United States; to the Committee on Ways and Means.

By Mr. FULTON of Pennsylvania:

H.R. 15202. A bill to provide for the establishment of a Commission on Negro History and Culture; to the Committee on Education and Labor.

H.R. 15203. A bill to extend certain expiring provisions under the Manpower Development and Training Act of 1962, as amended; to the Committee on Education and Labor.

By Mr. WAMPLER:

H.R. 15204. A bill to amend title 38 of the United States Code so as to increase the amount of home loan guarantee entitlement from $7,500 to $10,000, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HANNA (for himself, Mr. SISK, Mr. TUNNEY, Mr. WALDIE, Mr. HAWKINS, Mr. VAN DEERLIN, and Mr. COHELAN):

H.R. 15205. A bill to amend the National Housing Act to eliminate interest rate ceilings on FHA and VA insured mortgages; to the Committee on Banking and Currency.

By Mr. EDWARDS of California:

H.R. 15206. A bill to provide for improved employee-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HALPERN:

H.R. 15207. A bill for the relief of certain distressed aliens; to the Committee on the Judiciary.

By Mr. O'HARA of Illinois:

H.R. 15208. A bill to amend the Nurse Training Act of 1964 to provide for increased assistance to hospital diploma schools of nursing; to the Committee on Interstate and Foreign Commerce.

By Mr. BRASCO:

H.J. Res. 1060. Joint resolution to assist veterans of the Armed Forces of the United States who have served in Vietnam or elsewhere in obtaining suitable employment; to the Committee on Post Office and Civil Service.

By Mr. BUSH:

H.J. Res. 1061. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. ESHLEMAN:

H.J. Res. 1062. Joint resolution proposing an amendment to the Constitution of the United States relating to the employment of subversives; to the Committee on the Judiciary.

By Mr. GERALD R. FORD:

H.J. Res. 1063. Joint resolution to declare the policy of the United States with respect to its territorial sea; to the Committee on Foreign Affairs.

By Mr. FULTON of Tennessee:

H.J. Res. 1064. Joint resolution to provide for the designation of the second week of May of each year as National School Safety Patrol Week; to the Committee on the Judiciary.

By Messrs. MAHON, KIRWAN, and BOW:

H.J. Res. 1065. Joint resolution to provide for the reappointment of Dr. William A. M. Burden as Citizen Regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

H.J. Res. 1066. Joint resolution to provide for the reappointment of Dr. Crawford H. Greenewalt as Citizen Regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

H.J. Res. 1067. Joint resolution to provide for the reappointment of Dr. Caryl P. Haskins as Citizen Regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. NEDZI:

H.J. Res. 1068. Joint resolution to provide for the issuance of a special postage stamp in commemoration of Dr. Enrico Fermi; to the Committee on Post Office and Civil Service.

By Mr. RIEGLE (for himself, Mr. HARRISON, Mr. ABBITT, Mr. GROVER, Mr. SCHADEBERG, Mr. BUTTON, Mr. BUSH, Mr. SHIPLEY, Mr. THOMSON of Wisconsin, Mr. LONG of Louisiana, Mr. BURTON of Utah, Mr. CEDERBERG, Mr. TALCOTT, Mr. DONOHUE, Mr. MCEWEN, Mr. DIGGS, Mr. HÉBERT, Mr. MCCLURE, Mr. COWGER, Mr. HALPERN, Mr. MCCLOSKEY, and Mr. MCCLORY):

H.J. Res. 1069. Joint resolution to declare the policy of the United States with respect to its territorial sea; to the Committee on Foreign Affairs.

By Mr. GERALD R. FORD (for himself, Mr. ARENDS, Mr. LAIRD, Mr. GOODELL, Mr. BOB WILSON, Mr. CRAMER, Mr. RHODES of Arizona, Mr. HALL, Mrs. DWYER, Mr. BATES, Mr. BROOMFIELD, Mr. KING of New York, Mr. HARVEY, Mr. ROBISON, Mr. WATSON, Mr. MCDONALD of Michigan, Mr. BIESTER, Mr. KYL, Mr. MOORE, Mr. FRELINGHUYSEN, Mr. SNYDER, Mr. FINO, and Mr. HUNT):

H.J. Res. 1070. Joint resolution calling on the Boy Scouts of America to serve the youth of this Nation as required by their congressional charter; to the committee on Education and Labor.

By Mr. O'NEILL of Massachusetts:

H.J. Res. 1071. Joint resolution to provide for the designation of the second week of May of each year as National School Safety Patrol Week; to the Committee on the Judiciary.

By Mr. SAYLOR:

H.J. Res. 1072. Joint resolution calling on the Boy Scouts of America to serve the youth of this Nation as required by their congressional charter; to the Committee on Education and Labor.

By Mr. PICKLE (for himself, Mr. POAGE, Mr. MAHON, and Mr. PURCELL):

H. Con. Res. 632. Concurrent resolution calling on the Boy Scouts of America to continue to serve the youth of this Nation as set out by their congressional charter; to the Committee on Education and Labor.

By Mr. ST GERMAIN:

H. Con. Res. 633. Concurrent resolution to express the sense of the Congress that the Secretary General of the United Nations should deliver an annual message on the state of mankind; to the Committee on Foreign Affairs.

By Mr. KUPFERMAN (for himself, Mr. BARING, Mr. BRASCO, Mr. BROWN of Michigan, Mr. CAHILL, Mr. DANIELS, Mr. DE LA GARZA, Mr. DERWINSKI, Mr. DICKINSON, Mr. FOLEY, Mr. GOODELL, Mr. KYROS, Mr. MCCLORY, Mr. MCCLURE, Mr. O'KONSKI, Mr. PHILBIN, Mr. POOL, Mr. RIEGLE, Mr. ROGERS of Florida, Mr. SMITH of New York, Mrs. SULLIVAN, Mr. VANDER JAGT, Mr. WHALLEY, Mr. WHITTEN, and Mr. WIDNALL):

H. Con. Res. 634. Concurrent resolution to require France to pay its World War I debt; to the Committee on Ways and Means.

By Mr. WILLIAMS of Pennsylvania:

H. Con. Res. 635. Concurrent resolution expressing the sense of the Congress with respect to the indebtedness of the Republic of France to the United States; to the Committee on Ways and Means.

By Mr. ASPINALL (for himself and Mr. SAYLOR):

H. Res. 1057. A resolution to print as a House document a revised and up-dated version of the collection of materials entitled "Documents on the Use and Control of the Waters of Interstate and International Streams: Compacts, Treaties, and Adjudications"; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MURPHY of New York:

H.R. 15209. A bill for the relief of Jai Doh Kim; to the Committee on the Judiciary.

By Mr. QUILLEN:

H.R. 15210. A bill for the relief of Dr. Ramon R. Azaret; to the Committee on the Judiciary.

By Mr. ST. ONGE:

H.R. 15211. A bill for the relief of Cesaria Salemi; to the Committee on the Judiciary.

By Mr. STEPHENS:

H.R. 15212. A bill for the relief of Hillman F. Griffith, Jr., and Betty A. Griffith; to the Committee on the Judiciary.

By Mr. DELANEY (by request):

H.R. 15213. A bill for the relief of Maria Peponias and Argyro Peponias; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 15214. A bill for the relief of Filippo Ardizzone; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

240. The SPEAKER presented a petition of Sister Anna S. Krieter and others, San Diego, Calif., relative to investigation of the Federal Communications Commission, which was referred to the Committee on Interstate and Foreign Commerce.

SENATE—*Wednesday, February 7, 1968*

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

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

Our Father God, we are grateful for the sweet time of prayer, that calls us from a world of care, and bids us at our Father's throne make all our wants and wishes known.

In the mercies of yet another day, we come with hearts grateful for Thy grace, praying that, by a strength not our own, our individual record may be kept by any word or act unworthy of our best.

Inspire and guide with Thy spirit these servants of the people—the few among the many—lifted to high pedestals of power and responsibility, to the end that they may be found faithful stewards of the Nation's trust.

In these anxious days when the destinies of nations hang in the balance, be Thou our chart and compass.

For Thine is the kingdom and the power and the glory. Amen.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, February 6, 1968, be dispensed with.

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

MESSAGES FROM THE PRESIDENT

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

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

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate today.

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar.

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

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The bill clerk read the nomination of Thomas O. Paine, of California, to be Deputy Administrator of the National Aeronautics and Space Administration.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

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

EXECUTIVE REPORT OF A COMMITTEE

The following favorable report of a nomination was submitted:

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

Frederick E. Batrus, of Maryland, to be an Assistant Postmaster General.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ATTENDANCE OF A SENATOR

Hon. FRANK E. MOSS, a Senator from the State of Utah, attended the session of the Senate today.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 13094) to amend the Commodity Exchange Act, as amended.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED WHOLESOME POULTRY PRODUCTS ACT

A letter from the Secretary, Department of Agriculture, transmitting a draft of proposed legislation to clarify and otherwise amend the Poultry Products Inspection Act, to provide for cooperation with appropriate State agencies with respect to State poultry products inspection programs, and for other purposes (with an accompanying paper); to the Committee on Agriculture and Forestry.

REPORT ON REAPPORTIONMENT OF AN APPROPRIATION

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Health, Education, and Welfare for "Grants to States for public assistants" for the fiscal year 1968, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

REPORT ON REAPPORTIONMENT OF AN APPROPRIATION

A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation for the Department of Agriculture for "Forest protection and utilization," Forest Service, for the fiscal year 1968, has been apportioned on a basis indicating a need for a supplemental estimate of appropriation; to the Committee on Appropriations.

AUTHORIZATION OF PERSONNEL STRENGTHS FOR SELECTED RESERVES

A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces (with an accompanying paper); to the Committee on Armed Services.

SPECIAL 30-DAY LEAVE FOR MEMBERS OF UNIFORMED SERVICES

A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation to amend section 703(b) of title 10, United States Code, to make permanent the authority to grant a special 30-day period of leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas (with an accompanying paper); to the Committee on Armed Services.

AUTHORIZATION OF APPROPRIATIONS FOR PROCUREMENT OF CERTAIN VESSELS AND AIRCRAFT

A letter from the Secretary, Department of Transportation, transmitting a draft of proposed legislation to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard (with an accompanying paper); to the Committee on Commerce.

NATIONAL SAFE BOATING PROGRAM

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to provide for a coordinated national safety program to reduce boating accidents, and deaths and injuries resulting therefrom (with an accompanying paper); to the Committee on Commerce.

PROPOSED WHOLESOME FISH AND FISHERY PRODUCTS ACT OF 1968

A letter from the Acting Secretary, Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to regulate interstate commerce by amending the Federal Food, Drug and Cosmetic Act to provide for the inspection of facilities used in the harvesting and processing of fish and fishery products for commercial purposes, for the inspection of fish and fishery products, and for cooperation with the States in the regulation of intrastate commerce with respect to State fish inspection programs, and for other purposes (with an accompanying paper); to the Committee on Commerce.

REPORT ON MUTUAL EDUCATION AND CULTURAL EXCHANGE PROGRAM

A letter from the Chairman, the U.S. Advisory Commission on International Educational and Cultural Affairs, transmitting, pursuant to law, the fifth annual report of the Advisory Commission for the fiscal year ended June 30, 1967 (with an accompanying report); to the Committee on Foreign Relations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on potential savings in procurement of petroleum products for use by Navy contractors, Department of the Navy, dated February 6, 1968 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report on the examination of financial statements of the Panama Canal Company, for the fiscal years 1967 and 1966, dated February 6, 1968 (with an accompanying report); to the Committee on Government Operations.

FINANCIAL STATEMENT OF THE LEGION OF VALOR OF THE UNITED STATES OF AMERICA, INC.

A letter from the National Corporation Agent, Legion of Valor of the United States of America, Inc., transmitting, pursuant to law, a copy of their financial statement covering the period August 1, 1966 to July 31, 1967 (with an accompanying statement); to the Committee on the Judiciary.

REPORT OF ADVISORY COUNSEL ON VOCATIONAL EDUCATION

A letter from the Acting Secretary, Department of Health, Education, and Welfare, transmitting, pursuant to law, a report entitled "Vocational Education: The Bridge Between Man and His Work," dated 1968 (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORT ON COST OF CLEAN WATER

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report which comprises industrial waste profiles of ten important water-using industries (with an accompanying report); to the Committee on Public Works.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. CLARK (for himself, Mr. BREWSTER, Mr. BYRD of West Virginia, Mr. CANNON, Mr. COOPER, Mr. FULBRIGHT, Mr. GRUENING, Mr.

HARRIS, Mr. HART, Mr. JAVITS, Mr. INOUYE, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of New York, Mr. LAUSCHE, Mr. LONG of Missouri, Mr. MAGNUSON, Mr. MCCARTHY, Mr. MCGEE, Mr. MCGOVERN, Mr. MONDALE, Mr. MONTOYA, Mr. MORSE, Mr. MOSS, Mr. NELSON, Mr. PELL, Mr. PROUTY, Mr. PROXMIRE, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCOTT, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, Mr. YOUNG of Ohio, and Mr. YARBOROUGH):

S. 2938. A bill to extend certain expiring provisions under the Manpower Development and Training Act of 1962, as amended; to the Committee on Labor and Public Welfare.

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

By Mr. SMATHERS:

S. 2939. A bill for the relief of Dr. Hugo Ferrara Collazo; to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself, Mr. BARTLETT, Mr. BROOKE, Mr. MCGEE, Mr. MORSE, Mr. PERCY, Mr. PROXMIRE, Mr. SMATHERS, Mr. TOWER, and Mr. WILLIAMS of New Jersey):

S. 2940. A bill to amend the Small Business Act to provide for increased eligibility for and greater utilization of the displaced business disaster loan program established under section 7(b)(3) of that Act; to the Committee on Banking and Currency.

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

By Mr. LONG of Missouri:

S. 2941. A bill to amend the provisions of chapter 5 of title 5, United States Code, relating to administrative procedure; to the Committee on the Judiciary.

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

S. 2942. A bill to confer U.S. citizenship posthumously upon Primitivo Garcia; to the Committee on the Judiciary.

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

By Mr. HART (for himself and Mr. GRIFFIN):

S. 2943. A bill to amend the Anadromous Fish Conservation Act of October 30, 1965, relating to the conservation and enhancement of the Nation's anadromous fishing resources, to encourage certain joint research and development projects, and for other purposes; to the Committee on Commerce.

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

By Mr. NELSON:

S. 2944. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to provide for a Federal drug compendium which lists all prescription drugs under their generic names together with reliable, complete, and readily accessible prescribing information, and includes brand names, suppliers, and a price information supplement, and providing for distribution of the compendium to physicians and others, and for other purposes; to the Committee on Labor and Public Welfare.

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

By Mr. TOWER:

S. 2945. A bill for the relief of Lyda Josefa Aparicio; to the Committee on the Judiciary.

S. 2946. A bill for the relief of Edwin A. and Mattie Lee Barnes; to the Committee on Finance.

By Mr. MONRONEY:

S. 2947. A bill for the relief of Hershel Smith, publisher of the Lindsay News, of Lindsay, Okla.; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 2948. A bill to amend sections 3 and 4 of the act approved September 22, 1964 (78 Stat. 990), providing for an investigation and study to determine a site for the construction of a sea-level canal connecting the Atlantic and Pacific Oceans; to the Committee on Commerce.

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

By Mr. YARBOROUGH:

S.J. Res. 138. Joint resolution calling on the Boy Scouts of America to serve the youth of this Nation as required by their congressional charter; to the Committee on Labor and Public Welfare.

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

By Mr. TOWER:

S.J. Res. 139. Joint resolution to designate the period beginning October 20, 1968, and ending October 26, 1968, as "National Engineering Technicians Week"; to the Committee on the Judiciary.

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

By Mr. BENNETT:

S.J. Res. 140. Joint resolution to authorize the President to issue annually proclamations designating the Sunday of each year which occurs immediately preceding February 22 as Freedom Sunday and the calendar week of each year during which February 22 occurs as Freedom Week; to the Committee on the Judiciary.

MDTA EXTENSION

Mr. CLARK. Mr. President, I introduce, for referral to the Labor and Public Welfare Committee, a bill which would extend the Manpower Development and Training Act of 1962 for 3 additional years beyond its expiration date.

I ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, a copy of the bill, together with an explanatory statement, which has been supplied by the Department of Labor.

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

(See exhibits 1 and 2.)

Mr. CLARK. I am glad to say that 33 Senators have agreed to join me in cosponsoring this important legislation.

The Manpower Development and Training Act was first passed in 1962 and began operation 5½ years ago. It was the first comprehensive, nationwide manpower training effort on the part of the Federal Government.

Since its inception, MDTA has given a new lease on life to more than a million Americans by teaching them the new skills necessary to obtain and hold jobs. It has done so at an average cost of less than $2,000 for those who are taught a new trade in vocational schools and less than $400 for those who are trained on the job in private industry.

These costs are well worth our investment in both human and economic terms. The training provided through MDTA provides the ability to earn a living, and the job found for the family breadwinner can do more than any other single factor to help break the dispairing cycle of poverty for 30 million Americans. Moreover, people with jobs have money to spend which contributes to our Nation's economic growth. They become taxpayers to the local, State, and Federal governments. In fact, each person employed through MDTA more than repays the cost of his training in Federal income taxes alone within 5 years.

The Subcommittee on Employment, Manpower and Poverty will begin hearings in mid-March to review all the manpower training efforts of the Federal Government.

Despite its notable success MDTA, as every Federal program, can be made better. We will look for areas where training can be made more efficient and the programs improved.

MDTA, as an arm of the war on poverty, must continue to focus more and more on the hard-core unemployed.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2938) to extend certain expiring provisions under the Manpower Development and Training Act of 1962, as amended, introduced by Mr. CLARK (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

EXHIBIT 1

S. 2938

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Manpower Development and Training Act of 1962 is amended as follows:

(1) Section 104(a) of the Act (Labor Mobility Demonstration Projects) is amended by striking out "1968" in the first sentence of such section, and inserting in lieu thereof "1970";

(2) Section 105 of the Act (Trainee Placement Assistance Demonstration Projects) is amended by striking out "1968" in the first sentence of such section, and inserting in lieu thereof "1970";

(3) Section 251 of the Act (PART D—CORRECTIONAL INSTITUTIONS) is amended by striking out "1969" in the first sentence of such section, and inserting in lieu thereof "1970";

(4) Section 304(d) of the Act is amended by striking out "1968" and "1969", and inserting respectively in lieu thereof "1969" and "1970";

(5) Sections 310(a) and 310(b) of the Act are amended by striking out "1969" wherever it appears, and inserting in lieu thereof "1972".

EXHIBIT 2

EXPLANATORY STATEMENT OF A DRAFT BILL TO EXTEND CERTAIN EXPIRING PROVISIONS UNDER THE MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962, AS AMENDED

This bill would merely extend existing authority for those programs under the Manpower Development and Training Act which are not authorized on a permanent basis; it would create no new type of program authority.

The Labor Mobility Demonstration Projects under section 104(a) and the experimental bonding projects under section 105 are authorized in the present Act only through June 30, 1968. This bill would extend authority for those programs through June 30, 1970.

The training and skill development programs under title II of the Act are currently authorized through June 30, 1969, with additional authority to disburse funds appropriated under that title through December 30, 1969.

This bill would extend the experimental and demonstration programs for the training and education of persons in correctional institutions under section 251 of title II through June 30, 1970. The remaining authorizations in title II would be extended through June 30, 1972 (in the case of program authorizations) and December 30, 1972 (in the case of the authority to disburse funds appropriated.)

EXTENSION OF ELIGIBILITY FOR DISPLACED BUSINESS DISASTER LOANS TO ADDITIONAL SMALL BUSINESSES

Mr. SPARKMAN. Mr. President, I introduce for appropriate reference, a bill to amend the Small Business Act to provide for increased eligibility for and greater utilization of the displaced business disaster loan program established under section 7(b)(3) of that act. As it presently stands, Mr. President, section 7(b)(3) authorizes the Small Business Administration to make so-called displaced business disaster loans to small concerns forced to move as a result of urban renewal, highway, or Federal or other federally assisted projects involving land condemnation. It is the purpose of my bill to extend eligibility for such loans to certain groups of small businesses that are not now eligible but which are no less deserving and no less affected, economically, by the activities of their Government. It is my further purpose, by this bill, to encourage greater utilization of this important loan program both by those now eligible and those that the bill would make eligible.

The groups not now covered, to which my bill would extend entitlement, are:

First, small-business concerns not physically displaced, the premises of which have not been condemned and taken, but which nevertheless have suffered substantial economic injury as a result of an urban renewal highway, or other public project carried on in whole or in part with Federal funds.

Second, small-business concerns which have suffered substantial economic injury as a result of the actual or threatened loss, through Federal action, of a major source of employment in the area in which they are located. This last refers specifically to the shutdown of a Federal installation, such as a military base, or to cutbacks in substantial Federal procurements made in the area.

In explanation of this legislation, it may be best to begin with a brief background review of the SBA's business and disaster loan programs in general and the displaced business disaster loan program in particular. The Small Business Act, as originally enacted in 1953, set up two main classes of lending operations within the Small Business Administration. The first class, of course, was loans to small business concerns, under specified criteria and limitation, for ordinary and usual business purposes. Authorization for this activity is now contained in section 7(a) of the amended act. The second class was the so-called disaster loan, now authorized by section 7(b) of the amended act. Disaster loans, in addition to being available to individuals as well as businesses, may generally be made for longer terms and at lower interest rates than business loans.

From 1953 until 1961, the types of disaster which could entitle small businesses and others to obtain SBA disaster-loan assistance were limited to natural catastrophes, with floods, drought and excessive rainfall expressly mentioned. For some time prior to 1961, however, recognition had been growing in the Congress that certain types of governmental activity could deal as disastrous an economic blow to small-business concerns as some of the natural catastrophes. The Senate Select Committee on Small Business and the Banking and Currency Subcommittee on Housing had long been concerned with the problems of small business displaced by urban renewal projects, and other public works projects involving land condemnation. As early as January 1960, in its 10th annual report, the Senate Select Committee on Small Business discussed "Small Business and Eminent Domain" and stated its "aim to discover whether legislative action is required to lessen the impact of such projects upon the small businesses they displace."

In its next annual report, the 11th, issued in February 1961, the Select Committee on Small Business Committee again discussed "Small Business and Eminent Domain" and noted with approbation, attempts, during 1960, by SBA to utilize its existing business loan authority for more flexible aids to condemnation-displaced small business.

After expressing the hope that these programs would be continued under the new administration, we also observed:

> Nevertheless, your committee feels that the severe impact of eminent domain on one-fourth of all the small businesses it affected in the cities studied by [a] University of Connecticut research team cannot lightly be dismissed. Accordingly the Committee will continue to work during 1961 for improvement of the treatment of small businesses displaced by public projects.

Just a little over 5 months after that report was issued, the Congress enacted the Housing Act of 1961—Public Law 87-70—which contained another major improvement of the type toward which both the Small Business Committee and the Housing Subcommittee had long been working. Section 305 of the 1961 Housing Act added to section 7(b) of the Small Business Act a new paragraph (3). That new paragraph established for the first time statutory recognition of the principle that displacement by a public project can be as much of a "disaster" to a small business concern as displacement by a flood. And the new paragraph made these displaced businesses eligible for disaster loans from SBA, if the project was Federal or federally assisted.

These loans differ from the section 7(a) business loans in important respects. The loans can be made for 30 years, which is 20 years longer than under the regular business loan program. The interest rate on SBA's portion of such a loan can be no higher than the average annual rate on all U.S. interest-bearing obligations at the end of the last fiscal year, plus one-fourth of 1 percent. This is currently 4¼ percent. And an amount of working capital can be included in the loan.

This program was set up to assist small business concerns physically displaced—forced to move—by Federal and federally assisted projects utilizing land condemnation. But small business not actually displaced can often be as grievously hurt by such projects as those whose premises are condemned and taken. A simple example would be the case of two gasoline service stations. A Federal highway project takes the premises of one, and that one can get a loan. The same project does not take the other, but the new road diverts most of the traffic on which it depended. The second station owner is in an even worse fix than the first, but he cannot get one of these loans because he is not displaced. My bill would make him eligible.

The bill would also make those small businesses eligible for these disaster loans which have suffered substantial economic injury as a result of a substantial reduction of employment in the concern's area caused by the closing—in whole or in part—of a Federal installation. They would also be eligible if there is a decline in the volume of Government procurement orders in its area.

Many small business concerns, and whole communities for that matter, stand to suffer from the closing of Federal defense installations or from the termination of large Federal defense procurement programs that provide heavy percentages of the payrolls and disposable personal incomes in an area. This is a real problem in many areas of the country, and this bill would help relieve the economic distress of qualified small businesses in those areas.

In the Housing Act of 1964, Public Law 88-650, section 305, the Congress took note of the tremendous gap between displacements and loans and directed SBA to make particular effort to publicize the displaced business loan program to local public agencies administering urban renewal programs, and the small business concerns. The bill I am introducing today provides for an expansion of this directive to SBA to include management counseling to owners of small business concerns.

The following table will show the growth of the displaced business loan program from fiscal year 1962 through fiscal year 1967:

[Dollar amounts in thousands]

Fiscal year	Loans approved				
	Number	Amount		Average size	
		Total	SBA share	Total	SBA share
1962	90	$4,996	$4,877	$55.5	$54.2
1963	93	5,662	5,448	60.9	58.6
1964	95	6,874	6,817	72.4	71.8
1965	199	12,504	12,152	62.8	61.1
1966	276	18,341	17,918	66.5	65.1
1967	385	32,676	31,440	84.9	81.7
Total	1,138	81,053	78,652	71.2	69.1

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2940) to amend the Small Business Act to provide for increased eli-

gibility for and greater utilization of the displaced business disaster loan program established under section 7(b)(3) of that act, introduced by Mr. SPARKMAN (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Banking and Currency.

FREEDOM OF INFORMATION AND THE DISTRICT OF COLUMBIA

Mr. LONG of Missouri. Mr. President, I introduce for appropriate reference, a bill to amend the provisions of chapter 5 of title 5, United States Code, relating to administrative procedure. This bill is simple in purpose: it will bring the District of Columbia government under the provisions of the Freedom of Information Act.

When the Freedom of Information Act passed the Congress in 1966, it was designed to establish a general philosophy of full agency disclosure. We were concerned with the many instances where Government agencies denied legitimate information to the public under the guise of the then public information section of the Administrative Procedure Act—section 3. Hearings before my Subcommittee on Administrative Practice and Procedure disclosed case after case where information was withheld from the public only to cover up embarrassing mistakes or irregularities within the agency—information which the public certainly had a need to know.

On July 4, 1967, the Freedom of Information Act became the law of the land. All Government information is to be publicly available unless it falls under one of nine specific statutory exemptions. The agencies clearly understand the directive, issued by both the Congress and President Johnson to make disclosure of Government information the rule rather than the exception. The agencies of the Federal Government have it within their power to carry out this directive.

And yet today, after a little more than 7 months in operation, I am not sure whether all agencies have complied with the objectives of the act. Some agencies have been slow in implementing their regulations under the act; many agency officials have tried to find loop-holes in the law, rather than adhere to the philosophy and spirit of the act. And this policy of evasion exists despite the statement of Attorney General Clark, in his foreword to the Attorney General's memorandum on the public information section, that—

> The new law was initiated by Congress and signed by the President with several key concerns:
>
> That disclosure be the general rule, not the exception;
>
> That all individuals have equal rights of access;
>
> That the burden be on the Government to justify the withholding of a document, not on the person who requests it;
>
> That individuals improperly denied access to documents have a right to seek injunctive relief in the courts; and
>
> That there be a change in Government policy and attitude.

Mr. President, this last statement is very important. But I must again ask the question I have been asking on the Senate floor for many years now: Is there really a change in Government attitude?

I have introduced a bill today to include the operations of the District of Columbia under the Freedom of Information Act. This does not mean that I am dissatisfied with information policies of the new Mayor and City Council of Washington, D.C. On the contrary, quite often these new leaders are hampered because of the lack of proper legislation. My amendment should assist the new government as it begins to attack the many problems which confront the city of Washington.

Mr. President, in the near future my Subcommittee on Administrative Practice and Procedure will hold hearings on this bill. At that time, I also intend to determine the effectiveness of the Freedom of Information Act.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2941) to amend the provisions of chapter 5 of title 5, United States Code, relating to administrative procedure, introduced by Mr. LONG of Missouri, was received, read twice by its title, and referred to the Committee on the Judiciary.

PROPOSED BILL TO CONFER U.S. CITIZENSHIP POSTHUMOUSLY UPON PRIMITIVO GARCIA

Mr. LONG of Missouri. Mr. President, on November 15, 1967, in Kansas City, Mo., Primitivo Garcia, a young immigrant from Mexico, was shot fatally as he tried to help a young woman who was being assaulted by a street gang.

Young Garcia had come to our country less than a year before, and his fondest hope was to become a U.S. citizen. In furtherance of this desire, he was attending night school to learn English.

On the evening of the 15th, he had left school after his class and was standing across the street when he saw the ruffians attack and knock down his teacher who was pregnant. Unlike other incidents about which we have read and heard, Primitivo was willing to become involved to help the victim of an assailant. Despite the odds and without regard for his own safety, he went to the aid of his teacher. During the scuffle, he was shot in the abdomen.

Primitivo died 2 weeks later. His courage and valor struck a most responsive chord with the people of Kansas City and before his death $14,000 had been contributed to a fund for his doctor and hospital bills. The Governor, Warren Hearnes, made him an honorary citizen of Missouri. Many organizations and groups bestowed honors on him both before and after his death. There is no question that the people of Kansas City and Missouri consider Primitivo a fellow citizen and I have received numerous petitions urging the necessary legal action be taken to grant him posthumous citizenship.

Mr. President, I am today introducing, for appropriate reference, a bill for this purpose. I hope the Congress will act quickly on it for I believe Primitivo Garcia should be so honored. His heroism and selfless concern for his fellow man are traditional American traits. We can all learn from his examples. If all Americans would follow his lead and become involved when they witness a crime, we could cut our crime rate substantially. The enactment of this bill would stand as a permanent reminder that U.S. citizenship carries responsibilities as well as rights.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2942) to confer U.S. citizenship posthumously upon Primitivo Garcia, introduced by Mr. LONG of Missouri, was received, read twice by its title, and referred to the Committee on the Judiciary.

CONSERVATION AND ENHANCEMENT OF THE NATION'S ANADROMOUS FISHING RESOURCES

Mr. HART. Mr. President, on behalf of the junior Senator from Michigan [Mr. GRIFFIN] and myself, I introduce a bill to amend the Anadromous Fish Conservation Act of October 30, 1965, to encourage certain joint research and development projects. This is a companion bill to H.R. 14228, introduced in the other body by Congressman DINGELL for himself and Congressmen CEDERBERG, WILLIAM D. FORD, GRIFFITHS, KARTH, MCCARTHY, NEDZI, O'HARA of Michigan, REUSS, RUPPE, VANDER JAGT, and VIGORITO.

The anadromous fish program—Public Law 89-304—resulted from legislation proposed in the 89th Congress by Congressman DINGELL and the able senior Senator from Alaska [Mr. BARTLETT]. I was a cosponsor and a supporter of this legislation, which has produced tangible benefits. Insofar as the Great Lakes are concerned, with Federal aid from this program the State of Michigan embarked on an exciting and, according to some, almost visionary experiment: to bring Coho salmon fingerlings from the west coast and plant them in the lakes.

The results have been spectacular. The Coho, feeding on the alewife which we must control, has grown so fast that as one fisherman said to me "we must be able to hear them grow." Thousands of sizes, ranging from 15 to 20 pounds, were caught last summer and fall.

This initial success must be capitalized upon. The benefits to sport fishery, commercial fishery, tourism, control of nuisance fish are clear.

The bill which we introduce would increase the authorization under the Anadromous Fish Conservation Act from $25 million to $30 million. In order to encourage joint research and development projects by two or more States, the bill would permit the Secretary of the Interior to increase the Federal contribution from 50 to 75 percent where the States agree to act jointly.

Mr. President, my colleague and I believe that this is a good bill. It will provide a much-needed assist to the States that are struggling to save the fishery resources of the Great Lakes, and we hope the chairman of the Senate Merchant Marine and Fisheries Subcommittee, who has given leadership in all fish-

ery resource problems, will schedule early hearings on this bill.

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

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

The bill (S. 2943) to amend the Anadromous Fish Conservation Act of October 30, 1965, relating to the conservation and enhancement of the Nation's anadromous fishing resources, to encourage certain joint research and development projects, and for other purposes, introduced by Mr. HART (for himself and Mr. GRIFFIN), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 2943

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first proviso contained in the second sentence of subsection (a) of the first section of the Act of October 30, 1965 (16 U.S.C. 757a(a)), is amended by inserting ", except as provided in subsection (c) of this section," immediately before "the Federal share".

(b) The first section of such Act of October 30, 1965 (16 U.S.C. 757a), is further amended by adding at the end thereof the following new subsection:

"(c) Whenever two or more States having a common interest in any basin jointly enter into a cooperative agreement with the Secretary under subsection (a) of this section to carry out a research and development program to conserve, develop, and enhance anadromous fishery resources of the Nation, or fish in the Great Lakes that ascend streams to spawn, the Federal share of the program costs shall be increased to a maximum of 75 per centum. Structures, devices, or other facilities, including fish hatcheries, constructed by such States under a cooperative agreement described in this subsection shall be operated and maintained without cost to the Federal Government. For the purpose of this subsection, the term 'basin' includes rivers and their tributaries, lakes, and other bodies of water or portions thereof."

SEC. 2. (a) Subsection (a) of section 4 of such Act of October 30, 1965 (16 U.S.C. 757d(a)), is amended (1) by striking out "$25,000,000" and inserting in lieu thereof "$30,000,000", and (2) by adding at the end thereof the following new sentence: "Sums appropriated under this subsection are authorized to remain availabe until expended."

(b) Subsection (b) of such section 4 (16 U.S.C. 757d(b)) is amended to read as follows:

"(b) Not more than $1,500,000 of the funds appropriated under this section in any one fiscal year shall be obligated to any one State."

SEC. 3. Such Act of October 30, 1965 (16 U.S.C. 757a–757f), is amended by adding at the end thereof the following new section:

"SEC. 7. This Act may be cited as the 'Anadromous Fish Conservation Act'."

Mr. GRIFFIN. Mr. President, it is a pleasure to join with the senior Senator from Michigan [Mr. HART] in introducing legislation today which calls for a step-up in Federal support for the important Coho salmon planting program in the Great Lakes.

The Great Lakes border the State of Michigan on three sides. Our State has benefited significantly from the Anadromous Fish Conservation Act, and, in turn, the Nation has benefited, too.

A full one-quarter of the Nation's population is located within a day's drive of the Great Lakes. These wonderful lakes are an unparalleled resource base for an extremely valuable commercial, recreational, and residential area.

But, difficult times have beset these waters, adversely affecting the ecological balance of the Great Lakes.

At a time when we are hopeful that the sea lamprey has been brought under control, another marine species—the alewife—has entered the Great Lakes and proliferated at a frightful rate. The alewife has already reached incredible abundance in Lakes Huron and Michigan, and their numbers are mounting in Lake Superior.

During the spring and summer of 1967, alewives died by the millions, presenting a problem of unprecedented magnitude as they floated on the surface of Lake Michigan and accumulated to rot on the beaches of Michigan, Indiana, Illinois, and Wisconsin.

The odor and sight of the dead, herringlike fish caused a sharp decrease in the beach resort business in many areas and resulted in a $55 million loss in tourist revenues to Michigan alone.

By utilizing funds made available through the Anadromous Fish Conservation Act, the State of Michigan and other States have launched programs aimed at controlling the alewife by stocking the Great Lakes with predatory game fish, such as salmon and trout.

The goal is not only to control the alewife, but also to provide a significant boost to sport and commercial fishing in the Great Lakes.

However, in order to step up planting rates in the lakes, there is a need for hatcheries capable of producing some 30 million yearling trout and salmon. A lack of funds has been the major obstacle hindering full-scale implementation of this significant program.

Mr. President, the legislation being introduced today would quicken the pace of work now under way to restore a more appropriate ecological balance to the Great Lakes.

Specifically, the bill would amend the Anadromous Fish Conservation Act of 1965 in three respects:

First, it would increase from the present 50 percent to 75 percent the matching Federal share of the costs of programs undertaken jointly by two or more States.

Second, it would increase from $1,000,000 to $1,500,000 the maximum amount of funds which could be obligated to a single State in a fiscal year.

And, finally, it would raise from $25 million to $30 million the appropriation authorization for the entire anadromous fish conservation program.

To save, restore, and enhance the fisheries of the Great Lakes, positive action must be taken. I am talking about research, planning, investment, and management.

It makes sense for several States having a common problem to work together toward a solution. And, it is commonsense for the Federal Government to help in the effort.

Mr. President, this bill is not just another Federal spending program. This legislation will produce important and substantial dividends for a very modest investment.

PRESCRIPTION AND DISTRIBUTION OF ETHICAL DRUG PRODUCTS

Mr. NELSON. Mr. President, I am introducing today, for appropriate reference, the first of three bills which are designed to help protect the health of the American people, the health of citizens of foreign countries where American drug products are sold, and to aid in the prescribing and distribution of ethical drug products in this country.

The first bill authorizes establishing a Federal drug compendium.

The second bill, which I will introduce in a few days, amends the Federal Food, Drug, and Cosmetic Act to require that the label of drug containers dispensed to the patient bears the established or generic names of the drugs dispensed.

The third bill, also to be introduced at a later date, amends the Federal Food, Drug, and Cosmetic Act to assure that the quality of drugs exported from this country meets the same qualifications as for drugs sold domestically.

Over the course of 8 months of Monopoly Subcommittee hearings looking into the competitive problems of the drug industry, many peculiarities of the industry have come to the surface.

The drug pricing structure is the most puzzling aspect of all, and the committee is still engaged in that exploration.

The compendium bill I am introducing today will help correct deficiencies in our pure food and drug laws. The need for them has been spelled out during the course of these hearings. They represent the initial series of bills which I shall offer for consideration by Congress.

Modern medicine has created miracles in treatment of dread diseases such as diphtheria, smallpox, tuberculosis, polio, and many others.

The ingenuity of science has developed thousands of drugs to help man rise above the fear of painful, crippling illnesses.

It is probably only a matter of time before the genius of man conquers cancer.

Yet it is a shocking fact that no official publication exists which discloses all the vital details about prescription drugs which are so necessary to proper medical care.

No official way exists which passes unbiased information on to the medical practitioners of this country.

The U.S. Pharmacopeia and the National Formulary are private publications which list basic drugs and their component parts.

But no indications for use, no warnings discussing the dangers and side effects, and no dosage information appears in the U.S. Pharmacopeia or the National Formulary.

The drug compendium bill would help protect the public health by authorizing the publication of an intensive, all-inclusive "blue book" of drug information.

The volume would consist of a book giving for each drug a description, indi-

cations, contraindications, warnings, adverse reactions, management of overdosage, dosage, and the supplier. It would list all prescription drugs under their generic names together with brand names. It would include a price information supplement. It would also provide for distribution of the compendiums to physicians, hospitals and others who would use this kind of important information.

The busy, practicing physician can find—by using scarce and valuable time—important drug information through a careful reading of several volumes of drug texts, and from his colleagues, and from doing a thorough reading of all the available literature. He can also read various drug company advertising in the medical journals and in the trade publications. And he can listen to the pleadings of drug company detail men. He can then make his decisions based on what he sees and hears.

In any case, no unbiased source of information for all drugs exists.

It is even more difficult to determine the costs of the various drugs available for prescription purposes. Most busy doctors do not have time to worry about that aspect of prescribing. A call to the pharmacist is necessary, and valuable time has to be used to explore all the prices available.

I think physicians are interested in saving their patients money; if it can be done at little cost in terms of their own time and effort.

Several times in past months, it has been demonstrated dramatically that many drugs are sold in the marketplace whose prices range by several thousand percent. Many large brand-name companies make identical drugs of equal effectiveness which are sold under different trade names. Yet prices still vary widely.

The Medical Letter of June 2, 1967, a highly authoritative, distinguished, and unbiased drug journal, published the results of a careful study. The Medical Letter said that 22 brands of prednisone, an essential drug used in treating arthritis, had been studied and it was their conclusion that they were all of equivalent therapeutic value. Of the 22 brands studied, prices varied from a high of $17.90 per 100 tablets to a low of 59 cents per 100 tablets—price to the pharmacist.

Several large distinguished companies sell the drug for $2.20 per hundred and $2.25 per hundred. Several good, small, generic companies sell the drug for under $1 per 100 tablets—price to the pharmacist.

Yet practicing physicians, in the main, know very little of the large variance in prices. Because they are bombarded by massive amounts of literature and extensive detailing by the drug companies, one company which sells the drug for $17.90 per 100 tablets to the pharmacist is still able to command a substantial share of the market.

Many witnesses have expressed the opinion that if doctors were aware of a prednisone product that sells for a few dollars as compared to one that sells for almost $18 they undoubtedly would prescribe it if they have confidence in the company.

At various times during the course of the hearings, I have questioned distinguished pharmacologists as to their opinion of the drug compendium. All have agreed without exception that this would be a valuable tool for the practicing physician to use.

A volume called the "Physician's Desk Reference" is published by a private company called Medical Economics. This is a fairly extensive volume, but it is an advertising catalog, paid for by the drug companies who have their drug products listed in it. Every drug company whose product appears in the "Physicians Desk Reference" paid $115 per column inch in 1966 for the listing and description of the drug. Nevertheless this is an advertisement and must be viewed in that light.

Discussions with Commissioner Goddard of the Food and Drug Administration have shown that the "Physicians Desk Reference" is used extensively, but because it is really advertising matter it is unfair to many smaller manufacturers and sellers of drugs who cannot afford its high rates. It is unfair to the doctor who may be misled into believing this is a semiofficial publication. It follows that the consumer does not benefit by it either.

Each company is compelled to include a package insert in each drug product now distributed to pharmacies. This is a lengthy, detailed document which is intended to describe the product to the doctor and the pharmacist—it does not list the price. The insert usually is discarded by the pharmacist, and is rarely distributed to the doctor who needs the information as much as the pharmacist.

Dr. Walter Modell, an eminent pharmacologist from Cornell University Medical College, recently stated in an editorial reprinted from Clinical Pharmacology and Therapeutics that—

> The stuffer is very extensive and contains lengthy excerpts from the literature with lengthy bibliographies. The stuffers are generally printed in Lilliputian type and on bible paper and are hard to handle and difficult to read. There is no uniformity, physical or technical.

He goes on to say:

> They are very inconsistent—some are good and some are bad. But we have called them stuffers only because, since most physicians never receive them, stuffing packages seems to be the only use to which they were certain to be put and that is all the use they will serve until they are made equable, are reviewed and rewritten regularly and frequently, printed in standard form, obtain acceptance as consigned summaries and are automatically distributed to all physicians.

As matters stand now, for all practical purposes, the physician does not receive them. The stuffers cost the drug industry about $6 million per year. Estimates by FDA are that replacing the stuffers could be accomplished by the use of a compendium and the cost, to be borne by the industry, would be the same.

Recently I polled a number of drug manufacturing companies who are members of the Pharmaceutical Manufacturers Association. Several companies have written back to me that they support the concept of a drug compendium.

Smith Kline & French Laboratories, Philadelphia, Pa., wrote to me on November 17, 1967. They said:

> We believe that the general concept is a good one.

Mr. S. B. Penick, Jr., of S. P. Penick & Co. wrote:

> It is my opinion, based on a long association with the manufacturers of prescription drugs, that the industry will support any reasonable kind of compendium that assists the practicing physician in carrying out his professional duties.

Strong Cobb Arner, Inc., informed me of their endorsement of a compendium as follows:

> It is our feeling that a compendum, which would bring together in one place all of the authoritative information that would enable the medical profession to dispense or prescribe drugs with complete knowledge of their actions and side effects, is a worthwhile undertaking. This compendium should replace the now substantially useless package inserts required by FDA regulations, which cost the pharmaceutical industry and indirectly the consumer millions of dollars each year.

Abbott Laboratories, North Chicago, Ill., said:

> I might add that we . . . believe that economics information on drugs should be made available to the physician. This is, however, secondary to the primary objective of supplying physicians with key information on all prescription drugs.

Hoffmann-La Roche, Inc., a distinguished major drug manufacturer, wrote me as follows:

> We would support the general idea of a compendium because we believe it could be a useful addition to the existing means of making available information on drug products.
>
> We believe that medical and paramedical personnel should have ready access to complete information necessary to the proper prescribing and dispensing of drug products."
>
> Hoffman-La Roche's support of the general idea of a compendium of information on drug products assumes that such a compendium would be produced in a manner so as to provide physicians and other appropriate persons with complete and current information on drug products essential to medical practice. Among other benefits, a drug compendium with official status could, as noted by Dr. Goddard, provide a preferable alternative to the current package insert requirements.

The Upjohn Co., of Kalamazoo, Mich., wrote me on November 17, 1967:

> The position of the Upjohn Company is compatible with others who have endorsed the general concept of a drug compendium. It has been our consistent policy to insure full disclosure as to the quality, characteristics and proper usage of the products which we manufacture. Thus, we would certainly support, in principle, the idea of a compendium as a vehicle for providing such relevant information to the medical profession.

Joshua Lederberg, a Washington Post columnist and a distinguished geneticist from Stanford University School of Medicine, wrote me in November:

> A compendium would indeed be an extremely valuable system for drug information. In principle, I would give it the highest possible endorsement.

He said:

Such a compendium would have the obvious purpose of replacing the inexpressively bad system of drug advertising that now prevails. In my opinion the shift of emphasis from promotional to informational activity on the part of the drug industry would have the most constructive effect in many other problem areas that affect the industry and its relationship to public interest at the present time. The tragedy is that the physicians have not developed their own professional organization to deal with this problem. Even now there would be obvious merit in delegating as much responsibility as possible to professional, non-governmental agencies for the implementation of these educational programs.

Betty Furness, the special assistant to the President for consumer affairs, wrote me on January 3:

A significant step in providing information by this publication would be of invaluable aid to the consumer and to the physician.

On July 24, 1967, during the Monopoly Subcommittee hearings, a colloquy with the president of the Parke, Davis drug company, page 617 of the record, testifies to further industry support for a compendium:

Senator NELSON. Would you think it would be of any value to establish a national compendium of drugs? I assume it would have to be done in cooperation with the industry, the medical profession, and other advisers, but that it would have to be done largely, I am assuming, by the Federal Government. Do you think it would be of value to establish a national compendium in which the drugs are all listed by their generic names, brand names, and with all of the known clinical information recited alongside them? A physician would open up the national compendium, and find there all the drugs, their side effects, and the companies that manufacture them. This, of course, would also involve testing by FDA, and also involve putting in the known clinical information? Do you think this type of a national compendium would be of value to the country as a whole?

Mr. BURROWS. I think it would as long as the doctor is still allowed his prerogative of prescribing the particular drug of the particular manufacturer that he thinks best, and providing that we, as a manufacturer, are not stopped from attempting to advance and advocate our particular line of products. Those are the ones that we are in business to make and sell, and those are our potentials for corporate progress for the future.

Senator NELSON. I want to be sure that I was understood.

I was saying national compendium, not formulary. I am not suggesting that you have a formulary from which a physician must prescribe. I am simply saying you list the drugs in a national compendium with the pertinent information and the manufacturer as informational matter to the medical profession, the teaching hospitals and the practicing physician. That will be all that is intended, and it should not interfere with the private operations of the drug companies. That is my question.

Mr. BURROWS. I can see nothing wrong with having facts on such an important subject as drugs and health available for reference by people who have occasion to use and benefit from such information.

Senator NELSON. Thank you.

Mr. Richard Furlaud, president of E. R. Squibb & Sons drug manufacturing company during his appearance before the committee on October 13, 1967, said that the position of his company is that a compendium should be produced:

Senator NELSON. Several witnesses have testified previously as to the desirability of a national compendium. There is legislation pending on the Senate side proposing the creation of such a compendium.

Dr. Goddard testified in favor of a compendium yesterday before Mr. Dingell's committee in the House. He made a very strong statement in favor of a compendium. And I am told that Senator Hart, without having read the record of these hearings, has been critical of the Pharmaceutical Manufacturers Association for not coming out more positively or strongly for a compendium.

By a compendium I mean a listing of drugs by generic name, along with a list of trade names and directions for the use of the drug, its side effects, indications, contraindications, and so forth. There has been much discussion across the country among pharmacists, pharmacologists, the medical profession, as well as testimony before this committee, as to the great confusion caused by the multiplicity of drug product names, and about the desirability of having a national compendium. I am not saying a national formulary; I mean a national compendium. Do you have a viewpoint about the desirability of such a compendium?

Mr. FURLAUD. Senator, of course I cannot speak for the industry, but I certainly can give you my personal views.

I am glad you made a distinction between a formulary and a compendium. We would certainly be opposed to a national formulary. But we think the idea of a national compendium has a great deal of merit. We have been giving some thought to it. We think that it is something that should be pursued. It has obvious technical problems in producing it and keeping it up to date. But I personally see no reason why the industry and the Government working together along with representatives of the profession should not be able to work out a perfectly adequate compendium that would give the doctor and the pharmacist what they need to know. After all, the tax bar has succeeded in keeping themselves up to date through services where they can keep track of recent developments in the tax law. And there is no reason why in due course a similar type of program cannot be worked out.

As I say, it is not simple, and it is going to take a lot of hard work. But I should think in due course it will be possible to produce one, and I think it should be produced.

Now, these are my personal views, and do not represent those of anybody else.

Senator NELSON. Your views represent the position of your company, I take it.

Mr. FURLAUD. It represents the position of my company.

Dr. Leighton E. Cluff, professor and chairman, Department of Medicine, University of Florida College of Medicine, Gainesville, Fla., testified to the need of a drug compendium on June 29, 1967:

Dr. CLUFF. The exact details and implementation of it is something that will have to be worked out. My own personal feeling is that the leadership for the development of such guidance for the public must come out of the Federal Government, probably out of the Food and Drug Administration.

So far as the physician is concerned, I agree the compendia would be a very desirable thing. Personally, I am not at all convinced that that would solve the problem of the excessive use of drugs by physicians.

I still think that one must must recognize that some method must be provided for improving our present guidance to physicians about the use of drugs, rather than, as we do now, depending so heavily upon the pharmaceutical manufacturers' detail representative for the principal education of the physician about drugs.

In answer to a question about the advisability of a drug compendium, Dr. Harry Williams, a distinguished professor of pharmacology from Emory University School of Medicine, Atlanta, Ga., said:

Dr. WILLIAMS. Such a pharmacologist's bible would be a wonderful thing to have, for all of us, for those of us in teaching, too. No; I think this could be done. I think this will have to be done.

Dr. James Goddard, Commissioner of the Food and Drug Administration, appeared before the Monopoly Subcommittee on November 9 and gave unqualified support to a compendium. His statement, portions of which I shall ask to be printed in the RECORD, again relates the need for an FDA-sponsored compendium to replace the package insert, and which will serve as an unbiased and all inclusive volume for physicians and other interested persons.

He feels that if we "get cracking," a suitable product could be published within 18 months.

Mr. President, the need for a good drug compendium has been established. Exactly what the final format would be like is a matter for the experts in Congress, the Food and Drug Administration, and the industry to determine. Further hearings to set out final details are necessary. I hope that this will be done speedily and thoroughly, for Congress bears the responsibility to oversee the health of our people.

I ask unanimous consent that a portion of a statement by Dr. James L. Goddard, M.D., Commissioner of Food and Drugs, Department of Health, Education, and Welfare, and correspondence with drug manufacturers be printed in the RECORD.

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

The bill (S. 2944) to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to provide for a Federal drug compendium which lists all prescription drugs under their generic names together with reliable, complete, and readily accessible prescribing information and includes brand names, suppliers, and a price information supplement, and providing for distribution of the compendium to physicians and others, and for other purposes, introduced by Mr. NELSON, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The items presented by Mr. NELSON are as follows:

STATEMENT OF JAMES L. GODDARD, M.D., COMMISSIONER OF FOOD AND DRUGS, U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, NOVEMBER 9, 1967

Dr. GODDARD. I will amplify my previous recommendation to this Subcommittee that a Compendium of prescription drugs should be published by the United States.

As you know, vital information concerning all prescription drugs is presently disseminated via the "package insert." A condensation and compilation of "package inserts" into a readily readable compendium distributed without cost to the physicians, pharmacies, hospitals, et cetera., would be a

significant step forward in educating the health professions to the safe and effective use of therapeutic agents. It could also relieve the drug industry from the burden of printing the voluminous "package inserts" as such a compendium could appropriately replace this type of labeling.

The content of "package insert" type of labeling is initially approved by FDA during the new drug clearance procedure and is constantly reviewed by our medical staff to insure that the labeling is consistent with current knowledge. Often the "package insert" is the only source of such necessary data on medicines which are prescribed daily.

Unfortunately the information seldom reaches the physician—it remains on the local pharmacist's shelves. Proper utilization of this information is further hampered by the present format of the "package inserts."

Senator NELSON. May I interrupt a moment?

Dr. GODDARD. Certainly.

Senator NELSON. Do you have an estimate on the cost of printing, preparing and supplying these inserts along with the drugs?

Dr. GODDARD. I was advised by the Pharmaceutical Manufacturers Association when—this subject was first raised by them, I might add—when they asked would I consider a drug compendium to replace the package insert, that the program presently costs industry about $6 million a year.

Senator NELSON. Six million?

Dr. GODDARD. Yes, sir.

Senator NELSON. Do I understand you to say that the Pharmaceutical Manufacturers Association raised the question of the preparation of a compendium in place of this?

Dr. GODDARD. Yes. This was in April of 1966. And they pointed out that my predecessor, the matter had been discussed with Commissioner Larrick, and his position was that they could publish a compendium but would have to also continue the use of package inserts for one year in order to evaluate the effectiveness of the compendium.

Now, they were anxious to move ahead with this program but didn't see the necessity for running two programs in tandem for a year.

I agreed at that time that we would not require the package insert for the year after the compendium was published.

And this was the beginning of our discussions on the drug compendium.

Now, we have had nothing but discussions since that time, and I am hard put to understand the recent statement of the president of the PMA where he was critical of my testimony before a Committee of Congress where I expressed my displeasure with the foot dragging—I think I characterized it as that. He said why we are discussing that matter right now.

Well, they are going to discuss it to death. And I think we stand at a unique point in time. With the National Academy of Sciences' efficacy review reports beginning to come back to us, these can form the basis for much of what will be needed in the compendium on the drugs that were marketed between 1938 and 1962. So we truly have an opportunity that is well perceived by the members of the Drug Research Board of the Academy of Sciences and by others in this field. And that is why I am anxious to get on with the job.

Senator NELSON. Are you carrying on continuous discussions with the Pharmaceutical Manufacturers Association respecting this matter?

Dr. GODDARD. We have been through the good offices of the National Academy of Sciences meeting on this, and I say, for many, many months now.

Senator NELSON. Has the Pharmaceutical Manufacturers Association made any specific proposal as to what kind of a compendium they would like to see?

Dr. GODDARD. Yes, sir.

Senator NELSON. Have you discussed with them who would publish it, who would pay for it?

Dr. GODDARD. Yes.

Senator NELSON. What is——

Dr. GODDARD. Let me just state our position for the record, that we feel that the Pharmaceutical Manufacturers Association should pay for it.

I have pointed out that this is an opportunity for them to exercise leadership. They state that they sell—that they manufacture, rather, 95 per cent of the drugs that are sold as prescription drugs. And I say, therefore they should assume the burden of the additional 5 per cent, pay for the publication of a compendium that will be useful to every physician in the country and provide him with comprehensive information on all of the drugs available.

The format we have discussed in some detail, and there does seem to be a problem, I am told, from their point of view with a requirement that I wish to impose, namely, that the drugs be discussed under the generic heading, a brief discussion of the important uses, the dosage, side effects, contraindications for the drug, followed then by a listing of the trade names of the drugs, the dosage forms, and the manufacturers.

Such a book would be cross-indexed by both trade and generic name. But this does seem to be a stumbling block—at least I am told that it is.

Now, on the other hand, this is the only way in which—the people who have been advising me from the Drug Research Board and from the American Medical Association's Council on Drugs feel that a comprehensive, intelligent job could be done. From just the standpoint of format, it seems necessary to do it this way, otherwise there is great duplication, you see, because there may be—there are indeed, I think, some 42 firms or more who produce Rauwolfia serpentina as a prescription drug, and I think there are some 70 firms that—Serpasil under the generic name reserpine has 70 firms manufacturing it.

Well, it does not seem sensible to produce a volume that would have in 70 different places the description of a drug that is, the active ingredient is identical.

Senator NELSON. I guess you address yourself to this question a little later in your statement, but if you produced a compendium, would you contemplate listing every single manufacturer of every drug?

Dr. GODDARD. I hesitate to say every single manufacturer, because, as the Senator knows, there are a number of manufacturers very small intrastate business only, and I do think just as a practical limitation on size you have to have a cut point somewhere. These individuals, then, would probably not, these individual firms would probably not be listed in such a compendium. But we are interested in having those firms that produce and distribute nationally and even regionally included.

Senator NELSON. How many drugs would be involved?

Dr. GODDARD. Well, there are 21,000, approximately——

Senator NELSON. Different or——

Dr. GODDARD. Different dosage forms of the some 7,000 drugs in the marketplace today. These would all be included.

Senator NELSON. And would a compendium and the drugs included have the approval of FDA?

Dr. GODDARD. It would have to be approved by the Food and Drug Administration since it does serve as a form of labeling. The best possible outcome as far as I am concerned, would be for PMA to exercise leadership in this area, assume the burden and use, if such could be arranged, the format of the PDR, if the owners of PDR were willing to engage in that. I say this because PDR has a great level of acceptance in the country, and this would become competitive, you see.

If such a marriage, if you will, could take place, I think it would find instant acceptance on the part of the practicing physicians, that they would receive this volume each year, as they already have, and they provide them with comprehensive information in terms of coverage of the drugs as opposed to today's PDR which is on the basis of paid advertising, and not—even the major firms do not include all of their drugs in today's PDR. So I think it would be a marked improvement and everyone would benefit.

Senator NELSON. All the drug products listed there would have the approval of FDA?

Dr. GODDARD. Of course, the drugs have to have our approval to be in the marketplace.

Now, if you are saying that we would be offering an implicit warning or guarantee that they are efficacious, until the Academy review is completed, we could not offer such a guarantee. Until we are in a better position to apply therapeutic equivalency than we are today, could we offer the physicians such a guarantee.

But that is our goal. It is an achievable goal, and I think it is one that we can accomplish by 1971, as I have indicated in other testimony.

Senator NELSON. Am I correct in saying that to get approval to be introduced into the marketplace at all, a prescription drug has to meet USP standards?

