United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 90th CONGRESS, FIRST SESSION

SENATE

TUESDAY, DECEMBER 5, 1967

The Senate met at 10 a.m., and was called to order by Hon. GALE W. MCGEE, a Senator from the State of Wyoming.

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

Our Father God, grant us, we beseech Thee, the grace of toiling in these fields of time in the sense of the eternal. Lead us, in the stress and strain of this new day, to the sources of strength and victory, to the green pastures and still waters of Thine enabling grace.

As Thy servants in this temple of democracy, give us courage and strength for the vast task of social rebuilding that needs to be dared if life for all men is to be made full and free.

In the silence of this still moment before the rush of another day, may open windows of faith flood our darkness with light, that in Thy sunshine's blaze our life may be brighter. Give us inner greatness of spirit and clearness of vision to meet and match the large designs of this glorious yet demanding day, that we may keep step with Thy purpose which is marching on.

Teach us a gentler tone, a sweeter charity of words, and a more healing touch for all the smart of this wounded world.

In the dear Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., December 5, 1967.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. GALE W. MCGEE, a Senator from the State of Wyoming, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, December 4, 1967, be dispensed with.

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of James M. Nicholson, of Indiana, to be a Federal Trade Commissioner, which was referred to the Committee on Commerce.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 1785. An act to improve certain benefits for employees who serve in high-risk situations, and for other purposes; and

S. 2247. An act to amend the Merchant Marine Act, 1936, to increase the Federal ship mortgage insurance available in the case of certain oceangoing tugs and barges.

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

H.R. 470. An act to authorize the Pharr Municipal Bridge Corp. to construct, maintain, and operate a toll bridge across the Rio Grande near Pharr, Tex.;

H.R. 555. An act to amend sections 312, 301(b), 320(a), and 321(a) of the Immigration and Nationality Act;

H.R. 6437. An act to amend the Agricultural Adjustment Act of 1938, as amended, to permit advance payments to wheat producers;

H.R. 9833. An act to amend section 1331 (c) of title 10, United States Code, to authorize the granting of retired pay to persons otherwise qualified who were Reserves before August 16, 1945, and who served on active duty during the so-called Berlin crisis;

H.R. 11542. An act for the relief of Marshall County, Ind.;

H.R. 12639. An act to remove certain limitations on ocean cruises;

H.R. 12899. An act to amend section 1072 (2) (F) of title 10, United States Code, to include other than natural parents and parents-in-law within the category of dependent eligible for medical care;

H.R. 13273. An act to amend the Marine Resources and Engineering Development Act of 1966, as amended, to extend the period of time within which the Commission on Marine Science, Engineering, and Resources is to submit its final report and to provide for a fixed expiration date for the National Council on Marine Resources and Engineering Development; and

H.R. 13833. An act to provide that the post office and Federal office building to be constructed in Bronx, N.Y., shall be named the "Charles A. Buckley Post Office and Federal Office Building" in memory of the late Charles A. Buckley, a Member of the U.S. House of Representatives from the State of New York from 1935 through 1964.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 470. An act to authorize the Pharr Municipal Bridge Corp., to construct, maintain, and operate a toll bridge across the Rio Grande near Pharr, Tex.; to the Committee on Foreign Relations.

H.R. 555. An act to amend sections 312, 301(b), 320(a), and 321(a) of the Immigration and Nationality Act; and

H.R. 11542. An act for the relief of Marshall County, Ind.; to the Committee on the Judiciary.

H.R. 6437. An act to amend the Agricultural Adjustment Act of 1938, as amended, to permit advance payments to wheat producers; to the Committee on Agriculture and Forestry.

H.R. 9833. An act to amend section 1331(c) of title 10, United States Code, to authorize the granting of retired pay to persons otherwise qualified who were Reserves before August 16, 1945, and who served on active duty during the so-called Berlin crisis; and

H.R. 12899. An act to amend section 1072 (2) (F) of title 10, United States Code, to include other than natural parents and parents-in-law within the category of dependent eligible for medical care; to the Committee on Armed Services.

H.R. 12639. An act to remove certain limitations on ocean cruises; and

H.R. 13273. An act to amend the Marine Resources and Engineering Development Act of 1966, as amended, to extend the period of time within which the Commission on Marine Science, Engineering, and Resources is to submit its final report and to provide for a fixed expiration date for the National Council on Marine Resources and Engineering Development; to the Committee on Commerce.

H.R. 13833. An act to provide that the post office and Federal office building to be constructed in Bronx, N.Y., shall be named the "Charles A. Buckley Post Office and Federal Office Building" in memory of the late Charles A. Buckley, a Member of the U.S. House of Representatives from the State of New York from 1935 through 1964; to the Committee on Public Works.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

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

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Post Office and Civil Service, the Permanent Subcommittee on Investigations of the Committee on Government Operations, and the Subcommittee on Business and Commerce of the Committee on the District of Columbia be authorized to meet during the session of the Senate today.

Mr. STENNIS. Mr. President, reserving the right to object—I do not know whether I will object—that is a long list of committees. How can we have consideration on the floor of the Senate on amendments to the pending bill on their merits if all these committees are meeting? I stated yesterday that one of my problems is getting an amendment understood. I just do not know how it will work out.

Mr. MANSFIELD. May I say to the distinguished Senator that the McClellan Subcommittee on Investigations of the Committee on Government Operations is the only one of the three which will meet this afternoon.

Mr. STENNIS. That will help the situation a great deal. Is the Senator's request only for morning meetings for all except the Permanent Subcommittee on Investigations?

Mr. MANSFIELD. All of them to meet this morning, except the Investigating Committee.

Mr. STENNIS. I have no objection.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

REPORT OF PROCEEDINGS OF THE CONVENTION OF AMERICAN INSTRUCTORS OF THE DEAF

The ACTING PRESIDENT pro tempore laid before the Senate a letter from the president, Gallaudet College, Washington, D.C., transmitting, pursuant to law, a report of the Convention of American Instructors of the Deaf, held at West Hartford, Conn., June 25–30, 1967, which, with the accompanying report, was referred to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KUCHEL, from the Committee on Interior and Insular Affairs, with amendments:

S. 2402. A bill to provide for credit to the Kings River Water Association and others from excess payments for the years 1954 and 1955 (Rept. No. 837).

By Mr. MORSE, from the Committee on the District of Columbia, with an amendment:

H.R. 10964. An act to enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes (Rept. No. 839).

By Mr. MORSE, from the Committee on the District of Columbia, with amendments:

H.R. 11638. An act to amend title II of the act of September 19, 1918, relating to industrial safety in the District of Columbia (Rept. No. 838).

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. KENNEDY of Massachusetts:

S. 2718. A bill for the relief of Bronislaw Giro; to the Committee on the Judiciary.

By Mr. RANDOLPH:

S. 2719. A bill to permit a State or political subdivision thereof to mail automobile registration certificates as enclosures in third- or fourth-class mail; to the Committee on Post Office and Civil Service.

By Mr. JAVITS:

S. 2720. A bill for the relief of Heng Liong Thung and Yvonne Maria Thung; to the Committee on the Judiciary.

By Mr. DOMINICK (for himself, Mr. ALLOTT, Mr. BAKER, Mr. BIBLE, Mr. BREWSTER, Mr. CARLSON, Mr. CASE, Mr. CLARK, Mr. COOPER, Mr. COTTON, Mr. CURTIS, Mr. DODD, Mr. FANNIN, Mr. HANSEN, Mr. HATFIELD, Mr. JAVITS, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of New York, Mr. MAGNUSON, Mr. MCGEE, Mr. NELSON, Mr. PELL, Mr. PROUTY, Mr. RIBICOFF, Mr. SCOTT, Mr. TOWER, and Mr. THURMOND):

S.J. Res. 127. Joint resolution to proclaim National Jewish Hospital Save Your Breath Month; to the Committee on the Judiciary.

(See the remarks of Mr. DOMINICK when he intorduced the above joint resolution, which appear under a separate heading.)

RESOLUTION

PERMISSION FOR CERTAIN EMPLOYEES OF THE SENATE TO TESTIFY

Mr. MCCLELLAN, from the Committee on Government Operations, reported an original resolution (S. Res. 192) permitting certain employees of the Senate to testify in civil action No. 1146, pending in the U.S. District Court for the Eastern District of Kentucky, and for other purposes, which was considered and agreed to.

(See the above resolution printed in full when reported by Mr. MCCLELLAN, which appears under a separate heading.)

NATIONAL JEWISH HOSPITAL SAVE YOUR BREATH MONTH

Mr. DOMINICK. Mr. President, I introduce for appropriate reference a joint resolution which would authorize and request the President to issue a proclamation designating March 1968 as National Jewish Hospital Save Your Breath Month. The President is further requested to emphasize in his proclamation the major public health problem presented by chronic respiratory disease, and to call upon all people of the United States to observe appropriate medical safeguards for their own respiratory health and that of their families.

Mr. President, National Jewish Hospital is well known to the Members of this body. At least 41 present Members of the Senate as well as President Johnson, Vice President HUMPHREY, and former Presidents Truman and Eisenhower have been sponsors of the hospital.

I have had for many years some personal familiarity with the hospital and with those responsible for its operation.

Located in Denver, National Jewish Hospital's services have been widely utilized nationally, even internationally. Its officers reside in nine States and the District of Columbia—its board of trustees in 33 States and the District of Columbia. Indeed, it operates as an extension and an addition to the medical and research facilities of every community in the land. The hospital has given more than 5 million days of free treatment to patients from some 6,000 communities throughout the Nation. The cost of care available at National Jewish Hospital—a cost which would otherwise be borne by the communities from which patients come—neared $5 million for fiscal 1965–66.

Although the name might indicate otherwise, the National Jewish Hospital does not serve only the Jewish population. In fact the first person admitted was a Catholic. Since its inception, it has been completely nonsectarian in its policies. Men, women, and children are admitted regardless of age, race, creed, or geographic origin.

I believe this joint resolution to be timely and important. Hopefully it will focus national attention on the alarming rapid and continuing rise of chronic respiratory disease in the United States. Such diseases now constitute the major single cause of time lost from work or school and rank fourth in the cause of death. Tuberculosis, asthma, emphysema, and other pulmonary cripplers now afflict more than 10 million Americans, killing an estimated 160,000 a year.

Tuberculosis, still the world's No. 1 infectious disease problem, continues in this country and abroad despite efforts to eradicate it. An estimated 1.5 billion persons—half the world population—are believed to be infected with the germ of tuberculosis. Some estimates are that 30 million Americans now carry the inactive germ. New, active cases are reported at the rate of 50,000 a year. Americans still die of tuberculosis—about 8,000 annually.

More than 4 million suffer from asthma in the Nation. Asthma kills 4,000 people a year.

Approximately 3,000,000 people are suffering from emphysema, a disease of irreparable lung destruction. The Social Security Administration reports the disease disables more than 15,000 workers every year.

Emphysema and chronic bronchitis have sprung from relative obscurity into grim prominence as killer diseases, taking a total of 20,000 lives a year in the United States.

These figures, I suspect, jolt the conscience of many. At National Jewish Hospital the challenge is being met head on.

The hospital was founded in 1890 as the Jewish Hospital Association of Colorado by a small band of Jewish pioneers. They shared a dream of a haven for the destitute victims of tuberculosis. The fame of Colorado's climate had spread far and wide. The only prescription for tuberculosis in those days was fresh, dry air, sunshine and rest. Denver

could supply the first two requirements in abundance. Eleven lots were purchased, in what was then Arapahoe country, and a three-story building was erected. From a 60-bed tuberculosis sanatorium, National Jewish Hospital has grown to an institution of 18 buildings, with 280 beds, including a Children's Treatment Center, the Neustadt and Hearst Laboratories and the National Rehabilitation Center. The spacious, campuslike setting covers an area of 16.5 acres in a residential section of Denver.

National Jewish Hospital has been modified through the years to meet the changing requirements of a modern chest disease center. In addition to treatment for a host of chest ailments that endanger man's ability to breathe, it has a full surgical service for both cardiovascular and pulmonary procedures. I understand it was the first institution in the world to establish a separate adult inpatient service for the treatment of chronic asthma. But looking beyond treatment, the hospital is also engaged in research, education, and rehabilitation.

The hospital has been guided by the thought that it has a duty not only to apply the findings made by the researchers all over the world to the care of patients, but also to contribute to the funds of knowledge. Thus, research is carried out by physicians directly concerned with the care of patients as well as by workers in the division of research, remote from contact with the patient.

Physicians, research scientists, nurses, medical technicians, and undergraduate students come to the hospital from many parts of the world, seeking training in chest medicine and surgery, laboratory techniques, tuberculosis nursing, social service, occupational therapy, psychology and other paramedical disciplines. In addition to the regular training program, the National Jewish Hospital shares leadership in one of the country's largest and first cooperative programs of tuberculosis training under the auspices of the U.S. Public Health Service.

The hospital also has a comprehensive medical-rehabilitation program based on the concept that every facet of the patient's life should be considered in determining appropriate treatment. Except for periods of acute illness, patients are up and around during their hospitalization and share in planned activity programs in the hospital and in the community. The aim is to return the patient to family and community as prepared as possible to live a normal life. To increase the prospects of the patient's return to a normal life, a number of courses in job training are conducted at the hospital. All children of school age are enrolled in classes conducted in classrooms at the hospital. Both high school age patients and those interested in higher education may enroll in schools outside the hospital. Recreational programs, organized by the patients through councils and under the supervision of a trained worker, are available. Significant of the progressive thinking of the hospital is the industrial therapy program under which the hospital obtains contracts from local industries for light, skilled, and semiskilled jobs which can be performed by the patient. Wages are commensurate with the individual's work capacity, and the patient receives valuable experience which may increase his employability on discharge.

Mr. President, this pioneer medical and research center is one of the few institutions in the world concentrating its total effort on chronic respiratory diseases. It is, I believe, unique in its experience and facilities, and remarkably fitted for its role of leadership in the attack on diseases which rob us of our ability to breathe.

Its admission requirement "None may enter who can pay—none can pay who enter" is known around the world.

National Jewish Hospital Save Your Breath Month can be the focal point of an intensive national educational campaign to alert all people to the increase of chronic respiratory diseases, to emphasize the importance of early detection through regular medical checkups, and to inform the public of the status of medical knowledge and current research in respiratory diseases.

I ask unanimous consent that the joint resolution be printed in the RECORD at this point.

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

The joint resolution (S.J. Res. 127) to proclaim National Jewish Hospital Save Your Breath Month, introduced by Mr. DOMINICK (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 127

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in response to the growing national concern occasioned by the increase of chronic respiratory disease and in recognition of the accomplishments of medical science in the detection and control of such disease, the President of the United States is hereby authorized and requested to issue a proclamation (1) designating March 1968 as National Jewish Hospital Save Your Breath Month, and (2) emphasizing the major public health problem presented by chronic respiratory disease, and calling upon the people of the United States to observe appropriate medical safeguards for their own respiratory health and that of their families.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1967—AMENDMENT

AMENDMENT NO. 488

Mr. BYRD of Virginia submitted an amendment, intended to be proposed by him, to the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing assistance for comprehensive educational planning, and by improving programs of education for the handicapped; to improve authority for assistance to schools in federally impacted areas and areas suffering a major disaster; and for other purposes which was ordered to lie on the table and to be printed.

AMENDMENT NO. 489

Mr. LAUSCHE. Mr. President, I submit an amendment, intended to be proposed by me, to House bill 7819, and I ask unanimous consent that the amendment be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 55, beginning with line 16, strike out all through the period in line 19 and insert in lieu thereof the following: "and $500,000,000 for the fiscal year ending June 30, 1968, and for each of the three succeeding fiscal years.".

On page 84, line 3, beginning after the colon strike out all through line 7 and insert in lieu thereof the following: " 'and $65,000,000 for the fiscal year ending June 30, 1968, and each of the three succeeding fiscal years,'.".

On page 88, line 16, beginning with "$20,000,000" strike out all through line 18 and insert in lieu thereof the following: "and for each of the three succeeding fiscal years.".

On page 98, line 13, beginning with "$8,000,000" strike out all through line 16 and insert in lieu thereof the following: "and for each of the three succeeding fiscal years.".

On page 104, line 1, beginning with "$3,000,000" strike out all through line 4 and insert in lieu thereof the following: "and for each of the three succeeding fiscal years.".

On page 109, beginning with line 14, strike out all through line 17 and insert in lieu thereof the following:

(e) Section 4 of such Act is amended by striking out "$5,000,000" and all through the remainder of such section and inserting in lieu thereof the following: "and $8,000,000 annually for each succeeding fiscal year thereafter.".

On page 111, line 9, beginning with "$3,500,000" strike out all through line 13 and insert in lieu thereof the following: "and not to exceed $3,500,000 for the fiscal year ending June 30, 1968 and each of the three succeeding fiscal years'.".

On page 131, line 8, beginning with "$150,000,000" strike out all through line 12 and insert in lieu thereof the following: "and $150,000,000 for the fiscal year ending June 30, 1968 and for each of the three succeeding fiscal years'.".

On page 131, line 20, beginning with "$150,000,000" strike out all through line 24 and insert in lieu thereof the following: "and $150,000,000 for the fiscal year ending June 30, 1968 and for each of the three succeeding fiscal years'.".

On page 137, line 7, beginning with the quotation marks strike out all through line 11 and insert in lieu thereof the following: "all after 'June 30, 1968,' and inserting in lieu thereof the following: 'and for each of the three succeeding fiscal years, for the purposes of this title.' ".

On page 140, beginning with line 7, strike out all through line 9 and insert in lieu thereof the following: "and for each of the three succeeding fiscal years.".

On page 150, line 1, beginning with the semicolon strike out all to but not including the period in line 4.

PROVISION OF HOUSING FOR LOW AND MODERATE INCOME FAMILIES—AMENDMENT

AMENDMENT NO. 490

Mr. BENNETT submitted an amendment, intended to be proposed by him,

to the bill (S. 2700) to assist in the provision of housing for low and moderate income families, and to extend and amend laws relating to housing and urban development, which was ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF CONCURRENT RESOLUTION

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Connecticut [Mr. RIBICOFF] I ask unanimous consent that, at its next printing, the names of the Senator from Pennsylvania [Mr. CLARK] and the Senator from New Jersey [Mr. WILLIAMS] be added as cosponsors of the concurrent resolution (S. Con. Res. 52) to initiate action to establish an International Education Year.

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

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore announced that on today, December 5, 1967, the Vice President signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 814. An act to establish the National Park Foundation;

S. 1003. An act to amend the Flammable Fabrics Act to increase the protection afforded consumers against injurious flammable fabrics;

S. 2565. An act to amend the Federal Farm Loan Act and the Farm Credit Act of 1933, as amended, and for other purposes;

S. 2644. An act to amend the Atomic Energy Community Act of 1955, as amended, the Atomic Energy Act of 1954, as amended, and the Euraton Cooperation Act of 1958, as amended;

H.R. 2154. An act to provide long-term leasing for the Gila River Indian Reservation;

H.R. 2275. An act for the relief of Dr. Ricardo Vallejo Samala and to provide for congressional redistricting;

H.R. 2730. An act authorizing the Administrator of Veterans' Affairs to convey certain property to Temple Junior College, Temple, Tex.;

H.R. 2828. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Iowa Tribes of Kansas and Nebraska and of Oklahoma in Indian Claims Commission dockets Nos. 138 and 79, and for other purposes;

H.R. 4920. An act to amend the act of August 9, 1955, to authorize longer term leases of Indian lands on the San Carlos Apache Reservation in Arizona; and

H.R. 4983. An act to disclaim any right, title, or interest by the United States in certain lands in the State of Arizona.

CONGRESSIONAL DIRECTORY, 1968

Mr. HAYDEN. Mr. President, the Congressional Directory for 1968 is scheduled to go to press about mid-December. In order that House and Senate Members may acquire additional copies above their regular allotments, arrangements have been made to order extra copies at a reduced rate of $2.05 for the thumb indexed and $1.45 for the nonindexed.

Orders are to be placed with the CONGRESSIONAL RECORD clerk, room H-112, Capitol, extension 2100. All orders must be received on or before December 8. An order form for this purpose has been sent to each office, as a part of each Senator's personal office announcement.

NOTICE OF HEARING ON NOMINATION BY COMMITTEE ON THE JUDICIARY

Mr. ERVIN. Mr. President, as chairman of the Subcommittee on Constitutional Rights, I wish to announce that a hearing will be held on the nomination of Stephen J. Pollak, of the District of Columbia, to be an Assistant Attorney General, Civil Rights Division, Department of Justice.

The hearing will begin on Tuesday, December 12, 1967, at 10:30 a.m. in room 2228 of the New Senate Office Building. Any person who wishes to appear and testify or submit a statement pertaining to this nomination should send the request or prepared statement to the subcommittee.

NOTICE OF RECEIPT OF NOMINATION BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. MANSFIELD. Mr. President, on behalf of the chairman of the Committee on Foreign Relations, the gentleman from Arkansas [Mr. FULBRIGHT], I desire to announce that today the Senate received the following nomination:

Charles E. Bohlen, of the District of Columbia, a Foreign Service officer of the class of career ambassador, to be a Deputy Under Secretary of State.

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

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I be recognized for 10 minutes.

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

ANNOUNCED RESIGNATION OF DEFENSE SECRETARY ROBERT S. McNAMARA

Mr. MANSFIELD. Mr. President, the announcement that Robert S. McNamara will be leaving the Defense Department has stirred wide public interest. His is not a routine departure. Rather, it removes from the leadership of the Nation an exceptional adviser to two Presidents and an active administrator of by far the largest Department of the Government. The Department of Defense spends well over half of all the money spent by the Federal Government and employs over 75 percent of all Federal personnel—military and civilian.

For 7 years, Mr. McNamara rode herd on this enormous undertaking. Moreover, as Secretary, his decisions have had enormous impact not only on this Nation but on the world as well. The absence of his counsel will be felt for a long time to come. His resignation will leave a vacuum of incalculable proportions.

It is my understanding that Mr. McNamara has been asked to continue indefinitely as Secretary of Defense. Whether that means he will remain to direct the Defense Department for weeks or for months is not clear. In any event, it is to be hoped that he will be in the Pentagon at least long enough to curb the pressures which appear again to be rising for an oozing of the war in South Vietnam further afield, into North Vietnam, into Cambodia and elsewhere in Southeast Asia, and for adding another hundred thousand Americans to the half million who are already there.

These pressures at this time seem to me to make the resignation of Secretary McNamara all the more regrettable. His resignation leaves a disturbing uncertainty about the war and its future course.

The uncertainty, however, should not keep us from recognizing at this time the constructive service which Mr. McNamara has rendered to the Nation during the past 7 years. Although the verdict is not in on all of his major decisions, his place in the Nation's history is secure. His most fundamental contribution, in my judgment, is to be found in the reorganization which he has induced in the Department of Defense. That achievement involves not only the saving of untold billions of dollars—past, present, and future—but it may also help to check the erosion of civilian control, which is as essential to the effective usage of military personnel by a free nation as it is to the security of the Republic. The magnitude of the task has been almost overwhelming. It has kept the Secretary at his desk for intolerable hours day after day. The Nation owes him an immense debt of gratitude for this dedication.

Secretary McNamara has also been an eloquent spokesman for sanity in nuclear affairs. One hopes that in the retrospect of history, this role may well prove to be the most significant. He was a moving force behind the negotiation and signing of the nuclear test ban treaty. He has continued to urge further controls on nuclear weapons. Most important, he has alerted the Nation to the reality that ever-increasing stockpiles of nuclear destruction here tend to lead to ever-increasing stockpiles of nuclear destruction elsewhere and that the continuance of this deadly volley leads not to national security for any nation but to international insecurity for all nations.

Throughout his tenure as Secretary of Defense, Mr. McNamara has conducted himself with integrity and intelligence and with dignity and courage. I should like to take this opportunity to express to him the appreciation, which I know is widely shared in the Senate, for his service to the Nation and my personal thanks for his unfailing courtesy over the years.

In his relations with the Senate, notably in his appearances as a committee witness, his erudition and candor have been refreshing. The Secretary has been most respectful of the Senate's responsibilities in the realm of defense and international matters, and he has been

more than cooperative in honoring requests on his time. His public appearances before the committees have provided enlightenment on critical issues, for the Senate and the Nation.

As a case in point, I refer to his testimony on August 25 last before the Preparedness Investigating Subcommittee. In a profound presentation, he refuted the claims that wider bombing of the north would appreciably diminish the amount of supplies moving to the south. At the same time he answered the contention that the criterion for bombing should be expanded beyond that of interdiction of supplies to include total capitulation of the north, the so-called "bomb them into the stone age" approach. In this connection, he stated:

The tragic and long drawn-out character of the conflict in the south makes very tempting the prospect of replacing it with some new kind of air campaign against the north. But however tempting, such an alternative seems to me completely illusory. To pursue this objective would not only be futile but would involve risks to our personnel and to our nation that I am unable to recommend.

I have no doubt that the Secretary would stand by the testimony which he gave to the subcommittee last August. Indeed, events have served to underscore the wisdom of his comments. In the intervening months, notwithstanding his views, the restraints have been chipped away and the bombing has spread, but peace remains as elusive as ever and the level of our casualties in the south remains undiminished.

It is to be hoped that the Secretary will continue to exercise a restraining influence in the weeks or months during which he remains in office and thereby keep open the door to an honorable negotiated settlement with Hanoi, while at the same time avoiding a deeper enmeshment of American forces in Southeast Asia. It is to be hoped, too, that his successor will likewise be a man of prudence, possessed of the knowledge and authority which will enable him to exercise his prudence to the same interconnected ends.

While the loss of Mr. McNamara as head of the Defense Department will be keenly felt, I am delighted that his talents will continue to be employed in a public service of great consequence and one in which he has long been interested. I wish him success and personal satisfaction as President of the International Bank.

There is a great need for new initiatives and energy in the approach to the problems of economic development. In this respect, Mr. McNamara is admirably suited by temperament and training to supply a significant leadership at the Bank. If he brings to his new office—and I am sure that he will—anything approaching the vitality and dedication which has marked his incumbency at the Defense Department, the practices of international cooperation for economic development should receive a great impetus.

Mr. President, I can understand the sense of relief that the McNamara family must feel to know that the grinding workload of 7 years will soon be lifted. Mrs. McNamara is one of the unsung heroines of this city and these times. We tend sometimes to overlook the fact that it is the patience and forbearance of wives and families which bear much of the cost of the demands we make on leading public officials.

I ask unanimous consent, Mr. President, that the testimony of Secretary McNamara before the Preparedness Investigating Subcommittee, to which I have alluded, be printed at this point in the RECORD, and, in addition, that an article on Mrs. McNamara, which appeared in the Washington Post of December 1, 1967, also be printed.

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

Secretary MCNAMARA. Mr. Chairman, I welcome this opportunity to discuss with you and the members of the committee our conduct of the air war in North Vietnam. It is a matter of the greatest importance that the Congress and the people of the United States have a current and accurate picture of what the air campaign can and cannot accomplish. To address this issue, I should like to discuss these topics.

1. The objectives and achievements of the air war:

2. The target recommendations of the Joint Chiefs of Staff in relation to the objectives, and the extent to which the Chiefs' recommendations are being followed.

3. The proposals of those who argue that the bombing should be expanded, either on the theory that bombing can break the will of the North Vietnamese, thereby forcing them to the conference table, or that bombing can prevent the flow of military supplies into or through North Vietnam, thereby destroying its capability for continued aggression in the South.

I. THE OBJECTIVES OF THE AIR CAMPAIGN

In the light of the many recent public statements and speculations about the purposes and effects of our air attacks, it seems appropriate to preface this review with a restatement of the objectives that the bombing of North Vietnamese targets was intended to serve. As I have stated many times:

Our primary objective was to reduce the flow and/or to increase the cost of the continued infiltration of men and supplies from North to South Vietnam.

It was also anticipated that these air operations would raise the morale of the South Vietnamese people who, at the time the bombing started, were under severe military pressure.

Finally, we hoped to make clear to the North Vietnamese leadership that so long as they continued their aggression against the South they would have to pay a price in the North.

The bombing of North Vietnam has always been considered a supplement to and not a substitute for an effective counterinsurgency land and air campaign in South Vietnam.

These were our objectives when our bombing program was initiated in February of 1965. They remain our objectives today. They were and are entirely consistent with our limited purposes in Southeast Asia. We are not fighting for territorial conquests or to destroy existing governments. We are fighting there only to assure the people of South Vietnam the freedom to choose their own political and economic institutions. Our bombing campaign has been aimed at selected targets of military significance, primarily the routes of infiltration. It has been carefully tailored to accomplish its basic objectives and thus to achieve the limited purposes toward which all our activities in Vietnam are directed.

Weighed against its stated objectives, the bombing campaign has been successful. It was initiated at a time when the South Vietnamese were in fear of a military defeat. There can be no question that the bombing raised and sustained the morale of the South Vietnamese at that time. It should be equally clear to the North Vietnamese that they have paid and will continue to pay a high price for their continued aggression. We have also made the infiltration of men and supplies from North Vietnam to South Vietnam increasingly difficult and costly.

Complete interdiction of these supplies has never been considered possible by our military leaders. I believe that this point has been made to you by General Wheeler, General McConnell, Admiral Sharp, and General Momyer.

Our experience in Korea demonstrated the unlikelihood that air strikes or other means could choke off the minimum amounts needed to support enemy forces.

* * * * *

The nature of the combat in Vietnam, without established battle lines and with sporadic and relatively small-scale enemy action, lessens the requirement for a steady stream of logistical support and reduces the volume of logistical support needed. Moreover, it should be noted that the geography of the infiltration routes is less favorable to interdiction than was the case in Korea. There the entire neck of the peninsula was subject to naval bombardment from either side and to air strikes across its width. The routes into South Vietnam are far more complex, much more protected and involve the use of territories of adjoining countries. Under these highly unfavorable circumstances, I think that our military forces have done a superb job in making continued infiltration more difficult and expensive.

Any discussion of the bombing of North Vietnam must first address the nature of the target. North Vietnam is a land of 18.5 million people. By no standards could it be considered an industrialized country. It is predominantly agricultural. Prior to initiation of the bombing, its significant industrial facilities could be counted on your fingers. It had no steelmaking capacity, no steelmaking plants, and in 1965 its monthly industrial production of pig iron was only 5,000 metric tons, less than one-twentieth of 1 percent of U.S. output. It had no real warmaking industrial base and hence none which could be destroyed by bombing.

North Vietnam's ability to continue its aggression against the South thus depends upon imports of war-supporting material and their transshipment to the South. Unfortunately for the chances of effective interdiction, this simple agricultural economy has a highly diversified transportation system consisting of rails and roads and waterways. The North Vietnamese use barges and sampans, trucks and foot power, and even bicycles capable of carrying 500-pound loads to move goods over this network. The capacity of this system is very large—the volume of traffic it is now required to carry, in relation to its capacity, is very small.

Precise figures on the amount of infiltrated material required to support the Vietcong and North Vietnamese forces in the South are not known. However, intelligence estimates suggest that the quantity of externally supplied material, other than food, required to support the VC/NVA forces in South Vietnam at about their current level of combat activity is very, very small. The reported figure is 15 tons per day, but even if the quantity were five times that amount it could be transported by only a few trucks. This is the small flow of material which we are attempting to prevent from entering South Vietnam through a pipeline which has an outlet capacity of more than 200 tons per day.

Those targets along the lines of communication which can be found are attacked. From January through July, we averaged about [deleted] sorties per month over North

Vietnam [deleted]. About 75 percent of these sorties were directed against lines of communication (LOC) and goods moving over them. Air strikes are reported to have destroyed, in total, during the period of the air campaign, over 4,100 vehicles, 7,400 watercraft and 1,400 pieces of railroad rolling stock. In addition, we have struck approximately 1,900 fixed targets in North Vietnam, including 57 significant bridges, 50 major rail yards, troop barracks, POL storage tanks and powerplants.

North Vietnam has been forced to divert an estimated 300,000 full-time and at least an equal number of part-time workers and troops, to the repair, dispersal, and defense of the lines of communication and other targets which have been damaged. This diversion of some 500,000 people in a society already strained to maintain a marginal subsistence is a severe penalty.

There can be no question that the bombing campaign has and is hurting North Vietnam's warmaking capability. Accordingly, they are using every propaganda means to stop the bombing. Although there are some signs that war weariness is growing, these indications are accompanied by firm expressions of resolve. There is no basis to believe that any bombing campaign, short of one which had population as its target, would by itself force Ho Chi Minh's regime into submission.

I want to repeat, however, that from the military standpoint, bombing of North Vietnam supports our combat operations in South Vietnam. It renders more difficult and costly the efforts of the DRV to supply both their own and VC forces on the other side of the demilitarized zone. As General Wheeler has testified, we have under constant review the advisability of adding new military targets in the north and of conducting restrikes against rail facilities, highways, bridges, military and other war-supporting targets that have previously come under our air attack. There is continuing study of ways in which our air and naval bombardment of North Vietnam can be made more effective in disrupting and interdicting North Vietnamese attempts to support aggression against their southern neighbors.

There also is continuing study of the optimum mix of sorties, both geographically and in types of targets. Consideration is given to every possibility of greater effectiveness through shifts in emphasis. These studies are designed to maximize the cost that our air campaign inflicts on North Vietnam's infiltration of men and supplies while at the same time reducing to the minimum the price that we must pay in the lives of American pilots.

These efforts to refine and improve our application of airpower will, I am confident, continue as long as the necessity for bombing remains. It must, however, be recognized that no improvements and refinements can be expected to accomplish much more than to continue to put a high price tag on North Vietnam's continued aggression.

II. THE TARGET RECOMMENDATIONS OF THE JOINT CHIEFS OF STAFF

To illustrate this point, I might note that the operating target list, currently used by the Joint Chiefs as a basis for the planning of attacks on fixed targets, contains a total of 427 targets. Of this number, the JCS do not now recommend 68 for air attack. Of the remaining 359 targets, strikes have been authorized against 302, 85 percent of the total. There are only 57 targets recommended by the Joint Chiefs of Staff against which strikes have not yet been authorized. Whatever the merits of striking these 57 targets may be, I believe it is clear that strikes against them will not materially shorten the war. As a matter of fact, seven of the 57 targets are recognized by the Chiefs as of little value to the North Vietnamese war effort. For example, one is a tire plant reported to have a productive capacity of but 30 tires per day. Nine of the 57 targets are petroleum facilities which in total equal less than 6 percent of North Vietnam's remaining storage capacity. The present importance of such targets as these has not been shown to warrant risking the loss of American lives.

Of the remaining 41 targets, 25 classified as lesser targets in populated, heavily defended areas; four as more significant targets in such areas; three are ports; four are airfields (in total the remaining Mig's based in North Vietnam approximate 20); and five are in the Chinese buffer zone. In the case of a few of these targets, the risk of direct confrontation with the Communist Chinese or the Soviet Union has thus far been deemed to outweigh the military desirability of air strikes. Others will be considered for "authorization" at a later date.

The conclusive answer to any charge that we are inhibiting the use of our airpower against targets of military significance lies in the facts. As I have noted, strikes have been authorized against 85 percent (302 of 359) of the targets recommended by the Joint Chiefs. And the total number of fixed targets struck in North Vietnam stands now at about 1,900. As further targets are authorized and additional targets are found to be of military importance, this number will increase. But the decisions to authorize new targets cannot be expected to gain different objectives than those toward which our air campaign has always been directed.

III. THE PROPOSALS OF THE CRITICS

Those who criticize our present bombing policy do so, in my opinion, because they believe that air attack against the North can be utilized to achieve quite different objectives. These critics appear to argue that our airpower can win the war in the South either by breaking the will of the North or by cutting off the war-supporting supplies needed in the South. In essence, this approach would seek to use the air attack against the North not as a supplement to, but as a substitute for the arduous ground war that we and our allies are waging in the South.

It would obviously be possible for us to change our present selective bombing campaign. We could abandon the target-by-target analysis which balances the military importance of the target against its probable cost in American lives and the risk it presents of expanding the conflict to involve new combatants. Instead, our air and naval forces might be employed against North Vietnam in an all-out effort to break their will and thus compel them to cease their support of military efforts against the Government of South Vietnam. A somewhat less drastic revision of our air campaign might be undertaken in an effort to restrict the import of war-suporting materials so substantially as to prevent the North Vietnamese leaders from supporting their present level of military effort in South Vietnam. Any such effort would obviously require action to close the three significant North Vietnamese ports of Cam Pha, Hon Gai and, most important, Haiphong.

In order to reach a reasonable conclusion on the key question of whether to abandon our present limited bombing objectives and adopt a policy intended to achieve either of these new objectives, the chances of success must be weighed against the inevitably higher risks such revision would entail. To bring this question into perspective for the committee, I would like to deal first with the likelihood that either of these objectives could be realized through a reorientation of our air attack against North Vietnam.

III–A. BREAKING THE WILL OF THE NORTH

As to breaking their will, I have seen no evidence in any of the many intelligence reports that would lead me to believe that a less selective bombing campaign would change the resolve of the North Vietnamese leaders or deprive them of the support of the North Vietnamese people. As previously pointed out, the economy of North Vietnam is agrarian and simple. Its people are accustomed to few of the modern comforts and conveniences that most of us in the Western World take for granted. They are not dependent on the continued functioning of great cities for their welfare. They can be fed at something approaching the standard to which they are accustomed without reliance on truck or rail transportation or on food processing facilities. Our air attack has rendered inoperative about 85 percent of the country's central electric generating capacity, but it is important to note that the Pepco plant in Alexandria, Va., generates five times the power produced by all of North Vietnam's powerplants before the bombing. It appears that sufficient electricity for war-related activities and for essential services can be provided by the some 2,000 diesel-driven generating sets which are in operation.

Perhaps most important of all, the people of North Vietnam are accustomed to discipline and are no strangers to deprivation and to death. Available information indicates that, despite some war weariness, they remain willing to endure hardship and they continue to respond to the political direction of the Hanoi regime. There is little reason to believe that any level of conventional air or naval action, short of sustained and systematic bombing of the population centers, will deprive the North Vietnamese of their willingness to continue to support their government's efforts to upset and take over the Government of South Vietnam. [Deleted.]

There is also nothing in the past reaction of the North Vietnamese leaders that would provide any confidence that they can be bombed to the negotiating table. Their regard for the comfort and even the lives of the people they control does not seem to be sufficiently high to lead them to bargain for settlement in order to stop a heightened level of attack.

The course of conflict on the ground in the south, rather than the scale of air attack in the north appears to be the determining factor in North Vietnam's willingness to continue.

Accordingly, as General Wheeler has pointed out, the air campaign in the north and our military efforts in the south are not separate wars and certainly they should not be regarded as alternatives.

III–B. AN EXPANDED CAMPAIGN AGAINST THE SUPPLY ROUTES WITHIN NORTH VIETNAM

It could be argued that a greatly expanded and virtually unrestricted bombing effort might substantially reduce the movement of forces and supplies through North Vietnam into South Vietnam, even though North Vietnam resolve remains unshaken. Recent prisoner interrogations suggest that 10 to 20 percent of the personnel dispatched to the south by the rulers of North Vietnam never reach the battle area—about 2 percent are casualties caused by air attack. A much higher percentage of the supplies sent south to support the DRV fighting forces are destroyed in transit by our armed reconnaissance and heavy bombing attacks. Conceivably an all-out air and naval bombardment might somewhat further increase the forces and supplies destroyed. But the capacity of the lines of communication and of the outside sources of supply so far exceeds the minimal flow necessary to support the present level of North Vietnamese military effort in South Vietnam that the enemy operations in the south cannot, on the basis of any reports I have seen, be stopped by air bombardment—short, that is, of the virtual annihilation of North Vietnam and its people. As General Wheeler has observed, no one has

proposed such indiscriminate bombing of populated areas.

III–C. THE CLOSING OF SEA AND LAND IMPORTATION ROUTES

This leaves, then, as a possible new objective of our air campaign, the closing of the sea and land importation routes in an attempt to prevent entry into North Vietnam of the supplies needed to support combat in the south. There can be no question that bombing the ports and mining the harbors, particularly at Haiphong, would interfere seriously with North Vietnam's imports of war-supporting materials. But far less than the present volume of imports would provide the essentials for continued North Vietnamese military operations against South Vietnam. As I have mentioned, estimates of the total tonnage required start at 15 tons per day of nonfood supplies. This can be quintupled and still be dwarfed by North Vietnam's actual imports of about 5,800 tons per day. And its import capacity is much greater. The ports together with the roads and railroads from China have an estimated capacity of about 14,000 tons a day.

The great bulk of North Vietnamese imports now enters through Haiphong—perhaps as much as 4,700 out of the 5,800 tons per day. This includes most of the war-supporting material, such as trucks, generators, and construction equipment but this category of supply represents only a small percentage of total sea imports. And little if any of the imported military equipment (which is estimated by intelligence sources to total 550 tons per day) comes by sea. Moreover, this present heavy reliance on Haiphong reflects convenience rather than necessity. Haiphong represents the easiest and cheapest means of import. If it and the other ports were to be closed, and on the unrealistic assumption that closing the ports would eliminate all seaborne imports, North Vietnam would still be able to import over 8,400 tons a day by rail, road, and waterway. And even if, through air strikes, its road, rail, and Red River waterway capacity could all be reduced by 50 percent, North Vietnam could maintain roughly 70 percent of its current imports. Since the daily importation of military and war-supporting material totals far less than this, it seems obvious that cutting off seaborne imports would not prevent North Vietnam from continuing its present level of military operations in the south.

Elimination of Haiphong and the two other ports as a source of supply would not, in fact, eliminate seaborne imports. Our POL experience is illuminating. Our air strikes on petroleum facilities did destroy the inshore POL off-loading facilities in Haiphong. However the North Vietnamese have demonstrated a capability to adjust their methods, and they now off-load POL drums into lighters and barges and bring the drums ashore at night. There is no evidence of a POL shortage and stocks on hand equal an estimated 120 days consumption.

The North Vietnam seacoast runs for 400 miles. Many locations are suitable for over-the-beach operations. The mining of Haiphong or the total destruction of Haiphong port facilities would not prevent offshore unloading of foreign shipping. Effective interdiction of this lighterage, even if the inevitable damage to foreign shipping were to be accepted, would only lead to total reliance on land importation through Communist China. The common border between the two countries is about 500 air miles long.

Accordingly, bombing the ports and mining the harbors would not be an effective means of stopping the infiltration of supplies into South Vietnam.

A selective, carefully targeted bombing campaign, such as we are presently conducting, can be directed toward reasonable and realizable goals. This discriminating use of air power can and does render the infiltration of men and supplies more difficult and more costly. At the same time, it demonstrates to both South and North Vietnam our resolve to see that aggression does not succeed. A less discriminating bombing campaign against North Vietnam would, in my opinion, do no more. We have no reason to believe that it would break the will of the North Vietnamese people or sway the purpose of their leaders. If it does not lead to such a change of mind, bombing the North at any level of intensity would not meet our objective. We would still have to prove by ground operations in the South that Hanoi's aggression could not succeed. Nor would a decision to close Haiphong, Hon Gai, and Cam Pha, by whatever means, prevent the movement in and through North Vietnam of the essentials to continue their present level of military activity in South Vietnam.

On the other side of the equation, our resort to a less selective campaign of air attack against the North would involve risks which at present I regard as too high to accept for this dubious prospect of successful results.

[Deleted.]

IV. CONCLUSION

In conclusion, I would like to restate my view that the present objectives of our bombing in the north were soundly conceived and are being effectively pursued. They are consistent with our overall purposes in Vietnam and with our efforts to confine the conflict. We are constantly exploring ways of improving our efforts to insulate South Vietnam from outside attack and support. Further refinements in our air campaign may help. I am convinced, however, that the final decision in this conflict will not come until we and our allies prove to North Vietnam she cannot win in the south. The tragic and long drawnout character of that conflict in the south makes very tempting the prospect of replacing it with some new kind of air campaign against the north. But however tempting, such an alternative seems to me completely illusory. To pursue this objective would not only be futile but would involve risks to our personnel and to our Nation that I am unable to recommend.

[From the Washington, (D.C.) Post, Dec. 1, 1967]

MRS. MCNAMARA: TIME MAKES THE CHOICE

(By Meryle Secrest)

A cigarette box on the round coffee table of the McNamara living room will soon have a new date inscribed on it.

The Tiffany vermeil box was given to Secretary of Defense Robert S. McNamara by his wife and three children. On the outside is engraved the Secretary of Defense seal, his name and the date 1961–.

Inside is a four-line quotation from one of his favorite poets, Robert Frost:

"Two roads diverged in a wood, and I—
I took the one less traveled by
And that has made all the difference."

"I suppose we shall have to engrave a new date on it," said Margaret McNamara with a smile that mingled pride with wistful regret. Her husband's decision to leave the Cabinet and accept the post of President of the World Bank was announced yesterday.

She had just come in from a walk in the snow with Mike, their gregarious Irish setter. Outside it was still snowing and the house was still.

Everything looked in order, from the anemones in a glass vase on the piano to the bank of books ("A Treasury of Great Poems," "Gaston Diehl—the Moderns" and biographies of John F. Kennedy) beside the unlit fire.

"How do I feel about the past seven years? It's been exciting, thrilling and sad; all the emotions you can think of. It's been a time of great interest and dedication and the feeling that Bob in some way has contributed to a terribly important time in history. But it's not always been happy. . . .

"When the news came out a few days ago, the question was whether Bob was quitting or the President wanted him to go. Neither one is correct. . . . No one chooses his time to make decisions. They are thrust upon him by circumstances, and timing, and the President's need for a nomination (for the World Bank post) were the deciding factors."

[In his statement yesterday, Secretary of Defense McNamara said that he and President Johnson were unanimous about the wisdom of his move.]

But, she insists, she did not have anything to do with the decision.

"I have never played any role in my husband's decisions because I have always felt that the most important thing is that a man be happy, challenged and satisfied in what he is doing."

[Mrs. McNamara has had a slow recovery from an ulcer operation this summer and it was rumored that her health might be one of the reasons influencing Secretary McNamara's actions.]

"I feel fine now. I have to watch what I eat, but that's good on two counts," she said, with a nod towards her slender waistline.

Mrs. McNamara said that her husband was leaving his Cabinet post with considerable regret. There were many things left undone that he would have liked to finish, she said, and indicated that a successful conclusion to the war in Vietnam was one of them.

But, she continued, they both expect their lives to be more relaxed and less of a strain than they have been for seven years. Her husband's work schedule is gruelling—he leaves the house at seven and gets home for dinner at eight, "sometimes".

"This will be a much more livable pace."

Now they will be able to do a lot more of the gallery-going they both love, including their Sunday afternoon strolls down to the Phillips Collection. And she hopes they'll be able to see a lot more plays.

Mrs. McNamara doesn't share the fear of some political observers that the Administration will take a more hawklike position on Vietnam with her husband's departure.

"These comments preclude the fact that the Administration is constantly looking for ways to negotiate," she said carefully.

As for the criticisms that have bombarded her husband since he took office:

"I think if you accept public office you should expect criticism and dissent. Bob always takes the attitude that you do the best you can with the situation and go on to the next problem. You still have to keep a sense of humor." She laughed. "I admit sometimes it's hard to do."

Christmas for the McNamaras this year will be as it has been in other years. The family gathers in Aspen, Colo., where they have been going for 12 years. They are Margie, 26, married to Barry Carter and living in New Haven; Kathie, 23, and Craig, who is attending St. Paul's, Concord, N.H.

Since the Aspen home is only used once a year, Mrs. McNamara expects to go out ahead and "put dishes on the shelves."

If she anticipates a slower pace for her husband, she also intends to take one herself.

"If I become involved in something," she said, referring to the successful Reading is FUN-damental program she organized, "I give it days and weeks of my time. I think you can spread yourself too thin."

Then one day you realize, she implied, that it has been too long since you did any of the things you really want to do.

Mr. MORSE. Mr. President, I wish to associate myself with every single word of the comments of the Senator from Montana [Mr. MANSFIELD] in regard to the McNamara resignation.

My record is perfectly clear, and I stand on every word I have spoken throughout that record in regard to the Secretary of Defense. In the beginning of the escalation of the war, it was I who first named it "McNamara's war," day after day, for I thought then and I think now that the Secretary of Defense ill-advised the administration in the course of action he recommended in the early days of the war. No man did more to raise the level of the American involvement than did Mr. McNamara.

As the record also shows, some weeks after I had repeated my description of the war as "McNamara's war" the Secretary of Defense at a press conference accepted the description. That did not mean that he agreed with the Senator from Oregon on the substance, but that he was willing to recognize his responsibility for having made this an American war.

The Senator from Oregon has never questioned the sincerity or the dedication to his point of view of the Secretary of Defense. I certainly cannot speak for the Secretary, nor can I do more than express one man's opinion of what I think developments have produced in regard to the position of the Secretary of Defense. Probably he would disassociate himself with my interpretation, but I am willing that history be that judge, too, for I think the Secretary of Defense finally came to exercise a very restraining influence upon the administration and upon the military, and that is the important thing.

The sad thing is that, wars have a way of taking on a life of their own, sometimes dragging men and nations with them in places and directions they do not choose to go.

I think we are about to lose his newfound restraint, and I think that is bad for the Nation. My own personal opinion is that not only the testimony of the Secretary of Defense that has been quoted in the speech by the distinguished majority leader this morning produces some evidence of that, but also there is a great deal of other evidence which shows the restraining influence of the Secretary of Defense.

My own interpretation is that Mr. McNamara lost control of the war he did so much to set in motion. Perhaps he has come to recognize that the continuation of the upping of this escalation is going to produce results that will not be in the interests of the security of the Republic. Therefore, I am saddened to find this restraining influence leaving the Department of Defense because I have no reason to believe that a new restraint will be substituted for it. My fear is that quite the opposite will be the case and we will end up with an escalated war which will eventually bring us into a massive war in Asia and involve us in a war with China. From this war we will never emerge as the victor except in military engagements, and we will be the loser when it comes to permanent peace, vis-a-vis the United States and Asia.

Mr. President, I regret that the Secretary of Defense will be accepting the presidency of the World Bank, not because he is not highly qualified for the position, but because the very nature of the position, of course, will close his lips as far as being able to exercise the influence I think he should keep himself in a position to exercise in respect to American foreign policy. I think that here is a voice and a mind that should continue to be brought to bear upon American foreign policy. As the president of the World Bank, we all know it will not be considered appropriate for him in that position to involve himself in the foreign affairs of this country. I think that will be a great loss. I think it will be a great loss to the President.

My own view is that, of course, the President is entitled to have in his Cabinet men who share his point of view in the respective posts they occupy. We know there is a close personal relationship between the Secretary of Defense and the President. You can differ with the President and still maintain a close personal relationship. I can testify to that.

Mr. President, there is a very close personal relationship between the President and the Secretary of Defense. As he goes into the position of presidency of the World Bank I am saddened when I contemplate that he will be removed from the American people in a very real sense as far as being able to speak out, as he should be able to keep himself in a position to speak out with respect to American foreign policy.

No one can understand the Senator from Oregon in regard to American foreign policy unless one understands this great and deep conviction and concern of mine that if my country continues to rim the world with American military might, setting up a massive military line around the world for us to use to dominate the world militarily, the end of the next 100 years will find us not a second-rate or third-rate power, but a fourth-rate or fifth-rate power because we will be defeated by the world, for we cannot control the world.

No empire, including the United States—and we are setting up a military empire—will be allowed by the rest of the nations of the world to set itself up unilaterally as the military policeman of the world and then try to tell the world what its course of action shall be, vis-a-vis military posture. That is my great concern.

Mr. President, I regret that there is a danger that we are losing a powerful voice and a great mind that could help direct new foreign policy for the United States that would replace or change the trend of the present foreign policy. The trend of the present foreign policy may win elections, but, may I say most respectfully to all in my Government, "You had better stop thinking about the next election and start thinking about the next century." If we do that, we will keep, in a position where he can speak out, a man with one of the great minds in this country and who has so much to offer in helping to mold a new foreign policy for the United States, and that is the Secretary of Defense.

ORDER OF BUSINESS

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may proceed for 8 minutes.

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

U.S. DOLLAR DEFICIT AND THE GOLD DRAIN

Mr. TALMADGE. Mr. President, during the past two decades, the American Government has been spending money—both at home and abroad—as though money were going out of style.

And the world's most important currency, the American dollar, may very well do just that, if the United States persists in spending far beyond its means.

For 16 of the past 17 years the United States has suffered dollar deficits in its international payments of approximately $2 billion a year on the average, for an overall total of $34 billion.

In domestic spending, the Federal Government has mounted multibillion-dollar deficits year after year after year. Current estimates are that we will end this fiscal year somewhere between $18 and $30 billion in the red.

Mr. President, I ask, Is it any wonder, then, that confidence in the American dollar has reached the lowest ebb in a generation?

Is it any wonder that foreign governments are continuing to trade their dollars for gold at an alarming rate?

Is it any wonder that we find ourselves somewhat vulnerable to De Gaulle's attacks on the dollar and that we are stung by his blatant attempts to instigate a "gold rush" to weaken the American economy even further?

We have witnessed this situation developing for a number of years, and I submit that we should not now feign surprise or wonderment.

What we see taking place is the natural and inevitable result of sending more money abroad than we receive in return, and of spending more at home than we can afford.

Continuing deficits in our balance of payments and Federal budgets have undermined confidence in the American dollar, which in turn has led to a critical drain upon U.S. gold reserves.

This condition has come about because for more than two decades, the United States has cast itself in the almost solitary role of financier, welfare agency, and defender for most of the world.

The United States has administered a lavish foreign aid program to friend and foe alike. Since the conclusion of World War II, America has loaned or given away—mostly the latter—more than $122 billion to about 124 countries scattered all over the face of the earth.

The United States has undertaken virtually singlehandedly the defense of the free world. The maintenance of troops in Western Europe alone costs more than $2 billion a year.

And, at the present time, the United States is supporting a $2 billion a month war in Vietnam, without much assistance and very often hindrance from our so-called allies.

In short, the United States has pursued a domestic and foreign spending policy almost as if there were no limits to our resources. But there are limits, even for the richest and most powerful nation in the world, and the strain upon the American economy increases with the passing of each month.

The strength of the dollar is being questioned.

In just the past 10 years, U.S. gold reserves have shrunk from $22.9 billion to less than $13 billion. At the same time, the gold hoard of the countries of Western Europe has climbed from $9.2 billion in 1958, to more than $20 billion today.

Of the gold held by the United States, only about $2.9 billion is so-called free gold with which to meet potential foreign claims of some $30 billion.

This is not a situation calculated to assure security for the American economy.

It is a continually worsening situation that has been aggravated even more by devaluation of the British pound.

However, the British devaluation has focused renewed attention on this problem and hopefully, at long last, our Government will start doing something about it.

Perhaps now there will come an end to foreign spending on such a grand scale, and that sensible priorities will be established for domestic spending programs.

It is of more than passing interest to me that the principal critic of the dollar and the would-be leader of a run upon U.S. gold is the Republic of France—which has benefited the most from American foreign aid.

Since 1945, France has been on the receiving end of more than $9 billion in American economic and military aid. This is considerably higher than that received by any other nation benefiting from U.S. generosity.

It should likewise be of more than passing interest to our Government that De Gaulle's France still owes the United States some $7 billion in World War I debts.

France seems to have forgotten this debt, and De Gaulle has demonstrated a deplorable lack of gratitude. Considering massive American assistance and our soldiers who died to help defend France in two world wars, and in view of the fact that France today would not be enjoying an economic boom were it not for the U.S. postwar aid, France certainly appears to be biting the hand that has fed and protected her for so long.

France has taken the lead in converting dollars for U.S. gold. She has increased her reserves from $1.6 billion in 1960 to some $5 billion this year, a holding second only to that of the United States. The amount of dollars France has traded so far for American gold could have paid off more than 60 percent of French indebtedness.

While other nations, such as Great Britain, still owe the United States World War I debts, De Gaulle alone seems intent on building up France by tearing down the United States.

In view of this hostility and in the interest of shoring up the American economy, our Government should increase efforts to require France to settle her debts.

This would be one step in the right direction toward alleviating the balance-of-payments deficit and gold drain.

While we are at it, the United States needs to serve notice to the rest of the world—and especially to Western Europe—that America does not intend to bear the sole responsibility for the defense and welfare of the free world.

We do not mean to continue spending ourselves into bankruptcy, while other prosperous nations lie in the lap of luxury at the expense of American taxpayers.

ARRESTS FOR INVESTIGATION

Mr. MORSE. Mr. President, in recent years, on a number of occasions, the editors of the Washington Post have written one great editorial after another in support of the fourth amendment to the Constitution and the protection of the precious constitutional rights of the American people which are connected with the base of American criminal jurisprudence; namely, the presumption of innocence and the requirement of the Government to establish guilt.

This morning, another brilliant editorial is published in the Washington Post under the heading "Arrest for Investigation."

The editorial states:

> A Senate District subcommittee has approved its own version of arrests for investigation. It would permit police to hold suspects for up to three hours and, with notice of their right to remain silent and to consult an attorney, to interrogate them wihout taking them before a magistrate or filing a formal charge against them. Proponents of the bill solemnly pretend that this does not constitute an arrest and that it therefore need not be justified by a showing of probable cause as the Fourth Amendment to the Constitution requires.

Mr. President, there is no question about the constitutional right of every person to be brought without delay before a committing magistrate following an arrest. Of course, an arrest cannot be justified as legal unless there is probable cause, and if there is probable cause, there is not the slightest justification for not taking the arrested person before a committing magistrate.

I want the record to show that, in my opinion, the proposal of the committee is clearly and blatantly unconstitutional. It is a violation of a precious safeguard that every American is entitled under the Constitution to have preserved; namely, that no police officer can take a person without an arrest and confine him and subject him to the various kinds of third degree which police departments always develop if the guarantees under the Constitution are not protected.

So the editorial goes on to say:

> Those who support this evasion of a vital constitutional safeguard forget the evils which the Fourth Amendment and the rule of prompt arraignment were designed to prevent. Arbitrary arrest and detention by the police is the first tool of tyranny.

May I digress from the editorial to say it is the technique of a police state, not a democracy.

The editorial continues:

> The bitter experience of the American colonists with general warrants and with quixotic seizures led them, when they established their own government, to insist upon the interposition of a judicial officer between policemen and citizens. The shocking revelations in the Wickersham Commission report of widespread third-degree practices in police stations all over the country during the early years of this century led to the adoption in every jurisdiction of laws requiring that arrested persons be taken before a magistrate without unnecessary delay.

Mr. President, memories are short. So many in the Congress have forgotten the findings of a whole series of crime surveys in this country not so many years ago, of which the Wickersham report was the leading report, but it was followed by one survey after another. Long before I came to the Senate I participated in crime surveys. Long before I came to the Senate I was editor in chief of five volumes written for the Department of Justice, under the leadership of Homer Cummings, dealing with the problem of criminal law enforcement in this country.

The editors of the Washington Post are so dead right. May I say it is in times of crisis, it is in times of great social unrest, it is in times such as these, when we have crime on the streets, that the test as to whether or not a constitutional system will be preserved is before us. It is in time of great trouble that it is so important that constitutional rights be guaranteed.

The argument is made, apparently, that we cannot have law enforcement unless we adopt procedures which cannot be reconciled with the Constitution, and therefore we should ignore those constitutional guarantees. I plead once more in the Senate this morning that we do not take the course of action the committee is about to recommend to us, that we should, in effect, tear up the fourth amendment, that we seek to give to police departments in this country unchecked power; because if we do, we are going to lose our precious safeguards that this juridical system of ours is supposed to guarantee to everyone. We cannot have law enforcement without constitutionality. We can have law enforcement without giving to police departments unchecked power. This is what the editors of the Washington Post are pointing out.

I am proud to associate myself with this editorial policy of the Washington Post, as I have in the past, because these are times when free men must not only speak out in defense of freedom, but free men must insist that Congress not pass legislation that violates their constitutional rights; and this proposal will do that very thing.

I ask unanimous consent that the entire editorial be printed in the RECORD.

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

ARRESTS FOR INVESTIGATION

> A Senate District subcommittee has approved its own version of arrests for investigation. It would permit police to hold suspects for up to three hours and, with notice of their right to remain silent and to consult an attorney, to interrogate them without

taking them before a magistrate or filing a formal charge against them. Proponents of the bill solemnly pretend that this does not constitute an arrest and that it therefore need not be justified by a showing of probable cause as the Fourth Amendment to the Constitution requires.

Those who support this evasion of a vital constitutional safeguard forget the evils which the Fourth Amendment and the rule of prompt arraignment were designed to prevent. Arbitrary arrest and detention by the police is the first tool of tyranny. The bitter experience of the American colonists with general warrants and with quixotic seizures led them, when they established their own government, to insist upon the interposition of a judicial officer between policemen and citizens. The shocking revelations in the Wickersham Commission report of widespread third-degree practices in police stations all over the country during the early years of this century led to the adoption in every jurisdiction of laws requiring that arrested persons be taken before a magistrate without unnecessary delay.

These restraints on the police undoubtedly make law enforcement more difficult than if the police were allowed to act as they pleased. But they are the price of liberty. They mark the essential distinction between a free society and a police state. It is not necessary, or prudent, to forego fundamental rights to fight crime effectively.

COMMENT ON DEAN ACHESON'S ADVICE ON VIETNAM

Mr. McGEE. Mr. President, for those who might have missed former Secretary of State Dean Acheson's interview Sunday night on the Public Broadcast Laboratory program over educational television, today's Washington Post carries an excellent editorial commenting upon Mr. Acheson's cogent advice with regard to Vietnam.

His parting advice was that this country really has to see this thing through, even though he held out little hope for what so many dream of—a negotiated settlement. More likely, said Mr. Acheson, the Communists will persist until they determine that their efforts are fruitless. Then they will quit, as in Berlin and Greece. Nevertheless, Mr. Acheson agrees that should the enemy be willing to negotiate, negotiate we must. And he speaks out in favor of military efforts scaled to the level of enemy operations—thus leaving the door open for a mutual deescalation or curtailment of hostilities at some point.

Mr. President, one who has been through the international mill, as has Dean Acheson, has considerable credentials for speaking out, even for prophesying to some degree, as he has done in damping hopes for meaningful negotiation with the enemy in Vietnam. His views are, indeed, worthy of much note and his conclusion that we really have no choice but to persist in order to convince the Asian Communists that their efforts are in vain should be considered by all. I ask unanimous consent that the Washington Post editorial be printed in the RECORD.

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

ADVICE ON VIETNAM

Dean Acheson's Sunday evening interview on the Public Broadcast Laboratory program was enriched by the wide knowledge of a public man who has held office and who has been liberated from the inhibitions that constrict public men who hold office—or hope to hold it again. His countrymen are indebted to him for a world view that can only come from statesmen who are young enough to remember the past and old enough not to seek an opportunity to repeat it.

It is to be hoped that both the defenders of Administration policy in Vietnam and its opponents will weigh carefully the former Secretary of State's warnings about negotiation in Vietnam. Defenders and critics are contributing clouds of rhetorical incense before an icon neither has examined carefully enough. Mr. Acheson believes that "there is no possibility of negotiating our way out of Vietnam." He thinks such an opportunity does not exist. This is an observation that lies in the area of prophecy, and it might be mistaken. But there can be no mistake about his warning that "negotiation as conceived of by the Communists and as conceived of by us" are different things. They regard negotiations, he warned, as a means by which they can "disadvantage somebody in the course of a war." They look upon them as a method of separating allies or causing domestic trouble at home.

He recalls that in his experience with Communists, negotiations "never preceded a settlement or got anywhere." He reminds his countrymen that in Greece as in the Berlin Blockade "they carried on operations until they became unproductive and stopped." He feels that in Vietnam the same thing will happen. "When the Communists feel that this effort has not succeeded, they will stop the effort." He is firmly of the belief that "they don't want to negotiate." And he finds that "fine" and hopes they stay that way.

Perhaps the former Secretary is, as he acknowledges, taking counsel of his doubts and fears. He agrees that we must negotiate if they wish to do so, but he hopes they will not. And the grim reality is that any remaining confidence in negotiations must be put down to a triumph of hope over experience.

At the same time, the former Secretary of State put forward an extremely interesting suggestion that the application of military force against North Vietnam be correlated with their operations. The opportunity to diminish the scale of the fighting may not arise, unless they first curtail their operations. But if they do show signs of diminished exertions, it is his suggestion that we show by reciprocal curtailment of our effort that there is a way out. If there is any indication of a wish to "ease it off," we should correlate our activity with it.

Equally useful is the Secretary's warning against a repetition of the tactics used in Korea when General MacArthur crossed the 38th parallel and invaded the north. He cites the push to the narrow neck of North Korea as a "terrible disaster" and believes it to be "exactly what one ought not to do" in Vietnam.

The parting counsel of the former Secretary, as to Vietnam, is that "we really have to see this thing through."

The will to do it can only be impaired by having either the Government or the critics conjure up illusory hopes of some pacific alternative which is romantically desirable but realistically unattainable.

SHARPENING THE KNIFE THAT CUTS THE PUBLIC PIE

Mr. MONDALE. Mr. President, Mr. William Gorham, Assistant Secretary for Planning and Evaluation in the Department of Health, Education, and Welfare, heads one of the most exciting endeavors presently underway within the Federal Government. He is, as the Senate knows, responsible for the implementation of the planning-programing-budgeting system within the Department of Health, Education, and Welfare.

Although somewhat impeded by its fearsome title, the PPB system was conceived to bring a greater degree of rationality to the most important decisions a government must make; namely, which of competing public needs will be met by the immediate and long-range allocation of limited public resources. PPBS is itself limited both by the shortage of adequately skilled analysts and by an incredible lack of simple statistical data which is essential to the formation of rational choices between programs and policies. The limitations of PPBS and the institutional framework within which it must operate are rather clearly drawn in a recent article by Elizabeth Drew which I placed in the RECORD some weeks ago.

Whatever its shortcomings, PPBS is a commendable effort. Those men now striving to make it a useful instrument for shaping public policy are performing a vital public service and their observations about the progress being realized warrant the attention of every public official and citizen.

Recently, Secretary Gorham presented an excellent paper in this vein to the Seventh World Congress of the International Political Science Association in Brussels. I ask unanimous consent that Secretary Gorham's paper, entitled "Sharpening the Knife That Cuts the Public Pie," be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. MONDALE. Mr. President, as Senators know, I have been concerned for several months about the manner in which various social programs of the Federal Government are developed and executed. Last February, I introduced S. 843, the Full Opportunity and Social Accounting Act, in order to bring greater rationality to the process by which choices between programs and policies are made. That proposal was also introduced because I believe that all Americans and certainly members of the legislative as well as the executive branch of our Government deserve and need to know the facts, to the extent they are ascertainable, about the social state of our Nation and the relative costs and contributions of competing policies for improving our social health.

S. 843 has received considerable attention and widespread support. I am hopeful that it will be enacted because I believe it will serve the ends envisioned by the PPB system while simultaneously involving both the Congress and the country in the difficult and demanding process of shaping national goals and developing suitable, realistic programs for attaining them.

Of particular significance, I believe, is that portion of Secretary Gorham's paper detailing the manner in which the need for public programs of a specific sort is perceived by decisionmakers in both the legislative and executive branches. One of the persistent problems in perceiving public needs is the lack of visibility many of our serious social problems have. My proposal, S. 843, is geared

to give these unmet needs clear visibility by means of an annual social report from the President which would be considered in depth by a Joint Social Committee.

This institutional arrangement would parallel the treatment given the annual economic report at the present time. It would, I believe, greatly assist those efforts now underway, such as PPBS, which are dedicated to highlighting unmet public needs and developing rational policies for meeting them.

EXHIBIT 1

SHARPENING THE KNIFE THAT CUTS THE PUBLIC PIE

(By William Gorham, Assistant Secretary (Planning and Evaluation), U.S. Department of Health, Education, and Welfare, before the International Political Science Association, Seventh World Congress, Brussels, Belgium, September 19, 1967)

I. INTRODUCTION

Only novelists can conceive of a society so rich that its aspirations for public goods and services fall short of the resources that the society is willing to devote to those aspirations. There are and probably always will be more countries to protect or arm oneself against, more shores to be spanned, vaccinations to be given, children to be educated, rivers to be tamed, planets to be visited, than there are real resources in a nation which can be devoted to all of these purposes.

Yet by one means or another choices are made. In most countries the process of choice among public goods is a combination of the rational and irrational, the political and the economic, the deliberate and the accidental. In the end there is a government budget. The budget *total* reflects the decisions made about how to allocate resources between public goods and private spending power.[1] Within the budget total the amounts devoted to various types of programs reflect the nation's decision among competing public goods.

Periodically our government—perhaps most governments—expresses concern about the adequacy of its methods for arriving at "good" resource allocations and decides to reassess them. The United States has undertaken several major examinations of the mechanism for budgeting in the Executive Branch of the government. The most famous of these have been the two Hoover Commissions. The most recent attempt to improve the resource allocation process goes under the name of planning, programming, and budgeting systems (PPBS), initiated by President Johnson in October 1965. The principal features of the PPB system are a long-term (five-year) plan, a method of linking the plan to the annual budget and legislative processes, and, most importantly, an improved information and analytical basis for the decisions embodied in the plan and the budget.

This paper is principally about the application of the planning, programming and budgeting system in the United States Government Department which has the largest Federal responsibility for social welfare programs. I report to you today some of my own reflections based on two years' developing and institutionalizing the planning, programming and budgeting system in the Department of Health, Education, and Welfare.

The reader should be forewarned of several limitations. First, the writer is a practitioner, not a theoretician. I describe the practical problems as I have encountered them, the limitations and possibilities as I see them, and leave to others the larger significance and long-term implications of the enterprise described. Secondly, although the President's directive provided the objective and the marching orders for the planning, programming and budgeting system, the system (if indeed we should yet aggrandize it with such a pretentious word) is still very much under development. We are in the early and I believe the steep part of our learning experience. The mold is being changed as I speak. Thirdly, the paper emphasizes the role of planning and analysis in the budgetary decision process; it touches on the decision-making process itself only tangentially.

Finally, my experience is parochial. I will be talking about what I have observed in the United States and will hope that it has some relevance to similar problems in other countries. It is my impression that many countries are now consciously coming to grips with the problem of improving budgetary allocations. The idea of planning is not new; multi-year plans have been common in many countries especially in the socialist world for a long time. But the idea of making explicit the basis for budgetary choice and using analytical tools to help mold the budget is new and my impression is that we are all in about the same stage of groping for good ways of doing it.

I am going to be talking mainly about the process of allocating resources among public goods and services, but there is a prior question: how does a nation identify its public needs?

II. PERCEIVING NEEDS FOR PUBLIC PROGRAMS

Nations perceive their problems and needs in many ways: by comparing their condition with that of other nations; by accepting the insights of charismatic leaders; by reading the persuasive prose of socially sensitive foreign observers such as Gunnar Myrdal or domestic ones such as Michael Harrington or even, on occasion, the staid writings of scholars; by hearing politicians speak of the sad state of things under the incumbent and promise better days; by more or less spontaneously observing some changes for the worse, such as an increase in air pollution; by enduring cataclysms, such as epidemics or riots.

And yet we know that many needs go unrecognized that are important, but in some sense invisible. A society can have needs it doesn't know about; that is, things that it would want or want more of if it were better informed. Perhaps they should be called perceivable needs.

Whether a public need is visible or not depends on many factors. One such factor is the news-worthiness or potential drama of that need. The need for space research is dramatized and publicized by what is, or is taken to be, the space race and by the excitement and danger of manned space exploration. The tabloids also remind us almost daily of the problems of crime and sexual misadventure. The society may need a lower rate of infant mortality as much as it needs better space spectaculars and crime control, but this need may not be perceived as a public problem simply because it gets no publicity.

A need may also be more easily perceived if it results in immediate and simple pain rather than long-run and complex difficulties. The problems posed for a nation by shortcomings in its educational systems or in its pure research may be underestimated because they emerge slowly and gradually and are exceedingly complex.

Another important factor is whether a given aspect of reality is conveniently subject to invidious international comparison. If a nation's military forces or olympic athletes are not as good as those of nations of similar status this is usually perceived as a public problem. If one nation has surpassed another in the beautification of its cities or the care of its children this is less quickly noticed.

So far we have been talking mainly about needs for public goods which presumably benefit all or most of the population. But many important public goods initially benefit or seem to benefit only certain groups in the population. How do these groups convince the majority or an effective minority that their need is worthy of public attention and action?

Some group needs get attention because they are voiced by organized associations, whereas other groups have not developed machinery for making their complaints public. The few big firms that want to raise tariffs can easily organize to state their case, but the consumers who want lower prices cannot so easily cooperate in their common interest.

An important factor in determining the extent to which certain types of group needs are recognized is the degree of segregation in a society, whether that segregation be on racial, income or social lines. The slum dweller does not live next to the affluent suburbanite. He is, on the contrary, usually crowded into places where no one else wants to go and which the affluent citizen can often by-pass altogether by taking the super-highway. The "invisible poor," as one American writer has called them, do not make speeches or write letters to the newspaper. The poorest of the poor do not even write. The effect of all this is to obscure from the view of the rest of society the real needs of its most disadvantaged citizens.

Since some public needs are more visible than others, the government itself, can provide a more balanced and complete picture of the nation's needs by collecting and publicizing information on the "social" conditions of the nation. Governments have been doing this for a long time, publishing statistics on infant mortality rates, the income of the rich and the poor, crime statistics, and so forth. Increasing attention is being focused on this important function in our government. We have begun a program of research and thought about what we rather loosely call "social indicators." By "social indicators" we mean a comprehensive set of measures (or if measures are unavailable at least indications) of social change. It is our hope that the patient collection, selection and analysis of social and economic statistics can, when combined with the judgment of sensitive and experienced observers of different aspects of a nation's life, provide reasonable if rough indications of the magnitude of socio-economic problems and the extent to which there has been progress in dealing with these problems.

In some areas it is practically and conceptually easy to provide appropriate indices of status. One such area is that of the quality of the air we breathe. We have begun to measure systematically the degree and character of air pollution. These measurements are in physical terms, and can be combined with medical and other scientific advice on different degrees of pollution in the determination of societal needs. It is probably also possible to make useful estimates of the losses people sustain because of smog, since the extent to which home values are affected by the density of smog is subject to measurement.

In other areas such as health and education plenty of statistics are already being collected but they are not always the right ones for giving an impression of social change and they are not always easy to interpret. In health we have plentiful statistics on mortality and morbidity but almost nothing which will tell us whether people are significantly healthier than they used to be. In education we know a great deal about the resources being used to teach children,

[1] With a central government budget, which is discussed throughout this paper, the budget total reflects society's decision about resources to be devoted to goods and services provided by the central government as opposed to those provided by all other levels of government as well as private sources.

but almost nothing about what is accomplished. Do children in fact learn more now than they used to? We think so, but we have no way to know.

Our work on social indicators has been underway for about a year and has enlisted the support of some of our most distinguished social scientists. It is too soon to report substantive findings, but I can convey to you the guarded optimism of a number of our government and academic skeptics.

If we succeed in putting together a good picture of the nation's socio-economic health and the trends in that health the next question will be how to give this picture the widest possible visibility. One possibility is the issuance of a "social report." Such a report, which would contain both statistical information and qualitative assessments of socio-economic problems, would serve as a periodic inventory of the social state of the nation.

Right now we do not have a set of social indicators to provide a comprehensive shopping list nor do we have a reasonably well-articulated set of social goals. We have national areas of concern, some consensus on the seriousness of some situations, and continuing support for certain kinds of activities. In spite of the incompleteness of the documentation of public needs, it is clear that those that we do recognize far exceed the resources available, and the planner if he is to be useful in budgetary formulation has to address the question of how best to allocate limited public resources among all these competing ends.

III. THE BUDGET IS THE THING

The budget is the main instrument through which those who govern a country express their priorities for governmental action. It channels the real resources to meet specified public needs. Annually in the United States the Federal budget is developed by the Executive Branch of the Government and sent to the Congress for approval. Congressional approval of the Executive budget is by no means automatic even when the same political party controls both the White House and the Congress. The President's budget goes to Congress in January every year and Congress spends the next six to nine months arguing, debating and discussing almost every item in it. While the President's budget carries considerable weight, it is always amended and revised by Congress, sometimes lightly, sometimes drastically. What emerges from this unique political system is an annual budget which reflects the priorities of the President as modified by the conflicting priorities of areas and interest groups which find their expression in Congress.

The planning, programming and budgeting system is, at present, a tool for improving the capacity of the Executive Branch of the Government to plan and through planning to develop a budget which represents an effective use of national resources to meet perceived public needs.

In theory the Executive Branch could reexamine its priorities every year and make drastic alterations in the budget reflecting changes in perceived needs or effectiveness of programs in meeting those needs. In fact, however, each year's budget looks a great deal like the last year's.

There are several reasons why drastic changes in budget allocations are so rare. First, those who provide most of the input to a budget are those who administer the programs and they tend to fight for those programs, as all good bureaucrats should.

Second, in a country as basically anti-government as the United States, most governmental programs come into existence only after a hard fight on the part of the Executive to muster support from many different interests. Once the fight has been won for a particular program the Executive is reluctant to try to change the program or substitute a new one and risk losing the support of some of the parties to the original hard-won compromise. For example, after a generation of bitter debate a substantial program of Federal aid to elementary and secondary education was passed in 1965. The Act focused aid on low-income children and included those in private schools. It probably passed the Congress only because it attracted the support of three different constituencies: those whose concern was for the poor, those who saw the Act as a first step toward wider Federal aid to education, and those who wanted to establish a precedent for Federal aid to church schools.

Third, once a program is in operation it tends to attract a vocal constituency of beneficiaries. Attempts to reduce or eliminate a program bring loud cries of anguish. In the 1967 budget proposals the present Administration called for a reduction in a program which provides financial assistance to local school districts serving a large number of children of Federal employees on the grounds that a more generous program of aid to elementary and secondary education had recently been passed. School districts receiving benefits under the old program would get more under the new. So unpopular was the Executive's recommendation to cut out the old program that not a single Congressman could be found to introduce the Administration's bill, although some privately admitted the "rationality" of the Administration's recommendation.

Not only is it hard to cut, but a modest amount of growth is expected in most programs. At least during the tenure of one Administration political commitments to expand the size of existing programs constrain opportunities for major new programs or substantially altered allocations. All of this leads to what Kermit Gordon, a former director of the Bureau of the Budget, has described as the blight of incrementalism in budget formulation: ". . . the sum of money allotted to a program this year will tend to be based on what the program received last year, plus or minus a small amount determined by overall budgetary guidelines, a 'feel' for broad priorities, workload indicators, productivity estimates, tactical judgments, and other such partial or shaky considerations."

If there is so little room for change one might ask: Why bother? Why go through an elaborate and difficult process of assessing priorities and evaluating programs in order to come up with a budget which will inevitably look very much like the budget for the year before?

The answer is that things are not as bad as they seem. First, there are exceptional years when the magnitude of discretion is relatively large because public desire for new or expanded social programs is sufficiently strong to support significant increases in the Federal budget. For example, during an eight-month period in 1965 the Administration proposed and the Congress adopted at least 30 major pieces of legislation establishing new programs or significantly expanding existing programs administered in whole or in part by the Department of Health, Education, and Welfare. The programs which resulted from this activity, frenetic by the standards of most previous Congresses, touched every major segment of the population: the young with education acts and a juvenile delinquency program; the old with Medicare and the Older Americans Act; the unemployed and the underemployed with expanded vocational training and retraining programs; the poor with health and welfare and anti-poverty programs; and the general population with air and water pollution control and health research.

1965 was an unusual year, we have not had such a year since. But if the Vietnam war should come to an end or we should be able substantially to reduce our commitment there, very considerable resources would suddenly become available which could be devoted to public programs in the domestic sphere.

A second reason why rational budgeting is worth the effort is that even little changes add up over the years. Even if only 5 to 10 percent of the budget can be considered "free money" available to be allocated to highest priority programs, an administration which does so allocate over a four to eight year period can change the whole budget very substantially.

Thirdly, priorities need not be expressed only through adding new programs or cutting back on existing programs. It is often possible to re-orient and redirect existing programs to a considerable extent. In particular, facilities and services can be located in areas of highest need. The recent riots in major cities have lead to an administration-wide re-examination of existing programs to see whether more resources cannot be put into improving life in the central city ghetto.

IV. PLANNING AND BUDGETARY DECISIONS

The word "planning" in the United States often suggests a rather esoteric activity. Planners are viewed as people who look down the dimly-lit road of the future and make predictions or projections of things to come. They are not intimately concerned with the decisions of today.

The U.S. Government has never had a Planning Agency or "a plan." Some individual agencies have had planning offices, but most of them suffered one of two fates: either they planned and nobody listened (the plans were not translated into decisions) or they did not plan (they worked on current problems instead).

The major contribution of PPB is that it has made forward planning a required activity in all Federal agencies and, more important, it has provided a mechanism for translating plans into current budgets. PPB reflects a recognition that, to be more than just an enjoyable exercise, planning must be woven into the fabric of the real concerns of an agency—and nothing is more palpable to administrators than their budgets.

Briefly, the PPB procedure as applied in my Department involves:

1. Annual review and updating of a five-year plan in each major area of our responsibility (health, education, social services and income maintenance).

2. Use of the first year of the plan as the forthcoming year's budget.

3. Widespread involvement of administrators of programs in the planning process.

The "five-year plan" is ephemeral—always tentative, always subject to change and, indeed, probably always changing in some details or in some major ways. As new needs are perceived, as new information or analysis becomes available, as ideas mature and develop, plans will change. Preparations for the annual budget require the temporary hardening of a plan. The budget is drawn off, tempered by a number of important political and other factors and emerges as the President's proposed budget. The plan is free to be altered, updated, and improved in anticipation of the next budget year.

V. A PROGRAM PLAN STRUCTURE

The "program structure" is the framework for the five-year plan. It is sufficiently broad to encompass all existing programs of an Agency and is organized in a way which facilitates planning.

Government organizational units were not organized for rational planning. My own Department, administers over 150 programs, all related in some way to the broad categories of health, education, and welfare. Responsibility for programs affecting the same broad goal are lodged with several different agencies in the Department of Health, Education, and Welfare and outside of it. For example, consider the provision and financing of health services to various groups of the population.

Many health programs fall under the aegis of the Public Health Service—one of the agencies of HEW—but several other agencies are responsible for delivery and financing of health services to specific groups in the population. Maternal and child health programs are administered as part of the Children's Bureau programs. Funds are available from the Office of Education to provide health services to economically disadvantaged school children. Responsibility for the program of health insurance and medical care for the aged falls to the Social Security Administration (an agency normally concerned with income maintenance programs). Moreover, agencies other than my own are in the act; the Veterans Administration operates hospitals and nursing homes available to veterans and their dependents; the Office of Economic Opportunity, our Federal anti-poverty agency, provides funds for health projects directed at the poor of all ages.

Under these circumstances, the program structure necessary to implement effective planning must exhibit a healthy disregard for organizational lines. It must be flexible enough to allow manipulation of information in several dimensions; by major purpose or objective (health vs. welfare service vs. education); among various beneficiary groups (the old vs. the young; the poor vs. the general population; urban vs. rural); between capital investments and consumption. Such a multidimensional approach facilitates understanding the relationships of programs to each other as well as their relationship to overall purposes or objectives. Let me illustrate with the structure we have developed for health.

The three major categories are the development of health resources, the prevention and control of health problems, and the provision of health care.

Within the development of health resources our programs are next analyzed into four categories: increasing bio-medical knowledge (including bio-engineering and behavioral science), increasing the health manpower pool (physicians, nurses, dentists, and allied professionals and technicians), providing facilities and equipment (hospitals, nursing homes, rehabilitation facilities and modernization), and improving the organization and delivery of health services. This last category includes the Department's new Research and Development Center for the delivery of health services, Regional Medical Programs for organizing medical centers, hospitals, and physicians, Community Mental Health Centers Program to effect major changes in the nature and location of the treatment of mental diseases, and Comprehensive Health Planning, the support of broad systematic planning by our States.

The Prevention and Control of Health Programs has three major sub-categories:

1. *Disease Prevention and Control* which contains communicable disease control programs such as tuberculosis and syphilis, and detection programs for catching cervical cancer in its early stages. The most detailed categories are closely tied to the International Classification of Diseases.

2. *Environmental Factors Affecting Health.* Programs with a main objective of eliminating or reducing contaminants in the environment that pose a health hazard. These programs focus on the contaminant and the environmental media rather than the specific impairment because the relationship between the health impairment and the contaminant is not direct or too difficult to evaluate. Subcategories are such items as air pollution, chemical agents, radiation, and solid wastes. Still further subdivision breaks air pollution into sulfur oxide, carbon dioxide, and other gases and particulates. Radiation hazards are divided amongst radionuclides, medical x-rays and industrial x-rays.

3. *Factors Affecting Consumable Products.* Programs with the primary objective of eliminating from commerce products which have defects that are likely to affect the health and of the consumer. Here we deal with items such as food, drugs, biologicals, and cosmetics. These in turn are broken down into problems of health, sanitation, and economics (cheating).

The last major category is the Provision of Health Services. These are broken into three groups:

1. *Direct services.* Where care is provided by our Department, such as the Indian Health Program.

2. *Financing services.* Programs having as a primary objective provision of financial assistance to individuals to help pay the cost of health services. These programs include direct payments to vendors or other financial support for health services for the medically needy.

3. *Health services support for special groups.* These programs provide for increased health services for a population group with general needs which are not being met through existing private channels. Programs aid in establishing and operating centers to provide health services for these special groups. In this category are programs such as those for mothers and children and migrants and other groups where the Federal government makes grants to States or medical institutions to assist in establishing and operating needed services for a particular population.

Programs are identified and related to one another in several dimensions. A special disease coding permits us to link research activities to prevention and control programs. Programs are also coded by target groups, so that we may, for example, see all of the health programs addressed to poor children, regardless of whether they are financing, control, or special support programs.

VI. HOW ANALYSIS HELPS

Requiring a plan and using that plan in developing an annual budget, without question, tends to improve the quality of the budgetary decisions. The first round of planning under the new PPB system last year engaged the attention of the top administrators of my Department. They focused on the right sets of questions and addressed explicitly the priority issues rather than letting them be decided implicitly. Moreover, virtually everyone involved sharpened his understanding of the issues and became more aware of the value of information in reaching informed judgments.

But more than a system has been sought with the introduction of PPB. Beyond bringing into focus the fact of choice the system aspires to contribute to the sharpening of objectives. It invites the examination of existing and new alternative programs aimed at achieving these objectives and in this examination it stresses the importance and value of specific quantitative comparisons.

How much and the kind of contribution that analysis offers to decisionmakers varies with the character of the choices in question. And here we come to the heart of this paper—the possibilities and limitations of analysis in improving the quality of decisionmaking.

The role and the limitations of analysis can perhaps be best understood by illustration. Let us review the kinds of allocations made in a federal government agency like my own. First a word about the size of our programs. Our appropriations in 1967 were $12.5 billion in program funds and we oversaw $25 billion in transfer payments. In most activities, we are the junior partners—junior in authority and fiscal contribution—both to State and local governments and to the private sector. Last year, for example, in health we spent $5.7 billion; the State and local governments spent $5.2. This compares with $32.1 billion of health expenditures in the private sector. In education, our share was $5.8 billion, State and local governments $26.5 billion, and the private sector $6.2 billion. In welfare, the Federal share was $35.3 billion, State and local governments $9.0 billion, and private expenditures of $7.6 billion. Moreover, most of what we spend is channeled through State and local governments. While the degree of Federal involvement in the execution of public programs varies, it is typically minimal. A major exception is the social insurance system which is entirely federally operated.

The most comprehensive level of choice can be thought of in several ways—

(1) By major purpose or objective: health, education, social services, etc.;

(2) Among various prospective beneficiary groups in the Nation; the general population, poor people, urban dwellers vs. rural residents, the aged, children, etc.;

(3) Between programs with immediate benefits vs. those with more long-term benefits. Some expenditures of present resources do not yield immediate benefits. They are instead investments in future benefits. Typical health investments are measures aimed at increasing the future supply of doctors by building more medical schools. Social security payments to the aged or disabled, or increasing the availability of publicly-financed medical care are examples of immediate benefits.

One cannot hope for an overriding and satisfying analytical basis for such "grand choices." The reason is that the objectives to which all of these functions contribute are so sweeping and general that they cannot be looked at under a single analytical tent. We do not have, and, indeed, could hardly hope for, an overall social welfare function against which we can measure, say, the relative contributions of programs in health vs. education in increasing welfare. Perhaps as the work of Social Indicators becomes more advanced we can expect from it some better guides for the relative priority which should be placed on these broad categories of publicly-supported services.

On the other hand, for certain kinds of quite aggregate choices which cut across a number of different categories, there is some promise. For example, if it were to become national policy to elevate those classified as poor to certain minimum income levels over the next several years, Federal programs could be evaluated in terms of their relative effectiveness in raising the income or income prospect of the poor. A best mix of programs to do the job at minimum cost is conceptually possible. (As we will see later, such analysis would be sorely hampered by lack of information about the impact of various programs on income earning capacity.)

In the last several years, a number of economists have been attempting to estimate the *economic* benefits associated with a variety of publicly-provided programs. It is possible and interesting to estimate the economic value of increasing health, increasing education, increasing services. Health programs increase potential productive resources of a nation by extending life, decreasing disability, and reducing the requirement for the use of medical resources. Similarly, education is quite properly regarded on a plane with other investments which are associated with increasing the gross national product of a nation. But, though all such programs have important economic benefits—and it is interesting and sometimes useful to understand these benefits—the economic value associated with investments in them is not their principal purpose. It would not make sense to choose among them in terms of their relative contribution to economic well-being. While the economic component of well-being can be desperately important, if there were no economic benefits whatever from health programs, for example, we would want them nonetheless. In short, simply because programs can be compared in terms of some single benefit is not sufficient justi-

fication for choosing among them on the basis of that comparison.

Analysis cannot provide an all-encompassing social welfare function which would permit a decision-maker to understand the relative contribution at the margin of devoting public resources to various purposes or groups; but it is leading to the first useful step—namely, determining what added resources devoted to each purpose buys. Now decisions are made almost exclusively in terms of level of effort. Insofar as the aggregate outputs can be determined, we place the decision-maker in a better position to make choices because he would have the trading terms—viz., if he opts for "X" years more educational attainment he will not be able to get "Y" years' increase in life expectancy.

There are, unfortunately, a number of practical obstacles to providing these trading terms. For one thing, as we lack over-all measures of felicity, we also are without useful comprehensive objectives and measures in each of the major areas of public interest. Rhetoric such as "excellent health care for all," "an opportunity for all to get all the education they can absorb and desire," or "ending poverty" are noble sentiments but not easily amenable to crisp quantitative formulation. The development of such social indicators is just begun.

Another obstacle stems from the plurality of providers of the services under discussion. Estimating the net marginal impact of one provider's (the Federal Government) contribution is challenging. The difficulty is that any change in the Federal share may occasion an increase or a decrease in the share of the other providers of the service—the States, municipalities or the private sector—a Federal program can result in marginal impact greater or less than the direct effects of the resources immediately purchased. For example, a limited Federal program to detect and treat cervical cancer may persuade many women to have annual examinations at their own expense, and voluntary organizations may cooperate by financing *substantial* screening programs of their own. Indeed, many programs are designed with this sort of leverage as a principal objective. Conversely (and more difficult to trace), a new Federal program to aid elementary schools may allow local communities to defer an increase in school financing they would have otherwise undertaken. (And, who knows, the funds thereby released might be turned to other and more pressing needs of the community—in education, in health, or in other vital public services.)

These are not the only problems, but they should persuade the reader that improvement in our ability to make better allocation decisions among areas of public service will be harder than shaking apples from a tree.

At this point of the PPB's development, it provides an orderly framework of incomplete information. It requires inputs *and* outputs and it has therefore set in motion a chain of events that will lead to better information and more useful and relevant analysis. When it gets very good, the system will help in the grand choices, not by offering a substitute for value judgments and politically attuned choices, but rather by providing a clearer view of the implications of adding resources to various public programs.

It should be remembered that the grand choices are not zero base choices. Real decisions are made at the margin. No one ever decides about health programs in toto or education programs in toto. The questions typically are, "should we add this pre-school education program or that medical insurance program for the indigent?" We found it convenient this year to address the across-program choices through a method of successive pair choices. After providing certain reasonable (though hypothetical) funding constraints for each major area for the five-year planning period and planning within those constraints, the "best" individual programs (those that meet what was considered the most pressing need in each area) were compared with the worst in each of the other areas and an opportunity was available to (pretty much subjectively) shift funds across program lines.[2] While not a substitute for *knowing* the impact on "health" or "education" from such shifts, this operation did allow explicit consideration of alternatives across program lines.

Choices within program areas

Within areas such as health, education, etc., the prospective contribution of systematic quantitative analysis is potentially much greater. The "value" component of the decision is inevitably smaller (though rarely absent I hasten to add) and the technical component is larger. When the objective is quite narrow (the value judgment went into the *choice* of the objective), analysis can be enormously helpful in choosing among alternative approaches. For example, within a broader health goal, a more limited objective might be to decrease infant mortality. Infant mortality is measurable and routinely reported and there is little conceptual difficulty in evaluating alternative programs in terms of their relative effectiveness in reducing the rate of infant deaths. The preferred program or programs would be those which reduced infant mortality to some specified level by some given time for minimum cost; or the program which for some fixed level of resources minimized infant mortality.

One of our first analyses last year sought to determine what existing or new health programs would be most effective in reducing the very high infant mortality rates among some groups in our country. Estimating the cost and effectiveness of alternative modes of intervention was a little more art than science, but the estimates were quite good enough to provide an adequate basis for program choice.

The analytical task gets harder and the results less conclusive as the objective becomes more comprehensive. For example, an important broad objective toward which many health, education, and welfare programs contribute is to provide each working-age citizen with a full opportunity to be self-sufficient. Unlike measuring the rate of infant mortality, however, we have no single metric for "self- (or family-) sufficiency." Having an income above an arbitrarily defined "poverty line" is one measure of family self-sufficiency, but it is certainly not a fully satisfactory measure.

Human Investment Analysis. In another of the first analyses conducted in my Department to assist in formulation of a five-year plan, a number of existing programs aimed at increasing self-sufficiency (generally defined by income) among physically and "educationally" handicapped persons were studied and compared.

Five programs were selected for analysis:

(1) *Vocational Rehabilitation*—grants to States to assist them in setting up programs designed to rehabilitate handicapped individuals.

(2) *Adult Basic Education*—a program for individuals over eighteen whose inability to read and write the English language constitutes an impairment of their ability to get and retain a job commensurate with their real ability.

(3) *Work Experience and Training Program*—a program of work experience and training designed for persons who are unable to support themselves or their families.

(4) *Vocational Education*—grants to States to support vocational high school and post-high school programs to prepare students for employment and to motivate students to stay in school who might otherwise drop out of academic or general curricula.

(5) *Elementary and Secondary Assistance for Educationally Deprived Children*—All of these programs have multiple objectives but their principal objective is increasing the capacity of the individuals involved to support themselves. The programs were compared on the basis of their relative effectiveness in meeting this common objective. Except for the last of the programs, estimates were made of the economic benefit to be expected from the program measured by the increase in the expected future earnings of the participants. Ideally the increase in expected future earnings would have been based on the differential experience of carefully matched groups—one which went through each program and another, with similar characteristics, which did not. The difference in their earnings after the program would be taken as the increase attributable to the program. Unfortunately, such data were out of the question and in every case very much inferior information was used to estimate program effectiveness. There is in the work-experience program in addition to the long-term benefit of increased earnings potential during the training a short-term benefit, namely, the economic value of the output. In all cases the future increase in earnings attributable to the programs were discounted to reflect the "present value" of these benefits.

In the end with baling wire and tape for each of the programs a benefit/cost ratio was calculated (which was nothing more than the discounted future earnings over the cost of the program.[3] The benefit/cost ratio for the programs ranged from barely over 1/1 to over 12/1, which is to say that for certain of these programs future monetary benefits equaled costs and for others future monetary benefits could be expected which were twelve times the cost of the program.

Before saying what we concluded from this study, I will discuss the limitations which surround it and which in more or less severe form are present in most such analyses. They are: (1) treating future costs and benefits; (2) an extension of (1)—intergenerational considerations; (3) multiple objectives and incommensurables; and (4) efficiency versus equity.

The future benefits of social programs accrue over a long period of time usually much beyond the costs of the program. To compare programs in which the benefits extend over different periods it is necessary to make these different streams commensurable. This is done by applying a discount to future benefits. There is no generally accepted discount rate used to apply to such future benefit streams. The lower the discount rate used the more the future benefits are weighed; the higher the discount rate the less the future counts. The question is especially important when alternative programs have substantially different patterns of benefits over time.

Intergenerational considerations. If future benefits are discounted at some positive rate, programs which have benefits that do not emerge for many years such as most children's programs will tend to look relatively unattrractive. In the analysis just discussed, the school program was originally included but it became quite clear that even if the impact of that program on the future earn-

[2] If we had an ideal program allocation within program areas there would be no best and worst programs—all would promise equal benefits at the margin. Of course such was not the case and when one allows for differences in the redistributive aspects of programs—it never can be the case.

[3] It was not possible to make such an estimate for the fifth program, aid to children who are deprived. It would take at least a decade to obtain even preliminary indications of the impact of this program on the earnings capacity of children now in elementary school.

ings of the children involved was very substantial, a modest discounting of those benefits would practically wipe out the benefit because they occur so many years in the future. This fact raises the basic question, as yet unresolved, of how or whether to compare programs aimed at different generations. This is a specie of the genus: consumption versus investment or immediate benefits versus long-term benefits.[4]

Multiple objectives and incommensurables. All of the programs considered in the study have objectives which go beyond increasing income earning capacity. The Adult Basic Education program for example, in providing literacy training enables the graduates to be more effective members of society. While these other objectives may not have been paramount in the eyes of the legislators who enacted the program and annually provide it funds—there may be more important outcomes of the program than they had in mind. In any case objectives are frequently multiple and appropriate criteria for measuring attainment of these objectives different, non-addable, and non-measurable. There is nothing to do about this except to recognize it and to surface and illuminate as well as possible the multiple benefits (and indeed costs) of programs.

Efficiency Versus Equity. Virtually all public programs have a redistributional character—they benefit some people more than others. The problem of choice among most alternative social programs is not therefore resolved by determining which programs are most efficient. The question of *who* benefits is absolutely central. It is vital information for a decision-maker concerned with social programs. Unless alternative programs generally affect the same individuals or at least the same relevant group in the population, efficiency considerations must be at least tempered or sometimes overshadowed by the distributional implications of alternative programs. Let me illustrate this point. The vocational rehabilitation program is directed to people with palpable physical and mental handicaps; the work-experience and training program is directed to those who are unable to make it for some other reason, generally a different group. If one were to be guided by efficiency criteria (benefit/cost ratios) exclusively the more "productive" vocational rehabilitation (VR) program would grow while the work-experience program would shrink.[5] The socially handicapped would not get to first base while the physically handicapped were scoring run after run.

Indeed, it is distributional problems which give birth to programs aimed at their amelioration. Therefore, though it is "untidy," both equity and efficiency criteria must be brought to those who decide among social programs.

In the light of these limitations it should be clear that the benefit/cost ratios calculated for these programs were not used as the definitive basis for determining program growth. They were an element of consideration. They tended to tip the scale in favor of the programs which appeared and had continued prospect of operating efficiently. Another outcome of this study, unexpected, was the recognition of the wide range of results within a program. It led to a new emphasis on program improvement for it appeared clear that large gains in efficiency were possible by upgrading the poorest programs.

[4] In a country with rapidly growing GNP there is a persuasive case for using unmercilessly some positive discount rate for investment programs. An observer who feels this way phrases the problem: How much should we beggar ourselves for our rich heirs?

[5] Eventually of course, as the VR program increased its relative advantage would decrease and disappear and it would be efficient to add to the work-experience and training program.

Disease control analysis

An example of an analytical study somewhat less subject to the problems of commensurability and other of the limitations which surrounded the Human Investment study addressed the question, "how to allocate federal dollars among disease threats?" My Department supports a number of grant-in-aid programs designed to detect and treat individuals afflicted with certain diseases: heart disease, cancer, syphilis, tuberculosis, kidney disease, alcoholism and several others. The question addressed in the Disease Control study was: "how should a given amount of funds be allocated among these programs?"

The analysis of disease control programs rested on the following decisions: (1) the choice of diseases to be considered was restricted to programs in which it was possible to estimate with reasonable confidence the impact of expenditures on outcome. Put another way, we confined the analysis to those programs in which medical knowledge exists for a considerable measure of disease control. Alcoholism, heart disease and several other disease programs were not included in the analysis based on this ground rule. Because we have programs designed to reduce the incidence and severity of motor vehicle accidents (these are the 4th largest killer in the United States), and for our purpose these accidents are the same as a disease, we included motor vehicle programs in our analysis; (2) only detection, control and treatment programs were considered. Research programs in which it generally is not possible to estimate the impact of expenditures on results remained outside the study.

Five disease areas were included in the analysis: injury from motor vehicle accidents, cancer, arthritis, syphilis, and tuberculosis. For each disease category, alternative methods for control were evaluated in terms of the number of lives saved, the program cost per life saved, and estimated economic savings related to the programs. Two principal criteria were used to rank the programs within each disease category as well as among different disease categories analyzed:

(1) Cost per death averted—an average of program costs over the next five years divided by the deaths averted due to the program;

(2) The benefit/cost ratio which was used to provide some commensurable basis among diseases which kill versus those which cause disability. The benefit/cost ratio is the relationship between the amount of dollars invested in reducing morbidity and mortality and the "savings" of dollars which would have been spent on medical care cost including doctors' fees, hospital services, drugs and the indirect savings such as the earnings saved because the patient did not die or was not incapacitated due to illness or injury. Average lifetime earnings for different age groups were related to the age at which death occurs and a calculation of the present value of lost lifetime earnings.

There were obvious limitations upon the use of these two criteria in comparing disease control programs. For the purposes of estimating benefits among diseases, it was recognized that economic loss or even death do not completely reflect the damage and harm caused by disease. At the time of the study we had no way to measure the relative impact of pain or the hardship caused by disease. Moreover, the assessment of program benefits did not include such indirect benefits as the development of new medical techniques or the training of additional personnel. Estimates of program costs were limited to those directly linked to federal involvement in disease control. Finally, particularly in the case of the motor vehicle programs, estimates of effectiveness are subject to great uncertainty.

Bearing in mind these limitations, let me describe briefly one of the individual analyses: cancer control and prevention. Four different cancer programs for early detection and treatment were studied in terms of their relative effectiveness at two different levels of funding: uterine-cervix; breast; head and neck; and colon-rectum. The federally-supported lung cancer program, which is primarily a prevention program was also studied. Calculations of benefit/cost ratios and cost per death averted for each program showed that uterine-cervix and breast cancer control programs yield relatively greater returns in terms of dollars invested and have the lowest cost per death averted. It was fairly clear from the analysis that before programs for head and neck and colon-rectum cancer control are accelerated, technology for detection of these cancers should be further developed.

A similar analysis was performed for each of the other four diseases. Because the separate analyses made use of commensurable criteria, it was possible to make comparisons of the effects of additional allocations among different disease control programs and to suggest a priority ranking for the use of new funds. The outcome of the analysis is shown in Table 1.

TABLE I.—BENEFIT COST DATA, SELECTED DISEASE CONTROL PROGRAMS [1]

Program	1968–72 HEW costs [2] (millions)	1968–72 HEW and other direct costs [3] (millions)	1968–72 savings, direct and indirect [2] (millions)	Benefit ratio cost [1]	Program cost per death averted
	(1)	(2)	(3)	(4)	(5)
Seat belt use	$2.2	$2.0	$2,728	1,351.4	$87
Restraint devices	.7	.6	681	1,117.1	103
Pedestrian injury	1.1	1.1	153	144.3	666
Motorcyclist helmets	8.0	7.4	413	55.6	3,300
Arthritis	37.6	35.0	1,489	42.5	(4)
Reduce driver drinking	31.1	28.5	613	21.5	5,800
Syphilis	55.0	[3] 179.3	2,993	16.7	22,300
Uterine-cervix cancer	73.7	118.7	1,071	9.0	3,500
Lung cancer	47.0	[3] 47.0	268	5.7	6,400
Breast cancer	17.7	22.5	101	4.5	7,700
Tuberculosis	130.0	130.0	573	4.4	22,800
Driver licensing	6.6	6.1	23	3.8	13,800
Head and neck cancer	8.1	7.8	9	1.1	29,100
Colon-rectum cancer	7.7	7.3	4	.5	42,900

[1] Numbers have been rounded to a single decimal point from 3 decimal points; therefore ratio may not be exact result of dividing col. 2 into col. 3 as they appear here.
[2] Not discounted.
[3] Discounted.
[4] Not available.

Note: Funding shown used as basis for analysis, not necessarily funding to be supported by administration.

Motor vehicle accident and injury prevention programs were shown to have the highest potential for reducing deaths and injuries at very modest investment. The priority ranking for the use of additional allocations among the other programs recommended

support for arthritis, uterine-cervix cancer control, lung cancer prevention, breast cancer, syphilis and tuberculosis control. After providing support for these programs the study recommended further expansion of uterine-cervix cancer, syphilis eradication and tuberculosis control programs.

VII. SUMMARY AND CONCLUDING OBSERVATIONS

An important reform is under way in the United States. It's a reform designed to improve the efficiency with which public resources devoted to public purposes are used. Its sharpest point of focus at this time is the Executive Branch of the Federal Government. It's a young reform and really too early to report on confidently, but it's a promising one and therefore well worth discussing. It is a framework for planning—a way of organizing information and analysis systematically so that the consequences of particular choices can be seen as clearly as possible. It has the unbearably lengthy title of Planning-Programming-Budgeting System. Its emergent features are:

1. Open, explicit, and deliberate attention to the ends of governmental action;

2. A comprehensive display of information about the functioning of actual government programs so that it is possible to see easily what portion of Federal resources is being allocated to particular purposes, what is being accomplished by the programs, and how much they cost;

3. Systematic comparisons of the costs and benefits of the alternative ways to attain the ends of government action; and

4. A forward-looking though highly tentative plan to serve as the backdrop for annual budgetary decision.

These four activities are interrelated and build on each other.

When priorities among social ends are known, PPB can be expected to lead to improved choice among programs toward those ends; when priorities are not known, the system will help in their formulation because of: (1) its demand for explicit choices; and (2) the improved information about the consequences of public programs.

Systematic analyses of alternatives are most effective within broad areas of social action rather than among them. The contribution of quantitative studies tends to be directly proportional to the narrowness and the uniqueness of the objective: the narrower the objective, the more relevant the analysis; the more diffuse the objective, the less helpful.

There are many obstacles to a more effective contribution of analysis. Foremost among them are:

(1) A number of perplexing unresolved conceptual problems involving: how to compare benefits over time and intergenerationally; how to contend more adequately with efficiency versus equity considerations; and how to measure important benefits and costs which have resisted quantification;

(2) Information on the outcome of existing programs and improved bases for gauging the effectiveness of new programs;

(3) and (no matter how short such a list) a shortage of talented analysts.

No reform worth its salt is without critics and PPB is no exception. Unfortunately, the quality of the controversy suffers because most of the critics are still commenting on the writings of some of the early zealots of the system rather than on the process which is emerging. In a recent article on PPB in the *Public Interest Magazine*, Elizabeth Drew aptly states "as interesting as watching what happens to Government when confronted with the Government." And what is happening is that PPB is finding a place for itself, not in an obscure isolated planning office and not yet in the scholarly literature but rather where the action is—where decisions are made. Once there, practitioners are finding decisions they can help improve now and decisions they may be able to illuminate later. They are also finding many choices in which the contribution of analysis and information is not great. The wise ones are spending their time and talent on the former.

In the end, if the reform succeeds, it will not displace traditional political processes, but help them function more effectively. It can do this by, first, focusing the attention of the political leaders of the country on the choices before them; second, by clarifying the implications of alternative courses of action; third, by improving the quality of the debate among those with diverse views about this or that end or this or that program; and, finally, by further ventilating the basis of the choices made among ends and among programs.

THE UNITED STATES STILL HAS BELATED OPPORTUNITY OF APPROVING CONVENTIONS OF HISTORIC MAGNITUDE

Mr. PROXMIRE. Mr. President, in the last few years, our country has made great strides domestically in the struggle for human equality and dignity. Indeed, the world has focused its attention on our efforts.

I feel that our successes at home have clearly strengthened our capability to exercise even greater influence in the worldwide struggle for human rights.

We have been busy building a more just society in our country and working hard at eliminating the last vestiges of discrimination from our laws. But, there is much to be accomplished yet in achieving these same goals for man everywhere.

It is shameful to note that the United States—the leader of the free nations—is not among the countries on record endorsing the Human Rights Conventions to uphold the dignity of man.

It was only a month ago that the Senate gave approval to the Slavery Convention. We now have the opportunity, belated as it is, of giving full ratification to the remaining conventions on Forced Labor, Freedom of Association, Genocide, and the Political Rights of Women.

As I rise each day in the Senate to seek ratification of these treaties, I think of the words of a man who so ably represented us in the United Nations—Adlai E. Stevenson. Ambassador Stevenson expressed his hope for a world "in which fundamental issues of human rights, which have been hidden in closets down the long corridor of history, are out in the open and high on the agenda of human affairs."

NATION'S CONCERN INCREASING OVER PLIGHT OF OLDER WORKERS

Mr. YARBOROUGH. Mr. President, on Sunday, November 19, the Dallas Times Herald, in an article written by staff writer Bill Murchison, expressed great concern for the plight of the older unemployed. The article gave a clear and complete picture of the situation which the older worker has to deal with—the prospects of lower pay, lower skill levels, and lowered pride in his work. Although he has worked upward all of his life, now, due usually only to circumstances, all of his gains are lost, and he faces neither the security nor the comfortable income in his job toward which he has worked all of his life.

In our youth-geared society, we must not fail to recognize the value of experience and maturity. And this quality must not be undervalued in the jobseekers who possess it. I commend the Dallas Times Herald and writer Bill Murchison for their concern for the worker over 45, whose plight has become worsened every year by the growing emphasis on youth in and out of industry. It is time to end discrimination because of age, and to increase the productivity of members of our society. The Senate has taken a great step toward this goal by passing S. 830, my bill to end job discrimination because of age. This is a first ray of hope for older workers, and it must not now be extinguished, recondemning them to the dark prospects of unemployment.

Mr. President, I ask unanimous consent that the article, entitled "Sorry, You're Too Old for Us," be printed in the RECORD.

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

SORRY, YOU'RE TOO OLD FOR US

(By Bill Murchison)

John Doe, a 52-year-old unemployed accountant, applied for a job with a leading Dallas insurance company.

"Sorry," he was told. "You're too old for us."

Joe Smith, 58, whose oil company had left him high and dry after a merger, offered another firm his services as a petroleum engineer.

"We'd like to take you," was the answer. "but we're just not hiring men of your age."

Forty-seven-year-old Jane Brown applied for a position as a corporate legal secretary—the same job she had held before her employer died.

The reply: "We'd like to hire you. It's just that we can't use anyone who's much above 40."

The names are fictitious, but the incidents are real: they happen regularly to a large number of the 27 million persons between 45 and 65 in the U.S. labor force.

To almost anyone, seeking employment can be a discouraging chore. But to a person 45 or older—with a family, probably; with debts, almost certainly—it can be nothing less than frightening.

It may be that such an applicant is well-qualified and still fairly young, and that he could slip back into harness with little ado.

Yet discrimination against the older worker remains a fact of life. And this despite a thaw in employer attitudes toward the middle-aged, despite a full-steam ahead economy and an increasing awareness of the problem on the part of government.

In a comprehensive 1965 study, the Labor Department found that during the previous year, job-seekers over 45 years old accounted for 27 per cent of the unemployed.

Only 8.6 per cent of new workers hired by companies surveyed were over 45—less than one-third this age group's proportion among the jobless.

Public employment offices queried said older workers constituted about 30 per cent of all applicants registered for employment.

None of this, the study concluded, means "that so-called older workers cannot get jobs or cannot get good jobs.

"But it does mean that their job search may be long and hard, for they will be given no consideration for employment in some establishments. For many, it also means that their choices narrow; that they must accept reduced wages—in some cases, for the same kind of work and in others, for work at lower skills."

What this means, in human terms, is distress—even suffering.

For when unemployment comes to a man in his 40s or 50s, it often finds him with children already in college or about to enroll.

Any sustained period of joblessness may cause a family to run through its savings.

So long, too, as a man is unemployed, he cannot build retirement benefits of any kind.

But there are personal consequences to be reckoned with, as well.

Dr. Hiram Friedfam, director of the Economics and Sociology Department at North Texas State University and an expert on problems of the aging, says there is reason to believe that unemployment at middle age has a "negative psychological impact."

The Labor Department report notes that an older worker's self-confidence begins to wane when he is out of work: "This often affects his employability. A man who has become depressed or bitter tends to lose aggressiveness and interest in his surroundings and may require rehabilitation before he can be re-employed."

It is not unusual for a man of education and experience to find himself looking for work.

It happens every day.

Companies fail, or merge, or reduce their labor forces for economic reasons; skills once widely sought pass into the discard; a workers' health begins to fail, disqualifying him for the kind of work he has been performing.

Automation may not be quite so great a factor in unemployment as those affected by it sometimes believe.

Friedfam thinks society knows too little about automation to assess its impact fully.

"One idea," he points out, "is that it may help to create the type of job where certain abilities and skills can be used—it's easier to push a button than to do heavy labor."

Whatever the cause of his unemployment, however, the older worker who seeks to join another payroll has no easy task ahead of him.

He must contend, above all, with competition from increasing numbers of young job-seekers. The last crop of war babies already is in the market, and coming up fast are the postwar progeny.

Perhaps no other society in history has been so youth-oriented.

Not an adult but regrets his greying hair and his expanding paunch. Grown-ups copy youthful styles of dress, dancing and speech.

Small wonder that such attitudes are reflected in employment policies.

The Labor Department study revealed that one of every four companies surveyed had upper age limits for one or more occupational categories. Only one in six indicated a policy of hiring without respect to age.

A few establishments said they hired only applicants under 35. Fully a quarter of them drew the line at 45.

There are, of course, many reasons for setting age limits.

Companies surveyed in the study responded most often that they avoid hiring older workers for physical reasons.

And it is true that, as Friedfam points out, middle age brings "a sort of general slowing down."

"If he has a job that places a premium on speed * * * to build them up so they can compete successfully." Similar projects are in effect throughout the state.

For older workers with little education and inferior job skills, there is the TEC's Opportunity Center, which trains enrollees for posts like engine lathe operator, production machinist and office machinery repairman. The Dallas center has about 50 older workers on the rolls.

Since 1903, 23 states and Puerto Rico have banned discrimination in employment because of age. (Texas has no such law.)

On Nov. 6, the U.S. Senate passed and sent to the House Texas Sen. Ralph Yarborough's version of a national anti-age discrimination bill.

The Yarborough bill, first of its kind in 16 years, would apply on enactment to all employers and unions with 50 or more persons and to employers and unions with 25 or more starting June 30, 1968.

Says Yarborough: "It is tragic and absurd to tell a man who has experienced these years of change and learned from his experience that he is 'too old' to work."

Yet the effect of such laws should not be overrated.

"The main thing about this kind of thing," Friedfam says, "is that it in effect lends moral support—it simply puts the state or federal government on record as encouraging employment without regard to age."

The federal government itself has not discriminated against older workers since President Johnson in February 1964 issued an executive order to the contrary.

LICENSE REQUIREMENTS FOR RADIO STATIONS

Mr. LONG of Missouri. Mr. President, recently the Missouri Broadcasters Association unanimously passed a resolution urging an extention of the renewal period for broadcast stations. This resolution brought to my attention the time-consuming, costly operation of applying for a station renewal license. This is a burden that is shared both by the stations and by the Federal Communications Commission.

A number of proposals have been introduced in this session of Congress to change the license requirements for broadcasting stations. I hope that the Senate Subcommittee on Communications will devote some time to considering each of these proposals and will devise an acceptable solution to this important problem.

Presently the broadcast industry in this country must contend with procedures and regulations established in an earlier period. Some of the objectives of early procedures are now outdated.

For some time the Federal Communications Commission and individual Commissioners have advocated important changes in the broadcast license requirements. These recommendations have included increasing the maximum period of licenses issued for broadcasting. The most prevalent recommendation would extend the license term of broadcast stations to a maximum period of 5 years. This proposal would result in some needed administrative reforms.

In the early years of broadcasting, the radio industry experienced a rapid growth. This growth was accompanied by a proliferation of broadcasting stations using a relatively small range of broadcast frequencies. Interference became so widespread that practically all broadcast programs were affected. Some method had to be devised to make possible reasonably clear reception. To meet that need, licenses were required for broadcast stations to control the number of stations broadcasting on certain frequencies and to establish an orderly assignment of frequencies. The integrity of frequencies is no longer a pressing problem. The protection sought by licensing has been accomplished. The purposes of broadcast licensing has changed. The role of licensing is now the orderly development of the broadcasting industry and the protection of public interests. But the outdated license term of 3 years has not responded to the change of roles.

The 3-year term was set by the Radio Act of 1927. The conditions of that period reflected an uncertain future for radio broadcasting. Close supervision was deemed necessary to assist development of radio in an orderly manner consistent with the interest of the general public. Since that early period the radio industry has made major advances. Television has appeared and matured. As radio technology has changed, regulatory measures have been devised to take account of progress in the industry. However, the antiquated 3-year maximum term license for broadcasting stations has persisted.

An extension of the maximum license term would not relieve broadcasters of their obligations to the public. Regulatory sanctions are available to deal with any licensee who is found at any time to be unqualified or irresponsible. The quality of broadcasting is not improved by the vast amount of paperwork which the 3-year renewal requirement entails.

A considerable saving in time would result not only for the industry but also for the FCC if the license term were extended. A change by the proposed license term would cut almost in half the paperwork for both the individual broadcasters and for the FCC. The large amount of paperwork is the chief effect of the license renewal regulations. My subcommittee investigated and has found that the FCC today has a tremendous work burden. Most of that burden is paperwork which results in long and frustrating delays. Congress must act to help the FCC unravel its outdated procedures and regulations.

The many small business broadcast stations bear a disproportionate burden because they must devote 2 or 3 weeks of work in preparation of forms for the license renewal applications every 3 years, generally during the busiest broadcast months of the year, merely to stay in business. The burden is also heavy for the larger stations even though they have greater resources. Twenty-three FCC forms are applicable in some degree to all broadcasting stations. Seven logs must be kept up to date. Individual contracts for single performances must be filed with the FCC, and kept ready for inspection at any time. Field engineering checks must be made months before expiration of the 3-year license term in any case.

A change to a 5-year license term would contribute substantially to the reductions of the heavy backlog of the FCC. Some 800 fewer applications would need to be processed annually, releasing manpower to be used in other areas of FCC work where it is badly needed. The size of the workload is indicated by the 2,579 radio, 492 TV and TV translator renewal applications processed by the FCC during fiscal 1966. During the year a total of 17,955 broadcast applications were received, of which 2,677 were for renewal of commercial licenses. This is a a significant increase from 20 years ago when renewal applications numbered only 528. We must adopt new standards to meet the great increase in the administrative burden.

Most of the current backlog of the FCC is paperwork and not regulatory work. The enactment of a 5-year license renewal term would remove a great amount of the unnecessary work for the Commission. As early as 1958 the FCC itself recommended the extension of the renewal term in its legislative program. Activities of the FCC should not continue to be based upon conditions which existed 30 or 40 years ago. Regulation should be brought somewhere within the range of technological progress in the industry. Outdated and inefficient regulatory procedures should not be continued.

Regulations which have served their original purposes should either be revised to fit new situations or withdrawn. Assuming checks on the broadcasting industry are desirable, the review which would be provided by the renewal of licenses every 5 years would suffice. The revisions in this area are long overdue. I strongly support this change in the renewal regulations and urge that the Senate study these proposals so we may act during the new session early next year.

