short of seven years. The only question is whether there is the will to do so.

If the will is there, and it is demonstrated convincingly—as I think it can be by actions of the kind I have been discussing—it seems to me well within our capacities to continue indefinitely on the path of prosperity, with pervasively spreading improvement in the living standards of the entire populace.

But let us not, just because we have had it so long, take prosperity for granted.

PRAISE FOR HOUSE OF REPRESENTATIVES

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. HOLLAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. HOLLAND. Mr. Speaker, I have been privileged to be a Member of this House for 14 years now. On the whole, they have been rewarding years, and I have developed during their course, a deep and abiding love for this House, its traditions and its behavior. I recognize the occasional faults of the House, which are simply evidence that it is composed of fallible human beings. But on the whole, I am convinced that the synthesis of our traditions, the authority which the Constitution confers upon us, the abilities, the hopes, the dreams—yes, the prejudices and shortcomings of the Members and the sense of responsibility which simply being in this Chamber imposes on us—all these things together, Mr. Speaker, have resulted in creating an institution which in many ways is more than the sum of its parts. As a House we usually rise above the level which the same 435 men and women might achieve were they simply an agglomeration of individuals. It may sound like boasting, but I truly believe the House as an institution, is usually worthy of the Nation it serves. And that is high praise, indeed.

But, Mr. Speaker, I have been careful

in that encomium of this body, to use the words, "usually," "in many ways," and "for the most part." Because on a very few occasions during the 14 years I have served here, I have felt the House has failed to rise to its obligations.

This first session of the 90th Congress, Mr. Speaker, has been such an occasion. Our slogan for the last 11 months can be summed up as, "We aren't going to do much, but what we do, we'll do wrong."

We all thought last November, when the election results were clear, that this would be a conservative Congress. Unfortunately, that has not been the case. While I am not a conservative, I do believe that word has great meaning, and represents a very important and vital tradition in the history of this country. Conservatives have served America well and faithfully from the time of Alexander Hamilton to the time of the late Senator Taft. They have served the country constructively. They have often pointed to the mistakes we liberals make in trying to move forward—and liberals, sharing the common human birthright of fallibility, often make mistakes. The conservative in our history—and the many conservatives there are in this very Congress—have served the country faithfully by crying warning when in our efforts to stamp out one evil, we have been on the verge of committing another.

But this, I reiterate, has not been a Congress dominated by the sound of conservatism uttering its constructive and thoughtful warning to liberalism. On the contrary, the spirit of this Congress has been one of meanness, of irresponsibility at its worst, of petty goals being sought by petty means. We have been watching an 11-month demonstration of what happens when you try to govern a great nation by thinking small.

I shall not, indeed the rules would not permit me, to point to individual acts of individual Members as examples of this. Nor would I do so if the rules permitted, because I cannot, and would not, try to peer into the motives of individual colleagues. It may well be that no one in this House has intended to have the kind of a record which this session has established thus far. It may be that the image of the 90th Congress as deriving its basic moral tone from that of Ebenezer Scrooge is simply the unpleasant and accidental result of a series of good intentions gone awry. But the image is there nonetheless.

It was not helped when the House voted not even to consider the rat control bill. The image was not improved when we petulantly voted to exclude OEO employees from the pay raise we so generously gave to everyone else in the Government, including our own staffs. It was not helped when this House attached a series of amendments to the poverty bill, some of which were merely demonstrations of our unwillingness to help the poor, but some of which were nothing more than a flagrant attempt to tell the poor that they waived their constitutional rights when they received our grudging help in their fight against poverty.

But the most damaging aspect of the record of this Congress, the one thing which, above all others, made the Congress as an institution look bad, was our behavior on the customary continuing resolutions.

I am not now referring to our insistence upon "economy"—in all the programs except those which involved really large expenditures of money. That was a legitimate if not exactly statesmanlike exercise of the congressional power of the purse. What I am referring to is the fact that because of congressional action, of inaction on continuing resolutions the unfortunate employees of two major agencies, OEO and AID, are receiving only part of the salaries they have already earned. And the worst aspect of this was that we have been so careful to see this was not even a possibility when it came to our own salaries or those of our staffs. It was not until the legislative appropriation bill was firmly enacted into law that we began recommitting appropriations and holding up continuing resolutions. When we finally did so, what agencies were involved? OEO, first of all, of course. The final blow in this Congress vendetta against those who are trying to fight poverty was our imposition of half-pay paydays on clerk-typists in OEO, VISTA volunteers, Job Corps enrollees and the like—and, Mr. Speaker, it came with very poor grace from a Congress which had been so careful to see first that its own very generous payrolls would be taken care of.

Demanding sacrifice of the other agencies of the Government is a fine and noble thing to do, Mr. Speaker, if we are prepared to make a few sacrifices ourselves. If we are going to preach economy, we can certainly begin at home. It was deeply disturbing to me, for instance, to listen to noble speeches on the floor about saving our fiscal stability by cutting out what we are doing for the poor, and then looking across the street to the marble balustrade that was at that very time being put on the front of the Cannon House Office Building. But today's episode was particularly uncomfortable, especially in the light of the fact that our own legislative appropriation was one of the very first to be enacted into law.

I have today introduced a resolution, Mr. Speaker. The resolution is simply a change in the rules of the House, a change solely within the discretion of this House, itself, to provide that if we fail to act on appropriations for salaries, our own will be withheld until we act. This does not, of course, commit us to any particular action on any other appropriation bill, nor does it even prevent us from holding up appropriation bills or continuing resolutions. It merely provides that if we are going to impose payless paydays on our fellow public servants, if the issues of principle involved in budget fights are as important as we are told they are, then the Congress itself stands ready to contribute to fiscal stability by delaying its own paydays, and those of its staffs.

The text of my resolution, Mr. Speaker, is as follows:

H. RES. 992

Resolution directing the Sergeant at Arms and the Clerk of the House of Representatives to withhold payment of the salary of Members, officers, and employees of the House of Representatives if officers and employees of the District of Columbia of the United States Government or United States judges are not paid because Congress has not completed action upon appropriations legislation for their salaries

Resolved, That if—

(1) the officers and employees of the government of the District of Columbia or of any agency, department, or instrumentality of the executive branch of the United States Government, or

(2) the judges or justices of any United States court,

do not receive their salaries or any part thereof because Congress has not completed action on legislation providing or continuing appropriations for their salaries, the Sergeant at Arms of the House of Representative shall withhold payment of the salary of each Member of the House of Representatives (including the Resident Commissioner from Puerto Rico), and the Clerk of the House of Representatives shall withhold payment of the salary of each officer and employee of the House of Representatives until Congress passes such legislation.

NORTHEAST MISSOURI STATE TEACHERS COLLEGE—THE CENTENNIAL YEAR

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. HUNGATE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. HUNGATE. Mr. Speaker, recently Northeast Missouri State Teachers College in Kirksville, Mo., an outstanding educational institution in my district, observing its centennial year, had occasion to inaugurate its eighth president, Dr. F. Clark Elkins, a prominent educator and outstanding teacher. One of his former students is DAVID PRYOR, a distinguished Member from Arkansas. FRED SCHWENGEL, a distinguished Member from Iowa, graduated from this college, and our former colleagues, John Schmidhauser and Gale Schisler, were also associated with the college as teacher and graduate, respectively.

The centennial year has been previously marked by an address from U.S. Commissioner of Education, Harold Howe, and I now call the attention of this body to a report of the inaugural proceedings as carried by the Teachers College Index of Kirksville, Mo.

Governor Warren E. Hearnes was the featured speaker at President F. Clark Elkins' Inaugural Luncheon Tuesday. Over 600 official delegates and invited guests attended the luncheon which was held in the Georgian room of the Student Union following the Inaugural Ceremonies.

Using "Knowledge, Compassion, Money," as a topic, the Governor discussed first Missouri's participation and advancement in the area of higher education. He stated, ". . . We in state government are doing our utmost to provide the financial backing for buildings and faculty."

He followed this with facts and figures

to substantiate his statement that, "We are improving rapidly."

Governor Hearnes then called upon the Teachers College to serve all citizens of northeast Missouri. He suggested, "Without deemphasis of teacher education, you must embrace academic disciplines that allow students to major in other fields."

Continuing, he said, "You must do this to carry out our mutual goal of placing a college education within reach, financially and geographically, of every qualified young man and woman in Missouri."