Dr. GODDARD. If there exists—or NF, yes. Combinations are not in USP, of course, and so there are many combination drugs in the marketplace today, too.

Mr. GORDON. Well, there are FDA standards, too, aren't there; for example, on antibiotics?

Dr. GODDARD. Yes, there have to be standards, and we do certify them on a batch-by-batch basis.

Mr. GORDON. Perhaps you cover this later, but how useful and effective are the package inserts—do the doctors really read them?

Dr. GODDARD. Most of the time the physician does not receive them, so he does not really have an opportunity.

I have some here, for example. Here is a package insert. I do not think many physicians are going to receive this, if they even get it.

It has selected laboratory data for patients on this drug, for example, in tabular form. It is very small print.

The answer is no, but the physician does get one particular form, or package inserts on biological products do tend to reach him, and I think that should be continued. It is important. These others, all sorts of sizes, are printed on what is called in the trade bible paper.

Mr. GORDON. What do you mean by "bible paper"?

Dr. GODDARD. Well; it is very thin.

Mr. GORDON. You need a magnifying glass to read the print?

Dr. GODDARD. That is true.

Mr. GORDON. Dr. Goddard, doesn't this present situation really make the doctors more dependent on drug advertising and promotional activity?

Dr. GODDARD. Yes. Of course, that is not their only source of information. But as I have pointed out on numerous occasions the industry does spend a significant amount of their income to educate the physicians through advertising.

Mr. GORDON. Are you using that word with quotation marks?

Dr. GODDARD. Well, I say advertising in this field is a form of education, and I am serious when I make that point. And the AMA also now recognizes this point—has done so apparently in response to a recent position the Internal Revenue Service took with respect to their income on general advertising. They pointed out this was different from most advertising and that it did serve an educational purpose.

And I must agree with that.

Mr. GORDON. Who took that position?

Dr. GODDARD. The AMA.

Mr. GORDON. How about the IRS?

Dr. GODDARD. They haven't responded to this, to my knowledge. But advertising apparently does influence the physicians' choice of the drug. Therefore, I think it is educational. And we are anxious to have a comprehensive, more impartial source of drug information readily available to every physician, every pharmacist and every hospital kept up to date with accurate prescribing information.

Senator NELSON. I don't understand the mechanics of the delivery of the package insert. The doctor himself in his office just writes a prescription. The drugs, with some rare exceptions, come into the pharmacy. Does each package of prescription drugs, no matter how small, have to have an insert?

Dr. GODDARD. That is correct.

Senator NELSON. So then the doctor does not come in contact with that package insert——

Dr GODDARD. Except for biological products, which tend to go directly to his office.

Senator NELSON. What do you mean by "biological"?

Dr. GODDARD. Well, vaccines and things of this nature, you see.

Senator NELSON. That he administers himself?

Dr. GODDARD. That is correct.

Senator NELSON. I see.

Dr. GODDARD. And intravenous therapy on wards in the hospital tend also to be accompanied by the package insert. But by and large these are received by the pharmacist and thrown away after he has a file of them, you see. And the physician can call the pharmacy and get information on a drug. And some of them do this. But by and large they do not see them. So the system does not accomplish what it set out to accomplish at all.

Senator NELSON. And do I understand that it is your posiiton that if there were an acceptable compendium adopted and published, you would be willing to remove the requirement that an insert be used except for biologicals?

Dr. GODDARD. That is correct.

Senator NELSON. Is the insert required by law, or is it the result of an administrative ruling?

Dr. GODDARD. Those are the conditions for the approval of a new drug. Yes, sir, statutory.

Senator NELSON. By statute or by a ruling of the F.D.A.?

Dr. GODDARD. Statute.

Senator NELSON. So you would have to change the law respecting the insert——

Dr. GODDARD. Mr. Goodrich, do you want to comment on that?

Mr. GOODRICH. We have authority to exempt a prescription drug from the requirement of that detailed label where it is not necessary for the protection of the public health. We could do so if we had an alternative compendium available to the physician. Then it would not be necessary to carry that information in the packages.

STRONG, COBB, ARNER, INC.,
Cleveland, Ohio, November 15, 1967.

Senator GAYLORD NELSON,
Chairman, Senate Monopoly Subcommittee, U.S. Senate, Washington, D.C.

DEAR SENATOR NELSON: Your letter of November 3rd has been discussed with our technical, legal and scientific staffs. It is our feeling that a Compendium, which would bring together in one place all of the authoritative information that would enable the medical profession to dispense or prescribe drugs with complete knowledge of their actions and side effects, is a worthwhile undertaking. This Compendium should replace the now substantially useless package inserts required by FDA regulations, which costs the pharmaceutical industry and indirectly the consumer millions of dollars each year.

This Compendium must be prepared by knowledgeable persons from the pharmaceutical, medical, legal, government and academic fields who are aware of the scientific and other complexities involved. It is unlikely that the first edition could encompass all drugs, nor should it. It should consist of the single entity drugs and probably those now listed in the U.S.P. and N.F., which are the most widely used. These drugs should be listed by generic name with references both to trade names and manufacturers.

The Compendium should be a compilation of scientific and medical facts and not a sales advertising tool where prices are included. This type of sales information is readily available from other sources.

If the FDA is in agreement, the Compendium could possibly start with the package insert information already reviewed and approved by them. Also data from such references as the Hospital Formulary, Physician Desk Reference, etc. could be the basis of the Compendium.

The project will require several years to complete after a staff has been assembled, and perforce might have to be subsidized by the Federal Government.

The second edition could include many of the combination drugs now being used. Subsequent editions could continue to add drugs as it will take many editions before all drugs are listed.

SCA as well as the whole pharmaceutical industry is looking forward to a National Drug Compendium.

Sincerely,

FRED J. DAMLOS,
President.

HOFFMANN-LA ROCHE, INC.,
Nutley, N.J., December 8, 1967.

Hon. GAYLORD NELSON,
Chairman, Senate Monopoly Subcommittee, U.S. Senate, Washington, D.C.

DEAR SENATOR NELSON: Thank you for your letter of November 3, 1967, asking for our views on the subject of a drug compendium. I am pleased to have the opportunity to give you the views of my company on this matter. We would support the general idea of a compendium because we believe it could be a useful addition to the existing means of making available information on drug products.

We believe that medical and paramedical personnel should have ready access to complete information necessary to the proper prescribing and dispensing of drug products. We consider the development, preparation and dissemination of such information regarding our own products to be one of our vital responsibilities. The listings of Roche products in such widely-used reference works as the Physicians' Desk Reference (PDR), which are virtually complete reproductions of our package inserts, is evidence of our policy of making available to physicians complete prescribing information on Roche products. As I will discuss in more detail later, we agree with Dr. James Goddard that the PDR, with certain modifications, may be the best vehicle for establishing a drug compendium since it already is widely used by physicians as a source for prescribing information.

Hoffmann-La Roche's support of the general idea of a compendium of information on drug products assumes that such a compendium would be produced in a manner so as to provide physicians and other appropriate persons with complete and current information on drug products essential to medical practice. Among other benefits, a drug compendium with official status could, as noted by Dr. Goddard, provide a preferable alternative to the current package insert requirements. We believe firmly, however, that an official compendium must not limit or impair the physician's prerogative and ability to prescribe those drug products which he believes are in the best interests of his patients. We are certain you would agree that if the current high standards of medical care are to be maintained, "compendium" must not mean "control."

We must also express our opinion that funds and efforts in the health field should not be diverted to any major innovation from the many recognized areas of need which exist until after there has been thorough exploration of all aspects of the proposed project. The concept of a comprehensive drug compendium presents many complex scientific, medical and legal issues, all of which we believe must be explored in depth by an independent "compendium task force" drawn from government industry and the medical and scientific communities before the project is undertaken. We especially urge that the questions of need and format of a compendium be explored in detail with the medical profession since they would, of course, be the primary users of the publication.

In response to your question on the content of such a compendium, we offer the following comments and suggestions for consideration. We have also included some suggestions on other matters relating to a compendium which we hope will be useful.

We believe the purpose of a comprehensive drug compendium should be to provide necessary information in concise form for the proper and efficient usage of drug products. A total dissertation on use of any drug would probably require too great an amount of space, but the information presented should be sufficient to enable a physician to prescribe a drug confidently.

At the present time, this basic information is contained in "package inserts" which are included in every container of most drugs. These inserts are developed by the manufacturer of a drug and, for new drugs, are approved by the Food and Drug Administration before use. We recommend that a compendium contain substantially the same product information now contained in these inserts.

We do not believe that it would be desirable to alter the respective statutory responsibilities of the drug manufacturers and the Food and Drug Administration with respect to this basic drug prescribing information. In particular, we would recommend against any delegation of the present statutory responsibilities of the manufacturer and the Food and Drug Administration in this area to a third party. This would have the effect of duplicating activities presently performed by the Food and Drug Administration in reviewing new drug applications to determine the adequacy of such information, and could also impair the ability of a manufacturer to disseminate information on its own products.

In the compilation of a drug compendium, careful consideration would have to be given to the question of which drugs should be included. It will have to balance the need for a work of manageable size with the need to provide adequate information on the widest range of drugs which might be of value to the physician in his practice. At the present time there are several thousand drugs available for prescription specification. To include in a compendium information on all of those drugs might cause it to be too unwieldy and awkward for use in everyday practice for most physicians. It may be that a compendium should, initially at least, be limited to the two or three hundred most frequently prescribed drugs.

A major issue with respect to a drug compendium is the format for presenting information on specific drug products. The basic issue seems to be whether a single monograph can provide adequate information on drugs with the same established name but manufactured by different companies. We would be opposed to this approach

as being contrary to sound medicine and inconsistent with our competitive system of free enterprise.

There has been much discussion before your Monopoly Subcommittee concerning drugs sold under established or generic names as opposed to proprietary name drug products and the existence or lack of therapeutic equivalency between them. We believe it is clear from the testimony of Dr. Goddard and others that sufficient data is not yet available to answer definitively the question of therapeutic equivalency for chemically similar drugs. And, from a medical standpoint, the question is obviously too important to be answered solely on the basis of assumption.

Our position is that whether a drug product has a proprietary name or is sold under its established name does not determine the drug's quality or therapeutic value. Whether a drug product will have its intended effect can be determined only by appropriate laboratory and clinical tests. When a drug containing a specified amount of a particular active ingredient demonstrates a certain clinical or pharmacological activity, it is possible that another drug containing the same amount of the same active ingredient, if properly compounded into a finished product, will have the same effect. However, it is certainly true that this is not always the case. A second product sold under the same established name may not be in fact a therapeutic duplicate of the first. Furthermore, it is essential to recognize that drugs are used to treat individual patients. Effective and safe action in most cases is not sufficient; failure of a drug to perform, even in isolated instances, can be critical to the individual concerned.

Dr. Goddard has stated that his agency is in the process of developing information in this difficult and complex area for many drug products, but that they do not know the answers at this time to many of the issues. Thus it is highly important that a physician not be required, or even encouraged, to disregard the source of the products which he prescribes. And, from a competitive standpoint, minimizing the distinctions between manufacturers would discourage, not promote, competition. For these reasons, we believe it is essential that a compendium distinguish between drug products which have been demonstrated by appropriate scientific studies to provide consistently the intended therapeutic effect and those which have not.

Some suggestions for preserving the distinction between drugs from different manufacturers in a compendium are (1) to permit manufacturers to list their products individually by company with full information for each product, (2) to permit manufacturers to include following the listing of a drug specific facts pertaining to the clinical experience, usage, particular studies or other materials which would demonstrate proof of effectiveness of their own form of the particular medication, (3) to cite in the compendium those companies which have approved new drug applications, including the dates of approval, and (4) to note whether clinical studies have been done by each listed manufacturer for all dosage forms of the products. Additionally, since some companies make available only the most widely prescribed dosage forms, it is essential that a compendium include information from companies on their range of dosage forms of any given drug. Also, a compendium should not be designed in such a way as to limit the usefulness of trademarks, which, of course, are a basic and important means for identifying the manufacturers of drug products.

A drug compendium would need a number of indices enabling ready reference to medications by (1) established names, (2) proprietary names, (3) therapeutic classifications, (4) chemical or pharmacological index, and (5) names of manufacturers. Also, complete and periodic supplementation of the information in a drug compendium would be needed to assure that the information is the latest available.

The questions of how a compendium would be financed and how it would be published are, of course, extremely important. We agree here again with Dr. Goddard that the project should be undertaken by private industry and ultimately recognized and endorsed by government.

The primary responsibility for the development of information regarding drug products rests with the manufacturer. It is also a major and important function of a drug manufacturer to make available to physicians all necessary information relating to its products. We would envision a drug compendium as a further step in this role. We recognize, of course, that the government, and in particular the Food and Drug Administration, has a vital interest and statutory responsibility with respect to drug information provided to physicians. Thus, as already noted, we would support the principle of a combined effort by medicine, industry and government to study the issues and develop the basic guidelines and format for a drug compendium.

The specific vehicle for achieving this combined effort could be an existing private publication, such as the already-mentioned PDR, which is given statutory recognition. There is precedent for this approach in the drug field since the Federal Food, Drug and Cosmetic Act expressly recognizes several private publications as "official compendia."

At the present time many of the criteria which we suggest for a drug compendium are contained in the PDR, a work currently available to all practicing physicians and used by most of them. We have seen a recent analysis of PDR by the R. A. Gosselin Company, Inc., which indicates that in 1966 over 85 percent of all prescriptions dispensed in the United States by established and proprietary names were for drugs currently listed in the product information section in it. Another study by Alfred Politz Media Studies showed that over 90 percent of all physicians in private practice utilize this publication for prescribing information, many on a daily basis. Thus the basic usefulness of this publication is well established.

The information regarding particular drugs in the PDR "white section" is by legal requirement substantially the same as the information contained in the package insert for the drug. The one substantial change needed to conform it to the standards recommended above would be to include a section providing information on drugs which are sold under established name. These monographs could be arranged alphabetically by drug name and could be followed in each instance with a listing of the companies which manufacture such drugs. The company's name could be cross-referenced to the manufacturers' section of the publication where their specific products would be individually described with full information. We believe that utilization of PDR with this and other additions suggested above would provide a compendium which would serve the purpose of providing information on drugs sold under established name, and, by having individual product listing of manufacturers, avoid the presently unanswerable question of therapeutic equivalency of chemically similar drugs with the same established name. Thus we believe this publication should be considered carefully as a possible solution to the compendium problem, assuming, of course, that the publisher would agree to certain modifications and assuming that affected manufacturers would agree to participation and that the costs of publication would be reasonable.

If the Physicians' Desk Reference or perhaps another existing publication or organization could not assume the responsibility for privately producing such a compendium, it may be desirable to consider the establishment of a quasi-public corporation such as the Communications Satellite Corporation which includes on its Board of Directors several Presidential appointees. These appointees would be drawn from the ranks of government, private industry, and the medical and scientific communities.

A private publication could be financed by payments from participating manufacturers for the listing of their products. An exemption from certain of the requirements relating to the use of package inserts would provide an inducement for manufacturers to participate.

As we noted at the outset of this letter, Roche would support the general idea of a drug compendium designed to provide physicians with current, complete and readily available information on drugs. We further believe that a "compendium task force," as indicated above, should be established, with the concurrence of all interested groups and bodies, to consider the many issues involved, including the suggestions in this letter.

I again express my appreciation for the opportunity to give you our thoughts on this important subject. I hope they will be of value to you in the development of your proposal.

Sincerely,

V. D. MATTIA, M.D.,
President.

TEXAS PHARMACAL CO.,
San Antonio, Tex., December 14, 1967.

Senator GAYLORD NELSON,
Chairman, Senate Monopoly Subcommittee, Washington, D.C.

DEAR SENATOR NELSON: Reference is made to your letter of November 3, 1967, concerning the possibility of developing a drug compendium.

While I am not familiar in detail with all of the testimony before your committee, I am, of course, acquainted in general with the proposal advanced by Dr. Goddard and have some views on this matter which I am happy to share with you.

The general concept of a drug compendium is certainly an acceptable one in theory. Problems arise in the manner in which the development of such a compendium is implemented. As you may have been informed, such a compendium now exists in the form of the privately published "Physicians' Desk Reference". I know from my own knowledge that this publication is widely used by doctors and is considered to be reliable. The publication is not absolutely complete in that it does not include the products of every drug company in existence. Further, I am not aware that the contents of the publication necessarily have FDA approval; however, my observation has been that the material included in PDR closely follows approved package inserts.

There is little argument that the most useful compendium to the medical profession would be one in which the products of all drug companies would be included, although the expense involved in collecting and presenting information on all drugs of all companies would indeed be significant. If the drugs have received new drug approval from the Food and Drug Administration, presumably the material appearing in such a compendium would be based upon their package insert. However, some of these package inserts tend to be quite lengthy, including matter of little practical use to the practicing physician, so that I would hope some way could be evolved to provide an acceptable condensation as indicated in order to prevent the compendium from becoming unduly bulky and, thereby, destroying its practical value. The ultimate question, of course, is the real need to be filled for the practicing physician, that is not al-

ready provided by existing methods, and I have not seen any definitive information on this point.

There would also be the problem of maintaining the compendium up-to-date, but presumably this could be done with periodic supplements, such as now utilized by PDR.

I am told that a suggestion has been made that drug prices should be included in such a compendium. I would strongly oppose this suggestion since it is not clear to me how the prices would be selected. A great deal of the information regarding drug prices which I have recently observed seems highly misleading and confusing. Rather than attempt, therefore, to select a price (wholesale or retail?) for each drug—whether it be the lowest price quoted by anyone regardless of extent of distribution, an "average" price, or a price which might be regarded as a "fair" price—it seems to me best to not include the price. The doctor can always determine any price by calling his pharmacist.

I have also seen suggestions made that drugs be listed under their generic as well as brand names. I see no objection to including generic names in such a compendium, where they exist, since such names already appear on the label of the product. In our own field of specialty, namely dermatologicals, the brand name is practically the only one which would have any meaning to a doctor, since the products we market tend to be composed of several ingredients, properly blended, to which a generic name is not usually applicable. Of course, any compendium that did not include such combination products could not be considered complete.

In summary, as I have indicated, I believe the broad concept of a reliable drug compendium cannot be questioned. The difficulty arises when one attempts, on the one hand, to make it all inclusive and completely accurate, yet recognizes the necessity of keeping it within an acceptable length and expense. I am not sure I know the answers to these problems, but I certainly wish to commend your committee for attempting to shed light on the matter.

Sincerely,

ARTHUR W. MUELLER,
President.

ORGANON, INC.,
West Orange, N.J., November 15, 1967.

Hon. GAYLORD NELSON,
Chairman, Senate Monopoly Committee, U.S. Senate, Washington, D.C.

DEAR SIR: This is in response to your letter dated 3 November 1967.

We are favorably inclined towards the compendium concept. Such compendium of drugs could be useful provided it is worked up carefully with respect to the objectives.

Among the prime objectives would be to assist the prescribing physician. This should provide the guidelines as to what goes into such compendium. It should reflect the expressed views of physicians as to what they would find most useful and significant to facilitate their use of the drugs the pharmaceutical industry has made, and will continue to make available.

Sincerely,

ALAN KUSIK,
Administrative Vice President.

S. F. DURST & CO., INC.,
Philadelphia, Pa., November 17, 1967.

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

DEAR SENATOR NELSON: We appreciate receiving your letter of November 3rd, 1967 and welcome the opportunity to give you our thoughts on national compendium of drugs. It may be relevant to point out that we have been handling drugs for the medical profession for thirty-seven years, and are well respected in the geographic areas that we service. We think that a smaller company such as ours that works intimately with thousands of physicians may have some useful thoughts to contribute.

We are in favor of a compendium and believe it should be similar in format to the "Physicians Desk Reference" but greatly expanded to include every item of every company from the largest to the smallest in the pharmaceutical field.

If you would desire additional thoughts on the subject we will be happy to cooperate.

Sincerely,

RICHARD L. DURST,
President.

CROOKES-BARNES LABORATORIES, INC.,
Wayne, N.J., December 4, 1967.

Hon. GAYLORD NELSON,
Chairman, Senate Monopoly Subcommittee, U.S. Senate, Washington, D.C.

MY DEAR SENATOR NELSON: In reference to your letter of November 3 addressed to Mr. Louis E. S. Santamaria, please be advised that I endorse the concept of a compendium of drugs.

It would seem to me, having spent many years in practice, that the compendium should include generic and brand names, the manufacturer of each generic and brand name, some basic pharmacology and adverse reactions.

In general, I feel that an official compendium similar to the Physician's Desk Reference but without the promotion, would be the most valuable.

Sincerely,

DANIEL K. BEIRNE, M.D.,
Vice President.

THE UPJOHN CO.,
Kalamazoo, Mich., November 17, 1967.

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

DEAR SENATOR NELSON: This is in response to your recent letter requesting my views as to the merits of a drug compendium.

I appreciate your courtesy in writing and expression of interest in the position of The Upjohn Company on a subject of such importance to the pharmaceutical industry and the medical profession.

The position of The Upjohn Company is compatible with others who have endorsed the general concept of a drug compendium. It has been our consistent policy to insure full disclosure as to the quality, characteristics and proper usage of the products which we manufacture. Thus, we would certainly support, in principal, the idea of a compendium as a vehicle for providing such relevant information to the medical profession.

While one can endorse the principal of a compendium, careful and serious thought must be given to the substantive composition of this publication. I share the view expressed by Dr. Goddard in his testimony before your Subcommittee on November 9, that the compilation of a Drug Labeling Compendium will be a difficult task. Certainly a meaningful compendium must include pertinent information presented in a form best suited to impart essential facts included in package inserts. These facts, as you well know, are related to the quality and characteristics, safety and efficacy of our drug preparations. I think it would be a mistake to include information superfluous to this purpose and do not feel, therefore, that economic data, such as price, would be germane to this publication.

I believe that considerable thought and attention must be given to membership of the committee which will prepare the compendium and be responsible for its content, for the value of this publication will be directly related to the caliber of its format and composition. Careful consideration should be given to this question as well as others which relate to content of the compendium. The views of concerned parties should be elicited in deciding whether all or portions of information presently contained in package inserts should be included. If this document is to group drugs according to specified nomenclature with an accompanying summary of the drugs listed, then standards should be adopted concerning the method of drug selection as well as proper preparation of the summary. There are, after all, delicate distinctions between many drugs which require recognition in a compendium. Furthermore, a policy should be formulated to insure that new drugs approved subsequent to publication of a compendium but prior to release of supplements thereto may be distributed without penalty for not being included in the compendium.

These are but examples of some decisions which must be made prior to the preparation and publication of a compendium. I would suggest that to resolve questions such as these, thought be given to calling a meeting of those people who will be concerned with its use. Among such people would be the Commissioner of the Food and Drug Administration, the Director of the National Institutes of Health, representatives of the pharmaceutical industry and the medical profession. This could provide a blue ribbon committee to study these and other questions of vital importance to the preparation of a worthwhile compendium.

I hope that these brief comments will be of assistance, and wish to assure you of my desire to cooperate.

Sincerely yours,

R. T. PARFET, Jr.

SMITH KLINE & FRENCH LABORATORIES,
Philadelphia, Pa., November 17, 1967.

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

DEAR SENATOR NELSON: In reply to your recent letter asking for our comments on the idea of a drug compendium, we believe that the general concept is a good one.

As to content, we feel that there should be a description of each individual nationally marketed drug product of all registered manufacturers, together with full prescribing information as approved by the FDA. Anything less than this would deprive the physician of full information on the specific drug product he may wish to prescribe.

As to the format, we believe that an expansion of the existing Physicians' Desk Reference (PDR), currently the most widely available source of this information, would be the most practical and economical solution to the problem. Further, we would suggest specific controls by the publisher and the FDA to assure that the information on each drug product is complete and up-to-date. Admittedly, such a compendium would significantly increase the size or create additional volumes of the PDR, but we don't believe this would lessen its usefulness to the physician. We also agree that PDR should continue to be supported by the industries whose drug products are included. In the case of products not included for reason of limited distribution (or for any other reason), prescribing information inserts could still be required for inclusion with the commercial package, as at present.

We appreciate the opportunity to express our views on this subject.

Sincerely,

T. M. RAUCH.

AMENDMENT OF ACT PROVIDING FOR A STUDY TO DETERMINE A SITE FOR THE CONSTRUCTION OF A SEA-LEVEL CANAL CONNECTING THE ATLANTIC AND PACIFIC OCEANS

Mr. MAGNUSON. Mr. President, at the request of the Atlantic-Pacific Interoceanic Canal Study Commission, I in-

troduce, for appropriate reference, a bill to amend sections 3 and 4 of the act approved September 22, 1964—78 Stat. 990—providing for an investigation and study to determine a site for the construction of a sea-level canal connecting the Atlantic and Pacific Oceans.

The grave disturbance in Panama in 1964 made us more aware of the commercial and strategic deficiencies of the present canal.

The Senate Commerce Committee, after hearings, determined the need for an investigation to examine into the feasibility of constructing a new canal at sea level through the Isthmus.

The committee members recommended that a Presidential commission be created to conduct the study and the committee bill became Public Law 88-609. In April 1965, the President appointed the Commission and designated Robert B. Anderson, Chairman.

In the first session of the 90th Congress, the law was amended to extend the reporting date of the Commission to December 1, 1969. The Commission claims that it cannot conclude the investigation by this deadline.

Commissioner Hill testified during the hearings held this past June that circumstances beyond the control of the commission have restricted the progress of the study.

The delay in negotiating treaties with Panama and Colombia to permit on-site surveys slowed the progress of the commission. Only limited work was accomplished along the survey route in Panama during the 1966 dry season.

The United States did not conclude an agreement with the Colombian Government until October 1966. Two full years were lost before maximum efforts at collection could get under way.

In the meanwhile, the U.S. Atomic Energy Commission Plowshare program, which includes the cratering studies needed to decide whether nuclear excavation of the new canal is feasible has suffered delays. On January 26 the AEC conducted a successful nuclear excavation test but several more could be expected before the technique is refined. As a consequence, the commission now estimates that they cannot complete their work and make their recommendations until late in 1970.

Furthermore, the estimated cost of the study has increased from $17.5 million now authorized to $24 million. The delays cited by the commission are responsible in part for the higher cost figure. In addition, services the commission expected to receive at minimal or no cost whatever, cannot now be provided by the Department of Defense because of the demands of our commitment in Vietnam. The commission must now pay for these services.

The bill which I have introduced would amend the enabling law which created the Commission to provide additional time—until December 1, 1970—and authorize sufficient funds, a maximum of $24 million, for the Atlantic-Pacific Interoceanic Canal Study Commission to complete its job.

Unrestricted shipping through the American Isthmus is essential to commerce in the United States. This study is necessary to guarantee the future growth of this commerce as the Panama Canal becomes obsolescent. I am concerned that the Commission shoud have ample time and funds to complete the study.

I ask unanimous consent that the letter of Chairman Robert B. Anderson to Vice President HUMPHREY dated January 31, 1968, which explains in detail the need for the proposed legislation, be printed in the RECORD following my remarks.

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

The bill (S. 2948) to amend Sections 3 and 4 of the act approved September 22, 1964 (78 Stat. 990), providing for an investigation and study to determine a site for the construction of a sea-level canal connecting the Atlantic and Pacific Oceans, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter, presented by Mr. MAGNUSON, is as follows:

ATLANTIC-PACIFIC INTEROCEANIC CANAL STUDY COMMISSION,
Washington, D.C., January 31, 1968.

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Provided herewith is a draft bill "To amend Sections 3 and 4 of the Act approved September 22, 1964 (78 Stat. 990), providing for an investigation and study to determine a site for the construction of a sea-level canal connecting the Atlantic and Pacific Oceans."

We recommend that this draft bill be referred to the appropriate committee for consideration, and we recommend its enactment.

The Atlantic-Pacific Interoceanic Canal Study Commission was established by the Act approved September 22, 1964 (Public Law 88-609, 78 Stat. 990), to make a full and complete investigation and study, including necessary on-site surveys for the purpose of determining the feasibility of, and the most suitable site for, construction of a sea-level canal connecting the Atlantic and Pacific Oceans, and the best means of construction.

When Public Law 88-609 was enacted, the expectation was that site surveys in Panama and Colombia would begin not later than January 1965. This expectation was the basis for the establishment of the June 30, 1968 reporting date and was a factor in fixing the $17.5 million ceiling on appropriations.

On April 18, 1965, the President appointed the five present members of the Commission from private life. After the Commission was appointed, it adopted a plan of study that attempted to adjust the study program schedule to the circumstance that the favorable dry season occurring in fiscal year 1965 had already passed. At that time the Commission had no actual on-the-ground experience on which to base a more accurate time and cost estimate. The new program schedule assumed the start of full-scale data collection beginning in January 1966, with completion of the study by June 30, 1968.

In September 1965, it became apparent to the Commission that the necessary treaties with Panama and Colombia could not be negotiated and ratified before the advent of the 1966 dry season. It, therefore, requested the Department of State to direct its immediate efforts toward achieving early agreements for site surveys only, with the understanding that negotiations for sea-level canal treaties would continue with the hope of agreement at a later date. The negotiations of site surveys initiated with Panama in October 1965 were successfully concluded in an exchange of notes between the United States and Panama on February 15, 1966. A similar exchange of notes with the Colombian Government was made on October 25, 1966.

Although access to the survey route in Panama was achieved prior to the close of the 1966 dry season, only limited work could be accomplished there in the remaining weeks of dry weather. During the negotiation period, every advantage was taken to expedite those functions not requiring actual route access. Supplies and equipment were purchased and stored, but full-scale data collection had to be postponed until January 1967. In spite of maximum efforts during this period, two full years for data collection have been lost.

Evaluating the alternatives available to the Commission for completing their investigation and study, in the face of the delay caused by difficulties in starting actual on-site surveys and the delay in the nuclear excavation research program, the Commission determined that it will require until December 1, 1970, to complete and submit its study.

The Congress has extended the required completion dates but only to December 1, 1969. An additional year's time to complete and submit the study is needed. Also, while this legislation originally included a provision for increasing the appropriate authorization, the Act as passed did not include such an increase. The Commission cannot accomplish its task within the current appropriation limitation of $17.5 million. The current estimate of funds required to complete the study is $24.0 million, an increase of $6.5 million. The major items contributing to the increase in estimated cost are the result of delays in beginning on-site surveys, more realistic cost estimates based upon actual field conditions, and other changed conditions. Included in the Commission's present cost estimate are funds to extend the study, to cover unprogrammed Federal pay raises, to provide services for the Commission that otherwise would have been provided by the Department of Defense at little or no cost to the Commission had it not been for the Vietnam requirements, to support program changes resulting from actual on-site conditions, to support a program stretchout which will result from the extension of the nuclear excavation research activities, and other requirements resulting from conditions which were not envisioned in the original program planning.

The Atlantic-Pacific Interoceanic Canal Study Commission considers that the objectives of Public Law 88-609 can best be accomplished by enactment of the proposed amendment to extend the study until December 1, 1970, and to increase the appropriation ceiling to $24.0 million so as to provide the Commission with sufficient time and funds to complete the study in an orderly and efficient manner.

For the reasons stated above and because of the fact that the concluding work plans of the Commission will be affected by the inclosed draft bill, its prompt and favorable consideration is recommended.

The Bureau of the Budget has advised that the enactment of the draft legislation would be consistent with the Administration's objectives.

Respectfully yours,

ROBERT B. ANDERSON,
Chairman.

JOINT RESOLUTION ON THE SERVICE OF THE BOY SCOUTS OF AMERICA TO AMERICAN YOUTH

Mr. YARBOROUGH. Mr. President, this morning I was pleased to attend the Report to the Nation breakfast of the Boy

Scouts of America in which Vice President HUBERT HUMPHREY and over 200 Senators and Congressmen participated. This breakfast was held in observance of the 52d anniversary of the chartering of the Boy Scouts of America by Congress.

The highlights of the long range program for expansion of the Boy Scouts of America was presented by Mr. Edwin H. Gott, a member of the executive board of the organization—a report which outlined the important future of America as well as the Boy Scouts. In this expansion, the Boy Scouts of America hope to expand their membership by 40 percent in the next 9 years, bringing scouting to over one-third of our American boys. To illustrate the service to this country, particular emphasis is being placed on the disadvantaged boys in both urban and rural areas of the country.

In 1966 Congress passed a concurrent resolution marking the 50th anniversary of the granting by Act of Congress of the charter of the Boy Scouts of America—the first youth organization to be granted such a charter by Congress.

It is my privilege today to introduce a joint resolution of Congress calling on the Boy Scouts of America, in their expansion and renewal efforts, to serve the youth of America to the ultimate end of improving the leadership of the future Nation. I ask that this joint resolution be printed in full at this point in the RECORD.

The 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. 138) calling on the Boy Scouts of America to serve the youth of this Nation as required by their congressional charter, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S.J. RES. 138

Whereas the Boy Scouts of America has acted under a congressional charter since 1916, serving over 40,000,000 boys with a program that develops physical fitness, character, and citizenship; and

Whereas the Boy Scouts of America has achieved significant results in preventing and reducing juvenile delinquency; and

Whereas the Boy Scouts of America has extended its program to disadvantaged boys in the deprived areas of urban and rural areas of our Nation; and

Whereas there is an increasing need for training boys to become responsible citizens in accord with the ideals and principles of the Scout oath and law; and

Whereas the Boy Scouts of America gives strong support to the home, the religious institution, the schools, and communities in the training, education, and development of youth; and

Whereas the Congress is called upon to assist and promote programs of promise in these critical areas: Therefore be it

Resolved by the Senate and House of Representatives of the United States America in Congress assembled, That the Congress of the United States calls on the Boy Scouts of America to serve the youth of this Nation as required by their congressional charter to the end that more boys in every segment of our society will be involved in its program and future generations of Americans will be better prepared with the skill and confidence to master the changing demands of America's future and prepared to give leadership to it.

PROPOSED NATIONAL ENGINEERING TECHNICIAN WEEK

Mr. TOWER. Mr. President, I introduce, for appropriate reference, a measure which authorizes the President to proclaim the week between October 20, 1968, and October 26, 1968, as National Engineering Technician Week. The American Society of Certified Engineering Technicians is a young, aggressive organization that was formed in 1964. Since then it has worked hard in establishing the engineering technician as a part of the national and local community utilizing sound, professional practices.

The goals of the society are very worth while. Among them are the desire to obtain recognition of its members as a vital component of the engineering and scientific team in service to the national and public welfare, and to promote the education, social, economic, and ethical responsibilities of engineering technicians. They have made great strides toward achieving their goals. I hope that we will be able to help them a little in this way.

I believe that it is altogether fitting and proper for the achievements of this organization to be recognized by the proclamation of a National Engineering Technician Week in their honor. All of America will be furthered by the achievement of the society's goals. I would like for the Senate to expeditiously consider this measure.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 139) to designate the period beginning October 20, 1968, and ending October 26, 1968, as "National Engineering Technicians Week," introduced by Mr. TOWER, was received, read twice by its title, and referred to the Committee on the Judiciary.

PROFESSORS EMERITUS—AMENDMENT TO TITLE III OF THE HIGHER EDUCATION ACT OF 1965

AMENDMENT NO. 526

Mr. YARBOROUGH. Mr. President, I rise to submit a measure that would amend title III of the Higher Education Act of 1965 by adding a new section providing grants to qualified professors emeritus who wish to continue their teaching career by moving to a developing educational institution. Technically, my proposal is in the form of an amendment to S. 1126, the Higher Education Amendments of 1967, which the Senate's Subcommittee on Education is soon to consider.

Substantively, my proposal for a program of grants to professors emeritus makes possible a marriage of interests between developing educational institutions, which need competent faculty who, merely because of age, face compulsory retirement from a developed institution. This is one of those rare but happy instances when each of two problems has within it at least a partial solution to the other problem.

On the one hand there is the problem of a shortage of qualified faculty at our new and developing 2- and 4-year colleges. These institutions, which are struggling financially and otherwise to meet the educational demands of a steadily growing influx of students, find it increasingly difficult to compete for qualified faculty, not only with their sister, developing institutions, but also with older, established institutions.

The faculty shortage is made even more acute by a rapidly growing student enrollment and a phenomenal increase in the number of new campuses across America—both of which further diffuse the existing store of qualified faculty.

In the Office of Education's recent publication, "Staffing American Colleges and Universities," James F. Rogers observes:

The current decade is expected to witness a doubling of enrollments in higher education.

Coupled with this increase in enrollment is a great increase in the number of educational institutions, especially of junior and community colleges. The study of the Office of Education reports that 166 educational institutions were created during the 5-year period of 1961–65. Of these, 114, or 69.7 percent, were junior colleges and technical institutes. Mr. Rogers suggests that this tendency will persist in the foreseeable future:

The continuing thrust to extend educational opportunity, especially through the junior college level, lends support to the probability that the creation of new institutions is likely to continue at a brisk pace.

Probably the most significant development in higher education in recent years is the commitment by this Nation to make advanced education available to more people in more places. A primary means of achieving this universality of higher education is the junior or community college movement, which attempts to bring into a region, a community, or even a neighborhood the additional education that the people want.

Each of these new colleges requires a new faculty. The American Association of Junior Colleges reported in 1967—

Fifty new junior colleges were established in 1965 and another fifty in 1966.

They predicted the likelihood that this 50-per-year rate would continue in the coming decade. Needless to say, this demand cannot be quenched from the existing pool of qualified faculty.

In addition, the greatest rate of enrollment increase is to be found in the 2-year institutions. James Rogers reports an estimate that these institutions will absorb a 125.5 percent increase in enrollment during the 6-year period of November 1963 through October 1969.

In the fall of 1963 these 2-year institutions enrolled 19.3 percent of all students pursuing higher education, but they employed only 12.8 percent of the professional staff. By the fall of 1969—which is the beginning of the next academic year—these institutions are expected to

enroll 27 percent of all students in higher education.

Obviously, there exists a critical shortage of qualified faculty for these new and developing institutions. The American Association of Junior Colleges tells us that "conservative estimates indicate a need for at least 100,000 additional instructors by 1975." This estimate relates only to junior colleges, and does not consider the similar needs of other 2- and 4-year institutions which qualify under title III as developing institutions.

In most cases, these institutions are financially unable to offer the salaries required to attract faculty from developed institutions or to compete with these institutions for new faculty. Even if they could compete, the problem would still exist, for there has been an increase in the number of institutions and students without a commensurate increase in the number of faculty.

In short, there is a serious faculty shortage in America, intensified by an exploding student population and a proliferation of new institutions. The impact of this shortage is most severely felt by developing institutions. The bill which I am introducing today proposes to make available to these developing institutions the talent and experience of qualified faculty who have reached compulsory retirement age at a developed institution, but who are not eager to retire and would welcome the opportunity to teach and pursue research at a developing institution.

In an article written for the October 1963 issue of the "Journal of Higher Education," Dr. A. Packchanian, formerly a member of the faculty of the University of Texas School of Medicine, offers the following judgment of compulsory retirement of faculty:

> Compulsory retirement of scientists from universities and research institutions presents one of the most challenging problems of the day. It is well known that every year able men and women of science are compelled to retire from active duty because they have reached an arbitrary age limit. The majority of these retired scientists find themselves bewildered and unproductive. This is an injustice to them and to society.

The problem is not one that plagues the scientist alone. His colleagues in other disciplines are faced with the same compulsory retirement and feel a similar frustration at their lack of productivity.

I was alarmed, Mr. President, to learn of the manpower and brainpower that apparently falls victim to a compulsory retirement age. In a 1965 survey of 1,084 institutions of higher education, the National Education Association reported that 917, or 84.6 percent, designate a formal retirement age, ranging from 62 to 75 years. Of these 917 colleges and universities, employing 160,806 teachers in 1965, only 328 report existing provisions of any kind for continuing service. In short, 64.4 percent of the institutions surveyed, employing over 70 percent of the teachers, have policies of compulsory retirement.

What I propose in my amendment is not a retirement plan or a subsidized pasture for tired and ineffective professors; rather I suggest both a challenge to and opportunity for those men and women of our Nation's faculties who maintain their competence and enthusiasm long past any arbitrary retirement age. The very essence of productivity is a good blend of competence and enthusiasm. It is absurd to suggest that this is universally lost at 65, 70, or any other arbitrary age limit.

It strikes me as ironic that the students of developing institutions should go begging for qualified faculty while hundreds of experienced and productive teachers annually are forced into a frustrating retirement. On the one hand there is a challenging job in search of a qualified employee. On the other hand, there is a qualified employee wanting a challenging job. Simply stated, my amendment provides the mechanism to get the two together for the mutual advantage of both, with society receiving the ultimate benefit of the alliance.

Mr. President, I look forward to exchanging ideas on this proposal with witnesses testifying on S. 1126 before the Education Subcommittee. As far as the mechanics of my amendment are concerned, I believe the text is self-explanatory, and I ask unanimous consent that it be printed at this point in the RECORD.

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

The amendment (No. 526) was referred to the Committee on Labor and Public Welfare, as follows:

AMENDMENT NO. 526

On page 12, line 11, insert the following:

"SEC. 304. Title III of the Higher Education Act of 1965 is amended by adding the following new section:

"'PROFESSORS EMERITUS

"'SEC. 306. (a) The Commissioner is authorized to award grants under this section to professors retired from active duty at institutions of higher education which do not qualify for assistance under this title, to encourage such professors to teach and to conduct research at developing institutions. The Commissioner shall award such grants only upon application by an institution approved for this purpose by the Commissioner and only upon a finding by the Commissioner that the program of teaching or research set forth in the application is reasonable in the light of the qualifications of the Professor Emeritus and of the educational needs of the applicant.

"'(b) To facilitate subsection (a) the Commissioner shall undertake a program to disseminate information concerning this section both to institutions of higher education which qualify for assistance under this title and to those which do not and shall solicit from those institutions which do not qualify for assistance under this title the names of retired professors and of professors about to retire who evidence interest in participating in the Professors Emeritus Program and disseminate such names and other pertinent background data to those institutions qualifying for assistance under this title.

"'(c) Grants may be awarded under this section for such period of teaching as the Commissioner may determine. The amount of each grant awarded under the provisions of this section for each academic year of teaching or research shall be determined by the Commissioner upon the advice of the Council'."

REQUIREMENT OF DISCLOSURE OF THE PRICE OF SAFETY EQUIPMENT IN THE PROCUREMENT OF MOTOR VEHICLES—AMENDMENT

AMENDMENT NO. 527

Mr. HARRIS. Mr. President, at the request of Senator RIBICOFF, I submit an amendment to his bill, S. 2865, and ask that it be printed at this point in the RECORD, and appropriately referred.

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

The amendment (No. 527) was referred to the Committee on Government Operations, as follows:

AMENDMENT NO. 527

Strike out all after the enacting clause, and insert in lieu thereof the following:

"That section 302 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252) is amended by adding at the end thereof the following new subsection:

"'(f) In any procurement of motor vehicles by any executive agency disclosure of the price of each system or item of equipment incorporated into the vehicle in order to comply with the safety standards set by the Secretary of Transportation pursuant to the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391 et. seq.) shall be required. In accordance with such regulations as the Administrator of General Services shall prescribe, each bid or offer submitted in response to any solicitation for offers shall contain an itemized statement of the amount of such price for each such system or item of safety equipment which is included in the aggregate price tendered for the furnishing of such motor vehicles. All information received by any executive agency (other than the General Services Administration), in the course of any procurement of motor vehicles, concerning prices quoted for each system or item of such safety equipment shall be transmitted promptly to the Administrator under such regulations as he shall prescribe'."

ADDITIONAL COSPONSORS OF BILLS

Mr. BYRD of West Virginia. Mr. President, at the request of the senior Senator from North Carolina [Mr. ERVIN], I ask unanimous consent that, at its next printing, the names of the Senator from Texas [Mr. YARBOROUGH] and the Senator from Pennsylvania [Mr. SCOTT] be added as cosponsors of the bill (S. 2009) to further insure due process in the administration of military justice by prescribing uniform rules of procedures to be followed by the Armed Forces in the case of administrative discharge boards by establishing a Judge Advocate General's Corps in the Navy, by creating single-officer general and special courts-martial, by establishing in each Armed Force a Court of Military Review, and for other purposes.

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

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Nevada [Mr. CANNON] I ask unanimous consent that, at its next printing, the name of the Senator from Nebraska [Mr. CURTIS] be added as a cosponsor of the bill (S. 2872) to change the day for holding elections for Members of Con-

gress and for appointing electors of President and Vice President.

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

VETERANS' BENEFITS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a number of telegrams I have received relative to the President's message on veterans' benefits be printed in the RECORD.

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

FEBRUARY 6, 1968.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: The North Carolina Department of AMVETS wishes to express to you our hearty endorsement of the President's proposed recommendations and legislative request to expand certain benefits program and to support improvement of the quality of certain services provided for veterans. We urge your study and support of the President's recommendations and request for legislation.

AMVET POST 5,
Asheville, N.C.

FEBRUARY 6, 1968.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: The North Carolina department AMVETS wishes to express to you our hearty endorsement of the President's proposed recommendations and legislative request to expand certain benefits program and to support improvement of the quality of certain services provided for veterans. We urge your study and support of the President's recommendations, and request for legislation.

AMVET POST 160,
Hendersonville, N.C.

FEBRUARY 6, 1968.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: The North Carolina department of AMVETS wishes to express to you our hearty endorsement of the President's proposed recommendations, and legislative request to expand certain benefits program and to support improvement of the quality of certain services provided for veterans. We urge your study and support of the President's recommendations and request for legislation.

AMVET POST 240,
Denton, N.C.

FEBRUARY 6, 1968.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: The North Carolina Department of AMVETS wishes to express to you our hearty endorsement of the President's proposed recommendations and legislative request to expand certain benefits program and to support improvement of the quality of certain services provided for veterans. We urge your study and support of the President's recommendations and request for legislation.

AMVET POST 120,
Brevard, N.C.

FEBRUARY 6, 1968.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: The North Carolina Department of AMVETS wishes to express to you our hearty endorsement of the President's proposed recommendations and legislative request to expand certain benefits program and to support improvement of the quality of certain services provided for veterans. We urge your study and support of the President's recommendations and request for legislation.

AMVET POST 250,
Farmville, N.C.

FEBRUARY 6, 1968.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: The North Carolina Department of AMVETS wishes to express to you our hearty endorsement of the President's proposed recommendations and legislative request to expand certain benefits program and to support improvement of the quality of certain services provided for veterans. We urge your study and support of the President's recommendations and request for legislation.

AMVET POST 4,
Asheville, N.C.

FEBRUARY 6, 1968.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: The North Carolina Department of AMVETS wishes to express to you our hearty endorsement of the President's proposed recommendations and legislative request to expand certain benefits program and to support improvement of the quality of certain services provided for veterans. We urge your study and support of the President's recommendations and request for legislation.

AMVET POST 12,
Durham, N.C.

FEBRUARY 6, 1968.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: The North Carolina Department of AMVETS wishes to express to you our hearty endorsement of the President's proposed recommendations and legislative request to expand certain benefits program and to support improvement of the quality of certain services provided for veterans. We urge your study and support of the President's recommendations and request for legislation.

AMVET POST 170,
Mount Airy, N.C.

FEBRUARY 6, 1968.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: The North Carolina Department of AMVETS wishes to express to you our hearty endorsement of the President's proposed recommendations and legislative request to expand certain benefits program and to support improvement of the quality of certain services provided for veterans. We urge your study and support of the President's recommendations and request for legislation.

AMVET POST 300,
Winston-Salem, N.C.

FEBRUARY 6, 1968.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: The North Carolina Department of AMVETS wishes to express to you our hearty endorsement of the President's proposed recommendation and legislative request to expand certain benefits program and to support improvement of the quality of certain services provided for veterans. We urge your study and support of the President's recommendations and request for legislation.

AMVET POST 42,
Shelby, N.C.

FEBRUARY 6, 1968.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: The North Carolina Department of AMVETS wishes to express to you our hearty endorsement of the President's proposed recommendations and legislative request to expand certain benefits program and to support improvement of the quality of certain services provided for veterans. We urge your study and support of the President's recommendations and request for legislation.

AMVET POST 13,
Lexington, N.C.

FEBRUARY 6, 1968.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: The North Carolina Department of AMVETS wishes to express to you our hearty endorsement of the President's proposed recommendations and legislative request to expand certain benefits program and to support improvement of the quality of certain services provided for veterans. We urge your study and support of the President's recommendations and request for legislation.

AMVET POST 40,
Nebo, N.C.

FEBRUARY 6, 1968.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: The North Carolina Department of AMVETS wishes to express to you our hearty endorsement of the President's proposed recommendations and legislative request to expand certain benefits program and to support improvement of the quality of certain services provided for veterans. We urge your study and support of the President's recommendations and request for legislation.

AMVET POST 110,
Rosman, N.C.

FEBRUARY 6, 1968.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: The North Carolina Department of AMVETS wishes to express to you our hearty endorsement of the President's proposed recommendations and legislative request to expand certain benefits programs, and to support improvement of the quality of certain services provided for veterans. We urge your study and support of the President's recommendations and request for legislation.

AMVET POST 130,
Swannonah, N.C.

FEBRUARY 6, 1968.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: The North Carolina Department of AMVETS wishes to express to you our hearty endorsement of the President's proposed recommendations and legislative request to expand certain benefits program, and to support improvement of the quality of certain services provided for veterans. We urge your study and support of the President's recommendations and request for legislation.

AMVET POST 230,
Elkin, N.C.

FEBRUARY 6, 1968.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: The North Carolina Department of AMVETS wishes to express to you our hearty endorsement of the President's proposed recommendations, and legislative request to expand certain benefits program and to support improvement of the quality of certain services provided for veterans. We urge your study and support of the President's recommendations and request for legislation.

AMVET POST 43,
Roxboro, N.C.

FEBRUARY 7, 1968.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: The North Carolina Department of AMVETS wishes to express to you our hearty endorsement of the President's proposed recommendations, and legislative request to expand certain benefits program and to support improvement of the quality of certain services provided for veterans. We urge your study and support of the President's recommendations and request for legislation.

AMVET POST 30,
Candler, N.C.

ALLEGED BRIBERY OF AID EMPLOYEES

Mr. WILLIAMS of Delaware. Mr. President, today I call the attention of the Senate to a contract under our AID program wherein the best interests of the American taxpayers were not adequately protected. When this condition was called to the attention of the officials in Washington along with the serious allegations that the Government employees responsible may have been accepting bribes or kickbacks in the form of cash or payments in goods or services, the administration, rather than taking prompt steps to expose the scandal, merely tried to brush it under the proverbial political rug.

Within the past few weeks at least four high officials in AID have been allowed to resign with the public record indicating that they resigned on a purely voluntary basis with no charges pending. The fact is that all four public officials, while issuing general denials of any implication, resigned rather than answer charges of having accepted improper payments—either in the form of cash, goods, or services—from this contractor, who in turn had been receiving their approval for a contract and subsequent changes wherein he could collect thousands of dollars more than could have been justified.

The contract to which I refer was one negotiated with J. & M. Adriaenssens, N. V. Hoboken, Belgium. This was a contract for the repair and reconditioning of certain excess Government property which was being rebuilt in order that it might be used under our AID program.

This contract of over $2 million was modified several times with the approval of these same officials, at least two of the changes representing substantial price increases allegedly to reflect the increased costs.

The Department's own files, developed as the result of an intra-agency investigation, contain rather pointed evidence that these four employees had accepted from the contractor goods of value in the form of cash or services, and so forth, in return for their approval of a liberalization of the contract.

The Department of Justice is filing a claim against the company for at least $250,000, but what concerns me is the fact that the Government has dallied while some of the records became lost and the officials responsible for this abuse were allowed to resign with the public record showing that their separations from Government service were purely voluntary. As near as I can determine no effort had been made to pursue the case as far as these employees were concerned until a congressional inquiry was made.

I am now advised that within the past few days all of the files of the agency on this contract have been classified as "limited for official use" on the basis that they are being turned over to the Department of Justice for whatever steps may be found advisable.

I agree that these files should be turned over to the Department of Justice, but I am concerned that no such effort was made until a congressional inquiry developed, and even as of this date the public record of the employees involved still indicates that they left the Government service in good standing.

Last week, when I first discussed this case with the AID officials, I was advised that they were turning the complete files over to the Department of Justice and that they could only take under advisement my request for further information in connection with the alleged payoffs.

Yesterday I was advised that the files had already been transmitted to the Department of Justice and that they were now classified as being for "limited official use," thereby prohibiting their release for congressional inspection.

In my opinion this classification is a deliberate method to cover up and protect the agency from having to explain why this explosive investigative report, which was transmitted to Washington several months ago, had been pigeonholed until a congressional inquiry was made.

Under the circumstances I am making this report today and identifying the contract and the company, but I shall withhold the names of the employees involved and wait to see what action is taken by the Department of Justice to handle this case.

I realize that the evidence and the charges against these men are serious and that they are entitled to an opportunity to answer the allegations, but I also point out again that rather than answer the charges when first given the opportunity by the agency, they merely issued a general denial and submitted resignations, which were readily accepted by the agency as though it were a routine development.

Under the circumstances I thought it necessary to make this report to the Senate and to let the agency know that the mere transfer of the files to the Department of Justice does not relieve it of the responsibility to render a full accounting to the Congress and the American taxpayers.

In conclusion I point out that this is not a subject dealing with the security of our country, wherein secrecy could be justified; this is a report dealing with the question of irresponsible handling of public funds by public employees, and the American taxpayers have a right to know the facts.

Mr. President, since I prepared the foregoing statement I have discovered that yesterday the Department leaked a preliminary report of this scandal to the New York Times along with its slanted version of the activities of the employees—the inference being that the resignations were purely voluntary. I wish to make the record clear that these were not voluntary resignations. There were serious charges in the investigative reports concerning these individuals. Some action had better be taken on the charges, or, if necessary, we can outline some of them, along with the names of those persons who have been desperately trying to keep the matter under cover. This whitewash is not going to be accomplished by any leaking of slanted information. The administration is not going to avoid responsibility by transferring the matter to the Department of Justice, and thereby place a cloak of secrecy on the scandal until after the election.

Mr. WILLIAMS of Delaware subsequently said: Mr. President, yesterday I criticized the manner in which a contract under our AID program had been handled, with particular emphasis upon the failure of the Agency to cooperate with Congress in exposing those who were responsible.

In this connection, I ask unanimous consent that a letter dated February 7, 1968, signed by Mr. William S. Gaud, Administrator for the Agency for International Development, be printed at this point in the RECORD.

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

DEPARTMENT OF STATE, AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, February 7, 1968.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: Your letter of February 1 did not reach the Agency until late in the afternoon of February 5. I first saw it on the morning of the 6th.

When Mr. Haugerud and I saw you in your office on Friday morning January 26, it was our understanding that the files were still in A.I.D. It turns out that we were misinformed. They had been sent to the Department of Justice at 9:45 a.m. that morning—approximately 45 minutes before we arrived at your office.

Here is the story of what happened.

As I believe I told you, I left for Vietnam and Thailand early on the morning of Saturday, January 13. I did not get back to Washington until late in the afternoon of Thursday, January 25.

Mr. Rex Lee, the Assistant Administrator for Administration, has been in charge of this investigation since September. He tells me that on January 15, while I was away, he first directed the General Counsel's office to get the files together and send them to the Department of Justice. He tells me that he re-

peated these instructions on January 19. On January 25 he checked again with the General Counsel's office and found that they had not yet left A.I.D.

Upon my return to Washington late in the afternoon of January 25, I called Deputy Administrator Poats to chat about what had gone on in the office during my absence, and learned from him, among other things, that he had heard that day of Dr. Marcy's telephone call in your behalf to Mr. Haugerud. That call, Mr. Haugerud tells me, was made at about 5:30 p.m. on Wednesday, January 24.

I decided at once that I would try to see you the next morning. Shortly after the opening of business in the morning I asked Mr. Lee whether we still had the files or whether they had gone to the Department of Justice. Relying on what he had been told the day before, Mr. Lee told me we still had them.

Mr. Haugerud and I went up to see you at 10:30 and passed this information on to you in the belief that it was correct. However, it turns out that it was not. Unbeknown to Messrs. Lee, Haugerud and myself, the files had been delivered to the Department of Justice at 9:45 that morning.

I want to be clear about what we sent to the Department of Justice. It consisted of the reports of our investigation up to that date. The investigation is still underway, and may turn up additional material in the future.

I apologize for my mistake and hope this letter will clear up the matter to your satisfaction.

Sincerely yours,

WILLIAM S. GAUD.

Mr. WILLIAMS of Delaware. This letter confirms that the files relating to the alleged irregularities on the part of the employees and the contractor were not classified and sent to the Department of Justice until just 45 minutes before their scheduled conference in my office on January 26.

PRESIDENT PRESENTS MOST COMPREHENSIVE ANTICRIME PROGRAM IN HISTORY

Mr. MANSFIELD. Mr. President, President Johnson's anticrime message offers Congress the most comprehensive anticrime program ever presented to deal effectively with the rising crime rate.

Crime and its causes must be controlled. We know the high cost in human tragedy caused by crime; crime causes almost $4 billion in property loss; takes millions of dollars from productive pursuits and honest citizens; and presents an increasing threat to our Nation's security.

The President's response is to increase our national investment in the war against crime by 28 percent—through a series of imaginative programs. This is an investment—in proven programs and new proposals—which Americans want and need.

To protect us in our homes and stores and on our streets the President has developed a variety of programs—to better pay, equip, and train our law enforcement officers; to improve Federal coordination in criminal enforcement and correction; to prevent professional rioters from moving across State lines to incite civil disturbances; and to curb rampant auto thefts.

To eliminate the sinister effects of organized crime, the President has proposed a multipronged attack; to increase the effectiveness of the Federal strike force program; to strengthen laws on substantial gambling; and to help prosecute apprehended racketeers.

And to deal with the special problems of alcoholism and drug abuse, President Johnson has offered a strong program to assist alcoholic rehabilitation and end the traffic in LSD and narcotics.

These bold programs should help make our citizens secure in their homes and safe on their streets—while helping thousands of offenders achieve more productive lives.

The anticrime message is nothing less than a blueprint for a more livable America. President Johnson has lived up to his high responsibility. We in the Congress must face up to ours.

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

The PRESIDING OFFICER (Mr. CLARK in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PROPOSED BUREAU OF NARCOTICS AND DANGEROUS DRUGS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 249)

The PRESIDING OFFICER. The Chair lays before the Senate two messages from the President of the United States, one on Reorganization Plan No. 1, relative to the Bureau of Narcotics, dangerous drugs, and the other on crime.

There being no objection, and the Chair hears none, the messages will be printed in the RECORD without being read and appropriately referred.