VICE PRESIDENT HUMPHREY ADDRESSES "LAWYERS AND AMERICA'S URBAN CRISIS"

Mr. MUSKIE. Mr. President, the October issue of the American Bar Association Journal contains a timely and pertinent article by Vice President HUBERT H. HUMPHREY on the urban crisis. Although he specifically addresses his comments to the role of lawyers and the legal profession in the crisis, the Vice President's message deserves wide attention. As he points out:

The crisis is very real, and its dimensions are much greater than the sum of the material and human losses, the misery and terror that have occurred. It bluntly challenges the viability of American democracy.

Mr. President, this challenge to the viability of our democracy must be a primary concern to each one of us. The Vice President's eloquent words to American lawyers is a constructive and thoughtful one. I ask unanimous consent that the text of "Lawyers and America's Urban Crisis" be printed in the RECORD.

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

LAWYERS AND AMERICA'S URBAN CRISIS

(NOTE.—Speaking before the Assembly luncheon at the 90th Annual Meeting in Honolulu last August, Vice President HUMPHREY outlined the extent of the present crisis facing America and called on lawyers and the organized legal profession to bring to these problems the creative solutions they have offered in the past. He described the crisis as having three dimensions: lawlessness, poverty and urbanization.)

(By HUBERT H. HUMPHREY, Vice President of the United States)

We must turn our attention to the American city. The lawlessness and violence that have occurred in some of our cities recently has been deeply unsettling and disappointing to nearly every American—but most of all to those dedicated to the rule of law.

We have always prided ourselves on our determination to achieve our objectives through peaceful means. We have always been confident that the American legal system could grow with the needs of our society, be flexible and yet provide an absolute and stable source of authority. Indeed, the law has frequently served as an instrument for prompting social and economic progress.

Looking back over the last fifteen years, I think we can honestly say that more than ever before the law has served both as an instrument of growth and as a stabilizing force. New legislation, court decisions and executive orders, taken together, have strengthened nearly every one of our fundamental American rights—the right to be equally represented in our legislatures and in Congress, the right to privacy, the right to full protection of the law in the courts. Progress has been especially dramatic in the field of civil rights. During these few years we have sought to guarantee every American the right to vote, the right to equal opportunity in employment, in education, in access to public accommodations. These were not radical departures from American constitutional theory, but they have brought revolutionary advances in practice. Never before in history has any nation done so much in such a short period of time to provide full equality under law for all of its citizens. The law has provided a responsible avenue through which our historic nonviolent civil rights movement has been able to realize many of its goals.

CRISIS CHALLENGES OUR INSTITUTIONS

But suddenly, despite all of this progress, we find ourselves witnessing a spectacle unprecedented in American history—thousands of citizens in cities across the country openly defying the law and local authorities, necessitating use of the National Guard and federal troops to suppress them. We have heard calls to insurrection in the name of "civil rights". We have heard civil rights leaders, who have successfully found satisfaction for their people in the courts, attacked for having too great a regard for due process.

The crisis is very real, and its dimensions are much greater than the sum of the material and human losses, the misery and terror that have occurred. It bluntly challenges the viability of American democracy. Can our institutions really serve the interests of the people? Can they cope with the fundamental problems of American society today? I am confident that the answer will ultimately be "yes". But our success will depend upon our ability to understand the crisis, and to mobilize our resources and institutions to deal with it.

The crisis is three-dimensional. First, there is an immediate problem of lawlessness, crime, violence and riot which demands a simple and direct response. Men schooled in the law know that no nation can tolerate flagrant disregard for the law. You know, and I know, and the rioters themselves must know, that riots *will* be suppressed. Order *will* be restored. Those malicious individuals who spark disorders will be found and prosecuted. For there can be no freedom, no equal opportunity, no social justice, in an environment of mob rule and criminal behavior. Arson does not build houses. Murder does not win civil rights. Theft and looting do not produce jobs. These acts of violence and crime produce revulsion, hostility and hate, which are bound to slow real progress.

The second dimension of this crisis—no less real and no less obvious than crime in the streets—is poverty. It it a fact that one of every six Americans does not share in the benefits of American society in the 1960's.

Let us look at poverty the way the victim sees it. Poverty means a *maximum* of thirty-two cents a meal per person each day, with $1.40 left over for everything else—rent, clothing, transportation, medicine, recreation. Thirty million Americans live on that much *or less*. Half of America's Negro population falls into that category.

Poverty means four times as much heart disease, six times as much arthritis and rheumatism, six times as much mental and nervous illness as compared with the other five sixths of our population. It means that 60 per cent of all poor children never see a dentist; 50 per cent never see a doctor. It means that a man is four times as likely to die by the age of thirty-five. It means the ghetto unemployment and underemployment rate is up to 35 per cent. It means idle, untrained, restless youths loitering on street corners. These poor people have the freedoms that go with American citizenship. But in all too many cases these freedoms are an inflated legal currency worth little in the marketplace of American society.

These Americans suffer something more acute than poverty of the purse. They suffer an active and intense frustration that comes from watching the other America at work and at play on television, and knowing that it is beyond their reach; a frustration that comes from paying higher prices in the ghetto shops than those charged in the supermarkets of suburbia—and knowing it; a frustration that comes from paying exorbitant interest rates for shoddy goods—and knowing it; a frustration of being unemployable for lack of training—and knowing it.

The consequence of being poor and hopeless in a society in which most are not produces a deep sense of alienation. This feeling is nowhere more fully expressed than in the attitudes of some slum dwellers toward the law. Twenty per cent of the Negroes interviewed two years ago in Newark stated that they had no faith whatsoever in the police, the courts or any other public agencies. As Justice Fortas recently put it, the law to the poor is a system devised "by the establishment—of the establishment—for the establishment". This is a law known in the ghetto, not as the blindfolded goddess of even-handed justice, but as "the man"—capricious, arbitrary, authoritarian, foreign—worthy of fear but not of respect.

In the eyes of the *impoverished*, it is the law that garnishees the poor man's salary, evicts him from his home, binds him to usury, cancels his welfare payments. Worst of all, it is the law that has guaranteed equal rights to all but has failed to provide equal opportunity. In this situation, the law loses its stabilizing influence. It becomes for the poor an irritant. Frustration, alienation and unrest are not surprising consequences.

The third dimension of the crisis before us is urbanization. Some 70 per cent of the American people now live in urban areas. By 1980 the figure will be 80 per cent. The cities have become the total environment for the great majority of our citizens. And this environment is blighted with congestion, dirt, polluted water and air, tension, crime. This is the ghetto—the prison of the poor.

The residents of that ghetto are 80 per cent Negro. A high proportion of them are recent migrants from rural areas in the South. Newark received 54,000 such migrants between 1950 and 1960; Detroit, 45,000; Los Angeles, 215,000; New York City, 222,000. A man who migrates does so in hopes of bettering his lot. But the migrant Negro arrives in the city without marketable skills. He is often illiterate. He is a stranger in a foreign land.

I do not mean to minimize the problem of rural poverty, which is still acute in many areas. That is a different subject—and an important one. But most Americans live in cities. They are the measure of our civilization in the twentieth century. It is in our cities where democracy will survive or perish.

HOW THIS CRISIS AFFECTS LAWYERS

I have spelled out a compound challenge of poverty, alienation and unrest in urbanized America—and we turn to you for help. Back in the 'thirties, when the United States

faced another acute social and economic crisis, the lawyers came forward with creative and constructive ideas. Lawyers provided much of the vision and stimulated those combinations of public and private effort which enabled us to rise out of the Depression. That same kind of guidance is needed now.

Many lawyers already are at work on these problems as government officials, as members of Congress, and in state legislatures and local government. Lawyers are, in fact, the architects, builders and protectors or democratic society. But those in private practice have a double opportunity to be of service to our troubled nation—as influential citizens in their communities and as advisers and counselors to their clients.

The American Bar Association is to be congratulated on the splendid work the legal profession has done through the neighborhood legal services program of the Office of the Economic Opportunity. This kind of contribution is nothing new from the legal profession. It has been providing legal aid for nearly a century. Extensive legal aid is vitally important now. It can demonstrate that our laws are designed to protect the weak and the poor as well as the establishment.

The experience of the last few weeks suggests that neighborhood legal service lawyers have succeeded in gaining the confidence of the neighborhoods in which they work. We have solid evidence that they have been able to avert riots, calm them after they have started, and see that those arrested enjoy the full protection of the law. They have talked, advised and cautioned, frequently at great personal risk. In Newark, Detroit, Cleveland, Washington and many other cities, they have served as a channel of communication between ghetto spokesmen and city officials.

To extend the protection of our existing institutions and laws to every person is obviously essential. But there is a more fundamental question regarding the structure of the institutions themselves. Do our political and social institutions adequately serve the requirements of modern, urban America? Are we organized to meet today's responsibilities and to plan effectively for tomorrow? Are your municipal governments adequate to handle the task before them? Is the structure of criminal law in your community adequate? Can it be efficiently enforced? Are there adequate provisions for dealing with mental illness and alcoholism outside the criminal courts? Do your police forces spend time on domestic disputes which could be handled better and more efficiently if referred to specialized agencies? Do the police in your communities have adequate guidelines for dealing with situations which demand a great deal of individual discretion? Lawyers and local bar associations can work with city officials to develop such a code. Does your state or city provide the facilities and program for training police officers in modern law enforcement techniques and police-community relations? One of the great urban problems today is the gap between the police and inhabitants of the slums—the very people who need police protection most.

Our police forces have a tough job to do. Lawyers can help bridge that gap between the police and the community. You can help our police to be better prepared to handle their difficult responsibilities. You can help the public gain a better understanding of and respect for the police.

Recently I suggested that all fifty states consider forming councils for civil peace at the state and, where possible, at the metropolitan level. The councils would include representatives of all racial and religious groups, plus officials of the state attorney generals' office, law enforcement agencies and local government. It could function as a community relations service to prevent violence, gain community cooperation and hear the voices of those who have too long gone unheard. It could establish a co-ordinated early-warning system to detect potential disorders and, it is hoped, nip them in the bud. It could establish a central communications network.

LAWYERS' OPPORTUNITIES AS BUSINESS ADVISERS

Lawyers have opportunities as advisers to the nation's businesses and corporations.

The central principle of American progress has been a working partnership between government and the private economy. The problems of today are too great and too complex to be solved by government alone. It is more than our laws and our public institutions that are being tested; it is our entire free enterprise system.

Can that system provide jobs and training for the hard-core unemployed? Can it make them contributing members of this economy, both as consumers and producers? Can it meet national need when that need is clear and present? Can this system provide the initiative, the imagination and the capital to meet the pressing necessity for more schools, efficient mass transport, low- and middle-income housing—the infrastructure for the new America? Some say no; but I say yes. American business has always known that prosperous people mean a better market. I don't believe businessmen can be content so long as one-sixth of their potential market is undeveloped.

We in government are ready to help. Where there are obstacles, we are willing to try to remove them. Where there are opportunities, we want to hear about them. The full creative force of American free enterprise in cooperation with government must be turned to these great and waiting tasks. The Negro leadership is in a unique position to advise which programs are likely to work and to supply leadership in these programs.

But, let me stress one crucial point. The task ahead will require the efforts of every organization and every citizen of this country. We certainly have the resources to do the job. We have the scientists, the engineers, the sociologists, the lawyers, the planners and administrators, if only we put them to work on this priority problem. Any nation that can mobilize its scientific and managerial resources to put a man on the moon ought to be able to put a man on his feet on this good earth. The so-called lunar program tells us something else. If you want to get a job done, you must use the most modern methods, you must make a commitment and you must be willing to pay the price.

But the price that we must be willing to pay is not just more money. Rather it is a price of priorities. It is the price of administrative reorganization in order to get the most out of every dollar and to use our resources better. It is the price of modernizing state laws and city charters. It is a massive training and employment program by private industry and the price of taking the risk of hiring untrained workers and giving them on-the-job training. It is a massive recreation and education program, particularly in the urban slums. It is keeping our schools operating twelve months a year, making job training programs related to job opportunities, investing billions of private capital to give our cities new life and new hope. It is investment guarantees for private capital, long-term credits and low rates of interest with government co-operation, tax incentives, risk insurance and government participation as a helpful partner but not a dominant force.

Part of the price is the willingness to recognize that the slum is repugnant to American values and that it must be eliminated as if it were a malignancy. It is the price of recognizing our slums and the majority of those living there as underdeveloped and neglected places and people. It is the willingness to offer the same generous and far-reaching considerations for our own underdeveloped areas and needy people as we do for others in foreign lands.

The price that we must be willing to pay is, above all, the willingness to accept as a partner in the American community and as a first-class citizen, the poor, the illiterate—black or white or red or yellow or brown—and give him a chance to make something out of his life. To do less is to admit failure.

Thomas Wolfe wrote: "To every man his chance; to every man regardless of his birth, his shining golden opportunity. To every man the right to live, to work, to be himself and to become whatever things his manhood and his vision can combine to make him. This . . . is the promise of America."

ADDRESS BY JOHN A. SIBLEY BEFORE GEORGIA FARM BUREAU FEDERATION

Mr. TALMADGE. Mr. President, John A. Sibley, one of Georgia's most distinguished business leaders and outstanding citizens, recently delivered a noteworthy address before the annual convention of the Georgia Farm Bureau Federation.

Mr. Sibley discussed the importance of land and productivity to the wealth and well-being of our people, and I was impressed by the eloquence and significance of his timely remarks.

I think them worthy of the attention of all who are concerned today with the importance of agriculture and its needs and problems. I ask unanimous consent that they be printed in the RECORD.

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

GEORGIA'S RENEWABLE WEALTH AND THE THREAT OF DESTRUCTIVE TAXATION

(Speech delivered by John A. Sibley before annual convention of Georgia Farm Bureau Federation, Augusta, Ga., November 14, 1967)

God's most precious gift to man is the land and its productivity. It is a special privilege for me to speak to the members of an organization who are engaged in the nurture, cultivation and protection of the soil and its productivity. You are engaged in planting and harvesting crops, producing meat and milk and protecting and increasing our great forest domain.

By your efforts new wealth is created each year that comes from the productivity of the land and that turns a stream of new wealth into the general economy of the state and nation. Of all occupations in which men are engaged for profit, yours is the most perilous and most important.

It is perilous because in addition to the ordinary business risk of other occupations, your success depends upon forces of nature over which you have no control, sometimes smiling and sometimes frowning upon your efforts; important because, in the last analysis, all other occupations, even life itself, are dependent upon the products of your labor.

To emphasize this fact we need only to remember that the productivity of our lands feeds and clothes all of us, furnishes the raw material for manufacture, industry and trade as well as safeguards our national security.

In this era of industrialization and urbanization, it seems to me that we may be falling into the grievous error of failing to understand and appreciate the paramount importance of the productivity of the land as it affects our economic welfare, our prosperity and our national security.

Perhaps a few examples, historic and current, will remind us that the protection and

preservation of the productivity of the land is a matter of supreme public interest and deeply concerns the economic welfare of the people as a whole.

Take for example the unfortunate situation that faces Great Britain. The British pound is periodically in trouble, threatening the economy of that great nation, with repercussions throughout the world. The fact is that the British pound reflects a fundamental weakness that is more deeply imbedded in England's economy. The basic trouble is that England's trade and commerce cannot cover the deficit caused by the failure of her lands to produce the necessary food and fiber to feed and clothe her people, to supply the raw material for her industry and to safeguard her security.

The failure of the potato crop, the source of Ireland's food supply, has occurred several times in history followed by starvation or migration of the Irish people. As a result, Ireland's population, once 8 or 10 million, is now less than 3 million.

Starvation in India today is caused by the failure of her wheat crop. Unlike the Irish, the Indians have no place to migrate and relief from starvation can only come from the generosity of more fortunate people whose renewable resources are greater than their immediate needs. This generosity though substantial is insufficient.

With these preliminary remarks concerning the importance of maintaining the productivity of our land, I will lay down several basic propositions that are relevant to the question of taxation of our farm and forest lands. I will discuss these propositions in more detail later.

The propositions are:

(1) The power to tax is the power to destroy, a principle announced by Chief Justice Marshall of the Supreme Court of the United States in the early days of our Republic—a principle that was sound when delivered and is sound today.

(2) A tax so heavy as to make the operation of a business unprofitable is an effective means to destroy that business. So a tax upon farm and forest lands so unreasonable as to make farming unprofitable is to destroy the business of farming. In such cases the power to tax becomes the power to destroy, as pointed out by Chief Justice Marshall.

(3) The public interest requires that a system of taxation be adopted for our farm and forest lands that encourages and stimulates the development of the productivity of these lands, thus increasing our renewable wealth and the development of our natural resources. This can be accomplished by taxing farm and forest lands upon their value as farms and forests but not by fixing as the taxable value of farm and forest land the price paid for other lands purchased for more intensive uses such as business sites, shopping centers and subdivisions.

(4) The spirit of fairness dictates, and the public interest demands that our renewable resources be preserved and developed, and that the occupation of farming be protected against the destructive power of excessive taxation.

In the light of the above propositions, let us now examine in terms of monetary and other values the significance of farm products to our general economy and the adverse effect of excessive taxation of farm and forest lands on the productivity of farm and forest lands.

The improvement in cash income from farms in the last thirty years has been spectacular both in the amount of increases and sources from which that income was derived.

In 1966 total cash farm income, excluding government payments, amounted to $1,015,808,000 as compared to $209 million in 1924. Of the 1924 cash income 62% was derived from cotton alone and livestock represented only 13.2% or $29,600,000. In 1966 cotton represented only 4.2% of farm income, whereas livestock, including poultry and eggs, amounted to $632,678,000.

The billion dollar business representing new wealth created by the farmer equals $228. per capita for Georgia's 4½ million people, whereas the new wealth created by the farmers in New York State is only $55. per capita for its more than 18 million people and for Pennsylvania only $79. per capita for its more than 11 million people.

Georgia must keep the productivity of her land in balance with her ever increasing population.

Of Georgia's $10,575,000,000. total income in 1966 farm and forest products directly and secondarily contributed 25½% and gave employment to 109 thousand people.

Now let us examine the importance of our forests to Georgia's economy. Our forest-based industries generate an annual income of a billiion dollars and provide employment for every fifth factory worker in Georgia at high-level wages.

Of the 37 million acres of land in Georgia approximately 26 million acres are in forests, representing some 69% of the entire acreage of the state. Moreover, 92% of the forest land is privately owned by more than 196 thousand owners.

Experts tell us that present forest areas can be doubled in yield by proper care and improved stands.

Trees, our most valuable single renewable resource, furnish raw material for many and varied businesses that feed our general economy.

A tree is much more than a stick of wood. To my mind, a tree is a growing chemical storehouse in which nature manufactures valuable raw materials for many useful end products. The use of wood in the construction and building trades, in furniture making and similar wood-based industries, as valuable as these businesses are, constitutes only a small part of the end uses derived from trees. Through scientific knowledge, cellulose fiber in trees can be isolated and by technology can be converted into many necessary articles of commerce.

Even more important are commercial articles derived from cellulose as the raw material for the manufacture of such varied products as women's dresses and lingerie, curtains, draperies, lamp shades, upholstery, men's summer wear, rain coats, carpets, plastic materials, photographic films, cellophane and food packaging of all kinds, military explosives, sponges, all grades of paper, including newsprint and many others.

Cellulose is indeed the magic raw material, the end product of which serves the necessities, comfort and convenience of modern man.

Georgia forest land, as a source of cellulose, is a powerful magnet which attracts industry to Georgia and has already attracted to the state pulp, paper and chemical cellulose mills, representing an investment estimated at $750 million or more of capital funds. These mills used over 5 million cords of pulpwood in 1964, and the amount is increasing each year. They furnish the tree farmer a valuable new source of available cash and result in the enhanced value of forest lands in Georgia.

Besides having developed a billion dollar wood-based industry, Georgia stands first in the number of privately owned forest acres, in the number of acres under organized fire protection and in the number of seedlings grown in State nurseries. Since 1945, 1,750,000,000 seedlings have been grown in state nurseries and 600,000,000 have been grown in forest industry nurseries. From 1964 to 1967 the State has produced 14,000,000 improved Loblolly and Slash Pine seedlings; Georgia has the Nation's largest tree improvement program, was the first to teach forestry in vocational schools, established the world's first forestry center and the world's first major forest fire laboratory, leads the Nation in tree farm acreage, produces more lumber than any state east of the Mississippi River and is the Nation's largest producer of naval stores.

Our state leads the Nation in pulp and paper production. This is a relatively new industry and developed here because of our forest resources and the knowledge that Georgia is nurturing and expanding these resources to meet future needs.

Georgia's trees furnished jobs for 65,984 persons, which generated wages amounting to $275,639,244, all of which come from more than 900 primary and secondary forest-based industries.

How important these forest-based industries are to certain counties of Georgia is illustrated by the fact that in Bibb County the payroll is $18,574,437 from such industries, and in Floyd County $63,504,000 and in Chatham County $44,695,192 and in many other counties payrolls represent a substantial part of the buying power and prosperity of that county.

The enlarged demand for this cellulose, so the experts say, must be supplied largely from the North American continent. Sweden, which for many years played a large part in meeting the world demand, is limited in area and has approached her maximum development.

The forest resources of the West Coast and Canada are very substantial but the cycle of growth is slow and the cost of harvesting great compared to our Southern pine.

Georgia is now in the forefront in meeting this demand for cellulose and has the opportunity to improve her position as a world supplier, as is evidenced by the progress that Georgia has made over the last twenty-five years in maintaining and improving her forest domain.

The policy of Georgia for the last quarter century has been to encourage the development of Georgia's forest domain. This policy is evidenced by the fact that the State is now spending yearly for forest protection, reforestation, forest management, research and education slightly more than nine million dollars, and in the last ten years has spent for these purposes more than fifty million dollars.

The question facing Georgia is, shall we destroy this renewable wealth, which is the basis of profitable wood-based industries, through the process of confiscatory taxation of the lands producing that wealth?

Unfortunately we are threatening to do so and have already done so in several counties of the state. This oppressive tax upon farm and forest lands usually arises through the process known as land re-evaluation. By the method used in that process, farm and forest lands are not treated as farm and forest lands and taxed on their value as such but instead farm and forest lands are taxed on the basis of the sale price of other lands which were purchased and sold for entirely different purposes and uses, such as shopping centers, subdivisions and industrial sites.

This method of re-evaluation overlooks the fact that to convert farm and forest lands to these more intensive uses requires thousands, and sometimes millions, of capital funds and that without the expenditure of such capital funds to develop these new and more intensive uses, high purchase prices for the lands have no economic justification. Many of the counties in Georgia are experiencing re-evaluations of farm and forest lands under this unreasonable and unfair method.

The appraisers employed to re-evaluate the lands are usually from the city or are unfamiliar with farming and its importance and are accustomed to dealing with the development of sub-divisions, shopping centers, business sites requiring the expenditures of capital funds.

The appraiser comes to a large body of land that has been a tree farm for more than a quarter of a century. The trees are inventoried by volume, types and varieties. Good forest practices, including selective cutting, have been consistently followed.

When the appraiser examines that farm he gives no consideration to the value of the land as a whole for the purposes for which it is used.

He frankly states that the use of the land as a farm is immaterial to him in fixing its value although he admits that the farm has been highly developed and properly managed as such for many years.

He then values each land lot separately, fixing its value on the suitability of that land lot for subdivision or other intensive uses.

In effect he has turned a bona fide tree farm into an imaginary subdivision. The appraiser reports to the taxing authorities as the value of the farm lands the price that other lands have been sold for that have been turned into subdivisions and shopping centers or other more intensive uses.

The land owner under such circumstances is forced by the coercive pressure of confiscatory taxation to cut his timber prematurely to pay taxes, or to quit farming and to sell his lands for speculative purposes, or to do both.

I am familiar with a county in Georgia where more than 85% of the lands were designated in 1961 as agricultural and forest lands and only 13% were used for residential, industrial, commercial, public buildings, streets and highways, public open spaces, vacant and water.

Yet under a system of re-evaluation such as I have described, the taxes on farm and forest land are so confiscatory that farming and forestry cannot be carried on in that county profitably. Under the coercive effect of taxation, timber is being prematurely cut, and the lands are fast being sold for speculative purposes.

Georgia is not the only state faced with this problem. Some 23 states have taken or are considering legislative action to prevent confiscatory taxation of farm and forest lands and to preserve and develop their renewable resources. These states recognized that such action was necessary to protect the public interest.

The State of Connecticut, in enacting laws to protect its farm lands, forest lands and open space lands from excessive taxation, made this strong declaration of public policy:

"(a) That it is in the public interest to encourage the preservation of farm land, forest land and open space land in order to maintain a readily available source of food and farm products close to the metropolitan areas of the state; to conserve the state's natural resources and to provide for the welfare and happiness of the inhabitants of the state, (b) that it is in the public interest to prevent the forced conversion of farm land, forest land and open space land to more intensive uses as the result of economic pressures caused by the assessment thereof for purposes of property taxation at values incompatible with their preservation as such farm land, forest land and open space land."

Georgia should make a similar declaration of policy, at the upcoming session of the legislature, followed by an appropriate constitutional amendment.

Florida, during the last quarter century, has experienced large increases in population, some permanent and some seasonal, and to accommodate the people, fruit groves and vegetable gardens have been turned into subdivisions, shopping centers and every other type of urban development. Lands that are worth $500 an acre as fruit groves may sell for five or ten thousand dollars or more per acre to be developed and used for more intensive uses.

The tax assessors in some instances began to raise the assessments on the orchards, groves, forest and other farm land to reflect in whole or in part the values established by the sales price of the nearby lands converted into new and higher uses. Taxes levied on these assessments were confiscatory when applied to agricultural and forest lands. The citrus fruit, forest and other farming enterprises could not survive such a burdensome tax assessment.

To save the production of these primary resources, Florida laws provide that farm and forest lands should be taxed at the value of those lands for the uses to which they are put.

The Florida law in no sense grants a tax exemption to farm and forest lands. The owners of the lands will continue to pay taxes and the lands will be valued as farm and forest lands. The law merely requires that the market value of the land for tax purposes is to be fixed by the uses to which the lands are put and not to be assessed at the price at which other lands have been sold that are put to higher and more intensive uses.

That means that when orchard, grove or forest lands are turned into a shopping center, a subdivision, or an industrial site the value of the property is then determined by the new uses.

It also means that the lands which continue in orchards, groves and forests will be taxed on the value of the lands for the purposes for which they are used, that is, as farms, orchards and forests, and not at the sales price of other land in the same neighborhood purchased and used for subdivisions, shopping centers and intensive developments.

The law also means that the appraiser cannot fix the value of agricultural and forest lands for tax purposes at the prices paid for other lands no longer used as farm or forest lands but which have been converted to higher and more intensive purposes.

Under such a system the farmer is not forced to sell his lands to speculators because of confiscatory taxation which places upon his lands speculative values based on the sale prices of lands not used for agricultural purposes.

Under this system the public interest is served because the lands continue in the hands of land owners who desire to farm and the productivity of the lands continues to put into the general economy annually a stream of new wealth.

It is such a system as this that Georgia should adopt in order to preserve and develop her natural resources.

Many states in the Union, recognizing the value of the productivity of their forest and farm lands to the general economy, have devised systems of taxation which encourage the use of lands for productive purposes.

God in His goodness has favored Georgia with great renewable natural resources; are we wise enough to appreciate, nurture and expand them?

The answer to that question is vital to the prosperity and wellbeing not only of present but of future generations.

ROLE OF PRIVATE ENTERPRISE IN GOVERNMENT PROGRAMS

Mr. MUSKIE. Mr. President, on October 13–14, 1967, the Advisory Commission on Intergovernmental Relations sponsored a national conference on legislative leadership. This conference brought together speakers, senate presidents, majority and minority leaders from the various State legislatures, Members of Congress, and representatives from the academic community for a look at ways in which "bridges might be built between State legislative bodies and the National Congress." Over 125 State legislators and others attended the conference in Washington.

The Advisory Commission, of which I am a member, along with the senior Senator from North Carolina [Mr. ERVIN] and the senior Senator from South Dakota [Mr. MUNDT], is to be commended for its initiatives in holding this conference. In 1966 the Senate and House Subcommittees on Intergovernmental Relations considered the 5-year record of the Commission and made suggestions for its continuation, including some changes in emphasis and direction. Among the suggestions made was that the Commission, from time to time, convene national conferences on major problems in the field of intergovernmental relations. The conference between congressional and State legislative leaders was needed because State legislatures have gone unattended and relatively unrecognized for too long, despite the fact that they are a very important part of our American governmental system.

Mr. President, in one of the conference sessions, Vice President HUMPHREY addressed the assembled delegates on the general subject of what State legislatures could do to help make Federal programs more flexible and realistic. As on many occasions, I find myself in complete agreement with the principal points made by the Vice President in his address to the legislative leaders. I was particularly impressed by his emphasis on the role of private enterprise in providing jobs for unemployed youth and for suggesting that the State legislatures begin to experiment in ways to further the cooperation between government and business in combating problems of unemployment and economic deprivation.

Mr. President, I ask unanimous consent that the excerpts from the Vice President's remarks be printed in the RECORD.

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

EXCERPTS FROM REMARKS OF VICE PRESIDENT HUBERT H. HUMPHREY

The general theme of my conversation about the country is that through a partnership among Federal, State and local governments and the private sector, we are trying to upgrade the quality of American life, maximize the performance of the American community, and energize and revitalize the lives of our people. I don't believe that is a naive philosophy nor do I think it is a far-fetched hope.

One of the main difficulties in America today is lack of satisfactory communication between the executives and the legislators of the different levels of government. We have this problem even at the federal level, and here we have had a determined and considerable program to keep in close touch with our legislative leaders in the Congress, both majority and minority. I mention this at the Federal level because I think this is the secret of governmental progress. You make progress out of cooperation, out of adjustment, sometimes out of compromise, but at all times out of promoting a better understanding among those who have responsibility, and the responsibility of a legislator, State or Federal, is tremendous.

We at the Federal level must work not only with our Congress, but we must also work with the legislators, particularly with the legislative leadership, at the State level. Practically every program initiated by the Fed-

eral Government in recent years requires active cooperation and participation by the State—if not by the State government, at least by an instrumentality of the State which must be authorized by State legislation.

All the programs we have, everything from highways to the poverty program, depend upon your cooperation. If we are going to do anything about air and water pollution or better education, about cities' problems or the problems of rural America, it will in large measure depend upon what the State legislatures are willing to do. When the State legislatures do not give consideration to the needs of cities, the mayors just come pell-mell down to Washington and start a major war on you. That is exactly what has happened.

Many times we in Washington are prone to think of the United States of America as if it were one solid board with one permanent grain all the way through it, with no variations. But, this is a pluralistic society. It is a mosaic. It is not a monolith, it isn't a national community that has one culture, one ethnic group, one religion, one type of economy. It is a mixture. That is its vitality, its beauty, and that is also its complexity. Therefore, when national legislation is passed, we must realize that it must be rather broad in principle and have adaptations that fit the State and the community. That is where you come in with your advice and with your counsel.

I have noticed in the last year that some legislative leaders are beginning to testify before Congress. That is exactly what we need. We need to hear from the majority leaders and minority leaders of the State legislatures on every bill of any consequence that requires State cooperation. We need to hear from your governor, too, who represents the total State. We really need your counsel and advice.

In one of our cabinet meetings, the President of the United States said, "Before you start sending up legislation, I want you to double check with governors and with legislative leaders to see what the bugs are in this, to see if this is the sort of thing that will work, to see that this is the sort of thing that is needed." It doesn't mean that we will veto something that we planned on doing, but I think that rational and reasonable men will take your advice seriously.

Might I suggest that you do the same in your State legislature; that if there is legislation that affects local government, you should talk with the local people.

The partnership that we need between Federal and State, between President and Governor, between Senator, Congressman, and State legislator, between President and Vice President and between Majority Leader and Minority Leader is one of mutual respect and one in which we each carry our share of the load, where we can talk it out ahead of time.

Now I am going to be more specific. What are some of the critical needs today? I think you know them.

First of all, in our poverty areas, and every State has some, the basic need is a job! That job can best be provided through private industry, and I think it is the duty of every officer in the Federal and State Government to work with private industry to find out how those jobs can be provided.

The people that are unemployed today, most of them, are what we call unemployables. These people are unskilled, oftentimes poorly educated, all too often discouraged and frustrated, sometimes hostile and cynical.

They have a debate going on in Congress now about training people that are on welfare. I believe these people should be trained if physically able. We are not trying to build a welfare State in this country. We are trying to build a State of Opportunity!

The easiest thing for a man in government to do in a rich society is to write a check, even if he has to write it on borrowed money. You can have checkbook welfare and checkbook compassion, too. I believe that the handicapped, people really in need, children and mothers that cannot work, and children that are unable to work, of course, need to have welfare, compassion, and charity.

But I want to say that charity and welfare can be carried too far. What you really ought to do is start to separate the welfare cases from the opportunity cases. And that means that we need to emphasize the training, the education and the development of human resources, not by the opiate of a welfare check, but by the exciting experience of training and guidance and education and counseling and motivation.

I happen to think that this is where all levels of government have a role and it cannot all be done by the Federal Government by any stretch of the imagination. The Government of the United States is not in Washington. Just part of it is here. It is in the State capital, in the county seat, and in the city hall. That is where the government is closest to the people.

I think State legislative bodies, along with the State governors, should start to think about how they, in their States, can work through their school system, through their training institutes, through their private enterprise, to get the hard core unemployed employed, trained, on the job, and productive. The greatest single source of new economic power in America is in the poor.

We have hundreds of thousands of workers unemployed today because they are unemployable according to certain standards. We need to beneficiate those people. This is what can happen in America. I visited a training program conducted by the Alameda Central Labor Council in Alameda, California. They were training welders and on the morning I arrived, six welders got a job. And who do you think they were? They were hard core unemployed who never had a job in their lives, and most of them had been in jail or a reformatory. They had already placed over a hundred of them. Every one of them had been a welfare case or had been in a penal or a correctional institution.

Examples such as the Alameda program show that it can be done. I think the jobs ought to be in private industry. I think that we have had far too much emphasis upon the Federal Government trying to do it alone. I think every State legislature ought to take a look at its tax laws to see whether there are any tax incentives you can give your private industry to train workers in your State.

I am here to ask you to innovate at the State level. I think our State legislatures are the laboratories of democratic government, and I am of the opinion that when we're talking about what the Federal Government ought to be doing, we need some test areas to see how it really works.

So I ask you to give your attention to jobs and to urban legislation. In the model city bill we have put together for the first time a program that permits participation by State Government, local government, and private groups in the rebuilding of a neighborhood and of a city.

I have called the model cities program a Marshall Plan for the United States. I still do, because that is what it is. It provides for realistic planning—Federal, State, and local. And it provides for private initiative and private participation. We are not going to rebuild America out of Washington. We are not going to rebuild America out of public funds. We are going to do it out of private funds. The public can help. The public can give the extra measure, the loan guarantees, maybe the tax incentives. The public can help with the planning money and with the technical assistance. But to rebuild America as it needs to be in some areas is going to take private investment, private encouragement, private initiative, and that is going to require our cooperation.

I ask you to help us in our youth program. I am Chairman of the Youth Council. The Youth Opportunity Program is designed to help youth get started on the right foot. We have to find jobs for young people so that they are exposed to wholesome environments on the playgrounds, in jobs, and in training programs. I have called upon every Governor and every Mayor in America to set up a Youth Opportunity Commission. More crimes are committed by people 15 or 16 than by any other group. That young man or woman is a restless soul, and the greatest source of power is not atomic power but youth power. It should be directed to constructive purposes.

Last summer, we provided 1,400,000 jobs for young people. A year ago, it was a million. This last summer, we provided 25,000 camping experiences in Boy Scout camps across the United States, through the help of private individuals in your communities, and with some help from the Federal government.

What about a camping program in your State? What can you do about it in the next legislative session? Do you have enough camps? Are you really interested in getting these young people a camping experience?

What about a job program? Have you called upon the employers in your State? Has your Governor set up a commission or a youth council to energize the private and public resources of your State to take care of youth problems?

We have agencies and institutions that take care of those in trouble. Every time one gets arrested you give him attention. But they have to get in trouble before they can be rehabilitated. What about keeping them out of trouble? What about a youth program in every State—not in Washington alone? I call upon you to do something when you go back to your State legislature, if it is only passing a resolution called the attention of the people in your State to the fact that the number one asset is their youth, that in your State, there are a number of them without jobs, without part-time jobs, without adequate education, and that in the summer, they're standing on the street corners. They ought to be in a factory, in a wholesale house, or on a road job. They ought to be working, and they can be.

I'm happy to tell you that private industry is excited about this. All over America, we're getting help now.

In Kansas City this summer a hundred businessmen organized into a committee. They went from plant to plant and they put on 2,200 young people that never had jobs before in private industry. These were hard-core unemployed that would be involved in trouble unless they were at work.

In summary, we need you, and I think you need us. I think we ought to consult on legislation before the legislation becomes a reality. We need your counsel and advice. I ask you to take a good look in your home State. What can your legislature do to stimulate not just the War on Poverty but the Adventure of Opportunity. We need the revitalization of State government in America as we have never needed it before. We need to understand that the power of this Nation is in its people and its private resources. We need to follow that philosophy and we need to make our government a partner with the private sector. I appeal to you to take the lead and we'll try to cooperate.

DEATH OF DR. ALAN T. WATERMAN, FIRST DIRECTOR OF NATIONAL SCIENCE FOUNDATION

Mr. HILL. Mr. President, last Thursday, November 30, 1967, our country suffered a great loss in the death of Dr. Alan T. Waterman.

Dr. Waterman was the first Director of the National Science Foundation, and he laid the foundation for many magnificent accomplishments in basic research. He was a dedicated citizen, a man of tremendous vision, and achieved so much for our country and for all the peoples of this earth. He was truly a great American, and he will be sorely missed.

I ask unanimous consent to have printed in the RECORD a tribute to him by Dr. Leland J. Haworth, his successor as Director of the National Science Foundation; a biographical sketch of him; a statement of his many, many achievements; and a list of the honors and awards so rightfully given him.

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

STATEMENT BY DR. LELAND J. HAWORTH, DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION

It was with deep sadness that I learned of the death of Alan Waterman, the first Director of the National Science Foundation. Alan Waterman successfully guided this organization from a small beginning to a position of strength and influence. He, more than any other single person, made the Foundation an important bulwark of the Nation's scientific strength. He left his own indelible mark of quality and of integrity in every field of activity in which the Foundation was involved.

When Alan Waterman took the helm of the fledgling agency in 1951, few in Government recognized the importance of basic research in the total spectrum of the Nation's scientific and technological enterprise. Alan Waterman was one of those few; his work at the Office of Naval Research had already established that agency's leadership in providing financial support for basic American science. When he came to the Foundation he began to build another organization through whose efforts science could develop strength commensurate with its promise and with the Nation's needs.

Following the precepts set forth in the famous report by Vannevar Bush, "Science, the Endless Frontier," as embodied in the National Science Foundation Act of 1950, Dr. Waterman, in concert with the National Science Board, established the basic philosophy still used in the Foundation, whereby scientists themselves largely determine the direction and progress of basic research. The Foundation early established the pattern of giving strong support to research at the Nation's colleges and universities where much of the best basic research and all of the training of future scientists, engineers, and physicians is carried out. To the widely endorsed concept of providing strong support to advanced students already committed to scientific careers, the Foundation, under his leadership, added the next logical step of assisting improvement of scientific education on the earlier rungs of the educational ladder. Thus the Nation is also strengthened through a better informed citizenry, with an ever-increasing depth of understanding of what science is, and what part it plays in the lives of everyone.

That he built the Foundation well and soundly is attested by the present size and strength of its programs and the degree to which the principles and policies laid down during his tenure continue as guides to this day. It was a mark of the man that all who were associated with him at the Foundation retain not only a deep respect for him as their mentor and leader, but the greatest affection for him as a gentle, warm, and sensitive human being. All of the Foundation mourn his passing, and extend our heartfelt sympathy to Mrs. Waterman and others of his family.

Funeral services will be conducted at 3 p.m. Monday, December 4, at All Souls' Unitarian Church, 16th and Harvard Streets NW.

ALAN T. WATERMAN

Dr. Alan Tower Waterman was born on June 4, 1892, at Cornwall-on-Hudson, New York. He married the former Mary Mallon of Cincinnati, Ohio, on August 28, 1917. With their family they celebrated their Golden Wedding Anniversary this summer. There are three sons: Alan T., Jr., of Stanford, California; Neil J. of Cocoa Beach, Florida; Guy V. of Stamford, Connecticut; and two daughters: Barbara (Mrs. Joseph C. Carney) of New Canaan, Connecticut; Anne (Mrs. William C. Cooley) of Bethesda, Maryland. The Watermans reside at 5306 Carvel Road, Washington, D.C. 20016. There are 16 grandchildren.

Dr. Waterman did both his graduate and undergraduate work at Princeton University, receiving the degrees of A.B., 1913, M.A., 1914, and Ph. D. in physics in 1916. His research included investigations in the fields of conduction of electricity through solids; thermionic, photoelectric emission and allied effects; and electrical properties of solids. After receiving his degree, he became an instructor in physics at the University of Cincinnati. In World War I, he spent two years in the military service (private to first lieutenant) with the Science and Research Division of the Army Signal Corps, where he was engaged in meteorological work. At the close of the war he joined the faculty of Yale University and remained in the Department of Physics until going on leave of absence in 1942 during World War II. During his tenure at Yale Dr. Waterman was on leave of absence on two other occasions: in 1927–28 on a National Research Council Fellowship to King's College, London, England; in 1937 to the Massachusetts Institute of Technology.

From 1941 to 1945 Dr. Waterman was associated with the Office of Scientific Research and Development (OSRD), the wartime agency headed by Dr. Vannevar Bush, first as Vice Chairman of Division D (detection, controls, instruments) and as assistant to Dr. Karl T. Compton, Member, National Defense Research Committee, as Member, Microwave Committee, and then as Deputy Chief and later Chief of the Office of Field Service.

Dr. Waterman served from 1946 to 1951 as Deputy Chief and Chief Scientist of the newly established Office of Naval Research, Department of the Navy.

On April 6, 1951, Dr. Waterman was appointed by President Truman as the first Director of the newly formed National Science Foundation, for a six-year term. In 1957 President Eisenhower reappointed Dr. Waterman to this post. Although he reached the compulsory retirement age prior to the expiration of his second term, Dr. Waterman continued to serve in this post until June 1963 at the special request of President Kennedy.

Since that date he continued an active interest in science and education through service on numerous boards and committees, as follows; Board of Trustees, Atoms for Peace Awards; Federal Woman's Award Board, Civil Service Commission; Advisory Board, Georgetown University Center for Strategic Studies; Liaison Committee on Science and Technology, U.S. Library of Congress; Special Consultant to the President, National Academy of Sciences and Chairman, Committee on Scholarly Communication with Mainland China; Consultant to the Administrator of the National Aeronautics and Space Agency (NASA) and Member, Historical Advisory Committee of NASA; Consultant to the National Science Foundation; Advisory Committee, Pacific Science Center, Seattle, Washington; Board of Trustees, University Corporation for Atmospheric Research.

Dr. Waterman was a fellow of the American Association for the Advancement of Science (He served as President in 1963 and Chairman of the Board in 1964), the American Physical Society, the New York Academy of Sciences. He was a member of the American Association of University Professors, the American Institute of Electrical Engineers, the American Rocket Society, the American Polar Society, the Washington Academy of Sciences, the Washington Academy of Medicine, Phi Beta Kappa, Sigma Xi, the Scientific Research Society of America, and the Washington Philosophical Society.

Dr. Waterman had a great appreciation for music and was himself an accomplished musician. He was one of the relatively few persons who mastered the art of the Scottish bagpipes, and on many occasions shared this special talent with family and friends. He for many years played the violin, cello and viola in a string quartet, first established during his undergraduate days at Princeton University and later composed of his Washington scientific colleagues. He also frequently entertained his associates on the piano and guitar.

Another major interest was his love of the woods. He became a licensed guide in the State of Maine very early in his lifetime, and he continued this activity whenever his official duties permitted a rare canoe or camping trip.

Dr. Waterman was a member of the Cosmos Club, the Princeton and the Yale Clubs of Washington, D.C., and the Graduates Club of New Haven, Connecticut.

STATEMENT OF ACHIEVEMENTS OF ALAN T. WATERMAN

During the decade and a half in which Dr. Alan T. Waterman served first as Chief Scientist of the Office of Naval Research and later as Director of the National Science Foundation, he worked tirelessly in the cause of basic research and education in the sciences. Through his leadership of these two major scientific agencies and through a continuing campaign of travel and speaking throughout the Nation, he sought to impress upon the people of the United States the importance of science and well trained scientists. As a result, in no small part of his personal efforts, the Federal Government has adopted broad policies for the enlightened support of both.

The establishment under Dr. Waterman's leadership of two major scientific agencies of the Government has had beneficial and far-reaching effects on the research effort of the United States. The policies and programs of those agencies will certainly influence the progress of science in this country for many years to come.

Recognizing the crucial role of the Nation's universities, both as the natural home for basic research and as the source of training for young scientists, Dr. Waterman sought to strengthen their capacity for carrying out these functions effectively. At a time when the intrests and funds of the Federal Government were concentrated on the solution of problems of an applied nature, largely in the fields of defense and atomic energy, he stressed the long-range importance of furnishing adequate support through the universities to uncommitted investigators working in very basic areas whose future importance or significance could not be anticipated. He sponsored the Federal grant as a flexible and useful means of support for such investigators and helped to establish the grant mechanism along liberal and nonrestrictive lines. When its usefulness had been amply demonstrated by National Science Foundation practice, he successfully sought legislation to extend its use to other Federal agencies that were also engaged in the support of basic research.

Out of his deep conviction of the need for a strong and diversified basic research effort throughout the country and as a result of his direct observations in the Office of Naval

Research of the importance of basic research to operating agencies, he urged, as Director of the National Science Foundation, that all Federal agencies engaged in research and development be permitted to support research basic to their missions. He rejected the idea that the Foundation should be the sole agency for the support of basic research. His recommendations on this point were adopted as national policy in Executive Order No. 10521 of March 17, 1954.

In full awareness of the unpredictable nature of basic research, Dr. Waterman consistently pointed out that the best long-range insurance of the Nation's strength, both in science and technology, was the support of basic research in all fields and not merely in national problems. As a result, the Foundation conducts a continuous review of work and progress in the various fields and seeks to bolster those where efforts appear to be lagging or inadequate.

Although support of the social sciences was merely permissive in the National Science Foundation Act of 1950, Dr. Waterman from the beginning acknowledged their importance and sought to develop a sound basis for their support. During his directorship there was steady growth and support of research in the social sciences.

In his role as principal advocate of Federal support of basic research and education in the sciences, Dr. Waterman was acutely aware that the basis for such support cannot and should not be arbitrarily decided in Washington. He urged the importance of calling upon the scientific community for advice and assistance in all stages of developing Government support programs. Hence, scientists and engineers serve in advisory and consultant capacities at policy-making levels and also at operating levels in evaluating proposals submitted for research support. The present system makes possible a very wide range of support, from limited support of small projects in a narrow field to very broad support in so-called coherent areas of research involving the interdisciplinary approach to the solution of large problems.

The principle of stability and continuity was also recognized. Under Dr. Waterman's leadership the Foundation sought to overcome the limitations of short-term support and to devise ways and means whereby support could be appropriately extended over a period of several years.

From the inception of the Foundation, Dr. Waterman stressed the importance of science education and of adequate training of science teachers as fundamental prerequisites to the long-range strength of American science. The various programs devised by the Foundation to strengthen science education have had a profound impact on the educational system as a whole and have revolutionized the teaching of science in the United States.

Through a gradually expanding program of fellowships, the Foundation has tried to insure that the means of acquiring graduate education in science is available to the best qualified and most promising students. Beginning in 1953 with small pilot projects, the Foundation undertook to improve the quality of the Nation's science teaching by means of summer institutes for teachers of high school and college mathematics and science. Course content and curriculums for the high school teaching of science have been completely revised and updated introducing entirely new approaches in the secondary schools.

Thus, by the time the attention of the Nation was seriously focused on the crisis in education—and science education in particular—by the launching of the first Soviet sputnik in 1957, the Foundation, under Dr. Waterman's able leadership, had already made a broad attack on the problem through well organized programs along the several lines of endeavor that have been cited.

As it has worked to obtain recognition and support for basic research and education in the sciences, the Foundation has also been fully alive to the need of the universities themselves for outside help in order to meet the extra burdens imposed by the rapid development of science and technology. In an effort to redress somewhat the imbalances created in the financial structure of educational institutions by the large amount of Federal money earmarked for specific purposes, the Foundation under Dr. Waterman's leadership initiated a program of institutional grants.

In its relation to the national research and development effort as well as to the research and development programs of other agencies, Dr. Waterman emphasized the fact-finding role of the National Science Foundation. Until the Foundation undertook the systematic collection of data on the extent and nature of the Nation's research and development effort, adequate basis was lacking for the formulation of policy as well as for charting the paths that the research and development effort should take for the future. Through the Foundation's efforts in acquiring information about the basic research efforts of other agencies, Dr. Waterman prepared the way for the more effective coordination of these programs, thus anticipating and facilitating the work of the Federal Council for Science and Technology.

The full measure of Dr. Waterman's contribution to the national welfare in terms of progress in science and technology in the United States cannot be fully assesed because it is difficult to gauge how far behind we might be were it not for his far-seeing and statesmanlike efforts. In the hiatus between the termination of the Office of Scientific Research and Development and the creation of the National Science Foundation, he molded the Office of Naval Research (ONR) into an effective instrument for the support of basic research. The Navy was concerned with maintaining the strength of the Nation's scientific effort through what might have become a serious letdown during the postwar period. Responsible naval officials were aware of existing and potential deficits in the numbers of scientists and technically trained people, and they were also anxious to maintain the effective relationships between Navy personnel and scientists in academic and industrial institutions that had developed during the war.

The law establishing the Office of Naval Research was signed in August 1946. As one of the principal architects of its policies and programs, Dr. Waterman helped to establish the patterns of research support that were successfully used by ONR and later widely adopted by other agencies. He interpreted broadly and with imagination the types of research that were of interest to the Navy and thereby provided a means of support for very fundamental research that might otherwise have gone unsupported. He understood the temperament and working habits of scientists and was careful to keep the support mechanism as free as possible from administrative detail and red tape. Under his guidance ONR drew heavily for advice on existing organizations of scientists, such as committees of the National Research Council, groups of special technical competence within the Navy itself, and, where necessary, it established advisory committees of scientists outside the Navy.

The Office of Naval Research served the purposes of the Navy well. But more than that, it became a model for Government support of basic research, and it demonstrated effectively the need for a National Science Foundation with the power and authority to support such research on an even broader basis.

Following its establishment by the Congress in 1950, the Foundation commenced operations in a period of public apathy toward scholarly research and education in the sciences. Dr. Waterman worked resolutely from small beginnings and embarked on a personal campaign to educate the public to the importance of both basic research and education. He successfully focused the attention of the Congress on these problems and commanded its respect and admiration, as evidenced in the steady annual increases in the appropriations for the Foundation. From an initial operating appropriation of $3.5 million, funds for the Foundation had increased more than ten fold—to $40 million by 1957, when the first sputnik was launched.

Throughout his dedicated career of public service, Dr. Waterman was always deeply aware of the importance to the national welfare of research on the frontiers of science and of the need for adequately trained scientists of proven aptitude and ability. His leadership was finely balanced between a sympathetic understanding of the purposes and needs of the scientific community and of the obligations and responsibilities of the Federal Government. He was held in high esteem by his colleagues in the scientific and educational communities.

HONORS AND AWARDS OF DR. ALAN T. WATERMAN

1948: Presidential Medal for Merit for his war work with the Office of Scientific Research and Development.

1952: Princeton University, Class of 1913, Class Memorial Cup "in recognition of his meritorious and outstanding service to his profession and his country."

1957: The first annual Captain Robert Dexter Conrad Award, established by the Office of Naval Research in recognition of outstanding technical and scientific achievements in research and development for the Navy, was conferred upon Dr. Waterman on March 19, 1957.

1958: Distinguished Service Award of Jacksonville University, Jacksonville, Florida.

1960: The National Academy of Sciences awarded its Public Welfare Medal to Dr. Waterman for "eminence in the application of science to the public welfare." The award is unique in that it is given for outstanding public service in the uses of science rather than for achievement in any particular scientific discipline.

The Proctor Prize, awarded annually by the Scientific Research Society of America for outstanding contributions to research or research administration, was also given to him in 1960.

1961: Annual Midwest Research Institute citation on May 1, 1961, for his leadership and direction of the National Science Foundation in basic research and scientific education.

1963: The Presidential Medal of Freedom was awarded to Dr. Waterman on December 6, 1963. President Johnson presented the medal, the nation's highest civilian award, to Dr. Waterman whose citation noted that as physicist and public servant he has been the far-sighted advocate of Federal support of the sciences, using the resources of Government to improve the quality and increase the thrust of basic research.

Dr. Waterman was cited by the Bronx High School of Science as "Citizen Scientist of its Silver Jubilee Year."

The Board of Geographic Names of the United States Department of the Interior approved the naming of a mountain in Antarctica in Dr. Waterman's honor. Mount Waterman is in the Hughes Range of the Queen Maud Mountains overlooking the Ramsey Glacier which drains into the Ross Ice Shelf and is some 350 miles from the South Pole. Mount Waterman is adjacent to Mount Bronk, which was named simultaneously for Dr. Waterman's close personal friend and colleague of many years, Dr. Detlev W. Bronk, President of Rockefeller University and at that time serving as Chairman of the National Science Board. The naming of this mountain in Dr. Waterman's honor stemmed

from the desire of his colleagues and friends in the scientific community to establish a permanent reminder in Antarctica of his invaluable contribution to the inauguration of a strong scientific research program on that continent. It also recognized his efforts to foster an acceptable international program and his keen interest and strong support in maintaining a viable U.S. Scientific Program in Antarctica.

On June 6, 1963, Dr. Waterman received a certificate from the Director of Defense Research and Engineering "in sincere appreciation of the time and effort he has so generously devoted to the interests of the Department of Defense during his service as a member of the Defense Science Board since September 1956. I take great pleasure in honoring him with this Citation for his patriotic service."

1966: The American Meteorological Society presented the Cleveland Abbe Award to Dr. Waterman for distinguished service to the atmospheric sciences, as evidenced by contributions to the development of the double-theodolite method for tracking balloons and measuring upper winds and for furthering the progress of meteorology when he was Director of the National Science Foundation.

The Edwin Bidwell Wilson Award of the National Academy of Sciences for outstanding contributions in the service of the Federal Government to the effectiveness of its efforts, in the pursuit of its concerns to encourage and to benefit from the advancement of science was awarded to Dr. Waterman in recognition of achievements set forth in the following citation:

"As creative scientist and administrator of exceptional talent, he has exerted far-reaching influence on the development of science, as well as on its conduct in the framework of national purpose and public policy.

"He pursued a career in the public service of pioneering new patterns of Federal scientific activity, serving successively as a key member of the war-time Office of Scientific Research and Development, as the first civilian leader and intellectual inspiration of the Office of Naval Research, and as Director of the National Science Foundation from its birth to its maturity.

"His broad understanding of science, his foresight, and his seasoned judgment have enabled him to guide the organizations under his leadership in the creation of a resilient partnership between science and public affairs which is now a vital element in the intellectual heritage of this country."

1967: The American Institute of Physics Corporate Associates at its tenth annual meeting on October 1–2 awarded its Karl Taylor Compton gold medal to Alan T. Waterman for statesmanship in science. Dr. Frederick Seitz, President of the National Academy of Sciences, reviewed Dr. Waterman's role in helping physics attain a respected place in society and the medal was presented by AIP Governing Board Chairman Ralph A. Sawyer who cited Dr. Waterman for "his contributions to the science of physics and his leadership in the evolution of policy determining the growth and support of science in the United States."

HONORARY DEGREES

Doctor of Science: Tufts College, Northeastern University, University of Vermont, the University of Arizona, Bowdoin College, the University of Akron, University of Southern California, Norwich University, the University of Notre Dame, Kenyon College, Loyola University, the University of Pittsburgh, Boston College, and Polytechnic Institute of Brooklyn.

Doctor of Laws: Cornell College, Mount Vernon, Iowa; American University, the University of Chattanooga, the University of Michigan, the University of Cincinnati, the University of California, Berkeley, Illinois Institute of Technology, Rockefeller University and Michigan State University.

Doctor of Public Service: Denison University, Granville, Ohio.

EXCERPTS FROM MESSAGES ON DR. WATERMAN'S RETIREMENT AS DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION

At a dinner on June 21, 1963, on the occasion of his retirement as the first Director of the National Science Foundation, President John F. Kennedy wrote:

"When Dr. Waterman became Director of the NSF in 1951, the Nation's attention was then focused on immediate challenges to Western security all around the world. Amid those pressures, it was perhaps understandable that many should fail to appreciate the long-range importance to American security and progress of strength in science, for which Alan Waterman became an eloquent and sometimes solitary spokesman. It is a tribute to the efforts of Dr. Waterman and others like him that a decade later, without relaxation of the pace and magnitude of our daily needs, this Nation should be strongly committed to progress in education and to increasing man's store of fundamental knowledge.

"Through the work of the Foundation in sponsoring basic research, the Nation has embarked on exciting and critical adventures in science that will contribute importantly to human progress. The NSF has helped extend our horizons to the innermost workings of man and his society and the outermost reaches of our planet and the universe.

"In the process, the Science Foundation has pioneered in the development of new arrangements for supporting the attack on the frontiers of science and in giving both greater breadth and higher quality to American education. This difficult task has been carried on under Dr. Waterman's guidance through a partnership with American universities and the scientific community in which the Foundation has earned for itself the reputation for the excellence that it has so eloquently urged as a fundamental national goal."

Dr. Vannevar Bush, close personal friend and colleague, who first proposed the establishment of the National Science Foundation, concluded the major address on this occasion by stating:

"Alan Waterman. We respect you for the devotion, integrity, and wisdom with which you have carried out a great undertaking over the years. You have rendered the name of scientist in Government halls a name of honor and worthiness. You have accomplished a thing which is rare: you have moulded the course of science in this country in salutary manner for many years, and at the same time made yourself a host of devoted friends. We salute you and wish you well. As long as this country has men of your calibre in its service, we need fear no rocks."

NATURAL-BORN CITIZENSHIP AS A QUALIFICATION FOR THE PRESIDENCY

Mr. JAVITS. Mr. President, article II, section 1, clause 5 of the U.S. Constitution declares that "No Person except a natural born Citizen . . . shall be eligible for the Office of President."

As we know, one announced candidate for that office, Gov. George Romney, of Michigan, was born of American parents in Mexico. In a scholarly article in the New York Law Journal of November 15, Eustace Seligman, a member of the New York bar since 1914 and a senior partner in the firm of Sullivan & Cromwell, traces the history of this clause and comes to the conclusion that Governor Romney is, indeed, a "natural-born citizen" and as such is eligible for the Presidency.

I ask unanimous consent that Mr. Seligman's article be printed in the RECORD.

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

A BRIEF FOR GOVERNOR ROMNEY'S ELIGIBILITY FOR PRESIDENT

(By Eustace Seligman)

This is a reply to an article by Professor Isidor Blum which appeared in the New York Law Journal on October 16 and 17 and which contends that Governor George Romney of Michigan is not eligible to be President. This article takes the contrary position. It relies upon the legal principle set forth by Hackworth in his Digest of International Law, Volume III, Chapter IX, page 2: "Nationality may be acquired by birth or by naturalization. Nationality at birth may result from birth in a territory of the state, jure soli, or from birth outside of the territory of the state to parents who are nationals of the state—referred to as nationality by blood, or jure sanguinis" and establishes that a natural born citizen means a citizen by birth of either category and is not limited to one born in the United States. Since Governor George Romney was a United States citizen by blood from birth, he is a natural born citizen and therefore eligible to be President.

I. PRELIMINARY

The constitution in Article II, section 1, clause 5, reads as follows:

"5. No person except a *natural born* citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States." (Italics supplied.)

On the date of Governor Romney's birth, the law in effect with respect to the children of citizens born outside of the United States was section 1993 of the Revised Statutes of the United States, which read as follows:

"All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States."

Governor Romney's father, Gaskell Romney, was a citizen of the United States who had been born in 1869 and had resided in the United States until 1884 when he was taken by his parents to Mexico. While there he maintained his citizenship, and in 1895 he married. Governor Romney, his fourth child, was born in Mexico on July 8, 1907; he came to the United States in 1912 and has continued to reside here. In 1926 he had his first passport issued by the State Department upon the basis of affidavits setting forth the above facts.

II. THE MEANING OF THE TERM "NATURAL BORN CITIZEN"

The authorities define the term "natural born citizen" as one who is a citizen from birth:

The word "natural" is defined as "being such by nature" or "born such" and an example given of its meaning is "a natural fool" (The Random House Dictionary, p. 952, 21; The American College Dictionary, p. 809, 22).

The word "natural" is defined in the Oxford Dictionary (Vol. VI, p. 38) as being "present by nature; innate" and also as a

"native of a place or country," but it notes that the latter is obsolete, having been common in 1580–1650.

The term "natural born" is defined in the Oxford Dictionary as: "having a specified position or character by birth; used esp. with *subject* (Vol. VI. p. 38).

The term "natural born" is defined in Webster's Dictionary as "having a certain status or character by birth—as natural born citizen genius."

Ballentine's Law Dictionary defines the term "natural born citizen" as: "A citizen by birth, as distinguished from a citizen who has been naturalized."

Dicey gives the following definition of the term:

"(2) A British subject must be either

"(a) a person who is or becomes a British subject on and from the day of his birth, and is called a natural-born British subject; or

"(b) a person who becomes a British subject at some day later than the day of his birth, i.e., who is not a natural-born British subject" (Dicey, Conflict of Laws, 5th ed., 1932, p. 142).

Frederick Van Dyne, Assistant Solicitor of the Department of State, makes the following statement:

"A child who acquires American citizenship by birth to an American father abroad, under Rev. Stat., sec. 1993 (U.S. Comp. Stat. 1901, p. 1268), is a natural-born citizen of the United States" (Van Dyne, Citizenship of the United States, 1904, p. 50).

In *Roa* v. *Collector of Customs* (23 Philippine Rep. 315, 332, 1912) the court says:

"A natural born American citizen or Spanish subject means an American citizen or Spanish subject who has become such at the moment of his birth."

III. THE MEANING OF THE TERM AT THE TIME OF THE ADOPTION OF THE CONSTITUTION

In ascertaining the meaning of the term "natural-born citizen" as used in the Constitution of the United States it is, of course, important to examine the meaning of that term as used prior to the adoption of the constitution in 1789.

It is well settled that the term "natural born" citizen (or subject) included not only all those born within the territorial limits of England or of the Colonies but likewise all those who were citizens at birth, wherever their birthplaces might be.

Blackstone's Commentaries, 12th edition, 1793, in Volume I, chapter 10, refers to the general rule that "Natural born subjects are such as are born within the dominions of the crown of England . . ." and, after pointing out that there are certain exceptions, he then goes on to state:

". . . To encourage also foreign commerce, it was enacted by statute 25, Edw. III, st. 2, that all children born abroad, provided both their parents were at the time of the birth in allegiance to the king, and the mother had passed the seas by her husband's consent, might inherit as if born in England: and accordingly it has been so adjudged in behalf of merchants. But by several more modern statutes these restrictions are still farther taken off: so that all children, born out of the king's ligeance, whose fathers were natural-born subjects, *are now natural-born subjects themselves*, to all intents and purposes without any exception; unless their said fathers were attainted, or banished beyond sea, for high treason; or were then in the service of a prince at enmity with Great Britain" (373). (Italics supplied.)

The English statutes referred to by Blackstone all are alike in stating that the foreign born children coming within them *are* natural born subjects. See, for example, the Act of 1677, 29 Car. 2, c. 6, which states that the children coming within it "are declared to be and to have been the King's natural born subjects of this kingdom." Similarly, in the last statute passed before the adoption of the constitution dealing with this subject, the Act of 1773, 13 Geo. 3, c. 21, the same phrase, "declared to be natural born subjects of the Crown of Great Britain" is used. These statutes made clear that natural born subjects meant persons who were subjects from birth.

In no case did the statutes read that the foreign born child would be entitled to the same rights as those of a subject born in Britain; what they said was that he *was* a natural born subject i.e. a subject from birth just as was a subject born in Britain.

It follows necessarily from this that at the time of the adoption of the constitution the meaning in Great Britain of the words "natural born" subject was one who was born a subject whether (a) by birth in Great Britain or (b) by birth outside but of parents defined in the applicable statute. This being the meaning of the term in Great Britain it must be presumed to be the meaning intended to be given to it in the constitution.

It is contended by Professor Blum that since foreign born children became subjects as a result of statutory enactment and not by common law, and since British statutes were not adopted in the United States but only the common law, therefore the term "natural born citizen" in the constitution was limited to those who were born in the United States. There is no basis for this conclusion. No question of adoption of the British statutes is involved; they merely are relied upon to establish that the term "natural born citizen (subject)" meant at the time, in Great Britain, anyone who was a citizen (subject) from birth, whether by virtue of birth within the country under common law or by parentage when so provided by statute.

The term when used by the draftsmen of the constitution was surely intended to have the same meaning. That they so intended is confirmed by the fact that the Nationality Act enacted by the First Congress in 1790 contained among other matters the following provision:

"And the children of citizens of the United States that may be born beyond sea, or out of the limits of the United States, shall be considered *as natural born citizens:* Provided, That the right of citizenship shall not descend to persons whose fathers have never been resident in the United States: . . ." (Italics supplied.)

This statute is a convincing contemporary construction of the pharse "natural born citizen" and demonstrates that the term in the constitution was not limited to persons born in the United States.

On January 29, 1795, the Nationality Act of 1790 was substantially rewritten and Congress put into one section a provision concerning two categories, one dealing with children of naturalized citizens, and the other dealing with foreign born children of citizens, reading as follows:

"And be it further enacted, That the children of persons naturalized dwelling within the United States, and being under the age of twenty-one years, at the time of such naturalization; and the children of citizens of the United States, born out of the limits and jurisdiction of the United States, *shall be considered as citizens of the United States:* Provided, that the right of citizenship shall not descend to persons, whose fathers have never resided in the United States." (Italics supplied.)

It should be noted that in the clause italicized the words "natural born" have been omitted. This was rendered necessary because the clause applied to both categories, one of which dealt with children of naturalized citizens who were not citizens at birth and therefore could not be described as natural born citizens. This omission in no way implied that the children in the other category who were citizens at birth were not properly described as natural born citizens as has been done in the 1790 act.

IV. THE CONSTRUCTION GIVEN TO THE TERM "NATURAL BORN CITIZEN" IN THE CONSTITUTION

There is no case involving the eligibility to the office of President under Article II of the constitution.

Nor is there any record of any debate or discussion in the Convention of 1787 bearing on the meaning of the term.

In the first draft of Article II, section 1, clause 5, the word "citizen," was used, which was later changed to "natural born citizen," but no reason for the change is known.

However, Farrand's Records of the Federal Government of 1787, Volume III, at page 61, sets forth a letter written by John Jay to George Washington on July 25, 1787, containing the following:

"Permit me to hint whether it would not be wise and reasonable to provide a strong check to the admission of foreigners into the Administration of our National Government, and to declare expressly that the commander in chief of the American Army shall not be given to, nor devolve on, any but a natural-born citizens."

The contrasting use in this letter of the words "foreigners" and "natural-born citizen" indicates that Jay sought to exclude both aliens and also naturalized citizens who had been aliens prior to becoming citizens, but not citizens who had been such from birth and who never had been aliens. It thus confirms the meaning of natural born citizen herein set forth.

The question was considered by Professor Alexander Porter Morse, one of the foremost legal authorities on American citizenship, in an article written in 1904 in 66 Albany Law Journal, at page 99, which concludes as follows:

"After some consideration of the history of the times, of the relation of the provision to the subject matter and of the acts of Congress relating to citizenship, it seems clear to the undersigned that such persons (children of citizens of the United States born at sea or in foreign territory) are natural born, that is, citizens by origin; and that if otherwise qualified, they are eligible to the office of President."

In this article Professor Morse emphasizes that the Act of 1790: "followed closely the various parliamentary statutes of Great Britain; and its language in this relation indicates that the first Congress entertained and declared the opinion that children of American parentage, wherever born, were within the constitutional designation 'Natural-born citizens.'"

Willoughby, in United States Constitutional Law, volume 1, at page 354, states:

"Natural-born citizens not yet defined. So far as the author knows, no fully satisfactory definition of the term 'natural-born citizen' has yet been given by the Supreme Court. Thus, it is not certain whether a person born abroad of American citizens who have themselves resided in the United States is to be deemed a natural-born citizen or a citizen naturalized by the Act of Congress which provides that such persons shall be deemed to be citizens of the United States. To the author *it would seem reasonable to hold that anyone who is able to claim United States citizenship without prior declaration upon his part of a desire to obtain such a status should be deemed a natural-born citizen.* If this doctrine should be accepted, persons born abroad of parents themselves citizens would not be regarded as natural-born citizens, because, in fact, it is provided by Act of Congress of March 2, 1907 (34 Stat. 1229) that such persons, in order to receive the protection of the United States are required, upon reaching the age of eighteen years to record at an American consulate their intention to become residents and remain citizens of the United States, and, moreover, are required to take the oath of alle-

giance to the United States upon attaining their majority." (Italics supplied.)

The statement in the above quotation as to the 1907 act is incorrect in that the requirements to register at an American Consulate and to take an oath of allegiance, applies only to children "who continue to reside out of the United States" until reaching the age of eighteen. Governor Romney came to the United States at the age of five and consequently it was not necessary for him to register or take an oath of allegiance and a passport was issued to him without his having taken such action.

Furthermore, even if he had continued to reside abroad until eighteen and had failed upon reaching the age of eighteen to register at an American Consulate, it would not have affected his citizenship.

See Rueff v. Brownell, 116 Fed. Supp. 298, at 305:

"It should be noted that even under this section the failure of a citizen to comply with its provisions will deprive him of the right to diplomatic protection but will not deprive him of his citizenship."

Accordingly, under the doctrine laid down by Willoughby in the words italicized above, Governor Romney is a natural born citizen.

Professor Blum in his article argues that "natural born citizen" is synonymous with "native born citizen" and is therefore limited to those who are natives, i.e., born in the United States. No evidence is advanced in support of this contention with the exception of the fact that one of the various meanings given to "natural" in the Oxford Dictionary is "native." However, the answer to this contention is that this dictionary also defines "natural" as "present by nature," and there is no justification in selecting one meaning to the exclusion of the other, and further that as set forth under I above, it defines "natural born" as "having a specified position or character by birth" and hence as including, but not limited to, native born.

V. FOREIGN BORN CHILDREN OF CITIZENS ARE NOT NATURALIZED CITIZENS

There is a dictum in the opinion of Mr. Justice Gray in United States v. Wong Kim Ark (169 U. S. 649, 1898) which is inconsistent with the definition of "natural born citizen" above set forth. It describes foreign born children of citizens as naturalized, as follows:

"A person born out of the jurisdiction of the United States can only become a citizen by being naturalized either by treaty, as in the case of the annexation of foreign territory, or by authority of Congress exercised by declaring certain classes of persons to be citizens, as in the enactments conferring citizenship upon foreign-born children of citizens or . . ." (702).

The actual decision in this case was that a child born in the United States, whose parents were subjects of the Emperor of China, became at the time of his birth a citizen of the United States.

This dictum in the Wong case has led to decisions holding that a foreign born child was a naturalized citizen within the meaning of an expatriation statute (Schaufus v. Attorney General, 45 Fed. Supp. 61, 1962, and Zimmer v. Acheson, 191 Fed. 2d 209, 1951). It has also led to a repetition of the dictum in one case (United States v. Perkins, 17 Fed. Supp. 177). This case held that, when at the date of birth abroad the parents were aliens but afterwards the mother was repatriated, the child was not a citizen at birth but a naturalized citizen, and that a certificate of derivative citizenship should be issued to him. The court then went on to say by way of dictum that even if his mother had been an American at his birth, he would still have been a naturalized citizen.

It is believed that the dictum in the Wong case and the cases based on it is incorrect and that such foreign born citizens are not properly described as "naturalized" citizens and that the term is applicable only to persons who have been previously aliens.

Professor Corwin, in The President, Office and Powers, at page 32, in a carefully reasoned discussion of the question, explains why he does not agree with the dictum:

"But who are 'natural born citizens'? By the so-called jure soli, which comes from the common law, the term is confined to persons born on the soil of a country, and this rule is recognized by the opening clause of the Fourteenth Amendment, which declares to be citizens of the United States, 'all persons born or naturalized within the United States and subject to the jurisdiction thereof.' On the other hand, by the so-called jure sanguinis, which underlay early Germanic law and today prevails on the Continent of Europe, nationality is based on parentage, a principle which was recognized by the first Congress under the Constitution in the following words: "The children of citizens of the United States that may be born beyond sea, or outside the limits of the United States, shall be considered as natural born citizens of the United States; provided that the right of citizenship shall not descend to persons whose fathers have never been resident in the United States [Act of March 26, 1790, 1 Stat. 415] and the general sense of this provision has been continued in force to this day by succeeding legislation, [Act of February 10, 1855, 10 Stat. 604; R.S., sec. 1993; Act of March 2, 1907, 34 Stat. 1229: U.S. Code, Title 8, sec 6.] The question arises, whence did Congress obtain the power to enact such a measure? By the Constitution Congress is authorized to pass 'a uniform rule of naturalization,' that is, a uniform rule whereby *aliens* may be admitted to citizenship; while the provision under discussion purports to recognize a certain category of persons as citizens from and because of *birth*. Probably the provision is to be referred to the fact that Congress is the legislature of a nation which is sovereign at international law, and hence possesses the right of any sovereign nation in determining who shall be members of its body politic and who not. [In United States v. Wong Kim Ark, 169 U.S. 649 (1898), Justice Gray, speaking for the court, indicates quite clearly the opinion that the above legislation was passed under the 'naturalization' clause, and that children born abroad of American parents are therefore *naturalized* citizens; that, in short, to be a natural-born citizen of the United States one has to be born 'within the United States and subject to its jurisdiction.' (Ibid. 674, 702–703.) The point, however, was not involved in the case; nor does Justice Gray explain why Congress in the Act of 1855 'declares' children born abroad of American parents 'to be citizens of the United States.']"

As opposed to the dictum in the Wong case and to the three decisions based upon it, in addition to Professor Corwin and the other authorities cited above defining natural born citizens, there are the following authorities defining naturalized citizens as not including foreign born children of citizens:

Mr. Chief Justice Fuller and Mr. Justice Harlan in their dissenting opinion in the Wong case state "the children of our citizens born abroad were always natural-born citizens from the standpoint of this government" (169 U.S. 649, 714).

Johansen v. Staten Island Shipbuilding Co. (272 N.Y. 140, 1936) involved two claims under the Workmen's Compensation Law, one brought on behalf of the decedent's widow and the other brought on behalf of the decedent's children. The facts surrounding the second claim were as follows: The claimants were children of the decedent and the widow. All of these children were born outside the United States. At the time of their birth their father, the deceased, was a naturalized citizen, and their mother had become a naturalized citizen by marriage. Therefore, the children were born abroad of parents both of whom were United States citizens. Here, the court held the award could not be commuted under the statutory provision for commuting Workmen's Compensation awards to aliens, since the children "were not naturalized citizens, but citizens by birth, though born without the United States."

The Nationality Laws of the United States (76th Cong., 1st Sess., 1938) contains the following two statements:

"Naturalization according to the usual acceptation of the term in the United States undoubtedly means the grant of new nationality to a natural person *after* birth." (Italics in original, p. 3.)

"The term (naturalization) is not ordinarily applied to the conferring of the nationality of a state, jure sanguinis, at birth upon a child born abroad" (p. 3).

An example of the customary use of "naturalization" appears in the Immigration and Nationality Act of 1952, now in effect. Title 8, chapter 12, Subchapter III, contains two parts, Part 1 of which, dealing with "nationality at birth," includes (a) persons born in the United States and also (b) persons born outside of the United States of parents one of whom is a citizen, whereas Part 2 deals with "nationality through naturalization". The predecessor statutes to the Act of 1952 made the same distinction between persons who became citizens at birth and naturalized citizens. See also the quotation from Hackworth, *supra*.

It has been suggested that the Fourteenth Amendment should be construed as though it read that citizenship can be acquired *only* by birth in the United States or by naturalization in the United States. This construction is unsound. If it were correct it would prevent foreign-born children from being citizens at all, since they are neither born nor naturalized *in* the United States. This amendment does not purport to enumerate all methods of acquiring citizenship or to apply to foreign-born children in any way, as Justice Gray points out in his opinion in the Wong case, at page 688:

"This sentence of the Fourteenth Amendment is declaratory of existing rights, and affirmative of existing law, as to each of the qualifications therin expressed—'born in the United States,' 'naturalized in the United States' and 'subject to the jurisdiction thereof'—in short, as to everything relating to the acquisition of citizenship by facts occurring within the limits of the United States. *But it has not touched the acquisition of citizenship by being born abroad of American parents.*" (Italics supplied.)

Thus it is clear that the amendment in no way concerns itself with the status of foreign-born children, and furnishes no support whatsoever for the Wong dictum, which asserts that such children acquired citizenship by naturalization outside of the United States.

It is accordingly believed that the term "naturalized" applies only to aliens and not to those who are automatically citizens from birth, and that therefore foreign-born children of citizens, since they never were aliens and became citizens at birth without any action on their part, cannot properly be termed naturalized, and that the dictum in Wong is wrong.

VI. CONCLUSION

It follows from the preceding that Governor Romney, who was a citizen of the United States from his birth by virtue of his parentage, is a natural-born citizen and therefore is eligible under the constitution to be elected to the office of President of the United States.

Furthermore, it is appropriate to call attention to the following quotation from Professor Corwin, in his The President, Office and Powers, at page 33, which in referring

to the fourteen years' residence, is dealing with another requirement in the constitution for eligibility to the office of President:

"At any rate, should the American people ever choose for President a person born abroad of American parents, it is highly improbable that any other constitutional agency would venture to challenge their decision—a belief which is supported by the fact that Mr. Hoover's title to the Presidency was not so challenged, although he had not been fourteen years a resident of the United States immediately preceding his assumption of office."

BAIL REFORM ACT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD an editorial which appeared in yesterday's Washington Post entitled "Bail System in Trouble."

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

BAIL SYSTEM IN TROUBLE

It is not surprising that the new bail system should be operating imperfectly. The practice of releasing accused persons on their own pledges to be present when their trials are called is new to judges, defendants and the Bail Agency alike. Time will be required to develop smooth working relationships.

Much more than time will also be required. The bondsmen who have largely been put out of business did render a useful service, however unfair their exploitation of the poor defendants may have been. They hustled their clients into court on the day of their trial. Under the Bail Reform Act no one performs this service with comparable effectiveness. Chief Judge Bazelon of the Court of Appeals has noted complaints that released persons are not properly notified when and where to appear in court and that penalties for failure to appear are not being consistently applied.

One reason is, of course, that the Bail Agency has not been granted the personnel and resources it needs to do its job. Background data about a defendant appealing for release without monetary bail is often lacking. As a result some are apparently released inadvisably and others complain that they are detained in jail without good reason. If this system is to operate successfully, it must have the support of a strong fact-finding and supervisory organization behind it.

One other difficulty appears to be that some judges are not sufficiently familiar with what they can do under the Bail Reform Act. Actually it leaves the judge a substantial number of choices—release of a defendant on his own recognizance, requirement of monetary bail if deemed necessary for the defendant's appearance for trial; release under a variety of conditions; part-time release, and so forth. But here again a strong and vigorous agency for administration of the Act is called for.

In the circumstances the District's judicial Council has wisely named a committee to study the problem and bring in recommendations. In our view the theory behind the Act is sound, but in practice many improvements are in order. The committee will have a heavy task to work out practical measures that will prevent the jailing of accused persons because of their poverty and at the same time avoid further delay of trials, the freeing of dangerous defendants and the defeat of justice.

SECRETARY OF DEFENSE McNAMARA

Mr. McGEE. Mr. President, I desire to add my voice to the chorus of those who are praising Secretary of Defense Robert McNamara and bemoaning his decision to leave the Government soon. In other places and at other times I have spelled out my very deep respect for and admiration of this most distinguished public servant. I have always preferred to view him as the philosopher-statesman rather than as the Secretary of Defense.

This is not to detract from his brilliant role in directing the Pentagon; but, rather, is another way of saying that, powerful and terrifying and frustrating as the job of Secretary of Defense has to be in these critical times, Robert McNamara was a much bigger man even than this job he filled so ably. He understood human values and the complexities of the human race. And he placed these things above the pedestrian demands of material decisions from day to day.

In another sense, he had that inner grasp of not only the meaning but also the importance of our country's constitutional infrastructure which requires civilian control of military policies and activities. No Secretary of Defense in our history has ever been more brilliantly in command of all of the factors present in the Department of Defense than has Mr. McNamara. I would not hesitate to say that he will rank in history as the greatest in a galaxy of outstanding men who have sought to direct the military activities of our country.

Having said these things, however, I cannot resist a passing comment on some of those who are now according Secretary McNamara unequivocal accolades of support and tribute. Voices have been raised on the floor of the U.S. Senate over the past 7 years as well as voices in the fourth estate who were anything but laudatory or even respectful of the high office of Secretary of Defense. Many of these very same voices are now paying tribute to this distinguished American. Some of them are now seeking to identify with his views. They pretend to see in his wisdom a reflection of their own.

But, Mr. President, assertions of this type or oratorical gymnastics of this dimension are still a marvel for me to behold. I say that with deep, personal feeling because some of these same sources regularly have not only assaulted the Secretary, they have demeaned his role, they have called into question his motives, they have doubted his judgment, and at times they have even appeared to impugn his integrity. For these critics now to rise as one voice to express regret over his pending resignation is understandably hard to rationalize.

Bob McNamara has not changed. From the very beginning he has had a grasp of what the American position in eastern Asia is all about. He has had an understanding of the forces of history which compel our presence there. He has had a sense of restraint and yet of determination to see it through. All of these attributes of the Secretary were lost upon his critics for 7 years.

Either they could not see the big picture which he carefully sketched for them, or they did not want to see it. They repeatedly "tuned him out" or "turned him off." Therefore, the present inclination of the anti-McNamara groups now to identify with him may offer some hope. It may indicate that they have at last seen the light—even at this late date—as they compete with each other to embrace his wisdom.

Some of them demean him further by suggesting that he has changed over to their views. It rather seems to me that the reverse may be true. The critics who now applaud the Secretary of Defense put me in mind of Mark Twain's old story about his father, when Twain said:

When I was 14, I was disgusted with how ignorant my father was. But by the time I had reached the age of 21, I was amazed at how much the old man had learned.

There have been a lot of 14-year-old critics of Secretary McNamara who now, after 7 years, have acquired a greater sense of the Secretary's perspective. If only one could believe that some of the more vociferous of the critics have indeed seen the McNamara light, there would be some reason to rejoice in this present moment. I fervently hope that this is the case.

Robert McNamara from the very first has had a strong—even powerful—grasp of the dimensions of our country's role in these times. Hopefully, now we can close ranks and mobilize behind his wisdom and foresight.

FHA TALKS TOUGH ON DISCRIMINATION

Mr. PROXMIRE. Mr. President, Mr. Philip J. Maloney, the Deputy Assistant Secretary of FHA, recently delivered a strong speech to FHA officials concerning racial discrimination. Mr. Maloney makes it quite clear that, so far as the top echelon in FHA is concerned, racial discrimination in FHA programs will not be tolerated. In talking to the FHA field officials, Mr. Maloney bluntly warned that, if an FHA official cannot abide by the nondiscrimination policies of the FHA, he should "in good conscience step aside for men who can provide leadership in these areas."

Mr. President, the FHA has come a long way from 1950, when its official manuals required racial segregation as a condition for Federal aid. For example, the official FHA manuals once cautioned against "infiltration of inharmonious racial and national groups" or "a lower class of inhabitants" or the "presence of incompatible racial elements." A neighborhood was to be considered as less stable and therefore ineligible for FHA insurance if it contained "a lower level of society." Zoning restrictions and racial convenants were openly advocated by the FHA. In fact, FHA even prepared the form for the restrictive convenant and left blank spaces to be filled in according to the particular prejudice or whims of the builder.

Mr. Maloney's forthright speech stands in marked contrast to this early, but hopefully long-discredited, policy of FHA.

I commend and congratulate the top management of FHA for the leadership they have brought in this area. I recognize that it is a difficult task to change ingrained prejudices and procedures which have grown up over time, but it is encouraging to see that the effort is being made.

Mr. President, I ask unanimous consent that Mr. Maloney's remarks and an editorial concerning FHA's anti-discrimination campaign, published in the New York Times, be printed in the RECORD.

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

REMARKS OF PHILIP J. MALONEY, DEPUTY ASSISTANT SECRETARY-DEPUTY FHA COMMISSIONER, TO THE WASHINGTON CONFERENCE OF FHA DIRECTORS AND CHIEF UNDERWRITERS, OCTOBER 25, 1967

We meet again. Before I even begin my talk, I want to take up a special interest of mine that is related to my subject of this morning—sex. It must have been brought home to you this week that there sits among you one—only one—woman who has reached the underwriting top in FHA.

In our concern for equal opportunity, we sometimes tend to limit ourselves to racial considerations. It is equally important that there be equal opportunity for women to enter and rise in our technical positions in the field offices, as well as here in Washington.

It should not be a great chore to bring more women into the underwriting profession. There is no reason in the world that women should not be well represented in the mortgage credit positions in FHA. Women abound in such positions in the savings and loan associations. They sit on loan committees, with equal authority to that of their male counterparts. And there are women in highly prominent architectural positions around the country. I ask you to make special efforts to induce women to enter careers within FHA. I think our underwriting will be all the better for it, and it will take some of the lonely load from Mrs. Brown's shoulders. So—seriously—I want you to take positive actions in this area of sex.

Today I want to talk to you further about equal opportunity in housing and employment in the Federal Housing Administration. Don't groan—don't think that I'm going to simply repeat old lines about the Executive Order and that all housing insured since November 2, 1962, must be equally available without regard to race, creed, color, or national origin. I'll be saying these things, but you can say them as well as I can. You've said them and read them many times. But I'm going to talk cold turkey about them and about our performance in making these policies realities. And about our failures in making these realities.

I happen to be the HUD Deputy Equal Employment Opportunity Officer for FHA, as well as the HUD Deputy Contract Compliance Officer. In addition, I oversee the processing of every complaint of discrimination in housing. You won't see my name or title in the official processing procedures for these complaints, but I want you to know that every move made in the processing of these complaints comes before me—and when necessary, before the Assistant Secretary. What we have seen I'll come to a bit later.

Now I've mentioned a couple of my special titles in assuring equal opportunity, but I don't hold these titles in particularly high regard. In fact, I would as soon see them abandoned. I think that they tend to separate matters of equality in housing and employment from our day-to-day work. This shouldn't be, and I do not really separate these special responsibilities from the exercise of my full responsibility as Deputy Assistant Secretary. And neither does Assistant Secretary Brownstein. Those of you who have badly exercised your duties and responsibilities in equal housing and employment, and have heard from us, well realize that we do not separate our concern for equal opportunity from our other concerns over the operations of the agency. We can manifest our displeasure—and sometimes pleasure—under any title whatever.

The point is that FHA is unequivocally committed to equality in housing and employment. This is not a sometime commitment. Like our commitments for mortgage insurance, it's a permanent, irrevocable commitment. Today, tomorrow, and forever. And I want you to know it, and to get with it, and stay with it. Today, tomorrow, and forever. I would be less than frank if I told you that I thought you had really done what you could have done in these areas up to the present time. I think it is fair to say that you have been measured and been found wanting. Well, now I want you to measure up—to manifest your loyalty and zeal for these causes. If you can't give this much to your positions of leadership in the Department, I suggest that, in good conscience, you should step aside for men who can provide leadership in these areas.

Assistant Secretary Brownstein told you emphatically where the prime thrust of FHA must be—in housing for families of low income and in the restoration of the inner cities. The realization of these goals is as of right now the mission of the agency. It's nothing new for us to take on special challenges, and you're looking at fool's gold if you continue to look back and take pride in the FHA accomplishments of the past. Moreover, there's a bit of hypocrisy in such rear-view mirroring. Most of us weren't around to have been the leaders of yesteryear. Those who went before us were those leaders. They met the challenges of their day, and their glory is not ours. We have to meet the tests of our own time, and the tests are different. If we are to join in the continuing fine history of FHA and join with the leaders of the past, we have to realize that the time of our testing is now. And I think that you all realize that the tests are hard. But so were the earlier tests of those who led before us. I would hate to say that we cannot measure up to the demands of our time, as they did to those of theirs. And, if we can't, with the wealth of tradition and experience which we have inherited, adapt ourselves to meet our challenges, then we might as well call it quits now. Assistant Secretary Brownstein was in dead earnest when he said that these are critical times for FHA. We either produce, as we have before, or we are an agency with little future. And if that should come to pass, you and I will have betrayed our inheritance.

Don't think that I have strayed from my theme of equality. It's right here. With our primary mission of housing for families of low income and the restoration of the inner cities, we stand face-to-face, eyeball-to-eyeball with the spectre of discrimination, the ghoul of a lack of basic freedom in housing and employment. These are the shame of our cities, the shame of our nation. And there is no way to separate these problems of discrimination from the mission that we have been given by Mr. Brownstein. They are inextricably joined. If you try to separate them, you are doomed to failure from the start. You can't be a leader in the solution of the real problems of the city, if you are incapable of seeing that jobs and housing are roots of these problems. And if you can't take a total look at the problems of the cities—including all the ghastly realities of the slums, the inhuman conditions in which so many city dwellers live—then you cannot measure up to the leadership which we are demanding of you today. You cannot sit at your desks to exercise this leadership, driving home on freeways, through parks and well-established, well-maintained neighborhoods. You may live in these fine areas, but your mission is far from them. You belong in the slums, meeting with minority groups, groups of the poor, groups of those who can sponsor housing projects for the poor and for those in the inner city. You must plow through the dirty streets, the garbage, the rat-infested houses and apartment buildings. This is where we want you to be. This is where the problems are, where the work is to be done. This is where we want FHA financing to be today.

As Assistant Secretary Brownstein told you, get out and find sponsors and builders for housing for low-income families and in the inner cities. Don't sit at your desks and wait for proposals to come to you. Go get them. Put them together, cooperating with every group possible. Get to know intimately all of the state and local officials who can help you in this mission, as well as all of the officials of fair housing and minority groups who can help you. But realize that you are supposed to be leaders. You are the highest decentralized HUD officials. You have been given great authority, but I wonder whether you realize how much. And I wonder whether you exercise it as we want you to. You have the authority to commit the Secretary and the Assistant Secretary-Commissioner to insure mortgages. You determine whether these are worthy transactions and ultimately make the decision. And your decisions are binding on the Secretary. You have this authority. We want you to use it positively, not passively.

Be a leader. Use your authority in an urban renewal area, for example. The local renewal authority should be in close consultation with you from the very beginning. And you should be thinking deeply and imaginatively on the area problems from the beginning. Any housing proposals fall in your jurisdiction. When you see an area that can be redeveloped for family living, you should say so. Many of our central city areas now up for renewal were residential areas once. There may be good reason for redeveloping them as residential areas again. And I don't mean as luxury high-rise projects. But here you are the force that should mold this decision. Many a city renewal agency will block out these former inner-city areas for luxury apartments. But you don't have to agree. It's your ultimate decision on what FHA is going to insure in these areas. You have the authority to say "yes" or "no" to these plans. And stop to realize that what you say may well determine these matters, in many instances. The Secretary has clearly stated that in urban renewal areas we will give primary consideration to providing renewal housing to families of low income, many of whom will be from minority groups.

But, if you are to be the leader that I am talking about, you have to act big. You are big in authority, if you stop to realize it. But you have to use all the authority that we have vested in you. Throughout your jurisdiction, not only in your insuring office city, you must make your presence and authority felt. Meet as equals sharing a problem with any and all local or state officials, with any groups, or individuals that can help us in the accomplishment of our mission. Act to meet this mission. Don't wait to react after someone else has made a proposal to you. Guide the development of the proposal.

We want FHA to be an imaginative, driving, thrusting force throughout this country. And you have to be the drivers. You must develop within yourselves a sense of urgency and transmit it to every member of your staff. You must reexamine your working habits to free yourself from every nonessential chore so that you can dedicate your talent and time to the active promotion of the mission that Assistant Secretary Brownstein has laid out.

On equal opportunity matters, I hope that you don't think that I have no grounds for my sense of urgency. I have. And I'm going to speak frankly on these matters.

As you know, we have just completed a survey of all builders operating in subdivisions covered by the Executive Order on Equal Opportunity in Housing of November 20, 1962. We asked you to get these builders to state or estimate the number of minority-group buyers they had in these subdivisions.

The results have now been tabulated. The survey showed that 665,578 lots had been developed under coverage of the Order. And 410,574 units had been sold. I suspect that these numbers—both of them—are very much under the actual numbers. They should be considerably higher, according to our usual estimates. Slightly over 35,000 of these units were reportedly sold to members of minority groups—the Negroes, the American Indians, the Orientals, and the Spanish Americans. Reportedly 13,832 units were sold to Negroes, 12,765 to Spanish Americans, 8,784 to Orientals, and 687 to American Indians. We have, therefore, according to this survey, provided housing for families from most minority groups at the rate of somewhat over 8% of the housing units developed and sold under coverage of the Order.

Since we just have completed the tabulation of this survey, we have not had it analyzed and placed in proper relation to income levels, market demand, and so forth. This is now beginning in the Research and Statistics Division. When this work is complete, we will have a much more sophisticated measure of what has been accomplished so far.

But even from the rough tabulations that we now have, I think I can safely make certain deductions. We have not done well enough in providing housing for minority families. The conclusion is inescapable when you look at the record of a number of large urban centers and see that virtually no minority family housing has been provided through FHA. And these are urban centers with large concentrations of minority citizens. I am not going to identify these urban areas, but you saw the results before you sent them to Washington. You know where your area stands, how poorly it stands. And then we must consider that some of this minority-family housing, probably a great deal of it, is in developments that are largely or wholly occupied by minority families.

I realize, as you do, that we are here dealing in an area that is shot through with social customs and prejudices. Pressures strongly resistant to change make progress exceedingly difficult. Progress can only be made to the degree that social attitudes can be changed. And this isn't easy. The goal is, of course, to change these attitudes so that minority families are socially free to seek the housing they can afford and desire anywhere. We are far from this goal, obviously, but I think some notable progress has been made in many parts of the country. The walls haven't come tumbling down yet, but they are being breeched in many places.

What will ultimately bring them down is positive efforts to enable the minority to choose freely any housing they can handle in any developments financed through FHA. When minority families can freely choose among any number of developments, and not be restricted to developments that will ultimately be largely occupied by minorities, then I think we will be able to say that some real progress has been made.

So that we may be able to achieve this real rate of progress, you are going to have to be hard and sharp—as wise as the serpent. You're dealing in a field in which others are hard, sharp, and competitive. If building and real estate operators believe that you are complacent, busy about many other things, or less than zealous in this cause, they will in the vast majority of instances take the easy course—business as usual, within the safety of the social customs or prejudices of the area. And you must realize this fact. Human factors are strong here. Try to remember the statement of Thomas More, the great Chancellor under King Henry VIII:

"It is not possible for all things to be well unless all men are good—which I think will not be thus for a good many years."

The time of total goodness hasn't arrived. But if the builders and sellers recognize that your eye is on them constantly, that you are just as sharp as they are in the intricacies of building and real estate operations, they are going to be more careful to operate in the spirit of the Order. If they know that you know all of the ins and outs of mortgage financing, construction schedules, market potentialities, and urban growth, they will recognize you as a formidable opponent if their operations force that role on you.

But let's hope that such a role is not forced on you. Let's hope that you have—or can attain—such stature in the industries with which you deal that you can work cooperatively with all to make progress toward equal opportunity in housing.

I want to mention our formal complaint procedures. But first I want to make sure you clearly understand that such procedures actually do exist. They do, and they have existed since shortly after the issuance of the Order. They are one of the last sections of Volume V of the *Manual*. I find it necessary to make this point because we have had several recent instances where directors faced with a complaint of violations of the Order proceeded to attempt to resolve the complaint in their own fashion. In several cases, the directors had already made their findings in the complaint cases, when Washington learned of the matter and had the case reopened and properly processed. Don't let this happen to you. It's embarrassing all around and causes delays and undue resentment from all parties involved in the case. And the processing lacks the uniformity we desire in the application of the Order.

I most emphatically do not want anyone in the agency to feel that the formal complaint procedure is a significant tool to achieve the objectives of the Order. It is a procedure to assure the rights of a particular homebuyer in a particular deal. If the complaint proves justified, of course, the future operations of the builder or seller should—if still permitted the benefits of FHA financing—be under special surveillance. This doesn't get us very far very fast. But we still must be extremely careful in the processing of these complaints. Since the issuance of the Order, we have had only 136 complaints. This shows clearly that we should not look for great accomplishments through the complaint process, even if we had a substantial increase in volume. We have, by the way, new and we think, improved, complaint processing procedures virtually ready for replacement of the present procedures.

In my review of the complaints we have had, I have noticed a tendency to misunderstand the builder's position in FHA's eyes in some instances. You must remember that the builder certified to FHA that he would conduct his operations in conformity with the provisions of the Order before he got underway. Then, when a complaint is made that he has discriminated, and the director has determined that this complaint of discrimination is justified, the builder is requested to sell the desired home to the complainant. We've achieved our first objective—to get the complainant a house if his complaint is valid. But we're not finished with the builder in these cases. He certified that he would not discriminate in his operations. We determined that he had violated his certification. The fact that he sells a house to the complainant when we bring him to book does not let him return to business as usual, with another certification that he'll now abide by the Order. His certification is too suspect for our future reliance on it. He has now to demonstrate to us through some positive actions that he will, in fact, be offering his houses equally to all. What we will accept as a satisfactory positive action program will depend on the particulars of the case. For this reason, it is vitally important that you directors keep in close contact with Washington as you process these complaint cases, particularly as you reach the point of resolving the complaint, but before you make your determination known, or lay down any sanctions. It is here that we want you to have our advice and concurrence to achieve uniformity in the enforcement of the Order. We will give you advice based on our knowledge of previous complaint cases and their resolution, as well as any legal guidance you may need.

I think you will notice that we have gradually toughened our attitude toward builders who have been found to be in violation of their certification of compliance with the Order. We will continue this attitude toward these builders or sellers who refuse to honor their certifications to us. If builders decide to leave our programs on this account, then so be it. When the builder comes into our programs, the decision not to discriminate has been made—he has no choice later to decide honorably which way to go.

We are in the process of issuing jointly with the Veterans Administration letters to all builders, mortgage lenders, and management brokers calling to their attention their responsibilities for equal opportunity in housing if they wish to continue to avail themselves of the benefits of our programs. Over 150,000 of these letters will be issued through the insuring offices to builders and management brokers and through the Washington office to all approved mortgage lenders. The letters are on the presses now and will be distributed promptly. You will see them today.

But again, I do not want to make more of the potential of the complaint procedure than is justified. Its effectiveness is sharply limited and local in nature. But I do want complaints properly handled.

If FHA can get stably integrated neighborhoods established around the country, then we will have achieved something in providing equality in housing opportunity. Every example of such stable integration is worth infinitely more than all of our successful complaint actions together. In fact, the two actions are not even comparable as to the worth to us and to the nation. Successfully integrated neighborhoods should be contagious. And as these examples spread, we are ever nearer to breaking the racially restrictive bonds on our inner-city areas that lead to progressive deterioration of these areas where poverty, overcrowding, and substandard housing feed the forces of despair and discontent. We cannot effectively relieve the pressures in these areas and restore them unless all other neighborhoods of the metropolitan area are freely open to all who can and want to live in them.

I would like now to turn to another aspect of equal opportunity—FHA employment. Here again I find that progress has been generally slow and that we must improve our record. We have a few new means which we hope will be helpful in this area, but before mentioning them, I would like to review the record.

At the end of September, FHA had 7,938 employees. Of these, 909 were Negro employees. So throughout the agency, Negroes comprised 11.5% of the total employment. This Negro employment level has been moving up slowly. So the direction is right, but the rate is too slow.

At the end of September, the FHA Washington employment ratio for Negroes stood at 30.4% of total employment. For the field, the ratio for Negroes was 5.3%. Both areas showed gains, but they were too small. And, of course, many of our Negro employees are concentrated in the lower level, non-professional areas of employment. There has also been progress in the reduction of offices and divisions in FHA without Negro employees. Some remain, however, and some of the progress has been made only under pressure from my office. This should not be necessary. The need for the talents of Negro employees in

all offices in FHA—and I do not mean what is called "tokenism" in any way—should remain uppermost in your minds at all times when taking personnel actions.

I know that at some times and in some places, it is hard to locate qualified Negro employment candidates. Particularly for our technical and professional positions. But it is not impossible, and it is very possible when we all make continuing positive efforts at recruitment. This takes leadership, particularly in the field, where much of your personnel is in the technical fields, and recruitment is difficult regardless of racial factors. But if you exercise your leadership in making and keeping contacts with schools and organizations, much can be done to improve our present position. You must be sure that these are not one-time, sporadic contacts. They must be sincere and continuing. With such careful cultivation, there should be some fruit. Don't expect a bountiful harvest. But be sure to do all that you can to take the first and best fruits. If you should locate candidates that are promising for employment by FHA—and you don't have openings for them—think of the agency and HUD as a whole. Let my office know of these candidates, or notify the Director of Personnel. If you can't consider them, other insuring offices may need them badly, or so might the Washington office.

FHA will continue its special annual recruitment drive in the colleges for minority graduates. And, we have established a new position to guide special recruitment efforts in the personnel division. We hope these actions will prove helpful.

I had hoped to be able to announce an imminent new program under which we would begin to train candidates for our own technical positions, starting with candidates far below those we take into our regular technical training schools in the various branches of underwriting.. We plan—although we may have to defer this plan—to locate promising candidates who may not qualify for our regular intern or trainee positions in a number of insuring offices. If these show promise for special training positions, we plan to take them into the FHA service at the GS-2 and GS-3 levels and educate them ourselves. We will have positive support from a contract educational institution for the development of the non-FHA educational materials and for professional teaching guidance. The training in FHA technical fields will be done by insuring office personnel. The training will be in mortgage credit, property management, appraisal, architectural, Title I servicing, and other areas. Those of the promising students who pass the pre-trainee level work will enter into the newly revived position of Housing Aide, GS-4—this is a position similar to the old underwriting aide position. Successful completion of the training in this position will entitle the student to enter into one of our official training schools or to undertake similar training in an insuring office leading into our regular technical positions.

The program is developed, and we are ready to contract with an educational institution for the professional guidance we need. The test offices have been tentatively identified to start the program. But there the good news ends. We developed this test program because we know of the difficulty of finding candidates for employment with training in the specialized fields that we need, particularly in the insuring offices. We have been two years in developing the program and in negotiating with the Civil Service Commission. Now that we are ready to proceed with our program—one we think will work—we suddenly face the battle of the budget. I know you have all followed the recent congressional actions aimed at limiting our budgets, and the actions taken to continue our spending at last year's level, pending final action on this year's budget, as well as the action taken to require executive agencies to absorb the entire cost of the employee pay raise in their existing budgets. These are serious complications. How they will be ultimately decided by the Congress I cannot tell. And until we know the outcome, we are not in a position to say whether we can undertake this new employee-training program as we had originally planned it. We called it *Fair Chance*, and we are committed to it. And it will be undertaken as soon as possible. But if we are faced with severe budget cuts, on top of a current staffing shortage, we may have to postpone the test period of *Fair Chance*. Or, if the cuts are not too severe, we may be able to start the *Fair Chance* program on a very limited basis using a few of our own present promising employees—a sort of pre-test program. But if there are no severe cuts in the budget, we should be able to proceed with *Fair Chance* within a matter of months.

We are also implementing an affirmative action and goals program in both Washington and in the field. Under this program each major division in Washington and each insuring office will set its own goals for equal opportunity in employment and its own deadlines for reaching these goals, under general guidelines set out for the entire agency. This program is already underway in Washington, but bugs have developed. And the de-bugging process is in process at the moment. It does, however, show definite promise, and full-scale implemented gradually throughout the agency, so that programs, goals, and accomplishments will be staggered, since all of these areas of the program will need intensive review and analysis by a very limited section of the Personnel Division if the program is to succeed.

But regardless of these special program developments that we hope to implement as rapidly as possible, there are several things that you can do to assure the best possible program of equal opportunity in employment in FHA.

First, and it shouldn't have to be noted, watch the personnel actions closely in your own office. Before any hiring action or promotional action can be made, be sure that you have explored it thoroughly. And be sure when you are exploring it that you are not placing undue reliance on the recommendations and opinions of your subordinates. In most cases, you should be able to have a pretty good estimate of the performance and capabilities of most of your employees throughout the insuring office. You will, of course, have to rely to a degree on recommendations of immediate and secondary supervisors. But you have the responsibility of knowing whether these recommendations are reliable. If you don't accept this on-going responsibility for knowing or questioning the validity of any proposed action, you won't be truly in charge of your office. And you will find yourself in the position of being held responsible for actions that may impair your best operation.

Also, if you fail to watch this matter closely, you may find yourself faced with charges of discrimination in employment. People are not loath to make these charges these days. We've had a number of such complaints. The consequences are not good for the office, regardless of the outcome of the investigation and determination of the complaint. The procedures are lengthy and cumbersome. They do nothing to improve morale in an office. From my experience in processing the complaints that we have had, I think that most could have been avoided. In one after another, it is clear to see that the complaining employee didn't know what was going on, didn't understand our employee promotional policy, or was completely or inadequately informed of the quality of his work performance. In such circumstances, personnel actions—mostly promotions or reassignments—look very arbitrary—perhaps discriminatory. And then come the complaints, most of which result from the bad administrative practices I have mentioned.

This needs the constant and continuing attention of you directors, as well as that of your top insuring office supervisors. I urge you most strongly to see that your employees are completely informed of their promotional opportunities, their deficiencies—told to them in person, with a written confirmation of this conference. Keep your own office open to hear any grievances that may be felt, and be sure that they are checked out for accuracy. Make totally clear the need for and the effect of any planned reorganizations in the office. In other words, be sure that your employees are fully informed on any actions that may affect them. In this way you will keep to the minimum any rumors and unexplained actions that may well play hob with your entire office and give rise to thoughts of discriminatory employment policies. I cannot overestimate the benefits you will reap from careful attention to these matters. I am, of course, emphasizing equal opportunity in employment, but the same careful and thoughful attention to employee relations practices generally will greatly improve your entire office operations through good employee morale.

Yours is the responsibility to support the agency policy in the field. You must take every possible act to assure complete equality in housing and employment.

At times, you may well think that the goals and missions that have been given to you in this conference are unattainable—far beyond your reach. You may feel that like King Arthur and his Knights of Camelot you have been sent to seek but never find the Holy Grail. And there are many who will tell you where to find it. They will see it clearly and tell you loudly where it is. But they are incapable of telling you the way to it. There will be many of these visionaries who share our goals of equality in opportunity, of housing for families of low income, and of peaceful restored and rebuilt inner cities. But it is you who, while sharing these goals, must make the way to them. You will be criticized, and damned on all sides. It may sometimes seem that you are surrounded and your way is totally blocked. At those moments, I hope that you will remember the poet Robert Frost, who said:

"The best way out is always *through*."

With this thought in mind, I think we'll make it.

[From the New York Times, Nov. 21, 1967]

FHA ASKS AIDES TO GET HOUSING FOR MINORITIES—WARNS THAT GREATER EFFORT IS NEEDED—SAYS NEGROES LAG UNDER U.S. PROGRAM

(By Robert B. Semple)

WASHINGTON, November 20.—The Federal Housing Administration, appalled by a confidential new survey of Negro occupancy of federally insured housing, has told its local employes in 76 cities that they must make a greater effort to provide housing for minority groups in the white suburbs or risk unpleasant consequences.

One possible consequence, it has been hinted, would be the loss of their jobs to men with greater "loyalty and zeal" for the principle of open housing. Another would be the gradual decline of the housing agency itself as an instrument of social change.

These warnings were contained in a speech delivered here last month by a high F.H.A. official to a conference of the agency's underwriters and district directors.

The speech, which has not been released by the F.H.A. or its parent agency, the Department of Housing and Urban Development, is now beginning to circulate in civil rights circles. These circles regard it as one

of the most forceful speeches on open housing ever delivered by a Federal official.

PRODUCE OR "STEP ASIDE"

In blunt language, the official, Deputy Assistant Secretary Philip J. Maloney, told his audience that "you have been measured and found wanting." Urging them to "measure up," to "manifest your loyalty and zeal for these causes," Mr. Maloney added this warning:

"If you can't give this much to your positions of leadership in the department, I suggest that, in good conscience, you should step aside for men who can provide leadership in these areas."

He also warned that his agency should either take a more vigorous role in providing housing opportunities for Negroes or "call it quits."

"These are critical times for F.H.A.," he declared. "We either produce, as we have before, or we are an agency with little future."

The Housing Agency has been the target of rising criticism from private groups, and from Congress for its alleged failure to carry out the Executive Order of 1962. The order forbids discrimination in federally insured housing and gives the Government various forms of leverage over developers who exclude Negroes. This includes the power to withdraw Federal mortgage insurance.

THE VITAL DECISIONS

Although officials at the Washington level have professed their commitment to the Executive order many times, the real power to carry out that order lies with officials in the housing administration's 76 local insuring offices—that is, the men to whom Mr. Maloney was addressing himself.

Although subject to check from Washington, the local underwriters usually determine who receives F.H.A. insurance. Their vigor—or inertia—also determines the success or failure of any civil rights enforcement program.

Mr. Maloney told the underwriters that their record since 1962 had been unimpressive. He said that a recent survey of all new subdivisions insured by the agency and constructed since the executive order showed that of 410,574 houses sold, only 35,000 had gone to minorities.

Of these, only 13,832—or about three per cent of the total—went to Negroes, 12,765 to Spanish-Americans, 8,784 to Orientals, and 687 to American Indians.

Negroes make up about 11 per cent of the total population. Mr. Maloney said that in some metropolitan areas where Negroes make up an even larger percentage of the population "virtually no minority family housing has been provided through F.H.A."

Mr. Maloney's speech complemented an address given only two days before by the head of the housing agency, Philip N. Brownstein. Mr. Brownstein told the same group that their excessive caution in the past, reflected by a reluctance to insure housing in slum areas, had hurt the agency's image and had thwarted its mission of "restoration of the inner cities."

VOLUNTARY CIVIC PROJECTS

Mr. HART. Mr. President, two projects which are being voluntarily conducted in Grand Rapids, Mich., could have a marked effect on inner city-police relationships, big city rioting, proper and just court procedure, and emergency lifesaving.

To my knowledge, they are "trailblazers," as the Grand Rapids Press reported. With all of the millions of words that have been pumped about in an effort to strengthen community police forces, these two ideas, conceived by private, concerned individuals, are simple to carry out and can produce immediate results.

The first involves 60 members of the Grand Rapids Bar Association. They decided to help to resolve the controversy: How can we protect civil liberties and at the same time unhandcuff the policeman who is trying to do his job—stop the lawbreaking citizen.

Solution: Give the policeman a basic understanding of the law. He cannot operate well if he does not know what he can or cannot do.

Some 60 young attorneys are now donating their time to teach police recruits, veterans, and sheriff deputies in six specific areas where their job necessitates public contact—arrest, search and seizure, legal evidence, testifying in court, constitutional law, and the interpretation of traffic ordinances.

The other project involves a team of doctors who felt that at times there was unnecessary tragedy or greater injury in the case of the "emergency patient."

Doctors would often criticize the methods used by policemen or firemen in emergencies, Dr. Mark Vasu of the Kent County Medical Society explained.

Since the policeman or the fireman was almost always the first to arrive in an emergency situation, it became obvious that with a little medical advice they could do much to help save the life or lessen the injury to the person involved.

Ten Grand Rapids physicians and surgeons are now training the policemen, firemen, and deputies in proper emergency procedures and techniques. Their time is also a donation to the community.

When I learned of these two projects, I wanted to bring them to the attention of Senators so that they would be able to carry these ideas back to their own communities.

No one can quarrel with any effort to save a life.

And certainly those of us who are concerned about the problems of our inner city will be in full support of a measure designed to bring about better police-community relations. I have admiration and respect for those persons who are participating in these endeavors and hope that their fine example will be imitated across the Nation.

I ask unanimous consent that an editorial published in the Grand Rapids Press be printed in the RECORD.

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

HELP WHERE IT COUNTS

What is being done in this community on a voluntary basis by our doctors and lawyers represents solid progress toward more effective, more efficient and more responsive service by our policemen, firemen and our sheriff's deputies?

Sixty members of the Grand Rapids Bar Association, most of them young attorneys, are donating their time to instruct police recruits and veterans on the force in six specific areas in which the police are involved with the public—arrest, search and seizure, legal evidence, testifying in court, constitutional law and interpretation of traffic ordinances.

"The most meaningful byproduct of this effort," says Paul O. Strawhecker, who helped organize the Bar Association project, "is that it helps to put attorneys on the same side with the police. It establishes better communication through better understanding on both sides, our policemen gaining a better understanding of the law and the role of the attorney and the participating attorneys gaining a better understanding of the difficulties of the policeman's job."

Strawhecker's assessment of the benefits are enthusiastically endorsed by Police Supt. William A. Johnson, who says, "Thanks to the better understanding of the law developed by this program, our police recruits and in-service police officers are becoming even better qualified to give this community better police service."

The project, of which City Attorney Stephen L. Dykema and Prosecutor James Miller are cochairmen, has had the able assistance of H. Raymond Kalliel, Michael F. Kelly, Frank S. Spies, Sherwin J. Venema and Leo J. Stevens.

The first attorney-trained class of police recruits graduates in December. The project has been so succesful that plans already are under way to provide similar instruction-by-attorneys for future classes of recruits.

Of equal significance in helping to provide Grand Rapids with more effective service from policemen, firemen and deputies is a training program sponsored by the Kent County Medical Society and conducted by Dr. Mark Vasu.

Working with recruits and in-service veterans who are interested, Dr. Vasu's team of 10 physicians and surgeons trains policemen, firemen and deputies in proper emergency procedures and techniques.

The medical project had its origin, explains Dr. Vasu, in the doctors' criticism of procedures used by policemen and firemen in emergencies. "It finally," he says, "became a matter of 'Why criticize? Why not help?' "

The volunteer programs undertaken here by doctors and lawyers donating their own time to enable the police, firemen and sheriff's deputies to better serve this community are trailblazers. "No other community, to our knowledge," says Supt. Johnson, "has anything comparable to these two projects in which our professional men are giving so freely of themselves to make our police force a better instrument of community service."

A PRESIDENT'S FIRMNESS IN VIETNAM

Mr. McGEE. Mr. President, addressing a group of businessmen at the State Department yesterday, President Johnson reminded his audience that there are historical parallels for the American involvement in Vietnam.

The President recalled that Western nation's were reluctant to resist Hitler and Mussolini in the 1920's and 1930's, and that the world had to suffer the consequences of a murderous World War with millions of casualties and destroyed nations.

After the lessons of World War II, the United States embarked on a conscious policy of peace through preparedness. As the President said in his speech:

> For two decades, we have made it clear that we will use our strength to block aggression when our security is threatened, and when—as in Vietnam—the victims of aggression ask for our help and are prepared to struggle for their own independence and freedom.

In his speech, the President came down very hard on those who advise the United States to shirk its responsibilities in Vietnam.

He underscored the fact that the American presence in Southeast Asia

today has served as a counterweight to the awesome presence of Communist China whose shadow increasingly darkens the prospects for peace in Asia.

These statements by the President seem to me indisputable.

The United States is not involved in a civil war, killing innocent children, and civilians as our opponents claim.

The United States is involved in a defensive war to help a small nation of 15 million people retain its independence which is threatened by a Communist-led and Communist-supported external and internal force.

If we had acted against Nazi Germany and Fascist Italy with the firmness we are using today in Vietnam, the world might have been spared the holocaust of World War II.

Those who claim that we must "withdraw"—without stating the conditions for withdrawal—as did a leader of a dissident Democratic group on television Sunday—simply do not understand history. Those who do not understand history—as George Santayana wrote—are condemned to repeat it, with all its errors.

There were misguided Americans in the 1930's who said that Hitler was not really so bad, just as some are saying communism is not so bad for Asians.

There are others who said that the takeover of Austria and Czechoslovakia was really none of our business. There were the isolationists who were ignorant of the passage of time and space, and the appeasers who were ignorant and fearful and selfish.

The United States could ignore the problems of the world in the 1930's and still survive as a civilization. But we cannot do so today.

The free society is a seamless web which stretches to all the corners of the globe. When freedom and self-determination and small nationhood is attacked, it is only a matter of time before larger nations are placed on the executioner's block.

President Johnson is being criticized for taking a strong stand in Vietnam.

This is nothing new for strong Presidents who make proper decisions.

President Roosevelt was violently attacked by the right and left for his commitment to help preserve Western civilization against the Nazis, Fascists, and Japanese militarists.

Harry Truman was attacked for committing us and the U.N. to the defense of Korea.

And Lyndon B. Johnson is being attacked for his defense of freedom in the outpost called Vietnam.

But a few years from now when passions are cooler, when Communist expansionism has been stopped in Asia—as it already is being stopped—the record will show that a strong stand, a firm stand by President Johnson and the United States was the difference between peace and war, between freedom and a new threat of slavery for the world.

I ask unanimous consent that the remarks by the President to the Foreign Policy Conference for Business Executives at the State Department yesterday be printed in the RECORD.

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

REMARKS OF THE PRESIDENT TO THE FOREIGN POLICY CONFERENCE FOR BUSINESS EXECUTIVES

First I want to welcome you here and tell you how delighted I am that I can be with you. I want to thank each of you for your generosity. I have thought for some time that it was about time someone threw a benefit for Dean Rusk. This is one of the loveliest rooms to throw it in in all of Washington, even though the windows are barred.

When Dean Rusk first took his job as Secretary of State, I am told that he made one request. He wanted a room with a good view, so he was put up here on the seventh and eighth floors.

He asked for one more thing. He wanted to have the windows sealed. "Why?" he was asked. "Simple," he said, "it is too far to jump and too high for the pickets to climb."

But Dean forgot all about the birds. They tell me they flock to his window sill every single day. As everybody knows in this country, and most other countries, the Secretary of State is a very wonderfully kind, gentle, understanding and generous man. Every morning Mrs. Rusk gives him a little bag of bread crumbs to bring down to the office with him so he can feed these native birds through the day. The sparrows and the starlings seem very grateful and appreciative, but as you must have observed, there is just no pleasing the appetites of these doves and hawks.

Someone told me that there were some pickets outside while you were registering. I am getting to be an expert these days on pickets' signs myself. I think there must have been a switch in some of those that were used yesterday. The way it was reported to me, one read "Unleash Rostow."

You may have noticed that a great deal of care went into the preparation for your briefings. One reason is that business is entitled to very great respect in this country of ours. Outside of Government, it is really the only place left where a man can find a job. You may know that there are at least a few people who are out job hunting these days.

A publisher of a children's book on penguins recently sent copies to a group of youngsters to get their opinions. One young lady replied: "This is a good book on penguins—but it told me more about penguins than I wish to know."

After looking around at some of these briefers, I am afraid that you have heard a lot more about foreign policy in your briefings than you would wish to know.

The threads of foreign policy extend throughout the fabric of our national life. You cannot find the significance of any one thread without seeing its relationship to the whole.

It is not always easy to keep that in mind in the echo of gunfire.