In conclusion, the Governor offered Pres. Elkins a "thought" for guiding the College into its second century. He stated, "If you can teach knowledge through wisdom, knowledge tempered with logic, knowledge which embodies compassion, knowledge of the realities of life a view toward what can and cannot be accomplished and a practical idea of how to reach a goal, then we all can maintain our confidence that the young people who seek to change our world today are doing so constructively for a better tomorrow."

Following the luncheon, the members of the Teachers College Board of Regents honored Pres. and Mrs. Elkins with a reception. Approximately 1200 students, faculty, alumni, and friends of the College attended.

In addition to Pres. and Mrs. Elkins the receiving line consisted of Board President and Mrs. James Reinhard, Mr. and Mrs. George Bunny, Mr. and Mrs. Raymond Baker, Mr. and Mrs. John Bartow, and Mr. and Mrs. Bruce Hunt. Dr. Pauline Knobbs, a member of the Inaugural Committee, made the introductions. Refreshments were served by members of the Teachers College Dames.

An Inaugural Ball concluded the day's activities. Music was provided by the Inaugural Orchestra under the direction of Tom Duden. More than 700 guests attended the Ball which was held in the Student Union Ballroom.

"I accept the office of President of the Northeast Missouri State Teachers College and pledge to it the best of my abilities, strength and purpose," pledged Dr. F. Clark Elkins as he accepted the charge by the Board of Regents to become the eighth president of the College. Dr. Elkins' inaugural address was a climax to the morning's Inaugural Ceremony held in Pershing Arena, Tuesday.

Presiding over the morning's inaugural event was Dr. A. L. Fritschel, dean of instruction. Dr. Fritschel extended recognitions and welcomes to the official delegates of more than 200 institutions and societies and to the guests. Following his recognition, the NEMO singers, under the direction of Clay Dawson and the Brass Choir, Harold Copenhaver directing, combined in singing and playing of "O Magnum Mysterium," and "Glory to God."

Greeting from the student body was given by Student Council president, Jack Wright. Jack proposed the student's opinions of a College President to be a capable educator and to be available for the students.

Speaking for the faculty was Dr. Charles Kauzlarich, chairman of the Business Education division. Chancellor of the University of Missouri at Columbia, Dr. John W. Schwada gave the greeting in behalf of the alumni.

Representing the institutions of higher education was Dr. Ben Morton, executive secretary, Missouri Commission on Higher Education. The Honorable Warren E. Hearnes, Governor of Missouri, then gave greetings from the State of Missouri.

The "charge" to the new president was given by James R. Reinhard, president of the Board of Regents. Mr. Reinhard pointed out that "this Inauguration of Dr. Elkins as the eighth president is the first of the second century, and ahead of us is a great opportunity to rededicate ourselves for the benefit of education and this institution." After Mr. Reinhard presented the "charge," Dr. Elkins gave his inaugural address:

Dr. Elkins proposed a few of the major challenges facing higher education today. He expressed a particular emphasis on the teaching function, particularly the teaching of undergraduates, as being slighted today by the three functions: research, teaching and service. Dr. Elkins continued to express the need to restore the status of teaching.

"Secondly, colleges and universities must present in a more effective manner a larger and clearer vision of the importance of education," suggested Dr. Elkins. He emphasized that, "We must commit more of our energies toward helping our various lay publics to see that 'the schools of America must save America'," as formerly stated by the American Bar Association.

Dr. Elkins contended that a third major problem facing today's institutions of education related to the many facets of curriculum reform, which is more acute in the undergraduate level.

He recognized that the colleges and universities must show more concern for continuing education and off-campus instruction as a fourth problem. "We should proceed to develop a system of education capable of meeting modern needs and aspirations," proceeded Dr. Elkins on the fourth point.

"This leads into still another problem area for higher education—the effective utilization of new technology and the education products industry," continued President Elkins. Teachers are no longer the sole source of knowledge commented the new President.

In concluding his inaugural address, President Elkins acclaimed his pledge; "I pledge to you, Mr. Reinhard, and the assembled friends of this College, the best of my abilities, strength, and endeavors as we face the exciting challenges of the present and future."

CONCERN FOR ACOUSTICS AND SECURITY IN THE HOUSE OF REPRESENTATIVES

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. HUNGATE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. HUNGATE. Mr. Speaker, in view of recurrent concern for acoustics and security in the House galleries, a recent development at the New York Stock Exchange as reported in the New York Times of Wednesday, November 22, 1967, may be of interest:

NEW GLASS BARRIER ENCLOSES GALLERY AT STOCK EXCHANGE

The New York Stock Exchange last night installed bullet-resistant glass panels and a metal grillwork ceiling on its visitors' gallery for what an exchange spokesman said were "reasons of security."

It is the first time since the gallery was opened to the public in 1938 that any barrier—except for a three-and-one-half-foot railing—has been erected between visitors and the traders on the floor 15 feet below.

Work to enclose the 100-foot-long gallery, which in places hangs directly over the desks and telephone booths of clerks and brokers, began shortly after the close of trading at 3:30 P.M. yesterday. The job was expected to be completed before today's 10 A.M. opening bell.

The glass panels will shut off to visitors most of the frantic roar from the floor, and the grillwork will prevent, the exchange hopes, any visitor from "accidentally or on purpose" tossing things on the traders.

Last Aug. 24 a dozen or so hippies threw dollar bills from the gallery—a display many exchange members do not want to see repeated.

Officials at the exchange recall no incident of objects any heavier than dollar bills being dropped or tossed from the gallery. "But there is always a chance of it," an exchange spokesman said.

Officials would not comment on why a bullet-resistant partition was ordered.

According to a spokesman for David Shuldiner, Inc., the contractors who installed the panels, the glass is one and three sixteenth inches thick and laminated with plastic sheets to stop a bullet from almost any side arm.

Over the past decade, the exchange has become one of New York City's major tourist attractions with more than 600,000 visitors expected this year.

EVADING THE CONSTITUTION

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. ROSENTHAL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. ROSENTHAL. Mr. Speaker, on October 26, Gen. Lewis Hershey issued a directive to local draft boards recommending that violators of Selective Service provisions be subject to immediate or accelerated induction. Shortly thereafter, in response to a press inquiry, I joined several colleagues in characterizing that action as "a flagrant denial of due process" which "demeans the Constitution, discredits the Selective Service System, and contributes to a growing disregard for civil liberties during a time of war abroad and disorder at home".

In the past weeks, evidence that local boards have been following the General's recommendation has been accumulating around the country. The most flagrant example of this took place recently in Tulsa, Okla., where a student at the University of Oklahoma was reclassified 1A because the local board, in the words of its letter to the young man, "did not feel that your activity as a member of the Students for a Democratic Society is to the best interest of the U.S. Government." Not only, therefore, are local boards themselves dispensing punishment for violation of the Selective Service Act. Now they are setting themselves up as judges of which political organizations are in the national interest. This action is totalitarian and intolerable. It is an indication of the direction events may take if General Hershey's directive is not rescinded.

Life magazine, in its editorial of November 24 entitled "The Draft Is No Answer to Dissent" argued that—

The general seems to indicate that he has lost track of where the draft fits into the American constitutional system.

It characterizes his action as "a disservice to the Selective Service System."

I insert this editorial in the RECORD at the end of my remarks.

The entire policy of the October 26 directive is contrary to the Constitution and represents a serious and dangerous step toward open repression of political dissent. I strongly urge my colleagues to take note of this danger.

The editorial follows:

THE DRAFT IS NO ANSWER TO DISSENT

If there is one man who ought to know all there is to know about the Selective Service system, it is Lt. General Lewis B. Hershey, director of the draft since 1941. By his latest directive to local boards, though, the general seems to indicate that he has lost track of where the draft fits into the American constitutional system.

Bothered by campus anti-Vietnam war protests, Hershey has advised local boards to withdraw deferments and immediately draft students who interfere with the draft or campus military recruiters. Hershey's outrage at the form some campus protests have taken is understandable. But his ill-considered suggestion that draft boards become, in effect, prosecutors and juries must be ruled out of order.

The American Association of University Professors asked Hershey to rescind his directive, pointing out that it "sets down such a vague standard that local boards may induct persons for the exercise of constitutional rights. The mere existence of this undefined power to use the draft as a punitive instrument must therefore have a chilling effect upon academic freedom and free speech and assembly as guaranteed by the First Amendment."