The message from the President relating to the first Reorganization Plan of 1968 was referred to the Committee on Government Operations, as follows:

To the Congress of the United States:

In my first Reorganization Plan of 1968, I call for the creation of a new and powerful Bureau of Narcotics and Dangerous Drugs.

With this action, America will serve notice to the pusher and the peddler that their criminal acts must stop.

No matter how well organized they are, we will be better organized. No matter how well they have concealed their activities, we will root them out.

Today, Federal investigation and enforcement of our narcotics laws are fragmented. One major element—the Bureau of Narcotics—is in the Treasury Department and responsible for the control of marihuana and narcotics such as heroin. Another—the Bureau of Drug Abuse Control—is in the Department of Health, Education, and Welfare, and is responsible for the control of dangerous drugs including depressants, stimulants, and hallucinogens such as LSD.

Neither is located in the agency which is primarily concerned with Federal law enforcement—the Department of Justice.

This separation of responsibilities—despite the relentless and dedicated efforts of the agents of each Bureau—has complicated and hindered our response to a national menace.

For example, more than nine out of ten seizures of LSD made by the Bureau of Drug Abuse Control have also turned up marihuana—but that Bureau has no jurisdiction over marihuana.

In many instances, we are confronted by well organized, disciplined and resourceful criminals who reap huge profits at the expense of their unfortunate victims.

The response of the Federal Government must be unified. And it must be total.

Today, in my Message on Crime, I recommended strong new laws to control dangerous drugs. I also recommended an increase of more than thirty percent in the number of Federal agents enforcing the narcotic and dangerous drug laws.

I now propose that a single Bureau of Narcotics and Dangerous Drugs be established in the Department of Justice to administer those laws and to bring to the American people the most efficient and effective Federal enforcement machinery we can devise.

Under this Reorganization Plan the Attorney General will have full authority and responsibility for enforcing the Federal laws relating to narcotics and dangerous drugs. The new Bureau of Narcotics and Dangerous Drugs, to be headed by a Director appointed by the Attorney General, will:

—consolidate the authority and preserve the experience and manpower of the Bureau of Narcotics and the Bureau of Drug Abuse Control.

—work with states and local governments in their crackdown on illegal trade in drugs and narcotics, and help to train local agents and investigators.

—maintain worldwide operations, working closely with other nations, to suppress the trade in illicit narcotics and marihuana.

—conduct an extensive campaign of research and a nationwide public education program on drug abuse and its tragic effects.

The Plan I forward today moves in the direction recommended by two distinguished groups:

—the 1949 Hoover Commission.

—the 1963 Presidential Advisory Commission on Narcotic and Drug Abuse.

This Administration and this Congress have the will and the determination to stop the illicit traffic in drugs.

But we need more than the will and the determination. We need a modern and efficient instrument of Government to transform our plans into action. That is what this Reorganization Plan calls for.

The Plan has been prepared in accordance with chapter 9 of title 5 of the United States Code.

I have found, after investigation, that each reorganization included in the plan is necessary to accomplish one or more of the purposes set forth in section 901 (a) of title 5 of the United States Code.

I have also found that, by reason of these reorganizations, it is necessary to include in the accompanying plan pro-

visions for the appointment and compensation of the five new positions as specified in section 3 of the plan. The rates of compensation fixed for these new positions are those which I have found to prevail in respect of comparable positions in the Executive Branch of the Government.

Should the reorganization I propose take effect, they will make possible more effective and efficient administration of Federal law enforcement functions. It is not practicable at this time, however, to itemize the reduction in expenditures which may result.

I recommend that the Congress allow this urgently needed and important Reorganization Plan to become effective.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *February 7, 1968.*

TO INSURE THE PUBLIC SAFETY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 250)

The message from the President relating to crime in the Nation was referred to the Committee on the Judiciary as follows:

To the Congress of the United States:

To meet the challenge of crime to our society, I propose the following program of action for our Nation:

For our Governors and Mayors:

1. The Governors of our States and the Mayors of our Cities should examine their local situations—to make certain that they have the necessary laws in effect, that they are committing sufficient resources to their entire systems of criminal justice, and that they have efficient, well-trained and fully supported police departments and law enforcement agencies.

For the Congress and the Executive Branch of the Federal Government:

2. Prompt passage of the Safe Streets and Crime Control Act which I proposed last year.

3. A major Federal assistance program to provide educational opportunities and more training for the Nation's law enforcement personnel.

4. Appropriation of $100 million for the Safe Streets Act in fiscal 1969, double the amount I proposed last year.

5. Passage of the Juvenile Delinquency Prevention Act.

6. Enactment of an Alcoholism Rehabilitation Act, to help provide more effective treatment—rather than simple detention—of alcoholics.

7. Coordination of the Federal anti-crime effort under the Attorney General.

8. Establishment of a strong and unified United States Corrections Service within the Department of Justice.

9. In the fight against drug abuse,

—Legislation to make the illegal manufacture, sale and distribution of LSD and other dangerous drugs a felony, and possession a misdemeanor.

—A more than 30 percent increase in the number of agents enforcing our narcotics and dangerous drug laws.

—That the National Commission on Reform of Federal Criminal Laws undertake immediately a full-scale review of these laws.

—A step-up in our research, education, manpower, training and rehabilitation efforts.

—Transfer to the Department of Justice the functions of the Bureau of Narcotics from the Treasury, and the Bureau of Drug Abuse Control from the Department of Health, Education, and Welfare.

10. A felony law aimed at those who cross state lines to incite and take part in riots.

11. In the fight against organized crime, top priority for the Justice Department's Strike Forces in cities beset by racketeering.

12. New laws to enhance the Federal attack on big-time gambling.

13. Immunity legislation to compel the giving of testimony concerning activities linked with organized crime.

14. Legislation to permit the Government to appeal a pretrial court order granting a motion to suppress evidence.

15. Passage of effective gun control legislation.

16. Funds for 100 additional Assistant U.S. Attorneys in offices throughout the country, 100 additional FBI agents, and an increase in the number of lawyers in the Criminal Division of the Justice Department.

17. A program to develop better law enforcement communications.

18. An intensified effort to develop more modern weapons and equipment for police.

19. A Bank Protection Act.

20. An Auto Theft Prevention Act.

21. That a model crime prevention program be required in each Model Cities plan.

22. A Right of Privacy Act.

THE COST OF THE FEDERAL EFFORT

Our total Federal anti-crime effort will require more than one-half billion dollars—some $557 million—in appropriations in the coming year. This is an increase of about 28% above this year's total of $435 million, and almost three times the amount appropriated in 1960.

THE COST OF CRIME

For decades our system of criminal justice has been neglected. As a result:

—Local law enforcement is undermanned and underpaid.

—Correctional systems are poorly equipped to rehabilitate prisoners.

—Courts at all levels are clogged; procedures are often archaic.

—Local juvenile offender systems—which must deal with increasing numbers of delinquents—are understaffed and largely ineffective.

For decades the conditions that nourish crime have been gathering force. As a result, every major city harbors an army of the alienated—people who acknowledge no stake in public order and no responsibility to others.

Thousands of Americans are killed or injured each year by criminal acts. Many thousands more are unable to use the streets of their cities without fear, or to feel secure in their homes or shops.

Far too many of our youth are saddled with a criminal record early in life, repeat their violations again and again, and find life-long difficulty in obtaining decent employment and social acceptance.

Property valued at almost $4 billion is lost through crime every year. Millions of dollars are taken from the productive economy by organized racketeers—money that should be in the pockets of the poor, or in the bank accounts of honest businessmen.

Drug abuse presents an insidious and growing threat to our nation's health, particularly the health of young people.

These conditions strike at all citizens, regardless of economic status. Neither affluence nor poverty affords protection against crime and violence.

OUR RESPONSE

In the year just ended, the Federal Government—and some cities and States—made a significant new beginning toward coping with the intolerable costs of crime.

In 1965 I appointed a Commission of the ablest lawyers, judges, and experts in law enforcement to study every aspect of crime in America. This Commission conducted the most comprehensive review and analysis of crime in our country that has ever been undertaken. We have made this report available to thousands of policemen, criminologists, and city and state officials to assist them in their work against crime. We are already beginning to see the healthy effects of the Commission's research and insights.

Today,

—The Federal organized crime drive is at an all-time high.

—The Department of Justice, through its Office of Law Enforcement Assistance, has helped fund hundreds of valuable projects, from police patrol helicopters to computerized criminal information networks.

—Other Federal agencies are contributing their share to this effort—in such fields as alcoholism control, juvenile delinquency, urban law enforcement planning, narcotics and drug control, prisoner rehabilitation programs and police-community relations.

—Half of our States have established State law enforcement planning commissions to help coordinate statewide efforts.

—Federal, State, and local agencies are sharing knowledge, pooling their resources and experimenting with new techniques and organizations.

—A Federal Judicial Center has been established to revitalize and modernize our Federal court system.

This year America must decisively capture the initiative in the battle against crime.

The major effort must be made by our cities and towns. State Governments must provide maximum support.

For our part, we must strengthen our Federal law enforcement effort to deal promptly, firmly and effectively with those who violate Federal criminal laws and we should assist states and cities in their local efforts.

I pledge my part.

I urge the Congress to do its part.

And most important, I urge the Governors and Mayors to do their part.

The Governors and the Mayors, as well as the Congress and the Executive Branch, must this year reaffirm for the American people the basic principle I stated last year: "Public order is the first business of government."

1. *The Responsibility for Local Law Enforcement.*

The Federal Government must never assume the role of the Nation's policeman. True the Federal Government has certain direct law enforcement responsibilities. But these are carefully limited to such matters as treason, espionage, counterfeiting, tax evasion, and certain interstate crimes.

Crime is essentially a local matter. Police operations—if they are to be effective and responsible—must likewise remain basically local. This is the fundamental premise of our constitutional structure and of our heritage of liberty.

The existing pattern of law enforcement makes it clear that local governments must play the primary role in any effective program to combat crime:

—Of the 40,000 law enforcement agencies in the Nation, more than 39,750 are local, while some 200 are State, and the remaining few are Federal.

—Of the 371,000 full-time law enforcement officers in the Nation, 308,000 are local, while only 40,000 are State and 23,000 are Federal.

Under our Constitutional system, the prevention and punishment of crime in the streets is committed to State and local governments. It is essentially the task of mayors and local police, supported by their governors.

Today, I call upon every Mayor and every Governor of our Nation to:

—Examine the local ordinances and state criminal laws to see that they are fair, firm, effective and adapted to the criminal justice problems of the Twentieth Century.

—Review the adequacy of their correctional efforts: not just jails, but detention centers, half-way houses, social services, juvenile delinquency efforts, and well-trained probation and parole officers.

—Examine their judicial systems to make certain there is an adequate number of judges and prosecuting attorneys and that arraignments and trials are promptly held.

—Fully support their local police not only in public statements, but with the funds necessary for adequate salaries, first-rate training and the most modern equipment.

Two years ago—on March 9, 1966—I asked "The Attorney General to work with the Governors of the fifty States to establish statewide committees on law enforcement and criminal justice." Since then 25 States have taken advantage of Federal grants to help establish such statewide commissions: California, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New Mexico, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, Utah, Washington, West Virginia, Wisconsin.

I urge the remaining States to act this year. And I urge the Mayors of our cities to establish their own local crime commissions.

2. *The Safe Streets and Crime Control Act.*

While we reject Federal domination of law enforcement, we recognize that the Federal Government has an inescapable responsibility to help strengthen local law enforcement efforts.

Today, I renew my urgent request to the Congress for immediate passage of the Safe Streets and Crime Control Act which I proposed last year.

This Act is the cornerstone of the Federal anti-crime effort to assist local law enforcement.

It builds upon the fundamental tenets of the Crime Commission's report:

—That crime prevention is a major national priority.

—That better paid, better trained, better equipped police are urgently needed in almost every community.

—That correctional and other law enforcement agencies must have better information on the causes and control of crime.

—That we need substantially more—and more efficiently used—resources and personnel to provide faster action at all levels.

—That the entire system of criminal justice, at every level of government, must be modernized.

The bill I sent to Congress last year emphasizes flexibility and local responsibility. It provides:

—100% grants for research and demonstration projects.

—90% planning grants to State and local governments.

—60% action grants to implement new programs.

—50% construction grants for new facilities.

3. *Federal Assistance for education and training of law enforcement officials.*

Law enforcement means more than putting on a uniform. It means learning about the Constitution, about our laws, about weaponry, about people. It means keeping up to date as our knowledge grows and our techniques and equipment improve. Many local law enforcement agencies cannot now supply the advanced training our men need.

Because this training and education are so essential, I propose that the Safe Streets Bill as originally recommended be amended to:

—Authorize the Federal Bureau of Investigation to expand its training programs for State and local law enforcement personnel, both in the field and at the FBI National Academy at Quantico.

—Provide more substantial financial assistance to State and local law enforcement agencies to develop their own training programs.

—Establish a specific program of fellowships, student loans and tuition aid for State and local law enforcement officers.

—Create a National Institute of Law Enforcement and Criminal Justice to develop a major Federal research program for the application of the most advanced science and technology to law enforcement.

4. *As a measure of this program's urgency, I call on the Congress to appropriate $100 million for the Safe Streets Act in fiscal 1969—double the amount I proposed last year.*

5. *Youth and Delinquency.*

The great majority of our young people—members of the healthiest, the most intelligent and forthright generation this country has ever known—are devoting their energies and idealism to affirmative and useful endeavors. Millions are personally involved in bringing justice, strength and prosperity to America and to the world. In the Armed Forces, in the Peace Corps, in high schools and universities, in the poverty program and in other productive jobs, the youth of America are making a constructive record that is unequaled by any generation of Americans.

But for thousands of others, the years of youth are spoiled by crime:

—Youngsters under 18 accounted for one-fifth of all non traffic arrests in 1965.

—Those under 24 accounted for half of all those arrested for major crimes of violence—homicide, rape, robbery and assault.

—Three out of four of those arrested for larceny, burglary, and auto theft were under 24.

This problem will not disappear by itself. It will not disappear simply as a consequence of the passage of criminal laws.

No child is born a criminal.

But, we know that children born into certain environments all too often view the policeman—and the civil order he protects—as an enemy, rather than as a protector. Many parents fail to impart to their children that respect for lawful and just authority on which a decent society depends. Thousands of these early, individual failures later become parts of a national tragedy.

In the past few years, we have devoted immense resources to education, job training, urban planning and rehabilitation and civil rights.

But these efforts are not enough. We need a more direct and immediate effort to deal with juvenile delinquency at the local level.

I urge the Congress to pass the Juvenile Delinquency Prevention Act that I proposed last year. This Act would:

—Authorize $25 million in assistance to State and local agencies in the first year to develop new plans, programs, and special facilities to deal with youthful offenders.

—Encourage the development of new community correctional programs which avoid the stigma and isolation that often follow prison experience.

—Help local authorities deal with delinquents effectively in terms of their individual needs, and avoid, whenever possible, separating young offenders from their families and from the society they will rejoin.

—Develop a greater range of alternatives to jail—for example, half-way

houses, youth rehabilitation centers and family-type group homes.

Young Americans are our Nation's most valuable and valued resource. No loss is greater than when a youth—with the world before him—is cast into adulthood as a marked criminal. The health of our Nation requires a determined effort to master the problem of delinquency. But we must never forget that there is—as there should be—a limit to the extent to which public efforts can properly affect private lives. Neither the Executive nor the Congress—nor the policeman nor the youth worker—can substitute for parents. In their hands lie the ultimate responsibility.

6. *Alcoholism.*

Alcoholism is tragically high on the list of our Nation's health problems.

Five million Americans are alcoholics. They bring incalculable grief to millions of families. They cost their families, their employers and society billions of dollars.

While alcoholism is essentially a medical problem, it is also a problem of law enforcement. The local policeman—not the doctor—is usually the first point of contact between society and the public drunk, the intoxicated driver or the down-and-out derelict.

Alcoholics and heavy drinkers overburden our law enforcement and judicial systems:

—There are currently about two million arrests each year for drunkenness—nearly one-third of all arrests.

—Excessive drinking plays a part in nearly half of all fatal traffic accidents.

—Local police and courts spend a disproportionate amount of time and effort on what is essentially a medical problem—time that should better be spent dealing with serious offenses.

—A large percentage of all inmates in short-term correctional institutions are there solely because of public intoxication and related minor offenses.

Yet these crowded institutions generally provide no services or programs to treat them. In virtually all our communities, alcoholics receive less adequate care than other sick people.

The Department of Health, Education, and Welfare is now engaged in a major program dealing with the causes and treatment of alcoholism. I recommend that the Congress strengthen this program with appropriations next year of $13.4 million in fiscal 1969.

To deal with the alcoholic whose behavior brings him into contact with the law, I propose the Alcoholic Rehabilitation Act of 1968. This Act would provide Federal leadership and assistance to States and localities in developing non-jail alternatives for the handling of alcoholics.

THE FEDERAL EFFORT

The Federal Government must have the tools it needs to become a more effective instrument in the war on crime: stronger laws, more personnel, and more resources.

7. *Coordination.*

The first step in an accelerated Federal anti-crime drive is better coordination. Our efforts must not be dissipated. Responsibility must not be fragmented.

At the present time, a large number of Federal agencies play a significant role both in front-line enforcement, and in programs to aid State and local agencies. The resources and experience of many different departments and agencies are needed in this effort. But, there must be a control room for Federal action.

Today I am acting in several ways to provide this coordination, and to mobilize the agencies of Government that participate in the work of fighting crime.

I signed this morning an Executive Order designating the Attorney General to:

—*Coordinate the criminal law enforcement activities of all Federal Departments and agencies,*

—*Coordinate all Federal programs that assist State and local law enforcement and crime prevention activities.*

The Attorney General will establish a special office in the Justice Department to carry out this critical work.

State and local law enforcement agencies will now have a single office in Washington to contact for information concerning all Federal programs which may affect them. These include projects as varied as:

—The Labor Department's training programs for sub-professionals in police and court work.

—Juvenile delinquency and alcoholism prevention efforts of the Department of Health, Education, and Welfare.

—The Department of Housing and Urban Development's planning and other assistance programs that affect law enforcement.

—The police-community relations programs in the Office of Economic Opportunity.

The Attorney General will not operate these programs. He will coordinate them and issue guidelines to ensure that they make the maximum impact in meeting the Nation's public safety needs.

8. *Strengthened and Unified Corrections.*

The apprehension and conviction of a criminal is doomed to ultimate futility if we do not deal effectively with him while he is in the hands of the law.

Our correctional system serves two primary functions. It protects the public through the detention or close supervision of convicted offenders. It also seeks to return them to a productive life through education, training, and other programs.

The number of released offenders who subsequently revert to a life of crime is disturbingly large. The Crime Commission estimated that about one-third of released criminals return to prison within five years.

The task of supervising hardened criminals, and of repairing and strengthening lives is difficult, and often unappreciated. This work requires highly trained personnel and carefully-supervised programs of parole and probation.

Today the Nation's correctional system is undermanned and underequipped. We must make it a strong arm in our total effort to protect the public from crime.

To achieve substantial improvements in this long-neglected area, I ask the Congress to increase the program funds available to the Bureau of Prisons by $3 million.

The Federal Government has developed a system of institutions and services—penitentiaries, reformatories, youth centers, parole and probation—to protect society and to lead violators to more worthwhile lives.

Yet our correctional system is fragmented. The courts supervise parole and probation, while the Executive Branch administers the prisons.

This division of responsibility impedes our efforts to build a strong and effective correctional system. We need a single, unified organization to coordinate the prison personnel who are responsible for the treatment of prisoners and the community personnel who supervise their parole.

I again ask the Congress to unify this system by establishing a United States Corrections Service within the Department of Justice.

9. *Narcotics and Drugs.*

In no area of law enforcement is there a greater need for a concentrated drive than in dealing with the growing problem of narcotics and dangerous drugs.

These powders and pills threaten our Nation's health, vitality, and self-respect.

Heroin addiction is largely an urban problem, focused in slum areas. But hallucinogens, such as marihuana and LSD (Lysergic Acid Diethylamide) have spread to suburban and rural regions, and are taken by far too many American youths. The improper use of dangerous drugs—barbiturates, pep pills, speed, other amphetamines—cuts across all segments of the population.

The present Federal laws dealing with these substances are a crazy quilt of inconsistent approaches and widely disparate criminal sanctions. Responsibility for their administration is found in no single Department of the Federal Government.

The Department of the Treasury, through the Bureau of Narcotics, is responsible for narcotics and marihuana enforcement—because historically jurisdiction in that area was based on the taxing power of the Federal Government. This Bureau has only about 300 agents for the United States and all its foreign operations.

The Department of Health, Education, and Welfare enforces the dangerous drug laws through its Bureau of Drug Abuse Control, which has only about 300 agents.

Penalties for improper use of these substances are inconsistent—and in the dangerous drug field, too weak.

The illegal sale of LSD, a powerful hallucinogen, is only a misdemeanor punishable by a maximum prison term of one year for the first offense. There is no penalty at present for possession of LSD for personal use.

Possession of marihuana, another hal-

lucinogen, is punishable by a minimum term of two years and a maximum of ten for the first offense. Illegal sale is punishable by a minimum of five years.

These inconsistencies have seriously hampered law enforcement—for drug and narcotics peddlers do not observe bureaucratic niceties. More than 90% of seizures of LSD made by the Bureau of Drug Abuse Control have also turned up marihuana—but that Bureau is not authorized to make arrests for illegal trafficking in marihuana.

We can no longer deal with this major problem in a haphazard way. We must mobilize now to halt the growing trade in harmful narcotics and drugs.

I propose that the Congress immediately:

—*Enact legislation to make the illegal manufacture, sale or distribution of LSD and other dangerous drugs a felony and the illegal possession of these drugs a misdemeanor.*

—*Provide funds to increase the number of Federal narcotics and dangerous drug agents by more than one-third.*

In addition, I am requesting:

—The National Commission on Reform of the Federal Criminal Laws—an expert and distinguished Commission established by Congress last year—to give its immediate attention to a review of all our narcotics and drug abuse laws, and to recommend a balanced and consistent approach to this problem as soon as possible.

—The Secretary of Health, Education, and Welfare to increase the activities of his Department in the area of rehabilitation of drug addicts, and in alerting young people to the threat addiction poses to their lives.

Finally, and most important, I am today transmitting to the Congress a reorganization plan to transfer the functions of the Bureau of Narcotics and the Bureau of Drug Abuse Control to the Department of Justice.

There, in a new Bureau of Narcotics and Dangerous Drugs, these functions can work together with greater effectiveness and efficiency. This step implements the recommendation of the Hoover Commission of 1949, and of the 1963 Presidential Advisory Commission on Narcotics and Drug Abuse.

The new Bureau of Narcotics and Dangerous Drugs would be in a strong position to:

—Use the experienced manpower of the two existing Bureaus more efficiently by avoiding duplicating and overlapping investigations,

—Economize by consolidating regional offices,

—Provide a single channel of communications with State, local and foreign narcotic control authorities, and

—Improve liaison with the Organized Crime Section of the Department of Justice, and thus strike at an important aspect of organized crime—the illegal drug trade.

10. *Riot Control.*

Last summer many of our cities were shaken by disorders that cost scores of lives and millions of dollars in damage.

All Americans have thought about and discussed the causes of this national tragedy. We know the answers are complex. For this reason, I appointed, last August, a National Advisory Commission on Civil Disorders, and charged its members with three questions:

"What happened?"

"Why did it happen?"

"What can be done to prevent its happening again and again?"

We await their report and recommendations.

But there is no need to wait before protecting society against those who would tear it apart for whatever purpose.

I propose the Federal Anti-Riot Act of 1968.

This new law will make it a felony, punishable by up to 5 years in prison, for any person to incite or organize a riot after having traveled in interstate commerce with the intention to do so.

This is a narrow and carefully drawn bill. It does not impede free speech or peaceful assembly.

It is not a solution to our urban problems. But it does give the Federal Government the power to act against those who might move around the country, inciting and joining in the terror of riots.

This bill does not involve the Federal Government in dealing with disturbances that are locally incited and properly a matter for State and local authorities.

I urge those authorities—the Governors and Mayors of this Nation—to review carefully their State and local anti-riot laws to make certain they provide effective protection for their citizens.

This new law should be coupled with the Federal Firearms Bill. Both seek a common end—to reduce crime and disorder in our cities by restricting the interstate movement of two causes of death and destruction—the criminal agitator and the gun.

11. *Organized Crime.*

Organized crime is big business in America.

Its sinister effect pervades too many corners of America today—through gambling, loan sharking, corruption, extortion, and large movements of narcotics.

The Crime Commission reported:

> Organized crime is a society that seeks to operate outside the control of the American people and their governments. It involves thousands of criminals, working within structures as complex as those of any large corporation, subject to laws more rigidly enforced than those of legitimate governments. Its actions are not impulsive, but rather the result of intricate conspiracies, carried on over many years and aimed at gaining control over whole fields of activity in order to amass huge profits.

These conspiracies have taken over legitimate businesses. They have attempted to invade the councils of our cities.

It is clear that sporadic, isolated, uncoordinated attacks on this disciplined army of the underworld cannot obtain lasting results. Organized crime can be defeated only by organized law enforcement.

Under the direction of the Organized Crime and Racketeering Section of the Department of Justice, a "Strike Force" program has recently been initiated. Experienced investigators and attorneys from several Federal departments and agencies work together in a campaign concentrated on a single, organized criminal syndicate in a particular geographic area.

Strike Force Number One, centered in a large northern city, used skilled investigators from the Bureau of Narcotics, the Customs Bureau, the Secret Service, the Department of Labor, and Internal Revenue Service and the Federal Bureau of Investigation. This Strike Force, in cooperation with Canadian and local officials, was responsible last year for Federal indictments of 25 underworld figures.

Additional strike forces are now being formed. Within the next few months they will be moved, without public notice, into several parts of the Nation where organized crime now flourishes.

I have directed the Attorney General and this Government's law enforcement agencies to give this program the highest priority. Funds are included in my budget to support these additional Strike Forces.

STRONGER CRIMINAL LAWS

12. *Gambling Laws.*

Gambling provides the major source of revenue for organized crime. It is vital that the Government have statutory means to play a leading role in striking at illegal gambling activities.

The Federal wagering tax produces needed revenue for the Federal Government from a source that is highly appropriate as long as illegal gambling flourishes. It is important that this tax, imposed by the Congress, be collected efficiently, and without infringing the constitutional rights of taxpayers.

I recommend that our gambling laws be strengthened this year.

First, we should broaden the law to make it a Federal crime to engage in gambling as a substantial business affecting interstate commerce.

Second, the Federal Wagering statute should be modified to preserve this valuable taxing authority in a form that does not raise constitutional problems.

These legislative proposals will be sent to the Congress shortly. *I urge their prompt consideration.*

13. *Immunity Legislation.*

Last year I requested immunity legislation to compel the giving of testimony concerning activities having strong links with organized crime. This kind of authority has proven its value in the past, but its current scope is limited. *I renew my proposal that immunity legislation be extended to the Racketeering Travel Act, to the Obstruction of Justice statute, to the criminal bankruptcy law, and to matters involving bribery, graft, and conflict of interest.*

14. *Effective Prosecution.*

Today, the prosecution in a Federal criminal case cannot appeal when a District Court grants a pre-trial motion to suppress evidence. In many cases, the suppression of that evidence may effectively terminate the prosecution.

The House of Representatives has enacted legislation authorizing the Govern-

ment to appeal such orders when they believe an appeal is justified.

I ask the Senate to pass this legislation promptly.

15. *Gun Control.*

We cannot control crime without controlling the random and wanton distribution of guns.

There is little need to restate the arguments for taking this action. We must stop what amounts to mail order murder.

Newspapers and radios proclaim each day the tragic toll of death and injury caused by firearms. An estimated 750,000 Americans have died by this means since 1900—far more than have died at the hands of all our enemies in all the wars we have fought.

Once again I urge the Congress to enact the bill I proposed last year to:

—*Prohibit interstate mail order sales and shipments of firearms, except between Federal licensees.*

—*Prohibit over-the-counter sales of handguns to out-of-state purchasers.*

—*Regulate the sale of firearms to minors.*

—*Further regulate the importation of firearms into this country.*

As I said one year ago:

"This legislation will not curtail ownership of firearms used either for sport or self-protection. But it will place a valuable restraint on random trade in handguns—the use of which has more and more characterized burglaries and other crimes."

We know the facts. Failure to act upon them is irresponsible.

NEW STRENGTH FOR LAW ENFORCEMENT

16. *Additional Federal Anti-Crime Officials.*

Since 1960, the pending criminal caseload in the Federal system has increased by 90%. The total number of grand jury proceedings has grown by 31%. The total number of appeals has grown by 133%. During this period the number of District Court judges increased by 40%.

But the total number of Assistant United States Attorneys—the men throughout the country who bring the people's cases to court—increased by only 16%.

I am requesting the Congress to provide funds to enable us to add 100 additional Assistant U.S. Attorneys in offices around the country.

I am also requesting funds for more than 100 additional agents for the Federal Bureau of Investigation, and for a substantial increase in the number of lawyers for the Criminal Division of the Justice Department.

EFFECTIVE CRIME CONTROL IN AN AGE OF TECHNOLOGY

At its heart, the law enforcement problem has always been—and will remain—a human problem. Wretched living conditions produced high crime rates a century ago in immigrant neighborhoods. Today, slum conditions are producing equally serious crime problems among the new immigrants to our cities.

We have dedicated ourselves to change those conditions—and we shall.

But our responsibilities require us to find more immediate solutions to the rising crime rate, that will help us maintain order while we build better foundations for urban life.

17. *Improved law enforcement communications.*

The Crime Commission Report showed that the ability of the police to make an arrest often depends upon the time within which affected citizens contact them, the speed with which radio messages can be transmitted, and the response time of neighborhood police.

In spite of our advanced technological knowledge and capacities, it often takes many minutes for help to reach a citizen. Further, communications facilities for essential emergency services in many metropolitan areas are over-crowded and out of date.

To implement a four-point program to improve law enforcement communications:

—I am instructing the Attorney General to cooperate with the Federal Communications Commission, local law enforcement authorities, and the telephone companies to develop methods to make the ordinary telephone more effective for summoning police aid in times of emergency. Such a step, recommended by the Crime Commission, was recently endorsed by the largest telephone company in the Nation.

—I have requested the Federal Communications Commission to give the highest priority in the allocation of new radio channels to police and other emergency services in our largest cities.

—I am asking the Presidential Task Force on Communications Policy, established last August, to undertake a study to determine the total public safety radio-communications requirements and present capabilities in selected metropolitan areas.

—I am directing the Attorney General and the Secretary of Defense to develop a prototype, low-cost, lightweight personnel radio, which can be used by patrolmen throughout the Nation.

18. *Modern Weapons and Equipment.*

Revolvers and nightsticks are clearly inadequate for the many different crises faced by the police. New weapons and chemicals—effective but causing no permanent injury—have been and are being developed.

But too little is now known about their potential to preserve order while protecting lives. Too little is known about their limitations.

I am instructing the Director of the Office of Science and Technology, working with the Attorney General and law enforcement officials, to study these new weapons and chemicals and other new techniques in crime control. The results of this study will be made available to enforcement agencies throughout the country.

19. *Bank Protection.*

We must bring modern crime detection and protective equipment into our banks.

Robberies of financial institutions have increased continuously in the past decade.

In 1955 there were 526 robberies committed against financial institutions protected by Federal law. In 1966 there were 1,871 such offenses—an increase of about 250%.

Silent alarms and camera systems now exist that can both deter these crimes and aid in investigation and prosecution. Yet many financial institutions have not yet installed them.

I urge the Congress to enact a Bank Protection Act of 1968, to direct those Federal agencies with responsibilities for banks and savings and loan institutions to issue regulations requiring the installation, maintenance, and operation of appropriate protective systems.

20. *Auto Theft Prevention.*

We must reduce the great number of automobiles that are stolen each year.

Auto theft is the third most frequent, and the second most costly crime in America.

It is a crime that involves the young. Over 60% of all auto thefts are committed by persons under the age of 18. This is often the first step in a life of crime—a first step that might be easily prevented.

A principal device in auto theft is the so-called "master key," which can be used to start a car's ignition. These keys are advertised. They can be ordered by mail.

I propose the Auto Theft Prevention Act of 1968, to prohibit the advertisement, mailing and shipment in interstate commerce of motor vehicle master keys and information and devices from which such keys can be made.

This Act, together with auto safety regulations proposed by the Secretary of Transportation—which would require anti-theft devices to be included in automobiles manufactured after December 31, 1969—should help counter the rising rate of auto thefts. Some of our automobile manufacturers have already announced plans to include such devices in future models.

21. *Model Precincts.*

We must take advantage of our Model Cities program—the most comprehensive urban development program this country has ever undertaken—to promote the goal of effective law enforcement.

The Model Cities program gives us an opportunity to plan ahead for law enforcement in a new environment. Many cities have begun to do so.

I am directing the Secretary of Housing and Urban Development, in cooperation with the Attorney General, to require each of the 63 cities now included within the Model Cities program, as well as any new grantees, to include within its total program a well-designed system for crime prevention and control. These could include such items as:

—Establishment of model precincts.

—Improvement of police-community relations.

—Creation of effective recruitment and training centers.

—New programs for youthful offenders.

The Model Cities program gives us an opportunity to create safe streets in safe neighborhoods through more effective crime prevention and law enforcement systems. We must seize that opportunity.

22. *Right to Privacy.*

We must protect the American people against a new threat to one of our oldest and most precious rights—the right of personal privacy.

The principle that a man's home is his castle is under new attack. For centuries the law of trespass protected a man's lands and his home. But in this age of advanced technology, thick walls and locked doors cannot guard our privacy or safeguard our personal freedom. Today we need a strong law—suited to modern conditions—to protect us from those who would trespass upon our conversations.

Last year I recommended to the Congress the Right of Privacy Act. *I urge the Congress to enact this legislation this year.*

CRIME CONTROL—A TASK FOR ALL AMERICANS

This 22-point program will, if adopted and put fully into practice, make the conditions of life for most law-abiding citizens safer, and thus freer and happier.

But in implementing it we must remain aware of its limitations, as well as its goals:

It is not a substitute for action by local law enforcement officials. The job of law enforcement—the basic responsibility—is for the local police, the local mayor, the city council, in short the people of our towns and cities.

It is not an answer to the frustrations of many young people. But it will help to steer thousands of young offenders to more productive lives.

It is not a solution to the illnesses of alcoholism and drug addiction. But it will enable us to deal with them more effectively.

It is not an answer to the blight of our cities and suburbs. But it will help to make our metropolitan areas more livable.

It does not establish a national police force, but it will help enable the Federal Government to do its part well.

The Nation needs vigorous and substantial programs to meet the challenge of crime on all levels of Government—but most importantly at the local level where it affects us all most immediately and most directly.

There are some who view the crime problem in racial terms. The facts belie this. Crime affects all Americans. It is not a problem of rich against poor or white against Negro, because the hard facts show that crime victimizes most severely and most directly those in poverty and those in minority groups.

No people need or want effective and fair law enforcement more than those who live in our crowded inner cities.

For all Americans we must improve and strengthen our law enforcement system.

Speeches and strong words and good intentions will not solve our Nation's crime problem.

This message will not solve our Nation's crime problem.

Only action will be effective to control crime in the cities and states of our country: action at the local level, action at the state level and action by the Congress of the United States.

Today I pledge the resources of the Federal Government to support the governors and mayors of our Nation in an all-out war against crime.

I urge the Congress to join with me by passing the legislation I have recommended in this message.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *February 7, 1968.*

ADMINISTRATION CIVIL RIGHTS BILL SHOULD BE ENACTED INTO LAW

Mr. YOUNG of Ohio. Mr. President, the pending civil rights bill is concerned with the rights and privileges of all citizens which have already been granted to all Americans through previous legislation. Indeed, they were pledged to all citizens when the first 10 amendments to the Constitution of the United States were ratified.

In the historic civil rights bills enacted since 1965, we approved laws dealing with racial discrimination in voting, public accommodations, employment, public facilities and education. Unfortunately, local law enforcement officers in some parts of the Nation are unable or unwilling to enforce laws guaranteeing equal rights to all citizens. These laws are meaningless if they are not sustained by full forceful protection from those who would defeat their purpose and effect by means of violence or intimidation.

We have recognized and established these civil rights. Now, we must take the additional necessary step of pledging the Nation's law enforcement machinery to their protection and enforcement. In order to make meaningful the various civil rights laws on the statute books, federal legislation is now appropriate and necessary.

Under the proposed legislation, H.R. 2516, it would be a crime to interfere with a person exercising his right to vote, his right to attend school, eat in a restaurant, serve on a jury, ride a common carrier, use public facilities—in short, enjoying his rights as an American citizen. It would give real protection against both private and governmental wrongdoing to those lawfully enjoying their constitutional and statutory rights.

Mr. President, the great majority of Americans have either welcomed, or peacefully accepted, the fact that Negroes are entitled to full enjoyment of equal rights. Unfortunately, a small minority of hoodlums and bigots have resorted to violence to bar them from exercising their lawful rights. Brutal crimes have been committed not only against Negroes attempting to exercise their liberties but also against white men and women and Negroes who have tried to help their fellow citizens exercise their rights. Too often acts of racial terrorism have gone unpunished. The proposed bill will further enable the Federal Government to protect civil rights workers and members of minority groups. The tragic record of unpunished crimes in some States make passage of this bill imperative. Violence cannot be tolerated either in suppression of rights or in campaigns for their recognition.

This Congress should expand civil rights and protect civil liberties. We should support the Supreme Court of the United States and its decisions as the law of the land. Daily we hear and read arguments for and against segregation, and suggestions to compromise troublesome questions of civil rights. There just cannot be any compromise on civil rights. Either you are for the Supreme Court decisions and will obey the decisions as promulgated or you are resisting law and order. Racial problems are, in reality, moral problems and not political issues. Let us remember at all times, we are the Nation which chiseled on our Statue of Liberty:

> Give me your tired, your poor, your huddled masses yearning to breathe free. The wretched refuse of your teeming shore. Send these, the homeless, tempest-tost to me; I lift my lamp beside the golden door.

In fact, early in 1959 I made this precise statement in support of complete civil liberties and civil rights for all Americans without regard to race or color.

I am indeed proud to reaffirm my complete dedication to the principle of full civil rights and civil liberties for all citizens by voting for the civil rights bill now before the Senate and announcing my intention to vote against all proposed amendments whose purpose is to weaken or nullify its high purpose.

In this bill we hope to complete the job so that there will be no doubt and no question as to the ability and the intent of the Federal Government to protect the rights of all citizens regardless of their race. If we wish to give any real meaning to civil rights legislation already passed, the enactment of this bill is essential.

To temporize is to encourage defiance of the law and contempt for the law. We are a nation committed to justice and to Democratic principles; a government of law and not of men. We cannot continue to deny to millions of our citizens what we offer to the world.

Let me pass this bill as a step toward providing democracy in the fullest sense to all the people of this Nation.

U.S. POLICY AND INVOLVEMENT IN VIETNAM

Mr. COOPER. Mr. President, James Reston, in the February 7 New York Times, has written an article which raises important questions about the nature of the U.S. policy and involvement in Vietnam. He asks:

> Here is the dilemma of our military strategy of victory. How do we win by military force without destroying what we are trying to save?

He says:

> Somewhere there must be a line beyond which the killing and suffering, not only on our side but on the side of the Vietnamese, overreach any attainable end.

Is it not time for us to ask whether we are crossing that line, when South Vietnam's major cities, such as Hue and parts of Saigon, are systematically reduced to rubble and dust? Has not the time come for the United States to take the strongest initiatives necessary to achieve a workable peace?

I ask unanimous consent to have the

article written by Mr. Reston printed in the RECORD.

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

THE FLIES THAT CAPTURED THE FLYPAPER

(By James Reston)

WASHINGTON, February 6.—"Attack and counterattack widened across South Vietnam today," The Associated Press reported. "Large sections of Saigon and Hué lay in smoldering ruins, and columns of smoke rose as South Vietnamese divebombers, U.S. helicopter gunships, artillery and tanks blasted away at Communist troops in scattered sections."

This in a teeming city of three million people. "Tens of thousands of terrified civilians streamed from shacks and huts in Saigon with what meager belongings they could carry. Already nearly 200,000 refugees are reported, 58,000 in Saigon and its suburbs, and the total is expected to double or triple when all reports are in. . . ."

THE DILEMMA

Here is the dilemma of our military strategy of victory. How do we win by military force without destroying what we are trying to save? The battle is so fierce and the situation so solemn that the impulse to rally round is very strong, but the mind boggles at the paradox of tearing apart what we have undertaken to defend.

This, of course, has been the moral and strategic problem from the beginning: How to save South Vietnam without wrecking it. The Vietcong have made clear from the start that they would risk anything, destroy anything, and kill anybody, even if they inherited nothing but the wreckage. But what of us?

THE BITTER PROPAGANDA

It is not our country. Somewhere there must be a line beyond which the killing and suffering, not only on our side but on the side of the Vietnamese, overreach any attainable end, but there is still no evidence here that the Johnson Administration sees the futile brutality of these recent days in this light.

In the bitter propaganda of the war, the official line here is that everything happens for the best. The communiques sound more and more like a TV singing commercial: "We're wining, we're winning," they cry, just like the Sunoco Sunny Dollars jingle.

Death has now become the official measure of our success. General Westmoreland sends a message of congratulations to his troops. They have killed more of the enemy in the last week, he says (21,330), than the United States has lost in the entire war (16,000). He warns of a "second wave" of enemy attacks on the cities, but our victory "may measurably shorten the war." The White House press secretary balks at drawing the same conclusion on his own. His name is Christian.

It would be reassuring to feel at this solemn moment that all this human carnage is really bringing us to an end worthy of the means employed, or even that we are getting an honest official appraisal of our predicament, but this city is seething with doubt and even the Administration itself is wracked by suppressed dissent.

Is the President worried about how his State of the Union message will be received? His staff obliges by organizing official cheer leaders in the House of Representatives. Is he concerned about the reaction to recent events in Vietnam and Korea? Secretaries Rusk and McNamara go on "Meet the Press" to calm things down, but not before the Administration approves of the questioners.

Is the President apprehensive about the coming battle at Khesanh? Never mind, he has requested and received a written assurance from the Chairman of the Joint Chiefs of Staff that the Marines and the Army will hold. "I don't want any damned Dienbienphus," he says.

THE CENTRAL QUESTION

War is a corrupting business—always has been—and this one is no exception. But it is important to decontaminate the propaganda. No doubt the allied victories are true. No doubt the enemy casualties are very heavy. No doubt the civilian casualties are alarmingly high, though they are not mentioned. But the destruction goes on. We are the flies that captured the flypaper. We are stuck with our concept of a military victory, and the main question goes unanswered: What is the end that justifies this slaughter? How will we save Vietnam if we destroy it in the battle?

Mr. BYRD of West Virginia. 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. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

INTERFERENCE WITH CIVIL RIGHTS

AMENDMENT NO. 524

Mr. MONDALE. Mr. President, yesterday Senator BROOKE and I offered, with several cosponsors, amendment No. 524, the Fair Housing Act of 1968. That amendment is identical to S. 1358, with one exception. Since there appears to be some possible misunderstanding of the meaning and scope of that one exception, I would like to make clear what is intended and what the language says. I refer to this exception as the so-called Mrs. Murphy provision, section 4(f) of the amendment, and perhaps that designation may be misleading in view of the circumstances surrounding this provision in the House of Representatives in 1966.

Let me say at the outset that amendment No. 524 does not, nor is it intended to exempt from coverage the sale or rental of single-family dwellings. It is intended to and does exempt the rental or leasing of a portion of a single-family dwelling, which means in practical terms the letting of a room or rooms in a person's home. The amendment cannot be construed to exempt all sales or rentals of single-family homes.

It does two things, and two things only:

First. With respect to single-family dwellings, owner occupied, it exempts the rental or lease of a room or rooms within that dwelling.

Second. With respect to two-, three-, or four-family dwellings, where the owner occupies one of the units or quarters, it exempts the sale, rental, or lease of the other units.

This amendment does not permit realtors, real estate agents, or brokers to discriminate on behalf of owner-occupants falling under this exception.

The sole intent of this section is to exempt those who, by the direct personal nature of their activities, have a close personal relationship with their tenants.

I want it clearly understood as well that I do not agree with the need for granting this exemption. But many people both in the Congress and outside the Congress, argue very strongly for this sort of exemption. Some argue on the merits and most, I would say, argue on the basis of a belief that it is politically necessary. Where the loss in coverage represents a very small fraction of the total housing supply—now and in the future—then I think we can give one slice of the loaf in order to save the remainder of the loaf.

Once again, section 4(f) of this amendment does not exempt the sale or rental of an entire single-family dwelling, whether by the owner or an agent. It does exempt the rental or lease of a room or rooms within a single-family dwelling.

With reference to the number of houses and dwellings involved and intended to be exempted under the terms of section 4(f) of the pending amendment. It was estimated in 1966 that this language would exclude some 1,520,000 two-family units and 509,000 three- and four-family units, or a total of about 2,029,000 units out of an estimated 60 million total housing supply. That estimate was made in 1966. It has not been updated. However, our best information is that the percentage of total housing falling within this category would remain at the same percentage, or an estimated 3 percent.

Mr. President, I know of no other conceivable construction that could be made of section 4(f) as it appears in the pending amendment.

I have made my statement at this time to clarify any doubt as to the intention of the sponsors.

THE SPRING CAMPAIGN OF MARTIN LUTHER KING

Mr. BYRD of West Virginia. Mr. President, I call attention to the lead editorial in today's Washington Post. The editorial is entitled "The Spring Campaign."

I read certain excerpts therefrom:

The tactics of the Rev. Dr. Martin Luther King's spring campaign against the Government are under discussion here this week and the ideas being considered pose many problems—for Dr. King, for his followers, for other Americans who sympathize with his goals, and for the officials who must handle the Government's response. The basic plan to "escalate nonviolence to the level of civil disobedience" is a dangerous one if for no other reason than that the line between civil disobedience and violent disobedience, while quite precise, is easy to cross over.

* * * * *

The real purpose of the campaign may well be to re-establish Dr. King as the major spokesman for discontented Negroes.

* * * * *

But if that is to come about, the campaign must have a constructive goal in sight. A campaign aimed solely at what even Dr. King's aides regard as nigh impossible—the passage immediately of some yet unarticulated legislation by Congress—is more likely to conclude with a whimper than with a success.

The tactics being discussed are disruptive and unappealing. The idea of "a thousand persons in need of health and medical care sitting in around Bethesda Naval Hospital so that nobody could get in or out" until the

demonstrators get treated is not likely to win the sympathies of those at the hospital, or elsewhere, for additional medical care for the Nation's poor. Nor is the idea of putting a few hundred people on each of the bridges leading into the city to create massive traffic jams likely to arouse the sympathy of Congress for additional funds to aid the poor.

Mr. President, I call particular attention to the last paragraph:

The response the Government must make to tactics of this kind is very clear. The normal operations of Government must continue. Access to Government offices, for that matter to private offices, and to the city itself must not be impeded.

Mr. President, I commend the reading of this editorial to Senators, and I wish to express my support of the general tenor of the editorial.

I expect to have more to say, and perhaps considerably more to say, at the appropriate time with reference to the spring campaign of Dr. Martin Luther King.

Mr. President, I ask unanimous consent that the editorial to which I have referred be printed at this point in the RECORD.

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

THE SPRING CAMPAIGN

The tactics of the Rev. Mr. Martin Luther King's spring campaign against the Government are under discussion here this week and the ideas being considered pose many problems—for Dr. King, for his followers, for other Americans who sympathize with his goals, and for the officials who must handle the Government's response. The basic plan to "escalate nonviolence to the level of civil disobedience" is a dangerous one if for no other reason than that the line between civil disobedience and violent disobedience, while quite precise, is easy to cross over. Such campaigns have rarely been attempted in this country and could be justified only if the law or situation under attack were so oppressive as to be unendurable and the normal political process so rigged that change was otherwise impossible.

Assuming that Dr. King believes that kind of situation now exists, an assumption we do not support, he and those meeting with him here must bear in mind that civil disobedience is likely to succeed only if many governing conditions are met. It is not likely to achieve anything unless the goals are specific and particular and not general and vague. It is likely to be futile unless the campaign directly affects and touches those who have the power to alter the conditions complained of. It is likely only to provoke resentment and opposition if the inconvenience resulting from it injures those powerless to effect desired changes or innocent of any blame for the complained of conditions.

Viewed against these standards, the news from Dr. King's headquarters in Atlanta has not been reassuring. The call for the campaign has gone out, the specific tactics to be used are under discussion, but the goals of the campaign are still uncertain. That is putting the cart before the horse.

The real purpose of the campaign may well be to re-establish Dr. King as the major spokesman for discontented Negroes—and achieving that purpose, in light of the alternatives, may be as important to the Nation as a whole as it is to Dr. King. But if that is to come about, the campaign must have a constructive goal in sight. A campaign aimed solely at what even Dr. King's aides regard as nigh impossible—the passage immediately of some yet unarticulated legislation by Congress—is more likely to conclude with a whimper than with a success.

The tactics being discussed are disruptive and unappealing. The idea of "a thousand persons in need of health and medical care sitting in around Bethesda Naval Hospital so that nobody could get in or out" until the demonstrators get treated is not likely to win the sympathies of those at the hospital, or elsewhere, for additional medical care for the Nation's poor. Nor is the idea of putting a few hundred people on each of the bridges leading into the city to create massive traffic jams likely to arouse the sympathy of Congress for additional funds to aid the poor.

The response the Government must make to tactics of this kind is very clear. The normal operations of Government must continue. Access to Government offices, for that matter to private offices, and to the city itself must not be impeded.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

WINTER SPORTS—SENATE INQUIRY

Mr. DOMINICK. Mr. President, the storm brewing between the Nation's skiing industry and the Federal Government has reached a point where it warrants the prompt attention of the Senate. Besides the imminent potential of lengthy and costly litigation, the result may well be the striking of a breach in industry-government relations requiring years to heal.

I am speaking, of course, of the controversial new formula proposed by the Forest Service for setting fees to be charged those who use forest lands under permit. Major opposition has arisen in the skiing industry as well as among Forest Service permittees in general.

The initial impact would hit ski area operators, among others. But the thousands upon thousands of skiers will not remain immune from its sting. Mr. Richard Garis, executive secretary of the National Ski Areas Association, was recently quoted as stating the new system would mean increased prices for skiers and would lessen the popularity of the sport.

Last month the National Ski Areas Association unanimously adopted a resolution that it "unalterably opposes" implementation of the proposed formula. Let me emphasize that this association has 250 ski area operators as members, representing 90 percent of the total volume of the American ski industry.

Of the 182 winter sports permittees, 90 percent were recently contacted by the association and none were found who favored the proposed system.

The largest member organization of strictly forest service concession-type permittees, the National Forest Recreation Association, has also resolved formally "that the proposed system not be put into effect until after such a time that a complete study of a much broader segment of the recreation industry, especially that of the winter sports operators, can be undertaken jointly by the Forest Service and representatives of that industry."

There have been no public hearings on the new formula. To my knowledge, none are scheduled.

Yet, all indications are that the Forest Service is steadfastly determined to place the new system in effect by July 1, 1968. Actually, two major operators have already received revised permits containing the elements of the new formula: Vail, Colo., and Heavenly Valley, on the California-Nevada border.

Mr. President, 39 States have national forests. All of these issue special use permits which will be affected by new formulas for calculating rates.

I want to make it clear that the industry acknowledges there are inequities in the existing fee system. If I interpret their statements correctly, they are not opposed to a change. In fact, they have actively sought a joint study by industry and Government to collect such data as may be relevant in establishing a more equitable formula.

There has been no joint study to date for the winter sports operators, although such a procedure was used by the Forest Service during the preparation of a new formula for grazing fees.

Instead, the new winter sports formula is founded upon a 1-year study by two retired Forest Service personnel. Their study has been considered to be so confidential that even the names of the areas surveyed have not been revealed.

Anyone who has been skiing knows how dependent this great winter sport is upon good snow conditions. This is a seasonal industry, faced with highly irregular conditions and variable factors each year.

The industry recognized this when preliminary reports were made in January on two economic surveys now underway. One survey covers 15 major Pacific Northwest ski areas over a 5-year period; the other is a brief survey of 64 permittees over a 3-year period.

Since the Forest Service formula is apparently based on the operating results of a single year and since the names of the areas studied have not been made public, some very legitimate inquiry can be made as to whether the data upon which the system is based is truly representative of the industry.

When this matter was brought to my attention, I prepared a letter to Mr. Edward P. Cliff, Chief of the Forest Service, setting out some of the basic objections to the new system and asking for a delay in its implementation. My letter, dated December 8, 1967, was cosigned by Senators from both sides of the aisle, 13 in number from 10 States.

I think this demonstrates very clearly the widespread concern some of us feel about this new formula.

We received a response from the Forest Service which was very helpful but which left many questions unanswered and raised others. I believe it would be useful if my letter of December 8 and the response from the Forest Service of December 27 were printed in the RECORD at the conclusion of my remarks. I ask unanimous consent that this be done.

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

(See exhibit 1.)

Mr. DOMINICK. I might point out for the RECORD that the reply of the Forest Service makes reference to several enclosures. A set of these is in my office and I will be happy to make them available to any interested Senator.

I have more recently sent a second letter dated January 26, 1968, to the Forest Service in which I was again joined by other Senators in reaffirming our conviction that implementation of the new system should be held in abeyance. This letter emphasizes our principal areas of alarm, and I, therefore, ask unanimous consent that it, too, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. DOMINICK. Since they have a direct bearing on the seriousness of this situation and since they are fairly brief, I ask unanimous consent that the resolution of the National Ski Areas Association, dated January 1968, and the resolution of the National Forest Recreation Association, dated November 1967, be printed in the RECORD following my remarks.

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

(See exhibit 3.)

Mr. DOMINICK. Last week a formal position statement in opposition to the formula was filed with the Forest Service by the National Ski Areas Association. While the Forest Service has indicated it is willing to cooperate by listening to any further comments, I am troubled by the reports that two major ski areas have already received permits with the revised rate structure included. I hope it does not turn out that the cooperation has come after the fact.

Mr. President, it is becoming increasingly clear that the winter sports industry and the Federal Government are approaching an impasse. There is a need for a forum where the parties may air their differing views.

A House subcommittee is in the process of a staff study of the problem, and I feel the Senate as a separate legislative body has a responsibility to look into the matter as well.

I know the industry would welcome it.

I am confident the Forest Service would be receptive to an opportunity to detail its position.

Unless the present course is altered, the outcome may well have a disastrous impact on the American skiing industry and the American skier.

I am, therefore, asking that the appropriate Senate committee begin such inquiry as may be necessary to assist in resolving this matter with all due dispatch.

EXHIBIT 1

U.S. SENATE,
Washington, D.C., December 8, 1967.

Mr. EDWARD P. CLIFF,
Chief of Forest Service,
Department of Agriculture,
Washington, D.C.

DEAR MR. CLIFF: The undersigned Senators are deeply concerned with the proposed Forest Service regulations concerning fees to be charged those who are using forest lands under permit for skiing developments.

According to our information, the proposals are based on the recommendations of a Forest Service survey conducted without representatives of the skiing industry and are to be enacted without public hearings. They would sharply increase fees for the more efficient operation and would in some cases decrease fees for the inefficient or for those who have bought into established businesses at an inflated price. The National Ski Areas Association has been conducting an independent survey, but we understand the results of this will not be fully analyzed and discussed until after the proposed effective date of the new regulations.

Since this industry is one of the fastest growing economic additions to this country, it is our feeling that further evaluation should be given to the new proposals which may well have a disastrous economic impact on the entire industry.

According to the information which we have received, the following objections are particularly pertinent:

(1) The proposed system simply will not charge a fee commensurate with the value of the use, as required by the regulations of the Secretary of Agriculture, but will share in profits developed by efficient management and promotion of the area. For example, we understand that the Crested Butte operation was sold at a bankruptcy sale to the present owners. The result will be an increased fee for this area under the new ownership—for an area which has proven it was not as valuable as people once thought!

(2) The proposed system will discriminate against efficient operators by charging higher fees to those who generate the same amount of business on a smaller investment.

(3) The proposed system will discriminate against operators who have spent years developing their business as opposed to an operator who buys an established business at an inflated price.

(4) The proposed system contemplates allowing a reasonably efficient operator a return of only 15% on his investment before taxes, or 7½% after taxes. This return is about equal to that earned by utilities and well below the return earned by equity funds in either the utility or manufacturing industries, which have much lower risks than the ski industry. The result will be an inability to attract new capital, and the stifling of a growing industry.

(5) The proposed system is so complicated and illogical that the Forest Service has been unable to demonstrate how it can be applied consistently and equitably to areas which are partly on public lands and partly on private lands, which includes most ski areas.

(6) The determinations of gross fixed assets and other elements necessary to the system are so complicated and confusing that costs of administration will increase greatly.

In addition, of course, we understand the Public Land Law Review Commission and the House Committee on Government Operations are studying this field.

In view of all these factors, it is our feeling that the proposals should be suspended at least until the results of the National Ski Area Association's survey have been analyzed and discussed with you in considerable depth.

Respectfully,

PETER H. DOMINICK, NORRIS COTTON, WAYNE MORSE, GEORGE MURPHY, MARK O. HATFIELD, GORDON ALLOTT, THOMAS J. MCINTYRE, HUGH SCOTT, GALE W. MCGEE, WALLACE F. BENNETT, MIKE MANSFIELD, CLIFFORD P. HANSEN, LEN B. JORDAN, ALAN BIBLE, U.S. Senators.

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, D.C., December 27, 1967.

HON. PETER H. DOMINICK,
U.S. Senate.

DEAR SENATOR DOMINICK: This is in response to a letter of December 8 signed by you and 13 other Senators. In it you express concern over the effect that a new system of establishing fees for the use of National Forest land might have on those with permits to operate National Forest skiing developments.

You report that you have been informed that the system is based on a survey in which the operators to be affected and the public have not had an opportunity to participate; that there will be a sharp increase in fees for the most efficient operators while the fees of the inefficient operators will lower; and that the system will go into effect before the Forest Service has considered what might be a similar survey being made by the National Ski Areas Association. You then itemize six objections which you consider particularly pertinent and finally express the feeling that the new fee system should be suspended until results of the latter survey have been completed and discussed with the Forest Service in considerable depth.

A new system for setting fees for all of those who develop commercial ventures on National Forest land to serve the vacationing public has been developed. A total of nearly 1,800 permittees will be affected in one way or another. Of these, about 11 percent, or less than 200, operate winter-sports areas. It is a system that meets all of the statutory requirements under which the National Forests are administered and one fully consistent with the most recent directive of the President in this area.