Today, America's eyes are on Vietnam. The minds of our people are centered on the hills and rice paddies where our men are out there fighting.

Our presence in Vietnam is in keeping with a foreign policy which has guided this Nation for 20 years. Four Presidents, 11 Congresses, and the most thoughtful men of our generation have endorsed that policy and situation and have built that policy from the ground up.

For two decades, we have made it clear that we will use our strength to block aggression when our security is threatened, and when—as in Vietnam—the victims of aggression ask for our help and are prepared to struggle for their own independence and freedom.

Our strength, and America's commitment to use that strength, has served as a shield. Behind this shield, threatened nations have been able to get on with the real work of peace. They have been busy building stable societies and relieving the bitter misery of their people. Where we have been able to—where our assistance has been wanted—where it has been properly matched by self-help—we have used our wealth to help them and help feed them. For we have learned that violence breeds in poverty, disease, hunger, and ignorance.

Our purpose is not to breed violence, but to build peace.

The test of our policy is whether the time we have bought has been used to the end that we are building peace.

The evidence of 20 years suggests that we are meeting that test.

Western Europe's recovery from the ruins of war seems like ancient history to some of you here tonight. But it was only yesterday. Many thought it could not happen in our lifetime, but it did happen—with our help, and behind our shield of protection, and behind our sacrifice of lives and dollars.

Twenty years ago it was clear to the leaders of Western Europe that our shield there was necessary to their future.

Today it is equally clear to Asian leaders that our presence in Vietnam is vital, is necessary, is a must to Asia's tomorrow.

There has been much talk in the United States about the so-called "domino theory"—the theory that if South Vietnam should fall, its neighbors would topple one after the other. As I pointed out in a speech I recently made in San Antonio, the threat of Communist domination is not a matter of theory for Asians. Communist domination for Asians is a matter of life and death.

But it is now clear to all Asians that South Vietnam is not going to fall. In every capital of Free Asia that fact has already registered, and registered well. It is being acted upon. What is happening in Asia might really be called the "domino theory in reverse." We do not need to speculate about the results. We know what has happened since we made our stand clear in Vietnam.

Just a few years ago, Southeast Asia was only a geographic phrase. Its separate states had no sense of identity with each other.

All of those states were overwhelmed by the size of their own domestic problems.

Moreover—and most important—they were hypnotized by the menace of China.

Out of this fear—this sense of isolation—this awareness of desperate problems—grew something ominous. It was a paralysis of the will to progress. There was a hopeless feeling among all Asians that they were the victims, rather than the forgers, of their own destiny.

Now, in the span of a few years, all of that has changed. I am glad to say, and the major agent of that change has been America's firmness in Asia.

Behind the shield of our commitment there, hope has quickened in the nations of Asia.

They are branded together in regional institutions to attack common problems; to pool their information about how to get more from their land; to explore new ways to bring education to their villages; to join in the fight against disease; to improve their trade with each other, build new industries, and pull together for the economic development of the entire area.

I do not want to generate false optimism here tonight. I do not want to suggest that all the problems of these nations will be solved soon or easily.

But I do suggest that when men weigh the pros and cons of our commitment in Vietnam, they consider this:

The war in Asia is not merely saving South Vietnam from aggression. It is also giving Asia a chance to organize a regional life of progress, cooperation, and stability.

This is no new objective. Our Government supported the Southeast Asia Treaty in 1954 precisely because the stability of that part of the world was judged by the President

and the Secretary of State in 1954 and the United States Senate by a vote of 82 to 1 in 1955 to be vital to the security of you and your boys and your girls and your families, you Americans.

The passage of time, I think, has proved that the President, the Secretary, and the Senate's judgment was absolutely correct. I think it is vital to our security.

Now, there are a lot of people who do not think so. There are a lot of people who are looking for the fire escape and the easy way out. They were doing that in Mussolini's time. They did it in Hitler's time. They did not think that this was important to the security of the United States until it was almost too late.

We waited a long time here, but better late than never, and now, behind America's protective shield, progress is in motion in Asia where there was none just a few years ago.

This development is as significant for the peace of the whole world as the activities in Europe that I discussed, and the rebirth of Europe after World War II that all of us participated in. None of us should ever forget that more than half of all human beings in the world live in Asia, and there can be no peace in the world when half of the human beings live in an unstable condition.

On the periphery of the Orient, a new Asia is already building. I saw it. I went there last year. I visited their countries and their peoples.

As this new Asia becomes a firm reality, there is a decent hope that the people on the mainland will also turn their minds to the challenge of economic and social development. There is a decent hope that they will turn to the task of living in dignity and mutual respect with their neighbors.

But our foreign policy is concerned not merely with Asia, but with all the world. And we have acted on that judgment. I want to review very briefly, because you don't hear anything but the complaints that sometimes seem to overshadow the progress we make. The constructive decisions, the march we make forward, doesn't make very interesting reading or reporting.

We achieved a trilateral agreement with Germany and Great Britain which stabilized our troops levels in Germany and dealt with the balance of payments problems caused by their location.

We achieved a successful negotiation of the Kennedy Round bringing advantages to the whole world, and a few weeks before it looked rather grim.

We achieved a preliminary monetary accord in London which led to the agreement at Rio with all the other members of the IMF—laying the basis for a new international reserve currency.

In the face of the devaluation of the pound, we worked with the industrial nations of the Free World. Our men have been crossing back over the Atlantic on week ends to keep other exchange rates stable and the international system strong.

We are working with the Soviet Union, our NATO partners, and the other nations of the world to achieve a non-proliferation treaty—which, when complete—will give all countries the opportunity to benefit from the peaceful uses of nuclear technology while reducing the risks of nuclear war.

In this past week we have moved toward a common position with the industrialized countries of the world to establish special trading benefits which will accelerate progress among the developing nations of the world.

We have concluded this year two treaties with the Soviet Union, the Consular Treaty and the Space Treaty. They have been ratified by the United States Senate.

These achievements rarely make the headlines and interest the average citizen. But they are real achievements and real accomplishments, and a failure in any one would make a lot of noise. They represent the acceptance of joint responsibilities between enlightened leaders. And we are prepared to build upon them.

In the months ahead, I would like to see us work with the institutions of the European communities and with other industrialized nations of the world: to make our policies of assistance to the developing nations more effective.

If we have demonstrated that we can work on all of these things that I have outlined, we ought to demonstrate that we can work together in making policies of assistance to developing nations. We should work to strengthen further the world monetary situation.

To consider together the problems and possibilities of flows of capital and technology back and forth among us;

And finally, to examine together and exchange experiences on the problems we all share, the problems of the urban life, the problems of the modern-day cities that have grown every day and they have reached a point now where they must be dealt with quickly and effectively.

What we have achieved in this year goes beyond these great initiatives:

After a year's careful preparation, we had the Summit Conference at Punta del Este at which the nations of Latin America committed themselves to go forward toward economic integration—with our support.

We have moved from a dangerous war in the Middle East to an agreed resolution within which a representative of the United Nations will be seeking a stable peace for that troubled region in the months ahead. I shudder to think what could have happened if we had not taken that step and what might have happened if we had not been successful in bringing about a cease-fire in the Middle East just a few months ago.

We have worked with others to avoid massive bloodshed in the Congo. To the concerned Senators I see tonight, the last of the American C-130 transport planes will leave the Congo at the end of this week. We have thrown our support behind the regional and sub-regional efforts of the Africans to build a modern life through cooperation—a process that is quietly moving forward in East Africa and greatly advanced by the current conference at Dakar in West Africa.

Tomorrow, the Secretary early in the morning and the Vice President and I a little later in the day, will be meeting with a distinguished American who has been trying to leave public service now for about seven years. He has had to come back when we have demonstrations. He has had to go to Detroit to help when we have problems there. He has been in Cyprus and Greece and Turkey trying to solve that matter.

Mr. Cyrus Vance is returning after a successful effort in which Greece and Turkey drew back from the brink of war and opened the way to solve a serious problem.

This has been a year of remarkable constructive achievement for the people by the world community, despite the struggle in Vietnam.

If the generations which come after us live at peace at all, it is going to be because this generation held the shield and supplied the courage and the fortitude and determination by which peace was built and because we stubbornly labored to build that peace instead of finding a cheap, dishonorable way out of it.

To those of you who have come here to provide this benefit for Dean Rusk, this rather unusual event, I want to say to you that we have 41 alliances around the world where the commitment and the signature and the agreement of the United States is present—where your President and your Senate and your leadership have made commitments for this nation.

Now, Dean Rusk didn't make them and I didn't make them. We just have to keep them. If you will keep the faith, we will keep the commitments.

THE NEED FOR A UNITED NATIONS PEACEKEEPING FORCE

Mr. MONDALE. Mr. President, another near-war in Cyprus, the problems of finding a solution in the Middle East, the unending fighting in Vietnam, and numerous border or civil war incidents continually call to our attention the need for some form of peacekeeping force to take the threat of a major East-West confrontation out of localized disputes. As long as the United States or any other powerful country shoulders the entire burden of policing the world, there always will be a threat that the powers with opposing interests will become involved.

President Johnson put the matter simply:

> The world has changed and so has the method of dealing with disruptions of the peace. . . . general war is impossible and some alternatives are essential.

The "blue helmets" of the United Nations in the Middle East, the Congo, Cyprus, Kashmir, and other places have restored calm to these troubled areas, any one of which might otherwise become a battleground.

Experience has demonstrated that in contemporary conditions of world conflict, only an emergency situation, when fear of action outside the United Nations becomes greater than fear of action through it, produces enough international consensus to support a large peacekeeping operation. Once that period is over, the interest of governments lags if the operations go well, or differences develop among them over the operation itself, as in the Congo. In either case, a national willingness to cooperate in the short run is not followed by an equal willingness to make commitments for unspecified future undertakings. Careful attempts at peacekeeping have worked for awhile, only to become unglued later. Examples are this summer's war in the Middle East and the recent controversy in Cyprus.

I cosponsored a Senate resolution that called for a permanent organization of procedures to "enable the United Nations promptly to employ suitable United Nations forces for such purposes as observation and control in situations that may threaten international peace and security." Ways in which the United States could do this include—

The encouragement and support of specialized training of units by United Nations member states for employment in United Nations peacekeeping operations;

The preparation to make available to the United Nations transport communications and logistical personnel and facilities;

The preparation to advocate or support on all appropriate occasions proposals for guidelines to govern the financing, training, equipping, and duration of peacekeeping force for effective use; and

As part of the long-range development of the United Nations, the encourage-

ment and support of the creation of permanent, individually recruited force under United Nations command for impartial peacekeeping duties.

Mr. President, a recent editorial in the Minneapolis Tribune gives several reasons for establishing a U.N. peacekeeping force. I ask unanimous consent that the editorial be printed in the RECORD.

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

THE VIEW FROM THE TOP OF HILL 875

Visibility from the top of Hill 875, near the village of Dak To, South Vietnam, may not be any better than it is from nearby high points. But now, through the kindling that remains of the foliage, the American paratroop division which fought its way to the crest can look across to hills nearby and wonder at the magnitude of the effort.

What can be seen from the top of 875 is the proof that American fighting men are no less valorous than they have been in past wars; that the technology of firepower and logistics has become a consummate art; and that the country's military leadership has avoided the kind of calamity suffered by the French at Dien Bien Phu and near calamity of the retreat from the Yalu in Korea 17 years ago.

But there is more to Vietnam than questions of courage, technique and tactics. There is more to it than strategy, even though this is the center of most of the emotional debate—whether we are defending South Vietnam, giving its people injections of democracy, containing China, preventing the fall of Thailand and other dominoes, establishing bases on the Asian continent, or just being old-fashioned imperialists.

The deeper question is less philosophical and more practical, and it can be seen by asking what happens when some kind of settlement is achieved. The question is: Who is going to keep the peace? Who is going to keep it in Vietnam, and in the Middle East, Cyprus, The Congo, and future conflict areas?

The United States is not omnipotent. It took the strength of 16,000 men to gain Hill 875, and public reluctance to undertake other commitments abroad is evident. But to recognize limitations is not to sound the knell for internationalism's demise. We think there are precedents for an answer to the question, and that these precedents suggest renewed attention to the development of supranational force.

This does not mean the dismemberment of national military establishments, but it does mean that more is required than good intentions to carry out the idea of international supervision, a phrase common to most proposals for conflict resolution. Such a force is least effective when put together only at the time it is needed, but that has been the history. We think American dedication and ingenuity, so evident last week on Hill 875, could be directed as well toward the development now of a U.N. peacekeeping force.

PROPOSED ADMINISTRATION TAX MEASURES SUBMITTED TO CONGRESS

Mr. SMATHERS. Mr. President, there has been some confusion as to whether the administration submitted a tax bill. In order to straighten out this situation, I ask unanimous consent to have printed in the RECORD a Treasury Department release indicating that a tax bill was proposed and submitted to Congress on August 15, 1967.

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

[A release from the Treasury Department, Washington, D.C., Aug. 15, 1967]

PROPOSED TAX MEASURES SUBMITTED TO CONGRESS

Secretary Fowler, at the request of the House Ways and Means Committee, today submitted the Treasury's draft of the Administration's proposed tax legislation.

Attached are copies of the proposed bill and a technical explanation.

(Attachment.)

A bill to amend the Internal Revenue Code of 1954 to impose a temporary surcharge tax, and for other purposes

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

SECTION 1. SHORT TITLES, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Surcharge Tax Act of 1967".

(b) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 2. IMPOSITION OF TAX SURCHARGE

(a) IN GENERAL.—Subchapter A of chapter 1 (relating to determination of tax liability) is amended by inserting at the end thereof the following new part:

"PART V—TAX SURCHARGE

"SEC. 51. TAX SURCHARGE

"(a) IMPOSITION OF TAX.—

"(1) CALENDAR YEAR TAXPAYERS.—In addition to the other taxes imposed by this chapter and except as provided in subsection (b), there is hereby imposed on the income of every person whose taxable year is the calendar year, a tax equal to the percent of the adjusted tax (as defined in subsection (c)) for the taxable year specified in the following table:

"Calendar year	Percent	
	Individuals	Corporations
1967	2.5	5.0
1968	10.0	10.0
1969	5.0	5.0

"(2) Fiscal year taxpayers.—In addition to the other taxes imposed by this chapter and except as provided in subsection (b), in the case of taxable years ending on or after the effective date of the surcharge and beginning before July 1, 1969, there is hereby imposed on the income of every person whose taxable year is other than the calendar year, a tax equal to—

"(A) Ten percent of the adjusted tax for the taxable year, multiplied by

"(B) A fraction, the numerator of which is the number of days in the taxable year occurring on and after the effective date of the surcharge and before July 1, 1969, and the denominator of which is the number of days in the entire taxable year,

"(3) Effective date defined.—For purposes of paragraph (2), the 'effective date of the surcharge' means—

"(A) July 1, 1967, in the case of a corporation, and

"(B) October 1, 1967, in the case of an individual.

"(b) LOW INCOME EXEMPTION.—Subsection (a) shall not apply if the adjusted tax for the taxable year does not exceed—

"(1) $290, in the case of a joint return of a husband and wife under section 6013,

"(2) $220, in the case of an individual who is a head of household to whom section 1(b) applies, or

"(3) $145, in the case of any other individual (other than an estate or trust).

"(c) Adjusted Tax Defined.—For purposes of this section, the adjusted tax for a taxable year means the tax imposed by this chapter (other than by this section, section 871(a) or section 881) for such taxable year, reduced by any credit allowable for such year under section 37 (relating to retirement income) computed without regard to this section.

"(d) Authority to Prescribe Composite Tax Rates and Tables.—The Secretary or his delegate may determine, and require the use of, composite tax rates incorporating the tax imposed by this section and prescribed regulations setting forth modified optional tax tables computed upon the basis of such composite rates. The composite rates so determined may be rounded to the nearest whole percentage point as determined under regulations prescribed by the Secretary or his delegate. If, pursuant to this subsection, the Secretary or his delegate prescribes regulations setting forth modified optional tax tables for a year, then, notwithstanding section 144(a), in the case of a taxpayer to whom a credit is allowable for such taxable year under section 37, the standard deduction may be elected regardless of whether the taxpayer elects to pay the tax imposed by section 3.

"(e) ESTIMATED TAX.—For purposes of applying the provisions of this title with respect to declarations and payments of estimated income tax due more than 45 days (15 days in the case of a corporation) after the enactment of this section—

"(1) In the case of a corporation, so much of any tax imposed by this section as is attributable to the tax imposed by section 11 or 1201(a) or subchapter L shall be treated as a tax imposed by such section 11 or 1201 (a) or subchapter L;

"(2) The term 'tax shown on the return of the individual for the preceding taxable year', as used in section 6654(d)(1), shall mean the tax which would have been shown on such return if the tax imposed by this section were applicable to taxable years ending after September 30, 1966, and beginning before July 1, 1968; and

"(3) The term 'tax shown on the return of the corporation for the preceding taxable year', as used in section 6655(d)(1), shall mean the tax which would have been shown on such return if the tax imposed by this section were applicable to taxable years ending after June 30, 1966, and beginning before July 1, 1968.

"(f) Western Hemisphere Trade Corporations and Dividends on Certain Preferred Stock.—In computing, for a taxable year of a corporation, the fraction described in—

"(1) Section 244 (a)(2), relating to deduction with respect to dividends received on the preferred stock of a public utility,

"(2) Section 247 (a)(2), relating to deduction with respect to certain dividends paid by a public utility, or

"(3) Section 922 (2), relating to special deduction for Western Hemisphere trade corporations,

the denominator shall, under regulations prescribed by the Secretary or his delegate, be increased to reflect the rate at which tax is imposed under subsection (a) for such taxable year.

"(g) Withholding on Wages.—In the case of wages paid after September 30, 1967, and before July 1, 1969, the amount required to be deducted and withheld under section 3402 shall be determined in accordance with the following tables in lieu of the tables set forth in section 3402 (a) or (c)(1).—

Tables to be used in lieu of tables in section 3402 (a)

[Interest Tables 1–6, 8.] [Not printed in RECORD.]

"TABLE 7.—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS ANNUAL

"(a) Single Person (including head of household):

If the amount of wages is—	The amount of income tax to be withheld shall be—
Not over $200	0.
$200 to $1,200	14 percent.
$1,200 to $1,300	$160 plus 17 percent.
$1,300 to $4,440	$177 plus 19 percent.
$4,400 to $8,800	$766 plus 22 percent.
$8,800 to $11,000	$1,734 plus 28 percent.
Over $11,000	$2,350 plus 33 percent.
(b) Married person—	
If the amount of wages is—	
Not over $200	0.
$200 to $2,200	14 percent.
$2,200 to $4,400	$320 plus 17 percent.
$4,400 to $8,800	$694 plus 19 percent.
$8,800 to $17,700	$1,530 plus 22 percent.
$17,700 to $22,000	$3,488 plus 28 percent.
Over $22,000	$4,692 plus 33 percent."

Tables to be used in lieu of tables in section 3402(c)(1). [Not printed in RECORD.]

(b) MINIMUM DISTRIBUTION.—Section 963 (b) (relating to receipt of minimum distributions by domestic corporations) is amended—

(1) by striking out the heading of paragraph (1) and inserting in lieu thereof the following:

"(1) Taxable years beginning in 1963, 1967, and 1968.—", and

(2) by striking out the heading of paragraph (3) and inserting in lieu thereof the following:

"(3) Taxable years beginning in 1965, 1966, and after December 31, 1968.—".

(c) CLERICAL AMENDMENT.—The table of parts of subchapter A of chapter 1 is amended by adding at the end thereof the following:

"PART V. TAX SURCHARGE"

(d) EFFECTIVE DATE.—The amendments made by this section shall apply—

(1) Insofar as they relate to individuals, with respect to taxable years ending after September 30, 1967, and beginning before July 1, 1969.

(2) Insofar as they relate to corporations, with respect to taxable years ending after June 30, 1967, and beginning before July 1, 1969.

SEC. 3. RAISING FROM 70 PERCENT TO 80 PERCENT THE ESTIMATED TAX WHICH MUST BE PAID IN INSTALLMENTS BY CORPORATIONS.

(a) IN GENERAL.—Section 6655(b) (relating to amount of underpayment), and section 6655(d) (relating to exception), are amended by striking out "70 percent" each place it appears therein and inserting in lieu thereof "80 percent".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1967.

SEC. 4. PAYMENT OF FIRST $100,000 OF ESTIMATED TAX.

(a) REQUIREMENT OF DECLARATION.—Section 6016(a) (relating to requirement of declaration of estimated tax in case of corporations) is amended by striking out "$100,000" and inserting in lieu thereof "$40."

(b) REDUCTION OF EXCLUSION FROM ESTIMATED TAX.—Section 6016(b) (relating to the definition of estimated tax in the case of a corporation) is amended to read as follows:

"(b) ESTIMATED TAX.—

"(1) DEFINITION.—For purposes of this title, in the case of a corporation, the term 'estimated tax' means the excess of—

"(A) the amount which the corporation estimates as the amount of the income tax imposed by section 11 or 1201(a), or subchapter L of chapter 1, whichever is applicable, reduced by the amount which the corporation estimates as the sum of any credits against tax provided by part IV of subchapter A of chapter 1, over

"(B) an amount equal to the applicable exclusion percentage (determined under paragraph (2)) multiplied by the lesser of—

"(i) $100,000, or

"(ii) the amount determined under subparagraph (A).

"(2) Exclusion percentage.—The term 'exclusion percentage' means—

"If the declaration is for a taxable year beginning in:	The exclusion percentage is:
1968	80
1969	60
1970	40
1971	20
1972 or later	0"

(c) EXCEPTION FROM ADDITION TO TAX.—Section 6655 (d)(1) is amended by striking out the phrase "reduced by $100,000" and inserting in lieu thereof "reduced by an amount equal to the applicable exclusion percentage, determined under section 6016 (b)(2), multiplied by the lesser of $100,000 or the amount of such tax."

(d) ADDITION TO TAX FOR UNDERPAYMENT OF ESTIMATED TAX.—Section 6655 (e) (relating to the definition of tax) is amended to read as follows:

"(e) DEFINITION OF TAX.—For purposes of subsection (b), (d)(2), and (d)(3), the term 'tax' means the excess of—

"(1) the amount of tax imposed by section 11 or 1201 (a), or subchapter L of chapter 1, whichever is applicable, reduced by the sum of any credits against tax provided by part IV of subchapter A of chapter 1, over

"(2) an amount equal to the applicable exclusion percentage, (determined under section 6016 (b)(2)), multiplied by the lesser of—

"(A) $100,000, or

"(B) the amount determined in paragraph (1)."

(e) TECHNICAL AMENDMENT.—Clause (v) of section 243(b)(3)(C) is amended by striking out "$100,000".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1967.

SEC. 5. POSTPONEMENT OF CERTAIN EXCISE TAX RATE REDUCTIONS.

(a) PASSENGER AUTOMOBILES.—

(1) IN GENERAL.—Subparagraph (A) of section 4061(a)(2) (relating to imposition of tax) is amended to read as follows:

"(A) Articles enumerated in subparagraph (B) are taxable at whichever of the following rates is applicable:

"Seven percent for the period beginning with the day after the date of the enactment of the Tax Adjustment Act of 1966 through June 30, 1969.

"Two percent for the period July 1, 1969, through December 31, 1969.

"One percent for the period after December 31, 1969."

(2) CONFORMING AMENDMENTS.—Section 6412(a)(1) (relating to floor stocks refunds on passenger automobiles, et cetera) is amended by striking out "April 1, 1968, or January 1, 1969" and inserting in lieu thereof "July 1, 1969, or January 1, 1970".

(b) COMMUNICATION SERVICES.—Section 4251 (relating to tax on communications) is amended—

(1) By striking out subsection (a)(2) and inserting in lieu thereof:

"(2) The rate of tax referred to in paragraph (1) is as follows:

	Percent
"Amounts paid pursuant to bills first rendered:	
"Before July 1, 1969	10
"After June 30, 1969, and before January 1, 1970	1"

(2) By striking out subsection (b) and inserting in lieu thereof:

"(b) Termination of Tax.—The tax imposed by subsection (a) shall not apply to amounts paid pursuant to bills first rendered on or after January 1, 1970."

(3) By striking out subsection (c) and inserting in lieu thereof:

"(c) Special Rule.—For purposes of subsection (a), in the case of communications services rendered before May 1, 1969, for which a bill has not been rendered before July 1, 1969, a bill shall be treated as having been first rendered on June 30, 1969. For purposes of subsections (a) and (b), in the case of communications services rendered after April 30, 1969, and before November 1, 1969, for which a bill has not been rendered before January 1, 1970, a bill shall be treated as having been first rendered on December 31, 1969."

(c) Effective Date.—The amendments made by this section shall be effective on the date of enactment of this Act.

TECHNICAL EXPLANATION SURCHARGE TAX ACT OF 1967

This bill, which is entitled the "Surcharge Tax Act of 1967", has four substantive sections:

(1) Section 2 imposes a temporary surcharge on both individual and corporate income tax liabilities at an annual rate of 10 percent.

(2) Section 3 raises from 70 percent to 80 percent, the percent of its estimated tax which a corporation may pay by installments without incurring a penalty.

(3) Section 4 eliminates, over a five-year period, the $100,000 estimated tax exemption presently granted corporations.

(4) Section 5 suspends the schedule for the reduction of the excise taxes on passenger automobiles and telephone services during the period of the temporary surcharge.

There follows a more detailed description of each of these provisions.

Section 1 of the bill sets forth its title.

Section 2. Tax Surcharge.

(a) *Imposition of tax.* Subsection (a) of section 2 of the bill adds a new part to subchapter A of chapter 1 of the Internal Revenue Code which consists of a new section 51 imposing a temporary tax surcharge on corporations and individuals.

General Provisions. Subsection (a) of the new section 51 provides for the imposition of the surcharge. The tax is at an annual rate of 10 percent of tax liability (adjusted as provided in section 51(c)) and is effective from July 1, 1967, through June 30, 1969, for corporations and from October 1, 1967, through June 30, 1969, for individuals. For taxpayers who report their income on a calendar year basis, the rate of the surcharge for the calendar years involved is as follows:

Calendar year	Percent of tax	
	Individuals	Corporations
1967	2.5	5
1968	10.0	10
1969	5.0	5

In the case of taxpayers who report their income on a fiscal year basis, the rate will be 10 percent for years falling entirely within the effective dates, whereas, in the case of taxable years that straddle either the commencement or termination date, the tax will be prorated depending on the number of days in the taxable year falling within the period the tax is in effect.

Low income exemption. Subsection (b) of the new section 51 provides an exemption from the surcharge for individuals (other than estates and trusts) whose tax does not exceed that generally applicable to the first two brackets of taxable income. More specifically, the surcharge will not apply to a husband and wife filing a joint return if their tax does not exceed $290. It will not apply to a head of household whose tax does not exceed $220, or to a single individual (or a married individual filing a separate return) whose tax does not exceed $145. In the case of a head of household, the exemption level is determined on the basis of the tax applicable to $1,500 of taxable income which is midway between the first two tax brackets

of a single individual and the first two tax brackets of a married couple filing a joint return.

Tax base on which surcharge is computed. Subsection (c) of the new section 51 provides that the surcharge shall be computed as a percentage of the tax otherwise imposed by chapter 1 of the Internal Revenue Code, with the exception that it shall not be imposed with respect to the 30 percent tax under sections 871(a) and 881 on nonresident alien individuals and foreign corporations receiving income not effectively connected with a business in the United States. In the case of an elderly person who is eligible for the retirement income credit, the surcharge will be computed as a percentage of his tax liability after subtracting his retirement income credit. Similarly, tax liability shall be reduced by the retirement income credit in determining whether such an individual is eligible for the low income exemption. This treatment is afforded the retirement income credit in order to give it the same effect on the surcharge as the exclusion for social security benefits. Tax liability would not be reduced by any other credits in computing the amount of the surcharge. On the other hand, once the surcharge has been computed, it may be offset by credits to which the taxpayer is entitled and which are not absorbed by his regular tax liability.

Authority to prescribe composite tax rates and tables. Subsection (d) of the new section 51 provides that the Secretary of the Treasury or his delegate may compute composite income tax rates incorporating the surcharge and prescribe regulations setting forth modified optional tax tables computed on the basis of such composite rates. The composite rates may be rounded to the nearest whole percentage point. If the Secretary or his delegate exercises his authority under this subsection, he may require taxpayers to use the rates and/or tables he has prescribed.

Moreover, if he prescribes optional tax tables incorporating the surcharge, the usual rule that a taxpayer with less than $5,000 of income may take the standard deduction only if he uses the optional tax tables will be waived in the case of a taxpayer who is eligible for the retirement income credit. This special rule is to reflect the fact that the effect of the retirement income credit on the surcharge cannot be accurately incorporated into the optional tax tables, with the result that those claiming the retirement income credit will almost universally use the regular tax computation. Under these circumstances, without the special rule, most taxpayers claiming the retirement income credit would be precluded from using the standard deduction.

Estimated tax. Subsection (e) of the new section 51 contains provisions conforming the estimated tax provisions to the new surcharge tax. Under present law, corporations are required to pay estimated tax only with respect to taxes imposed by section 11 or 120(a) or subchapter L (relating to insurance companies). The new subsection (e)(1) provides that any surcharge that is attributable to a tax imposed under these sections or subchapter shall, for estimated tax purposes, be treated as a tax imposed under these sections or subchapter and, therefore, subject to estimated tax payments. Paragraphs (2) and (3) of the new subsection (e) provide that, in the case of the option under which individuals and corporations may pay their estimated tax on the basis of their prior year's tax liability, this prior year's liability shall be adjusted to reflect the surcharge tax.

Under the provisions of the new subsection (e), corporations would be required to reflect the surcharge in their first estimated tax payment due more than 15 days after the bill is enacted. For individuals, the surcharge would have to be reflected in the first estimated tax payment due more than 45 days after the enactment of the bill.

Western Hemisphere Trade Corporations and dividends on certain Preferred stock. The following two provisions of the Internal Revenue Code provide a special deduction with respect to certain income which has the effect of reducing the corporate tax rate applicable to that income by 14 percentage points. These provisions are:

(1) Section 922, relating to the taxable income of Western Hemisphere Trade Corporations; and

(2) Section 247, relating to dividends paid by a public utility on its preferred stock.

Section 244 provides a reciprocal deduction with respect to amounts received as dividends on certain preferred stock of a public utility. In order to maintain the 14 percentage point differential under these sections, subsection (f) of the new section 51 provides that the computation shall be adjusted, under regulations prescribed by the Secretary of the Treasury or his delegate, to reflect in the regular corporate tax rate the surcharge imposed under the new section 51.

New withholding tables. Subsection (g) of the new section 51 sets forth new tables for computing the amount of income taxes to be withheld from wages paid on or after October 1, 1967, and before July 1, 1969. These tables reflect an increase in the withholding rates of 10 percent.

(b) *Minimum distributions by foreign subsidiaries.* Subsection (b) of section 2 of the bill amends section 963(b) (relating to receipt of minimum distributions by domestic corporations from their foreign subsidiaries) to provide for the use of a minimum distribution table reflecting the surcharge. The new table is to be used for taxable years beginning 1967 and 1968. It is the same table that was applicable for taxable years beginning in 1963 when the corporate tax rate was 52 percent (the present corporate tax rate including the additional surcharge is 52.8 percent).

(c) *Clerical amendment.* Subsection (c) of the new section 51 makes a clerical amendment to reflect the addition of the new Part V imposing the surcharge.

(d) *Effective date.* Subsection (d) of the new section 51 provides the effective dates for the surcharge. These dates are explained in the discussion under subsection (a) of the bill.

Section 3. Increase from 70–80 percent the amount of estimated tax which corporations must pay in installments.

Under present law, a corporation is not penalized for an underpayment of estimated tax if its payments equal or exceed those which would be required on the basis of estimated tax liability of 70 percent of actual tax liability (less $100,000). Section 3 of the bill amends section 6655 to raise the 70-percent figure to 80 percent. This conforms the percentage for corporations to that made applicable to individuals beginning in 1967. This change would be effective for taxable years beginning after December 31, 1967.

Section 4. Payment of first $100,000 of estimated tax.

Under present law, corporations are required to make estimated tax payments only with respect to their estimated tax liability in excess of $100,000. They are not required to make any estimated tax payments on their first $100,000 of estimated tax liability and, if their annual estimated tax liability is $100,000 or less, they are not required to file a declaration. Under section 4 of the bill, the $100,000 exclusion would be repealed over a five year period.

More specifically, subsection (a) of section 4 of the bill would amend section 6016 (a) to require a corporation to file a declaration of estimated tax for a taxable year if it can reasonably be expected that its tax liability for the year (after taking into account credits) will exceed $40. As indicated above, the present exemption level is $100,000.

Subsection (b) of section 4 of the bill amends section 6016(b) to provide a new definition of "estimated tax" (which is the basic amount subject to payment by installment) reflecting the removal of the existing $100,000 exemption over a five year period. During the transition period, a corporation, in determining the amount of its estimated tax liability, would be permitted to exclude an amount equal to the applicable "exclusion percentage" multiplied by the lesser of (1) $100,000, or (2) the amount which the corporation estimates as its income tax for the year less the estimated amount of its credits. The revised subsection (b) of section 6016 would define the term "exclusion percentage" as follows:

If the declaration is for a year beginning in:	The "exclusion percentage" is:
1968	80
1969	60
1970	40
1971	20

In the case of taxable years beginning after 1971, there would be no special exemption.

As an example of the transition rule, a corporation which estimates its income tax less credits for 1968 to be $80,000 would be entitled to an estimated tax exclusion of $64,000 for 1968; 80 percent (its exclusion percentage) times $80,000. Its estimated tax liability would, therefore, be $16,000. If the corporation estimates its income tax less credits for 1968 to be $120,000, its estimated tax exclusion would be $80,000 (80 percent times $100,000) and its estimated tax liability would be $40,000.

Subsection (d) of section 4 of the bill amends section 6655(e) to reflect the repeal of the $100,000 exemption in the provisions for determining whether, and if so, to what extent, an addition to the tax should be imposed for underpayment of estimated tax. The same transitional rules apply. Thus, for example, assume a corporations' tax return for the taxable year ending December 31, 1968, indicates an income tax liability of $150,000. To utilize the exception provided in section 6655(d)(1) permitting estimated tax payments to be based on the prior year's tax, such corporation would be required to pay for 1969 an estimated tax of $90,000, computed as follows:

1968 income tax liability	$150,000
Less: $60,000; 60 percent (the exclusion percentage for 1969) times $100,000	60,000
Total	90,000

Subsection (3) of section 4 of the bill amends section 243(b)(3)(C) (relating to estimated tax exemption for members of an affiliated group) to reflect the repeal of the $100,000 exemption.

Subsection (f) of section 4 of the bill provides that the amendments made by this section shall apply to estimated tax payments for taxable years beginning after December 31, 1967.

Section 5. Postponement of certain excise tax rate reductions.

(a) *Passenger Automobiles.* Under present law an excise tax of 7 percent of the selling price is imposed on the sale by the manufacturer, producer, or importer of passenger automobiles. This rate is scheduled to be reduced to 2 percent on April 1, 1968, then to 1 percent after December 31, 1968.

Subsection (a) of Section 5 of the bill suspends this schedule of reductions for the period during which the temporary surcharge will be in effect. Thus, the present 7 percent rate will remain in effect until July 1, 1969. A rate of 2 percent will apply to sales between July 1, 1969, and December 31, 1969, with a 1 percent rate applying to all sales after December 31, 1969. Conforming amendments are made so that floor stocks refunds will apply on the corresponding date of each reduction.

(b) *Communication Services.* Under pres-

ent law, an excise tax of 10 percent is imposed on amounts paid for local and long distance telephone service (including teletypewriter service). A reduction of the rate to 1 percent is scheduled to apply to amounts paid pursuant to bills rendered on or after April 1, 1968, with the tax scheduled to terminate entirely as to bills rendered on or after January 1, 1969.

Subsection (b) of Section 5 of the bill suspends this schedule of reductions for the period during which the temporary surcharge will be in effect. Thus, the present 10 percent rate will continue to apply until July 1, 1969, at which time the scheduled reduction to 1 percent will take effect. The tax will terminate on January 1, 1970. A conforming amendment makes corresponding changes in the dates applicable under the special rules established under present law to adjust for billing practices.

(c) *Effective Date.* Subsection (c) of section 5 of the bill provides that the amendments made by this section shall apply as of the date of enactment of the bill.

THE F-111A AIRCRAFT

Mr. TOWER. Mr. President, there has been a good deal of discussion in the Senate about the F-111 aircraft. I have attempted to point out from time to time that we are talking about two versions of aircraft—the F-111A and the F-111B. I also have suggested that the delay in F-111B work not be confused with the satisfactory progress on the F-111A.

Accordingly, I have shared with Senators a number of reports on the F-111A by the pilots who actually fly it. Claude Witze, senior editor of Air Force Space Digest magazine, has summed the matter up well in an article entitled "E-111A: The Men Who Fly It Like It," published in that magazine's December edition.

I ask unanimous consent that the article be printed in the RECORD so that all Senators may review it. I ask unanimous consent that there also be printed a chart entitled the "F-111 Industry Team."

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

F-111A: THE MEN WHO FLY IT LIKE IT

(By Claude Witze)

Born and bred in an atmosphere of unprecedented controversy, the Air Force's General Dynamics F-111A now has combat veterans in the cockpit and they are enthusiastic about the potential of their new airplane.

These Air Force pilots consider the F-111A weapon system the greatest single technological jump designed for their mission since the wedding of the jet engine and modern avionics. The F-111A, they predict, will let them hit tactical targets harder, with greater accuracy, and at longer ranges than any other airplane in the USAF inventory or likely to join it in the foreseeable future.

It must be made clear at the outset of this report that the subject is the USAF F-111A, and that airplane alone. The first production models, configured for operational use, are now being delivered to Nellis Air Force Base, near Las Vegas, Nev. The Tactical Air Command is using them to equip the 4480th Tactical Fighter Wing. The pioneering unit is Detachment 1, 4481st Tactical Fighter Squadron, commanded by Col. Ivan H. Dethman.

Equally important, from the standpoint of operational capability, is the test work under way at the Air Proving Ground Center at Eglin AFB in Florida. Here, USAF has come to realize that the F-111A is a vehicle incorporating advances in the state of the art that have outpaced the technology incorporated in the available weaponry it can carry.

Maj. Gen. Andrew J. Kinney, APGC Commander, speculates that improved bombs, equipped with terminal-guidance systems, may turn out to be the most important addition to airpower capability since World War II. As this issue goes to press, Defense Secretary Robert McNamara has made the first public disclosure of the fact that Walleye, a bomb that carries a TV camera to seek out its target, is being used in Vietnam. Earlier this year, veterans back from Southeast Asia were complaining loudly that they had seen no improvement in the technique of delivering iron bombs. Walleye, developed by the Navy, is now also being used by USAF. It is made by the Martin Marietta Corp.

Walleye, of course, has limitations imposed by night, bad weather, and other hindrances to visibility because of its TV "eye." So APGC is working hard on other more advanced projects, all of them highly classified. The urgency of these projects clearly has been compounded by the F-111A. Back at Nellis AFB, where the users are aiming for operational capability by early 1968, you can talk to pilots who say, first, that the new airplane is more accurate than the bombs it drops. Even before production airplanes started to arrive, they found the F-111A delivery of plain old-fashioned iron bombs to be twice as accurate as that of its predecessors, the F-105 and F-4.

Even this is not good enough, says General Kinney, nor as good as we can do. Further accuracy must be achieved and made operational as fast as possible. The point, of course, is that the avionics subsystems in the F-111A—both navigation and attack systems—can work together to position the plane in the air with unprecedented accuracy. The pilot knows exactly where he is when the bomb is released. He still does not know exactly where the bomb will hit. Basically, that is why we have lost up to sixteen aircraft, flying 160 sorties to demolish one bridge in Vietnam. The cost/effectiveness of the improved F-111A system, with an aircraft that can position itself automatically in any kind of weather or visibility, if it can drop a bomb that can be steered to the target, is obvious.

The pilots at Nellis display no doubt that the F-111A will achieve this capability. At Nellis, as well as Eglin, Edwards AFB, the Aeronautical Systems Division at Wright-Patterson AFB in Dayton, and Air Force Systems Command Headquarters, Andrews AFB, Md., there is one common observation. It is put most succinctly by Brig. Gen. Ralph G. Taylor, Jr., Commander of the Tactical Fighter Weapons Center at Nellis:

"Nobody is qualified to pass judgment on the F-111A until he has flown it. I wish the critics who have not flown it would come out here and talk to our pilots."

One of his pilots, interviewed on the flight line, agreed with the boss in the kind of language you hear around a hangar:

"The guys who bad-mouth this airplane," he said, "are the guys who never got in the cockpit."

Nellis is where USAF makes Ph.D.s out of fighter pilots. The current F-111A program, called Harvest Reaper, is manned by veterans of the Korean and Vietnam Wars, men who have faced flak and Soviet MIGs in F-105s, F-4s, F-86s, F-104s, and F-84s. Harvest Reaper is the Accelerated Testing and Training Program for the F-111A, launched last July when the first of five aircraft, built for research, development, test, and evaluation (RDT&E), was shifted to the Nevada base from Edwards AFB in California.

By September, the new wing had set an unprecedented record. During that month, the five planes flew a total of 304.1 hours, an average utilization rate of 60.8 hours per aircraft. In October, the month in which the first production model was delivered and added to the Harvest Reaper stable, the rate hardly wavered. It was 59.7 hours per aircraft. The stated requirement for the F-111A is thirty hours per aircraft. The best previous records set at Nellis on other aircraft have been in the area of thirty-eight hours a month per aircraft. This has been with systems far less complex than those of the F-111A.

Colonel Dethman emphasizes that the five airplanes are all different, that they are not production models, and that they offer a type of disparity, both as to maintenance and the flight envelope, that his wing will not face when it has production aircraft. Airplane No. 31 (*see cover*), flown into Nellis on October 16 by Colonel Dethman, was the first F-111A to be delivered fully configured for operational use.

The thirty-first F-111A and the following aircraft now being delivered to Nellis incorporate two improved Pratt & Whitney TF30-P3 engines, modified engine air inlets, an attack radar, and other changes not included on all of the test aircraft.

These are changes that both air and ground crews await with a new kind of impatience. Of the features already aboard, in the preproduction models flown by Harvest Reaper pilots, the men are most enthusiastic about the avionics. The radar and navigation systems, all agree, are the best they have ever seen.

It is not difficult to find pilots at Nellis who entered the F-111A program with a high degree of skepticism. And it is not entirely gone. A typical major, an F-105 veteran of Vietnam who has shot down a MIG, says that so far he has been learning what he can do with a new and different kind of weapon system.

"It is not possible," he says, "to compare the F-111A with other planes I have flown—the F-105, RF-101, F-86, or F-84. This thing is entirely new and different, and I know there is no single answer to all our problems. The F-111A is easy to fly, but there have been some deficiencies in the RDT&E planes we have been using. But I expect they will be licked, for the most part, when we all have production models."

This man is struggling to get used to the side-by-side seating arrangement. The avionics systems are monitored, for the most part, by the man on the right. The pilot simply can't see out that side of the cockpit from his seat on the left. The veteran, of course, has been able to look right or left and over his shoulder on each side and past the tail. He does have a detector in the tail that can tell him when he is being followed, but it does not identify what it is that is coming up behind. This can be disquieting to a combat veteran who is used to single or tandem seating. The F-111A provides four eyes to look straight ahead, which has its advantages, and the electronic systems provide new low-level capability for day or night missions.

A recent illustration was provided by Colonel Dethman when he flew F-111A No. 31 from the General Dynamics plant at Fort Worth, Tex., to Nellis. It was an automatic flight, less than 1,000 feet above the ground for 1,047 miles. Colonel Dethman used the controls only on takeoff and landing.

The terrain-following radar (TFR) makes the F-111A capable of day or night low-altitude penetration of subsonic or supersonic speeds. It does not have to be automatic, but can be set for manual operation, which might be necessary to evade enemy defenses, particularly where they are as heavy and diverse as they are in North Vietnam. A safety feature is that the system continuously checks its own operation. If there is a malfunction, the aircraft goes to a higher altitude. The radar is the AN/APQ-110

made by Texas Instruments and is used in partnership with the flight control system made by General Electric.

One pilot, interviewed at Nellis, had drawn up his own list of what he considered good, fair, and poor about the F–111A. His opinion is based on close to 100 hours in the preproduction (RDT&E) models.

Under *good*, this veteran lists range, endurance, bomb load, stability, flight control, navigation, radar, bombing systems, and landing characteristics.

The maneuverability and takeoff distance he rated as *fair*. Under *poor*, he was critical of the thrust and subsonic acceleration provided by the early model engine, the air-to-air radar capability, and the manual operation of the scope camera.

This brings up the whole subject of the Pratt & Whitney engines, their role in the development problems, and the various versions of the engine. The first five aircraft at Nellis, RDT&E models, are powered by the TF30–P1. The production airplanes have the TF30–P3, with modified air inlets.

Maj. Gen. John L. Zoeckler, Deputy Chief of Staff for Systems at AFSC and former director of the F–111 program, is first to admit that the most serious deficiency at the outset was the matching of the airplane and the engine. There were compressor stalls, especially at high speeds and altitudes. He is confident this has been corrected and that the TF30's combination of turbofan and afterburner will guarantee low fuel consumption for long-range subsonic flight. The feature was demonstrated when an early F–111A was flown nonstop to the Paris Air Show last June.

The unusual thing about the F–111A afterburner is that the pilot is not restricted to using it for a "kick-in-the-pants" approach to higher speed levels. For the first time, he can use more than "power-on" and "power-off" settings for the afterburner. He can take advantage of a smooth range of thrust augmentation, going through five zones of afterburner application.

The experience at Eglin AFB and Edwards AFB also shows that the graduated afterburner contributes to fuel economy, when that is important to a mission.

General Kinney, at Eglin, has his own list of major advantages he sees in the F–111A. On one of his first flights, with a contractor pilot, he was instructed to set the TFR dial for fifty feet and let the plane go to that altitude and skim the ground. At the moment he got the instruction he was at 20,000 feet. General Kinney says it was difficult to resist grabbing the stick as the aircraft started to go down fast, seeking the fifty-foot level. He managed to leave it alone, and the F–111A leveled out at fifty feet and continued the mission, automatically. The General says he was convinced that the plane is safer and puts the pilot in a better position to do his job, visually or blind, than any other aircraft he has seen.

The F–111A can operate from short runways. It needs 1,500 to 3,000 feet to land. With a heavy load it can take off in less than 5,000, usually about 3,500 feet. The landing speed is in the range of 125 to 130 miles an hour, with no drag chute employed. Outside of what it contributes to safety, this feature increases the flexibility of the F–111A by permitting it to operate out of available airports in more undeveloped countries. It is attributable, of course, to the variable-sweep wing, which lets the pilot redesign the airplane in flight for a range of speeds from slow to supersonic.

The aspect ratio of the F–111A wing, a characteristic that is important in achieving long range, is on the order of 6.9 with the wing at cruise position. Aspect ratio of a 727 airliner is 7.1, and that of the military F–4 fighter is 2.82.

Those who have never flown the airplane have been free with criticism of the F–111A. For this report, the men who have flown it were asked to assess some typical fault-finding. Here is a résumé of their answers, compiled from sources at five USAF commands:

The first thirty F–111As have performed so poorly they will never be fit for active service. The first thirty never were intended for active service. They are for RDT&E. No two are entirely alike. Hundreds of changes were made before No. 31, the first production aircraft, was built, and more changes will come. The deficiency lists on the early aircraft are no longer than and no different from the same lists for other aircraft now in the fighting inventory. This is routine in the development of new weapon systems. If it were not true, it would be an indication that the aircraft would be obsolescent before it was operational.

The thirty-first F–111A still falls short of several requirements. Correct, if you substitute *specification* for requirements. With the changes that were incorporated in the design, weaponry, and subsystems, some original performance specifications had to be revised. The substitution of iron bombs, hanging on pylons under the wings, for internally carried nuclear weaponry, is an example. This has increased the versatility of the F–111A and thus its effectiveness. The airplane also falls short in low-level dash range, but still is acceptable to the using commands and will carry out its mission. It is not unusual for the user to ask, initially, for more than he can get. But it is a good way to make progress, and the F–111A still has a supersonic dash capability superior to that of any other aircraft in the world today.

USAF specified a 40,000-foot ceiling. No. 31 will not be able to operate above 30,000 feet with a bomb load. USAF specified much more than 40,000 feet, but not with a bomb load. There was no requirement fixed for a ceiling with externally mounted iron bombs. The F–111A can carry up to forty-eight of them hanging on four pylons under each wing. Work is under way at Eglin AFB to provide bombs with guidance and better aerodynamic properties.

Because of buffeting, the size of the speed brakes was reduced until they are largely ineffective. The speed brakes are effective. The buffeting is undesirable but not uncontrollable. This is not a major problem. From a practical viewpoint, the variable-sweep wing is the best speed brake on the airplane.

Takeoff weight of the F–111A has increased from 69,000 pounds to nearly 90,000 pounds. This is true when the aircraft is fully loaded with iron bombs. The 69,000-pound figure was for a load of one nuclear bomb and two GAR–8 rockets. The aircraft can take off weighing up to 98,000 pounds. USAF now wants tires qualified to support a weight of 100,000 pounds.

The ferry range is 800 miles less than USAF required. Wrong. The F–111A can remain on patrol hours longer than any other fighter. The flight to the Paris Air Show was 2,900 miles. On arrival, there were two hours of fuel remaining.

There are engine troubles still unfixed. The TF30–P3 will resolve afterburner problems encountered in the RDT&E aircraft, as well as thrust deficiencies. There is confidence that most basic development problems in the engine have been solved.

Anyone who seeks out the men most familiar with the F–111A will come up with scores of observations and related experiences that they use to express their high hopes for the new system. Here are some examples:

A General Dynamics pilot, at Eglin, had a malfunction in his bomb-release mechanism, after releasing one bomb. If he dumped the remainder in the Gulf of Mexico, he might lose all clues about the malfunction. He elected to land with nineteen 750-pound bombs under his wings. The plane stopped in less than 5,000 feet of runway. The bombs were loaded with cement.

The TFR equipment astounds the veterans. For the first time, pilots have had the experience, flying automatically at 200 feet, of passing *beneath* the level of a TACAN station.

Every pilot in the program knows that the F–111A was not intended to perform up to specifications, or meet requirements, until aircraft No. 31 was delivered in October. They feel that criticism before this date was premature and that the aircraft follows the pattern set for all earlier weapon systems. In many cases, the first test results were identical with those experienced on other aircraft. Specifications were much higher than requirements; that also is normal.

The airplane, in its test program, has set an extraordinary record for safety. Far fewer aircraft have been lost than USAF experienced in previous similar programs (*see accompanying table*).

The high utilization rate of the first five aircraft at Nellis is attributed almost entirely to the maintenance and reliability features of the F–111A. General Dynamics officials point out that their contract is the first one to include "specific quantitative maintainability requirements." This means that reliability and ease of maintenance had to be designed into the aircraft. Ninety-five percent of the components that need service are eye level when the mechanics remove the fuselage plates.

Reliance on ground-support equipment (GSE) is reduced by self-testers built into the aircraft's subsystems. In contracting for these subsystems, General Dynamics has passed the basic USAF requirement along to the subcontractors. The reliability and ease of maintenance was not easily achieved. No supplier met the demand on the first design effort. As a rule, it took three exercises, back at the drawing board, to satisfy the prime contractor that the results would suit the customer.

Another factor, according to General Dynamics, was that, in this case, full funding was provided for the ground-support equipment early in the program. This is not always so and in the past has resulted in the delivery of new weapon systems that could not be properly maintained until all GSE was available.

So far as the self-test equipment is concerned, some of it can be operated directly from the cockpit, giving the aircraft commander and pilot an instant check. The remainder is available through test stations, manually operated after fuselage panels have been removed. The built-in test circuits make it possible for a technician to locate a malfunction quickly. Then, a line replaceable unit (LRU) can be pulled and replaced. The LRUs are sent to the avionics shop for repair. All of this makes the location of trouble swift and easy and cuts ground time on the airplane.

Because the F–111A program is so young and most of the aircraft are RDT&E models, there are no sound figures available at Nellis on the maintenance manhours per flight-hour. The design requirement is for not more than thirty-five hours of ground work for each hour in the air, and the high utilization record set at Nellis indicates it will be easily met. In one test run, the figure was down to 12.6 hours, but this was not considered definitive. The September utilization record of 60.8T hours per aircraft, set at Nellis, is at least twice as good as the requirement, which was set in the contract at thirty flight-hours per month per aircraft.

There has been no attempt in this report to examine other versions of the F–111, programmed for the U.S. Navy, Australia, Great Britain, or the Strategic Air Command. USAF is not concerned at this point with the inferno that surrounded the selection of General Dynamics as the contractor, the virtues

of the design as opposed to that offered by the Boeing Co., or the role, if any, played by politicians when the F-111 was known, in the embryo, as the TFX. Neither have we investigated the choice of materials in the aircraft, the extent of commonality, the location of engine inlets, or the degree of competence displayed in estimating costs.

All of these subjects, and others, have been involved in the brouhaha that has been raging about this aircraft for years. The men most intimate with its performance as USAF's F-111A read the newspaper and congressional comments with astonishment. A national weekly calls the airplane a "lemon." In the Senate, a Claghorn-type speech declared it "a poor strategic bomber and an even poorer tactical fighter," a statement the pilots say is at least half wrong.

So far as USAF is concerned, the pudding now is ready for eating. So far as the crew at the table is concerned, the question is out of the kitchen and away from the cook, except for seasoning. The F-111A is a weapon system in being.

THE F-111 INDUSTRY TEAM

Prime Contractor: General Dynamics Corp., Fort Worth Div., Fort Worth, Tex.

Associate Contractor: Hughes Aircraft Co., Culver City, Calif., Phoenix missile system.

Associate Contractor: United Aircraft Corp., Pratt & Whitney Aircraft Div., East Hartford, Conn. Engines.

Subcontractor: Principal and Associate: Grumman Aircraft Engineering Corp., Bethpage, N.Y., Aft fuselage sections and F-111B assembly.

SUBCONTRACTORS: MAJOR SUBSYSTEMS

AVCO Corp., Electronics Div., Cincinnati, Ohio, Countermeasures receiving systems.

The Bendix Corp., Electrodynamics Div., North Hollywood, Calif. Servo actuator for horizontal tail, rudder, and spoilers. Navigation and Control Div., Teterboro, N.J. Air data computer.

Collins Radio Co. Cedar Rapids Div., Cedar Rapids, Iowa. Antenna coupler.

The Garrett Corp. AiResearch Manufacturing Co., Los Angeles, Calif. Air-conditioning system, engine starter (pneumatic).

General Precision, Inc. Link Group Binghampton, N.Y. Mission simulator. GPL Div. Pleasantville, N.Y. Doppler radar.

General Electric Co. Defense Electronics Div.

Aerospace Electronics Dept., Utica, N.Y. Attack radar. Defense Electronics Div. Avionics Controls Dept., Johnson City, N.Y., Flight control, lead computing optical sight set, and the optical display sight set. Missile and Space Div. Armament Dept., Burlington, Vt. Ammunition handling system.

Honeywell, Inc. Aeronautical Div. Minneapolis Minn. Low-altitude radar altimeter.

Litton Industries, Inc. Guidance and Controls Systems Div., Woodland Hills, Calif. Navigation and attack system, astrocompass.

McDonnell Douglas Corp. St. Louis, Mo. Crew module and escape system.

Motorola, Inc. Aerospace Center, Scottsdale, Ariz. X-Band transponder.

North American Aviation, Inc. Autonetics Div. Anaheim, Calif. Mark II and Mark IIB avionics.

Sanders Associates, Inc. Nashua, N.H. ECM group.

Sundstrand Corp. Sundstrand Aviation Div. Rockford, Ill. Constant speed drive engine starter (cartridge), emergency power unit.

Texas Instruments, Inc. Apparatus Div. Dallas, Tex. Terrain-following radar.

Textron, Inc. Dalmo Victor Co. Belmont, Calif. Radar homing and warning.

United Aircraft Corp. Hamilton Standard Div. Windsor Locks, Conn. Air inlet and cabin pressure equipment.

Westinghouse Electric Corp. Aerospace Electrical Div., Lima, Ohio. AC power system.

PRESIDENT JOHNSON, HOWARD SAMUELS, AND THE CHALLENGE TO AMERICAN BUSINESS

Mr. BREWSTER. Mr. President, last week at the White House, President Johnson swore into office as Under Secretary of Commerce a distinguished businessman, Mr. Howard Samuels, of New York.

Mr. Samuels is not the first businessman to serve his President and his country.

The business community has always responded—even at personal sacrifice—to the call of President Johnson and to the call of the people.

But this swearing-in ceremony has particular meaning for the business community and the country.

Howard Samuels, a success in his own right, has been asked to help to mobilize the business community for cooperation in the President's new housing and job development programs.

He has been asked to place his considerable expertise and intelligence at the service of his country, at a time when every sector in the Nation must cooperate to lift our citizens to a new and even higher standard of living.

We are now in the 82d month of continuous prosperity. That prosperity must mean more than just better incomes for our citizens. It must mean that every citizen has an equal opportunity to share in our prosperity. That is what President Johnson wants. That is what Under Secretary Samuels will help him to achieve.

I know that Congress will work with him and the President and the business community to achieve a better America for all our citizens.

I ask unanimous consent that the remarks by President Johnson at the swearing-in ceremony for Under Secretary of Commerce Howard Samuels, of New York, be printed in the RECORD.

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

REMARKS OF THE PRESIDENT AT THE SWEARING-IN CEREMONY FOR HOWARD SAMUELS, THE EAST ROOM, NOVEMBER 30, 1967

Mr. Howard Samuels and family, Secretary Fowler, Mr. Justice Fortas, members of the Congress, ladies and gentlemen, and friends:

I am here this morning to hand new challenges to a man who has really made a career of challenges.

Howard Samuels has been facing up to challenges all of his life.

In the public schools of upstate New York.

In the classes of MIT.

In the Army before Pearl Harbor, when he was fighting with Patton across Europe.

Lieutenant Colonel Samuels, age 26, came back from war with an idea and with a dream. He began his own business in an abandoned old schoolhouse. The rent was $35 a month. He and his brother built a corporation from that. It is now this nation's largest producer of plastic packaging.

Howard Samuels leaves this success behind—because another and a larger challenge has brought him to his Nation's Capital.

He takes high office this morning in a department that once spoke only for business. Now it speaks to business about the real business of America—the well-being of all the American people, including the business people.

So Mr. Samuels, your President wants to challenge you—and to challenge American business—to do more to solve the stubborn problems that plague this Nation and that keep us worrying at night.

Let me mention just two of those problems in the brief time this morning:

One is the shame of America. It is the slum of America—the nameless sub-city of the poor that exists in every State. It is a sprawling hovel where 20 million Americans—10 percent of all of our people—today live in tenements, in rural shacks and tar-paper shanties.

There are nearly 6 million of these so-called homes in this, the richest land in the world. Law and decency condemn them. Yet they stand—supported by our inaction, and also supported by, I am afraid, our indifference. They stand 30 years after President Franklin Roosevelt signed our first public-housing act. They stand despite all that the last five Presidents have done to try to wipe this shame from the face and from the conscience of the wealthiest people on earth.

So much for challenge one. The second challenge is to try to hire and to train the half-a-million hardcore unemployed. That is what we are talking about—500,000 hardcore unemployed.

This is our forgotten labor force. It is an unenlisted legion, a neglected resource of a rich and productive America.

They are the last in line. They do not share in America's abundance because they are the handicapped, they are the unskilled, they are the untrained, and they are the slighted victims of indifference and of discrimination.

Some of us think and hope that all they are asking of us is a chance. We are trying as hard as we know how to give them that chance—a chance to work at a good job at a decent wage.

But we do need help. Government just cannot do it alone. We need the energy, we need the genius, we need the imagination, and we need the initiative of the businessmen of America who have built this great, free enterprise system into the most powerful economy in all the world.

Last month I asked the distinguished Secretary of Commerce, Mr. Sandy Trowbridge, to get our businessmen involved, to get them involved in hiring and training these cast-off Americans. The Secretary turned to our country's 500 largest firms and asked them for help:

Twenty-three of these 500 said they would help.

Twenty-nine said they would not help.

Eighty-five said they were interested.

But the men on the highest levels sometimes just deal with the cream of the crop. That still leaves, after Mr. Trowbridge worked these days, 70 percent for you, Mr. Samuels. They have not committed themselves. We are going to put you in the nose of the cone in the goldfish bowl and we are going to see what you do and what the 70 percent of the 500 do about helping us do something for these half-million hardcore unemployed.

I believe the businessman can become concerned, if he knows the facts. But the average businessman is, first of all, always concerned first with his own business. He is busy with his own affairs. The pity of that is a terrible, accidental callousness to the greater business of all of us—a very dangerous thing. His business is not going to ultimately be any better than all of our business.

Tomorrow morning, we will begin the 82nd consecutive month of growing prosperity in America. In less than seven years, corporate profits after taxes have increased 93 percent—almost doubled in the last seven years—corporate profits after taxes.

So I summon American business this morning, as I did yesterday at the luncheon here in the White House. I summon them in their surge of prosperity, to try to look back

at its wake: to look hard at the nameless slum city of the poor and to look hard at this forgotten labor force—and try to help the leaders of commerce join the leaders of the workers in doing something about it. Government can supplement their efforts but cannot supplant them.

Now, before we administer the oath, I must remark upon your wonderful family of eight children. I think it is right that a man who will help to run the Census Bureau should have such a large and attractive family.

So in the language of commerce, "It gives a man a piece of the action."

EQUAL OPPORTUNITY IN HOUSING—CORRESPONDENCE BETWEEN SENATOR EDWARD KENNEDY AND THE FEDERAL TRADE COMMISSION

Mr. KENNEDY of Massachusetts. Mr. President, we are all used to hearing the refrain: "If poor people showed some ambition and initiative they could escape from poverty and the slums." There are many reasons for questioning the validity and relevancy of this assertion, but in one field its absurdity is obvious and distressing. No matter how great his aspiration and ambition, neither the poor Negro-American, nor the rich one, can choose where to live. Whether he is moving from a tenement into a city high rise, or from a high rise into a suburban garden apartment; or from a garden apartment into a country split level, the color of his skin bars him from access to a large part of the housing market. No matter how secure and successful he may be, he finds himself judged not on his financial responsibility, or even his personality or the number of children he has, but rather on his pigmentation.

Can there be any justification for this throwback to slavery? Is there any rational basis for rejecting a man as a neighbor solely because of his color? I daresay no intelligent citizen can give these questions an affirmative answer, yet through ignorance and fear and prejudice the practice continues, and some people continue to defend it.

Most real estate dealers and builders and apartment owners say that they do not condone or support the practice, but that they are forced to maintain it as long as their competitors do. They say that if there were laws or regulations or other sanctions to end discrimination throughout the housing market they would gladly and voluntarily cooperate. In fact this is what happened after passage of the public accommodations title of the 1964 Civil Rights Act. Voluntary compliance was the rule and the exceptions were few and far between. With the force of congressional policy behind them, individual restaurateurs, hotel keepers, and theater operators could meet the demands of morality and conscience by opening their facilities to all, without risk that their competitors would do otherwise.

Clearly, the most logical solution in the housing field would be an equally forceful and comprehensive Federal open housing bill, ending once and for all the vicious practice of racism in real estate. Such a bill was passed in the 89th Congress by the House and received the support of a majority of the Members of the Senate. Nevertheless, as we well know, a minority of the Members of this body were able to prevent it from becoming law. A similar bill is before the Senate this year, but a similar effort to obstruct is already promised.

Mr. President, it is strange, indeed, that some of the very same people who seek to prevent the Congress from meeting its responsibility in the vital field of open housing, are also the ones who complain the loudest when as a result of repeated congressional defaults, it becomes necessary for the judicial branch or the executive branch to take strong initiatives in sensitive fields.

That phenomenon is becoming more and more apparent with regard to housing. What Congress could do and should do in one clean sweep must be done instead through piecemeal action by States and counties and cities, and by Presidential regulation and military order, and by administrative agency action. This is an expensive and time-consuming way to go about the job, and will not do the job adequately. The Executive order on housing affects only federally financed or guaranteed housing. The Defense personnel housing orders affect only neighborhoods of military bases. But until fully effective legislation is passed, or until the Supreme Court is forced to decide that the Constitution or existing laws already meet the need, the piecemeal approach must be pursued and pursued vigorously if we are to achieve as nearly as possible the constitutional goal of liberty and freedom for every American.

Last May I raised with the members of the Federal Trade Commission one opportunity for effective action within their jurisdiction.

I suggested in a letter to each Commissioner that the practice of offering in interstate markets housing which is ostensibly for sale or rent to all comers, but which in fact is closed to people of particular races or religions, constitutes deceptive advertising within the meaning of the applicable laws and rules under which the Commission operates.

The responses I received indicated that the members of the Commission agreed that this was a matter within their jurisdiction, although there was disagreement as to what the Commission's action should be. I therefore proposed a course of action consisting of the filing of a series of complaints in test cases across the country, and formally requested the Commission to follow this course.

That was in July. On September 25, I received a progress report from the Chairman of the Commission indicating that the FTC had proceeded on a staff level to develop the information necessary to determine whether complaints should be filed in a group of specific cases. The Chairman stated that the staff investigations were being conducted in the Washington, D.C., metropolitan area both because of the ease of developing evidence in this area and because the bringing of the first cases in the Nation's Capital would help to focus national attention on the principle in issue. The Chairman indicated that the Commission was prepared to take action in a matter of weeks if the investigations disclosed facts supporting the charge of deceptive advertising.

Although I have not heard from the Commission since September 25, news reports over the weekend indicated that the Commission voted last week to issue complaints against certain real estate advertisers in the District of Columbia area. There has been no confirmation of this fact from the Commission, but the persistence and similarity of reports from several sources suggests that complaints have in fact been authorized.

Mr. President, if the Commission has acted in this important field, a strong blow for freedom and equality of opportunity will be struck. If real estate ads are required to disclose that the offers they make are not open to all, the results will be immediate and widespread. In some places discriminatory advertising will be prohibited by law. In others the media will not be a party to such racism, and will not accept the advertising. In still others, builders and owners who were willing to discriminate covertly and anonymously will not do so when they have to admit it openly. And finally, in many places the pressure of public opinion and the unwillingness of many citizens to do business with offerors who discriminate will create a strong stimulus to changed policies. Of course this will not be a complete answer, but it will help significantly in many of our large metropolitan areas and in housing developments which are offered on a regional or national scale.

Today's news also brings some hope that we may achieve some help toward a solution from the judiciary if Congress again fails to act. The Supreme Court yesterday accepted for consideration a case which will test the contention that existing principles of law already bar racial discrimination in certain housing developments. My personal hope is that the 90th Congress will meet its responsibility by passing an open housing bill which will moot the case before the Supreme Court. But if we do not, then we will have to continue attacking the problem in every possible alternative way, and sooner or later the Supreme Court will have to act. For emotionalism and demagoguery cannot hide the simple fact that Negro Americans today are not free and are not equal when it comes to housing, and they and all Americans have a right to demand that this gaping hole in the facade of our democracy be filled, fully, fairly, and soon.

Mr. President, I ask unanimous consent that my correspondence on this subject with the Federal Trade Commission, and an article published in the Washington Post of December 2, be printed in the RECORD.

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

MAY 8, 1967.

Hon. ———,
Commissioner, Federal Trade Commission, Washington, D.C.

DEAR COMMISSIONER ———: I would like to raise with you a matter which has become of increasing concern to me with each passing month.

It seems patently obvious that many of the apartments, homes, and parcels of real estate offered for sale or rental in interstate commerce are not in fact offered to all comers. This is especially clear in multi-state metropolitan areas such as the District of Columbia, where offerings in Maryland and Virginia suburbs which are not available to Negroes are advertised in D.C., where the majority of the population are Negroes. Of course, in other parts of the country there are restrictions based on religion or national origin rather than race.

It seems to me that, since the advertising for such homes, apartments, and real estate gives the impression that they are being offered to all comers, and since this impression is false, there would thus arise a question of misrepresentation with regard to such advertising. Citizens who might wish to avail themselves of the opportunities offered must frequently take the time, effort and expense to call, write, or visit the offeror before discovering the restrictive nature of the offer. In addition, they might be forced to undergo the embarrassment and emotional strain of being told in person or by mail or by telephone that the offer is not being made to people of their race, religion, or national origin. On the other hand, potential buyers and renters who are not members of the excluded groups, but who do not wish to deal with offerors who discriminate, may be misled by the silence of the advertising as to this material element of such offers. Moreover the media who carry such advertising, although they may have a policy against publishing offerings which are closed to readers of a particular race, religion, or national origin, have at the present no convenient means of determining whether proposed advertisements meets that standard, since there are no governmentally enforced requirements of prior disclosure even to the media.

I would be most interested in having as soon as possible your thoughts as to whether the Federal Trade Commission might have *within its* powers and jurisdiction, some means for correcting this situation and what procedural steps would be necessary for the Commission to act in this area.

My own preliminary conclusions would be that the inherent misrepresentations would alone bring the problem within your purview, that as a practical matter existing practices do have substantial negative effects on the volume, nature, and competitiveness of the interstate markets for residential premises and sites, and that a disclosure policy would have both direct and indirect effects tending to improve the flow and competition in these markets.

I am taking the liberty of sending an identical letter to each of the Commissioners so that I may have the benefit of the suggestions of each of you. Since this is a matter of which I am placing some priority, I look forward to your early reply.

With best regards,

Sincerely,

EDWARD M. KENNEDY.

FEDERAL TRADE COMMISSION,
Washington, D.C., May 12, 1967.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Thank you very much for your letter of May 8th. I agree 100% with everything you say. The Federal Trade Commission has ample authority to take effective remedial action with regard to this problem, at least in the District of Columbia metropolitan area. For several years now, I have been urging the Commission—unsuccessfully thus far—to take action. However, I am hopeful that there will soon be a majority favoring the issuance of complaints directed at this kind of unfair and deceptive advertising. For that reason, I especially welcome your expression of views to each Commissioner.

With best wishes,

Sincerely,

PHILIP ELMAN.

FEDERAL TRADE COMMISSION,
Washington, D.C., May 12, 1967.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: This is in response to your letter of May 8, 1967, in which you inquired concerning the powers and jurisdiction of the Federal Trade Commission to deal with the representations in connection with the renting of real estate in the District of Columbia, Maryland, and Virginia. It is said that there is some thought that some of the representations involved are not completely accurate in that they do not disclose that the property being offered for rent is not available to Negroes.

The question of whether the Federal Trade Commission might have within its powers and jurisdiction some means of dealing with this situation and what procedural steps would be necessary for the Commission to act in this area as well as whether it would be appropriate for the Commission to inject itself into the larger question involving civil rights are questions which have troubled the Federal Trade Commission for some time.

There have been arguments pro and con that even if the Commission should be considered as having power and jurisdiction over any of these matters, then because of the larger question of jurisdiction over civil rights problems generally, it should consider carefully whether anything it would do in this area would interfere with or prejudice any possible, contemplated or planned action by the Attorney General or other officials of government under laws other than the Federal Trade Commission Act. Also, the question has been asked whether the Commission, by injecting itself into any aspect of this matter through any attempt to invoke provisions of the Federal Trade Commission Act would thereby be treading upon or attempting to forecast the views of Congress regarding the appropriate public policy applicable to the open housing issue.

In view of all of these troublesome and unresolved questions, I have proposed that the Commission conduct a public hearing on these questions in which all interested persons would be provided with an opportunity to supply the Commission with data, views and arguments relevant to these questions. My proposal did not find favor with a majority of the Commission; therefore, it was not approved. It is my thought that such a public hearing would provide an opportunity for the Commission to explore questions going to the powers and jurisdiction of the Commission as well as means available to the Commission to deal with the situation to which you have referred. Also, such a public hearing would provide an opportunity to develop information about the public interest in the Commission doing something about the problem. It is clear that in doing what I have suggested we would have been able to answer a number of the questions which you have propounded in your letter. As matters stand now, I doubt that we have any conclusive answer on either the facts, the law or the public policy which would be acceptable to a majority of the Commission as a basis for a decision on what course of action should be taken by the Commission.

I trust that these comments will be found by you to be responsive to the request you have made of me.

With best wishes and warm personal regards, I am,

Sincerely,

EVERETTE MACINTYRE,
Commissioner.

FEDERAL TRADE COMMISSION,
Washington, D.C., May 24, 1967.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: This is in response to your letter of May 8 regarding rental and sale advertising of homes and apartments. I am in complete agreement with you that an advertisement may be materially deceptive if those responding to it are subjected to conditions not set forth in the advertisement. I am further of the opinion that advertising of this kind may be a violation of Section 5 of the Federal Trade Commission Act.

You ask whether the Federal Trade Commission can correct this situation and what procedural steps are available. In the Washington area, which is essentially an interstate metropolis, there is no question that the Federal Trade Commission has the jurisdiction to proceed against deceptive advertising. However, since real estate dealings of the kind involved are largely local transactions, there is a question whether the Commission can act effectively throughout most of the United States. Assuming a basis for federal jurisdiction, the procedural steps open to the Commission after informing itself of the nature and dimension of the problem are either the adjudication of particular cases after issuance of complaint or a more comprehensive approach through rule making.

You will be interested to know that the Commission has undertaken an investigation of housing advertising in the Washington metropolitan area as an aid in determining what course can best be pursued by the Commission in this matter, including the issuance of complaints.

I am informed that this investigation has been completed and that the staff's report will shortly be submitted to the Commission.

Sincerely yours,

JOHN R. REILLY,
Commissioner.

FEDERAL TRADE COMMISSION,
Washington, D.C., May 16, 1967.

Hon. EDWARD M. KENNEDY,
Committee on the Judiciary, U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: It was very good to get your letter of May 8, 1967 and to know of your concern about the advertising of commercial housing in the metropolitan areas and in the District of Columbia, a concern which we all share.

The Federal Trade Commission has been concerned with this problem officially now for about a year. We have started an investigation of just precisely the type of advertising to which you refer in your letter. I am enclosing copies of our correspondence with CORE, which was the first complainant in this matter. This correspondence sets out the limits of our jurisdiction in this situation. We have also been in touch with the Corporation Counsel's office in the District of Columbia and with various other organizations in the metropolitan area to ascertain their experience. I personally have discussed this matter with Sterling Tucker of the Urban League and have asked his organization to forward to us any complaints of which they are aware.

I do not know whether you personally receive complaints in this area, but if you do I hope that you will forward them to us.

With all good wishes.

Yours very sincerely,

MARY GARDINER JONES,
Commissioner.

FEDERAL TRADE COMMISSION,
Washington, D.C., May 17, 1967.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Your letter of May 8, 1967

reached my office while I was out of the city. I returned on Monday to a Commission meeting with representatives of the Grocery Manufacturers Association. This meeting ran into the afternoon, when a previously announced press conference was held, dealing with the opening of a laboratory here in the Commission building to be used to test the tar and nicotine contents of cigarettes. Immediately thereafter I had to depart for New Orleans to meet a speaking commitment on May 16, and I have thus been unable to answer your inquiry until today.

In your letter you call attention to the fact that apartments, homes and parcels of real estate are advertised and offered for sale in interstate commerce—especially in multistate metropolitan areas such as the District of Columbia, Maryland and Virginia—which are not available to Negroes and that in other parts of the country similar restrictions are based on religion and national origin rather than race. You further point out that this raises a question of misrepresentation, and that citizens who might wish to avail themselves of these advertised opportunities frequently take the time and effort to call, write or visit the offeror before discovering the restrictive nature of the offer. You point out the embarrassment and emotional strain that come to such people, as well as the fact that potential buyers and renters who are not members of the excluded groups, but who do not wish to deal with offerors who discriminate, may be misled. You ask my individual thoughts as to whether the Federal Trade Commission has within its powers and jurisdiction some means for correcting this situation.

In 1938 Section 5(a)(1) of the Federal Trade Commission Act was amended by adding the following words, "* * * unfair or deceptive acts or practices in commerce" are hereby declared unlawful. Congress thereby substantially increased the powers and duties of the Federal Trade Commission. Quite frankly, the words "unfair or deceptive acts" are extremely broad and were so intended by the Congress so that the Federal Trade Commission would be free to develop them into a body of law under the recognized doctrine of inclusion and exclusion. It is my opinion that under a strict application of the above language the practices you describe in your letter are highly questionable.

This opinion on my part, however, does not resolve the matter completely. You will recall that before the Federal Trade Commission may proceed against an unfair and deceptive act or practice, the act or practice must be "in commerce." Historically, the Commission has restricted itself, wisely, in my opinion, to proceeding only against acts or practices which resulted in the movement of goods or a sale in commerce. It is agreed by the present Commission that the Commission has within its authority power to proceed against advertising, as such, which is disseminated in commerce, regardless of whether such advertising results in the sale of goods or articles in commerce. The present Commission, however, has not deviated from the long-standing policy of not moving into this area simply because, as a practical matter, it could not effectively process the avalanche of complaints that might be expected to result from a change in the policy. I think you can understand why this might be the expected result. For instance, there is hardly a newspaper or magazine which does not in one manner or another circulate across state lines. A change in Commission policy would mean that practically every practice that may be engaged in by all local businessmen in America which might appear questionable under the broad provisions of Section 5 of the Federal Trade Commission Act would be called to the Commission's attention with a demand for action against it.

The Federal Trade Commission now has approximately 1,150 employees, with about fourteen million dollars annually in appropriated funds, to carry out the broadest mandate given to any agency of government. Stated simply, our obligation is to see to it that business remains fair and that the consumer is not deceived. A reading of the Congressional history of the Act, however, and study of the judicial interpretations under it will lead any reader to the conclusion that the Congress only contemplated that this agency would act in the field of trade and commerce, and not in the general area of civil rights.

I think it would be unwise for the Commission, acting on a case-by-case basis, to venture into this field. I agree with you that the housing problem must be resolved. I would suggest, however, that it should be resolved by the Administration, by and with the help of the Congress, not by an administrative agency created to deal with problems associated with interstate trade and commerce.

As you know, actions of the Federal Trade Commission are taken by a majority of a quorum of its membership. With all five members of the Commission participating, this means by an affirmative vote of three members. Should this matter come to the table, I certainly would think it unwise for the Commission to proceed on a case-by-case basis and would so vote. If it should be the will of a majority of the Commission to act in the field, I would then counsel and urge that the Commission proceed on an across-the-board basis, possibly looking to the issuance of a trade regulation rule. This would be the fairer approach and would afford the Commission a record basis upon which it could determine whether the practices involved are in general unfair or deceptive and what guidelines or rules, if any, the Commission might issue in an attempt to help resolve the problem.

I have appeared many times before many committees of the Congress where I have heard the expression that "the Commission is an arm of the Congress"—an agency created to carry out the expressed will of the Congress. I do not believe it is the will of the Congress for the Commission to enter the civil rights field with respect to the advertising of housing. This, of course, does not mean that we should not enter the field when the practice complained of, including the advertising, falls clearly within the existing policy of the Commission. I have attempted here to distinguish the two concepts.

To summarize, in part: I do not think the Commission should enter any new field where it could be reasonably anticipated that as a result it would receive an avalanche of complaints, unless it is first satisfied that it is properly manned to follow through. If the Commission should announce its intention to undertake to resolve the advertising practices with respect to housing, I am convinced we should be inundated with thousands of complaints. We simply could not handle them unless funds had been previously appropriated. If the Congress or the Administration wishes the Commission to enter this area, it should first arrange to have appropriated to us the funds necessary to do an adequate job.

I hope my frank answer to the questions you have asked in your letter is satisfactory. If you have any further questions, I will be glad to clarify any ambiguities or to make myself available to you personally at your convenience.

With kindest personal regards, I am,
Sincerely,

PAUL RAND DIXON,
Chairman.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
July 7, 1967.

HON. PAUL RAND DIXON,
Chairman, Federal Trade Commission, Washington, D.C.

DEAR MR. CHAIRMAN: I want to thank you and the other members of the Federal Trade Commission for your frank and helpful replies to my letter of May 8, 1967. In that letter I raised the question of whether real estate advertising is not inherently deceptive and unfair when the offer appears to be addressed to the public generally but is actually open only to a limited segment of the public, and the premises advertised are in fact not available to many people because of their race, religion, or national origin. I suggested that such deceptive and unfair advertising in interstate commerce has a potential detrimental effect on such commerce, especially in multi-state metropolitan areas, and requested the views of each of you on the appropriateness of F.T.C. action in this field.

Your replies make clear that: the statutory basis for F.T.C. jurisdiction in this area is ample and adequate; the practices described, where proved to exist, would violate the prohibitions of the Federal Trade Commission Act; a majority, and perhaps all, of the members of the Commission favor initiation of some type of Commission action to remedy this problem.

Only two Commissioners indicated reservations on the issue. While their points appear to me to be peripheral to the central problem, the answers to the questions they raise do in fact help to emphasize the utility of F.T.C. action. Their concerns were that action by the F.T.C. might interfere with activities in the housing field by Executive Departments or by the Congress; that entry into the field by the Commission might entail administrative burdens which the Commission does not now have the staff or funds to meet; and that action on a civil rights-related problem might bring the Commission outside its central statutory assignment to matters of trade and commerce.

Very briefly addressing each of these suggestions, I would point out that:

F.T.C. initiatives would supplement and support, rather than interfere or conflict with, Executive Branch policies and programs. The President's Executive Order on Housing, the regulations of the Department of Housing and Urban Development, and the recent housing orders of the Secretary of Defense are examples of Executive policies which F.T.C. action would complement. There is every reason to believe that the responsible officials in the Executive Branch would welcome and encourage F.T.C. initiatives which might touch upon the housing field.

The pendency in Congress of a comprehensive fair housing bill should not and cannot justify failure of other agencies of government to undertake more limited entry into the housing field when required to do so in pursuit of their own primary functions. Again the examples in the Executive Branch, and particularly Secretary McNamara's order declaring certain discriminatory housing in the D.C. area off limits to military personnel, provide clear precedent. Moreover, even when Congress enacts such legislation there will probably remain gaps where agency action will still be necessary.

Representatives and members of the real estate industry have repeatedly emphasized that, while they may be economically unable to take individual initiatives towards fair housing, there would be widespread voluntary compliance with any official decisions in this field applicable to all.

This was in fact the result in the most analogous area, public accommodations. Thus, once the F.T.C.'s interpretation of the law is made clear, the level of disobedience and the necessity for enforcement should be minimal. In any event the possibility of needing to go to Congress for more funds and staff if a new burden arises from meeting a statutory responsibility is not reason to decline to meet that responsibility.

The clear impact of deceptive real estate advertising on commerce is not negated or

diluted by the fact that such violations of the F.T.C. Act may also involve discriminatory real estate practices. Indeed, while it is the protection of commerce which provides jurisdiction and standards for the Commission, and by-product benefits to the public in achieving equality of citizenship opportunities create a special public interest in speedy and firm Commission action.

The principal open question seems to be that of the most appropriate form of Commission action at this point. Again, in my opinion, a course of action which achieves the speediest and most effective results would best serve the public interest. The Commissioner's letters indicate that the jurisdictional questions and public interests in a remedy are not open to serious challenge. Thus it would seem that hearings to explore these preliminary questions might only serve to delay effective action. The present necessity is for receiving evidence on specific cases and for fashioning practicable remedies in the light of these cases.

In my judgment, the appropriate course would be for the Commission to proceed immediately to file complaints in a cross-section of test cases throughout the country.

It appears from the replies of some of the Commissioners that the staff is already prepared to present for action complaints pertaining to the District of Columbia metropolitan area. I am confident that in a matter of days or weeks each of your eleven regional offices would be able to develop other suitable test cases in multi-state metropolitan areas in their regions. With such a group of test cases the Commission could develop a firm factual foundation for any action which it found to be required by governing law. Its articulation of the controlling standards in these cases would serve as guidelines to the industry and to the public.

In accordance with Section 2.1 of the Commission's Procedures and Rules of Practice, I therefore suggest and request that investigations be initiated immediately with a view towards early issuance of complaints directed to the allegedly unlawful practices which have been described in this and my prior letter.

Misleading advertising of this nature causes great inconvenience and heartbreak to many Americans in their search for homes. At the same time it adds to the suspicion and distrust which impedes harmony among citizens of different races, religions, and national origins. The blight of discrimination has been attacked successfully in many areas of national life, but housing is one of the key remaining problems. I feel that the Federal Trade Commission can, by enforcing in the housing field the Congressional prohibition against misleading advertising, take a significant step towards assuring the right of all citizens to find homes without subjecting themselves to discrimination.

Again my thanks for the continuing attention of yourself and the other Commissioners to this important matter.

Sincerely,

EDWARD M. KENNEDY.

FEDERAL TRADE COMMISSION,
Washington, D.C., September 25, 1967.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Since receiving your letter of July 7, the Commission has given careful consideration to your request for immediate action attacking as an unfair and deceptive practice the advertising of housing accommodations which fails to disclose that such accommodations are not in fact available to many people because of their race, religion or national origin.

Upon receipt of your letter the Commission directed its staff to proceed immediately to attempt to develop facts permitting the issuance of not less than four complaints in the District of Columbia area on the subject of deceptive advertising of housing through failure to disclose material facts concerning those to whom the advertiser will rent or sell. The staff was further directed to conduct these investigations expeditiously and if the facts so warrant to draft and submit complaints to the Commission as quickly as possible. The Commission reserved for further consideration the question of whether the complaints should cover the failure to disclose any or all restrictive conditions or only undisclosed restrictions as to race, religion or national origin. In the event the facts developed support complaints along either of these lines the charge would be that this failure to disclose such a material fact is an unfair and deceptive practice within the meaning of Section 5 of the Federal Trade Commission Act.

These investigations are being conducted in the Washington, D.C., metropolitan area where it is believed they may be more speedily concluded because of the background evidence already developed in this area. Furthermore, it appeared most appropriate to bring any possible cases in the nation's capitol and there focus attention on the principle in issue.

You understand, of course, that complaints may be filed only if the investigations disclose facts which will support the charges to be made. The investigations are now being concluded and the results will be reported to the Commission very soon. The Commission's action thereon may be expected within the next two or three weeks.

With kindest regards, I am,

Sincerely yours,

PAUL RAND DIXON,
Chairman.

[From the Washington (D.C.) Post, Dec. 2, 1967]

FTC TO ACT ON REALTY ADS

(By Robert F. Greene)

The Federal Trade Commission voted last Wednesday to file complaints of deceptive advertising against a number of Washington area businessmen who have failed to disclose that the land and housing they offer for sale or rent is not available to all persons, regardless of race, religion or national origin.

The FTC made the decision in a 3-to-2 vote, with Commission Chairman Paul Rand Dixon and A. Everett MacIntyre dissenting, The Washington Post learned.

Last night Dixon declined comment on the decision "unless and until," he said, "the Commission makes a public statement."

Under Commission procedures, individuals or firms named in complaints are given an opportunity privately to comply with FTC orders before being cited in a formal public complaint that might result in a hearing or a cease-and-desist order.

Last Wednesday's action came after an FTC staff investigation discussed in a letter Dixon wrote Sept. 25 to Sen. Edward M. Kennedy (D-Mass.). Kennedy last July had pressed the Commission to declare real estate advertising that conceals discrimination to be deceptive and subject to prosecution.

Kennedy declared at the time that it is "patently obvious" that some properties are advertised without hint that certain applicants will be turned away. Kennedy said the practice was especially prevalent in multi-state metropolitan areas such as this one.

Dixon wrote that after receiving a letter from Kennedy the Commission staff was told to "attempt to develop facts permitting the issuance of not less than four complaints in the District of Columbia area on the subject of deceptive advertising . . ."

If the investigations warranted, Dixon wrote, the charge would be that deceptive advertising was a violation of Section 5 of the Federal Trade Commission Act.

Dixon implied that the Washington area was picked as a target for the investigation because "it is believed (the investigations there) may be more speedily concluded because of the background evidence already developed . . ."

"Furthermore," the Chairman wrote, "it appeared most appropriate to bring any possible cases in the Nation's Capital and there focus attention on the principal issue."

THE GOLD STANDARD

Mr. BREWSTER. Mr. President, whenever the subject of the gold standard is raised as a topic of conversation, invariably a great deal of misinformation is presented. The Washington Post on Sunday, December 3, 1967, published an article entitled, "It's Just a Lot of Bullion," by Mr. Harvey H. Segal, that clearly sets forth the facts concerning the value of gold and the role played by the International Monetary Fund.

In light of the current discussions about our balance-of-payments deficit and the recent devaluation of the pound sterling, I believe that Senators will find the article most interesting and informative.

I ask unanimous consent that it be printed in the RECORD.

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

IT'S JUST A LOT OF BULLION

(By Harvey H. Segal)

The gold rush—frantic buying of gold in the expectation that its price would rise as the devaluation of the dollar followed that of the pound—has all but subsided on markets all over the world. But the fundamental problems of gold and its relationship to the dollar are unresolved, and they will surface again in the foreseeable future, undermining confidence and subjecting the international monetary system to new shocks.

Modern history records a progressive weakening of the link between gold and money, a part of the general shift from commodities—gold, silver and copper—to more sophisticated forms of representative money such as bank notes and checking account deposits.

Before 1914 there was a close and obvious link, virtually an identity, between gold and money. Gold coins formed an important part of the national money supplies. Bank notes in advanced countries were freely convertible to gold and their issues tended to be limited by the gold reserves held in national treasuries and central banks.

GOLD EXPANDS

Inflows of gold resulting from export surpluses or investment by foreigners permitted an expansion of the money supply with subsequent rises in the levels of employment and prices. Gold losses tended to depress employment and price levels.

Under that classical gold standard, which France's President de Gaulle wants to revive, gold was the principal monetary reserve, the medium for settling debts among nations. And the banks—both central banks and private banks—maintained fixed exchange rates by converting national currencies into gold and gold into national currencies.

Because of inflation and other disturbances that followed in the wake of World War I, most countries in the 1920s began to supplement their gold reserves with holdings of widely acceptable foreign currencies, principally sterling. The practice of holding foreign exchange as reserves gave rise to the

"gold exchange standard." Under it the link between the growth of domestic money supplies and gold reserves was greatly loosened. But general convertibility between gold and national currencies was the rule.

The Great Depression sounded the death knell of gold convertibility, at least so far as ordinary citizens were concerned. After 1930, there was a headlong abandonment of domestic convertibility as countries sought to avert the sharp monetary contractions and price deflations that would have followed from maintaining the old parities between gold and and domestic currencies. In some instances, notably in this country, there was severe deflation in spite of the devaluation, that is, the reduction of the gold content of the currency unit and the correlative increase in the price of gold.

During the 1930s, domestic gold stocks were recommended by many national governments and used for official transactions, especially to intervene in the foreign exchange markets through exchange stabilization funds. The object of those operations was to peg or fix exchange rates and by so doing to prevent a country from gaining a competitive edge in international trade by virtue of a fall in the exchange value of its currency.

United States citizens were compelled to surrender all gold coin and bullion in 1933, and under the Gold Reserve Act of 1934, the dollar was officially devaluated. Its gold content was reduced from 25.8 grains of gold (.9 fine) to a little less than 15.3 grains. That action raised the official price—the price at which the Treasury is willing to buy and sell gold—from $20.67 to $35 per troy ounce, where it has remained ever since.

A new stage in the evolution of gold began with the operation of the International Monetary Fund in 1946, a year when the economies of Europe were prostrate as a result of World War II. The architects of the IMF sought to avert the beggar-my-neighbor policies—the restrictions on imports and the competitive devaluations that drastically reduced the volume of international trade in the 1930s. The rules which they laid down and the dominant position of the United States economy in a war-torn world led to the establishment of a dollar-gold exchange standard.

Under the IMF Agreement, member countries, which ultimately included all those outside the Communist bloc except Switzerland, were given two options.

They could undertake, through official intervention in the foreign exchange markets, to maintain the par value of the currency, as expressed in terms of dollars, within margins of plus and minus 1 per cent. Or they could undertake to buy and sell gold freely, conducting the transactions within margins of plus and minus 1 per cent of the gold par value of their currencies. In the case of the United States, that would be between $34.65 and $35.35 an ounce.

The only country which opted to buy and sell gold freely was the United States, and the reason is not hard to uncover. We then held more than 70 per cent of the non-Communist world's stock of monetary gold and the dollar was virtually the only currency that commanded the food and industrial materials needed for economic reconstruction. As a result, the world was placed on a dollar-gold standard. The dollar was pegged to gold and all other currencies were pegged to the dollar.

In the course of the postwar reconstruction, the United States acted as the world's banker. Through the Marshall Plan, the programs to aid underdeveloped countries and through private investment, nearly $200 billion went overseas in the shape of loans, grants and equity purchases. The dollar became the vehicle by which most of the world's international trade was transacted and it also became the most important reserve currency.

Of $71 billion in official monetary reserves—gold, foreign exchange and IMF credit—reported last June, dollars accounted for more than $16.3 billion, or 23 per cent. Sterling, the other reserve currency, comprised less than 9 per cent.

PERSISTENT DEFICITS

Since 1948 the United States has incurred persistent balance-of-payments deficits because it spends, lends, gives away and invests more in foreign countries than it receives from them. Had the foreign recipients of payments from the United States been willing to hold dollars without limit, there would be no gold convertibility problem. But that is hardly the case.

A few years ago the Johnson Administration, in one of those fits of delusion to which public relations men are susceptible, coined the slogan "The dollar is as good as gold!" But foreign central bankers, whose institutions ultimately receive surplus dollars from private banks, don't believe it.

Partly through fear of devaluation, partly through a desire to impose a balance-of-payments discipline on this country and partly for purely political reasons, as in the case of France, other governments have been steadily buying Treasury gold with their dollars.

In 1949, this country's gold stock reached a peak of nearly $24.6 billion. Today, it is down to less than $12.5 billion. And the outstanding liabilities against that reserve, the dollars in the hands of foreign central banks and private businesses, amount to some $31 billion. Western European gold holdings gained at the expense of the United States. In 1958, Western Europe held only $9.2 billion, or less than 24 per cent of the total, but by mid-1967 its holdings had risen to $19.1 billion, more than 47 per cent of the non-Communist world total of $40.5 billion.

Can the dilemma of dollar-gold convertibility be solved without precipitating a great panic? Yes, but it is necessary to separate the spurious solutions from those which are really viable.

If the supply of monetary gold could be greatly expanded and somehow channeled to Ft. Knox, our troubles would be over. But that golden dream will never become a reality. Because of the fixed price and the squeeze on South African mining profits, gold production is growing very slowly. Moreover, private absorption, the large industrial demand and the smaller demands of hoarders has diminished the stock of monetary gold since 1965.

DE GAULLE AND HISTORY

President de Gaulle would solve the problem by doubling the dollar price of gold and reviving the pre-1914 gold standard by eliminating foreign exchange—that is, dollars—as an international monetary reserve.

Domestic money supplies and levels of prices, income and employment would be determined by swings in the balance-of-payments and movements of gold. Few authorities, in France or elsewhere, are willing to set the clock back in that fashion.

Is a solution offered by the plan for creating "paper gold"—Special Drawing Rights—that was just adopted at the Rio de Janeiro meeting of the IMF? The answer is that the SDR scheme, while it would provide for the creation of reserves, affords no specific protection to the United States gold stock. None of the countries which want to exchange dollars for gold would be obliged to accept SDRs.

Assuming that the balance-of-payments deficits continue, the United States—after freeing the $10 billion of gold that is held as a "cover" against Federal Reserve notes—could let the gold stock run out. Indeed, some economists suggest that we announce to the world that once it is gone, we will never agree to buy it back at $35 an ounce.

But taken alone, that might be an empty threat so long as the U.S. balance of payments deficits continue. Moreover, every dollar of gold that the United States loses reduces the world's monetary reserves by a dollar. When the French or the Spanish convert, they substitute gold for dollars in their reserves. But there is no substitution in the case of the United States whose reserves are held in gold.

But suppose that the gold-dollar link were severed? Suppose the United States refused to buy and sell gold freely and opted—as it can under the IMF rules—only to support the dollar in our foreign exchange markets?

Other countries would have to decide whether to peg the dollar rates in their foreign exchange markets or permit them to fluctuate, either freely or within limits. Then the task of deciding what role gold is to play in the international monetary system could be assigned to the IMF, the only body capable of providing a meaningful solution.

ABM: THE DYNAMICS OF A NATIONAL DECISION

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD the text of my remarks at New York University on November 6, 1967. I delivered these remarks as the opening lecture of this year's Moskowitz Lecture Series. I consider it both an honor and a pleasure to have been asked to initiate the lecture series this year. Dr. Charles J. Hitch, vice president of the University of California, and Dr. Arthur F. Burns, John Bates Clark, professor of Economics at Columbia University and former Chairman of President Eisenhower's Council of Economic Advisers, also participated in the Moskowitz Lecture Series this year.

The Charles C. Moskowitz Lectures were initiated at New York University in 1961. "The Defense Sector and the American Economy" was chosen as the overall theme of the lectures this year.

In view of the gratifying reception accorded to my speech, entitled "ABM: The Dynamics of a National Decision," I thought it would be useful to make it easily available to those of my colleagues who have shown a special interest in the ABM question, which continues to weigh so heavily before our Nation.

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

ABM: THE DYNAMICS OF A NATIONAL DECISION

(Remarks of Senator JACOB K. JAVITS, at New York University, November 6, 1967)

On September 18, in a truly remarkable speech, Defense Secretary McNamara announced the Administration's decision to deploy a "thin" anti-ballistic missile defense against a potential threat from Communist China. This decision was one of the most complex, and portentous in its ramifications, of any that has been made in the past decade. The decision has implications which impinge, directly or indirectly, on every important aspect of our national life. A study of the dynamics of this decision is very instructive.

First I wish to comment on what I consider to be the inadequacy of the national debate which preceded the ABM decision. Ostensibly, one might attribute the inadequacies of the debate to the complexity of the technical considerations involved in an antiballistic missile system. There is no doubt that most Americans are intimidated by the language of science and technology.

However, as I followed, and later reviewed

the ABM debate, I was struck by the fact that there was relatively little dispute over purely technical questions. By contrast, however, there was very earnest dispute over a wide spectrum of the most fundamental policy considerations which were involved in the ABM decision.

While pressures were exerted from many quarters during the ABM debate, it is clear that the decision-making process was throughout dominated by Secretary McNamara. Indeed, we owe him a debt of national gratitude for having forced a shift in the focus of the ABM debate away from essentially technical considerations and for having forcefully brought to public attention the fundamental policy considerations involved in the ABM decision.

There were pressures from many quarters during the ABM debate. One might assume that many of these pressures came from what is called the "military-industrial complex." After all, there are, potentially at least, tens of billions of dollars worth of contracts involved in building an ABM system. However, I have not discovered any discernible efforts by the great defense contracting corporations to influence the ABM debate or its outcome. This is not always true of national debates and decisions on defense questions, as you all know.

Having made that statement, I wish to modify it in one respect. It was President Eisenhower, in his farewell address to the nation, who brought to public attention the dangers posed by the "military-industrial complex". As President Eisenhower used the term, he was talking about something much more expansive and ramified than the narrow world of defense-contractor lobbyists who abound in Washington and who have come to be thought of in the public mind as being the "military-industrial complex".

In the wider sense that President Eisenhower used the phrase—to include entrenched elements in the military establishment itself and in its vast dependent intellectual establishment sustained by government contract—the "military-industrial complex" was active in the ABM debate and did seek manfully to determine its outcome. There is nothing improper about this. In fact, that is just the plain duty of the Joint Chiefs of Staff.

I spoke earlier of the technical complexity of an ABM system, and of how this tends to inhibit participation in debate by those who do not have a technical background. I think that this is a very real danger.

In his farewell address President Eisenhower also warned of the ". . . danger that public policy could itself become the captive of a scientific-technological elite." Largely because of Secretary McNamara's alertness and zeal, this did not happen in the present case of the ABM decision. The danger was definitely present, however, and will be present again in future decisions on the ABM system. I will give you a very graphic example.

Dr. Harold M. Agnew, head of the Weapons Division of the AEC's Los Alamos Scientific Laboratory, made a speech to the Air Force Association on March 16, in San Francisco. Dr. Agnew's speech is an open attack on Secretary McNamara's general conduct and specifically of his views on the ABM question. It is a pure example of the expression of the view of the "scientific-technological elite" which President Eisenhower warned us of, and I commend to you a study of its full text. For illustrative purposes, I will just quote one sentence. After taking Secretary McNamara to task for his entire strategic philosophy and his opposition to a Soviet-oriented ABM system, Dr. Agnew says:

"I believe the lack of true understanding of science and technology of many of our policy makers, and what I consider the substitution of wishful thinking, is very dangerous, and could become more and more serious."

In my judgment, Dr. Agnew's knowledge of science and technology is most useful and essential to us. The problem is the tendency of this elite to get out of their field, to think they have equal expertise and authority on broad matters of public policy. And most troublesome is their recurring efforts to have basic policy questions decided on the basis of technological factors where they are expert but which are inadequate criteria for judging basic questions of national goals and values.

I would like to turn now to some of the differences between Secretary McNamara and the Joint Chiefs of Staff which emerged in the course of the ABM debate. The Joint Chiefs understood their role in this debate. But a close study of the record shows that some fundamental differences exist between the Secretary of Defense and the Joint Chiefs of Staff with regard to our relationship to the Soviet Union. Secretary McNamara believes that it is both possible and essential to achieve an understanding with the Soviets to stabilize the "balance of terror" which keeps the peace. He is passionately concerned over avoiding a new round of the arms race, and believes that accurate communication of intention is a crucial factor. I quote a brief passage of his San Francisco speech as example:

"They could not read our intentions with any greater accuracy than we could read theirs. And thus the result has been that we have both built up our forces to a point that far exceeds a credible second-strike capability against the forces we each started with."

The alternative which he poses to an understanding on strategic weapons is "both the Soviets and ourselves would be forced to continue on a foolish and reckless course . . . The time has come for us both to realize that, and to act reasonably. It is clearly in our mutual interest to do so."

The approach of the Joint Chiefs is quite different. Their view, as reflected in General Wheeler's statement to Congress, is based on the traditional concept of an adversary relationship with the Soviet Union and contrasts sharply with the innovative thinking of McNamara. An illustrative example is the following quote from General Wheeler's statement:

"We do not pretend to be able to predict with certainty just how the Soviets will react. We do know from experience the high price they must pay to overcome a deployed U.S. ABM system."

The record also shows that the civilian Defense Secretary and the uniformed Joint Chiefs have very different assessments of the diplomatic leverage provided by nuclear weapons. Secretary McNamara says:

"Unlike any other era in military history, today a substantial numerical superiority of weapons does not effectively translate into political control, or diplomatic leverage."

General Wheeler has a quite different view:

". . . at the time of Cuba, the strategic nuclear balance was such that the Soviets did not have an exploitable capability, because of our vastly superior nuclear strength. And to bring this forward into the present context, it's also the view of the Joint Chiefs that regardless of anyone's views about the situation in Vietnam, we think it quite clear that we would have had even more hesitation in deploying our forces there, had the strategic nuclear balance not been in our favor."

I think it would be instructive at this point to juxtapose another set of quotes. The question at issue involves judgments as to the allocation of resources. While the initial cost of our "thin" ABM defense will be around $4 billion, it is common knowledge that further refinements could lead to expenditures of at least $40 to $50 billion for a "heavy" defense system. Secretary McNamara's view is succinct:

"I know of nothing we could do today that would waste more of our resources or add more to our risks."

By way of contrast, the Chairman of the House Armed Services Committee expressed the following view:

"We are an affluent nation . . . we are now right at $750 billion GNP; and responsible people tell us it is headed for a trillion. So we can afford it. Why not have the two of them, and keep the Soviets off balance . . .?"

The most shockingly neglected aspect of the ABM debate has been what is ultimately the basic issue—the allocation of national resources. The magitude of potential costs is very great—$50 billion, and a lot more if a civilian fall-out shelter program were added on. Expenditures of this order of magnitude could have profound warping effects on the total pattern of our national life. It is essential that public men, both in and out of government, join the continuing debate over the need and justification for an anti-ballistic missile defense. Now is the time when we need the views and judgments of our nation's best minds. Later, when we might be irrevocably tied to the ABM roller coaster, their post-mortem dissent will be of little value.

If there is any lesson we should have learned from our Vietnam experience it is the danger of not taking a long look down the road ahead before we commit ourselves to something. In Vietnam, initial small expenditures and periodic increments that were modest at first have now snowballed into a $30 billion per year affair. We find ourselves faced with a high cost in human life and misery and inflationary threats, while our urgent urban needs are not adequately met. The lessons of Vietnam in this regard are applicable to the ABM debate and I repeat my earnest exhortation that this whole matter be given the closest scrutiny *now* by the men whose views are respected in all areas of national endeavor.

Decisions regarding national security are perhaps the most difficult of all decisions. We live in a very complicated and dangerous world. An atmosphere of insecurity prevails everywhere. But there is no such thing as absolute security, and security certainly is not solely or even primarily a question of weapons systems. Maximum security is derived from the optimum balance and quality of national life. Secretary McNamara had some pertinent things to say in this regard in a speech he gave in Montreal in May of 1966:

"A nation can reach the point at which it does not buy more security for itself simply by buying more military hardware—we are at that point. The decisive factor for a powerful nation—already adequately armed—is the character of its relationships with the world."

At this point I cannot resist quoting the opposing view of Dr. Agnew, the Los Alamos Weapons Division chief:

"I would argue that there are few nations whom we should worry about as far as world opinion is concerned. These are only the nations with whom we are engaged in competition and who may have the military and economic strength to materially affect what we are doing."

I think the important point is that all of us have a real competence and a real contribution to make when the broad questions of national security are involved. The weapons cultists notwithstanding, the quality of our schools, the physical and mental health of our population, the social justice barometers of our big cities—are all factors which determine our national security.

While most of the ABM debate has been concerned with our relations with the Soviet Union, the ABM system finally decided on is oriented against Communist China. In his San Francisco speech McNamara said there

were "marginal grounds" for concluding that the deployment of a China-oriented system would be "prudent".

This is neither a very enthusiastic nor a very convincing line of argument and the suspicion persists that the decision to proceed with a "thin" ABM deployment was attributable in fact to other considerations than Peking's nuclear capability and potential. James Reston of the New York Times has dubbed the ABM "the anti-Republican Missile". I will not deny that there has been a partisan dimension to this entire issue with both Democrats and Republicans maneuvering for party advantage in a pre-election year, and Mr. Reston may well be correct when he accuses the President of ". . . not dealing with the problems before him but with the politics of the problems" in making his ABM decision. In any event, it is most unfortunate that we have not heard the President's views of the very fundamental substantive considerations involved in the ABM controversy.

However, this line of inquiry does not lead us very far. Let us turn instead to the rationale which is now being expounded with regard to Communist China as a reason why we need a $5 billion "thin" ABM defense.

In a major follow-up speech on October 6, Assistant Defense Secretary Warnke addressed himself to this and other issues not gone into by Secretary McNamara in his earlier San Francisco speech.

Among other things, Mr. Warnke argues that our anti-China ABM will reinforce President Johnson's 1963 pledge to protect nonnuclear states against Chinese nuclear blackmail and thus make it easier for Asian nations to sign the Non-Proliferation Treaty. Mr. Warnke's reasoning is ingenious but dubious in its accuracy. For instance, on October 1 an Indian Foreign Ministry publication had the folowing to say:

"The Government of India's decision not to sign the Nuclear Non-Proliferation Treaty stands intact in spite of big power pressure . . . The question of guarantees by the United States and the Soviet Union either jointly or individually has been dismissed as unworkable."

There are several passages in Mr. Warnke's remarks concerning Communist China which merit close attention because of their wider implications for U.S. policy. Parenthetically, it is most unfortunate that Secretary Rusk, who has recently conjured up the frightening image of "a billion Chinese on the Mainland, armed with nuclear weapons", has not given us his views of Mr. Warnke's assessment which follows:

"We see no reason to conclude that the Chinese are any less cautious than the rulers of other nations that have nuclear weapons . . . Indeed the Chinese have shown a disposition to act cautiously, and to avoid any military clash with the United States that could lead to nuclear war.

Following on the heels of this most interesting assessment Peking's policy-orientation, Mr. Warnke goes on to state:

"In deploying this system, we seek to emphasize the present unique disparity in strategic nuclear capability between the U.S. and China and to extend well into the future the credibility of our option for a nuclear response."

He also affirms that our ABM deployment will end ". . . any uncertainty as to whether or not the United States would act to prevent the Chinese from gaining any political or military advantage from their nuclear forces."

Implicit in Mr. Warnke's exposition of policy is an apparent assumption that the Soviet Union would not honor its defense treaty commitments to Peking in the event of a U.S. nuclear strike at the Mainland. I think this point requires a definite clarification and I intend to seek one from both Secretary Rusk and Secretary McNamara.

Administration spokesmen have been largely silent on the impact of the ABM decision on our relations with our NATO allies, and there is evidence that this very important aspect of the decision was not given sufficient consideration.

According to press reports, our ABM decision has been received with skepticism and disfavor in most NATO capitals. Two of our closest Allies, Canada, and the U.K. have publicly deplored the McNamara announcement. At a minimum, NATO feathers were unnecessarily ruffled by a lack of consultation on an important issue, at a time when the whole Alliance is passing through an internal crisis of confidence. According to a Washington *Post* survey the only NATO capital that took heart from our ABM decision was Paris, and that for reasons which are not necessarily helpful to our national interests. The *Post* reports that the French are having a "field day" with the "disquiet caused by the American decision" and see it as "a new vindication for their policy of disengagement from the Atlantic Alliance."

It is not by intention tonight to offer definitive answers to the many profound questions which have been raised in the course of this review of the dynamics of an important national decision. Rather, I have tried to suggest the scope and the implications of the issues which are involved. There are others too which I have not even sketched in this brief *tour d'horizon*. If it does accomplish anything, I think this review dramatizes the inadequacy of the national debate of the ramifications of opting for an anti-ballistic missile defense. It is clear, however, that only the initial round of debate has been concluded. The proponents of a full-blown "heavy" ABM defense against the Soviet Union have been denied victory on this round by Secretary McNamara's adamancy and by his compromise action in agreeing to a thin anti-Chinese ABM deployment. But we are now experiencing but a brief hiatus before the battle is renewed.

It is imperative therefore that the full weight of all elements and all points of view in our society be mobilized to participate proportionately in the next round of debate. It is only in this way that we can be assured of a truly national decision which reflects the true balance of our national interests.

The basic issues have now surfaced. They need further clarification and refinement, and much much more searching exploration. As one Senator, I shall do my utmost to assure that we have a real national debate before we move any further down the road to a Buck Rogers world of missiles and counter missiles where fatalities are counted in the "megadeaths". Concurrently, I shall do my utmost to insure that the proper issues are debated and that decisions are not camouflaged by illustory technical jargon intended to intimidate or exclude the layman from the decision making process. It is in this aspect of the challenge that our universities can play their most vital role. I entreat you to join in this defense of the national interest.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If there be no further morning business, morning business is closed.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The clerk will state the bill by title.

The LEGISLATIVE CLERK. A bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents' schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing assistance for comprehensive educational planning, and by improving programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

The Senate resumed the consideration of the bill.

CALL OF THE ROLL

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll, and the following Senators answered to their names:

[No. 372 Leg.]

Aiken	Gruening	Mondale
Anderson	Hansen	Monroney
Baker	Harris	Montoya
Bartlett	Hart	Morse
Bayh	Hartke	Mundt
Bennett	Hatfield	Murphy
Bible	Hayden	Muskie
Boggs	Hickenlooper	Nelson
Brewster	Hill	Pastore
Brooke	Holland	Pearson
Burdick	Hruska	Pell
Byrd, Va.	Jackson	Percy
Byrd, W. Va.	Javits	Proxmire
Cannon	Jordan, N.C.	Randolph
Carlson	Kennedy, Mass.	Smathers
Case	Kennedy, N.Y.	Smith
Church	Kuchel	Spong
Clark	Lausche	Stennis
Cotton	Long, Mo.	Symington
Curtis	Long, La.	Talmadge
Dirksen	Magnuson	Thurmond
Dominick	Mansfield	Tower
Eastland	McClellan	Tydings
Ervin	McGee	Williams, N.J.
Fannin	McGovern	Williams, Del.
Fong	McIntyre	Yarborough
Gore	Metcalf	Young, N. Dak.
Griffin	Miller	Young, Ohio

Mr. BYRD of West Virginia. I announce that the Senator from Louisiana [Mr. ELLENDER], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Utah [Mr. MOSS], and the Senator from Connecticut [Mr. RIBICOFF] are absent on official business.

I also announce that the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Georgia [Mr. RUSSELL], and the Senator from Alabama [Mr. SPARKMAN] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT], the Senator from Kentucky [Mr. COOPER], and the Senator from Idaho [Mr. JORDAN] are absent on official business.

The Senator from Vermont [Mr. PROUTY] is absent because of illness.

The Senator from Pennsylvania [Mr. SCOTT] is necessarily absent.

The Senator from Kentucky [Mr. MORTON] is absent to attend the funeral of a friend.

The PRESIDING OFFICER. A quorum is present.

COMMITTEE MEETING DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Subcommittee on Public Buildings and Grounds of the Committee on Public Works be authorized to meet during the session of the Senate today.

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

SENATOR KUCHEL ADDRESSES CALTECH YMCA

Mr. KUCHEL. Mr. President, I had the honor to speak on the campus of the California Institute of Technology, at the invitation of the Caltech Young Men's Christian Association, last November 30. I ask unanimous consent that a portion of my comments be printed at this point in the RECORD.

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

FACING THE GHETTO: BRINKMANSHIP OR COMMITMENT?

(Partial text of address by U.S. Senator THOMAS H. KUCHEL, at the invitation of the Caltech Young Men's Christian Association, Beckman Auditorium, California Institute of Technology, Pasadena, Calif., November 30, 1967)

Ralph Waldo Emerson, poet-essayist of the century past, on one occasion observed: "It needs a whole society to give the symmetry we seek." In facing the sprawling, spreading, urgent plight of the American city, especially the isolated, racial ghetto with its exaggeration of every city problem, we do indeed need a whole society, if our unique form of society is to survive and flourish, and fulfill the symmetrical American dream.

Long before Emerson, a Greek of the 6th Century B.C., Alcaeus, said of Athens: "Not houses finely roofed or the stones of walls well-builded, nay nor canals and dockyards, make the city, but men able to use their opportunity."

Today we look at the city and the many men who use their opportunity and use it well. Focus for a moment on what we have come to call the American ghetto. It sits in the core of the city, and it contains many men who do not use opportunity because, in large measure, they enjoy little opportunity to use. It is this ghetto and its people which we seek to explore this evening. We will go in, and try to determine where we are. We will try to find a way out, and decide where we are going.

Much has been written about brinkmanship in foreign affairs over the years: How John Foster Dulles raised it to a fine art confronting the Soviet Union in the middle and late 1950's under President Eisenhower, facing down the cold war enemy at the very brink of possible conflict; how the late President Kennedy practiced it at the Cuban missile crisis.

I would like to suggest tonight that we are witnessing brinkmanship in our Nation's cities. We are on the verge of a broad-fronted commitment against the blight and poverty of the ghetto. We need now to take that one step in many sectors which will involve all of us: government, those in the business community, you theoreticians and activists in colleges and universities, men and women from organized labor, those outside the ghetto, and perhaps most important, those inside the ghetto themselves. The step should be taken with a sense of common purpose.

We should commit ourselves because there is a human need for us to do so. No other reason should be necessary. But for those who are particularly hard to convince, let me point out that there is one faction in today's ghetto which is practicing a brinkmanship of its own. I refer, of course, to the incendiaries who have set people and property aflame, with both words and deeds, over the past three years. They threaten that "The Fire Next Time" will engulf the entire United States. *Newsweek* talks of an "increasing appetite for confrontation," as it pours its resources into searching out a way to help the ghetto and to avoid such confrontation. An Oxford-educated Negro from Watts asks Walter Lippmann on Public Broadcasting Laboratory if perhaps a "confrontation" isn't the way to educate America to the anguish of the ghetto. Lippmann said, "No," incidentally, warning of the "backlash you will reap."

I say there is not only no need for this armed confrontation, but that it would do both the ghetto, and the America it should belong to, irrevocable harm. I believe social balance and a way out—for the ghetto resident and for the alienated taxpayer or backlasher—can be and should be provided as an alternative to a massive confrontation.

Indeed, I think our ghetto moves should be made very much within the framework of the laws of our time and the order of our society. Uprisings and riots can be put down by the agencies of law enforcement, and without the vigilantes who seem to yearn to repress their fellow citizens. But any massive revolution, and the inevitable, repressive crush of response, would also destroy our present society and would set back, by decades, what racial and economic progress have actually come in recent years.

Promises have been made by one generation. I believe that generation should keep them. But much of the energy and most of the meaningful work to translate the promises into effective action, must come from the younger, emerging generation of thinkers and doers. Already, the front-line troops of the war on poverty are young people who have made a commitment with themselves. When I read that a VISTA volunteer contemplates sleeping in a New England jail because the United States Congress delays appropriating the interim funds to keep her poverty program and her living allowance going while we debate details, I am not very proud. On the other hand, when I see a vast segment of our young population withdrawing from the daily struggle with the world and becoming social iconoclasts, the supreme flowery isolationists of urban America, I am not very encouraged either. This is a time for commitment, not holding action or retreat, and we must appeal to youth for an alliance of action and purpose with his neighbor. Similarly, any generation must back youth with financial resources and good faith.

Consider the age of the average inhabitant among the 30,000 in Watts. I am told a recently completed survey put the age at 14 years. That single fact is distressing in its implications of large family units in poverty. But it is hopeful in terms of having time on the side of rehabilitation. More than anything else, that very young average age is a supreme argument for youth outside the ghetto to begin learning what the ghetto is all about. It is the problem of tomorrow's citizen far more than it is today's.

That is why I am particularly pleased to try to make common cause with a university audience tonight. I am convinced there is an untapped reservoir of youth still to become involved, which can match the many who have already recognized the task to be done in the cities of the United States.

Let us explore for a moment what I call the "mathematics of concern." Hopefully, some figures can demonstrate to the technology-oriented why it is they who should see the problem of the disadvantaged in the central city as something which at least in part involves them, like it or not.

One of the premises here is that the problem we face in the ghetto, as a part of the central city, is primarily the problem of the minority population, and, beyond that, chiefly the problem of America's Negroes. There is, to be sure, a sizeable Latin American ghetto in many large cities, usually Mexican or Puerto Rican in origin. That presence is getting special attention, in such legislation as the Bilingual Education Act, which I am proud to say I co-sponsored, to ease the transition from native Spanish to English language education.

But I tend to think these Spanish speakers have taken the place of the Italians, the Irish, the Eastern European Jews and the other immigrant ghetto dwellers of past decades, and that like those immigrants, they will find their way out. The Negro, who has been an American for many more generations, has been denied many of the opportunities that the poverty stricken immigrants discovered and seized.

First, consider that the central city has been essentially abandoned by the white man as a living place, while the Negro population has grown there. Between 1950 and 1966, a full 87% of the Negro population growth took place in the central city. Among whites, only 2% of the growth occurred in the center while 79% took place in the suburbs or "urban fringes." As whites have moved to the suburbs, so have their factories. Over 60% of new industrial buildings in standard metropolitan areas between 1960 and 1965 took place in the suburbs. In Los Angeles, it is worse, with 85% built in suburbs in that period. When industry moves to the suburbs, the Negro ghetto worker cannot always follow except by day and at great expense.

Indeed, one study in Chicago revealed that Negro workers, on the average, travel about twice as far to work as their white counterparts. One job seeker from Watts reports spending $2.80 and taking 2½ hours to go for a job interview by greater Los Angeles' far-flung transit system, and spending the same money and effort to return home. Needless to say, he was discouraged at the prospect of the daily routine. It was far easier to journey to and from Watts years ago when the old Pacific Electric street cars were running, but they are now long since gone, with a modern rapid transit system still somewhere in the future. The central city jobs which are left to the immobile ghetto resident are usually managerial, white-collar jobs for which the Negro is untrained or ill-trained.