A group of congressmen branded Hershey's plan "a flagrant denial of due process clearly designed to repress dissent against the war in Vietnam."

A student does not lose his right to dissent simply because his military service has been deferred. By the same token, a student is as liable as any other American to the penalties that apply to trespasses and disorders that overstep legal bounds.

Whether or not General Hershey rescinds his directive before it reaches a court test, he has done a disservice to the Selective Service system he helped found. The draft, with all its imperfections, is the best system we have yet been able to devise to choose those men who will represent us all by serving when not all ablebodied men are needed.

To use the draft as a form of punishment is to suggest to the men in Vietnam—where draftees make up 37% of the Army troops—that their units are also handy as penal battalions. The suggestion is demeaning to the armed services—even if some draftee veterans of Vietnam might understandably like to have a hand in the basic training of drafted dissenters.

RICHARD HOOKER'S DISTINGUISHED JOURNALISTIC CAREER

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. BOLAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. BOLAND. Mr. Speaker, the distinguished journalistic career of Richard Hooker, former editor of the Springfield Republican, began with the coverage of news in the small towns and villages in New England and before ending in death last Saturday had included coverage of the national and international scene from Washington and becoming the confidant of two Presidents of the United States and other elected public officials.

A graduate of Yale University, Mr. Hooker was a brilliant and perceptive journalist and editor who attained national recognition for his newspaper, the Springfield Republican. I ask permission to include with my remarks the story of Mr. Hooker's newspaper career, taken from the Springfield Sunday Republican of November 26, and the tribute to him by Walter R. Graham, retired managing editor of the newspaper:

[From the Springfield (Mass.) Republican, Nov. 26, 1967]

DISTINGUISHED NEWSPAPER CAREER OF FORMER REPUBLICAN EDITOR SPANNED NEW ENGLAND VILLAGE VIGNETTES, CONFIDENCE OF PRESIDENTS

Richard Hooker, 89, a distinguished journalist in the historic tradition of The Springfield Republican, with which he was associated for much of his life, died Saturday morning at his home at 241 Park Drive, Longmeadow.

Joining The Republican in 1900, he was the newspaper's Washington correspondent, later literary editor, and managing editor and publisher from 1915 to 1922. He remained president of The Republican Co. until 1934. Up until a year ago, he continued to contribute editorials and book reviews.

Mr. Hooker was an author, historian, lecturer, an observer and commentator on the national political scene and an expert in naval affairs.

His qualifications were recognized by the administrations of former Presidents Taft and Wilson, who offered him prominent positions in government, which he declined.

WIRE SERVICE DIRECTOR

He served as a director of the Associated Press from 1927 to 1934.

Son of Thomas and Sarah (Bowles) Hooker, Mr. Hooker was born Feb. 20, 1878, at Augusta, Ga., where his father, a native of New Haven, Conn., was in the banking business. His mother was the eldest child of Samuel Bowles, second editor of The Republican.

He spent his youth in New Haven, preparing for college at Hopkins Grammar School and at Taft School at Watertown, Conn. At Yale University, from which he was graduated in 1899 with a bachelor of arts degree, he was an associate editor of the college literary magazine and the Yale Courant. He was a member of Delta Kappa Epsilon and of Elihu, the senior society.

He also was a member of the Yale tennis team and, with a classmate, C. P. Dodge, held the New England doubles championship. Tennis remained one of his major interests until late in life and he wrote an expert's treatise on the game.

Following his graduation, from Yale, Mr. Hooker spent a year in travel and study in Europe, chiefly in Paris, where he matriculated at the Sorbonne, and at Gettlin, Germany.

Through the courtesy of the U.S. State Department, while he was in Germany, Mr. Hooker was admitted to the visitors' gallery in the Reichstag and witnessed the debate and vote on Admiral von Tirpitz's naval bill—an enactment which was described as Germany's "putting a pistol to England's head" and which had major historic connotations 15 years later during World War I.

Mr. Hooker's interest in naval affairs was established at an early age and he visited many navy yards from the Pacific coast to the North Sea. His later writings on naval matters were widely and approvingly quoted abroad. He became an associate member of the U.S. Naval Institute.

JOINS STAFF IN 1900

Returning to the United States from his European travels, Mr. Hooker joined the staff of The Republican in 1900. This was an age of great international excitement, following the Spanish-American War, when America was involved in the Philippines and assuming the status of a world power. The third Samuel Bowles, grandson of the founder of The Republican, was then editor of the newspaper whose editorial pages and news columns had long been regarded as "must" reading by Presidents and national statesmen and political leaders, as well as the average people seeking news of their local communities.

The Republican was the "school" for many of the nation's leading journalists who "broke in" on its editorial desks or while beating the country villages and towns for news items. Mr. Hooker referred to those journalistic activities of his early years in his book, "The Story of an Independent Newspaper," a history of The Republican, published in 1924.

"Those were the days," he wrote, "when the 'huckleberry route,' as it was dubbed in the office, still flourished. Each Friday the youngest cub reporter, or his immediate senior, made a trip through certain towns where the regular correspondents, adequate for brief daily items, might lack the wings for longer flights of English composition. From these towns it was his duty to gather the material for letters in The Sunday Republican dealing with anything as barren as the apple crop in an off year or anything as perennially fruitful as politics."

A reader had before him, on these numerous town edition pages, he wrote, "a daily chronicle of town and village life" that dealt with all manner of events varying "from last night's meeting of the selectmen, or the school board, to the visit of a fox in the deacon's henyard," as well as astute comments and factual accounts of national and international interest.

It was in 1904 that Mr. Hooker began covering the Washington scene and Congressional sessions for The Republican, an assignment that continued until 1911. His letters from the nation's capital and his journalistic stature gained high repute in government circles.

OFFER FROM TAFT

President Taft in 1911 offered him the position of White House secretary for press relations, which he declined.

Mr. Hooker in 1907 had suffered a serious back injury which later necessitated two drastic operations and which severely handicapped him.

From 1911 to 1915, he was literary editor for The Republican, and, in the latter year, became editor upon the death of the third Samuel Bowles.

An ardent supporter of President Wilson, he served as a member of Wilson's second industrial conference in 1919 and 1920 but declined Wilson's offers of appointment as assistant secretary of the Treasury and membership on the Pilgrim Tercentenary Commission.

In failing health, he resigned as editor of The Republican in 1922, but soon resumed editorial contributions which continued until recently. He was particularly active during the campaign of 1940, when President Roosevelt ran for a third term.

Throughout his life, Mr. Hooker maintained a deep interest in his alma mater. In 1921, he delivered the Bromley lectures on journalism at Yale. He was a member of the Yale Alumni Board from 1914 to 1934 and again for several years beginning in 1940. He also had served on the Yale Board of Athletic Control and was keenly devoted to athletics.

Tall, lean, of erect bearing, Mr. Hooker was a proponent of the physical life, the outdoors and athletics. An athlete himself until his

recurrent back ailment curtailed his physical activities, he was an enthusiastic supporter of intramural athletics and of his Yale teams, often traveling to football games and other sports' events.

As a tennis player, he was captain of his Yale team and was invited to play in the Newport, R.I., tournaments, a high achievement.

ATTENDS REUNION

As recently as 1964, Mr. Hooker attended a Yale reunion. For many years he was a member of a local group of Yale graduates who interviewed boys from this area who were scholarship candidates.

His "Story of an Independent Newspaper," published in the year of The Republican's 100th anniversary, is regarded as the official history of the newspaper. He also wrote (in 1951) "A Century of Service," the history of Mass Mutual Life Insurance Co., and (in 1956) "Aetna Life Insurance Co.; Its First Hundred Years," and numerous articles for magazines and newspapers.

Elected a director of the Associated Press in 1927, he held this position until 1934, when he declined renomination.

Mr. Hooker was president of the Doane Orphanage Trust Foundation from 1931 to 1947. A summer resident of the town of Blandford for many years, he was a founder of the Blandford Country Club and a member of the Cosmos Club in Washington, D.C.

In 1949 he was elected a corporator of American International College, which in 1962 awarded him an honorary doctor of letters degree.

Also a former director of the New England Council, he was active for several years in the Adult Education Council of Springfield.