A careful analysis of the actual confidential financial records of a selected cross section of National Forest permittees served as the principle basis of the new system. As the system developed and took shape, our thinking on it was shared with permittees in open meetings of their organizations at every opportunity. Then last summer a Review Draft of a description of the system was sent to each permittee who might be affected by it with an invitation that he submit any comments or suggestions that he might have before the system was put into effect. Subsequently, Forest Service officials have met a number of times with permittees in meetings of their organizations and with special delegations and committees to discuss and explain any aspect of the system they wish to consider.

While from the very beginning every aspect of the new system's development has been carried out completely in the open, it is unfortunately true that there is still some confusion and misunderstanding as to both the principles of the system and the eventual effect it will have on the fees that will be paid. Last month in an attempt to answer the questions commonly raised and otherwise clarify the picture, we prepared two special statements. One was a general description on the system; its background, its principles and probable effect on permittee fees. The other was a more specific response to a fairly widely distributed criticism of the system prepared by Mr. Stephen H. Hart, an attorney from Denver, Colorado, who has been retained by nine National Forest permittees to challenge the system. Copies of both of these statements are enclosed as enclosures #1 and #2.

Also enclosed are enclosure #3, a copy of the Review Draft of the description which was distributed to all permittees that might be affected with an invitation for comments and suggestions; and enclosure #4, a copy of an independently published appraisal of the system. The author is Theodore Farwell, a well-known winter-sports consultant.

I am sure that a review of enclosures #1 and #2 will answer your questions and allay your fears. A review of enclosures #3 and #4 will round out your understanding of the entire situation.

Finally, I can tell you that upon the request of the National Ski Areas Association we have agreed to turn over to an independent management consulting firm the data upon which the system was developed for an

independent review and appraisal providing the operators whose confidential financial records were involved will agree to their release. They are currently being polled as to their willingness to do this. In addition, the National Ski Areas Association has been informed that no action will be taken to implement the system until after the association's annual meeting next month, and it has had an opportunity to develop a formal position statement on the system; and Forest Officers will attend this meeting in order to again discuss and explore in depth any aspect of the system it wishes to consider.

It is hoped that this response and the supplemental material enclosed will answer your questions. Of course, if it does not, we will try again in any other way you wish.

Sincerely yours,

M. M. NELSON,
Deputy Chief.

EXHIBIT 2

U.S. SENATE,
Washington, D.C., January 26, 1968.

Mr. M. M. NELSON,
Deputy Chief, Forest Service,
Department of Agriculture,
Washington, D.C.

DEAR MR. NELSON: This will acknowledge receipt of your reply and enclosures, reference #2710, to our letter on the subject of the proposed changes by the Forest Service in fees charged those using National Forest land, particularly skiing developments.

We wish to thank you for having representatives of the Forest Service attend the midwinter meeting of the National Ski Areas Association in Taos, New Mexico, and for delaying implementation of the system until the Association has an opportunity to provide a formal position statement.

We have reviewed the materials which you enclosed, and respectfully, but candidly must state they do not "answer our questions" nor do they "allay our fears." We were unable to find anything in them dealing with points 3 and 4 of our letter. Unfortunately, the materials are not fully responsive to points 1 and 2, and the reply to points 5 and 6 leaves some doubt in our minds. We would be delighted to have the Forest Service again address itself to each of these points.

You imply there is opposition to the system from only a small fraction of the permittees when you state that "about 11 per cent, or less than 200" of the permittees who will be affected operate winter sports areas. Yet the National Forest Recreation Association, referred to by your materials as "the largest member organization of strictly Forest Service concession-type permittees," recently resolved by resolution that "the proposed system not be put into effect until after such time that a complete study of a much broader segment of the recreation industry, especially that of the Winter Sports Operators, can be undertaken jointly by the Forest Service and representatives of that industry." We are sure you are cognizant of the fact that the National Ski Areas Association has approximately 250 ski area operators as members, and these areas account for roughly 90 per cent of the volume of ski area business in the United States. Moreover, we understand that ski operators account for approximately 25 per cent of the gross receipts and 50 per cent of the capital investment of all permittees.

As you know, at its Taos meeting this month, the National Ski Areas Association unanimously adopted a resolution that it "unalterably opposes" the proposed system, and that it seeks a cooperative study between the Forest Service and industry.

While we appreciate the offer of the Forest Service to have an independent management consulting firm examine the Forest Service data, this does not appear to meet the crux of the problem. As we understand it, the issue is not so much the accuracy of the figures but whether the sample is truly representative of the industry and whether operating results for a single year in a highly seasonable business are a valid basis for establishing an entire fee system. The Taos resolution charges the data are inadequate, incomplete, and misleading. The fact that the economic information the Forest Service used "is the best information that the Forest Service has or which it knows to exist" certainly does not mean it is representative, nor does it preclude collection of more meaningful data.

During the preparation of a new structure for grazing fees for National Forests and Taylor Grazing Districts the Forest Service had background studies carried out by the Economic Research Service and several state universities. A joint effort followed wherein the Forest Service, Bureau of Land Management, and industry designed and implemented a comprehensive grazing fee study. We understand some 10,000 representative stockmen were interviewed, and, most notably, that the model for estimating grazing values and fee levels as well as the questionnaires were agreed to in advance by government and industry representatives. It seems only appropriate to ask why such a marked contrast in procedure was used by the Forest Service in the winter sports and grazing fee situations.

We understand the Forest Service study did not consider leasing practices of ski areas operating on private land. In your enclosures, the Forest Service contends that relating commercial leasing practices to designing a system for leasing public land overlooks a significant difference because the commercial lessor is under no compulsion to recognize the public service considerations. However, previous correspondence from your office says that during the course of the data collection on grazing fees some 10,000 permittees were contacted "including ranchers who are not permittees but who lease private grazing lands". Why these lease rates on private lands considered relevant in designing a grazing fee system but not the winter sports fee system?

According to your enclosures, the Forest Service does not know if the Public Land Law Review Commission will be studying user fees for public lands. We are advised by the Commission such a study will be made. But in explaining why you do not want to await the Commission's findings, you point out that a 5-year time lag will take place before the system would affect "some" of the permits because most permits provide for review at 5-year intervals. Isn't it true the Forest Service will have to modify permits from time to time over the 5-year period even if the system is implemented immediately?

We are informed that preliminary reports on two surveys being conducted by industry were presented at the Taos meeting. But we also are informed that Mr. Costley, after acknowledging any further comments would be considered, reiterated the determination of the Forest Service to place the new fee system in effect by July 1, 1968. Indeed, we are shocked to learn that the Forest Service has already sent revised permits containing the proposed fee system to two major operators: Vail, Colorado, and Heavenly Valley, on the California-Nevada border.

For the reasons stated above, we reaffirm and register our concern that the Forest Service hold in abeyance implementation of any new fee structure. We are not convinced there is any compelling rationale for imposing a new system which radically departs from that of the past prior to completion of the other studies underway and the development of a uniform national policy on user fees. We sincerely urge a firm commitment be given by the Forest Service (1) that no further action will be taken to implement a new system at least pending the action of the House Natural Resources and Power Subcommittee, and (2) that the Forest Service will take a fresh look and give thorough evaluation to the proposals set forth in the aforementioned resolutions seeking a joint industry-government study.

Respectfully,

PETER H. DOMINICK, NORRIS COTTON, WAYNE MORSE, GORDON ALLOTT, THOMAS J. MCINTYRE, HUGH SCOTT, MIKE MANSFIELD, CLIFFORD P. HANSEN, LEN B. JORDAN, GEORGE MURPHY, MARK O. HATFIELD, GALE W. MCGEE, WALLACE F. BENNETT, ALAN BIBLE, U.S. Senators.

EXHIBIT 3

RESOLUTION OF THE NATIONAL SKI AREAS ASSOCIATION, JANUARY 11, 1968

Whereas the United States Forest Service has placed the ski industry on notice that it will adopt on or before July 1, 1968, a new progressive graduated fee system for United States Forest Service permittees, and

Whereas the Association and its members have studied at length and in detail and at considerable expense the studies made and materials furnished by representatives of the United States Forest Service in explanation of the proposed system, and

Whereas the Association has polled the views of its members and other permittees regarding the desirability of the proposed system and has found that they are overwhelmingly opposed to it in principle, and

Whereas on January 10, 1968, at a general meeting of the membership, the representatives of the United States Forest Service were given the full opportunity and did present the official United States Forest Service position and justification of the proposed system, and

Whereas, the United States Forest Service representatives reiterated their unwillingness to reveal the source of their information and data upon which the new proposed graduated rate fee system was based, and

Whereas at the meeting, various members expressed their opposition to the proposed system, and

Whereas the representatives of the United State Forest Service nevertheless stated their intention to promulgate the new system on July 1, 1968,

Now therefore be it resolved:

The Associatio.. and its members conclude: that—

1. the data on which the United States Forest Service has based its proposed system are inadequate, incomplete and misleading;

2. the principles on which the proposed method is based represent a radical departure from past administrative practice, custom and usage; and

3. the institution of the proposed system is beyond the authority of the United States Forest Service; and

4. the proposed system in its operation will be arbitrary, capricious and discriminatory and expensive and difficult to administer.

Now be it further resolved:

For all of the foregoing reasons, the Association unalterably opposes the implementation of the proposed system.

Now be it further resolved:

In an effort to resolve the differences which exist between the United States Forest Service and the Association and its members and in view of the inadequacy of the information now available to both the United States Forest Service and the industry we propose that a cooperative study under the management of a national firm of independent certified public accountants be instituted along the lines agreed upon by United States Forest Service and the Association and its members to provide the factual data necessary for Congress, the Public Land Law Review Commission, United States Forest Service and the industry, upon which can be based action by the appropriate authority.

RESOLUTION OF NATIONAL FOREST RECREATION ASSOCIATION, NOVEMBER 1967, ON PROPOSED FOREST SERVICE FEE SCHEDULE

Whereas, the Federal Government has stated that one of their objectives is to encourage private industry to invest substantial funds in facilities on public land for public recreation and,

Whereas, the Graduated Fee System as proposed by the Forestry Service represents a substantial increase in fees to some of our members which would represent a detriment to this objective, and,

Whereas, certain aspects upon which the Graduated Rate Fee System is based appear to be unclear, such as definitions inconsistent with normal accounting and legal terminology with respect to Gross Fixed Assets, Break-even Point, and determination of fair return on investment, and,

Whereas, the determination of Gross Fixed Assets in some instances depart from accepted accounting and tax procedures in not recognizing the total cost of assets acquired in the purchase of a new business and,

Whereas, the determination of Gross Fixed Assets in an older business not being sold does not take into consideration the appreciation of assets resulting from inflation and,

Whereas, the Breakeven Points as used in the Graduated Rate Fee System are substantially lower than facts disclosed by preliminary studies, and,

Whereas, determination of fair return on investment as outlined in the review does not produce a fair return after taking interest and tax expense into consideration, and

Whereas, the need for varying changes in the Graduated Rate Fee Schedule as outlined, already appear to be necessary to meet different conditions of many members, and,

Whereas, the Public Land Law Review Commission is studying the entire subject of public land use and regulations affecting this use, and,

Whereas, there is reasonable doubt that the winter sports industry is comparable to the amusement park industry which the Forest Service used in determination of the Breakeven Point for the winter sports segment, NFRA,

Now therefore, be it resolved that the present deadline of July 1, 1968 not be considered binding and that the proposed system not be put into effect until after such a time that a complete study of a much broader segment of the recreation industry, especially that of the Winter Sports Operators, can be undertaken jointly by the Forest Service and representatives of that industry to modify the proposed system to the effect that it will be mutually acceptable to the Forest Service and the NFRA in order to create a favorable climate to encourage private investment on public land to fulfill the ultimate goals of the Federal Government with respect to pubic land use for recreation.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PRODUCTION OF CRUDE PINE GUM

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 892, S. 2511.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 2511) to maintain and improve the income of producers of crude pine gum, to stabilize production of crude pine gum, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry, with amendments, on page 3, line 7, after the word "practices,", insert "the interests of landlords, tenants, and sharecroppers"; and on page 4, line 6, after the word "year", insert "if the total quantity of crude pine gum marketed by such producer is"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Crude Pine Gum Act of 1967".

DECLARATION OF PURPOSE

SEC. 2. The Congress recognizes the recent trend of rising costs and static prices which have resulted in progressively lower net return to producers of crude pine gum since 1962. It further recognizes the fact that continuance of this trend would, for practical purposes, eliminate this agricultural segment of the naval stores trade which provides employment for many thousands of laborers not trained or readily trainable for any other line of work. It is hereby declared to be the policy of the Congress to maintain and improve the income of producers of crude pine gum and to stabilize crude pine gum production at approximately recent levels by making compliance payments to such producers to supplement amounts received in the marketplace or through price support, pending application of recently developed cost-cutting production practices, and development and application of research now in progress on improving crude pine gum harvesting practices and on expanding utilization of the products of crude pine gum.

SEC. 3. Title III of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof a new section 304 as follows:

"SEC. 304. (a) The Secretary shall establish a national crude pine gum production goal for each of the calendar years 1968, 1969, and 1970. In establishing such goal, the Secretary shall take into consideration production in relation to consumption and exports, the estimated number of laborers employed in crude pine gum production, and such other factors as he determines will carry out the policy of the Congress as declared in the Crude Pine Gum Act of 1967. The Secretary shall also establish a share of the national production goal for each producer who, as owner or lessee or operator of a gum farm, produces and markets crude pine gum. In determining a producer's share for each calendar year, the Secretary shall take into consideration the quantities of crude pine gum marketed by the producer during the three immediately preceding calendar years, the availability of suitable trees and labor, tree resting practices, the interests of landlords, tenants, and sharecroppers and such other factors as he determines will result in a fair and equitable apportionment of the national production goal. Producers who had no production during the three immediately preceding calendar years may receive, in the aggregate, a share of the annual national production goal which shall not exceed 5 per centum thereof, or such greater percentage thereof as the Secretary determines necessary to stabilize production at the level established for such year. The Secretary may provide for the transfer of a producer's share, or of his history of production, in the case of death of the producer; sale, lease, or other disposition of the farm; dissolution of a partnership or corporation; and such other circumstance as warrants such transfer.

"(b) The Secretary, upon such terms and conditions, not inconsistent herewith, as he may deem desirable, may make compliance payments to producers, through the Commodity Credit Corporation, with respect to crude pine gum produced and marketed domestically (including that pledged under Commodity Credit Corporation price support programs) during the calendar years 1968, 1969, and 1970. No compliance payment shall be made under this section to any producer with respect to any quantity of crude pine gum marketed in any year if the total quantity of crude pine gum marketed by such producer is in excess of his share of the national crude pine gum production goal established by the Secretary, and no compliance payment shall be made under this section to any producer in any year in which he knowingly failed to comply with the minimum wage provisions of the Fair Labor Standards Act of 1938, as amended, or in which he failed to follow one or more good forestry conservation practices, as determined by the Secretary.

"(c) Payments made under this section shall be in addition to any price support made available under section 301 of this Act. If price support is made available under section 301 of this Act, it shall be at a level not less than 50 per centum and not more than 90 per centum of the parity price for crude pine gum at the time the level of support is announced by the Secretary. The rate of the compliance payment for each calendar year shall not exceed a rate per standard barrel of crude pine gum which, when added to the level of price support made available under section 301 of this Act, results in an amount higher than 90 per centum of the parity price for crude pine gum at the time the level of support is announced by the Secretary. The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing compliance and price support payments on a fair and equitable basis.

"(d) The Commodity Credit Corporation is authorized to utilize its capital funds and other assets for the purpose of making the payments authorized in this section and to pay administrative expenses necessary in carrying out this section."

Mr. TALMADGE. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc, agreed to, and treated as original text for the purpose of further amendment.

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

The committee amendments were agreed to en bloc.

Mr. TALMADGE. Mr. President, the gum naval stores industry, the jobs of thousands of workers who are limited in other opportunities because of age or lack of education and training, and the livelihood of thousands of gum farmers are at the threshold of extinction if Congress does not act promptly to provide appropriate legislation. It is for this reason that I have introduced the Crude Pine Gum Act of 1967.

This bill authorizes establishment in 1968, 1969, and 1970 of a national goal of needed crude pine gum production which would be allocated to individual producers. It gives the Secretary of Agriculture permissive authority to make compliance payments to producers to

supplement existing permissive price support authority. Payments would be made only to producers who market no more than their share of the national production goal, who comply with the minimum wage provisions of the Fair Labor Standards Amendments of 1966, and who adhere to good forestry conservation practices. It is anticipated that by 1971, research on improved production and harvesting practices and on expanded utilization of the products of crude pine gum will be completed and the results applied or will be in the process of being applied. Under these anticipated circumstances, legislation for a 3-year period appears adequate.

The proposed legislation would amend title III of the Agricultural Act of 1949, as amended, to give the Secretary permissive authority to support prices within a range of 50 to 90 percent of parity. As present, the range of permissive support is between 0 and 90 percent of parity. Any compliance payments made to gum farmers under the proposed legislation could not exceed an amount per unit of gum which when added to the support price for such unit totaled more than 90 percent of parity.

I am convinced that this legislation would serve the national interest as a whole by providing for the survival of a nucleus of gum farmers and crude pine gum production. If gum farming were allowed to decline significantly from current record low levels, the cost of reviving production in an acute shortage situation, including the cost of building new processing plants and obtaining new gum production and collection equipment, would be appreciably higher than regular maintenance of a modest level of output.

Crude pine gum is a cash crop which provided an average gross income of over $17,000,000 to gum farmers during the past 5 crop years ending March 31, 1967, and probably several times that amount to the total income of local rural communities in Georgia, Florida, Alabama, Mississippi, and South Carolina. Although the value of gum production is small in relation to total gross farm income for any of these States as a whole, there are a number of counties where gum production provides a significant part of total gross farm income. For example, in the 12 most important gum-farming counties, cash receipts from gum in the 1966 calendar year were more than a fifth of total cash receipts from farm marketings.

Labor constitutes well over half the cost of producing crude pine gum. In 1967, about 7,000 laborers worked approximately 4,000 man-years in producing crude pine gum. The latest information from the U.S. Forest Service shows that there were 2,752 producers in 1966. Three-fourths of these producers are small. Only 1 percent are large. Thus, the great bulk of gum output is produced on family farms. These laborers and producers and their families number at least 30,000 persons. In addition, 16 central gum-processing plants and 13 gum-buying platforms employ hundreds of persons.

As I mentioned previously, the workers employed in gum farming are not trained nor, because of age and education, readily trainable for any other line of work. Many of the naval-stores-producing counties have a high and growing unemployment rate. Of the 7,000 workers, 62 percent are at least 40 years old and 25 percent are 60 or over. About 72 percent of the laborers have a sixth grade education or less; 42 percent have no more than a third grade education; 2 percent have a high school education; none have advanced beyond high school. Over half of the workers under 30 years of age have less than an eighth grade education.

I am convinced that gum naval stores production is needed and will be needed increasingly in the years ahead. Representatives of competing types of naval stores reportedly expressed identical convictions at a meeting in the U.S. Department of Agriculture last July when naval stores stocks were considerably greater than they are now, and when the outlook was for more production of all types of naval stores than has actually materialized. In the long run, domestic gum naval stores are needed to fill the gap between requirements and production caused in part by declining domestic steam distilled production, as nonrenewable first growth longleaf and slash pine virgin stump supplies dwindle and become increasingly scattered and inaccessible, particularly in the Western Gulf States. Also responsible for the increasing excess of requirements over production are lower gum naval stores output overseas and a gradual long-term rise in world naval stores consumption. In these circumstances the need for continued domestic gum naval stores production is particularly acute because the supply potential from gum production is much greater than from other types of naval stores.

Gum rosin and turpentine are the two primary processed derivatives of crude pine gum. Both of these products are important chemical raw materials which are used in the manufacture of a great number of essential end products, some of which are crucial in time of national emergency. Examples of such uses are in the production of synthetic and natural rubber, hot melt adhesives, shell casings, insecticides, synthetic camphor for medicines, celluloid, and smokeless powder, et cetera. As demonstrated during World War II, and following the outbreak of hostilities in Korea, requirements for rosin and turpentine greatly exceed production in times of national emergency.

The importance of gum naval stores is further emphasized by the fact that the different types of naval stores are not interchangeable for all uses. For example, steam distilled wood turpentine is not interchangeable with gum and sulphate wood turpentine for such important industrial uses as resins for pressure-sensitive tapes and as an aromatic and flavoring agent. Similarly, the different type of rosin vary in numerous respects, including color stability, resistance to crystallization, melting point, and viscosities, all of which influence the quality of end use products.

Virtual discontinuance of gum naval stores production which would almost inevitably follow if this legislation is not passed, would substantially reduce our exports of rosin and place us on an import basis for turpentine. Since gum naval stores are exported for dollars in significant amounts, our balance of international payments would suffer. It is estimated that exports of gum naval stores were valued at about $7,000,000 during 1967.

Gross income of gum farmers from crude pine gum has declined over 50 percent since 1962. The average market price per barrel of crude pine gum has been fairly stable at about $30 in the last 5 years. However, wage rates and cost of production materials have risen during this period without a corresponding increase in the productivity of labor. For example, hourly farm wages—without room or board—in Georgia have increased 42 percent between 1962 and 1967. Consequently, net income per producer and per barrel of gum has been declining.

Several research programs are underway to modernize the gum naval stores industry and improve its competitive position during the effective period of this legislation. The Southeastern Forest Experiment Station of the Forest Service at Olustee, Fla., has several projects in various stages of completion, including gum flow stimulants, a more efficient gum collection system, and mechanization of operations involved in "chipping" and "dipping," aimed at developing equipment and techniques to lower man-day requirements for producing gum or to increase the quality of the gum produced. The Naval Stores Laboratory of the Agricultural Research Service, Olustee, Fla., is engaged in several projects intended to expand rosin markets. The area development commissions in south Georgia are cooperating in conducting a study of the problems and potentials of gum naval stores. This study is being made under the sponsorship of the Economic Development Administration, U.S. Department of Commerce. Participating in this broad, in-depth analysis is the Georgia State Planning Bureau, Industrial Development Division, Georgia School of Technology, and the American Turpentine Farmers Association Cooperative, Valdosta, Ga.

As compared with comparable support under the present program, this proposed legislation has obvious advantages.

First, it provides controls to assure adequate but not excessive production. In this connection, price support stocks of gum rosin have been reduced in the past 2 years. In fact, since January 1, 1967, gum rosin loan collateral has been reduced by about 135,000 drums or 17 percent to 695,000 drums. The legislation would permit further gradual reduction of these price support stocks in an orderly manner and this should be beneficial to producers of all types of naval stores. Increased price support rate for crude pine gum under current legislative authority, if achieved through an increased loan rate for gum rosin, might result in higher prices for competitive sources of naval stores and thereby encourage production of all types of naval stores.

Second, Commodity Credit Corporation net expenditures and costs, would be appreciably lower. In fact, notwithstanding the compliance payment feature of the legislation, the U.S. Department of Agriculture in recommending enactment of the bill estimates that receipts will substantially exceed expenditures in fiscal year 1969 under the proposed legislation and that such net receipts will exceed net receipts in the current 1968 fiscal year.

Third, there would be no further deterioration of the competitive position of gum naval stores in the marketplace.

Some opposition to the legislation has been voiced by competitive sources of naval stores for fear that support payments will create adverse competition. This fear, however, is not valid. The U.S. Department of Agriculture, in comparing the proposed legislation with a program confined entirely to a direct incentive payment, cited among other advantages of the proposed legislation that it would "avoid adverse market effects for other types of domestic naval stores."

The Crude Pine Gum Act of 1967 clearly provides substantial increased benefits to gum farmers and laborers and, therefore, to their rural communities per dollar of net expenditure as compared with programs authorized under existing legislative authority.

Mr. President, I ask unanimous consent that a short explanation of the bill, together with a statement of the need for the legislation, from the report accompanying the bill, be inserted in the RECORD at this point.

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

SHORT EXPLANATION

This bill, with the committee amendments, provides for the establishment of production goals for producers of crude pine gum for 1968, 1969, and 1970, and compliance payments to producers complying with such goals. Compliance payments, together with other price support, could not exceed 90 percent of parity.

NEED FOR LEGISLATION

Due to rising costs of labor and materials, income of pine gum producers has been declining since 1962. The commodity is a needed one; and it is expected that new production methods and uses now being developed will enable it to be produced on a profitable basis within several years. In the meantime the industry needs some assistance in order to remain in operation and provide a livelihood for over 2,000 producers and about 7,000 laborers engaged in gum production as well as additional numbers employed in related industries. The need is further discussed in the attached report of the Department of Agriculture recommending enactment of the bill.

The amount of gum rosin pledged to Commodity Credit Corporation to secure price support loans currently approximates 705,000 drums. Under the bill it should be the Secretary's objective to reduce Commodity Credit Corporation stocks (including stocks pledged to secure price support loans) to reasonable levels within the period covered by the bill and such reductions should be made in an orderly manner. The secretary should announce annually the amount proposed to be sold from Commodity Credit Corporation stocks during the following year, and such amount should be such as to reduce the Corporation's stocks by not more than 150,000 drums of gum rosin during such year.

Mr. MORTON. Mr. President, I rise in opposition to the bill. I am sufficiently pragmatic to know that my opposition is not going to prevail, but I wish to make a statement of my reasons for my opposition to the bill, which will be in conference.

The Senate Agriculture Committee reported a slightly amended Senate bill 2511 last month. We feel the report accompanying the bill is somewhat misleading. It indicates that the hearings on this bill by a subcommittee produced testimony that was generally in favor of this legislation. The fact is that it was a 2-hour hearing with the greatest amount of testimony presented by opponents of this legislation. The Department of Agriculture, who had requested this hearing, did not even have ready for the hearing the Department's report and was not able to supply to the subcommittee detailed information and facts which would normally be obtained in the course of hearings of this type.

This report was later submitted for the record. The Department recommended enactment of the legislation justifying it on their belief that the legislation was needed to give producers of crude pine gum further Federal assistance to keep them in business until they could be on a more profitable basis. By doing this, the Department stated it would protect the jobs of laborers engaged in gum production who otherwise would become unemployable due to their lack of skills and education for other unskilled tasks. Nearly 90 percent of gum farmers and over 80 percent of gum laborers are located in the State of Georgia.

Opponents of this legislation take exception with the views of the Department of Agriculture for the following reasons and request that this legislation be given a great deal of scrutiny as to its need and as to exactly who would benefit by it:

First. Even without Senate bill 2511, we do not believe the gum industry will reduce production to a level where unemployment will become a problem. We are convinced that the gum industry will continue to operate at a level possibly somewhat lower than that of the 1967 crop year under the present act, but that there will not be a wholesale dropoff in gum production, with a resulting unemployment problem. As pointed out at the hearing, one of the problems of the gum producers today is that they are unable to get sufficient labor to work crops. Before accepting the statements made by the Department of Agriculture and the American Turpentine Farmers Association as to possible unemployment as a result of a drastic dropoff in gum production, they should be required to furnish a factual projection of the estimated drop in gum production under the present program and the resulting labor surplus. We do not believe they will be able to substantiate the allegation that the entire industry will close down in a short period.

Second. We would like to again emphasize our objection to the method of payment to the gum producers as provided by bill 2511. With the Secretary of Agriculture having the right to set parity payments at a lower percentage of parity and then making up the difference to 90 percent of parity with compliance payments, a fictitious low price is set on the rosin going into the CCC loan. The actual cost of producing gum—that of compliance plus parity payments—is not then known and recognized in the price of the crude gum produced. If gum rosin or turpentine is needed, why is it necessary to use this method of payment to the producers to hide the actual cost of the products? The answer is simple—the USDA must use this payment method for it recognizes that crude gum products cannot be produced in cost competition with the products from the pine stump and from pulp mills.

Third. In this connection, one of the most objectionable features of S. 2511 is that no production controls are imposed as a condition to the receipt of "compliance" payments. Enactment of the bill would thus further aggravate the already untenable situation of excessive crude pine gum inventories.

Fourth. The CCC gum rosin stocks as of October 1, 1967, were 720,300 drums and it has been pointed out that this stock has served to depress the price of the entire naval stores industry, most of all the gum industry which is unable to compete costwise with the other two branches of the naval stores industry. The program of the Department of Agriculture, where it first allowed the stocks to build up to an unreasonable size from 1960 to 1966 before taking drastic sales action which resulted in depressed prices to the industry, shows a definite lack of understanding and planning by this Government branch. The Department of Agriculture's handling of this program is directly responsible for the problems that exist today with the gum producers.

Fifth. The hearing also brought out that crude tall oil and turpentine and wood naval stores—neither of which receives Government assistance—can supply the U.S. requirements, as well as a substantial part of foreign requirements, for naval stores products for the next 15 years, and that crude tall oil and turpentine production will continue to increase in supply in the United States—long before all the stumps are used—to a volume necessary to furnish projected growth requirements for increased use of rosin and turpentine. We predict that the low-cost pulpmill byproducts will speed the phasing out of the wood naval stores industry before all the stumps have been used, due to the low cost of producing rosin and turpentine from pulpmill byproducts.

Sixth. Statements made at the hearing that "there is not one single use for gum rosin or gum turpentine that cannot be furnished by wood or tall oil naval stores products" was not challenged by the proponents of this bill. This further emphasizes our position that we do not need a crude gum industry from a technical requirement viewpoint.

In conclusion, the following facts are evident:

First. There is no need for crude gum

production in the United States today or in the foreseeable future.

Second. Crude gum products produced in foreign countries with cheap labor will always be produced and sold at prices lower than any American-produced gum products.

Third. U.S. crude gum products cannot compete with low cost products from wood or pulpmill byproducts.

Fourth. The possibility of the U.S. gum industry phasing out completely in the short time indicated by the proponents of this bill will not occur. There will not be the release of labor they predict, and no major labor maladjustment will occur. The present support program, properly administered, will allow the true gum farmer to continue his production.

Fifth. The poor economical position of the gum farmer today is a direct result of improper administration of the CCC gum program by the Department of Agriculture. The surplus stocks of CCC gum rosin, plus the Department of Agriculture's fire-sale program in foreign markets, has lowered the price of rosin worldwise to the point that the producer is in trouble. The Department of Agriculture could improve the gum producers' earnings if they would institute a program which would take off the market the huge inventory of CCC gum rosin stocks, and announce a controlled selling program of these stocks which would allow an orderly reduction of the stocks since the world market could not count on the entire stock as available inventory.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

Mr. TALMADGE. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE PIONEER SPIRIT IS NOT YET DEAD

Mr. MANSFIELD. Mr. President, in this modern age of the 1960's we seldom hear of the long, hard, cold winters which have plagued many portions of this country throughout history. This has been partially due to many improvements in living conditions, equipment, and the like.

Several days ago I received a copy of a letter written to a friend indicating that Mother Nature still inflicts many hardships on our farmers and ranchers. This letter from Anna Leah Dolena, who owns a ranch south of Great Falls, Mont., is a most graphic description of the snow, cold, and a rancher's life in this part of my State.

I ask unanimous consent to have the basic text of the letter printed in the RECORD.

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

JANUARY 26, 1968.

OUR DEAREST MR. WILLIAMS: I was quite concerned when I didn't hear from you during the holidays, but when Margie called me she assured me you and family were all well. So I was relieved.

The holidays out here didn't really go off in a relaxed manner due to our inclement weather. I had Christmas Eve dinner with Vina and family. Then we opened our gifts early so I could get home before dark. Marina cooked the Christmas dinner but no one could make it except me (Billy got me in the 4-wheel drive truck). So it was quiet. I managed to get Vina's girls tho for their vacation. When I took them home Jan. 31, it was a blizzard, but when I got to town it stopped. So when Fred asked me to have dinner and see a show I accepted. By the time the show was over, however, it had started snowing again so I scurried on home instead of having a midnight drink. There was only a single track up our coulee and it was drifting in but with chains on and in 2nd gear I plowed home. I never got out again for almost 2 weeks as the snow and drifting just kept on. The drifts got so high I couldn't see the corral fence and only half the barn was visible. I slid down a 5 ft. drift for a couple weeks to get into the barn. Then the drifts buried the lane fence coming into the corrals and the cattle began walking over the fence. Of course I didn't want that for they'd wreck the haystacks—luckily they were some of my older cows and I dug a gate out and coaxed them back in. Then I dug the fence out but I finally had to drive steel posts in the snow drifts and string more wire. One day it chinooked and the cattle went out to try to graze but by evening another blizzard hit and somehow the 40 head split up—one bunch came home and the others were stranded without feed or water in another coulee. Billy couldn't get hay to them with his 4-wheel drive for the drifts were so deep. He had his own problems with his 80 head as they too were trapped by drifts—what fun! So I shouldered my old coal scoop and climbed around the hills till I found an area (the narrowest) to shovel a trail for my cows. I was at it half a day. Finally I had a path about 40 ft. long and 3 ft. deep (and that wasn't down to the ground, the cows were still belly deep) but they seemed to realize what I wanted them to do and they came bucking, rolling and jumping thru. Then the creek drifted over so they couldn't drink but I shoveled and chopped ice till I had an area about 2 yds. square but even at that it was deep so the cattle looked like camels kneeling and drinking. And I wasn't so bad off when it came to snow—those dear people closer to the mountains couldn't even get hay and cattle together, some even ran out of hay and the snow plows went ahead with the stock trucks right behind them so they could truck their cattle out. Fred still had over 150 head on the sheep ranch over the hill, he had a terrible time getting them out and up to Augusta.

Finally the snow plows couldn't even break the snow drifts any more as it kept drifting in as soon as they'd plow it out. Billy and almost everyone with cattle to feed had to buy "sno-mobiles", then they'd make a flat sled to pull hay bales on—about 7 bales at a time—at least one can get to the stacks. I went with Billy a couple times. Wow! One never opens a gate just slide over the fences where it's drifted, leap off those high snow drifts. I almost ran out of oil so Billy and I "flew" to Stockett on the "Skee Horse" with my little 5 gal. cans rattling behind on the sled. I can see how younger people can have a lot of fun, too, but they were the only thing that saved the "day." Dear Sagebaums were "in" for 3 weeks, their oil was scraping the bottom. Otto was fattening some calves in his corral and the snow filled the corral full so he had to turn them out. Now during this past week we had a chinook so he used his tractor and scoop to haul tons of wet snow from around his corrals and barn. Lillian said he got the calves back in and tonight it's −15 again, blowing, snowing and drifting. It will soon be time for calving to start (around the end of Feb. and March). Billy has had a couple already (illegitimate, however, from the neighbor's dairy bull) one little one died, just too much stress.

My dogs bark all night for the coyotes come so close to the buildings. I'm not afraid of them but it really makes one feel the loneliness when they howl. It makes one feel the country isn't so settled yet. If it wasn't for all the misery the storm caused and the back-breaking work, I must admit I enjoyed the whole scene—the wild, deep rippled drifts, no fences in sight and the drifting snow looked like water sifting down the hills. Then after a day of chinooking the drifts took on a shimmering appearance in the icy moonlight that was beyond description. I'm sure you remember what I'm trying to describe. I know Mom used to enjoy all the changing scenes of Nature and I'm sure it was her influence that makes me aware of the world around me.

Everything has been going along real well. No one feeling sick, altho a couple times I felt tired and feverish, but that was just from too much effort put forth all at once. So I take it a little easier.

ANNA LEAH.

PRESIDENT JOHNSON'S RECOMMENDATIONS TO CONTROL THREAT OF RADIATION FROM HOUSEHOLD ITEMS IS COMMENDED

Mr. RANDOLPH. Mr. President, the consumer protection message of the President of the United States to Congress yesterday was timely and significant.

I commend President Johnson for the forthrightness of his discussion and for the cogency of his recommendations. Those parts having relationship to hazardous radiation might need to be reemphasized because this is an aspect of consumer dangers and consumer protection that escapes the attention of too many individuals who are unknowingly being exposed to radiation from household items, especially in this period when the use of electronic products is increasing in the homes.

This increase in electronic utilization is a substantial part of the rapidly accelerating demand for electric energy, the demand and production of which will probably grow by more than 200 percent in the next 12 years. Per capita use is expected to increase more than 50 percent.

The exact measurement of the radiation to which citizens generally are exposed by the family of household electronic items is undetermined. But there

is considerable professional opinion that the real danger lies in the exposure of people to lower levels of radiation.

But because there are imponderables and fear of danger, there is a need for significant research in radiation. There must be more precise knowledge on the subject so that meaningful and achievable standards can be set for the protection of our citizens.

The Surgeon General of the United States already has made a convincing argument. He said that inasmuch as we cannot erase completely the sources of environmental hazards—sources which in most instances confer social benefits on society—we must control such hazards to a point where benefits clearly outweigh the perils to citizens' health.

Mr. President, I believe Congress should act at a hopefully early date on President Johnson's request that legislation be considered carefully and enacted to provide for control of radiation from electronic products.

FLOOD CONTROL FOR TUG VALLEY

Mr. BYRD of West Virginia. Mr. President, last week a number of citizens of the Tug Valley area of West Virginia came to Washington to meet with their representatives and Senators concerning a problem of flood control in the Tug Valley.

Their problem is a longstanding and genuine one.

It is caused by inadequate flood control protection in a severely flood-prone valley.

The problem is of concern to every resident of the Tug Valley. The floods which have occurred there in the past few years have, fortunately, not taken a toll in lives. But property damage has been great.

A floodwall was constructed in Williamson, W. Va., by the U.S. Army Corps of Engineers. It was barely completed in 1963 when a tremendous flood swept down from the hills and waters were lapping at the edges, and in some cases, over the edges, of the wall.

Further, the floodwall only provides protection for the downtown section of Williamson and does not protect persons who live in other parts of the town or in the nearby town of Matewan.

A number of flood protection dams have been proposed by the Corps of Engineers. One, the Panther Creek Dam, has been authorized by Congress, but funds have never been allowed so planning and construction can begin. Every other proposal which has been made has foundered on the Corps' strict adherence to a favorable cost-benefit ratio requirement.

In a very fine statement at the conference last week, Mr. William F. "Dutch" Tolbert—editor of the Williamson Daily News, who has been associated with that newspaper for more than 40 years—told the Corps' representatives that perhaps it was time to start considering other factors.

Mr. Tolbert said:

There is a human factor involved in this. There is a human factor which you cannot measure in dollars and cents and in your so-called hard and fast rules on criteria.

I do not know whether it is in your province to regard these factors or not, but these factors are the concern of every citizen in our valley, and I will guarantee to you that those citizens are not "hippies." They are true Americans, paying their taxes, and striving to make America strong and beautiful.

This year, this month, we have had an unusually large accumulation of snow. Every night when our people go to bed, their prayers are directed that the snow will disappear gradually and will not be carried off with a heavy rainfall. We know that if such an occurrence does take place the results will be disastrous for the entire valley.

Mr. President, I believe Mr. Tolbert's statement eloquently sums up the problem which the Tug Valley faces.

I think there is no question that the Corps' should reevaluate its position regarding the Lower Knox Creek Dam, for if this flood control dam can be built, the people of Williamson and the Tug Valley will begin to have the protection they so rightfully deserve.

Because Mr. Tolbert's statement so clearly sums up the reasons why the Corps should reevaluate its position on the Lower Knox Creek Dam, I ask unanimous consent that it be printed in the RECORD.

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

FLOOD CONTROL OF TUG VALLEY

(By William F. Tolbert)

I have been associated with the Williamson Daily News since 1927. Since 1953, I have served as Editor, and I believe that I have been in position to recognize problems as they exist.

Prior to 1957, most of our concern with the Tug River was in the problem of navigation. One time we came to Washington and secured feasibility for canalization of Tug River. That feasibility didn't last very long, however, and some of our people believe that it was rescinded when the "Fat Cats" got into the act.

Be that as it may, prior to 1957, flooding came periodically and while inflicting damages, it was of no catastrophic consequences. There was damage inflicted from time to time in the business section of Williamson. Back-water flooding was the main problem for Williamson when the river rose beyond 27 feet. At this point, water came through the sewer lines and flooded major areas of our industrial and business life.

In 1957, however, the flood of record at that time hit in our vicinity. Water came over the river bank and flooded the entire business section and created a real problem of devastation. Severe losses were suffered by firms that were heretofore regarded as outside areas of flood damage. We immediately launched upon an effort then, with the assistance of our Delegation in Congress, for some measure of flood protection. We made repeated missions to Washington, visits to Huntington and trips to Cincinnati. We came up with minimum protection for the city of Williamson which they would describe as the only project which could be justified under the rules of the Army Corps of Engineers' procedural methods. We had to whittle down here, whittle down there, but by sacrifice and perseverance we did accomplish some measure of flood protection for the immediate business district of the city of Williamson.

We were no more than resting behind the flood wall, laboring under the opinion, as the Engineers had assured us, that such flooding occurs only once in every hundred years, when lo and behold, we woke up one morning and Tug was rising. That afternoon word came that the Engineers were about ready to come and pull the pumps. They didn't want to lose their pumps to the flood waters of the Tug. Our mayor and several citizens diligently worked, preventing these pumps from being pulled by pleading with the individuals who came there to do that job. They sandbagged the Wall, which was not entirely completed by that time. In certain areas of the Wall, the water lapped over; mind you, that was after a period of six years, not one hundred years. The devastation of the main business section was averted and several of our larger business establishments escaped major damage. The damage beyond the realm of the City itself was tremendous and mind you, a man with a $15,000 home or a $5,000 abode of living, to him a loss of $5,000 is far more disastrous than a loss of $100,000 is to a large Corporation.

I know that the Corps of Engineers only considers the guidelines that have been imposed upon them by other Echelons of Government. We are well aware what goes on; we are well aware of the procedures. I've been coming to Washington so often that I feel I am a part of Washington. This is my second home. We are laboring under one mission—to improve our Tug Valley Area. We have done everything within our means to lift ourselves up by our bootstraps. We provided the necessary funds and assistance to build the Flood Wall around the city of Williamson. We provided the necessary matching funds to erect a new Court House. We Provided a Sanitation system for the City of Williamson at no small expense. We repeatedly vote excess levies for our schools. We have voted Bond Issues for a new High School at Williamson, Matewan and other areas. We have voted bond issue for a Branch College building. We do not desire handouts, we only want support, we only want assistance that we feel is due us. Our citizens read the newspapers, listen to radios and watch television. We are not entirely a bunch of Mountaineer Hillbillies. We are not Ignoramuses. We can read and write. We know they are spending millions of dollars to build dams in some far away place in Africa. How can you justify these to the people in Williamson when officials of our government continue to be blind to the paramount need of the Tug Valley—flood protection.

You speak of the N & W Railroad. We are appreciative of every effort they have made. They have asked us from time to time what would Williamson be—what would Southern West Virginia be without the N & W Railroad? But my friends, what would the N & W be without the Southern Part of West Virginia?

In 1957 we were laboring for a flood wall. Top echelon of the N & W Railroad came to my office and said, "You just tell us how much you need for feasibility and we will give it to you in the flood damage." In 1963, our attack had changed from Floodwall to Valley-wide protection. They would not report one dollar of damage in the 1963 flood to their Williamson installation. Yet they took trains out and put them on the bridges to keep the bridges from washing out. The same waters flooded their facilities. The water poured through the tunnel in West Williamson, halting movement of all mainline traffic, including the valuable "meat trains" and other key manifest freights. Far greater damage was caused by the 1963 flooding than by that of 1957, but not one dollar was reported to us because we were working for the Lower Knox Creek Dam. I'm surprised that our good friend Mr. Lewis is not on this conference. He has a penchant for reading our newspaper and learning about our plans for having delegations visit Washington. He just happens to be in Washington at the time our delegation arrives.

I am not critical of you gentlemen in your efforts. I know, as I've said before, you are limited in what you can do. At the same time, you hold the key to the solution of our critical flood problems. Something must

be done in changing the criteria if that is necessary. In April, we were here discussing these same problems. We went away with hope. We were told what would be done. As far as we're concerned, we know that those hopes and promises have not materialized. We have made repeated trips to Washington, gone to Cincinnati, gone to Huntington on numerous missions. The expenses of these trips is immaterial if some results can be obtained.

The interest of the entire population of the Tug Valley is centered largely on flood protection. A man with his life savings invested in his home certainly cannot understand why the neighboring valley of the Levisa Fork or the neighboring valley of the Guyan have been saved—spared of the distress, of the nervousness, of the anxiety every time it rains of any considerable degree.

This year, this month, we have had an unusually large accumulation of snow. Every night when our people go to bed, their prayers are directed that the snow will disappear gradually and will not be carried off with a heavy rainfall throughout our valley. We know that if such an occurrence does take place that the Engineers would not have time to pull out the pumps from our pumping station. The Engineers wouldn't have time and our citizens wouldn't have time to save a few paltry household furnishings, damaged many times because of the necessity to move it out of the home.

Gentlemen, there is a human factor involved in this. There is a human factor involved which you cannot measure in dollars and cents in your so-called hard and fast rules on criteria. I don't know whether it is in your province to regard these factors or not, but those factors, gentlemen, are the concern of every citizen in our valley, and I will guarantee to you that those citizens are not "hippies." They are true Americans, paying their taxes and striving to make America strong and beautiful. I thank you.

VIETNAM: THE AMERICAN DILEMMA

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an editorial published in yesterday's Wall Street Journal on the American dilemma in Vietnam, and a dispatch from one of the Wall Street Journal's Asian correspondents, Robert Keatley, on the same subject.

The editorial and article emphasize the complexity of our involvement in Vietnam. They underscore the difficulty of applying, in the words of Mr. Keatley, "American resources, manpower, and organizational abilities effectively" to a situation that is almost totally alien to the conventional positional warfare to which the American Military Establishment has been accustomed during this century. I do not make mine every statement in these articles, but they are worthy of thoughtful consideration.

The events of recent days in Vietnam and their possible recurrence on a more dramatic and disappointing scale should not cause us to abandon our commitment in that embattled land. Our commitment there and the basic outlines of our policy of upholding that commitment are correct. But it would be well for those responsible for formulating and carrying out that policy to ponder the significance of the events of recent days as well as related events. It would be well to ask whether, again in Mr. Keatley's words, "something is seriously wrong" with the ways and means by which we are implementing our basic policy in Vietnam and Southeast Asia.

I reiterate my support of our basic course of action in Vietnam. I also reiterate my support of our Government's efforts to bring this war to an early and honorable conclusion. But my support is neither blind nor uncritical, and I believe that wisdom and prudence demand regular and searching reappraisal of our methods and programs to implement that course of action.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Pennsylvania?

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

VIETNAM: THE AMERICAN DILEMMA

The savage Communist attacks on Saigon and the provincial capitals underscore what has always been a fundamental question about the American involvement: The quality of the determination of the South Vietnamese government and people. In turn, the question poses a warning for the U.S.

It may be true, as Secretaries Rusk and McNamara were maintaining Sunday on "Meet the Press" that the enemy failed to win a military victory or take any city, although fighting was still going on in Saigon yesterday and the Reds held large sections of Hue. True also that, in this type of war, neither the South Vietnamese nor the U.S. forces can wholly protect the cities and the populace from terrorist assaults.

Granted, further, that the politically conscious elements of the population are at least vocally anti-Communist. The peasantry may be largely apathetic or understandably eager for peace at almost any price, but the government officials, the political parties and the religious sects sound firm in refusing to submit to Hanoi's domination.

None of this, however, exorcises the grim doubts about the viability and will of South Vietnam as a nation we are trying to help. Something, our Mr. Keatley writes elsewhere on this page today, must be awfully wrong.

The fact that the Communists were able to infiltrate on such a scale and do so much damage is strong ground for suspecting that they had the covert support of some nominally anti-Communist South Vietnamese, perhaps even within the government. No one knows that the Vietcong-North Vietnamese objective actually was to capture cities or overthrow the government; the aim may have been that which has been accomplished—a terrible demoralization, showing up, for all the South Vietnamese (and the U.S.) to see, the frailty of the government and its military forces.

Mr. Rusk and Mr. McNamara, while claiming the Communists had failed militarily, had to concede that they had inflicted severe psychological blows. In the thoughtful words of Max Frankel of the New York Times, increasingly the name of the game out there is who can protect whom from whom. The South Vietnamese government, with all the vast aid of the U.S., has revealed its inability to provide security for large masses of people in countryside and city.

The U.S., of course, has all along been haunted by the specter of the South Vietnamese nation dissolving, as it were, before its eyes. For our part, we have said from the beginning that the outcome of the U.S. effort would be in doubt unless the government and people were fully committed. It may be a cliche, but in the long run the U.S. cannot effectively give military aid to another country unless that country is determined to help itself stay out of the Communist grip.

Now we suppose the Saigon government will manage to stay in power, or if it goes there will be another, as there have been so many. But if it doesn't really have the support of most of the people or the ability to save them from nation-wide terror and murder, how good is it? What, indeed, is the U.S. trying to save?

This same South Vietnamese government, moreover, is showing something of an anti-American bias. It will not take the steps our authorities consider essential: Make a full war effort, get the South Vietnamese army in fighting shape, crack down on the unspeakable corruption and inexcusable misallocation of U.S. aid. And it tells Washington in no uncertain terms that the Saigon regime is running the show, including the search for peace; it doesn't want bilateral U.S.-Hanoi negotiating.

The temptation therefore may grow for the U.S., out of frustration with the Saigon generals and the slow progress of the war, to take over the nation, keeping a facade government but in fact finally waging the war the way our military leaders believe it should be waged.

Any idea of that sort of escalation, it seems to us, is a counsel of desperation. It would probably mean fighting, for a while, the South Vietnamese military as well as the Communists. More important, it would undermine our case for being there. We are mired down badly enough as it is; let's not make it worse.

One can strive to be optimistic, hoping that the attacks of the past week are the enemy's last big drive before agreeing to peace talks. One can still figure that the dangers of pulling out—in terms of Communist aggression throughout Southeast Asia and maybe beyond—are greater than the dangers of staying in.

Yet it is hard to escape the conclusion that the Communist onslaught has gravely deepened the American dilemma. It raises in the starkest form not only the question of weakness in Saigon but of whether the U.S. effort is reaching a point of diminishing returns.

DIAGNOSING THE "LAST GASP" IN SAIGON

(By Robert Keatley)

HONG KONG.—The State Department desk officer was briefing a young reporter bound for his first Asian assignment.

"General Nguyen Khanh is the greatest asset we have in South Vietnam," he explained in confident tones. "He is getting out to meet the people—building up a solid political base like no other South Vietnamese leader has ever done."

That was four years ago and like many others, former Premier Khanh is long gone from Saigon. He was last spotted as "roving ambassador" with a marked preference for sunny southern Europe. The briefing officer now holds a senior diplomatic post in Southeast Asia and presumably would not like to be reminded of his former political analysis.

But it seems pertinent to remember this erroneous observation now that Vietcong snipers are still shooting up Saigon and some 35 major South Vietnamese towns have been invaded during the Communists' major push of their long guerrilla war. For once again it seems that American understanding has been faulty at best, that the U.S. has misjudged both the enemy's intentions and its ally's ability to retaliate.

TEMPTING TARGETS FOR ENEMY

U.S. information "did not indicate we were going to have any such widespread attacks," a senior American general conceded in Saigon over the weekend. And the Army's intelligence chief now says the Communists have 65,000 more troops in reserve and can repeat, perhaps surpass, last week's attacks any time they choose. Their long-range Russian rockets haven't yet been used against such tempting targets as Saigon's international airport. The

long-awaited onslaught at the key Marine base at Khe Sanh was apparently beginning at this writing.

All this contrasts sharply with the assorted victory statements issued in recent times from Saigon and Washington. Ho Chi Minh himself has called the Vietcong offensive an answer to President Johnson's claim some weeks ago that things were looking up in South Vietnam.

The impact of all this on the South Vietnamese populace is impossible to assess at present. It is difficult to agree with some optimistic Americans who have cited the attacks as a last gasp before the Communists settle down to negotiate an amicable end to the war. And those who stress that the Vietnamese people didn't rise up in support of the Vietcong seldom add that neither did they supply information that would have tipped off the allied side. Some Vietnam veterans believe the attacks—even though the Vietcong will almost surely be driven out of every city—will reinforce Hanoi's belief that it can win both military and political victories without peace talks and someday gain undisputed possession of all Vietnam.

More importantly, the offensive seems certain to undermine whatever credibility the Saigon government has in outlying cities and countryside. The Vietcong have planted the fear that they may repeat the onslaught any time, and whether they really have that capability is irrelevant. The attacks also tend to damage the prestige of the Americans as protectors, another major Communist goal.

This indicates the problem the U.S. confronts throughout Asia as it tries to defeat or control Communist movements: The world's strongest economy and military power often can neither figure out what the other side is plannng nor bring its massive wealth of firepower to bear effectually once the action has started. For example, bombing the Saigon suburbs may have been absolutely essential to defeat the Vietcong units, but the toll of civilian dead or homeless is a high price to pay in what remains also a political war. And to date the Americans haven't learned how to use their vastly superior military force to destroy Vietcong battalions before they can launch major attacks of their own.

The problem isn't only in Vietnam. The U.S. has 43,000 men based in Thailand; though most are concerned with the air war over North Vietnam, several thousand have construction, logistics or advisory assignments to help the Thais solve their own insurgency problems. But despite this input of men and material, the estimated number of anti-government guerrillas in Thailand's poor northeast region is now 1,700, up from 1,200 a year ago, and Communist bands have started fresh troubles elsewhere. Some observers fear the old Vietnam mistakes will be repeated.

In Korea, the American effectiveness record isn't especially bright either. Some 50,000 U.S. troops are based there to supplement a large South Korean military establishment. But North Korean agents penetrate the American-guarded sector of the demilitarized zone with relative ease partly because Army forces there have been short-changed due to Vietnam commitments. And when belligerent North Koreans seized the spy ship Pueblo recently, the U.S. Air Force reportedly was organized to drop nuclear bombs but not to provide conventional air cover, even though North Korea had been complaining for weeks about alleged American spy boats in coastal waters.

This makes America's Asian experiences these days too often frustrating. What its soldiers and politicians attempt is frequently irrelevant to the other side's intentions and capabilities.

The reasons are complex and confusing. They stem largely from the basic fact that current U.S. confrontations in Asia are only slightly related to conventional warfare. Though great minds have long pondered this rather simplistic notion, they haven't yet devised ways to apply American resources, manpower and organizing abilities efficiently. And there are no easy answers.

At the operational level one result is that bureaucracies fall back on ways and cliches they know best. For example, at the South Korean headquarters of the U.S. Army Second Division, which has the unenviable task of guarding the Korean DMZ sector, signboards proclaim "Second Division—Second to None" or somewhat enigmatically "Zero Defects" which apparently means the Army either considers itself perfect or at least wants to be.

"They live in their little compounds and read their own propaganda and eventually they begin to believe that stuff," says a military man from another country. "Meantime North Koreans are up there on the DMZ making monkeys of them and they don't know what to do about it."

Likewise, anyone who visits Vietnam will probably hear U.S. military advisors talk about their Vietnamese counterpart—those officers they are supposed to assist—as "great little fighters, speak real good English and we've become great friends." Too often the advisors ignore the fact that they are being played for suckers by their wise counterparts, who have seen Americans come and go for years and know well how to handle them. By appearing pleasant and cooperative, South Vietnamese officers can usually run things their own way, which may include padding payrolls, shaking down province governments and playing army politics for more lucrative posts.

Of course many U.S. Army men understand fully what is happening, but they don't know what to do about it. For one thing, causing trouble isn't welcomed at higher offices, and many advisors want to get their year ended and leave Vietnam with untarnished fitness reports. But how to make American advice more effective when it is pertinent continues to elude the establishment.

In Thailand, some fear American advice may yet plunge the Thais into the same sort of difficulties that have helped bog things down in Vietnam. At least in its early stages insurgency is a matter of economic development as much as military suppression—by attacking rural problems it is possible to eliminate grievances before agents can turn disenchanted peasants into guerrillas.

RURAL DISCONTENT

But some sources claim American Army men there are persuading Thai generals (who don't need much encouragement to expand their power and budgets) to take over development programs as an adjunct to their anti-Communist military operations. And because Thai peasants, like those in Vietnam, sometimes consider soldiers organized bands of rapists and thieves, this could increase, not decrease, rural discontent.

The problem isn't restricted to military missions. Not long ago a stout U.S. aid bureaucrat armed with five months experience in Vietnam was claiming that new attitudes now prevail in provincial civil services. "Those government workers are getting out of their province capitals and visiting peasants at last," he said with glib assurance. "We're making some real progress." But stories from the countryside seldom support such optimism. Local corruption, incompetence and indifference continue.

Deputy Ambassador Robert Komer, pacification's superchief, sometimes bases his continual cheerfulness on American "weight and mass," meaning that American numbers and resources must inevitably achieve the desired results despite much waste and inefficiency. He may be right, but some others think this reflects a poverty of effective ideas.

One easy answer, at least in South Vietnam, is to have the U.S. take over and simply issue orders. But none know better than the South Vietnamese that this is both politically and practically impossible for international and domestic reasons. Saigon officeholders realize that the U.S. has long since spent its leverage and is deeply committed; U.S. advice can be ignored whenever it is inconvenient or unprofitable, and Americans will neither colonize nor abandon the country, for their own reasons.

FINDING DIFFERENT APPROACHES

The problem is finding what to do differently so that America's vast resources can bring some desired results.

Attempts are made continually. American military tactics, training and equipment have been revised drastically, yet enemy battalions aren't found or destroyed. Pacification officials have rewritten their plans countless times, with indifferent results so far. Diplomats have tried continually to bring order and responsibility to Saigon's self-serving political processes, but the changes seem mostly superficial. Some of these problems have parallels in other Asian lands where the U.S. has major commitments.

So the persistence of frustration doesn't mean vast numbers of official Americans aren't working hard and imaginatively. American soldiers on duty from Korea to Vietnam fight valiantly, facing discomfort, pain and death in ways the American who gripes about Vietnam from his comfortable home can only dimly understand, even if he tries.

An old saw has the allies winning bigger and bigger battles closer and closer to Saigon The sight of American troops mowing down enemy soldiers in the streets of the capital may indeed inflict heavy losses and decimate some key battalions, but it is hard to view this scene as anything but a long-range setback for U.S. aspirations in South Vietnam.

It seems once more that if present approaches are the best the United States can devise in Asia, something is still seriously wrong.

CIVIL DISORDER

Mr. LONG of Missouri. Mr. President, crime and civil disorder are among the greatest challenges facing the United States. I was pleased that the President recognized this issue by stating in the state of the Union address:

> We, at every level of the Government—State, local, Federal—know that the American people have had enough of rising crime and lawlessness in this country.

It is important and vital to the nation that action be taken to assist our cities and States in their war on crime. Effective legislation is necessary, and I shall do whatever necessary to work for its enactment.

At the same time, however, in periods of rising crime, there is a tendency to go to any lengths to bring lawbreakers to justice. The danger in this trend was outlined in a recent front page editorial of the Canton Press-News of Canton, Mo.