The man who is left in the ghetto as job opportunities leave is what some unpopular bureaucrats in Washington have called the "high-cost citizens" of our Metropolis. One of the high costs is welfare. In 1966, 14% of the non-white, mainly ghetto population was receiving welfare, while only 3% of the white population was. Other public costs, such as police protection, increase where the ghetto grows and festers.

So much for the human composition of the ghetto and some of the many costs. Where do we go to find the revenues, the money, to meet these costs? Not much of it is going to come from the ghetto, for the ghetto even at this moment is crumbling further. More than 4 million urban families live in substandard homes. The condition of housing units in Watts in 1960 reflected 14% which were deteriorating; by 1965, 21% were deteriorating, and the percentage of "dilapidated" units had doubled. David Rockefeller, President of Chase Manhattan Bank, told a Senate committee not long ago, "Deteriorating neighborhoods are a constant drain on municipal finances. While they continue to absorb a full share of services such as police

and fire protection, street maintenance and sanitation, their deflated real estate values offer only diminishing assessments."

The result of this concentration of high-cost humanity in a low-revenue area is two-fold.

First, the man who has been left behind is left behind at a rapidly accelerating rate. His employment tends to be physically farther away from his home than it used to be, even as the cost of transit increases to record levels. In education, ten years ago, the cities and the suburbs spent about the same each year per pupil; today, the central cities spend $150 less, and have more trouble than ever encouraging the best teachers to help them. A recent Census and Labor Department report on Negroes in the United States stated its most "distressing" evidence indicates that while more Negroes are entering the middle class and those outside the ghetto are making progress, conditions are "stagnant or deteriorating in the poorest areas."

The second result is that the man in the non-ghetto area, the property owner in the suburb, is getting a bigger tax bite every year to maintain an area and a people he never sees, if he can help it. This is the main auxiliary answer today to the quest for revenues for the ghetto: property taxes. And as David Rockefeller points out, many large cities have "just about reached the limit of their taxing capacity." The suburban homeowner knows that some of his local taxes, and state and federal as well, are going to help the ghetto.

Is this involuntary tax link to be the only involvement of the man outside the ghetto with his unfortunate counterpart who is inside? If so, I regret to say that his taxes are likely to be higher, probably at all governmental levels.

As I think I can demonstrate, there is a trade-off here, between the involuntary financial involvement many of us have with the ghetto, and the degree of energy presently put into constructive investment of concern, time and private financial resources. It is a part of the mathematical "why" of concern, the personal and financial part.

Another part of the formula lies in purely human numbers and their truly frightening proportions. It took hundreds of thousands of years for man to reach today's population of slightly over three billion. But population experts warn it will take a mere 40 more years for population to double to six billion, if present growth rates remain unchanged. Within our country, California has already shown how difficult it is for a relatively wealthy, technologically advanced state to cope with growth. And we can expect more of the same, as the Golden State's population swells from its current 20 million inhabitants to a projected 50 million by the year 2000.

More to the point, we are destined to become an increasingly urban society here and throughout the world. Constantinos Doxiadis, the international architect and city planner, paints a rather bleak picture of future human crowding:

"The situation is going to become even worse in the future since there is no visible indication of a change for the better.

"By the year 2000 urban population will be at least doubled and urban land will be many times more extensive. The number of machines in our cities will increase immensely. All this means that the greatest pressures will be on our cities, pressures which they cannot stand. A century from now the situation will be disastrous.

"By the end of the century the structure of our society will be different. 91% of the population will be urban, and this percentage will continue to rise. The remaining 9% will have many characteristics of an urban population. This entitles us to say that by the end of the century, 95% of the population will belong to an urban society, and this percentage will continue to increase. We are heading towards a completely urban society, and we overlook this fact.

* * * * *

"Man is going to turn into a misguided, displaced person, hiding in the depths of buildings, fleeing the most developed parts, spending perhaps all his spare time commuting to work and traveling to and from points of interest, trying to communicate with others. He is going to have more characteristics of a nomad and troglodyte than of a citizen."

While you and I may not yet feel like the full-fledged troglodyte, or cave man, we in the Los Angeles area do, I think, recognize the long abominable commute and rising social tensions as crowding increases here. If it is hard to live cheek by jowl now, what will it be like in the greater metropolitan area, much less within the ghetto, when this Malthusian nightmare befalls us? Efforts to smooth the frictions between groups of men must be pursued now. I see the attention paid to the poverty-stricken and the ghetto prisoner as a necessary response to a mathematical imperative: We are becoming too crowded to ignore such things. Ironically, the polarizing of the white and non-white worlds within America might increase just from tension-producing proximity, if nothing is done to improve the lot of the man on the bottom.

I used all these numbers to illustrate that, with the passage of time, the choices are getting harsher. They will get harsher still. It is no longer just a matter of helping fellow humans, of seeing social justice done for those who have suffered too long. That time has passed, and our record on the whole is rather shabby. But now self-interest, too, is involved. The ghetto is impinging more, and more, and more on American pocketbooks in the form of taxes, and on American activity outside the ghetto as population swells. The choice—if it really remains any more—is whether to take a voluntary step to meet the problem, or to let events and the ghetto continue their unguided course until they spiral out of control.

The choice must be made to commit the private sector of the United States to the ghetto in great quantity, and with the dedicated aim of promoting viable private sector activity located within the ghetto and owned and run by ghetto residents. Only by taking this initiative can non-ghetto America hope to see its cities become whole and healthy again, with every segment of the urban population self-sufficient enough to contribute, rather than to drain.

Americans have been presented with enough motives for doing something. Assuming they want to do it, how do they do it? Here is where we get away from the numbers (none too soon) and back to the human aspect of the ghetto.

I am convinced that the first step for any individual, corporation or government official who is going to wade in to the ghetto is to learn what it is he is getting into and who it is that will meet him at the ghetto curb. For this evening, I will call this initial process "sensitizing," because that is the exact word used by one young ghetto resident for what he feels is lacking in the outsider's approach. It has particular relevance to the Caltech YMCA because I believe that is the single most realistic aim of your program of students living in the ghetto, and in ghetto "tutors" coming to the campus.

Sensitizing, in photography, is chemically making a film or plate susceptible to light so that images are held permanently, just as they were in the moment of exposure. A piece of film which came out of a factory unsensitized for light could be exposed for any length of time and no impression would be made on it at all.

The ghetto outsider, who drives through the ghetto on his way to work, or merely sees the ghetto face occasionally on television, or, worse yet, just hears and reads what others say in some casual reporting of ghetto events, is not going to hold an image or impression of the ghetto as it is, any more than an untreated film would hold it. His prejudices, misconceptions and apathy remain as untouched as if his eyes never opened and his ears never heard.

One ghetto youth invited to Senate hearings urged Americans to take the trouble to learn that "all Negroes are not dirty, all Negroes are not lazy, all Negroes do not grin even in pain." Then he took a little dig at some of our Nation's unsensitized advertisers, as he appealed to us to realize "that, yes, blondes have more fun, but blacks have a little."

It isn't just the white man who needs all the sensitizing, as another ghetto resident tells us: "There had been no active recruiting in the first place, because the people themselves, I am talking about Negroes now, not whites, they were out of touch with the ghetto itself."

Getting to know the ghetto and its denizens is hard. In East Los Angeles there also is a ghetto, you know. You had best know Spanish to really learn what that area is all about because it is the Mexican-American ghetto. It has a poverty problem and a host of other problems which rival those of the Negro ghettos of Los Angeles.

Even if everybody spoke English, though, the message might well be missed. For in our native tongue, warns one who escaped the ghetto recently, "the language is bitter and it smacks of desperate conduct and action. Yet, even worse, the Nation's ear is not trained to recognize it."

It is time that someone besides the social workers, who may or may not recognize the language, takes the time to listen to that language—as profane as it might be—and find out what is behind it.

I suspect that Henry Ford II, a good man, I believe, became sensitized to the lights and shadows of the ghetto as he never was before when he actually ventured into what was described as a "dingy ghetto church" to talk to a Detroit Negro militant for an hour and a half recently.

No one expects every industrialist or even every commuter to detour through after work and stop at a ghetto church for a shot of sensitivity on the way home. But we might expect the recruiting personnel manager to go in and learn the language of the ghetto, so he can communicate enough to find out what he is missing by not hiring the under-educated man before him. We might expect a factory location expert to take the time to become sensitized, so he can get the help he needs. We would certainly hope the university professor who lectures on urban affairs is acquainting himself and his students with "the way it is, baby," in the lecture hall with the pool table and the students of life surrounding it.

Last year, one Eastern college got a real roasting from one of my Senate colleagues who discovered that this commuter institution had so ignored the slum around it for years that its leaders were totally unable to talk to the angry ghetto dwellers who were being moved aside to make room for university expansion. "If a university itself is unwilling to get its hands dirty with the problems of every day life, I wonder of what value their theories would be, as they are handed down from one thesis to another or from one book to another . . . untested in their great 'backyard' laboratories?" asked this Senator, with no real question in his voice at all.

At this point, Caltech and its YMCA are due great credit for their role in "sensitizing" students to receive images from the ghetto. You have a mutually beneficial arrangement with the tutors from Pasadena's West Side, and have set a "how-to" example which I hope will be copied widely through-

out the United States. I don't think anyone expects that each Caltech "Y" participant will graduate as another Jacob Riis reformer, but if your participation is successful, the picture you have should be clear. Anything more than that, the realists would consider a bonus. The tutors may even have gained something from the experience, too.

As we gain an awareness of the ghetto, we outsiders sense that there is a certain mobilization going on with it. At its best, it is an organizational move to make meaningful strides forward independent of outsiders. At its worst, it is the arming and exhorting of ghetto revolutionaries to prepare them for that confrontation which we have learned to fear each summer. It is, in any event, a movement, a stirring which cannot go totally ignored.

I propose a mobilization of those outside the ghetto as a natural adjunct to the new awareness. This means business, as much as any other segment of American society. It is clearly overdue, but business' turn to try its hand is here.

Pioneers have led the way. It has been said that Chad McClellan of Los Angeles is probably the only former president of the National Association of Manufacturers to have on his study wall a framed thank-you letter from a black nationalist. It is reward for a chore of successfully mobilizing job opportunities within the business community for the unemployed of Watts, a chore he began right after the Los Angeles riots of 1965 and which the Negro letter writer said he performed "exceptionally well."

Aerojet General Corporation has moved a subsidiary into Watts, run entirely by Negroes, which is expanding its industrial function as its 500 ghetto-resident workers become trained in new skills. It is understood several more corporations are practicing brinkmanship, and hopefully soon will be in the fold.

U. S. Gypsum Company has tested rehabilitation techniques in New York slums, is now moving on to Chicago. Ford Motor Company, with its chairman of the board recently sensitized, has begun hiring directly in and from the Detroit slums without written tests but with promises to make the hiring decision on the spot.

This is not to say that these companies are abandoning the profit motive as they search out new ways to help in the ghetto. U. S. Gypsum is quite frankly trying to increase sales of building materials. Ford's Mr. Ford argues, "some may feel it unseemly to mention cost and profit when urgent human needs are involved, but the profit motive is a powerful force. It must be maintained, and it can be used effectively to help the urban crisis."

Jobs and housing efforts are not by far the only opportunities for private enterprise in the ghetto. If technology is to be turned to a human task, it must be done with the resources of industry. I do not believe the government apparatus, especially the Federal Government apparatus which would be charged with the job, is flexible enough or widely experienced enough to harness, say, infra-red rays to the particular cooking, lighting and heating needs of the ghetto home. (For all I know, infra-red may burn a house down before it heats it, so please don't take that as a specific suggestion.)

Of course, the university, as the center of much "pure" research, plays a role here, too. I would like to pay tribute to my host institution of this evening again, in this case for its superb initiative in launching an 85 million dollar drive to bring science and technology to bear on the problems and needs of humanity. Dr. DuBridge says 85 million dollars, "measured against the cost incurred in man's long history of waste and self-destruction, may safely be counted as nominal."

Where cities are concerned, Caltech's ambition might cheer Lewis Mumford. He wrote some pretty gloomy lines in *The City in History* about the way technology seems divorced from any social ends:

"We live in fact in an exploding universe of mechanical and electronic invention, whose parts are moving at a rapid pace ever further and further away from their human center, and from any rational, autonomous human purposes. This technological explosion has produced a similar explosion of the city itself: The city has burst open and scattered its complex organs and organizations over the entire landscape. . . . In short, our civilization is running out of control, overwhelmed by its own resources and opportunities, as well as its super-abundant fecundity. The totalitarian states that seek ruthlessly to impose control are as much the victims of their clumsy brakes as the seemingly freer economies coasting downhill are at the mercy of their runaway vehicles."

As a man from Uncle—Sam, that is—I should be talking more about the Federal Government, I suppose. That is within my sphere of responsibility. But, of course, the Federal Government has been the main outside presence in the ghetto in many cities for many years. That is what involves me officially in the problems of the city and it is what worries me. The Federal Government is neither rich enough nor personal enough nor close enough to shoulder the burden as it must be shouldered, by itself. And there is no immutable national rule or regulation or law which Congress can adopt to apply in every ghetto of every city in the land.

That is not to say I have not approved the mobilization of the war on poverty forces in recent years, because I have. I continue to support that war. I think we must consolidate the gains we have made and see where we can make more. The aim of the war on poverty—and many seem to be losing sight of this as they meat-axe funds in House and Senate committee meetings and floor debates—the aim of the war is to increase the self-sufficiency of the poor. I think that aim has been generally kept in mind, although the occasional executive and legislative aberrations have disturbed many, and the riots of the past three years have caused some of my colleagues in Congress to consider the entire ghetto community ingrates and unworthy of further beneficial attention.

But while I approve of the poverty war, I become increasingly convinced that the best role of government, city, state and Federal, is to do all it can to cooperate and actively encourage with tax forgiveness and make it easy, not tough, for the businessman who can go into the ghetto and bring his business or industry with him. He may be going in with profit motive firmly in mind, but what is wrong with that? If he pulls the ghetto up by supplying advancement jobs and training for its people, no one should complain. Corn Products Company experimented with a program which taught its illiterate employees to read and write in just 160 hours. The program not only upgraded the workers, but saved Corn Products $100 a man over the cost of hiring and breaking in a new one, the company figures. That cost saving may be a compelling motive to repeat the program, and cannot be pushed aside as simply unredeeming greed. Corn Products is now carrying its education program to several other corporations and at least one community, the latter under the poverty program.

Here is a whole area of government mobilization which has been discussed little. It needs a lot of exploration.

Certainly more can be done by both executive and legislative branches of the Federal Government to open doors for private enterprise to perform in the ghetto.

At the risk of appearing partisan for a moment, I would like to review some of the leadership steps we in the minority party of the U.S. Senate have taken in recent years and months to try to broaden the private role.

In 1965, I was pleased to co-sponsor with Republican colleagues what we called the Human Investment Act, as a proposed adjunct to the war on poverty. It would have provided government grants-in-aid and tax relief to corporations which undertook job training programs for the ghetto resident and other low-level employables or unemployables. Unfortunately, that bill did not pass. I think if it had, we would have seen today's tremulous advances by business into the ghetto pushed ahead by a year or so. Time has been wasted.

In 1966, an amendment to the poverty legislation which I authored was accepted, making it a matter of legislative policy that, consistent with the anti-poverty aims, "whenever the utilization of resources of the private sector . . . would be at least as effective as the resources of the government, private enterprise should be given priority in carrying out programs authorized by this Act." I believe constant review is needed to be sure this policy is being carried out by the Office of Economic Opportunity. I am more convinced than ever the theory is sound.

This year, Senator Charles Percy of Illinois introduced a bill which would encourage private industry to invest in private housing in the ghetto, and more importantly would encourage greater home ownership by the disadvantaged. It is a vast improvement over so-called public housing, which provides none of the pride of ownership or stake in the community that private housing does. Under the compromise legislation finally accepted by the Senate committee, a government corporation would make grants and loans to individuals who are interested in public construction of housing, and would provide the low-income homeowner the chance to participate in a rebate of interest payments on the unpaid portion of the loan. I hold out some hope that this bill may become law, if not this year, then next.

Also, this year, a bipartisan effort to provide tax incentives to business to move factories and jobs into the ghetto surfaced with a broad show of support. I think Congress itself is beginning to realize, if belatedly and hesitantly, that all resources must be thrown into the fight, including private resources. The Executive Branch is moving slowly in that direction, too. A little run-in I had last year indicates the reluctance of some agencies to make room for private action and progress. The outcome, however, was beyond my greatest expectation.

Following the riots in South Central Los Angeles, I had received complaints from builders, buyers and brokers of homes that lenders refused to make home mortgage loans in the so-called curfew area. The lenders said the risk was too great. Such an attitude was not hard to understand, considering that the area by now had acquired a reputation as being prone to riot and destruction.

It seemed to me that every effort should be made to encourage building anew in Watts and its environs, and that it was especially important to encourage ownership by the area residents of their own homes. It would certainly give a man a greater stake in society if he were buying his own home and would hopefully form the core of a stable community.

The Federal Housing Administration was in a good position to assume part of this risk. But the FHA fought a bill I proposed permitting it to insure mortgages for home purchase in city riot areas for the first time. By this time, in late summer of 1966, more cities had suffered riots.

Over the objection of the FHA, the Senate adopted my amendment to the Demonstration Cities bill of 1966. My amendment substituted the term "acceptable risk" for the phrase "economic soundness" in the criteria

for approval of FHA guarantees. Thereafter, it passed the House of Representatives and became law.

Even after passage of this legislation, however, the FHA was extremely reluctant to implement the new rule. To judge by new FHA grants in Los Angeles, the rule was being ignored.

Only at the end of this summer, after the tragedy of hundreds more made homeless by riots in Detroit, Newark and other cities across the Nation, was the FHA goaded into issuing the new implementing guidelines. By October, the Administration was announcing that it had provided mortgage insurance to help over 1,000 families purchase homes and that it was making commitments "at a rate of more than 150 a week."

The smash came, however, when leading companies of the life insurance industry recently pledged to spend one billion dollars of their investment funds on ghetto housing. Naturally, the companies requested and received promises of FHA insurance to minimize the risk of investing in areas of potential violence. It was only by happy accident, of course, that the way had been paved a year earlier to permit the assumption of that kind of risk by the FHA.

The search must continue to find ways to make it easy for business to help in the ghetto. Public-private cooperation should not simply happen by fortunate coincidence alone, nor be prevented from happening at all by government hostility or inaction.

The FHA riot insurance experience shows that no matter how progressive legislation may be, there is a certain conservatism, or desire to retain the status quo, inherent in government bureaucracy. It is rooted in both inertia and fear, and I believe it should be tested, battled and rolled back as we seek the means of developing incentives to business and to people outside the ghetto area to come in and to help solve the problems.

I predict the next generation of riot insurance legislation will provide for some kind of participation by the Small Business Administration and will be considered next year. Anyone who walks or drives through Watts today can see that business is not exactly swarming into the gaping holes left on charcoal alley. Again, many businessmen feel the risk is too great to move into the area with stores, service centers or light manufacturing concerns. Even if they want to move in, lenders may not glow with great enthusiasm for investing capital in the area. Legislation permitting the SBA to guarantee loans against failure of business through riot damage is needed, in the same fashion that home purchase loans are available for guaranty.

As it is, one of the chief complaints in Watts today is the lack of a decent shopping center. The reluctance of the outside world to invest in a section of central city where turmoil has erupted in the past also serves as a grim reminder to its residents that they do, indeed, live in a world apart. Perhaps most important, new business in the ghetto, encouraged by SBA insurance, would provide one more source of jobs close at hand and modern retail outlets similar to those in many other areas of the city.

I think one of the most encouraging things to happen in the United States in several otherwise rather bleak years for the city is the formation of the Urban Coalition. When you get a group which links the arms of General Electric Company and other business leaders, Walter Reuther and his friends in organized labor, big city mayors and civil rights leaders, to go in and lobby Congressmen on bills affecting the central city and its residents, you have what I call a very positive force working. Now that the legislative year is almost over, coalition members are turning their efforts to forming autonomous urban coalitions within individual cities, groups which can bring pressures to bear, or at least educate, local and state government to do what is needed for the cities. Unfortunately, not all city "establishments" are responding to the call to set up such a coalition. Those that are, it seems to me, are guaranteeing themselves some results.

City government has mobilizing to do, too. In one major city in recent weeks, a large company—one with a good reputation for educating its disadvantaged workers—just yearned for a chance to move into the city's riot-torn area with a new plant, representing some 500 new jobs. The company required 10 acres. This created no problem, because the community redevelopment plan called for more than that to be made available for a walk-to-work industrial park. Checkerboard-ownership lots and parcels in the site contemplated by the plan could be acquired and consolidated with federal assistance.

It was an ideal arrangement, except that the redevelopment plan had been so bogged down in red tape and lethargy for so many months that the corporation is now looking in essentially suburban locations too far from the ghetto for its workers to be ghetto men and women.

"Some just plain old cooperation would have gone a long way with us," says a representative of the company who bargained with the city.

Then, too, there is need for public agencies such as community redevelopment agencies to learn techniques of communication. Whether it is called "sensitizing," or simply understanding, we have been shown recently that there is an inability of some of these agencies to know whom they are dealing with in the ghetto, and then to explain their program of urban renewal or planning so that the ghetto community accepts it.

In fairness, it should be pointed out that urban redevelopment plans are often legitimately questioned on grounds they subvert human values to financial considerations. To some, "urban renewal" comes out "Negro removal." Beyond that, regrettably, there is a very definite core of people in the ghetto itself who have a financial stake in the status quo. Some are merchants, some are property owners, and there are others, all of whom raise bogus cries of damage to ghetto dwellers in order to thwart change.

So it is not just city government which must be held responsible for unpreparedness in the ghetto. But there is a responsibility of leadership and of judgment which must be exercised at the top. When those qualities are lacking, the city falters at the ghetto gate, and serves the rest of the city poorly to boot.

I have left until last the ghetto figure himself. I think it is premature for us, on the outside, to suggest a course of action to help him and to help him help himself. It is so easy to coach from the sidelines, and to shout "grab that ball," when we think that opportunity comes his way. But there is a lot of quiet acquainting to be done between that individual and opportunity before many spectacular catches will be made.

I would like to lend my encouragement, however, to many of the all-ghetto projects which seem to be springing up, often with resources and some leadership from Negroes who have become successful in their own right. Where many did, and still do, turn their back on the ghetto as they gain recognition or wealth, more are remaining to help less fortunate brethren, evidence shows. This is heartening, as are the constructive efforts made by many youthful former gang members who are trying their hand at free enterprise efforts with a fierce independence which belies some old myths about Negroes.

I think the best I can do is to urge that law and order rule the ghetto. That is the basis of our society. If you break the law and destroy order in the name of progress, I suggest you are breaking and destroying progress as well. Within the framework of law and order, much can be done that is unorthodox, that is exciting and that fulfills. While he is operating within that framework, the ghetto dweller should speak out to the outsider, tell him needs, suggest the way the environment of his neighborhood should be built. He should otherwise assert himself and discover his pride. He could do worse than thinking in terms of sensitizing those outsiders to the ways of the "under class" living in a neighborhood where the scars of past turmoil still show.

And we on the brink would do well to listen, and to act on our concern, for in Lewis Mumford's words, "The best economy of cities is the care and culture of men."

ADDRESS BY SENATOR KUCHEL BEFORE CALIFORNIA PRESS ASSOCIATION

Mr. KUCHEL. Mr. President, I was honored to speak before the members of the California Press Association at the Clift Hotel in San Francisco on Friday, December 1, 1967.

I ask unanimous consent that there be printed in the RECORD a partial text of my comments on that occasion.

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

IT KEEPS THE WATERS PURE

(Partial text of remarks by U.S. Senator THOMAS H. KUCHEL before the California Press Association, Clift Hotel, San Francisco, Calif., December 1, 1967)

In 1823, near the end of his long and fruitful life, Thomas Jefferson wrote these memorable words in deep devotion to a unique and unprecedented American constitutional guaranty:

"The only security of all is in a free press. The force of public opinion cannot be resisted when permitted freely to be expressed. The agitations it produces must be submitted to. It keeps the waters pure."

I am highly honored to join with you on the occasion of the 97th Annual Winter Conference of the California Press Association. As a citizen, and as a servant of the people of this State, my respect for the press of America, and of California, continues to grow.

Jefferson spoke an eternal truth. The only real security lies in the freedom of the press. That was his view, though he could speak feelingly and critically of the agitations it sometimes produces. On one occasion, he said:

"I deplore . . . the putrid state into which our newspapers have passed, and the malignity, the vulgarity, and mendacious spirit of those who write them . . ."

On the other hand, he subsequently observed:

"Were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter . . ."

Your Association came into existence 97 years ago, the precise milestone which my dearly beloved mother reached last November 22. Among those members of the California Press Association are a few whom she has known for years, and some others representing families which she and my late father knew, and knew intimately, for a long lifetime. For my parents, I recall with an unbounded pride, owned and published and edited a country newspaper, the *Anaheim Gazette*. My father as a boy delivered the first issue in 1870 by horseback. He came back in the 1890's to buy it, and to publish it for two years short of a half century. San Francisco is the city of his birth and surely

the city of a proud and moving recollection of his life by all his family. For it was here in 1960, a little more than a century after he was born, that you selected him for the California Newspaper Hall of Fame. I think I may truthfully say that he knew the power of the printed word, and the responsibility of being a newspaperman. He was brought up in the house of his immigrant father to love this country, to cherish freedom and to stand for principle as he saw the light. As he was respected, so, too, he respected the newspaper profession, your profession. As one of his sons, I repeat my keen sense of honor in being invited to speak to you today.

It is a great heritage that: "Congress shall make no law . . . abridging the freedom of speech, or of the press . . ." When it was laid down in 1789, it was a public warranty unexampled in all the world. Time may dim recollections of forward progress, and Americans take their rights pretty much for granted, sometimes, indeed abusing and misusing them, and refusing to respect the rights of their neighbors. The real meanings of these constitutional freedoms are sometimes ignored. In difficult times, in periods of crisis and frustration, in facing the challenges which involve the future, if not the survival, of mankind, it is easy to condemn those who would freely exercise their constitutional freedoms in ways which might be bitterly offensive to others.

But the exercise of free speech and a free press is fundamental to a free society. They are so fundamental, so vital, so forceful in their effect upon the minds of men groping to find the truth, that they are intolerable to any form of dictatorship. They forecast the dissolution of tyranny. The book burnings by the Nazis under Hitler, the Iron and Bamboo curtains, prohibiting newspapers from abroad and seeking to abort incoming radio beams by static—all represent vain attempts to disprove Lincoln's aphorism that "you cannot fool all of the people all of the time." One by one, attempts to stifle freedom have failed, and they shall continue to fail, for the sons and daughters of man are, by their very nature, free.

When a government moves toward authoritarianism of any kind, freedom of speech and its necessary concomitant, freedom of the press, become the first casualties. When men can no longer transmit their thoughts to one another, no other freedom is secure. When men can no longer discuss their differences, then the way has been barred to making common cause against encroachments on any and all rights of person and property.

Our Founding Fathers gave number one importance to the freedoms of speech and press, and wrote in their protection in our Bill of Rights. And the American people through their representatives did the same thing in adopting the Fourteenth Amendment by which these freedoms apply to states. Congress is ordered to make no laws abridging these freedoms. This not only marks the extreme limits of lawful suppression but further serves as a guide for Congressional action within those limits. Professor Chafee of the Harvard Law School has stated that the Bill of Rights fixes a certain point of "thus far and no farther," but that long before that point is reached, it urges "upon every official of the three branches of the state a constant regard for certain declared fundamental policies of American Life."

The development of these "fundamental policies" in the American Republic was a historical development of long duration. It was the early colonists who rejected the theory of sovereignty of the crown on which the English law of speech and press was founded. Under this law, any self-expression, even though honest and sincere, and, above all, even if truthful, which expressed dissatisfaction with government by the crown, or with the conduct of public affairs by government office holders was considered a threat to law and order and therefore intolerable and illegal. Indeed, it was under the ominous dome of the Star Chamber that the first seditious libel law was brutally enforced.

In 1275, the statute De Scandalis Magnatum provided for imprisonment of anyone who should disseminate false news or "tales" from which discord might result between the King and his subjects. Truth was no defense. Even after the Star Chamber was abolished in 1641, a severe licensing statute restricted any and all public news. This licensing and censorship of the press, aimed at protecting the sovereign made its way to the colonies along with segments of the English rule. The first newspaper to be published in the American colonies did not even survive its first issue. It was immediately suppressed because it mentioned the Indian Wars and commented on local affairs. In 1671, Governor Berkeley of Virginia expressed his pleasure at the lack of progress for the press in the following manner:

"But I thank God, we have no free schools nor printing; and I hope we shall not have these hundred years; for learning has brought disobedience and heresy and sects into the world; and printing has devulged (sic) them, and libels against the government. God keep us from both."

The American colonist was indignant at the restrictions which controlled his press and his speech. The technical procedures of the English Common Law unavailing to him in any colonial judicial proceeding, began to give way to new and pragmatic rules derived from the Bible and the natural law. Law books and reports of decided cases were rare; so few statutes were printed that it was uncommon for a lawyer to possess even a full set of the laws of his own colony. Self-reliant lawyers and judges developed their own law, based on concepts of what was just and right in the community.

Perhaps the most famous test of these new rules was the trial of John Peter Zenger. Accused of seditious libel in 1734, Zenger had dared to print and write political attacks on William Cosby, the then Governor of New York, and a representative of the King. In his successful defense of Zenger, Andrew Hamilton concluded his argument to the jury with these words:

". . . every Man who prefers Freedom to a Life of slavery will bless and honour You, as Men who have baffled the Attempt of Tyranny; and by an impartial and uncorrupt Verdict, have laid a Noble Foundation for securing to ourselves, our Posterity and Our Neighbours, That, to which Nature and the Laws of our Country have given us a Right—the Liberty—both of exposing and opposing arbitrary Power by speaking and writing Truth."

While the main point at issue in the trial itself had been the question of what constituted a libel, the point of great importance to the colonies was that the verdict established by implication the right of the people to criticize the government.

Following the Zenger trial, men like John Adams and George Mason spoke of a "moral Law" and of "inherent rights." Formal rejection of sovereignty on which the English law of speech and press was founded, and the substitution of a theory of natural rights and justice appeared a ringing declaration of irrevocable rights claimed by the First Continental Congress in 1774 for every colonial. The first was the right of the people to share in their government by representatives chosen by themselves, to be governed by laws which the people themselves approve through their elected representatives, and not by edicts of men over whom they have no control. The second, enumerated as the last in the address, was freedom of the press. It was to consist, "besides the advancement of truth, science, morality, and acts in general, in its diffusion of liberal sentiments on the administration of government, its ready communication of thoughts between subjects, and its consequential promotion of union among them, whereby oppressive officers are shamed or intimidated, into more honorable and just modes of conducting affairs."

Complete acceptance of natural rights and justice was perfected in the Declaration of Independence—"We hold these truths to be self-evident, that all men are created equal, and that they are endowed by their creator with certain inalienable rights . . ."

When the Founding Fathers met to consider a Constitution they knew what they wanted to establish as a covenant of freedom, but they did not all agree on how to draft it or on what to include. Indeed, during the Convention of 1787, proposals for specific guarantees for the press were twice voted down. Some argued that not only in a government of enumerated powers was a bill of rights unnecessary but was imprudent as well. Should an attempt at enumeration of rights be made, it was argued, every right not included would be presumed to be relinquished. Others contended that state declarations of rights would be sufficient. But men like James Monroe and Patrick Henry continued to fight for a bill of rights. Without an express provision which would secure rights which were inalienable in their eyes, they saw the Constitution as a dangerous instrument calculated to secure neither the interests nor the rights of anybody. When the First Congress met under the ratified Constitution, its members were prepared to adopt the recommendations for a list of basic rights commencing with freedoms of speech and press.

The American Constitution was, as I say, the first governmental charter of any human society to give recognition to the importance of a free press. The first American patriots had come a long way, from the tyranny of the Star Chamber to a new nation with her newly conceived liberties for all her people. They viewed representative government and a free press as inseparable. Surely, you may trust the people's judgment when they know the truth. And, surely, the truth is best served in an atmosphere of freedom where the dissemination of the news is neither controlled nor manipulated. One of the wisest of our federal judges, the late Learned Hand, once wrote:

"The interest protected by the First Amendment presupposes that right conclusions are more likely to be gathered out of a multitude of tongues, than through any kind of authoritative selection. To many, this is, and always will be, folly: but we have staked upon it our all."

But the placing of a small phrase in our Constitution did not of itself end the renewed challenges to the cause of liberty. Each decade of history has witnessed the need to interpret and apply this phrase in providing the protection it was designed to achieve. The Alien and Sedition Act of 1798 sought to silence criticism of the government in an impending war with France. It was denounced by Jefferson and set right by Congress. President Jackson sought legislation to prevent the circulation of incendiary publications in southern states but John C. Calhoun opposed this attempt as a violation of "one of the most sacred provisions of the Constitution." During every war, the cry has arisen for greater restrictions of the free press. But it was not until World Wars I and II that actual censorship laws were enacted and upheld as being reasonable restrictions in time of war.

Despite the threats which have arisen, it is an everlasting tribute to the genius of the drafters of the Constitution and the members of the First Congress that the First Amendment like the entire document has had the capacity to adapt and to grow as

the problems of preserving freedom changed and became more complex. In *Thornhill v. Alabama*, the Supreme Court observed:

"The freedom of speech and of the press guaranteed by the Constitution embraces at the least the liberty to discuss publicly and truthfully all matters of public concern without previous restraint or fear of subsequent punishment. The exigencies of the colonial period and the efforts to secure freedom from oppressive administration developed a broadened conception of these liberties adequate to supply the public need for information and education with respect to the significant issues of the times. . . ."

Like all freedoms, there must, of course, be certain obligations attached to their exercise in a democratic society. Justice Frankfurter defined the boundaries:

"Freedom of the Press is not freedom from responsibility for its exercise. That there was such legal liability was so taken for granted by the framers of the First Amendment that it was not spelled out. Responsibility for its abuse was imbedded in the law."

The pen will still win its battles with the sword. And in the affairs of men, the spoken word and the written word, freely expressed, will finally overcome tyranny. A closed society cannot stand the light of day or it will cease to be closed. The access to different, varied and opposing viewpoints is the essence of free government. In this, Americans have an unparalleled advantage—more newspapers, more magazines, more books, more television and radio sets than any other people in the world. It is an advantage we need to keep.

Our press is free, free to report facts, to present opinion, to emphasize one point of view and to slight another. It is the citizen's right to accept or to reject any or all of what a newspaper prints. He will be the judge, the sole judge, of what to believe, and of what to do about it. In helping to mold public opinion, our news media are a powerful tool. And to their infinite credit, I believe that the newspapers of America have used their power well and in the public interest.

It is the responsibility of newspapers and of other periodic publications to preserve their rights by constant and scrupulous attention. As the Supreme Court of the United States said in the 1957 decision in *Alberts v. California:*

"The fundamental freedoms of speech and press have contributed greatly to the development and well-being of our free society and are indispensable to its continued growth. Ceaseless vigilance is the watchword to prevent their erosion by Congress or by the States."

Open expression of informed opinion, free give and take in debating vital issues, and finally, decisions taken in the light of all knowledge—these are essential ingredients of a peaceful and orderly society, and, I believe I may say, of a peaceful and orderly world. The truth is a driving force, and it deserves our faith as it invites its dissemination. Albert Camus expressed this credo as holding "obstinately to the tremendous wager which will finally decide whether words are stronger than bullets." This is the essential challenge of our times—to seek assurance that reason may finally prevail over brute force, that issues may at last be resolved by the quest for truth rather than by armed conflict and bloodshed. For if, God forbid, in this 20th Century world, we were finally compelled to decide our fate by war, then the lights would begin to dim all around this earth, and a terrible doom would be approaching.

The struggle of freedom is a struggle for truth. That is the excellent, exhilarating contest in which all of you can play a proud role, and play it with honor. For in reporting the "good news" of democracy and of free men's thoughts you will be traveling the road towards a better tomorrow.

TRADE AGENDA WITH RED CHINA

Mr. DOMINICK. Mr. President, as a member of the steering committee of the Committee of One Million—against the admission of Red China to the United Nations—I probably pay more attention than most to the arguments advanced by advocates of admission of Red China to the United Nations, and it never ceases to amaze me how unrelated to reality their reasoning is. Weary, perhaps, of old arguments—like the unquestioned "stability" of Mao Tse-tung and his associates, effectively disproved by time and events—the advocates of admission have turned, almost in desperation, to new arguments which border on the hallucinogenic. A prime example of this LSD-diplomacy is the suggestion that the United States ought to trade with Communist China, on the assumption that increased trade relations will turn Communists into capitalists and tyranny into freedom.

There is no need to belabor the point, but it is quite clear to any rational man who examines carefully the Soviet Union, or Yugoslavia, or Poland or East Germany that these Communist countries remain Communist, not capitalist, and that freedoms which we take for granted in this land are only dreams in Moscow, Belgrade, Warsaw, and East Berlin. The possibility of helping Red China to "mellow" through trade is even more remote, when one considers that its leaders are the most aggressive and hostile Communists in the world.

One only has to look at the recent guerrilla warfare in Hong Kong to see this point clearly. The Red Chinese now do more trade through that island than any other spot in the world, and yet are creating as many problems there as they can dream up. Fifty percent of their world trade balances originate out of Hong Kong alone, and yet the Red Chinese are attempting to make this fabled island a battleground which will have a substantially adverse effect on their trade as well as on free world interests.

In an address at Rider College in New Jersey, our colleague, Senator STROM THURMOND, of South Carolina, presented a cogent and lucid analysis of the fallacies of trade with Red China. It is an admirable address, which I recommend to all who read the RECORD.

As Senator THURMOND states:

We are making a mistake whenever we trade with Communists, whether in China or in the Soviet Union. The Communist system needs trade to make up its own deficiencies; the system needs trade to make it work. Even token trading destroys our moral position, and weakens our will to survive. It will profit us nothing to trade with the whole world if we fail to survive.

I ask unanimous consent that the address at Rider College by Senator THURMOND, entitled "Trade Agenda with Red China," be inserted in the RECORD at this point.

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

TRADE AGENDA WITH RED CHINA

(Address by Senator STROM THURMOND (Republican, of South Carolina), "Operation 1968" lecture series, Rider College, Trenton, N.J., November 16, 1967)

If it had not been for the revival of the Mid-East Crisis, the General Assembly of the United Nations this week would once more be debating the admission of Red China into the UN. Once more, the Red China lobby would be in full swing repeating its tired tune, monotonously returning to the same note.

Many members of this audience are probably not old enough to remember the course of our disastrous China policy before 1949. A group of so-called experts in the United States worked for many years to assist the Communist takeover. Our policy was directly influenced by their subversive work. While it may be going too far to say that U.S. policy desired that takeover, it is clear that the subversives were able to incorporate many of their desired aims and decisions into official policy.

One of the principal instruments of subversion in our China policy was a supposedly learned academic group known as the Institute of Pacific Relations. In 1952 the Senate Internal Security Subcommittee—of which I recently became a member—held extensive hearings on the IPR, and came to a few restrained conclusions. Let me quote:

"The Institute of Pacific Relations has not maintained the character of an objective, scholarly, and research organization." * * *

"The IPR has been considered by the American Communist Party and by Soviet officials as an instrument of Communist policy, propaganda, and military intelligence." * * *

"The IPR disseminated and sought to popularize false information including information originating from Soviet and Communist sources." * * *

"Members of the small core of officials and staff members carried the main burden of IPR activities and directed its administration and policies." * * *

"The effective leadership of IPR worked consistently to set up actively cooperative and confidential relationships with persons in Government involved in the determination of foreign policy." * * *

"A group of persons associated with the IPR attempted, between 1941 and 1945, to change United States policy so as to accommodate Communist ends and to set the stage for a major United States policy change, favorable to Soviet interest in 1945." * * *

"Persons associated with the IPR were influential in 1949 in giving United States far eastern policy a direction that furthered Communist purposes." * * *

The conclusions I have just quoted are not based upon surmise, speculation, or allegation. They are based upon thousands of pages of published sworn testimony and painstaking analysis.

I have gone back to this ancient history because so many of the so-called experts associated with the IPR and its policies are still around today. In fact, they are among the most vociferous proponents of closer relations with Red China today. I prefer not to name names because not all who contributed to the IPR were actual Communists. Nor do I wish to indulge in guilt by association. The significant fact is the direction of the policies they were supporting in the Forties and the direction of the policies they are propagandizing now. The direction is the same: Toward increased U.S. support of the Chinese Communists.

The experts who created the IPR had to lie low for a while after the Communists took over Peking, but gradually they came back, their reputations refurbished by time and a vociferous mutual admiration society.

New voices, perhaps unaware of history, have been added to the old ones, but the persistent theme remains the same.

That theme is this: Red China should be admitted into the consort of civilized nations, with Communism accepted as the legitimate fate of China's 750 million people.

The theme is developed with whatever material is at hand. If the question is the diplomatic recognition of the Communist regime in Peking, then the answer we hear is that by all means the regime must be recognized. If the political climate won't bear such a frontal assault, then the theme is that we should recognize "two Chinas," one slave and one free.

Alternatively, they say that we don't need to accord Peking diplomatic recognition—that is, right away—but that both should be seated in the United Nations General Assembly. The corollary to that, of course, is that free China should be kicked out of the Security Council, and that Communist China be made a permanent member, with a permanent veto power. I have never been a strong partisan of the UN, but I can't think of a quicker way to cripple the UN entirely.

Nevertheless, this proposal popped up again this fall, like the bubble when you tip a level, by a panel of experts put together by the United Nations Association of the United States, who supposedly want to strengthen the UN. The plan predictably was endorsed by the New York Times, for whom the thought of getting cozy with Communist nations is even more alluring than the sterile appeal of the UN. The panel was headed by Robert V. Roosa, Under Secretary of Treasury in the Kennedy Administration, so you see the pro-Peking movement is only a step or two removed today from the official establishment.

However, I am not here to discuss the "two Chinas" theory. I merely bring it up to show how all these pro-Peking movements are variations on the same theme. I believe that it just is not intellectually honest to say that you are against Communism and against the excesses of the present regime, but that the way to cure China's problems is to make the Communist leaders more successful. Perhaps the most insidious of these variations, and the one I want to discuss with you, is the argument that the way to begin to ameliorate the evils of Communism is to step up trade relations.

This theme is most insidious because it comes up in the most well-meaning circles. A report issued last June by the Joint Economic Committee of Congress fell into this fatal error. It adopted almost verbatim the views of former Ambassador to Japan, Edwin O. Reischauer, who maintained that our embargo on Red Chinese trade is "ineffective." The Committee said the embargo is "actually detrimental to the long-term interests of the United States."

Of course, to accept such a conclusion, you have to agree on the definition of the "long-term interests of the United States." The long-term interests were defined as—and I quote—"integrating China—however slowly and gradually—into the world international system." This definition is false. There is no point in integrating China into the world international system as long as Communism, or the semblance of Communism, lingers in control. Our longest-term interest is national survival, and we defeat that interest whenever we assist a Communist regime.

I doubt if anyone can say what our China policy is today. It remains exactly where it was frozen in 1949 with the Red takeover, namely, a policy of waiting until the Communists consolidate power on the mainland, and develop a viable economic structure. The policies of the Red China lobby have complemented this posture beautifully, since, if adopted, they would guarantee that there would be no interference with Communist power by the free world, and they would assist the Communists in achieving what Communism cannot do alone, namely, achieve a viable economy.

I believe that our China policy should be dynamic, in contrast to the official policy of maintaining the status quo and the Red China lobby's policy of helping the Communists get what they want quicker.

I believe that our China policy should be measured by two standards. In the short run, our aim should be to neutralize Red China as a state hostile to our interests in the Pacific. In the long run, our aim should be to integrate Red China into the international system—but only as a free nation.

Neither of these aims can be served by the so-called bridge-building policies of trade and reciprocal relations. The bridge-building policy is built upon the theory that the way to change people is to change their environment. It is essentially a materialistic theory. Trade, like aid, is supposed to make men less aggressive, and less envious of another's success.

The problem of the Communist nations requires a spiritual change, not a material one. Their discontent comes from a spiritual sickness. Until the Communists leave off their dream of dominating the world, there will be no peace. Of course, when their dream is gone, there will be no Communists, either.

We are very foolish, then, if we expect trade to bring about a significant change in Communist attitudes. If we expect trade to bring about such a change, then we are no better than the Communists themselves. The theory that "the system" makes men evil is *their* theory. It should have no part in the thinking of freemen.

Trade will do nothing, therefore, to cause the Communists to become less aggressive. Instead, they will use trade as an instrument of aggression. More precisely, they will seek to use trade to strengthen their economy, and to weaken ours. We will have nothing here of the old idea of trading partners that trade is for mutual advantage; or even of the selfish idea that trade enables the sharp man to profit on an item at the expense of the less astute. Rather, the Communists will use trade in such a way as to allow an ostensible profit, while sapping the economy of the enemy in general.

To understand this better, let us look at the possible items on the trade agenda with Red China. The things that Red China needs most are machine tooling and manufacturing processes. She needs them to industrialize an economy that is 80 percent agricultural. But her needs are also the clue to her weaknesses. Red China has no convertible currency. In fact, she has no currency at all that is recognized in the outside world. The so-called "Jen-Min-Piao," the currency unit, has no intrinsic value and is not accepted anywhere—and, incidentally, this fact shows how far Red China has to go before she could become a member of the international banking system even on the most basic level.

Red China needs the industrial products and technology of the West, but she can pay for them only by exporting a volume of equal value to her imports. Since she is an agricultural country, she must rob her domestic economy to pay for such necessities as the annual wheat deficit, which runs to 5½ million tons annually. One of her chief exports is rice, even though rice is frequently in short supply for domestic needs. However, rice is a good earner of exchange, and Red China is eager to export it.

Could Red China earn U.S. dollars by selling us rice? We had a bumper crop of rice last year, running 32 percent above average. Of last year's annual production of 89.4 million bags (100 lbs.), 58½ million will be exported. Furthermore, slightly under half of these exports, 25 million bags, will be in the form of P.L. 480 "Food for Peace" shipments, practically in the form of a giveaway. When we have to give away more than a quarter of our own rice crop, it hardly seems that we would get any trade benefit by buying Red China's rice.

Another of the exports that Red China uses to get foreign exchange is soybeans. This is one of the high-value agricultural crops, as we know from our own experience. In fact, if you take all U.S. exports of soybeans—seed, oil, and cake—they form the No. 1 dollar earner for U.S. trade in agricultural commodities, higher than any other single crop. About a quarter of our soybean crop is exported. It would be ridiculous for the U.S. to consider importing Red Chinese soybeans.

Let us turn from the major agricultural crops to the possibility of importing raw materials. It is possible that we might find a ready market for Red Chinese coking coal, iron ore, and pig iron. It is estimated that there is a potential of 3 billion tons of ore underground in the northwest provinces. Red China does a lively trade in coke, ore, and pig iron with Japan, supplying Japan's basic industry.

Unfortunately, China's mines are unable to supply her own modest steel industry. In July and August of this year, the famed Anshan complex of steel mills in Manchuria—China's Pittsburgh—closed down for the first time in 70 years. The plants that operated all through the difficulties of World War II ran out of raw materials. The political troubles disrupted mining operations and transportation. Moreover, ports were shut down too. The Japanese complained that Red China did not meet her commitments in ore.

However, a more basic problem is that China is unable to exploit the vast mineral resources of the northwest provinces. Her policy frowns upon receiving foreign technical advice. She refuses to admit even Japanese mining engineers. We could hardly expect her to admit American technicians who could assist in expanding production. I doubt that Chinese ore will be on a U.S.-China trade agenda for a long time to come.

Perhaps the answer then is to buy Chinese light manufactured goods. I hardly think that such a policy would be acceptable in the United States. American industry in many basic fields is already hard pressed to meet the competition of cheap foreign labor. The last thing we need is a flood of cheap Communist goods. Moreover, when the Chinese are seeking exchange, cost is no object. Japan—Japan, of all places—recently suffered through a deluge of Red Chinese fountain pens and ball-point pens that were dumped on the market at half the Japanese cost. This is the other side of the story that Communists always meet their commercial payments promptly, in contrast to political obligations. For one thing, trade is a life-and-death matter for the survival of a Communist regime. For another, they are prepared to dump whatever is necessary on the world market to pay their bills.

The threat of dumping is particularly ominous in the field of textiles. Cotton goods are among the chief manufactured exports of Red China, even though she has to import raw cotton from Egypt to supply her mills. If we were to buy cheap cotton cloth from Red China, it would further endanger our own precarious textile industry. Furthermore, it would threaten our policy in Taiwan, where textile exports are the chief earner of exchange, making Taiwan self-sufficient. Taiwan adheres rigidly to the quota system, and does not endanger the U.S. industry. We could draw little such comfort from Red Chinese trading practices.

It is plain, then, that Red China has little to offer us in the way of hard business ventures, nor does she have the cash to put on the barrelhead. As a matter of fact, her agricultural exports have just about balanced the value of her imports; even though in the

past nine months her imports are down 14 percent, Red China's trade balance is running appropriately in the red.

As is widely known, Red China's foreign trade was based on a "tightened belt policy" and a favorable trade had always been registered in the past no matter how great its domestic difficulty was.

But the situation is different this year. According to statistics of international trade circles, Peking exported a total of 18,300,000 pounds sterling worth of goods to Britain in the first six months of this year, while it imported 28 million sterling pounds during the same period, representing an unfavorable balance of 9.7 million pounds.

Its trade with West Germany, in that period, resulted in a U.S. dollar equivalent of $113 million unfavorable balance, and her trade with Italy also registered a 6,000,000 pounds sterling deficit.

This reflects the seriousness of Peking's economic difficulties, caused by the decrease in industrial production as a result of the Red Guard rampage.

An examination of statistics concerning Peking's foreign trade volume in the past years bears evidence of its deteriorating economy.

Peking's trade volume in the past decade maintained an average of $3 billion per year. The trade volume hit $4.29 billion during the "great leap forward" in 1959, but plummeted to $2.67 billion when the leap flopped in 1962.

In recent years, the volume rose again because of Peking's effort to promote trade ties with Japan, West Germany and Italy. The figure climbed to $3.7 billion in 1965 and to $4.16 billion last year. But this rosy picture did not last long.

In any reciprocal trade arrangement we might make with Red China, there would be no reciprocity and no exchange. There would be no reciprocity because of the trade agenda I have just discussed. Red China can supply nothing that we need in quantity, indeed, nothing that would not be injurious to our own economy. She has no way of earning the exchange from us to buy our manufactured goods. The exchange which she earns from other countries is plummeting, and is needed to buy food. The only way Red China could trade with us is by barter.

By barter, of course, I mean a three-legged trade deal. We would sell Red China machinery, she would ship us soybeans, for example, which we don't want and can't use, and we would have to dump the soybeans somewhere on the world market, or give them away, thereby alienating the other soybean producers of the world. Let me give you a recent example of what this kind of a deal means for the private trader:

A Canadian, who once was widely known as one of the most successful traders with China, has recently returned from Canton. Three years ago he sold 88 English trucks to the Chinese Communists, and still had not been paid. When a friend asked him if he finally got payment, he said, no, but the Communists gave him 25,000 tons of soybeans. This would be several shiploads of soybeans, which he was hoping to dump in Japan. The Japanese payments would be in yen, rather than pounds sterling. It is doubtful that the Japanese would allow the rather large sum involved to be taken out of the country in one swoop. The trader therefore was hoping to convert his yen into pounds sterling at the rate of approximately 10 percent a month. Meanwhile, it must be remembered that the interest rate on export capital is about 10 percent on the London money market. I submit that this kind of a deal is not foreign trade at all. It is more like trying to break the bank at Monte Carlo.

Barter trade, on the whole, is not profitable from a business standpoint. That is why those who are seeking trade with Red China always demand government subsidies, or at least government guarantees. Barter trade isn't business; it's politics. It needs a subsidy to make it work. Such subsidies would contribute to the dollar outflow at a crucial moment in our trade posture. The financial world is just beginning to realize that, for the first time, the United States faces a trade deficit in hard commercial exports and imports. Let me explain:

In 1966, the U.S. balance-of-trade took a startling change: For the first time in recent history, our trade went into the red. The U.S. is now importing more goods than it exports.

Unfortunately, the sobering news of our trade deficit has been withheld from the business community and the people at large. The U.S. Department of Commerce has been publishing misleading trade statistics, thus covering up an alarming development. However, an even more alarming situation is indicated by this credibility gap: the drastic tariff concessions just concluded in Geneva, so crippling to key American industries such as textiles, are based upon the assumption of a trade surplus.

The credibility gap in trade statistics has only recently come to light. The Commerce Department's statistics show that in 1966 U.S. exports amounted to $29.42 billion, while imports were $25.65 billion. Those figures suggest that the U.S. had a trade *surplus* of $3.77 billion.

In actual fact, however, the Commerce Department deliberately includes exports authorized under governmentally subsidized programs, such as Public Law 480 shipments of food. Payments for such shipments are nominal, and cannot be converted into dollars. No reputable business accounting method would include free samples in reports of yearly sales. Yet the Commerce Department inflates the statistics of hard commercial sales with giveaways. A realistic accounting reduces the actual total of exports by 10 percent.

On the other side of the balance, the Commerce Department undervalues imports. It consistently reports import values on the basis of free-on-board (f.o.b.)—that is, the cost of the goods when put on shipboard at a foreign port. The reports of nearly every other country in the world realistically include the insurance and freight charges that must be paid when the ship reaches the domestic port. In the U.S., these additional charges must be paid in dollars that leave the country. When imports are figured on a true cost-insurance-freight basis (c.i.f.), the costs go at least 10% higher.

When the two adjustments are taken together, they constitute an error of 20%. Instead of the favorable trade balance of $3.77 billion reported by the Commerce Department, the 1966 trade *deficit* was $1.8 billion. The 1967 deficit, based on current projections, will at least be equal. The Commerce Department figures *conceal* not only a bad trade picture, but also help to obscure an important reason for our unfavorable balance-of-payments, and the gold drain.

This situation was uncovered in recent Senate hearings by the Senate Minority Leader, Senator Everett Dirksen, and the Senate Finance Committee Chairman, Senator Russell Long. The new calculations are based upon official but unpublicized U.S. government data. Thanks to the Senate hearings, the Commerce Department is beginning to publish c.i.f. statistics on a limited basis.

Now at first glance it might seem that trade with Red China would help improve our export picture. However, in the light of the facts I have just outlined, it would only make our trade picture worse. To import agricultural commodities would be financial insanity. To import cheap manufactured goods would undercut our own industry. To accept barter trade would require a heavy subsidy that would be detrimental to our poor balance of payments, and would contribute to the misleading inflation of export statistics.

Red Chinese trade, as I have pointed out, is already in a decline with her major trading partners. Moreover, her trade history shows a pattern of uncertainty and confusion, as waves of ideological fervor sweep over her operations. Originally, she traded almost exclusively with Communist bloc countries; then she realized that trade with the Soviets tends to be a one-way street. The Great Leap Forward of 1959 provided another boost in trade, followed by a great decline. In 1965, Red Chinese trade was at an all time high, and once more has fallen.

Trade agreements postulated upon such a foundation are meaningless. Here is direct evidence of ideological intervention and interference in the marketplace. The risks and uncertainties of Communist trade are the direct result of Communism.

I think that our Western allies, including Japan, are beginning to learn that lesson. Our policy of no trade at all is emerging as the correct one, and should be reaffirmed rather than weakened. Has it served to neutralize Red China as a power hostile to our interests in the Pacific? I believe that it has acted toward this end. The Chinese Communists have more bluster than effect. Even their contribution to the Vietnamese War has been limited mainly to deliveries of small weapons, logistical support for Soviet railroad shipments to Hanoi, and propaganda.

Any trade between the U.S. and Red China would perforce be small in volume. A large volume is not economically feasible, no matter what the policy. Whatever trade we engaged in would have little leverage to incline Communist leaders toward the West. The trade would be so small that it could never engage East and West in dialogue.

However, the psychological effects would be sobering indeed. A pro-trade policy would completely undercut our policy against seating Red China in the UN. In fact, I believe that many of the advocates of trade are actually seeking the recognition and seating of Red China as their principal aim.

Furthermore, any shift toward Peking in our trade policy would denigrate the position of Free China. Taiwan, through the efforts of the Chinese and our assistance, has been built up into a self-sustaining economy. Taiwan today has trade agreements with Japan to trade sugar for Japanese fertilizer, necessary for Taiwan's volcanic soil. Under another agreement, rice is exchanged for Japanese replacement machinery parts for Taiwan's textile industry. If there were a significant alteration in the Asian trade pattern, this delicate balance might be upset.

If profit is to be made for the businessman in the Far East, then I would suggest that he investigate investment in Taiwan. Within the past few months, three U.S. firms have invested about $150 million in Taiwan. Pfizer has built a large plant for general pharmaceuticals; Stanback has set up a large urea plant; and Gulf Oil has installed a gasoline cracking plant. The Gulf operation, by the way, has the capacity to refine up to 100 octane, and provides logistical support to the U.S. Air Force in the Pacific.

The growth of U.S. investment in Taiwan is made possible because of the Chinese government's enlightened and progressive 4-point development policies, designed to attract capital and generate economic strength. (1) Taiwan offers 100% tax relief for the first five years. (2) Taiwan allows the investor to repatriate 15% of these untaxed profits for the same period. (3) Taiwan has a favorable balance of trade, guaranteeing currency convertibility of those repatriated earnings. (4) Costs of operation in Taiwan are less than in Japan, even less than in Hong Kong.

If anyone wants to do business in the Orient, then I suggest that he go where business is conducted on a business-like

basis. These are terms that an American businessman can understand, and of which he can take advantage. At the same time, he will be strengthening the free world economy, and preserving freedom for both Taiwan and the United States.

I have been speaking mainly of the economic consequences of trade with Red China, but I do not want to imply that those consequences are the only reasons, or even the chief reasons, for reaffirming our trade policy with the Communists. Our national policy in this regard is basically a moral issue. As long as we accept the usurpation of power by the Communists in China as a permanent and legitimate situation, then we are cooperating in the enslavement of the millions of Chinese people. If we assist such a regime to consolidate its position, then we are hardening its grip on the people, not softening its grip.

Moreover, the consequences of a weak moral position on trading with the Communists are bound to catch up with us sooner or later. As I have already pointed out, the aid which Red China has furnished to North Vietnam is minimal, despite Communist boasting. On a practical level, the small level of trade which Red China could sustain with the U.S. would do little to help Hanoi continue aggressive acts against South Vietnam. Nevertheless, the principle of the thing is very clear: It is moral imbecility for the U.S. government to guarantee profits for businessmen trading with a Communist nation that is helping to kill American boys sent to Vietnam to defend freedom. Whatever the level of trade, Red China's intentions are clear. The lesson is spelled out in a short news dispatch from Sydney, Australia, a few weeks ago. Australia, as you know, is one of the principal countries engaged in the wheat trade with Red China. Here is how the lesson was brought out:

"PROTEST RED DEAL

"LONDON, September 21.—Australian wheat shipped to Communist China aboard British ships is being sent to North Vietnam, British sailors said today. Eight British merchant seamen quit their ship, the 7,457-ton Hopepeak, in Sydney, in protest over the alleged grain deal. The sailors arrived here last night." (The *New York Daily News*, September 22, 1967)

This dispatch I have just quoted is perhaps a more powerful argument than all the others I have touched upon, because it shows the essential hostility and duplicity of Communism. Trade with any Communist nation is morally wrong. Any kind of trade is strategic trade, for it strengthens the power of the regime and stabilizes its domestic unrest. It seems to me that it is incredibly naive to expect an enemy to reduce his hostility when he grows stronger.

The proof of this is of course the Soviet Union. Of the two Communist giants, the Soviet Union by far presents the most serious threat to our security. A totalitarian regime has the power to direct its capital toward armament and aggression. The Soviets have directed their economy towards this end. The Soviet Union today is richer, more powerful. Its leaders are more sophisticated, better educated, and more experienced in dealing with the outside world. The Soviet Communists say that they are out to destroy us, and their world-wide agitation backs up their words. They are too prudent to risk a nuclear confrontation with us as long as they know we have nuclear superiority, but they do not hesitate to engage our men and our finances on a third battlefield in Vietnam.

We are making a mistake whenever we trade with Communists, whether in China or in the Soviet Union. The Communist system needs trade to make up its own deficiencies; the system needs trade to make it work. Even token trading destroys our moral position, and weakens our will to survive. It will profit us nothing to trade with the whole world if we fail to survive.

THE 1967 ESEA AMENDMENTS: ANOTHER MILESTONE IN EDUCATION POLICY

Mr. KUCHEL. Mr. President, the 1967 amendments to the Elementary and Secondary Education Act mark a major milestone in the continuing expansion and improvement of Federal programs to aid our schools. All of the members of the Education Subcommittee deserve the enthusiastic thanks of the people, and of the Senate. This bill includes not only new programs but important innovations in providing funds for existing ones. I am particularly grateful that proposals which I have joined in offering, including one introduced by the distinguished subcommittee chairman, the senior Senator from Oregon, have been included.

I commend the committee for the timely inclusion of the provisions of S. 428, the Bilingual Education Act. I cosponsored that great piece of legislation when the distinguished senior Senator from Texas offered it earlier this year. It is a mark of the careful craftsmanship put into this bill that the subcommittee established the bilingual education program as a separate entity in the Elementary and Secondary Education Act. This program, which at last recognizes the significant intellectual assets possessed by Americans whose native tongue is other than English, is a new departure in our Federal aid program. It will offer a new cause for just pride in the great Spanish-speaking culture of the American Southwest, and particularly of my own State of California. It will offer new hope to millions of American children who otherwise might never understand either the true value of their native tongue and native heritage, nor achieve the easy conversance with modern learning which has become a necessity of life for our era. In years to come, I predict that this bold new approach to the problems of language differences in our great Nation will be remembered as a major contribution of this Congress. I want to urge the chairmen and those designated as conferees that no compromise be made which would weaken or remove this vital segment from the bill in any Senate-House conference.

Mr. President, we have been in session for many months this year. We may yet set a record for legislative longevity. But, while we deliberate, if that is the correct word, the world goes on. Most important, the nurturing of the treasured minds of our young children goes forward. Many school districts in this Nation have taken full advantage of the programs of Federal aid established by the Congress over the last 15 years. Not the least of them are large and growing school systems of cities like Los Angeles, San Francisco, Oakland, and San Diego in California. The delay in bringing out adequate appropriations for these programs this year has caused considerable hardship—not only on the administrators and teachers, but on local budget planners, and, may I add, on taxpayers as well. We can all be greatly encouraged by the provision in this bill authorizing the administration to execute grant agreements for the succeeding fiscal year at the current appropriation level of existing programs, when there is a delay in passing the new annual appropriations. The very existence of this authority should reduce uncertainty, and improve fiscal management at the State and local level. As a Republican member of the Senate Committee on Appropriations, I fully agree with this approach. It strikes exactly at the kind of administrative confusion in Federal programs which my party is pledged to eliminate. I believe it will find support on both sides of the aisle.

Many of the important features of this bill were proposed by my fellow Republicans. Indeed, the statement of the minority lists 23 amendments put forward by Republican committee members. They are to be warmly congratulated for their effort. Many of their improvements are highly significant—the provision of funds to improve school bus safety, the establishment of incentive grants to States to increase their efforts in educating disadvantaged children, and the ending of the practice of deducting amounts due under one program from those due under another. Three are those of many that deserve special mention. The ranking Republican member, the distinguished senior Senator from New York [Mr. JAVITS], and his colleagues, the distinguished Senator from Colorado [Mr. DOMINICK], the distinguished Senator from Arizona [Mr. FANNIN], the distinguished Senator from Michigan [Mr. GRIFFIN], the distinguished Senator from California [Mr. MURPHY], and the distinguished Senator from Vermont [Mr. PROUTY] all deserve high praise.

The minority amendment to provide $30 million in additional funds to establish projects to eliminate the increasing problem of school dropouts is a major and vital addition to this bill. This was the work of a man long concerned with the problems of the poor, the handicapped and the disadvantaged, my own distinguished colleague from California, Senator GEORGE MURPHY. He merits the enthusiastic congratulations of all Senators.

The Murphy amendment is an inseparable part of this bill and a major contribution to the Federal-aid-to-education program.

Mr. President, education is not only the Nation's second largest business. It is everybody's business. I am proud of the record of our Nation in providing a broad and freely available education to our people. From the Land Ordinance of 1785, through the Land Grant College Act in the time of Lincoln, to the ESEA of 1965, this has been a joint concern of all responsible public servants in both parties and at every level of government. It must remain so.

REPUBLICAN ACCOMPLISHMENTS

Mr. JAVITS. I want to thank the distinguished acting minority leader for his very fine words. As the ranking member of the Committee on Labor and Public Welfare, I would like to observe that what is unique about the recital of the amendments which the Republican mi-

nority had included in the bill, and with which I agree, is not a single Senator's name is attached to the listing of any of these amendments found on pages 186 and 187 of the committee report, although it is well known who sponsored each of them. The Senator has mentioned that. That is as it should be.

The reason is interesting. We on the minority side of the committee have acted very much together. This has been our strength. The Senator knows that the ideological views of minority members differ, perhaps not too widely, but they do differ. We have been extraordinarily cooperative with each other, because the existence of the amendments was preceded by a stage of consultation, development, and openminded willingness to change, in order to produce maximum support. These amendments are also a tribute to the majority, for without a fair attitude on the part of the majority none of the amendments could have been adopted.

It is a matter of particular pride to me, as the ranking minority member—first, because every person likes to be the ranking member of a good team, and this team is the best; second, it will be remembered on one occasion, not through any fault of his but because he could not help it, the Senator in charge of the bill on the floor had put through an education bill in which the majority lowered the boom on the minority so far as amendments were concerned and none—even of a minor or technical nature—were permitted. I do not think that any of us got over it. It was a salutary lesson. What has happened to the bill is one of creativity born of bipartisan collaboration, of which the Senator from California eloquently spoke.

Unfortunately, these things are not sensational. Tomorrow's headlines will feature something else, but it will not be remotely so important as what the Senator from California has said in this Chamber today. That is the most important reason why, to me, this is one of the most prideful committee assignments I have ever had, because of the creativity which has been developed in the pending bill by the Committee on Labor and Public Welfare, and in other areas such as health and even labor where we have obtained an extraordinary degree of unanimity of action.

The committee's efforts remind me of Arthur Vandenberg's finest hours as the Republican chairman of the Committee on Foreign Relations which was responsible for some of the most historic actions ever taken in Congress.

For all these reasons, I am very grateful to my colleague from California for his eloquent remarks.

Mr. KUCHEL. Let me say to the Senator from New York that it is really the other way around. I express my gratitude to my friend from New York, and to my colleagues on the minority side, as well as to my friend the chairman and Senator in charge of the bill on the majority side, who have demonstrated, I think, zeal for a good cause, for an American cause, that has flowered into a highly significant piece of legislation and represents, in my judgment, a great milestone.

Mr. JAVITS. One more word. I should like to point out that the ranking minority member of the Education Subcommittee is the Senator from Vermont [Mr. PROUTY]. Unhappily, he cannot be with us today, because of a momentary health problem.

I want to speak most feelingly about him. I am a member of the Education Subcommittee, too, as well as the Senator from Colorado [Mr. DOMINICK] and the Senator from California [Mr. MURPHY], who are now in the Chamber, and who have been extremely active in its work as members of the subcommittee.

However, I think we would all be derelict in our duty if we did not speak in glowing terms of the leadership of the Senator from Vermont [Mr. PROUTY], who is, unfortunately, unable to be with us today. He has done much creative and outstanding work on the subcommittee.

Mr. KUCHEL. The Senator from Vermont [Mr. PROUTY] is an excellent Senator and an excellent member of the subcommittee.

Mr. MORSE. Let me say to the Senator from California [Mr. KUCHEL] that as chairmar of the Subcommittee on Education and the Senator in charge of the pending bill, I associate myself with every word he has spoken on this subject.

I am glad to associate myself with this cause. We have demonstrated again the bipartisan nature of the committee and have verified what the Senator from New York [Mr. JAVITS] has just pointed out.

We would not have had this legislative miracle in the field of education over the past several years if we had not had this bipartisanship. We certainly would not have had it if members of the committee had placed their partisan affiliation first at any time.

Of course, I cannot stand before the Senate today and testify that at any time straight partisanship did not control our committee every once in a while. There were some times, in discussing the issues, when the discussion was tinged with party affiliation, but it did not last very long. We usually laughed each other out of such a position. I suppose the closest we came to it was the incident I reported on yesterday, in debate on the floor of the Senate, when we were dealing with section 3 of the bill as to whether 100-percent control should be in the Federal Government, or whether 100-percent control should be in the State department of education.

As I stated yesterday, it happened that the lineup on that was all the Republicans on one side, and all the Democrats on the other side, except for the chairman. As sometimes is my practice, I joined the Republicans, not because they were Republicans, but because I thought the Democratic majority in that case was wrong. I cast the vote that resulted in a tie vote and prevented passage of the motion which would have kept title III funds under the complete control of the Department of Health, Education, and Welfare.

With the next vote, I voted against the rare alinement in the committee, where all the Republicans wanted another program, which I thought was wrong. With that little flurry of what looked like a party alinement, it disappeared, and from then on we went back to work on a bipartisan bill; and that is what we have brought to the floor of the Senate.

There has been no mention of the individual Republicans on the committee responsible for this bipartisanship.

The Senator from New York [Mr. JAVITS] is the ranking minority member, followed by the Senator from Vermont [Mr. PROUTY], the Senator from Colorado [Mr. DOMINICK], the Senator from Arizona [Mr. FANNIN], the Senator from California [Mr. MURPHY], and the Senator from Michigan [Mr. GRIFFIN].

These men on the so-called Republican side of the committee, let me say, have given to me complete cooperation at all times, even when we were in disagreement on the merits of some particular amendment.

It should be made crystal clear that the Senator from California [Mr. KUCHEL] and the Senator from New York [Mr. JAVITS] are so right that here is a committee which has worked as a committee without partisanship dictating its legislative policy. The Senator from Colorado [Mr. DOMINICK] has just given me splendid cooperation, particularly when we were on the opposite side of an amendment, or an issue.

After all, it seems to me, that is the test, whether we have true bipartisanship—when we can disagree—and whether we still get the kind of cooperation which the Senator from Colorado [Mr. DOMINICK] always extends.

So I am glad, as the chairman of the subcommittee, and as the manager of this bill, to make these comments.

I close by asking, Mr. President, do you know why, more than anything else, this situation exists in the Committee on Labor and Public Welfare? Because of the chairman of the full committee, Senator HILL, of Alabama. I do not know how we could have a more judicious, sagacious, considerate man than Senator HILL. He is always willing to have our differences resolved by full discussion and hammering out our understandings.

The thing that impressed me is that on any issue there will be a number of Democrats and a number of Republicans on one side, and the same thing on the other side.

I wanted to pay this expression of thanks to the committee.

AMENDMENT OF ACT RELATING TO ACQUISITION OF WETLANDS FOR CONSERVATION OF MIGRATORY WATERFOWL

Mr. BARTLETT. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 480.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the bill (H.R. 480) to amend the act of October 4, 1961, relating to the acquisition of wetlands for conservation of migratory waterfowl, to

extend for an additional 8 years the period during which funds may be appropriated under that act, and for other purposes, which was:

In the amendment proposed by the Senate, strike out "funds" and insert "fund."

Mr. BARTLETT. Mr. President, I move that the Senate concur in the House amendment, which merely corrects a typographical error.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to.

Mr. BARTLETT. Again I thank the Senator from Oregon and the Senator from Colorado for their courtesy.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

The Senate resumed the consideration of the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing assistance for comprehensive educational planning, and by improving programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

Mr. MORSE. Mr. President, I yield to the Senator from Colorado [Mr. DOMINICK].

Mr. DOMINICK. Mr. President, I appreciate the courtesy of the distinguished Senator from Oregon. Unfortunately, I did not have the opportunity to be here last Friday, when the Senator from Oregon made his opening statement on this bill. I felt obligated to honor a longstanding commitment in Colorado made, I might say, before it became evident that Congress would be in session in December. However, I am pleased that I was able to return yesterday for the votes on the amendments to this bill and I am particularly pleased to have been on the floor today to hear the remarks of the Senator from New York, both Senators from California, and the Senator from Oregon.

I think it can be truthfully said that the committee as a whole, under the very able leadership of the distinguished Senator from Oregon, has made some milestone approaches in this particular bill, in changing, amending, redirecting, and transferring parts of the Elementary and Secondary Education Act.

Some two and a half years ago, when the bill was first reported out of committee without a comma changed from the House bill, the Senator from Oregon and several other Senators had some fairly bitter discussions about this bill on the floor, and I participated freely in those discussions. It was my impression at that point that we had not been permitted—not through any fault of the Senator from Oregon, but through other pressures within the administration—an opportunity to really discuss the bill and to try to work out problems that seemed self-evident. The proof of the pudding was that not more than 2 weeks after the bill passed, we had to consider another bill in order to include Indian children within the legislation.

But this year, under the able leadership of the Senator from Oregon, we have, in fact, exercised a greater degree of oversight in the process of working out the elementary and secondary education bill, and have, in my opinion at least, made some improvements in redirecting its emphasis, by adding provisions, and trying to take care of some of the problems which the people who have actually been working in this field have brought to our attention over the past 2½ years.

I, of course, have been particularly pleased with the very great cooperation the Senator from Oregon gave in the inclusion of the incentive grant provision. The Office of Education was not very happy with it, or with any other type of incentive grant program, I am frank to admit; but it seemed to me that, as long as we were distributing taxpayers' funds to the various States for the strengthening of their educational systems, we should give some recognition to those States which have exerted the most local effort in support of their schools based on an effort index. We worked this amendment out over a period of time, we tried to take care of the objections of those who felt that perhaps this money would not go into the right place or help disadvantaged children, by including this as part B of title I and distributing the money under the title I formula. We took care of most of those objections, because it means additional funds will go into the districts where there is a heavier concentration of disadvantaged children and will be, therefore, of maximum help in promoting the cause that title I is designed to take care of.

Second, we had some problems in the impacted aid provision, because of the type of administrative rulemaking that has gone on under which, in the State of the Senator from Oregon and my own, we found that the money being paid to counties in lieu of taxes for national forests and the like was being deducted from the amount of impacted aid being distributed to those areas, even though this was not the intent of the law.

We have that changed around now so that the "in lieu of taxes" payments will be continued in the counties, and where the counties are affected by Federal impaction, they will get the same kind of impacted aid support as if they received no "in lieu of taxes" payments. This is a step in the right direction.

The decision of the Senator from Oregon in formulating an Indian Education Subcommittee is, in my opinion, of tremendous significance, because it will give us an opportunity over a period of time to be able to study the impact of the education system on the Indians and whether they are able to bring up their children to fit into the pattern of living we have in this country.

It has been my experience over a period of years that the Indians, by being furnished schools on the reservations by the Bureau of Indian Affairs, are in fact, being segregated from the rest of the American population at the very time when all of us are trying to achieve an integration pattern as far as minority groups are concerned. I believe the effort that can be made in the Indian Subcommittee will be of substantial importance in working out these problems as time goes on. I look forward to working and serving on this subcommittee.

I want to express my appreciation for the tremendous cooperation which the minority members of the committee have received from the distinguished Senator from Oregon, the leadership he has displayed, and the cooperation that I, as a member on the subcommittee, have received from all Members on the majority and minority sides, particularly the distinguished Senators from New York, Vermont, Arizona, California, and Michigan. They have been very, very helpful all the way through in putting up imaginative ideas, discussing this matter in a nonpartisan way, and being able to include many of them in the framework of the bill.

I am sure, as time goes on, other problems will arise. We cannot have a bill with the amount of major impact in every area of the country that this program has without having problems arise. The oversight work that has gone on in the past, that will go on in the future, will be of help in working these problems out.

One of the major problems which we have not been able to fully solve, but which we must, is to get the appropriations enacted soon enough so the school administrators will be able to learn the amount of funds they are going to receive so they can plan early enough in the school year for wise utilization of the funds. This is one of the major problems we have to work out though great steps have been made in the future funding aspects of the Senate bill.

Mr. MORSE. I thank the Senator from Colorado very much. The comments go to the full committee, and the full committee deserves the comments he has made. I thank him very much.

Mr. JAVITS. Mr. President, I appreciate the tremendously constructive work and the very helpful positions and the kind of acknowledgment just made by the Senator from Colorado.

Mr. YARBOROUGH. Mr. President, I wish to state that the courtesy and cooperation of the distinguished chairman of the committee has been extended not only to members of the minority, but to members of the majority party as well.

I concur in the remarks made a few moments ago by the distinguished senior Senator from New York [Mr. JAVITS] concerning this entire Labor and Public Welfare Committee. I consider it my greatest privilege in the Senate to be a member of that committee, because it is a committee of ideas, a committee moving into new fields, and a committee planning for the future. I think more of the constructive legislation considered by the Senate comes out of that committee than any other, because it includes the Subcommittee on Health, the Subcom-

mittee on Education, the Veterans' Affairs Subcommittee, the Labor Subcommittee on Employment, Manpower, and Poverty, and the Migratory Labor Subcommittee. This year, for the first time, the Special Subcommittee on Bilingual Education was created, to hold hearings on the Bilingual Education Act, which has now been incorporated by amendment into the pending legislation.

That illustrates again how this committee moves forward with the cooperation of members of both parties. For example, the Bilingual Education Act, now incorporated into this bill, was cosponsored by both Senators from New York. My colleague from Texas [Mr. TOWER] cosponsored the bill. Both Senators from California [Mr. KUCHEL and Mr. MURPHY], the latter of whom I see on the floor, participated in the hearings in Los Angeles on the bill which they also cosponsored.

This is an illustration of the bipartisan support of the members of this committee for progressive and innovative legislation.

That, Mr. President, is the kind of creative cooperation we have had under the leadership of the Senator from Oregon. It is a pleasure to see American children of this generation receiving better opportunities because of his work and his leadership.

Mr. MORSE. I thank the Senator.

Mr. MONTOYA. Mr. President, the Elementary and Secondary Education Act has made a great contribution to the education of the children of New Mexico. Last summer, when I was in my home State for hearings, I could see the results in the most tangible form.

I am most pleased that the Congress is increasing the funds for these programs, for they are sorely needed. It is my hope that the full amount authorized for each of the succeeding years will be appropriated.

In particular, I am gratified that title 7 has been added to, and provided for, in this bill. As you know, this title provides for aid to bilingual education. It provides a solution to the problems of those children who are educationally disadvantaged because of their inability to speak English.

Mr. President, a major, untapped human resource cries out for attention in our society—the Spanish-speaking youngster. This is an age when people are finally being recognized as a resource to match and perhaps surpass any mineral in the ground.

In our Southwest in particular, as in other areas of the Nation, we have passed up a unique national oportunity by not opening all the doors wide to the Spanish-speaking youngster. We have not used their language as the asset it really is.

These young people are changing before our very eyes. They have desires and dreams now that they never possessed before. We have held out the prospect of a better future to them, and they are grasping for it.

Their commitment to America and her ideals is still strong. Their military records are second to none. As they return home, they form civic organizations that show community interest and ethnic pride that must be recognized by our country.

These young people have not taken to the streets, mainly because they seek opportunity within the framework of American life, rather than a chance to destroy it. We must make their lives meaningful through opportunity and a recognition of the integral worth of their national heritage. This includes respect for, and use of, the Spanish language.

Education is, of course, the key, as it is to most problems of this sort. The dropout rate for Spanish-speaking youngsters is appalling. It is one of the root causes of the problems confronting us now.

We must cut that dropout rate. If we do not, then the consequences our Nation faces are terrible. Demagogs await in the wings for us to falter.

We must take advantage of the language pluralism that exists in our Southwest. But it must be constructive pluralism. Comprehensive bilingual education programs are, to my way of thinking, one way we can give to all the best of both worlds in terms of language, culture, and cooperation in daily life.

Therefore, I have joined several of my distinguished colleagues in sponsoring legislation which will provide for more of such programs to those children in those areas where they are most needed.

To this end I have joined with a full heart in the fight to get more of these programs going where they are most needed. If we will but use the unique linguisitic talents of these people as an asset, it can benefit our Nation enormously, as well as broaden the opportunities now available.

Finally, ignorance of others and lack of communication between them only breeds more of the same. Bringing youngsters in contact with another culture and language can only serve to create better communitcations rather than foster apartness, which has too often been the case in the past.

Many of these children of Spanish-speaking background are concentrated in low-income school districts. The programs envisioned in this bill will finance programs that will reach out to them in the districts where they now are. Teachers will be trained under this program as well.

We must bring the Spanish-speaking student into the mainstream of American education, making him feel that his language is an asset rather than a liability.

We must turn a student's knowledge of Spanish into an added tool and gift which can be shared with non-Spanish-speaking students. This bill is a step in that direction.

For too long this knowledge of Spanish has been a handicap for too many children. It does not and should not have to remain so. By means of bills such as this we can turn it into an asset. An asset, I might add, that our country is in increasing need of.

Our Spanish-speaking community in this country can and must serve our Nation as an economic and cultural bridge to Latin America.

Castro has shown us that we had better pay heed to our fencemending and economic well-being south of our borders. These Communists from Cuba can move throughout Latin America, melting linguistically into the population.

If we move down there as we have in the past, we will stand out and be singled out, rather than blend in and be accepted as those who are friends rather than exploiters.

Our path is clear, and our choices are brightly delineated. The required investment is minimal, compared to sums we invest in so many other fields.

The Spanish-speaking citizens of our Southwest are astir, and we must take heed of those stirrings. Not to do so would be the height of folly and the depth of ignorance of legitimate aspirations.

Up to now, these citizens have shown marvelous restraint, coupling it with an often stated and always observed drive for accomplishment through channels of opportunity.

Let us open up yet another series of these channels through this bill. Justice requires it, necessity demands it, and conscience reminds us that we must do this.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 830) to prohibit age discrimination in employment, with an amendment, in which it requested the concurrence of the Senate.

AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967

Mr. YARBOROUGH. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 830.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 830) to prohibit age discrimination in employment which was to strike out all after the enacting clause and insert:

That this Act may be cited as the "Age Discrimination in Employment Act of 1967".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds and declares that—

(1) in the face of rising productivity and affluence, older workers find themselves disadvantaged in their efforts to retain employment, and especially to regain employment when displaced from jobs;

(2) the setting of arbitrary age limits regardless of potential for job performance has become a common practice, and certain otherwise desirable practices may work to the disadvantage of older persons;

(3) the incidence of unemployment, especially long-term unemployment with resultant deterioration of skill, morale, and employer acceptability is, relative to the younger ages, high among older workers; their numbers are great and growing; and their employment problems grave;

(4) the existence in industries affecting commerce of arbitrary discrimination in employment because of age, burdens commerce and the free flow of goods in commerce.

(b) It is therefore the purpose of this Act to promote employment of older persons based on their ability rather than age; to

prohibit arbitrary age discrimination in employment; to help employers and workers find ways of meeting problems arising from the impact of age on employment.

EDUCATION AND RESEARCH PROGRAM

SEC. 3. (a) The Secretary of Labor shall undertake studies and provide information to labor unions, management, and the general public concerning the needs and abilities of older workers, and their potentials for continued employment and contribution to the economy. In order to achieve the purposes of this Act, the Secretary of Labor shall carry on a continuing program of education and information, under which he may, among other measures—

(1) undertake research, and promote research, with a view to reducing barriers to the employment of older persons, and the promotion of measures for utilizing their skills;

(2) publish and otherwise make available to employers, professional societies, the various media of communication, and other interested persons the findings of studies and other materials for the promotion of employment;

(3) foster through the public employment service system and through cooperative effort the development of facilities of public and private agencies for expanding the opportunities and potentials of older persons;

(4) sponsor and assist State and community informational and educational programs.

(b) Not later than six months after the effective date of this Act, the Secretary shall recommend to the Congress any measures he may deem desirable to change the lower or upper age limits set forth in section 12.

PROHIBITION OF AGE DISCRIMINATION

SEC. 4. (a) It shall be unlawful for an employer—

(1) to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age;

(2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's age; or

(3) to reduce the wage rate of any employee in order to comply with this Act.

(b) It shall be unlawful for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of such individual's age, or to classify or refer for employment any individual on the basis of such individual's age.

(c) It shall be unlawful for a labor organization—

(1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his age;

(2) to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's age;

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d) It shall be unlawful for an employer to discriminate against any of his employees or applicants for employment, for an employment agency to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because such individual, member, or applicant for membership has opposed any practice made unlawful by this section, or because such individual, member, or applicant for membership has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or litigation under this Act.

(e) It shall be unlawful for an employer, labor organization, or employment agency to print or publish, or cause to be printed or published, any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification, or discrimination, based on age.

(f) It shall not be unlawful for an employer, employment agency, or labor organization—

(1) to take any action otherwise prohibited under subsections (a), (b), (c), or (e) of this section where age is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business, or where the differentiation is based on reasonable factors other than age;

(2) to observe the terms of a bona fide seniority system or any bona fide employee benefit plan such as a retirement, pension, or insurance plan, which is not a subterfuge to evade the purposes of this Act, except that no such employee benefit plan shall excuse the failure to hire any individual; or

(3) to discharge or otherwise discipline an individual for good cause.

STUDY BY SECRETARY OF LABOR

SEC. 5. The Secretary of Labor is directed to undertake an appropriate study of institutional and other arrangements giving rise to involuntary retirement, and report his findings and any appropriate legislative recommendations to the President and to the Congress.

ADMINISTRATION

SEC. 6. The Secretary shall have the power—

(a) to make delegations, to appoint such agents and employees, and to pay for technical assistance on a fee for service basis, as he deems necessary to assist him in the performance of his functions under this Act;

(b) to cooperate with regional, State, local, and other agencies, and to cooperate with and furnish technical assistance to employers, labor organizations, and employment agencies to aid in effectuating the purposes of this Act.

RECORDKEEPING, INVESTIGATION, AND ENFORCEMENT

SEC. 7. (a) The Secretary shall have the power to make investigations and require the keeping of records necessary or appropriate for the administration of this Act in accordance with the powers and procedures provided in sections 9 and 11 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 209 and 211).

(b) The provisions of this Act shall be enforced in accordance with the powers, remedies, and procedures provided in sections 11(b), 16 (except for subsection (a) thereof), and 17 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(b), 216, 217), and subsection (c) of this section. Any act prohibited under section 4 of this Act shall be deemed to be a prohibited act under section 15 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 215). Amounts owing to a person as a result of a violation of this Act shall be deemed to be unpaid minimum wages or unpaid overtime compensation for purposes of sections 16 and 17 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 216, 217): *Provided*, That liquidated damages shall be payable only in cases of willful violations of this Act. In any action brought to enforce this Act the court shall have jurisdiction to grant such legal or equitable relief as may be appropriate to effectuate the purposes of this Act, including without limitation judgments compelling employment, reinstatement or promotion, or enforcing the liability for amounts deemed to be unpaid minimum wages or unpaid overtime compensation under this section. Before instituting any action under this section, the Secretary shall attempt to eliminate the discriminatory practice or practices alleged, and to effect voluntary compliance with the requirements of this Act through informal methods of conciliation, conference, and persuasion.

(c) Any person aggrieved may bring a civil action in any court of competent jurisdiction for such legal or equitable relief as will effectuate the purposes of this Act: *Provided*, That the right of any person to bring such action shall terminate upon the commencement of an action by the Secretary to enforce the right of such employee under this Act.

(d) No civil action may be commenced by any person under this section until the person has given the Secretary not less than sixty days' notice of an intent to file such action. Upon receiving such notice, the Secretary shall promptly seek to eliminate any alleged unlawful practice by informal methods of conciliation, conference, and persuasion.

(e)(1) Any suit brought to enforce any cause of action granted by this Act shall be forever barred unless commenced within two years after the cause of action accrued, except that a cause of action arising out of a willful violation may be commenced within three years after the cause action accrued.

(2) In any action or proceeding under this Act, no employer, labor organization, or employment agency shall be subject to any liability based on any act or omission if such employer, labor organization, or employment agency pleads and proves that the act or omission complained of was in good faith in conformity with and in reliance on any written administrative regulation, order, ruling, approval, or interpretation of the Secretary of Labor, or any administrative practice or enforcement policy of the Secretary of Labor with respect to the class of employers, labor organizations, or employment agencies to which such employer, labor organization, or employment agency belonged. Such a defense, if established, shall be a bar to the action or proceeding, notwithstanding that after such act or omission, such administrative regulation, order, ruling, approval, interpretation, practice, or enforcement policy is modified or rescinded or is determined by judicial authority to be invalid or of no legal effect.

NOTICES TO BE POSTED

SEC. 8. Every employer, employment agency, and labor organization shall post and keep posted in conspicuous places upon its premises a notice to be prepared or approved by the Secretary setting forth information as the Secretary deems appropriate to effectuate the purposes of this Act.

RULES AND REGULATIONS

SEC. 9. The Secretary of Labor may issue such rules and regulations as he may consider necessary or appropriate for carrying out this Act, and may establish such reasonable exemptions to and from any or all provisions of this Act as he may find necessary and proper in the public interest.

CRIMINAL PENALTIES

SEC. 10. Whoever shall forcibly resist, oppose, impede, intimidate, or interfere, with a duly authorized representative of the Secretary while he is engaged in the performance of duties under this Act shall be punished by a fine of not more than $500 or by imprisonment for not more than one year, or by both: *Provided, however*, That no person shall be imprisoned under this section ex-

cept when there has been a prior conviction hereunder.

DEFINITIONS

SEC. 11. For the purposes of this Act—

(a) The term "person" means one or more individuals, partnerships, associations, labor organizations, corporations, business trusts, legal representatives, or any organized groups of persons.

(b) The term "employer" means a person engaged in an industry affecting commerce who has twenty-five or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year: *Provided*, That prior to June 30, 1968, employers having fewer than fifty employees shall not be considered employers. The term also means any agent of such a person, but such term does not include the United States, a corporation wholly owned by the Government of the United States, or a State or political subdivision thereof.

(c) The term "employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer and includes an agent of such a person; but shall not include an agency of the United States, or an agency of a State or political subdivision of a State, except that such term shall include the United States Employment Service and the system of State and local employment services receiving Federal assistance.

(d) The term "labor organization" means a labor organization engaged in an industry affecting commerce, and any agent of such an organization, and includes any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or system board, or joint council so engaged which is subordinate to a national or international labor organization.

(e) A labor organization shall be deemed to be engaged in an industry affecting commerce if (1) it maintains or operates a hiring hall or hiring office which procures employees for an employer or procures for employees opportunities to work for an employer, or (2) the number of its members (or, where it is a labor organization composed of other labor organizations or their representatives, if the aggregate number of the members of such other labor organization) is fifty or more prior to July 1, 1968, or twenty-five or more on or after July 1, 1968, and such labor organization—

(1) is the certified representative of employees under the provisions of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended; or

(2) although not certified, is a national or international labor organization or a local labor organization recognized or acting as the representative of employees of an employer or employers engaged in an industry affecting commerce; or

(3) has chartered a local labor organization or subsidiary body which is representing or actively seeking to represent employees of employers within the meaning of paragraph (1) or (2); or

(4) has been chartered by a labor organization representing or actively seeking to represent employees within the meaning of paragraph (1) or (2) as the local or subordinate body through which such employees may enjoy membership or become affiliated with such labor organization; or

(5) is a conference, general committee, joint or system board, or joint council subordinate to a national or international labor organization, which includes a labor organization engaged in an industry affecting commerce within the meaning of any of the preceding paragraphs of this subsection.

(f) The term "employee" means an individual employed by any employer.

(g) The term "commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States; or between a State and any place outside thereof; or within the District of Columbia, or a possession of the United States; or between points in the same State but through a point outside thereof.

(h) The term "industry affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry "affecting commerce" within the meaning of the Labor-Management Reporting and Disclosure Act of 1959.

(i) The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act.

LIMITATION

SEC. 12. The prohibitions in this Act shall be limited to individuals who are at least forty years of age but less than sixty-five years of age.

ANNUAL REPORT

SEC. 13. The Secretary shall submit annually in January a report to the Congress covering his activities for the preceding year and including such information, data, and recommendations for further legislation in connection with the matters covered by this Act as he may find advisable. Such report shall contain an evaluation and appraisal by the Secretary of the effect of the minimum and maximum ages established by this Act, together with his recommendations to the Congress. In making such evaluation and appraisal, the Secretary shall take into consideration any changes which may have occurred in the general age level of the population, the effect of the Act upon workers not covered by its provisions, and such other factors as he may deem pertinent.

FEDERAL-STATE RELATIONSHIP

SEC. 14. (a) Nothing in this Act shall affect the jurisdiction of any agency of any State performing like functions with regard to discriminatory employment practices on account of age except that upon commencement of action under this Act such action shall supersede any State action.

(b) In the case of an alleged unlawful practice occurring in a State which has a law prohibiting discrimination in employment because of age and establishing or authorizing a State authority to grant or seek relief from such discriminatory practice, no suit may be brought under section 7 of this Act before the expiration of sixty days after proceedings have been commenced under the State law, unless such proceedings have been earlier terminated: *Provided*, That such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective date of such State law. If any requirement for the commencement of such proceedings is imposed by a State authority other than a requirement of the filing of a written and signed statement of the facts upon which the proceeding is based, the proceeding shall be deemed to have been commenced for the purposes of this subsection at the time such statement is sent by registered mail to the appropriate State authority.

EFFECTIVE DATE

SEC. 15. This Act shall become effective one hundred and eighty days after enactment, except (a) that the Secretary of Labor may extend the delay in effective date of any provision of this Act up to an additional ninety days thereafter if he finds that such time is necessary in permitting adjustments to the provisions hereof, and (b) that on or after the date of enactment the Secretary of Labor is authorized to issue such rules and regulations as may be necessary to carry out its provisions.

APPROPRIATIONS

SEC. 16. There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act.

Mr. YARBOROUGH. Mr. President, I move that the Senate concur in the amendment of the House of Representatives, with the following amendments, which I now send to the desk.

The PRESIDING OFFICER. The amendments will be stated.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with, and that the amendments be considered en bloc.

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

The amendments proposed to be considered en bloc by the Senator from Texas [Mr. YARBOROUGH] are as follows:

On page 8, beginning with line 21 and continuing through line 2 on page 9, strike all of subsection (d), and substitute in lieu thereof the following:

"(d) No civil action may be commenced by any individual under this section until the individual has given the Secretary not less than sixty days' notice of an intent to file such action. Such notice shall be filed—

"(1) within one hundred and eighty days after the alleged unlawful practice occurred, or

"(2) in a case to which section 14(b) applies, within three hundred days after the alleged unlawful practice occurred or within thirty days after receipt by the individual of notice of termination of proceedings under State law, whichever is earlier.

Upon receiving a notice of intent to sue, the Secretary shall promptly notify all persons named therein as prospective defendants in the action and shall promptly seek to eliminate any alleged unlawful practice by informal methods of conciliation, conference, and persuasion."

On page 9, beginning with line 3 and continuing through line 2 on page 10, strike all of subsection (e) and substitute in lieu thereof the following:

"(e) Sections 6 and 10 of the Portal-to-Portal Act of 1947 shall apply to actions under this Act."

On page 10, line 10, strike the word "The" after "SEC. 9." and insert in lieu thereof the following:

"In accordance with the provisions of subchapter II of chapter 5 of title 5, United States Code, the".

On page 17, line 5, strike the word "sums" and insert in lieu thereof the following: "sums, not in excess of $3,000,000 for any fiscal year,"

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

Mr. YARBOROUGH. Mr. President, these proposed amendments to the House amendment are basically amendments offered in the committee by the distinguished senior Senator from New York, which were adopted and made a part of the Senate bill. They were stricken out by the amendment of the House of Representatives; but we are now asking that the Senate restore those amendments, which were in the bill the first time, with the expectation that the House will concur in its amendment, as amended.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, the substance of the amendments which, if favorably acted upon by the Senate will be sent back to the House of Representatives with the expectation that they will be agreed to by the House, is that they are intended to answer some of the disquiet in American business—Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from New York may proceed.

Mr. JAVITS. This bill, which deals with age discrimination in employment, deals with some of the concerns of American business that the legislation would be open ended. These amendments are expressly designed to fix reasonable standards for regulations, subject to the Administrative Procedure Act, limiting—at the request of the Senator from Colorado [Mr. DOMINICK]—the amount that can be appropriated for any fiscal year for administration, so that there may be assurance that the bill will be tight and well considered, keeping also in mind the practical problems of administration, and will answer some of the concerns which have been expressed about it.

Mr. President, this is one of the most desirable pieces of legislation with which we have ever dealt, concerning, as everyone knows, a very grave problem in American community life—the employment of older workers. I hope very much that the Senate will act affirmatively, as requested by the chairman of the subcommittee [Mr. YARBOROUGH].

Mr. YARBOROUGH. Mr. President, I commend the distinguished senior Senator from New York for his great contribution to this measure. He has been introducing bills such as this for years.

We are assured that the House will pass the bill; thus making this the first bill passed by the U.S. Congress to prevent discrimination in employment on account of age.

I introduced this bill, cosponsored by the distinguished Senator from New York and a number of others. There have been a number of amendments agreed to by our committee, the Subcommittee on Labor, and by the full Committee on Labor and Public Welfare, all of which, I think, were good amendments, as the Senator from New York has stated, I am sure they tighten the bill up and improve it.

I believe this is another example of the creativity of the committee. This is landmark legislation, a bill of the first importance to that vast body of Americans—they number, I believe, some 46 million in this country now—between 40 and 65 years of age, who are finding employment very difficult to find, regardless of their qualifications. This bill is to give them a fair chance, based on their qualifications. It does not give a person preference because of age; it merely says that if they have equal qualifications, they will have equal treatment.

It will serve to keep an employee from being arbitrarily barred from employment because he is over 40, over 45, or over 50 years of age. As I say, it is landmark legislation.

Our fellow Senators from both sides of the aisle are to be congratulated. The Senator from Colorado [Mr. DOMINICK] offered a valuable amendment. I thank all of those who have contributed so much to this legislation.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I yield to the Senator from West Virginia.

Mr. MORSE. I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I am grateful that the distinguished Senator from Oregon has yielded to the distinguished Senators from Texas [Mr. YARBOROUGH] and New York [Mr. JAVITS], and now to me so we may have the opportunity to speak on the vital legislation being discussed.

The Special Committee on Aging has, as Senators know, several subcommittees that cover particular matters that affect the aged in our country.

In our Subcommittee on Employment and Retirement Incomes, which I chair, we have had hearings on this subject of gainful employment for elderly citizens within our society. I ask unanimous consent to have printed in the RECORD excerpts from a report issued as a result of these hearings.

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

EXCERPTS FROM THE REPORT OF AUGUST 1964 BY SENATE SPECIAL COMMITTEE ON AGING, ENTITLED "INCREASING EMPLOYMENT OPPORTUNITIES FOR THE ELDERLY"

INTRODUCTION

One important means of improving the economic position of America's senior citizens is to make it possible for those to work who can work and want to work. At present, one-third of the total income of older Americans comes from their employment. This belies the stereotype of idleness, dependency, and unproductivity which is too often associated with these Americans.

Dr. Donald P. Kent, Director of the U.S. Office of Aging, has said:

"We have a vested interest as a society in keeping (older) people employed not only from the viewpoint of their own personal well-being but from the national viewpoint. If we had to replace what they are now getting from earnings by some kind of public contribution this would be an enormous sum."

Studies have shown that working, at least part-time, benefits the senior citizen not only financially but in many other ways as well. It prevents a feeling of uselessness and futility. It takes him out of his loneliness and isolation and puts him into the "mainstream of life." It benefits both his psychological outlook and his physical health.

An authority in the field of geriatrics, Dr. Edward F. Bortz, has said:

"Older citizens who are actively employed will be more healthy and better adjusted and consequently a less likely drain on the Public Treasury. Instead of being consumers, they will be producers and taxpayers. They will take pride in being self-supporting and in being able to provide for their own needs. It can be predicted that healthy and alert senior citizens, well utilized by the community, will make far fewer demands for medical services."

* * * * *

As a basis for making recommendations on increasing employment opportunities for the elderly our Subcommittee on Employment and Retirement Incomes held three hearings, as follows:

December 19, 1963: Washington, D.C.

January 10, 1964: Los Angeles, Calif.

January 13, 1964: San Francisco, Calif.

The recommendations below are based upon a report recently submitted by that subcommittee to this committee.

Recommendation No. 1. *The Committee recommends that increased appropriations be made to the U.S. Employment Service to improve and expand its services for older workers in local employment offices, and to establish a Part-Time Employment Service.*

* * * * *

Recommendation No. 2. *The Committee recommends that Congress enact legislation authorizing a new program of grants for experimental and demonstration projects to stimulate needed employment opportunities for older Americans. The Federal Government through the Department of Labor would provide funds on a matching basis to State and local governments or approved nonprofit institutions for experiments in the use of elderly persons in providing needed services.*

* * * * *

Recommendation No. 3. *The Committee recommends that the present complex formula of permissive earnings for recepients of old-age assistance be eliminated in favor of a simple allowance of a certain amount per month of earnings by recipients without reduction of their grants.*

* * * * *

Recommendation No. 4. *The Committee recommends that the amount of earnings which can be received by a recipient of old-age insurance benefits without loss of benefits be increased to a more realistic level, and that the present complex formula be eliminated.*

* * * * *

Recommendation No. 5. *The Committee recommends that a modest annual appropriation be authorized for use by the Bureau of Employment Security in assisting with the expenses of volunteer community efforts to find employment for older workers.*

* * * * *

Recommendation No. 6. *The Committee recommends that Congress enact a resolution designating a week in each year as "National Employ the Older Worker Week."*

Mr. YARBOROUGH. I thank the distinguished Senator from West Virginia. As a member of the full Committee on Aging of the Senate, I, too, have participated in those hearings, and we have learned much, on that Committee, of the problems of the tens of millions of Americans who are barred arbitrarily from employment on account of age, and not because of inability to do the job.

Mr. MORSE. Mr. President, I wish to say to the Senator from Texas and the Senator from New York, on the basis of my membership in the Special Committee on Aging, that I am an enthusiastic supporter of this bill, as they know.

I think that this measure is really a companion bill, in a sense, to the action taken in the Senate the other day, when we supported the amendment to the social security law that seeks to give the aged, on retirement, the right to earn up to $2,400 a year before there is any deduction from their social security payments.

The treatment of the aged in this country is one of the great derelictions of the Congress of the United States. I think that we have simply walked out time and time again on our moral obligations to the aged. After all, this great economy of ours is strong enough to give the opportunities to the aged which the social security benefit provisions, to

which I have just alluded, and also the bill that the Senator from Texas is making a report on to the Senate today involve.

I think that we just have to be more fair and equitable and considerate of the aged of this country from the standpoint of economic factors than we have been. The aged are entitled, in my judgment, as a matter of right—and I use that term advisedly—to have the opportunity to live out their lives in decency. And we are not doing that under the social security law as it presently exists. We are not doing it on the basis of the discrimination that we know exists throughout American industry.

Employers generally discriminate against the aged. Their hiring limitation, in fact, is down in the forties. If a man is 45 and seeks to get a job in general industry, the odds are against him as long as the employer can get someone who is in his thirties.

I think that the Federal Government has a partnership obligation with American industry in this respect. That is why I am such a strong supporter of the bill the Senator is reporting on, as I was of the proposal for modification of the social security law to permit the aged to earn $2,400 a year before there would be any deduction from their social security benefits.

I congratulate the Senator from Texas and the Senator from New York.

Mr. YARBOROUGH. Mr. President, I thank the Senator from Oregon.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas [Mr. YARBOROUGH] to concur in the House amendment with Senate amendments.

The motion was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 320. An act to authorize the Secretary of the Army to release certain use restrictions on a tract of land in the State of North Carolina in order that such land may be used in connection with a proposed water supply lake, and for other purposes;

S. 343. An act to provide that the Federal office building to be constructed in Detroit, Mich., shall be named the "Patrick V. McNamara Federal Office Building" in memory of the late Patrick V. McNamara, a U.S. Senator from the State of Michigan from 1955 to 1966;

S. 1136. An act to amend section 9 of the act of May 22, 1928 (45 Stat. 702), as amended and supplemented (16 U.S.C. 581h), relating to surveys of timber and other forest resources of the United States, and for other purposes;

S. 2195. An act to amend the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended;

S.J. Res. 35. Joint resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas; and

S.J. Res. 101. Joint resolution amending title XI of the Merchant Marine Act, 1936, to authorize the Secretary of Commerce to guarantee certain loans made to the National Maritime Historical Society for the purpose of restoring and returning to the United States the last surviving American square-rigged merchant ship, the *Kaiulani*, and for other purposes.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

The Senate resumed the consideration of the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

AMENDMENT NO. 488

Mr. BYRD of Virginia. Mr. President, I submit an amendment on the pending legislation, H.R. 7819.

I ask unanimous consent that the amendment be printed and that it lie on the table.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. BYRD of Virginia. Mr. President, I do not plan to call my amendment up at the present time. My amendment would delete lines 6 through 17 on page 135 of the pending bill.

The legislation pending before the Senate would provide that in the event Congress does not appropriate money by May 15 of a particular year, the Commissioner of Education may nevertheless execute grant agreements, and such grant agreements shall be obligations of the United States. This would permit roughly $2.7 billion to be obligated by a member of the executive branch of the Government, which amounts have not been appropriated by Congress.

At the appropriate time, I would like to engage in a colloquy with the Senator from Oregon in regard to the actual costs of the program along the lines we discussed on yesterday. However, I am still not clear as to some of the figures. If the Senator from Oregon will indicate a convenient time for him to engage in such colloquy, I will proceed accordingly.

Mr. MORSE. I certainly will provide a time. I would want my friend, the Senator from Ohio [Mr. LAUSCHE] on the floor at the same time, because he has a vested interest in that colloquy, too.

I think that the corrections we made after we received the figures from the Department yesterday are helpful. If further clarification is needed, we are certainly going to get that clarification into the RECORD. So, we will have a conference sometime this afternoon, and in the course of that conference the three of us will work out exactly what we want to get into the RECORD for legislative history. We can then come to the floor and make that history.

Mr. BYRD of Virginia. Mr. President, the information which was made available by the Department yesterday and which the Senator from Oregon caused to have printed in the RECORD is not in a form in which it can be compared with the pending bill.

Mr. MORSE. We will get it in that form, and I hope that counsel will take note of what the Senator from Virginia has just said. Before we have our colloquy, we will have the comparative figures.

I cannot possibly, any more than any other Senator, carry in my head the myriad of fiscal statistics involved in a bill as long as the pending bill.

I can answer the general questions on total amounts. However, I am not a computer, and I do not have in my mind the details of all the tabulations involved in these volumes of reports on our desks. I can always get the information that a Senator needs.

Mr. BYRD of Virginia. Mr. President, I thank the Senator.

Mr. MURPHY. Mr. President, first, I want to congratulate the chairman of the Education Subcommittee, Senator MORSE, for his capable stewardship of H.R. 7819, the Elementary and Secondary Education Amendments of 1967 through both the Education Subcommittee and the full committee. As usual, he was most considerate of all proposed amendments and all points of view. As usual, he did an outstanding job.

Coming from a State that takes great pride in its educational system which, in my judgment, is unparalleled in the Nation and having a great personal interest in education, I naturally welcomed my assignment this year to the education subcommittee. Service on the subcommittee has been very rewarding to me personally and I hope that my membership on the committee will prove to be beneficial both to my State and to the Nation.

The bill before the Senate today is a good bill. Of course, not all of the bill's provisions are precisely what I worked for and wanted. Nevertheless, the bill deserves the support of the Congress and the Nation.

THE NATION'S COMMITMENT TO EDUCATION

Thomas Jefferson once remarked:

> If the condition of man is to be progressively ameliorated, as we fondly hope and believe, education is to be the chief instrument in effecting it.

This statement evidences not only the wisdom of our Founding Fathers, but also, the faith and commitment to education that has always characterized this country. This commitment continues today, as American citizens invest approximately 50 billion in our diverse educational system of more than 125,000 separate educational institutions serving more than 60 million students under the instruction of nearly 2 million teachers

This commitment to and investment in education will, as it has in the past, result in great dividends for the Nation. This investment will help to assure the Nation's world leadership and will help to further the Nation's continual climb toward equal and better opportunity for

all citizens here at home. The dream and desire of parents everywhere is that their youngsters will enjoy a better life than they themselves enjoyed. In fact this dream has generally been realized as each succeeding generation of Americans, through hard work and education, has been blessed with more abundance. There is little question, Mr. President, that the rising educational levels in this country have helped to open the door to the "good life" for more Americans. That the American people are aware of the importance of education and are cognizant of the role education has played in carrying the country to greatness is evident from a Gallup poll taken in 1966 which revealed an unbelievable 99 percent of American parents wanted their children to go to college. So the dream continues.

Mr. President, overall our educational system has served us well, but no one denies that problems remain, that we cannot be complacent. The challenge remains not only great, but seems to increase yearly. Throughout our history we have turned, what to other nations seemed as stumbling blocks, into building blocks.

The Elementary and Secondary Education Act is one such building block. It attempts through education to raise the education level of the Nation's disadvantaged youngster. It has helped to focus the attention of the country and of the educators in particular on the need to correct the educational deficiencies of poverty-area youngsters. In short, the Elementary and Secondary Education Act is the vehicle that is helping to carry educational opportunity to the disadvantaged. Federally funded but locally and State operated, this educational program has great longrun potential in helping to solve our poverty, and many other social problems.

The Elementary and Secondary Education Act has been well received in my State as it has in the Nation. And, the State of California has done a good job with the program. For example, Office of Education officials singled out California's title I evaluation as the best in the Nation.

THE DROPOUT PROBLEM—EDUCATION'S ACHILLES' HEEL

The Elementary and Secondary Education Act has helped to alert the Nation and bring to our attention the special problems of the disadvantaged. Yet, because of the urgency of the dropout problem, in our large metropolitan cities, and because of the realization that our society demands educated and trained citizens, there is a growing "impatience" both in the Congress and in the country over the failure to find programs that will actually reduce the dropout rate.

Mr. President, the dropout problem truly is one of the most serious domestic problems facing America. We are told that approximately 1 million students are dropping out of school each year. This is not only a personal tragedy preventing full development of an individual's potential, but it also is costly to society. For the dropout reappears in our spiraling crime statistics, in our juvenile delinquency rolls, in our penal and corrective institutions, and on our welfare rolls.

Dr. Conant in his 1961 book, "Slums and Suburbs," warned that social dynamite was accumulating in our large cities. Much of this "social dynamite" results from those who have dropped out of school and are out of work.

We are, of course, making some progress. For example, in 1900 it was estimated that 80 percent of youngsters aged 5 to 17 were in school. By January 1967, the estimate for the same group was 97 percent.

Also, of the 2.7 million ninth graders of 1956, 1.9 million or 69 percent ultimately graduated. Of the 3.8 million ninth grade youngsters today, it is projected that 2.9 million or 77 percent will successfully complete high school. While this 1967 projection represents a significant increase to the 1956 date, if it proves accurate, this Nation will still be faced with a dropout rate of 23 percent in 1970.

Think of it, Mr. President, a dropout rate of 23 percent in 1970. This at a time when technological change is occurring at an ever-increasing pace. This at a time, Mr. President, when even educated Americans realize the truth of the Chinese proverb that "learning is like rowing upstream; not to advance is to drop back." With the knowledge explosion, the educated citizens find it a struggle to keep from dropping back. The dropout, confronting both the education explosion and a shrinking unskilled job market, is likely to sink.

Today in the United States, there are not enough jobs for the unskilled. We are told that for every 10 unskilled workers there are only seven unskilled job vacancies. By 1970 it is estimated that only 5 percent of our jobs will be unskilled. Thus the problems already serious today will become more so tomorrow. For today there are 1 million dropouts under 21 who are out of work. And it has been estimated that the decade of the sixties, by its conclusion, will have produced some 7½ million school dropouts.

MURPHY DROPOUT AMENDMENT

Because of the urgency of the dropout problem and society's stake in finding a solution, I offered and the committee accepted an amendment aimed at the dropout problems. Mr. President, I want to thank Senator Morse and other committee members for their strong support and acceptance of my dropout prevention demonstration program.

My amendment added to title VII authorizes an additional $30 million for projects designed for dropout prevention. It is designed to give maximum flexibility and freedom at the local level for experimentation. It is based on the premise that answers have not as yet been found which will make dramatic changes in poverty area schools. Under the program, local and State educational agencies will submit innovative proposals which zero in on a particular school or a particular classroom in an effort to have a major impact on the dropout problem. The amendment requires that eligible schools be located in an urban area, have a high percentage of children from families of low income, and have a high percentage of children who drop out of school.

Before approving projects conceived at the local level, the local school district is required to identify the school, analyze the reasons for and tailor programs to meet the dropout problem, provide effective procedures, including objective measurements of educational achievement, for evaluating the program, and secure the approval of the State educational agency.

Two recent articles, one from the west coast and one from the east coast are most disturbing, and show the timeliness of my amendment. One report came from the November 2 New York Times article which reported that in New York City—

> Pupils in the city school system are continuing to lose ground in reading and arithmetic.

On the following day from the west coast the Los Angeles Times reported—

> Student in the Los Angeles City Schools, particularly those in the first three grades are among the worst readers in the nation.

These reports from the largest cities of the Nation's two largest States certainly have disturbing future implications and will have a bearing on our ability to deal with the dropout problem. Since reading is the basic skill, the key to successful school achievement, the need for remedial steps are apparent. For the correlation between poor reading, poor school performance, and the dropout are all too great. I ask consent that the New York Times and Los Angeles Times articles and an editorial from the Los Angeles Herald-Examiner be printed in full at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. MURPHY. Mr. President, to rescue the dropout, our society spends dollar after dollar on program after program, but experience has demonstrated that educational repair jobs are extremely costly and equally difficult—witness the Job Corps.

My amendment seeks to find and to reach the root causes of the dropout problem. It provides additional resources and throws a challenge to the educational community. Prevent dropouts. If our educational system can reduce or prevent the dropout problem, it will not only be saving society the cost of the cure, but also it will be eliminating the Achilles' heel of our educational system.

Mr. President, I am convinced that this kind of approach will result in programs that will not only have an impact at the local level, but have nationwide significance. Zeroing resources on certain target schools or classrooms will accelerate the collection of objective data that will permit us to determine what programs work and what programs do not. My staff and I have talked to many people regarding this dropout proposal including Dr. James Conant, Dr. Max Rafferty, superintendent of schools of the State of California, Superintendent Jack Crowther, of the Los Angeles city school system, Dr. Ralph Dailard, of the San Diego school system and Dr. Wilson Riles, of California Compensatory Education. All seem to think this amendment would be

helpful and useful in meeting the crisis that exists in our slum schools.

THE BILINGUAL EDUCATION ACT

Mr. President, as coauthor of S. 428, the Bilingual Education Act of 1967, I am very pleased that the Senate Labor and Public Welfare Committee has approved the incorporation of the bilingual program as a new title VII to the Elementary and Secondary Education Act.

The bilingual program is a much needed one. As the hearing record reveals it had overwhelming support in the State of California and throughout the southwestern part of our great country. This program attempts to reach youngsters who face unique education problems because of their inability, and that of their parents, to speak English. I feel confident that the program will cause local educational agencies to devise programs to bridge the language gap, and thereby close the educational gap which obviously exists between English-speaking and non-English-speaking youngsters.

As I remarked when the Special Subcommittee on Bilingual Education was in California in June as part of its field hearings:

There can be no question that the language problem multiplies the difficulties of the young Mexican-American student as he enters the English-speaking schools of this country. We must not forget that for many of these youngsters, the only language they really know is Spanish. For many of these youngsters the only language they hear at home is Spanish. With a different language and a different cultural background, these students begin their school careers under severe handicaps. A sixth grade teacher in California school observed: "These children (Mexican-Americans) start school with a decided handicap, they fall behind their classmates in the first grade, and each passing year finds them farther behind. They are conditioned to failure in the early years of their schooling and each passing year only serves to reinforce their feeling of failure and frustration. Is it any wonder that as soon as they are sixteen, or can pass for sixteen, they begin dropping out of school."

This program should help to reduce the very high dropout rate of Mexican-American children.

This educational gap is further shown by the statistics taken from the Senate report and I quote:

These children, who number around three million of school age, are deprived of equal educational opportunities because of their limited communication skills. This is evidenced by the fact that in the five Southwestern states, which contain approximately one and one-half million Spanish-speaking children of school age, the average years of school completed is 7.14 Spanish surnames, 9 for non-white, and 12.1 for white. There is a similar correlation between low family incomes and their inability to speak English. For example, in the same five Southwestern states, 34.8 per cent of the Spanish surname populations are from families of incomes below $3,000 as compared to 21 per cent of the general population. The solution to this problem lies in the ability of our local educational agencies with high concentration of children of limited English-speaking abilities to develop and operate bilingual programs and instruction.

Mr. President, I am convinced that this bilingual program combined with legislation which has already been signed into law by Governor Reagan in California permitting instruction in Spanish in the State's public schools represents two major steps in extending education opportunities to those youngsters with special problems because of their inability to speak English. This bilingual program will, by raising the level of educational achievement, also increase the earning potential, for the relationship between levels of education and earnings is well known.

I will be following the developments of this program very carefully not only in the State of California, but throughout the country.

I appreciate the opportunity of serving on this Special Subcommittee on Bilingual Education and it is personally gratifying to see the Special Subcommittee's efforts culminate with today's Senate action. I am certain that in the years ahead all Members of the Senate will point with pride to our action in adding the Bilingual Education Act of 1967 to the Elementary and Secondary Education Act.

Mr. President, I would ask unanimous consent that the full text of my statement before the Special Subcommittee on Bilingual Education, when it was in Los Angeles in June of this year, be printed in full at this point in the RECORD.

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

STATEMENT OF SENATOR GEORGE MURPHY BEFORE THE SPECIAL SUBCOMMITTEE ON BILINGUAL EDUCATION, LOS ANGELES, JUNE 23, 1967

First, Mr. Chairman, I want to welcome the Committee to California and to tell you how much the State appreciates your holding the field hearings and spotlighting a most important problem. This Special Committee is focusing on the special problems of certain citizens of California whom I regard as very special people. I, of course, refer to the Mexican-Americans.

All Californians are very proud of the contributions that Mexican-Americans have made to the State's history, its culture, its architecture, its art. In fact, Mexican-Americans have contributed to every facet of California's life from Father Serra to those of Mexican-American origin serving in Vietnam. Mexican-Americans are the recipients of 14 medals of honor for heroic acts in Vietnam, and I understand that this is the largest number won by any one group.

California is not only the largest state in the union, but we also are proud of the fact that we have more Mexican-American citizens than any other state. In California, there are over one and a half million persons with Spanish surnames of whom 80 per cent are native-born Americans.

During a recent field trip with the poverty subcommittee in California, I once again had the opportunity to visit with some of my good friends of the Mexican-American community. Their biggest concern was for their children. Their hopes and prayers are that their children will have a better way of life than they themselves enjoyed. They are aware of the need and importance of education. That is why I am so concerned that 50 per cent of the Spanish-speaking people in California drop out of school by the eighth grade. This is a shocking statistic and I have reason to believe that the language problem contributes to this unfortunate situation.

There can be no question that the language problem multiplies the difficulties of the young Mexican-American student as he enters the English-speaking schools in this country. We must not forget that for many of these youngsters, the only language that they really know is Spanish. For many of these youngsters, the only language that they hear at home is Spanish. With a different language and different cultural backgrounds, these students begin their school careers under severe handicaps. A sixth grade teacher in a California school observed: "These children (Mexican-Americans) start school with a decided handicap, they fall behind their classmates in the first grade, and each passing year finds them farther behind. They are conditioned to failure in the early years of their schooling and each passing year only serves to reinforce their feeling of failure and frustration. Is it any wonder that as soon as they are sixteen, or can pass for sixteen, they begin dropping out of school?"