He was married Dec. 31, 1910, at Cleveland, O., to Winifred E. Newberry. Mrs. Hooker and their four children survive. The children are Dr. Sarah Hardwicke of Rochester, N.Y., Mrs. Mary N. Cavanaugh of Woodbury, N.Y., and Attys. Richard, Jr., and Arthur Bowles Hooker of New Haven.

The funeral will be held Monday at 3 in First Congressional Church, Longmeadow, with the Rev. Daniel Leavitt, pastor, officiating. Burial will be in Longmeadow Cemetery. Dickinson-Streeter funeral home is in charge of arrangements. There will be no visiting hours.

[From the Springfield (Mass.) Republican, Nov. 26, 1967]

WALTER GRAHAM, "CUB" UNDER HOOKER, IN TRIBUTE

Walter R. Graham, retired managing editor of The Sunday Republican, who as a cub reporter "broke in" under former editor Richard Hooker, paid the following tribute to the distinguished journalist who died Saturday:

"Richard Hooker was a man of dignity, force and ease of manner; an acute observer with a wise tolerance and quick sympathies. He gave bright service to The Springfield Republican and attained national recognition as a reliable historian of political events.

"Mr. Hooker had a deep devotion to the newspaper and was always ready and happy to assist a new reporter. He had words of kindness and encouragement for all earnest beginners and watched over their work with lively interest.

"A gracious man of delightful personality, Mr. Hooker had a long and full life. Always the things he stood for were firmly and courteously expressed. His name stands high on the scroll of distinguished editors."

THAT OUR FREEDOM MAY LIVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. JOHNSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, last Veterans Day the people of Tuolumne County paid tribute to three young residents of that county who had given their lives on the battlefields of Vietnam so that our freedom might live. Judge Ross A. Carkeet of the Superior Court of Tuolumne County was the principal speaker as the people of that community dedicated a Vietnam plaque on the front of the Veterans Memorial Building in Sonora.

His stirring words spoke to us of the freedoms in defense of which these young men, Army S. Sgt. Roy Lockhart, Marine Lance Cpl. Dennis Johnson and Marine Cpl. Thomas H. Benton, gave their lives.

Mr. Speaker, I would ask leave to print in the CONGRESSIONAL RECORD, Judge Carkeet's remarks:

Forty-nine years ago today, somewhere in France, a big gun, known as a Howitzer, and called by its crew "Calamity Jane," fired the last round in World War I, marking the end of that war which was supposedly fought to end all wars.

That it did not end all wars is history. The mighty struggle of World War II and the bitter conflict in Korea are still fresh in our minds.

And here we are today on this Veterans day of 1967 with a half-million of our men and women engaged in a life and death struggle in a far away land.

It is only fitting and proper that we pause to honor those brave men and women on this day which is dedicated to all veterans of the armed forces of the United States.

I would speak to you today of the Freedoms in defense of which these three young men whom I shall mention laid down their lives.

Freedom, with dignity and significance to the individual man, to the greatest extent ever known on this earth, is the basic and essential element of American citizenship.

The whole course of history is the story of man's long struggle toward the heights of individual freedom we have reached.

The freedom we have as citizens of this great nation could be lost quickly by a failure to recognize and properly deal with the evil forces at home and abroad which hate freedom.

But freedom can also be lost—and most commonly in history has been lost—by people who fail to fully exercise freedom for themselves and others, and who are not ready to struggle and sacrifice for it.

In 1918 Congress adopted the American Creed, which recites in part:

"I believe in the United States of America. . . . a perfect union, one and inseparable, established upon those principles of freedom, equality, justice, and humanity for which American patriots sacrificed their lives and fortunes . . ."

Aliens who have successfully passed the required examinations must, before obtaining citizenship, swear to an oath of allegiance. A part of this oath reads: ". . . . that I will support and defend the Constitution Laws of the United States of America against all enemies, foreign and domestic . . .".

The great Freedoms which we so jealously guard and defend are stated in the Declaration of Independence to be these: "that all men are created equal and endowed by their Creator with certain unalienable rights, and that among these are life, liberty and the pursuit of happiness."

In the first 10 amendments to our Constitution, the Bill of Rights, they are more carefully spelled out: Freedom of religion, speech, and press; right to peaceably assemble; right to petition the government for redress of our grievances.

There are those who exercise their freedoms by following the well-known course of conduct now so familiar to us—by marching, by picketing, by demonstrating, by sit-ins and the like, all of which may be summarized in the comprehensive term:—the Right of Dissent.

This Right of Dissent is not to be taken lightly. And these are trying times, with friends and neighbors and even families divided between what they consider morally right and morally wrong about our conflict abroad.

This Right of Dissent is the very essence of Freedom. It is what these young men whom we honor here today gave their lives to protect and defend.

Each of these young men had the choice—indeed, the right—to follow the course of dissent if he so chose.

But these brave young men saw it as their higher duty to their flag and to the protection of these Freedoms I have mentioned, to answer the call to service in the armed forces, and to engage in mortal combat with an enemy which our government has told them must be stopped lest it engulf the whole of southeast Asia and threaten the peace of the world.

Loyal to flag and to country, and responding with patriotic fervor, they staked their lives on the principle that love of country and pride in its heritage to them outweighed the dubious satisfaction of exercising their Right of Dissent.

And so today we do honor to these three brave young men who gave their last full measure of devotion to answer to their country's call to duty, Sergeant Roy Lockhart, Lance Corporal Dennis Johnson, and Corporal Thomas H. Benton, and to all the men and women of Tuolumne County yet to come who will have lost their lives in the service of their country during the Vietnam era.

I dedicate this monument to them with this fervent hope: That we may each of us here today dedicate ourselves to the preservation of the memory of those who died that our freedom and liberty might live.

DISSENT AND PROTEST — 1967 SPEECH BY SECRETARY WIRTZ

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. TENZER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. TENZER. Mr. Speaker, dissent and protest are nothing new to the American scene—however never before in our history have we been called upon to examine the subject so closely and in such depth

In a recent address at the University of Colorado School of Law, Secretary of Labor Willard Wirtz examined youth protests with great insight and understanding. The distinguished cabinet officer struck a note of warning—both to the American people as a whole and to the protesters in particular. He stated:

The pragmatics of it are that the current extremes of protest *dis*-serve their purposes—seriously.

The right to dissent is basic to a free democracy. The right to dissent and the

right of the people to peaceably assemble are guaranteed by the Constitution. The motive behind the dissent or protest, even where opposed by the majority, has no relevance.

Under our Constitution and under our laws the majority must respect the right to lawful dissent as the exercise of free speech. The majority may one day require the right to dissent to defend itself.

FREE SPEECH IS A TWO-WAY STREET

Reciprocity of free speech is the greatest protector of the right to dissent. When those who dissent and protest fail to recognize the right of others to disagree—to dissent from their views, then the constitutional protection of free speech will have been infringed. A lack of respect for the views of others may in and of itself be a disservice to the cause of the protesters.

Mr. Speaker, as the 1968 elections draw nearer, the major political parties will be called upon to examine in depth the subjects of dissent and protest in America. If we are to serve the people of America as a responsive political party and as a responsible majority party, we are obliged to reject the cliches about dissent and protest which are based upon a lack of understanding. We must recognize that the dissent and protest of 1967—and that which we may anticipate in 1968—differ from the dissent of the past. As Secretary Wirtz states:

There remains, nevertheless, the hard fact of a fever of protest different from any this nation has known before, or at least for a long time. There is particular poignancy, and more than that, in its involving so large an element of loss of confidence—and of love—between those who are older and those who are younger; so that age seems suddenly a higher wall than nationality, or religion, or sex, or race. There is bitter cruelty and deep hurt—to individual human beings and to the society—and this without fairness or effect—when pickets signs pervert legitimate disagreement about Viet Nam into the ugly accusation that older men are willing to roll dice with younger men's lives, and when the equally irresponsible reply—even from some who seek national leadership—is that one reason for declaring war is that it would stop this kind of protest.

I urge my colleagues on the majority side of the aisle and members of the majority party throughout the Nation to heed the words of Secretary Wirtz. Our party must hear the voice of dissent, we must seek to understand the desires of the dissenters—then we should decide what is best for our national interest. We must widen the scope of debate within our party and make room for the protester and the dissenter. We must set the guidelines and the groundrules with compassion and understanding but also within a boundary which respects law and order and the rights of others.