This editorial also reported a change in approach to the problem of penology which has been recommended by a study group of the American Bar Association. The recommendation, one of several, suggested that the rehabilitation of lawbreakers be emphasized over the three traditional alternatives of retribution, deterrence, and restraint.

Mr. President, I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial

was ordered to be printed in the RECORD, as follows:

[From the Canton (Mo.) Press-News, Feb. 1, 1968]

JUST ONE WORD OF CAUTION

Judge Bruce Normile's "Conference of Law Enforcement", held last week in Monticello, was most worthwhile. Better cooperation between agencies, better control of lawlessness and actions to be taken to enforce the law were stressed. We heartily endorse the findings of the conference.

Most people are fed up with lawlessness. They want something done. In the name of freedom many things are happening. A noisy minority scoffs at basic American ideals of honesty, integrity, morality and patriotism. From public platforms we hear strange alien urgings to defy or ignore the laws which they choose to ignore and to obey only laws with which they agree. It's about time something was done about this. Teenage crime is increasing, and Judge Normile reported that more and more juveniles are appearing in his court. If we are to continue to have a nation, the laws of the nation must be obeyed.

But there should be one word of caution. In our desire to bring law breakers to justice we must not forget the long-established custom of our courts to consider people innocent until proven guilty. There have been cases where individuals have been convicted by newspapers before they ever came to trial. Others have been convicted by petty gossip before they have had their day in court.

So, while we must put a stop to the growing lawlessness, we should not allow our zealousness in law enforcement to become overzealousness.

In spite of weaknesses in our law enforcement and court procedures, a much more enlightened approach is now being taken by most judges. An American Bar Association study group recently made a number of recommendations. Among other things they recommended were in part, "In case of first-offenders more harm than good can be caused by institutionalization, for it will result in little more than education of the offender in more sophisticated methods of engaging in criminal conduct. There is a much greater chance in most cases of avoiding a subsequent offense by helping the offender adjust to society than by removing him from it."

We believe laws should be enforced quickly, firmly and fairly, but, at the same time, with a degree of humility, compassion and sound judgement.

THE INCREASING TENDENCY FOR PEOPLE TO DESPAIR

Mr. McGEE. Mr. President, we have seen in the past few weeks in particular an increasing tendency for people to despair, to believe the worst, to peddle unfounded stories and to emphasize the negative with regard to the situation in Vietnam and the seizure by North Korea of the U.S.S. *Pueblo*. There have been many statements, many reports, which seem to play into the hands of the enemy. There have been many unnecessary questions asked—unnecessary because the answer was evident.

Garnett Horner, writing in the Evening Star, of Tuesday, February 6, 1968, observed that President Johnson must have trouble keeping his temper when he hears Americans of some standing, or reads newspaper stories and editorials, suggesting that the U.S. side suffered a defeat in the recent raids of South Vietnamese cities. He must feel especially frustrated, Horner went on, when he reads analyses which emphasize that the Secretary of State and Secretary of Defense are uncertain whether the *Pueblo* intruded into North Korean waters.

Some strange twists, indeed, have been given to recent events. The loss of 20,000 and more enemy troops, compared with casualties of 400 dead for the allied side in Vietnam in recent days can be interpreted by some as defeat for our side. A statement that we are reasonably sure the *Pueblo* was in international waters, though we obviously cannot be absolutely certain until we see the ship's log and talk to its officers, can be interpreted as uncertainty, rather than reasonable certainty. Orr Kelly, writing in the same edition of the Evening Star, analyzed one of the frequently asked questions—that arising out of the *Pueblo* incident. He wrote:

Even people who should know better find it hard to understand why we did not have instantly available whatever forces were required to protect the *Pueblo* from seizure and, once she had been seized, to seize her right back again.

But Kelly gives the answer, pointing out that the *Pueblo* incident does, in fact, illustrate our ability to react quickly—as we did with the U.S.S. *Enterprise*. As for the question of protection, Kelly points out our intentional decision was to have the *Pueblo* travel alone, unprotected, precisely to avoid provocations and complications.

It is essentially the same kind of decision a person makes when he decides whether the chances of rain are great enough to outweigh the inconvenience of carrying an umbrella.

Mr. President, these two articles, taken together, not only give some answers to the critics we have been hearing from in recent days, but they illustrate, in the press, the need for American news media and those whose views make the news to weigh their words and pay heed to the national interest.

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

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

[From the Washington Evening Star, Feb. 6, 1968]

TRYING TIMES FOR JOHNSON

(By Garnett D. Horner)

Life is trying for President Johnson these days.

He has no reason to complain about having to deal with such crises as the massive Communist offensive in Vietnam and the North Korean seizure of the USS Pueblo. That's part of his job.

But it can only be frustrating for him to see his job complicated by fellow countrymen who, from his point of view, might be giving comfort to the enemy—innocently, in most cases—by promoting the Communist propaganda line. He must feel something like a man trying to swim upstream in choppy waters with lead weights around his legs and arms.

Knowing that one of the Communist objectives in their coordinated attacks on South Vietnamese cities and the U.S. Embassy in Saigon was a psychological and propaganda victory, Johnson must have trouble keeping his temper when he hears Americans of some standing, or reads newspaper stories and editorials, suggesting that the U.S. side suffered a defeat in the raids.

STRESS ON UNCERTAINTY

He might ask: "Isn't it a defeat for the enemy when they lose on the order of 20,000 men to our 400? What would it be if it was the other way around? What if the American Embassy was in their hands?"

When critics emphasize that Secretary of Defense Robert S. McNamara and Secretary of State Dean Rusk are uncertain whether the Pueblo intruded into North Korean territorial waters, the President must feel especially frustrated.

Of course, that is legitimate news and Johnson would not blame anyone for reporting it. The galling part is to emphasize the uncertainty while subordinating the fact that McNamara said he is sure from clear evidence that the Pueblo was in international waters when seized, there is no indication it strayed too close to North Korea during preceeding days of radio silence, and he doesn't believe it did.

It is as if someone asked the President if one of his trusted aides ever robbed a bank, and he said the aide never had while he knew him, he didn't believe he ever had, but of course he couldn't be absolutely positive what the aide did before he knew him until he checked all the records—and a headline reported "President Uncertain Whether Aide Robbed Bank."

FALSE HOPES FED

Adding to the President's troubles is the prominence given unverified reports that the North Koreans have agreed to release the Pueblo's crew in exchange for an admission that the Pueblo violated territorial waters, and an apology—when there is no agreement. He might well feel that his effort to guard against raising false or premature hopes is endangered.

To see a television news program playing up reports that South Korea might pull some or all of her nearly 50,000 troops out of South Vietnam to meet the threat of renewed North Korean aggression, in the absence of fresh U.S. support, must sorely tempt the President to blow his stack.

His intelligence reports indicate that a prime objective of North Korean and other Communist leaders is to divide the allies in South Vietnam and divert the South Korean troops there homeward.

While he could not rule out forever the possibility of South Korea withdrawing some of its forces from South Vietnam without risking new credibility gap charges, he feels sure such a move is not likely and knows it is not under active consideration now. So reports to the contrary could only escalate his frustration.

Unquestionably it is particularly irksome to a man of Johnson's "can-do" disposition to be able to do little or nothing about statements and reports that seem to play into the hands of the enemy.

But he recognizes that free speech and a free press are mainstays of the American system. About all he can do is hope that people quoted in the news, and the news media themselves, will always keep in mind the national interest and their responsibility to it.

WHY "PUEBLO" DIDN'T TAKE "UMBRELLA"

(By Orr Kelly)

What's happened to the world's most powerful nation, letting a little pipsqueak country like North Korea push it around?

What about flexible response? people ask. Can't we even protect one ship?

Somehow, a lot of Americans seem to have gotten the idea that we are not only the most powerful nation the world has ever known, which is true, but also all-powerful Omnipotent.

Even people who should know better find

it hard to understand why we did not have instantly available whatever forces were required to protect the Pueblo from seizure and, once she had been seized, to seize her right back again.

But anyone who stops to think for a moment should realize that even the most powerful nation in the world cannot be expected to be able to exert whatever force may be required to meet any situation anywhere in the world and to do it instantly.

The reason is obvious if you simply add up the force that would have been required to protect the Pueblo from any possible harm.

To protect her from boarding by a party from a patrol boat, she would need the protection of a destroyer—say, 260 men.

But what about the threat from a submarine? Add three more destroyers—another 780 men.

What about a possible air attack? Add an aircraft carrier—at least another 2,700 men.

Even an armada like that—five warships, perhaps 80 planes and some 3,740 men—still couldn't afford absolute protection to the Pueblo from all conceivable threats.

As the collision the other day between a U.S. destroyer and a Soviet ship in the Sea of Japan demonstrated, the very fact that a number of ships are gathered together can itself lead to new and unexpected complications. In any military move, someone has to make a judgment, weighing the importance of the mission against the risks and the costs of reducig the risks. It is essentially the same kind of decision a person makes when he decides whether the chances of rain are great enough to outweigh the inconvenience of carrying an umbrella.

In the case of intelligence-gathering ships like the Pueblo, the United States and the Soviet Union have been operating without any great difficulty since at least as long ago as 1953. The chance that the Pueblo would get into trouble seemed, from all past experience, extremely remote.

Once it occurred, the Pueblo incident might seem on the surface to reveal the powerlessness of the United States under certain circumstances. But it has also demonstrated the ability of the United States to keep its commitment to protect the independence of South Korea.

On the ground in South Korea at the time of the incident were more than 50,000 U.S. soldiers in two divisions. With the South Korean army, there is virtually no question that they could at least hold off any attack from the North until help could arrive, if they could not, in fact, repel an attack.

Within hours of the incident, the United States had moved the carrier Enterprise into the Sea of Japan. By itself, this move probably tipped the air superiority balance in favor of the United States and South Korea. Additional land-based planes began to arrive a short time later.

Defense officials were deeply disturbed by published reports that they would have no choice but to use nuclear weapons to deal with a new outbreak of hostilities in Korea. Clearly, their ability to react to trouble there now is vastly greater than it was in 1950—and the use of nuclear weapons was avoided then under more difficult circumstances.

It may very well be, as some argue, that the United States has made more commitments than it can fulfill. Certainly, this would be true if we were forced to try to meet all our commitments at once. It is also true that we have not yet reached our goal of a truly flexible response to all possible contingencies—a goal that will probably always remain elusive.

But the Pueblo crisis has certainly not demonstrated that, because of the war in Vietnam, we are not able to react quickly to meet other emergencies. The speed of our reaction, even though it was not instantaneous, tends much more to prove just the opposite.

PPBS: PROMISE AND PROBLEMS

Mr. MONDALE. Mr. President, on February 6, 1967, I introduced the Full Opportunity and Social Accounting Act. That legislation was developed from a concern that we know too little about and frequently respond far too late to a wide variety of social problems plaguing our Nation. S. 843 would attempt to improve our social knowledge and heighten our ability to respond intelligently and rationally to unmet social needs before they confront us starkly in riots and other social disorders.

The Full Opportunity Act would declare full social opportunity a national goal, and would establish a Council of Social Advisers to the President, an annual social report, and a joint congressional committee to review that report. These mechanisms, I believe, would assure early movement toward achieving the goal of full social opportunity for all our citizens.

From time to time during the past year, I have called the attention of the Senate to discussions of sophisticated efforts now underway in the executive branch which are designed to lend greater rationality to the process by which our limited national resources are allocated to competing social needs. I have, in particular, sought to highlight the activities of the Social Indicators' panel in the Department of Health, Education, and Welfare and that group's attempt to operationalize the programing-planning-budgeting system adopted by President Johnson in 1965.

Recently, William Gorham, Assistant Secretary for Planning and Evaluation in HEW, discussed this effort in some detail. I found Secretary Gorham's remarks on this occasion most illuminating both with respect to the promise such efforts hold for providing decisionmakers with better and more appropriate data upon which to make policy judgments, and with respect to the limitations which characterize that effort. I believe Mr. Gorham's remarks on this occasion focus attention on the need for improving our social knowledge if we are to meet the challenges now confronting our society. I also believe Mr. Gorham's remarks underscore the necessity of establishing at an early date an agency which can act as a governmentwide coordinator of existing social knowledge and a stimulus to the production of additional social information as needed.

Mr. President, I ask unanimous consent that Secretary Gorham's lecture, entitled "Sharpening the Knife That Cuts the Public Pie—II," be printed in the RECORD.

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

SHARPENING THE KNIFE THAT CUTS THE PUBLIC PIE—II

(By William Gorham, Assistant Secretary for Planning and Evaluation, HEW Forum, Lecture No. 2, December 20, 1967)

I have a very rich acquaintance. Like the rest of us, he has problems. But unlike the rest of us, he doesn't have great difficulty in deciding how to spend his money. He buys pretty much what his heart desires, when he desires it, and if it's for sale. And when he finishes buying, he always has lots of money left over. Most other people in the world want very much more than they can buy and they must make hard, sometimes tortured, choices—choices between food and drink, drink and theater, theater and books, books and education, education and homes, home and furniture. Also, choices between now and later, spending and saving—finally, choices between themselves and their spouses, they and their children, one child and another child, and so forth.

I won't have to persuade you, especially not this month, that governments are like most of us. They have limited resources relative to their collective appetite for public goods and services. And like most of us, governments must make difficult choices about how to allocate collective resources. To make the choices every government has machinery or institutions. Periodically our Government has tried to improve that machinery.

It is in that optimistic tradition that a little over two years ago President Johnson became persuaded that the Federal Government could do a better job in developing the Executive budget and legislative program. He mandated and directed the civilian agencies to develop a planning-programming-budgeting system (PPBS) along the lines of the one instituted in the Defense Department under Robert McNamara. Secretary Gardner invited me to join him in making the best of that mandate. Today I would like to tell you of my story of PPBS in HEW.

It's a moving target so unless you're an historian I wouldn't take notes. The principal features of the system are: a long-term (five year) Plan and a method of linking the Plan to the annual budget and legislative program. Now neither of these features was born two or even seven years ago. Planning is not new, and legislation and budgeting get older every year. What's new is putting them all together and forging links between them which make each relevant to the others. In other words, it's the "S" in PPBS which is new and different.

Also different is the analytical spirit of the thing which finds its way into the choices made in the Plan. *Its* features are (1) open, explicit, and deliberate attention to the ends or objectives of Government action; and (2) systematic comparison (analysis) of the costs and benefits of alternative ways to these ends.

Let me underline the purpose of PPB. PPB is for making better budgets and making better legislative programs. The premise of PPB is that annual budgets and legislation will be better if they are made in the context of a carefully conceived, though tentative, plan.

If it succeeds it will be perceptible only over the long haul. It's worth spending a minute to amplify this important point. In theory, a shift in program priorities could be translated into a drastic alteration in the budget and, if necessary, in the laws of the land. In fact, the laws of the land normally change slowly and each year's budget looks a great deal like the last year's—except a little larger.

There are several reasons for this stability. First, most of the principal actors have been in the play for several seasons and an amalgam of their priorities is already reflected in the legislation and in the budgets. In a country with as strong an anti-government bias as the United States, most major Federal programs come into existence only after a hard fight on the part of the proponents of a particular program to muster support from many different interests. For example, a generation of bitter debate preceded passage of a substantial program of Federal aid to elementary and secondary education in 1965. 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. Such delicate alliances stand behind a number of major laws. Hence it is not surprising that once the fight has been won for a particular program, the Executive Branch is reluctant to try to change the program substantially or to substitute a new one and risk losing the support of some of the parties to the original hard-won compromise.

Second, once a program is in operation, it tends to attract the 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 reduction in impacted area aid—the program which provides financial assistance to local school districts serving a large number of children of Federal employees. Not a single congressman could be found to introduce the Administration's bill. This was true in spite of the fact that many congressmen admitted the "rationality" of the Administration's recommendation, privately.

Because it is so difficult to cut the "base," opportunities for major new programs or for substantially reshuffling of funds are not great unless the over-all budget increases substantially.

It's fair to ask at this point, if there's so little room for change, why bother? Why go through an elaborate and difficult process of assessing priorities and evaluating programs if the likely outcome is a pale legislative program and a budget which looks very much like last year's?

It will seem worth the bother only from the perspective of the long view. That view reveals opportunity and promise. First, there are vintage years, years when the opportunity for progress is extraordinary. For example, during an 8-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 for this Department. That frenetic period touched every major segment of the population: the young, with education acts and juvenile delinquency program; the old, with Medicare and the Older Americans Act; the unemployed and the under-employed, with expanding vocational training and retraining programs; the poor, with health and welfare and anti-poverty programs as well as with the education programs; and the general population, with air and water pollution control and health research.

Nineteen sixty-five was unusual by any previous or subsequent standard. However, it is not beyond reason to expect that when the Viet Nam war comes to an end, very considerable resources will become available, perhaps suddenly, for domestic programs.

A second reason why it's worth trying to improve the basis for our legislative and budget decisions is what John Maynard Keynes described as the miracle of compound interest. For example, an 8-year Administration which exercises discretion over the increments of a budget growing by as little as 5 percent each year will have shaped about ⅓ of Federal expenditures by the end of its second term. Eight percent yields ½.

Finally, beyond adding new programs or cutting back existing ones, there are other avenues for expressing priorities. It is often possible to re-orient and re-direct existing efforts. For example, the recent riots in major cities have led to an Administration-wide re-examination of existing programs to determine the extent to which more resources can be focused in the central cities.

In short, I think PPB is going to make a difference, but don't hold your breath.

Let me turn now to how this year's Five-Year Plan was developed, then to the plan format (the program structure), and finally to the prospects of improving the choices embodied in the plan.

DEVELOPING A PLAN IN 1967

The procedure involved several steps. First, very early in the calendar year a list of significant issues which would have to be addressed in formulating a Fiscal Year 1969 budget and legislative program was developed and discussed widely in the Department and with the Bureau of the Budget. We decided which of these issues seemed a promising object of analysis, and initiated studies of many of them.

The second step was the development of a set of tentative Departmental objectives for 1973. The Secretary asked each of the operating agencies to formulate their objectives for 1973 in program and financial terms. The sky was not the limit: each agency was given two ceilings for 1973—a "low" which implied continued budget stringency and a "high" which implied somewhat greater availability of funds. He asked each of them to answer the question: How would you allocate these sums in 1973 among existing programs or new programs which could be developed between now and then?

Because there were funding ceilings, difficult choices had to be made among many competing objectives and within single objectives among alternative programs. The 1973 allocations which the agencies sent back to the Secretary reflected considerable thought and effort.

The agency 1973 allocation proposals together with the results of the studies begun last winter were reviewed by the Secretary and his staff and a tentative set of Departmental objectives for 1973 was formulated. These Departmental objectives, reflecting the Secretary's judgment about priorities for 1973, were delivered to the operating agencies with an initial FY 1969 budget ceiling to serve as guidance for formulating their first FY 1969 budget submissions and FY 1969–73 program and financial plan.

With minor editing these submissions became the Department's first Five-Year Plan. The Secretary sent them to the Bureau of the Budget together with memoranda (one for each major program area—health, education, income maintenance and social services) describing the basis of the choices made. These program memoranda provide a comprehensive statement of what the Department is proposing to do and why. They also tell why some courses of action are not recommended.

Subsequent to that submission (in early October) more stringent 1969 ceilings were imposed. Insofar as possible these subsequent changes have been made consistent with the priorities and choices of the Plan.

The Five-Year Plan is 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, as the political prospects of good old ideas improve—the Plan will change. The next change will occur when the President's budget and legislative program are firm. At this time the early years 67–69 will be revised. The later years 1970 to, now, 1974 will be redone in the spring when the whole cycle will be repeated.

I'd like to turn now to the development of the Plan itself. I will first discuss the framework for planning (the program structure), and then the prospects for improving the choices within the Plan.

THE PROGRAM STRUCTURE

Responsibility for programs affecting the same broad goal is lodged with several different agencies. Health programs in particular are administered all over the Department: in the Public Health Service, in Social Rehabilitation Service, the Office of Education, the Food and Drug Administration, and the Social Security Administration. While this dispersion of responsibility is not necessarily bad for administration it requires tidying up for planning.

The structure of the Plan, the program structure, as we call it, violates organizational lines because our organizations violate functional lines. The Plan is organized by the broad objectives of the Department—health, education, income maintenance and social services. Taken together, these categories are sufficiently broad to encompass (at least) all of the existing programs of HEW.

Within each major category, there are subcategories and within those, sub-sub categories, all arranged in a reasonable hierarchy of objectives on down to the specific operating programs of the Department. This structure forms the basic building blocks of the Department's Plan. But they aren't the only dimensions of the Plan. Another, which we found very useful this year, is "target population," the group in the Nation the program is designed to reach. All existing or prospective programs are coded by who benefits from them: the aged, children, the poor, poor school-age children, the urban physically handicapped, and so forth. There are other dimensions of less significance.

We have found that the use of several dimensions makes it easier to understand the relationships of programs to each other and to over-all purposes or objectives. They also tend to prevent the functional or objective categories from becoming a hindrance to the development of programs which tend to cross them.

At the operating program level a "crosswalk" is provided which permits the translation of a program plan into appropriation categories. This capability makes it possible to draw the specific budget implications of the Five-Year Plan.

A last and very important point about the formal structure: we are attempting to develop for each operating program an information system which will provide "outputs," that is, quantitative statements of what the programs are accomplishing. For example, for Adult Basic Education we would like to know the number of adults made literate as a result of the funds devoted to that program. Good output measures are available for only a handful of programs. Extending and improving our understanding of the effects of our programs is the most challenging item on the PPB agends in coming years.

PLANNING IS MAKING CHOICES

Now we turn to the essence of planning and budgeting which is making choices among programs. The Plan is nothing more than a bundle of choices—choices among programs and funding levels among the major areas of health, education, income maintenance and social services and a much larger number of individual choices within each of these major areas. For example, choices among individual disease control programs, cancer versus tuberculosis; preschool versus elementary versus secondary and compensatory education; choices among the alternative roads of providing income transfers to low-income families; public assistance versus negative income tax versus social security, and so forth.

In my judgment we can't hope that systematic analysis will ever provide a great deal of assistance in making choices across major program areas. The big problem is incommensurability of these broadly different programs. We don't have and are unlikely to find a common denominator. We therefore don't know how to compare the value even for the same group of people of being healthier versus being wealthier or being better educated.

On the other hand, the big decisions—decisions about whether to put more into health or education or welfare *can* be made more comprehensible by identifying for the decisionmakers the outputs or the results of spending money in each of these areas.

It seems to me the value of knowing the trading terms is very great. Decisionmakers who know how many college graduates are being traded for how many families being lifted out of poverty or how many cervical cancer cases averted for alternative expenditure of funds, are in a much better position to make informed choices.

Now information on the specific impact of the HEW programs is going to be difficult to obtain. For one thing, in many programs it isn't possible to *define* an output, much less measure it. A great deal of research which aims generally at increasing understanding of physical, biochemical and psychological phenomenon is one such area. Another obstacle stems from the fact that HEW funds typically supplement those of other providers of the services in question. Any change in the Federal share may occasion an increase or decrease in the share of the other providers of the service—the States, municipalities, or the private sector. An increase in a Federal program can result in marginal impact greater or less than the direct effects of that increase. For example, a limited Federal program to detect and treat cervical cancer may persuade many physicians and clinics to recommend that their patients receive 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 precisely this sort or outcome in mind.) Conversely (and much more difficult to trace), a new Federal program may allow States or local communities to defer increases in spending that they would otherwise have undertaken. (And, who knows, the funds released might be turned to other, and more pressing, needs of that community.) These are not all the problems, but they should be sufficient to convince you that developing reliable output information will be more difficult 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 we hope and expect will lead to better information. When the boxes are filled, the system will help those who must make choices across programs by providing a clearer view of the implications of adding resources to each.

CHOICES WITHIN PROGRAM AREAS

Within the large categories, the contribution of quantitative analysis can be much greater. Objectives can be specified more easily (like saving life, reducing poverty, increasing earning power, raising academic achievement). Analysis of alternative programs that move toward these objectives is possible. When the objective is quite narrow, analysis can be very 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 the Department's first analyses last year sought the most effective program for reducing the very high infant mortality rates in low-income areas. While estimating the cost and effectiveness of alternative programs was a little more art than science, the estimates were quite good enough to provide a much improved basis for program choice.

The analytical task gets harder and the results less conclusive as the objective becomes more comprehensive. In another analyses conducted last year, a number of HEW programs aimed at increasing self-sufficiency among physically and "educationally" handicapped persons were studied and compared.

The programs analyzed were:

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.

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. Estimates were made of the benefit to be expected from the program measured by the increase in the expected future earnings of the participants.

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). 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, while for others, future monetary benefits could be expected which were twelve times the cost of the program.

An analysis such as this—of relative efficiency—is not the end of the road. For almost all HEW programs choices made exclusively on such a basis would be crazy. For one thing, different programs frequently benefit different people or even different groups. The question of *who* benefits is absolutely central to a decision-maker concerned with social programs. Unless alternative programs generally affect the same individuals, "efficiency" considerations must be tempered or sometimes overshadowed by distributional implications. Let me illustrate this from the analysis just described. The vocational rehabilitation program is directed to people with palpable physical and mental handicaps; the work-experience and training program is directed to another group—those who are unable to make it because of social and educational handicaps. If one were to be guided exclusively by efficiency criteria (benefit/cost ratios), the more "productive" vocational rehabilitation (VR) program would grow, while the work-experience program would shrink.[1] The socially handicapped would not get to first base while the physically handicapped were, so to speak, scoring run after run.

A related difficulty is encountered in comparing programs that affect different generations. If future benefits are discounted, programs which have benefits that do not emerge for many years, such as most children's programs, will tend to look unattractive relative to programs with more immediate pay-offs. At this time, we do not have an adequate basis for comparing programs aimed at different generations.

A final difficulty worth commenting on: 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 parents, voters, and in general, 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 with funds—there may be more important outcomes of the programs than they had in mind. Can they be ignored? In any case, there are frequently multiple objectives and criteria for their measurement (if they are measurable) are different and non-addable. There is nothing to do about this except to recognize it and illuminate as well as possible the multiple benefits (and costs) of programs. These aren't the only pitfalls. Taken altogether they say "use with caution."

Thoughtful studies will help to illuminate a large number of the choices that must be made in planning and budgeting. Analyses of alternatives will be most helpful within broad areas of social action rather than among them. The reliance that can be placed on quantitative studies tends to be directly related to the narrowness and the uniqueness of the objective: the narrower the objective, the more relevant the analysis; the grander the objective, the less helpful.

Certainly one major function of such studies will be to raise the level of the dialogue between proponents of different solutions to the problems we confront. They will practically never be sufficient unto themselves to provide an unvarnished basis of choice.

CONCLUDING OBSERVATIONS

To sum, PPBS is designed to improve the efficiency with which public resources devoted to public purposes are used. It's young and really too early to report on confidently, but it's promising. 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. 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, when possible, the benefits of the alternative ways to attain the ends of government action; and

4. Explicit guidance to budget formulation and legislative development based upon a long-term plan.

These four activities are interrelated and build on each other.

In the end, if PPB 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.

[1] 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.

THE ENEMY'S MASSIVE GAMBLE IN VIETNAM

Mr. McGEE. Mr. President, the hand-wringing in which many are indulging

now because of the enemy's massive assault—we might call it a massive gamble—in Vietnam is not warranted when we consider the price our adversary paid without achieving any lasting goals. It was a fearful cost that produced no general uprising among the people of South Vietnam. It produced no full-scale Vietcong control over any large portion of Vietnam. What it did do was cost the enemy some 20,000 troops, many of them the Vietcong's elite—the sappers and the flower of its infantry. It was a gamble for an extraordinary victory which Americans, South Vietnamese, and other Allied troops denied to the North Vietnamese and the Vietcong.

Mr. President, in last night's Evening Star, Crosby S. Noyes set the record straight on this, just as Joseph Alsop did in this morning's Washington Post. Both writers deserve attention for their sharp analysis of the situation.

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

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

[From the Evening Star, Feb. 6, 1968]

HANOI MISCALCULATES ON OUTCOME OF SHOWDOWN

(By Crosby S. Noyes)

As the war in Vietnam moves into what promises to be its climactic phase, cries of alarm and dismay are to be expected. Our determined pessimists automatically assume the recent desperate fighting in Saigon and throughout the country to be the prelude to imminent defeat.

From the opening attack on the American embassy compound in Saigon, the most gloomy assessments have been heard. The attack, it has been said, proved that no part of Vietnam is immune from enemy attack. The ability of the Viet Cong to mount simultaneous assaults throughout the country showed that we had underestimated the strength and capability of the guerrillas.

The result, it was said, would be yet another blow to the prestige and morale of the allies. Gen William Westmoreland, some suggested, had been outfoxed in committing so many forces to meet the threat in the north. So far as many critics were concerned, the attack on the cities was the final proof that the war in Vietnam was unwinnable by military means.

All of which betrays a profound ignorance of the nature of the war. Even at this late date, many Americans insist on judging the military situation in Vietnam in terms of classic warfare in which front lines and secure rear areas are taken for granted.

No one, from Westmoreland on down, has ever pretended that any city in Vietnam was secure from attack. None of the cities, in fact, is defended in the sense of trying to prevent the free movement of people and traffic in and out. There is not a city in Vietnam—or, for that matter, anywhere in the world—where several thousand well-armed and determined men could not cause unshirted chaos if they were willing to pay the price.

The important question in this case is why the Viet Cong and their North Vietnamese comrades should have decided to pay the price at this particular time. Whether their carefully coordinated hell-raising has resulted in a stunning success or a bloody disaster must be measured in terms of what they hoped to achieve. And though the answers are not yet entirely clear, the signs at this stage are by no means unfavorable.

What the Communists were out to achieve, according to their own plans revealed in many captured documents, was "an extraordinary victory in a relatively short period of time."

The all-out assault by guerrilla forces on the cities and villages is interpreted by our military experts as a preliminary phase of a full-scale attack with main-force units south of the demilitarized zone. The entire operation was aimed at putting the Communists in a position of maximum strength—and their opponents in a condition of maximum demoralization—as a prelude to negotiations later in the year.

To achieve this, Hanoi gave the signal to its guerrilla forces, as Westmoreland put it, to "go for broke."

Secret guerrilla organizations that had been held in reserve in the major cities for many years were surfaced and thrown into the battle. In an effort to bring about the "general uprising" which Communist theorists have always foreseen as the final stage of their wars of "national liberation," a large part of the carefully constructed military apparatus of the Viet Cong was committed throughout the country.

A desperate gamble on this scale can only be justified by solid results. The idea, so widely held in this country, that the whole performance was staged for its psychological effect seems utterly absurd. At the very least, the Communists must have believed that they could seize and hold a number of provincial capitals and generally paralyze the country for a considerable time.

Their failure to accomplish this and the staggering losses suffered in the attempt certainly do not add up to any "extraordinary victory" for the Viet Cong. And even the psychological victory which many seem eager to concede to the Communists is extremely doubtful.

From the point of view of the Viet Cong, no one gets much of a psychological lift from committing suicide. From the point of view of Vietnamese civilians caught in the murderous crossfire, the meaning of the war has taken on a new and frightful reality. And American public opinion, despite the reaction of professional handwringers, shows no sign of caving in under this attack.

Many people feel a convulsive final showdown is better than the prospect of a slow, grinding war of attrition. The events in Vietnam over the past week point in this direction and point also to a disastrous miscalculation of the outcome by the Communists in Hanoi.

[From the Washington Post, Feb. 7, 1968]

BROODING ON VIET SETBACK IGNORES FEARFUL COST TO ENEMY

(By Joseph Alsop)

In any war, when one side hazards a high proportion of long-hoarded, near-irreplaceable resources, and suffers fearful losses as the main reward, the result must be accounted a serious defeat.

That rather basic rule of warfare needs to be recalled at present, simply because so many normally sensible people appear to have forgotten it. They have forgotten it, in turn, because they have formed the habit of focusing exclusively on our own problems in Vietnam, which are very painful indeed, without paying any attention to the enemy's problems, which are much more painful.

Yet the only way to make a balanced assessment of the enormously important recent developments in Vietnam is, rather obviously, to look at both sides of the balance sheet. And enough solid facts are at last in hand to permit a tentative assessment.

Since the damage done in the cities has received all the emphasis to date, it is best to begin the assessment with the other side of the coin. What, then, was the aim of this ambitiously planned attack on South Vietnam's cities and towns? What did it cost? And what did it achieve?

As to its aim, the captured documents and prisoner interrogations leave little room for doubt that a "general uprising" was confidently counted upon, at any rate in a considerable area or areas of South Vietnam. In all cases, the enemy troop units were sent into the towns and cities with no plans whatever to cover the contingency of severe setbacks.

In at least one province, Chaudoc, the units engaged were simply told that they were to celebrate the new year with the townspeople, who were waiting to welcome them. The need to fight was a rude surprise.

In almost all cases, again, the enemy units sent into the towns and cities had only a few days of supplies. And in some cases, they had almost no supplies at all, being promised instead that they would get all they needed from VC sympathizers in the urban populations.

In a considerable measure, of course, morale problems necessitated this deception of the VC troop units. Gen. Vo Nguyen Giap can hardly have hoped for a countrywide "general uprising."

Instead, Giap's aim seems to have been to establish full VC control in one or more large areas—the Delta and parts of I Corps being the most likely candidates. If that had happened, the turmoil in the rest of the country would have fatally hampered any roll-back effort. It was not a foolish aim, but it was not attained.

To attain this aim, meanwhile, a cost was incurred that is still hard to calculate exactly. It was certainly an enormous cost, however. Except in the most northerly provinces, very few North Vietnamese troops were used. The great bulk of the attacking troops were true VC in the old sense—local units composed of southerners, that will lose most of their effectiveness if they are later reconstituted with northern replacements.

Because of the sharp drop-off in recruiting in the South, manpower of local origin is the VC's most precious single resource. This resource was expended with a lavish hand, as can be seen from the current estimate that enemy losses in dead and prisoners of war will reach 20,000 men.

Worse still were the losses in men of highest quality and strongest motivation. The sapper units, used for blowing bridges, mortaring airfields and the like, have always been a special elite within the VC. The great majority of the sapper units have now been expended to the last man. And again, although dragooned young boys were used as infantry fillers, the spearhead outfits in the ordinary infantry were necessarily composed of the flower of the VC.

To these rather dire sacrifices, one must add two other items to complete the account. The VC used and lost just about all members of the underground network which has always been their principal hidden asset in the towns. And they also surfaced and expended their clandestinely acquired assets in the South Vietnamese army, which proved to be very trifling indeed.

Such then were the aim and the cost. As to what the VC achieved, that is pretty obvious. Pacification has been sharply set back. Great destruction has been wrought in some cities. Confidence has been shaken.

Much now depends, therefore, on three things: Whether the South Vietnamese government moves successfully to restore services and confidence; whether the remaining urban pockets of VC resistance are quickly liquidated and whether a second wave of urban attacks is successfully thrown back, if it materializes as some fear.

Reasonable success on these three vital fronts is now predicted. If that is the outcome, the final balance sheet will be most unfavorable to Gen. Giap. But that leaves the question why on earth Gen. Giap ordered this vast and costly general assault on the cities and towns.

CONSERVATION AND RESTORATION OF NATURAL RESOURCES

Mr. LAUSCHE. Mr. President, the Cleveland, Ohio, Plain Dealer, long a stanch and progressive leader in the cause of conservation and restoration of our natural resources, devoted its entire editorial page on Sunday, January 28, 1968, to urging a greater public push in the battle against water and air pollution. The page contains five excellent and thought-provoking editorials. I commend the Plain Dealer for its forthright stand.

I ask unanimous consent that the editorials be printed in the RECORD.

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

GREATER PUBLIC PUSH IS NEEDED IN POLLUTION FIGHT

The nation has walked long enough down the anti-pollution road. It's time to start running.

Despite millions poured into air and water pollution abatement since America woke up to the dangers of environmental poisoning in the 1950s, the quality of our air and water has not improved.

The millions were well-spent, keeping deterioration of the environment from becoming infinitely worse.

But new sources of pollution arising from a fast-growing population and soaring industrial activity have kept the nation on a treadmill.

There are hopeful signs that the nation is ready for the run:

Public pressure has produced federal water pollution control legislation which is forcing the states to establish water quality criteria. The next battle will be in enforcement. Will it be effective enough to see that the goals are achieved?

New federal legislation on air pollution control finally recognizes that protection of our air is a national responsibility.

There are signs that the Ohio government is beginning to meet its responsibilities in air and water management.

The legislature last year strengthened water pollution controls and put the state for the first time into air pollution control. It also moved to upgrade solid waste disposal practices with the likelihood that the days of open burning and open dumping of garbage and trash are numbered.

The Ohio Water Pollution Control Board, in response to public prodding, appears to be getting tougher in its enforcement program. But it has a long way to go.

Under a bond program proposed by Gov. James A. Rhodes the state, for the first time, will help municipalities build and expand sewage treatment plants. State willingness to assist in financing will result in increased federal participation, which will be of great benefit to the cities.

An Ohio Water Development Authority proposed by the governor is an imaginative program that would help solve the perplexing problem of treating industrial wastes.

The Ohio Water Commission, an arm of the Department of Natural Resources, has developed for northwest Ohio what may be the best long range plan for water use that has been formulated anywhere in the nation.

The key to success of any of these programs is public support and public pressure.

The universal desire for clean water and air, unspoiled open spaces, green parks and some beauty in physical surroundings, and the universal repugnance toward unsightly dumps, noise, ravaged hillsides and billboard clutters must be voiced clearly, forcefully and often.

Public clamor moves legislators to enact laws and appropriate funds needed to implement them. It gives administrators the fortitude for enforcement in the face of strong counter-pressures for delays.

In response to strong demand, political action can achieve the application of the technology that already exists, but has not been used, to solve a good many of our pollution problems.

It is, of course, costly to build sewage systems and to install air scrubbers in factories. And, faced with the prospect of costly outlays, it is relatively simple, as a New Jersey air pollution official put it, "to engage in excessive procrastination."

The nation, however, can no longer afford to procrastinate. Deterioration of our environment has become one of our most pressing domestic problems and is adversely affecting the physical and mental health of its citizens. If it goes unchecked, it could threaten man's very existence.

A task force on environmental health problems appointed by retiring Secretary John W. Gardner of the Department of Health, Education, and Welfare reached two important conclusions early in its study.

The first was that the contamination which man creates can be corrected if technological genius is brought to bear on the problems.

The second was that action cannot wait until technology solves all the problems. Action must be taken now, on the knowledge now available, while better answers are being sought.

We would reiterate a third conclusion: To get that action, the public will have to demand it.

ENVIRONMENT: MAN IS KEY TO BALANCE

Human ecology is a term heard increasingly in discussions of conservation. It is the study of the interaction of man and his environment.

Disturbance of one aspect of the environment can have a deleterious effect on another—to man's ultimate sorrow.

Leveling a forest or overgrazing grassland can lead to floods or duststorms. Draining and "developing" an estuary can ruin aquatic breeding grounds and lose a fishery. Spraying DDT to control mosquitoes can kill a town's cats and bring on an invasion of typhus-carrying rodents.

There are 18 federal agencies alone—and numerous state and city agencies—dealing with one or another environmental problem—erosion of soil, air and water pollution, insecticides, protection of fish and wildlife.

There is no one body to take an overall look at what is happening to our environment and to give guidance on what should be done to correct or forestall imbalances.

The nation needs such a body—a Council of Ecological Advisers as proposed by an HEW environmental task force, or a Council of Environmental Quality as proposed in a Senate bill sponsored by Sens. Henry M. Jackson, D-Wash., and Thomas Kuchel, R-Calif.

The purpose of either would be to advise the President and Congress of the state of the environment, the changes taking place and the consequences of these changes.

A council composed of men knowledgeable in the disciplines of biology, conservation, economics, physics, psychology, engineering and the like would be able to formulate broad policies to guide the nation.

If it could not reach consensus on what everyone would find a "good" environment, it could at least agree on environmental conditions that would be "bad" and this would provide the basis for intelligent selections of alternatives for protection of our resources.

A council could achieve greater coordination and cooperation between agencies charged with environmental protection and increase the wisdom with which natural resources are managed.

Creation of a council must get the immediate and serious attention of Congress because of the rapid changes taking place in environmental conditions.

Some of the changes threaten to go far beyond the poisoning of water and air with unnatural chemicals.

The American Association for the Advancement of Science was warned in December that the tremendous increase in fuel consumption in this century is pouring carbon dioxide and other gasses into the environment faster than soil and oceans can assimilate them. At the same time, grassland and trees, which supply oxygen to the atmosphere, are being removed for paving (in the United States, at the rate of one million acres a year), threatening a decrease in the oxygen content of the air. There is evidence that the oxygen content already may be declining in our largest cities.

This is an ecological problem of the greatest magnitude, one that needs searching inquiry and an answer that could transcend ecology and enter the realm of social and religious attitudes. The answer could be that not so much the environment, but man, himself—the other end of the ecological balance—must be controlled in numbers if he is to continue to exist.

THE PROBLEM OF SEWAGE: REGIONAL POWER NEEDED

Treatment of organic and industrial wastes is poorly done in the Cleveland area. The murky, stained waters of the Cuyahoga River the high bacteria counts in this and other rivers and in Lake Erie measure the failures.

There are many reasons for the inefficiency—treatment plants of inadequate capacity, absence of sewers in some areas and leaching into water courses of effluent from septic tanks, gaps in jurisdiction, poor control by the county of plants under its authority, combined storm and sanitary sewers.

To its credit, Cleveland is spending millions to upgrade its sewage treatment plants and a marked improvement in water quality should result.

But the single step that offers the best hope of overall improvement in waste treatment efficiency would be to put sewage collection, treatment and financing on a regional basis.

There are many excellent arguments for establishing a regional clean water authority:

It could work toward coordinated and central treatment of wastes, which is a much better system than haphazard treatment by numerous small plants. River water in some highly populated, highly industrialized valleys in Europe is cleaned and reused over and over but the rivers remain reasonably free of impurities. Central treatment makes it possible—that and close organization of water users throughout the watershed.

A regional authority could plan, build and operate systems crossing many political jurisdictions, any one of which might now block progress by refusing to go along with a project.

It would make financing problems much easier to solve, and financing is one of the great hurdles that must be leaped before real progress is made in water cleanup. Cleveland now processes sewage from many suburbs, which is a step in the right direction. But this entails difficult negotiations between government units on service charges. Coming capital improvements, such as suburban trunk interceptor sewers now under design, will make equitable financing increasingly more difficult to achieve, unless it is done by a regional authority with powers to tax, to issue bonds, to build and to operate sewers and treatment plants.

A regional authority would be better able to attract and hold the skilled personnel needed to operate the complex biological and

hydraulic system that a modern treatment plant has become.

A single authority would eliminate present gaps in jurisdiction or responsibility that allow sloppy operation and maintenance of some treatment plants. Such a gap permitted one package plant in Middleburg Heights to become inoperative for a period last summer, and raw sewage poured into a tributary of the Rocky River, already grossly polluted from Berea downstream.

One authority would improve enforcement of state antipollution regulations. A combined storm and sanitary sewer in the Flats has a storm sewer outfall in Cuyahoga Heights. It runs constantly although it should overflow only in periods of rain. Out of it flows a multihued effluent—now bright yellow, now red—which pours into the Cuyahoga River. Obviously there is something wrong. An overflow structure deep down in the sewer may have become corroded and inoperative. Who should check it and order repairs? Obviously, some industrial wastes are bypassing treatment and going directly to the river. What are they? Where do they come from? Who should find out? A regional authority could provide the answers.

Ideally, a regional authority would be of a size to control waste treatment throughout the watersheds draining the metropolitan district.

But, practically speaking, an authority with such a reach would be difficult to attain.

It would be a major triumph of government if a regional authority covering only Cuyahoga County could be achieved.

IN THE AIR: LOCAL CONTROL BEST HOPE

Federal and state governments are moving into air pollution control, but the best chance you have of improving the quality of the air you breathe is to improve the performance of control programs at the local level.

That is because both federal and state programs are structured to rely heavily on local governments for the support it will take to make control programs effective.

This is the picture:

The feds are there in the background, researching air pollution, advising cities on how to establish effective controls, and now, since legislation enacted last year, putting the heat on state governments to establish air quality standards and enforcement programs with the threat that if the states do not, the feds will.

Ohio has set up an air pollution board, also in legislation enacted last year. It will prescribe air quality standards in regions around the state and the first region it should look into is the Cleveland metropolitan area, which has the worst pollution problem. Then it will decide how much smoke, dust and polluting gasses an industry may be allowed to throw into the air so that the air quality standards can be achieved.

In all probability, the state will arrive at its determination of air quality standards by conducting hearings in the regions to find out what the conditions are and what the public wants them to be.

Industry will be represented at the hearings, because it has a big stake in the outcome. The higher the standards, the more it will have to spend on control equipment.

Who will speak for the public? There isn't much expertise around about air pollution, but what there is is concentrated in governmental pollution control organizations.

In the Cleveland area, that means the Division of Air Pollution Control in the Cleveland Department of Health and Welfare.

Is it ready for the challenge? We think it is not.

Only this division is equipped to find out with some precision the quality of air in Cleveland, and it has failed shamefully to do so.

Cleveland received a federal grant of $104,760 in 1965 for a three-year study of air quality. It was to set up 30 stations around the city to measure the gross soot and dust which falls from the air, the fine particles of smoke and fumes which hang suspended, and the invisible pollutants such as sulfur dioxide gas, nitrogen oxides, aldehydes, hydrogen sulfide and ozone.

It has measured dustfall and at some stations the finer particles called particulates.

But Cleveland is just getting into gas measurements and not at 30 stations, but at six, and not every other day, but only twice a week.

With the health of the public at stake, the division cannot let the excuse of inability to find personnel stand in the way.

Beyond its duty to measure pollutants, the division has the major responsibility for enforcement. There is an obvious need for improvement here. The Cleveland metropolitan area is ranked by the National Center for Air Pollution Control as the fifth worst in the nation in air pollution problems.

It is high time for a review of Cleveland's performance in air pollution control and of its standards, which can be higher than whatever are adopted for the state and nation.

IN THE WATER: OHIO COULD BE LEADER

Ohio's soft enforcement policy in water pollution control has left too large a gap between actual and desired water quality, but the state has shown imagination in two areas of water management and use.

The first is in planning for future water development. The Ohio Department of Natural Resources and its water planning arm, the Ohio Water Commission, with the help of engineering consultants, have developed for northwestern Ohio a thorough, far seeing plan of action aimed at providing water of the quality and quantity that will be needed in the years ahead.

The plan specifies the number and location of the reservoirs that will be required to catch and hold precious rainwater. It foresees use of Lake Erie water to supplement flow of sluggish flatland streams and suggests when and where pipelines should be constructed. It envisions tapping underground water supplies to supplement surface water. It outlines a timetable of improvements to municipal sewage treatment plants, upgrading treatment from primary to secondary stages and finally to a third stage.

The plan considers all uses of water throughout the watershed—drinking supplies, industrial, agricultural and recreational. It considers need for flood control and improvement of stream quality by releasing stored water or adding oxygen with aeration devices.

The impoundments it suggests are multipurpose. A reservoir now under design, for example, will supply water to a town and also a waterfowl breeding marsh. And it will be built to encourage fish life by providing stepped ledges and rockpiles on which they may lay eggs.

What is more, the plan considers not just the needs but practical ways in which the needs can be met. Legislation approved last year gives the Natural Resources Department power to build the impoundments, to drill the wells and to work out financing arrangements with the water users.

Similar plans will be developed in other Ohio areas. Northeastern Ohio is expected to be the next target.

Ohio's second imaginative program is Gov. James A. Rhodes' proposed Ohio Water Development Authority. This is a governmental tool for getting done efficiently and equitably a job that needs to be done—the treatment of industrial wastes.

The authority would finance, build and operate facilities for groups of industrial firms, and perhaps even municipalities, and would recoup the costs through charges to users.

Both this proposal, which should be approved by the legislature, and the long-range plans of the Ohio Water Commission have received acclaim from the Federal Water Pollution Control Administration, the federal agency most concerned with water cleanup.

Their implementation could give Ohio national leadership in the drive for improved water quality.

LABELING OF FOOD FOR SPECIAL DIETARY USES

Mr. LONG of Missouri. Mr. President, on June 18, 1966, the Food and Drug Administration issued proposed changes in the regulations relating to the labeling of food for special dietary uses, which includes vitamins and other dietary supplements.

Regarding the latter, the new regulations would require, among other things, that the label on each bottle or container contain the following statement:

> Vitamins and minerals are supplied in abundant amounts by the food we eat. The Food and Nutrition Board of the National Research Council recommends that dietary needs be satisfied by food. Except for persons with special medical needs, there is no scientific basis for recommending routine use of dietary supplements.

A number of other restrictive labeling requirements relating to content and dosage were included in the proposed regulations.

Numerous scientists, dietary manufacturers, and other interested parties protested. The number of protests ran into the thousands and were so strong that the FDA felt it necessary to stay the effective date of the regulations until public hearings were held. It is now February 1968, and the public hearings on the regulations have still not begun and, for that matter, have not even been scheduled.

Mr. President, I remind the FDA's lawyers that the Food, Drug, and Cosmetic Act clearly states:

> As soon as practicable after such request for a public hearing, the Secretary, after due notice, shall hold such a public hearing for the purpose of receiving evidence relevant and material to the issues raised by such objections (21 USC 371(e)(3)).

In response to repeated requests for hearings, the FDA merely makes promises. In December 1966, the FDA promised that a hearing date would be announced "early in 1967". In a letter dated June 9, 1967, to the general counsel of the National Association of Food Supplement Manufacturers and Distributors, Dr. Goddard stated:

> It is our current plan to schedule the prehearing conferences just as soon as we can after the first week in September.

No such action has been taken.

The FDA, however, has not been idle since it first promulgated its proposed regulations in June 1966. With the avowed purpose of "protecting" the American public, the FDA has carried on a vicious nationwide campaign which is solely intended to discredit the vitamin and food supplement industry. By using

the familiar "trial by publicity," the FDA is attempting to condition the public in favor of the proposed dietary regulations.

Meanwhile, thousands of citizens who earn their living in the food supplement industry have been under the death sentence of the proposed regulations for more than a year and a half. More importantly, the American consumer continues to be uncertain as to whether or not his freedom of choice in nutritional matters is to be denied them by the arbitrary fiat of the FDA.

I have many objections to the substance of the proposed regulations, which I should like to comment on at a later date. However, at the present time, I am more concerned about the procedural aspects of the FDA's handling of the regulations and its failure to schedule hearings as required by statute. The law, as well as ordinary justice and fairness, require that the truth be made known through public hearings where all interested parties have an opportunity to state their views.

It is time for the FDA to fish or cut bait; time either to hold hearings or to withdraw the proposed regulations.

CATHOLIC ASSOCIATION FOR INTERNATIONAL PEACE SUPPORTS RATIFICATION OF HUMAN RIGHTS CONVENTIONS

Mr. PROXMIRE. Mr. President, once again I express my disappointment over the inactivity of the Senate with regard to the human rights conventions.

The Committee on Foreign Relations has had before it for a considerable time the Conventions on Forced Labor, Political Rights of Women, Freedom of Association, and Genocide, the last two since 1949.

All these are certainly in consonance with our own constitutional law and public policies. They are likewise based upon the letter and spirit of the United Nations Charter and formed upon principles of international law.

I invite the attention of the Senate to the testimony of William V. O'Brien, president of the Catholic Association for International Peace, submitted to the Dodd subcommittee last year.

He said:

> Men and governments all over the world are becoming increasingly aware of the dignity and rights of the individual human being. The Church has repeatedly called upon the faithful and upon all men of good will to redouble their efforts on behalf of the millions who do not live in a condition worthy of their human dignity.

He also indicated that the Second Vatican Council lays stress on reverence for man:

> Everyone must consider his every neighbor without exception as another self, taking into account first of all his life and the means necessary to living it with dignity, so as not to imitate the rich man who had no concern for the poor man Lazarus.

Mr. O'Brien made the point that modern social teaching of the church has also emphasized the need to strengthen international law. I agree wholeheartedly with Mr. O'Brien that the ratification of these conventions will contribute to reaching that goal.

THE FLIES THAT CAPTURED THE FLYPAPER

Mr. HATFIELD. Mr. President, the RECORD carries a heavy load of words each day for its readers to view, and I hesitate, therefore, to add to its burden. But the highly astute and forthright columnist for the New York Times, Mr. James Reston, has given us a column today, entitled "Washington: The Flies That Captured the Flypaper," which I hope will be read by every Senator.

No doubt Mr. Reston's words have been cited time and time and time again by many Senators, but few of his pieces, in my judgment, excel his remarks today about the tragic aspects of our policy in Vietnam. We are indeed "the flies that captured the flypaper."

I commend this column to every one's attention and 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:

THE FLIES THAT CAPTURED THE FLYPAPER

(By James Reston)

WASHINGTON, February 6—"Attack and counterattack widened across South Vietnam today," The Associated Press reported. "Large sections of Saigon and Hué lay in smoldering ruins, and columns of smoke rose as South Vietnamese divebombers, U.S. helicopter gunships, artillery and tanks blasted away at Communist troops in scattered sections."

This in a teeming city of three million people. "Tens of thousands of terrified civilians streamed from shacks and huts in Saigon with what meager belongings they could carry. Already nearly 200,000 refugees are reported, 58,000 in Saigon and its suburbs, and the total is expected to double or triple when all reports are in. . . ."

THE DILEMMA

Here is the dilemma of our military strategy of victory. How do we win by military force without destroying what we are trying to save? The battle is so fierce and the situation so solemn that the impulse to rally round is very strong, but the mind boggles at the paradox of tearing apart what we have undertaken to defend.

This, of course, has been the moral and strategic problem from the beginning: How to save South Vietnam without wrecking it. The Vietcong have made clear from the start that they would risk anything, destroy anything, and kill anybody, even if they inherited nothing but the wreckage. But what of us?

THE BITTER PROPAGANDA

It is not our country. Somewhere there must be a line beyond which the killing and suffering, not only on our side but on the side of the Vietnamese, overreach any attainable end, but there is still no evidence here that the Johnson Administration sees the futile brutality of these recent days in this light.

In the bitter propaganda of the war, the official line here is that everything happens for the best. The communiqués sound more and more like a TV singing commercial: "We're winning, we're winning," they cry, just like the Sunoco Sunny Dollars jingle.

Death has now become the official measure of our success. General Westmoreland sends a message of congratulations to his troops. They have killed more of the enemy in the last week, he says (21,330), than the United States has lost in the entire war (16,000). He warns of a "second wave" of enemy attacks on the cities, but our victory "may measurably shorten the war." The White House press secretary balks at drawing the same conclusion on his own. His name is Christian.

It would be reassuring to feel at this solemn moment that all this human carnage is really bringing us to an end worthy of the means employed, or even that we are getting an honest official appraisal of our predicament, but this city is seething with doubt and even the Administration itself is wracked by suppressed dissent.

Is the President worried about how his State of the Union message will be received? His staff obliges by organizing official cheer leaders in the House of Representatives. Is he concerned about the reaction to recent events in Vietnam and Korea? Secretaries Rusk and McNamara go on "Meet the Press" to calm things down, but not before the Administration approves of the questioners.

Is the President apprehensive about the coming battle at Khesanh? Never mind, he has requsted and received a written assurance from the Chairman of the Joint Chiefs of Staff that the Marines and the Army will hold. "I don't want any damned Dienbienphus," he says.

THE CENTRAL QUESTION

War is a corrupting business—always has been—and this one is no exception. But it is important to decontaminate the propaganda. No doubt the allied victories are true. No doubt the enemy casualties are very heavy. No doubt the civilian casualties are alarmingly high, though they are not mentioned.

But the destruction goes on. We are the flies that captured the flypaper. We are stuck with our concept of a military victory, and the main question goes unanswered: What is the end that justifies this slaughter? How will we save Vietnam if we destroy it in the battle?

NO TIME FOR DESPAIR IN VIETNAM

Mr. McGEE. Mr. President, we have just gone through the hardest week that we have yet experienced in the war in Vietnam. It has been a hard week because American casualties were very high, 571 dead since January 30, according to my latest information.

It has been a hard week also because of the much heavier casualties borne by the armed forces of the Republic of Vietnam, 1,149 of whom have died since January 30.

There are, as yet, no reliable figures of Vietnamese civilian casualties during the past week. But we know that the figures will be very high and we know that the destruction in the cities in Vietnam has been very heavy. Indeed, one of the most tragic statistics of the past week is that the cruel Communist assault on the cities of Vietnam has left 170,000 men, women, and children homeless.

Apart from this grievous cost in human tragedy, it has also been a hard week in terms of our hopes for Vietnam. There is no doubt that the enemy has mounted an attack which was broader in scope, more ferocious in execution, more ambitious in concept and more secure in implementation than we had thought him capable of.

It may be that the enemy was able to mount so large an operation only by a convulsive effort, only by the expenditure of human and material resources, difficult and perhaps impossible in some cases, to replace. That is by no means

certain, however, and prudence requires that we draw a grimmer conclusion. Prudence requires that we conclude that the Communist enemy is better organized, more widely dispersed with a better supply system, and with a better security system than we had thought heretofore. It may be, Mr. President, that he has shot most of his arrows from his quiver. I hope that that is the case. But we cannot assume it to be the case in view of the effectiveness of last week's assault.

It has, therefore, been a very hard week, indeed. And I do not wish to diminish the grimness of the news of Vietnam in any way.

There is, however, another side to the developments of the past week and it would be foolish of us to overlook that other side as to try to take a pollyanish attitude.

The Communists have sustained very heavy casualties. The latest figures indicate that 21,000 of the Communist assault troops have been killed and 5,000 captured. Beyond any doubt many more have been wounded. Whatever the Communists have accomplished from their own point of view by their activities of the past week—and it is not clear what, if anything, they have accomplished of lasting value to them—they paid an extremely heavy price. It is altogether possible that to the Communist councils sitting today in Hanoi, the news from South Vietnam is even more sobering than it is to us. It seems to me reasonable to assume that their losses exceeded anything they expected. Indeed, it is difficult to believe that the Communist leadership could have willingly decided to submit their troops to the slaughter they have experienced in the past week. The tidings here are heavy, but they are surely not light in Hanoi.

It seems to me, Mr. President, that we need to bear this in mind. This is not a time for despair on our part nor is it a time to seek for scapegoats. It is a time for steadiness. Both sides have sustained a shock. I think it is fair to say that both sides have sustained a severe shock. But all the returns are not in. It is too early to determine what the effect of the past week will be upon the conflict in Vietnam. That effect will be determined by the response to the events of the past week by the savagely beset people of South Vietnam—by the response of the South Vietnamese Government to the most serious challenge it has faced since its election—by the response of the U.S. team in Vietnam and of the American public here at home.