In 1966, the National Education Association—Tucson Study—stated "during the two or three years of primary school while the pupil acquires a minimal knowledge of English, he falls seriously behind his English-speaking contemporaries in other sections of the community. This loss in subject-knowledge is seldom made up by the time he enters high school, where he finds himself unable to compete scholastically with his Anglo-American schoolmates."

These instances obviously underscore the necessity for great understanding and great patience on the part of the public schools and those who must mold and shape the minds of these children. Yet in the same NEA study, it is stated: "In some schools the speaking of Spanish is forbidden both in classrooms and on the playground, except, of course, in classes where Spanish is taught. Not infrequently students have been punished for lapsing into Spanish. This is even extended to corporal punishment. A member of our survey team tells of one school at which such punishment was dealt out to children who lapsed into Spanish despite the fact that 99 per cent of the school's enrollment was Mexican-American." This seemed rather ridiculous to me and certainly I thought it was somewhat atypical.

Recently when the poverty subcommittee was in California, I was shocked to hear from one witness that it was necessary to fight a school board rule against using the school after hours for meetings conducted in Spanish.

Mr. Chairman, I once again applaud the attention that this committee is giving to a most important problem. Feeling that education is the best key to the unlocking of these most difficult problems facing our society, as a co-author of S. 428, I pledge to this committee my full cooperation and efforts to secure expeditious action by the Congress on the Bilingual Education Act.

Governor Reagan is also very interested in this legislation and recently he signed into law legislation permitting the state's school districts to provide instruction in a language other than English. In signing the measure, the Governor said: "This measure will be of tremendous benefit to many Californians, particularly Spanish-speaking children who will be afforded more and better opportunities for quality education."

This measure, Mr. Chairman, will mark a significant step in reversing the alarming dropout rate among Mexican-American school children.

Of particular interest to me was testimony our poverty subcommittee heard from Mr. Bruce A. Gaarder, Chief, Modern Foreign Language Section, Office of Education, relaying an experience that occurred in Puerto Rico, and which was documented in a study by Columbia University.

"In Puerto Rico, in 1925, the International Institute of Teachers College, Columbia University, made a study of the educational system on that island where English was the major medium of instruction despite the fact that the children's mother tongue is Spanish. The Columbia University group undertook a testing program to measure pupil achievement in all grades and particu-

larly to explore the relative effectiveness of learning through each of the two language mediums. To test reading, arithmetic, information, language, and spelling they used the Stanford Achievement Test in its regular English version and in a Spanish version modified to fit Puerto Rican conditions. Over 69,000 tests were given.

"The results were displayed on charts so as to reveal graphically any significant difference between achievement through English and achievement through Spanish. Both of these could be compared on the same charts with the average achievement of children in schools in the continental United States. I will summarize the findings in two sentences:

"1. In comparison with children in the continental United States, the Puerto Ricans' achievement through English showed them to be markedly retarded.

"2. The Puerto Rican children's achievement through Spanish was, by and large, markedly superior to that of continental United States children, who were using their own mother tongue, English.

"The Columbia University researchers, explaining the astonishing fact that those elementary school children in Puerto Rico—poverty-stricken, backward, 'benighted,' beautiful Puerto Rico—achieved more through Spanish than continental United States children did through English, came to the following conclusion, one with extraordinary implications for us here:

"Spanish is much more easily learned as a native language than is English.

"The facility with which Spanish is learned makes possible the early introduction of content into the primary curriculum.

"Every effort should be made to maintain it and to take the fullest advantage of it as a medium of school instruction.

"What they were actually saying is that because Spanish has a much better writing system than English (i.e., the writing system matches the sound system) speakers of Spanish can master reading and writing very quickly and can begin to acquire information from the printed page more easily and at an earlier age.

"The conclusion is, in sum, that if the Spanish-speaking children of our Southwest were given all of their schooling through both Spanish and English, there is a strong likelihood that not only would their so-called handicap of bilingualism disappear, but they would have a decided advantage over their English-speaking schoolmates, at least in elementary school, because of the excellence of the Spanish writing system. There are no 'reading problems,' as we know them, among school children in Spanish-speaking countries."

I am certain that the recent action by the State Legislature in permitting instruction in Spanish and the enactment of the Bilingual Education Act, S. 428, will result in a duplication of the experience that occurred in Puerto Rico, and I feel confident, Mr. Chairman, that if this Education Committee comes to California some time in the future, we will be hearing testimony of the progress of the Mexican-American student here.

LATE FUNDING: THE PROBLEM

Mr. MURPHY. Mr. President, when I was appointed to the Senate Education Subcommittee this year, I immediately wrote many of the educational leaders in the State of California asking them to share their expertise and experience with me in order that I would be better prepared to serve on the important subcommittee assignment.

The response that I received from the presidents and chancellors of the universities, State colleges, junior colleges, and the superintendents of schools were most gratifying and helpful.

Inevitably, the recurrent complaint in the letters from the superintendents of the various school districts was the problem created by the late funding by the Congress of the Elementary and Secondary Education Act.

While I feel certain this is a serious problem throughout the country, in California, according to the superintendents, it was critical. For example, California law requires that a written notice be given teachers by May 15 if they are not going to be hired the next year and that the district budget be enacted not later than early August. One can see how the uncertainty over the level of Federal funding with those two laws alone would create an administration nightmare.

Since the Elementary and Secondary Education Act was enacted in 1965, the record shows that the school districts failed to receive the funds until the school year had progressed many months. This creates an obviously impossible situation. I have selected some typical reactions of California school superintendents on this problem of funding. From Superintendent Ralph Dailard of the San Diego school system:

Delays in appropriations have had a crippling effect on the operation of the authorized programs. I am aware that the President has called this to your attention in his recent message and urged "that Congress enact educational appropriations early enough to allow the nation's schools and colleges to plan effectively." I would add emphasis to this by telling you that as of this moment I do not know the amount of money the San Diego City Schools will receive for this year for the program for deprived children being operated under Title I of the Elementary and Secondary Education Act. Under California law, the district budget had to be enacted not later than the first week in August. No appropriation had been made at that time for the Elementary and Secondary Education Act. On advice of the State Department of Education, we included a budget estimate for the purpose equal to 85% of the amount we had received for the seven months of operation during fiscal '66. I do not yet have firm information of the amount we will receive. Information I did receive last week led me to believe that the 85% estimate was optimistic and that our actual grant would be below that level. I am distressed to tell you that I issued instructions last week to cut back the project, freeze all vacancies, and cancel all unspent appropriations for materials. This will be destructive to the morale of the staff and parents in the neighborhoods being served. The quality of the program will suffer. However, I had no alternative. The district does not have funds to replace the deficit that has apparently occurred in Federal funding. To plan and operate the authorized programs adequately and efficiently, the local school districts need firm information on financing prior to final budget enactment which, in general, occurs in June or July. Funds must be disbursed early to permit districts to maintain a cash operation. The district I represent had to borrow $8 million—10% of its anticipated revenue, early in the fiscal year to meet current operations. The normal district does not have adequate cash reserves to maintain these massive new programs when payments are delayed.

Also, from Superintendent Coffin, of the Monterey County schools, came this special plea:

On behalf of all of us in education, particularly in California, I would like to enter a special plea for a revision of appropriation procedures and greater coordination of application deadlines among the various federal acts.

First, our school districts must prepare budgets in the spring. In order to get qualified personnel, we must complete our recruiting by March of each year. (Later than that, the good people who are not already signed are very few and far between.) These two problems, coupled with the present timing of appropriations, lead to waste and to a lessening of program quality, for, unfortunately, districts are too prone to merely grab at money, whether or not they have proper personnel and programs, just so it won't escape. This practice is, I'm afraid, aided and abetted by the habits of Congress.

From the governing board of the Fremont Union High School District the need for early funding was stated as follows:

What we need most in federal aid is earlier approval of federal grants so we can plan more effectively for their use. Since we must prepare our budget in April for use in the following fiscal year (July 1–June 30), it would be helpful to know how much in matching funds we will need and the amount of outright grants. At the present we must budget for all categorical items even though many of them may not be approved.

Superintendent LaFleur, of the Oceanside-Carlsbad Union High School District, deplored late funding in the following manner:

Two aspects of the federal assistance program that concern us the most are those which have to do with securing approvals on project applications in time to put the project into effect at the beginning of the school year and the practice of having to wait for annual fundings for federal programs. We have incurred particular difficulty in getting approval on our Elementary & Secondary Act projects before the school year begins. When the approval comes after the start of the year classes are interrupted, students and staff are confused and frustrated and, as a consequence, the program is not nearly as effective as it would be if instruction could proceed in an orderly manner.

With respect to annual funding, here again the problem is very real. The programs could be set up for a 2, 3 or 4 year period with full funding assured and the district could make long range plans for their participation.

Again, let me thank you for asking for an opinion. It is most encouraging to know that our senatorial representatives are interested in seeking counsel and advice.

Superintendent Moore, of the Ravenswood City School District, outlined the problems caused by late funding in his district and urged correction of this program, saying:

Relative to federal assistance to districts such as ours under Title I, Public Law 89–10, enacted in 1965, I believe that the most important thing that needs to be done now is to insure the allocation of money to the states not later than May 15 of a given year in order that school districts might properly plan the programs that will be in effect during the next school year. In California our school budgets must be adopted prior to the tenth of August. During this past year we were notified of our actual federal allotment only in March. Even though we went ahead and hired people, we were taking an extreme gamble on the allocation of federal funds. Anything that you could do to insure that these funds will be available at the earliest date possible would be far more important at this time than extending the program or adding new provisions.

You may not know that our allotment

this year, despite the fact that we have more eligible children, was only 85% of what it was for the 1965–66 school year. We are now being told that we will probably receive even less next year. Under such conditions it is impossible to develop and to carry on programs that will have a lasting effect on children.

Your interest in our school district and your interest in serving on the Subcommittee on Education of the Senate Committee on Labor and Public Welfare will, I am sure, prove to be a worthwhile experience to you and will give us in California someone with whom we may correspond.

These observations of California educators in deploring the late funding of the Elementary and Secondary Education Act were echoed by the 1966 report of the National Council on the Education of Disadvantaged Children when it observed:

There is no doubt that implementation of Title I (programs for disadvantaged children and the major share of the Act's funds) was greatly hampered . . . by the nonavailability of funds until after the school year began. Most personnel in needed specialities were already under contract, and school administrators were forced to plan projects almost overnight . . . We strongly urge the Congress to enact the next Title I appropriations bill . . . not later than early summer 1966 to permit more careful program development and thus assure more effective use of the funds.

ADVANCE FUNDING: A SOLUTION

Last year, under the leadership of Senator PROUTY, the ranking Republican on the Education Subcommittee, the Senate added a provision to the Elementary and Secondary Education Act Amendments of 1966 which employed the continuing resolution device to take care of this late funding problem. Although the Prouty amendment, which I supported, passed the Senate, it was unfortunately deleted in conference.

This year, the committee has added an amendment to title IV designed to face up to this late funding problem. Basically, the amendment would place the Elementary and Secondary Education Act on an advanced funding basis. This will permit educators to better utilize Federal funds, and even more importantly, result in better programs for the disadvantaged.

This section is discussed on page 6 of the committee report from which I read:

Under title IV of H.R. 7819 may be found committee recommendations (1) to provide specially for funding advance planning of programs, and evaluation of programs, so as to promote effective use of program funds, and (2) to meet the problem of reconciling school budget and congressional appropriation cycles to provide a sound basis for planning and operation of educational programs, at the elementary and secondary levels. The first proposal would authorize, for each fiscal year for which program appropriations are authorized, appropriations for expenses (including grants, contracts, or other payments) for (1) planning for the succeeding year and (2) evaluation of programs. The second proposal, essentially, would permit the President to submit to the Congress, and the Congress to enact, in one fiscal year his funding recommendations for education legislation for the next fiscal year; in the initial year of this system, appropriations for the succeeding year would be included in the appropriation Act for the current year. If these budget estimates were approved by the Congress, expenditures would not take place until the fiscal year designated. The action of the Congress and the President in approving advanced funding, it is the committee's hope, would stabilize a difficult situation which has caused much concern to State and local educational agencies, institutions of higher education, and others who must plan and make commitments in one fiscal year for expenditures in the next fiscal year.

Title IV would also require, not later than March 31 of each year, evaluation reports from the Secretary of Health, Education, and Welfare upon the effectiveness of programs under provisions which have been authorized and funded. The evaluation report filed in the penultimate fiscal year for which appropriations are authorized under a program would have to cover comprehensively the entire life of the program; the authorization of the program would be automatically extended for 1 year at the previous year's level if the legislative process authorizing or declining to authorize an extension of the program had not been completed by the end of the session in which the comprehensive evaluation report is filed.

Title IV of the bill also provides that if, by May 15 of any year, the appropriation for carrying out title 1 of the Elementary and Secondary Education Act of 1965 during the succeeding fiscal year has not yet been enacted, the Commissioner may execute grant agreements for such succeeding fiscal year but only at the current appropriation level.

Appropriations for any fiscal year for payments to educational agencies or institutions under any of the acts specified in title IV of the bill could be made available for expenditure by the agency or institution on the basis of an academic or a school year if this differs from the fiscal year.

OTHER IMPORTANT PROVISIONS

Mr. President, there are many other aspects of the bill before us today, including programs in which I am vitally interested and strongly supported. They include the adult education programs, the needed improvements in the migrant children educational programs, the handicapped children provisions, amendments improving education programs for Indian children, extension of the school library resources and instructional material section of the act, greater authority for the States under title III, supplemental educational centers, and the impacted aid programs.

IMPACTED AID: CALIFORNIA'S ELIGIBILITY ASSURED

I heard the disturbing reports again this year regarding the latter program. Specifically, rumors reached me that the Office of Education was going to rule that junior colleges in California, because of the restructuring in the junior college system would become ineligible for impacted aid assistance. To prevent this, I was prepared to offer an amendment which I feel confident would have been accepted by the committee. However, I received a letter from the Office of Education advising me that the California junior colleges would remain eligible thus eliminating this necessity for a corrective amendment. So that the record will remain clear, I ask unanimous consent that my earlier floor statement on this subject be printed in full at this point in the RECORD.

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

[From the CONGRESSIONAL RECORD, Oct. 19, 1967]

JUNIOR COLLEGE ELIGIBILITY UNDER THE IMPACTED-AID PROGRAM

Mr. MURPHY. Mr. President, last year, as my colleagues may recall, I opposed the administration's efforts to eliminate the so-called impacted-aid program, Public Law 81–815 and title I, Public Law 81–874.

Because of the importance of this issue, I appeared on April 5, 1966, before the Education Subcommittee and strongly urged the subcommittee to reject the administration's recommendation and accept my amendment, which continued junior college eligibility. The subcommittee, and later the full Labor and Public Welfare Committee, agreed with me, and as a result, the Senate adopted the Murphy amendment continuing junior college eligibility. Congressman BELL of California led this fight on the House side.

Again this year it appeared that the loss of funds was threatened. Recently, the California State Legislature passed, and the Governor signed into law, legislation establishing a new 15-member Board of Governors of California Community Colleges, which will be the new governing body for the State's junior colleges. The new board will succeed to the responsibilities previously exercised by the State board of education, the director of education, and the department of education.

As a result of this administrative change, I heard disturbing reports that the Department of Health, Education, and Welfare was about to render a ruling making California junior colleges no longer eligible for the impacted-aid assistance.

With the Elementary and Secondary Education Act presently being considered in executive session by the Subcommittee on Education, I was determined not to allow this "vehicle" to clear the Congress and then to hear the Department had ruled California junior colleges ineligible.

To prevent the loss of funds, I prepared an amendment which I planned to offer, if necessary, to the Elementary and Secondary Education Act, and which, incidentally, I am confident would have been accepted by the subcommittee. I also pressed the Department to render an immediate decision on this matter and provided them with a copy of the California State law.

I was pleased, Mr. President, to have received late yesterday a letter from Mr. James F. Hortin, Acting Director, Office of School Assistance in Federally Affected Areas, ruling that California would remain eligible. I ask unanimous consent that his letter be printed in full at this point in my remarks.

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

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION,
Washington, D.C., October 18, 1967.

Hon. GEORGE MURPHY,
U.S. Senate, Washington, D.C.

DEAR SENATOR MURPHY: Thank you for the copy of the California State Law, Chapter 1549, approved by the Governor on August 20, 1967, relative to junior colleges (grades 13 and 14) which you sent to our office yesterday.

The provisions of the new Act have been reviewed by our Counsel and the Commissioner has determined that those junior colleges in California which were considered to be legal "local educational agencies" for purposes of Public Law 81–815 and Title I, Public Law 81–874, under the terms of the previous California law are not precluded from the same classification under the new Act.

Should you have need for further infor-

mation relative to this matter we will be glad to oblige.

Sincerely yours,

JAMES F. HORTIN,
Acting Director, School Assistance in Federally Affected Areas.

Mr. MURPHY. Mr. President, I am extremely proud of the educational system in the State of California. In my judgment, it is unparalled in the Nation. The junior colleges are an important part of this great educational system. At this very moment in California 84 out of every 100 college freshmen and sophomores are in our junior college system. This statistic in itself underscores their importance.

California has been the pioneer in the junior college movement which has spread throughout the Nation. As of October of last year, there were 78 junior colleges in the State, and there may be more now for they are growing so fast that I have trouble keeping track of them. By early 1970, it is expected there will be 100. Had a ruling been made that the California junior colleges were ineligible, a heavy blow would have been inflicted upon some of these colleges.

Since California has been the leader in the junior college movement, I believe that any decision harmful to the California system might have national repercussions. And, Mr. President, the junior colleges continue to grow nationally. I am advised that there were approximately 850 junior colleges in the country last year, and 67 new ones will open this year. These junior colleges were attended by 1.5 million last year and an additional 250,000 students will be enrolled this school year.

I, of course, am delighted over the ruling of the Department. I am pleased no amendment will be necessary. This ruling of the Department will be applauded by educators, citizens, and particularly the junior college students.

EXHIBIT 1

[From the Los Angeles Herald Examiner, Nov. 12, 1967]

READING AND RANKING

The poor showing on reading tests made by pupils of the Los Angeles city school system is cause for concern but not panic.

Even before the results of the tests were revealed, school officials had initiated many moves to improve reading skills. This effort undoubtedly will be reflected in the next testing. If it isn't, then a general alarm should be sounded—for reading is the key that unlocks all doors to knowledge.

The quality of education in the Los Angeles public schools is not uniform. It will vary from school to school, depending on social and economic factors, parental interest and the competence of teachers.

Education also must cope with budgetary problems resulting from voter rejection of school bond issues. And the Los Angeles schools must contend with having 30,000 children on double sessions.

The state's 175-day school year, five days less than the minimum of most other states is another handicap. And the loss of 10 to 15 days in the mid-year change of semester takes its toll.

But Supt. Jack Crowther has zeroed in on these problems and recommended that the school day be lengthened a half hour for first and second-grade pupils, and the mid-term promotion system be eliminated.

The allocation of additional time for reading instruction is a definite plus factor already at work in the schools. Supplementing this effort is the decision to hire 24 reading specialists to work with new teachers.

The Los Angeles schools have their problems, true, but strong, imaginative leadership is acting to solve them. We think that leadership merits all the help the people of Los Angeles can give.

And, by the way, a school system that feeds an ever greater percentage of its students into the best-in-the-nation university and college system in California must be doing something right.

[From the Los Angeles Times, Nov. 3, 1967]

LOS ANGELES STUDENTS AMONG POOREST READERS IN UNITED STATES, TESTS SHOW

(By Jack McCurdy)

Students in the Los Angeles city schools, particularly those in the first three grades, are among the worst readers in the nation, test results showed Thursday.

Major findings indicated:

1—Los Angeles first graders are in the bottom 7% of the national norm in reading.

2—Pupils are one year behind the norm for reading ability by the time they reach the third grade.

3—Los Angeles ranks 10th among California's 10 largest school districts in reading achievement in the first, second and third grades.

4—Sixth graders are in the lower 20% nationally.

5—Tenth graders scored in the lower 35%.

"California's statewide attainment (in reading) is substantially below that of the national sample . . . and Los Angeles' attainment is substantially below that of California as a whole," the report concluded.

The Board of Education appeared stunned by test results submitted by Supt. Jack P. Crowther.

"This is a crisis," said Dr. Ralph Richardson, a board member. "Districts as large as this usually move with caution, but this calls for a renewed, redoubled, dramatic effort."

Crowther called for a series of actions including:

1—Eliminating the mid-year promotion system throughout the city schools to save time for classroom instruction.

(This would virtually do away with semesters and make the September-June school year a continuous period of classes without promotion from lower to upper grades in January.)

2—Extending the school day by 30 minutes for first and second graders.

3—Hiring of 24 specialists for the elementary schools to help new teachers improve their performances.

While accepting his proposals, the board voted to authorize Crowther to seek "an emergency measure in the Legislature to lift reading to a priority level."

TEMPORARY RELIEF

The board asked for "temporary relief from selected (state) mandated programs having less urgency then reading," referring to certain subjects other than reading which the State Education Code says must be taught.

Richardson and Mrs. Georgiana Hardy, board president, suggested that the district go ahead "and break the law for a while" to emphasize reading at the expense of the state-mandated subjects.

"I am quite serious," Mrs. Hardy said and Richardson agreed.

The Stanford Reading Test was administered to all first, second, third, sixth and 10th graders late in 1966, and early this year.

SCORES DETERIORATE

Results showed the scores for the sixth and 10th graders had deteriorated when compared to tests in 1965 and 1964, respectively. Results were virtually unchanged for first and second graders.

This showed that first graders were about 3 months behind the national norm and second graders eight months, trailing by one year in the third grade.

In raw test scores, the first graders scored a median of 23 compared to a national average of 47. Second graders were 28 compared to 50 nationally. There was no comparison for third graders.

While first graders scored in the lower 7% of the national norm, second graders were in the bottom 11% and third graders in the lowest 21%.

Dr. Howard Bowman, director of the city schools' testing section, said questions had been raised about the validity of the tests.

They were used here for the first time in 1966 after four years of using other tests.

However, Bowman said, students did not improve their scores this year although they were more familiar with the tests.

In addition, the Stanford testers found that examinations for other parts of the nation have had to be made harder because student performance is rising, while Los Angeles students have not shown similar improvement.

On the sixth and 10th grade tests, percentile scores were down from 20 to 18 for the younger group over last year and were unchanged for the high school students.

The test analysis indicated scores for Los Angeles students were virtually unchanged between 1962 and 1965, but the latest results are "appreciably below" preceding years.

In general, Bowman said, the scores "are down by a considerable amount—much larger than we are accustomed to receiving."

Some board members said the test scores might have been pulled down by low performances in Negro and Mexican-American areas.

SCORES GENERALLY LOW

Although the district refused to release results of individual schools, it was understood that the results were generally low throughout the school system.

Crowther said he is appointing a task force to work out details of his proposals which will be submitted to the board.

This will determine when to begin eliminating the mid-year promotion system. The extension of the school day for first and second grades will be effective Jan. 29.

Crowther said five years ago the district had one specialist for every 17 new teachers but that this ratio has been steadily reduced to meet budget cutbacks. The last 24 were eliminated from the budget this year.

The superintendent told the board that growing enrollments and lack of tax revenue have decisively damaged the educational program.

"We have tightened our belts, we have lopped here and cut there. And, frankly, I think we must tell people that our educational program has been harmed," he said.

[From the New York Times, Nov. 2, 1967]

CITY PUPILS LOSING GROUND IN READING AND ARITHMETIC

(By Leonard Buder)

Pupils in the city school system are continuing to lose ground in reading and arithmetic, a Board of Education report disclosed yesterday. The report, giving the results of standardized achievement tests conducted during the 1966–67 school year, showed that pupils in the public schools lagged behind national norms or standards in virtually every grade.

Despite a systemwide effort on intensifying and improving education in the basic subjects, the achievement gap between youngsters here and those of the nation as a whole, as represented by the national test sampling, was wider last spring than ever before.

One of every three pupils in the city schools was a year or more behind in reading last spring, the report showed.

The gap between the achievement of city pupils and the national standards showed up in the second grade, the first tested, and became more pronounced in the upper grades.

In the fourth through sixth grades, one of every five pupils was two years or more behind in reading.

In the seventh through ninth grades, one of every three youngsters was two years or

more behind. One of every nine pupils was four years behind.

In a test of arithmetic skills—given to fourth and sixth grades—two of every three children had an achievement rate below the national standard.

The board also made available the reading test results for each elementary, intermediate and junior high school in the city.

This was in line with a board policy adopted last year to give the public more information about school matters. Some persons in the school system have asserted in the past that the release of individual school results could lead to unfair comparisons by parents and others.

The data showed the wide range in achievement between pupils in schools in different sections of the city—a matter that has been increasingly pointed up by critical slum residents.

Pupils in middle-income communities were frequently two or more years above the national standards. Those in predominantly Negro and Puerto Rican neighborhoods were generally one to two years behind the national standard, and brought down the city-wide scores.

SOME PROGRESS NOTED

Despite the seemingly bleak test results for the system, Superintendent of Schools Bernard E. Donovan said at a news conference at board headquarters in Brooklyn that he was "encouraged by what looks like some progress towards better reading," particularly in the early grades.

He noted that when the first reading test of the school year was given in September, 1966, only 28.9 per cent of the second-graders were reading at or above the norm for that point. When the second test was given last April 45.1 per cent were at or above the appropriate norm.

Dr. Donovan said that it appeared that the system's efforts to improve reading were "beginning to pay off."

To a reporter's question of whether last year's scores were the "worst ever," the Superintendent conceded that they were.

"But a headline of that nature would set back our efforts and undermine what we are trying to accomplish," the Superintendent said.

Mr. MORSE. Mr. President, I wish to assure the Senator from California that I am deeply appreciative of the comments he has made about the chairman of the subcommittee. His comments should be applied, as he knows, to the full subcommittee, and to the full Committee on Labor and Public Welfare.

As an indication of how appreciative I am of his remarks, I wish to announce to him that he owes me a cup of coffee. He may not know it, but not so many days ago I was in California. In the course of an open forum discussion which followed a speech I delivered on a subject matter with which the Senator from California does not agree with me, I was asked to comment on the Senator from California. I want him to know that, in the presence of his constituents, I said he was one of the most valuable members of the Subcommittee on Education.

I pointed out in that discussion that the bill that I was about to manage on the floor of the Senate contained a series of contributions of the Senator from California, including amendments that he either authored or cosponsored.

I was pleased to say that in California, as I am pleased to say it on the floor of the Senate today, for he has extended to this chairman more than the cooperation to which a chairman is entitled. I thank him very much for that cooperation.

Mr. MURPHY. I thank the chairman most sincerely. I shall be more than pleased to provide the cup of coffee.

I should also like to point out that flattery of this nature is still very acceptable. I am still young and impressionable. But I hope that his words will not turn my head for activities in the future, because I look forward to the privilege of serving many more years with the distinguished Senator from Oregon on this most important committee.

It is even fun sometimes to disagree with the Senator from Oregon, because he is so gracious in disagreement and so capable in argument.

Mr. MORSE. Flattery is not intended by my comments; but I know how the Senator feels, because I feel that way sometimes in some of the things I have said. But I am sincere in paying this compliment to the Senator from California.

ECONOMIC SLOWDOWN SHOWS WHY TAX INCREASE EXACTLY THE WRONG MEDICINE

Mr. PROXMIRE. Mr. President, Arthur Ross, the able Commissioner of Labor Statistics, has just sent me, as chairman of the Joint Economic Committee, his analysis of wages, prices, and productivity for the third quarter of 1967.

This analysis, from the man chiefly responsible for our economic statistics, should be "must" reading for any Senator who supports a tax increase.

The report does show that output increased in the third quarter of the year. But, as the report argues, output fluctuations have moved erratically in the past and are far more meaningful if put together on the basis of moving averages covering four consecutive quarters or the full year ending with the third quarter of 1967.

On this basis, real output of all this Nation's goods and services—not just industrial output, which is down, but all of it—increased only 2 percent and, as the Bureau of Labor Statistics points out, this is only "half the rate necessary to keep pace with labor force growth and long-term productivity gains."

Mr. President, this means that unless the economy speeds up, unless we get more demand and production, unemployment is going to increase.

So I would ask the advocates of the administration's tax increase, which would take $10 billion at an annual rate out of the economy and eliminate a million jobs: "How in the world do you reconcile such an economic slowdown policy with an economy that is growing so slowly that, even without a tax increase, demand is so anemic, so limping that we can only absorb about half our increase in the labor force?"

How much do we have to increase unemployment to meet the administration's objective?

The second fascinating revelation of the Bureau of Labor Statistics' most recent report is that prices are rising because costs are rising, and labor costs especially are rising more rapidly than productivity. As any cost accountant in any firm in America can tell you, this means that those wage-price increases are being translated into higher prices. American business cost accounts what it produces. A major reason why it carefully accounts for its costs is so that it can price what it produces. If a business sell below its cost, it does not stay in business.

To this cost-push inflation the tax increase contributes adversely in two ways. First, taxes are a cost. The corporation income tax increase proposed by the administration will be translated into higher prices. And the tax on the labor union member's personal income will also tend to find its way into higher wages and higher prices.

So the tax increase will contribute nothing to the present anti-inflation fight by taking income and effective demand out of the economy. We have too little of it now. The diminution of that demand by a tax increase will contribute in still another way to higher prices.

As production is reduced by the fall in demand, the lesser production must cover the same overhead. This means unit costs go up.

Mr. President, this is not a far out theory. This was the brilliant analysis of Charles Schultze when he was freer to speak his mind. He is a distinguished professor, and he appeared before the Joint Economic Committee in 1959 and pointed out that under these conditions a tax increase can increase prices and not decrease prices.

Mr. President, I wish to repeat the statement that I made more slowly. Lower production, because the tax increase reduces demand, means higher costs for each unit produced because overhead must be covered.

Reducing income by increasing taxes does indeed stem inflation when demand is excessive and production soaring. Then it does keep too much money from chasing too few goods up to higher prices. But the Bureau of Labor Statistics report shows once again that this is emphatically not the present situation.

If there are any better statistics than we can get from Government I would like to know what they are. When prices are going up because costs are pushing them up, then higher taxes that reduces demand and therefore production does increase unit cost and, therefore, prices.

Finally, Mr. President, this interesting report of the Bureau of Labor Statistics emphasizes still another reason why this economy does not need a further tax increase. In the third quarter of this year three elements that contributed most to the rise in prices were: The price of cigarettes, of electricity, and rent. And why? Because in each case taxes forced their prices up. Cigarette tax increases pushed the price of cigarettes up. New sales taxes on utilities in a number of large cities shoved up the price of electricity. Rent rose because of higher property taxes.

For the Federal Government to solve the taxpayer's problems further by another tax—this a whopping ten billion increase in Federal income taxes—can hardly be classified as kindness to the

American citizen whether he is viewed as a taxpayer or as a consumer.

Mr. President, I ask unanimous consent that the report of the Bureau of Labor Statistics to which I have alluded be printed in the RECORD.

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

REVIEW OF WAGES, PRICES, AND PRODUCTIVITY, THIRD QUARTER 1967

U.S. DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS,
Washington, D.C., November 29, 1967.

SUMMARY

Output grew at an increasing rate during the third quarter, but, as frequently occurs during a protracted period of slow growth, productivity increases continued substantially below trend. At the same time, average hourly compensation was rising strongly. As a result, cost per unit of output again rose at about double the post World War II pace.

As demand gained strength and costs continued to rise, industrial prices resumed their upward trend after five months without a change, and the rise in the Consumer Price Index continued unabated. A sizeable decline in prices of farm products due to expanded supplies helped to offset a portion of these rises.

I. PRODUCTIVITY AND UNIT LABOR COSTS

In the third quarter of 1967, real output of the private economy rose at the highest rate since early 1966, and man-hours rebounded partially from the sharp drop in the previous quarter. (Table 1a) Since both factors rose, output per man-hour increased only slowly. Hourly compensation continued to rise, although at a slower pace than in most recent quarters, so that the rise in labor cost per unit of output continued to be nearly double the long-range average.

Because changes in output frequently do not appear simultaneously with man-hour changes, quarterly changes in output per man-hour data tend to fluctuate, especially when output gains move as erratically as they have in the past two years. Moving averages which take into account a longer span of time present more meaningful results.

In the most recent four quarters, ending September 1967, growth in real output of the private economy increased somewhat as compared with earlier periods, but it was only 2 percent. This is hardly half the rate necessary to keep pace with labor force growth and long-term productivity gains. The slow rate of output growth, which, in the short run, is frequently associated with low productivity gains, was reflected in an increase in output per man-hour at an annual rate of only about 2 percent. Basically, this was the same rate as in most quarters since the economic slowdown in the second quarter of 1966 and was well under the postwar average of 3.2 percent or the 1961–66 average of 3.6 percent. The total number of man-hours made no gain over these quarters; the service sector showed some gains and the goods areas some declines.

Hourly labor costs advanced more than 5½ percent in the most recent four quarters as compared with the postwar average of nearly 5 percent. The increase was somewhat smaller than in 1966 and earlier in 1967, largely because of the smaller social security increase this past year, greater employment in the low-wage industries, and delay in several important wage negotiations. With hourly compensation continuing to rise at a faster pace than the long-term average and productivity sagging below trend, labor costs per unit of output rose at double the postwar average.

II. WAGES, SALARIES, AND BENEFITS

Hourly expenditures on wages and benefits (excepting social security taxes) for employees[1] in the private nonfarm economy rose at about the same rate in the first three quarters of 1967 as in the corresponding period last year. However, because social security taxes rose more in 1966 than in 1967, *hourly labor costs* as a whole advanced 5.0 percent in the first three quarters of last year as against 4.4 percent this year. (Table 2)

Average *hourly earnings* in the total private economy rose at about the same pace in the two periods. In finance, insurance and real estate, trucking, and laundries, hourly earnings advanced more in 1967 than in 1966. Real estate (which includes some building services) and laundries were affected by the changes in the FLSA minimum in February 1967. FLSA increases—the 1967 change or the anticipated 1968 change—presumably were factors in some manufacturing industries as well, but the overall rise in manufacturing was somewhat slower than a year earlier, mostly because of reduced overtime. Construction union wage scales going into effect during the first three quarters of the year increased more rapidly than during any period since 1952.

Real weekly earnings rose 1.7 percent in the first three quarters of 1967, compared with 1.5 percent a year earlier, mostly because consumer prices rose more slowly. After deduction of Federal income and social security taxes real earnings rose 1.0 percent in the past year, compared with virtually no change a year earlier. Purchasing power of the average worker for the past two years has held within a very narrow range. The September 1967 figure was actually slightly lower than in September 1965.

Changes in compensation and earnings result, in part, from provisions made in earlier years under long-term contracts for *deferred wage increases* to go into effect during the current year. Decisions actually reached in the first three quarters of 1967, considered apart from deferred changes, showed a marked acceleration from the first three quarters of 1966. Key collective bargaining settlements provided average increases in wages and benefits of 4.8 to 4.9 percent a year, compared with 3.9 to 4.4 percent in the corresponding months of 1966. Cash wage changes in union contract settlements and wage increases in nonunion establishments in manufacturing showed a similar acceleration. (Table 3)

Larger increases resulted from wage decisions in 1967 than in 1966, but changes accruing to all workers during the past year did not advance at a faster pace, partly because the deferred wage and benefit increases which went into effect in 1967 were smaller than those in the newly negotiated agreements. Other factors restraining the actual rise in earnings and compensation in the first three quarters of 1967 were smaller cost-of-living escalator adjustments and the delay in negotiating new automobile contracts. Automobile workers got a total increase of about 19 cents in the first nine months of 1966 and only 2 cents in the first nine months of 1967. The relative increase of employment in lower-wage industries such as trade, finance, insurance and real estate, and services also held down the overall average in 1967.

Wage developments during the third quarter made little change in the picture presented by the first two quarters of 1967. With settlements in the auto and nonferrous mining industries deferred by prolonged disputes, the number of workers covered by major settlements was only about a third of the number covered by settlements in the previous six months.

The settlement reached early in the fourth quarter of the year between Ford and the United Automobile Workers, though about the same in cost as the 1964 settlement, was notable for the emphasis it placed on wage increases, including substantial extra increases for skilled workers. For the first time since the establishment of cost-of-living escalation in the industry about 20 years ago, the contract established a minimum and maximum limit on the size of cost-of-living escalator increases and provided for annual rather than quarterly adjustments in the cost-of-living allowance. It also increased supplemental unemployment benefits and provided for higher employer contributions in the event of substantial drains on the fund. On the other hand, it abolished provisions for annual Christmas bonuses payable from these funds.

III. PRICE DEVELOPMENTS

The wholesale industrial price index resumed its upward trend with a rise of 0.5 percent in August and September, after five months without change, largely because of a renewed advance in intermediate materials. Crude materials increased slightly, after more than a year's decline, and finished goods resumed the rather sharp rate of rise of the first quarter, after some slowing in the second. (Table 4) Despite the advance in industrial prices, however, the overall wholesale price index edged lower in the third quarter because of a sharp decline in farm prices.

The consumer price index rose 0.9 percent in the third quarter, the same as in the second, with consumer services rising a little more sharply, foods a little less, and other commodities about the same. Prices of commodities other than food increased the same 1 percent as in the previous quarter. (Table 6) Nondurables, other than food, continued to advance, attaining their largest quarterly increase since the current sharper uptrend began in early 1965, but durable commodities rose a little less than in the second quarter, mainly because of seasonal slack in automobile prices at the end of the model year, which outweighed sharper increases in household durables and automobile tires. The nondurable groups showing both the largest rises in the third quarter and the greatest acceleration from the second quarter were fuel oil, cigarettes, and alcoholic beverages. The rise for cigarettes resulted from both wholesale price increases and higher taxes.

Industrial materials and products. The increase in prices of crude industrial materials followed a 16-month downtrend, but it was due in large part to special factors. Crude petroleum, unchanged in the second quarter, recorded its sharpest rise in ten years, largely because of the Mideast situation, and both ferrous and nonferrous scrap increased in price; prices of copper scrap rose because of the domestic copper strike. A jump in silver prices followed the cessation of silver sales by the Treasury at a fixed price. The drop in hides and skins slowed sharply. These changes slightly outweighed the declines in some agriculture-related and world-traded commodities. (Table 7)

Of greatest importance in the renewed industrial price advance was the rise of 0.4 percent in intermediate industrial materials, which had remained relatively stable during the second quarter. Increases occurred over a wide range, with an 0.5 percent advance in steel mill products probably most significant; over the past year, this group has risen 1.1 percent. Some of the other major increases partly reflected temporary developments, but basic demand and cost factors seemed to be of considerably greater importance in these rises.

Almost all major construction material prices moved up with the recovery of construction activity from the depressed levels of last winter. The sharpest increase came in lumber and plywood; rising demands—because of the housing resurgence and the threat of a Canadian lumber strike—con-

[1] This section refers to nonfarm employees only, whereas the summary, the discussion of unit labor costs, and Table 1a include both the self-employed and all farm workers.

verged on reduced supplies as Pacific Northwest forests were closed to loggers because of severe and prolonged fire danger. Some decline in lumber and plywood prices came in October, after forests had been reopened and demand slackened seasonally. Prices of copper mill products rose sharply as the domestic copper strike forced manufacturers to higher-priced sources of the metal.

Among finished industrial goods, increases continued widespread, although the rise in producers' durable goods prices, which had been slowing since last year, slackened slightly further in the third quarter. (Table 6)

Consumer durables rose moderately at wholesale in the third quarter after a small decline in the first half, largely reflecting a withdrawal of automobile manufacturers' special concessions to dealers, since dealer inventories were low. Floor coverings increased moderately after five quarters of declines.

Among the nondurables, the new fall and winter lines of apparel carried higher price tags as sales ran well ahead of a year earlier. The continued downtrend in prices of hides and leather has slowed the advance in retail prices of footwear, but rises were still substantial, reflecting last fall's increase in wholesale prices as well as larger retail markups. Gasoline prices rose in August at the retail level as higher wholesale prices were passed on to consumer, and continued up in September. Seasonal reductions had begun at wholesale, however. Retail prices of cigarettes jumped sharply in delayed response to the June rise at wholesale and because of tax increases in several States.

Farm products and foods. Expanding supplies were chiefly responsible for the drop of nearly 4 percent in farm product prices. Delayed harvests of vegetables had flooded the market and caused fresh produce prices to fall more than they normally do at this time of year. Record-breaking crops resulted in a sharp drop in grain prices and expanded production pushed hog and poultry prices down. Even for those farm products which increased in price, such as eggs and milk, the third-quarter rises were mostly less than the usual seasonal amount.

Cattle prices, on the other hand, showed the largest quarterly increase since March 1966, and beef prices also rose despite expanding production.

Over the year, prices of farm products dropped 10 percent while processed foods prices declined less than 3 percent. This was an exceptionally sharp divergence between the two groups, although foods have tended to move up in relation to farm products for many years. While food prices rarely rise more than farm products in an uptrend, they nearly always fall considerably less in a decline.

Fluctuations in farm products and foods over the past year have been among the widest and most abrupt in the entire postwar period: Farm products fell 10 percent from September to April, recovered by 5 percent to July, and dropped back nearly 5 percent by September. Fluctuations in foods were in the same direction, but considerably smaller, especially in the declines.

Consumer services. About half the rise in the Consumer Price Index so far this year has been due to services, which constitute one-third of the index.

Charges for consumer services rose 1.0 percent in the third quarter—a fraction more than in either of the two previous quarters. Each major service group—rent, transportation, medical care, and household services—shared in the slight speedup, but except for rent, the rate of advance was still below the rapid pace reached in late 1966. (Table 5)

Significant developments in the third quarter included the slight acceleration in increases for rent, as vacancy rates continued low while maintenance costs and taxes rose; the largest advance in charges for electricity in recent years, due partly to higher rates and partly to new sales taxes on utilities in some cities; and a renewed advance in mortgage interest rates, which had edged down in the first half of the year after climbing steeply in 1966.

Medical care costs continued to rise more than any other service group. The speedup in the third quarter reflected higher dentists' and physicians' fees. The uptrend in hospital charges slowed further, but was still sizeable. Last year, hospital charges had been affected sharply by a round of large wage increases, initial coverage of hospitals under the minimum wage and overtime provisions of the Fair Labor Standards Act, and the introduction of Medicare. However, hospital rates continued to rise more sharply than most other medical costs.

TABLE 1A.—OUTPUT PER MAN-HOUR, HOURLY COMPENSATION, AND UNIT LABOR COSTS IN THE PRIVATE SECTOR, 1966-67

	Output	Man-hours	Output per man-hour	Compensation per man-hour	Unit labor costs
Percent change:					
Annual rate: 1947-66	3.7	0.5	3.2	4.9	1.7
From previous quarter:					
1966—1st	1.7	.7	1.0	2.1	1.0
2d	.4	−.1	.5	2.3	1.8
3d	.7	.7	.0	1.2	1.2
4th	.9	.3	.7	1.6	1.0
1967—1st	−.2	.4	−.7	1.1	1.8
2d	.5	−1.4	1.9	2.0	[1] .0
3d	1.0	.7	.3	1.0	[1] .8
Percent change—Continued					
In 4 quarters ending in (annual rate)—					
1966—1st	7.1	3.2	3.8	5.8	1.9
2d	6.1	2.3	3.8	7.0	3.1
3d	5.0	2.5	2.4	6.7	4.2
4th	3.6	1.5	2.0	7.1	5.0
1967—1st	1.7	1.2	.6	6.1	5.7
2d	1.8	.0	1.8	5.8	3.9
3d	2.1	.0	2.0	5.6	3.5

[1] Less than 0.05 percent.

Source: U.S. Department of Labor, Bureau of Labor Statistics.

TABLE 1B—OUTPUT PER MAN-HOUR, HOURLY COMPENSATION, AND UNIT LABOR COSTS IN THE PRIVATE NONFARM SECTOR, 1966-67

	Output	Man-hours	Output per man-hour	Compensation per man-hour	Unit labor costs
Percent change:					
Annual rate: 1947-66	3.8	1.1	2.7	4.6	1.9
From previous quarter:					
1966—1st	1.8	.9	.7	1.9	1.0
2d	.7	.4	.5	1.9	1.6
3d	.7	.9	−.2	1.0	1.2
4th	.9	.2	.7	1.5	.8
1967—1st	−.4	.2	−.7	1.5	2.2
2d	.6	−.7	1.4	1.4	[1] .0
3d	.9	.4	.5	1.3	.8
Percent change—Continued					
In 4 quarters ending in (annual rate)—					
1966—1st	7.5	3.8	3.5	3.2	1.6
2d	6.8	3.6	3.3	6.0	2.8
3d	5.5	3.6	2.0	5.9	4.0
4th	4.0	2.4	1.6	6.3	4.7
1967—1st	1.7	1.6	.2	5.9	5.8
2d	1.7	.4	1.1	5.4	4.2
3d	1.8	.0	1.8	5.7	2.9

[1] Less than 0.05 percent.

Source: U.S. Department of Labor, Bureau of Labor Statistics.

TABLE 1C.—OUTPUT PER MAN-HOUR, HOURLY COMPENSATION, AND UNIT LABOR COSTS IN THE MANUFACTURING SECTOR, 1966-67 [1]

	Output		Man-hours	Output per man-hour		Compensation per man-hour	Unit labor costs	
	FRB	Census		FRB	Census		FRB	Census
Percent change:								
Annual rate: 1947-66	4.2	([2])	0.8	3.4	([2])	5.0	1.5	([2])
From previous quarter:								
1966—1st	3.8	3.2	2.1	1.6	1.1	1.5	−.2	.4
2d	2.1	.8	1.6	.4	−.9	1.4	1.0	2.3
3d	1.3	.5	.8	.6	−.2	1.6	1.0	1.7
4th	.9	1.7	.6	.4	1.1	1.7	1.4	.6
1967—1st	−1.5	−1.4	−.9	−.6	.5	1.6	2.1	2.2
2d	−.9	−.7	−1.5	.6	.8	1.2	.7	.5
3d	.6	.6	.2	.5	.4	1.5	1.0	1.0
Percent change—Continued								
In 4 quarters ending in (annual rate)—								
1966—1st	9.3	7.4	6.4	2.6	1.0	3.6	0.9	2.6
2d	9.6	7.6	7.2	2.4	.4	4.4	2.0	4.0
3d	9.4	5.8	6.5	2.5	−.8	5.1	2.6	5.8
4th	8.0	6.1	5.0	2.9	1.1	6.2	3.2	5.1
1967—1st	2.8	1.6	2.0	.8	−.4	6.3	5.5	6.7
2d	−.2	[3] 0	−1.1	.8	1.2	6.1	5.2	5.0
3d	−.8	.2	−1.7	.8	1.9	6.1	5.2	4.2

[1] Employees only.
[2] Not available.
[3] Less than 0.05 percent.

Source: U.S. Department of Labor, Bureau of Labor Statistics.

TABLE 2.—SUMMARY OF PERCENTAGE CHANGES IN PRIVATE NONFARM COMPENSATION, 1964 TO SEPTEMBER 1967

[Changes are increases unless preceded by a minus sign]

Item	3 months ending in—					9 months ending in—				Annual data		
	September 1967 [1]	June 1967	September 1966	September 1965	September 1964	September 1967 [1]	September 1966	September 1965	September 1964	1966	1965	1964
Average hourly compensation [1]	1.5	1.2	1.3	1.0	1.8	4.4	5.0	2.4	4.0	6.4	(2)	(2)
Average hourly earnings [3]	1.9	1.5	2.0	1.2	1.7	4.6	4.8	3.8	(4)	4.4	3.8	(4)
Manufacturing	1.1	1.1	1.5	.8	1.2	2.9	3.4	1.9	2.0	4.1	3.1	2.8
Real average weekly earnings [3]	.9	1.5	.6	.6	.5	1.7	1.5	1.7	(4)	(5)	1.7	(4)
Manufacturing	.9	1.0	−.2	−.1	.1	−.2	−.3	−.6	.7	−.2	1.5	3.1
Real spendable average weekly earnings (worker and 3 dependents) [3]	.7	1.2	.4	.6	.4	1.0	.2	2.2	(4)	−1.1	2.2	(4)
Manufacturing	.7	.8	−.3	(5)	(5)	−.6	−1.8	.3	2.7	−1.8	2.2	4.9
Average union scale, building construction:												
Hourly wage rates	.6	3.6	.5	.4	.2	5.2	3.8	3.6	3.2	4.6	3.9	3.8
Wages and selected benefits	.6	4.1	.5	(4)	(4)	5.1	4.4	(4)	(4)	5.8	(4)	(4)

[1] Preliminary. The hourly compensation figures on this table pertain to nonfarm employees only (including private household employees); the self-employed and all farm workers are excluded.
[2] Average annual rate 1964–65 is 4.1 percent.
[3] Production and nonsupervisory employees.
[4] Data are not available.
[5] No change or change of less than 0.05 percent.

Source: U.S. Department of Labor, Bureau of Labor Statistics.

TABLE 3.—WAGE AND BENEFIT DECISIONS, 1963 TO 1ST 9 MONTHS OF 1967

[Possible increases in wages resulting from cost-of-living escalator adjustments omitted]

Measure	Median annual rate of increase in decisions reached during—								
	1st 9 months of—					Full year of—			
	1967 [1]	1966	1965	1964	1963	1966	1965	1964	1963
Major collective bargaining situations [2]—									
Wage and benefit changes (packages):									
Equal timing [3]	4.8	3.9	(4)	(4)	(4)	4.1	3.3	(4)	(4)
Actual timing [3]	4.9	4.4	(4)	(4)	(4)	4.5	(4)	(4)	(4)
Negotiated wage-rate increases averaged over life of contract:									
All industries	4.4	[6] 3.8	(4)	(4)	(4)	3.9	[7] 3.3	[7] 3.0	[7] 2.5
Manufacturing	4.4	(4)	(4)	(4)	(4)	3.8	(4)	(4)	(4)
Nonmanufacturing	4.5	(4)	(4)	(4)	(4)	3.9	(4)	(4)	(4)
Negotiated 1st year wage-rate increases:									
All industries	5.0	4.0	4.2	3.2	3.4	4.8	3.9	3.2	3.4
Manufacturing	5.0	4.2	4.2	(4)	(4)	4.2	4.1	2.2	3.0
Nonmanufacturing	5.0	3.9	4.0	(4)	(4)	5.0	3.7	3.6	3.5
Wage increases in manufacturing:									
Union and nonunion establishments combined	[8] 4.8	[8] 3.8	[8] 3.4	3.1	3.0	4.2	3.7	2.7	3.0
Union establishments	[8] 5.0	[8] 3.7	[8] 3.3	2.8	2.9	4.1	3.6	2.5	2.9
Nonunion establishments	[8] 4.4	[8] 3.9	[8] 3.6	3.3	3.3	4.4	4.0	3.2	3.6

[1] Data are preliminary.
[2] Except for packages, data are for contracts affecting 1,000 workers or more. Package cost estimates are limited to settlements affecting 5,000 workers or more (10,000 in 1965). The package cost of a few settlements, affecting relatively few workers, has not been determined.
[3] Based on estimated increases in hourly costs at end of contract period and assumes equal spacing of wage and benefit changes over life of contract.
[4] Data are not available.
[5] Takes account of actual effective dates of wage and benefit changes.
[6] Based on settlements affecting 5,000 workers or more.
[7] Based on settlements affecting 10,000 workers or more.
[8] Data apply to 1st 6 months of 1967, 1966, and 1965.

Source: U.S. Department of Labor, Bureau of Labor Statistics.

MEXICO, OUR GALLANT FRIEND, REAFFIRMS CONFIDENCE IN THE AMERICAN DOLLAR

Mr. KUCHEL. Mr. President, at the height of the international financial crisis which followed the devaluation of the British pound sterling several days ago, the money markets of the world—certainly most of them—were seeking to provide renewed confidence in the strength of the American dollar as well as to resuscitate the English currency. During the week which followed the unhappy announcement by the British Government, there were days of frenzied gold buying and selling on markets throughout the world by speculators who thought that the dollar price of gold would be driven up; that the United States would be forced to follow the example of Great Britain, and that our country would be compelled to announce a devaluation of our currency. Well over $300 million of gold changed hands on the London bullion market during that week.

In the midst of this international crisis, including the problem with respect to confidence worldwide in the American dollar, the President of France held a press conference in which he supported a return to the gold standard. His remarks, as I pointed out in a recent statement on the floor of the Senate, only served to undermine the "fundamental process of increasing harmony and cooperation among free nations." No one wants the devaluation of the American dollar—surely the major world reserve currency—except perhaps the anachronistic President of France.

But while General de Gaulle was engaged in his incredible criticisms of the American dollar, and of Western unity, as well, there were those nations which stood up to pledge their unswerving support to America and to our currency, and, beyond that, to the economic health of the world.

The most noteworthy action of all was taken by our truly great neighbor to the south, the Republic of Mexico. On the same day that De Gaulle held his press conference, Mexico publicly, and in ringing terms, affirmed its willingness and desire to maintain the price of gold at $35 an ounce, and voiced renewed confidence in the strength of the American dollar.

The Government of Mexico put all of its national gold reserve on the line in an unprecedented, courageous, and simply superb indication of international friendship and international assistance to a neighbor. I swell with pride in that act by the Mexican Government.

According to an article which appeared in the Wall Street Journal, Antonio Ortiz Mena, Mexico's Secretary of Finance, said that Mexico is confident that the price of gold and the parity of the U.S. dollar will not change.

The true meaning of unity and friendship among the nations of the world is tested in times of crisis. Mexico again has proven its dedication to the bonds of friendship which it shares with this Nation. By reaffirming its confidence in the American dollar, Mexico has rendered a service not only to America but to the economic strength of the world.

I speak, I believe, for all of the American people in saying, "Thanks, gallant neighbor and good friend. We shall never forget."

Mr. President, I ask unanimous consent that articles describing the action taken by the Government of Mexico, which appeared in the distinguished Mexican Spanish language newspaper,

Excelsior, of which I have a translation, and the Wall Street Journal and New York Times, be printed at this point in the RECORD.

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

(Translation Spanish to English for Senator THOMAS H. KUCHEL)

THE GOVERNMENT DECIDES TO SELL ALL THE GOLD THAT THE PUBLIC DEMANDS—IF THEY LACK COINS, THEY WILL HAND OVER BARS—THE TREASURY GAVE THE RESPECTIVE INSTRUCTIONS TO THE BANKING SYSTEM

(By Adrian Vilalta, reporter from Excelsior Newspaper, Mexico, D.F., November 28, 1967)

The Government decided to sell all the gold that the public demanded and that is what they communicated to the Banco de México [Bank of Mexico] and to the banking system.

Mr. Antonio Ortiz Mena, Secretary of the Treasury, made the declaration yesterday to the reporters from the capital and announced these measures:

(1) The Casa de Moneda [Mint] will provide the banks with bars of fine gold—legal standard of 900 fineness—with a weight of 375 and 750 grams, equivalent to 10 and 20 centenaries, respectively, while more coins are minted.

(2) The pieces of 375 grams will be sold at 6,000 pesos [$480.00 U.S. approx.] and those of 750 at 12,000. [$960.00 U.S. approx.]

(3) The banks were authorized to issue vouchers for the sale of gold, documents which would be exchanged, at a later date, for centenaries, the operations began to take place yesterday in this capital and in all the country.

The head of Finance spoke about these arrangements and about the policy of unlimited selling of gold—the same policy as was adopted in the United States and seven of the eight European countries which form the gold pool—in an interview he held with the unusual background of the area where the strong boxes of the Banco de México are housed, more than ten meters under the cellars of the Guardiola building and protected building and protected by an armored dome.

The statements of Mr. Ortiz Mena and of the director of the Banco de México, confirm their conviction that gold will continue to be sold at 35 dollars an ounce; the dollar will maintain its parity and the peso its equivalence of 12.50.

The President of the Banker's Association, Mr. Ladislao López Negrete; the Director of the Banco Nacional de México [National Bank of Mexico], Mr. Agustín Legorreta and Mr. Manuel Espinosa Yglesias, President of the Sistema Bancos de Comercio, praised the government's resolution, supported its measures and pointed out the losses which those who have sold securities in order to buy gold would suffer, upon having to sell this metal in order to recover their investments.

Ortiz Mena, was convincing:

"The Government has decided to provide the public with all the gold which they demand and that is what they informed the Banco de México and the Mexican banking system."

He added: "We have never had such a strong situation in gold, silver and currency, in the Banco de México, as we have now."

He explained that the decision to manufacture bars of gold which are equivalent to 10 and 20 centenaries was made in order to facilitate for the banks and the public, the handling of large quantities of gold and also in order to give the Casa de Moneda [mint] time to mint all the gold which is needed.

The Casa de Moneda is working twenty-four hours a day in order to take care of the demand and in order to obtain that the minting be as quick as possible.

Simultaneously, the banks have been authorized—he announced—to deliver vouchers on the sale of gold for the quantities which the clients buy, without the necessity of physically handing over the quantity of gold which these documents have recourse to.

SUFFICIENT GOLD TO FLOOD THE MARKET

Don Rodrigo Gómez stated that more than half of the country's reserve is now made up of gold and silver. It makes available the equivalent of 260 million dollars; but "our sales capacity, through the possibilities of insuring against loss, is practically infinite, while the United States maintains the present price of 35 dollars per ounce."

The Secretary of the Treasury and the directors of the principal banks of the capital looked at the sacks and bags of gold held in the strong boxes of the Central Bank, jealously guarded and provided with modern alarm systems, at the moment when Mr. Rodrigo Gómez made this precise statement: "We can flood the market with gold."

He explained that the last shipment arrived from Canada. It was six tons, in pieces weighing 12.5 kilograms each.

Mexico has deposits in that country, in New York, Fort Knox and in Switzerland.

Our reserve is here, in part physically and the rest available within less than four hours distance from our capital and within seven, for that which is in Switzerland, in a way that we can quickly concentrate it at any moment.

The gold deposited in the Bank of Mexico comes from Canada and South Africa and also from the Mexican production, mainly Peñoles and ASARCO.

(The gold production in our country was 6,644 kilos last year, with a value of 92,383,447 pesos.) [$7,390,675.76 US.]

Answering the questions of the reporters, he pointed out that the gold reserves of the United States approach 13,000 tons and to a similar quantity that of the countries who make up the gold "pool" to reaffirm his confidence that the avalanche of purchases unleashed in Europe will be successfully met.

WORD FROM MR. LÓPEZ NEGRETE

The President of the Bankers' Association, Mr. Ladislao López Negrete, said the statement by the Secretary of the Treasury was highly important, in that the public will be able to buy all the gold it wishes, and he praised the authorization granted to the banks to issue sales slips as substitution for minted coins, a measure which was taken due to the lack of minting capacity of the Mint and this will facilitate the operations.

ESPINOSA YGLESIAS' SATISFACTION

The President of the Commercial Banks System, Mr. Manuel Espinosa Yglesias, for his part, commented: "Who have all seen the gold that exists in the hands of the Bank of Mexico". The provisions dictated by the Secretary of the Treasury will allow the public to buy in an unlimited way, and private banks to make the sales in the volumes that each person can purchase or that the savers request.

The Director General of the Bank of Mexico, Mr. Agustín Legorreta commented that it is evident that those who jumped the gun and bought gold and for this, sold securities are going to experience noticeable losses upon selling it again to recover their investments. The uneasiness caused by the measures that were taken in Europe owing to the devaluation of the pound "those who exchanged securities for gold in order to protect themselves from a sickness that doesn't exist here in Mexico are going to pay dearly."

THE SALES OF GOLD LAST WEEK

Mr. Rodrigo Gómez confirmed the off-the-record reports supplied by EXCELSIOR, about the sales of coined gold. He affirmed that last week twelve million gold pesos were sold, an extremely high figure for our market, inasmuch as it is equivalent to the usual demand for a whole year.

The demand yesterday was solid but less in quantity than Saturday. The banks in the capital received in the first hours 50, 20 and 10-peso coins. The public bought them out rapidly.

The bars that are equivalent to 10 and 20 centenaries will be for sale all day today, although the private banks, which very early had been informed about their fabrication, had been waiting for them and offering them to their clients.

In most institutions one started expediting the "vouchers for gold sales in centenaries" authorized by the Government and the Bank of Mexico.

A few banks distributed their gold reserves among their clients in the following form: 20% in centenaries; 20% in 20 and 10-peso gold coins and the remaining 60% in sales constancies, issued for 90 days, within which the demand will have been satisfied to the extent that the exchange can be carried out.

REQUISITES FOR THE EXCHANGE OF BARS

The Mint manufactures pieces of 350 and 750 grams of gold which are equivalent to 10 and 20 centenaries. And they will then be exchanged for this class of coins of "50 gold pesos." Nevertheless, there will be a "previous test" to avoid falsification of these coins and lucrative speculations as to their contents.

Don Rodrigo Gómez stated: We will try to avoid—and there is never a lack of profiteers—that someone will make this gold "sweat."

As a result, the purchasers will be able to keep the vouchers sent to them by the bank and exchange them for the centenaries or reconvert them in actual money at the purchase price the gold will have at the moment when the transaction takes place.

THE PRICE WHICH THE PUBLIC PAYS

The price of the "centenario" is 600 [$48.00 U.S.] pesos. This value is equivalent to 12 [$.96 U.S.] pesos for each gold peso. Nevertheless, the centenario has a gold contents of 37.5 grams. The ounce is equivalent to 31.1035 grams and costs $35.00—14.06 [$1.16 U.S.] peso per gram—so that the gold minted in coins costs $1.94 pesos more per gram and this is above the quotation on fine gold on the European market, that is gold bought in lingots.

The statement made by the Secretary of Commerce must, therefore, be interpreted in the sense that the gold sale will be continued at the price previously quoted: 600 pesos per centenario that has a contents of 37.5 grams. The same applies to the bars that are temporarily sold in order to satisfy the exceptional demand at present.

PERSONS WHO ATTENDED

The Secretary of Commerce and the Director of the Bank of Mexico met at the early hours of today in the office of the latter with a group of private bank leaders who visited the armored vaults of the bank together with the newspapermen. To this group also belonged Licenciate Jesús Rodriguez y Rodriquez, Under-Secretary of Commerce; Licenciate Enrique Landa Berriozábal and Ernesto Fernández Hurtado, Directors of the Bank of Mexico; Ladisalo López Negrete, President of the Association of Bankers; Héctor Flores, Vice President of the latter; José Antonio César, Director of the International Bank and Felipe Sandoval Hoyer, Director of the Mexican Commercial Bank.

(Translated by Paul Vidal, Wesley Kerney, Martha Huertas.)

[From the Wall Street Journal, Nov. 28, 1967]

MEXICO PLACES ALL OF ITS GOLD BACKING $35 PRICE—EIGHTH-LARGEST PRODUCER OF METAL WOULD BE WILLING TO SELL $260 MILLION HOLDINGS—SOME SPECULATION SUBSIDES

Mexico late yesterday said its gold is for sale without limit up to the $260 million of bullion and coins in the national bank reserves.

The Mexican statement affirmed willingness to maintain the price of gold at $35 an ounce. A similar intention had been voiced Sunday by representatives of the international gold pool after a meeting in Frankfurt, Germany. Both statements followed days of frenzied gold buying on European markets by speculators who thought that the price of gold would be driven up, and that the U.S. dollar would thus be devalued.

In Mexico, where gold coins and bars can be purchased from the nation's banks, more than $1 million in gold was sold last week. That is more than had been sold in the entire last year, the government disclosed. The government statement was designed to curb panic buying.

Speculative fever in the big London and Zurich gold markets had already begun to abate yesterday despite continued heavy demand in the smaller Paris, Brussels and Frankfurt markets. Gold-share prices also dropped in Johannesburg and London.

Dealers attribute the easing of demand to assurances from the central banks of seven key industrial nations Sunday that the $35-an-ounce price of gold would be maintained.

London bullion dealers reported that French President de Gaulle's pointed press conference remarks to the effect that the devaluation of the British pound may trigger a return to the gold standard had almost no effect on after-hours trading.

Antonio Ortiz Mena, Mexico's secretary of finance, told a press conference late yesterday that Mexico is confident that the price of gold and the parity of the U.S. dollar won't change. Ridrigo Gomez, director of the Bank of Mexico, added that "our (Mexican) capacity to sell gold is infinite so long as the U.S. maintains the price of gold at $35 an ounce."

Mexico is the world's eighth largest producer of gold. Production in 1965, the latest year for which figures were immediately available, totaled 7.6 million. South Africa, by contrast, the world's largest producer, had a 1965 output of slightly more than $1 billion in 1965, according to the Federal Reserve figures.

Well over $300 million of gold changed hands on the big London bullion market last week, it's estimated. Though gold-buying was still heavier than normal yesterday in London, it was well below the record pace of last Friday and prices eased fractionally.

But in the relatively small, Paris gold market, gold sales eclipsed even last Friday's record pace, and the trading session had to be extended 15 minutes to cope with an influx of orders. Turnover amounted to about $12.7 million, up from about $12.5 million Friday. Dealers attributed much of the demand to investors who expected President de Gaulle to call for a higher gold price.

In Zurich, where much of last Friday's activity originated, dealers reported demand was about half Friday's level. Gold prices eased slightly from Friday at the opening, then improved in lighter trading prior to the de Gaulle press conference. After the conference, in which Gen. de Gaulle refrained from threatening a direct French gold buying attack on the dollar, prices dropped to below opening levels.

Last week the five big Swiss banks halted forward selling of gold and the sale of gold on credit. Over the weekend, according to bankers and dealers, the Swiss National Bank directed the five largest Swiss banks to supervise all gold sales, clamp down on speculation, require full payment for gold and in some cases limit sales of gold to customers with less than top credit ratings.

Swiss banks also refused to sell gold to foreign banks seeking to buy in Switzerland and told them to go directly to the London market instead. One London dealer praised the Swiss moves, saying "it's now extremely difficult for speculators without funds to play the market. I'm personally convinced much, too much power is on the side of the U.S. Treasury" for speculators to stand a chance.

Heavy speculative demand for silver was reported on the London metals market as British citizens apparently sought a medium for switching out of paper currency. Like U.S. citizens, British citizens are prohibited by law from hoarding gold.

Silver for spot, or two-day, delivery rose to a record $2.20 an ounce, while contracts for future delivery advanced to a record $2.235. Both prices were up 10 cents from Friday's close.

[From the New York Times, Nov. 28, 1967]

MEXICAN GOLD FOR SALE

MEXICO CITY, November 27.—Mexico announced today that her gold was for sale without limit up to the $260-million in the national bank reserves.

Antonio Ortiz Mena, the Secretary of Finance, said Mexico was certain that the price of gold would not change.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

The Senate resumed the consideration of the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

Mr. MORSE. Mr. President, I think it is obvious to anyone observing the proceedings this morning that Senators on both sides concerning the Griffin amendment have been following a course of action on the floor of the Senate which has postponed a vote.

The Senator in charge of the bill not only pleads guilty to that; but he also proclaims it, because that was his responsibility as the Senator in charge of the bill.

I am ready to go to a vote now, but I also have other responsibilities of cooperation. It is also known that a very important conference is being held by many Senators during the luncheon period. There is much more to be said on the bill, and therefore, in the spirit of cooperation, I shall continue to follow a course of action which will postpone a vote until that luncheon is over. However, I want the record to show that I am ready to go to a vote now.

Before I close, let me say something also on the matter of procedure, and then say something about the Dirksen amendment.

As the Senator in charge of the bill, I have invested not only many, many hours, but also days and days of work on it. I am very much interested in passing it before we adjourn until next January. But I do not speak for myself alone when I say that for the good of the school systems of the country and also for the good of the country, it would be better to postpone action on the bill until the next session of Congress, if, under the stresses, strains, and pressures of the closing days of this session of Congress, actions were to be taken regarding amendments to the bill which would prove, as I am sure they would prove in this short period of time, to be unwise actions.

Speaking only for myself, although other Senators share my view, and the number has been increasing in the last few hours, I would rather not have a bill until after we reconvene next January, if proposals to add so-called civil rights amendments to the bill are in any danger of being passed.

Speaking again only for myself—and it is my own personal opinion—I cannot think of a greater mistake we could make, so far as the education bills in this country are concerned, than to adopt amendments that would involve modifications or exemptions in the Civil Rights Act and the court decisions for carrying out constitutional guarantees. Any such amendments, in my judgment, would represent such a great mistake in public policy, legislatively, that I think we should talk to the people first.

I think we should talk to the people back home. We would need to talk to the school people, talk to the parents, talk to our citizens generally. If it develops that there is a danger of causing what I think would be damaging consequences to the education program in this country through changes in carrying out the civil rights program which has been decreed by the courts. I must oppose such actions. These are decisions in which most of us believe—although many disagree with me—and which, in my opinion, are completely sound.

When I have a responsibility such as the one that is mine at the present moment, I always deal with Senators on the basis of full disclosure. That does not mean that what my desires are, should necessarily prevail. But at the present moment, if someone said to me, "You have a choice of taking the education bill with 'civil rights amendments' attached to it or no bill at all," I would not have any trouble at all in making a quick reply, "That will be all right. Let's go home and talk to the people."

That is consistent with our great representative system of government—our checking with the people. They should have an opportunity to advise us over the Christmas holidays as to what they think we should do with so-called civil rights amendments. It will result in some inconvenience and some losses. I know that. But the greater loss would be for us to set back, or create the image that we are setting back, the civil rights program in this country.

Yesterday, I discussed briefly and placed in the RECORD the Associated Press news ticker announcement of the decision of the Supreme Court with respect to Alabama. The decision made it very clear that the attempt on the part

of the State government of Alabama to slow up integration was rejected by the Supreme Court.

That is the law of the land. I think we should carry it out. I feel that some of the amendments that I have been told will be offered, but have not yet been offered, are amendments which I think cannot be reconciled either with court decisions or with the Civil Rights Act of 1964.

In a democracy, it is good when this kind of split develops in the Congress. We say by the votes yesterday how close that split is. Perhaps wisdom directs that we should talk to the people. All I am saying is that I think we had better be giving some consideration to the possibility of laying aside this bill until next January, if the alternative is to accept education legislation which, in the judgment of many of us, would be a serious retreat.

Again, speaking only for myself, I think that such a course of action, at least on the part of Senators on this side of the aisle, should be considered carefully. I do not mean to imply that Senators on the other side of the aisle may not also believe in the implementation of the 14th amendment, so far as the decisions of the courts in respect to civil rights are concerned.

But as the manager of the bill and as a member of the Democratic Party, I think that the Democrats in the Senate would not serve the President well if we passed a bill that could not be reconciled with the courageous, and sound position that the President has taken in the field of civil rights. In fact, I think that when the history of President Johnson's administration is written, one of the great monuments of statesmanship that he will have erected is the leadership that he has given to the people of the country, and which has been indelibly written into the history of our country, in the field of civil rights.

I say to Senators on my side of the aisle that we could not possibly justify in any way detracting from the great civil rights record of the President. I think we would do that by any amendment in the field of civil rights that has been suggested to me as a possibility of being added to this education bill. After all, although we have legislative responsibility, we also have a responsibility of stewardship and a responsibility of trusteeship. We have an obligation, in my judgment, before we take any such unfortunate step, legislatively, to check with the people. If we do check with the voters of the country, we Democrats will find that for us to support any retreat in the field of civil rights would cause irreparable damage to our party and great damage to the President, and would be a most unwise course of action.

I have made these statements, not asking for or expecting unanimity of agreement. I have made them because, as the manager of the bill, I believe that Senators are entitled at least to know what is going through my mind, so far as the recommendation of a parliamentary course of action to the Senate is concerned. I am not ready, at this moment, to recommend that action on the bill be postponed until January. I merely wish to point out to Senators on both sides of the aisle that I think most sober consideration should be given to the implications and the probable result of a retreat on civil rights in the form of amendments that would result, in their application, in a slowing up and in a weakening of the implementation of President Johnson's great program in the field of civil rights.

That causes me to say only this briefly in regard to the Dirksen amendment. I hope Senators have taken the time, since the debate yesterday, to reflect on the basic objection to the Dirksen amendment which the Griffin amendment seeks to correct.

I spoke a few moments ago about the nonpartisanship or bipartisanship of the work of the Senate Committee on Labor and Public Welfare in the field of education. The Senator from Michigan [Mr. GRIFFIN] is a member of that committee. He has done a magnificent job as a member of that committee. He has demonstrated time and time again that he is going to deal with basic principles in the field of education. That is what he is dealing with in the Griffin amendment. He is seeking to implement, legislatively, a principle that we all agree on in the committee; namely, that the Federal Government shall not in any way dictate educational policy at the local level; that the only area in which the Federal Government has a right to lay down a mandate of policy is in the field of constitutionalism; and that, when a particular constitutional issue is raised, be it involving education or labor or any general welfare legislation, the Federal jurisdiction growing out of the constitutional responsibilities of the Congress come into play.

The Senator from Michigan [Mr. GRIFFIN] in his amendment is simply seeking to make perfectly clear by legislative mandate that no Federal funds shall be used for busing if the Federal Government is responsible, directly or indirectly, for the busing.

In other words, if the Federal Government seeks to impose busing upon any local school district, then the Griffin amendment says Federal funds cannot be used. It makes it perfectly clear that, if the Department of Health, Education, and Welfare or any other department sought to accomplish such an improper end, it would be prohibited.

But, Mr. President, the Dirksen amendment does not limit itself to that. The Dirksen amendment prohibits any local school district from deciding as a matter of local policy that busing is desirable to meet an educational problem in that school district. If, in the opinion of that local school board, that problem ought to be met by way of busing, it could not be done.

I am at a loss, may I say good naturedly and most respectfully, to find so many of my close and beloved Southern friends in the Senate supporting that amendment. For years and years and years I have heard them oppose, and I joined with them, in opposition to any attempt on the part of the Federal Government to interfere with true States rights. If there ever was a States rights issue raised by any amendment on the floor of the Senate, the Dirksen amendment raises it.

The Dirksen amendment proposes that the Federal Government, by its interference, shall say to a local school board, "We don't care what your problem is with regard to racial problems in your district. You can't use a dollar of any Federal funds to which you are entitled for busing."

If that is not destruction of States rights, with respect to these operative facts, I do not know what is. I think that would be an abuse of our legislative responsibility. I hope such a precedent will not be established here on the floor of the Senate.

The Senator from Illinois had much to do with the final form of the Civil Rights Act of 1964. I think the RECORD will show he said yesterday the final draft of the act was prepared in final conference in his office. I think that is true. I know it is true that the Senator from Illinois had much to do with the compromises that resulted in the Civil Rights Act of 1964.

He argues that his amendment is necessary, apparently, to prevent the Federal Government from involving itself in busing. Well, I most respectfully say that the Civil Rights Act speaks for itself. The Federal Government, under the Civil Rights Act, cannot direct busing. Let me say there is not a scintilla of evidence to show it can. If there is, I ask for it to be presented in this debate. We went into this question in great detail and great depth in the deliberations of the Subcommittee on Education.

It is one thing to make a charge; it is another thing to prove it. I wish to say, Mr. President, that the Department of Health, Education, and Welfare—and I am their witness at this point—has never been successfully charged with ordering any busing. The evidence is quite to the contrary. The Department recognizes that, under the 1964 law, it cannot involve itself in any such program.

Mr. President, what the Dirksen amendment does is, in effect, tell the States that they cannot do so either. A State could not use Federal funds to which it is entitled under the law for this type of solution to a pressing educational problem that involves matters of racial imbalance.

Is the Federal Government going to say that school officials cannot solve a local problem as they wish to, unearmarked by legislative purpose? It can, in effect, say so under the Dirksen amendment. A school district in Illinois, or in Massachusetts—and I have been using the Massachusetts example, and will come back to it in a moment—cannot have a school busing program to solve a local problem in the manner that the local officials feel it ought to be solved, and use therefor Federal funds to which they are entitled under the education program.

Name for me a better example of an attempt on the part of the Federal Government to dominate educational policy at the local level. I cannot.

So what does the Griffin amendment propose? It proposes that the Dirksen

amendment be modified so as to provide that no Federal funds can be used if the Federal Government or any of its agencies or officers initiate, directly or indirectly, a program of busing. It is already covered by the Civil Rights Act.

"Oh," says the Senator from Illinois, "the purpose of the Griffin amendment is to gut my amendment."

The Senator can use his own word, but I wish to state what I think is the obvious purpose of the Griffin amendment. The purpose of the Griffin amendment is to protect States rights. One of the results of the Dirksen amendment would be to destroy them on this matter.

The purpose of the Griffin amendment is to make crystal clear, as far as legislative intent is concerned, to the Department of Health, Education, and Welfare or any other agency of the Government, that they shall not seek to dictate the policies of a local school board.

The result of the Dirksen amendment is to do exactly that—to dictate the policy of a local school board in regard to the matter of busing.

"But let them use State funds," says the Senator from Illinois. In his argument yesterday, he said—and I paraphrase him, but I think accurately—that he did not see why the taxpayers of Peoria, Ill., should pay for busing in Massachusetts.

Mr. President, I say most respectfully that he does not seem to recognize the loss of identity of Federal funds. He overlooks the fact that you and I, Mr. President, are dual citizens. We are citizens of our States, and we are citizens of our Federal Government; and we have dual responsibilities. Because we pay taxes called Federal taxes, it does not follow that when those taxes go into the Treasury of the United States for Federal policy, we have some claim on our share of the money that went into the total pot. A claim to say that we will not permit any of that money to be used by a local school board that is entitled to that money, under an authorized project of legislation, to carry out a busing program. The identity of those Federal tax dollars is lost in respect to their application to this kind of a problem.

Do not forget, Mr. President, as I said last October 6 on this floor, when I discussed this issue in my responses to statements of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Wisconsin [Mr. NELSON] that the Elementary and Secondary Education Act provides for a program for special projects in title III, which is continued in the new bill—one of the most popular and most needed authorizations in the entire bill.

We need that special project program, Mr. President, also to give even further assurance of the right of local school boards to develop their own projects. The program provides funds which can be used for any variety of projects which a local school board wishes to develop to meet the special educational needs of the school district.

Some such special projects, Mr. President, deal with the field of audiovisual education; others provide special programs for the handicapped. It can cover a myriad of special projects, including busing. That is what some local schools want.

But do not forget that when a program such as this is created, or one under title I, ESEA, then all school districts are entitled to their fair share under the formula—to use in accordance with local educational policy, not with dictation from the Federal Government.

So, it is proposed under the Dirksen amendment that they cannot do it if the funds are for busing. It is proposed that if the project involves busing they have got to use State funds or local funds. Are we going to set a precedent for saying that about the purposes of all of these other projects?

Some people do not like counseling work. Some of the special projects deal with the payment and the provision of funds for hiring specially trained experts in the field of counseling, which includes counseling in regard to the techniques that have been developed for the retarded student, counseling for the emotionally disturbed, and counseling for those students that have the behavior pattern that we call characteristics of the truant. Do we want to pass an amendment setting a precedent for saying that we cannot use any Federal funds directly or indirectly for any of those projects?

When we pick something out, as is done in the case of the Dirksen amendment, and say that cannot be done, then we have a Federal mandate of interference with the local school board. The Dirksen amendment, in my judgment, sets a very bad precedent. It should be rejected.

We must understand this principle that has run through, as I said yesterday, all of the Federal aid bills from the very first one I cosponsored. This particular issue of a guarantee against any danger of interference was really laid to rest in 1947 by Bob Taft in what I have always said is the pacesetter, examplemaker, the mold for Federal aid to education. I refer to the famous Taft bill of 1947, of which I was privileged to be one of the sponsors.

Go back to the RECORD and read the pronouncements of the then Senator from Ohio and others who participated in the debate, because in those days we were greatly handicapped in getting legislation passed. In fact, the Taft bill was beaten in 1947 on this issue. The then Senator from Ohio laid down the argumentative precedents that the rest of us picked up in the years following until we finally used them successfully in the adoption of a whole series of Federal aid to education bills that has resulted in what President Johnson has referred to as the legislative miracle in the passing of education legislation.

What did Bob Taft lay to rest? It involved the very point that I am making in my opposition to the Dirksen amendment. He made it very clear that legislation should be so understood as never to permit or authorize the Federal Government in any way to interfere in determining the education policy at the local school level.

That is the principle. That is the principle that we cannot reconcile the Dirksen amendment with. It does not justify passing that amendment merely because a lot of Senators do not like the idea of busing in order to eliminate racial imbalance. I do not either. I think there are better ways of handling it. However, my subjective judgments or the subjective judgments of the Senator from Illinois or any other Senator are not relevant in the determination of the issue I have raised.

That matter is up to the local authorities. I do not intend to support an amendment that I think would establish a very dangerous precedent and create unbelieved misunderstanding across this country.

Pass the Dirksen amendment and we will answer for it. Pass the Dirksen amendment and we assume the responsibility for what I am satisfied will be agitation at the local levels in this country in opposition to this kind of intervention on the part of the Federal Government in a field into which it has no business trespassing—the field of the local control of education.

Mr. President, I have a duty, as I see it, for whatever it is worth, as the manager of the bill to make a record here today forewarning the Senate as to what I think would be a most dangerous precedent.

I think that instead of moving along toward a better understanding and a more rational solution to our civil rights problem, this would throw the country backward and create great problems for us. That is why I speak out against it at this time.

I think the Massachusetts hypothetical that I used on October 6, 1966, and used again yesterday, is the best answer I can give. It was the answer last year, it will be remembered, that won for me the votes here in the Senate when, as manager of the bill, I announced that I would accept the Fannin amendment which eliminated from the bill the words "racial imbalance."

I took the position, as the RECORD will show, that on the operative facts of that issue, what the Senator from Arizona was seeking to do was to eliminate words that might be used by a Federal official to seek to justify a regulation or an administrative order that would involve the Federal Government in seeking to interfere in what it called a problem of racial imbalance in connection with a local school board policy.

When I announced that I would accept the amendment, I immediately, as the RECORD shows, was bombarded with some questions from my colleagues, the Senators from Massachusetts and Wisconsin among others. And I discussed the Massachusetts hypothetical.

It should be pointed out that in the Boston School District, the school board decided that the best way for it to meet the imbalance that existed because of an overcrowded, poorly equipped, understaffed Negro school in a ghetto of Boston was to bus a proportion of the students to a new school with the best of equipment. Instead of having 50 students in a classroom, there were only 18. Instead of having an undersupply of teachers, there was an adequate number of teachers.

The bill, with its program of special projects in title III, left to the Boston School Board the authority to decide whether or not it wanted to adopt, on a local basis, a busing program. It had a right to do it; it should have the right to do it. The Dirksen amendment would prevent it. It is no answer to say, "Let the Boston School District or School Board pay for it." That is an interference. Just the saying, "Let them pay for it" is an interference; because you are saying that you are going to earmark special project funds for purposes other than those the local school board thinks would best serve the local educational needs.

For this reason, I repeat, for emphasis, my objection to the Dirksen amendment: It is an invasion of States rights—true States rights.

I commend the Senator from Michigan [Mr. GRIFFIN] for his amendment, which would remove this objection and, at the same time, carry out the only legitimate right that I think the Senate has in this field—to make perfectly clear that no interference, no dictatorial policy of the Federal Government will be imposed upon any local school board in deciding what its educational policy will be, except—as I have said over all the years—when a policy involves a conflict with the Constitution.

That is my case, in summary, against the Dirksen amendment; and in due course, after further debate, I shall be ready to vote on the Griffin amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LAUSCHE. Mr. President, yesterday, in a colloquy among the Senator from Oregon, the Senator from Virginia, and myself, an effort was made to determine what the pending bill, in amount, would increase the expenditures for the years 1968, 1969, 1970, and 1971 over the year 1967. Regrettably, that colloquy did not clarify the figures that reflect the actual situation that will exist. The colloquy, in fact, confused the situation; because in the report, on page 53, is set forth a table which was construed by the Senator from Oregon, the Senator from Ohio, and the Senator from Virginia, as comparing likes for the years 1968, 1969, 1970, and 1971, when in fact the table erroneously does not make comparison of likes for likes, but sets up a schedule for 1968 that was different than the schedules for 1969, 1970, and 1971.

The question was: By how much does the pending bill increase the authorizations of expenditures for 1968, 1969, 1970, and 1971 over 1967? A reading of the RECORD of yesterday dealing with the question involved indicates the material was not accurately set forth.

Yesterday it was discovered that the colloquy produced erroneous impressions and finally it was asked that the experts in the Department of Education submit figures which would be understandable and which would clearly set forth by how much the bill would increase the expenditures in this field.

In yesterday's RECORD, on page 34912, there is set forth a tabulation of the authorizations made for the year 1967, and the appropriations made for the year 1967. I wish to give those figures as now being the report made by the Department of Education concerning the actual facts on how much was authorized for expenditure in 1967 and how much was appropriated.

Therefore, Mr. President, as shown on page 34912 of the RECORD of December 4, 1967, the figures show that $2,357,043,000 was authorized for expenditure in 1967. I wish to repeat. In round numbers, $2,357,000,000 was authorized for expenditure in 1967. The amount appropriated in 1967 was $1,815,000,000 or $500 million less than was authorized.

Now the question would immediately arise: How much was appropriated for 1968? Three billion, nine hundred million dollars was authorized and $2 billion was appropriated, or 50 percent of the authorization was appropriated for the 1968 program.

Now, going down to the year of 1969, I shall compare and set forth the amount the House bill authorized, the amount the Senate bill contemplates authorizing, and the difference.

For the year 1968, under the existing law, there was authorized for expenditure $3,965,000,000. That is $1,600,000,000 more than was authorized in 1967.

Mr. President, at the risk of the charge of repetition, I shall repeat. The present law authorizes an expenditure of $3,900,000,000 as compared to $2,300,000,000 for 1967, the difference being $1,600,000 more.

The House bill for the 1969 fiscal year, which will begin July 1, 1968, authorized an expenditure of $4,141,000,000. The Senate bill authorized an expenditure of $4,505,000,000. The Senate bill authorization was $364 million over that of the House.

I now compare the 1969 authorization of the Senate in the amount of $4,505,000,000 with the 1967 authorization of the Senate, which was $2,367,000,000. The authorization for 1969 is practically 100 percent over that of the year 1967.

Mr. BYRD of Virginia. Mr. President, will the Senator yield for a question?

Mr. LAUSCHE. I yield.

Mr. BYRD of Virginia. I wish to ascertain whether I understand the Senator accurately.

The authorization for the year 1967 was $2,357,000,000 in round numbers.

Mr. LAUSCHE. In round numbers. The Senator is correct.

Mr. BYRD of Virginia. Now, the authorization we are asked for the upcoming fiscal year is $4,505,000,000, in round figures.

Mr. LAUSCHE. The authorization which this bill contains for the fiscal year 1969, which will begin on July 1, 1968, is $4,505,000,000, or in other words, 100 percent more than the authorization for the year of 1967.

Mr. BYRD of Virginia. Then, to phrase it another way, what this bill envisions, assuming the expenditures authorized under this act are appropriated and spent, the authorization would lead to expenditures of almost double what they were just 2 years ago.

Mr. LAUSCHE. By 2 years ago what period does the Senator mean?

Mr. BYRD of Virginia. Fiscal year 1967. In other words, the fiscal year 1969 compared with the fiscal year 1967.

Mr. LAUSCHE. The appropriations for the year 1967 was $1,815,000,000. The authorization for the fiscal year 1969 contained in this bill is $4,505,000,000.

That would mean 150 percent more authorized than spent in 1967. I do not know whether that answers the Senator's question.

Mr. BYRD of Virginia. The Senator has answered the question. Leaving out precise figures, what it means is that the Senate is being called upon now to make tremendous increases in the authorizations over what the figures were prior to 2 years ago—that is, for fiscal year 1969 as compared to fiscal year 1967.

Mr. LAUSCHE. I will point out those figures again. In fiscal year 1967, which expired on June 30, 1967, we authorized $2,357 million. For fiscal year 1968, we are authorizing $3,965 million, which is $1,600 million more than in 1967.

I now go to 1969, to answer the question which the Senator put. In 1967, $2,357 million. In 1969, we are authorizing $4,505 million, which is practically 100 percent more than 1967.

Mr. BYRD of Virginia. In other words, practically double 1967.

Mr. LAUSCHE. That is right.

Mr. BYRD of Virginia. I thank the Senator.

Mr. LAUSCHE. I think the Senator from Virginia would be interested in this: How much did we actually appropriate and, in all probability, spend in 1967? The answer is, we appropriated and, in all probability, spent the entire appropriation of $1,815,000,000 in 1967.

How much are we now authorizing for 1969? The sum is $4,505,000,000, which is 150 percent more than we actually spent in 1967.

Mr. BYRD of Virginia. Which was 2 fiscal years ago.

Mr. LAUSCHE. Two fiscal years ago, that is right.

In fiscal year 1967 and 1968, and 1969. In 1969, we will be spending, if the whole authorization is utilized, 150 percent more than we spent in 1967.

The interesting question is: Perhaps this is a good program, but what about the fiscal situation? I should like to hear what the Senator from Virginia has to say on that.

Mr. BYRD of Virginia. What the Senator from Ohio is concerned about, as I see it, is not that there is no merit in the program—we are not arguing its merits or demerits——

Mr. LAUSCHE. Not at all.

Mr. BYRD of Virginia. We are arguing whether it is wise, at a time of great fiscal stress which faces the Nation, whether we can afford to pass an authorization bill for fiscal 1969 which would be double the appropriation for fiscal 1968.

In that respect, I point out, in regard

to the $4.5 billion, that to raise that amount—and we are running a heavy deficit now—would take a surtax of 4½ percent. Levying a 1 percentage point on a surtax is equivalent to taking in roughly $1 billion. Thus, what we are dealing with in the pending bill would be to authorize $4.5 billion in expenditures, assuming the money is appropriated, so that we will be in effect saying that we need a 4½-percent surtax in order to finance it, unless we are going into more deficit financing. The President has said time and again over the past 6 to 10 months that this Nation is facing a grave fiscal crisis. Indeed, I think that it is facing a grave fiscal crisis.

The President has done a great deal to focus attention on it. I do not think that he has done very much to cut expenses but he has done a great deal to focus attention on the grave fiscal situation which exists in the country today. What concerns me is the size of this program. We are being called upon to vote for $14 billion over a period of 3 years and an authorization for the upcoming year of $4,500 million compared with an expenditure of $2 billion just this current fiscal year.

Mr. LAUSCHE. That is correct.

On the subject of promoting education, I am certain that there is no Senator here who does not want to expend the maximum amount of money available to promote education. But, we have to be realistic about it. Realism requires that we take into consideration the money available through reasonable taxation to provide the services which new and desirable programs demand.

The weakness of what has been occurring in Congress is that there has been an absence of realism, that desirable and what are deemed to be essential programs are being promoted without any thought of the ability of the taxpayers to finance the programs and without any thought of what will happen through repeated deficit operations.

At this point, I repeat, in fiscal year 1967, which ended on June 30 of this year, we appropriated and spent $1,815,000,000 in the general program. It is proposed by the bill that as against expenditures of $1,815,000,000 in fiscal 1967, we authorize $4,505,000,000, which is 150 percent more than was authorized in the 2-year period over what was spent in 1967.

Mr. BYRD of Virginia. I feel that the Senator from Ohio is rendering an important service not only to the Senate but also to the Nation in focusing attention on some of the fiscal problems concerned with this legislation now before us.

Much of yesterday was taken up with other aspects of the legislation but, to my way of thinking, it is so vitally important that Congress realize, and the American people realize, the tremendous sums of money involved in the programs, not only tremendous sums of money involved but also tremendous increases which are being proposed in the upcoming years, compared with the appropriations of the current fiscal year and the one prior to that.

It is just a matter of arithmetic, Mr. President, that if we are to come anywhere near balancing the Federal budget—and the President has been seeking and demanding a 10-percent tax increase—if he really wants to balance the budget, if Congress wants to balance the budget, leaving out the new bills we want to pass, it would take a 20-percent tax increase. I am very doubtful whether the people of this country are willing to stand for such tremendous increases in taxes as they will be called upon to pay if these tremendous spending programs are continued and increased, as this bill proposes.

The Senator from Ohio has brought out facts and figures which heretofore have not been too apparent. He is attempting to make them apparent to the general public, and he deserves the thanks of all of us in the Senate.

Mr. LAUSCHE. I read in a magazine within the last 3 days a statement made by Lenin. He said, according to my recollection, that France would spend itself into exhaustion through luxury, Germany through militarization, and the United States through general spending beyond the ability of the taxpayers to carry the burden.

In my judgment, Lenin knew what he was talking about. That is, it is simple to promote spending programs. It is rather painful to promote laws imposing taxes that will finance the spending programs. Since it is painful to finance our spending programs and indulge in deficits, we spare ourselves the political animosities that come from imposing taxes, and impose the taxes upon the children that will be born in the 1970's, the 1980's, and the 1990's to pay the debts that we are incurring through imprudent, unreasonable, and unrealistic spending.

I may say to the Senator from Virginia [Mr. BYRD] that thus far I have not discussed what the Senate committee has done compared with what the House has recommended. The 1967 fiscal year authorizations were concurred in both by the House and the Senate. That year is past. As I have pointed out several times, the authorization was $2.357 billion.

I skip 1968 and go to the year of 1969. The House authorized $4.141 billion compared with $2.357 billion that was authorized in 1967. The House authorization for 1969 is $1.8 billion more than the authorization for 1967.

But the Senate committee was not content with the increase in the amount of $1.8 billion. It had to go a step further. It authorized $4.505 billion for the year 1969, practically 100 percent more than the authorization for 1967, and, in dollars, $400 million more than provided by the House.

It is the same pattern. The President recommends x. The House gives x plus y. The Senate comes along and gives x plus y plus z. The taxpayer is the one who bleeds. The taxpayer is the one who weeps. The taxpayer is the one who writes and says, "Do not pass the surtax of 10 percent."

For 10 or 11 years I have been making the argument on the floor of the Senate that one cannot keep spending more each year than he takes in without finally going to the poorhouse. But the Senate and the House have continued to operate under deficit principles, ignoring the laws of economics, believing that we can keep spending more than we take in, without ever getting into trouble.

Congress was, and continues to be, unwilling to recognize that the laws of economics operate inexorably. They may be slow in achieving their demand, but they move on, and finally they demand a payment for an abuse of those laws.

It is the law of action and reaction. We can tax in a sanguine way, but if we do, the taxpayer will quit paying.

Mr. MORSE. Mr. President, will the Senator yield at this moment?

Mr. LAUSCHE. Just let me finish this thought.

One can commit a crime, thinking that he will never be detected. But the law of atonement operates. The time will finally come when there is a revelation. Repeated commission of wrongs and crimes cannot be escaped. In the solitude of the bedroom, when silence prevails and sleep is sought, there is the reminder that during the day one committed a wrong. He can flee from the remorse, but it will follow him as the shadow follows the human being.

So it will be with our Government. We have arrogated to ourselves the infallible judgment that by the intellect of our minds we will escape the natural laws. But the natural laws are beginning to catch up with us.

I now yield to the Senator from Oregon.

Mr. MORSE. I ought to withdraw my request, because it is no longer applicable. I merely wanted to say that when the Senator from Ohio used the phrase, as I recall, "Action and reaction," he pointed at me when he said "reaction." I wanted to dissociate myself from the word.

Mr. LAUSCHE. No; I did not intend that.

In the Greek tragedies, there was what was supposed to be the plot of the Furies. A crime was committed. The Greeks tried to detect who had committed the crime. So they would concoct a play, and in the play the crime was set forth just as in Shakespeare's "Hamlet," in which young Hamlet produced a plot showing the crime of his father. In the Greek plays, the plot was shown, and in the plot was the crime. In the audience sat the man who had committed the wrong, and when the plot was discovered, he would jump up and run out.

Mr. MORSE. I am here.

Mr. LAUSCHE. No; I have the greatest respect for the Senator from Oregon.

Mr. MORSE. It is mutual.

Mr. LAUSCHE. I say that because the Senator from Oregon has the courage to stand by his convictions. He has no hesitation in stating them. Although we may disagree, I respect him for his great quality in never operating on the basis of political expediency and advantage.

Mr. MORSE. That is because the Senator from Ohio is my teacher.

Mr. LAUSCHE. I say that in deep tribute to the Senator from Oregon.

The point I have been trying to make is that the authorization for 1969 is $4,-

500,000,000 compared with $1,800,000,000 spent in 1967. I think that that authorization is too much.

Therefore, Mr. President, I send to the desk an amendment which will cut back the authorization to the amount that has been authorized for the year 1968 in the general laws, and I yield the floor.

Mr. MORSE. Mr. President, before I reply in part to the views expressed by my two good friends, the Senator from Ohio and the Senator from Virginia, I first wish to say to my friend from Ohio that I was not engaging in semantics when I said that he was my teacher; for, disagree as we do on various issues, when one talks about exercising independence of judgment and standing by his convictions, and not being afraid to disagree, I do not know of anyone in the Senate with a more perfect record in that regard than the Senator from Ohio.

Mr. LAUSCHE. I thank the Senator.

Mr. MORSE. Mr. President, I ask the Senator from Ohio and the Senator from Virginia if they have received, under the assignment I gave this morning, all the fiscal data that they asked me to obtain for them from the Department, save and except the exhibit, which I understand will be forthcoming, that sets forth the comparative table comparing 1966 with the 1967 and 1968 expenditures. That is the only table, my counsel tells me, that has not yet been supplied to the two Senators; but if there is any other information the Senators need, we shall supply it. As I followed the discussion, I judged that they had received it all except for that comparison table. Is that correct?

Mr. LAUSCHE. Mr. President, the discussions which we have had today, and the figures which have been supplied, which are in the RECORD, have completely clarified the factual situation with respect to the authorizations and appropriations, respectfully, for the years 1967, 1968, 1969, and 1970. Of course, appropriations have not yet been and cannot be made for 1969 and 1970; but the staff has provided the figures, as I think I have related; and the RECORD will come in conflict with what was said yesterday, but today's RECORD will set forth correctly what has been done.

Mr. MORSE. I am glad if the counsel was of help.

I wish to make these comments about some of the observations of my friend from Ohio and my friend from Virginia, for I do not share their great concern about the requests of the committee for these increased authorizations.

It was interesting that in their discussion, they were not questioning the value of the programs covered by the bill which the committee has brought to the floor of the Senate—with the unanimous vote of those members voting. Only one member of the committee was not present to vote.

The volumes in front of me are the best exhibit that I can give to the Senate to prove the thoroughness with which we considered the substantive issues. I am perfectly willing to stack this stack of reports alongside the reports that may be issued by any other legislative committee for a comparison on the question of whether the committee worked with thoroughness, made a full record, and provided hearings that present to the Senate the data to support the recommendations of the committee.

Read the record. It will not suffer by comparison. I wish to talk for just a few moments, Mr. President, about the quality of the program.

In all the discussions of my good friends, the Senator from Ohio and the Senator from Virginia, about the authorization amounts and the appropriation amounts that have already been authorized and appropriated, and the proposal for enlarged authorization amounts, I point out most respectfully that their arguments seemed to overlook the fact that we have educational needs in this country that will have to be supported either by enlarged local taxation or increases in Federal funds to relieve an already overburdened local education tax program.

My two friends, as I say, seem to be talking as though this Federal program were the total educational program of the country.

I call attention to the fact that if we do not authorize more Federal money and appropriate more Federal money, then it will have to be done at the local level, or we shall fail to meet the obligations that we, as a population, owe to the youth of this country.

That is what confronts my committee. When we start slashing the Federal program, we must get ready to meet on the local level what will have to be done to supply local tax funds to meet the needs, or else stand on the floor of the Senate and argue that we should walk out on the educational needs of the young people of this country.

I do not intend to do that; and I say most respectfully to my fellow Senators, the people will not let us do it, either. For, while it takes them a little time to catch up, once the parents of this country come to find out and to decide that neither at the local nor the Federal level are the funds being supplied to give their children the education that this era of civilization calls for, with the automated economy into which those young people will be thrust, they are going to hold the politicians to an accounting; and they should.

When my committee brings in this authorization program calling for these increases in authorization, we tell the Senate what we are doing. We are decreasing the need for additional authorizations at the local level, and particularly at the level of the school districts that are so poor that they cannot raise the taxes because they do not have the tax base with which to provide their children with the education to which they are entitled.

I bring the Senate back again to the major premise upon which I offer all education legislation in the Senate. I have for years and years. Disagree with me on that, and then of course we can follow a parsimonious program in regard to supplying funds with which to provide the children of this country in all school districts—poor, moderate, and rich—with the education to which they are entitled as a matter of right.

The Senate will note that I used the word "right," for that is the basic word in my major premise. And here it is. In my judgment each boy and girl, every one of them, no matter where he or she is born and irrespective of the color of that child's skin, is entitled as a matter of right to full opportunity to develop to the maximum extent possible the intellectual potential of that boy or girl. That costs money, and lots of it. That is going to cost more money than we are proposing to authorize.

I say quite frankly to the Senate that the authorization bill we are proposing this year is not going to be the maximum authorization bill that will be proposed in the next 10 years, for each year it will be higher if we are going to carry out that obligation.

Let me point out the cost of not carrying it out. Let me warn the Senate now that if we retreat from that obligation, if we walk out on that duty, then with relation to the money that we save at the expense of that obligation, the money that we save at the expense of denying to thousands and thousands of boys and girls in the poor school districts of this country an opportunity to develop to the maximum extent possible their intellectual potential—and I am sure I am engaging in an understatement—there will be $6 of loss to the economy of this country for every dollar that we save by cutting the authorizations and the appropriations.

I am sure it will be much more than that. As I sometimes have been heard to say, "When you talk to me about education, you have to talk to me at the point of a lead pencil." I am talking about the value of carrying out that educational right to the economic wealth of the Republic.

There are so many facets of that problem to be developed that it is fortunate that I have the problem here of taking a little time so that absentees can come back and make the legislative record.

I turn to page 51 of the committee report.

I read from that page of the report:

> Dr. James Conant in 1961 in his book, entitled "Slums and Suburbs," warned that social dynamite was accumulating in our large cities. Of course, the Nation is making some progress. In January of 1967 it was estimated that 97 percent of the 5- to 17-year-olds in America were in school. This as compared to 80 percent of the same age group in 1900. Also in January of 1967 it was conjectured that of the 3.8 million youngsters in this country then enrolled in ninth grade, some 2.9 million, or 77 percent, would graduate from high school. This represents a significant increase over similar data collected for the 2.7 million ninth graders of 1956, of whom only 1.9 million, or 69 percent, ultimately graduated.
>
> But reversed, the figures do not appear so reassuring. We are still faced, according to these 1967 predictions, with a possible 23 percent dropout rate in 1970.
>
> It has been estimated that approximately 1 million students drop out of school each year. The seriousness of the problem is magnified by the technological changes in our society which demand skilled workers. Currently in the United States, for every 10 unskilled workers there are seven skilled job vacancies. And by 1970, it is estimated, no more than 5 percent of our jobs will be unskilled. Yet today there are more than 1 million young men and women under 21 who have left school and are unemployed. And it is estimated that the decade of the

sixties, by its conclusion, will have produced some seven and a half million such school dropouts.

That deals with the question of what it costs the taxpayers of this country to not fulfill the obligations I have talked about.

Let me give other statistics in round numbers, and counsel will supply the figures for the RECORD.

What are the average lifetime earnings of a college graduate? They are in the neighborhood of $452,000.

What are the average lifetime earnings of a high school graduate? They are in the neighborhood of $272,000.

What are the average lifetime earnings of a grade school graduate? They are in the neighborhood of $200,000.

What are the average lifetime earnings of dropouts from grammar school? If they have any earnings at all, if the public does not support them in prison or in mental institutions or in other various forms of public upkeep, they will earn from $150,000.

Do not talk to me about a penny-wise and pound-foolish policy, which I respectfully submit is the policy advanced in these proposals to cut the investment of the taxpayers of this country in the potential brainpower of the youth of our country.

It is our great reservoir of wealth, this brainpower of the youth of the country. It is that brainpower, to the degree that we develop it to its maximum extent, that determines our annual economic productivity.

Do not forget also, and this is pregnant in the remarks of Dr. Conant, that when we start talking about the dropout program and about the relationship between skilled and unskilled jobs, we are dealing with the great oncoming—and we are in midst of it—and new economic revolution in this country, called the revolution of automation where unskilled workers will be unemployable for the most part.

We are entering now into an automated revolution in which back muscles will not be hired. Brainpower will be hired.

If we do not meet the obligation about which I am speaking, we will drown in pools of unemployability, across this land, hundreds of thousands of our young people, so far as their economic futures are concerned.

Do not talk to me about parsimony in connection with an investment in the economic productive power of developed brain power in this country, for it pays back into the local, the State, and the Federal Treasury over and over again the cost of the investment in the education of the youth.

This is so important that I am one Senator who believes that every young man and woman in this country should be assured of an opportunity to go to college with all tuition paid; because that education will pay back the cost of that education over and over again, by the increased tax dollars that educated brains will be able to earn and pay back into the Treasury.

We cannot afford to have a cutting program. I am not talking about a sound economic program, but a program cutting education just for the purpose of cutting, in the interest of so-called balancing the budget. I will not vote to balance the budget at the expense of providing educational opportunities to the young of this country. I cannot imagine a more unwise fiscal policy for the Senate to follow.

Let me give you another vital statistic that comes out of the hearings of my committee; 1985 is not very far away, but as I have said before, if we are going to answer, by 1985, the knocks of the qualified students on the college doors of America, do you know what we would have to do? We would have to double the size of every university and college, public and private, in the entire land, and build a thousand new colleges with an average student population of 2,000 per college. Are you going to lock the college doors against them? Are you going to say, in the name of an argument for fiscal parsimony in regard to education appropriations and authorizations, that you are going to lock the doors of colleges to hundreds of thousands of young men and women who can do satisfactory work in college if you will give them the opportunity? What are we thinking about? What are we thinking about from the standpoint of a sound investment?

Therefore, from the standpoint of educational philosophy, from the standpoint of political obligations, I will not go along with the suggestion of my good friends, the Senator from Ohio and the Senator from Virginia, to cut the proposal of this bill that has come to the floor of the Senate, seeking to carry out the obligation that I mentioned earlier in my remarks.

No member of the Senate can now go on a single campus in this country or only a few at most, that already is not the beneficiary, from the standpoint of tangible results, of the education bills we have passed since 1961 and of the small number of bills we had passed prior to that time. Since 1961, we have passed more Federal aid to education legislation, quantitatively and qualitatively, than had been passed in the preceding history of the Nation. That is why President Johnson refers to it as a legislative miracle.

Mr. President, I will not follow a course of fiscal parsimony on the floor of the Senate and deny to the young of this country the educational opportunities to which in my judgment they are entitled as a matter of right.

Before I turn to the next point, I wish to dwell on the point that there will be a public demand to meet the needs; and you will either maintain the amount of Federal aid that we are recommending or you will create great fiscal problems at the local tax level. Do you think the parents of this country are going to stand by, if we follow a parsimonious course of action in the Senate, and see their children denied the educational benefits to which they are entitled, and do nothing at the local level?

Every Senator knows that real property taxes for educational purposes have already reached the saturation point in almost all school districts. One of the great benefits of the Federal aid to education legislation has been to alleviate the necessity of higher tax increases at the local level so far as educational costs are concerned.

Mr. President, I wish to stress something which has not been mentioned by the Senator from Ohio or the Senator from Virginia. They speak as though this is just a single program for providing education to the young people of the country. It is a Federal supplementary program, as it should be. That is the entire basis for it. Either you do it on the Federal level or you will have to increase taxes to supply this money on the local level or deny education and training to the young people of the country. As I have said, for every dollar you save, it will cost the taxpayers, in losses, at least $6, and probably many times $6. That fact is not recognized, I say most respectfully, in the discussion of the Federal costs.

Mr. President, there is another aspect to the matter, and this is the last topic I shall discuss at this time with respect to this subject: Why the cut in education? Let those in the Senate who voted over $5 billion for NASA answer my question. Let those in the Senate who are willing to go along with a $75 billion defense program, the highest by billions and billions in the history of the country—higher by many billions than at the height of World War II—tell me why I should vote for a proposal for drastic cuts in an education budget. You can take the proposed $7.5 billion cut of the administration out of the $75 billion military budget and never know you have affected it. Do not make the argument of Vietnam to me, because out of the $75 billion, only $22 billion is earmarked for Vietnam. This administration gets most of its money for Vietnam, not out of the general defense appropriation, but out of supplemental appropriations. That is why the American people must be educated constantly about the legislative technique of supplemental appropriations and budget requests.

Mr. President, you have a defense budget request and then a whole series of supplemental budget requests. I have reason to believe that by the end of February, if you add the supplemental budgets that will be passed by then to the defense budget it will not be $75 billion but $83 billion.

Mr. President, there are so many places to make any savings you want to make rather than gutting the domestic programs, because the domestic program is a $20 billion budget which includes education, health, roads, public works, medical programs, and the myriad of programs essential to keeping a strong domestic economy and serving the civilian needs of the American people in an administration which is trying to alibi and rationalize a $75 billion defense budget.

(At this point, Mr. CHURCH assumed the chair.)

Mr. MORSE. Mr. President, if we can get the American taxpayers to realize what is involved in the mathematics of this administration budgetwise, there is no doubt what their verdict would be. The verdict would be to cut it. There is the matter of $2.5 billion for manpower commitments in Europe. The only member of NATO that ever came anywhere

near keeping its manpower commitments is the United States. The majority leader introduced a resolution, which I cosponsored along with others, to cut those divisions from six to two, and the flag wavers seek to give the impression that those who support it are not patriotic. Mr. President, the millions we are pouring into NATO are at least 85 percent unjustified and wasted.

Tell me why I should vote to spend American taxpayers' money for military assistance programs in Africa, Latin America, or the subcontinent in any such amount and degree to which this administration is pouring money down a military rathole by way of military aid. Let us take the $7.5 billion of foreign assistance, which is a real foreign aid program. The so-called semantically named foreign aid program of the administration of $3.2 billion is not even one-half of the foreign assistance program of this administration.

I say to the Senator from Ohio, and to the Senator from Idaho [Mr. CHURCH], who is presently the Presiding Officer of the Senate, to build a lot of schools, engage in public works, to seek to build a dam in Idaho or Oregon, or other public works, and he has to establish and I have to establish the cost-benefit ratio. We do not have that in the foreign aid program. I have fought for that for years. I will not support this kind of foreign aid because it plays the American taxpayers for suckers, and that is what they are and will continue to be as long as they do not insist upon a revision of a program that wastes their money. Many of them do not know about it. Some of us are doing the best we can to educate them.

I say that there are so many places to save billions of dollars of taxpayers' money now being wasted, and wasted, I repeat, in much of the boondoggling of this administration in regard to foreign expenditures that I do not intend to sit in the Senate and vote to cheat this generation or future generations of American boys and girls out of the precious right that I lay down as a major requirement of any educational philosophy. That is: we better see to it that every boy and girl in this country is able to enjoy the right to have developed to the maximum extent his and her intellectual potentiality to the greatest degree possible.

That is involved in this bill. I plead for the poor school districts because they cannot raise more tax money to provide the funds to carry out that obligation. Whether one lives in Idaho, Oregon, Michigan, or Minnesota, or any other place, we have a great stake in the citizenship and training of those boys and girls in the poor school districts because in this age of mobility they may grow up to be our nextdoor neighbors. It is important that they be skilled and educated neighbors.

Mr. President, after my colloquy with the distinguished senior Senator from Mississippi [Mr. STENNIS] yesterday, I indicated that I would place in the RECORD today an excerpt from the Department of Health, Education, and Welfare regulation implementing title VI. The section to which I allude is paragraph 80.9(a) which deals with hearings procedures:

§ 80.9 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 80.8(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the responsible Department official that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and § 80.8(c) of this part and consent to the making of a decision on the basis of such information as is available.

I also ask unanimous consent that at this point in the record there may appear excerpts from the "Procedures for Review of Elementary and Secondary School Desegregation Plans—Spring and Summer 1967."

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

PROCEDURES FOR REVIEW OF ELEMENTARY AND SECONDARY SCHOOL DESEGREGATION PLANS—SPRING AND SUMMER 1967

* * * * *

While in the field, staff should not prepare written desegregation plans or other written materials for local officials or otherwise make binding commitments for HEW. Such material, if requested, should be sent by letter after review by senior HEW staff. This requirement, however, should not prevent staff from freely suggesting and discussing alternative desegregation plans if local school officials so request, or from freely expressing opinions on the effectiveness or adequacy of any proposals local officials may make concerning the desegregation of their schools. If school officials wish to record the meeting, ask them to furnish HEW with a copy of the tape or the typed transcript. If the school district requests, HEW will pay the reasonable cost of the transcript or the tape. If the district refuses to furnish a copy of tape or transcript, note the refusal and continue the meeting.

Immediately upon their return to Washington, the staff should prepare a report for the file giving their findings, summarizing their interviews and giving a chronology of their activities in the district. (Attachment E) Staff should discuss their recommendations with their immediate supervisor and prepare a letter to the district confirming the HEW position. If specific suggestions were requested, include suggestions in the letter, making it clear that such suggestions are being offered at the request of the district. (Attachment F-1) If the district asked for no suggestions, or showed no interest in the suggestions made at the field meeting, do not make any suggestions in the letter, but advise the district that HEW is ready to give all possible assistance. (Attachment F-2) If the district is not in compliance, restate the request to hear from them within 15 days regarding their plans.

* * * * *

ATTACHMENT F-1

POST VISIT LETTER FOR SCHOOL DISTRICT REQUESTING SUGGESTIONS

DEAR ———: Section 80.7 of the Departmental Regulation implementing Title VI of the Civil Rights Act of 1964 provides for a periodic review of the practices of recipients of Federal assistance to determine whether they are complying with the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964. This Office conducted such a review of the operation of your district's desegregation plan from May 24 to May 27. This letter confirms the staff's advice to you that your desegregation plan, as implemented, does not appear to be adequate to accomplish the purposes of Title VI.

The staff found that your district has no regular classroom teachers assigned to desegregated situations on a full-time basis, and that staff vacancies are still being filled on a racial basis. In addition, school officials have not made sufficient efforts to make the free choice procedures an effective means of desegregating students, so that the dual school system remains virtually unchanged in your district. Finally, the educational programs at the Negro schools are demonstrably inferior to those at the white schools, partly because their enrollments are not large enough to support programs comparable to those at the white school.

Officials of school systems which have not yet eliminated their dual school structure have the responsibility for adopting and carrying out a desegregation plan which will change their school district into a single nonracial system as expeditiously as possible. Nevertheless, you have requested the staff's suggestions on the plan your district should adopt to achieve compliance. This will confirm the advice the staff gave you at their meeting with you in May.

You stated that your district has available now sufficient funds for the construction by early 1969 of approximately 35 classrooms and related facilities. On completion of such construction it would be possible to close both Negro schools, and two old white schools. In the meantime, your district's predominantly white schools will have sufficient space next September to accommodate all Negro students who will enter the first and ninth grades, and, in addition, all students who are now attending the smaller Negro school. With regard to faculty desegregation new positions will open at the predominantly white schools for the teachers displaced by the new student assignments and two vacancies are expected in the fourth and seventh grades at the remaining Negro school. By filling these positions on a desegregated basis, your district will be able to make substantial progress in staff desegregation. Needless to say, if there should be a reduction in the total professional staff in the school system, the qualifications of all staff members in the system must be evaluated in selecting the staff members to be released. Racial considerations may not be a part of the evaluation.

If your district adopts a plan which follows the above suggestions, your district will be deemed to be making adequate progress for the 1967-68 school year. I recognize that you may need additional time for planning before your school board can fully commit itself and that the final plan you adopt may vary from the suggestions above. An alternative plan, if effective, will be fully acceptable. Please advise me in 15 days what your board's intentions are, and within 30 days what its student and teacher assignments, by school

and race, for the 1967-68 will be. Finally, within 60 days, please submit your district's full plan for the complete elimination of its dual structure.

If your school system does not adopt and implement a plan adequate to accomplish the purposes of Title VI within a reasonable period, it would be necessary to start noncompliance proceedings seeking the termination of assistance for your school system. If such proceedings are started, commitments of Federal assistance for new activities for your school system will be deferred and other Government agencies will be notified so that they may take such action as they may deem appropriate. Prior to entering a final order for the termination of Federal financial assistance, your school system would be given an opportunity for an administrative hearing before a Federal examiner on the question of its compliance.

Needless to say, my staff stands ready to give you all possible assistance as you carry out the necessary reorganization of your school system.

Sincerely yours,

LLOYD HENDERSON,
Acting Chief, Education Branch, Office for Civil Rights.

Mr. MUSKIE. Mr. President, in 1965, when we first considered and approved Public Law 89-10, I stated that I felt it to be our principal objective to enact a meaningful Federal program of assistance to the States for elementary and secondary education. I felt at that time, and so stated, that the bill was not a perfect bill, but I felt that legislation for the purpose of Federal assistance to our elementary and secondary schools was long overdue.

We now have an opportunity to observe and examine Public Law 89-10 in action and we are now in a position to make improvements on our original bill.

I extend my congratulations to the Committee on Labor and Public Welfare and to those who have worked out the amendments of 1967 to the Elementary and Secondary Education Act.

I am particularly grateful that the committee has written into the bill a repealer of the provision in Public Law 89-750 which requires the use by the States of mandatory group rate provisions under Public Law 874. This repealer provision is extremely important to several Maine communities receiving funds under Public Law 874. Our federally impacted small towns would not be able to maintain their present school systems if required to enter into a mandatory grouping formula.

Limestone, Maine, the home of Loring Air Force Base, provides a striking example of the effect mandatory grouping would have on a community. The loss to Limestone under mandatory grouping would be $147.76 per student. Under the grouping plan, the town would be eligible for a total amount of $394,057.40. Under the comparable schools plan, using last year's entitlement figure, Limestone would be eligible for a total amount of $675,614.08. The loss to the community would be $253,401.01.

I also wish to express my appreciation to the committee for the new title in the Elementary and Secondary Education Act which provides for bilingual education programs. Early this year I submitted to the Special Subcommittee on Bilingual Education a proposal to include French-speaking children in the bill which the special subcommittee was considering. In the St. John Valley, in northern Aroostook County, Maine, 95 to 98 percent of the pupils are of French descent. Their home language is French; and they learn English only when they enter school. There is a high degree of linguistic solidarity in the community. Their culture is oriented toward the culture of Quebec Province and the French-speaking section of the Province of New Brunswick. Maine has other large concentrations of French-American families and students located in the industrial communities in southern and central Maine. The Superintendent of Schools at Van Buren, in northern Aroostook County, reports to me that those pupils who speak French exclusively at home score 3 years below national norms. Other surveys have shown that the average achievement scores are far below the national average. It is clear that equality of opportunity is severely limited for our French-speaking children in Maine, and I am hopeful that by giving them special language instruction in school, we will have given these children a more equal chance.

Mr. RANDOLPH. Mr. President, the Elementary and Secondary Education Act, which we are currently considering, is one of the most vital legislative programs on which this Congress should act.

This measure is a continuation of our commitment to provide increased educational opportunities for the millions of school-age children in our country. It is a realization that education is truly the key to the future development of our society and it constitutes an awareness that our young people must be afforded the chance to develop their potential and capabilities. I believe that we are now recognizing that education cannot be limited to those areas or those families which can afford the comprehensive and progressive school system. We must insure that the schools and the teachers are functioning through every area—rich and poor—and that we are implementing this philosophy through the pending amendments to the Elementary and Secondary Education Act.

Ours must be a partnership of the Federal, State, and local agencies to educate our youth. This is a partnership which is essential to the continued progress of America. We have made a significant beginning, but it may be that the legislation this year will be a further vital turning point in the development of educational programs. The passage of the original Elementary and Secondary Education Act was a monumental effort and we are again moving, with this year's measure, to a time when new beneficial results will be genuinely realized.