We must provide the dissenter within our party a realistic forum to express his views, a forum for constant debate, dialogue and discussion, a forum which will replace frustration with hope—and replace fear with understanding.

I urge my colleagues to read the remarks of Secretary of Labor Willard Wirtz which follow at this point in the RECORD:

YOUTH PROTESTS

(Remarks by Willard Wirtz, Secretary of Labor, at the University of Colorado School of Law, 75th Anniversary Celebration, Nov. 10, 1967)

These remarks have revealed, in their preparation, marked schizophrenic tendencies. A 75th Anniversary should be a gala occasion, set in diamonds, warmed by champagne, tuned to the waltz, bathed in the bathos of nostalgia, toasted rather than talked at. Yet a speaker brought a long distance, especially from capitol to campus, feels the conflicting compulsion to "be with it"—to speak to the present instead of the past—to try, in terms of today's issues, to throw at least a pontoon bridge of oratory across "generation gap," to recognize the current escalation to national proportions of the traditional strain between "town and gown," to counter-march from Washington and meet youth's protest on youth's terms and its home field. What you are about to hear may be the Anniversary Waltz as it might be played by Walter Mitty's Ragtime Band.

The wiser counsel would be to opt squarely for the anniversary tradition. Few are competent as witness, none respected as judge, in the litigation between the ages. For an incumbent bureaucrat on the wrong side of thirty to so much as question today before a university audience the sanctity of unrestrained, unbridled, unhousebroken protest would be for him to envy the more favorable auspices under which an illegitimate son of immigrants would rise to speak at a D.A.R. convention on the irrelevancy of geneology or in a maternity ward on the triviality of motherhood.

Yet I confess, borrowing Gladstone's phrasing of it, that "I have a speech on this subject fermenting within me, and feel as a loaf might in the oven." Not a somber speech. The times are blighted by dreary speeches. The nation's sense of humor seems to be on vacation. This *is* a joyous occasion. And Protest is a subject on which we have taken not only the subject but sometimes ourselves too seriously. It will comport with both tonight's circumstance and Gladstone's yeasty metaphor to leaven pertinence a little with impertinence—to proceed on the basis that half a laugh is better than none.

Herein, then, of sit-ins in deans' offices, graffiti picket signs, marching on the Pentagon; of the comforting middle-aged view that most young Americans must be somebody else's children, the convenient faculty view that they should all have matriculated someplace else, and the strong endorsement of both of those views by the young Americans.

The place to start is with the conventional wisdom that reminds of the proneness to exaggerate current vicissitude. "Generation gap" is unquestionably wider than it used to be, but if there is novelty here it is more in the phrase than in the fact. And it helps read the temperature of protest to note some of the things that happened 75 years ago—in 1892.

That summer at Homestead, Pennsylvania, ten people were killed in a 13-hour pitched battle between striking steelworkers and 300 Pinkerton detectives, before the State militia took over; and Federal troops were moved into the Coeur d'Alene silver mines in Idaho because of violence there between strikers and strike-breakers.

The Populist Convention met at Omaha, with the leading "agitators" of the time in attendance: "Pitchfork Ben" Tillman, "Sockless" Jerry Simpson, and Mary "Yellin" Lease, from Kansas, "rousing the West to enthusiasm and the East to terror by exhorting the farmers to 'raise less corn and more hell'."

Jacob Riis was fighting, almost single handedly, the war against poverty and typhus fever in New York's slums—issuing his "remonstrances."

President Harrison's 1892 State of the Union Message was about "the frequent lynching of colored people accused of crime" and about "lawlessness (that) is not less such but more, where it usurps the functions of peace officers and the courts."

Two years later, Jacob Coxey led his ragged "army" from Ohio to Washington—to demand the issuance of half a billion dollars in paper money, and to be arrested, when they reached their destination, for "not keeping off the grass" at the White House.

Accepting history's soothing condolence that there is nothing new about protest, we mark, too, the realization that a lot of current attention, especially to inter-generational differences, involves what Gerald Johnson would call its "superficial aspects." Our differences, for example, about deviationism from yesterday's—and almost certainly tomorrow's—tonsorial and sartorial norms. My own strong preference for the crew-cut is manifest. I also confess the prejudices that mini-skirts are attractive only on the very young, that knees are the ugliest part of most anatomies, and that net hose distract the roving eye from its true objectives. But if youth decides, at least partly in protest against more mature hypocrisies, to press the logic of men wearing their hair as long as Daniel Webster or English barristers, and the reasoning that decency's hemline must be the same in the ballroom and on the beach—this seems insufficient cause for more than passing concern.

There remains, nevertheless, the hard fact of a fever of protest different from any this nation has known before, or at least for a long time. There is particular poignancy, any more than that, in its involving so large an element of loss of confidence—and of love—between those who are older and those who are younger; so that age seems suddenly a higher wall than nationality, or religion, or sex, or race. There is bitter cruelty and deep hurt—to individual human beings and to the society—and this without fairness or effect—when picket signs pervert legitimate disagreement about Viet Nam into the ugly accusation that older men are willing to roll dice with younger men's lives, and when the equally irresponsible reply—even from some who seek national leadership—is that one reason for declaring war is that it would stop this kind of protest.

This fever is rising. Looking only at youth's protest:

Where there were all-night teach-ins and solemn picketing a year ago protesting the nation's foreign policy, there is now the "trapping" of Navy and CIA recruiters and those whose companies make napalm.

Where there were peaceful protests two years ago against university policies regarding Selective Service, there is now the burning of draft cards and the refusal to serve when called.

Where there were sit-ins and freedom schools and the Mississippi summer project three years ago to express youth's deep commitment to civil rights, there are now black power rallies, riots—and a significant, meaningful fall-off in white student participation.

Where student protest against university "bureaucracy" started off at Berkeley as a free speech movement, it became then a filthy speech movement, and appeared in gross caricature last week in CCNY's muddy ditch affair—with a spokesman shouting through the bull horn: "The name of the game is: Confront the policy makers"—about, apparently, whatever is convenient at the moment.

I don't know how large the element of protest is in the developing degeneration of insistence on social freedom that has led to wherever we are now in the "experimentation" with marijuana, LSD, STP.

I reject the Cassandra counsel of those who look at the signs of escalating protest and increasing unrest—especially in the slums but in their other manifestations as well—and warn, as one of them put it recently: "We must prepare for the onset of terrorism."

Surely, though, it would be grossest negligence to disregard what is emerging plainly as one of democracy's recurrent, critical testings.

I feel, almost guiltily, the frustration of being unable to match description with proposal. Yet there is more than rationalization in suggesting that there is quite a lot of understanding left to be done here as the necessary preliminary to confident prescription. It is in this limited respect that I suggest tonight what seem to me two essential elements in this understanding:

First, recognition that youth's contemporary protest is not properly appraised—whether in criticism or condonation—in terms of the acts of protest alone, but only in the significant context of the central fact of the times—which is kaleidoscopic change;

Second, recognition that this protest reflects—but often distorts—an emerging ethic which has much to commend it and which is strikingly true to the free and responsible society's authentic tradition.

It would be perhaps presumptuous, but probably not wrong, to suggest that this is a hard, frightening, time to grow up in—and that difficulty and fear are plausible, reasonable, elements in protest. It is more reservedly analytical to find a constructive understanding—but by no means a condonation—of contemporary youth's convulsive protest in the facts of contemporary convulsive change—change not only in the technological and scientific spheres but also in the far reaching, deep reaching social, political, psychological and philosophical spheres.

The facts of mid-20th century technological and scientific revolution are clear. Its effects are anything but clear:

What, for example, is the effect of automation on the inner satisfaction which is probably essential to life's making sense and which craftsmen traditionally took from the work they did with their hands?

What is the effect on individuals and on the family of television—with its obsession for what is bad and wrong and shoddy—becoming a larger influence on children's minds than their parents or their peers or their teachers? Is there ever a perpetrator of violence on the streets at night, or a purchaser of heroin, who hasn't seen the thing he does done a hundred times before—in living, dying, color?

What of the impact of scientific discovery on traditional philosophical and political notions?

How much of an influence is it on the philosophy of this generation of youth that its members know—what none knew before because it wasn't true before—that they are committed to live their lives a single spark away from the incineration of the earth?