It is by no means unheard of in history—indeed it is not even unusual—that tragedies such that South Vietnam has undergone this past week serve to solidify and rejuvenate rather than to sap and weaken the will of a people. I am certain that our people in Vietnam are now working closely with Vietnamese officials to repair the damage and learn the lessons and to make a greater effort. It is a fact, Mr. President, that the Army and the Republic of Vietnam—the ARVN—did not collapse under the cruel and almost unique test to which it was put. It is a fact that one of the bright spots of last week's sad tale is that the ARVN responded everywhere to the Communist assault with bravery and in many places with outstanding gallantry and effectiveness. It is also a fact that the administrative apparatus of the Government of Vietnam did not shatter under the Communist assault, but continued to function under the hardest of circumstances and is already massively at work on the job of restoring normal life to the cities of Vietnam. It was undoubtedly the Communist purpose to break the integrity of the ARVN as a national military institution. It was undoubtedly the purpose of the Communists to shatter the administration of the government. They have succeeded in neither purpose and they have paid a very heavy price for the effort.

There is in this no cause for rejoicing but there is equally no cause for despair. The ultimate victor in last week's battles, and in those still to come, will not be determined by what happened last week. The victor will be whichever side bears the shock with the greater fortitude. For us, and for our Vietnamese allies, I think it is a good time to borrow a leaf from the book of a great wartime leader at a time when he and his people were sorely beset. At the height of the Nazi bombing assault on London and the other British cities, Winston Churchill got to the root of the matter when he told Adolph Hitler on behalf of the British people, "you do your worst—and we will do our best."

CONSUMER PROTECTION LEGISLATION—ADDRESS BY SENATOR MAGNUSON

Mr. JACKSON. Mr. President, yesterday morning, my friend and colleague, the senior Senator from the State of Washington, delivered a most interesting and meaningful message to the American Advertising Federation on the subject of consumer protection legislation.

I commend Senator MAGNUSON on his effective leadership in this very important field—that of providing needed protection to the American consumer. We are all consumers. We may not all be businessmen, laborers, or farmers, but we are all consumers.

It is obvious from this address that Senator MAGNUSON has an unusually clear understanding of the many problems which confront the American consumer and American business. I agree that the question which should be asked is not: "The consumer—too much or too little legislation?" but "How can we better work together to make certain that consumer legislation will do the job for which it is intended without injuring or unduly burdening business?"

I believe that the steps which are being taken by the Senate Commerce Committee will be in the best interest of the consumers of the Nation and in the best interest of legitimate businesses. The businesses of our country support this kind of legislation and offer their cooperation, as Senator MAGNUSON observes, and this legislation will benefit industry as well as the consumers.

Because he has contributed important insights and has articulated quite well some of the problems inherent in this area, I commend Senator MAGNUSON's address and ask unanimous consent that it be inserted in the RECORD at this point.

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

THE CONSUMER: TOO MUCH OR TOO LITTLE LEGISLATION

Someone—it might have been Will Rogers—once defined a successful politician as "the fellow who's a genius at solving problems that don't exist."

And if I know my many old friends here as I think I do, when it comes to our growing pre-occupation with consumer legislation, I suspect that they feel just a little bit that way about me, if not the whole 89th and 90th Congresses.

But you've generously given me 10 minutes to convince you that the problem doesn't lie with me.

While it's still early morning and the rest of Washington is asleep, let me ask you for a minute to shuck off your roles as eminent leaders of a most eminent profession, and to think of yourselves as just plain consumers.

Is there anyone here who hasn't come home from the office one night, weary from scratching out an honest dollar, only to discover that a sweet talking salesman got his foot in the door, and your wife couldn't think of any other way of getting rid of him than signing that innocent sheaf of papers he carried around with him, which, upon close examination, commits you to facsimile reprint of the entire "Hardy Boys" series, or an encyclopedia of Chinese water tortures.

And how many of you have not been driven to teeth-gnashing by the failure of your friendly auto dealer, after the ten trips to the shop, to discover the source of the leak which soaks your trousers each morning after a heavy rainfall on the way to work.

And how about the discovery when your new home appliance broke down that the guarantee covered only the parts that don't move and that to get it repaired, you have to mail it at your cost to the fatcory in Osaka, Japan; that labor is extra, and according to the small print, you abused the product when you removed it from its carton, at which point the warranty expired.

Isn't your wife concerned about the possibility of excess radiation from that new color TV? Haven't you got an elderly aunt or uncle who is still paying four or five times its value, for the siding on their old homestead, while the Bible-spouting salesman who hooked them has gone on to greener pastures?

Do you know anyone who is not unhappy with the escalating path of automobile insurance rates? Don't you have a friend or relative whose auto insurance policy was yanked out from under him because of a small accident in which the other party was clearly at fault?

Is there a man or woman in this room who does not feel uneasy as his son or daughter watches one after another cigarette commercial portraying cigarettes as an indispensable part of the Good Life?

There are real problems. Some of them are petty nuisances. Others threaten the ability of our society to deal justly with its citizens and even the very health of our people.

Margaret Dana, a wonderful woman whom many of you know, writes a forceful, but balanced weekly consumers column that reaches many millions of consumers throughout America. Margaret Dana is not a politician. She makes no promises to her readers, but offers them a sympathetic and enlightened ear. Last week, she came to see me, to lay on my desk the problems brought to her by her readers. Over a few weeks period, she had received *11,000* letters from ordinary people, *11,000* seeking help against an incredible variety of consumer problems.

"These people write to me," says Margaret, "because they feel they have nowhere else to turn."

Of course, not all consumer problems merit legislative solutions. Many of you, while acknowledging the existence of marketing defects, question whether the legislative cure may be more lethal than the disease. There is, of course, a natural tendency to seek a law for every ill. "If anything ail a man," says Thoreau, ". . . he forthwith sets about reforming—the world."

Most of the problems giving rise to proposals for new legislation are not new; they have existed for many years and we have tended to accept them as necessary, if unfortunate, by-products of a vigorous competitive system. Why this rash of consumer legislation now?—at a time when our productive and distributive machinery is providing more people with greater material goods than at any time in the history of civilization.

It is ironic, but the fact is that the better conditions get, the more people demand. As Eric Hofer points out, the starving man is not the revolutionary; it's "the taste of better things which excites people to revolt." "The discontent is likely to be highest—when conditions have so improved that an ideal state seems almost within reach." So the current public frustration which fires the demands for legislative solutions is a product of the very prosperity of our economy itself.

But there are other reasons for legislative demands. As Congress probes these issues, there is a growing awareness that market forces, the purifying fires of competition do not invariably serve the public interest. There is no profit in safety, or in air and water pollution control for the individual entrepreneur. And where the profit motive is lacking, competition cannot be counted upon to provide solutions for these problems.

Moreover, the evolution of production and marketing techniques has introduced great product complexity at the very time that the personal relationship of trust and confidence between buyer and seller has all but evaporated. The products we buy are beyond our individual competence to evaluate, to understand, to repair; while the giant enterprises which manufacture and distribute these products appear cold and remote.

And yet our lives are characterized by a growing dependency upon the products of these organizations. One significant piece of consumer legislation before the Commerce Committee is the power reliability bill. This legislation represents an effort to assure adequate planning to avoid the re-occurrence of such cascading power failures as those which blacked out the Northeast and other segments of the country. Today, the power systems of the United States are more reliable than any systems in the world; yet there is legislation before us. At least part of the reason is that we have never before been so totally dependent upon the reliability of power, both because our individual lives are ordered by machines which use power, and because vast regions of the country are interdependent so that a power failure affects not just one community, but potentially the whole nation.

In my experience, most of the enlightened representatives of the business communities of this country have come to recognize both that serious problems exist in the production and marketing of goods, and equally important, that these problems may well be national in scope and that the national government has the duty to be involved in seeking solutions.

And so I'm convinced that the question you proposed: "The consumer—too much or too little legislation?", is the wrong question. I would rather you asked yourselves and us "How can we better work together to make certain that consumer legislation will do the job for which it is intended without injuring or unduly burdening business?"

We ought to concentrate on avoiding the angry and unprofitable name-calling that characterized the legislative history of the Packaging and Labeling Act.

On both sides the strategies proved unprofitable. Communications broke down. The act is in many ways a sorry and confusing product, denounced as toothless by some and heralded by others as containing almost unlimited powers to regulate "value comparisons" in the marketplace.

The Commerce Committee held 8 long days (is that the political equivalent of giant half-quarts) of unenlightening, tedious hearings on the packaging bill. Industry witnesses were offended because the hearings were sparsely attended by members of the Committee, yet those who came heard witness after witness repeat the same litany: There are no problems in the labeling or packaging of consumer goods; the consumer is a brilliant sovereign and needs no help from an intermeddling government in reducing confusion in the marketplace.

I remember how delighted we were to receive a brief statement, for the record a unique statement—from one major food processor, but not because the statement supported the bill. On the contrary, the statement contained one of the most persuasive briefs against some of the provisions of the bill. But the testimony acknowledged that a *problem* existed, that a consumer might *want* to compare the price per unit for the products competing for her attention, and suggested that perhaps a method could be devised to supply the consumer in the supermarket with a simple means for calculating price per unit. The Committee explored this possibility at some length with the Bureau of Standards and finally abandoned it reluctantly as impracticable. But at least it represented an effort on both sides to come to grips with the problem, to recognize that the Committee might just be honestly interested in solutions which did not unduly burden the manufacturers.

When the auto safety bill was before us, the automobile industry, unlike the grocery manufacturers, finally came to the bargaining table, but not before it had suffered a needless series of public relations disasters. Yet as late as they came to the table, the end result was a far more creditable piece of legislative craftsmanship than the packaging bill. Perhaps more importantly, when the automobile makers focused on those safeguards which were essential to their industry, and *made* their case for those safeguards, Congress responded fairly. But it was only by meeting with the Committee and freely engaging in the give and take of discussion that this objective was served.

I think you will agree that 1967 was a *quieter* year, but it was not a less significant one. Our Committee produced three major pieces of consumer legislation. The authorization to create a National Commission on Product Safety, the Flammable Fabrics Act Amendments, and the Natural Gas Pipeline Safety bill. Yet the quality of industry involvement in these pieces of legislation was markedly different from the earlier legislation, to the benefit not only of the affected industries but, I am convinced, to the public interest as well.

The Product Safety Commission was actively supported by the affected industries. And when the appliance makers did express concern that the Commission in investigating the existence of design and construction hazards and formulating a program of remedial action should not be in the position of blacklisting specific products or disclosing trade secrets, these safeguards were readily incorporated in the authorizing legislation.

The original Flammable Fabrics Act, passed in 1953, provided no flexibility to reflect experience in enforcing it or technological improvement in flame retardancy. Its scope was so severely circumscribed that while bridal veils were subject to its force, infant receiving blankets were not. After passage of the Act, the voluntary industry committee which had devised the standards incorporated in the Act did not meet once in 10 years to consider upgrading them.

The initial response of the textile industry to the proposed Flammable Fabrics Act proposals was, to paraphrase one industry spokesman, "Blood will flow in the halls of Congress, before we submit to this tyranny."

But once the textile industry recognized the seriousness of the legislative effort, they came to the Committee at an early stage in the proceedings and asked for the opportunity to discuss the terms of a reasonable bill with which they could live. There was hard bargaining on both sides conducted in an atmosphere without rancor and a compromise was reached which was so agreeable to all parties involved that it was accepted by the Committee unanimously, with no amendments. Yet it represents a significant milestone in consumer protection legislation.

Again, the Committee gave its unanimous approval to a gas pipeline safety bill which was the product of the same style of hard, good faith negotiation, a bill which in the judgment of those involved represents no compromise of the public's right to be protected from inadequately safe pipelines, yet affords the pipeline industry substantial protection against arbitrary, uninformed government fiat.

In short, I think we are arriving at an appreciation of each other's problems. There are those in industry who recognize that the complexity of the marketplace makes it imperative that government intervene where necessary on behalf of the individual consumer. There is growing awareness that competition does not necessarily produce safer cars or flame retardant drapes or shockless appliances.

And on the government's side there is a growing appreciation of the dangers of what I call "legislative overkill"—the burdening of an industry with the heavy hand of bureaucracy without demonstrated need or justification.

The governmental responses to most consumer issues has not yet hardened. There is still time to clarify the nature of the problems, and to explore alternative solutions. There is time yet to avoid legislative overkill.

But it *is* too late to convince Washington that these issues are false images produced by political LSD—or that Washington has **no** business meddling in your business.

If we can share these few, basic premises, then Congress, and in particular the Consumer Subcommittee can honestly serve, not as a battleground, but as a common meetingplace for government, business and the consumer.

TRIBUTE TO SENATOR CARLSON

Mr. TOWER. Mr. President, on Tuesday, January 23, my esteemed colleague from Kansas, FRANK CARLSON, observed his 75th birthday. I wish to take this opportunity to extend to him my belated greetings on that most happy occasion. Moreover, I wish to commend him at the same time for the 40 years of service that he has given to not only his home State of Kansas, but also to the Nation as a whole.

When I first came here nearly 7 years ago, Senator CARLSON would always lend a thoughtful ear whenever I needed any advice. Through the years, we have worked together and my admiration for FRANK CARLSON has grown all the time. His untiring efforts on behalf of his

country should not and will not go unnoticed. I certainly regret that he has decided to retire at the end of this session, for he has always been an inspiration to all of us serving with him. I wish him well in the years to come, and I hope that he returns to visit with us many times. He has served his country well.

PUBLIC DEMANDS GUN LAW

Mr. DODD. Mr. President, as the second session of the 90th Congress began, the organized opposition to sensible Federal gun control laws opened a new and concerted campaign to confuse both the public and Congress on the need for effective, enforceable firearms laws.

It not only seems incongruous but it is incongruous that responsible people and organizations, and lobbies who presumably represent responsible business and industry, oppose a workable law that would effectively disarm the criminal.

In the same breath, these very same groups are demanding something be done about the high rate of street crime, murder, and riots.

The tentacles of this organized opposition, financed by wealthy lobbies, are evident everywhere. Newspapers, the media, and the people from the smallest city to the largest, are bombarded with literature based almost entirely on distortions of the seriousness of the firearms problem and what the administration is trying to do about it.

Difficult as it is to believe, the opposition is now in a headlong campaign to discredit legislation that was more than 6 years in the making and that would effectively cut down on the traffic in firearms which show up each year in our crime statistics.

Mass mailings of bulletins are being repeatedly sent out containing gross misstatements of fact, and mountains of erroneous fancy in a calculated effort to confuse the issue and prevent the adoption of the administration's proposed firearms law, S. 1, amendment 90.

In place of S. 1, amendment 90, the gun lobbies would substitute a lesser measure, one with little chance of being effective and which does not consider the firearms problem in its entirety.

It is encouraging to report, Mr. President, that the campaign has not been entirely effective. On the contrary, the press of America has not been fooled, and I daresay neither have the people.

The bulk of the press, upwards of 90 percent, have supported a strong gun control law. The newspapers, magazines and broadcast media, large and small, are close to the people and close to the problems of crime and are demanding adoption of a strong, effective, workable, enforceable Federal gun control law.

I believe we should listen to them.

Mr. President, for the benefit of Senators, I ask unanimous consent to have printed in the RECORD another representative collection of editorial opinion in support of the proposition that strong Federal gun control laws are needed and needed right now. The public wants them.

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

[From the Wall Street Journal, Feb. 1, 1968]

WHY ALL THE FUSS?

When President Johnson, in his State of the Union Message, called for a gun control law, he presumably was braced for an outcry from the pro-gun group. The line of the opposition is, of course, that the Constitution gives everyone the "right" to keep and bear arms.

One answer to that argument is that the Constitution, in the same sentence, stresses the need for a "well-regulated" militia. It's doubtful that our forefathers, had they been confronted by widespread interstate mail-order traffic in firearms, would have been offended by reasonable rules.

In states where gun-purchase permits are required, moreover, the stress is on control, not prohibition. This point was emphasized recently by the appellate division of New Jersey's superior court, in a decision upholding the state's 1966 law to control sales of rifles and shotguns.

The law restrains only criminals, alcoholics, drug addicts, subversives and persons with physical ailments that made them poor gun risks. As the court said, "No law-abiding citizen, free from the statute's qualifications, has been or will be precluded from purchasing, keeping or bearing arms." In the law's first 15 months, the state disapproved less than 2% of the applications for permits.

If the laws are thus sensibly drawn and enforced, in fact, most citizens are likely to conclude that the opposition doth protest too much.

[From the Redding (Calif.) Record-Searchlight, Oct. 16, 1967]

ANTIMISSILE SLINGSHOTS?

The sort of nonsense that is used to argue against any kind of meaningful gun control legislation is typified by a recent editorial in The American Rifleman magazine. It suggests that the real reason Israel was able to win a war against vastly superior manpower in such short time has been overlooked. The reason: "civilian marksmanship."

Starting with David's triumph over Goliath because of his unerring aim with a slingshot, says the editorial, Palestine has had a tradition of target practice that continues today with a government-run program of rifle instruction for youngsters. Since it paid off in such a quick victory over the Arabs, the editorial suggests the U.S. needs a similar program.

That point of view might be more compelling if this country were more likely to be invaded by Arabs than it seems at the moment. Against the more likely threat of a Chinese or Russian nuclear missile attack, rifles—no matter how expertly aimed—would be about as effective as slingshots.

[From the Tuscaloosa (Ala.) News, Jan. 20, 1968]

A RESPONSIBILITY WE ALL MUST SHARE

Judging from the applause of those hearing President Johnson's State of the Union message in the capitol Wednesday night, the appeal for action to halt violence and crime hit the most responsive chord.

The President said, and rightly so, that maintenance of law and order is predominantly a local challenge. There is no question that the first line of defense against violence and lawlessness rests with local and state officials.

The President's proposals to check another summer of fiery lawlessness in the nation's cities did not offer any new solutions or hopes for early action on the root of the problem.

He did ask for quick House action on the Senate-passed "safe streets" bill, a curb on the mail-order firearms business, a business-government job training effort, expanded public housing and funds to assist state and local law enforcement agencies in equipping and training personnel.

It remains to be seen whether members of the House and Senate translate their favorable response to this portion of the State of the Union message into meaningful and constructive legislation.

Assistance, in whatever form Congress may provide in this session, cannot be brought to the local level in either funds or other forms of aid in time for use in the event this summer follows the pattern of a year ago.

That places extra emphasis on state and local officials to head off or avert mass disorders with their own resources in the coming months.

It would be a tragic mistake for the public at large to assign total responsibility for riot prevention to law enforcement officials. They bear the brunt of the responsibility for upholding the law and of combatting law violations.

But getting to the root of the problems which spawn mass disorder is a responsibility that rests squarely on the shoulders of every citizen.

[From the Auburn (N.Y.) Citizen-Advertiser, Jan. 19, 1968]

GUN RESTRICTIONS

(By George R. Metcalf)

State Sen. Theodore D. Day, of Interlaken, writes in his latest legislative report of "hearing a great deal about" the need for regulating the use and ownership of firearms.

"Starting with the tragic assassination of President Kennedy," he goes on to say, "there has been agitation to accomplish this. So far, I have not seen or heard of any practical good result that would be accomplished by such a move.

"The criminal who wants a gun can always get one. The honest sporting citizens who have guns would be punished and harassed with additional costs and red tape."

Without attempting to be facetious, it seems to me this argument could be used to end all licensing. For if criminals can "always" get a gun, regardless of the law, and "honest sporting citizens" are law abiding, who needs a law?

I believe the problem which Sen. Day raises is far too serious to warrant such hands off treatment.

The United States is passing through a period of domestic turmoil, unmatched in its history except for the Civil War. Not only is the incidence of crime on the increase but there is every reason to believe that riots will erupt across the nation in a score of cities, once the hot weather begins again.

To continue the current situation under which guns are readily available to anyone is to douse oil on the flames. This is precisely why President Johnson in his State of the Union Message said he was urging Congress "to stop the trade in mail order murder this year by adopting a proper gun control law."

I hope our federal legislators follow the President's advise for the first step in curbing violence is to remove or control the weapons that make crime, riots and disorder possible.

Whether or not the Congress accedes to Mr. Johnson's request, the Legislature of New York still has a responsibility to the people within its boundaries which it cannot dodge by tossing the "hot potato" to Washington.

What makes the control of firearms a "hot potato" is the belief among a substantial number of citizens that possession of a rifle, pistol or shotgun is necessary for one's self-protection.

This stems in part from the ancient belief that a man's home is his "castle," that he has a right to protect it against any invader.

It also, oddly enough, is a result of a paranoiac fear that the enemies of the country are behind the effort to control firearms. Secret agents of the communistic conspiracy, for example, are pictured as standing in the wings waiting to swoop down at the first evidence of U.S. Citizens disarming.

Despite these arguments against the con-

trol and regulation of firearms, the one fact we are faced with is that violence has become a part of the American way of life. No other country on the globe compares with the U.S. in the number of murders that are committed annually; London is a bucolic patch of houses in contrast to angry New York.

Of course, there are many factors that contribute to the nation's violence besides the vast number of guns in circulation—The horrible slum-ghetto neighborhoods in all of our large urban centers, the gun-toting, tough-talking characters that flash on TV screens daily to the delight of the young fry and the seeming impossibility of this nation to keep out of war.

The total mood is one of violence that cries out for correction. But, like so many problems, its correction or solution depends upon the willingness of Americans to change their pattern of living.

Obviously, the police must help to curb crime and violence. Yet, their part is often more a matter of trying to shut the doors after the horses are gone than avoiding violence before it begins.

The people themselves, if they want to live in a nation of peace and security, must accept some deterrent to their freedom which includes curbing free and easy use of firearms.

[From the Christian Science Monitor, Feb. 1, 1968]

AGAIN, CRIME AND THE COURT

The Supreme Court has again aroused criticism with its twin decisions on firearms and gambling. One forbids prosecution of a person for failing to register such federally-stressed weapons as sawed-off shotguns, machine guns and silencer-equipped weapons. The other invalidates a federal law which required gamblers to register annually with the Internal Revenue Service and pay taxes on their wagerings.

Both decisions were 7–1, with only Chief Justice Warren dissenting.

On the one hand, it is quite evident that the decisions close down certain ways and means of apprehending criminals. They hamper, to a degree, that war against mounting crime which the entire nation is watching. The decisions revive the charge that the Supreme Court is favoring the criminal—by weighing in heavily on individual rights—rather than aiding law enforcement—by stressing the government's police-power rights.

Yet here is the Constitution's Fifth Amendment, which specifically prohibits self-incrimination: a person shall not, it declares, "be compelled in any criminal case to be a witness against himself."

If a gambler has to fill out a form stating that he is a gambler, he is being a witness against himself. If a person acquired a weapon without going through proper registration formalities (certain lethal weapons are required to be registered after the attempted assassination of President Roosevelt in 1933), he would incriminate himself by a later attempt to register, said Justice Harlan.

These decisions, it must be stressed, do not halt the drive to regulate guns or control gambling. Justice Harlan points out that the Court has not said the government lacks constitutional power to tax gamblers or regulate possession of firearms. But as dissenter Warren predicts, the rulings will open the door to "a new wave of attacks" on other federal registration statutes, such as those requiring persons to register if dealing in narcotics and marijuana or possessing liquor stills.

There can still be raids against stills and drug-possession, but federal agents won't be aided by tip-offs self-supplied by the registration requirements.

What can be done? Certainly now is the time for Congress to get behind and pass the administration's gun control law, currently stalled in the Senate Judiciary Committee. The Supreme Court could not object to a registration requirement for ordinary legally-possessed firearms.

It is also the time for courts, Congress and the public to give more attention and powerful support to the "constitution-proof" drive on crime which is now gathering momentum—utilizing every modern device that technological aid supplies.

[From the Philadelphia (Pa.) Bulletin, Jan. 31, 1968]

NO MORE FREE BULLETS

One of the homefront casualties of the President's budget cuts is the $800,000 expended yearly for rifle ammunition for civilian marksmanship training.

Only $52,000 has been left in the budget and this is for office staffing.

Since the increased pressure for control and registry of firearms, the annual appropriation for the National Rifle Association and the Army supervisors of the marksmanship program has been under attack in Congress and on several other fronts.

It seems incomprehensible to most nonmarksmen that the government would subsidize the use of firearms, on one hand, while trying to curb their use. This, and general domestic economy, probably dictated the cutting approach to the appropriation.

In the debate over gun ownership, the NRA argued that the right of carrying firearms under legal conditions is guaranteed under the Constitution. But the premise that illegal and deadly use is so often made of firearms and that the greater good of the public must also be heeded, also drew strong backing.

Congress has been dilatory in the passage of antiweapon legislation. With the appropriation for ammunition wiped out of federal spending, it is possible that the NRA and other proponents of the right to bear arms will fight to have the cuts restored.

If they do, it will open the battle again and the sponsors of restrictive legislation may get their point across to the legislators for stronger gun controls. There are, seemingly, better ways to spend federal taxes than by subsidizing what amounts to a civilian hobby.

[From the Rapid City (S. Dak.) Journal, Sept. 27, 1967]

NRA MISDIRECTED

HURON DAILY PLAINSMAN.—In a public plea for anti-crime legislation, President Johnson has again asked the Congress to pass a long-stalled gun-control bill.

The measure is the third gun-control bill proposed by Mr. Johnson and, like its predecessors, it has remained in House and Senate subcommittees with little prospect of passage.

We do not believe a gun-control law would put an end to "armed terror" in the nation as the President has implied. But it would help law enforcement officers to keep dangerous weapons out of the hands of those undesirable characters who use them against society.

The National Rifle Association and other segments of "the gun lobby" have so far successfully blocked all attempts to pass any kind of guncontrol legislation. If they would exert the same effort in the positive direction of securing a law that would protect their rights as sportsmen and at the same time control the purchase and ownership of lethal weapons by criminal elements, they would be doing themselves and society a service.

[From the Asheville (N.C.) Times, Jan. 27, 1968]

A GUN LAW—FINALLY?

Members of the 90th Congress are just back from a Christmas recess at home. Against previous performance, it's to be hoped that what they heard there will finally move them to enactment of gun control legislation.

Unless all the polls are wrong, the folks back home are mad as hornets about crime in the streets, and the mail order sale of weapons is an undeniable factor in that crime. Popular opinion seems to be on the side of gun control.

For years, though, Congress has sidled up to a gun control law and then backed off. The gun lobby, headed by the American Rifle Association, has always been too potent.

This could be the year, though. It's an election year and people are angry.

[From the San Bernardino (Calif.) Sun, Sept. 8, 1967]

GUN CONTROL SUPPORT GROWS

The strong gun lobby, always able in the past to sway Congress to its thinking, finally is meeting some stiff opposition.

Congressmen report that the riots of the past few months, plus urgings such as that of H. Rap Brown to Detroit Negroes to "get yourself some guns," has prompted many Americans to urge action on gun control legislation.

Mail in the past has always run heavily againt gun laws but now the new public awareness has brought a marked increase in support for gun controls. Newspapers around the country, smaller ones as well as large dailies, have given support to gun legislation editorially and urged public expression.

What should be the clincher came this week when J. Edgar Hoover, director of the Federal Bureau of Investigation, spoke up with force in the September FBI bulletin.

The time for debating the issue is past, he says, and "the time for action is here."

"I think mail-order firearm purchases should be banned, interstate transportation of firearms controlled, and local registration of weapons required and enforced," he said.

The highly respected FBI chief has thus, in effect, endorsed the administration's gun bill now under consideration in Senate and House committees. Hoover goes further than the administration, however, in urging that registration of guns be required.

He once told a congressional committee: "You have to get a license for your dog; you have to get a license to drive your car; you have to get a license to go into business ventures. I see no great problem to the individual in requiring all guns to be registered if the owner has nothing to hide and if he is a law-abiding citizen."

The administration bill would ban direct sale to individuals of mail-order guns; regulate over-the-counter sale of all firearms; license all dealers, importers, and manufacturers of firearms; prohibit importation of military surplus hand guns (which make up most of the mail-order variety); regulate all other imported firearms, and place stringent controls over "destructive devices."

Congress should pass the bill. The rate of murder and assault by gun has been soaring, and of 57 law enforcement officers killed in line of duty last year, all but two were gunshot victims. And in addition we now have danger in the cities, where would-be snipers can easily and cheaply order rifles by mail.

The gun lobby cries that the bill would interfere with the "right of citizens to bear arms." It would not. The law-abiding citizen could still procure weapons in duly certified ways. The lunatic and the criminal would, however, be hampered.

That is what gun control is all about, and there is no reason why a civilized nation should put up with unrestricted peddling of deadly weapons.

[From the Chicago (Ill.) Sun-Times, Jan. 31, 1968]

COURT AND GUN TOTING

The Supreme Court ruling knocking out the registration of gamblers and of outlawed

machineguns and sawed-off shotguns does not condone gambling and gangsterism. But it follows the Constitution's nondistinction between the obviously guilty and the presumed innocent; neither can be required by law to make a public confession of guilt.

The ruling shouldn't hogtie honest law enforcement. In many cities, registered gamblers were never arrested. And illegal possession of a machinegun is still cause for arrest.

The ruling does not ban registration of legal guns such as is proposed in the Chicago City Council. Those who are alarmed about the court's 5th Amendment rulings would be well-advised to direct their comments to Congress and to demand stronger laws against gambling, gun-toting and crime in general.

[From the Utica (N.Y.) Observer Dispatch, Jan. 16, 1968]

HANDGUNS AREN'T ONLY DEATH DEALERS

Opponents of Governor Rockefeller's proposed legislation to register legal sales of shotguns and rifles appear to be making headway again. Our regional state legislators seems to be won over to the hunter and rifle club stonefaced view of such bills.

However, the argument that most murders are committed by hand guns isn't altogether convincing. Whether it's a minority or majority type of murder, the result with bigger guns is just as deadly and tragic for all concerned.

Lee Harvey Oswald who shot a President and those misguided "tower" killers who killed without apparent reason didn't use hand guns.

Control of rifle and shotgun sales could be helpful in reducing such tragedies.

[From the Salt Lake City (Utah) Tribune, Nov. 25, 1967]

GUN CONTROL PROSPECTS NOT WITHOUT REASON

Repeated gun violence in otherwise safe surroundings focuses growing attention on public firearms policy.

A controversy already rages, prompted mostly by bills in Congress that would impose more government supervision over the individual's gun ownership. These measures did not develop without cause.

Opponents of increased gun control argue the U.S. Constitution guarantees citizen rights to maintain personal firearms and that criminal elements will never be deterred by gun prohibition, no matter how stringent.

Those who would require more registration and tighter interstate gun commerce restrictions counter the privilege extended to law abiding citizens is so abused it poses a continual threat to the public safety. Every death and injury involving accidental or deliberate shooting incidents strengthens this position.

Now, in a respectable Salt Lake residential neighborhood during early morning hours, a school teacher's home is peppered by gunfire. The fact that the teacher and his family were in bed asleep and therefore escaped injury does not alter this frightening aspect of this deplorable crime.

Since this is not a common occurrence in Salt Lake or Utah, it need not stand as an example of a local situation reaching fearsome proportions. Nonetheless, as part of a distinct problem evidenced throughout the nation, which shows no signs of diminishing, it helps foster legitimate concern.

It is often argued by gun ownership protectionists that firearms, supplemental to their proper use in hunting and other hobbies, assure individuals the ability to safeguard themselves, their homes and families against dangerous intruders.

It is becoming as crucial to ask if better ways to equally protect others from being shot at in their own homes or on a public street by a reckless or berserk passerby cannot be devised?

No law short of total confiscation—which is to be resisted as unwarranted government interference—is likely to eliminate all firearm misuse.

But unlimited gun possession is increasingly questioned, and with good reason.

[From the Salem (Oreg.) Statesman, Jan. 22, 1968]

WHY NOT GUN REGISTRY?

"Mail order murder" was the reference President Johnson made to the sale of guns by mail orders. He urged Congress to enact a measure banning such sales. Agitation for such action stems from the continued guilt feeling over the murder of President John F. Kennedy by bullets from a gun ordered by mail by Lee Harvey Oswald, according to findings of the Warren Commission.

A ban on order and delivery of guns by mail wouldn't end criminal shootings. Most of the mail order business in guns, we would judge, is for strictly legitimate purposes. In the Oswald case, the surviving records of order and delivery were important links to connect him with the crime. Had the gun been bought at a store the records probably would not have been as complete.

A better method of gun control can be had through requiring gun owners to obtain licenses, and to register the guns they own, just like automobiles or motorcycles. Illinois has a licensing law now and Chicago's Mayor Daley wants to require also registry of weapons themselves. Licenses could be denied persons who had been convicted of crimes of violence—possession of weapons by convicts is illegal now in some jurisdictions.

The licensing bill would not conflict with the constitutional right to "bear arms." It would not infringe on rifle practice or hunting. It would make tracing stolen weapons easier. Why not make legislation along this line rather than merely to ban mail order sale of guns?

[From the Erie (Pa.) Times, Jan. 20, 1968]

GUN CONTROLS NEEDED

A stand by county commissioners against gun control legislation in Pennsylvania would be a mistake.

Sensible gun control legislation is needed, in Pennsylvania and elsewhere across this country, a point re-emphasized by President Johnson his State of the Union message.

In proposing that the county go on record against anti-gun legislation, Commissioner William O. Hill seems to be catering to the sportsmen interest.

But the truth is, of course, that control laws, as proposed nationally and in various states, are always careful to protect the rights of sportsmen.

The aim is to keep firearms out of the hands of narcotics addicts, former convicts, former mental patients, alcoholics and others considered unfit to carry weapons.

The unfortunate truth is that some "sportsmen" have been a factor in preventing passage of a national gun control act, an act which still languishes in Congress four years after the assassination of President John F. Kennedy by a mail-order rifle.

A minimum requirement for Pennsylvania would seem to be that provided in New Jersey's gun control law. In New Jersey the gun statute requires that anyone wishing to purchase a gun must first apply for an identification card through his local police chief.

Such a procedure might deny a rifle to a Lee Harvey Oswald.

This is a deadly serious business, and county commisisoners would be wrong indeed to attempt to get in the way of something that is so badly needed in a period of increasing violence with guns.

[From the Baltimore (Md.) Sun, Feb. 3, 1968]

GUN CONTROL

The Supreme Court decision striking down part of the National Firearms Act applying to such illegal weapons as sawed-off shotguns will no doubt be seen as ammunition for those who oppose the gun control laws now pending in Congress. But the decision does not mean that it is unconstitutional for firearms to be regulated, only that the particular approach in the old law was unconstitutional. "At the outset, it must be emphasized that the issue in this case is not whether Congress has the authority under the Constitution to regulate the manufacture, transfer or possession of firearms . . ." the Court said.

Bills aimed at bringing at least a suggestion of sanity to an urban nation's use of lethal weapons have recently passed subcommittees in both houses of Congress. The bills would in no way inconvenience any sportsman or other responsible citizen who wants a gun or even an arsenal. Primarily the proposed law would make it possible for states and cities to enforce their own gun laws. A merchant could not sell a weapon to a man who was not legally entitled to it. If Maryland outlawed the ownership of guns by, say, 5-year-olds, a gun dealer in Pennsylvania could not sell him one, over the counter or by mail. He couldn't sell any individual a gun by mail. That is the thrust of the bills now before Congress.

A nation as concerned about crime as the United States obviously is should not hesitate now to pass such legislation.

[From the Asheville (N.C.) Citizen, Jan. 24, 1968]

CONGRESS HITS A POPULARITY SLUMP

It is natural, in a sense, to criticize the national Congress. The vast amount of power vested in the legislative body makes it a frequent target for isolated attack.

But when public resentment becomes so widespread as to be general, something is wrong. And that situation appears to have developed considerable headway in the United States.

The most recent Lou Harris poll gives Congress a clear warning that it had better turn in an improved all-around performance, with special attention to the problems of law and order and of the cities, if its members who are up for reelection want to return to Washington.

The survey, which represented opinions of some 1,600 "cross section" American households, showed that public confidence in Congress had reached the lowest level in five years.

Only 41 per cent of the families interviewed felt that Congress was doing a good job. This represented a 30 per cent drop from 1965.

Public dissatisfaction was largest over the failure of Congress to give the antipoverty program sufficient funds, for cutting back on the Model Cities program and for refusing to pass laws on such issues as gun control and open housing. The independent voters, the better educated, and the young people were the most critical.

What this indicates is that Congress is in deep trouble with the voters and that it ought to get busy on the President's Crime bill, gun control legislation, and further aid to the cities if a majority of its members hope to win reelection. It will take a solid record of positive accomplishment to win the voters back.

INCLUSION OF CERTAIN COTTON FIBERS IN THE IMPORT STUDY

Mr. TOWER. Mr. President, during the last session of Congress, I introduced a bill, S. 2664, designed to establish a

Commission on Domestic and Foreign Trade. At that time there was much confusion as to the effect that the Kennedy round tariff concessions would have on the business interests in the United States. Since that time, other questions concerning this country's tariff policies have come to my attention. One very important one in my State of Texas is the importation of good qualities of comber and card strips used in manufacturing certain types of cotton yarn. It is my understanding the mills in the United States do not generally produce good quality comber and card strips any more, due to the increase of the use of new machinery which does not make this production profitable.

However, even with the continuance and in some cases, the increase in demand for this material, some countries which are good friends of ours, such as Mexico, still are not given a quota for this product.

Mr. President, it is my hope that this entire situation can be brought under review by the proposed Commission on Domestic and Foreign Trade. I again urge the Senate to expeditiously consider this matter. It grows more urgent every day.

AMERICAN PUBLIC APPEARS TO BE CRITICAL OF DRUG INDUSTRY

Mr. NELSON. Mr. President, the Washington Post on February 4, 1968, reported that "97 percent of the persons sampled in the New York City area" appeared to be critical of the drug manufacturers in regard to their profits and prices.

The noted pollster, Elmo Roper, whose firm conducted the poll, said that he could not "recall any study" where "an industry has been criticized by such a vast proportion of the population."

Almost half of those interviewed thought that manufacturers set prices artificially.

Seventy-five percent thought that prices are unreasonably high.

Fifty-four percent felt that manufacturers do not have "sufficient concern about holding down or reducing prices."

And 58 percent said that drug manufacturers make "unreasonably high or excessive profits."

The readers of the RECORD could benefit by the reading of this article. I ask unanimous consent that it be printed in the RECORD in full.

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

NINETY-SEVEN PERCENT CRITICAL OF DRUG INDUSTRY

(By Morton Mintz)

A poll taken for a drug manufacturer shows that 97 percent of the persons sampled in the New York City area were critical of the profits and pricing practices of the pharmaceutical industry.

"I cannot recall any study we have done where an industry has been criticized by such a vast proportion of the population," said Burns W. Roper, president of Roper Research Associates, Inc., a polling firm founded 34 years ago by his father, Elmo Roper.

"On what we would regard as the most critical or damning question—the matter of fixing prices at artificially high levels—42 per cent or close to half (of the persons interviewed) cited the prescription drug industry.

"This was over twice as many as cited the next most frequently named industry (gasoline). The other industries used for comparison were beer, frozen foods and soap."

GUILTY VERDICT

Roper made the statements in a letter to Frank A. Duckworth, associate general counsel of Chas. Pfizer Co., Inc., and in an affidavit.

Last Dec. 29, a guilty verdict was returned in Federal court in Manhattan against Pfizer, the American Cyanamid Co., and the Bristol-Meyers Co. on criminal antitrust charges—conspiring to fix prices of "wonder" antibiotics, conspiring to monopolize the market and achieving a monopoly.

A few days ago, Pfizer filed the Roper papers in court in support of a contention that the jury had been biased.

In the affidavit, Roper said the poll was undertaken "to determine the extent, if any," to which residents of the district from which the Court chooses juries "believe the excessively high" and "are otherwise prejudiced . . ."

ATTACHED TO AFFIDAVIT

Roper's letter, which was attached to the affidavit, told Duckworth that the poll results are related "directly to your contention of bias in the jury.

"We would find it difficult to believe that a sample of the 12 jurors would contain no one who held . . . negative-about-the-drug-industry views unless they had been eliminated through screening questions," Roper said. The jurors were selected from a panel of more than 160 persons.

The poll was made Jan. 11 through 16 in representative areas of New York City and Westchester County. Interviewers were instructed "not to reveal . . . any particular interest in prescription drugs." There were 516 persons in the sample. All but 13 answered one or more questions about drug prices and profits.

Of 278 respondents who asserted knowledge of congressional or other Government drug-price investigations, 166—60 per cent—said there were "just causes" for such inquiries. Only 19 per cent considered the causes "politically inspired."

OTHER POLL HIGHLIGHTS

Other poll highlights cited in the Roper affidavit:

75 per cent of the respondents believe drug prices are "unreasonably high," 54 per cent felt the industry was insufficiently concerned about holding them down or reducing them and 58 per cent termed drug makers' profits "excessive."

42 per cent assumed drug makers "frequently have an understanding to fix prices at a high level."

In all, 97 per cent of those responding were critical of the industry in at least one of the categories.

Of those who assumed a $10 retail price for a drug, the largest share—33 per cent—guessed the manufacturing cost at $3.

Of those who were asked to believe that $3 was in fact the manufacturing cost, 86 per cent thought a retail price of $10 "excessively high."

Voters were consistently more critical of the drug industry than non voters. Men voters were especially critical.

"In fact," Roper told Pfizer, "male voters surpassed Ivory Soap's 99-44/100 per cent with a full 100 per cent citing the drug industry negatively on one or more of . . . six questions. In our experience, it is rare indeed to find 100 per cent of any group agreeing on anything."

OPINIONS ON PRICING PRACTICES

The questions below were "designed to measure the feeling in the community" in which the trial jurors reside. In connection with the listed product groups, each person interviewed was asked if he thought that in any:

[In percent]

Product group	Prices are unreasonably high	Makers do not have sufficient concern about holding down or reducing prices	Manufacturers make unreasonably high or excessive profits	Makers frequently have an understanding to fix prices at a high level
Gasoline	29	18	19	20
Prescription drugs	75	54	58	42
Frozen foods	43	24	20	17
Soap	29	18	18	13
Beer	21	12	15	11
None	6	10	6	8
Don't know	6	22	20	32
No answer	1	3	4	7

BROOMCORN

Mr. TOWER. Mr. President, during the last session of Congress, I introduced a measure—S. 2664—which is designed to study the effect, both favorable and unfavorable, of imports into the United States as they effect our domestic industries. In recent days a particularly interesting situation from my own State of Texas has come to my attention: Imports that are adversely affecting the broomcorn industry.

Mr. President, in 1958 50,000 acres of broomcorn were planted in Texas, whereas in 1967 there were only about 20,000. The harvesting of this broomcorn provides jobs for thousands of migrant workers for which they make between $40 and $50 a day, as compared with $7 or $8 in other jobs on which they might work.

I wish to take this opportunity to suggest that the effect of the importation of broomcorn be included in the study that would be authorized under S. 2664. I feel certain that most would agree that it would be in order to grant this request.

THE NCAA–AAU DISPUTE

Mr. GRIFFIN. Mr. President, the Senate anxiously awaits the official reaction of the AAU and the NCAA to the decision rendered by the Sports Arbitration Board.

Although it is the hope of a great many Americans that the board's award will end the feud, unfortunately, new arguments were breaking out only minutes after the decision was announced.

Mr. President, on January 18, I introduced legislation—S. 2836—to provide a bill of rights for amateur athletes to protect individual competitors from unreasonable interference by sanctioning groups.

It appears clear, I submit, that such legislation would be desirable and in the public interest, whether or not the several feuding sports groups accede to and comply with the board's decision.

Mr. President, I ask unanimous consent that several items which are representative of media comment on the bill be inserted at this point in the RECORD.

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

[From the Muskegon (Mich.) Chronicle, Jan. 24, 1968]

ATHLETES NEED PROTECTION OF A "BILL OF RIGHTS"

Michigan Sen. Robert P. Griffin is crouched in the starting blocks with a badly needed

"bill of rights" for amateur athletes, and we hope that Congress will back him all the way to the tape in securing legislation to protect athletes who are caught time and again in the withering crossfire of a decades-old feud between the Amateur Athletic Union and the National Collegiate Athletic Association.

Jurisdictional disputes by these sanctioning bodies have on numerous occasions violated the freedom of American athletes to compete in important athletic meets, and have often threatened to impair this nation's effort in Olympic track and field competition.

Many athletes have been disqualified by the AAU from participation in the Olympic Games because they competed in meets conducted by the United States Track and Field Federation (the track and field arm of the NCAA), the U.S. Gymnasts Federation, or in the Kansas Relays, and none of the athletes barred were guilty of any wrongdoing, or of conduct which in any way reflected on their amateur standing.

They are the victims, pure and simple, of jurisdictional warfare between the two giant amateur athletic organizations—and this feud, as Sen. Griffin notes, is a matter entirely apart from the legitimate concerns of the public and of the athlete.

It will be recalled that a dispute between the sanctioning bodies threatened to wreck the United States' Olympic effort in 1964. President Kennedy at that time asked Gen. Douglas MacArthur to attempt to resolve the problem, and he managed to gain a temporary truce. But the sniping started again immediately after our victorious young athletes returned from the Games.

This is another Olympic year and the backbiting has started again. This time the AAU warned that any athlete competing in the USTFF meet in New York City Feb. 9 could lose his eligibility for the Olympic Games. Some 200 athletes are involved, including long jump champion Ralph Boston; Jim Ryun, perhaps the world's top runner; world record sprinters Tommie Smith and Charlie Green; half mile champion Wade Bell; long distance champion Gerry Lindgren, and many other top-ranked athletes.

It is almost inconceivable that these stars could be prevented from competing in the Olympics because of what Sen. Griffin calls the "whims of the powerful sports federations." Yet this is what is threatened by the executive director of the AAU.

In reaction to this, a dozen of the top U.S. track stars, including all of those named above, have signed a statement warning that they would not stand for Olympic disqualification, and pledging that if any one of their number is disqualified because of competing in New York, that all will consider themselves disqualified. They indicated they would seek to associate other athletes with them in their stand.

Meanwhile the squabble continues and a mediation panel appointed by Vice President Humphrey reports little progress. The panel is headed by Theodore Kheel, who helped settle a national railway strike, a New York bus and subway strike and a 114-day newspaper strike.

Said Kheel: "This is the toughest situation I've ever been involved in. These fellows make the Teamsters look like undernourished doves."

We aren't prepared to comment on the relative merits of the AAU and NCAA–USTFF stands, but this we do say: The rights and interests of the public and American athletes are being callously violated due to the pig-headedness of rival empire builders in the warring sports federations.

Leaders of the two groups have proved themselves incapable of solving the mess, and if the Humphrey panel can't untangle it, the only logical way out is for Congress to step in.

Crusty Avery Brundage, chairman of the International Olympic Committee (a man as popular with us right now as is the equally arrogant head of the nation's Selective Service System) has warned that congressional "interference" would jeopardize the entire American Olympic team this year.

It's time he was faced down. The American team could scarcely be in greater peril than the AAU–NCAA feud has placed it in.

Sen. Griffin is right. The politics of organized sport should not be allowed to hinder free athletic competition. This principle is of overriding importance. Congress must see that it is upheld.

"BAD SPORTSMANSHIP"

(Delivered by Mr. William C. O'Donnell, vice president, CBS radio division and general manager, WBBM radio)

Michigan Senator Robert Griffin has introduced legislation to Congress to correct a bad situation in amateur athletics. He wants to stop the Amateur Athletic Union and the National Collegiate Athletic Association from wrecking the 1968 U.S. Olympic team. We applaud Senator Griffin for his measure and hope that Congress will pass his bill.

There has been a prolonged, senseless feud between the two amateur athletic groups. Both of these sports federations threaten to prevent individual athletes from taking part in the Olympics—and other events—if they compete in events sponsored by one or the other group.

What this amounts to is a silly jurisdictional dispute between two self-centered, self-serving organizations. And in the middle—without any defense—stands the individual American amateur athlete.

Both organizations have also hinted they will refuse to accept the recommendations of a special arbitration panel. It was created by the Senate just to try and end the ridiculous dispute.

Senator Griffin's bill—if enacted—would prohibit any amateur athlete from being disqualified from any competition just because he took part in an event sponsored by a rival organization. The measure would also prevent any sports association from imposing unreasonable restraints on the non-professional athlete's right to take part in amateur sports events.

The Griffin bill is a very much needed measure. Without it, the AAU and the NCAA between them could—and probably will—wreck the U.S. Olympic team's track and field organizations for the 1968 effort.

Neither the AAU nor the NCAA seems in the slightest to be willing to place this nation's prestige ahead of self-centered interests. Certainly, there is no concern being shown for the amateur athlete.

It seems to us the only reasonable thing left to do is bang together the heads of the two amateur athletic groups and to pass Senator Griffin's bill.

[From the Pasadena (Calif.) Star News, Jan. 19, 1968]

GOBBLEGOOK!

Avery Brundage, obviously an AAU man, spoke a lot of gobblegook Thursday when he warned the United States senate to lay off the AAU-NCAA arguments over track sanctions or Brundage's International Olympic Committee will declare all United States trackmen ineligible for the 1968 Games in Mexico City.

It is this Brundage-like dictatorship and self-assumed power that American sports fans are getting tired of. When the day comes that the American government can't step in and establish laws to protect the rights of individuals to compete in amateur sports events, so long as they don't violate their amateurism, we better quit trying to have amateur sports.

Brundage says the international sports body doesn't permit government interference. How naive does Brundage think we are? Does he suggest that the Russian government, which has all its amateurs employed as governmental subjects, does not have anything to say about Russian international sports? Who pulled out of the Russian-U.S. track meet in Los Angeles and for why? Didn't the Russian government make the decision because of U.S. war policy?

Brundage's day as a czar of sports should be over—by self-proclaimed rebellion of those who refuse to be victimized by these so-called amateur dictators who have operated and travelled in their sphere of assumed authority much too long.

Senator Robert P. Griffin, R-Mich., came up with a fine bill in the senate, a bill which would halt violation of the democratic rights of amateur trackmen by the threat of fine and imprisonment. Brundage obviously fears the bill as it will affect his cronies in the AAU.

What has the AAU top brass got to lose in its war with the NCAA by withdrawing its stubbornness and displaying the true spirit of amateur sports—except maybe to cut off a few hundred pleasure trips to all parts of the world each year and surrender them to the real track builders, the coaches and men who work on the field, not in the hotel lobby, for amateur sport.

VIETNAM

Mr. TOWER. Mr. President, I ask unanimous consent that there be printed at this point in the RECORD a copy of a Washington Star editorial about Vietnam and a copy of my letter to the editor of the Star.

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

[From the Washington (D.C.) Evening Star, Feb. 2, 1968]

SUICIDAL ASSAULT

Whatever its purpose may have been, the surprise attack by the Communists on a dozen cities and military installations in South Vietnam is ending in disaster for the attackers.

There is still some fighting going on and the Communists may have some uncommitted reserves. But their effort, despite a strong showing in Hue and a few other places, seems doomed. As of midnight Thursday, Saigon time, the toll of military dead stood: Guerrillas, 10,553; South Vietnamese, 917; Americans, 281; others, 4. And as the final figures come in, the ratio of casualties should be even more adverse to the enemy.

What kind of a "victory" is this? By any military standard, it has been a crushing defeat. There has been some suggestion that the real enemy objectives were "psychological and political," and that in these respects they achieved some success. We doubt it. The Communists have demonstrated that if mass suicide is not a consideration with them, they can attack and disrupt life in almost any city. To this extent, then, the cities are not secure.

But they never have been. And there can be no assurance that there will be no new surprise attacks in the future. We do not believe, however, that this adds up to either a psychological or a political victory—not when one considers the staggering Communist losses, not when they failed to capture and hold any major installation or locality, not when one takes into consideration such atrocities as the savage murder of the wives and children of South Vietnamese officers. If this sort of thing adds up to victory, Hanoi can have it.

General Westmoreland still believes that the treacherous attack on the cities was the second phase of a three-phase enemy plan, and that the third phase will soon get under way. He is talking about the anticipated massive enemy offensive in the two northern-

most provinces, with the major effort directed against the Marine base at Khe Sanh.

If this attack materializes, General Westmoreland says he is confident it will be crushed. If this proves to be the case, an end to any serious fighting may come sooner than now seems possible.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., February 3, 1968.

EDITOR, EDITORIAL PAGE,
Washington, Star,
Washington, D.C.

DEAR SIR: You have performed an immeasurable service with your well-reasoned lead editorial of Friday last, "Suicide Assault." Your conclusion, stated concisely and precisely, is absolutely correct: ". . . the surprise attack by the Communists . . . is ending in disaster for the attackers . . . by any military standard it has been a crushing defeat."

You correctly assessed that the Viet Cong achieved no psychological or political objective in South Vietnam. They did not seize and hold any city, they did not rally the people to a general uprising. However, there has been a widespread "knee jerk" reaction in this country which is reminiscent of a bit of whimsey we old World War II deckhands used to recite:

"When in danger or in doubt,
Run in circles, scream and shout."

We are now treated to anguished cries of "they're too strong . . . we can't win . . . negotiate . . . get out."

If the actions of recent days should generate sufficient domestic pressure on the Administration to push it into ill-timed negotiations and thinly veiled surrender, then Hanoi will have achieved an objective in Washington it could not accomplish militarily in Vietnam.

Thanks again for a calm and rational response.

Sincerely yours,

JOHN G. TOWER.

PROPOSED CONSTRUCTION OF A PIPELINE FROM LAKE SHARPE, S. DAK.

Mr. MUNDT. Mr. President, House Concurrent Resolution 3 of the South Dakota Legislature, dealing with construction of a pipeline from Lake Sharpe and a determination of the amount of lands served through the transportation of water to the Lower James Conservancy Subdistrict and adjacent areas, has passed both houses of the South Dakota Legislature and has been forwarded to Washington for action. For the information of my colleagues I ask unanimous consent that the resolution be printed at this point.

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

HOUSE CONCURRENT RESOLUTION 3

Concurrent resolution memorializing the Congress of the United States to provide sufficient funding for a study to be made of the possibility of the construction of a pipeline from Lake Sharpe, including construction costs involved, and a determination of the amount of all arable lands which may be served through the transportation of water to the Lower James Conservancy Sub-District and adjacent areas

Be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

Whereas, one of the objectives of the Lower James Conservancy Sub-District is the complete development of the land and water resources within its boundary; and

Whereas, future development of the natural resources in the Sub-District will be dependent on the importation of water which may be used for irrigation purposes, to augment present inadequate municipal water supplies, to aid in the recharge of ground water, to furnish that which is needed for recreation, and to sustain fish and wildlife habitat; and

Whereas, there is considerable acreage of arable land within the Sub-District which are highly productive for agricultural purposes; and

Whereas, the stability of the economy within the Sub-District is dependent on its agricultural production which is subject to climatic influences and variable rainfall, thus contributing to its economic instability; and

Whereas, the need for supplemental water during the critical growing season has been amply demonstrated, particularly in years of short rainfall, at a time when one or more applications of water, through irrigation, would have meant the difference between a bumper crop and one of complete failure; and

Whereas, portions of the Conservancy Sub-District have received only a reconnaissance survey made by the Bureau of Reclamation prior to the preparation of Senate Document 191 which was included in the Flood Control Act of 1944; and

Whereas, even though the Bureau of Reclamation is making a river basin reconnaissance survey in eastern South Dakota, there is still need for a more complete study of the drainage areas covered by the Lower James Conservancy Sub-District and of that area lying between the Sub-District and the Missouri River by an appropriate federal agency to determine the areas of potential multipurpose water use and development; and

Whereas, it is believed that a pipeline, if built eastward from Lake Sharpe on the Missouri River to serve the Conservancy Sub-District and adjacent areas, would minimize maintenance costs and evaporation losses in transporting water for delivery to a modern distribution system when designed and built to supply water for various purposes including municipal water supply, domestic and industrial use, recreation development, irrigation, incidental recharge of ground water, and other uses; and

Whereas, the cost and feasibility of constructing a pipeline such as envisioned for the transportation of water from the Missouri River to an area of potential use has not been determined; and

Whereas, the United States government, since its inception, has recognized its responsibility to encourage the economic development of the nation—one area of modern activity being found in the Reclamation Act of 1902 and subsequent legislation relating to the development and construction of multi-purpose water use projects; and

Whereas, the officers and directors of the Lower James Conservancy Sub-District recognize the inherent right and obligation of the people within the Sub-District, with or without the assistance of the United States government, to develop fully their water and land resources in accordance with sound basic principles of conservation development; and

Whereas, the problem of proper land use and water supply, quality, distribution, and reuse are of considerable importance to the arable areas that may be served by a properly planned water distribution system; and

Whereas, a sound water resources development program is dependent, in large measure on continued and coordinated investigation, planning, research, and construction programs by the several federal agencies concerned with water resource development; and

Whereas, the accomplishment of these programs calls for adequate appropriation by the Congress of the United States and the use of other funds from whatever sources available;

Now, therefore, be it resolved, by the Forty-third Session of the South Dakota Legislature, that it memorialize the Congress of the United States to provide sufficient funding for a study to be made of the possibility of construction of a pipeline from Lake Sharpe, including construction costs involved, and a determination of the amount of all arable lands which may be served through the transportation of water to the Lower James Conservancy Sub-District and adjacent areas; and

Be it further resolved, that copies of this resolution be transmitted to the Governor of the State of South Dakota, the members of the South Dakota Congressional delegation, the Secretary of the Department of Agriculture, the Secretary of the Department of Interior, the Commissioner of the Bureau of Reclamation, and the Corps of Engineers.

Adopted by the House of Representatives January 17, 1968.

Concurred in by the Senate January 16, 1968.

JAMES D. JELBERT,
Speaker of the House.
LEM OVERPECK,
President of the Senate.

Attest.

PAUL INMAN,
Chief Clerk of the House.
NIELS P. JENSEN,
Secretary of the Senate.

THE CRIME MESSAGE

Mr. BREWSTER. Mr. President, I am convinced that the rapid rise of the crime rate is the greatest domestic problem in America.

Crime is a social cancer. We appear unable to stop its spread.

It costs us over $21 billion annually.

It victimizes approximately two out of every 100 Americans.

The crime rate grows nine times faster than the population.

No longer can this Congress hesitate to enact bold, comprehensive measures to arrest this growth. The time has come to offer the American citizen adequate protection against criminal activity in all its phases. At the very least, this is our obligation.

The President has sent the Congress a crime message containing legislative proposals which, if enacted, will go a long way to giving the citizen the shield he needs against crime. The message is lengthy and detailed, covering a wide range of needs. It is a thorough and progressive document, and one which has my full support.

I attach special priority to the Safe Streets and Crime Control Act. The fight against crime must be carried effectively into the central battleground, the local jurisdiction. It is the local jurisdiction upon which the Federal Government must focus its new efforts.