Mr. President, the Subcommittee on Education has worked earnestly and diligently on this measure. We are fortunate to have the able guidance of the Senator from Oregon [Mr. MORSE]. The members of our subcommittee the Congress, and our Nation are indebted to our distinguished chairman. Truly, in this country there is no better friend and effective advocate of education than the Senator from Oregon. It is a privilege to be a member of the subcommittee and to actively work with him. His patience in trying circumstances; his modesty in achievement; his cooperation and understanding in individual cases; his knowledge of complex education legislation; but above all his fairness in judgment, are unparalleled.

Mr. President, there are many constructive provisions in the pending legislation. I do not wish to repeat, even in another way, what the Senator from Oregon [Mr. MORSE] has detailed. I shall comment on a limited number of aspects.

I believe our committee has vigorously probed into one of the most perplexing and certainly intricate problems with regard to the implementation of the Elementary and Secondary Education Act. This is the difficulty of timely coordination of program authorization, funding, and State and local implementation.

As Senators know, the school year normally begins in September of a given year, but the planning phase and recruitment of teachers and specialists for program implementation is usually commenced before the close of the prior school year. Regrettably, the appropriation and authorization process of the Elementary and Secondary Education Act has not been able to coincide with the programs and program developments of the local educational agency. Frankly, this has probably been one of the most frustrating areas for local sponsors in implementing the Elementary and Secondary Education Act.

School superintendents in West Virginia have written to me voicing their concern over the fact that the authorization, funding, and program operation have not been better coordinated with the local time schedule. I believe our bill provides a constructive basis and a start for insuring coordination and proper planning of the educational efforts at all levels. I am confident that the proposals set forth in the pending legislation will be acceptable to our local school superintendents and officials. In part, these provisions covering duration and leadtime, planning and evaluation, extend the Elementary and Secondary Education Act through fiscal year 1971; insure that funds for grants to States will be available in each fiscal year; establish a program for planning and evaluation; and authorize appropriations to be advanced 1 fiscal year, thereby giving information to the State and local officials on the amount of money which will be available for the following fiscal year. The provisions are reasonable and are indeed a positive step in the effort to assist the local school districts in the development of long-range plans.

Mr. President, on August 4, I introduced a rural education amendment which would provide for technical assistance and counseling services to rural schools in determining benefits available to the schools under Federal programs and in preparing applications for such benefits. This allows the Commissioner of Education to provide assistance in the form of grants to the local district or through personnel from the Office of Education.

The inability of rural schools to take advantage of educational and other appropriate Federal programs is a matter of concern to me. I know it is to other Members also. A number of State education agency heads have discussed this problem area with me. Additionally, the Appalachian Educational Advisory Committee during hearings presented a forceful case in support of the need for technical assistance and counseling services for rural areas. This rural education amendment, although a limited program, will be helpful to our schools. It is not included in the House bill, but I am confident that House conferees will accept this additional provision.

This amendment for technical assistance and counseling for rural areas has been added to the "dissemination of information" provision which was sponsored by the distinguished Senator from Texas [Mr. YARBOROUGH] and enacted last year. The vigorous Senator from Texas was active and helpful in securing committee approval of my amendment. I am privileged to cooperate with the Senator from Texas [Mr. YARBOROUGH], who has been a leading advocate of education legislation.

During the past few years, there undoubtedly has developed a total commitment of the Congress and the Federal Government to expand the resources dedicated to public education. We have moved forward rapidly on a broad front. But the danger in any large-scale attack is the possibility of neglecting or leaving behind, so to speak, those who are in a minority grouping—those who do not speak in large numbers in this process. It is particularly gratifying to me to stress the importance of the committee action in approving the authorization for regional resource centers for the handicapped and centers for deaf-blind children. The education of the disadvantaged must not be relegated to a lower step in our national priorities. We must be watchful that, even though progress is evident in the more encompassing phase of education, the minority disadvantaged is provided the means to secure training and services.

The regional resource center concept offers a method of meaningful testing and evaluation services, the development of special educational programs, and assistance and dissemination of information so that other agencies in a region may benefit.

To promote aid to deaf-blind children, the Elementary and Secondary Education Act authorizes grants and contracts for the establishment and operation of services and centers for deaf-blind children. Again, such centers can serve as models for the development of comprehensive evaluation, diagnostic and educational service.

The committee report states:

> This amendment would provide a national program to meet a national need for a group of multiple-handicapped children who have been, for the most part, neglected in terms of education and training opportunities which would help assure their full potential for communication, adjustment, participation, and self-fulfillment in society.

I repeat "for a group of multiple-handicapped children who have been, for the most part, neglected in terms of educational and training opportunities."

With regard to this provision, the capable superintendent of the West Virginia Schools for the Deaf and Blind at Romney, Eldon E. Shipman, has emphasized the need for the establishment of additional programs to provide for the treatment of the increasing number of deaf-blind children. I have visited in recent months the schools for the deaf and blind and have been impressed with work now being done at Romney. More can be accomplished. We propose to do so.

ORDER OF BUSINESS

Mr. McCLELLAN. Mr. President, I have conferred with the majority leader and the minority whip—the minority leader is not presently available—about the matter I wish to take up. I have their consent that the matter may be taken up at this time. Therefore, I ask unanimous consent that the pending business be set aside temporarily for the consideration of a resolution I wish to present.

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

RESOLUTION PERMITTING CERTAIN STAFF EMPLOYEES TO APPEAR AND TESTIFY IN CONNECTION WITH CIVIL ACTION NO. 1146

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of a resolution which I send to the desk.

The PRESIDING OFFICER. The resolution will be stated.

The LEGISLATIVE CLERK. A resolution permitting certain employees of the Permanent Subcommittee on Investigations to testify in civil action No. 1146, in the U.S. District Court for the Eastern District of Kentucky, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCLELLAN. Mr. President, this resolution simply authorizes a member of the committee staff to testify in a proceeding that is pending today and being considered today in the U.S. District Court for the Eastern District of Kentucky. Without the resolution authorizing this procedure, under Senate rule XXX, the witnesses, who are members of the committee staff, would not be able to appear and testify. Their testimony is important to the issue involved and I ask that the resolution be adopted.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 192) was agreed to as follows:

S. RES. 192

Resolved, That the Chairman of the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations may designate and authorize any staff employees of the said Subcommittee to appear and testify at proceedings in connection with the aforementioned civil action, but that such appearance and testimony of any such staff employees shall be limited to matters which have been testified to in open hearings of said Subcommittee in furtherance of the authority and direction given to the Subcommittee under Senate Resolution 53 of the 90th Congress, 1st Session, or Senate Resolution 150 of the 90th Congress, 1st Session, or such matters as are a matter of public record in connection with the Senate Resolutions aforementioned, or such matters which are germane to the subpoenas issued by the Chairman of said Subcommittee to Alan McSurely, Margaret McSurely, Thomas B. Ratliff and/or Archie Craft.

The preamble was agreed to.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries, and he announced that on December 4, 1967, the President had approved and signed the following acts:

S. 287 An act for the relief of Wen Shi Yu;

S. 764. An act to amend section 6 of the District of Columbia Traffic Act, 1925, as amended, and to amend section 6 of the act approved July 2, 1940, as amended, to eliminate requirements that applications for motor vehicle title certificates and certain lien information related thereto be submitted under oath; and

S. 770. An act to amend an act to provide for the establishment of a public crematorium in the District of Columbia.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

The Senate resumed the consideration of the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing assistance for comprehensive educational planning, and by improving programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

Mr. MORSE. Mr. President, the manager of the bill is ready to vote on the Griffin amendment. I suggest the absence of a quorum, which I hope will result in whatever discussion of the matter Senators may wish to engage in. I have made my case in support of the measure, and I am ready to vote.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 373 Leg.]

Aiken	Gruening	Monroney
Anderson	Hansen	Montoya
Baker	Harris	Morse
Bartlett	Hart	Mundt
Bayh	Hartke	Murphy
Bennett	Hatfield	Muskie
Bible	Hayden	Nelson
Boggs	Hickenlooper	Pastore
Brewster	Hill	Pearson
Brooke	Holland	Pell
Burdick	Hruska	Percy
Byrd, Va.	Jackson	Proxmire
Byrd, W. Va.	Javits	Randolph
Cannon	Jordan, N.C.	Smathers
Carlson	Kennedy, Mass.	Smith
Case	Kennedy, N.Y.	Spong
Church	Kuchel	Stennis
Clark	Lausche	Symington
Cotton	Long, Mo.	Talmadge
Curtis	Long, La.	Thurmond
Dirksen	Magnuson	Tower
Dodd	Mansfield	Tydings
Dominick	McClellan	Williams, N.J.
Eastland	McGee	Williams, Del.
Ervin	McGovern	Yarborough
Fannin	McIntyre	Young, N. Dak.
Fong	Metcalf	Young, Ohio
Gore	Miller	
Griffin	Mondale	

The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the amendment of the Senate from Michigan. The yeas and nays have been ordered——

Mr. HRUSKA. Mr. President, I rise to support the amendment as originally offered by the senior Senator from Illinois.

The amendment is not complicated. Its words are not many in number, nor are they hard to understand. The amendment states:

> No funds authorized in this or any other Act shall be used to pay any costs of the assignment or transportation of students or teachers in order to overcome racial imbalance.

There are several propositions that make a very persuasive case in favor of the adoption of the amendment. In the first place, we have a solidly entrenched and congressionally approved national policy that there shall be no assignment or transportation of students or teachers in order to overcome racial imbalance. The policy is couched in existing statutory language. It also has frequently appeared in committee reports, as I shall later point out.

The second proposition is that, in spite of this well-entrenched, deliberately and duly chosen national policy, efforts are constantly being made to achieve Federal assistance for the purposes of assignment and transportation of students and teachers in order to achieve racial balance.

Third, the Dirksen amendment is needed to make effective, present statutory policy because of these constant efforts, which I shall shortly detail.

The language of the Dirksen amendment is especially persuasive. It says that no funds, appropriated or authorized by Congress, can be used for this specific purpose.

Mr. President, it is not hard to envision why this language is conclusive. Without money you cannot get buses, you cannot get escorts, you cannot do all the things that go into the matter of transportation and busing of students or teachers for the purpose of trying to overcome racial imbalance.

I also wish to point out that the proposed amendment offered by the Senator from Michigan should not be approved because it would reverse present policy. It would mean acquiescence in, and it could even be construed as meaning affirmative approval of, the use of Federal funds for the purpose of assignment or transportation of students and pupils to overcome racial imbalance.

Mr. President, this would be a high price to pay since the national policy, I have referred to, was enacted into law only after a great deal of effort, in 1964.

That policy was enacted into law originally as a part of the Civil Rights Act. I happen to know something about that act, because much of the tedious work of obtaining agreement on the many titles which that act contained was the task of a subcommittee and a committee on which I was a member. As a member of the Senate Committee on the Judiciary, I sat in on many of the committee meetings and many of the informal meetings, wherein that bill was finally hammered out, although it did not satisfy every Member of the Senate or the House of Representatives, or every citizen in the Nation; nevertheless, the passage of a Civil Rights Act was accomplished.

Certain actions were taken, and certain other actions were not taken, in order to arrive at a bill that, when reported, would be accepted by both Houses of Congress.

One of the points in the bill that was very controversial, very sensitive, and highly important, was this business of assignment and transfer of pupils in order to overcome racial imbalance.

The Civil Rights Act of 1964, as found in 42 United States Code, section 2000c, subparagraph (b), by way of defining what desegregation is, reads thus:

> "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

That is one of the sections that was hammered out on the anvil of discussion. It was the thought of many that the last sentence of that section should be deleted. It was also the thought of many of those who later debated the bill and voted upon it that it should not expressly say what desegregation did not mean.

But that has been the law for more than 3 years.

Section 2000c(6), providing for action by the Attorney General in desegregation cases, contains the following statement:

> Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance—

Mr. President, that is a clear prohibition against authority being granted to any official or court of the United States in regard to transportation of pupils or students. The words were carefully chosen. They are not equivocal, but dearly state that nothing in the Civil Rights Act of 1964, shall empower any official or court of the United States to issue any order seeking to achieve racial balance by requiring the transportation of pupils or students from one school to another, or from one school district to another, for the purpose of achieving racial balance.

That particular language was written into the bill by an amendment in the other body. The amendment was proposed in the House Judiciary Committee and later was agreed to by the House of Representatives. It came over to this body, and eventually was adopted in the form which I have read. It is the language of title IV that was the subject of colloquy in the Senate on June 4, 1964, to which reference has heretofore been made during the course of the debate on the pending amendment.

That colloquy was between the then senior Senator from Minnesota, Mr. HUMPHREY, and the Senator from West Virginia [Mr. BYRD].

In addressing Senator HUMPHREY, Senator BYRD of West Virginia said this:

> Can the Senator from Minnesota assure the Senator from West Virginia that under title VI school children may not be bused from one end of the community to another end of the community at the taxpayers' expense to relieve so-called racial imbalance in the schools?
>
> Mr. HUMPHREY. I do.
>
> Mr. BYRD of West Virginia. Will the Senator from Minnesota cite the language in title VI which would give the Senator from West Virginia such assurance?
>
> Mr. HUMPHREY. That language is to be found in another title of the bill, in addition to the assurances to be gained from a careful reading of title VI itself.
>
> Mr. BYRD of West Virginia. In title IV?
>
> Mr. HUMPHREY. In title IV of the bill.

A little later, after other material had been discussed, there occurred this further question by the Senator from West Virginia:

> Mr. BYRD of West Virginia. But would the Senator from Minnesota also indicate whether the words "provided that nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance" would preclude the Office of Education, under section 602 or title VI, from establishing a requirement that school boards and school districts shall take action to relieve racial imbalance wherever it may be deemed to exist?
>
> Mr. HUMPHREY. Yes. I do not believe in duplicity. I believe that if we include the language in title IV, it must apply throughout the act.

Of course title IV is the title to which I made reference a little while ago. It withheld any power of any official or of any court of the United States to issue an order seeking to achieve racial balance by the so-called busing of students from one school district to another or from one school to another.

In 1965 the Elementary and Secondary Education Act was passed. It contained in section 604 the following language:

> Nothing contained in this act shall be construed to authorize any department, agency,

officer, or employee of the United States to exercise of any direction, supervision, or control over the curriculum, program, or instruction, administration or personnel of any educational institution of the school system, or over the selection of library resources, textbooks, or other printed or published instructional matters by any educational institution or school system.

It is this section which is entitled and described as prohibiting Federal control of education. It did not, in its original form, contain the more definite language which was added a year later when amendments to it were considered.

In the changes of 1966, contained in Public Law 89–750, a number of amendments were adopted. One of them renumbered section 604 as 704 and inserted at the end of the original section 604 these words: "or to require the assignment or transportation of students or teachers in order to overcome racial imbalance."

The new section 704, leaving out the words, irrelevant to this debate reads as follows:

Nothing contained in this act shall be construed to authorize any department, agency, officer, or employee of the United States to require the assignment or transportation of students or teachers in order to overcome racial imbalance.

The language is plain. It embodies the very thought that was expressed in 1964 by the then Senator from Minnesota, Senator HUMPHREY.

The enactment of this amendment was an expressed intent of Congress of the highest form. It was approved by both Chambers of Congress and signed into law by the President. The language is unequivocal. The busing of students or teachers to achieve racial balance is prohibited by the law of the land.

There is similar policy in other acts. I refer, for instance, to the demonstration cities program.

Mr. President, it was charged in debate in the other body that the demonstration cities program would be used to require school systems to plan busing and school rezoning, as a condition of Federal grants. That charge was made and the details in support of it were set out by a Member of Congress who felt that such was the situation. In the CONGRESSIONAL RECORD on March 7, 1967, there appeared a letter from the Secretary of Housing and Urban Development, Robert C. Weaver, which strongly denied that charge. He cited two sections of the demonstration cities and Metropolitan Development Act in support of his position. One section is found in title II, section 103, subparagraph (d). That section reads as follows:

(d) Nothing in this section shall authorize the Secretary to require (or condition the availability or amount of financial assistance authorized to be provided under this title upon) the adoption by any community of a program (1) by which pupils now resident in a school district not within the confines of the area covered by the city demonstration program shall be transferred to a school or school district including all or part of such area, or (2) by which pupils now resident in a school district within the confines of the area covered by the city demonstration program shall be transferred to a school or school district not including a part of such area.

Again, we have the same language:

Nothing in this Act shall authorize the Secretary to require such assignment, transfer, or transportation of students from one school district to another.

Then, in section 205, subparagraph (f) of title II of the Demonstration Cities and Metropolitan Development Act, there appears the following language:

(f) Nothing in this section shall authorize the Secretary to require (or condition the availability or amount of financial assistance authorized to be provided under this title upon) the adoption by any community of a program to achieve a racial balance or to eliminate racial imbalance within school districts within the metropolitanwide area.

Mr. President, that language likewise is plain. It certainly states there is no authority for these purposes. The citation of these statutes, and the reading of the excerpts therefrom, are sufficient to establish my first proposition, that there is currently in existence a congressionally approved national policy to prohibit any assignment or transportation of students or teachers in order to overcome racial imbalance required by any Federal officer, agency, or department.

Mr. President, the second proposition I advance is this: The statutes have not been sufficient to accomplish their stated objective. They have not been effective. Assault after assault has been made by the executive branch of the Federal Government to destroy, avoid, and nullify this policy which is also the law of the land. Hence, the necessity for the Dirksen amendment.

It provides that—

No funds authorized in this or any other Act shall be used to pay any costs of the assignment or transportation of students or teachers in order to overcome racial imbalance.

This language, of course, follows the statutes to which reference has already been made. It is language which can be plainly understood. It would effectively implement the policies which Congress has repeatedly declared.

What about the efforts to nullify this national policy? In the first place, there was the establishment and promulgation of school desegregation guidelines, which is a topic familar to this Chamber. They were discussed extensively, heatedly, and vigorously on many occasions. These guidelines first were issued by the Department of Health, Education, and Welfare in 1966.

They were reissued with minor changes, in a new and more determined fashion and with the original thrust still contained in them in January of this year. The object of the guidelines is to impose upon school authorities an absolute and affirmative duty to desegregate. No longer did the Constitution or the law merely forbid Government power to enforce desegregation. A new feature was adopted. Under the guidelines there was an imperative duty upon school districts to integrate. A disproportionate concentration of Negroes in certain schools could not now be ignored. According to the guidelines racial mixing of students became a high educational goal.

This situation makes necessary a Dirksen-type amendment so that funds will not be available to implement and finance programs based upon those guidelines. It is an instance of a vigorously pursued effort to disregard and nullify the conscious and deliberately adopted national policy to which I have previously referred. Statutes were cited to support the proposition. I do not think it necessary to go into detail on the guidelines, since they have been thoroughly discussed in this body on previous occasions. It has been alleged and, I think, with some merit, that the guidelines are improper and illegal because they have never received Presidential approval. The situation that resulted after the promulgation of the guidelines was considered so serious and so great in the other body that a series of hearings was held on the administration of the entire Education Act with particular reference to the guidelines.

Another example of efforts to nullify the national policy will be found in the busing pattern adopted in the District of Columbia. Hearings before the Senate Subcommittee on Appropriations for the District of Columbia developed the fact that many elementary, junior high school, and senior high school students were being transported at a total cost of approximately $400,000 a year. It was pointed out by the very able chairman of the Subcommittee on Appropriations for the District of Columbia that a capital outlay of a few hundred thousand dollars would have improved the school system in the District of Columbia, had the busing money been devoted to that purpose.

We now come to the question of the inconveniences in busing children, in other words, the length of the bus ride, the busy rush hour traffic to face to get the students to and from school, and the time of the bus ride, which often extends as much as 1 hour and sometimes even one hour and a half each way.

There are many reasonable minded persons who believe that the time and the effort of students could be more profitably spent in an activity other than going back and forth to school in a bus, with all the attendant hazards.

The question was asked of a witness, who was an official of a school district, as to where the money came from to bus children. His answer was that the money came from funds for federally impacted schools.

The Senator from West Virginia [Mr. BYRD], during the course of hearings on the fiscal 1968 District of Columbia appropriations bill asked the following question after he had ascertained that the money for busing came from the Federally impacted school funds:

Are you aware of the language in the HEW Appropriations Committee report?

Dr. CARROLL. I am aware of that. I wasn't aware that this was applying to the provision of Public Law 874 funds to schools.

Senator BYRD. I would like to put that language in the record.

(The information follows:)

"EXCERPT FROM HEW REPORT

"The committee recommends that no funds herein provided for the Office of Education shall be used for busing of public school students or for any other activities calculated

to eliminate racial imbalance in the public schools."

It is true that the language is not a provision of the law but it is a recommendation of the Health, Education, and Welfare Appropriations Subcommittee and the entire Appropriations Committee of the Senate. It further indicates the national policy on this subject.

Senators will remember that when the District of Columbia appropriation bill came before the Senate, an amendment was inserted which prohibited the use of any of the moneys from that particular bill for the purpose of busing students. That amendment is a part of the bill which was signed into law by the President. It was a result of the active and persistent efforts by Federal authorities and officials in attempting to nullify the national policy in this area.

The existence and evidence of such efforts are to be found in testimony and statements by officials of the Department of Health, Education, and Welfare. Not long ago—in fact, last May—an interview of the Honorable John W. Gardner, Secretary of Health, Education, and Welfare, was reported in the U.S. News & World Report. I should like to read portions of the interview because I think it conclusively indicates what is happening in the adoption of a policy which is calculated to disrupt, and to nullify the law concerning assignment and transportation of teachers and pupils for the purpose of overcoming racial imbalance.

At one point in the interview, the question was asked of Secretary Gardner:

Q. Is there anything in the law that allows you to attack *de facto* segregation—that is, segregation in a school just because the surrounding community is not racially mixed?

A. Not if you take *de facto* in its literal sense. You have to prove racially motivated official acts that led to imbalance. The mere fact of racial imbalance isn't enough.

Now, I happen to believe that we must combat *de facto* segregation with all the energy possible. Segregated education is not good for the children or the nation, whether *de jure* or *de facto*. But how do you eliminate segregation? Our present efforts aren't particularly effective.

It's something we all ought to be thinking about. What do we do in the North when the central city of every major metropolis is becoming exclusively Negro, surrounded by white suburbs? Under such circumstances, how can we provide better education for Negro children right now?

Wherever it is possible to halt the movement of the white population out of a neighborhood by improving that neighborhood, so that the schools will have a reasonably mixed population, it should be done. We cannot and must not have two nations. We must not allow a situation to develop in which we have two peoples living apart, not knowing each other, not trusting each other. That isn't the America we started out to build.

A little later in the interview the following appeared:

Q. Are you tackling this basic problem of *de facto* segregation?

A. Yes, but not on as large a scale as I would like. We have limited funds. With these funds we say, in effect, to communities: "If you think you have a solution, we'll help you with it."

Our attitude is that these are local decisions and we ought to be ready to try to help people who want to figure these things out. They're very tough problems.

If a community wants to try to create a situation in which it diminishes the movement toward *de facto* segregation, if the community says, "All the whites are moving out and you've got to help us do something about it," then perhaps we can help. We can help them improve their schools to try to stop the outmigration. We can help them train their teachers to deal with problems of racial conflict.

If a suburban school says, "We would like to open up 150 or 200 places to disadvantaged youngsters from the central city," well, that's a pretty forward-looking thing for a suburban school to do—and if they came to us and asked for help we might give it to them.

Q. Do you mean help on a program, or financial help?

A. Money.

Mr. President, in this we get to the essence of the Dirksen amendment—money. Secretary Gardner said, "We have limited funds." The Dirksen amendment would say, "You have no funds for transporting or assigning teachers or children from one district to another or from one school district to another for the purpose of overcoming racial imbalance."

It may be that the Secretary is entirely right in his analysis that this is a very important thing and that there must be a racial mix; but we have deliberately adopted and approved a differing national policy on this subject. It is in the form of a statute, and it is not for the Secretary of HEW or any other Secretary or official to say, "In my judgment, this is a good use of this money and I am going to put the money to that use."

It is not for him to say. Nevertheless, he is pursuing that course, and as I understand it, he is the one who authorized issuance and promulgation of the guidelines under which that has been done.

Under this sort of attack from every side, it seems to those of us who support the Dirksen amendment that some action should be adopted to make the statute effective as originally intended and strengthened as it was in 1965. We can do this, by putting, in express words, a denial of authority to effect the transfer of students or teachers for the purpose of overcoming racial imbalance. That is just about the situation in the District of Columbia. One of our colleagues observed that Judge J. Skelly Wright made his decree; now let him enforce and finance it. This body, unless it wants to abdicate its most powerful instrument, the power of the purse, has the means whereby it can enforce its enactment.

Mr. President, that makes the case for the need for the Dirksen amendment.

Insofar as the amendment of the Senator from Michigan [Mr. GRIFFIN] is concerned, I have grave misgivings about it. It is the suggestion of this Senator that it would reverse the present policy. It probably would soften the stand that has been taken by the Congress, by both Houses, and which is under the signature of the President. There is not any call for it at all. In fact, it would be highly undesirable.

The Dirksen amendment reads as follows:

No funds authorized in this or any other Act shall be used to pay any costs of the assignment or transportation of students or teachers in order to overcome racial imbalance—

And to that language would be added by the amendment proposed by the Senator from Michigan—

unless such use is in accordance with a policy formally and freely made by the affected State or by the affected local educational agency without the exercise of direction, supervision or control with respect thereto by any Department, agency or officer of the United States.

Thus, we would have one set of statutory sections saying there is no authority for any Federal office or agency or department or bureau to do anything which would result in the transportation or assignment of students if it is for the purpose of overcoming racial imbalance. And now comes an amendment which says that if a State body says, freely and formally, and without any direction, supervision, or control—if all those conditions are satisfied—then it is all right for the money to be used for that purpose.

Mr. President, I submit it cannot be done. This amendment will mean nothing unless there is a derogation of the existent statutory provisions which I have read into the RECORD. These sections will read, for example:

Nothing in this Act shall be construed to authorize any department, agency, or employee of the United States to require the assignment or transportation of students or teachers in order to overcome racial imbalance.

Under the proposed amendment, it would no longer read that way. It would say that "except that where a community develops a plan, without control, supervision, or coercion, and does it freely and formally, and it is approved by the Secretary," then the money can be spent.

I submit that the statutory prohibitions presently existing make it illegal for the Secretary to stamp such an application with his approval, because that would be a use of his authority which would result in the payment of money for the purpose of the transportation. That is what this Dirksen amendment seeks to preclude.

For that reason, it is my considered judgment, and I urge my fellow Senators to adopt that view, that the Griffin amendment should be rejected, and the Dirksen amendment approved in the form originally proposed.

The amendment proposed by the Senator from Michigan to the Dirksen amendment would mean acquiescence in, and even approval of, the use of Federal funds and authority, under certain circumstances, for the purpose of assignment or transportation of students or teachers to overcome racial imbalance.

That certainly does not represent the thinking, the conclusion, or the policy reached by the Congress and the President of the United States, because they were the agencies, and they were the people who created the policy which now exists, the two Houses of Congress, by

passing and approving the bills, the President by signing them when they were sent to him. That policy is not contained in only one act; it is found in several sections, in several very important acts, notably the two that I have referred to.

By way of summary, Mr. President, I say that these four propositions are worthy of consideration by every Member of this body, and I hope they will be considered worthy of consideration by Members of the House of Representatives as well, in determining the final outcome of the subject under debate.

The first proposition is that there is presently a congressionally approved national policy that there be no assignment or transportation of teachers or students in order to overcome racial imbalance, and that there is no power in the hands of any department, agency, officer, or employee to require such assignment or transportation.

The second proposition is that in spite of this very flat, unequivocal, and plainly understandable national legislative policy, persistent efforts are being made to achieve Federal assistance, with authority and with funds to accomplish assignment and transportation of teachers and students, notwithstanding the statutory inhibition and prohibition thereof.

The third proposition is that the Dirksen amendment is needed to make the present statutory policy effective, to make it truly workable. Without the lubricant of U.S. currency, none of these programs can work; and it would be an exercise of one of the most effective instruments Congress possesses to see that the dictates of these representatives of the people of the United States shall in fact become a reality, instead of subjecting ourselves to additional assaults upon those statutes, made with the intent that a contrary policy be achieved.

Finally, I say with the greatest respect for the Senator from Michigan because he is one of the most valued and respected Members of this body and of Congress, and he has a splendid record for soundness and bending his efforts toward trying to secure approval of those things in which he sincerely believes—the Senator's amendment should not be approved. It would tend to reverse present policies; it would mean acquiescence in, or even approval of, the use of Federal funds for the busing and assignment of teachers and students in violation of other statutes on this subject, a result which would be highly regrettable and most undesirable.

In conclusion, Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "A Dubious Remedy," from the Washington Post, bearing on the question of policy, as to whether or not this type of transportation and assignment for the purpose of overcoming racial imbalance is good and sound, or whether it is indeed a dubious remedy and I suggest that is a very charitable characterization.

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

A DUBIOUS REMEDY

Public schools in the country are, unfortunately, more heavily segregated now than in 1954. Segregation by residential pattern is proceeding faster than desegregation by law. The U.S. Civil Rights Commission's latest report, "Racial Isolation in the Public Schools," explains the difficulty clearly enough. But it offers only a very dubious remedy.

Lower class life has traditionally been largely organized by ethnic groups in American cities. Some of the earlier ethnic groups in the slums have positively insisted upon their own schools and segregated institutions even though, in the opinion of some scholars, they have retarded their own economic and social progress by it. The past decade is the first time in the cities' experience that that idea of ethnic concentrations has been subjected to a sustained political challenge. There is not much in the cities' laws or past experience to guide them toward a solution.

The Civil Rights Commission begins with the familiar point that most children in segregated Negro schools do not do as well as most children, white or Negro, in preponderantly white schools. The Commission then reviews several attempts to compensate for segregation by giving Negro schools somewhat more money and attention. The Commission concludes that all of these experiments have failed. The only answer, it argues, is Federal legislation to reduce the proportion of Negroes in any school to a fixed standard, perhaps 50 percent.

To achieve this ideal, the Commission suggests school pairing, educational parks, and a variety of other familiar expedients. But these devices seem to work best in small cities. They offer little hope to New York, where the slums are great cites, in themselves, or to Washington, where more than 90 per cent of the schoolchildren are Negroes and state lines surround them on all sides. The basic concept of a racial balance is not useful in a city like Detroit where many of the white children are from Appalachia and are, as a group, more deprived than the Negroes; or in cities where many of the children, both white and Negro, speak Spanish. To pin all of our national policy to a rule of racial balance alone would be a dangerous oversimplification of the actual needs of minorities.

When exchanges can reasonably be accomplished, they ought to be encouraged. But in many schools, for the present, there is no alternative to large Negro majorities. The Commission has been far too quick to conclude that compensatory programs do not work. On present experience, it can only be said that small, inexpensive programs have little visible effect. The best hope for inner city education now is a sweeping reorganization of the schools to bring in the parents, both as advisers and as students, and to bring in the children at much earlier ages. We must begin with three-year-olds. We must run schools through the summers. We must keep them open until 11 p.m. every night for recreation, adult education and community activities. Until we do these things we cannot say that the inner city school is doomed to failure. The Commission makes the mistake of assuming that there is magic in white faces that makes them indispensable to other children's education. This whole concept is profoundly wrong. It merely offers an easy evasion to the hard truth that the big-city school systems are highly ineffective and require reform on a scale not yet attempted.

Mr. HRUSKA. For all these reasons, Mr. President, I urge that Senators consider seriously and vote that the Dirksen amendment, as originally proposed, without any amendment, be agreed to and made a part of the pending measure.

Mr. President, I yield the floor.

(The following colloquy, which occurred during the delivery of Mr. HRUSKA's address, is printed at this point in the RECORD on request of Mr. HRUSKA and by unanimous consent.)

Mr. GORE. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. GORE. Mr. President, if it is considered wise, fair, and advisable to use U.S. Government funds, and thus the power of the U.S. Government, to require a child to undergo the hardship and hazard of daily bus travel to some designated neighborhood outside of his own for some purpose, or for any purpose, would it be equally fair, wise, and advisable, and within the police power, to require the parents of such child to move to such neighborhood? What is the difference in legal principle in requiring the child to go daily beyond the school to which he would normally go in his neighborhood and requiring his parents to move?

Mr. HRUSKA. Those are not the only two alternatives which exist. There are other alternatives.

The pending bill goes only to prohibit the use of Federal funds for this purpose. And the Federal funds talked about in the school program are relatively small in percentage and amount. There is nothing which provides that the local school district cannot pay for busing if, in its wisdom, it decides to do so. The local school district could pay for busing or transportation, and nothing is contained in the pending amendment which would bar that or prevent that. The student himself could pay for the transportation.

Mr. GORE. Mr. President, will the Senator yield further?

Mr. HRUSKA. I yield.

Mr. GORE. I was seeking to draw from the able Senator, who is a very learned student of the law, what distinction there is in principle between requiring a student, perhaps against his or her will, to make daily trips across a city for some purpose other than education and other than the welfare of the child and requiring the parents of such child to move to such neighborhood or, for that matter, to prohibit the parents from moving from a given neighborhood without the permission of the Government.

Mr. HRUSKA. The policy considerations in this matter are many and varied. There are those who believe in neighborhood schools as opposed to educational parks. That could be violated or perhaps disrupted by the wholesale moving of children from a neighborhood.

I presume those are some of the policy considerations, as explained by the Senator from Ohio earlier in this debate, which were highly persuasive in this matter. However, the alternatives are not, again I say to the Senator from Tennessee, necessarily to require the parents of the child to move to a neighborhood, nor to have the child attend another city school.

All the amendment does is to say that they cannot use Federal funds for that purpose. If the local school district wants to do that or if the parents want to transport the child, that is their business.

Mr. GORE. Again talking about the use of Federal funds, Federal funds are

used for many purposes. They are used for the insurance of home mortgages in the case of the Federal Housing Administration, for loans for the rehabilitation of homes, and in many respects other than education.

I was seeking to draw from the able Senator what distinction, in his view, there is really between forcing a child to go daily outside of his neighborhood, spending time and taking the hazard of travel across the city for purposes other than education, on the one hand, and requiring the parents of that child, if they receive loans on their home or guaranteed mortgages on their homes, to move to a neighborhood which someone shall select.

Mr. LAUSCHE. There is no difference.

Mr. HRUSKA. I would not think there would be any difference in that proposition, as the Senator puts it.

Mr. GORE. It would seem to me that in either of those instances we would be going pretty far and being rather arbitrary for purposes other than education.

Mr. HRUSKA. I think that would follow so that Federal authority would be exercised perhaps in an indirect way, but nevertheless in a very effective way, in interfering with the course of conduct which an individual or an individual family would want to pursue and would pursue except for that interference by the Federal agency.

Mr. GORE. Mr. President, I thank the Senator.

Mr. HRUSKA. I thank the Senator from Tennessee for his interest.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. HRUSKA. I am happy to yield to the Senator who offered the amendment, the junior Senator from Michigan.

Mr. GRIFFIN. Mr. President, I hesitate to interrupt. I expect to develop this at more length later on my own time.

The Senator has focused on title IV of the Civil Rights Act as being a basis for the argument for the Dirksen amendment and against the amendment I offered.

I would like to read that language again, and I shall perhaps emphasize a different word. It reads:

> . . . nothing herein shall empower any official or court of the United States to issue any order seeking to achieve racial balance in any school by requiring the transportation of pupils or students from one school to another. . . .

The word "requiring" in title IV of the Civil Rights Act of 1964 is the key word, and here is the crux of the argument or the debate that is going on between those who support the Dirksen amendment and those who support my amendment.

It is well established in the Civil Rights Act that an official of the United States may not use Federal funds to require the transportation, but my amendment seeks to point out that the Dirksen amendment goes too far. The Dirksen amendment, as it is offered, does not speak in terms of requirement. It says:

> No funds authorized in this or any other Act shall be used to pay any costs of the assignment or transportation of students or teachers in order to overcome racial imbalance.

In other words, the Dirksen amendment is not a restatement of the language in title IV of the Civil Rights Act. It goes further. It prohibits the use of Federal funds in an instance where there is no requirement but it is purely a matter of local policy.

Therein is the argument, as succinctly and as concisely as I can state it.

If all the Dirksen amendment sought to do were to restate language that is already in title IV of the Civil Rights Act, what would be the point in it? It serves no purpose to have the language restated in another point in the statute books. If it is law in the Civil Rights Act today, it is still law, whether or not the Dirksen amendment is adopted. The crucial word is "requiring."

Mr. HRUSKA. The Senator from Nebraska most respectfully differs with the conclusion drawn by the Senator from Michigan.

Nothwithstanding the flatfooted and unequivocal statutory provisions, some of which I have already referred to and additional ones which I shall refer to shortly, there are constant efforts on the part of the executive branch, its officials, and agencies, to frustrate that policy in this regard.

The only way to reach it is to say, "All right, if these agencies so badly want the busing and the transportation to make racial balance possible, or to overcome racial imbalance, let them furnish the money. But none of the money voted by this Congress will be devoted to that purpose."

Therein lies one of the redeeming features of the Constitution, which says that Congress shall have the power of the purse, and it can use that power in order to enforce some of the things it decides to declare as policy. That is the real point of the Dirksen amendment.

Let us move on to the suggestion by the Senator from Michigan that the word "require" is the crucial word.

As I read the law pertaining to education or to any other Federal grant programs—one element that always can be found in the provisions of virtually every act is that the State or the local political subdivision must submit a plan and that plan must be approved by the Secretary or some designee of his; and until it is approved, it will not qualify for Federal funds. That certainly is the case in the Education Act we are considering today. In that lies the control which the amendment proposed by the Senator from Michigan cannot escape. That control is always there.

The Secretary has virtually unlimited arbitrary power to say "Yes," "No," or "Maybe" to any application for approval of a plan.

He can say, "Sorry, Mr. School District. This plan does not quite fit. Maybe you had better redraw it and submit it again and put in it the busing of school children so that we will have racial balance here, and then we will approve it."

Under those circumstances, is the plan that is proposed for approval one that is voluntarily proposed by the local district, or is a form of coercion or a form of pressure or control being exerted by someone other than the local political subdivision?

The idea of the Dirksen amendment is to get an effective working of the present national policy and not to give the label of uncontrolled, unsupervised, uncoerced plans offered by local subdivisions, when in truth and in fact such an uncontrolled result is impossible to attain under the present statute.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. GRIFFIN. It seems to me that the Senator is saying that in title IV of the Civil Rights Act is the very explicit language which provides that no official of the United States shall require the transportation of pupils or students; and then the Senator is arguing that the Office of Education is not adhering to the law and is requiring, one way or the other, the transportation or busing of students. I do not know whether this is true. The Secretary of Health, Education, and Welfare says it is not true. But whether it is true or not, let us assume that the Office of Education is violating the law, is not following the law. We come to the question of whether or not the amendment of the Senator from Illinois would make any difference by restating the law in another place in the statute books. I suppose if the language of the amendment offered by the Senator from Illinois merely restated the law in another place in the statute books, we would not have the controversy that is occurring. But the fact is that it does not.

I would point out that we are dealing here with an authorization bill. It will be another act on the statute books. It will have no more force or effect than title IV of the Civil Rights Act. And if the Office of Education is going to disregard the law in one instance, I assume it would disregard the law again, if you write it again.

Mr. HRUSKA. But they will not be able to implement their disregard of the law, because they will not have available the dollars necessary to make it work. That is the whole thrust of the Dirksen amendment. I am aware of very few activities of the Government that do not require some U.S. currency to make the machine go.

Mr. GRIFFIN. This is not an appropriation bill.

Mr. HRUSKA. No, but it is a limitation.

Mr. GRIFFIN. We are dealing with an authorization bill.

Mr. HRUSKA. That is right. And the Dirksen amendment would be binding upon any funds that are authorized, whether by appropriation or by authorization.

Mr. GRIFFIN. Does the Senator say that title IV of the Civil Rights Act is not binding and controlling on the Office of Education at the present time?

Mr. HRUSKA. No. But I ask the Senator from Michigan to listen carefully to some of the other things I will say, as patiently as he can, when I seek to develop the case for the proposition that, notwithstanding the unequivocal language of the present statute, there are presently in motion efforts to circumvent, to disregard, and to violate the statute.

Mr. GRIFFIN. I would suggest that the

remedy might be for a court action to compel, in some way, the Office of Education or the Secretary of Health, Education, and Welfare to follow and adhere to the existing law, rather than to change the existing law, which the Dirksen amendment would do.

Mr. HRUSKA. I would differ again, most cheerfully and most respectfully, with the Senator from Michigan, because the Dirksen amendment would not change the present law. It would simply supplement it by furnishing the method whereby the present law could be implemented and really enforced.

(This marks the end of the colloquy which occurred during the delivery of Mr. HRUSKA's address and was printed at this point in the RECORD by unanimous consent.)

AMENDMENT NO. 489

Mr. LAUSCHE. Mr. President, earlier I sent to the desk an amendment which, if adopted, would fix the authorization for the program we are discussing at the level of the 1968 authorization for the next 4 years, including 1968. The 1968 authorization is $3,965,000,000, in round figures. My amendment would fix the same amount for the years 1969, 1970, and 1971.

If we multiply the $3,965,000,000 by four, we arrive at the figure $15,860,000,000, which would be the authorized expenditure for this program for the 4 years beginning in 1968 and ending in 1971. I have been asked the question, "How does this figure, for the 4-year period, of $15,860,000,000, differ from what is authorized in the bill pending before us?"

In the pending bill, there is authorized for 1968 $3,965,000,000; for 1969, the Senate version authorizes $4,505,000,000; for the year 1970, it authorizes $4,783,000,000; and for the year 1971 it authorizes $5,056,000,000.

The total of the authorizations for the 4 years, including 1968, 1969, 1970, and 1971, under the bill, is $18,237,000,000. The provisions of the bill as reported, therefore, authorize the expenditure of $2,377,000,000 more than my proposal would authorize.

I felt impelled to make this explanation because there has obviously been a misunderstanding about what my amendment provides.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 809. An act for the relief of Dr. Youssef (Joseph) Selim Hasbani; and

S. 1410. An act for the relief of Tran Van Nguyen.

The message also announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10805) to extend the life of the Civil Rights Commission.

The message further announced that the House had passed a bill (H.R. 12323) to amend chapter 73 of title 10, United States Code, relating to the retired serviceman's family protection plan, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 12323) to amend chapter 73 of title 10, United States Code, relating to the retired serviceman's family protection plan, and for other purposes, was read twice by its title and referred to the Committee on Armed Services.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

The Senate resumed the consideration of the bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

Mr. EASTLAND. Mr. President, this bill, as it came from the House of Representatives, had what was called the Fountain amendment. That amendment was taken out by the Senate committee and is not now in the bill. I shall, at the proper time, offer that amendment in the Senate, and I desire to discuss it and will discuss it briefly.

The purpose of this amendment is simply to assure that school boards and school districts will be accorded minimal rights of due process of law by the Office of Education and by the Department of Health, Education, and Welfare, when the payment of Federal funds is stopped on account of alleged discrimination in violation of title VI of the Civil Rights Act of 1964.

Of course, in receiving Federal funds for educational purposes, the school boards and school districts represent the schoolchildren and the taxpayers of the school districts. The children attending public school certainly have every right to receive the additional educational advantages which would flow from the use of Federal funds to which the school districts would be entitled. The taxpayers of the school districts, who are also taxpayers to the Federal Government, are also entitled to have the school boards or school districts receive Federal funds to which they are entitled, so that the school taxpayers, who send some of the money to Washington in the first place, would not be placed in the position of raising local taxes or seeing their schoolchildren do without additional educational advantages.

There are those who might argue that no school board or school district has the right to receive Federal funds and the agencies of the Federal Government might attach any conditions to the privilege of receiving such funds.

However, this theory has been completely repudiated by the Supreme Court of the United States and other Federal courts which have held in a long line of decisions that the Government cannot condition the granting of a privilege on an arbitrary or unreasonable basis.

No more lucid exposition of the meaning of due process of law has ever been given than the one made by Mr. Justice Frankfurter in his concurring opinion in the case of *Joint Anti-Fascist Refugee Committee* v. *McGrath* (1951, 341 U.S. 123).

In discussing the meaning of "due process of law" when the power of the Federal Government is used against an individual, Mr. Justice Frankfurter said in part:

> Petitioners are organizations which, on the face of the record, are engaged solely in charitable or insurance activities. They have been designated "communist" by the Attorney General of the United States. This designation imposes no legal sanction on these organizations other than that it serves as evidence in ridding the Government of persons reasonably suspected of disloyalty. It would be blindness, however, not to recognize that in the conditions of our time such designation drastically restricts the organizations, if it does not proscribe them. Potential members, contributors or beneficiaries of listed organizations may well be influenced by use of the designation, for instance, as ground for rejection of applications for commissions in the armed forces or for permits for meetings in the auditoriums of public housing projects. Compare Act of April 3, 1948, § 110(c), 62 Stat. 143, 22 U.S.C. (Supp. III) § 1508(c). Yet, designation has been made without notice, without disclosure of any reasons justifying it, without opportunity to meet the undisclosed evidence or suspicion on which designation may have been based, and without opportunity to establish affirmatively that the aims and acts of the organization are innocent It is claimed that thus to maim or decapitate, on the mere say-so of the Attorney General, an organization to all outward-seeming engaged in lawful objectives is devoid of fundamental fairness as to offend the Due Process Clause of the Fifth Amendment.
>
> Fairness of procedure is "due process in the primary sense." *Brinkerhoff-Faris Co.* v. *Hill*, 281 U.S. 673, 681. It is ingrained in our National traditions and is designed to maintain them. In a variety of situations the Court has enforced this requirement by checking attempts of executives, legislatures, and lower courts to disregard the deep-rooted demands of fair play enshrined in the Constitution. "(T)his court has never held, nor must we now be understood as holding, that administrative officers, when executing the provisions of a statute involving the liberty of persons, may disregard the fundamental principles that inhere in 'due process of law' as understood at the time of the adoption of the Constitution. One of these principles is that no person shall be deprived of his liberty without opportunity, at

some time, to be heard . . ." *The Japanese Immigrant Case*, 189 U.S. 86, 100–101. "(B)y 'due process' is meant one which, following the forms of law, is appropriate to the case, and just to the parties to be affected. It must be pursued in the ordinary mode prescribed by the law; it must be adapted to the end to be attained; and wherever it is necessary for the protection of the parties, it must give them an opportunity to be heard respecting the justice of the judgment sought." *Hagar* v. *Reclamation District*, 111 U.S. 701, 708. "Before its property can be taken under the ediction of an administrative officer the appellant is entitled to a fair hearing upon the fundamental facts." *Southern R. Co.* v. *Virginia*, 290 U.S. 190, 199. "Whether acting through its judiciary or through its legislature, a State may not deprive a person of all existing remedies for the enforcement of a right, which the State has no power to destroy, unless there is, or was afforded to him some real opportunity to protect it." *Brinkerhoff-Faris Co.* v. *Hill, supra*, 281 U.S. at 682.

The requirement of "due process" is not a fair-weather or timid assurance. It must be respected in periods of calm and in times of trouble; it protects aliens as well as citizens. But "due process," unlike some legal rules, is not a technical conception with a fixed content unrelated to time, place and circumstances. Expressing as it does in its ultimate analysis respect enforced by law for that feeling of just treatment which has been evolved through centuries of Anglo-American constitutional history and civilization, "due process" cannot be imprisoned within the treacherous limits of any formula. Representing a profound attitude of fairness between man and man, and more particularly between the individual and government, "due process" is compounded of history, reason, the past course of decisions, and stout confidence in the strength of the democratic faith which we profess. Due process is not a mechanical instrument. It is not a yardstick. It is a process. It is a delicate process of adjustment inescapably involving the exercise of judgment by those whom the Constitution entrusted with the unfolding of the process.

Fully aware of the enormous powers thus given to the judiciary and especially to its Supreme Court, those who founded this Nation put their trust in a judiciary truly independent—in judges not subject to the fears or allurements of a limited tenure and by the very nature of their function detached from passing and partisan influences.

It may fairly be said that, barring only occasional and temporary lapses, this Court has not sought unduly to confine those who have the responsibility of governing by giving the great concept of due process doctrinaire scope. The Court has responded to the infinite variety and perplexity of the tasks of government by recognizing that what is unfair in one situation may be fair in another. Compare, for instance, *Murray's Lessee* v. *Hoboken Land and Improvement Co.*, 18 How. 272, with *Ng Fung Ho* v. *White*, 259 U.S. 276, and see *Communications Comm'n* v. *WJR*, 337 U.S. 265, 275. Whether the *ex parte* procedure to which the petitioners were subjected duly observed "the rudiments of fair play," *Chicago, M. & St. P. R. Co.* v. *Polt*, 232 U.S. 165, 168, cannot, therefore, be tested by mere generalities or sentiments abstractly appealing. The precise nature of the interest that has been adversely affected, the manner in which this was done, the reasons for doing it, the available alternatives to the procedure that was followed, the protection implicit in the office of the functionary whose conduct is challenged, the balance of hurt complained of and good accomplished—these are some of the considerations that must enter into the judicial judgment.

Applying them to the immediate situation, we note that publicly designating an organization as within the proscribed categories of the Loyalty Order does not directly deprive anyone of liberty or property. Weight must also be given to the fact that such designation is not made by a minor official but by the highest law officer of the Government. Again, it is fair to emphasize that the individual's interest is here to be weighed against a claim of the greatest of all public interests, that of national security. In striking the balance the relevant considerations must be fairly, which means cooly, weighed with due regard to the fact that this Court is not exercising a primary judgment but is sitting in judgment upon those who also have taken the oath to observe the Constitution and who have the responsibility for carrying on government.

But the significance we attach to general principles may turn the scale when competing claims appeal for supremacy. Achievements of our civilization as precious as they were hard won were summarized by Mr. Justice Brandeis when he wrote that "in the development of our liberty insistence upon procedural regularity has been a large factor." *Burdeau* v. *McDowell*, 256 U.S. 465, 477 (dissenting). It is noteworthy that procedural safeguards constitute the major portion of our Bill of Rights. And so, no one now doubts that in the criminal law a "person's right to reasonable notice of a charge against him, and an opportunity to be heard in his defense—a right to his day in court—are basic in our system of jurisprudence." *In re Oliver*, 333 U.S. 257, 273. "The hearing, moreover, must be a real one, not a sham or a pretense." *Palko* v. *Connecticut*, 302 U.S. 319, 327. Nor is there doubt that notice and hearing are prerequisite to due process in civil proceedings, *e.g.*, *Coe* v. *Armour Fertilizer Works*, 237 U.S. 413. Only the narrowest exceptions, justified by history become part of the habits of our people or by obvious necessity, are tolerated. *Ownbey* v. *Morgan*, 256 U.S. 94, *Endicott Johnson Corp.* v. *Encyclopedia Press*, 266 U.S. 285; see *Cooke* v. *United States*, 267 U.S. 517, 536.

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The construction placed by this Court upon legislation conferring administrative powers shows consistent respect for a requirement of fair procedure before men are denied or deprived of rights. From a great mass of cases, running the full gamut of control over property and liberty, there emerges the principle that statutes should be interpreted, if explicit language does not preclude, so as to observe due process in its basic meaning. See, *e.g.*, *Anniston Mfg. Co.* v. *Davis*, 301, U.S. 337; *American Power Co.* v. *S.E.C.*, 329 U.S. 90, 107–108; *Wong Yang Sung* v. *McGrath*, 339 U.S. 33, 49. Fair hearings have been held essential for rate determinations and, generally, to deprive persons of property. An opportunity to be heard is constitutionally necessary to deport persons even though they make no claim of citizenship, and is accorded to aliens seeking entry in the absence of specific directions to the contrary. *Even in the distribution by the Government of benefits that may be withheld, the opportunity of a hearing is deemed important.* (Emphasis added.)

* * * * *

This Court is not alone in recognizing that the right to be heard before being condemned to suffer grievous loss of any kind, even though it may not involve the stigma and hardships of a criminal conviction, is a principle basic to our society. Regard for this principle has guided Congress and the Executive. Congress has often entrusted, as it may, protection of interests which it has created to administrative agencies rather than to the courts. But rarely has it authorized such agencies to act without those essential safeguards for fair judgment which in the course of centuries have come to be associated with due process. See *Switchmen's Union* v. *National Mediation Board*, 320 U.S. 297; *Tutun* v. *United States*, 270 U.S. 586, 576, 577; *Pennsylvania R. Co.* v. *Labor Board*, 261 U.S. 72. And when Congress has given an administrative agency discretion to determine its own procedure, the agency has rarely chosen to dispose of the rights of individuals without a hearing, however informal.

The heart of the matter is that democracy implies respect for the elementary rights of men, however suspect or unworthy; a democratic government must therefore practice fairness; and fairness can rarely be obtained by secret, one-sided determination of facts decisive of rights.

An opportunity to be heard may not seem vital when an issue relates only to technical questions susceptible of demonstrable proof of which evidence is not likely to be overlooked and argument on the meaning and worth of conflicting and cloudy data not apt to be helpful. But in other situations an admonition of Mr. Justice Holmes becomes relevant.

"One has to remember that when one's interest is keenly excited evidence gathers from all sides around the magnetic point. . . ." It should be particularly heeded at times of agitation and anxiety, when fear and suspicion impregnate the air we breathe. Compare Brown, The French Revolution in English History. "The plea that evidence of guilt must be secret is abhorrent to free men, because it provides a cloak for the malevolent, the misinformed, the meddlesome, and the corrupt to play the role of informer undetected and uncorrected." *United States ex rel, Knauff* v. *Shaughnessy*, 338 U.S. 537, 551 (dissenting). Appearances in the dark are apt to look different in the light of day.

Man being what he is cannot safely be trusted with complete immunity from outward responsibility in depriving others of their rights. At least such is the conviction underlying our Bill of Rights. That a conclusion satisfies one's private conscience does not attest its reliability. The validity and moral authority of a conclusion largely depend on the mode by which it was reached. Secrecy is not congenial to truth-seeking and self-righteousness gives too slender an assurance of rightness. No better instrument has been devised for arriving at truth than to give a person in jeopardy of serious loss notice of the case against him and opportunity to meet it. Nor has a better way been found for generating the feeling, so important to a popular government, that justice has been done.

The strength and significance of these considerations—considerations which go to the very ethos of the scheme of our society—give a ready answer to the problem before us. That a hearing has been thought indispensable in so many other situations, leaving the cases of denial exceptional, does not of itself prove that it must be found essential here. But it does place upon the Attorney General the burden of showing weighty reason for departing in this instance from a rule so deeply imbedded in history and in the demands of justice. Nothing in the Loyalty Order requires him to deny organizations opportunity to present their case. The Executive Order, defining his powers, directs only that designation shall be made "after appropriate investigation and determination." This surely does not preclude an administrative procedure, however, informal, which would incorporate the essentials of due process. Nothing has been presented to the Court to indicate that it will be impractical or prejudicial to a concrete public interest to disclose to organizations the nature of the case against them and to permit them to meet it if they can. Indeed, such a contention could hardly be made inasmuch as the Loyalty Order itself requires partial disclosure and hearing in proceedings against a Government employee who is a member of a proscribed organization. Whether such procedure sufficiently protects the rights of the

employee is a different story. Such as it is, it affords evidence that the wholly summary process for the organizations is inadequate. And we have controlling proof that Congress did not think that the Attorney General's procedure was indispensable for the protection of the public interest. The McCarran Act, passed under circumstances certainly not more serene than when the Loyalty Order was issued, grants organizations a full administrative hearing, subject to judicial review, before they are required to register as "Communist-action" or "Communist-front."

We are not here dealing with the grant of Government largess. We have not before us the measured action of Congress, with the pause that is properly engendered when the validity of legislation is assailed. The Attorney General is certainly not immune from the historic requirements of fairness merely because he acts, however conscientiously, in the name of security. Nor does he obtain immunity on the ground that designation is not an "adjudication" or a "regulation" in the conventional use of those terms. Due process is not confined in its scope to the particular forms in which rights have heretofore been found to have been curtailed for want of procedural fairness. Due process is perhaps the most majestic concept in our whole constitutional system. While it contains the garnered wisdom of the past in assuring fundamental justice, it is also a living principle not confined to past instances.

Let us now apply the principles of due process of law as stated by Mr. Justice Frankfurter in the McGrath case to the situation of the proper method for terminating the payment of Federal funds to school boards and school districts.

Which procedure more comports with the requirements of due process:

First. Cutting off the payment of such funds only after notice is given the recipient school district, a hearing is held at which the representatives and lawyers for the school district are given an opportunity to present evidence to rebut any allegations of discrimination, and a finding made on the record that the recipient school district has, in fact, been guilty of some act or acts of discrimination prohibited by law; or

Second. The procedure currently followed by the Office of Education and/or the Department of Health, Education, and Welfare whereby the Government agency, without notice, hearing, or opportunity to present evidence, mails a letter to some official of the school district advising him that the payment of Federal funds to the school district is to be terminated under the guise of "deferment," and that a hearing will be held in Washington, D.C., to determine whether the payment of such funds should be "terminated"?

This question should answer itself. It is obvious that the requirements of due process of law fall far short of being met under the second alternative procedure. Yet, that is the very procedure that is being currently followed.

Mr. Justice Frankfurter's opinion states that some of the factors to be considered in determining whether an administrative proceeding complies with the requirements of due process are as follows:

The precise nature of the interest that has been adversely affected, the manner in which this was done, the reasons for doing it, the available alternatives to the procedure that was followed, the protection implicit in the office of the functionary whose conduct is challenged, the balance of hurt complained of and good accomplished—these are some of the considerations that must enter into the judicial judgment.

As to the nature of the interest which has been adversely affected by the administrative act in terminating the payment of Federal funds to school districts, as I have previously noted, such adverse decision has an extremely harmful effect on the children who attend the schools of said school district, who are deprived of educational opportunities and advantages which they would have otherwise received, and also adversely affects the taxpayers of the school district.

With regard to the manner in which the termination of funds is accomplished, and the reasons for doing it, I can think of no good, valid reason for following the procedure of suspending payment of Federal funds without notice, hearing, or opportunity to present evidence. On the other hand, there are many good reasons for following the procedure as set out in the proposed amendment to the Elementary and Secondary Education Act of terminating the payment of funds only after notice, hearing, and a finding on the record that acts of discrimination have been committed. Not the least of these reasons is that it would afford the school district, and the affected pupils and taxpayers, some degree of fair treatment and due process of law.

The next factor to be considered is the available alternatives to the procedure of ex parte termination of the payment of funds by the Government agency. One of the available alternatives, which would afford some due process is set out in the amendment which I support.

As for the next factor in the determination of what constitutes due process of law as stated by Mr. Justice Frankfurter, there seems in this case to be very little "protection implicit in the office of the functionary whose conduct is challenged." We are not dealing here with matters of national security or other high matters of State, in which the challenged conduct of an administrative official might be protected. This case deals with cutting off Federal money. There is no good policy reason why the actions of an administrative official in so acting should be protected.

In 17th-century England the law of the land was: "the king can do no wrong." That theory never took root in the American soil, and it was completely overthrown by the shed blood which purchased the American Revolution. We should not today paraphrase the theory of the divine right of kings by saying: "the Office of Education, Department of Health, Education, and Welfare can do no wrong."

As for the last consideration in determining what constitutes due process, "the balance of hurt complained of and good accomplished," I have previously discussed the injury inflicted by the Federal administrative action in terminating the payment of funds to school districts without notice, hearing, or an opportunity to present evidence. There is no countervailing good to be accomplished by the present ex parte procedure of "deferring the payment of Federal moneys."

The case of *Dixon* v. *Alabama State Board of Education* (5th Cir., 1961, 294 F. 2d 150, certiorari denied, 368 U.S. 930), involved the dismissal without notice and hearing of a number of students in attendance at Alabama State College. The ousted students brought suit in Federal court to compel the college authorities to reinstate them as students. They claimed that their rights of due process of law had been denied them because of the failure of the college authorities to give them notice of the charges against them and to afford them a hearing at which they would have the opportunity to present evidence in their defense.

The defendant college authorities asserted that attendance at a college is a privilege, not a right, and that since it was a privilege the college authorities had the right and power to revoke that privilege at any time without stating any reasons therefore. The district court agreed with this contention of the defendants and dismissed the complaint. The court of appeals, however, reversed the decision of the district court and ordered the students reinstated pending a hearing on the charges which led to their dismissal.

The court of appeals dealt with the question of what constitutes due process of law clearly and unmistakably as follows:

Just last month, a closely divided Supreme Court held in a case where the governmental power was almost absolute and the private interest was slight that no hearing was required. *Cafeteria and Restaurant Workers Union* v. *McElroy et al.*, 1961, 81 S.Ct. 1743. In that case, a short-order cook working for a privately operated cafeteria on the premises of the Naval Gun Factory in the City of Washington was excluded from the Gun Factory as a security risk. So, too, the due process clause does not require that an alien never admitted to this Country be granted a hearing before being excluded. *United States ex rel. Knauff* v. *Shaughnessy*, 1950, 338 U.S. 537, 542, 543, 70 S.Ct. 309, 94 L.Ed. 317. In such case the executive power as implemented by Congress to exclude aliens is absolute and not subject to the review of any court, unless expressly authorized by Congress. On the other hand, once an alien has been admitted to lawful residence in the United States and remains physically present here it has been held that, "although Congress may prescribe conditions for his expulsion and deportation, not even Congress may expel him, without allowing him a fair opportunity to be heard." *Kwong Hai Chew* v. *Colding*, 1953, 344 U.S. 590, 597, 73 S. Ct. 472, 478 97 L.Ed. 576.

It is not enough to say, as did the district court in the present case, "The right to attend a public college or university is not in and of itself a constitutional right." 186 F. Supp. at page 950. That argument was emphatically answered by the Supreme Court in the Cafeteria and Restaurant Workers Union case, supra, (81 S.Ct. 1748) when it said that the question of whether "* * * summarily denying Rachel Brawner access to the site of her former employment violated the requirements of the Due Process Clause of the Fifth Amendment * * *" cannot be answered by easy assertion that, because she had no constitutional right to be there in the first place, she was not deprived of liberty or property by the Superintendent's action. "One may not have a constitutional right to go to Bagdad, but the Government may not prohibit one from going there unless by

means consonant with due process of law." As in that case, so here, it is necessary to consider "the nature both of the private interest which has been impaired and the governmental power which has been exercised."

The appellees urge upon us that under a provision of the Board of Education's regulations the appellants waived any right to notice and a hearing before being expelled for misconduct.

"Attendance at any college is on the basis of a mutual decision of the student's parents and of the college. Attendance at a particular college is voluntary and is different from attendance at a public school where the pupil may be required to attend a particular school which is located in the neighborhood or district in which the pupil's family may live. Just as a student may choose to withdraw from a particular college at any time for any personally-determined reason, the college may also at any time decline to continue to accept responsibility for the supervision and service to any student with whom the relationship becomes unpleasant and difficult."

We do not read this provision to clearly indicate an intent on the part of the student to waive notice and a hearing before expulsion. If, however, we should so assume, it nonetheless remains true that the State cannot condition the granting of even a privilege upon the renunciation of the constitutional right to procedural due process. See *Slochower* v. *Board of Education*, 1956, 350 U.S. 551, 556, 76 S. Ct. 637, 100 L.Ed. 692; *Wieman* v. *Updegraff*, 1952, 344, U.S. 183, 191, 192, 73 S. Ct. 215, 97 L.Ed. 216; *United Public Workers of America (C.I.O.)* v. *Mitchell*, 1947, 330 U.S. 75, 100, 67 S. Ct. 556, 91 L.Ed. 754; *Shelton* v. *Tucker*, 1960, 364 U.S. 479, 81 S. Ct. 247, 5 L.Ed. 2d 231. Only private associations have the right to obtain a waiver of notice and hearing before depriving a member of a valuable right. And even here, the right to notice and a hearing is so fundamental to the conduct of our society that the waiver must be clear and explicit.

* * * * *

The precise nature of the private interest involved in this case is the right to remain at a public institution of higher learning in which the plaintiffs were students in good standing. It requires no argument to demonstrate that education is vital and, indeed, basic to civilized society. Without sufficient education the plaintiffs would not be able to earn an adequate livelihood, to enjoy life to the fullest, or to fulfill as completely as possible the duties and responsibilities of good citizens.

There was no offer to prove that other colleges are open to the plaintiffs. If so, the plaintiffs would nonetheless be injured by the interruption of their course of studies in mid-term. It is most unlikely that a public college would accept a student expelled from another public college of the same state. Indeed, expulsion may well prejudice the student in completing his education at any other institution. Surely no one can question that the right to remain at the college in which the plaintiffs were students in good standing is an interest of extremely great value.

Turning then to the nature of the governmental power to expel the plaintiffs, it must be conceded, as was held by the district court, that that power is not unlimited and cannot be arbitrarily exercised. Admittedly, there must be some reasonable and constitutional ground for expulsion or the courts would have a duty to require reinstatement. The possibility of arbitrary action is not excluded by the existence of reasonable regulations. There may be arbitrary application of the rule to the facts of a particular case. Indeed, that result is well nigh inevitable when the Board hears only one side of the issue. In the disciplining of college students there are no considerations of immediate danger to the public, or of peril to the national security, which should prevent the Board from exercising at least the fundamental principles of fairness by giving the accused students notice of the charges and an opportunity to be heard in their own defense. Indeed, the example set by the Board in failing so to do, if not corrected by the courts, can well break the spirits of the expelled students and of others familiar with the injustice, and do inestimable harm to their education.

The district court, however, felt that it was governed by precedent, and stated that, "the courts have consistently upheld the validity of regulations that have the effect of reserving to the college the right to dismiss students at any time for any reason without divulging its reason other than its being for the general benefit of the institution." (186 F. Supp. 951). With deference, we must hold that the district court has simply misinterpreted the precedents.

The language above quoted from the district court is based upon language found in 14 C.J.S. Colleges and Universities § 26, p. 1360, which in turn, in paraphrased from *Anthony* v. *Syracuse University*, 224 App. Div. 487, 231 N.Y. S. 435, reversing 130 Misc. 2d 249, 223 N.Y.S. 796, 797. (14 C.J.S. Colleges and Universities § 26, pp. 1360, 1363 note 70). This case, however, concerns a private university and follows the well-settled rule that the relations between a student and a private university are a matter of contract. The Anthony case held that the plaintiffs had specifically waived their rights to notice and hearing. See also *Barker* v. *Bryn Mawr*, 1923, 278 Pa. 121, 122 A. 220. The precedents for public colleges are collected in a recent annotation cited by the district court. 58 A.L.R. 2d 903–920. We have read all of the cases cited to the point, and we agree with what the annotator himself said: "The cases involving suspension or expulsion of a student from a public college or university all involve the question whether the hearing given to the student was adequate. In every instance the sufficiency of the hearing was upheld." 58 A.L.R. 2d at page 909. None held that no hearing whatsoever was required. In *Commonwealth ex rel Hill* v. *McCauley*, 1886, 3 Pa.Co.Ct.R. 77, the court went so far as to say that an informal presentation of the charges was insufficient and that a state-supported college must grant a student a full hearing on the charges before expulsion for misconduct. In *Gleason* v. *University of Minnesota*, 1908, 104 Minn. 359, 116 N.W. 650, on reviewing the overruling of the state's demurrer to a petition for mandamus for reinstatement, the court held that the plaintiff stated a prima facie case upon showing that he had been expelled without a hearing for alleged insufficiency in work and acts of insubordination against the faculty.

The appellees rely also upon *Lucy* v. *Adams*, D.C.N.D.Ala. 1957, 134 F.Supp. 235, where Autherine Lucy was expelled from the University of Alabama without notice or hearing. That case, however, is not in point. Autherine Lucy did not raise the issue of an absence of notice or hearing.

It was not a case denying any hearing whatsoever but one passing upon the adequacy of the hearing, which provoked from Professor Warren A. Seavey of Harvard the eloquent comment:

"At this time when many are worried about dismissal from public service, when only because of the overriding need to protect the public safety is the identity of informers kept secret, when we proudly contrast the full hearings before our courts with those in the benighted countries which have no due process protection, when many of our courts are so careful in the protection of those charged with crimes that they will not permit the use of evidence illegally obtained, our sense of justice should be outraged by denial of students of the normal safeguards. It is shocking that the officials of a state educational institution, which can function properly only if our freedoms are preserved, should not understand the elementary principles of fair play. It is equally shocking to find that a court supports them in denying to a student the protection given to a pickpocket."

Dismissal of Student: "Due Process," Warren A. Seavey, 70 Harvard Law Review 1406, 1407. We are confident that precedent as well as a most fundamental constitutional principle support our holding that due process requires notice and some opportunity for hearing before a student at a tax-supported college is expelled for misconduct.

For the guidance of the parties in the event of further proceedings, we state our views on the nature of the notice and hearing required by due process prior to expulsion from a state college or university. They should, we think, comply with the following standards. The notice should contain a statement of the specific charges and grounds which, if proven, would justify expulsion under the regulations of the Board of Education. The nature of the hearing should vary depending upon the circumstances of the particular case. The case before us required something more than an informal interview with an administrative authority of the college. By its nature, a charge of misconduct, as opposed to a failure to meet the scholastic standards of the college, depends upon a collection of the facts concerning the charged misconduct, easily colored by the point of view of the witnesses. In such circumstances, a hearing which gives the Board or the administrative authorities of the college an opportunity to hear both sides in considerable detail is best suited to protect the rights of all involved. This is not to imply that a full-dress judicial hearing, with the right to cross-examine witnesses, is required. Such a hearing, with the attending publicity and disturbance of college activities, might be detrimental to the college's educational atmosphere and impractical to carry out. Nevertheless, the rudiments of an adversary proceeding may be preserved without encroaching upon the interests of the college. In the instant case, the student should be given the names of the witnesses against him and an oral or written report on the facts to which each witness testifies. He should also be given the opportunity to present to the Board, or at least to an administrative official of the college, his own defense against the charges and to produce either oral testimony or written affidavits of witnesses in his behalf. If the hearing is not before the Board directly, the results and findings of the hearing should be presented in a report open to the student's inspection. If these rudimentary elements of fair play are followed in a case of misconduct of this particular type, we feel that the requirements of due process of law will have been fulfilled.

It is significant that the Supreme Court of the United States refused to review the decision of the court of appeals in the Dixon case. The decision in the Dixon case established at least two principles pertinent to consideration of the pending amendment: First, a person is entitled to due process of law, including notice, hearing, and an opportunity to present evidence, before he is deprived of a privilege by governmental administrative action; and, second, this is especially true where the harmful impact of administrative action adversely affects the educational opportunities of a person.

Although the decision in the Dixon case dealt with protection of the rights of due process of law from State deprivation, as guaranteed by the "due process

clause" of the 14th amendment, the same reasoning would apply to protection from deprivation by the United States of the rights of due process of law as guaranteed by the "due process clause" of the fifth amendment. See *Bolling* v. *Sharpe* (347 U.S. 497).

The decision of the Supreme Court of the United States in the case of *Wieman* v. *Updegraff* (344 U.S. 183), considered the constitutionality of an Oklahoma loyalty oath prescribed by an Oklahoma statute for all State officials and employees. As part of the loyalty oath, the affiant was required to swear that he was not, and had not been, a member of the Communist Party or any organization officially determined by the Attorney General of the United States to be a Communist front or subversive organization.

The opinion of the Supreme Court, by Mr. Justice Clark, discussed the problem in the following manner:

In a series of cases coming here in recent years, we have had occasion to consider legislation aimed at safeguarding the public service from disloyalty. *Garner* v. *Board of Public Works*, 341 U.S. 716 (1951); *Adler* v. *Board of Education*, 342 U.S. 485 (1952); *Gerende* v. *Board of Supervisors*, 341 U.S. 56 (1951). It is in the context of these decisions that we determine the validity of the oath before us.

* * * * *

We assumed in *Garner*, that if our interpretation of the oath as containing an implicit *scienter* requirement was correct, Los Angeles would give the petitioners who had refused to sign the oath an opportunity to take it as interpreted and resume their employment. But here, with our decision in *Garner* before it, the Oklahoma Supreme Court refused to extend the appellants an opportunity to take the oath. In addition, a petition for rehearing which urged that failure to permit appellants to take the oath as interpreted deprived them of due process was denied. This must be viewed as a holding that knowledge is not a factor under the Oklahoma statute. We are thus brought to the question touched on in *Garner*, *Adler*, and *Gerende:* whether the Due Process Clause permits a state, in attempting to bar disloyal individuals from its employ, to exclude persons solely on the basis of organizational membership, regardless of their knowledge. For, under the statute before us, the fact of membership alone disqualifies. If the rule be expressed as a presumption of disloyalty, it is a conclusive one.

But membership may be innocent. A state servant may have joined a proscribed organization unaware of its activities and purposes. In recent years, many completely loyal persons have severed organizational ties after learning for the first time of the character of groups to which they had belonged. "They had joined (but), did not know what it was, they were good, fine young men and women, loyal Americans, but they had been trapped into it—because one of the great weaknesses of all Americans, whether adult or youth, is to join something." At the time of affiliation, a group itself may be innocent, only later coming under the influence of those who would turn it toward illegitimate ends. Conversely, an organization formerly subversive and therefore designated as such may have subsequently freed itself from the influences which originally led to its listing.

There can be no dispute about the consequences visited upon a person excluded from public employment on disloyalty grounds. In the view of the community, the stain is a deep one; indeed, it has become a badge of infamy. Especially is this so in time of cold war and hot emotions when "each man begins to eye his neighbor as a possible enemy." Yet under the Oklahoma Act, the fact of association alone determines disloyalty and disqualification; it matters not whether association existed innocently or knowingly. To thus inhibit individual freedom of movement is to stifle the flow of democratic expression and controversy at one of its chief sources. We hold that the distinction observed between the case at bar and Garner, Adler and Gerende is decisive. Indiscriminate classification of innocent with knowing activity must fall as an assertion of arbitrary power. The oath offends due process.

But appellee insists that *Adler* and *United Public Workers* v. *Mitchell*, 330 U.S. 75 (1947), are contra. We are referred to our statement in *Adler* that persons seeking employment in the New York public schools have "no right to work for the State in the school system on their own terms. *United Public Workers* v. *Mitchell* . . . They may work for the school system upon the reasonable terms laid down by the proper authorities of New York." 342 U.S., at 492. To draw from this language the facile generalization that there is no constitutionally protected right to public employment is to obscure the issue. For, in *United Public Workers*, though we held that the Federal Government through the Hatch Act could properly bar its employees from certain types of political activity thought inimical to the interests of Civil Service, we cast this holding into perspective by emphasizing that Congress could not "enact a regulation providing that no Republican, Jew or Negro shall be appointed to federal office, or that no federal employee shall attend Mass or take any active part in missionary work." 330 U.S. at 100. See also *In re Summers*, 325 U.S. 561, 571 (1945). We need not pause to consider whether an abstract right to public employment exists. It is sufficient to say that constitutional protection does not extend to the public servant whose exclusion pursuant to a statute is patently arbitrary or discriminatory.

The case of *Slochower* v. *Board of Higher Education of New York City* (350 U.S. 551) dealt with section 903 of the charter of the city of New York which provided that whenever an employee of the city utilizes the privilege against self-incrimination to avoid answering a question relating to his official conduct, his term or tenure of office or employment shall terminate and such office or employment shall be vacant, and he shall not be eligible to election or appointment to any office or employment under the city or any agency thereof.

Mr. Slochower was an associate professor at Brooklyn College and invoked the privilege against self-incrimination under the fifth amendment before an investigating committee of the U.S. Senate. Consequently, he was discharged from his position as associate professor pursuant to section 903.

In holding that Professor Slochower was entitled to notice, hearing, and an opportunity to present evidence, the Supreme Court, again speaking through Mr. Justice Clark, applied the principles of due process of law to that case as follows:

Slochower had 27 years' experience as a college teacher and was entitled to tenure under state law. McKinney's New York Laws, Education Law, §6206 (2). Under this statute, appellant may be discharged only for cause, and after notice, hearing, and appeal. § 6206 (10). The Court of Appeals of New York, however, has authoritatively interpreted § 903 to mean that "the assertion of the privilege against self incrimination is equivalent to a resignation." *Daniman* v. *Board of Education*, 306 N.Y. 532, 538, 119 N.E. 2d 373, 377. Dismissal under this provision is therefore automatic and there is no right to charges, notice, hearing, or opportunity to explain.

* * * * *

Slochower argues that § 903 abridges a privilege or immunity of a citizen of the United States since it in effect imposes a penalty on the exercise of a federally guaranteed right in a federal proceeding. It also violates due process, he argues, because the mere claim of privilege under the Fifth Amendment does not provide a reasonable basis for the State to terminate his employment. Appellee insists that no question of "privileges or immunities" was raised or passed on below, and therefore directs its argument solely to the proposition that § 903 does not operate in an arbitrary or capricious manner. We do not decide whether a claim under the "privileges or immunities" clause was considered below, since we conclude the summary dismissal of appellant in the circumstances of this case violates due process of law.

The problem of balancing the State's interest in the loyalty of those in its service with the traditional safeguards of individual rights is a continuing one. To state that a person does not have a constitutional right to government employment is only to say that he must comply with reasonable, lawful, and nondiscriminatory terms laid down by the proper authorities. *Adler* v. *Board of Education*, 342 U.S. 485, upheld the New York Feinberg Law which authorized the public school authorities to dismiss employees who, after notice and hearing, were found to advocate the overthrow of the Government by unlawful means, or who were unable to explain satisfactorily membership in certain organizations found to have that aim. Likewise *Garner* v. *Los Angeles Board*, 341 U.S. 716, 720 upheld the right of the city to inquire of its employees as to "matters that may prove relevant to their fitness and suitability for the public service," including their membership, past and present, in the Communist Party or the Communist Political Association. There it was held that the city had power to discharge employees who refused to file an affidavit disclosing such information to the school authorities.

But in each of these cases, it was emphasized that the State must conform to the requirements of due process. In *Wieman* v. *Updegraff*, 344 U.S. 183, we struck down a so-called "loyalty oath" because it based employability solely on the fact of membership in certain organizations. We pointed out that membership itself may be innocent and held that the classification of innocent and guilty together was arbitrary. This case rests squarely on the proposition that "constitutional protection does extend to the public servant whose exclusion pursuant to a statute is patently arbitrary or discriminatory." 344 U.S., at 192.

* * * * *

With this in mind, we consider the application of § 903. As interpreted and applied by the state courts, it operates to discharge every city employee who invokes the Fifth amendment. In practical effect the questions asked are taken as confessed and made the basis of the discharge. No consideration is given to such factors as the subject matter of the questions, remoteness of the period to which they are directed, or justification for exercise of the privilege. It matters not whether the plea resulted from mistake, inadvertence or legal advice conscientiously given, whether wisely or unwisely. The heavy hand of the statute falls alike on all who exercise their constitutional privilege, the full enjoyment of which every person is entitled to receive. Such action falls squarely within the prohibition of *Wieman* v. *Updergraff*, *supra*.

It is one thing for the city authorities

themselves to inquire into Slochower's fitness, but quite another for his discharge to be based entirely on events occurring before a federal committee whose inquiry was announced as not directed at "the property, affairs, or government of the city, or . . . official conduct of city employees." In this respect the present case differs materially from *Garner*, where the city was attempting to elicit information necessary to determine the qualifications of its employees. Here, the Board had possessed the pertinent information for 12 years, and the questions which Professor Slochower refused to answer were admittedly asked for a purpose wholly unrelated to his college functions. On such a record the Board cannot claim that its action was part of a bona fide attempt to gain needed and relevant information.

Without attacking Professor Slochower's qualifications for his position in any manner, and apparently with full knowledge of the testimony he had given some 12 years before at the state committee hearing, the Board seized upon his claim of privilege before the federal committee and converted it through the use of § 903 into a conclusive resumption of guilt. Since no inference of guilt was possible from the claim before the federal committee, the discharge falls of its own weight as wholly without support. There has not been the "protection of the individual against arbitrary action" which Mr. Justice Cardozo characterized as the very essence of due process. *Ohio Bell Telephone Co.* v. *Commission*, 301 U.S. 292, 302.

This is not to say that Slochower has a constitutional right to be an associate professor of German at Brooklyn College. The State has broad powers in the selection and discharge of its employees, and it may be that proper inquiry should show Slochower's continued employment to be inconsistent with a real interest of the State. But there has been no such inquiry here. We hold that the summary dismissal of appellant violates due process of law.

The case of *Sherbert* v. *Verner* (374 U.S. 398), concerned the right to receive unemployment compensation benefits under the South Carolina Unemployment Compensation Act. That act provided, in part, that a claimant is ineligible for benefits if he has failed, without good cause, to accept available suitable work when offered him. The claimant was a member of the Seventh-day Adventist Church, who was discharged by her South Carolina employer because she would not work on Saturday, the Sabbath Day of her faith. She was unable to obtain other employment because she would not work on Saturday, and she filed a claim for benefits under the Unemployment Compensation Act. The State Unemployment Commission denied the claim on the ground that she would not accept suitable work when offered, and its action was sustained by the Supreme Court of South Carolina.

The case was appealed to the Supreme Court of the United States, and it was argued there that the receipt of unemployment compensation benefits is a privilege, not a right, and that the State may impose any condition to the granting of that privilege.

In holding that the action of the South Carolina Unemployment Commission in denying unemployment compensation benefits to claimant violate the "establishment of religion clause of the first amendment," the Supreme Court made the following statement of law:

Nor may the South Carolina court's construction of the statute be saved from constitutional infirmity on the ground that unemployment compensation benefits are not appellant's "right" but merely a "privilege." It is too late in the day to doubt that the liberties of religion and expression may be infringed by the denial of our placing of conditions upon the benefit or privilege. *American Communications Assn.* v. *Douds*, 339 U.S. 382, 390; *Wieman* v. *Updegraff*, 344 U.S. 183, 191–192; *Hannegan* v. *Esquire, Inc.*, 327 U.S. 146, 155–156. For example, in *Flemming* v. *Nestor*, 363 U.S. 603, 611, the Court recognized with respect to Federal Social Security benefits that "(t)he interest of a covered employee under the Act is of sufficient substance to fall within the protection from arbitrary governmental action afforded by the Due Process Clause" In *Speiser* v. *Randal*, 357 U.S. 513, we emphasize that conditions upon public benefits cannot be sustained if they so operate, whatever their purpose, as to inhibit or deter the exercise of First Amendment freedoms. We there struck down a condition which limited the availability of a tax exemption to those members of the exempted class who affirmed their loyalty to the state government granting the exemption. While the State was surely under no obligation to afford such an exemption, we held that the imposition of such a condition upon even a gratuitous benefit inevitably deterred or discouraged the exercise of the First Amendment rights of expression and thereby threatened to "produce a result which the State could not command directly." 357 U.S. at 526. "To deny an exemption to claimants who engage in certain forms of speech is in effect to penalize them for such speech" *Id.*, at 518. Likewise, to condition the availability of benefits upon this appellant's willingness to violate a cardinal principle of her religious faith effectively penalizes the free exercise of her constitutional liberties.

The most striking example of decisions by the courts involving conditions attached to the granting of a privilege by the Congress of the United States and the legislatures of the several States is a series of recent decisions by three-judge U.S. district courts voiding the 1-year residence requirements for the payment of welfare benefits in the District of Columbia, Delaware, Connecticut, and Pennsylvania. These cases are *Harrell and Legrant* v. *Tobriner* (— F. Supp. —), decided November 2, 1967, District of Columbia; *Thompson* v. *Shapiro* (270 F. Supp. 31), Connecticut; *Green* v. *Department of Public Welfare* (270 F. Supp. 173), Delaware; and *Smith* v. *Reynolds* (— F. Supp. —), Pennsylvania. A final decision has not been reached in the Pennsylvania case, but enforcement of a 1-year residence requirement in that State has been preliminary enjoined on constitutional grounds.

In Harrell and Legrant against Tobriner, supra, the district court was considering the validity of an act of Congress which established a 1-year residence requirement for payment of welfare benefits in the District of Columbia. The court there gave the argument that since receipt of welfare payments is a privilege, not a right, Congress can attach any conditions it chooses thereto, short shrift:

It is said that Congress in gratutiously providing for assistance may not be held to constitutional standards. The decisions are to the contrary. In *Sherbert* v. *Verner*, 374 U.S. 398, 404, the Supreme Court held that the fact that "unemployment compensation benefits are not appellant's 'right' but merely a 'privilege'" does not save a statute limiting such rights from "constitutional infirmity." There is no indication in our cases that Congress desired unequal protection of the laws. Congress viewed the eligibility provision as justified. Our judicial problem is to determine the reasonableness of the difference in treatment which the challenged requirement imposes upon those in need of public assistance. There is no escape from the proposition that, in carrying forward a comprehensive program of this character, restrictions having no reasonable relationship to the basic purposes of the program are not immune from attack because the Congress was not under legal obligation to inaugurate the program.

In the case of Thompson against Shapiro, supra, the district court disposed of this issue in the following manner:

Granted, the state may provide assistance in a limited form with restrictions, so long as the restrictions are not arbitrary; but, in any case where the government confers advantages on some, it must justify its denial to others by reference to a constitutionally recognized reason. See *Sherbert* v. *Verner*, *supra*; *Speiser* v. *Randall*, 357 U.S. 513, 78 S. Ct. 1332, s L. Ed. 2d 1460 (1958). In *Carrington* v. *Rash*, 380 U.S. 89, 96, 85 S. Ct. 775, 13 L. Ed. 2d 675 (1965), while striking down a Texas law which prevented servicemen from voting, the Court was careful to emphasize that, "Texas is free to take reasonable and adequate steps * * * to see that all applicants for the vote actually fulfill the requirement of bona fide residence." For example, if there were here a time limit applied equally to all, for the purpose of prevention of fraud, investigation of indigency or other reasonable administrative need, it would undoubtedly be valid. Connecticut's Commissioner of Welfare frankly testified that no residence requirement is needed for any of these purposes.

The holding of the foregoing cases may be summed up as follows:

First. Neither the United States nor the States may deny any person a privilege without due process of law.

Second. What constitutes due process of law in administrative proceedings before a Government agency varies from case to case, but the rights of due process almost always include the right to notice, hearing, and to present evidence before adverse administrative action is taken, unless some strong countervailing reason can be shown why these rights should not be accorded in a particular case.

Third. The due process rights of notice, hearing, and presentation of evidence should be afforded especially where unfavorable administrative action would adversely affect the right to obtain educational opportunities.

There are many cases decided by the courts which define the meaning of due process of law. A review of those cases will clearly show that the amendment should be adopted, so as to provide the basic minimum requirements of due process of law to the school boards and school districts in terminating the payment of Federal funds in federally assisted programs.

Actually, we do not need to rely on this line of cases in order to show the need for this amendment.

The application of plain logic and commonsense tells us that the use of the present procedure whereby Federal functionaries mail a notice to school district officials, without any notice or hearing, informing them that the payment of

Federal funds has been "deferred," is so flagrantly unfair as to offend the basic principles of due process of law.

Why do these Federal functionaries want to act in such an arbitrary and capricious manner so as to violate the rights of due process of law vested in the officials of the school district, the affected school children, and the taxpayers?

They can give no good reason.

The law enacted by Congress already requires that notice, hearing, and an opportunity to present evidence be given the school districts before a decision is made to cut off Federal funds. Section 602 of title VI of the Civil Rights Act of 1964 (78 Stat. 252–253), which provides the manner in which the payment of funds can be terminated states as follows:

Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 601 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or (2) by any other means authorized by law: Provided, however, That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirements and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and the Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

This law clearly provides that no Federal agency may terminate, or refuse to grant or to continue assistance under any program or activity until there has been an express finding on the record, after opportunity for hearing, of a failure to comply with a rule, regulation, or order, adopted by such agency to guarantee that no person shall, on the grounds of religion, color, or national origin be excluded from participating in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

It is outrageous that it is necessary to offer an amendment to this bill to make certain that these Federal agencies comply with the clear provisions of presently existing law. This is made necessary by the obstinate refusal of those persons in charge of administering the payment of Federal funds to school districts to adhere to the clearly expressed congressional intent in enacting said section 602 of the Civil Rights Act of 1964.

Congress was certain when it enacted section 602 that it was giving the school districts a "day in court" before payment of Federal money could be terminated. In my judgment, most Members of Congress thought they were affording some rights of due process of law to the school districts. However, the maladministration of this law has frustrated the intent of Congress and has created the necessity for the enactment of the amendment.

An effort is made to justify the ex parte termination of funds on the basis that such action merely constitutes the "deferral" of the payment of funds, and that the school districts still have a right to a hearing to determine whether such funds should be "terminated."

This play on words, this semantic trick, would make a freshman in logic blush. The mind that would accept this as good reasoning would speculate as to how many angels could dance on the head of a needle.

Section 602 speaks of "the termination or refusal to grant or to continue assistance under such program or activity." What is the difference between "refusal to grant assistance" and "deferral"? What is the difference between "refusal to continue assistance" and "deferral"? In both cases, the answer is "none." The fact of the matter is that every action of HEW or the Office of Education in "deferring" payment of Federal funds without notice or hearing, has in fact constituted a refusal to grant assistance or a refusal to continue assistance.

By adopting the amendment, we will make clear to those in charge of administering Federal programs what their duties are under the law.

I strongly urge the adoption of the amendment, which would restore some of the rights of due process of law to the officials of the school districts and schoolchildren.

REPRESENTATIVE CLAUDE PEPPER: CHAMPION OF NATIONAL HEALTH CARE

Mr. HOLLAND. Mr. President, my former colleague in the Senate, the Honorable CLAUDE PEPPER, now a Member of the House of Representatives, representing the 11th District of Florida, which State I have the honor to represent in part, was recently chosen to receive the Albert Lasker Public Service Award for "his continuing service to medical legislation and his dedicated zeal against the diseases which erode our Nation's economic and physical strength."

The award by the Albert and Mary Lasker Foundation was presented to Representative PEPPER at a luncheon in New York on November 9, 1967.

CLAUDE PEPPER was elected by the people of Florida to the U.S. Senate in November 1936, and during his first year in the Senate, while serving on the Senate Labor and Public Health Committee, he cosponsored the legislation creating the first of the "categorical" National Institutes of Health—the National Cancer Institute. Later, he sponsored legislation for the National Institute of Mental Health; the National Heart Institute, the National Institute of Neurological Diseases and Blindness, and the National Institute of Arthritis and Metabolic Diseases.

CLAUDE PEPPER continued his efforts in the health field during World War II as chairman of the Subcommittee on Wartime Health and Education and supported a national system of health insurance.

After being elected to the House of Representatives in 1962, he continued his efforts in this field by his joint sponsorship of the Community Mental Health and Mental Retardation Act of 1963; the Nurse Training Act of 1964; the Health Professions Educational Assistance Act, and the Heart Disease, Cancer, and Stroke Amendments of 1965.

We in Florida are justly proud of the recognition of the valuable contributions CLAUDE PEPPER has made to the health field, and we greatly appreciate his having been given the Albert Lasker Award.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point five articles, all of which expound on the accomplishments of CLAUDE PEPPER—namely, an article which appeared in the November 17, 1967, issue of the Medical World News entitled "Champion of National Health Care"; an editorial which appeared in the Daytona Beach Morning Journal of November 10, 1967, entitled "An Honor Deserved"; an editorial which appeared in the St. Petersburg Times of November 12, 1967, entitled "A Smear Becomes an Honor"; an editorial which appeared in the Miami News of November 13, 1967, entitled "Stalwarts for Health"; and an editorial which appeared in the Miami Herald of November 17, 1967, entitled "How Times Change: MD's Love PEPPER."

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

CHAMPION OF NATIONAL HEALTH CARE

In the dawning years of the 20th century, Claude Pepper recalls seeing "most pitiful" examples of poor health care in Alabama where he grew up. He remembers "rural people coming into town with dead babies in their arms because they could not get anybody to administer medical care."

The indelible imprint of these memories remained with the fiery Southerner all through the years during which he took a law degree at Harvard and established a practice in Perry, Fla. The remembrances continued to motivate him through his long career on Capitol Hill as a senator and congressman. For his unremitting efforts to improve the nation's health, he has now won the Albert Lasker Public Service Award.

Starting when he was elected to the Senate in 1936, Pepper worked constantly to obtain more federal funds to train doctors, build

hospitals, and establish and maintain the National Institutes of Health. Going even further, he spoke out strongly for a national health insurance plan. This drew the vehement opposition of the AMA and individual doctors.

One of Representative Pepper's greatest frustrations today is with colleagues who want to cut federal funds for medical research. "I shall always remember that a good many men in the Senate who strenuously opposed the efforts to get research in the fields of cancer and heart disease later died from cancer and heart disease. And the research is opposed even today."

For Pepper, these programs have always had human relevance. "My mother lived for several years after her first heart attack by use of blood-thinning medicine, which, I, think, was developed by the National Intitutes of Health. Suppose I said, 'Now, Mama, I'm sorry you had that heart attack; you know, we could have developed a blood-thinning medicine, but we didn't have the money to do it and you'll just have to go on and die because it is not available.' "

AN HONOR DESERVED

An honor richly deserved went to Florida's Claude Pepper this week.

At a ceremony in New York Thursday he was presented the Albert Lasker Public Service Award "for his continuing dedication to medical legislation in both Houses of Congress for 30 years."

It began for him as a U.S. Senator as he was elected without opposition to fulfill an unexpired term. He was a liberal in an era when people were not suspicious of liberalism.

Sen. Pepper was one of the first advocates of a program of national health insurance because his many excursions to other nations where such health care was in effect convinced him that America was lagging in concern for its ailing poor. He advocated a policy of friendly relations with the Russians in the name of World harmony. He considered Negroes as citizens and championed an end to voter discrimination.

Then along came that "freeze" again in 1950—and George Smathers.

The cold climate of antiliberalism froze Claude Pepper out of the Senate.

Other men with less dedication to public service would have given up, but not Florida's Pepper. He settled for a less august position in the House of Representatives, and went on fighting for the things of concern to the mass of Americans.

America progressed, despite the lingering climate of suspicion. It did begin to establish better relations with the Communists. It did enact laws to end oppression of Negroes. It did establish medicare and medicaid to help the old and the poor.

Not long ago, Pepper reminisced: "Now, everything I stood for then has come true . . . and George Smathers, as chairman of a subcommittee on the needs of our senior citizens, was forced to come into the fold of the concerned."

Congratulations, Mr. Pepper. The award certainly has found its proper recipient.

A SMEAR BECOMES AN HONOR

One of the great injustices of American politics was at least partially corrected last week in a ceremony that didn't receive as much attention in Florida as it deserved.

The event was the presentation of the 1967 Albert Lasker Medical Public Service Award to U.S. Rep. Claude D. Pepper of Florida. He was selected for the Lasker Foundation's tribute by a committee headed by Dr. Michael DeBakey, the heart surgeon.

Pepper more than deserved the honor. As a U.S. senator from Florida in 1937, he cosponsored legislation that created the first of the National Institutes of Health. As chairman of the Senate Health and Education Committee during World War II, he gave leadership to studies that eventually produced the Hill-Burton program of federal hospital construction. During 30 years in the Senate and House, Pepper has worked regularly for better medical care and medical research.

The heavy irony in Pepper's medical citation reaches back to 1950 and the bitter political campaign in which Pepper was defeated by U.S. Sen. George Smathers. Pepper was smeared as an extremist because he had proposed Medicare. Doctors in Florida contributed thousands of dollars to the campaign that defeated Pepper.

Today medicare is a popular success that isn't even very controversial. Instead of working to defeat Pepper, one of the nation's leading doctors honors him for "continuing service to medical legislation in both houses of Congress and dedicated zeal against diseases which erode our nation's economic and physical strength."

The wounds of 1950 are not completely healed, but events in New York last week certainly soothed them.

STALWARTS FOR HEALTH

(By Howard A. Rusk, M.D.)

Never in the 22 years since the establishment of the Albert Lasker Medical Research Awards has the choice of the winners been more exciting. This year's awards, presented last week, include a prize of $10,000 and a gold statuette of the Winged Victory of Samothrace, symbolizing victory over death and disease.

The basic medical research award went to Dr. Bernard B. Brodie, chief of the Laboratory of Chemical Pharmacology, National Heart Institute, National Institutes of Health. His citation reads:

"Probably no man has contributed more to the body of knowledge which makes possible the rational use of drugs in the treatment of many diseases. His most extraordinary contributions to biochemical pharmacology over 30 years have had a profound influence on the use of drugs in the therapy of cardiovascular diseases, mental and emotional disorders, and cancer. . .

"Dr. Brodie also proposed a new line of attack on schizophrenia, and this concept led to numerous studies attempting to correlate the way in which nerve impulses are transmitted and their relation to clinical patterns of behavior.

"His early work on the distribution and metabolism of anti-malarial, anesthetic and hypnotic drugs has led to many basic pharmacological concepts which are now used in the development of new therapeutic agents."

The Albert Lasker Public Service Award was given to Rep. Claude D. Pepper (D., Fla.) for his devotion to the cause of medical research through the years.

When he was a U.S. senator (1936–51) Pepper introduced the first legislation that sponsored the Institutes of Mental Health, Heart, Neurological Diseases and Blindness, and Arthritis and Metabolic Diseases.

When Pepper first held hearings in 1944 the budget of the National Institutes of Health, including grants for research and training and construction, was $2.4 million. Last year it was more than $1.5 billion.

The Albert Lasker Clinical Research Award to an investigator whose research contributed directly to the alleviation or elimination of one of the major medical causes of death or disability, resulting in the prolongation of life, was presented this year to Dr. Robert Allan Phillips Capt., USN (Ret.) director, Pakistan-SEATO Cholera Research Laboratory, Dacca, East Pakistan.

Cholera is an infectious disease caused by the growth of the organism of vibrio cholera in the intestine. It is characterized by diarrhea.

Dr. Phillips found that by replacing the blood electrolytes and fluid with heretofore-unheard-of amounts of simple salt solutions intravenously, the patient rapidly recovered. Under this simple treatment the mortality rate today is less than one-half of 1 per cent.

HOW TIMES CHANGE: MD'S LOVE PEPPER

(By John McDermott)

How times do change! Back in 1950 when Claude Pepper was running for reelection to the U.S. Senate some of his strongest opposition came from the medical profession. The liberal leanings of the senator cost him countless votes and many campaign dollars—and helped George Smathers defeat him in the bitterest-ever primary.

A few days ago Pepper, now a Miami congressman, was named the 1967 recipient of the Albert Lasker Public Service Award for his "continuing dedication to medical legislation in both Houses of Congress for 30 years." With the award goes $10,000. "It is a little ironic, but most gratifying, to be cited for this high honor," commented Pepper. Some doctors, who openly opposed Pepper as a senator, today sing his praises, too.

Although Pepper would like nothing better than to return to the Senate, indications are the 67-year-old veteran politico will seek reelection to a fourth term in the House. The congressman played host to Vice President Hubert H. Humphrey Saturday, introducing him to the Young Democrats National Convention at the Diplomat and then to a picnic of his supporters at Greynolds Park.

Mr. HILL. Mr. President, will the Senator yield?

Mr. HOLLAND. I am happy to yield to the distinguished Senator from Alabama.

Mr. HILL. Mr. President, I am delighted that my good friend, the senior Senator from Florida, has paid tribute to our former colleague, now Representative CLAUDE PEPPER, in winning the Lasker Public Service Award.

I served on the Committee on Labor and Public Welfare with Representative PEPPER when he was a Member of the Senate. I know how indefatigable he was in his efforts in bringing into being many facilities we have in the National Institutes of Health that have done so much and have made such outstanding contributions not only to the health of the people of our country, but all people.

I rejoice that Congressman PEPPER has received this recognition by the Albert and Mary Lasker Foundation. He certainly richly deserved it. He labored many weeks, months, and years to bring about these Institutes for the health of our people and, as I have said, of all people.

Mr. HOLLAND. I thank my distinguished friend for his kind comments. I know that they are well deserved by our former colleague and I know he will appreciate the Senator rising to speak on the floor at this time because the senior Senator from Alabama is regarded as the spearhead in the Senate of our efforts in behalf of suffering mankind. Representative PEPPER will particularly appreciate the comments coming from the distinguished Senator from Alabama.

Mr. HILL. I thank the distinguished Senator from Florida for his generous remarks about me. I am, indeed, most grateful to him.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DIRKSEN. Mr. President, I ask unanimous consent to vacate the order for the yeas and nays on the Dirksen amendment.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. What will be the effect of this action upon the amendment to the amendment?

The PRESIDING OFFICER. It has no effect on the second amendment.

Mr. DIRKSEN. I thought I was advised that when the original amendment was no longer supported with the yeas and nays, that that had an effect on the modifying amendment. However, perhaps that does not come until I ask unanimous consent to withdraw my amendment, which I do.

The PRESIDING OFFICER. The Senator is permitted to withdraw his amendment if he so desires.

Mr. DIRKSEN. Now what is the effect of the modifying amendment?

The PRESIDING OFFICER. The amendment to the amendment now falls.

The bill is open to amendment.

Mr. DIRKSEN. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. The effect of the consent of the Senate to this action in no wise operates prejudicially to the offering of an amendment to this or any other bill similar to or identical to the Dirksen amendment. Is that correct?

The PRESIDING OFFICER. It has no effect.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate go into executive session to consider Executive K, 90th Congress.

Mr. MORSE. Mr. President, will the Senator assure me that he uses the word "temporarily" advisedly?

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

There being no objection, the Senate proceeded to consider executive business.

PROTOCOL FOR THE FURTHER PROLONGATION OF THE INTERNATIONAL SUGAR AGREEMENT

The PRESIDING OFFICER. The question is on the request of the Senator from Montana to proceed to the consideration of Executive K, 90th Congress, first session.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the treaty (Ex. K, 90th Cong., first sess.), the Protocol for the Further Prolongation of the International Sugar Agreement of 1958, done at London, November 14, 1966, which was read the second time, as follows:

PROTOCOL FOR THE FURTHER PROLONGATION OF THE INTERNATIONAL SUGAR AGREEMENT OF 1958

The Governments party to this Protocol,

Considering that the International Sugar Agreement of 1958 (hereinafter referred to as "the Agreement"), as extended by the Protocol of 1963 for the Prolongation of the International Sugar Agreement of 1958 and the Protocol of 1965 for the Further Prolongation of the International Sugar Agreement of 1958 (hereinafter referred to as "the previous Protocols") will expire on 31 December 1966;

Desiring to continue the Agreement in force for a further period pending the entry into force of a new International Sugar Agreement under the auspices of the United Nations;

Reaffirming their intention urgently to consider possible bases for a new International Sugar Agreement to replace the Agreement;

Have agreed as follows:

ARTICLE 1

(1) Subject to the provisions of Article 2, the Agreement shall continue in force between the parties to this Protocol until 31 December 1968. Should a new International Sugar Agreement enter into force before that date, this Protocol shall cease to have effect on the date of the entry into force of the new International Sugar Agreement.

(2) Any Government which was not party to the Agreement but which becomes a party to this Protocol shall thereby be deemed to be a party to the Agreement as extended in force.

ARTICLE 2

Paragraphs (2) and (3) of Article 3, Articles 7 to 25 inclusive, Articles 41 and 42 and paragraphs (4) and (7) of Article 44 of the Agreement shall be deemed to be inoperative.

ARTICLE 3

(1) Governments may become party to this Protocol

(*a*) by signing it; or

(*b*) by ratifying, accepting or approving it after having signed it subject to ratification, acceptance or approval; or

(*c*) by acceding to it.

(2) When signing this Protocol each signatory Government shall formally state whether, in accordance with its constitutional procedures, its signature is, or is not, subject to ratification, acceptance or approval.

ARTICLE 4

(1) This Protocol shall be open for signature at London from 14 November to 30 December 1966, inclusive, by the Governments party to either of the previous Protocols and by the Government of any other country referred to in Article 33 or 34 of the Agreement.

(2) Where ratification, approval or acceptance is required, the relevant instrument shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland.

(3) After 30 December 1966 this Protocol shall be open for accession by the Government of any country referred to in Article 33 or 34 of the Agreement, by deposit of an instrument of accession with the Government of the United Kingdom of Great Britain and Northern Ireland.

(4) This Protocol shall also be open for accession by the Government of any Member of the United Nations or any Government invited to the United Nations Sugar Conference, 1965, but not referred to in Article 33 or 34 of the Agreement, provided that the number of votes to be exercised in the Council by the Government desiring to accede shall first be agreed upon by the Council with that Government.

ARTICLE 5

(1) This Protocol shall enter into force on 1 January 1967 among those Governments which have by that date become parties to this Protocol, provided that such Governments hold 60 per cent of the votes of the importing countries and 70 per cent of the votes of the exporting countries under the Agreement as extended by the previous Protocols on 31 December 1966. Instruments of ratification, acceptance, approval or accession deposited thereafter shall take effect on the date of their deposit.

(2) In calculating whether the percentage requirements referred to in paragraph (1) of this Article have been met, a notification containing an undertaking to seek ratification, acceptance, approval or accession in accordance with constitutional procedures as rapidly as possible and if possible before 1 July 1967, received by the Government of the United Kingdom of Great Britain and Northern Ireland before 1 January 1967, shall be taken into account.

(3) If by 1 January 1967 this Protocol has not entered into force, the Governments which have satisfied the requirements of Article 3 may agree to put it into force among themselves.

ARTICLE 6

Where reference is made in the Agreement or in this Protocol to Governments or countries listed or referred to in particular articles, any country not referred to in Article 33 or 34 of the Agreement the Government of which either has become a party to the Agreement before 1 January 1964, or has become a party to either of the previous Protocols or to this Protocol, shall be deemed to be listed or referred to accordingly.

ARTICLE 7

Governments party to this Protocol undertake to pay their contributions under Article 38 of the Agreement according to their constitutional procedures. At its first session under this Protocol the Council shall approve its budget for the first year and assess the contributions to be paid by each Participating Government.

ARTICLE 8

(1) The Government of the United Kingdom of Great Britain and Northern Ireland shall promptly inform all Governments represented at the United Nations Sugar Conference, 1965, of each signature, ratification, acceptance and approval of this Protocol, of each accession thereto, of each notification received pursuant to paragraph (2) of Article 5 and of the date of entry into force of this Protocol.

(2) This Protocol, of which the English, Chinese, French, Russian and Spanish texts are equally authoritative, shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland, which shall transmit certified copies thereof to each signatory and acceding Government.

IN WITNESS WHEREOF the undersigned, having been duly authorised to this effect by their respective Governments, have signed this Protocol.

DONE at London, the fourteenth day of November, one thousand nine hundred and sixty-six.

For Argentina:

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For Australia:

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For Belgium:

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For Bolivia:

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For Brazil:
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For Canada:
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For Ceylon:
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For Sierra Leone:
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For South Africa:
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For Sweden:
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For Trinidad and Tobago:
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For Tunisia:
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For the Union of Soviet Socialist Republics:
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For the United Kingdom of Great Britain and Northern Ireland:
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For the United States of America:
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For the Upper Volta:
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Certified a true copy:
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[SEAL]

V. A. TODD,
(For Librarian and Keeper of the Papers for the Secretary of State for Foreign Affairs).

NOVEMBER 14, 1966.

Mr. MANSFIELD. Mr. President, this is the International Sugar Agreement, which was reported by the Foreign Relations Committee unanimously. It has nothing to do with the domestic sugar market. It has nothing to do with prices. It calls for the expenditure of $20,000 on the part of this country.

I ask unanimous consent that excerpts from the report covering the purpose of the protocol, the background, and the committee comments and recommendations be incorporated at this point in the RECORD.

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

1. PURPOSE OF THE PROTOCOL

The purpose of the protocol is to extend the administrative provisions of the International Sugar Agreement of 1958 from December 31, 1966, to December 31, 1968. The economic provisions of the agreement having to do with price ranges and export quotas expired December 31, 1961, and are not affected by the pending protocol.

2. BACKGROUND

The International Sugar Agreement of 1958 (Ex. D, 86th Cong., first sess.), which was itself a modification of earlier agreements dating back to the 1930's, established export quotas and made other arrangements designed to stabilize the price of sugar on the world free market. These provisions expired by their own terms December 31, 1961, when the contracting parties were unable to agree on an extension (largely because of Cuban insistence on a higher quota).

The administrative mechanism of the 1958 agreement however, consisting of the International Sugar Council and its work of collecting and disseminating statistical information, continued in being until December 31, 1963. It has since been extended twice—the first time until December 31, 1965, and the second time until December 31, 1966. The pending protocol, which would provide a third extension until December 31, 1968, was negotiated in London in November 1966. It was signed on behalf of the United States December 22, 1966, and transmitted to the Senate by the President with a request for advice and consent to ratification on May 9, 1967.

The Foreign Relations Committee held a hearing on the protocol November 17 and ordered it reported November 30. The transcript of the hearing is appended to this report.

3. COMMITTEE COMMENTS AND RECOMMENDATION

The pending protocol in itself raises no substantive issues. It imposes no obligations on the United States other than payment of the U.S. share of the expenses of the International Sugar Council (approximately $20,000 a year. It has no effect on U.S. sugar legislation.

Even when the economic provisions of the 1958 agreement were in effect, that agreement covered only sugar traded in the world free market; that is, sugar not subject to special arrangements such as imports into the United States or the United Kingdom. This free sugar amounts to only about 10 percent of total world sugar production, but it has historically been subject to the widest price fluctuations and it is an important item in the foreign trade of several countries of Latin America.

Since the failure of the 1961 Sugar Conference, it has proved impossible to negotiate a new agreement, mainly because of the attitude of Cuba and the fundamental change in world sugar trade resulting from the replacement of the United States by the Soviet Union as the principal market for Cuban sugar. Other sugar-producing countries, however, have felt it worthwhile to keep the International Sugar Council and its small secretariat in being to collect and publish sugar statistics and to provide a readily available administrative mechanism if and when it may become possible to negotiate a new agreement.

In view of the importance of sugar to the countries of Latin America, and especially the Caribbean, the committee agrees that continued U.S. participation in the International Sugar Council is worth the cost of approximately $20,000 a year. The committee therefore recommends that the Senate give its advice and consent to ratification of the protocol.

UNANIMOUS-CONSENT AGREEMENT TO VOTE AT 2 O'CLOCK TOMORROW AFTERNOON

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the pending business take place at 2 o'clock tomorrow afternoon.

Mr. STENNIS. Mr. President, will the Senator repeat that request?

Mr. MANSFIELD. I asked that the vote upon the convention take place at 2 o'clock tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. LAUSCHE. Mr. President, the vote is on the convention?

Mr. MANSFIELD. Yes. It provides for the extension of the International Sugar Agreement. It has nothing to do with sugar prices, products, or crops within the area of the United States or areas close by. It was unanimously reported. It will cost $20,000 to the United States to continue the protocol.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? Without objection, it is so ordered.

The unanimous-consent agreement, later reduced to writing, is as follows:

Ordered, That at 2 o'clock p.m. on Wednesday, December 6, 1967, the Senate proceed to vote on the resolution of ratification to Executive K (90th Cong., first sess.), the protocol for the further prolongation of the International Sugar Agreement of 1958.

The PRESIDING OFFICER. Without objection, the treaty will be considered as having passed through its various parliamentary stages up to the point of the

consideration of the resolution of ratification, which the clerk will read.

The assistant legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the protocol for the further prolongation of the International Sugar Agreement of 1958, done at London, November 14, 1966 (Ex. K, 90th Cong., first sess.).

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the resolution of ratification?

Mr. MANSFIELD. Mr. President, now I ask for the yeas and nays.

The yeas and nays were ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session and that the pending business be stated once again.

There being no objection, the Senate resumed the consideration of legislative business.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS ACT OF 1967

The PRESIDING OFFICER. The pending business will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 7819) to strengthen and improve programs of assistance for elementary and secondary education by extending authority for allocation of funds to be used for education of Indian children and children in overseas dependents schools of the Department of Defense, by extending and amending the National Teacher Corps program, by providing programs of education for the handicapped; to improve authority for assistance in schools in federally impacted areas and areas suffering a major disaster; and for other purposes.

The Senate resumed the consideration of the bill.

Mr. MANSFIELD. Mr. President, there will be no votes tonight.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this evening, it stand in adjournment until 12 o'clock noon tomorrow.

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

ADJOURNMENT

Mr. MANSFIELD. Mr. President, if there be no further business, I move under the previous order, that the Senate stand in adjournment.

The motion was agreed to; and (at 5 o'clock and 40 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, December 6, 1967, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 5, 1967:

FEDERAL TRADE COMMISSION

James M. Nicholson, of Indiana, to be a Federal Trade Commissioner for the unexpired term of 7 years from September 26, 1962, vice John R. Reilly, resigned.

DIPLOMATIC AND FOREIGN SERVICE

Charles E. Bohlen, of the District of Columbia, a Foreign Service officer of the class of career Ambassador, to be a Deputy Under Secretary of State.

IN THE ARMY

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of 10 U.S.C. 3283 through 3294, and 3311:

To be majors

Barker, Frank A., Jr., O989282.
Wasco, Joseph, Jr., O470134.
Wyllie, Clement A., Jr., O2028534.

To be captains

Andrew, John K., O5405315.
Chancey, Jeff E., O5310980.
Fitzgerald, Herman L., Jr., O5210989.
George, Joseph L., O5306499.
Hearn, Forrest, O1942180.
Holman, Glenn W., O5512722.
Koziatek, Norbert W., O4010582.
Lopez, Hector L., O5404300.
Purdon, Robert W., O4068186.
Williams, Billy G., O4026176.

To be first lieutenants

Adams, Thomas H., O5322917.
Arlinsky, Harris D., O3133314.
Barrington, Jerald W., O5519780.
Besterman, Gerald, O2319747.
Cavanaugh, Edward W., Jr., O5321902.
Cunniff, Schuyler N., O5017584.
Davis, George H., O2318369.
Daxe, Arnold, Jr., O5016699.
Garrott, Robert W., Jr., O5706832.
Gerace, Samuel J., O2310316.
Griffin, David J., O5406820.
Heggen, Wayne L., O5710258.
Holmes, Garth H., O5703935.
Huntington, Bobby N., O5415897.
Jones, Leonard M., O5314373.
King, Fred H., O5209049.
Koval, Richard K., O5222810.
Kugler, Roger K., O5709687.
Kuhn, Ronald M., O5415308.
Maddry, Ted R., O5315518.
Magness, Donald F., O5321295.
Mahoney, James V., Jr., O4065971.
Merola, Vincent A., O5015830.
Morelli, Nicholas, O2317587.
Nelson, Charles D., O5325143.
Nilson, Gary L., O2296091.
Popham, Roger E., O5321012.
Risko, Michael, Jr., O5020047.
Robinson, Johnny S., O5320628.
Rosenblum, Victor S., O5013765.
Schaller, Robert H., O5011543.
Spencer, Darrell A., O5020234.
Spruiell, Jerry B., O5313199.
Stanger, Rodney T., O5416628.
Trew, Grady, O5418846.
Walker, Edward G., O5405744.
Way, Darwin M., Jr., O5220343.
Weisenburgh, Louis B., III, O5415945.
White, Lowell L., O5406239.
Williams, William J., O5322479.
Winston, Albert P., O5404038.

To be second lieutenants

Angeli, Raymond S., O5327154.
Bacon, John E., Jr., O5426776.
Beck, Dwight A., O5520947.
Bowers, John E., O5317614.
Brown, James I., O5427434.
Cole, John M., Jr., O5334038.
De Bonville, Robert G., O2322388.
Delaney, John J., O5419437.
Devlin, Barbara, L2325784.
Dillon, Dana B., O2329234.
Fraser, Robert E., O2322394.
Hoch, Joseph F., O5243533.
Hooker, Scottie T., O5324581.
Kimmel, Carl E., O5227345.
McArthur, Colin L., O5023226.
McLarty, William T., Jr., O5328317.
Miles, Ronald D., O2325100.
Milton, Frederick J., O5009261.
Morris, Melvin L., O5321354.
Muir, George E., O2321313.
Parks, Larry D., O5242089.
Robeson, William M., O5419728.
Salentine, John H., O2320455.
Shanabruch, Raymond E., O5533148.
Wisdom, Harry A., Jr., O2321221.

The following-named distinguished military and scholarship students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of 10 U.S.C. 2106, 2107, 3283, 3284, 3286, 3287, 3288, 3290:

Agee, Hubert C., Jr.	Hensley, Edward L.
Andre, Drue M.	Henricks, Robert A.
Beck, David W.	Juliano, Jerold W.
Beyrer, William H.	Lartigue, Louis J.
Bottman, John A.	Mackey, Patrick J.
Boudreaux, Freddie M.	Magee, Burl D.
Bussell, Jerry L.	Manuel, Gerald G.
Chapin, Orville L.	Perry, Robert C.
Demattia, Robert A.	Pickens, Monte L.
Downs, Curtis H., III	Shaw, John W.
Gallivan, James J.	Teasley, Allan V.
Garza, Reuben R.	Warren, Harold M.
Gordon, William H., IV	Wise, Thomas J.
Hammett, David P.	Yatsevitch, Peter G.

HOUSE OF REPRESENTATIVES

TUESDAY, DECEMBER 5, 1967

The House met at 12 o'clock noon.

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

He that doeth the will of God abideth forever.—I John 2: 17.

Let us pray. Out of deep sense of need, our Father, we come to Thee, praying that Thou wilt help us to be aware of Thy presence as we kneel at the altar of prayer and offer ourselves to Thee at the beginning of another day.

At times we seem to talk too much and think too little, we are heard professing loudly but practicing in such small ways, we worry often but worship so seldom. Forgive us, O Lord, and help us to think more, to practice more, and to pray more that Thy spirit may come to new life in us and through us come to new life in our Nation.

Grant unto us, the Representatives of our people, wisdom and faith as we meet in this troubled hour. Help us to accept our responsibilities with courage, make our decisions with confidence, and plan for the future with creative hope.

We pray that Thou wilt awaken the faith of Americans in America that our laws may be obeyed, order made to prevail and good will move in the hearts of all our countrymen. In the spirit of Christ, we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

NOMINATION OF LT. GEN. LEONARD F. CHAPMAN, JR., TO BECOME COMMANDANT OF THE MARINE CORPS

Mr. FUQUA. 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. FUQUA. Mr. Speaker, all Floridians were proud yesterday at the nomination by President Johnson of Lt. Gen. Leonard F. Chapman, Jr., to become Commandant of the Marine Corps.

We are proud because General Chapman has served his country faithfully since becoming an officer in 1935, and his entire military career has been distinguished by his great devotion to duty in the service to his country.

A graduate of the University of Florida, General Chapman's parents still reside in Raiford, Fla., which is located in the district that I have the privilege of representing.

All of us send our warmest congratulations to General Chapman and wish him every success in this great job that he will soon undertake. I know that the confidence that has been placed in this great Floridian will always be held in the highest honor by this great marine.

CYRUS VANCE: A JOB WELL DONE

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

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

There was no objection.

Mrs. KELLY. Mr. Speaker, every once in a while in the course of history, an occasion arises when it falls upon the shoulders of one man to prevent calamity from falling upon many.

During the past 2 weeks, this role has certainly fallen upon the shoulders of our former Deputy Secretary of Defense Cyrus R. Vance.

As a result of conflicts whose roots go back for hundreds of years, our two NATO allies, Greece and Turkey, were on the threshold of going to war with each other.

Sent to Ankara and Athens and then to Nicosia as a personal emissary of President Johnson, Mr. Vance worked tirelessly shuttling back and forth between those capitals, helping to avoid a disaster and to work out a peaceful settlement.

Such a peaceful resolution to the problem on Cyprus is now at least in sight.

Mr. Speaker, Mr. Vance is to be congratulated for the tremendous service which he has rendered to our country, to the North Atlantic community, and to the entire free world.

CARMICHAEL SHOULD BE BROUGHT TO TRIAL

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

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

There was no objection.

Mr. PELLY. Mr. Speaker, in the opening prayer this morning our respected Chaplain referred to the fact that sometimes we speak too much and think too little, and I hope I will not be guilty of that in indicating what is on my mind this morning.