Or what does it do to democracy when more and more of the decisions the majority has to make hinge on the possession of sophisticated knowledge shared in fact by fewer and fewer members of that majority?

As the astronaut's rocket carries him beyond the effective force of gravity he enters a state of "weightlessness" in which the principles of balance and motion and stabilization he had previously relied on are no longer applicable. There is only a starting consciousness of the disorienting and unstabilizing effects on his earth-bound counterparts—especially those who are still getting their bearings—of a dozen recent achievements of the physical and life scientists.

The sharpest critics of youth's protest associate it with the protestors' alleged lessened sense of values.

If by this it is meant that some of the extremes of protest are what happens in a vacuum of values created in the eye of a hurricane of change, there is unquestionably evidence of that.

There is other evidence—evidence that youths' protest, except for those few for whom protest is an end or a "game" in itself, is *against* valuelessness—that its opposition to particular inherited values is that they are identified with antique forms of institutionalism—that youth is seeking as earnestly as desperate humanity always has for values that give life sense.

If I understand at all what is happening in the philosophy of thinking American youth, it centers on the insistence that the individual must have the opportunity for *direct participation*, for *involvement*, for *actual engagement*, for *commitment*, in some felt experience—and that institutions and procedures are valid only as they provide this opportunity.

Youth is persuaded that government, church, corporations, labor unions, political parties, universities, even the family, have come to be considered too much as ends and individuals too much as means to those ends; that as these institutions now operate they offer too little opportunity for actual, direct involvement of the individual in the conduct of his own and the community's affairs.

Young Americans count a civil rights sit-in more "relevant" than a civil rights decision by a court or a civil rights enactment by Congress—because they can themselves take part in the sit-in; and the Peace Corps more relevant than a foreign aid program because they can *be* the Peace Corps.

"I think," the older philosopher reasoned, "and therefore I am."

"I act," the youth says today, "and therefore I am."

Does the record of youth's protest in fact bear out its base in ethics, in a search for values, in a renewed insistence on the central meaningfulness not of institutions but of individuals, in a desire not only to believe but to be involved?

I think the answer is that it did reflect such a base during the first half of this decade. Surely, then, there was full reason for youth to feel that its desire to participate in "the shaping and molding of the world" was being fulfilled.

The civil rights sit-ins, boycotts, marches, and freedom schools did help create not only a wave of conscience across the country, but the Civil Rights Act, the Voting Rights Act, and the Economic Opportunity Act.

The student free speech movement and complaints about the growing impersonality of the university bureaucracy did help to produce specific changes in university regulations and practices.

The early teach-ins on the war and the early sit-ins on the draft did help to produce a wider and more serious debate on Viet Nam and a deeper examination by universities of their policies with respect to Selective Service.

In the last few months, however, it is manifest that impatience, frustration, and now bitterness, have set in. The feeling has grown that speaking out is no longer enough, that democracy's channels no longer carry youth's message, and that all bureaucrats and politicians are by definition, "nasty, brutish and short." New *forms* of protest have emerged: teach-ins have been replaced by sit-ins and sleep-ins and lawlessness and acts of civil disobedience; integrated freedom schools by black power rallies; peaceful demonstrations for peace by active resistance and draft card burnings. At the same time, new *objects* of protest have been fixed: visibly discriminatory Southern laws have lost center stage to less visibly discriminatory Northern practices and then to the whole system of allegedly "undemocratic institutions"; specific debatable issues on Viet Nam policy have given way to personal and symbolic supporters and critics of that policy; specific complaints against certain conventional social values have been replaced increasingly by expressed rejection of the whole notion of social values.

It would be much less than candor not to express the deep conviction that *in its present extreme forms*—and particularly in the apparent decision to change the present order of things from without instead of working from within—student protest finds no excuse in the "weightlessness" which change creates, and reduces the ethic of doing-as-being to a claimed license for what amounts to nothing much better than individual anarchy.

Whether we like it or not, part of the necessary adjustment to change, to an increasing tempo of even dubious "progress," is more self-discipline, not less. Insisting on participation in the setting of those new disciplines is one thing; denying all responsibility is another. Nobody is going to be excused, if he puts a car in the ditch or kills someone with it, by his explaining that he took his hands off the wheel because he was going too fast.

The pragmatics of it are that the current extremes of protest *dis*-serve their purposes—seriously.

The riots in the slums this summer hurt the poverty program and the advance of civil rights as much as the marches on Washington and Selma four years ago helped those causes.

If the objection of some members of Congress to the presently pending poverty bill appropriation is based on considerations of economy, the unspoken objection of others—utterly wrong in my judgment—is that the war on poverty did not prevent the riots.

The march on Washington three weeks ago hurt the cause of most of the marchers more than it advanced that cause. It all ended so meanly—with the walls covered with filth, the air full of dead fish and vegetables and sputum and tear gas, and the jails full of young men and women whose offense—more against themselves than the society—was the inciting of synthetic violence. It was youth's protest, and youth could not have been proud. A generation of decency was discredited by a few who degraded legitimate dissent into obscenity and anti-reason.

The net of it is that the youth's increasingly extreme form of protest and the adult's increasingly bitter recrimination and retribution are now creating an infinitely more bitter inflationary cycle—with human costs and prices.

There is debate about the draft—then a decision—then expressed disagreement and counter-argument—all in democracy's truest tradition. But then, suddenly, a despicable burning of draft cards and the barricading of recruiters behind doors held shut by students who thereby deny the one absolute tenet of the university: that *reason* must *never* bow to force. And now, the retributive action of threatening the students with a choice between being drafted or going to the penitentiary.

I re-rent with everything in me the abuse by those students of the ideals I hold highest. I think they are dead wrong about what is necessary to win freedom *and* peace in Viet Nam, and wronger about what freedom offers and demands. To the extent that their action does in fact violate the Selective Service Act, I support completely the firm and full carrying out of the law. But when those who administer the law say: "It may be that we are assuming just a little" by adding a new pressure to what the law provides, and when it is then put that the boy "may always go to the penitentiary if he likes," this isn't what I understand democracy to mean.

It is all so senseless, this spiraling of protest and recrimination.

There has never been a large commonalty of purpose in this country. In a very real sense much of today's protest—at least about our condition in this country—reflects not only the technological progress of recent years, but the unprecedented social gains as well—in educational and economic opportunity, increasingly equal opportunity. We have learned that in the most developed—as well as the least developed—countries there will come with new opportunity, a further revolution of still faster rising expectations. In large measure, today's dissatisfaction results from the increasing realization that the true measure of achievement is not how much better things are than they were last year, but how much the country is still short of the realization of its full potential. We were determinists once. Now we believe in the idea that Man is made with the competence inside to control his destiny.

But neither words nor philosophy—nor protest against protest against protest—will be enough this year, or next, or ever.

You are lawyers, present or future—and I perhaps return, in closing, to the schizophrenia acknowledged at the start about fashioning an instrument which might both let me speak to you whose interest and love is the law and still let loose with the concern fermenting inside me.

Yet in a very real sense, all I have said here is the setting up of a case which requires your professional attention. For law is not only the application of precedents, but even more centrally the development of procedures and institutions which serve the inexorably changing human desire and purpose.

There is a "weightlessness" today, and meeting it will require social and legal invention as curious and bold and effective as the scientific invention which created it.

Youth's protest may carry it outside any reasonable boundaries. It has. And it is partly the lawyer's obligation—as not only artisan but architect—to better refine the rules and principles and practices regarding protest so as to distinguish between dissent and disorder.

Beyond this, I press youth's case for changes in established institutional concepts which make the individual more clearly the master and the institution more clearly the servant; and changes in established procedural concepts which give the individual a more active role in his own and the community's affairs.

But new "concepts" are not enough.

There is the need for new programs which will provide the young people of the country the opportunity they ask to make both it and the world better, safer, more sensible. The Peace Corps is a precedent. So is VISTA. So is Israel's two-year national service program.

There is the need for better lines of communication between academic and political forums.

Max Lerner's proposal this week of a university procedure in which administration, faculty, and students would participate on a 7–5–3 ratio basis in making *some* decisions deserves careful consideration.

There are further experiments to be made, new programs devised, to meet the necessity of full participation—and more than that, the assumption of full responsibility—by the residents of slums and ghettoes in making their own repairs against the ravages—more psychic than physical—of centuries of bigotry.