The Safe Streets and Crime Control Act, as introduced last year, contains the proper focus. The proposal this year to appropriate double the originally suggested $50 million should give the bill double its original force; every penny of the $100 million will be money well spent.

The national waste occasioned by crime is horrendous, and we are faced with the proposition of improving our prevention, control, and rehabilitation

techniques—or else. The administration's request for crime legislation follows two Presidential Crime Commission reports which leave no room to doubt the seriousness of the crime problem. We ought now to support the President's program.

AID FOR ASIA'S OTHER WAR

Mr. McGEE. Mr. President, the Washington Evening Star of February 6, 1968, gave its support to President Johnson's request for funds to fight the so-called other war in Asia, the battle for economic development. The editorial states rather concisely the case for the President's request for money to wage this longrun battle, which may, indeed, be more decisive than the present conflict in South Vietnam. The Star said:

When the Johnson Administration speaks about its commitments in Asia, its critics often seize upon the war in Vietnam to accuse it of seeking purely military solutions to Asian problems. Nowhere is this charge more clearly shown to be ill-founded than in the President's request to Congress this week.

No item in the budget will better demonstrate America's confidence and willingness to support the efforts of the developing nations to get on their own feet than this request. That is the conclusion of the Star. It is mine also.

I ask unanimous consent that the Star editorial, entitled "Aid for Asia's Other War," be printed in the RECORD.

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

AID FOR ASIA'S OTHER WAR

When the Johnson administration speaks about its commitments in Asia, its critics often seize upon the war in Vietnam to accuse it of seeking purely military solutions to Asian problems. Nowhere is this charge more clearly shown to be ill-founded than in the President's request to Congress this week for additional funds to fight Asia's other war—the war for economic development.

In this vital, and in the long run decisive, battleground for the future of Asia, the President last year suffered a setback in Congress. His request for approximately $882 million to help Asian states—excluding Vietnam and the Near East—was slashed to below $600 million. Particularly hard hit was India, whose development is intimately linked to the magnitude of America's generosity.

But the President has decided, and in our view wisely, not to accept Congress' verdict as the final word on the limit of our capacity to help. "So it's back to the well," as Agency for International Development Director William S. Gaud expressed it. The request is for $997 million for Asia, excluding the Near East, and an additional $480 million to help Vietnam pay for imports and improve life in the countryside.

Budgeted are long-term loans for projects to lay down the economic infrastructure for development. These loans, incidentally, are repayable in U.S. dollars. Also planned are technical assistance grants to spur agriculture, assist overpopulated countries in family planning and train Asian farmers and workers to improve their productivity. In addition, funds will go to help the budgets of nations whose resources are too limited to maintain an adequate defense posture.

Much of the fund increase sought by the President for East Asia is designed to assist Indonesia get back on its feet after a long period of economic stagnation. U.S. officials find encouraging signs that this nation is ready to turn in a good economic performance, and no item in the aid budget will better demonstrate America's confidence and willingness to support such efforts by the developing nations.

India too will be a big gainer if the administration's plans are supported. It will be able to buy the fertilizer required to step up its agricultural output. Increased economic aid is planned for the Philippines, Thailand and Korea as well.

A final encouraging note in the budget request is the President's pledge to minimize the impact of aid spending on our balance of payments. For example, 90 percent of the foreign aid money will find its way back to this country in the form of American goods and services purchased.

KANSAS DAY ADDRESS BY D. A. N. CHASE

Mr. PEARSON. Mr. President, on Kansas Day, January 29, which is the birthday of the State of Kansas, the outstanding event is the annual banquet.

By tradition each year a young man of Kansas gives a toast to our State.

This year, Mr. D. A. N. Chase presented an outstanding address which takes note of our State's greatness and our hopes for the future.

I commend this outstanding address to Senators and ask unanimous consent that it be printed in the RECORD.

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

A TOAST TO KANSAS

Tonight we toast Kansas, our state, and how fitting that we should on this anniversary of statehood. But in what direction should we lend our praise; what particularly should be the subject of our tribute? It is a question of substance—worthy of our thought and consideration. To all of us here tonight, this state is more than a boundary that defines the geographical limits of a governmental entity, more than a convenient and systematic guide to the layout and scale of road maps. If Kansas meant only this or perhaps another so superficial a definition, then surely this program, year after year, would not burden those here assembled with a toast to Kansas.

If we were to begin a dossier, a start would be Midway U.S.A.—Kansas, the heart of the nation. So like a heart really, pumping the lifeblood of big agriculture to the extremities of the country, beating always to produce the pulse of the nation. Whether by coincidence or divine plan, the breadbasket of what is still the greatest country on earth.

Not subservient to time, but a benefactor, the traditional picture of agriculture and cattle now shares the scene with agri-industry, aviation, oil, to name a few. The outdoor recreation boom—fostered by reservoir construction which adds water resources to the existing assets for industrial growth, such as central location, space, and freedom from the congestion of the industrial East, yet communication with all parts of the country by modern highways and radial rail service.

But these are all tangible assets and attributes, objective measures of a state's greatness. It is but one side of a two-sided ledger. The other is headed "Intangible", and brings to mind a personal experience I would like to share with you.

Several years ago I was driving into the setting sun west of Ottawa. I was alone; it was Christmas eve. You have all seen a Kansas sunset, but this was a real exception—an experience in natural phenomena which is an infrequent occurrence even here. As the sun started down, it became apparent that it was to be a glorious sunset. The coloration of the sky extended further along the horizon than usual, and much higher. Once over the horizon, the eruption and expanse of color grew until it spanned over half of the horizon from north, through the west, to past south, and extended from the west to the zenith. I slowed my speed and watched as the lighter colors yielded to the darker as every color of the spectrum showed its face and then faded.

Odd wasn't it, I thought, that such a display would appear on Christmas eve, as if planned from above. But, what is a sunset—merely an example of how a little light, under the right conditions, can make a maximum showing and a major contribution to a part of the day.

So it is with people, also an intangible asset, the instruments of an Almighty plan, and so it must have been with those early pioneers who settled in this state and other parts of the great Midwest as well. Maximum showing, major contribution, even today the people of Kansas comprise only about one percent of the country's population. But like the sunset, the qualities of Kansans are magnified by act and action, and are the great asset of the state. Without it, we could not speak of grain, resources and economic growth.

Today is a time of challenge. The news of recent days both international and local, a presidential year almost now in its second month, compounded with the diverse problems confronting every sector of this great nation, both inherited from prior years and arising from the present—these do define a challenge to the best among us. Kansans have, Kansans will meet the challenge that each might face. Should we forget our capabilities, should we feel devoured by the immensity of the problem, we have only to be reminded of the sunset.

So to Kansas—long is the list of names, should we make one, of those who give you honor, who work to preserve your honor, and of those who will walk for many years in that tradition. Today we pay you tribute, we toast those who have made you what you are, those who will have the courage to be your future. We toast you now, though our accolades will go on and on.

THE FUTURE—AN ATOMIC HEART

Mr. ANDERSON, Mr. President, today Phillip Blaiberg, of Capetown, South Africa—the only survivor of a human heart transplant operation—marks the 37th day of his struggle to stay alive. This represents a remarkable medical achievement which millions threatened by heart disease look upon with hope.

The medical profession is moving ahead to counteract some of the major roadblocks in the path of success—notably the rejection by the body of foreign tissue. This is important research, and the recent pooling of efforts in the United States and Europe is an approach that should be commended.

What concerns me is that in our enthusiasm over transplants, other far-reaching developments going on behind the scenes will be overlooked.

The artificial heart, for example, in its early form holds out the prospects for keeping patients alive until a suitable donor can be found. However, more importantly, there are the goals of developing the totally implantable artificial heart and of rehabilitating critically ill heart patients permitting them to return to a relatively normal life, including employment.

Dr. Michael E. DeBakey, one of the country's leaders in heart assist device work has recently stated that research directed toward development of mechanical heart pumps and assistor devices for total replacement of the biological heart must be vigorously pursued. An artificial heart would greatly alleviate the ethical and medical problems that are widely recognized as deterrents in the program to replace diseased hearts. These are estimated at between 100,000 to 500,000 patients per year.

Mr. President, this device is a natural partner in the transplant field and should be regarded as a stimulus to the transplant program, yet there are several indications that the most logical course for its development is being unnecessarily delayed.

A program begun a year and a half ago by the National Heart Institute and the Atomic Energy Commission is barely being kept alive and in some cases the necessary followup is in question.

Results of current Atomic Energy Commission research indicate there are no insurmountable technical barriers facing a program to develop a radioisotopic-powered artificial heart. To be sure, there are problems to be clarified and solved and some may put restraints on the unlimited use of the device. But at the moment the overall prospects are encouraging.

Additionally, a view based on current technology is that a radioisotopic-powered heat engine alone has potential to satisfy the objective of the program to develop a completely implantable heart pump power supply in the next 5 years.

The next phases of this program proposed by the AEC call for the development and testing of a prototype engine, but I understand decisions are being made right now to postpone that work for several years. The estimated $4 million cost involved over a 3-year period is minimal compared to the long-range benefits, but most importantly we cannot afford the delay.

An intermediary non-nuclear device consisting of a blood pump, a heat engine, and a thermal energy storage reservoir implanted in the body is being proposed by the National Heart Institute. Power would be transmitted across the body wall, converted internally to heat, and stored in a suitable material which would act as the heat source.

Mr. President, nuclear energy is already working as the vital link in developing the technology of the 21st century and has been fully and successfully demonstrated through nuclear electric power stations and in many applications in the field of medicine. In medicine, for example, the Atomic Energy Commission has researched and is now demonstrating a nuclear-powered cardiac pacemaker which provides an electrical stimulus to the heart muscle to regulate its beat when the heart itself fails in this regard.

What I am suggesting in carrying out a parallel effort here is a partnership between the National Heart Institute and the AEC to develop a non-nuclear heart device to be implanted in animals within 18 months and still, through the expertise of the AEC, meet our long-range objectives for development of a radioisotopic engine to power heart devices.

What is at stake here is not our commitment in the field of heart research but our perspective. This is no place for myopic vision. To narrow the field now when there is so much evidence that we are on the right path would delay what promises to be the major medical achievement of the century.

Now is the time to forge ahead in other areas of basic heart research—in finding answers to such questions as what happens when the blood is pumped and comes in contact with foreign elements. Already there may be critical manpower shortage in developing programs to establish highly qualified medical teams for performing transplants. The artificial heart program of the National Heart Institute is operating at one-third of the $25 million that could be wisely spent in connection with this work and in its role as liaison for universities and industry.

The pioneer of artificial heart research—Dr. DeBakey—is only one of the voices that asks to be heard. The broad support for moving ahead on both fronts—in artificial heart development and in the heart transplant field—was reaffirmed last month at the semi-annual board of directors meeting of the American Heart Association in New York City. To turn away now would detract considerably from the sincerity of our commitment in the field of health.

SENATOR RANDOLPH CITES NEW YORK TIMES EDITORIAL ON PENNSYLVANIA-NEW YORK CENTRAL RAILROAD MERGER

Mr. RANDOLPH. Mr. President, the recent approval by the Supreme Court of the Pennsylvania-New York Central Railroad merger seems to constitute an enhancement of the efforts to secure better service in the movement of passengers and freight through rail transportation. It is my belief that this development is truly in the national interest. The merged lines should be an effective force in the advancement of a balanced transportation system in the United States.

The New York Times of January 20, 1968, published an excellent editorial on the importance and the significance of the Penn-Central combination. I responded to the comment in the New York Times through a letter to the editor.

Mr. President, I ask unanimous consent that the editorial "Railroading's New Era," and my letter be printed in the RECORD.

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

[From the New York Times, Jan. 20, 1968]

RAILROADING'S NEW ERA

Approval of the Pennsylvania-New York Central merger by the Supreme Court marks the beginning of a new era in rail transportation. It paves the way for other combinations that can make use of technological innovation and economies of scale to provide more efficient and better service for both passengers and freight.

When the merger was first proposed in 1961 both companies were in sick financial condition. They have since recovered somewhat, but there has been little real improvement in the state of rail transport in the East. Passenger service has been drastically cut back and the movement of freight curtailed. Meanwhile, the plight of the smaller and poorer railroads has become even worse than it was.

Many factors are responsible for this decline in railroading. The eastern part of the United States has long had two many lines in competition with one another. They have often been burdened with unenlightened management, reactionary labor and archaic regulation. As a result, the railroads were unprepared to meet the competition from other carriers that had been actively promoted by Government policy. Thus the railroads have been fighting with one hand behind their back against aggressive opponents who have had the added advantage of receiving aid and comfort from a friendly referee.

Now there is prospect that competitive balance in transportation can be restored. The financial strength of the merged roads means that the new giant will be in a position to slug it out with truck and air carriers. Given the economies it can effect, there is little doubt that efficient, modern management can begin to reverse the deterioration and the shrinkage of the rails.

Sound policy calls for balance within the railroad industry as well as balance among different transportation sectors. We have long supported the Pennsy-Central merger. We have also favored creation of two strong and competent rail giants in the East in order to insure a reasonable degree of competition between the rails and to prevent a complete disintegration of the smaller lines.

The Pennsy-Central will be providing assistance to the bankrupt New Haven and should eventually take over its routes. Now the Erie-Lackawanna, the Delaware & Hudson, the Boston & Maine and other smaller lines that lack the resources and the routes to compete must be taken with least possible delay into the proposed merger of the Norfolk & Western and the Chesapeake & Ohio Railways. In this way the public will be benefited by creation of two strong systems.

The public interest in a new rail era is in fact paramount. The country has suffered from the antiquated equipment and rusting lines and heavy indebtedness that have accompanied the decline of the rails. But it will surely benefit from a revision in the railroad map that gives the surviving companies the ability to compete against the truckers and the airlines and with each other.

U.S. SENATE,
COMMITTEE ON PUBLIC WORKS,
February 5, 1968.

EDITOR,
New York Times,
New York, N.Y.

SIR: You have my commendation for the cogent editorial comment of January 20, 1968, on the approval by the Supreme Court of the Pennsylvania-New York Central railroad merger.

This decision is based in large part on financial realities and it truly opens the way for "a new era in rail transportation" with resulting significant improvements in the movement of passengers and freight.

But more important, as you have effectively written, the approval of the Pennsylvania-New York Central merger was guided by the vital policy which places the national interest in the paramount position.

The development of a balanced and integrated transportation system of railways, waterways, highways, and airways will be served well by this combination. It is only through such a complex that our accelerating transportation requirements can be fulfilled.

Truly,

JENNINGS RANDOLPH.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

INTERFERENCE WITH CIVIL RIGHTS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 75, H.R. 2516.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. Calendar No. 705, H.R. 2516, a bill to prescribe penalties for certain acts of violence and intimidation, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its further consideration.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BROOKE. Mr. President, the amendment we are now discussing is likely to be the most important domestic legislation to come before the Senate this year.

I am reluctant to make extravagant statements about any subject, and I would not make so strong a comment about the proposed fair housing bill if I did not consider it the Senate's most vital business for 1968. Why am I drawn to such a sweeping conclusion?

There are numerous considerations which testify to the urgency and priority which we should give this matter. My able and respected colleague from Minnesota and I have already indicated at some length the magnitude of the evils for which we believe this legislation will be a partial remedy. Allow me to mention in the simplest and most straightforward manner some of the grave social problems to which this bill, directly or indirectly, is addressed.

Discrimination in the sale and rental of housing has been the root cause of the widespread patterns of de facto segregation which characterize America's residential neighborhoods. It is not true that those patterns, as they have developed in our time, stem primarily from the alleged desire of minorities to cluster together and to avoid integrated neighborhoods.

It is fair to say that the prevalent residential patterns may have had their origins in the tendency of migrants to seek out friends and kinsmen when they have first settled in an area. But this tendency, to the extent it was ever a reality, is relevant only to the initial settlement of immigrants in a given area. Over the years, after the newcomers have become established in an area, after they or their children have begun to realize the traditional American opportunities to better their lot by education and hard work, they have always been able to move up, if they desired, to a better home in a neighborhood of their choosing.

Indeed, moving to a new or different home has generally been the principal mark of upward mobility in our society. We have long honored the symbolic value of this transition to another home. It is a principal measure of America's success in creating a truly open society in which men and women can advance, materially and socially, in fair proportion to their capacities.

The opportunity to make that transition, the chance to build or buy the best home one can afford, has been the hallmark of individual opportunity in this favored land.

But that is the story of previous generations and previous minorities. In 1968 this natural path of social advancement has been blocked for the most recent residents of our central cities. It has been blocked not for high and justifiable reason. Who would dare assert that there could be any justification for abandoning the ideal of equal opportunity in the United States?

It has been blocked by the pervasive and debilitating effects of racial discrimination.

Unless we can lift that blockade and open the traditional path once more, permanent de facto segregation will unquestionably disrupt further progress toward the open society of free men we have proclaimed as our ideal.

For what does such imposed segregation imply? If it persists, it is quite clear that those millions of Americans locked in the ghettos will face the prospect of remaining in the vicious circle we have already described. Forced to remain in the cores of the central cities, their children will suffer the awful impact of blighted neighborhoods, inadequate schools, and lack of job opportunity. The ugly sense of entrapment will fester in the minds and souls of parents and children alike. Frustration will breed bitterness, and bitterness will turn to hostility as the promise of our Nation disintegrates in angry turmoil and social unrest.

Congressional endorsement of an equitable fair housing law would do much to restore the waning faith of ghetto children in the integrity and fairmindedness of America's leaders. I say to you, soberly and with the deepest apprehension, that we dare not let their hopes perish in the sluggish wake of our inaction.

We must stand now and be counted. We must say to every American that he will have an equal chance to follow the paths of his predecessors in this favored land. We must assure him that his efforts to advance himself and his family are worthwhile, and that a good education, a job commensurate with his demonstrated capacity, and a home of his own choosing will not be denied him on vicious grounds of racial discrimination.

We must do all that is reasonable and just to guarantee that no individual will suffer for the prejudice or venality of another.

Mr. President, I believe that the experience of the Commonwealth of Massachusetts, which has adopted a virtually unlimited fair housing statute, is relevant to this debate. This law has now operated for close to a decade. It is virtually all inclusive, governing even the sale of single-family dwellings by private parties. The sole exemption which has been included relates to the rental of one apartment in a two-unit building in cases in which the lessor actually lives on the premises. Consequently, the Massachusetts statute is substantially broader in its coverage than is the amendment which the Senate is presently considering.

Despite this breadth—but, to some degree, because of it—the Massachusetts fair-housing law has been successfully administered and has received overwhelming and continuing public support. It is administered by the Massachusetts Commission Against Discrimination, a State agency the members of which are appointed by the Governor. During my 4 years as attorney general of the Commonwealth, it was my responsibility to provide advice and representation to the commission. As a result, I had occasion to witness the operation of the fair-housing statute on a close and continuing basis.

The number of complaints successfully disposed of by the commission is close to 100 percent of all complaints received. About 90 percent of these are disposed of by agreement between the commission and the party against whom the complaint has been filed. This sometimes results from the fact that the circumstances which led to the filing of a complaint are so clear that even the respondent recognizes that he has violated the law. Occasionally, in cases in which the facts are less clear, the reputation of the commission and the public awareness of and interest in the subject matter are such that the respondent chooses not to contest the attempt to persuade him to abide by the statute. This does not mean, however, that cases do not reach the Massachusetts courts. A number of questions with respect to the statute, including the question of its constitutionality, have been litigated. Not only has the Massachusetts Supreme Judicial Court determined that the statute, despite its breadth, is constitutional; it has also upheld the Commission Against Discrimination in every single case which the court has decided on the merits.

The favorable attitude of the public toward such legislation is well illustrated by the circumstances surrounding attempts to amend the fair-housing statute in 1963. Prior to that time, the statute had not covered the sale of single family dwellings, and a bill was filed for the purpose of extending the law to include such transactions. Expected opposition never materialized. On the contrary, public receptivity to the proposed amendment was heartening. All of the statewide real estate associations, including the Boston realtors, supported the change. Witness after witness appeared to testify in its favor, with few dissents. Public enthusiasm has not dimmed in the succeeding 5 years. This is partially the result of sound policies regarding admin-

istration of the statute which have been adopted by the commission. But it also results from a general acceptance in Massachusetts that the broad fair-housing law represents a justified extension of fundamental constitutional rights to all of the Commonwealth's citizens.

The Massachusetts experience belies the fears of those who believe that the institution of open-housing policies will wreak havoc with long established suburban living patterns. Integration of the Massachusettes suburbs has proceeded, for the most part, on the basis of free choice of both buyers and sellers; it has not been compelled by legislative or administrative fiat. The Massachusetts statute has attacked primarily those areas in which the problem is most acute. It has focused upon the fringes of the ghetto, the areas to which Negro citizens might well be able to move were they able to secure housing freely. As barriers have been removed in these sections, the mobility of the Negro out of the worst ghetto areas has been greatly increased, and the entire central city has been the beneficiary.

As I indicated yesterday, I do not claim that the adoption of a Federal open-housing law will be an ultimate answer. Indeed, it will not strike at the heart of the problems in the ghetto. Only a complete American commitment to the eradication of the social, economic, and psychological evils which constitute the ghetto can eventually lead to success. But this is a first step. It is a step which my own State has taken. It has proved acceptable to the public. It has proved that it need not be accompanied by interference with private rights. It has proved that it works.

Mr. President, returning from Africa, as I just have, I find myself reflecting on the contrasts and similarities between those countries I have visited and our own United States. The comparison is both instructive and highly relevant to the proposal which the distinguished junior Senator from Minnesota and I have introduced.

Many of Africa's most promising political leaders look to the United States as the democratic model.

I will not for a moment argue that the Senate should approve this amendment because of what foreign observers will think of us if we fail to act. We ought to pass this bill because it is the right thing for America to do.

But it is also true that our foreign friends expect us to do the right thing and their disappointment is genuine and deepseated when our actions call into question our fidelity to the principles and aims of our professed democratic philosophy.

Time and again in my discussions with African leaders, it was apparent that their vision of America as the land best approximating the ideals of human equality has been blurred by their perception of discrimination in the United States. Hidden beneath their continued admiration for the American model was a grave concern that we might yet fail in our noble experiment, a fear that we would founder on the treacherous shoals of racial enmity, an apprehension that the United States might be headed toward a rigid and hateful social policy comparable to that found in South Africa.

Mr. President, I do not believe that such a fate is in store for our beloved country, and I made clear to these African leaders my own confidence that we would weather the present domestic storms and build a more open society in America. But I could not always convince them; not because they did not wish to be convinced. On the contrary, they want to see America succeed and earnestly desire to believe that we will. But they are especially troubled by the dissonant image of most American Negroes in ghettos and most American whites in suburbs.

They may well wonder if America really is different from South Africa.

On this score, as well, I find myself drawn to the conclusion that fair housing legislation is necessary and appropriate to America's social responsibilities at home and its obligations to provide moral leadership for all nations. I devoutly believe that the United States has a mission in the world and that our action on this matter will have an important bearing on our capacity to provide such leadership.

Can we state the proposition any more clearly? America's future must lie in the successful integration of all our many minorities, or there will be no future worthy of America. That future does not require imposed residential and social integration; it does require the elimination of compulsory segregation in housing, education, and employment.

It does not require that government dictate some master plan for massive resettlement of our population; it does require that government meet its responsibilities to assure equal opportunity for all citizens to acquire the goods and necessities of life.

It does not require that government interfere with the legitimate personal preferences of individuals; it does require that government protect the freedom of individuals to choose where they wish to live.

It does not require government to provide some special advantage to a privileged minority; it requires only that government insure that no minority be forever condemned against its will to live apart in a status inferior to that of their fellow citizens.

This measure, as we have said so often before, will not tear down the ghetto. It will merely unlock the door for those who are able and choose to leave. I cannot imagine a step so modest, yet so significant, as the proposal now before the Senate.

Mr. President, I refer now to a study prepared by the Legislative Reference Service. This paper, prepared by Mr. Thomas F. Lord, is both informative and useful for our present discussion, and I shall call attention to several relevant portions of the study.

(At this point Mr. McGOVERN assumed the chair.)

Mr. GRIFFIN. Mr. President, will the junior Senator from Massachusetts yield to me at this point?

Mr. BROOKE. I am glad to yield to the distinguished Senator from Michigan.

Mr. GRIFFIN. Mr. President, I wish to associate myself generally with the eloquent remarks the distinguished Senator has made up to this point in his statement, and I commend him for indicating and displaying, once again, very brilliant leadership. In a very short time in the Senate, he has distinguished himself in a number of ways and in a number of legislative areas. Certainly, in the area of race relations his leadership has been particularly significant and valuable, not only to the Members of the Senate, but also to the Nation at large.

In speaking to the measure now before the Senate, he has again demonstrated to all a very keen ability to analyze and to articulate. Today, as on other days, his voice has been not only an effective voice, but also a voice of perception, of moderation, and, most of all, of common sense.

So I congratulate the distinguished junior Senator from Massachusetts for the excellent statement he has made on this subject.

Mr. BROOKE. I thank the distinguished Senator from Michigan for his generous remarks.

Mr. President, I read from a study prepared by the Legislative Reference Service, to which I referred before, the section entitled "Negro Housing Problems":

A prominent housing expert, Charles Abrams, recently wrote of Negro housing problems:

"The housing available to Negroes is inferior in quality compared to the housing of whites; both the housing and neighborhoods in which he lives show signs of greater deterioration; there are fewer amenities; mortgages are more difficult to obtain; there is little or no private investment in new buildings for Negroes; tax arrears are higher in their neighborhoods and public interest in maintenance is lower; real estate values are lower in relation to net income; overcrowding is more intense; schools, hospitals, and recreation are inferior; and the Negro usually gets less housing per dollar he pays."

A glance at the 1960 Census will graphically verify Mr. Abrams' observations. Forty-four percent of all non-white occupied units were substandard, compared to 13 percent of all white occupied units. 155,000 non-white families had to share single dwelling units with other families. That is 4.8 percent of the total number of non-white families—only 2.1 percent of the total number of white families lived in such a condition.

Perhaps the really significant figures are those which illustrate the central city concentration of Negroes. For it is especially within the old, deteriorating inner cities where slums and inferior community facilities abound. The non-white population of central cities increased 63.3 percent between 1950 and 1960—from 6.3 million to 10.3 million persons. At the same time the white population of the central cities was increasing at a rate of 13.3 percent—42.0 million to 47.6 million persons. This influx of 9.6 million persons must be measured against the 3.7 million housing units added in the same period. Herein lies the reason for the crowded slums.

During the same decade the white population in the urban fringe—the suburbs—leaped forward at a rate of 81.8 percent—16.2 million whites moved there—only 700,000 Negroes accompanied them.

The configuration to which these figures point often has been described—America's large cities filled at the center with Negroes

occupying run-down housing and surrounded by a suburban ring of middle-class white neighborhoods.

It might be suggested that the configuration thus described is inevitable in light of the low incomes of the Negroes in the central cities. It is true that in 1960 the median family income of Negro families was only $3,711—63 percent of the median income of $5,893 for whites. But a 1963 study by the U.S. Housing and Home Finance Agency found that there has been a "spectacular rise" in the incomes of Negroes in urban areas and a corresponding growth in the demand for middle-income housing—such as is available in the suburbs. The study collected data on 17 metropolitan areas and compared the home buying patterns of white and nonwhite families in the $7,000 to $10,000 income bracket. If Negroes in this category had bought homes valued at $15,000 in the same ratio as whites in this same income bracket, there would be an immediate potential market among nonwhites in these 17 areas for some 45,000 units. On the basis of the investigation HHFA concluded that:

While the study cites a number of related factors inhibiting home ownership among non-whites, it points particularly to racial restrictions as an important deterrent to the availability for new housing for this group.

It would appear then that the configuration of black central cities encircled by white suburbs is not a "natural" phenomenon; the coerciveness of discrimination is involved, and the white suburban circle is what former Philadelphia Mayor Richardson Dilworth called a "white noose."

What are the forces behind this discrimination? The Commission on Civil Rights attempted an answer in its 1961 report:

They begin with the prejudice of private persons, but they involve large segments of the organized business world. In addition, Government on all levels bears a measure of responsibility—for it supports and indeed to a great extent it created the machinery through which housing discrimination operates.

First, discrimination is sometimes practiced by the owner of a house who refuses to sell or rent to a person of another race. This attitude has often led to alliances of owners who enter into covenents restricting a neighborhood to whites only. In 1948, the Supreme Court in Shelley against Kraemer ruled that such covenants are judicially unenforceable, on the grounds that a State would be denying to certain citizens equal protection of the laws. Nevertheless, restrictive covenants prevail in many places even though they are not legally enforceable.

Second, lenders often discriminate against Negroes, using the argument that a homogeneous neighborhood makes a loan economically more sound. The Commission on Civil Rights "found evidence of racially discriminatory practices by mortgage lending institutions throughout the country." Also some builders join in with these views about "homogeneous" neighborhoods and sell only to white persons. Underlying the view that neighborhood stability will be destroyed is the belief that property values fall when Negroes move into an area. This happens, of course, if there is "panic" selling by whites. But a research study of 10,000 real estate sales over a 12-year period in seven cities contradicts the belief that property values invariably decline. Forty-one percent of the homes in interracial neighborhoods did not change in price; 44 percent increased 5 to 26 percent; 15 percent dropped 5 to 9 percent.

The third discriminatory factor mentioned by the Commission in 1961 was the Government—especially the Federal Government. The major cause for such an indictment is that FHA actively encouraged racial discrimination during the years 1934–1950. Its Underwriting Manual of 1938 suggested that properties "continue to be occupied by the same social and racial groups." The Shelley against Kraemer decision had an effect on FHA policy, however, and it withdrew its support for racially exclusive policies. President Kennedy's Executive Order 11063 of 1962 required FHA and other Federal agencies to pursue affirmative policies with respect to equal opportunity in housing.

But the Civil Rights Commission's criticism of the Government is also based on the fact that most financial institutions are dependent to a great extent on Federal regulation and sponsorship. A large number of saving and loan associations are chartered by the Federal Home Loan Bank Board. Many of them are recipients of the benefits of the Federal Home Loan Bank System. Most commercial banks are regulated by the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. Yet none of these private institutions are covered by the existing Executive order, and thus, are free to discriminate without Government interference.

Although low income is an obstacle to many Negroes in acquiring adequate housing, a large number of Negroes have moved up to middle-class levels of income, and many of these Negroes who have the money want to live in a suitable environment. As a Negro wife in Boston put it:

I don't think that too many people start out by saying, "I want to move into a white neighborhood." They want to move to a neighborhood that has modern housing, good schools, that has close shopping centers, that has a plot of grass around it; where people don't go through the street and drop paper; they want something clean.

But often the Negro cannot realize this aim because he is surrounded by a pattern of discrimination based on individual prejudice, often institutionalized by business and industry, and Government practice.

Certainly the provision of good housing will not solve all social and personal problems. Yet the upgrading of housing conditions, as compared for example to the tasks of education and improvement of health, may well be the most immediately practical solution available. Further, the attack of educational inequality, on juvenile delinquency, and on ill health will surely fail without a fundamental attack on the slums. But that attack cannot succeed—indeed it cannot commence—without the obliteration of the discriminatory obstacles which condemn the Negro to certain areas, to substandard housing, and to poverty in general.

The Federal Government has begun to recognize this basic fact and has tried to insure equal opportunity in housing to all Americans. If the national goal set forth by the Congress of a "decent home and a suitable living environment for every American family" is to be realized, equal opportunity is essential.

The most effective attempt by the Federal Government thus far to insure equal opportunity in housing was the signing of Executive Order 11063 by President Kennedy on November 20, 1962.

As two legal authorities have pointed out:

The issuance of the Executive Order was hardly a precipitous action. Twenty-eight years had elapsed since passage of the original National Housing Act, before the Federal government took this basic step to assure equal access to the benefit of its housing programs.

The Executive order directed all Federal agencies which administer housing programs to prevent discrimination. Section 101, which sanctions this antidiscriminatory activity, relates to housing and other facilities provided by Federal aid agreements executed after November 20, 1962. Therefore, the order did not touch the millions of FHA- and VA-assisted homes built before 1962.

Section 102 of the order does apply to all housing ever aided by a Federal program—but this section merely directs Federal agencies to "use their good offices" to promote the abandonment of discriminatory practices.

The order also established the President's Committee on Equal Opportunity in Housing. Each executive department and agency is directed to cooperate with the committee by furnishing it with information and assistance and to report to the committee at certain intervals with respect to its procedures for obtaining compliance.

The primary agency which the order affects is the Federal Housing Administration.

Since the date of the order, nearly 700,000 housing units have been constructed with FHA loan insurance. As of March 31, 1966, 90 complaints had been received by FHA under section 101 of the order. In 30 cases, the complainants prevailed and secured the housing unit sought. In 19 others, the complainant prevailed but did not follow through on securing the housing. Eight cases were decided in favor of the respondent. In five cases, the complainant did not meet standard eligibility requirements for FHA insurance. Nine cases were dismissed because FHA did not have jurisdiction. Six cases were closed when the respondent was placed on FHA's ineligible list. Six cases are pending, and eight were disposed of in "miscellaneous" ways.

FHA has also received complaints under section 102 which directs Federal agencies to use their "good offices" to

eradicate discrimination. Since these cases apply to housing built before the order, FHA's authority is limited. As of March 31, 1966, 34 complaints had been received under section 102. Of significance here is the fact that in 19 cases negotiations on behalf of the complainant were unsuccessful. In two cases the respondent prevailed. In seven others, the complainant prevailed. Five cases were dismissed for lack of FHA jurisdiction. One case is pending.

The record for the main agency affected by the Executive order, FHA, shows that no great changes are being wrought in the housing patterns of American neighborhoods. Only 30 instances have been clearcut cases, as a result of which discrimination was eliminated. And the results of "good offices" have been, as the Secretary of Housing and Urban Development, Robert C. Weaver, said recently, "minimal." He stated:

> The larger tract developers and the owners of multifamily projects generally resisted what they considered to be a retroactive reform, applying only to those who had received earlier aid. They insisted that the adoption of an open-occupancy policy was not practical unless competing developers and owners also adopted non-discrimination practices.

It may be just as important to cite what the order has not done. Many persons, especially the National Association of Home Builders, predicted that the order would cause a severe decline in the housing industry. In 1963, the first year after the order, nonfarm housing starts totaled 1,613,400—140,000 over 1962. The nonfarm housing starts in 1964 and 1965 have been declining, but not precipately, and economic factors such as higher interest rates and labor costs play an important part in this decline.

Furthermore, none of the Federal programs affected by the order have shrunk in size, either in terms of the expenditure of funds and effort, or in terms of the demand for them by States and localities.

And although few positive signs of breaking down segregated residential patterns can be cited, a general support of the order by industry representatives suggests that the order has had an influence on their policy.

Since the order covers only new construction assisted by FHA and VA after November 20, 1962, its effectiveness is limited to about 750,000 housing units. For example in 1965, of the 1.5 million housing starts, FHA- and VA-assisted units totaled about 250,000.

The fact is that conventional loans financed by commercial banks, savings and loan associations, insurance companies, and other private lending institutions now account for over 80 percent of home financing in the United States. None of these are covered by the order, or by title VI of the Civil Rights Act of 1964.

The extent of activity of the mortgage lending institutions which are not covered by the Executive order is an important indicator of the limitation of the order. In 1964 savings and loan associations held 37 percent of the nonfarm mortgage recordings of $20,000 or less. The amount of the mortgages was $15.8 billion, of a total of $37 billion.

Commercial banks were the second largest mortgage lender, accounting for 19 percent of the mortgages of $20,000 or less recorded in 1964. Individuals, trust funds, credit unions and miscellaneous other sources accounted for 36 percent of such mortgages. Mutual savings banks and insurance companies make up the other significant holders of these mortgages.

Not all these mortgages are free from the order's authority—in 1964, 18 percent of them were insured by FHA or guaranteed by VA, but 82 percent were conventional loans.

As pointed out in part I, most of these institutions are supervised and aided to some degree by the Federal Government. The deposits in commercial banks are insured by the Federal Deposit Insurance Corporation. The share accounts in savings and loan associations are insured by the Federal Savings and Loan Insurance Corporation.

> These benefits help account for the spectacular growth of these institutions from their relatively small beginnings to their present dominant position in the savings and loan industry.

Because of these Federal benefits to lending institutions not now covered by the Executive order, many persons and organizations have argued that the order should be extended. They point out that the present partial application is a positive hindrance to equal opportunity since builders are provided with an incentive to use conventional financing. It is interesting to note that many persons expected as a matter of course that the Executive order would cover the major lending institutions. An editorial in House and Home in October 1962 confidently stated, "Big escape hatches will probably not exist." The editorial went on to describe what many people knew would occur if there were escape hatches—"such an order would merely erase FHA and VA from the picture, solving none of the discrimination problems." House and Home, along with most other housing organizations and interests, believed that "the order is expected to cover not only S & L's but federally insured banks."

Perhaps the prediction was extreme, but in substance it has proved to be correct, as has been shown above. Legal scholars were quick to point out that the same decisions and arguments which could be used to justify nondiscrimination in FHA and VA programs applied to other Federal activities with respect to lending operations. First, the Supreme Court and the Congress have declared a policy supporting equal housing opportunity. Now it has been shown that this goal cannot be achieved without equal access to the sources of home financing. And since federally supervised lending institutions are the major source of mortgage funds, these institutions should be expected to follow nondiscriminatory practices. The Federal Deposit Insurance Corporation and the Federal Home Loan Bank Board were created to facilitate community credit in general and housing credit in particular. Both of these agencies of the executive branch are empowered to set regulations to carry out the purposes of the enabling acts. They, therefore, are in the position to, and many feel should, use these powers to further the national policy of equal opportunity stated by the Court, the Congress, and the President.

If the order were extended to cover federally insured banks and savings and loan associations, perhaps 65 to 85 percent of the mortgages recorded each year would be covered. The important point is not the precise percentage, as long as a majority of the total mortgages is covered. In such a situation, other institutions would be under pressure to conform.

If the Executive order, for example, in 1964 had covered federally insured banks and savings and loan associations alone, 60 percent of the total amount of mortgage funds would have been affected. FHA insurance and VA guarantees of other types of loans would have brought the percentage up further. In such a situation, the housing market would be substantially free from the effects of overt discrimination.

The Federal mandate to stop segregation is perfectly clear and remarkably strong. Historically, it rests on the Bill of Rights, the 13th and 14th amendments and the Nation's first fair housing law, passed in 1866, which guarantees:

> All citizens of the United States shall have the *same* right in every State and Territory as is enjoyed by white citizens . . . to inherit, purchase, lease, sell, hold and convey real and personal property.

In recent years the Federal obligation to guarantee freedom of housing to all citizens has been twice reaffirmed: first by the 1962 Executive Housing Order and then by Congress in 1964. The Executive order barring discrimination in all federally assisted housing was a major breakthrough—the fruits of a 10-year campaign launched and piloted by NCDH.

Two years later Congress passed a civil rights bill and included the following stipulation under title VI:

> No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any programs or activity receiving Federal financial assistance.

This is the same paragraph the U.S. Office of Education invokes in its affirmative program to desegregate the Nation's public schools, especially in the South. Thirty-seven school districts have had Federal funds cut off, and another 185 districts have had funds deferred, because they were violating title VI. As a result of USOE's relatively firm stand, the proportion of Negro children attending schools with white children in the Deep South jumped this year from 6 percent to almost 17 percent—a small but measurable achievement, especially when one considers that to reach only 6 percent compliance with the Supreme Court's 1954 desegregation ruling, the South took 12 years.

Nothing remotely resembling this modest success has occurred in housing. Rarely does HUD withhold funds or de-

fer action in the name of desegregation. In fact, if it were not for all the printed guidelines the housing agencies have issued since 1964, one would scarcely know a Civil Rights Act had been passed.

It is clear that HUD has determined to speak loudly and carry a small stick. The results of this policy have been a cynical subversion of title VI, along with a thumb-twiddling complacency that has permeated all major agencies—the Housing Assistance Administration—public housing—Renewal Assistance Administration and FHA. Here is a brief summary of their practices.

The Housing Assistance Administration—HAA—is responsible for 633,000 dwelling units in some 2,000 cities. Estimates of the degree of segregation in public housing projects reach upward of 90 percent, and even HAA officials peg the figure as high as 70 percent. Moreover, their definition of "integrated" is so liberal as to include projects that are 99 44/100 percent white—or black. In any case, it is safe to say that an overwhelming proportion of public housing—the only kind of housing in the United States directly built, financed and supervised by the Federal Government—is racially segregated.

Mr. DODD. Mr. President, will the Senator from Massachusetts yield?

Mr. BROOKE. I yield.

Mr. DODD. Mr. President, I had the privilege of presiding during most of the remarks of the Senator from Massachusetts. I have seldom heard a more eloquent or clear explanation of this great problem which confronts us, and I congratulate him on his presentation. I wish that every Member of the Senate could have heard it, and I hope they will read it. I wholly agree with the statement of the Senator.

It is a touching, moving, brilliant, concise argument, and the Senator deserves great credit for making it.

Mr. BROOKE. I thank the distinguished Senator from Connecticut for his very kind remarks.

Mr. TYDINGS. Mr. President, I ask unanimous consent that the Senator from Massachusetts may yield to me for the purpose of making some remarks without losing his right to the floor.

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

Mr. TYDINGS. Mr. President, I am pleased to add my voice and my observations to those of my distinguished colleagues on the Senate Banking and Currency Committee—I might note a majority of that committee—who have offered this fair housing amendment. I am pleased, too, to join the other Members of this body who have or will speak out on behalf of fair and equal treatment of prospective buyers and renters of housing in this country.

Just a year ago, in this Chamber, Mr. President, I made the observation that—

> Purposeful exclusion from residential neighborhoods, particularly on grounds of race, is the rule rather than the exception in many parts of our country.

That statement, unfortunately, remains true today.

There are an estimated 6 million fewer decent homes in the urban housing inventory of this Nation than there are urban families in need of homes. So it is inevitable that 6 million urban families will have to live crowded into substandard living units. Most of these 6 million victims of the urban housing shortage are poor, and a disproportionate number of the very poor are nonwhite.

One partial answer to this problem, as Secretary Weaver and various Members of Congress have emphasized on numerous occasions, is to build enough good housing so there will be a good home available for everyone. Some of this new housing will have to include new low-rent units; the rest will have to be met by maintaining existing housing facilities and by moving families now housed in substandard units into used housing of acceptable quality.

With today's land costs, today's building trades wages, and today's code and labor restrictions, private enterprise cannot hope to build good enough new homes cheaply enough for poor people to buy or rent without large subsidies. I feel that high priority must be placed on the construction of new low-cost housing and the purchase and resale of sound used dwellings to ease the overall shortage of housing in this Nation.

But more good housing—new and used—is only a small part of the problem we face.

Negroes in this country need freedom to move out of their racial ghettos and live closer to available jobs. Negroes in this country must have freedom to live where they can afford to live, irrespective of race. The proven fact that housing of nonwhite families is consistently of poorer quality than that of white households in the same income levels is due, in large part, to the related fact that the nonwhite families in this Nation do not have freedom of choice in the selection of their homes. In 1960, 44 percent of all nonwhites lived in substandard housing as compared to 13 percent of the white families. Sixty-two percent of the nonwhite households rented as compared to 36 percent of the white households. Three times as large a proportion of nonwhite families lived in crowded homes as did white households.

It is important to note that this overcrowding of our nonwhite population is not related to income. Studies have indicated that overcrowding and substandard living conditions plague our nonwhite citizens at all income levels. For example, of nonwhite families with incomes of $6,000 or more, 25 percent lived in overcrowded conditions. This compares with only 9 percent for whites in the same income class.

In recent hearings before the Subcommittee on Business and Commerce of the Senate District of Columbia Committee, of which I am chairman, it has become abundantly clear that the "poor pay more" for the goods and services they buy. The same is true in housing. The poor—many of whom are nonwhite—pay more for housing. In fact, a long list of careful studies in areas throughout the country show that nonwhites—whatever their income—pay higher prices for lower quality housing than white families.

Mr. President, in 1966 and 1967, as chairman of the Subcommittee on Business and Commerce of the Committee on the District of Columbia, I held rather lengthy hearings on the problem of slum housing and ghettos in the District of Columbia.

Washington, D.C., is not different from other great cities in the country as regards the conditions in which the poor, particularly the nonwhite poor, live in the center city. I not only held hearings in the committee room, but I went out into the inner city of the District of Columbia to personally inspect some of the many tragic conditions which had been brought to my attention.

I recall one instance, Mr. President—and this was by no means exceptional—where a nonwhite family was renting 4½ rooms in a deplorable, substandard house, for a monthly rental of some $130, plus $65 a month for utilities. This particular slum dwelling had been cited time and again for health department violations. The heating facilities did not work, and never had operated properly. The toilet facilities failed to work more often than they did work. There was no hot water. The roof leaked. There was a serious rat problem in the house.

Had that family, Mr. President, been fortunate enough to have a different color skin, they could have purchased a nice house in almost any area of this country, for a far lower monthly payment than they were making to their present slum landlord.

I could not help thinking, as I went through the four and one-half rooms of the house, how impossible it would be to hold together a family that had to live in such an environment. Not only had their efforts to get code enforcement been unsuccessful, but the last time they sought it, it was made very apparent to them by the landlord that they would be evicted as a retaliation if they once mentioned the fact that the housing deficiencies had not been corrected.

The average American has no idea of the conditions that exist in the inner sections of our great urban centers. I know he does not.

I am satisfied that if the average American knew the facts, he would right these wrongs.

One clear first step to correct these injustices, Mr. President, is to enact the pending legislation so that Negroes are given the freedom which all other Americans now possess—to live in any neighborhood which their income permits. Today this is not possible for Negro Americans.

Let me read a number of excerpts from articles on this question. I refer, first, to an article entitled "Potential Housing Demand of Nonwhite Population in Selected Metropolitan Areas." It was prepared by Marian Yankauer, under the auspices of the Housing and Home Finance Agency in April 1963.

Among the findings of this study of 17 standard metropolitan areas, and based upon the 1950 and 1960 censuses of population and housing, was the following:

> It might be assumed that the disadvantage of all nonwhite families with respect to condition, age, and value of housing is a reflec-

tion of the larger number of nonwhite families in the lowest economic group. Conversely, it might be expected that the white-nonwhite differential would decrease as the nonwhite income level rises.

This is not the case. The housing disparity between the white and nonwhite families is not affected as family income rises. Although improvement in nonwhite family housing generally runs a course parallel to that of the white families as income increases, the course is at all levels substantially below that of whites.

While the nonwhite rate of home ownership in 1960 increases in a steady progression parallel to that of the total population as income rises, at all levels of income, in every metropolitan area studied, it remains substantially below that for the total population. (Figure 1 illustrates the situation in two typical areas.) Furthermore, although the median value of homes owned also rises, at each income level the nonwhite families own homes of lower median value than the whites.

When a comparison is made between white and nonwhite families with 1959 incomes of from $7,000 to $10,000, the percentage of nonwhites housed in older, deteriorating and substandard housing remains far higher than that for white families similarly situated, as can be seen in the accompanying charts (Figures 2, 3 and 4) which show the situation in one metropolitan area in each major region of the country. A consistent pattern of the nonwhite disadvantage in housing can be seen (except for the West Coast) at the $7,000 to $10,000 level of income, with only slight regional differences.

The second article from which I wish to quote is an article prepared by Robert C. Weaver and Corienne K. Robinson, presented in Weaver's "The Negro Ghetto," pages 261–263, relating the incidence of substandard dwelling units to rental value by color in 16 cities.

The conclusion was that—

The nonwhite family receives less housing value for the same price than does the white group which has access to an open housing market. Since the ratio of nonwhite to white occupancy in substandard housing increases as higher rental brackets are considered, it is indicated that even when the colored person can pay an economic rent, he has less chance than a white person of getting decent shelter.

"Residence and Race," the final and comprehensive report of the Commission on Race and Housing, edited by Davis McEntire, beginning at page 149, presents analyses of both renter- and owner-occupied standard dwellings by value and color of occupants.

These analyses show that nonwhites obtain fewer standard dwellings than whites at every level of rent and in almost every area-value category.

"Minority Families in the Metropolis," Research Report No. 8, Real Estate Research Program, Graduate School of Business Administration, University of California, Los Angeles, 1966, by Fred E. Case, reports, respecting 1960 census data for the Los Angeles SMA:

Quantitative support for the general observation that minority families usually occupied less desirable housing and that they may have had to pay a greater proportion of their incomes for housing.

It concludes that:

Although minority families lived in less desirable housing, they often paid more for their homes in terms of prices or rents than did other families in equivalent family income brackets. . . . In addition, the income ratio-differences between minority families with the highest and lowest incomes was much less than the differences in ratios between the general population in the highest and lowest income ranges.

That is at page 47.

Chester Rapkin made a population and housing study for New Haven, Conn., as part of its community renewal program, and found nonwhites paying higher rents for inferior accommodations and less space than paid by whites.

He took into account that the phenomenon "may, in fact result from the fact that they—the nonwhites—are recent arrivals. It is reasonable that, on the one hand, newcomers would be less familiar with the city and less able to find lower-renting accommodations, and that, on the other, in a rising market landlords are inclined to charge a new tenant a higher rent than to raise the rent of an established tenant." He then goes on to add:

It is also not without precedent, however, that Negroes be charged higher rents than whites for similar accommodations, so that the situation may well be that the newcomers pay a higher rent because they are Negroes rather than that Negroes pay higher rents because they are newcomers.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. ELLENDER. Mr. President, does the study to which the Senator has just referred include only Connecticut?

Mr. TYDINGS. The study which I just mentioned includes just New Haven, Conn.

Of course, each of the others includes other areas to which I refer. This particular one refers to a study made by Chester Rapkin for New Haven, Conn., as part of its community renewal program.

Mr. ELLENDER. According to what the Senator has just stated, there seem to be similar differences in various parts of the country concerning how the Negro is treated in contrast to the white.

Mr. TYDINGS. There is no question about that insofar as the availability of housing is concerned.

Mr. President, it is revealing to note that the higher costs nonwhites must pay for housing may well contribute to overcrowding in nonwhite ghettos. In order to meet the high costs they have to pay, even for substandard ghetto housing, two or more families may have to live together, sharing the rent costs that they could not afford individually.

The evidence points unequivocally to the conclusion that discrimination in housing, in addition to the indignity and the psychological burdens it imposes on many citizens, is also at the very root of many of the problems and evils of today's racial ghettos. Racial discrimination in housing ties almost all nonwhites to an environment which is not conducive to good health, educational advancement, cultural development, or to improvement in general standards of living. From this single problem, then, other problems are born and multiply. Racial discrimination in housing keeps the cycle of poverty continuous and frustrates many of our efforts, meager as they sometimes may be, from breaking into that cycle. Our efforts to relieve unemployment seem destined to failure under current conditions of housing discrimination. Housing discrimination deprives hundreds of thousands of nonwhites of employment opportunities in suburban communities which are generally unavailable to them as places for them to live themselves.

The McCone report on the Watts riot—civil disturbances—showed clearly virtual isolation, the entrapment, of Negroes in the Watts ghetto was a substantial factor in the frustration and the forces which inevitably erupted into the Watts riot.

We condemn, rightly and justly, civil disorder, violence, and crime; but if we fail to make an effort to change the environment or improve the conditions that cause or promote or enable these explosions to take place, then, in my judgment, we are making no progress.

Again I say, Mr. President, that one of the basic problems facing our Nation today in connection with the maladies of the inner city is the failure of those of us in Government, civic leaders and others, to understand the true conditions in the inner city and to make those conditions known to citizens across the United States.

I have listened in this Chamber to speech after speech condemning crime, urging greater assistance and greater support for our law enforcement officials, stronger enforcement of our criminal laws—with all of which I agree. But, in all candor, that is only one part of the solution.

Of course, the first thing that must be done is to strengthen our law-enforcement agencies, to give our police officers decent equipment, and decent support; because there is no alternative, there is no substitute, for the effective, intelligent, dedicated police officer on the beat in curbing crime and disorder.

But if we stop right there and ignore the basic problems and the basic conditions which result and which breed crime, we are fooling ourselves. If we do not attack the basic conditions which breed and foster crime, we will never get anywhere. And one of these factors is housing.

Mr. GORE. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. GORE. Mr. President, the able Senator is presenting a most impelling argument and I wish to congratulate him.

Yesterday I voted against the tabling of an amendment. I wish to observe to the Senator that I consider a tabling motion as just about the most tyrannical parliamentary weapon available in our procedure. It is with the greatest reluctance that I have ever supported a motion to table and I have never done so as long as someone wished to speak. I am not saying I would not, in some circumstances, so vote.

I shall take the same position with respect to the pending amendment. I would prefer to see this amendment, which presents a very fundamental question in our social order, considered on its merits and determined upon its merits. I hope no one will offer a motion to lay the pending amendment on the table.

I wanted the Senator from Maryland to know that I will vote against such a tabling motion, should one be made.

I have not concluded how I shall vote on the pending amendment. It is so far reaching that further study is necessary. However, I am listening with rapt attention to the speech by the able Senator from Maryland.

Mr. TYDINGS. Mr. President, I thank the distinguished Senator from Tennessee who has a great record in the Senate as a defender of those who are less fortunate than others and those who need help.

Mr. President, I believe that our efforts to relieve unemployment seem destined to failure under current conditions of housing discrimination. Housing discrimination deprives hundreds of thousands of nonwhites of employment opportunities in suburban communities which are generally unavailable to them as places for them to reside themselves. And within our large, sprawling cities, a similar deprivation occurs within the city limits when nonwhites are excluded from many residential areas. The fact is that most new jobs are springing up in the suburbs. Between 1960 and 1965 from one-half to two-thirds of all new factories, stores, and other mercantile buildings in all sections of the country, except the South, were located outside the central cities of metropolitan areas.

Since 80 percent of the nonwhite population of the nonwhite population in metropolitan areas in 1967 lived in central cities, the handicaps of nonwhite jobseekers are apparent. Unless nonwhites are able to move into suburban communities by the elimination of housing discrimination, and the provision of low- and moderate-cost housing in these areas, they are going to continue to be deprived of jobs, no matter how extensive our efforts to employ them.

As the President has noted in his 1968 civil rights message to the Congress, we have not achieved the goal of "a decent home and a suitable living environment for every American family."

As the President noted:

> Construction of new homes is not enough unless every family is free to purchase and rent them. Every American who wishes to buy a home, and can afford it, should be free to do so.
>
> Segregation in housing compounds the Nation's social and economic problems. When those who have the means to move out of the central city are denied the chance to do so, the result is a compression of population in the center. In that crowded ghetto, human tragedies—and crime—increase and multiply. Unemployment and educational problems are compounded—because isolation in the central city prevents minority groups from reaching schools and available jobs in other areas.
>
> A fair housing law is not a cure-all for the Nation's urban problems. But ending discrimination in the sale of land or housing is essential for social justice and social progress.

Despite the fact that the deliberate exclusion from residential neighborhoods on grounds of race—and all the problems that go with it—are still with us today as they were in 1967, in 1960 and long before, there is encouraging evidence that action will be taken and leadership exerted to end these practices.

Montgomery County, in my State of Maryland, has enacted a local fair housing ordinance and Prince Georges County, also in Maryland, is seriously considering similar legislation.

Across the Nation, as of September 1967, 23 States, including my own State of Maryland, and the District of Columbia, the Virgin Islands, and Puerto Rico, have recognized the need for legislation for fair housing and have passed it.

Some 40 other jurisdictions—city and county governments—have established fair housing ordinances.

Mr. President, at this time I ask unanimous consent to have printed in the RECORD a summary of the laws of the 23 States.

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

SUMMARY OF COVERAGE OF STATE FAIR HOUSING LAWS, AS OF SEPTEMBER 1, 1967—23 STATES, DISTRICT OF COLUMBIA, VIRGIN ISLANDS, AND PUERTO RICO

MARYLAND

Owners and managers of five or more units are prohibited from discriminating in sales or rentals, with four exceptions:

(1) Buildings fully constructed prior to June 1, 1967;

(2) Buildings for which a permit was issued pursuant to plans filed prior to June 1, 1967, and which will be completed by June 1, 1968;

(3) Owner-occupied buildings containing less than twelve units;

(4) Buildings qualified under state law as condominiums or cooperative apartments.

Owners and managers are also forbidden to advertise discriminatory preferences except for property descriptions for bona fide appraisal purposes. Religious institutions and fraternal organizations are expressly allowed to give preference to persons of the same religion or to those whom the fraternal organization decides would further its principles. Financial institutions may not discriminate in loans or conditions.

Enforcement is the responsibility of the Commission on Interracial Problems and Relations, which has power to conduct investigations, after a complaint has been filed. After notice and hearings, the Commission may issue cease and desist orders and require affirmative action by the respondent. The Commission's orders must be judicially enforced.

ALASKA

Alaska prohibits discrimination in all categories of housing through its public accommodations laws. A State Commission for Human Rights is charged with administering the law. Either an aggrieved person or the Executive Director may file a complaint with the Commission, which then investigates the alleged discriminatory conduct. If substantial evidence is found which supports the complaint, the Commission attempts to eliminate the discrimination by conciliation. If this fails, a hearing is conducted. In the event that a violation is found, the Commission issues a cease and desist order and may require other affirmative action. Compliance with such an order is a bar to criminal prosecution for the particular instance of discriminatory conduct found by the Commission. Violation of this law is a misdemeanor punishable by imprisonment for not more than 30 days and/or a fine of not more than $500.

CALIFORNIA

California prohibits discrimination in private housing except for houses with four or fewer units. Real estate brokers and financial institutions are covered by the provisions of the law. Enforcement is by the Fair Employment Practice Commission. An aggrieved person may file a complaint with the Commission, but the Commission itself may not initiate complaints. If the Commission determines by investigation that probable cause exists for believing the allegations of the complaint, it may attempt to eliminate the violation by conciliation. Also, a temporary restraining order may be obtained (for not more than 20 days) enjoining the owner of the housing from selling or leasing it until the Commission has made a final determination. If attempts at conciliation fail, a hearing is held before a hearing officer sitting alone or with the Commission. In the event a case is heard by the hearing officer alone, he prepares a proposed decision, copies of which are served on the parties. The Commission may adopt the decision as drafted, or adopt the decision and reduce the penalty. Alternatively, the Commission may decide the case on the record, with or without taking additional evidence, but in such a case the parties must be provided with an opportunity for oral or written argument. If the Commission finds that an unlawful practice has been engaged in, it issues a cease and desist order and requires the transfer of the housing accommodation in question, the transfer of a like accommodation, or the payment to the complainant of damages not to exceed $500, if the remedy of transfer is not available. Willful violation of such orders is punishable by a fine not to exceed $500, imprisonment not to exceed 6 months, or both. Judicial review of Commission orders is available. If the Commission believes that its orders are being violated it may obtain an injunction against further violations.