Mr. Speaker, if you can believe what appears in the daily newspaper, and sometimes you can, Attorney General Ramsey Clark does not believe it wise to prosecute Stokely Carmichael if and when he returns to the United States.

Mr. Speaker, if Stokely Carmichael is guilty of sedition or any crime against the United States he should be brought to trial.

The American people, both black and white, can hardly be expected to respect the law if the Attorney General of the United States can refrain from bringing citizens to justice on the basis of partisan political or racial repercussions.

All I can say is there will be great indignation throughout the land if Carmichael is not brought to trial for treason.

We have just come through a summer of anarchy in many American cities, and, Mr. Speaker, I have seen no indication from the Justice Department that positive steps are being taken against the top-level troublemakers to prevent a recurrence of this past summer's violence.

PROSECUTE STOKELY CARMICHAEL

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

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

There was no objection.

Mr. BENNETT. Mr. Speaker, I take this opportunity to voice my urgent plea to the Department of Justice to vigorously prosecute Stokely Carmichael when he returns to the United States for each and every one of the crimes of disloyalty that he has committed against our country. My interest in this is not directed at an individual as such but to the spectacle of unbridled treason, distortion, and vilification against the greatest country on earth. Whatever may be our shortcomings in this country there has never in history been a country so sacrificial for the general betterment of mankind, both abroad and here at home. To allow Carmichael to escape his earned punishment for such offenses can only encourage other enemies of our country to do likewise. We should push forward as rapidly as we can to improve opportunities for all our citizens, but we should never overlook the fact that even the least blessed of our citizens do better than the vast majority of mankind and that no country in the world offers more opportunities and freedoms to all its inhabitants, nor does any country in the world do more for those abroad who are in need, such as those who fight for freedom today in South Vietnam. It should be made crystal clear to Carmichael and to everyone else that if he returns to this country he will be vigorously and promptly prosecuted for his crimes against this country. There appear to be ample laws on the books to do this; but if there are deficiencies for any future similar acts they should be promptly recommended by the Department of Justice for enactment.

SPECIAL ORDER TRANSFERRED

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the special order granted for today to the gentleman from Alabama [Mr. SELDEN] be transferred to Thursday, December 7.

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

There was no objection.

PERSONAL EXPLANATION

Mr. O'NEAL of Georgia. 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. O'NEAL of Georgia. Mr. Speaker, on yesterday afternoon House Resolution 996 came up for consideration and a call of the yeas and nays.

At the time this occurred I was at Walter Reed Hospital proudly watching brave Sgt. Robert D. Weldon receive the Silver Star and the Bronze Star for gallant conduct in Vietnam in which he gave much for all of us.

I do not regret my absence on the floor in light of the alternative, but I do want the RECORD to show that if I had been present I would have voted in favor of the resolution.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 7977, TO ADJUST CERTAIN POSTAGE RATES AND RATES OF BASIC COMPENSATION IN THE FEDERAL GOVERNMENT

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight tonight to file a conference report and statement on the bill H.R. 7977, to adjust certain postage rates, to adjust the rates of basic compensation for certain officers and employees in the Federal Government, and to regulate the mailing of pandering advertisements, and for other purposes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON ROADS, COMMITTEE ON PUBLIC WORKS, TO MEET DURING GENERAL DEBATE THIS WEEK

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the Subcommittee on Roads be permitted to meet during general debate today and for the balance of the week.

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

There was no objection.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

E. F. FORT ET AL.

The Clerk called the bill (H.R. 2661) for the relief of E. F. Fort, Cora Lee Fort Corbett, and W. R. Fort.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. TALCOTT]?

There was no objection.

CHARLES WAVERLY WATSON, JR.

The Clerk called the bill (H.R. 8091) for the relief of Charles Waverly Watson, Jr.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. GROSS]?

There was no objection.

FIRST LT. ALLAN L. SCHOOLER

The Clerk called the bill (H.R. 6325) for the relief of 2d Lt. Allan L. Schooler.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. GROSS]?

There was no objection.

DR. ANGEL REAUD

The Clerk called the bill (S. 503) for the relief of Dr. Angel Reaud, also known as Angel Reaud Ramos Izquierdo.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. TALCOTT]?

There was no objection.

VISITACION ENRIQUEZ MAYPA

The Clerk called the bill (H.R. 4386) for the relief of Visitacion Enriquez Maypa.

Mr. GROSS. Mr. Speaker, on behalf of the gentleman from Missouri [Mr. HALL], I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. GROSS]?

There was no objection.

VALENTINA SIDOROVA PARKEVICH

The Clerk called the bill (S. 811) for the relief of Valentina Sidorova Parkevich.

Mr. GROSS. Mr. Speaker, on behalf of the gentleman from Missouri [Mr. HALL], I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. GROSS]?

There was no objection.

DR. YOUSSEF (JOSEPH) SELIM HASBANI

The Clerk called the bill (S. 809) for the relief of Dr. Youssef (Joseph) Selim Hasbani.

There being no objection, the Clerk read the bill, as follows:

S. 809

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Youssef (Joseph) Selim Hasbani shall be held and considered to have been lawfully admitted to the United States for permanent residence as of December 22, 1959.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. PEDRO AUGUSTO RUIZ Y CUE

The Clerk called the bill (H.R. 6659) for the relief of Dr. Pedro Augusto Ruiz y Cue.

There being no objection, the Clerk read the bill, as follows:

H.R. 6659

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Pedro Augusto Ruiz y Cue shall be held and considered to have been lawfully admitted to the United States for permanent residence as of March 1, 1961.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. JOSE DEL RIO

The Clerk called the bill (H.R. 7042) for the relief of Dr. Jose Del Rio.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. TALCOTT]?

There was no objection.

JOSE BERNARDO GARCIA, M.D.

The Clerk called the bill (H.R. 8257) for the relief of Jose Bernardo Garcia, M.D.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. TALCOTT]?

There was no objection.

DR. LORENZO GALATAS

The Clerk called the bill (H.R. 10985) for the relief of Dr. Lorenzo Galatas.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. TALCOTT]?

There was no objection.

FAVORING THE SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

The Clerk called the Senate concurrent resolution (S. Con. Res. 36) favoring the suspension of deportation of certain aliens.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the concurrent resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. GROSS]?

There was no objection.

ARTHUR JEROME OLINGER, A MINOR

The Clerk called the bill (S. 155) for the relief of Arthur Jerome Olinger, a minor, by his next friend, his father, George Henry Olinger, and George Henry Olinger, individually.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. GROSS]?

There was no objection.

CHESTER E. DAVIS

The Clerk called the bill (S. 233) for the relief of Chester E. Davis.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. GROSS]?

There was no objection.

JAMES W. ADAMS ET AL.

The Clerk called the bill (S. 234) for the relief of James W. Adams and others.

Mr. GROSS. Mr. Speaker, on behalf of the gentleman from Missouri [Mr. HALL], I ask unanimous consent that this bill be passed over without prejudice.

Mr. HAYS. Mr. Speaker, reserving the right to object——

The SPEAKER. The gentleman cannot reserve the right to object.

Mr. HAYS. Then, Mr. Speaker, I object.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TALCOTT and Mr. GROSS objected, and, under the rule, the bill was recommitted to the Committee on the Judiciary.

ELOY C. NAVARRO

The Clerk called the bill (S. 294) for the relief of Eloy C. Navarro.

There being no objection, the Clerk read the bill, as follows:

S. 294

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the

Treasury not otherwise appropriated, to Eloy C. Navarro, of Albuquerque, New Mexico, the sum of $2,500.00 in full settlement of his claim against the United States for compensation for the loss of his personal hand tools incident to his employment by the Bureau of Reclamation as an automobile mechanic, the said Eloy C. Navarro having been required to furnish personally all hand tools necessary for the performance of his official duties as an employee of the Bureau of Reclamation: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Strike all after the enacting clause and insert:

"That the claim of Eloy C. Navarro, of Albuquerque, New Mexico, for the loss of personal hand tools on or about April 29, 1964, shall be held and considered to be a timely claim under the Military Personnel and Civilian Employees Claims Act of 1964, as amended (Public Law 88-558, 78 Stat. 767, as amended) if such a claim is filed within one year of the effective date of this Act with the Secretary of the Interior, and the Secretary of the Interior is authorized to consider, settle and, if found meritorious, to pay that claim in accordance with the provisions of the Military Personnel and Civilian Employees Claims Act of 1964."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN W. ROGERS

The Clerk called the bill (S. 1580) for the relief of John W. Rogers.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, on behalf of the gentleman from Missouri [Mr. HALL], I ask unanimous consent that this bill be passed over without prejudice.

CALL OF THE HOUSE

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

The SPEAKER. Does the gentleman make the point of order that a quorum is not present at this time?

Mr. HAYS. Yes, right now.

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. 424]

Abbitt	Battin	Cahill
Adair	Bell	Carter
Anderson, Tenn.	Biester	Celler
Annunzio	Blanton	Clausen, Don H.
Arends	Bolling	Cohelan
Aspinall	Bray	Daddario
Baring	Broomfield	Dickinson
Bates	Brotzman	Diggs
Dingell	Button	Scott
Dorn	Landrum	Shriver
Edmondson	Latta	Sikes
Findley	Mathias, Md.	Sisk
Flood	Mink	Springer
Ford, Gerald R.	Monagan	Steed
Frelinghuysen	Moorhead	Stratton
Gathings	Morris, N. Mex.	Tuck
Griffiths	Multer	Tunney
Hall	Pepper	Van Deerlin
Halleck	Pickle	Vanik
Hansen, Wash.	Pirnie	Watson
Hardy	Pool	Watts
Hawkins	Resnick	Widnall
Heckler, Mass.	Roberts	Williams, Miss.
Hull	Rogers, Fla.	Willis
Ichord	Ronan	Wilson, Charles H.
Jacobs	Rosenthal	Wolff
Jones, Mo.	Rostenkowski	Wright
Kuykendall	Ruppe	Wyatt
Kyros	St. Onge	
	Satterfield	

The SPEAKER. On this rollcall, 346 Members have answered to their names, a quorum.

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

JOHN W. ROGERS

The SPEAKER. Is there objection to the present consideration of Private Calendar No. 285; S. 1580.

Mr. GROSS. Mr. Speaker, on behalf of the gentleman from Missouri [Mr. HALL], I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

DWAYNE C. COX AND WILLIAM D. MARTIN

The Clerk called the bill (H.R. 2281) for the relief of Dwayne C. Cox and William D. Martin.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

CHARLES B. FRANKLIN

The Clerk called the bill (H.R. 2288) for the relief of Charles B. Franklin.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. TALCOTT]?

There was no objection.

MR. AND MRS. JOHN F. FUENTES

The Clerk called the bill (H.R. 4936) for the relief of Mr. and Mrs. John F. Fuentes.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. GROSS]?

There was no objection.

CERTAIN INDIVIDUALS EMPLOYED BY THE DEPARTMENT OF THE NAVY AT CERTAIN U.S. NAVAL STATIONS IN FLORIDA

The Clerk called the bill (H.R. 7882) for the relief of certain individuals employed by the Department of the Navy at certain U.S. naval stations in Florida.

Mr. GROSS. Mr. Speaker, on behalf of the gentleman from Missouri [Mr. HALL], I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. GROSS]?

There was no objection.

CERTAIN CIVILIAN EMPLOYEES OF THE AIR FORCE AT KELLY AIR FORCE BASE, TEX.

The Clerk called the bill (H.R. 8096) for the relief of certain individuals employed by the Department of the Air Force at Kelly Air Force Base, Tex.

There being no objection, the Clerk read the bill, as follows:

H.R. 8096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each individual named in section 3 of this Act is relieved of liability to pay to the United States the amount set forth opposite his or her name, which amount represents an overpayment of compensation, due to administrative error, received by him or her within the period beginning December, 1961, and ending September, 1966, as a civilian employee at Kelly Air Force Base, Texas. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each individual named in section 3 of this Act an amount equal to the aggregate of the amounts paid by him, or her, or withheld from sums otherwise due him or her, with respect to the liability to the United States which is relieved by the first section of this Act.

SEC. 3. The individuals referred to in the first section of this Act, and the amount of the liability of each of them, are as follows:

Name	*Amount of overpayment*
Behrendt, Vernon A	$480.00
Benavidez, Alvaro A	563.54
Biasciolli, John L	468.80
Borchers, E. W	257.69
Bryant, J. W	282.67
Bull, Victor R	249.60
Bullock, Earl J	98.28
Cannaday, Charlie T	30.40
Castaneda, Alfonso	284.75
Chavez, Elizabeth	480.00
Davlin, Earnest G	973.37
Dominguez, Felipa	515.47
Doyle, James C., Jr	279.23
Dunn, Warren R., Jr	67.29
Favor, Loma N	436.00
Ford, Kathleen M	164.80
Galindo, Hector F	87.36
Gann, Leo	280.58
Garza, Rudolph C	278.12
Gerdes, Archie R	51.20
Gomez, Israel	239.55
Gooch, Arthur	288.37
Hasson, Laural M	615.20
Havelka, Johnnie S	279.51
Koenig, Newton E	276.88
Kovacs, Steven A	407.20
Lopez, Federico	153.60
Lowe, Samuel L	281.31
Lynch, George C	284.65
Marroquin, Raymond T	16.80
Martin, Albert	276.00
Mercado, T. P., Jr	296.31
Moore, Charles R	132.91
Naron, R. B	455.20

Name	Amount of overpayment
Parchman, Marvin W	294.25
Pena, Frank P	288.00
Penshorn, L. O	153.60
Peters, Fred A., Jr	165.00
Porter, Adeline M	112.00
Rawson, Jewell J	243.20
Reese, Coralyn D	133.58
Rine, Joseph E	151.20
Roberts, Carl E	166.40
Rockey, Carmen C	288.19
Schnuroiger, Robert L	165.00
Solis, Raul	324.00
Stewart, Eugene W	276.02
Stroud, Joe H	291.71
Sunvison, Lester E. W	279.83
Talerico, Ernest	276.15
Terrell, Charles L	290.93
Tiller, W. G	928.23
Vega, Reynaldo	259.30
Warner, H. T	457.73
Weiss, H. D	494.40
Wickham, H. E	9.60
Young, Graves C	132.91

SEC. 4. No part of the amount appropriated in section 2 of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provision of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

On page 3, in the list of individuals in section 3, after the name "Peters, Fred A., Jr", strike "165.00" and insert "278.09"; after the name "Schnuriger, Robert L", strike "165.00" and insert "277.44"; and after

"Young, Graves C ..... 132.91"

add the following:

"Levith, Jean	1,324.40
Mangham, Kilbert	62.23
Cordaway, Sims L	179.20
Adams, James C	80.00
Adams, Thomas H	66.88
Aderholt, William R	283.38
Bowens, Julius E	105.60
Banks, William H	285.20
Gomez, Tomas, Jr	487.60
Prince, James	218.28
Pruitt, William S	136.72
Farrish, Thomas J	442.24
Earwood, Grone V	240.72
Rodriguez, Martin M	355.20
Woodward, Milburn P	66.00
Livingston, Dorothy	480.00"

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN M. STEVENS

The Clerk called the bill (H.R. 10003) for the relief of John M. Stevens.

There being no objection, the Clerk read the bill, as follows:

H.R. 10003

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John M. Stevens, 35 East Seventeenth Street, Paterson, New Jersey, the sum of $750. Such sum shall be paid only on condition that the said John M. Stevens shall use such sum, or such part thereof as may be necessary, to settle and pay the judgment in an equal amount rendered against him on April 4, 1967, in Passaic County District Court for personal injuries sustained by Joseph Bruno on November 11, 1960, in an accident involving the United States mail truck operated by the said John M. Stevens, career substitute letter carrier at the United States Post Office, Paterson, New Jersey. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Strike all after the enacting clause and insert the following:

"That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joseph Bruno the sum of $750 in full settlement of his claims against the United States and John M. Stevens of Paterson, New Jersey, based upon an accident involving a United States mail truck operated by John M. Stevens which occurred on November 11, 1960, and such payment shall be in full and final satisfaction of the judgment rendered against the said John M. Stevens on April 4, 1967 in the Passaic County District Court based upon the same accident. No part of the amount appropriated in this Act in excess of 25 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LLOYD W. CORBISIER

The Clerk called the bill (H.R. 10199) for the relief of Lloyd W. Corbisier.

There being no objection, the Clerk read the bill, as follows:

H.R. 10199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the annual leave account of Lloyd W. Corbisier, postal employee of Sturgeon Bay, Wisconsin, there shall be added a separate account of three hundred and fifty hours of annual leave, in full settlement of all claims of the said Lloyd W. Corbisier against the United States for compensation for the loss of such leave which was earned by him in the period July 1, 1945, through February 28, 1948, inclusive, while he was employed in the United States Post Office in Sturgeon Bay, Wisconsin, and which, through administrative error, was not credited to his leave account.

SEC. 2. Section 203(c) of the Annual and Sick Leave Act of 1951, as amended (65 Stat. 680, 67 Stat. 137; 5 U.S.C. 2062(c)), shall not apply with respect to the leave granted by this Act, and such leave likewise shall not affect the use or accumulation, pursuant to applicable law, of other annual leave earned by the said Lloyd W. Corbisier. None of the leave granted by this Act shall be settled by means of a cash payment in the event such leave or part thereof remains unused at the time the said Lloyd W. Corbisier is separated by death or otherwise from the Federal service.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

E. L. TOWNLEY ET AL.

The Clerk called the bill (H.R. 11381) for the relief of E. L. Townley.

Mr. GROSS. Mr. Speaker, on behalf of the gentleman from Missouri [Mr. HALL], I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. GROSS]?

There was no objection.

JOSEPH M. HEPWORTH

The Clerk called the bill (H.R. 12119) for the relief of Joseph M. Hepworth.

Mr. TALCOTT. Mr. Speaker, on behalf of the gentleman from Missouri [Mr. HALL], I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

ROCHESTER IRON & METAL CO.

The Clerk called the bill (H.R. 7210) for the relief of the Rochester Iron & Metal Co.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. TALCOTT]?

There was no objection.

DR. EDUARDO GONZALEZ

The Clerk called the bill (S. 174) for the relief of Dr. Eduardo Gonzalez.

Mr. GROSS. Mr. Speaker, on behalf of the gentleman from Missouri [Mr. HALL], I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. GROSS]?

There was no objection.

TRAN VAN NGUYEN

The Clerk called the bill (S. 1410) for the relief of Tran Van Nguyen.

There being no objection, the Clerk read the bill, as follows:

S. 1410

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, as amended, Tran Van Nguyen may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, and a petition may be filed in his behalf by Mr.

and Mrs. Edward A. Max, Junior, citizens of the United States, pursuant to section 204 of the Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DONALD E. CRICHTON

The Clerk called the bill (H.R. 4961) for the relief of Donald E. Crichton.

There being no objection, the Clerk read the bill, as follows:

H.R. 4961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Donald E. Crichton, United States Air Force, retired (AF 17179390), is relieved of liability to the United States in the amount of $1,550.12, representing overpayments resulting from an administrative error, of his pay and allowances as a member of the Air Force. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Donald E. Crichton an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. E. JUANITA COLLINSON

The Clerk called the bill (H.R. 5854) for the relief of Mrs. E. Juanita Collinson.

Mr. GROSS. Mr. Speaker, on behalf of the gentleman from Missouri [Mr. HALL], I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. GROSS]?

There was no objection.

MANUFACTURERS HANOVER TRUST CO., OF NEW YORK, N.Y.

The Clerk called the bill (H.R. 7909) for the relief of Manufacturers Hanover Trust Co., of New York, N.Y.

There being no objection, the Clerk read the bill, as follows:

H.R. 7909

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury, not otherwise appropriated, the sum of $82,041.30 to Manufactures Hanover Trust Company, of New York, New York, in full settlement of its claim against the United States based upon the monetary loss, not otherwise compensated for or reimbursed, that it suffered by making overpayments in the aggregate amount of $88,041.30 to the Attorney General of the United States during 1955 and 1956, by reason of Vesting Orders Numbers 18941 and 19268 issued July 2, 1953, and April 13, 1953, respectively, by the Office of Alien Property of the Department of Justice. These vesting orders vested in the Attorney General of the United States certain debentures issued on October 1, 1926 by Hugo Stinnes Industries, Incorporated. These debentures had in fact, however, been retired by Hugo Stinnes Industries, Incorporated, prior to the dates of the two said vesting orders.

No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

On page 1, line 3, strike "Secretary of the Treasury" and insert "Attorney General".

On page 1, line 4, strike "out of any money in the Treasury, not otherwise".

On page 1, line 5, strike "appropriated,".

On page 1, line 5, strike "Manufactures" and insert "Manufacturers".

On page 2, line 9, after "orders." insert "The payment authorized and directed by this Act shall be made out of the proceeds resulting from Vesting Orders 18941 and 19268."

The committee amendments were agreed to.

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

The title was amended so as to read: "A bill for the relief of Manufacturers Hanover Trust Company, of New York, New York."

A motion to reconsider was laid on the table.

ADEL LESSERT BELLMARD ET AL.

The Clerk called the bill (H.R. 8391) for the relief of Adel Lessert Bellmard, Clement Lessert, Josephine Gonvil Pappan, Julie Gonvil Pappan, Pelagie Gonvil Franceour de Aubri, Victoire Gonvil Pappan, Marie Gonvil, Lafleche Gonvil, Louis Laventure, Elizabeth Carbonau Vertifelle, Pierre Carbonau, Louis Joncas, Basil Joncas, James Joncas, Elizabeth Datcherute, Joseph Butler, William Rodgers, Joseph Cote, four children of Cicili Compare and Joseph James, or the heirs of any who may be deceased.

There being no objection, the Clerk read the bill, as follows:

H.R. 8391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the persons determined by the Secretary of the Interior to be the heirs of the following named individuals their proportionate intestate share of the amount shown opposite their ancestor's names:

Adel Lessert Bellmard	$3,200
Clement Lessert	3,200
Josephine Gonvil Pappan	3,200
Julie Gonvil Pappan	3,200
Pelagie Gonvil Franceour de Aubri	3,200
Victoire Gonvil Pappan	3,200
Marie Gonvil	3,200
Lafleche Gonvil	3,200
Louis Laventure	3,200
Elizabeth Carbonau Vertifelle	3,200
Pierre Carbonau	3,200
Louis Joncas	3,200
Basil Joncas	3,200
James Joncas	3,200
Elizabeth Datcherute	3,200
Joseph Butler	3,200
William Rodgers	3,200
Joseph Cote	2,200
Four children of Cicili Compare:	
First	$3,200
Second	3,200
Third	3,200
Fourth	3,200
Joseph James	3,200

The amounts paid under the authority of this Act shall be paid in full and final satisfaction of all claims of the named individuals or their heirs against the United States based upon the loss of Indian lands included in the twenty-three halfbreed Kaw allotments granted the above named individuals under article 6 of the treaty of June 3, 1825 (7 Stat. 244) in the Territory of Kansas and in full satisfaction of any claims of the original allottees or his heirs for the consequent loss of use of the land.

SEC. 2. The Secretary of the Interior is authorized and directed to determine the heirs at law of the above named individuals in accordance with the laws of intestate succession of the State of Kansas. Persons asserting rights to share in the distribution of amounts as provided in this Act as heirs of the persons named in section 1 shall file their claims with the Secretary of the Interior within one year of the effective date of this Act and in accordance with such regulations as the Secretary may prescribe. In the event that the Secretary determines that any of the individuals named in section 1 had no living heirs at law on the effective date of this Act, he shall make a formal determination of this fact, and his determination of the absence of heirs at law shall be final and conclusive as of the date of the expiration of the time for the filing of claims under this Act. Upon determination of heirship as provided for herein, the Secretary of the Interior shall certify the names of the persons entitled to payment to the Secretary of the Treasury together with the amounts he has found to be due in each instance and his determinations as to the amount and person entitled to receive it shall be final and not subject to appeal.

SEC. 3. The amounts paid under the authority of this Act are to be free and clear of any obligations, debts or claims of the original allottees or any successors in interest and are not to be subject to State or Federal taxes.

With the following committee amendments:

On page 3, line 2, after "Kansas", insert "and his determination as to heirship and entitlement under this Act shall be final and conclusive".

Page 3, line 7, after "regulations", strike "at" and insert "as".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CAPT. RUSSELL T. RANDALL

The Clerk called the bill (H.R. 10050) for the relief of Capt. Russell T. Randall.

Mr. GROSS. Mr. Speaker, on behalf of the gentleman from Missouri [Mr. HALL], I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. GROSS]?

There was no objection.

EARL S. HALDEMAN, JR.

The Clerk called the bill (H.R. 11166) for the relief of Earl S. Haldeman, Jr.

There being no objection, the Clerk read the bill, as follows:

H.R. 11166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Earl S. Haldeman, Junior, of Troy, New York, is relieved of liability to the United States in the amount of $166.32, representing the difference between compensation received for one hundred and twelve hours of jury duty in April 1967 and the salary paid to him for the same period as an employee of the Watervliet Arsenal. In the audit and settlement of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Earl S. Haldeman, Junior, an amount equal to the aggregate of the amounts paid by him or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section of this Act. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RICHARD C. MOCKLER

The Clerk called the bill (H.R. 13373) for the relief of Richard C. Mockler.

Mr. GROSS. Mr. Speaker, on behalf of the gentleman from Missouri [Mr. HALL], I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

ROBERT E. NESBITT

The Clerk called the bill (H.R. 11959) for the relief of Robert E. Nesbitt.

There being no objection, the Clerk read the bill, as follows:

H.R. 11959

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Robert E. Nesbitt, rural carrier in the postal field service, Bonner County, Idaho, is relieved of liability to refund to the United States the sum of $400.13. Such sum is the amount due the United States from the said Robert E. Nesbitt as a result of his placement in the incorrect leave category, through administrative error and without fault on his part, notwithstanding that the said Robert E. Nesbitt requested a check of his leave record in 1961 and received erroneous information that such record was correct. In the audit and settlement of accounts of each appropriate certifying or disbursing officer of the United States, full credit shall be granted in the amount for which liability is relieved by this Act.

With the following committee amendment:

On page 1, line 5, strike "$400.13" and insert "$383.46".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LT. DAVID CAMPBELL

The Clerk called the bill (H.R. 2270) for the relief of Lt. David Campbell.

Mr. GROSS. Mr. Speaker, on behalf of the gentleman from Missouri [Mr. HALL], I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

JE-IL BRICK CO.

The Clerk called the bill (H.R. 4058) for the relief of the JE-IL Brick Co.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

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

There was no objection.

JAMES W. ADAMS ET AL.

Mr. TALCOTT. Mr. Speaker, I would like to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TALCOTT. Earlier, during the call of the Private Calendar, the gentleman from Iowa [Mr. GROSS] and I objected to Private Calendar No. 282. We would like to restore this bill to its proper place on the calendar, and I would like to inquire the proper procedure for doing so. My problem right now is that I have not talked with the gentleman from Ohio [Mr. HAYS], who was involved in the consideration of this bill.

The SPEAKER. The Chair does not feel that it is necessary to entertain that as a parliamentary inquiry. It is a matter of a unanimous-consent request.

Mr. TALCOTT. Mr. Speaker, I ask unanimous consent that Private Calendar No. 282, Senate bill 234, be restored to its proper place on the calendar.

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

There was no objection.

EXTENSION OF THE U.S. CIVIL RIGHTS COMMISSION—CONFERENCE REPORT

Mr. ROGERS of Colorado. Mr. Speaker, I call up the conference report on the bill (H.R. 10805) to extend the life of the Civil Rights Commission, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 992)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10805), to extend the life of the Civil Rights Commission, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate: on page 1, after line 6, insert a new section as follows:

"SEC. 2. Section 106 of the Civil Rights Act of 1957 (71 Stat. 636; 42 U.S.C. 1975e) is amended to read as follows:

"'SEC. 106. For the purposes of carrying out the provisions of this Act, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1968, and for each of the four succeeding fiscal years, the sum of $2,650,000 for each such fiscal year.'"

And agree to the same.

EMANUEL CELLER,
PETER W. RODINO, Jr.,
BYRON G. ROGERS,
WILLIAM M. MCCULLOCH,
EDWARD G. BIESTER, Jr.,
Managers on the Part of the House.

JAMES O. EASTLAND,
JOHN L. MCCLELLAN,
SAMUEL J. ERVIN, Jr.,
EVERETT MCKINLEY DIRKSEN,
ROMAN L. HRUSKA,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 10805), to extend the life of the Civil Rights Commission, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House version of the legislation, H.R. 10805, extended the existence of the U.S. Civil Rights Commission for a period of 5 years, which is from January 1, 1968, to January 31, 1973.

The Senate version extended the life of the U.S. Civil Rights Commission for the same 5-year period as provided in the House version. However, the Senate amended the House version by adding a new section 2 to the legislation. That amendment placed a ceiling on the open-end appropriation authorization contained in section 106 of the Civil Rights Act of 1957. For each fiscal year until the Commission's expiration the committee authorizes the sum of $2,650,000 to be appropriated for the purposes of carrying out the provisions of this act.

The managers on the part of the House

receded from their disagreement to the Senate amendment and agreed to the same.

EMANUEL CELLER,
PETER W. RODINO, Jr.,
BYRON G. ROGERS,
WILLIAM M. MCCULLOCH,
EDWARD G. BIESTER, Jr.,
Managers on the Part of the House.

Mr. ROGERS of Colorado. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

EXTENDING THE CIVIL RIGHTS COMMISSION

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. ROGERS of Colorado. Mr. Speaker, the House in passing H.R. 10805 extended the life of the Civil Rights Commission for an additional 5 years. The Commission was due to expire on January 31, 1968, but the House, as well as the other body, has extended its life for a 5-year period, thus the Commission's activities would terminate on January 31, 1973.

The other body, however, amended the legislation by adding a new section 2, amending section 106 of the Civil Rights Act of 1957. That amendment provided for a ceiling on the authorization for funds for the Commission of $2,650,000 for each fiscal year running from June 30, 1968, through fiscal 1973. Conferees on the part of both bodies unanimously agreed that the House recede from its disagreement to the Senate amendment and accept the same.

Mr. MCCULLOCH. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. MCCULLOCH. Mr. Speaker, the U.S. Commission on Civil Rights is a temporary, independent bipartisan agency in the executive branch of the Government, establish by Congress under the Civil Rights Act of 1957.

The Commission is primarily a fact-finding body investigating complaints of racial discrimination. It also serves as a national clearinghouse for information on equal-protection violations. It has made important contributions to our understanding of discrimination in housing, education, jobs, unions, and criminal justice. Moreover, many of its recommendations have been enacted into law.

The members of the Commission are capable, conscientious, well-qualified individuals. One of their former members has recently been appointed Solicitor General of the United States.

This important work should continue. The Commission is due to expire on January 31, 1968.

Therefore, I support the adoption of the conference report so that this important work will continue for the next 5 years.

PERMISSION FOR THE SUBCOMMITTEE OF THE SELECT COMMITTEE ON SMALL BUSINESS TO SIT DURING DEBATE THIS AFTERNOON

Mr. CORMAN. Mr. Speaker, I ask unanimous consent that the Subcommittee of the Select Committee on Small Business be permitted to sit during debate this afternoon.

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

There was no objection.

POLITICAL MATURITY IN SOMALIA

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous material.

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

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, on Thursday, November 23, while we in America quietly observed our national day of thanksgiving, another distinguished legislative body in a country nearly half way around the world, the National Assembly of Somalia, registered its overwhelming support for political maturity and responsibility by its Government's leaders.

By a vote of 89 to 1, that assembly approved the course chosen by the Government of Somalia, headed by Prime Minister Mohamed Hagi Ibrahim Egal, to try to create an atmosphere within which Somalia and its neighbors could seek peaceful settlements of its long-standing border disputes.

The path ahead will not be easy for any of the parties to these disputes. Well-intentioned outsiders, such as ourselves, can only rejoice that African leaders are displaying the kind of political maturity and courage which foregoes the politically easy expedient of fanning already inflamed emotions but chooses, rather, the more responsible and more difficult path of reason.

As a token of our admiration for the political maturity and courage displayed by these leaders, I include in the CONGRESSIONAL RECORD the text of the resolution passed by the National Assembly of Somalia. Accompanying it, I should also like to insert a perceptive editorial from the Kansas City Star which describes the background of the problems to be solved and some of the steps thus far taken toward a peaceful solution:

TEXT OF RESOLUTION PASSED BY NATIONAL ASSEMBLY OF SOMALIA, NOVEMBER 23, 1967

Having seen Article 6, paragraph 4 of the Constitution of the Republic, which reads:

The Somali Republic shall promote, by legal and peaceful means, the union of Somali territories and encourage solidarity among the peoples of the world, and in particular among African and Islamic peoples.

Having seen Article 6, paragraph 2 of the Constitution which states that,

The Republic repudiates war as means of settling international disputes.

Having seen the Statement of Programme made by the Government, which intends, as far as Somali territories are concerned, to

Continue the policy of earlier governments and induce foreign countries to grant self-determination to the Somali territories still under alien rule.

Decides as follows:

1. Expresses its approval of initiatives recently undertaken by the Government of Kinshasa, Addis Ababa and Arusha, with the intention of creating an atmosphere of understanding and mutual confidence so as to reach peaceful settlement of disputes between Somalia and its bordering neighbors.

2. Encourages the Government to continue such activities already initiated and to take further positive steps for the satisfactory settlement of outstanding disputes safeguarding the rights of the people directly interested.

3. Calls upon the Government to submit to this Assembly for approval and ratification the agreements reached with Ethiopia and Kenya.

4. Expresses its own gratitude to Dr. Kenneth Kaunda, President of the Republic of Zambia, for his efforts made as mediator in the disputes between the Somali Republic and the Republic of Kenya.

5. Expresses its own gratitude to Dr. Julius Nyerere, President of the Republic of Tanzania and Dr. Milton Obote, President of the Republic of Uganda for their participation in the recent Conference of Arusha.

[From the Kansas City Star, Nov. 4, 1967]

A PERSISTENT SORE HEALS IN EAST AFRICA

September's African summit meeting appears to have borne tangible fruit. For years a wicked, fruitless little war has flickered along the Kenya-Somalia frontier. Now, as a result of initiatives taken at the all-Africa conference in the Congolese capital, Kinshasa, the governments of the two countries have signed a "memorandum of understanding" pledging to damp down the dispute.

Specifically diplomatic relations are to be reestablished between Nairobi and Mogadishu, barrages of hostile propaganda will be stilled, both governments will co-operate to restore peace along their borders and a committee will be set up to investigate and resolve future incidents. If implemented, the agreement could be a boon for all concerned.

Kenya reportedly has been spending some 14 million dollars a year—money that could better be devoted to development—to suppress the terrorist activities of nomadic bands of Somali warriors in its northern frontier district. Nearly 700 Kenyan civilians, soldiers, police and civil servants have lost their lives. Deaths to the Somali raiders, called the Shifta, have been placed at some 2,000.

The conflict was partly the result of the arbitrarily imposed colonial borders which cut through traditional grazing lands of the Somali nomads. With independence, the issue of territorial sovereignty came into play. The problem is not unique to Kenya and Somalia. It has been a recurring one throughout a fragmented Africa in a decade of turbulence.

Its resolution, while not easy, is essential if the former colonies are to live in working accommodation with their neighbors. The alternative is perpetual friction, wasting scant resources and frustrating America's, and the world's, hope for a stable continent. Kenya and Somalia, on paper at least, have taken a constructive step in the right direction.

ADMISSION FEES TO OUR RESERVOIR RECREATIONAL AREAS

Mr. OLSEN. Mr. Speaker, I ask unanimous consent to extend my re-

marks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. OLSEN. Mr. Speaker, a number of bills, including H.R. 11236, which was introduced by the gentleman from Oklahoma [Mr. EDMONDSON], are now pending in the House, calling for repeal of Federal authority to levy entrance and admission fees on most of the Nation's Army Engineers lakes and reservoirs.

Introduction of these bills followed the announcement of the Secretary of the Army that entrance fees will be charged for the first time in history at outdoor recreational areas of 95 lakes and reservoirs, beginning on Memorial Day, 1968.

This will mean a levying of a 50-cent fee per person entering the reservoir, including persons merely seeking access to the waters through a land recreational area.

There has been increasing opposition to this. The fees are far in excess of the administrative costs people would be willing to pay.

Generally, Montanans are willing to pay a reasonable user fee for a fully developed Federal land area—requiring attendants and maintenance. However, when the obvious purpose of this fee violates the guarantees of free access to public waters, promulgated and protected by the Constitution of these United States, a majority justifiably criticized the fee. Most of them believe it is unreasonable to charge an entrance fee for sightseeing, picnicking, and similar activities on public lands. The fee in such an instance appears not to be a user fee, but a tax—and as such double taxation for the use of public lands.

This is a Nation where the dictates of right reason are fostered by law and tradition. The balanced harmony of these two in this instance is founded upon the belief that the public waters of this Nation shall, and of right ought to be, freely accessible.

Notwithstanding this conviction, which is a constitutional mandate, the Army Engineers have proceeded to impose entrance fees at large land areas surrounding such projects as Fort Peck Reservoir in eastern Montana. In many instances, this has happened at the areas closest to the major highways crossing Fort Peck. Practically, then, access to the public waters at points most convenient to the public will be denied.

Mr. Speaker, if we mean what we say when we provide by law that no charge shall be made for the use of the waters, or for access to them, we must eliminate all authority for entrance and admission fees on land areas surrounding this and other Army Engineer reservoirs.

I would also point out, as did the gentlemen from Oklahoma, that in most, if not all instances, the cost of collection has been more than the resultant revenue. The plain fact is that a total of $594,174 has been collected in entrance fees at designated fee areas during the period April 1 through August 31, 1967.

Just recently, top officials in the Army Engineers reported that approximately $600,000 had been spent by the Army Engineers in the last summer to employ additional rangers and personnel. At Fort Peck Reservoir, specifically, the total fees collected for last summer were $2,889.50. At the same time two additional rangers were put on at an expense of $4,800, with the total cost for the first year's operation being $7,365.

These figures speak for themselves—obviously it is a losing proposition.

Turning to another aspect of this fee system, it is apparent that the low-income people of our State and the Nation are being denied access to this Federal reservoir. Fixed income equates enough of a hardship without denying these people the right to a recreational site.

These sentiments are held throughout Montana, especially in the Fort Peck area. This is a Reservoir known throughout the Nation for its fishing, waterfowl, and recreational facilities. It is the largest earth filled dam in the world, the fourth largest reservoir with a length of 189 miles and a shoreline of 1,600 miles. Now the easiest access routes have a fee, while those more remote routes escape the fee.

Besides being inequitable, it is quite obvious that to collect a fee on a reservoir the size of Fort Peck would require a task force of rangers with a fee of $5 to pay their wages.

This all leads to the basic contradiction which arises when the State sites are free and the Federal sites are fee. Significantly too, the Bureau of Outdoor Recreation which is the great advocate of entrance fees, has never introduced entrance fees at the many fine outdoor recreational areas which are provided in the District of Columbia. Apparently they feel this is out of place in the Nation's Capital.

We in Montana are equally out of place at Fort Peck Reservoir which was built to provide power and flood control.

I believe the practice of the States should be adopted by the Federal Government. I believe that the fees for entrance, dock, and float purposes should be eliminated without further delay.

On behalf of the people of Montana, I urge a favorable report of H.R. 11236 and companion bills, repealing all authority for these fees.

PUBLIC SERVANTS DOAR AND POLLAK

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. CELLER. Mr. Speaker, civil rights is one of the most sensitive divisions within the Department of Justice, and the man who heads that division must of necessity be sensitive to the many problems attendant with that responsibility.

John Doar fits that challenge most capably. Now that he is leaving the Department, it is appropriate to take note of his accomplishments and also of his successor, Stephen J. Pollak. Mr. Pollak has the excellent credentials to continue Mr. Doar's leadership.

The spirit is aptly caught up in an editorial in the December 1, 1967, edition of the Washington Post. I insert the editorial in the RECORD at this point:

A GREAT PUBLIC SERVANT

The resignation of John Doar as an Assistant Attorney General is a major loss to the civil rights movement and to the Government of the United States. For more than seven years, he has been at the center of almost every racial crisis in which the Federal Government has been involved. No man in government has been more widely respected, by those he fought as well as by those he befriended, than Mr. Doar.

The stories out of the South about Mr. Doar's courage and his integrity are legion. Red-necked sheriffs in backwoods counties trembled and cursed when his name was mentioned, but, nevertheless, admired him. Negroes knew him as the man from Washington they could trust. Public officials and judges and lawyers knew that when he said something, he backed it up. Perhaps Mr. Doar's finest moment was on a summer afternoon in Jackson, Miss., when he walked between police lines and a brick throwing crowd, talked the mob of irate Negroes into going home, and averted what was on the verge of becoming a bloody massacre.

There have been few public officials in our time who have contributed as much as Mr. Doar to the solution of the nation's most difficult domestic problem. And there are few men to whom the Government owes more than it does to Mr. Doar who went far beyond the call of duty in his own quiet, self-effacing way.

The selection by the President of Stephen J. Pollak to replace Mr. Doar is a wise one. Mr. Pollak's record in the Department of Justice and as the President's adviser on District of Columbia affairs has been excellent. He need set himself no higher goal than simply to continue the work of the Civil Rights Division in the distinguished pattern set first by Burke Marshall, and then by Mr. Doar.

MARTIN LUTHER KING

Mr. WAGGONNER. 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 Louisiana?

There was no objection.

Mr. WAGGONNER. Mr. Speaker, with the cold, aloof assurance of a man who feels he is totally immune to and apart from all legal and moral restraints imposed by society, Martin Luther King has handed the Federal Government his latest blackmail edict. It says: Surrender to my demands or, to use his phrase, "God only knows what we will face in terms of chaos."

King regards himself as being the "god" who alone knows what lawlessness he and his "peaceful," "nonviolent" followers will bring to the Nation's Capital next spring if he is not given anything and everything he wants.

And, he may be right, Mr. Speaker. He may be powerful enough to import scores of thousands of derelicts, peaceniks, smutniks, and sickniks, threaten the Congress with immobility, and tie up the traffic of this city and keep law-abiding people from their jobs.

After all, he knows that in the past the Armed Forces have been mobilized at taxpayers' expense to protect him; he

knows that the Justice Department will not prosecute him; and he knows that, when it is all over, he will, in all probability, be invited again to the highest places of Washington, there to be embraced by administration representatives. But if this is what he is faced with from the executive and judicial branches, more is demanded of us in the legislative branch.

No matter what is required of us, the people are looking to us to do whatever is necessary to curb this man and his followers. If the Armed Forces are to be mobilized, they want them used to stop King, not act as his escort and protector. Washington and the Nation are sick of demonstrations. They prove nothing. They produce nothing. Any fool can collect a crowd and storm the city. But it takes energy, determination, ability, and just plain guts to work for what you want in this world. King has not learned that lesson and, if it is up to the Congress to teach him, then I say, let us get about it.

DMSO: STILL THE PERSECUTED DRUG—PART IV

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Oregon [Mr. WYATT] 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 New Jersey?

There was no objection.

Mr. WYATT. Mr. Speaker, 7 months ago Dr. James Goddard of the Food and Drug Administration promised to ease present prohibitive restrictions on clinical testing of the potential wonder drug DMSO.

In March 1966 a symposium on DMSO was held by the New York Academy of Sciences. Over 150 doctors presented 79 separate papers attesting to the efficacy and clinical safety of this drug.

Many of these doctors had done considerable clinical research on DMSO before the ban originally went into effect in 1965. Dr. Arthur Scherbel of the renowned Cleveland Clinic is one of these doctors. A large number of the hundreds of patients who had been experiencing relief while undergoing DMSO treatment wrote bitter and heart-rending appeals to both Dr. Scherbel and the FDA when their supply of the wonder-working drug was suddenly and arbitrarily cut off.

Here are a few of those letters, along with the sad replies given by Dr. Scherbel. One can imagine the abject despair of the sufferers who had been helped back to a normal life, only to have it suddenly ripped from their grasp by the FDA ruling. One can also understand the terrible feeling of impotence experienced by a fine doctor such as Dr. Scherbel who sees the means for successful treatment suddenly, capriciously taken from him. And one can see the frustration and the rage that must result from the FDA's bureaucratic doubletalk and buckpassing which doctors must accept as a substitute for needed medication.

The letters follow:

JULY 7, 1967.

Dr. ARTHUR SCHERBEL,
Cleveland Clinic,
Cleveland, Ohio.

DEAR MR. SCHERBEL: You may recall a telephone conversation we had last year concerning the use of DMSO in my patient who is suffering from scleroderma. Despite the revised FDA ruling on DMSO, it has been impossible to obtain this substance. The patient, in the meantime, has slowly deteriorated, and now has pronounced, active scleroderma. She has failed to improve on corticosteroids, azathioprine, and cyclophosphamide. The skin is severely affected and there is very little evidence of visceral involvement.

I suggested to her that she should seek your advice. She is quite willing to go to Cleveland, and tells me that the week of September 11 would be most convenient for her. Incidentally, she would prefer hospitalization because of her insurance coverage.

I do hope you can see this patient. We are quite frankly stymied, and would be most interested in trying DMSO, if you think it advisable. If you can see Mrs. Baler, please contact her at 2 South Green Street, Plymouth, Massachusetts.

With kindest regards,

Sincerely yours,

——— ———.

JULY 13, 1967.

DEAR SIR: I have received your letter regarding the lady who has diffuse scleroderma. At the present time I do not have DMSO and it is doubtful whether we will again resume our studies because of the severe restrictions and unrealistic demands imposed by the Food and Drug Administration.

It is not possible for us to re-evaluate these patients every four weeks as demanded by Doctors Goddard and Hodges. During the past three years, we evaluated scleroderma patients at approximately three month intervals which we found to be perfectly satisfactory. During this time, we found no serious toxicity and certain patients noted improvement in skin manifestations.

If you are in a position to evaluate this woman at four week intervals, I would suggest that you write to Dr. Richard Brobyn who is in charge of the DMSO program at Squibb Research Institutes. I have heard indirectly that Squibb will probably begin investigational studies with DMSO within the near future.

Inasmuch as I have no other suggestions which might be of help to your patient, I do not feel that she should come to the Cleveland Clinic for evaluation of her condition.

I am sorry that I cannot be of more help to you but unfortunately this is the beginning of government medicine. With best wishes, I am,

Yours very truly,

ARTHUR L. SCHERBEL, M.D.,
Head, Department of Rheumatic Disease.

Dr. ARTHUR L. SCHERBEL,
Department of Rheumatology,
Cleveland Clinic.

DEAR DR. SCHERBEL: I am writing about my daughter, whom you are treating for linear schleroderma. We have been using Dromisol (DMSO) in the gel form on her hand and arm. But now we have finished the last tube that you gave us.

For a few days her little finger was especially red and looked a little bit swollen. We think that she bumped it. But now it is not so red, and looks about like it did.

We have been wondering if there is any new hope of being able to secure the liquid Dromisol.

Please advise us what we should do. She has no more appointments made at the Clinic, since her last visit on May 25.

Thank you.

Sincerely,

——— ———.

THE CLEVELAND CLINIC FOUNDATION,
Cleveland, Ohio, July 7, 1967.

DEAR SIR: I've received your letter and am sorry that we do not have aqueous DMSO for your daughter at the present time. As you know, DMSO is not available at the present time primarily because of the unrealistic demands that the F.D.A. has insisted that we carry out on all patients receiving this drug. A number of laboratory studies including liver function studies are requested every four weeks and an eye examination must be carried out every three months. It is not possible for many of our patients to return to the Clinic this frequently nor is it possible for us to do these studies this frequently in the Clinic.

If the F.D.A. will relax these demands in the future, we will be pleased to again continue our study with DMSO and I will let you know at that time when Diane should return to the Clinic.

Assuring you of our continual interest in your daughter's health, I am,

Yours very truly,

ARTHUR L. SCHERBEL, M.D.,
Head, Department of Rheumatic Disease.

MAY 18, 1967.

Dr. ARTHUR J. SCHERBEL,
Cleveland, Ohio.

DEAR DR. SCHERBEL: My wife is now suffering from scleroderma and is in need of some aid to ward off the pain and the discomfort of the disease.

In the May 5th issue of TIME magazine your research in this field was published. I hope this letter will reach you as your address was rather generally stated. She could come to your city as we have relatives there. If however you could not find the time could you refer us to some equal talent in New York city who would help my girl.

Your interest would be deeply appreciated. Please write me.

Very Truly,

——— ———.

THE CLEVELAND CLINIC FOUNDATION,
Cleveland, Ohio, June 5, 1967.

DEAR SIR: I've received your letter regarding your wife is suffering from pain and discomfort of diffuse scleroderma.

I'm sorry to inform you that dimethyl sulfoxide is not available for treatment at this time inasmuch as the Food and Drug Administration is making unrealistic demands regarding the frequency of laboratory studies and eye examinations. It would not be practical or possible to carry out these studies and carry on with the treatment of other patients.

If and when the drug becomes available, I feel that you will be able to obtain it from a physician in your local community.

Sincerely yours,

ARTHUR L. SCHERBEL, M.D.,
Head, Department of Rheumatic Disease.

CLEVELAND CLINIC,
Cleveland, Ohio.

DEAR DR. SCHERBEL: In answer to your letter of April 6th, I am writing to find out if DMOS is available to me at this time. I have used the gel several times and it has helped the ulcers on my fingers.

Sincerely yours,

——— ———.

THE CLEVELAND CLINIC FOUNDATION,
Cleveland, Ohio, June 5, 1967.

DEAR MADAM: I have received your letter and am sorry to inform you that DMSO is not available at this time for treatment of ischemic ulcers complicating scleroderma. It

is apparent to most clinical investigators that no therapeutic agent has been as effective as DMSO for this condition, but unfortunately the drug is not available without unrealistic demands from the Food and Drug Administration requesting a large number of laboratory studies every four weeks and repeat eye examinations every three months. It is not possible for patients to travel long distances this frequently nor is it possible for physicians carrying on a medical practice to follow these patients this frequently.

If and when the restrictions are relaxed, I will contact you for treatment of your ulcers. I am sorry that I cannot be of more help to you at this time.

Sincerely yours,

ARTHUR L. SCHERBEL, M.D.,
Head, Department of Rheumatic Disease.

JULY 14, 1967.

ARTHUR L. SCHERBEL, M.D.,
Cleveland Clinic Hospital,
Cleveland, Ohio.

DEAR DR. SCHERBEL: Several months ago I wrote to you asking if you would consider treating my sister (age 24) who has systemic sclerosis with DMSO or if you could release the drug to me with instructions regarding its use on her. You replied that the drug was not available at the time of my request but to remind you in July since you expected the drug to be released again to you at this time. Thus, I am again asking if it would be possible for her to be treated with DMSO at this time either here under my supervision or in Cleveland under your direction.

Sincerely,

——— ———.

THE CLEVELAND CLINIC FOUNDATION,
Cleveland, Ohio, July 26, 1967.

DEAR DOCTOR: I have received your letter regarding DMSO treatment for your sister who has progressive systemic sclerosis.

Unfortunately, I do not have this drug available at the present time for investigational studies of this disease. The F.D.A. has not approved the use of this drug without unrealistic restrictions which include frequent laboratory studies and eye examinations at four week intervals. This makes absolutely no sense to me inasmuch as these studies have been carried out in the past without abnormalities being observed. Moreover, it is not possible to carry out extensive studies in this manner in patients with this disease who will probably need treatment for a number of years.

I am sorry that I cannot be of more help to you and I hope you will understand the situation.

Sincerely yours,

ARTHUR L. SCHERBEL, M.D.,
Head, Department of Rheumatic Disease.

MAY 5, 1967.

Dr. ARTHUR L. SCHERBEL,
Cleveland Clinic, Cleveland, Ohio.

DEAR DR. SCHERBEL: I have read the article in the Times magazine in connection with DMSO.

I have a wife suffering from scleroderma and I am very much interested in receiving the results of DMSO from your own experience.

I hesitate to trespass on your time but I am very much concerned with my wife's case. She apparently has had this disease for about eighteen months and has been treated.

Very little improvement has been shown and I am very anxious to know what the effects of this DMSO in your treatments has been.

Sincerely yours,

——— ———.

THE CLEVELAND CLINIC FOUNDATION,
Cleveland, Ohio, May 17, 1967.

DEAR SIR: I have received your letter regarding the use of dimethyl sulfoxide in diffuse scleroderma. I am sorry to inform you that the drug is not available at this time for clinical investigation and I doubt if it will be released within the near future without unrealistic demands being made upon the patient, physician and pharmaceutical firm supplying the drug.

The Food and Drug Administration will allow the use of this drug only if multiple laboratory studies are obtained at monthly intervals and eye examinations are carried out at three month intervals. In our institution this is completely impractical and, therefore, we regret that it will not be possible for us to resume further study of this drug unless the Food and Drug Administration becomes more reasonable in their unusual investigational demands with DMSO.

Sincerely yours,

ARTHUR L. SCHERBEL, M.D.,
Head, Department of Rheumatic Disease.

MAY 17, 1967.

Dr. ARTHUR L. SCHERBEL,
Cleveland Clinic Foundation,
Cleveland, Ohio.

DEAR DR. SCHERBEL: Thank you again for the help you gave me on the telephone the other evening. I am, obviously, very distressed over my 11½ year old daughter, who has contracted systemic scleroderma.

I have contacted the Syntex Lab, in an effort to get DMSO released for my daughter's use, but they were of no help. I intend to contact some U.S. Senators, and Dr. Goddard of the F.D.A.

At the time of our conversation, I intended for my daughter to visit the Tucson Clinic, as you suggested. However, we now find we will be moving to Covina, California in two weeks, and we plan to remain there for years. For this reason, could you instead recommend a physician in Los Angeles County? Covina is 22 miles east of the City of Los Angeles, but the name of a practitioner anywhere in the greater Los Angeles area who is up to date on treatment of scleroderma, would be most welcome.

Because of our pending move, I do not know when we will be able to make it to Cleveland for an examination of Penny, but I hope it will be within the next few months. Meanwhile, I hope you can advise me now, as to the name of a suitable practitioner in the Los Angeles area.

Thank you most sincerely.

Very truly yours,

——— ———.

THE CLEVELAND CLINIC FOUNDATION,
Cleveland, Ohio, June 2, 1967.

DEAR SIR: At the present time DMSO is still not available and I am not at all sure if it will again become available for clinical investigation. The drug has good potential but it is hopelessly tied up in bureaucratic red tape. Perhaps letters to Senator Long and Congressman Wyatt or Dr. Goddard might be helpful.

Sincerely yours,

ARTHUR L. SCHERBEL, M.D.,
Head, Department of Rheumatic Disease.

JULY 11, 1967.

DEAR DR. SCHERBEL: I have written to you before about a patient of mine with severe scleroderma.

Would you now be willing to see him, inasmuch as DMSO is again available to you (as I understand it)?

He will come at any time you designate.

Thank you.

Sincerely yours,

——— ———.

THE CLEVELAND CLINIC FOUNDATION,
Cleveland, Ohio, July 14, 1967.

DEAR DOCTOR: I have received your letter regarding your patient and am sorry to inform you that I do not have DMSO at the present time for treatment of patients with diffuse scleroderma. I do not know when it will become available inasmuch as the F.D.A. continues to impose severe restrictions on the use of this drug.

If and when it does again become available, I will contact you.

Sincerely, yours,

ARTHUR L. SCHERBEL, M.D.,
Head, Department of Rheumatic Disease.

REPORT ON FIRST SESSION, 90TH CONGRESS BY REPRESENTATIVE WILLIAM S. BROOMFIELD

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. BROOMFIELD] 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 New Jersey?

There was no objection.

Mr. BROOMFIELD. Mr. Speaker, while piling up a record number of rollcall votes and threatening the record for length, the first session of the 90th Congress produced few major legislative accomplishments.

In this yearend report to the people of the 18th Congressional District, I will point to some of the significant successes and failures and attempt to sum up the legislative year. As this is written, Congress is still in the midst of an unusually long session, so the report on some issues is inconclusive.

Although I have reported annually to the district since my election to Congress in 1956, some of you will receive this report for the first time. As always, your suggestions and comments are most appreciated.

Personally, I was honored this year with the responsibility of representing Congress as a principal delegate to the 22d General Assembly of the United Nations.

While the achievements of the General Assembly have been less than spectacular, the assignment offered a rare opportunity to meet leaders of nations and to participate in a small way in the search for world harmony.

WAR AND RIOTS

The work of the 90th Congress was overshadowed from the start by war in Vietnam and later by the summer's big-city riots.

Despite volumes of words, Congress was unable or unwilling to do very much about either problem.

Senate Majority Leader MIKE MANSFIELD told committee chairmen at the start of the year that Congress should devote itself to refining and reexamining the vast and unprecedented legislative outburst of the previous 2 years.

To a great extent his advice was heeded. The first session of the 90th Congress was concerned mainly with reshaping, filling in gaps, and cutting the costs of existing programs.

ECONOMY MOOD

Economy was the dominant theme of the session, especially in the House of Representatives.

Every major appropriation bill submitted by the administration was cut by Congress, some by relatively small amounts, others significantly.

Altogether, the House trimmed nearly

$6 billion from the President's requests. More than half of those cuts have been restored by the Senate.

Despite the economy-minded mood of Congress, the administration continued to spend previously appropriated funds at a record clip and to add new employees to the Federal payroll.

During the first 3 months of the new fiscal year which began July 1, Government spending was up 11 percent from the same period a year ago.

Although the President promised a "freeze" on Federal hiring, new workers continued to be hired.

DEBT SOARS

The national debt soared to a new record of $340.8 billion in November, up $14 billion in the last year. It now costs $15 billion a year just to pay the interest.

As the Nation's money supply was reduced by Government borrowing, interest rates on private loans rose and consumer prices continued their climb.

The administration's answer to mounting debt and inflation was to ignore calls from Congress to cut Government spending.

Instead, the President proposed a 6- and then a 10-percent income tax increase on individuals and corporations to maintain the present rate of Government spending.

A stalemate resulted when the House Ways and Means Committee, the only body with authority to originate tax legislation, refused to consider the President's tax proposal until spending was reduced.

SPENDING CUTS

After a month's delay, the administration finally indicated a willingness to make some spending cuts.

But a serious question remains whether meaningful reductions or merely token cuts are being offered in hopes of winning still greater, long-range spending authority.

As the debate continued over fiscal policies, congressional investigators turned up hard-to-believe evidence of waste and big-government bungling by the administration.

They discovered, for example, that the Pentagon paid more than $33,000 for 130 doorknobs which retailed for about $210.

The Defense Department also admitted purchasing 30 insulated couplings with a retail value of $82.50 for $2,025.

And in Rio de Janiero, the administration financed a $3.5 million housing project for slum dwellers only to discover that no one wanted to live in it because of its location far out in the countryside.

SOCIAL SECURITY

While the administration praised the effects a tax increase would have on the economy, it failed to point out that one of the major works of Congress, a social security increase, would produce some of the same results.

Like the surtax proposal, it would draw money out of the consumer economy in the form of increased payroll taxes.

Although the final version of the bill is still being refined by a committee of House and Senate Members, its general outline may now be predicted.

The House version of the bill, which I supported, would increase social security benefits 12½ percent across the board.

The Senate version calls for a 15-percent increase. The final figure probably will be a compromise between the two.

WITHHOLDING UP

The House bill raises maximum taxable wages from $6,600 to $7,600 effective in 1968 and would increase the tax rate on both employer and employee from 4.4 percent to 4.8 percent in 1969.

The Senate bill would increase the maximum taxable wage to $8,000 in 1969 and $10,800 in 1972. It would boost the tax rate to 4.8 percent in 1969.

Under present law, the maximum payroll tax on each worker and employer may eventually go to $372.90 annually. The House bill would increase the maximum to $448.40; the Senate bill would raise it to $626.40.

The Senate bill would lower the eligibility age for reduced benefits to 60. The House bill retains the present age requirement at 62.

In addition to these basic changes, there are literally hundreds of others dealing with social security, medicare, aid to dependent children, and welfare. If you desire information on any of these areas, please let me know, and I will do my best to answer your questions.

VETERANS' BENEFITS

Congress also approved $285.6 million in increases and extensions in veterans' benefits.

The new law gives veterans and their dependents a cost-of-living increase in pension payments, provides full wartime rates of compensation and pension payments for those injured or disabled in Vietnam, provides higher educational allowances for veterans attending college under the cold war GI bill and offers new training programs under that bill.

The cost of living pension increases are estimated to cost $102 million in the first year, and GI bill provisions are estimated at $158 million.

Despite proclamations and promises in the wake of rising crime rates and last summer's rioting, the administration's programs for dealing with these problems had little success in Congress.

Its two major pieces of anticrime legislation—the "safe streets" program for bolstering local law enforcement agencies and firearms control bills—are still pending before committees.

CRIME CONTROL

The House passed the safe streets bill after making a number of changes and renaming it the Law Enforcement and Criminal Justice Assistance Act.

The House bill, which I supported, grants $50 million in Federal funds to local governments for planning, modernizing, and otherwise improving their law enforcement agencies. The House bill includes another $25 million earmarked for improving techniques and training for prevention and control of riots.

In the Senate, where the bill is still pending, a subcommittee has added a provision to permit wiretapping under certain restricted conditions and has increased riot control funds to $35 million.

Gun control legislation is similarly bottled up in the House and Senate Judiciary Committees, and no further action is expected on it until next year.

Faring somewhat better were administration proposals to improve conditions in the cities, conditions which many experts said were at the root of last summer's disorders.

URBAN PROGRAMS

Two of the President's major urban assistance programs—rent supplements and model cities—were approved reluctantly and at far less costly levels than sought by the administration.

Congress provided $10 million for rent supplements while the President sought $40 million. For the model cities program, Congress appropriated $312 million while the administration asked for $662 million.

The programs were amended by Congress to encourage local funding wherever possible. Even where Federal funds make up the bulk of the investment, local sponsors will be required to put up a minimum of 5 percent. Local sponsors will be assisted by a pledge from the insurance industry to make $1 billion available for low-cost housing loans.

Differing versions of bills to continue the antipoverty program were passed by the House and Senate and are still under negotiation by representatives of the two bodies.

The House bill, which I supported, continues the program at about the same level as last year but makes a number of technical changes designed to eliminate abuses and waste.

House-approved amendments would limit the activities of the Office of Economic Opportunity—OEO—in nonpartisan elections and in registering voters in any election; remove the authority of the OEO Director to pay up to $100 a day for consultants; reduce the number of high-salaried jobs in the administration of the program; and prohibit OEO funds from being used in labor union activities.

The House-passed bill also would place community action programs under control of local governments and require that at least 10 percent of local contributions be made in cash. These items are still under consideration by the House-Senate conference.

Another matter under negotiation is the cost of the program. The House authorized $1.6 billion, the Senate $2.2 billion.

RAT PROGRAM

A proposal to spend $40 million over 2 years in an attempt to rid city slums of rats generated a heated debate at midyear.

The House defeated the measure the first time around because, as originally proposed, the bill would have created a new bureaucracy to do what existing programs could have done.

The bill was revised to provide for administration of the funds through existing agencies and passed the House and Senate.

Ignored throughout the debate was the fact that three existing programs provided more than $448 million last year for rat eradication, and much of the money was not used.

Civil rights legislation moved quickly through the House last August but the Senate as yet has not acted.

CIVIL RIGHTS

The House bill, which I supported, is designed to strengthen criminal laws against intimidating or injuring civil rights workers or other persons engaged in federally protected activities such as voting, attending school or using public accommodations.

Another bitter debate developed earlier in the House in a move to give the States greater control over Federal funds granted to schools under the Elementary and Secondary Education Act.

State control was proposed because under existing broad Federal guidelines money intended to fight poverty frequently was diverted to rich school districts rather than to those in need.

Parochial and private schools objected to the proposed change fearing some States would shut off their funds.

SCHOOL AID

Under a compromise plan which finally passed the House, parochial and private schools were protected, and the States were given control of a limited area of the program, specifically in research on teacher-training techniques.

The bill also spelled out new Federal guidelines on school desegregation. That feature has proven a major stumbling block to passage in the Senate where the bill still rests.

Congress approved continuation of the student-loan program for encouragement of higher education and narrowly authorized extension of the Teacher Corps.

The House turned down requests for funds for the Teacher Corps, but in a compromise with the Senate subsequently approved $13.5 million.

An administration proposal to expand the student-loan program to make it available to medium as well as low-income families was not approved.

AIR POLLUTION

One of the few major legislative achievements of the year was approval of the Clean Air Act designed to get at another sort of big-city problem.

The bill authorizes spending $428.3 million during the next 3 years to encourage research and to establish regulatory machinery throughout the country to fight air pollution.

Emphasis is placed on local and regional approaches to the problem with the Federal Government providing money and advice.

The law does give the Federal Government new powers through the Department of Health, Education, and Welfare to be used only if States refuse or neglect to act responsibly.

EDUCATIONAL TV

In another look at the future, Congress authorized establishment of a nonprofit, nongovernmental educational radio and television network. The bill, however, authorizes only $9 million for fiscal 1968 and leaves the question of long-term financing unanswered.

Congress approved postal-rate increases to help absorb the mounting deficit of the Post Office Department and to finance a 6-percent raise for postal workers and a 4.5-percent pay increase for other Federal employees.

The House bill provides for a 1-cent increase in the per-ounce rate for first-class letters and increases second-class mail 23.5 percent, third-class mail 32 percent. The Senate bill differs slightly and details are being worked out.

Included in the bill is a measure I supported to lower postal rates for mailing packages to servicemen overseas. Under the new provision, rates for some packages would be cut in half.

A combination of factors including frustration with the progress of the war in Vietnam, mounting evidence of waste, and the economy mood of Congress, generally, resulted in one of the smallest foreign-aid bills in the last 20 years.

FOREIGN AID

Although final figures are not complete, it is expected the foreign-aid appropriation will be about $2.7 billion—about one-half billion dollars less than the administration sought.

Included is $200 million for development loans, $145 million for military aid and $133 million for the Alliance for Progress.

The House and Senate approved a measure, which I sponsored, appropriating $714,000 for the partners of the Alliance program.

One of the most successful of our foreign aid efforts, it has involved top experts in the fields of medicine, agriculture, business and finance, industry and education in helping countries of Central and South America solve local problems.

The money approved by Congress will be used to purchase round-trip, tourist-class plane tickets and to pay minimal board and room for these unpaid volunteers.

VIETNAM

The war in Vietnam remained the major preoccupation of Congress this year, and Members tried a variety of methods to make known their displeasure and to influence the administration's war policies. They mostly were in vain.

The Senate Foreign Relations Committee concluded after conducting hearings on the problem that the role of Congress in determining the Nation's war policies has eroded rapidly in the 20th century with the authority flowing increasingly to the President. The committee reported:

> The concentration in the hands of the President of virtually unlimited authority over matters of war and peace has all but removed the limits to executive power in the most important single area of our national life.

In the House, more than 50 Congressmen called for a review of the war-making authority claimed by the President under the Gulf of Tonkin resolution.

The Senate urged the United Nations to consider Vietnam and a great number of individual war solutions were proposed by individual Congressmen and Senators.

PRESIDENT DECIDES

The President, arguing that the Constitution gives him a virtual free hand in the conduct of foreign policy and command of the Armed Forces and that it relegates Congress to the role of adviser, ignored almost all of the advice.

In a related area, Congress extended the selective service law last May with some changes.

It continued the present student deferment policy including graduate school deferments, created a National Manpower Resources Board to specify the professional, scientific, and critical skills which would lead to deferment in the national interest, limited the President's authority to establish a lottery for selection of draftees, and left intact a recommendation that the President give priority on future draft calls to men in the 19 to 20 age group.

Although I voted for this bill, I did so with some misgivings and in recognition of its shortcomings.

I later joined with other Republican Congressmen from Michigan in asking the President to establish uniform national standards for draft classifications and to require that these standards be administered equally throughout the country.

Some States, for example, consistently draft more men than others which statistics show have greater numbers of eligible draftees.

UNITED NATIONS

As a member of the U.S. delegation to the United Nations, I served as an adviser to U.S. Ambassador Arthur J. Goldberg on major questions such as Vietnam and the Middle East and presented the U.S. position on some other issues.

The United States is continuing its efforts to bring the Vietnamese war before the U.N. again this year, as it has since early in 1966. All past attempts have been blocked by the Soviet Union and France which prefer not to offer the United States any possibility of an easy escape from its predicament.

Probably the most significant accomplishment of the U.N. so far this fall was the Security Council's appointment of a mediator in the Middle East dispute.

Shortly after the 6-day June war between Israel and the Arab States and before my appointment as a United Nations principal delegate, I was sent to the Middle East as an observer for the House Foreign Affairs Committee.

In my report to the committee, I recommended the following points as a basis for settlement of the crisis: direct negotiations between Arabs and Israelis, a reunification of Jerusalem with supervision of the holy places by the various religious orders, free and innocent passage through the Straits of Tiran and the Suez Canal, rehabilitation and settlement of the Palestinian Arab refugees, limits on arms shipments to the Middle East, and a minimum of outside intervention.

It is my hope that the Security Council's special representative to the Middle East can achieve a settlement within this framework. It is doubtful anything less will result in a lasting peace.

KOREA AND FINANCE

Of the items which I handled personally before the General Assembly,

there are two which were particularly important for the United States and the future of the United Nations.

The first was the question of continuing U.N. involvement in Korea; the other that of improved management and budgetary procedures within the U.N. itself.

Every year since the end of the Korean war, the United Nations has reaffirmed its responsibility for the security of South Korea, although not by a unanimous vote.

A group of Communist nations has called regularly for withdrawal.

This year, because of the war in Vietnam and a growing number of incidents along the North Korean armistice line, it was especially important that the U.N. unequivocally reaffirm its stand in Korea.

U.S. VICTORY

After considerable debate, the General Assembly approved the U.S.-sponsored resolution supporting the U.N. command in Korea by a vote of 68 to 23. All resolutions calling for U.N. withdrawal were defeated.

I also represented the United States on a number of technical matters in the U.N. Budget and Administrative Committee.

To help modernize and improve its management, I introduced a proposal to establish a budgetary planning figure to enable the Secretary General to give earlier and better guidance in planning the U.N. budget.

Although this issue is still under consideration, the other three major U.N. contributors, the Soviet Union, France, and Great Britain have joined in support.

My term as a United Nations delegate will end soon, and the second session of the 90th Congress will get underway in January.

May I urge my constituents to continue to write or call on me at my district office at 1029 South Washington, Royal Oak, or at room 2435, Rayburn House Office Building, Washington, D.C., while Congress is at work.

POST OFFICE DEPARTMENT AND FTC WILL INVESTIGATE SECOND MORTAGE FRAUDS

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. CAHILL] 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 New Jersey?

There was no objection.

Mr. CAHILL. Mr. Speaker, the tragic victimization of homeowners through fraudulent secondary mortgage schemes is not a new problem in our Nation. However, intensifying public anger, expressed by complaints to public officials and by the press, clearly indicates that it is an increasing problem.

Like some evil creature of mythology, fraudulent secondary mortgage transactions can assume many forms. In the absence of effective regulation, homeowners desiring to borrow money are confronted by deceptive contracts, hidden finance charges, and misrepresentations of the consideration to be received and of the financial obligations to be assumed.

Unfortunately, abuses of homeowners by debt consolidation and home improvement mortgage companies have been frequent in my own State of New Jersey. In an effort to contribute to the elimination of such abuses, I recently requested Federal Trade Commissioner Dixon and Postmaster General O'Brien to undertake investigations of seven companies in the Camden, N.J.-Philadelphia, Pa., area to determine possible violations of Federal fraud legislation.

I am indeed gratified to announce to the Members that these authorities have promised prompt action with respect to my request. The Post Office has advised me that postal inspectors in Philadelphia will be directed to undertake immediate investigation to determine whether the postal laws are being violated. Commissioner Dixon similarly has advised me that prompt action will be undertaken within the limitations presented by a small staff and numerous and varied FTC complaints pending.

It is my sincere belief that action by these authorities will prevent the victimization of many New Jersey homeowners. However, it is apparent neither the FTC nor the Post Office has the resources nor the personnel to regulate each of the thousands of mortgage lending companies in the United States. What is clearly called for is a full scale, intensive, congressional investigation of this form of loan sharking.

L. B. J. CONSUMER PLAN SKIPS THE DRIVERS

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. CAHILL] 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 New Jersey?

There was no objection.

Mr. CAHILL. Mr. Speaker, those of us in the House of Representatives who have been urging a congressional investigation of the automobile liability insurance industry have done so because we are convinced that the citizen, the consumer of America, is suffering as the result of many of the present practices of this industry.

A very perceptive and realistic appraisal of the industry and its effect upon the Nation as well as a frank and thoughtful recommendation to the administration was contained in a recent column written by Mr. Robert W. Lucas, chief of bureau, Gannett newspapers. I believe it would be of interest to the membership and I therefore insert it at this time in the RECORD:

L. B. J. CONSUMER PLAN SKIPS THE DRIVERS

(By Robert W. Lucas)

WASHINGTON.—President Johnson is trying to identify his administration with concern for and protection of consumers. In doing this he has angered elements of the small loan business, meat packers, packagers and the pipeline companies. But he obviously means to press for consumer laws that will add to the public's safety against flammable fabrics, exploding gas pipelines, diseased meat, usurious interest rates and defective home appliances. And hooray for LBJ!

Unaccountably ignored to this point, however, is the deep consumer interest in a reformed and more practical system of automobile insurance. And while this may not have as much political sex appeal as a crusade against "filthy meat," the toll of unnecessary costs that some 80 million insured motorists pay merely to drive a car runs into billions annually.

This week the president signed a law establishing a commission on "product safety." The idea is to head off accidents such as those resulting from faulty heating, which killed or injured 125,000 people last year, or dangerous power mowers, or clothes washers, or defective electrical wall sockets.

The Commission will investigate such fixtures, appliances, tools and gadgets, reexamine federal, state and local laws relating to them, and propose what new laws seem advisable.

But in signing this law, Johnson observed—not without some vehemence—that this was only the first of twelve "consumer laws" he has asked Congress to pass. The others would clamp down on loan sharks, purveyors of uninspected meat and land speculators who con old folks into buying swamps and shacks instead of land and a home to live in. This program has been stalled on the Hill so far.

Betty Furness, the president's special assistant for consumer affairs, is a cosmetic Ralph Nader, far more form than substance. Her grasp of the struggle between producer and consumer, and the awesome responsibility of government as arbiter, seems less than profound. And some feel that the spectacle of Miss Furness, yakking about TV repairmen or garage mechanics, weakens the ostensible seriousness of the President's commendable purpose.

Unless they deliberately turn the other way, some of the bright young men in the White House are eventually going to discover that auto insurance is becoming a major—and to a large extent unnecessary—drain and drag on almost every adult American—rich, poor and inbetween.

Here is an industry that involves 102 million licensed drivers in a national population of 200 million people.

Of an estimated 97 million registered vehicles, more than 80 per cent are insured.

In 1967 American motorists will have paid more than $10 billion in auto insurance premiums.

In the last year alone there were 53,000 people killed and 3,710,000 injured in 13,600,000 auto accidents that damaged 24,300,000 cars. And the National Safety Council estimates that in 1966 automobile accidents cost the American people $10 billion.

Fortune Magazine has described the present system of automobile insurance as an "impersonal mechanism of the market" that is "failing to fill the needs and desires of the public."

Three committees of Congress are struggling to launch an investigation of this "impersonal mechanism" which those who own and control it admit is becoming an economic anachronism.

More than one study of auto insurance has concluded that the present system is wasteful, self-defeating, unprofitable to underwriters, unfair to millions of policy holders, inequitable as to its availability, disruptive of the judicial system and even corrupting in its application to arbitrary classifications of insured drivers.

Actuaries in New York have testified that a substitute plan submitted by two professors of law from the universities of Illinois and Harvard, providing for automatic but limited recovery of damages without regard to blame, could save premium buyers as much as 25 per cent a year.

Any national administration that is sincerely committed to meaningful action in behalf of the consumers' interest, and is not simply content to crusade on valid but still comparatively peripheral consumer concerns, would by now be leading a movement to install a new automobile liability insurance system in the U.S.

So far the Johnson White House has indicated a mild interest. If it is at all aware of the gathering momentum in Congress for an all-out investigation of this archaic system, and the struggle to obtain action now and not several years hence, it has not made that awareness known.

And when the White House finally does tumble to this consumer crisis that cries out for attention, it had best assign its most experienced, competent and tough-minded warriors to the action. And leave Betty Furness in the kitchen.

SUPPORT MENTAL HEALTH OR I'LL KILL YOU

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. HALL] 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 New Jersey?

There was no objection.

Mr. HALL. Mr. Speaker, that great benefactor of the oppressed, Martin Luther King, is planning a vacation in Washington next spring. Accompanying him, according to King, will be hundreds, maybe thousands, perhaps even hundreds of thousands, all of whom will join together in a spirit of violent nonviolence to disrupt the city of Washington.

The alleged reason for this sudden increase in tourism in our Capital City is to see that the poor get what is coming to them. According to King, this will be the last desperate effort to use nonviolent methods to get a handout. I can only reflect that Mr. King's cerebral processes remind me of a bumper strip I saw recently, "Support Mental Health—or I'll Kill You!"

I only hope that GSA will have better sense than to issue any kind of permit to engage in any disruptive activity on Federal grounds. Surely they have learned from the recent demonstrations at the Pentagon puzzle palace.

POVERTY LEGISLATION

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. MICHEL] 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 New Jersey?

There was no objection.

Mr. MICHEL. Mr. Speaker, during the debate on the poverty legislation there were many instances brought to light of mismanagement and waste on the part of those who administer the program but one area where they seem to be quite resourceful is in applying pressure to Members of the Congress.

I have particular reference to a message from Mr. James Duffy, chairman, economic development committee, Action for Boston Community Development, which was included in a publication entitled "Consumer News," urging OEO beneficiaries to write their Congressmen as follows:

In your letter please tell them that you are opposed to the cut in OEO funds. You might describe what the program has done for you and your family.

Tell each Congressman you feel the program should continue to be operated by local, private, non-profit groups, controlled by the neighborhood people. Add that the program has done a good job—it's biggest difficulty was lack of money—that you feel sure that if the program were voted more money it would do a better job.

The October issue of Consumer News carries headlines such as "We'll Show You How To Find Money," "Christmas Is Coming and You Will Need Money," and then the publication goes on to provide shopping hints for such services as TV repairs, prescription drugs, low-priced food items, and low-cost loans.

I thought it might be appropriate if the Consumer News also carried a reprint of the help wanted section of the Boston newspapers so that those who are taking part in these poverty programs might have the opportunity to secure meaningful employment and thus fight poverty with their own resources which in the final analysis is the best weapon of all.

As a contrast to the Boston story, I am happy to include at this point in my remarks an article from the Washington Post of December 4, written by William Raspberry, outlining the activities of a Mr. William D. Wright who, along with two friends, has devised a program designed to provide work experience and job opportunities for Washington's jobless and underemployed and to help them to become self-supporting in meaningful work. This is the approach we Republicans tried to bring into the program with our opportunity crusade proposal and I agree with Mr. Wright that "this makes a lot more sense to me than all these poverty programs." The article follows:

NORTHEAST CAR WASH OFFERS STEP TO A BETTER LIFE

(By William Raspberry)

It isn't all that surprising that William D. Wright is running an insane operation. Wright himself is crazy.

How else do you describe a man who is in business but not to make money, who bummed around the streets without work for two years just to see how street bums make out and who is job hunting this week because he just gave his managerial job to someone else he thought deserved it?

Wright is the idea man and one of three owners of Stadium Car Wash at 29 45th st. ne. The operation, a year old last Saturday, was designed to provide work experience and job opportunities for Washington's jobless and underemployed and to help them become self-supporting in meaningful work.

When the weather is bad and the car wash is closed, employes are encouraged to use the free time to go job hunting. If they find work that pays 10 per cent more than the $1.40-an-hour base at the car wash, they get enthusiastic letters of recommendations from Wright. As a result, Wright is constantly losing his best workers, and he's proud of it.

He gives free passes to members of the Redskins and Senators teams just so the youngsters who work for him can have some models besides hustlers.

In addition, Wright will pick up the tab for any employe who wants to go to school, the only stipulation being that the employe must show the diploma he has earned. Wright finds it "rather disgusting" that only two employes are currently taking advantage of the opportunity.

"The basic idea was to get people to use this place as a stepping-stone," Wright explains. "As soon as a man comes on, we make him realize that this is not a job to keep for the rest of your life, although it is possible to work your way up from the bottom to manager."

One man has worked his way up, to the $160-a-week manager's post and that's why Wright is job hunting now.

The idea for the car wash came up during a dinner party at Wright's home. Wright, a high-school graduate, and two friends, Drs. Herbert Freidman and Paul Babarik, both psychologists, decided to give it a whirl.

After two years of research and some disappointing attempts at negotiating a loan, the three managed to put together about $47,000 by depleting their savings and mortgaging what they could. This paved the way for a $50,000 Small Business Administration loan, and the car wash was under way.

The three owners have agreed not to take any money out of the business, even to recover their initial investments, for at least three years, except for Wright's salary as manager.

For most of his 13 years in Washington, Wright worked as a dental technician and hacker. But for two years he became a jobless bum so he could gather information for a book he wants to write.

After two years of consorting with panderers, prostitutes and hustlers ("I even delivered pay-offs to the police for numbers backers") he "put on a white shirt and tie and stepped back into the middle-class world" in 1961.

The experience, he feels, has given him special understanding of the problems of ghetto life. He sees the car wash business as an escape route for the "underclass" he left behind.

What he wants now is for big business to do the same sort of thing he and his psychologist associates have done. "They could develop the business, run it for a year and then turn it over to the employers who, in turn, would repay the initial investment over a long period."

It is a great way to train the "underclass" for the business world, he believes. At least 20 of the 200-odd employes he has had in the last year have moved on to better jobs, he said. "You have to be realistic enough to know that there are some you won't be able to help—the guys who work a day or two so they can buy a bottle of wine."

As soon as the car wash becomes a really solid operation, Wright hopes to open service stations and other such businesses and turn them over to the employees after they are established.

"This makes a lot more sense to me than all these poverty programs," he said.

DISSENT OR DESTRUCTION?

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. RUMSFELD] 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 New Jersey?

There was no objection.

Mr. RUMSFELD. Mr. Speaker, Eric Sevareid, CBS news analyst, can speak for himself, as millions of television viewers can testify. That Mr. Sevareid can speak for thousands of concerned citizens is attested by his recent article

in Look, entitled "Dissent or Destruction?"

Sevareid argues that "these are odd times" and that today's protests "have gone so far as to be senselessly harming the causes themselves, corroding the reputations of the most active leaders, and loosening some of the cement that holds this American society together."

Mr. Sevareid offers an interesting insight into a problem which is deeply troubling to the Nation. I insert for the RECORD the full text of his article:

DISSENT OR DESTRUCTION?

(By Eric Sevareid)

These are odd times. Tens of thousands of Americans of every age, color, sex, and economic and intellectual condition are daily and hotly invoking every right and privilege mentioned in the Constitution, the Bible and Bartlett's *Familiar Quotations*. Others are busy invoking self-serving "higher laws" to supersede the national rulebook. None of them seems familiar with the words "duty" or "obligation."

The production curve on putative saints and martyrs has been rising rapidly—possibly in direct proportion to the availability of press and TV cameras. The country bears the aspect of one vast wailing wall, washed down daily with the tears of the self-pitying.

The general import of their varying messages, taken as a whole, seems to be that: all American policemen have joyfully renounced their days off in order to bludgeon Negroes as a wholesome exercise; the armed services of the United States, drunk with bloodlust, eagerly notch their guns for every Vietnamese civilian they kill; administrators burn the midnight oil in order to conceive new ways to coerce, threaten, silence and otherwise "alienate" that oppressed *lumpen-proletariat*, American college students.

And all the while, a mysterious group known as the "Power Elite" or the "Establishment" sits in Washington, New York, Chicago and Los Angeles, fat cigars in one hand, telephones in the other, engaged in a round-robin conversation featured by chortling remarks, such as "Hi, fella, how many of the downtrodden did you trod on today?"

As a result of all this, the familiar quotation that comes first to mind for an increasing number of other Americans is one of the opening lines of *The Man Who Came to Dinner*—"I may vomit."

Still others who believe firmly in free speech can no longer find the strength even to murmur Voltaire's celebrated remark that while he disapproved of what you say, he would defend to the death your right to say it, because they are already half-dead—with boredom.

When we reach the point, which we have, where an organization is formed, called "Proxy Pickets," to rent out picketers for any cause at so much an hour, then we know that the fine, careless rapture of this era of protest is all over and that the corruption of faddism has begun to set in. Every movement becomes an organization sooner or later, then a kind of business, often a racket. This is becoming the age of the cause Cause. Kids will soon be hanging around back lots trading causes the way they used to trade aggies.

One of the oddest things about the period, no doubt, is that anyone like me should feel moved to say these things. I have always believed in the Negro "revolution," if that's the right word. I have not believed, for some time now, in the Vietnamese war because to me the official rationale for it simply does not add up, and as a college kid in the thirties, I was a hollering "activist" and even voted for that Oxford oath—"I will not fight for flag or country" (though I couldn't sleep that night for doubts about it, which will merely prove to today's hip set that I had the seeds of squaredom in me at an early age).

But it seems clear to me now that a high percentage of today's protests, in these three areas of civil rights, the Vietnam war and college life—all of which commingle at various points—have gone so far as to be senselessly harming the causes themselves, corroding the reputations of the most active leaders and loosening some of the cement that holds this American society together. There never was any real danger that this country would find itself groaning under Fascist oppression, but there is a measure of real danger that freedom can turn into nationwide license until the national spirit is truly darkened and freedom endangered.

The notion is abroad that if dissent is good, as it is, then the more dissent the better, a most dubious proposition. The notion has taken hold of many that the manner and content of their dissent are sacred, whereas it is only the *right* of dissent that is sacred. Reactions of many dissenters reveal a touch of paranoia. When strong exception is taken to what they say by the President or by a General Westmoreland, the dissenters cry out immediately that free speech is about to be suppressed, and a reign of enforced silence is beginning.

What is more disturbing is that a considerable number of liberal Left activists, including educated ones, are exhibiting exactly the spirit of the right-wing McCarthyites 15 years ago, which the liberal Left fought so passionately against in the name of our liberties. For the life of me, I cannot see the difference in morality between the right-wing woman in Texas who struck Ambassador Adlai Stevenson and the left-wing students and off-campus characters at Dartmouth College who howled down ex-Governor Wallace of Alabama and tried to smash his car.

The use of force to express a conviction, even if it takes so relatively mild a form as a college sit-in that blocks an administration building, is intolerable. When Dr. Martin Luther King, who may well be one of the noblest Americans of the century, deliberately defies a court order, then he ought to go to jail. Laws and ordinances can be changed, and are constantly being changed, but they cannot be rewritten in the streets where other citizens also have their rights.

I must say that, kooky as we may have been in that first real American student movement in the thirties, we never, to my memory, even dreamed of using force. We thought of the university, much as we often hated its official guts, as the one sanctuary where persuasion by reason must rule alone and supreme, if the university itself were to be preserved from the outside hands of force and unreason. What makes today's college activists think they can take the campus forcibly into national politics without national politics—in the form of police or legislature or troops—forcibly coming onto the campus? (Some of the activists, of course, are pure nihilists and *want* this to happen, but that's another story.)

The wild riots that have exploded in the Negro areas of American cities the last few summers should not be confused with protest movements. Most of them do not even deserve the designation of race riot. We had genuine race riots in Chicago, Detroit and Tulsa nearly half a century ago, whites against Negroes, and mass murders occurred. Nearly all the recent summer-night riots have chiefly involved Negro kids smashing and looting the nearest property, most of which was owned by other Negroes. This is sheer hoodlumism, involved as its psychological and sociological origins may be. It is a problem for sociologists, psychologists and economists only in the second instance. In the first instance, it is a police problem, as are the episodes of mass vandalism staged by prosperous white kids on the beaches of New Hampshire or Florida. Majorities have a right to protection quite as much as minorities, heretical as this may sound.

If there were no protests at all about the Vietnamese war, the American society would really be in sad shape. We were in this war very deeply almost before the average busy citizen grasped what had happened, and there was no serious congressional debate on the issue until the winter of 1966. The present national disunion, including the disaffection of so much of the "intellectual community," is just what happened in the War of 1812, the Mexican War of 1846–1848, the Spanish-American War and the war in the Philippines that followed. As historian Henry Steele Commager has pointed out, the only wars during which the President had all but universal support were the two world wars, and both were debated and discussed all over the nation for many long months before we got into action.

So the present protests about Vietnam are entirely within the American tradition. Even so, the law, public necessity and human reason must impose certain limitations.

It is outrageous and insupportable for anyone to desecrate the flag, the one symbol of nationhood that reminds all citizens of the country's meaning. It is disgusting for paraders to chant, "Hey, hey, LBJ, how many kids did you kill today?" These deaths in battle are eating at his soul, too, and vulgarities can help no high-minded cause.

It is a crime for rioters to terrorize cities as they did in the disgraceful upheavals in Newark and Detroit.

It is silly for a group of American artists to ask Pablo Picasso to withdraw his famous Spanish Civil War painting, *Guernica*, from the Museum of Modern Art in protest against our bombings in Vietnam.

It is unreasonable to become indignant about the civilian casualties our forces accidentally cause in Vietnam while remaining silent about the thousands of assassinations of civilian leaders by the Vietcong's "murder committees." The President rightly calls this "moral double bookkeeping."

It is unfair to say that some members of Congress don't mind the war because it helps defense industries in their districts, as Senator Fulbright did say—and then apologized.

It is damaging to the national awareness of reality, and to his own name and cause, for Dr. King to declare that the U.S. "is the greatest purveyor of violence in the world," and that "we may have killed a million (Vietnamese civilians)—mostly children." These statements are untrue. The first is a subjective generalization. The second bears no relationship to what civilian casualty figures we have been able to gather.

It is unreasonable to maintain that President Johnson does not *want* a negotiated peace and is intent on a military victory, because to say that is to say he has deliberately and repeatedly lied to the people, and for that, there is no convincing evidence.

If some of the war protesters go out-of-bounds, so do some of the war supporters and counterprotesters:

It is unfair for them to charge that the protesters are "letting the boys down." Serious protesters want to save the boys entirely by getting the war ended, and in the meantime will insist they have every bullet and article of use they require.

For the same kind of reason, it is unfair for the President to imply, as he did, that a Medal of Honor winner died by an enemy weapon shipped down during one of the bombing pauses. Rightly or wrongly, those calling for a pause in the bombing believe it may lead to an armistice saving the lives of *all* our heroes in Vietnam, and while they can only ask for the pause, it is the President who decides it.

It is grossly self-serving for Administration spokesmen to imply repeatedly that our domestic disunion over Vietnam keeps Hanoi

fighting on in expectation that we will quit the war. Of course, Ho Chi Minh's regime *hopes* our will is going to break; but the overwhelming American reality they see before their eyes and that surely governs their reactions is our ever-increasing land force and our continuous bombing of the North. I am persuaded that were there no debate whatsoever in this country, Ho's regime and the Vietcong would be fighting just as relentlessly as they are today.

It was pettifogging, and indeed illegal, for General Hershey to support the drafting of young protesters by deliberately reclassifying them 1-A. The draft is not a punitive instrument.

It was pettifogging for state boxing commissions to strip Cassius Clay of his title—even before his conviction—because he refused to accept the draft. If he can lick any man in the world, he's still champion of the world. These silly irrelevancies are counterproductive.

It is wrongheaded for any maritime union to refuse to load or unload a foreign ship because they disapprove of that nation's philosophy or actions. It is hard enough for the Government to conduct foreign policy, without such presumptuous handicaps.

I happen to feel that the experience of American Negroes these many generations is the one deep stain in the American national soul. I cannot help a greater readiness to condone their excesses than those of prosperous white college students (though the law cannot be morally choosy). But there are some basic misconceptions about both.

One is that youths of both colors have been driven to action because their conditions of oppression were becoming intolerably miserable. The reverse is the truth. The barriers to Negro equality were beginning to fall before the period of mass physical action set in; this, in fact, is *why* mass action swept the nation. It is a commonplace now among social historians that change produces revolution before revolutions add to and institutionalize change. Basically, it has not been the street orators and marchers who have been bringing desegregation, for example; the marchers were set in motion by the fundamental changes of principle and law won in the courts by the quiet work of leaders like Roy Wilkins and Thurgood Marshall.

Totally oppressed people, here or in Africa or Asia, do not go into action. It is when the chains have been loosened, when they see some light at the end of the tunnel, that is, when *hope* is aroused, that the people arouse themselves.

In a certain sense, this pattern also applies to white college students protesting their "alienation" and the "establishments" they feel oppress them. Youth in any generation feels alienated because youth is the precarious, emotionally uprooted stage between childhood and maturity. But while individual youths of any generation are self-conscious because of this biochemical transition, today's collective self-consciousness of the young was not generated by them. The great American "youth cult" was generated by older people concerned with youth, from popular psychologists to advertising writers who realized that youth for the first time had sizable spending money, to publishers of girlie magazines who realized old moral barriers were giving way—and not, incidentally, from pressure by the young.

It is easy to sympathize with students in the massive institutions who feel they are treated as index-card numbers, not as individual souls, and various forms of decentralization must come about. But these youths will never persuade the graduating classes of the thirties, who faced the quiet desperations of the jobless Depression *and* the unmistakable imminence of a vast world war, that their lot is a tragic one. From my own life experience and travels, I would happily hazard the conjecture that to be young and to be a student in the United States of today is to enjoy the most favored condition that exists for any large, identifiable group anywhere in this world.

But experience, as every parent knows, is scarcely transferable. That hilarious slogan—"you can't trust anybody over thirty"—is, indeed, the explicit denial of the validity of experience.

When I listen to the young vigorously suggesting that if *they* had the governing influence, peace, love, beauty and sweet reason would spread o'er the world, I am tempted to remind them of the barbarities of the Hitler *Jugend*, the Mussolini Youth, the Chinese Red Guards, the Simbas of the Congo—but perhaps that would be over-egging the pudding, as the English say.

When I hear the passionate arrogances of a Mario Savio (the Berkeley fellow) or read about hundreds of University of Wisconsin students smashing windows and stopping traffic because they're sore about a bus-route schedule (or was it the price of textbooks?), I mutter to myself a private remark of Winston Churchill's: "I admire a manly man and a womanly woman, but I cannot abide a boyly boy."

If youth were complacent, devoid of the spirit of innovation and challenge, we would be in a bad way because some of the source springs of the American genius would dry up. Yet I think the "generational gap" in viewpoint will always be with us, for this reason: Youth can measure society only in one direction—forward, from things as they are, to their ideals. Older people, by the imperatives of experience, must add two other equally valid directions—backward, to things as they used to be, and sideways, to the other societies in the world they know.

Older people know something else: that the Savios, the Adam Clayton Powells and the Stokely Carmichaels are not, despite appearances, genuine leaders. Because they are not the strong men but the weak ones. They have not the moral stamina for the long haul, with its inevitable routines and periods of boredom. Eloquence, brilliance and perhaps even physical bravery are not what count in the end. What counts is the quality the Romans defined and respected above all others—*gravitas*, meaning patience, solidity, weight of judgment. As Eric Hoffer puts it, "people in a hurry can neither grow nor decay; they are preserved in a state of perpetual puerility."

Furthermore, it is usually true that the habitual protester, the man with a vested emotional interest in protest, unconsciously does not *want* his goals to be realized. Success would leave him psychically bereft. Many successful revolutionaries in other lands had to be replaced as leaders when the new order of life was installed, partly because of their practical incompetence, partly because they continued in one way or another as protesters, as their nature obliged them to do.

There is a great deal wrong with American society of mid-twentieth century. There are some very ugly areas in our life; but never have they been so thoroughly exposed, researched and organized against. Never in our history have we seen an assault on these evils mounted on the level of Federal action to compare with the legislation and programs started under the Kennedy and Johnson Administrations, particularly the latter. Were it not for the creeping calamity of the Vietnam war, Mr. Johnson would, I think, stand revealed to everyone as one of the most vigorously humanitarian Presidents America has had, in spite of those personal crudities that upset the fastidious.

America has never been a frozen, rigid society, caught in conformity. At times we may seem becalmed, but as the Frenchman Jacques Maritain wrote, "Wait a moment, another current will appear and bring the first one to naught. A great country, with as many windshifts as the sea." We are not repeating the experience of Europe, whatever the Marxists and other doctrinists may think. America has eloped with history and run away with it, says Eric Hoffer

Conformity, mass-mindedness? Go to the totalitarian or to the primitive societies if you wish to see them. Not here. If we live in a web of conforming laws and regulations, it is *because* we are so individualistic, so infinitely varied in our ideas, desires, ambitions and fears, and so very free to express them and to act upon them. Those who despair of getting public action on, let's say, our fearful urban problems, are wrong in thinking this is because "people don't take enough interest in public affairs." It is for the opposite reason; it is because so many groups, interests, points of view conflict. Ask any mayor. Ask any congressman whose desk is daily heaped with windrows of petitions, complaints, suggestions or denunciations.

It is not our freedom that is in peril, in the first instance. We have never had more freedom to speak out, to organize, to read what we choose, to question authority, whether political or cultural, to write, to film, to stage what would have been impermissible years ago. Never has the police authority been more restricted, never have defendants been so girded with legal protections.

Our freedom will be imperiled only if it turns into license, seriously imperiling order. There can be no freedom in the absence of order. There can be no personal or collective life worth living in the absence of moderation. Repeatedly, since the ancient Greeks, people have had to relearn this. Aristotle expressed it no better than Edmund Burke, the Anglo-Irish statesman, who said:

"Men are qualified for civil liberties in exact proportion to their disposition to put moral chains upon their own appetites . . . society cannot exist unless a controlling power upon will and appetite be placed somewhere, and the less of it there is within, the more there must be without. It is ordained in the eternal constitution of things that men of intemperate minds cannot be free. Their passions forge their fetters."

PROJECT WINNETOUR

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from South Dakota [Mr. REIFEL] 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 New Jersey?

There was no objection.

Mr. REIFEL. Mr. Speaker, the romantic atmosphere of American Indians, their arts, crafts, and mainly their attitude toward nature, has always had a great appeal to the overurbanized population of Europe. While war temporarily interrupted this trend, postwar reconstruction, industrial development, and technical programs have increased the inclination of Europeans to romantic retreat to nature, so beautifully symbolized by the American Indians.

I am very much impressed by the potentialities of a project specially designed to bring tourists to American Indian areas from abroad, particularly from Europe and Asia. In addition to my own State of South Dakota, Indian areas in Missouri, Oklahoma, Texas, New Mexico, Arizona, Colorado, Wyoming, Montana, Utah, Nevada, Idaho, North Dakota, and Wisconsin would benefit substantially from the project.

Known as Project Winnetour, the plan to integrate the customs, crafts and other resources of the Indians of the Rocky Mountain area into a total tourism industry is sponsored by Illustrative Services International. It was initiated by Miroslav Gregory, Washington, D.C., artist and writer, and developed in cooperation with Mrs. Jeanne Wasile, employment specialist, also of Washington, D.C.

The U.S. Travel Service has assured the sponsors of Project Winnetour that it is "anxious to cooperate in the promotion of international travel" to the Indian areas. It comments:

The Indian cultures of the West possess all the basic requirements of a healthy tourist industry; music, design, dance and architecture.

Their areas offer a unique and spectacular geography. Very importantly, the image of the Indian is well fixed in the minds of other people everywhere and presents an attractive, pre-sold travel product.

Commissioner Robert L. Bennett, of the Bureau of Indian Affairs, views Project Winnetour as presently proposed as having "great merit in offering income and employment benefits to American Indians, stimulation of both domestic as well as foreign travel to Indian areas, and would contribute to a deepening of mutual understanding between people of the United States and other countries."

He has pointed out that more than 400 manufacturing, processing, and mineral industry companies, plus several thousand commercial and service enterprises, have been established on Indian reservations through the investment of outside capital and are owned and operated by non-Indian entrepreneurs.

Project Winnetour consists of two parts, as visualized by the sponsors:

First, how to stimulate increase of tourism to the United States, in cooperation with European movie producers, publishers, existing Indian clubs and air and ship lines; and

Second, how to use existing European interest in American Indian lore and culture to increase employment, creativity and self-respect of American Indians.

Because of possibly rerouting of visitors to the Olympic Games in Mexico to the United States American Indian areas in October 1968, research and development and other phases of Project Winnetour have great urgency. A camper tour of German tourists to the American Indian areas is already developing much interest.

FEDERAL ELECTION DAYS TO BE MADE LEGAL HOLIDAYS

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. BUSH] 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 New Jersey?

There was no objection.

Mr. BUSH. Mr. Speaker, I would like to take this opportunity today to introduce a bill designed to make Federal election days legal public holidays. By allowing the voter to cast his ballot at the time most convenient to him, hopefully the long, tiresome lines at the polls would be eliminated. The additional time to study today's long ballots with extensive referendum questions would result in a more informed, intelligent vote. As the world's leading democracy, the United States should be ashamed of its lack of voter participation. I think we should force public attention on the voting process in an effort to increase voter participation.

Having considered these and other points, I would like to submit the bill for the consideration of the Congress and urge its passage.

IMPROVING USDA CROP AND LIVESTOCK REPORTS

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from North Dakota [Mr. KLEPPE] 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 New Jersey?

There was no objection.

Mr. KLEPPE. Mr. Speaker, I have today introduced legislation designed to improve the accuracy of the Department of Agriculture's statistical reports on livestock, poultry, and field crops.

Under my bill, which is similar to that introduced by 25 other Members of this body yesterday, county extension agents engaged in cooperative agricultural extension work would be contacted by the Agriculture Department in making its monthly crop estimates.

Farmers throughout the United States have complained bitterly because of the financial damage done them by the erroneous crop and livestock estimates issued by the Department of Agriculture. I do not think that the answer lies in eliminating the service that the Department renders in this regard, but instead we must upgrade the accuracy of the reports. The legislation I introduced today would help accomplish that.

Examples of the error in the crop and livestock are well known to the farmers and ranchers affected. For example, cattle numbers were underestimated by the Department by some 2,305,000 head. When that estimate was revived upward, prices received by the producer were depressed.

Similarly, the Department somehow "lost" 5 million turkeys. This had a price-inflating effect on the 1966 market, and those inflated prices contributed to overproduction and depressed prices in 1967.

Finally, it now appears that the USDA will revise sharply upward its estimate of the 1967 spring pig crop this December. Such an increase at this date will probably have a depressing effect on prices. It now appears that the 1967 spring pig crop will be 5 to 6 percent above 1966. The 1967 fall pig crop will probably be up 2 to 3 percent, and the 1968 spring pig crop wil be up 2 or 3 percent. The fact is that we are moving higher from an already high base. Mr. Speaker, this means that we are going to have too many hogs coming to market in 1968.

The legislation I have introduced would help eliminate these inaccuracies from USDA reports. I hope that we can look forward to early action on this bill. It is something the American farmer needs and deserves.

BURGEONING BURDEN OF TAXES

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. VANDER JAGT] 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 New Jersey?

There was no objection.

Mr. VANDER JAGT. Mr. Speaker, an article in the Wall Street Journal for Monday, December 4, 1967, notes that there could be an increase in the Nation's tax bill in the range of $12 to $14 billion resulting from actions at the Federal level alone This increase does not take into account the increases that might result from mounting pressures on State and local governments to impose higher taxes It is entirely conceivable that the total increase at all echelons of government might approach $20 billion annually in the next several months

We are reaching the saturation point in regard to the coverage of tax sources and the point of diminishing returns with respect to the high level of tax rates. The Wall Street Journal article also points out that on the basis of estimates by the staff of the Joint Committee on Internal Revenue Taxation, if tax rates were to be made 100 percent—complete confiscation—on all taxable income in excess of $25,000–$50,000 per joint return—the revenue gain from such a confiscatory tax schedule would be only $2.1 billion.

The article points out that next to our defense outlay the largest single budget item is the approximately $14 billion in annual interest charges on the $343 billion national debt. This staggering interest payment does not provide for a single dollar of debt retirement. In the absence of a meaningful debt reduction program, these annual interest charges will go on in perpetuity and if we continue deficit financing the annual cost of carrying the debt will grow and grow and grow as an increased burden on our oppressed taxpayers.

With respect to the annual cost of the debt, the following might be noted. Assume an average American family of four with an annual income of $6,000. Such a family would pay $450 in Federal income taxes. Dividing the annual tax payment for such a family into the $14 billion carrying charge on the public debt we find that it would require the tax payments of 31.1 million of such families to pay those carrying charges without any of their tax payments going for any other purpose.

Mr. Speaker, a careful reading of this informative Wall Street Journal article clearly points to the urgent importance of achieving control over our govern-

mental expenditures. If we are not successful in practicing spending discipline higher tax burdens will be inevitable. The Wall Street Journal article notes that in 1967 American taxpayers paid $213 billion in taxes and fees to our governmental units. The amount is equal to almost 29 percent of the gross national product. When it is considered that government as such creates no economic wealth that did not exist before, it becomes apparent the extent to which we have gone in socializing the productive endeavors of our citizens.

The article follows:

APPRAISAL OF CURRENT TRENDS IN BUSINESS AND FINANCE

The old saw about the certainty of taxes would seem to have a corollary: Those taxes usually rise. It was as recent as the fiscal year 1956 that taxes collected by all levels of government in the U.S. first exceeded $100 billion. In fiscal 1967, receipts broke through the $200 billion level. Measured on a per capita basis, since 1956 the tax bite has declined in only two years.

Now comes the growing likelihood of higher Social Security taxes, plus the strong drive the Administration will continue to make in next year's Congressional session for a 10% boost in income taxes. The effect of these and other possible actions on the Federal tax front could lead to an increase in the total tax bill at a yearly rate of $12 billion to $14 billion or more if the economy does not go into a nose dive. Deepening the gloom for taxpayers—and that includes nearly all of us—are the increasing warnings from officials of states and cities that they must seek increased revenues.

Thus it would seem a timely exercise to look at the overall tax picture. Some light is shed on the tax load Americans bear in studies by the nonprofit Tax Foundation and New York's Chase Manhattan Bank.

Last year, Chase reports, we paid some $213 billion in taxes and fees to all governmental units. That amount is equal to almost 29% of the gross national product. The Federal share of these collections amount to about 19% of GNP. That's below the 20% to 23% paid in the United Kingdom, France and West Germany, but much more than Canada's 15.5% and Japan's 13%.

Over the long range, our tax burden has risen sharply. In 1939, the total tax "take" was equal to only 17% of GNP, compared with last year's 29%. In 1929 the figure was a mere 11%. Two world wars, many smaller conflicts, the Depression and growing public responsibility for social welfare among a rising population have fueled the increase.

Another way to look at the tax burden is to relate all tax receipts to total population and the number of families. The following table shows total Federal, state and local government tax receipts for selected fiscal years, ending June 30, and on a per capita and per family basis. Total taxes exclude government fees but include social insurance payments and business taxes; the Tax Foundation, which compiled the figures, assumes the burden of the corporate tax is shifted to individuals as a cost of doing business.

Year	Total taxes (billions)	Per capita	Per family
1956	$100	$600	$1,897
1960	127	709	2,264
1965	166	860	2,768
1967	207	1,048	3,385

While Uncle Sam remains king of the tax collectors—over two-thirds of total receipts in fiscal 1967—the tax receipts of the other 90,000 governmental units in the U.S. are rising considerably faster. State-local tax revenue per person rose by about 79% from 1957 to 1967, compared with the 54% climb in Federal taxes.

Moreover, hard-pressed states and localities find a growing proportion of their general revenues coming from taxes Washington has levied. Federal grants in aid last year accounted for 16% of state-local governments' general revenues, making Washington the third largest source of funds for these governments, ranking right after real estate and sales taxes.

The increasing tax appetite of nonfederal governments is shrinking the untapped sources for new revenues. Today, New Hampshire remains the only state without taxes on general sales, corporate or individual income (except from dividends and interest). Thirty-five states now tax individual income; 40, corporate income; 44, general sales. The lure of the levy on personal income has brought some 1,300 municipalities into that taxation area.

Though nearly everyone shares the tax load, the bulk of it is borne by individuals and families with yearly incomes between $5,000 and $25,000; they pay two-thirds of the huge Federal income tax alone.

If we "soaked the rich" or near-rich, couldn't we erase the expected towering Federal deficit without raising taxes generally?

Figures from the Congressional Joint Committee on Internal Revenue Taxation show that a 100% tax—complete confiscation—on all taxable income in excess of $25,000 ($50,000 for joint returns) would produce a revenue gain of only $2.1 billion. Extending the 100% tax to all taxable income over $10,000 ($20,000 for joint returns) would net $31.2 billion. Those sums compare with a budget deficit of as much as $35 billion that's envisioned by President Johnson unless he gets the 10% tax surcharge.

Americans are well aware that the biggest chunk of their Federal taxes goes to maintain the military establishment. But it may surprise some that the next biggest tax outlay goes for interest on the national debt. A married man with two children who earns $10,000 a year pays $1,114 in Federal income taxes; $623 goes for defense, $117 for interest on the national debt.

Interest costs on the mounting national debt put severe upward pressure on taxes. These interest costs are estimated at $14 billion-plus for fiscal 1968, nearly double the cost in 1957. Adding to taxpayers' woe is the high cost of refinancing the $343 billion national debt. The Treasury now must pay the highest interest rates since the post-Civil War days.

Even without the Vietnam war, the cost of which has been rising from $100 million in fiscal 1965 to an estimated $25 billion-plus this fiscal year, the tax burden will remain heavy. Without the war, pressures for expanded domestic spending programs will be greater. The U.S. economy is a mighty machine for producing tax revenue; when healthy it generates an additional $10–$12 billion yearly, with no change in tax rates. But even if Federal revenue demands should slacken, chances are high that the public's appetite for improving the "quality" of living will keep the total tax bill moving upward in coming years.

—STERLING E. SODERLIND.

PUC TO HEAR ABOUT ATOMIC ACCIDENTS IN 21-YEAR PERIOD

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SAYLOR] 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 New Jersey?

There was no objection.

Mr. SAYLOR. Mr. Speaker, 2 weeks ago, I inserted in the CONGRESSIONAL RECORD several editorial clippings from a Denver, Colo., newspaper, dealing with the application before that State's Public Utilities Commission by a private power company to build a nuclear electric generating plant.

At the time, several interested groups had requested permission to be intervenors in the case; however, the PUC has ruled against such intervenors, other than a statement of interest to be submitted by the Colorado Open Space Coordinating Council, Inc.

It would seem to me that the PUC, which is supposedly to act, in its own words, "in the public interest," would be soliciting the opinions of others in reviewing this application, rather than arbitrarily rejecting such statements.

I wish to include as a part of my remarks a subsequent article in the Cervi's Rocky Mountain Journal as to the evidence being presented to the PUC on the number of known atomic reactor accidents between 1945 and 1966:

PUC TO HEAR ABOUT ATOMIC ACCIDENTS IN 21-YEAR PERIOD

(By Douglas Bradley)

Evidence on 214 known atomic reactor accidents between 1945 and 1966 is scheduled to be presented to the Public Utilities Commission (PUC), along with correlated statistics on peril involved to human beings, *Cervi's Journal* learns.

Whether the data will be taken into consideration by the PUC in its hearings on an application by the Public Service Co. of Colorado (PSC) to build a nuclear electric generating plant near Platteville, is still in doubt.

The PUC has not yet ruled upon the right of would-be protesters and intervenors to enter the case, on which public hearings are tentatively expected to be resumed in mid-December.

Last Friday, the PUC also received a petition from area residents protesting the Platteville project.

The PCS's nuclear plant will be of an experimental and unproven nature encompassing new methods in operation and construction.

It has met with strong opposition from labor union and other sources which question it as a potential threat to the safety of Coloradans.

In addition to the known reactor accidents, upon which official reports have been scanty in line with the policy "not to scare" the public; there have been a number of mishaps on nuclear projects, about which no information has been released.

This is defended as being "in the national interest" although development of the peaceful atom has no avowed tie-in with national security.

Last Saturday, there was another major nuclear power station accident in Japan whose atomic program is closely linked with the latest American know-how.

According to news dispatches, five workmen were injured trying to keep flames from radioactive material in the new atomic power plant. The nuclear station's officials announced that "it was unlikely any radioactive leaks developed."

Unlikely! But it is the public that must take the over-all risk in such accidents.

One of the experts tabbed to give evidence before the PUC is Leo Goodman, an executive aide to Walter Reuther, president of the United Auto Workers, and head of the Atomic Energy Technical Committee of the IUD, AFL-CIO.

Goodman, in congressional testimony this year, quoted medical studies showing the increasing incidence of cancer and its relationship to exposure to radioactivity.

He said the studies showed that out of 10,000 men who had worked one year or more in underground uranium mining on the Colorado Plateau, some 6,000 were marked for death from lung cancer alone.

The Atomic Energy Commission (AEC) protests that radiation hazards in government and commercial nuclear plants—for employees—have been reduced to acceptable levels.

Goodman, and other experts, while allowing that logical steps have been taken to minimize the dangers, assert the record shows that the efforts have been only partially successful.

Goodman says that in any case, when the unforeseen accident occurs, the circumstances can be that no precautions will ensure the safety of the populace from radioactivity.

"In a nuclear accident, who knows how many are affected?" he questioned during an interview with Cervi's reporter.

"The human senses do not recognize the presence of radioactivity. The human body is not equipped to recognize the existence of the peril.

"If radioactivity is released from a nearby plant, the average citizen would have no idea how he was affected because he lacks the proper instruments of detection. That is one of the insidious effects arising from the problem."

Richard F. Walker, an assistant vice president of the PSC, told the PUC that no accidents had occurred in commercial atomic plants.

He has not been filled in, apparently, on the "accident" at the Enrico Fermi Atomic Power Plant (Detroit Edison Co.); the malfunction breakdowns at Shippingport, Pa. (Westinghouse-DuCayne of Pittsburgh); and the fiasco at Hallam, Neb. (Public Service Co. of Nebraska.).

There is semantics involved on whether ownership is government (Atomic Energy Commission) or private (utility company).

Will the public care whether the nuclear plant is a federal or private power project, if the atom runs rampant?

The effects won't be any different to the public, it is pertinent to stress, whether radioactivity is released to the atmosphere by federal or private authority.

When the atom breaks, it splits into a variety of isotopes. These are the dangerous products. They are in the fuel element. When the fuel element burns, they are released to the atmosphere and create a danger to human life.

Until the nation's 15 commercial plants were built, all reactors were "government owned."

Walker's distinction between commercial and government nuclear plants has a misleading connotation in that many of the federal plants were destined for commercial production, and are tied in to the nation's electric grids.

And the government-private industry partnership extends to Canada, where the NRX and NRU reactors at Chalk River have been producing electricity for the grid system in Ontario.

The two Ontario reactors have been involved in accidents involving the release of radioactivity. There was a power burst on May 23, 1958, at NRU, and a fuel protection failure there on Dec. 19, 1961.

At NRX, on Dec. 12, 1952, there was a violent power surge malfunction, and on July 25, 1955, heavy water atomic contamination was sustained.

There are 36 major privately owned utility companies in the United States.

Through their trade association, they have been urged by the Atomic Energy Commission to get into the nuclear power business.

Some utilities, of course, already have nuclear power plants. Others, like the PSC, are moving toward that end. Some companies have two plants, and in one case, the Commonwealth Edison Co. of Chicago, four plants is the goal, with one now operating at Dresden.

The current AEC projection is for 50 nuclear power plants. Eight are now in process of being built or are on the drawing boards.

Opponents of the AEC program insist they are not against the controlled development of nuclear power for the benefit of mankind.

They would prefer to see the American use of the peaceful atom however, run under military scientific auspices rather than the Gargantuan "spendthrift" AEC. They point to the better safety record and more careful husbandry of the military.

They cite, as a precedent for military supervision, the over-all task performed in reclamation projects by the Army Corps of Engineers.

Military authority over nuclear projects is the Utopia.

If that is a Utopian dream, then compromise is urged by the building of orthodox plants along the lines of conventionally proven concepts, rather than the ever increasing recourse to sophisticated experimentation—viz. the PSC plant at Platteville, 30 miles north of Denver, to be known as the Fort St. Vrain Nuclear Generating Station.

Although the AEC cajoled the PSC into taking on the constuction of St. Vrain, it directed the PSC to first obtain a license from the Colorado PUC. This move was to harness state participation in the AEC's conceived program of turning the nation's nuclear plants over to the private utilities.

There is an aura of formality about the PSC's application to the PUC. The AEC will take the PUC largely off the hook so far as the safety factor is concerned.

The AEC will hold public hearings near St. Vrain which will be conducted by the Atomic Safety & Licensing Board.

Here again, this will be allegedly something of a grandstand play to reassure the public that St. Vrain will pose no risk to the public.

Heavy emphasis has been placed in PSC press releases that local material and labor will be used to the fullest possible extent.

The one safeguard that really does exist for Colorado is that St. Vrain cannot go ahead until a nine-month review period of full-power operation of the Peach Bottom Atomic Power Station in Pennsylvania is completed.

Peach Bottom is a prototype for St. Vrain which is destined to be eight times as large.

The Public Service Co.'s stimulation toward nuclear generation of electricity goes back to 1954. But it was in April of 1958 that the PSC entered into an agreement with the General Atomic Division of General Dynamics Corp. to sponsor development of a high temperature, gas-cooled reactor as planned at St. Vrain.

General Atomic has since been taken over by the Gulf Oil Co., which has agreed to honor the partnership with PSC.

Another private utility, the Philadelphia Electric Co., built the plant at Peach Bottom.

That plant has suffered three known major accidents: an outbreak of fire on Feb. 3, 1965; leaks from the steam generator tubing on May 3, 1966; and a fuel elements failure on May 14, 1966.

The output of electricity has been dismal. For September 1967, the last published figure, the output was zero.

If it should suffer another accident of significance before its nine-month review deadline is completed in March 1968, the green light for St. Vrain may never be turned on.

SAN RAFAEL WILDERNESS BILL CONFEREES SHOULD AFFIRM PRINCIPLE OF CITIZEN PARTICIPATION IN WILDERNESS REVIEW PROCESS

Mr. HUNT. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SAYLOR] 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 New Jersey?

There was no objection.

Mr. SAYLOR. Mr. Speaker, the following editorial in the New York Times of December 1, 1967, neatly sums up my position on San Rafael Wilderness bill, S. 889, scheduled to be the subject of a House-Senate conference on Thursday of this week:

SAN RAFAEL WILDERNESS

A major principle is at stake in a minor provision of the San Rafael Wilderness bill now deadlocked in a House-Senate conference.

The bill as passed by the Senate would establish the 143,000-acre San Rafael tract in southern California as a wilderness area in accordance with the procedures set forth in the Wilderness Act of 1964. The House in approving the bill last month added a 2,200-acre section to the original proposal of the Forest Service because local conservationists from Santa Barbara urged its inclusion. This small section is important because it is scenic, it is archeologically significant and it is part of the habitat of the condor, now in danger of extinction.

The Wilderness Act was designed to encourage private citizens and private conservation organizations to participate in the hearings leading up to the designation of new areas as wilderness. To guarantee that their views would be considered, the final decision was left with Congress, the people's representatives, not with an administrative agency.

What is the use of soliciting the public's opinions if this slight and well-documented revision in the very first plan submitted by the Forest Service is to be adamantly resisted on the bureaucratic ground that the Forest Service's proposal is perfect as presented, and must be controlling? The Senate conferees could affirm the principle of citizen participation—when the citizens have so excellent a case—by yielding to their House colleagues in this instance.

As my colleagues and fellow sponsors of the Wilderness Act know, we provided in that landmark conservation measure both for administrative field hearings by the agencies making proposals for wilderness designations and for congressional review of the agencies' proposals. Why did we require hearings by the committees of Congress on these wilderness designation proposals? Because we wanted to provide an opportunity for citizen conservationists to appeal their case to a "higher court" when their appeals for enlargements and other modi-

fications of proposed wilderness areas have not registered with the administering agencies.