These are only seed suggestions, meagre illustrations of the kind of new institution and procedure building that is required.

This is a job for citizens—yes, but most particularly for lawyers. For what is raised most centrally in youth's protest today is the free society's essential legal question: how to achieve under constantly changing circumstance that balance of rights and responsibilities which will maximize *individual* opportunity and significance.

There has been constant reminder, in the preparing of these remarks, of Wiley Rutledge. Of three pictures I see every night above my dresser, his is one. I wouldn't be here tonight, nor doing what I do, if my life had not touched and then drawn heavily upon his. More than any but a few, I know what this School meant to him.

Wiley Rutledge believed in the individual—*every* individual—the very idea of the individual—more devoutly than any other man I have known. He would take, today, youth's case—but with due recognition of his obligation to serve his client by recognizing fully the common interest. He would say, as he did, now twenty-two years ago, in *Thomas v. Collins*:

"This case confronts us . . . with the duty to say where the individual's freedom ends and the State's power begins. Choice on that border is always delicate. It is the character of the right, not of the limitation, which determines what standard governs the choice.

"It is in our tradition to allow the widest room for discussion, the narrowest range for its restriction, particularly when this right is exercised in conjunction with peaceable assembly."

CONGRESSIONAL REDISTRICTING

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PICKLE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. PICKLE. Mr. Speaker, we have before us today another page in the now extensive legislative history on the congressional redistricting bill. H.R. 2275 is the aftermath of the still unsettled dispute on the earlier major redistricting bill, H.R. 2508.

H.R. 2508 passed both Houses of Congress earlier this year, but the measure contained several disputed points. The conference report on the bill made an effort to reconcile some of the more important aspects of the legislation, and limited the extent to which a Federal court could require redistricting in a given State. Briefly, the conference report provided merely that there could be no members elected at large for the 91st and 92d Congresses except for New Mexico and Hawaii and that no State would be compelled to redistrict for the 91st and 92d Congresses without the benefit of an up-to-date current census figure.

The conference report on H.R. 2508 left to future Congresses all other items including guidelines as to a fair degree of equality of population, contiguity of districts, compactness, and gerrymandering.

I supported this conference report when it was before the House because it then seemed like the best available solution, but the other body, on November 8, rejected it, and at the same time added to the bill before us today an amendment which was not germane, prohibiting at-large elections but making no provision for census counts.

The redistricting provisions of H.R. 2275, as before us today and as passed by the Senate, have one simple goal—to prevent the at-large elections for Congress in the next few years. It is the simplest form of the redistricting squabble, and it does not address the problems of compactness nor does it have anything to do with a census. It merely provides that when there is more than one Member of Congress from a given State, then the State must be districted with no candidate running at large. This is the relatively narrow point on which both Houses and their conferees have consistently agreed—that there is strong public policy to insure at least this much protection in the coming years.

The problem of a legislature or a court not having a current census to work with in redistricting is one which is best settled permanently before proceeding with redistricting requirements. The House has already passed a mid-decade census bill, H.R. 7659, which will go far in resolving this problem. With the latest developments culminating with the proposal before us today, I feel this Congress should adopt H.R. 2275, as amended by the Senate, and proceed with the mid-decade census bill to lay the groundwork for further legislation in the field of redistricting, if this proves necessary.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FLYNT (at the request of Mr. DAVIS of Georgia), for Tuesday, November 28, 1967, on account of official business.

Mr. BROWN of Michigan (at the request of Mr. GERALD R. FORD), for November 29, 1967, and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PELLY for 15 minutes, today.

Mrs. DWYER (at the request of Mr. STEIGER of Arizona), for 10 minutes, on November 29, and to revise and extend her remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

(The following Members (at the request of Mr. STEIGER of Arizona) and to revise and extend their remarks and include extraneous matter:)

Mr. ROUDEBUSH.

Mr. SMITH of New York.

Mr. COLLIER.

(The following Members (at the request of Mr. MONTGOMERY) and to include extraneous matter:)

Mr. HÉBERT.

Mr. HANNA.

Mrs. SULLIVAN.

Mr. TENZER in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1532. An act to require that contracts for construction, alteration, or repair of any public building or public work of the District of Columbia be accompanied by a performance bond protecting the District of Columbia and by an additional bond for the protection of persons furnishing material and labor, and for other purposes; to the Committee on the District of Columbia.

S. 1629. An act to authorize the Commissioners of the District of Columbia to enter into joint contracts for supplies and services on behalf of the District of Columbia and for other political divisions and subdivisions in the National Capital region; District of Columbia.

S. 1722. An act to amend the wheat acreage allotment provisions of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2529. An act to amend the act of September 8, 1960, relating to the Washington Channel waterfront;

H.R. 8582. An act to amend chapter 7 of title 11 of the District of Columbia Code to increase the number of associate judges on the District of Columbia court of appeals from two to five, and for other purposes; and

H.J. Res. 936. Joint resolution making continuing appropriations for the fiscal year 1968, and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 162. An act to grant the masters of certain U.S. vessels a lien on those vessels for their wages and for certain disbursements;

H.R. 168. An act to amend the act of June 20, 1918, relating to the retirement age requirements of certain personnel of the Coast Guard;

H.R. 169. An act to increase the amount of benefits payable to widows of certain former employees of the Lighthouse Service, and thereafter to provide for cost-of-living increases in benefits payable to such widows and to such former employees;

H.R. 1006. An act to provide an increase in the retired pay of certain members of the former Lighthouse Service;

H.R. 3351. An act to amend the act of August 19, 1950, to provide annuity benefits for an additional number of widows of employees of the Lighthouse Service;

H.R. 6418. An act to amend the Public Health Service Act to extend and expand the authorizations for grants for comprehensive health planning and services, to broaden and improve the authorization for research and demonstrations relating to the delivery of health services, to improve the performance of clinical laboratories, and to authorize cooperative activities between the Public Health Service hospitals and community facilities, and for other purposes;

H.R. 6430. An act to amend the public health laws relating to mental retardation to extend, expand, and improve them, and for other purposes;

H.R. 10442. An act to facilitate exchanges of land under the act of March 20, 1922 (42 Stat. 465), for use for public schools, and for other purposes;

H.R. 12910. An act to establish a Judge Advocate General's Corps in the Navy, and for other purposes;

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

H.J. Res. 859. Joint resolution extending for 1 year the emergency provisions of the urban mass transportation program.

ADJOURNMENT

Mr. MONTGOMERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 4 minutes p.m.) the House adjourned until tomorrow, Wednesday, November 29, 1967, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1239. A letter from the Secretary of Defense, transmitting six reports covering violations of section 3679, Revised Statutes, and Department of Defense Directive 7200.1, pursuant to section 3679(i)(2), Revised Statutes; to the Committee on Appropriations.

1240. A letter from the Comptroller General of the United States, transmitting a report on use of contractor personnel to perform research functions within facilities of the Air Force Cambridge Research Laboratories, Department of the Air Force; to the Committee on Government Operations.

1241. A letter from the Assistant Secretary of the Interior, transmitting copies of certain orders and supporting documents covering cancellations of reimbursable charges existing as debts against individual Indians or tribes of Indians, pursuant to the act of July 1, 1932 (47 Stat. 564); to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROGERS of Colorado: Committee of conference. H.R. 8629. An act to amend the act of July 4, 1966 (Public Law 89-491) (Rept. No. 987). Ordered to be printed.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 12639. A bill to remove certain limitations on ocean cruises; with amendment (Rept. No. 988). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 25. A bill to authorize the Secretary of the Interior in cooperation with the States to preserve, protect, develop, restore, and make accessible estuarine areas of the Nation which are valuable for sport and commercial fishing, wildlife conservation, recreation, and scenic beauty, and for other purposes; with amendment (Rept. No. 989). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 993. Resolution providing for the consideration of H.R. 6649, a bill to amend the Export-Import Bank of 1945, as amended, to shorten the name of the Bank, to extend for 5 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves, export credit insurance and guarantees, and for other purposes (Rept. No. 990). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BARRETT:

H.R. 14171. A bill to provide for orderly trade in iron ore, iron, and steel mill products; to the Committee on Ways and Means.

By Mr. BROWN of Michigan:

H.R. 14172. A bill to amend the Internal Revenue Code of 1954 to increase the deduction allowable for expenses of medical care of persons over age 65; to the Committee on Ways and Means.