It is understandable that agencies such as the Forest Service may from time to time resist the recommendations of local citizen conservation groups for the enlargement of their wilderness area proposals. Uppermost in the minds of the agency administrators are the advantages of easily recognized wilderness area boundaries and elbow room for fuel breaks, guard stations, and other administratively convenient developments.

Members of Congress who worked with me to win passage of the landmark Wilderness Act in the 88th Congress will recall that only 3 percent of our Nation's land surface has escaped abuse by mankind and still can be considered for inclusion in the National Wilderness Preservation System, which now protects less than 1 percent of our land as wilderness.

Therefore we must join with our citizen-conservationist constituents in supporting the largest possible wilderness designations consistent with the application of the definitions and principles contained in the Wilderness Act. Where wilderness still exists, it should be given permanent statutory protection. Room for administratively convenient developments should not be carved from existing wilderness, but should be found elsewhere, where roads and other intrusions rule out the possibility of wilderness designations, and boundaries of wilderness areas should conform to the edge of the now wild and undeveloped tracts, not arbitrarily pulled back beyond artificial "wilderness thresholds" or buffer strips.

The San Rafael Wilderness bill gives us the opportunity to make small but significant improvements in the agency's proposal. While the Forest Service contends that it must have elbow room for future fuel break construction that includes the small additions proposed by local conservationists, I feel that the Forest Service simply does not want to see its proposal amended by Congress in response to citizen-conservationist request for same.

We are told by the Forest Service that it must have more fuel breaks along the Sierra Madre Ridge, yet this ridge is traversed by a road and is covered with natural grassy potreros which form ideal fuel breaks. Some have said we must take the Forest Service's advice on this boundary question because it, after all, is the agency responsible for wildfire control in this area. Yet the Forest Service is fallible, as the Secretary of Agriculture's Magruder Corridor Review Committee found out earlier this year.

This blue ribbon advisory committee reported that the Forest Service's multiple-use plan for this 170,000-acre backcountry unit was "directed essentially at timber cutting and fire control . . . despite repeated emphasis on recreation, hunting, and fishing as being paramount public values in the corridor."

In the case of the San Rafael, it seems that the Forest Service's plans for this area place primary emphasis on road-building—underway on the Sierra Madre Ridge—and on fuel-break construction despite statements reflecting its awareness of the primary value of this area as an undeveloped haven for wilderness recreationists, for the California condor, and for the remains of ancient aboriginal cultures.

I have met and talked at length with the Santa Barbara conservationists who seek the small additions to the Forest Service's proposed San Rafael Wilderness Area. They are mature, intelligent, responsible citizens who have lived all their lives in this area and know the country intimately. I believe we would be doing these gentlemen—and the national wilderness conservation movement generally—a disservice if we do not recognize, during our congressional review of this proposal, the merits of their position. I am hopeful that my fellow conferees on S. 889 will agree to the inclusion of a major portion of these local conservationists' proposed addition when we go to conference on Thursday.

I would like to insert at this point a summary of the local conservationists' position, taken from a recent brochure produced by the Citizens Committee for the San Rafael Wilderness:

STATEMENT OF THE CITIZENS' COMMITTEE FOR THE SAN RAFAEL WILDERNESS

The Wilderness Act provides, through its review and hearing requirements, for public participation in the development of proposals for additions to the Wilderness System.

The Committee respects the professional competence of the Los Padres National Forest staff, and commends the Forest Service's willingness to expand the 75,000-acre San Rafael Primitive Area by 68,000 acres. Conservationists feel, however, that an additional 15,000 contiguous acres also qualify for Wilderness Area inclusion. This additional acreage (Areas E, F, and G in the Forest Service report) was recommended for wilderness status at the Santa Barbara hearing two years ago by the National Audubon Society, the Sierra Club, The Wilderness Society, the Federation of Western Outdoor Clubs, and many local groups and individuals.

At the Senate hearing in April, Senator Kuchel requested precise boundaries for the area believed by conservationists to be the *essential* addition to the Forest Service-proposed area. Within two weeks a map delineating three units totalling 2,200 acres within Area F along the Sierra Madre ridge was submitted to Senator Kuchel. The case for the 2,200-acre addition was presented to the House Interior Committee on June 20. On October 16 the House passed S. 889 amended to provide for the designation of a 145,000-acre San Rafael Wilderness which includes this proposed Area F addition.

Senator Kuchel—a long-time wilderness advocate and a leading sponsor of the Wilderness Bill—asked specifically for "the delineated area which would be the equivalent of 2,000 to 3,000 acres" as recommended by citizen groups. In support of this the Senate Interior Committee report on S. 889 "points out that such an (Area F) inclusion can be accomplished later if this proves desirable". Conservationists anticipated, therefore, that the Senate would favorably consider the House amendment. However, Senate-House conference committee sessions on S. 889 have been postponed twice, apparently because of an all-out campaign by the Forest Service to block any agreement on the House's 2,000-acre addition.

The Forest Service argues that the addition of this area would disrupt its fire pre-suppression program. The most significant Forest Service document on its plans for the Sierra Madre Ridge area, however, states that a 500-foot-wide fuel break located to the *north* of the Sierra Madre ridge road would "materially aid" in fire protection. All of the proposed additions lies to the *south* of the ridge road. The few hundred acres of brush-to-grass "type conversion" the Forest Service would conduct within the House-approved 2,000-acre addition would only slightly supplement the chain of natural grassy potreros which already cover the Sierra Madre ridge and such a major fuel break to the north of the ridge road (see map). The extensive type conversion fuel break program apparently was developed as part of a multiple use plan for the development of the ridge, which included a ski resort, major campgrounds, and public vehicular use of the Buckhorn and Sierra Madre Ridge roads. These intensive development plans have been abandoned, but not the accompanying fire protection plan, which was designed to cope with the increased fire hazard from mass public use of the area.

The three small proposed additions encompass much of the best scenery in the entire San Rafael area, as well as important archeological sites, rare transitional life zones, and undisturbed California condor habitat. They are minor extensions of the Forest Service's own proposed boundary. Because of their many intrinsic values, we believe their inclusion in the San Rafael Wilderness Area merits vigorous support.

PERCENTAGE DEPLETION CRITICS KILLING THE GIANT? OR THE GOOSE?

The SPEAKER pro tempore (Mr. CORMAN). Under a previous order of the House, the Chair recognizes the gentleman from Texas [Mr. PRICE] for 10 minutes.

Mr. PRICE of Texas. Mr. Speaker, when war shook the Middle East last June, the normal corridors for almost half the free world's oil movements were shut off. The Arab oil countries, as a peevish, futile gesture to save face, embargoed oil shipments to the United States, Great Britain, and West Germany. Arab oil was used as a tool of economic-military blackmail. But the blackmail did not work, simply because the domestic oil-producing industry in the United States was able to offset the supply gaps which resulted from this new outbreak of Israeli-Arab turmoil.

The unsung heroes of that situation were the domestic petroleum industry and the State oil regulatory agencies so often criticized in the Halls of Congress. Here is an industry that again, for the second time in a decade, responded to the needs of our country and our allies in a situation involving disruption of Middle East oil supplies. It responded so efficiently to this emergency that Secretary of the Interior Stewart Udall observed that it met all needs without even changing pace.

Few Americans were even conscious of an oil crisis in the world.

Few had any reason to know that U.S. oil production was increased by 1,000,000 barrels daily and that one of the most massive shipping readjustments in modern history was made to assure that no oil shortages developed.

Few realize that the industry shifted sources half way around the globe for more than 200,000 barrels daily of petroleum products moving to our Armed

Forces in Vietnam, and that not a jeep wanted for fuel.

Outside of those in the industry and in Government directly involved, few were aware that more than 1,200 old T–2 type World War II tankers were pressed into service to carry off this world reshuffling of oil supply lines.

Twice in a decade the industry has responded to such an oil disruption, Mr. Speaker. When Britain went shooting its way into the Suez Canal in 1956, and the late John Foster Dulles went as our emissary to arbitrate that dispute, he carried among his papers assurance on one overriding question that was on the minds of Europeans facing a long, cold winter: To what extent could U.S. oil replace supplies cut off by closure of Suez? When the historians get around to placing those events in perspective, they will not be able to ignore that availability of U.S. oil, which subsequently was supplied to Europe at a rate of 600,000 barrels daily in the 6 winter months of 1956–57, was the dominant consideration enabling British withdrawal out of Suez and possible prevention of world war III.

Now, in the past summer, we have had a repetition of that tense situation. In accomplishing what was accomplished without appearing to change pace, the domestic oil industry demonstrated once again its unparalleled importance to the security of our country and to the safety and well-being of all Americans. In responding to this world oil crisis as it did, it earned the gratitude of every American, and the respect of every Member of this body.

But it is a paradox of our time, Mr. Speaker, that an industry which can and does perform near miracles to see that no American goes without oil and no American fighting man without fuel, in an oil crisis of global proportions, not only goes without due recognition for that achievement—but is without question the No. 1 whipping boy of some of my colleagues and of a handfull of cartoonists and columnists whose credentials for distortion are well-known to the Members of this body.

I find that some of my colleagues, for purposes known but to themselves, get amusement out of condemning the oil regulatory programs of Texas and her sister oil-producing States. The State oil conservation programs are decried as "price props," and as "State cartels," among other baseless epithets.

I say to my colleagues, Mr. Speaker, that these programs and these programs alone are responsible for excess oil producing capacity which was called into play and which enabled us to ignore the Arab attempt at blackmail. Except for these programs, this country would have no surplus oil producing capacity. Except for these programs, we would have an oil famine. How anyone can reason that the consumer suffers from abundant supply and would pay less for petroleum supplies if we had pursued policies leading to certain oil famine is a mystery that I confess I am unable to unravel.

The strains of adjusting to the Middle East crisis caused shifting of some U.S. coastal tankers into military fueling runs to Vietnam. This delayed but did not prevent the buildup of east coast heating oil stocks for use this winter. Those stocks now are in better shape than a year ago when they were more than adequate. But it was distressing to me, Mr. Speaker, that some Members of this House, as well as some Senators, did not wait until the oil crisis was at an end until they began agitating for an end to controls on heating oil imports.

In other words, they proposed to reward the domestic oil industry for an unparalleled response to a crisis by turning its markets for the second most important petroleum product over to foreign oil. I submit that this is indeed a warped sense of gratitude for a job well done. It also would be a sure formula for extending our dependence on foreign oil to such an extent that the domestic industry could not respond to the next petroleum crisis.

The continuing attacks on State regulatory programs and the mandatory oil import program are nothing more than unthinking assaults on policies which have been vital in preserving our ability to meet emergency oil requirements from domestic sources. When that ability is lost, our position as a world power will also be lost. Any who doubt this need only ponder momentarily the fact that Soviet Russia would be the only remaining major world power with petroleum supplies adequate to its own needs.

Now, I come to a third element of minerals policy that is under assault and without which this country long-since would have been in a have-not position as to petroleum. I refer to the percentage depletion provision of our tax law, which was initiated by this Congress in the 1920's to prevent a threatening shortage of oil. Only a brief examination of the 41-year record since enactment of that differential tax concept, which now applies to more than 100 minerals, illustrates that it was perhaps the wisest tax policy ever implemented by Congress.

It brought forth investments which resulted in an oil abundance that has made this Nation the biggest per capita user of energy at the lowest per capita cost. As Secretary Stewart Udall pointed out only recently, the total energy bill in America—for oil, natural gas, coal, and water power—adds up to only 3 percent of our gross national product. And it can be proven that our standard of living, the world's highest, has a direct relationship to our high level of energy consumption; by contrast, India, with the lowest living standard, also happens to be the lowest per capita user of inanimate energy.

Now, the critics of percentage depletion conveniently gloss over the many evidences that this differential tax policy has obtained precisely the result that the Congress hoped for. It resulted in more oil and gas, at a lower cost to consumers, and stimulated an expansion in our energy-fed industrial economy which nourishes a base productive income—subject to local, State, and Federal taxes—that exceeds that of the entire remainder of the free world.

The tax provisions which so many of my colleagues condemn with such frequency, Mr. Speaker, have been a vital element in making all this possible. No economist that I know will deny that the depletion provision has indeed spurred risk-taking in oil exploration and, as a result, has meant more oil at lower prices to consumers. And economist critics acknowledge, very readily—which is more than I can say for my colleagues who criticize this provision—that elimination of percentage depletion, or reduction of the rate, inevitably would mean less oil at higher prices.

Mr. Speaker, I have seen so many estimates of how much would be gained by the Treasury if the depletion provision on petroleum were eliminated that I find it impossible to keep track of the various figures. Most, I find, are simply what we in Texas call "butterfly statistics," plucked out of the air. I would like to give you an estimate with which even the Treasury would agree: Based on the present 27.5 percent depletion rate on oil and gas, the tax saving which Congress intended to be used as "seed corn"—to be plowed back into exploratory effort to replace petroleum supplies depleted each year—amounts to about $1.2 billion.

Now, some of the more flamboyant of the critics of this provision declared that it permits oil producers to recoup their costs many times over. One Member of the other body has even declared that depletion claimed over the life of a property averages out to 19 times the investment. How so scientific and precise an answer was arrived at is a matter I will leave to those who are willing to engage in futile speculation.

I do know, however, that in assaying the effects of such tax policy, realism dictates that such analysis be done in relation to overall industry activity, and impacts on industry operations as a whole. I know, if we had access to the tax records, which none of us is supposed to have, that we undoubtedly could single out particular tax circumstances, in particular years, for particular taxpayers in any industry, which could be criticized, or envied if we have reached the point where tax law is to be determined by envy.

But when we look at the domestic oil producing industry as a whole, Mr. Speaker, we find that petroleum exploration, drilling and development currently involves expenditures of more than $7 billion a year. The $1.2 billion returned to the oil and gas producing industry through percentage depletion is, therefore, about one-sixth of the total expenditures involved in finding and developing adequate petroleum supplies for the future. It is apparent, therefore, that, for the industry as a whole, the depletion provision does not and cannot return many times the cost of exploration-drilling-development, but in fact covers only about 20 percent of these costs.

If we eliminated depletion as it applies to oil and gas, therefore, we would transfer to the Treasury about one-sixth of the dollars now being spent on domestic oil and gas exploration, drilling and development. The immediate effect would be to cut funds available for these essential activities by 20 percent; the long-range effect would be to

dry up exploratory activity entirely because petroleum production would be the only industrial activity in America denied at least a partial return of capital through the tax laws; the ultimate effect, of course, would be a cessation of all effort to replace depleting petroleum resources that are currently being consumed.

The tragedy of such a turn of events, Mr. Speaker, can be readily recognized. Already, the level of petroleum exporation and drilling in the United States is depressed and inadequate. The domestic petroleum industry is in its 11th year of decline in exporatory drilling activity. Since 1960, U.S. reserves to production ratio has dropped from 12 to 1 to just over 10 to 1. In other words, our proved petroleum resources have dropped from a 12-year supply to a 10-year supply. In 3 of the past 7 years, we actually produced more oil in this country than we found; in other words, in those 3 years we had a net drop in our proved reserves in the ground. In the other 4 years, we barely held our own.

On numerous occasions in the past few years, the Department of the Interior has warned that the level of exploratory activity to turn up new oil reserves has been inadequate. In the face of declining exploration, now at a level almost 50 percent below 10 years ago, the Department has estimated that, to provide adequate supplies for the future, the domestic industry should be finding and developing 5.5 billion barrels of new oil each year. The Department estimated that in the period 1965–80, the domestic industry should find and develop 83 billion barrels of new liquid petroleum reserves, and 450 trillion cubic feet of natural gas.

Current discoveries are turning up reserves of less than one-half this rate; so we are proceeding steadily and inevitably toward the day, in the not-too-distant future, when we will be a "have not" country as to oil supplies. That day is coming to the regret of each of us unless some means are found and implemented to restore adequate economic incentive to the search for oil and gas in this country. That day of oil famine would be hastened if this Congress chose to repeal a tax provision, percentage depletion, which has been built into the economic processes of the petroleum industry for 41 years.

I submit, Mr. Speaker, that my colleagues who apparently feel, and who mislead others into the notion, that the oil and gas producing industry is so awesomely rich that it could pay another $1.2 billion with no economic repercussions, with no effects upon already inadequate exploratory levels, with no results for the consumer, with no dangers to our ability to maintain adequate future oil and gas supplies, are indulging themselves in an economic daydream. I realize some of my colleagues have been themselves misled by those who claim that an end to depletion would fatten the Treasury by $4 billion and even by up to $10 billion. This, of course, is not true; but the idea that a defense-vital industry, already beset with overwhelming economic ills, could be hit for up to 10 billion additional dollars with no lasting effect is just to inflate the fantasy a mite.

I have said, Mr. Speaker, that the real beneficiary of percentage depletion has been the consumer of petroleum products. This becomes apparent when we examine the record of prices for the petroleum industry's principal product, gasoline, since the 27½ percent depletion rate was adopted. The average price of regular grade gasoline, excluding taxes, in November 1966, is 1.7 cents per gallon more than the average price of a far inferior gasoline in 1926, the year the present depletition rate was initiated.

Far more telling, however, is the amount of gasoline the average American can buy. In 1926, an hour's average U.S. wage would pay for 2.3 gallons of gasoline. Thirty years later, in 1956, an hour's wage would buy 6.6 gallons of gasoline, and by, 1966, 8.4 gallons of gasoline could be purchased with an average hour's income by a U.S. wage earner—there and a half times more than in 1926, and about 30 percent more than 10 years ago. These figures came from the data published by the Bureau of Labor Statistics and McGraw-Hill Publishing Co.

These facts leave no doubt that the depletion provision has greately benefited consumers of petroleum products, but these benefits would have been far greater had it not been for rising Federal and State taxes on gasolines. The figures I have used include gasoline taxes. If we exclude these taxes, which are more than four times as high as in 1926, and average 10.5 cents a gallon, then an hour's wage in 1966 would buy 12.6 gallons of gasoline or almost five times as much as in 1926.

Now, it has been said, Mr. Speaker, that because of percentage depletion, the oil and gas producing industry does not pay its "fair share" of taxes. On the basis of the facts, this is among the most incredible delusions that ever seized some of our chronically deluded columnists and cartoonists.

Last year in the United States, the total gross value of crude oil and natural gas production at the wellhead was $11.4 billion. In this same year, 1966, total domestic taxes paid by the petroleum industry, excluding Federal and State excise taxes, but including severance, production, ad valorem, income and other taxes, added up to $2,450,582,000. These tax collections, in other words, were the equivalent of about 20 percent of the total gross value of 1966 oil and gas production in the United States.

In 1966, Mr. Speaker, State and Federal excise taxes collected on motor fuel, lubricating oil and kerosene totaled $8 billion. The tax revenues, collected by the industry for State and Federal governments, were the equivalent of 70 percent of the total value of crude oil and natural gas produced last year.

I will cite one more figure: U.S. Government lease bonuses, rentals, and royalties collected from the domestic oil and gas producing industry. In the latest fiscal year, these collections totaled $883 million—equivalent of 7.7 percent of the total value of U.S. crude oil and natural gas production in the United States.

Mr. Speaker, these Government revenues paid and generated by the domestic petroleum industry, all nonexcise taxes—using the 1963 figure—total State and Federal gasoline taxes, and Federal Government oil and gas lease and royalty payments, totaled $11.34 billion. These Government revenues alone, Mr. Speaker, are almost equivalent to the total value of crude oil and natural gas production, at the wellhead, in 1966.

This is only the beginning, and I wish there were reliable statistical data on the total Government revenues generated by the oil and gas producing industry. These estimates, for example, do not include the tremendous State and Federal taxes paid by interstate natural gas pipelines and by natural gas utilities, throughout nearly every sector of America. It does not include the local, State and Federal taxes paid by petrochemical manufacturers which process some 600,000 barrels daily of petroleum liquids into products which last year had a shipping value of $18 billion, according to the Department of Commerce.

Lastly, I have no way, Mr. Speaker, of estimating the State and Federal sales, ad valorem, income and other taxes paid by 2,000,000 employees of the petroleum industry in the United States. I believe it would be safe to say these revenues would total not millions, but into the billions.

There is no way, Mr. Speaker, to estimate the tax revenues which emanate to local, State, and Federal Governments from the many enterprises closely related to oil and gas drilling and development—the hundreds of drilling equipment, supply, and service firms that are important economic cogs in every oil community in 32 oil and gas producing States.

If there were some way to total it all up, Mr. Speaker, it is apparent that the industry which some of my colleagues accuse of avoiding its fair share of taxes probably generates more governmental revenues than any industry on a dollar for dollar basis, and undoubtedly generates total taxes of all kinds of several times over the total gross value of all domestic crude oil and natural gas production.

Why does the industry generate tax revenues on such a scale? Because, thanks to a wise tax policy which has returned to the Government many times over its basic direct revenue costs, the domestic industry has found energy supplies in such quantities that oil and gas, at the wellhead, have been low-cost enough that the end product has been able, thus far, to sustain these large and increasing direct taxes within the consumers' means to pay. That is why the 50 States, last year, could collect $4.7 billion in gasoline taxes, and the Federal Government another $3.1 billion in gasoline taxes.

I repeat and reemphasize and forewarn my colleagues who have been misled on this important matter that to tamper with percentage depletion which has worked so well, can only transfer to the consumer the burden of finding the tremendous petroleum supplies required for the future. The alternative to higher prices in the event of higher taxes is, obviously, less exploration, less drilling, and ultimately less oil and gas. In either case, it would be the Government and the public coffers that would suffer the

most. In the latter case, it would be the national security of the United States that we would pay as a rather high price for the folly of undoing a tax concept that has served this Nation well by any standard that a fair man could use.

I would like to say that I stand ready to fight for the rights of every Member of this House to express his convictions, Mr. Speaker, but it distresses me to witness waves of proposals to "get" the oil industry when it is so apparent that much of this effort is inspired by the distortions of a small clique of columnists, cartoonists, and harpoonists who refuse to let facts stand in their way. Some of the statements put into the RECORD in only recent weeks, in support of various proposals to cut or eliminate depletion provisions, reflect these distortions, inaccuracies, and deliberate attempts to ascribe to these provisions purposes that are illegitimate, results that are immoral, and alliances that are corrupt.

I would cite one example, Mr. Speaker. One of our flamboyant Washington-based columnists has devoted much effort recently to a tirade of condemnation and exaggeration that is beyond belief. In one of these columns, this particular writer took full credit for recruiting one Member of this House to sponsor a bill to reduce the oil and gas depletion rate. He boasted that the Congressman got so much mail as a result of his columns exposing this "immoral" benefit for "oil billionnaires," that he was compelled to put in his bill.

Mr. Speaker, I could dirty up at least 20 pages of the RECORD with the irresponsible charges of this columnist attributing to the petroleum industry—which is peopled with as fine Americans as any industry or any profession—moral decay and corruption which do not exist.

Here is one far stretch of the imagination by this Washington columnist:

Closing the oil and gas loopholes—

He wrote—

would bring in $10 billion.

The most generous thing that can be said about this figure, Mr. Speaker, is that it is most unscientific. It happens that the total value of U.S. oil and gas production is not quite $12 billion, so, according to this columnist, closing of the "loopholes" could result in taxing away more than 80 percent of the gross revenue of the domestic oil producing industry. What kind of tax justice is this? Yet this is the kind of misleading statement which this columnist says stirred hundreds of letters which forced a Member of this House to put in a bill to cut the depletion rate.

Mr. Speaker, I would mention one distorted example which has become a stock missile of the antidepletion columnist. It was long ago discredited, but these critics not only continue to use it, they embellish it with psychedelic adjectives. I refer to the example recited on the Senate floor almost 4 years ago by former Senator Paul Douglas. It involved an "oilman" who made a "$26 million profit" and "paid no taxes." At that time, Senator ANDERSON, of New Mexico, put into the RECORD facts which proved conclusively that the loss carryover provisions and capital gain treatment—two provisions that apply to all taxpayers—were the dominant provisions affecting the tax result in this much-cited case.

Senator Douglas admitted at that time, and it is in the RECORD of February 6, 1964, that only $10 million of the $26 million was applicable to the taxable year, and acknowledged that tax liability in this case was reduced by the capital gain provision. The transaction did not involve production of oil, but was primarily a real estate sale.

Despite these facts, some of our columnist friends continue—these 4 years later—to recite this misleading example and to attribute the tax circumstance of this taxpayer entirely to the percentage depletion provision. This is a gross and unfair deception. Again, these are the kinds of facts that this one columnist boasts resulted in his New Jersey readers demanding that their Congressman sponsor a bill which would, as this columnist put it, "reduce the immoral 27½-percent depletion allowance to 12 percent."

He wrote in his column that an aide to a Congressman from New Jersey informed him that the pressure from the Congressman's constituents was the "direct result" of his columns on the depletion allowance scandal carried in a New Jersey newspaper.

Mr. Speaker, I hope this arrogant claim is not true. By the distortions, half-truths, and whole lies written by this particular columnist, the editors of that newspaper were used and their readers duped. If citizens reaction to this kind of muck did, in fact, lead a Congressman to sponsor a bill, then I would hope the Congressman would withdraw his bill and apologize to his constituents.

Mr. Speaker, there are some 30 other bills which have been referred to the Committee on Ways and Means which would, in various degrees, reduce the oil and gas depletion rate. Some of these proposals would eliminate all mineral depletion allowances. It is distressing, indeed, that an industry which has contributed so much to the development of our country should suddenly find itself the target of almost unbelievable journalistic attacks and agitation from Members of this body to take actions which would kill what remains of the oil-producing industry in the United States.

Those who would do these things have decided one of two things: First, that we no longer need a domestic oil-producing industry and should take that step toward dependence on Arab oil which only recently has been denied us, or, second, that the American consumer can pay substantially more for petroleum and natural gas through much higher prices. We cannot "soak the oil industry" without repercussions that we will each live to regret; and he who deludes any Member of this body into believing that the petroleum industry can be gouged for another $1 billion or $5 billion or $10 billion with no economic shockwaves is perpetrating a hoax upon this Congress and upon the American people.

I call the attention of my colleagues to some facts of life with respect to earnings in the petroleum industry. In the years 1955 through 1965, the average rate of return for all manufacturing industries averaged 10.6 percent. For these same years, the rate of return for the domestic petroleum industry averaged 9.5 percent—more than a full percentage point lower than for all manufacturing industries.

Normally, most of us accept the provable fact that no matter what kind of tax is levied against whom, it is, in the end, all of us, we the consumers, who pay that tax. Yet, the critics of the percentage depletion provision glibly imply that this Congress could sock the oil producing industry, already with a rate of return consistently below that of industry generally, with additional billions in taxes and that there would be no adverse consequences. Those who would promote this fantasy must take the Members of this Congress for economic illiterates.

Mr. Speaker, to summarize what I have tried to say:

First. Percentage depletion has accomplished what the Congress intended, thus far resulting in adequate oil and gas to meet our growing needs in peacetime, and to meet emergency requirements over and above normal consumption.

Second. Percentage depletion primarily has benefited the consumer who today can buy, with an hour's wage, five times as much gasoline, excluding taxes, as he could buy with an hour's earnings in 1926.

Third. Percentage depletion, by encouraging the search for and development of abundant petroleum supplies, has provided such low-cost products as to enable governments, States and Federal, to extract tax revenues of hundreds of billions of dollars, hundreds of times over the much-discussed "cost" of percentage depletion.

Fourth. While meeting requirements of the largest energy-consuming nation in history at a price within the means of all, and stimulating unmatched Government revenues, the petroleum industry has realized a return on investment below that of industry generally.

Fifth. With percentage depletion, domestic oil and gas exploration and development are in the 11th consecutive year of decline, and our oil and gas reserves are declining as a result. Without percentage depletion, I submit that these unhealthy industry trends would be accelerated to the extent that the domestic industry may never recover to a healthy state.

Mr. Speaker, this is the last point that concerns me more than all other considerations. I do not want this nation to lose its position of self-sufficiency as to fuels; because, once that happens, our position of strength will have evaporated. I call my colleagues' attention to this startling fact: In the last fiscal year, with the tremendously sophisticated weaponry we are using in a "limited war," the U.S. military consumed, within a few thousand barrels, 1,000,000 barrels of petroleum products daily. This exceeded the peak military demands of World War II, Mr. Speaker.

If we are that dependent upon ade-

quate, reliable oil supplies in a limited conflict, I leave to my colleagues to surmise how much greater would be our need for oil in a broader conflict.

In conclusion, Mr. Speaker, I urge my colleagues to consider the result of tampering with the depletion provision: the long-term result to American consumers and our national security, not just the temporary gain that the Treasury might realize. I know some of our columnist friends would look upon themselves as giant killers if this Congress would heed some of their misinformation, and act to deal a death blow to the oil industry. But doing away with percentage depletion would not kill the giant, Mr. Speaker. It would kill the goose which has laid the golden eggs of abundant oil and gas, at low prices, and at the same time, has generated Government revenues of unprecedented scale.

PRESIDENT JOHNSON AND UNDER SECRETARY OF COMMERCE HOWARD SAMUELS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BINGHAM] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. BINGHAM. Mr. Speaker, during swearing-in ceremonies for our new Under Secretary of Commerce Howard Samuels, President Johnson issued a challenge to a man who has thrived on challenge.

After a distinguished career in the Army during World War II—attaining the rank of lieutenant colonel at 25—Howard Samuels began his own business in an abandoned New York schoolhouse and built the enterprise into an industrial leader.

While managing his enterprise, Under Secretary Samuels has fully responded to civic and national challenge by throwing himself into a host of city, State, and National public service projects.

This son of New York now faces his sternest challenge—too enlist the genius of private enterprise in fighting the war on poverty.

As President Johnson noted, the Government alone cannot eradicate the slums in which 10 percent of our people must live, nor train the half-million hard-core unemployed who live as an invisible underclass in our midst.

Howard J. Samuels will have mastered his greatest challenge if he can involve the businesses of America in what President Johnson described as the "real business of America"; the eradication of poverty and degradation from the face of America.

The President has selected the right man for this enormously challenging task. The Nation's hopes are with him.

RESIDENT COMMISSIONER POLANCO-ABREU WORKS FOR PUERTO RICO

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. DE LA GARZA] 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 Hawaii?

There was no objection.

Mr. DE LA GARZA. Mr. Speaker, it is my privilege to call to the attention of the House of Representatives the activities of the Resident Commissioner of the Commonwealth of Puerto Rico, our colleague, SANTIAGO POLANCO-ABREU. It is my complete pleasure and honor to bring to the attention of all, the speech Resident Commissioner POLANCO-ABREU made before the Equal Employment Opportunity Commission:

I appreciate this opportunity to discuss with you some of the problems faced by my fellow Puerto Ricans both on the Island and in those mainland communities where they work and live in substantial numbers.

It may come as a surprise to some that Puerto Ricans in the United States now number well over a million. In New York City alone approximately 750,000 Puerto Ricans reside alongside of Jews, Negroes, Italians, Irish and other great minorities that make up that multi-ethnic metropolis.

Puerto Ricans today make up significant elements of the social complex of the main cities of this country. Indeed, there are Puerto Ricans residing in every state, including, of course, the District of Columbia and other areas of the United States.

Puerto Ricans, along with other Spanish-speaking peoples of the United States make up the second largest minority population facing discrimination of a social and economic nature.

Because in your deliberations you will be dealing from time to time with situations involving Puerto Rican people, I feel it is important that you have a distinct understanding of the characteristics of the Puerto Rican and, indeed, a mental picture of him. First, almost all of the Puerto Ricans who may come to your attention will have had very poor and humble beginnings. They will have known the true meaning of poverty, and they will have experienced its physical aches and its mental pains. Nevertheless, the Puerto Rican is not one to despair his situation, or to give up and accept as final something less than he is capable of. He carries in his breast a burning ambition and an indestructible faith in the future. In employment, the measure of trust and responsibility given him is more valued than the gauge of his pay check.

Because of his experience with poverty, the Puerto Rican will engage in an endless struggle against it, but this engagement is constructive and peaceful, because while the Puerto Rican is emotional by nature, he is not, with rare exceptions, given to violence.

Perhaps, this is because of his early family training, the large composition of his family, the close family ties, his highly disciplined family training, and his resultant respect for the authority of the head of the family. I have observed instances in some mainland communities of a departure from family respect and authority, and a consequent lack of control of youngsters growing through their teens. In Puerto Rico, the respect for family authority is maintained until adulthood, and even beyond that, where the members of the family live within the same household. The Puerto Rican, then, is not difficult to control, because his inherent respect for authority is transferred to the community and to those responsible for maintaining law and order.

The stateside Puerto Rican is essentially a migratory person, who has been forced to leave his boyhood community and ultimately his beloved island because of the necessity of earning a livelihood—of obtaining the merest essential human necessaries. By habit, he is equipped to adjust to a different environment, different people, different customs, and changing conditions in a changing world. And he has an optimistic view of the future. When he comes to the mainland, he comes as a fellow American, fiercely proud of his U.S. citizenship and ready to accept its responsibilities and to defend it if need be with his life. The Puerto Rican is not an accessible prey to "isms". Characteristically, he is in love with democracy.

Because Puerto Ricans are essentially a rural people, they are neighborly, receptive to strangers and hospitable to all. They enjoy the company of others, and they celebrate their little victories of the day or bury their frustrations in an atmosphere of gaity which they create. They love parties, and the climate of music and dancing is a way of life with them. There is almost complete and total participation by all on these occasions. The Puerto Rican has the same enthusiasm for community functions and a deep pride and interest in the community structure. As soon as he is able, he will seek a place on the ladder of community responsibility.

I hope that this description will help you, as to this segment of the American people, in meeting the task you face as the Equal Employment Opportunity Commission.

Your mission is central to the social and economic well being of the United States, and the necessary and proper power of your office is of special significance not only to the American negro and other minority groups, but also to the Spanish-speaking people who face discrimination. The responsibility to assure that equal employment opportunities exist for all our citizens is indeed a burden of noble proportions.

Your objective is the protection of the rights and enhancement of the worth of the individual regardless of race, color, creed, national origin or sex.

Your commitment is to the recognition and acknowledgment of universal similarities in the human experience and not to the differences which may set us apart.

However, in pursuing this task, and in achieving your objectives it is essential that the many factors and historical circumstances which make up our diverse society be understood and appreciated. Consequently, we should become familiar with a variety of cultural components making up our complex society in order more effectively to fulfill our duties and perform our functions as public servants, educators, social workers, and policing officers.

None of us can afford the luxury of relaxing in our commitment to defend each person's right to perform to his fullest capacity, in spite of his cultural differences.

It is, therefore, encouraging for me to learn that under the chairmanship of the Honorable Clifford L. Alexander, Jr., the Commission has begun to examine its procedures and methods and is seeking new ways of establishing its presence in the Spanish-speaking communities across the country.

I am also pleased by the fact that a Spanish-speaking task force has been created to look at the special problems of aggrieved Mexican-Americans and Puerto Ricans.

I am further encouraged to know that President Johnson has created a special Inter-Agency Commission to explore new avenues of improving the economic well-being of Mexican-Americans. And I am confident that its Chairman, your own Commissioner Vicente Ximenes, will be directing that Commission's concern not only toward the Mexican-American community, but also toward the Puerto Rican community.

All of these developments, including the appointment to your staff of Manny Díaz in New York and Inés Casiano in Washington makes me optimistic for the success of the mission you have undertaken.

I have, however, several concerns which I wish to bring to your attention.

First, and most important, is one which is built into the nature of the Commission. We all recognize that the Equal Employment Opportunity Commission is a complaint-oriented agency; this means that when a citizen brings his grievance to your attention, you have the obligation to pursue redress for him (or her) through a complex and time-consuming process which involves investigation, conciliation, and a court procedure.

I understand that less than 1% of the complaints filed in the first year of the life of the Commission were of Spanish speaking origin. I cannot believe, or accept, that statistically speaking, Spanish speaking Americans are discriminated against to an extent of only one per cent.

Could it be that this figure is explained by the fact that the Commission has not yet effectively gained the confidence of the Spanish-speaking community?

My suggestion here is that an aggressive and affirmative action-program be developed in such communities in order to build the confidence which will grow into the full utilization of the complaint procedure by its members.

Our culture is not complaint oriented. I have said the Puerto Ricans have a deep respect for authority. Our sense of dignity and honor prevents the use of the complaint procedure as a normal course of events. We are very sensitive to adversary proceedings. When we face it we tend to shy away, withdrawing into the security of our culture to pity the perpetrator for his ignorance and uncouthness.

Given these circumstances it therefore becomes the responsibility of the EEOC to develop an initiative and reach out to its Puerto Rican constituents. To do less is to abdicate and retreat from your task.

Another related concern, is directed at the propensity of public agencies to respond to the squeaky wheel. This is to say that those communities which raise issues the loudest, seem to be the ones that receive the greater response from the public sector to their social, economic and political ills.

Indices of deprivation would show that in New York and in other communities where large numbers of Puerto Ricans reside the adverse economic conditions which they face are second to none. Yet, a disproportionate response to these communities exist on the part of public authorities. I am hopeful that by raising this issue your Commission will avoid similar pitfalls.

I wish to say a word on your EEO-1, 2 and 3 forms. Several discussions have been held by my office and Commission officials with regard to the dangers of applying forms to the Commonwealth of Puerto Rico which are designed for the mainland environment.

How meaningful can it be, for example, to have an EEO-1 form submitted that shows a breakdown in work force of 95% Puerto Rican and 5% for all others? The very concept of race has little meaning to Puerto Ricans for in our ethnic spectrum we run the gamut from rosy pink to ebony black.

Racial bigotry does not exist in Puerto Rico. Furthermore, different religious attitudes and practices are accepted, even within the same family. Integration is our own way of life and has therefore never been an issue.

It is because of this that the Commission needs to develop sensitivities to these cultural differences both in the mainland and in the island of Puerto Rico.

Finally, I am particularly concerned over a device used by labor and industry in the United States, which may result in the exclusion of Spanish-speaking workers. I am referring to culturally evaluative testing systems that could even exclude a Spanish-speaking Ph.D. even from menial and middle level employment. I am aware of, and congratulate you for, the guides on testing issued in August of 1966. I would like to see the Commission develop a concentrated effort to scrutinize the use and misuse of tests which for all intents and purposes block the channels of opportunity for cultural groups different from the middle class norms upon which tests are based.

It is clear to me that the Commission is attempting to make significant headway in its overall mission. Its resources, however, need to be enlarged. Its procedures must be simplified and made more expeditious and Congress should vest additional regulatory powers through legislation, such as the cease and desist powers. All these developments will come to pass: Of this I am confident. You can rest assured that you have my fullest support and advocacy.

We are all crusaders in the pursuit of a new equality. There is great urgency in the mission before us. Let there be a great effort and a new energy and a matching dedication to meet the task at hand.

LIMITATIONS ON U.S.-FLAG VESSEL CRUISE OPERATIONS

Mr. MATSUNAGA. 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 Hawaii?

There was no objection.

Mr. PEPPER. Mr. Speaker, yesterday's vote on H.R. 13630 will, I am quite certain, lead to a new awareness in this Nation's U.S.-flag merchant marine fleet.

I have worked on this legislation for some time and commend the able chairman, the gentleman from Maryland [Mr. GARMATZ], and the other legislation which will give a new life to our merchant marine fleet.

For some time I have been concerned about the deterioration of our U.S.-flag merchant fleet. If we are to have a merchant fleet capable of meeting our requirements for commerce and national defense, the operators of our flag lines must be able to compete effectively with the fleets of other nations. For several years operators of U.S.-flag ocean passenger service have been operating at or near loss, some lines incurring passenger operating deficits which have made it mandatory to eliminate passenger service and to dispose of such famous passenger liners as the *America*, the *Lurline*, and the *Presidents Polk, Monroe*, and *Hoover*, along with others. Many were sold to foreign-flag operators.

This legislation, H.R. 12639, will remove some of the restrictions which are responsible for the inability of many of our passenger vessels to operate without incurring loss. The provisions are very similar to those proposed by a bill which I introduced this past summer and I heartily support enactment of H.R. 12639. I note with satisfaction that the Bureau of the Budget has approved this proposed legislation.

In view of the importance of our merchant marine to the Nation, the fewest possible restrictions should be placed upon the operations of U.S.-flag vessels. Passenger liners as well as other types of vessels are essential components of a national merchant marine. When the restrictions on passenger liner operations were made effective, an ocean passenger service along our coasts was in existence. Now we no longer have a coastwise passenger service and people wishing to travel between ports must travel by land or air. If the restrictions on our berth line operators with respect to passenger service for cruising continue, the time is not far off when we will have little or no U.S.-flag passenger service available.

At present our U.S.-flag liners in the subsidized fleet are not permitted to engage in cruise operations for more than 120 days of each year. Even to operate on cruise voyages for part of the year, special authorization must be secured and several limitations remain in effect which seriously hamper operations. The result is loss of ability to effectively compete with foreign-flag vessels in the ocean cruise market, the largest portion of which market is among U.S. citizens. Reduced earnings resulting from the cruise operation restrictions further weaken the position of the merchant marine as a whole.

These restrictions and the limitation on the portion of the year in which U.S.-flag liner vessels may engage in cruise operations are the more inexplicable in view of the fact that many of the berth liners are not needed in regular service for as much as two-thirds of the entire year and consequently must remain idle or voyage at a loss to the operators.

In addition to lifting the restriction as to the portion of the year within which berth liners may engage in cruise voyaging, the requirements that passengers be embarked only at domestic ports on the same seacoast as that to which the vessel is assigned on regular service should be repealed. U.S.-flag vessels on cruises should be able to carry passengers round-trip or one-way between domestic and foreign ports, and between domestic ports, without loss of subsidy, except that they should not carry passengers between ports regularly served by other U.S.-flag vessels without special authorization based on findings that existing operators' service would not be affected adversely.

Another handicap suffered by U.S.-flag vessels compared with their foreign-flag competitors is prohibition of round-the-world cruises. The proposed bill would remove this disability and allow greater U.S.-flag participation in the growing worldwide cruise traffic.

There appears to be no valid reason to continue the prohibition against carrying mail and/or cargo on cruise vessels. Mail and/or cargo should be carried on these vessels except between ports where other U.S.-flag vessels are providing the service on regular routes. If existing service between ports be found insufficient, then cruise vessels should be allowed to carry mail and/or cargo between such ports in addition to the regular service already provided.

One of the most important provisions of H.R. 12639 would be the removal of restrictions which limit the cruise vessel to the seacoasts where the line is authorized for regular operations. If this were done, cruise ships sailing from North Atlantic ports would be able to stop and embark passengers at intermediate points. This would increase tour traffic to Florida, for example, as many who would not travel the entire cruise route could join the cruise at an inter-

mediate point. Also considerable cruise traffic might be obtained at Miami, either for another port or for the remainder of a cruise. It would appear that considerable passenger traffic could be generated as a result of such changes in restrictions. Full utilization of vessels should not only be permitted but should be encouraged by the Federal Government as a means of strengthening the merchant marine.

The increasing number of people with more leisure time provides a growing prospective market for ocean travel. One of the most attractive cruise markets, between Florida and Puerto Rican ports, cannot now be served by U.S.-flag vessels because of statutory restrictions. A case in point is the experience with cruises to Canada in connection with Expo 1967. About 10,650 passengers were carried on 22 cruises between U.S. North Atlantic ports and Montreal, only seven of which were U.S.-flag vessels. The cruises between the North Atlantic ports and Florida and Puerto Rico would prove even more attractive and provide a significantly greater traffic volume than the cruises to Montreal.

The importance of the merchant marine to the Nation demands removal of all unnecessary restrictions on U.S.-flag passenger operations at the earliest possible date. Port areas would reap substantial benefits, as well as the vessel operators. H.R. 12639 would go far to accomplish the desired results and revitalize the passenger operations of our merchant fleet. I am, therefore, happy to see the House pass this legislation and urge early and favorable action on this bill in the other body.

THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967

Mr. MATSUNAGA. 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 Hawaii?

There was no objection.

Mr. PEPPER. Mr. Speaker, you know of my longtime concern for legislation to promote better employment opportunities for our older workers.

The House yesterday passed, in my opinion, a monumental bill which will do much in ending age discrimination in employment. During the debate on H.R. 13054, the Age Discrimination Employment Act of 1967, I reminded this body that there is much to be done in providing adequate benefits to our older workers as well as protecting their positions in this Nation's economy.

Mr. Speaker, I would like to go into more depth on this legislation.

Mr. Speaker, the Congress has talked at length in recent years about the need to preserve our natural resources. We have even gone so far as to pass legislation to this effect. I would hope we could be as considerate of our Nation's human resources.

We are all uncomfortably aware of the terrible waste of manpower we have today as a result of discrimination against older workers. I believe we should take prompt legislative action to protect our older citizens of today and tomorrow from unwarranted job discrimination. With this in mind, I strongly supported passage of H.R. 13054, the Age Discrimination in Employment Act of 1967.

This bill, which was favorably reported to us by the Committee on Education and Labor, represents an important effort by the Congress to assist the older worker in overcoming the barriers he faces in the field of employment. It is an effort to help him compete in the job market on the basis of ability, regardless of age.

Specifically, the bill would authorize the Secretary of Labor to conduct a program of education and information to reduce barriers to the employment of workers between the ages of 40 and 65, and to publish his findings in order to promote the employment opportunities of these workers. He would also encourage the development of public and private agencies for expanding employment opportunities for older workers, and sponsor and assist State and community informational and educational programs.

These educational activities will do much to bring to public attention the virtues of older workers and to enable employers to make a more balanced effort in their employment procedures. Much of the discrimination which older men and women face is of a careless unthinking nature. It is susceptible to change through educational and informational measures.

The bill also includes enforcement provisions to be used when discriminatory practices cannot otherwise be overcome. Under the bill it would be unlawful for an employer to fail or refuse to hire, or to discharge or discriminate against any person on the basis of age. It would be unlawful for him to lower the wage rate of an employee in order to comply with the provisions of the act. There is also provision for protection of older workers from discrimination by employment agencies or labor organizations.

It is true that discrimination on any basis is a subtle matter, and effective legislation to combat it is difficult to formulate. Nonetheless, we have the experience of 24 States which have age discrimination legislation now in effect. These State laws have generated an overall favorable reaction, and have demonstrated that a legislative approach to the problem is useful and helpful. Furthermore, State officials who were canvassed as to the advisability of Federal action against employment discrimination on the basis of age, were in agreement that it would be advantageous to have a national policy against such discrimination.

The provisions in this bill before us are essentially the same as some of the proposals which are in my own bill, H.R. 12405. My bill, too, was designed to overcome discrimination through educational efforts and through enforcement. I am wholeheartedly committed to such an approach to easing the problems of the older worker.

As I testified before the House General Subcommittee on Labor last August, however, I believe that this approach is inadequate in terms of assuring all older workers of an opportunity to employment. My own bill provides also for increasing the availability of work through federally supported job programs, and for the training of older workers to fill these jobs.

Under my bill there would be created a Senior Service Corps. The Secretary of Health, Education, and Welfare would be authorized to supply part-time paid jobs in community service programs to workers who have reached age 60 and who are unable to find full-time employment or have an inadequate retirement income. I would like to see further study of the problems of employment of the older worker and of retirement, and, therefore, I included in my bill a provision for research programs to study the feasibility of education and training programs for older workers and advance planning of manpower requirement. A Commission on Lifetime Adult Education would be created to study the problems of the older worker and make legislative recommendations.

Finally, my bill would direct the Secretary of Labor to study the feasibility and desirability of a transitional allowance system for older workers between the ages of 55 and 65 who are unemployed and have exhausted their unemployment compensation. The President would be directed to submit a report to the Congress on the means of eliminating the gaps and inadequacies in workmen's compensation and disability insurance as they relate to the unemployment problems of the older worker.

I believe, Mr. Speaker, that these additional proposals which I have mentioned would represent a much stronger attack on age discrimination than we have in the bill before us now. Nonetheless, I also believe that it is urgent that we agree on legislation in this area. I supported the committee bill without reservation. I would only note that I regard it as a beginning.

The problem of the unemployed older worker is likely to grow as the absolute number of older persons grows. Today there are 22 million men and women between the ages of 45 and 55, about 17 million between the ages of 55 and 65, and more than 18 million age 65 and over. These numbers are all significantly greater, both in absolute terms and as a proportion of the entire adult population, than was true 10, 20, or 50 years ago. By 1975 there will be almost 24 million men and women between 45 and 55, about 20 million between 55 and 65, and about 21 million 65 and over. The problem area, Mr. Speaker, is growing rapidly.

Henry Ford once said:

> You take all the experience and judgment of men over 50 out of the world and there wouldn't be enough left to run it.

Unfortunately, much of the business and industrial world has not yet come to share this generous attitude toward the man of advancing years. There is no question but that there is widespread discrimination in the hiring of older men and women. A 1965 study based on a survey by the Bureau of Employment Security of the Department of Labor resulted in the following findings:

The setting of specific age limits beyond which an employer will not consider a worker for a vacant job, regardless of ability, has become a characteristic practice in those States which do not

prohibit such action, to the extent and with the result that in these States more than half of all employers are presently applying such limitations, using age limits usually set at from 45 to 55. In addition, approximately half of all job openings which develop in the private economy each year as closed to applicants over age 55, and a quarter of them are closed to applicants over age 45.

Another finding of the study which is directly applicable to the consideration of this legislation is that an unmeasured, but significant proportion of the age limitations presently in effect are arbitrary in the sense that they have been established without any determination of their actual relevance to job requirements, and are defended on grounds apparently different from their actual explanation. In fact, according to this same study, the competence and work performance of older workers are, by any general measures, at least equal to those of younger workers.

It is this last point which we must make every effort to get over to the public. Older workers are generally capable of competing with younger workers, especially in certain kinds of jobs, if they are not judged solely on the arbitrary basis of age. Some businesses and companies are beginning to recognize the virtues of the older employee. The International Shoe Co., of Hartford, Ill., hires no one under age 45. Their vice president says:

> We found older workers to be of better quality. They've got more interest in what they're doing.

In another example of enlightened hiring procedures, a new discount department store in Dallas announced, when it began hiring its work force, that there was no maximum age limit. As a result, when the store opened the average age of the 200 employees was 52—12 years above the average for a typical new store. One of the employees was 74 years old. The president of the store said of his hiring policy:

> We're not doing this to be humane. Our reasons are entirely selfish. We're taking on these people because we expect them to do more for us than younger employees.

I hope that the legislation we are now considering will encourage many efforts similar to these. It will certainly give impetus to the beginnings we see at all levels of government in work to counteract the serious consequences of present discriminatory practices. It is estimated that a million man-years of productive time are unused each year because of unemployment of workers over 45. Greater numbers of years are lost because of forced, compulsory, or automatic retirement. The loss to the economy can certainly be measured in billions of dollars.

Even more serious is the loss to individuals, not only in terms of dollars, but in terms of psychological and physiological well-being. By depriving a man of the right to work at the age of 45, or 55, or even 65, we are often depriving him of all opportunity to participate in the world around him. This is intolerable cruelty and injustice.

It is for these reasons that I urge my colleagues to join me in voting for H.R. 13054. We will be making progress toward assuring all Americans of fruitful and productive lives.

JUDGE COMISKEY ON STEWARDESSES

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentlewoman from Michigan [Mrs. GRIFFITHS] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mrs. GRIFFITHS. Mr. Speaker, there follows a copy of the correspondence between Judge Comiskey and myself on his opinion in the case of Cooper against Delta Air Lines, Inc. Judge Comiskey's letter follows first:

U.S. DISTRICT COURT, EASTERN DISTRICT OF LOUISIANA,
New Orleans, La., November 22, 1967.

Hon. MARTHA W. GRIFFITHS,
House Office Building,
Washington, D.C.

DEAR MRS. GRIFFITHS: I am sorry that you feel so critical about me in view of my opinion in the case of Cooper vs. Delta Air Lines, Inc.

I wish you would re-read my opinion and think about it some more. Perhaps then your appraisal of me will not be so harsh.

Yours truly,

JAMES A. COMISKEY,
U.S. District Judge.

DECEMBER 4, 1966.

Hon. JAMES A. COMISKEY,
U.S. District Court, Eastern District of Louisiana, New Orleans, La.

DEAR JUDGE COMISKEY: Your courtesy is appreciated in sending to me a copy of your opinion which you wrote and issued on October 19, 1967 in the case of *Cooper v. Delta Air Lines, Inc.* (No. 67-477). I had already read the full text of your opinion, not once but several times, before I had discussed it in my speech of November 21 on the floor of the United States House of Representatives.

On page 4 of your opinion you state, "only two states, Wisconsin and Hawaii, include sex discrimination as an unlawful practice in fair employment laws", when in fact my research discloses that at least 12 states plus the District of Columbia have fair employment practice laws which include prohibitions against discrimination based on sex. If you find this is not so, I would be pleased to know. These laws are collected in section 451 of Labor Policy and Practices—Fair Employment Practices, published by the Bureau of National Affairs, at the following pages, as well as in the following official publications of the State Code and/or State Session Laws:

LP&P—FEP

Page 261—District of Columbia—Article 47, Police Regulations, Order 65-768 of June 10, 1965, effective July 2, 1965.

Page 201—Connecticut—Sec. 31-123, as amended by Public Act 426, Laws 1967, approved June 16, 1967.

Page 275—Hawaii—Sec. 90A, Rev. Laws, Act 180, Laws 1963, amended by S.B. 406, Laws 1967.

Page 525 at 529—Maryland— Art. 49B, Md. Code, Ch. 717, Laws 1965; Ch. 427, Laws 1967.

Page 551 at 573—Massachusetts—Ch. 151B, as amended by Ch. 397, Laws 1965.

Page 577 at 578—Michigan—Sec. 423.303a, as amended by Public Act 349, Laws 1966, effective Dec. 21, 1966.

Page 675—Missouri—Sec. 296.020, as amended by S.B. 235, Laws 1965, effective Oct. 3, 1965.

Page 725—Nebraska—L.B. 656, Laws 1965.

Page 751—Nevada—A.B. 7, Laws 1967.

Page 875—New York—Sec. 291, Executive Law, as amended by A. Int. 11, effective March 29, 1964.

Page 1151 at 1153—Utah—Sec. 34-17-6, Utah Code, Ann., Ch. 66, Laws 1965.

Page 1275—Wisconsin—Wisc. Stats. Ann. sec. 111.31—111.32.

Page 1301—Wyoming—S.B. 140, Ch. 170, Laws 1965.

Page 175 at 178—Colorado—(prohibits sex discrimination in apprenticeship training).

In view of the long struggle to eliminate the manifold discriminations against women—in view of the enactment by Congress of the Equal Pay Act of 1963 (P.L. 88-38; 77 Stat. 56, amending the Fair Labor Standards Act (29 USC 206) to eliminate wage differentials based on sex)—and in view of the vigorous floor fight during the adoption of the Civil Rights Act of 1964 to prohibit discrimination in employment on the basis of sex as well as on the basis of race, color, religion, and national origin—it cannot be said that the word sex, "just sort of found its way into the equal employment opportunities section of the Civil Rights bill". This is what you said on page 3 of your opinion. The fact that the word sex was added as a floor amendment does not make that word any less a part of the law. Indeed, it could be argued that a floor amendment emphasizes the purpose and intent of Congress. I reiterate what I said in my speech on the floor of the House, "I am astounded that a Federal judge would announce that amendments do not count". In my opinion, a judge who disregards legislation and derides the legislative intent does great damage to constitutional government.

It is true that Title VII of the Civil Rights Act of 1964 does not ban employment discrimination against married people in favor of single persons. But that was not the issue in the case against Delta Air Lines. The basic factual issue was whether the fact of marriage is the basis for discharging women only, and not men. Your own opinion states on page 2, and I quote: "Delta admits that it applies this 'single women rule' to only its stewardesses and not to any of its other employees, male or female". Such a discrimination is plainly and obviously a discrimination based on sex, not merely on marriage.

The lawyers for Delta Air Lines correctly recognized that the sole legal issue under Title VII of the Civil Rights Law of 1964 is whether sex is a bona fide occupational qualification for the job of flight cabin attendant, within the meaning of 42 USC 2000e-2(e) which would exempt the airline's action from the antidiscrimination prohibition of Title VII, and they apparently argued that proposition to you. Your ruling on that point is, in my opinion, thoroughly confused. You brushed aside the case cited by Delta's lawyers (*Bowe v. Colgate Palmolive Co.*, which held that sex is a bona fide occupational qualification for a job requiring lifting of very heavy weights) by saying that the Bowe case "goes off on the bona fide occupational qualification *which is inapplicable in the instant case*". These underscored words practically amount to a ruling by you in favor of the stewardess on the single legal issue in the case. Yet it is apparent that you did not understand that such a legal ruling logically required granting a judgment in her favor, because you accepted Delta's contention that its steward service requires single, young, and attractive females and you ruled that Title VII does not protect the stewardess from being discharged on the basis of a factor which was applied to her solely because of her sex.

Stewardesses are human beings who work in order to obtain their daily bread and shelter. They devote their maximum effort and dedication to the performance of their job. They make an important contribution to the welfare of the whole country. They

deserve sufficient consideration to be treated as human beings. The sex-based discrimination which some airlines now indulge in is precisely the kind of discrimination which the Congress intended to abolish by including the word "sex" in Title VII of the Civil Rights Act of 1964. As one of the authors of the sex amendment, I bitterly resent its malquotation by judges who treat sex discrimination as a joke; who fail to research the law; who approach with hostility the plea of a woman fired from her job and deprived of her living for a reason that is irrelevant to its performance and is forbidden by Act of Congress. The airlines' discriminatory policy forces many stewardesses who desire to retain their jobs either to forego marriage, or to undergo the severe strain of keeping their marriage secret, or to live in sin. There is nothing funny about sex discrimination which deprives a person of a job and the opportunity to earn one's living.

Judge Comiskey, I am sorry if you thought me unduly harsh in my appraisal of your opinion, but the more I re-read your opinion the less I think of it.

Cordially,

MARTHA W. GRIFFITHS,
Member of Congress.

UNPOLITICAL JOB — GEORGIAN KEEPS CLOSE TABS ON HEARTBEAT OF CONGRESS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia [Mr. HAGAN] 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 Hawaii?

There was no objection.

Mr. HAGAN. Mr. Speaker, a distinguished friend of the House of Representatives and the Senate was the subject of a feature article in the Atlanta Journal and Constitution of November 26.

I am sure my colleagues would be most interested in reading about Dr. Rufus J. Pearson, official physician for the U.S. House of Representatives and Senate. The article follows:

UNPOLITICAL JOB—GEORGIAN KEEPS CLOSE TABS ON HEARTBEAT OF CONGRESS

(By Art Pine)

WASHINGTON.—A Georgian who insists he isn't a bit interested in politics has taken an office here so he can keep close tabs on the pulse and heartbeat of the 90th Congress.

But Atlanta-born Rufus J. Pearson can easily explain such an apparent anomaly: He is the official physician for the United States Senate and House of Representatives.

"I've got one of the most unpolitically sensitive jobs in Washington," he quips, "but also one of the most satisfying. Congressmen, believe it or not, make pretty good patients."

Now 52, Dr. Pearson heads a team of two other physicians and a few staff assistants in the Capitol dispensary—a 13-room medical suite equipped to handle everything from first-aid to physiotherapy.

The tall, constantly smiling Emory graduate is "personal physician" to almost two-thirds of the nation's 533 senators and representatives, and he has some firm ideas on what shape Congress is in.

ATTENDS CONGRESSMEN

The three maladies that afflict congressmen most, Dr. Pearson says with no doubt that his listener will be unsurprised, are overweight, poor physical conditioning, and nervous tension—in that order.

"I fuss at them to get them to exercise more," he says of his legislator-patients, "but the demands on them are so great that unfortunately they rarely have the time for it."

Aware of the often-hectic congressional schedules, Dr. Pearson has instituted an innovation few other doctors' offices have: No waiting—at least not for members of Congress.

"Unless there's an emergency elsewhere," Dr. Pearson says "we always see members first. We find that by making sure a congressman isn't delayed, we're actually saving the taxpayers' money."

The congressional physician is understandably reluctant to pass on any anecdotes about his patients. Partly for his own political health, the doctor stays as far away from politics as possible.

"I never was interested in running for office," Dr. Pearson says. "In fact, even though I'm here at the capitol every day, I have a hard time keeping up with what's going on on the floor."

Despite such assurances of neutrality, Dr. Pearson concedes the congressional doctor must do his own share of politicking among the senators and representatives.

"I try to make it to the floor every day," the doctor says, "just to shake hands and see how everybody is doing."

The reason is partly to make sure capitol security guards still recognize him, and partly to remind health-lax congressmen that his office is ready to serve them anytime they need it.

"We stay in pretty good contact," Dr. Pearson says. "If a legislator is due in for a check-up, we keep reminding him about it. Many of them come in a few times a week for consultations."

Dr. Pearson, whose official title is "attending physician at the U.S. Capitol," actually is a rear admiral in the Navy Medical Corps.

He was assigned to head the congressional dispensary in October, 1966, after the Capitol's first physician, Vice Admiral George W. Calver, retired.

The post has been a Navy billet ever since it was instituted, in 1928. Calver was called in after a congressman died on the House floor that year. Calver stayed for 38 years.

Born in Atlanta, Dr. Pearson attended the University of Florida and later earned an M.D. at Emory University in 1938. He spent four years in the Navy, and then opened a private practice in Jacksonville.

A general practitioner for five full years, Dr. Pearson was recalled to active duty when the Korean War broke out in 1950, and has stayed in the medical corps ever since.

He is married to an Atlantan, the former Miss Emily Timmerman. The couple has two children—Rufus III, a Navy lieutenant, and Virginia, now Mrs. H. E. Sudders of Mahwah, New Jersey.

During his 13 months as Capitol physician, Dr. Pearson has brought about a spate of changes—adding an additional internist, updating the one-room Capitol pharmacy and improving lab services.

One of his most popular innovations was to give each member a laminated wallet-sized record of his cardiogram—a valuable pocket-record of heart-problems useful in case of a stroke or attack.

In a floor-speech recently, Rep. Roman Pucinski, D-Ill., urged that the cardiogram-card be made "a national practice." "I hope that every citizen in America would be encouraged to carry one," he said.

Dr. Pearson also has begun a comprehensive program urging all congressmen to have a regularly scheduled annual physical—much like those the military services give their personnel.

In its years of operation, the Capitol dispensary gradually has played a more and more important role in keeping Congress fit, and Pearson says he hopes to continue on that road.

As one admiring Capitol Hill employe remarked, not without a share of truth, "These days you never find anyone having to ask whether there's a doctor in the House. Or the Senate, either."

ROBERT S. McNAMARA: A TRIBUTE

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. DINGELL] 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 Hawaii?

There was no objection.

Mr. DINGELL. Mr. Speaker, through 7 years of dedicated public service, Robert S. McNamara has borne mightily on his shoulder the crushing burdens of the Secretary of Defense.

His sacrifices for his country have been great—long, grueling hours, a greatly reduced income from his previous job, and exhausting decisions. But his labors helped keep his country strong and free.

His was the longest, most productive, and most revolutionary tenure in the history of the American Secretary of Defense. He has given America maximum military might at minimum cost, made the principle of civilian control a working reality, and created a more flexible, mobile defense system.

President Johnson's high regard for Mr. McNamara is reflected in his recommendation that the Secretary become the head of the prestigious World Bank. Despite nasty rumors, the truth is simple. President Johnson acted upon Mr. McNamara's request for a fresh replacement and fulfilled the Secretary's well-deserved wish to receive appointment to the World Bank.

Robert S. McNamara has left an indelible mark upon this Nation and the free world. Americans have slept more securely for his diligence and brilliance. A grateful Nation will always admire his contribution to their peace and well-being.

LATE BLOOMERS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. GALLAGHER] 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 Hawaii?

There was no objection.

Mr. GALLAGHER. Mr. Speaker, one of the central concerns of the American society is to assure that every man has an opportunity to go as far as his motivations and abilities will take him, no matter when he becomes motivated to pursue a path of achievement and accomplishment.

Scholarships are plentiful for those who pursue an unbroken course of academic excellence, but many late bloomers are unable to afford an education because they become motivated later in life. This is one of the reasons why I have continued to introduce a bill to provide tax credits for higher education.

The Daily Journal, published in Elizabeth, N.J., has recently instituted a

column which ranges widely through subjects of local and national interest. Mr. Ramsay—frequently witty and always informative—wrote his column of November 30 on the subject of "Late Bloomers," and I am pleased to be able to introduce it into the RECORD at this point:

LATE BLOOMERS: A NEW CHANCE

The kid was the kind of a son a lot of parents would like to have—particularly with things being as they are.

He was clean, neat, decent, polite to his elders and, obviously, of at least average intelligence. Yet he was finished before he ever started.

The boy had made the mistake of acting like a teenager in high school rather than behaving like a 35-year-old who has his eye on a vice presidency. His grades were plain bad.

Both parents were frantic. They came from the white-collar, uppermiddle class set and they couldn't get their son into any decent college with a gun.

College admissions directors greeted him with the enthusiasm bank guards used to reserve for Willie Sutton. The boy was afraid of being physically thrown out when he showed up for interviews at colleges and he might just as well have been.

Modern America considered him a failure. He was treated worse than a juvenile delinquent whom society tries to help by not holding his record against him.

The story, unfortunately, is a common one. It does have a happy ending, unlike many others. His parents finally decided to send him to a "flunk out" school which needed warm bodies.

There he got good grades, racked up the college transfer test and was admitted to an accredited school. Maturity, which was all he lacked, had come to the fore.

The problem for similar students seems bound to get worse. More and more, we expect earlier achievement of real substance.

A headmaster at a private nursery school in New York tells how parents burst into tears when informed their child will not be admitted.

"You've ruined my boy's life," the mother of one three-year-old said.

A first grade teacher talks about the parent who virtually collapsed when informed her son was a "good average student."

"But he's got to be better than that," mama said. "He has to go to Harvard."

"Late bloomers" are a real problem in education circles. On the other side of the coin is the valid argument that students who have performed well and worked hard deserve to get into college first. Yet some students are not mature enough to achieve satisfactorily at the high school level.

Union College in Cranford is participating in a program called "Second Chance." However, it applies only to educationally disadvantaged students and more properly should be called "First Chance."

Dr. Kenneth C. MacKay, college president, said the institution does run its own "second chance" program.

"We like to admit a number of students who have flunked out of other schools but show promise of potential success," he said.

According to a 10-year study conducted at the college, 50 per cent of the second chance people did succeed. The record is not up to that of people admitted strictly on their performance records.

"But we consider the program well worth the effort," Dr. MacKay said. "It always has been an integral part of our institution and we don't intend dropping it."

Dr. MacKay admitted there were difficulties in choosing which students should get the second chance.

"It takes a lot of effort on the part of the admissions department," he explained. "You have to search for an indication that the person may be a late bloomer. Sometimes the student may show ability on his college boards, but not always.

"Actually, it's a matter of getting on the wave length with the student. You have to find out what motivates him. Sometimes a student suddenly discovers in his senior year in high school that he likes science. That motivation would not have been present before."

Dr. MacKay thinks that ex-servicemen generally show the best track record among the second chancers.

"Take the World War II veterans, for instance," he said. "They were a great bunch, yet many of them had lousy high school records. The key to it all was motivation.

"It's amazing how some people catch fire once they have it."

The Union College president said the reasons why a person drops out of school initially often indicate whether or not he will succeed on a second chance.

"Some students suffer from the 'fugues.' They work at something for awhile then just want to run away from it. Others go to college strictly because their friends and neighbors expect it."

On one point, Dr. MacKay differs with some other educators. He doubts if the pressure today is that much more substantial than in the past.

"The French have an expression, 'the more things change, the more they remain the same.' I think there's a lot of truth to that.

"Every generation seems to feel it's got it more difficult than past generations. Today students believe they're 'up tight.' Things always have been that way."

PRESIDENT JOHNSON COMMEMORATES THE 25TH ANNIVERSARY OF ATOMIC ENERGY

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. MORGAN] 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 Hawaii?

There was no objection.

Mr. MORGAN. Mr. Speaker, last Saturday, President Johnson commemorated the 25th anniversary of atomic energy by restating America's determination to insure that the blessings of this marvelous discovery are never used to kill or destroy.

Atomic power, the President reminded us, holds the key to unprecedented human progress and achievement. We have just begun to learn how to use the atom creatively to advance human needs and to help explore new opportunities for greater economic development.

The record will show that the Johnson administration has worked patiently and diligently to promote the peaceful uses of atomic energy. Under President Johnson's leadership, a nuclear nonproliferation treaty has been put forward and an outer space agreement has been hammered out and ratified by the Senate. Now, the United States is working to enlist the support of other countries in the world to sign the treaty and greatly reduce the dangers inherent in widespread possession of atomic weaponry.

The President made clear that the United States will permit the safeguards of the International Atomic Energy Agency to monitor all nonsecurity aspects of U.S. nuclear activities.

We do so, in the President's words, to "reaffirm our determination to dedicate the miraculous power of the atom, not to death, but to life."

The President noted that when he took office, nuclear energy was generating about 1 million kilowatts of electric power in this country. Today, the atom is giving us more than 2.8 million kilowatts—almost three times as much. And more than 70 additional nuclear powerplants are already planned or under construction.

As the President said:

This will equal about 20 percent of the whole electric generating capacity in the United States today. It is enough to meet the total requirements of 45 million people. All this from what was, 25 years ago . . . only a scientist's dream.

What remains, of course, is the ability of this and future generations to use this power wisely. All Americans join with President Johnson in hoping that we may all be worthy of this great and historic discovery.

The President's remarks on this occasion follow:

REMARKS OF THE PRESIDENT ON THE 25TH ANNIVERSARY OF ATOMIC ENERGY, BY CLOSED-CIRCUIT TELEVISION FROM THE WHITE HOUSE

President Saragat, Mrs. Fermi, Mayor Daly, Members of the Fermi Team, Dr. Seaborg and Distinguished Guests:

I believe history will record that on this day 25 years ago, mankind reached the turning point of his destiny.

The book of Genesis tells us that, in the beginning, God directed man to: "Be fruitful, and multiply, and replenish the earth, and subdue it."

But only in our lifetime have we acquired the ultimate power to fulfill all of that command. Throughout history, man has struggled to find enough power—to find enough energy—to do his work in the world. He domesticated animals, he sold his brother into slavery, and enslaved himself to the machine—all in a desperate search for energy.

Desperation ended in the experiment conducted in Chicago, 25 years ago, by Enrico Fermi and his fellow scientists. In a single stroke, they increased man's available energy more than a thousand-fold.

They placed in our hands the power of the universe itself.

Nothing could have been more appropriate than the words used by Dr. Arthur Compton to describe what happened on that day:

"The Italian navigator has just landed in the new world."

This modern Italian navigator was a great man of science. But he was also something more. He was one of millions who, in the long history of the world, has been compelled to leave a beloved native land to escape the forces of tyranny. Like millions before him, Enrico Fermi found here a new home, among free men, in a new world. His life and his career have a very special meaning to all who love freedom.

There are today millions of young Americans with an Italian heritage who feel a deep, personal pride in Enrico Fermi. America was born out of the voyages of a great Italian navigator. In a time of greatest danger, another—equally willing to pursue his dream beyond existing charts—took us again into a new epoch.

Today we commemorate our debt to him. And in doing so, we also honor the historic bond between the old world and the new world.

In a short time, we will be dedicating, in the great State of Illinois, a new National Accelerator Laboratory. This laboratory, with its 200 billion electron volt accelerator, will maintain our country's position in the forefront of nuclear research.

I suggest that we dedicate this great new laboratory to the memory of the modern-day "Italian navigator."

In so honoring Enrico Fermi, we will also honor the immeasurable contributions that have been made, over the centuries, by the people of Italy to the people of the United States.

Much has already happened in that new world which just began 25 years ago.

Giant nuclear reactors, direct descendants of Fermi's first atomic pile, are now producing millions of kilowatts of power for peaceful purposes. Other reactors are powering nuclear submarines under the seas of the earth. They are our first line of defense against tyranny, whatever its contemporary doctrine or disguise, which Enrico Fermi dedicated himself to resist.

But it is really the peaceful uses of atomic energy about which Fermi would have wished us to speak—and there are many peaceful uses.

When I became President, nuclear energy was generating about 1 million kilowatts of electric power in the United States.

Today, the atom is giving us more than 2,800,000 kilowatts—almost three times as much. And more than 70 additional nuclear power plants are already planned or are now under construction.

This will equal about 20 percent of the whole electric generating capacity in the United States today. It is enough to meet the total requirements of 45 million people. All this from what was, 25 years ago—before the success of Fermi's experiment—only a scientist's dream.

The dream has been realized. By learning the secret of the atom, we have given mankind—for the first time in history—all the energy that mankind can possibly use.

It took the genius of countless generations of dedicated scientists to find the secret. It remains for us to use that secret wisely.

What began as the most terrible instrument of war that man has ever seen can become the key to a golden age of mankind. But this will not happen unless we make it happen.

We cannot forget that another, darker future also opened on this day 25 years ago.

The power to achieve the promise of Genesis is also the power to fulfill the prophecy of Armageddon. We can either remake life on earth—or we can end it forever.

Let me be specific.

If Enrico Fermi's reactor had operated 10,000 years, it would not have produced enough plutonium for one atomic bomb.

Today, a single reactor, while generating electricity, can produce enough plutonium to make dozens of bombs every year. And scores of these reactors are now being built all over the world.

Their purpose is peaceful. Yet the fact remains that the secret diversion of even a small part of the plutonium that they create could soon give every nation—every nation—the power to destroy civilization—if not life on this earth.

We just cannot permit this to happen.

Nor can mankind be denied the unlimited benefits of the peaceful atom.

We must, some way, somehow, find a way to remove the threat while preserving the promise.

The American people have made their own desires crystal clear when their representatives in the United States Senate voted unanimously to support an effective nonproliferation treaty for nuclear weapons.

We are now engaged in a major effort to achieve such a treaty, in a form acceptable to all nations.

We are trying so hard to assure that the peaceful benefits of the atom will be shared by all mankind—without increasing, at the same time, the threat of nuclear destruction.

We do not believe that the safeguards we propose in that treaty will interfere with the peaceful activities of any country.

And I want to make it clear, very clear, to all the world that we in the United States are not asking any country to accept safeguards that we are unwilling to accept ourselves.

So I am, today, announcing that when such safeguards are applied under the treaty, the United States will permit the International Atomic Energy Agency to apply its safeguards to all nuclear activities in the United States—excluding only those with direct national security significance.

Under this offer, the agency will be able to inspect a broad range of United States nuclear activities, both governmental and private, including the fuel in the nuclear power reactors owned by utilities for generating electricity, and the fabrication and chemical reprocessing of such fuel.

This pledge maintains the consistent policy of the United States since the very beginning of the nuclear age.

It was just 14 years ago that a President of the United States appeared before the General Assembly of the United Nations to urge the peaceful use of the atom. President Dwight D. Eisenhower said on that occasion: ". . . The United States pledges . . . before the world . . . its determination to help solve the fearful atomic dilemma—to devote its entire heart and mind to find the way by which the miraculous inventiveness of man shall not be dedicated to his death, but consecrated to his life."

We renew that pledge today. Today. We reaffirm our determination to dedicate the miraculous power of the atom, not to death, but to life.

We invite the world's nations to join with us.

Let us use this historic anniversary to deepen and to reaffirm the search for peace.

Let us so conduct ourselves that future generations will look back upon December 2, 1942—not as the origin of sorrow and despair—but as the beginning of the brightest, most inspiring chapter in the long history of man.

THEY'RE MAKING IT EASY TO STEAL YOUR CAR

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. BARRETT] 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 Hawaii?

There was no objection.

Mr. BARRETT. Mr. Speaker, I will shortly introduce legislation to deal with the unrestricted distribution of master keys for automobiles. There has been a continued increase in the number of stolen cars each year. National magazines today carry advertisements for the sale of master keys for any car made from 1955 through 1967. Last year alone almost 7,000 cars were stolen in Philadelphia. With the easy access to these master keys there is the great possibility that this number will increase, despite the efforts of car owners and manufacturers to the contrary, and, as a result, the cost of automobile insurance will increase.

Mr. Peter Duncan, the very fine editorial director of WCAU-TV in Philadelphia, just last week aired an editorial statement on this matter. Under leave to extend my remarks, I insert a copy of that editorial at this point:

THEY'RE MAKING IT EASY TO STEAL YOUR CAR

Stolen cars are moving through the streets of our city and throughout the country. Stealing cars is a big business; last year alone almost 7,000 cars were stolen in Philadelphia.

Insurance companies have urged motorists to take their keys out of the ignition and lock their cars.

Many of the new models even have a buzzing device which turns on if you try to leave your car with the keys still in the ignition.

So you take out the key, you lock the car—and everything's secure. At least, you might think so.

But times have changed. No longer does a juvenile delinquent or an adult in the stolen car racket have to search for that unlocked car, for the car with the keys in the ignition.

Ads in national magazines are doing the hard work for them. According to the Better Business Bureau, there are a dozen or so firms just ready and waiting to send a set of master keys to anyone. (Master keys—keys which will unlock any car made from 1955 through 1967; keys which will start up the engines so a car—perhaps your car—can be driven away.)

With such ease of operation, the number of stolen cars should zoom. All anyone needs is eight dollars for the set of keys, an envelope and a stamp. By return mail, he'll get the set of keys with no questions asked.

Well, it's time that some questions were asked. Who's going to protect the car owner? Who's going to prevent these keys falling into criminal hands? The ads do state that the keys are for legitimate use only, but once the company gets the money, who's to know what the keys are used for?

The United States Senate looked into the growing problem last year but no legislation has resulted.

If widespread distribution of these keys continues: First, there's a greater possibility that your car will be stolen. But, also, if the number of stolen cars zooms, so will the cost of your car insurance.

WCAU-TV urges congressional members from Pennsylvania to lead the fight for legislation restricting the now-unrestricted distribution of automobile keys.

STOKELY CARMICHAEL SHOULD BE PROSECUTED FOR SEDITION

Mr. MICHEL. 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 Illinois?

There was no objection.

Mr. MICHEL. Mr. Speaker, I hope that it does not cause too much consternation at the White House but I rise today to express my complete agreement with President Johnson on one point. I am referring to press reports that the President feels very strongly that Stokely Carmichael should be prosecuted for sedition if and when he returns to the United States. This man Carmichael has long since forfeited his right to act as a spokesman for the civil rights movement in this country and I have reason to believe that responsible and respectable civil rights leaders would like very much to see his sails trimmed and that he be brought to account.

Reportedly the Attorney General, Ramsey Clark, disagrees with the President and feels that to take action against Carmichael would only serve to make a martyr of him. I think that is so much "balderdash" and if forceful action is taken against Carmichael it will be applauded by the great majority of Ameri-

cans, whether they be black, white, yellow, or red.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. ROSTENKOWSKI (at the request of Mr. OLSEN), for Tuesday, December 5, 1967, 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. PRICE of Texas (at the request of Mr. HUNT), for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. COLLIER.

Mr. IRWIN.

Mr. DULSKI.

Mr. FULTON of Pennsylvania.

(The following Member (at the request of Mr. HUNT) and to include extraneous matter:)

Mr. KLEPPE.

(The following Member (at the request of Mr. MATSUNAGA) and to include extraneous matter:)

Mr. DONOHUE.

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 320. An act to authorize the Secretary of the Army to release certain use restrictions on a tract of land in the State of North Carolina in order that such land may be used in connection with a proposed water supply lake, and for other purposes;

S. 343. An act to provide that the Federal office building to be constructed in Detroit, Mich., shall be named the "Patrick V. McNamara Federal Office Building" in memory of the late Patrick V. McNamara, a U.S. Senator from the State of Michigan from 1955 to 1966.

S. 1136. An act to amend section 9 of the act of May 22, 1928 (45 Stat. 702), as amended and supplemented (16 U.S.C. 581h), relating to surveys of timber and other forest resources of the United States, and for other purposes;

S. 2195. An act to amend the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended;

S.J. Res. 35. Joint resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas; and

S.J. Res. 101. Joint resolution amending title XI of the Merchant Marine Act, 1936, to authorize the Secretary of Commerce to guarantee certain loans made to the National Maritime Historical Society for the purpose of restoring and returning to the United States the last surviving American square-rigged merchant ship, the *Kaiulani*, and for other purposes.

ADJOURNMENT

Mr. MATSUNAGA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock p.m.) the House adjourned until tomorrow, Wednesday, December 6, 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:

1258. A letter from the Acting Secretary of Transportation, transmitting a report of Anti-Deficiency Act violations by the Federal Aviation Administration, pursuant to the provisions of 31 U.S.C. 665(i)(2); to the Committee on Appropriations.

1259. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation as well as a list of the persons involved, pursuant to the provisions of section 244(a)(2) of the Immigration and Nationality Act of 1952, as amended; to the Committee on the Judiciary.

1260. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation as well as a list of the persons involved, pursuant to the provisions of section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1261. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved, according certain beneficiaries third preference and sixth preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. CONYERS:

H.R. 14284. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KLEPPE:

H.R. 14285. A bill to amend the act of March 4, 1909, as amended, to obtain information for agricultural estimates from county extension agents; to the Committee on Agriculture.

By Mr. MATSUNAGA:

H.R. 14286. A bill to amend the Internal Revenue Code of 1954 to allow an individual a deduction from gross income for certain expenses of employing housemaids, yardmen, and other household help; to the Committee on Ways and Means.

By Mr. MILLER of California:

H.R. 14287. A bill to amend section 503(f) of the Federal Property and Administrative Services Act of 1949 to extend for a period of 10 years the authorization to make appropriations for allocations and grants for the collection and publication of documentary sources significant to the history of the United States; to the Committee on Government Operations.

By Mr. BUSH:

H.J. Res. 949. Joint resolution declaring the first Tucsday after the first Monday of November in each even numbered year to be a legal public holiday; to the Committee on the Judiciary.

By Mr. WYDLER:

H.J. Res. 950. Joint resolution to provide for the issuance of a commemorative postage stamp in honor of the late Francis Cardinal Spellman; to the Committee on Post Office and Civil Service.

By Mr. WYLIE:

H. Con. Res. 592. Concurrent resolution expressing the sense of the Congress with respect to the settlement of the indebtedness of the Republic of France to the United States; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BRASCO:

H.R. 14288. A bill for the relief of Margaret Patricia Wilson; to the Committee on the Judiciary.

By Mr. GILBERT:

H.R. 14289. A bill for the relief of Francesco Buffa; to the Committee on the Judiciary.

By Mr. KING of New York:

H.R. 14290. A bill for the relief of Joseph A. Petnel; to the Committee on the Judiciary.

By Mr. KUPFERMAN:

H.R. 14291. A bill for the relief of Anastou Styliano; to the Committee on the Judiciary.

By Mr. MATHIAS of California:

H.R. 14292. A bill for the relief of Rosa Barbero; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

There Ain't No Santa Claus

EXTENSION OF REMARKS

OF

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 1967

Mr. COLLIER. Mr. Speaker, in a little over 3 weeks, we will celebrate the birth of the Saviour. I am hoping that the present session of the 90th Congress will have adjourned sine die by Christmas, so that the Members, as well as their constituents, may have a brief vacation before the second session begins early in January.

Many of us, if not most of us, believed for a brief period during our early years in a character called Santa Claus. Then one day one of our more sophisticated schoolmates informed us that "There ain't no Santa Claus," and that our fathers and mothers, uncles and aunts, and other possessors of the necessary wherewithal were the ones who bought the presents that were bestowed upon us at Christmas time.

Today, even though the season of peace on earth, good will toward men approaches, we are concerned with much more than Christmas shopping. Our present preoccupation is with the problems that accompany the huge budget

deficit for fiscal 1968, which the President has said may reach a figure between $30 billion and $35 billion. We must soon find the answers to these problems. Should we increase revenue by imposing a 10-percent surtax or should we make the percentage smaller? Should we set different rates for corporations than for individuals? When should the new rates, if any, take effect? Where should spending be cut, and how much?

The answer to the last question should be accompanied by the five words of youthful wisdom that most of us heard many years ago: "There ain't no Santa Claus."

Let us all get up on the housetops, next to the chimneys that are a part of the Santa Claus story, and tell everybody who has ears to hear that all the good things that Government provides must be paid for by those of us who are today's fathers and mothers and uncles and aunts. What we fail to pay for will some day be paid for by our children and grandchildren, who will then realize, if they have not already become convinced, that Santa Claus is only a figment of the imagination.

Let us tell those in our own country who are the recipients of handouts from Washington, D.C., that their checks are made possible by the sweat of other men's brows. Let us tell those in other lands who have been receiving foreign aid charity that Uncle Sam has found it necessary to tighten the purse strings and that the gravy train must be sidetracked.

Many years ago an editorial writer for the New York Sun told a little girl, "Yes, Virginia, there is a Santa Claus." Let us now enlighten Virginia and Georgia, New York and Illinois, Massachusetts and Alaska, and all the other States, as well as the foreign nations of every continent, by telling them, "There ain't no Santa Claus."

Congressman Harold D. Donohue Urges 2-Year Extension of the Adult Education Act of 1966

EXTENSION OF REMARKS

OF

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 1967

Mr. DONOHUE. Mr. Speaker, through misunderstanding, my prepared remarks urging overwhelming approval, yesterday, of H.R. 11276, to extend the provisions of the Adult Education Act of 1966 for 2 additional years were not included in the RECORD account of the House proceedings on this vitally important measure. I would like to have them included at this point, and they follow:

CONGRESSMAN HAROLD D. DONOHUE URGES 2-YEAR EXTENSION OF THE ADULT EDUCATION ACT OF 1966

Mr. Chairman, I most earnestly urge and hope that the House will speedily approve this bill before us, H.R. 11276, authorizing appropriations to extend the Adult Education Act of 1966 for two additional years.

Mr. Chairman, there are now living in the United States about 4,000,000 adult people who cannot read and some 21,000,000 additional adults who never went beyond the seventh grade of school. In other words we have 24,000,000 undereducated adult Americans who do not have the educational attainments to obtain and progress in any responsible employment position in our modern business market.

It is obvious, therefore, that there is an ever increasing and urgent need to provide educational opportunities for adults whose inability to speak, read or write English constitutes a substantial impairment of their ability to obtain employment that offers them a chance to progress into the higher salaried positions even though they may otherwise have substantial talents of initiative, judgment, and diligence in their work.

The original adult basic education program was established to assist these Americans in improving their education accomplishments and, thereby, their economic opportunities to better provide for themselves and their families as well as reducing the almost absolute dependency of some illiterates.

When the program was begun in 1965 38,000 people enrolled in it and, in just two years, the number has increased to approximately 400,000. All over the country the lists of people, in every state, who want and need adult basic education continues to grow but the list far outnumbers the classroom space and the teachers which available funds can provide. For this reason I think it is of extreme importance that our federal participation in these adult basic education programs be continued for an additional two years and, as budgetary circumstances permit, expanded to meet the expanded needs in this critical area of adult basic education.

I submit, Mr. Chairman, that approval of this measure is a sound and prudent investment for true American development and the returns on the investment will be multifold. I hope the bill will be adopted without delay.

Nelson A. Rockefeller for Secretary of Defense

EXTENSION OF REMARKS

OF

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 1967

Mr. DULSKI. Mr. Speaker, an outstanding and dedicated public servant, Robert S. McNamara, has accepted the Presidency of the World Bank.

Mr. McNamara has served for nearly 7 years as Secretary of Defense, one of the most difficult appointive offices that exist. He has done so with dignity, with the utmost devotion to duty, with competence.

Now, President Johnson must choose a successor to Secretary McNamara—not an easy responsibility.

Mr. Speaker, I would like to suggest to the President that he consider appointing Gov. Nelson A. Rockefeller, of New York, as the new Secretary of Defense.

Here is a candidate who has demonstrated executive ability, not only as the Governor of our State for three terms, but also in a number of other Government responsibilities over the years.

The Defense Department represent the largest part of our Government in terms of both budget and manpower. It requires a civilian leader of broad experience not only in Government, but also in foreign affairs and in finance.

Indeed, Governor Rockefeller has a unique background of experience which makes him especially qualified to head the Department of Defense.

In 1953, he was chairman of a special committee on the Reorganization of the Defense Department. Its recommendations were approved by President Eisenhower and adopted by the Congress.

Then in 1958, he undertook a further review and study of the Defense Department at the request of then Secretary of Defense McElroy.

Governor Rockefeller was also Chairman of the President's Advisory Committee on Government Organization, which proposed a number of reorganization plans. Included was the plan creating the Department of Health, Education, and Welfare and, later, he served that Department as Under Secretary.

In the field of foreign affairs, he has been active particularly in inter-American affairs and participated in the San Francisco conference when the United Nations was founded.

Politically, there is no problem. The position of Secretary of Defense is and should be nonpartisan. Mr. McNamara was a Republican when he was nominated by the late President Kennedy.

Further, Governor Rockefeller has taken himself out of the national political picture in no uncertain terms. He has said repeatedly that he does not want to be a candidate for President.

Thus, I believe that Governor Rockefeller is ideally suited for this high Cabinet post. He has the demonstrated ability, the executive reputation, the political independence, which the man in this high office requires.

I suggest that President Johnson give serious consideration to the nomination of Nelson A. Rockefeller to be his Secretary of Defense to succeed Robert S. McNamara.

The 1968 Election Calendar

EXTENSION OF REMARKS

OF

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 1967

Mr. FULTON of Pennsylvania. Mr. Speaker, in order to give my colleagues in the House, and the citizens of my district the Federal and State calendar of 1968 events, I have made up this information in letter form as follows:

DECEMBER 8, 1967.

To My Good Friends:

I am writing to let you know the calendar of 1968 events of National and State importance. This is an exciting year—with Federal elections for President (and Vice President), one-third of U.S. Senate, and all of U.S. House of Representatives in Congress. Also for State elections are 3 State offices, one-half the Pennsylvania State Senate, and all of the State House of Representatives.

Pennsylvania Spring *Primary* election is—Tuesday, *23 April 1968.*

November *General* election is—Tuesday, *5 November 1968.*

National Party Conventions begin:

Monday, *5 August 1968*—Republican—*Miami.*

Monday, *26 August 1968*—Democratic—*Chicago.*

Convention delegates are elected at primary 23 April—2 delegates for each party, with alternates, in each Congressional District.

In order to be helpful to you, I am giving below the list of officers and legislative seats to be voted on in our South Hills Congressional District.

Cordially,

JIM FULTON.

FEDERAL OFFICERS

President—Lyndon Johnson.

Vice President—Hubert Humphrey.

U.S. Senate Pa. Joseph Clark—6 year term.

U.S. Congress 27th District—Jim Fulton—2 year term.

PENNSYLVANIA STATE OFFICERS

Auditor General—Grace M. Sloan—4 year term.

Treasurer—Thomas Z. Minehart—4 year term.

Superior Court Judge—Vacant—10 year term.

PENNSYLVANIA GENERAL ASSEMBLY

State Senate (4 year Terms):

37th District—Wayne S. Ewing. 45th District—Joseph M. Gaydos. 43rd District—Frank Mazzel.

State Legislators (2 year Terms)—by District:

26th—Charles N. Caputo, 27th—Robert A. Geisler, 40th—Donald O. Bair, 41st—Joseph V. Zord, 42nd—H. Sheldon Parker, Jr., 43rd—George K. Haudenshield, 44th—Andrew J. McGraw, 45th—Max H. Homer.

In these times, I believe it is the patriotic duty of every American citizen to register and to vote. We Americans are watched and criticized because so many do not vote. Our U.S. servicemen deserve our support.

I recommend that you plan ahead to reserve these election dates particularly. But if you are ill or must be out of town, write for your absentee ballot application to Allegheny County Department of Elections, Pittsburgh, Pennsylvania 15219.

Change in law: New Pa. residents—*only* 90 day residence required for registration prior to elections.

Absentee ballot applications: Primary: 1st day to apply—4 March '68. Last day—16 April '68. General Election: 1st day to apply—16 September '68. Last day—29 October '68.

Military ballot applications—U.S. Servicemen: ask for Federal absentee ballot application at your base—or apply in writing to Allegheny County Department of Elections—or members of family can apply for servicemen in person or by writing.

Absentee Ballots are then mailed out by Department of Elections.

All military and absentee ballots must be mailed and postmarked by midnight Election Day, otherwise they are not counted.

President Johnson Builds for Peace in 1967

EXTENSION OF REMARKS

OF

HON. DONALD J. IRWIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 1967

Mr. IRWIN. Mr. Speaker, President Johnson eloquently reminded the Nation in remarks to the Foreign Policy Conference for Business Executives that 1967 has been a year of "remarkable constructive achievements for the people of the world community."

As the President made clear, behind the glaring headlines of conflict and international tension, the United States has moved boldly to lay the cornerstones of a durable and lasting peace.

Behind our firm shield in Vietnam, the threatened nations of Asia have, in the President's words, "been able to get on with the real work of peace."

Tensions with the Soviet Union have been reduced by ratification of the Consular Treaty to protect American citizens in Russia; the historic Outer Space Treaty to assure peaceful exploration of the firmaments; and agreement on a draft nuclear nonproliferation treaty to control the spread of nuclear weapons after 25 tension-laden years of the nuclear age.

During 1967, the economic interdependence of the free world has been greatly accentuated with successful completion of the historic Kennedy round lowering trade barriers, the Rio Accord creating a new international reserve currency to facilitate international transactions, and the Punta del Este Conference, bringing the dream of Latin American cooperation closer to reality.

The works of peace—lessening Middle Eastern tensions, advancing constructive regionalism, eradicating the poverty and ignorance which breeds violence—are quiet works. They make few headlines and incite no demonstrations. But they are making this uneasy planet a better, more tranquil, more tolerant place to live.

The seeds which President Johnson has so diligently planted in 1967 will one day bloom into the world order we all seek and that will create headlines indeed.

Under unanimous consent I insert into the RECORD the President's important statement to the Foreign Policy Conference for Business Executives and to the Nation:

REMARKS OF THE PRESIDENT TO THE FOREIGN POLICY CONFERENCE FOR BUSINESS EXECUTIVES, DECEMBER 4, 1967, STATE DEPARTMENT

First I want to welcome you here and tell you how delighted I am that I can be with you. I want to thank each of you for your generosity. I have thought for some time that it was about time someone threw a benefit for Dean Rusk. This is one of the loveliest rooms to throw it in in all of Washington, even though the windows are barred.

When Dean Rusk first took his job as Secretary of State, I am told that he made one request. He wanted a room with a good view, so he was put up here on the seventh and eighth floors.

He asked for one more thing. He wanted to have the windows sealed. "Why?" he was asked. "Simple," he said, "it is too far to jump and too high for the pickets to climb."

But Dean forgot all about the birds. They tell me they flock to his window sill every single day. As everybody knows in this country, and most other countries, the Secretary of State is a very wonderfully kind, gentle, understanding and generous man. Every morning Mrs. Rusk gives him a little bag of bread crumbs to bring down to the office with him so he can feed these native birds through the day. The sparrows and the starlings seem very grateful and appreciative, but as you must have observed, there is just no pleasing the appetites of these doves and hawks.

Someone told me that there were some pickets outside while you were registering. I am getting to be an expert these days on pickets' signs myself. I think there must have been a switch in some of those that were used yesterday. The way it was reported to me, one read "Unleash Rostow."

You may have noticed that a great deal of care went into the preparation for your briefings. One reason is that business is entitled to very great respect in this country of ours. Outside of Government, it is really the only place left where a man can find a job. You may know that there are at least a few people who are out job hunting these days.

A publisher of a children's book on penguins recently sent copies to a group of youngsters to get their opinions. One young lady replied: "This is a good book on penguins—but it told me more about penguins than I wish to know."

After looking around at some of these briefers, I am afraid that you have heard a lot more about foreign policy in your briefings than you would wish to know.

The threads of foreign policy extend throughout the fabric of our national life. You cannot find the significance of any one thread without seeing its relationship to the whole.

It is not always easy to keep that in mind in the echo of gunfire.

Today, America's eyes are on Vietnam. The minds of our people are centered on the hills and rice paddies where our men are out there fighting.

Our presence in Vietnam is in keeping with a foreign policy which has guided this Nation for 20 years. Four Presidents, 11 Congresses, and the most thoughtful men of our generation have endorsed that policy and situation and have built that policy from the ground up.

For two decades, we have made it clear that we will use our strength to block aggression when our security is threatened, and when—as in Vietnam—the victims of aggression ask for our help and are prepared to struggle for their own independence and freedom.

Our strength, and America's commitment to use that strength, has served as a shield. Behind this shield, threatened nations have been able to get on with the real work of peace. They have been busy building stable societies and relieving the bitter misery of their people. Where we have been able to—where our assistance has been wanted—where it has been properly matched by self-help—we have used our wealth to help them and help feed them. For we have learned that violence breeds in poverty, disease, hunger, and ignorance.

Our purpose is not to breed violence, but to build peace.

The test of our policy is whether the time we have bought has been used to the end that we are building peace.

The evidence of 20 years suggests that we are meeting that test.

Western Europe's recovery from the ruins of war seems like ancient history to some of you here tonight. But it was only yesterday. Many thought it could not happen in our lifetime, but it did happen—with our help, and behind our shield of protection, and behind our sacrifices of lives and dollars.

Twenty years ago it was clear to the leaders of Western Europe that our shield there was necessary to their future.

Today it is equally clear to Asian leaders that our presence in Vietnam is vital, is necessary, is a must to Asia's tomorrow.

There has been much talk in the United States about the so-called "domino theory"—the theory that if South Vietnam should fall,

its neighbors would topple one after the other. As I pointed out in a speech I recently made in San Antonio, the threat of Communist domination is not a matter of theory for Asians. Communist domination for Asians is a matter of life and death.

But it is now clear to all Asians that South Vietnam is not going to fall. In every capital of Free Asia that fact has already registered, and registered well. It is being acted upon. What is happening in Asia might really be called the "domino theory in reverse." We do not need to speculate about the results. We know what has happened since we made our stand clear in Vietnam.

Just a few years ago, Southeast Asia was only a geographic phrase. Its separate states had no sense of identity with each other.

All of those states were overwhelmed by the size of their own domestic problems.

Moreover—and most important—they were hypnotized by the menace of China.

Out of this fear—this sense of isolation—this awareness of desperate problems—grew something ominous. It was a paralysis of the will to progress. There was a hopeless feeling among all Asians that they were the victims, rather than the forgers, of their own destiny.

Now, in the span of a few years, all of that has changed, I am glad to say, and the major agent of that change has been America's firmness in Asia.

Behind the shield of our commitment there, hope has quickened in the nations of Asia.

They are banded together in regional institutions to attack common problems: to pool their information about how to get more from their land; to explore new ways to bring education to their villages; to join in the fight against disease; and to improve their trade with each other, build new industries, and pull together for the economic development of the entire area.

I do not want to generate false optimism here tonight. I do not want to suggest that all the problems of these nations will be solved soon or easily.

But I do suggest that when men weigh the pros and cons of our commitment in Vietnam, they consider this:

The war in Asia is not merely saving South Vietnam from aggression. It is also giving Asia a chance to organize a regional life of progress, cooperation, and stability.

This is no new objective. Our Government supported the Southeast Asia Treaty in 1954 precisely because the stability of that part of the world was judged by the President and the Secretary of State in 1954 and the United States Senate by a vote of 82 to 1 in 1955 to be vital to the security of you and your boys and your girls and your families, you Americans.

The passage of time, I think, has proved that the President, the Secretary, and the Senate's judgment was absolutely correct. I think it is vital to our security.

Now, there are a a lot of people who do not think so. There are a lot of people who are looking for the fire escape and the easy way out. They were doing that in Mussolini's time. They did it in Hitler's time. They did not think that this was important to the security of the United States until it was almost too late.

We waited a long time here, but better late than never, and now, behind America's protective shield, progress is in motion in Asia where there was none just a few years ago.

This development is as significant for the peace of the whole world as the activities in Europe that I discussed, and the rebirth of Europe after World War II that all of us participated in. None of us should ever forget that more than half of all human beings in the world live in Asia, and there can be no peace in the world when half of the human beings live in an unstable condition.

On the periphery of the Orient, a new Asia is already building. I saw it. I went there last year. I visited their countries and their peoples.

As this new Asia becomes a firm reality, there is a decent hope that the people on the mainland will also turn their minds to the challenge of economic and social development. There is a decent hope that they will turn to the task of living in dignity and mutual respect with their neighbors.

But our foreign policy is concerned not merely with Asia, but with all the world. And we have acted on that judgment. I want to review very briefly, because you don't hear anything but the complaints that sometimes seem to overshadow the progress we make. The constructive decisions, the march we make forward, doesn't make very interesting reading or reporting.

We achieved a trilateral agreement with Germany and Great Britain which stabilized our troop levels in Germany and dealt with the balance of payments problems caused by their location.

We achieved a successful negotiation of the Kennedy Round bringing advantages to the whole world, and a few weeks before it looked rather grim.

We achieved a preliminary monetary accord in London which led to the agreement at Rio with all the other members of the IMF—laying the basis for a new international reserve currency.

In the face of the devaluation of the pound, we worked with the industrial nations of the Free World. Our men have been crossing back over the Atlantic on weekends to keep other exchange rates stable and the international system strong.

We are working with the Soviet Union, our NATO partners, and the other nations of the world to achieve a non-proliferation treaty—which, when complete—will give all countries the opportunity to benefit from the peaceful uses of nuclear technology while reducing the risks of nuclear war.

In this past week we have moved toward a common position with the industrialized countries of the world to establish special trading benefits which will accelerate progress among the developing nations of the world.

We have concluded this year two treaties with the Soviet Union, the Consular Treaty and the Space Treaty. They have been ratified by the United States Senate.

These achievements rarely make the headlines and interest the average citizen. But they are real achievements and real accomplishments, and a failure in any one would make a lot of noise. They represent the acceptance of joint responsibilities between enlightened leaders. And we are prepared to build upon them.

In the months ahead, I would like to see us work with the institutions of the European communities and with other industrialized nations of the world to make our policies of assistance to the developing nations more effective.

If we have demonstrated that we can work on all of these things that I have outlined, we ought to demonstrate that we can work together in making policies of assistance to developing nations. We should work to strengthen further the world monetary situation: to consider together the problems and possibilities of flows of capital and technology back and forth among us; and finally, to examine together and exchange experiences on the problems we all share, the problems of the urban life, the problems of the modern-day cities that have grown every day and they have reached a point now where they must be dealt with quickly and effectively.

What we have achieved in this year goes beyond these great initiatives:

After a year's careful preparation, we had the Summit Conference at Punta del Este at which the nations of Latin America committed themselves to go forward toward economic integration—with our support.

We have moved from a dangerous war in the Middle East to an agreed resolution within which a representative of the United Nations will be seeking a stable peace for that troubled region in the months ahead. I shudder to think what could have happened if we had not taken that step and what might have happened if we had not been successful in bringing about a cease-fire in the Middle East just a few months ago.

We have worked with others to avoid massive bloodshed in the Congo. To the concerned Senators I see tonight, the last of the American C-130 transport planes will leave the Congo at the end of this week. We have thrown our support behind the regional and sub-regional efforts of the Africans to build a modern life through cooperation—a process that is quietly moving forward in East Africa and greatly advanced by the current conference at Dakar in West Africa.

Tomorrow, the Secretary early in the morning and the Vice President and I a little later in the day, will be meeting with a distinguished American who has been trying to leave public service now for about seven years. He has had to come back when we have demonstrations. He has had to go to Detroit to help when we have problems there. He has been in Cyprus and Greece and Turkey trying to solve that matter.

Mr. Cyrus Vance is returning after a successful effort in which Greece and Turkey drew back from the brink of war and opened the way to solve a serious problem.

This has been a year of remarkable constructive achievement for the people by the world community, despite the struggle in Vietnam.

If the generations which come after us live at peace at all, it is going to be because this generation held the shield and supplied the courage and the fortitude and determination by which peace was built and because we stubbornly labored to build that peace instead of finding a cheap, dishonorable way out of it.

To those of you who have come here to provide this benefit for Dean Rusk, this rather unusual event, I want to say to you that we have 41 alliances around the world where the commitment and the signature and the agreement of the United States is present—where your President and your Senate and your leadership have made commitments for this nation.

Now, Dean Rusk didn't make them and I didn't make them. We just have to keep them. If you will keep the faith, we will keep the commitments.

The Wheat Situation—Domestic and Foreign

EXTENSION OF REMARKS

OF

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 1967

Mr. KLEPPE. Mr. Speaker, I ask to have included in the CONGRESSIONAL RECORD the text of a speech on the current wheat situation, delivered December 4, 1967, by Representative BOB DOLE, of Kansas, before the Hard Winter Wheat Quality Advisory Council at Kansas City, Kans. It has been my privilege to serve on the House Agriculture Committee with the gentleman from Kansas [Mr. DOLE]. He has worked hard and long to promote increased wheat ex-

ports and to strengthen domestic wheat prices. I believe other Members will find his remarks most interesting and informative. The text follows:

THE WHEAT SITUATION—DOMESTIC AND FOREIGN

In discussing wheat policy, I should like to review the current situation with some interesting background data and my proposals for a more prosperous future for wheat growers.

KANSAS AND WHEAT PRICE

If there is any one statistical figure for the Kansas wheat grower to examine and to be concerned about, it is the most recent price received by farmers for wheat which was released by USDA. For the United States, it was $1.39 per bushel—53 percent of parity. For Kansas, this November 15, 1967, price was even lower—$1.31 per bushel. These price data reflect the disastrous effects of a misguided Freeman-Johnson policy which makes a sacrificial goat of the farmers interests to those of the more numerous urban citizens.

Now how did we get to this unhappy situation? What are the true facts? Let us together examine the facts. The data and statements are all from official sources.

U.S. WHEAT SUPPLIES

Total U.S. wheat supplies for 1967–68 are estimated at 1,981 million bushels, an increase of 133 million bushels from supplies of a year earlier. This is the first time since 1960–61 that the supply of wheat in the United States has increased from that of the previous year. The July 1, 1967, carryover was 426 million bushels. It will be up by 100 million on July 1, 1968.

Total disappearance of wheat during July–September, 1967, at 415 million bushels, was slightly larger than for the same period a year earlier. Exports, totaling an estimated 195 million bushels, were down 16 percent from exports in July–September, 1966.

Use of wheat for food was little changed from a year earlier while seed use was off, reflecting the 13 percent reduction in the national acreage allotment for the 1968 crop. Feeding of wheat was greater during this past July-September than a year earlier, due to the narrower spread between wheat and feed grain prices. The approximately 45 million bushels fed in this quarter this year is about 30 million more than a year ago.

Stocks of wheat in all positions on October 1 totaled 1,565 million bushels, up 124 million from October, 1966.

Total domestic disappearance will probably increase in 1967–68, primarily because of lower prices resulting in heavier use of wheat for feed. For the entire 1967–68 marketing year, feeding is estimated at about 125 million bushels compared with 93 million last year.

The Bureau of the Census made downward revisions in their data on wheat grind and flour produced for calendar years 1962 to 1966, resulting in smaller domestic wheat food usage and a lower per capita disappearance of flour. The level of per capita flour disappearance was reduced by about 2 pounds so that the average for 1966 has been revised to 112 pounds. The revisions place the recent trend in per capita flour use at a 1 pound reduction per year. As a result, it appears that food use of wheat in 1967–68 may total 510 to 515 million bushels.

Seed use of wheat in 1967–68 is likely to total 70 million bushels, somewhat below the 78 million of last year. This is likely to be more than offset by increases in food and feed use, resulting in a total domestic disappearance in 1967–68 of about 700 million bushels, slightly higher than last year.

Allowing 700 million bushels for domestic requirements for the entire 1967–68 marketing year, the quantity available for export and carryover is above that of a year earlier. The *USDA's* export target was announced last summer at 750 million bushels, fractionally larger than the 742 million of 1966–67.

Through October 30, exports of wheat and products, as well as forward registration for export payment, were behind last year's record level on that date. It is going to be difficult to reach that target. I shall do everything possible to help the *USDA* in achieving or even exceeding that level. I have traveled tens of thousands of miles to remote areas of the earth in that endeavor.

A LOOK AT THE RECORD

Now if we are to understand what was really happening to drive prices down to current bankruptcy levels, we must take a step backward in time. In 1966, the Secretary of Agriculture, along with the Council of Economic Advisers, decided that the Consumer Price Index was more important than the prices farmers received. In 1965–66, U.S. wheat exports were 867 million bushels. In 1966–67, wheat exports were cut arbitrarily by the administration. I say arbitrarily because Secretary Freeman sent a cable around the world to Public Law 480 recipients—a cable of malnutrition—advising our ambassadors to cut their wheat requests under the food for peace program by 25 percent.

By this arbitrary means, with no indication to the Congress, exports of wheat under P. L. 480 were actually cut by 44 percent from a year earlier—from 523 million bushels to 292 million bushels in 1966–67. I have been, as might be expected, interested in the food for peace program for some years. I find nothing in the record which authorized the administration to withhold food in order to get farm prices down—in bureaucratise—to "stabilize" prices. Incidentally, wheat was not the only commodity to get this treatment. In view of the fact that this is a wheat talk, I will not go into the details of the price destroying actions affecting other commodities.

William Jennings Bryan, a presidential candidate from a neighboring State, once made a famous cross of gold speech. To paraphrase one of his famous comments:

You shall not press down upon the brow of farmers this crown of thorns,
You shall not crucify agriculture upon the cross of the consumers price index.

WHAT FREEMAN SAYS

Now, Secretary Freeman, recognizing that these decisions are responsible for the unhappy state of agriculture, has tried to explain away these current low farm prices. He stated in a recent speech at the Outlook Conference held at USDA that "the bricks hurt, gentlemen." To be fair to him, we should quote him more fully:

"What has taken place over the past year is ironic—but we have always recognized the danger. A year ago the evidence on world food production and supplies was most unfavorable. The monsoons in India were failing for the second successive year, short crops in the Communist countries had required large purchases from Western exporters. The disappearance of excess stocks in the United States and an unfavorable wheat yield outlook contributed to the uncertainty. The world was clearly in a short grain supply position.

"As a result, after a careful assessment of probable world needs in the 18 months ahead, the national wheat acreage allotments for the U.S. 1967 crop were increased sharply. Action was taken to increase acreage in feed grains and soybeans as well.

"Then within a few weeks after these decisions were made, the world outlook changed sharply with favorable prospects in almost every major grain producing country.

"Canada, Australia, and the Soviet Union harvested record wheat crops. Argentina and Western Europe harvested good crops of both wheat and feed grains. Feed grain harvests in Eastern Europe were good and a few months later South Africa produced a record corn crop.

"In the U.S. we have a record grain crop in 1967, with an overall increase of from 4 to 5 percent. The 1967 feed grain crop is up 12 percent, wheat crop up 19 percent."

Now this explains only one part of the problem—the size of the 1967 wheat crop. I think the important question is, if as stated, the world outlook changed within a few weeks, why did not the Secretary loosen his grip on P.L. 480 exports? Why did the concept of holding farm prices down or "stabilized" continue in force past harvest time for the 1967 crop? After all, the Congress has made available to the administration $7.5 billion for launching the war on hunger program. Actual use is only a fraction of this level. The answer lies in the internal strategy to sacrifice the farmers' interests to those of the much more numerous urban dweller. I think this policy is disastrous. It should not go unnoticed that all this food holdback was going on just after President Johnson was telling the Congress that he intended to lead a war against hunger.

FOOD FOR PEACE

I feel very strongly about this. The food for peace legislation was passed under President Eisenhower in 1954. It is called the Agricultural Trade Development and Assistance Act of 1954. This legislation and subsequent amendments have had strong bipartisan support. It has done so much good all over the world. *I will not stand by and watch farmers' interests sacrificed to the statistical rigidities of the consumer price index.* The beneficial potentials of the war on hunger must be maximized. The nation and the world must not be deterred from this victory!

PURCELL RESERVE BILL

In recent weeks the Secretary of Agriculture and his top assistants have been decrying the defeat in the House of Representatives, livestock and grains subcommittee, of the so-called *strategic reserve grain bill.* It is significant that the Secretary of Agriculture in talking about this bill never refers to the provisions regarding reserves. He claims that it would have resulted "in from $300 to $500 million in additional income for farmers."

Let us examine this ridiculous claim by analyzing the Purcell bill in detail.

(1) The Under Secretary came before our subcommittee and made the ridiculous claim that the market prices for wheat, feed grains and soybeans could be increased sharply as provided in this bill by an expenditure of $5 to $10 million. Note that he testified to this in an open hearing. Note that the Under Secretary testified that with this small outlay he would move into the open market ready to purchase up to the following amounts:

180 million bushels of wheat; 500 million bushels of feed grains; 90 million bushels of soybeans.

If $5 to $10 million was all he would spend, this raises a fundamental question of whether the administration really supported the bill. Was it just a political conversation piece?

(2) The release formula provisions in the bill formed what could be termed an "inverted pyramid". That is, the lowest resale prices would come into effect when total available supply of a commodity would be at the highest level. The farmer needs protection from the Government stocks the most when the supply is greatest. In other words, the greater the supply, the greater the need for price protection and insulating of stocks. This bill, however, would have just the opposite effect.

The administration measure was defeated because it was not, in fact, a reserve bill, but

simply a device to further stabilize and manipulate the price farmers receive for their commodities. Had the administration and some Democrat members of the committee been willing to insulate the stocks acquired under the provisions of the reserve bill, it would have passed without difficulty. In my opinion, the 6 to 6 vote on the amendment offered by Congressman John Zwach of Minnesota indicated the administration was not interested in a true reserve proposal. The Zwach amendment would have prevented the release of any reserve stocks at less than 100 percent of parity. This amendment would insulate the stocks from the market, resulting in significant increases in the market prices. Six Republicans voted for the Zwach amendment, and significantly, six Democrats opposed it. This should leave no doubt as to which party is interested in improving farm income.

TIDE OF PROTECTION

As we look ahead to the future, the wheat producer will be adversely affected by the rising tide of protectionism. We are witness to an increase by foreign countries in efforts to set aside the conventional rules in international trade in order to solve domestic problems.

The European Economic Community's variable levy on cereal imports effectively protects indigenous production from competition. Concurrently, other portions of the *EEC* farm policy are providing financial incentives to its farmers to increase production.

Secretary of Agriculture Orville Freeman has recognized the danger inherent in *EEC's* common agricultural policy. In April, 1966, he said:

"The consequences for a liberal trade policy generally will be very serious if we cannot negotiate in the Kennedy Round some limitations on the trade restrictive effects of the Common Market's common agriculture policy. All of us, therefore, have a vital stake in the successful outcome of the Kennedy Round."

The variable levy system, while one of our original targets in the Kennedy Round, *was one of our negotiation failures.*

INCREASED PRODUCTION

Another factor adversely affecting our wheat position is the increasing production all over the world. We suffer from a complete lack of cooperation from other exporting nations in managing production and stocks. Argentina, Australia, and France continue to produce on an unlimited basis and get rid of their supplies on a year-to-year basis. Canada has no production limitations. The United States has taken on the role of supply manager for the world, and in this role has become the residual supplier to the commercial markets. *It is time that we let the world know that we are going to be competitive, every hour of every day.*

Another negotiation failure in the Kennedy Round was our efforts to get effective access guarantees. The United States proposed that importing countries purchase a fixed percentage from all exporting countries of their total needs. Secretary Freeman stated:

"The number one key to sustained expansion of U.S. agricultural exports is access to markets."

The Under Secretary in testimony before the House Foreign Affairs Committee stated:

"The opportunity to compete for traditional import markets is one of the cornerstones of our position."

These negotiating failures are costing wheat growers dearly. They will continue to do so for many years.

STEPS TO IMPROVE INCOME

Time and time again, I have outlined constructive steps to improve wheat growers' income. But time and time again the *Administration has ignored the recommendations.* Let me restate them.

(1) Raise the loan rate for wheat from $1.25 to $1.40 per bushel.

(2) Announce that no wheat stocks owned or to be owned for the next 2 years by *CCC* will be resold at less than parity.

(3) Announce that *CCC* will pay the first year storage costs for wheat under loan.

(4) Expand exports under P.L. 480 to the maximum consistent with the self-help provisions.

(5) Price wheat competitively for export, and take down the umbrella over the world commercial market. Under this price umbrella, Australia, Argentina, and France sell their crops and make the United States less competitive.

The American farmer is in serious trouble because of present "stop and go" policies. In my opinion, strong new leadership and new direction is needed.

HOUSE OF REPRESENTATIVES

WEDNESDAY, DECEMBER 6, 1967

The House met at 12 o'clock noon.

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

If any man will come after Me, let him deny himself and take up his cross daily and follow Me.—Luke 9: 23.

O God of grace and goodness, we acknowledge our dependence upon Thee, out need of Thy mercy and our desire for Thy guidance. We beseech Thee to make us more and more aware of Thy presence, give us to know that Thou art ever with us and that with Thee we can face the day with confidence, do our work with fidelity, and be calm in the midst of trying experiences.

We do not pray for freedom from disappointment or defeat but we do pray that Thou wouldst give us the faith and fortitude we need for these hours and such strength, as will enable us to do the work we are called upon to do and to do it honorably and well.

Renewing our strength, reinvigorating our minds, and restoring our souls, send us out into this day to do what we can for others, to keep our Nation great, and to make the world a better place where men can learn to live together in peace. In the Master's name we pray. 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. Bradley, one of its clerks, announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 480) entitled "An act to amend the act of October 4, 1961, relating to the acquisition of wetlands for conservation of migratory waterfowl, to extend for an additional 8 years the period during which funds may be appropriated under that act, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 830) entitled: "An act to prohibit age discrimination in employment," with amendments in which concurrence of the House is requested to the foregoing bill.

PERMISSION TO FILE CONFERENCE REPORT ON S. 2388, ECONOMIC OPPORTUNITY AMENDMENTS OF 1967, UNTIL MIDNIGHT TOMORROW NIGHT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tomorrow night to file the conference report on S. 2388, the Economic Opportunity Amendments of 1967.

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

There was no objection.

PRIVILEGE OF THE HOUSE

The SPEAKER. The Chair recognizes the gentleman from Idaho [Mr. HANSEN].

Mr. HANSEN of Idaho. Mr. Speaker, I rise to a question of the privilege of the House.

The SPEAKER. The gentleman will state the question of privilege.

Mr. HANSEN of Idaho. Mr. Speaker, I have been subpenaed to appear before the District Court of the First Judicial District of the State of Idaho, Kootenai County, to testify on Thursday, December 7, 1967, in the action of John Heine against School District 271, Coeur d'Alene, Idaho, and others.

Under the precedents of the House, I am unable to comply with this subpena without the consent of the House, the privileges of the House being involved. I therefore submit the matter for the consideration of this body.

Mr. Speaker, I send the subpena to the desk.

The SPEAKER. The Clerk will read the subpena.

The Clerk read as follows:

JOHN HEINE, PLAINTIFF *v.* SCHOOL DISTRICT 271, COEUR D'ALENE, IDAHO, AND STATE OF IDAHO, ACTING BY AND THROUGH ITS DULY ELECTED SUPERINTENDENT OF PUBLIC INSTRUCTION, D. F. ENGELKING, LEO REINAN, COEUR D'ALENE EDUCATION ASSOCIATION, IDAHO EDUCATION ASSOCIATION AND NATIONAL ASSOCIATION, DEFENDANT—SUBPOENA

[In the District Court of the First Judicial District of the State of Idaho, Kootenai County]

The people of the State of Idaho, to: George V. Hansen, Member of Congress, House Office Building, Washington, D.C.

You are hereby commanded that, laying aside all excuses, you appear at the Court Room of the District Court of the First Judicial District of the State of Idaho, in and for the County of Kootenai, at Coeur d'Alene on the 7th day of December, 1967, at ---- o'clock --M. of said day, as a Witness in the above entitled action on the part of the plaintiff.

Given under my hand this 24th day of November 1967.

HAROLD E. PETERSON,
Clerk.

By JASPER FITZGERALD,
Deputy Clerk.