By Mr. DON H. CLAUSEN:

H.R. 14173. A bill to provide for orderly trade in iron and steel mill products; to the Committee on Ways and Means.

By Mr. DADDARIO:

H.R. 14174. A bill to amend the Merchant Marine Act, 1936, and other statutes to provide a new maritime program; to the Committee on Merchant Marine and Fisheries.

By Mr. DULSKI:

H.R. 14175. A bill to amend the Nurse Training Act of 1964 to provide for increased assistance to hospital diploma schools of nursing; to the Committee on Interstate and Foreign Commerce.

By Mr. FLOOD:

H.R. 14176. A bill to provide for orderly trade in iron and steel mill products; to the Committee on Ways and Means.

By Mr. NIX:

H.R. 14177. A bill to provide for orderly trade in iron ore, iron, and steel mill products; to the Committee on Ways and Means.

By Mr. PETTIS:

H.R. 14178. A bill to provide for orderly trade in iron and steel mill products; to the Committee on Ways and Means.

By Mr. RARICK:

H.R. 14179. A bill to provide for the increase of capacity and the improvement of operations of the Panama Canal, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. KYL:

H.R. 14180. A bill to provide for the establishment of the Lewis and Clark National Scenic Riverway, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SKUBITZ:

H.R. 14181. A bill to provide for orderly trade in iron and steel mill products; to the Committee on Ways and Means.

By Mr. SMITH of Oklahoma:

H.R. 14182. A bill to amend title 18 of the United States Code to make it unlawful to assault or kill any member of the armed services engaged in the performance of his official duties while on duty under orders of the President under chapter 15 of title 10 of the United States Code or paragraphs (2) and (3) or section 3500 of title 10 of the United States Code; to the Committee on the Judiciary.

By Mr. STEIGER of Arizona:

H.R. 14183. A bill to provide for orderly trade in iron and steel mill products; to the Committee on Ways and Means.

By Mr. ASHMORE:

H.R. 14184. A bill to amend title 38 of the United States Code to increase rates of disability compensation paid to service disabled veterans; to the Committee on Veterans' Affairs.

By Mr. IRWIN:

H.R. 14185. A bill to amend titles 10 and 37, United States Code, to reestablish the grade of commodore in the Navy; to the Committee on Armed Services.

By Mr. DANIELS:

H.R. 14186. A bill to reduce thefts of motor vehicles by prohibiting the exportation of unidentified motor vehicles, and by prohibiting the unauthorized possession and transmission in interstate commerce of motor vehicle master keys; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON of Pennsylvania:

H.R. 14187. A bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy; to the Committee on Post Office and Civil Service.

By Mr. GARMATZ:

H.R. 14188. A bill to provide for orderly trade in iron ore, iron, and steel mill products; to the Committee on Ways and Means.

By Mr. BOW:

H.J. Res. 935. Joint resolution making continuing appropriations for the fiscal year 1968, and for other purposes; to the Committee on Appropriations.

By Mr. MAHON:

H.J. Res. 936. Joint resolution making continuing appropriations for the fiscal year 1968, and for other purposes; to the Committee on Appropriations.

By Mr. MORRIS (for himself and Mr. WALKER):

H.J. Res. 937. Joint resolution to approve long-term contracts for delivery of water from Navajo Reservoir in the State of New Mexico, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. NIX:

H.J. Res. 938. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. PEPPER:

H.J. Res. 939. Joint resolution to establish a Joint Committee on the Cost of Medical Care; to the Committee on Rules.

H.J. Res. 940. Joint resolution to provide that it be the sense of Congress that a White House Conference on Aging be called by the President of the United States in January 1970, to be planned and conducted by the Secretary of Health, Education, and Welfare to assist the States in conducting similar conferences on aging prior to the White House Conference on Aging, and for related purposes; to the Committee on Education and Labor.

By Mr. GROVER:

H.J. Res. 941. Joint resolution to designate the Union Station Building in the District of Columbia, a part of the National Visitor Center, as the National Visitor Center Memorial Building; to the Committee on Public Works.

By Mr. HOLLAND:

H. Res. 992. Resolution directing the Sergeant at Arms and the Clerk of the House of Representatives to withhold payment of the salary of Members, officers, and employees of the House of Representatives if officers and employees of the District of Columbia or of the U.S. Government or U.S. judges are not paid because Congress has not completed action upon appropriation legislation for their salaries; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ADDABBO:

H.R. 14189. A bill for the relief of Lorenzo Canale; to the Committee on the Judiciary.

H.R. 14190. A bill for the relief of Rocco Severino; to the Committee on the Judiciary.

By Mr. BELL:

H.R. 14191. A bill for the relief of Laura Massaglia and certain other persons; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 14192. A bill for the relief of Giuseppe and Grazia Semeraro; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (by request):

H.R. 14193. A bill for the relief of Marguerite Simoy (also known as Margarita Simou); to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 14194. A bill for the relief of Joaquin Morales Monterrey and his wife, Dora Morales Monterrey, and their child, Cynthia Morales Monterrey; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 14195. A bill for the relief of Teresa Pappalardo; to the Committee on the Judiciary.

By Mr. KASTENMEIER:

H.R. 14196. A bill for the relief of Mrs. Nelly Luisa Macon Link and her minor son, Alberto Ramon Palleroni; to the Committee on the Judiciary.

By Mr. McCARTHY:

H.R. 14197. A bill for the relief of Heng Liong Thung and Yvonne Maria Thung (nee/Thio); to the Committee on the Judiciary.

By Mr. McCLORY:

H.R. 14198. A bill for the relief of Emilia B. Ajwani; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 14199. A bill for the relief of Comdr. Joe R. Lacy; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H.R. 14200. A bill for the relief of Luigi Giuliano and his wife, Giuseppina Testa Giuliano, and their children, Michelina Giuliano and Magdalena Giuliano; to the Committee on the Judiciary.

H.R. 14201. A bill for the relief of Mario Romano; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

A Tribute to the Ukrainian Struggle for Freedom

EXTENSION OF REMARKS

OF

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 28, 1967

Mr. SMITH of New York. Mr. Speaker, I would like to insert a few words in honor of the anniversary of two very meaningful events in the history of the Ukraine: the Ukrainian declaration of independence and the organization of the valiant Ukrainian resistance movement.

Since 1783, when Catherine II forcefully absorbed the Ukraine into Russia, the Ukrainian people had been politically oppressed, but they had, nevertheless, developed a rich and vital national heritage. This culture sparked their desire for self-determination, so that in 1917, during the Bolshevik revolution, when much of the Russian machinery was in a state of total chaos, Ukrainians were effectively able to declare themselves sovereign and free. Now, as the Soviet Union celebrates the 50th anniversary of Communist rule in Russia, we similarly commemorate the 50th anniversary of the beginning of the Ukrainian struggle for independence. How tragic that this glorious period of liberation endured for only 3 years. When the Communist regime was well entrenched in Moscow, Ukrainian nationhood was abolished and the country was once again occupied and governed by Russia.

As we approach the beginning of a new year, we also should acknowledge the 25th anniversary of the formation of the Ukrainian Insurgent Army—UPA. The UPA was organized in early 1943 as a reaction to the conquering Germans, whom the Ukrainians had previously hoped would liberate them from the cruel and torturous practices of the war-panicked Russians. Instead, the Germans perpetuated the inhuman system devised by the Russians. This political and armed resistance grew into a vast underground movement, supported by most of the Ukrainian population. With the surrender of Germany came the return of Soviets into the Ukraine. They were met with persistent harassment, sabotage, and military opposition by the UPA. It was not until 1950 that open conflict ceased. Yet the spirit of Ukrainian patriotism and the psychological resistance to Russification continue, though the activism of the UPA has been abandoned.

As we observe these anniversaries and pay tribute to the determined and courageous Ukrainian people, perhaps we can continue to stoke the fire of hope in their land, sealed off from the world and oppressed as it is.

Support Our Boys in Vietnam

EXTENSION OF REMARKS

OF

HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 28, 1967

Mr. ROUDEBUSH. Mr. Speaker, great attention is paid by the communications media in this country to acts of disloyalty to the U.S. Government.

Draft card and flag burners, demonstrators, and pickets receive attention beyond their importance and are por-