California also has a statute which provides that all persons regardless of their race, color, religion, or national origin are entitled to the full and equal accommodations, facilities, and services of all business establishments. This law has been construed by the courts to apply to real estate brokers and developers. Persons aggrieved by violations may bring civil suits for the actual damages suffered plus $250.

COLORADO

The Colorado fair housing act of 1959, as amended, prohibits discrimination in all types of housing except the rental of rooms in an owner-occupied one-family dwelling. The law applies to owners, real estate agents, and lenders. Enforcement is vested in the Colorado Civil Rights Commission. Complaints may be filed by aggrieved persons, the Commission, or the Attorney General. The Commission then investigates the allegation of illegal discriminatory action. If cause for the complaint is found to exist, the Commission tries to eliminate the discrimination by conciliation. The Commission may seek temporary restraining orders to prevent transfer of property prior to disposition of the complaint. If conciliation efforts are unsuccessful, the Commission may conduct a hearing. If, at hearing, the violation is verified, the Commission issues a cease and desist order and may require affirmative action.

CONNECTICUT

Connecticut prohibits discrimination in the sale or rental of all categories of housing except the rental of one unit in an owner-occupied two-family house, and the rental of rooms in a house by the occupant thereof. Violators may be punished by a fine of $25–$100, 30 days imprisonment, or both. In addition, the Connecticut Commission for Human Rights and Opportunities may receive or issue complaints. The Commission investigates, and if reasonable cause exists for concluding that a violation has occurred, attempts are made to settle the matter by conciliation. If conciliation fails, a hearing is held before the Commissioners or a panel of hearing examiners. In the event the Commission finds that an unfair practice has been engaged in, a cease and desist order may be issued or other affirmative action required. The Commission also has power to seek

temporary and permanent injunctions. The agency may petition for court enforcement of its orders, and in some circumstances may seek double damages, up to $500, in court on behalf of the person aggrieved. Either the complainant or the respondent may obtain court review of an order of the Commission.

HAWAII

Hawaii prohibits discrimination in all housing except rental of rooms in owner-occupied homes and rentals of units in owner-occupied two-family dwellings. The statute covers real estate brokers, financial institutions, and advertising. There is also an anti-blockbusting provision. Enforcement is the responsibility of a "department of regulatory agencies," which is authorized to receive and initiate complaints. The attorney general may also file complaints with the department. The enforcing agency may seek temporary relief pending final determination of the complaint. After notice and hearing, the agency may issue cease and desist orders and require affirmative action by the respondent, including payment of damages and attorney's fees to the complainant. A complainant or respondent may obtain judicial review of agency orders. If a state contractor is found to be discriminating, his contract may be terminated and he may be refused further contracts with the state.

INDIANA

Indiana prohibits discrimination in the sale or rental of private housing. Enforcement of the law is vested in the Indiana Civil Rights Commission. The Commission is authorized to receive complaints of unlawful housing discrimination practices, to investigate them, and, if reasonable cause exists, to settle the matter by conciliation. If conciliation fails, a hearing is held before the Commission. In the event the Commission finds that an unlawful discriminatory practice has been engaged in, it may issue a cease and desist order and require other affirmative action. No cease and desist orders may be issued by the Commission, however, against an owner-occupant with respect to a residential building containing less than four units, or against any person who has engaged in a discriminatory practice pursuant to a plan adopted to prevent de facto segregation.

The Commission may petition for court enforcement of its orders, and either the complainant or respondent may obtain judicial review of orders issued by the agency.

IOWA

Owners and their agents are prohibited from discriminating in sales or rentals and from advertising discriminatory limitations on sales and rentals, with three exceptions:

1. Bona fide religious institutions may impose religious qualifications if they are related to a bona fide religious purpose.

2. Two-family accommodations are exempt where the owner, occupying one portion, rents the other portion.

3. Rentals of less than six rooms within a single house by the owner who resides therein are exempt.

A complainant must post a $500 bond to cover any damages sustained by the respondent as a result of a wrongful complaint. Respondents can recover actual damages sustained as well as attorney fees upon showing that the complainant had no reasonable cause for bringing a complaint.

MAINE

Maine prohibits discrimination in the rental of private housing except the rental of one unit in an owner-occupied two-family dwelling, or the rental of not more than four rooms in an owner-occupied one-family dwelling. Sales of housing are not covered by the Maine statute, and no administrative agency has been created and charged with enforcement responsibility for the statute.

Violators may be punished by fine of not more than $100 or by imprisonment for not more than 30 days, or both; and for each additional violation, by a fine of $500 or imprisonment for not more than 30 days, or both.

MASSACHUSETTS

Massachusetts has enacted legislation prohibiting discrimination in all categories of housing except for the leasing of a unit in an owner-occupied two-family dwelling. Real estate agents and mortgage lenders are covered by the provisions of the comprehensive act which is administered by the Massachusetts Commission Against Discrimination. An individual, the Attorney General, or the Commission itself may file a complaint alleging unlawful practices. The Commission then investigates. If the Commission finds no probable cause, the complainant may request a hearing before the Commission to urge reconsideration of its finding. If probable cause exists for crediting the allegations of the complaint, the Commission may use conferences, conciliation and persuasion to settle the dispute. An injunction may be obtained to prevent the transfer of housing accommodations being sought pending final disposition of the complaint. In the event the complaint cannot be settled, the Commission holds a hearing, and, upon finding that an unlawful practice has been engaged in, a cease and desist order may be issued. Penalty for noncompliance with the order is imprisonment for not more than one year and a fine of not more than $500. Additionally, noncompliance by a real estate broker or salesman results in mandatory suspension of his license by the State Board of Registration. Any person aggrieved by a final order of the Commission may seek judicial review, and the Commission may obtain judicial enforcement of its orders.

MICHIGAN

Michigan's Constitution has been interpreted by the State Attorney General to ban discrimination in all housing.* The right to obtain mortgage financing without discrimination is also covered, according to the Attorney General's opinion. The Michigan Civil Rights Commission is the administering agency. Upon receipt of a complaint from an aggrieved person the chairman assigns a commissioner to investigate and, if he determines that probable cause exists for crediting the allegations of the complaint, to attempt conciliation. A hearing may be held before the Commission, a commission, or a hearing examiner. If the commissioners have not heard or read the evidence, a proposed decision must be served on the parties, and they must be given an opportunity to file exceptions and present argument to a majority of the commissioners, who make their decision on the whole record. If the Commission finds that an unfair practice has been engaged in, it issues a cease and desist order and may require other affirmative action. Aggrieved persons may obtain judicial review of Commission orders, and the Commission may petition a court for enforcement of its orders.

MINNESOTA

Discrimination in all categories of housing is prohibited, with two exceptions: the rental of a unit in a two-family owner-occupied dwelling, and the rental of a room or rooms in an owner-occupied one-family dwelling. Real estate brokers and financial institutions are subject to the provisions of the anti-discrimination law. Administration of the law is the duty of the Commissioner of Human Rights, who receives complaints from aggrieved persons or may initiate complaints himself. After investigation, and if probable cause exists, the Commissioner attempts to eliminate the alleged discriminatory practice by conciliation. If this effort fails, the Commissioner appoints a 3-man panel from a 15-man Board of Human Rights to conduct a public hearing. The Commissioner, or the Attorney General, may file a petition for temporary relief.

If, after hearing, the Board finds that an unfair practice has been engaged in, it may issue a cease and desist order and may require affirmative action. Judicial review of the Board's orders is available to all parties, and the Commissioner may obtain judicial enforcement of Board orders.

NEBRASKA

Although Nebraska has no fair housing law, the state does provide for revocation or suspension by the Real Estate Commission of the license of a real estate broker who discriminates, unless such discrimination was requested by the seller. The Commission may initiate its own investigations, and is required to investigate upon receipt of a complaint.

NEW HAMPSHIRE

New Hampshire prohibits discrimination in the rental of all categories of housing except the rental of a portion of an owner-occupied building which contains accommodations for not more than three families, and the rental of rooms in an owner-occupied or lessor-occupied building. Sales of dwellings are not covered by the New Hampshire law. The State Commission for Human Rights may receive complaints of unlawful discrimination practices. The Commission investigates and if reasonable cause exists for concluding that a violation has occurred, the Commission attempts to settle the matter by conciliation. If conciliation fails, a hearing is held before the Commission. In the event the Commission finds that an unfair practice has occurred, it issues a cease and desist order and may require other affirmative action. Judicial review and judicial enforcement of Commission orders may be obtained.

NEW JERSEY

Discrimination in all private housing transactions is prohibited with the following exceptions: (1) rental of rooms in a single-family dwelling by the occupant thereof; (2) rental of a portion of an owner-occupied two-family dwelling. Real estate agents and lending institutions are specifically included within the scope of the law. The principal responsibility for enforcement rests with the Division of Civil Rights in the Department of Law and Public Safety. An aggrieved person may file a complaint with the Attorney General. Complaints also may be initiated by the Attorney General. If he finds probable cause for believing the allegations of the complaint, he may attempt to eliminate the problem by conciliation. If this attempt fails, the Attorney General may call for a hearing before the Director of the Division on Civil Rights. The Division may request temporary restraining orders pending final disposition of the complaint. If the Director finds that the violation has occurred, he issues a cease and desist order and may require other affirmative action. Violation of an order may be punished by a fine of not more than $500 and imprisonment for not more than 1 year. Persons aggrieved by an order may obtain judicial review. New Jersey law also forbids discriminatory advertising, and requires that posters mentioning individual rights under the fair housing law be shown in real estate offices and wherever housing is offered for sale or rent.

NEW YORK

New York's "Law Against Discrimination" prohibits discrimination in the sale, lease or rental of all housing except the rental of a unit in an owner-occupied two-family dwelling and the rental of rooms in a dwelling by the occupant thereof. Real estate brokers and lending institutions are subject to the law. The State Commission for Human Rights, which is responsible for administering the law, may receive complaints from

*Op. Att'y Gen. No. 4161, July 22, 1963, reprinted in 8 Race Rel. L. Rep. 1295 (1963).

persons aggrieved or from the Attorney General. After investigation, provided probable cause exists for crediting the allegations of the complaint, a member of the Commission attempts to eliminate the unlawful practice by conciliation. If this fails, a hearing is conducted before three commissioners. In the event the commissioners find that an unlawful practice has occurred, they may issue a cease and desist order and may require other affirmative action. Willful violation of a Commission order is punishable by imprisonment for not more than one year and by a fine of not more than $500. Judicial review and judicial enforcement of Commission orders may be obtained.

OHIO

Ohio prohibits discrimination in the sale or rental of all categories of housing except the sale or rental of an owner-occupied building or structure containing living quarters occupied or intended to be occupied by no more than two individuals, two groups, or two families living independently of each other and occupied by the owner as a residence. The Ohio Civil Rights Commission is authorized to receive complaints of unlawful discrimination. The Commission investigates, and if reasonable cause exists, attempts to settle the matter by conciliation. Where conciliation fails, a hearing is held before the Commission or a panel of hearing officers. If it is found that an unfair practice has been engaged in, the Commission issues a cease and desist order and may require other affirmative action. Court enforcement and review is available. Violation of court orders enforcing Commission action is punishable as contempt.

OREGON

Oregon prohibits discrimination by persons engaged in the business of selling leasing or renting real property. Although no particular type of housing is specified, the law would seem to cover persons engaged in leasing or renting public housing as well as those engaged in the business of selling or renting urban renewal, publicly assisted or private housing.

Any aggrieved person, or the Attorney General, may file a complaint with the Commissioner of the Bureau of Labor, who notifies the person named in the complaint. That person is then prohibited from taking any action which would render the property unavailable to the complainant. (Violation of this latter provision gives rise to a cause of action by the complainant against the respondent, in which compensatory and reasonable exemplary damages may be recovered.) If, after investigation, the Commissioner finds probable cause, the discriminatory practice may be rectified through a written conciliation agreement. If conciliation attempts fail, the Commissioner may call a hearing and, if he finds that a respondent has engaged in the unlawful practice charged, may issue a cease and desist order. Conciliation agreements or orders must be enforced through mandamus, injunction, or suit in equity. Orders of the Commissioner are subject to judicial review. Violation of an order of the Commissioner is a criminal act punishable by imprisonment up to 1 year and by fines up to $500. The Real Estate Commissioner may suspend or revoke the license of any real estate broker or salesman who violates the act.

PENNSYLVANIA

Discrimination in the sale, rental or financing of all categories of housing, except owner-occupied one or two-family houses, is prohibited under Pennsylvania law. Real estate brokers and lending institutions are covered. Complaints alleging violations may be filed with the Pennsylvania Human Relations Commission, or the Commission may itself initiate complaints. If the Commission finds that probable cause exists for crediting the allegations of a complaint, it attempts to eliminate the unlawful practice by conciliation and persuasion. Temporary restraining orders may be requested pending final disposition of the complaint. If conciliation attempts fail, a hearing is held, and in the event the Commission finds that an unlawful practice has occurred, a cease and desist order may be issued. Willful violation of such an order is punishable by a fine of $100–$500, imprisonment for not more than 30 days, or both. Judicial enforcement and judicial review of Commission orders is available.

RHODE ISLAND

Rhode Island prohibits discrimination in the sale or rental of private housing except the rental of an owner-occupied two or three-family dwelling, and the rental of rooms in an owner-occupied dwelling. The Rhode Island Commission against Discrimination may receive and issue complaints. The Commission investigates, and if reasonable cause is found to exist for crediting the allegations of a complaint, an attempt is made to settle the matter through conciliation. If conciliation fails, a hearing is held before the Commission or a panel of hearing examiners. In the event the Commission finds that an unfair practice has been engaged in, it issues a cease and desist order and may require other affirmative action. Judicial review of Commission orders, and judicial enforcement of such orders, may be obtained.

VERMONT

Discrimination in sales or rentals of housing is a criminal offense punishable by a fine of up to $500, imprisonment up to 30 days, or both, with three types of housing excluded from the prohibitions of the law:

(1) Rental of a portion of a two-family accommodation where the owner occupies the other portion;

(2) Rental, by the owner, of not more than four rooms in a building which he occupies;

(3) Religious institutions may give preference to persons of their same religion.

The Commission on Human Rights may receive or initiate complaints, investigate, issue orders after notice and hearing, and obtain judicial enforcement of its orders. Immediate and continuing compliance with orders of the Commission bars criminal prosecution of the respondent.

WASHINGTON

The Washington statute covers only discrimination by real estate agents. The director of licenses of the state may, upon his own initiative, and shall, upon verified complaint in writing, investigate alleged discrimination by real estate brokers. Before revoking or suspending the broker's license, the director must issue an order to cease and desist from discriminatory practices. Upon receipt of written assurances of discontinuance of such practices, no further action can be taken unless there is further discriminatory action by the broker or agent within six months.

The director may institute a suit (to be prosecuted by the county prosecutor or the state Attorney General) to enjoin a real estate agent from discriminating. The director may also petition the court for appointment of a receiver "to take over, operate or close any real estate office" which is found to be discriminating.

Discrimination by real estate brokers in the sale or rental of property may also be covered by the public accommodations section of the "law against discrimination." See *Washington State Board Against Discrimination* v. *Interlake Realty, Inc.*, 7 Race Rel. L. Rep. 555 (Super. Ct. Washington May 3, 1962), appeal dismissed, 62 Wash. 2d 928, 385 P. 2d 37 (1963).

WISCONSIN

Wisconsin prohibits discrimination in private housing except for (1) the sale or rental of an owner-occupied one-family dwelling; (2) rental of no more than four rooms in an owner-occupied dwelling; (3) sale or rental of an owner-occupied dwelling on a lot containing four separate units, when such lot does not exceed 60x120 feet; (4) sale or rental of any owner-occupied building consisting of four or fewer units.

Enforcement of the act is lodged with the Industrial Commission's Division of Equal Rights, in the Department of Industry, Labor and Human Relations. The Division may investigate complaints charging violations of the fair housing law. If it finds probable cause for believing that any prohibited discrimination has occurred, the Division must attempt to eliminate it by conciliation. If this fails, a Division hearing examiner holds a hearing, and thereafter recommends findings to the Commission. If the Commission finds that a violation has occurred, it may order the respondent to comply with its recommendations. Violations of a Commission order may lead to assessment of forfeitures of not less than $10 nor more than $200. Persons aggrieved by an order may obtain judicial review.

DISTRICT OF COLUMBIA

The District of Columbia prohibits discrimination in the sale or rental of housing with the following exceptions:

(1) Rental or leasing of an owner-occupied one or two-family house;

(2) Rental of rooms in an owner-occupied house offering accommodations for four or fewer roomers.

Real estate brokers and salesmen, and lending institutions are prohibited from discriminating under the District's anti-discrimination regulations. Complaints alleging a violation may be filed with the Commissioners' Council on Human Relations. This body may (1) attempt to settle the matter through conciliation and other informal procedures, and (2) may recommend to the Corporation Counsel that an appropriate civil action be filed to preserve the status quo or to prevent irreparable harm, and (3) may refer the matter to the real estate commission for appropriate action. The Corporation Counsel can also prosecute violators in a criminal action. Punishment for violation is a fine of not more than $300, or imprisonment for not more than 10 days. If a convicted violator is a real estate broker or salesman, the Corporation Counsel refers the matter to the Real Estate Commission.

PUERTO RICO

Puerto Rico prohibits discrimination in the sale or rental of all housing through a section of its Civil Rights Act. Discrimination by lenders is also specifically prohibited. Violations are punishable by fines of $100–$500 and/or by imprisonment from 30–90 days. In addition, compensatory damages may be sought by any aggrieved person in a separate civil action. Punitive damages may also be imposed.

VIRGIN ISLANDS

The Virgin Islands, through its Civil Rights Act, prohibits discrimination in all categories of housing. Persons engaged in the real estate business are covered by the provisions of the act. The Commissioner of Public Safety is required to make periodic inspections of all activities covered by the act and to report violations to the office of the Attorney General. An aggrieved person may recover compensatory and punitive damages not exceeding $5000, in a civil action. Violators may also be fined up to $2000, or imprisoned up to six months, or both. Civil and criminal sanctions are not mutually exclusive. In addition, any license, tax exemption, or subsidy may be revoked by the Governor.

Mr. ERVIN. Mr. President, will the Senator from Maryland yield for a question?

Mr. TYDINGS. I am delighted to yield to the Senator from North Carolina.

Mr. ERVIN. I should like to ask the Senator if he does not know that 60 percent of all the inhabitants of the United States now live in areas covered by so-called open occupancy laws.

Mr. TYDINGS. I was not aware of that particular statistic.

Mr. ERVIN. I cite one of the Washington newspapers which carried a news item to that effect—I do not know whether it was the Washington Post or the Evening Star. I clipped it out but I do not have it with me here.

Mr. TYDINGS. I would not venture to contradict the distinguished Senator from North Carolina on such matters. I have the greatest confidence in his integrity and his knowledge.

Mr. ERVIN. The lamentable conditions which the Senator from Maryland describes have not been cured by these laws, have they?

Mr. TYDINGS. Not absolutely, no.

Mr. ERVIN. So, prescribing or enacting further open-occupancy laws would be like administering the same drug to a patient whose state has not been cured or aided by the drug.

Mr. TYDINGS. I am not quite certain that I understand the Senator's analogy.

Mr. ERVIN. There are State and municipal open-occupancy laws—I call them forced-housing laws——

Mr. TYDINGS. Fair housing, I think, is the proper label.

Mr. ERVIN. Fair housing. These laws have been unduly fair to one side, and very unfair to the other.

Mr. TYDINGS. Unduly fair to which side?

Mr. ERVIN. The nonowners. Anyway, if we already have such laws covering 60 percent of our people, and these lamentable conditions which the Senator has portrayed so eloquently still exist, it is an indication, is it not, that the "doctors" are prescribing the wrong kind of medicine for the patient?

Mr. TYDINGS. I might comment to the Senator from North Carolina that we do not cure a serious illness with the first spoonful of medicine. Unfortunately, it is a long and arduous task. Frequently, the cure, or the solution, may lie in more than one area of endeavor.

Mr. ERVIN. Certainly, if 60 percent of the population of this country are already covered by fair housing laws, and the lamentable conditions which the Senator from Maryland has so eloquently described still exist in those areas, notwithstanding that fact, it is a pretty good indication, is it not, that the "doctors" seeking to cure those social ills by laws of that nature have been prescribing ineffective medicine?

Mr. TYDINGS. I should like to draw an analogy, if I may, of the poor family with, say, six, eight, or 10 children, which has lost a child because of smallpox.

Sixty percent of the members of the family believe that they should consider a smallpox vaccine. But the father is yet to take action. His moral posture and influence are such that, without his support, it is unlikely that the entire family will take the smallpox vaccine or follow the prescription, or whatever might be suggested, to help cure the disease.

I consider the Congress of the United States as the moral leader, the persuasive factor, in the situation the Senator has described.

Mr. ERVIN. I think in that case the father is under a moral law as well as under a legal law to see that his child gets the vaccine, but I do not believe it is a proper analogy, with all due respect to my friend.

Mr. TYDINGS. Perhaps it may have shortcomings, and perhaps the analogy of the Senator from North Carolina may have its shortcomings.

Mr. ERVIN. And it would seem to me that the father had a duty in that case, but I cannot see where it is the duty of the Congress to rob every American who has residential property or property susceptible of development into residential property of the right to sell or rent his property to whom he pleases. We have gotten like the Communists. They talk of the "People's Democratic Republic," when they are speaking of governments which are dictatorships; and we talk about freedom in housing and open occupancy, when what we have is a law which denies all Americans who own any residential property the right to sell or lease their property to whom they please.

Mr. TYDINGS. Basically, what the law would do is make it possible for all citizens to buy decent houses without discrimination against them because of the color of their skin.

Mr. ERVIN. The law is designed to confer on the Federal Government the power to determine what kind of residential patterns the American people will have, instead of allowing the American people to determine that for themselves.

Mr. TYDINGS. Let us put it this way, Senator: We represent the citizens of our several States, and we try to legislate in behalf of what we feel is in their best interests. We owe them our best judgment, as Edmund Burke said, and if we give them less we betray our trust.

Mr. ERVIN. And when Congress passes laws that let the Federal Government take away from the people of America the right to establish their own residential patterns, it is making America less the land of the free that it has been in times past.

Mr. TYDINGS. If the Senator is speaking of freedom to discriminate on grounds of race or creed, I think perhaps he is right.

Mr. ERVIN. The right to sell or lease one's property to whomever one pleases—an essential part of the right of private property.

I would like to ask the Senator from Maryland another question. Is it not true that in every case in which the question of whether a fair housing law should be adopted has been submitted to the people of a State or local community, the people have defeated in referendums every such proposal?

Mr. TYDINGS. I am not familiar with the statistics on that.

Mr. ERVIN. Well, the evidence before the Subcommittee on Constitutional Rights, when we considered this matter 2 years ago, was to that effect; and the people of California since that time voted down their law by a 2-to-1 margin. I shall not try to give the figures.

I would state that, so far as I have been able to ascertain, the people have never adopted such a proposal. Every time such a proposal has been adopted, the politicians have thrust it upon the people, against their will, which is another denial of freedom.

I thank the Senator for yielding to me.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. TYDINGS. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from West Virginia without losing my right to the floor.

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

Mr. BYRD of West Virginia. I thank the Senator for yielding.

Mr. President, I have been listening with great interest to the very eloquent and learned dissertations by both the distinguished and able Senator from Maryland and the distinguished and able Senator from North Carolina on hypothetical cases involving various medical problems. I thought, if I might be permitted to do so, I should like to present to both Senators the question, which was first propounded by Alexander Pope: "Who shall decide when doctors disagree?"

Mr. TYDINGS. I would say in this instance I think perhaps the U.S. Senate should decide.

Mr. President, State fair-housing provisions provide varying degrees of coverage, and the success of these State and local ordinances and statutes has been varied. That variance indicates that there is much yet to be done to buttress efforts by State and local governments, and to provide uniform fair housing in areas where State and local governments have not taken initiatives, and in areas where State and local provisions do not apply or are not enforced.

It indicates, also, Mr. President, that there must be flexibility and accommodation in the action we take in the Congress. The State and local fair-housing provisions I have reviewed illustrate differences in approach to housing discrimination problems and the scope of legislation needed and desired to meet those problems. And I would hope, Mr. President, that the Members of this body would agree with me that these differences can be accommodated without sacrificing the basic principles at stake here.

What must be forged from the discussion of this matter in the hours and days ahead is a clear mandate and a strong statement of policy which will serve to reinforce the actions already taken to insure fair housing in so many areas of our country, and which will extend to the rest of the Nation equal opportunity to obtain the kind of housing, in the kind of neighborhood, that a family's income permits.

I want to emphasize one thing here. The legislation we are now considering is not—as its most vehement critics maintain—a forced housing bill. And it does not improperly invade the privacy of one's home. Attorney General Clark,

testifying before the Banking and Currency Committee in August, in support of this bill, made this point very effectively. He said then:

Critics of fair housing legislation claim it would invade the privacy of the home. Title IV is aimed not at privacy but at commercial transactions. It would prohibit no one from selling or renting to a relative or to a friend. There is nothing in Title IV to prevent personal choice, where personal choice, not discrimination, is the real reason for action.

Mr. ERVIN. Mr. President, will the Senator yield at that point?

Mr. TYDINGS. I wonder if the Senator would be kind enough to let me continue for about another minute or two. Then I shall be delighted to yield.

Mr. ERVIN. Very well.

Mr. TYDINGS. The Attorney General continued:

It would simply assure that houses put up for sale or rent to the public are in fact for sale or rent to the public. It would assure that anyone who answered an advertisement for housing would not be turned away on the basis of his race. It would free the housing market of a barrier which often handicaps not only the Negro buyer but also the white seller.

It is not "forced housing". It is the opposite: open housing, housing unrestricted. It will eliminate widespread forced housing where racial minorites are barred from residential areas and confined to the ghetto and other segregated areas.

Other critics of this legislation have contended that the U.S. Constitution forbids enactment of fair housing legislation. This argument is without merit. Because the point is important, and has been raised by opponents of the bill again and again, I think it important that we consider the question of constitutionality at some length.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a summary brief by the Department of Justice which I believe conclusively establishes the constitutionality of the pending amendment.

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

JUSTICE DEPARTMENT PRESENTATION REGARDING CONSTITUTIONALITY OF PROPOSED FAIR HOUSING ACT

CONSTITUTIONALITY OF FEDERAL FAIR HOUSING LEGISLATION UNDER THE 14TH AMENDMENT AND THE COMMERCE CLAUSE

The proposed Fair Housing Amendment would prohibit discrimination on account of race, color, religion or national origin in the sale, rental or financing of housing. It would, when its provisions became fully effective, apply to all housing, both public and privately owned.

I. Do fair housing laws unconstitutionally infringe private rights?

The first question is whether fair housing legislation which applies to private housing, whether enacted by the Federal Government or by a State or local government, is unconstitutional because it impairs the obligation of contract,[1] deprives persons of liberty or property without due process of law,[2] takes property without just compensation[3] or otherwise infringes private rights. The answer to one aspect of that question has been clear since 1953, when the Supreme Court held that no person has a right to have a court enforce a racially restrictive covenant in a deed, whether the covenant has been inserted by the person himself or a previous owner of the property.[4] And since 1958, State and Local laws barring discrimination in the sale, rental or financing of private housing have become commonplace, and State courts have unhesitatingly upheld them.[5] Any remaining aspects of the question were settled by the Supreme Court decision of *Heart of Atlanta Motel* v. *United States* (379 U.S. 241, 259–61) sustaining the provisions of the Civil Rights Act of 1964 forbidding discrimination by restaurants, hotels, theaters and other businesses of similar character. It is now clear that forbidding discrimination on account of race, religion, color or national origin in commercial transactions, including housing transactions, does not unconstitutionally infringe private rights.

II. Does Congress possess the constitutional power to enact a fair housing law?

The remaining question is whether the power to deal with discrimination in housing rests exclusively with the States or whether Congress, too, can legislate on the subject. The answer is that the Constitution provides at least two independent sources of authority for congressional enactment of fair housing legislation: the Fourteenth Amendment and the Commerce Clause.

A. The 14th Amendment

The clause of the Fourteenth Amendment which is of principal interest here is the Equal Protection Clause:

"No State shall . . . deny to any person within its jurisdiction the equal protection of the laws."[6]

Every student of the law is familiar with the court's use of the Equal Protection Clause to prevent state action which would violate its terms. Courts have invoked it to prevent States from segregating their schools,[7] from denying jury service to Negroes,[8] individuals of Spanish ancestry,[9] or women,[10] and from denying Negroes a right to vote in primary elections,[11] among other examples.

The power of Congress to enforce the Equal Protection Clause, however, is probably less familiar. It derives from Section 5 of the Fourteenth Amendment, which provides that: "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article [*i.e.*, of this Amendment]."

Perhaps the best known examples of legislation enacted (in part) to enforce the Equal Protection Clause are the Civil Rights Statutes enacted during Reconstruction days, imposing criminal penalties for violations of constitutional rights.[12] A more recent example is Section 4(e) of the Voting Rights Act of 1965, conferring voting rights on certain citizens unable to read or understand English.[13] The Supreme Court took the occasion of its upholding Section 4(e) to define two kinds of legislation which Congress may validly enact to enforce the Equal Protection Clause, one of which is of interest here.[14]

1. Federal legislation under the Equal Protection Clause may be based on Congress' determination to remove obstacles in the way of persons securing the equal benefits of government.

Section 4(e) of the Voting Rights Act of 1965 provides that no person educated in an accredited school in the United States, its territories, the District of Columbia or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English shall be denied the right to vote because of his inability to read or understand English.[15] The principal intended beneficiaries of the provision were the Spanish-speaking Puerto Rican citizens of New York, many of whom were prohibited from voting by State law.[16] The Supreme Court held that Section 4(e) was a valid act of Congress because the Fourteenth Amendment empowers Congress to remove obstacles in the way of persons' securing the equal benefits of government, and under the circumstances contemplated by this legislation—in particular, the situation of the Spanish-speaking Puerto Rican population of New York—a State's denial of the right to vote is such an obstacle. It hinders the disenfranchised from securing the equal benefits of government such as schools, public housing and law enforcement.[17]

Legislation prohibiting discrimination in housing on account of race, color, religion or national origin would also be sustainable on this basis, because such discrimination forces its victims to live in segregated areas, or "ghettoes," and the benefits of government are less available in ghettoes. That fact can be amply documented. Children raised in ghettoes are more likely to go to inferior

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[1] The Constitution, Article I, Section 10 Clause 1.

[2] The Constitution, Fifth Amendment; Fourteenth Amendment.

[3] The Constitution, Fifth Amendment.

[4] *Barrows* v. *Jackson*, 346 U.S. 249, 260 (1953); *Shelley* v. *Kraemer*, 334 U.S. 1, 22 (1948); *Hurd* v. *Hodge*, 334 U.S. 24, 30–36 (1948).

[5] Twenty-one states, the District of Columbia, Puerto Rico and the Virgin Islands have fair housing laws applicable to private housing transactions. *Fair Housing Laws, Summaries and Text of State Laws*, The Library of Congress Legislative Reference Service, *Doc. No. 360/38, A–145 (1966)*. Almost all of them have been tested in court cases and upheld. See cases listed, Housing and Home Finance Agency, *Fair Housing Laws, Summaries and Text of State and Municipal Laws*, pp. 363–66 (Sept. 1964). Washington is the only state whose highest court has ever invalidated a state fair housing statute, and its court acted by a 5 to 4 majority, 3 of the 5 judges ruling on grounds other than that the law infringed private rights. See *O'Meara* v. *Washington State Bd. Against Discrimination*, 58 Wash. 2d 793, 365 P. 2d 1 (1961), *cert. denied*, 360 U.S. 839 (1962).

[6] *The Constitution*, Fourteenth Amendment, Section 1, second sentence, third clause.

[7] *Brown* v. *Board of Education*, 347 U.S. 483 (1954).

[8] *Virginia* v. *Reeves*, 100 U.S. 313 (1880).

[9] *Cassell* v. *Texas*, 339 U.S. 282 (1950).

[10] *White* v. *Crook* (M.D. Alabama 1966), 251 F. Supp. 401.

[11] *Nixon* v. *Herndon*, 273 U.S. 536 (1927).

[12] The statutes appear in their present form in 18 U.S.C. 241, 242 and 243. Their initial enactment and subsequent history are traced in the appendix of Justice Frankfurter's opinion in *Williams I*, 241 U.S. 70 at 83 (1951).

[13] 79 Stat. 439 (42 U.S.C. 1973b (e)).

[14] The other kind is Federal legislation to nullify or forbid State action which Congress considers invidiously discriminatory. See *Katzenbach* v. *Morgan*, 384 U.S. 641, 652–56. Since State action resulting in discrimination in housing on account of race, color, religion or national origin would directly contravene the Fourteenth Amendment and so be invalid, Federal fair housing legislation to nullify or forbid it is not necessary. See *Buchanan* v. *Warley*, 245 U.S. 60.

[15] 79 Stat. 439 (42 U.S.C. 1973b (e)).

[16] See, *e g.*, CONGRESSIONAL RECORD, vol. 111, pt. 8, pp. 11061–62, 11065–66, and CONGRESSIONAL RECORD, vol. 111, pt. 12, p. 16240; Literacy Tests and Voter Requirements in Federal and State Elections, Hearings before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary on S. 480, S. 2750 and S. 2979, 87th Cong., 2d Sess. 507–08 (1962).

[17] *Katzenbach* v. *Morgan*, 384 U.S. 641, 652–56 (1966).

public schools.[18] Their parents are more likely to lack adequate public transportation facilities to commute to and from places of work, and so will miss employment opportunities.[19] Local building and housing codes are not effectively enforced in ghettoes.[20] Federal subsidies for private housing bypass ghettoes and go instead to the predominantly white suburbs.[21] Freeways are typically routed through ghettoes, disrupting neighborhoods and displacing families, because land there is cheaper and the inhabitants less able to organize politically to oppose them.[22] Hospital facilities are less available in ghettoes.[23] Most significantly of all, law enforcement is least effective in the ghetto, although it is there that it is needed most.[24]

2. Federal legislation under the Equal Protection Clause may also be based on a desire to correct the evil effects of past unconstitutionally discriminatory government action

There is a second basis under the Fourteenth Amendment to support fair housing legislation, which the Court did not need to consider in its decision upholding the Voting Rights Act of 1965. Section 5 of the Amendment authorizes Congress to enforce its provisions, one of which is the Equal Protection Clause. Enforcement, in the legal sense, traditionally includes both the prevention of violations and the punishment[25] and the correction of the effects[26] of past violations. It follows that if the States in the past denied to persons within their jurisdictions the equal protection of the laws, and if the effects of their denials are still present, Congress possesses the power to correct those effects. By similar reasoning, the Fifth Amendment, which imposes equal-protection obligations on the Federal Government similar to those which the Fourteenth Amendment imposes on the States,[27] grants Congress the power to correct the enduring effects of any past denials of equal protection by the Federal Government.

Such denials of equal protection by the States, and by the Federal Government, were in fact numerous, and their effects in housing are still with us. The States and their local subdivisions enacted zoning laws denying Negroes and other minority groups the right to live in white neighborhoods until the Supreme Court put a stop to the practice in 1917.[28] Local ordinances with the same effect, although operating more deviously in an attempt to avoid the Supreme Court's prohibition, were still being enacted and struck down by the courts as late as 1930.[29] During these years there also came into use privately drawn racially restrictive covenants in deeds, which "ran with the land" and bound successive owners irrespective of their personal inclinations. Such covenants quickly became the major weapon for keeping minorities out of good housing,[30] and they were fully honored by State and lower Federal courts [31] until the Supreme Court ruled in 1948 that they could not constitutionally be enforced by injunction [32] and in 1953 that they could not be enforced by awards of damages either.[33]

Throughout this period, and even somewhat after the Supreme Court's 1948 ruling, the Federal Housing Administration actively encouraged the use of racially restrictive covenants, in most cases flatly refusing to grant its mortgage insurance or guarantees unless the covenants were included in the deeds concerned.[34] This Federal discriminatory action had a substantial impact:

"FHA's espousal of the racial restrictive covenant helped spread it throughout the country. The private builder who had never thought of using it was obliged to adopt it as a condition for obtaining FHA insurance. * * *

"FHA succeeded in modifying legal practice so that the common form of deed included the racial covenant. Builders everywhere became the conduits of bigotry. * * *

"The evil that FHA did was of peculiarly enduring character. Thousands of racially segregated neighborhoods were built, millions of people re-assorted on the basis of race, color, or class, the differences built in, in neighborhoods from coast to coast." [35]

At the same time, the Federal and State governments were cooperating to enforce segregation in public housing. Lower federal courts approved such efforts as late as 1941,[36] and although thereafter the courts, when they had the opportunity, invalidated them, efforts to keep public housing segregated were continuing in the North until at least 1955 [37] and in Kentucky, Missouri and Tennessee until at least 1961.[38]

These efforts to place Negroes in separate neighborhoods were especially successful because they occurred during the period of the greatest Negro migration out of the South into Northern cities. Whereas only 10 per cent of the Nation's Negroes lived outside the South in 1910, 32 percent did so by 1950 and 40 percent by 1960.[39]

Throughout these years the Federal and State governments were also active in promoting segregation in areas other than housing, such as schools and the armed forces. That activity, too, contributed to housing segregation, because it educated the white public to the myth that any kind of close association with Negroes was debasing and to be avoided.[40]

In May of 1967, the Supreme Court affirmed a finding of California's highest court [41] that a recent amendment to the State constitution known as Proposition 14 had "involved the State in private racial discrimination to an unconstitutional degree." The "right" to discriminate, the Supreme Court found, had been "embodied in the States basic charter." [42] Although the kind of prohibited State action exemplified by the California constitution amendment has been invalidated by the courts, the case illustrates that State-supported efforts to further segregated housing patterns are not entirely a problem of the distant past.

3. Federal legislation to enforce the Equal Protection Clause may deal with private conduct as well as State action

It is no objection to its validity that the Federal Fair Housing Act would prohibit private acts of discrimination in housing as well as discrimination by State or local governments. The supposed objection arises from a false analogy between judicial enforcement and congressional enforcement of the Equal Protection Clause. The power of a court to enforce the Clause arises directly from the Clause itself, which speaks only of what states are forbidden to do ("No State shall . . . deny to any person within its jurisdiction the equal protection of the laws").[43] Hence, courts enforcing the Clause can only forbid action by States or their local subdivisions.[44] But the power of Congress to enforce the Clause arises from another section of the Fourteenth Amendment, Section 5, which reads: "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article [*i.e.*, of this Amendment]."

Section 5 grants a legislative power, and legislative powers are exercisable in accordance with the Necessary and Proper Clause,[45] which by its terms grants Congress the power: "To make all laws which shall be necessary and proper for carrying into Execution . . . all . . . Powers vested by this Constitution in the Government of the United States, . . ." [46]

The scope of the Necessary and Proper Clause has been settled at least since Chief Justice Marshall formulated it in 1819 in the landmark case of *McCulloch* v. *Maryland:*

"Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohib-

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[18] *Racial Isolation in the Public Schools,* Vol. 1 and 2, Report of the U.S. Commission on Civil Rights, Washington, D.C., 1967.

[19] "White House Aiding Urban Transit Programs to Make it Easier for Poor to Get to Jobs" by Robert B. Semple, Jr., *New York Times,* March 20, 1967, p. 17.

[20] *Law and Poverty 1965* by Patricia M. Wald, National Conference on Law and Poverty, Washington, D.C., June, 1965, pp. 12–20.

[21] *Housing,* Report by the U.S. Commission on Civil Rights, Vol. 4, Washington, D.C., 1961; *Racial Isolation in the Public Schools,* Vol. 1, Report by the U.S. Commission on Civil Rights, Washington, D.C., 1967, pp. 20–25.

[22] *Dark Ghetto* by Kenneth B. Clark, Harper and Roe, New York, 1965, pp. 154–182.

[23] *Violence in the City—An End or a Beginning,* Report by the Governor's Commission on the Los Angeles Riots, 1965, pp. 73–74.

[24] *The Challenge of Crime in a Free Society,* Report by the Commission on Law Enforcement and Administration of Justice, U.S. Government Printing Office, Washington, D.C., 1967, pp. 60–63.

Dark Ghetto by Kenneth B. Clark Harper and Roe, New York, 1967, pp. 81–97.

Manchild in the Promised Land by Claude Brown, McMillian Co., New York, 1965, pp. 30–32, 160–180.

[25] See, *e.g.,* 18 U.S.C. 241–43.

[26] See *e.g.,* 42 U.S.C. 1983–85.

[27] *Bolling* v. *Sharpe,* 347 U.S. 497 (1954).

[28] *Buchanan* v. *Warley,* 245 U.S. 60 (1917).

[29] See *Harmon* v. *Tyler,* 273 U.S. 668 (1927), reversing 158 La. 439, 104 So. 200; *City of Richmond* v. *Deans,* 281 U.S. 704 (1930), affirming 34 F. 2d 712 (4th Cir.).

[30] Gunnar Myrdal, *An American Dilemma,* 349–50, 662–27 (1944).

[31] The courts of 19 states expressly upheld such covenants. The only state court recorded as denying their validity was a district court in Pennsylvania. See 3 A.L.R. 2d 466, 474–77 (1949).

[32] *Shelley* v. *Kraemer,* 334 U.S. 1; *Hurd* v. *Hodge,* 334 U.S. 24.

[33] *Barrows* v. *Jackson,* 346 U.S. 249.

[34] See U.S.F.H.A., Underwriting Manual (1938), paragraphs 980 (3)g, 935, 937 and 951. These provisions stayed in effect until 1947, see U.S.F.H.A., Underwriting Manual (1947), Preface, p. VI. Even thereafter FHA continued to deny mortgage insurance or guarantees if the neighborhood was or threatened to become integrated, see Abrams, *Forbidden Neighbors* 233 (1955), and Weaver, *The Negro Ghetto* 71–73 (1948).

[35] Abrams, *Forbidden Neighbors* 234–36 (1955).

[36] See *Favors* v. *Randall,* 40 F. Supp. 743 (E.D. Pa. 1941).

[37] See *Detroit Housing Commission* v. *Lewis,* 226 F. 2d 180.

[38] The United States Commission on Civil Rights, *The Fifty States Report* 173, 329, 591 (1961).

[39] McEntire, *Residence and Race* 9–11 (1960); *Statistical Abstract of the United States,* 1966, Table 26, p. 27.

[40] McEntire, *Residence and Race* 87 (1960).

[41] *Mulkey* v. *Reitman,* 64 Cal. 2d 529, 413 P. 2d 825 (1966).

[42] *Reitman* v. *Mulkey,* 387 U.S. 369, 377 (1967).

[43] *The Constitution,* Fourteenth Amendment, Section 1, second sentence, third clause.

[44] See cases cited in notes 7 to 11, *supra.*

[45] *Katzenbach* v. *Morgan,* 384 U.S. 641, 648–51 (1966); *United States* v. *Guest,* 383 U.S. 745, 762, 782–84 (1966).

[46] The Constitution, Article I, Section 8, Clause 18.

ited, but consist with the letter and spirit of the Constitution, are constitutional." [47]

The purpose, or "end," of the Federal Fair Housing Act is to remove the walls of discrimination which enclose minority groups in ghettoes, so that they may live wherever their means permit and be better able to secure the equal benefits of government and the other rewards of life.[48] Prohibiting private as well as government acts of discrimination in housing is undoubtedly a "means which are appropriate" and "plainly adapted to that end." Indeed, it is difficult to conceive of any legislative approach to the desired end which would not include as one of its means the prohibition of private discrimination in housing. And that prohibiting private acts of discrimination is not "prohibited, but consist[s] with the letter and spirit of the Constitution," has already been demonstrated. The courts have held that it does not unconstitutionally impair rights of contract, deprive persons of liberty or property without due process of law, take property without just compensation or otherwise infringe constitutional rights.

It is acknowledged that a few early decisions of the Supreme Court, notably the *Civil Rights Cases*, 109 U.S. 3 (1883), have narrowly interpreted the power of Congress under Section 5 of the Fourteenth Amendment. Under these decisions, Congress' lawmaking authority is confined to the adoption of "appropriate legislation for correcting the effects of . . . prohibited State laws and State acts. . . ." Congress' Fourteenth Amendment power, under this view, is reduced to the same scope as that of the judiciary—the power to redress the effect of unconstitutional State action through "corrective legislation." [49]

The Civil Rights Cases have never been expressly overruled, but the Court's reasoning in that decision has been repeatedly questioned,[50] and recent decisions have virtually destroyed the force of the rule laid down in the 1883 decision.[51]

Discussing the *Civil Rights Cases* in his partial dissent in *United States* v. *Guest*,[52] Justice Brennan, after stating the old rule regarding the scope of Congressional power, said: "I do not accept—and a majority of the Court today rejects—this interpretation of Section 5. . . ."

Justice Brennan pointed to the recent decision of the Court in *South Carolina* v. *Katzenbach*,[53] involving congressional power under Section 2 of the Fifteenth Amendment, where the Court held that "the basic test" of the validity of an exercise of congressional power was that formulated in *McCulloch* v. *Maryland*.[54] Noting that Section 5 of the Fourteenth Amendment and Section 2 of the Fifteenth employ "virtually the same" language, Justice Brennan felt that the reach of congressional authority under both enabling clauses should be the same:

"Viewed in its proper perspective, Section 5 of the Fourteenth Amendment appears as a positive grant of legislative power, authorizing Congress to exercise its discretion in fashioning remedies to achieve civil and political equality for all citizens." [55]

In similar language, the Court has since broadly defined the scope of Section 5 in upholding congressional action finding and declaring the existence of a denial against that denial.[56]

Although the opinion of the Court in the *Guest* case did not deal directly with the question, six of the Justices, three in each of two separate opinions, stated their belief that Section 5 of the Fourteenth Amendment empowered Congress to pass laws to prevent interference with Fourteenth Amendment rights—even when the interference is accomplished wholly without state action. Justice Clark, in a concurring opinion, said:

"[T]here now can be no doubt that the specific language of Sec. 5 empowers the Congress to enact laws punishing all conspiracies—with or without state action—that interfere with Fourteenth Amendment rights." [57]

And Justice Brennan wrote:

"Section 5 authorizes Congress to make laws that it concludes are reasonably necessary to protect a right created by and arising under that Amendment; and Congress is thus fully empowered to determine that punishment of private conspiracies interfering with the exercise of such a right is necessary to its full protection." [58]

By the same reasoning, Congress has the power, under Section 5, to pass laws prohibiting private discrimination in the housing market, if it concludes that such laws would provide a "remedy to achieve civil and political equality for all citizens." [59]

B. The Commerce Clause

Housing is one of America's principal industries. In 1965, it contributed $27.6 billion to the economy,[60] considerably more, for example, than the $19.9 billion contributed that same year by all American agriculture, forestry and fisheries combined.[61] The largest single investment most Americans have is their home.

A large portion of housing materials is shipped in interstate commerce. Forty-one million tons of lumber and finished wood stock were shipped in the United States in 1963.[62] Forty-three per cent of this material was shipped 500 miles or more.[63] Nine million tons of millwork and wood products were shipped in 1963 and 51 per cent of it traveled 500 miles or more.[64] Seven per cent of all the brick that was shipped traveled 500 miles or more.[65] In *NLRB* v. *Denver Building and Construction Trades Council*,[66] the Supreme Court held that the NLRB had jurisdiction under the Commerce Clause over a dispute in the building trades because the disagreement might have prevented building materials from crossing state lines.

Much of the financing of housing crosses state lines. In 1960, 2.4 million out of a total of 14.5 million one-family occupant-owned dwellings subject to mortgages were located in a State other than that of the mortgage lender.[67] The proportion was only slightly less for multiple dwellings.[68] More than half of the residential mortgages held by insurance companies in 1960 were on property in a State other than that in which the company was domiciled.[69] Almost 40 per cent of all the nonfarm mortgages on property located in California were given to secure loans the funds for which came from outside the State.[70]

Each year one family out of every thirty in the population moves its place of residence to a different State.[71]

The meaning of these statistics was illustrated by the testimony last year of Mr. William J. Levitt to Subcommittee No. 5 of the House Judiciary Committee. Mr. Levitt is the President of Levitt & Sons, Inc., a major builder of homes, and is a supporter of fair housing legislation. He testified: [72]

"Perhaps 80 per cent of the materials that go into our houses come from across state lines.

"With the possible exception of the New York Community that we are building now, every other community in which we build receives its financing from a state other than the one in which it is located."

"75 to 80 per cent" of Levitt & Sons' advertising is interstate.

"Out-of-state purchasers [of our housing] run from about 35 to 40 per cent, on the low side, to some 70 per cent, on the high side."

Discrimination in housing affects this interstate commerce in several ways. The confinement of Negroes and other minority groups to older homes [73] in ghettoes restricts the number of new homes which are built and consequently reduces the amount of building materials and residential financing which moves across state lines. Negroes, especially those in the professions or in business, are less likely to change their place of residence to another state when housing discrimination would force them to move their families into ghettoes; [74] the result is both to reduce the interstate movement of individuals and to hinder the efficient allocation of labor among the interstate components of the economy.

The Commerce Clause [75] grants Congress plenary power to protect interstate commerce from adverse effects such as these.[76] The power is not restricted to goods or persons

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[47] 4 Wheat. 1, 316 (1819).

[48] See text at notes 18 to 25, supra.

[49] 109 U.S. at 3, at 11.

[50] See, *e.g.*, Frantz, *Congressional Power to Enforce the Fourteenth Amendment Against Private Acts*, 73 Yale L. J. 1353 (1964); Harris, The Quest for Equality (1960). *Cf. United States* v. *Price*, 383 U.S. 787, 807 (appendix); *Bell* v. *Maryland*, 378 U.S. 226, 289–305 (1964) (concurring opinion of Mr. Justice Goldberg.)

[51] *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966); *South Carolina* v. *Katzenbach*, 383 U.S. 301 (1966); *United States* v. *Guest*, 383 U.S. 745, 762, 782–86 (1966) (concurring opinion of Mr. Justice Clark, and partial dissent of Mr. Justice Brennan).

[52] 383 U.S. 745, 782 (1966).

[53] 383 U.S. 301 (1966).

[54] 17 U.S. (4 Wheat.) 316 (1819). See pp. 16–17 *supra*.

[55] 383 U.S. at 784.

[56] Katzenbach v. Morgan, 384 U.S. 641 (1966). See pp. 6–7, 16–17, *supra*.

[57] 383 U.S. 745, 762.

[58] *Id.*, at 782.

[59] *Id.*, at 784.

[60] *Statistical Abstract of the United States*, 1966. Table 454, p. 322.

[61] *Id.*, Table 451, p. 320.

[62] *1963 Census of Transportation, Commodity Transportation Survey, Shipper Series, Lumber and Wood Products, Except Furniture (Group II), Preliminary Report*, Table 5, p. 7.

[63] *Ibid.*

[64] *Ibid.*

[65] *Id. Clay and Glass Products (Group 13), Preliminary Report*, Table 5, p. 8.

[66] 341 U.S. 675, 684 (1951).

[67] *1960 Census of Housing, Volume V, Part I, Residential Finance-Homeowner Properties.*

[68] *1960 Housing Census, supra, Part II, Residential Finance-Rental Properties.*

[69] *Ibid.*

[70] Leo Grebler, "California's Dependence on Capital Imports for Mortgage Investment," California Management Review, Spring 1963, Vol. V, No. 3, page 47, at 48–49.

[71] United States Department of Commerce, Bureau of the Census, Americans at Mid-Decade, Series P23, No. 16, January 1966, pp. 4–7, 17–18.

[72] Hearings before Subcommittee No. 5 of the Committee on the Judiciary, House of Representatives, 89th Cong., 2d Sess. 1535–38 (May 4 through May 25, 1966).

[73] See Gunnar Myrdal, *An American Dilemma* 349–50.

[74] See *Katzenbach* v. *McClung*, 379 U.S. 294, 300 (1964). The armed forces also encounter difficulties from off-base segregation in transferring servicemen from one state to another. President's Committee on Equal Opportunity in the Armed Forces, Initial Report, Equality of Treatment and Opportunity of Negro Military Personnel Stationed within the United States, 47 (1962).

[75] *The Constitution*, Article 1, Section 8, Clause 3.

[76] *Katzenbach* v. *McClung*, 379 U.S. 294 (1964); *Gibbons* v. *Ogden*, 9 Wheat 1, 189–92 (1824).

in transit. It extends to all activities which affect interstate commerce, even if the goods or persons engaged in the activities are not not then, or may never be, traveling in commerce.[77] The power exists even when the effects upon which it is based are minor, or when taken individually, they would be insignificant. It is sufficient if the effects, taken as a whole, are present in measurable amounts.[78] And it does not matter that when Congress exercises its power under the Commerce Clause, its motives are not solely to protect commerce. It can as validly act for moral reasons.[79]

Mr. TYDINGS. Mr. President, the presence of residential ghettos—in effect, restricted areas in which all members of a minority group are forced to reside no matter where they desire or can afford to live—brings gravely damaging social consequences to our country, particularly in our urban areas.

I strongly believe that a man's religion, national origin, or race has no bearing on his worth as a human being or his desirability as a neighbor. Yet, as I have said, purposeful exclusion from residential neighborhoods particularly on grounds of race, is the rule rather than the exception in many parts of our country. Such exclusion unjustly denies many Americans the freedom to gain access on equal terms with other Americans to good housing and good schools for their children, and proximity to good jobs. Such exclusion unjustly denies many Americans of an equal opportunity to better their lives.

Some people assert that, as a matter of principle, some Americans should be free to treat other Americans unjustly. I do not believe this. I am not in favor of giving any person or group preferential treatment in seeking housing. I believe that landlords and property owners should be free to demand proper qualifications of prospective tenants or home buyers, such as adequate income, good credit record, proper family size to insure against overcrowding, and so forth. But I firmly believe that sellers and landlords must deal with everyone fairly and equally, by not excluding anyone from residences solely because of race, religion, or national creed.

I believe that this principle of equal treatment is fundamental to the American way of life.

I am happy to yield at this point to the Senator from North Carolina.

Mr. ERVIN. I invite the Senator's attention to subsection (c) of section 4 on page 4, and ask the Senator if it is not correct that under that provision a person is denied the right to make a personal preference.

In other words, if he has two prospective buyers, of two different races, one of them belonging to his race and one to the other race, he is forbidden to prefer the man of his own race.

Mr. TYDINGS. That is true. The effect of the law is to make certain that the sale is not based on racial discrimination.

Mr. ERVIN. It is to make certain that the man of the other race will get the house, although the man prefers to sell it to a member of his own race.

Mr. TYDINGS. That is not true. The purpose is to eliminate discrimination as a factor in the sale.

Mr. ERVIN. In my book, we make preferences every day; and the word "preference" is used here in the disjunctive. A preference is distinguished from a discrimination.

Mr. TYDINGS. The Senator plays on words. The Senator knows that if any verbal loophole is left open, it will be used to undermine the purpose of the law. We are dealing with mere semantics now.

Mr. ERVIN. These are not my words. These are the words of the bill.

Mr. TYDINGS. But the Senator would indicate that by using the word "prefer," a seller shall be permitted to discriminate. I disagree.

Mr. ERVIN. A man should have a right to prefer. But this says no, he cannot prefer. It says he cannot make any such preference, and it is in the disjunctive, not the conjunctive, so it means that he cannot make any preference or any limitation or any discrimination.

The word "preference" is one thing, and the word "discrimination" is another. They were just so afraid he might prefer to sell it to a man of his own race that they forbade him even to prefer such a man. If that is not a denial of a basic liberty of a man, I do not know what it is, with reference to his own property.

Mr. TYDINGS. I have great confidence in the Senator's legal acumen, basic fairness, wisdom, and experience. I think that the Senator realizes that the words "preference, limitation, or discrimination" are used there as synonyms, and to make certain that there is no loophole which would permit discrimination in the sale of a house.

Mr. ERVIN. If that is the purpose, let us strike out the word "preference." I ask the Senator, if I offer an amendment to strike out the word "preference" and substituted the word "discrimination," would he accept it?

Mr. TYDINGS. If the Senator will agree to vote for the bill, I will accept his amendment right now.

Mr. ERVIN. I prefer not to vote for any bill which robs a citizen of his basic property rights.

Mr. TYDINGS. I disagree with the Senator on the effect of the bill. As I have indicated, there is nothing which would prevent a person from selling his property to a relative, a friend, a business acquaintance, or a personal acquaintance. What it does do, however, if he puts it up for public sale, is prohibit discrimination on the basis of race, religion, or color.

Mr. ERVIN. I should like to ask the Senator a question concerning something that troubles me. It is on page 6, section 6, and I leave out some words not germane to the question I wish to put:

It shall be unlawful to deny any person——

Mr. TYDINGS. What line?

Mr. ERVIN. Starting on line 3:

It shall be unlawful to deny any person . . . membership . . . in any . . . real estate brokers' organization . . . relating to the business of selling or renting dwellings . . . on account of race, color, religion, or national origin.

I ask the Senator from Maryland, if the Senator from Maryland and I were to go into a business together as partners in selling real estate, would not our partnership constitute an organization?

Mr. TYDINGS. Not as I understand this language.

Mr. ERVIN. That is what bothers me.

Mr. TYDINGS. As I understand, it relates to "any multiple-listing service, real estate brokers' organization". That refers to a communitywide listing of available homes; it has to do with a broad, comprehensive service to the entire community.

Mr. ERVIN. The Senator overlooks the fact that the language is in the disjunctive. It relates to several different things, one a multiple-listing service, another a real estate brokers' organization and a third any other service organization relating to the business of selling or renting dwellings. In other words, according to the language used, if the Senator from Maryland and I go into the real estate business together, any man of another race or religion could insist that he be admitted to our organization, and we could not keep him out on the basis of his race or his religion.

Mr. TYDINGS. With all due respect to the Senator's wisdom and judgment, I think that perhaps the Senator is tilting at a windmill. The language obviously refers to a multiple-listing type of service or a communitywide real estate brokers' organization.

Mr. ERVIN. Look at the words. I am not tilting at a windmill. These words are English words—our mother tongue. I think I understand plain English words. This language means that a person cannot be denied membership on account of his race, color, religion, or national origin in any one of these activities. The first is a multiple-listing service.

The next is an entirely separate category: A real estate brokers' organization. Then there are two other entirely separate categories—any other service or organization. That is expressed in plain English. The bill says that a person cannot be denied membership in a real estate organization on account of his race or religion.

Mr. TYDINGS. If the question is one of modification, these latter words appear intended to modify "multiple-listing service, real estate brokers' organization" and not to identify a separate category. Perhaps it would be better if the words "or other such service, organization", et cetera, were used.

Mr. ERVIN. They are separate activities; a comma intervenes.

Mr. TYDINGS. It is a question of interpretation. The way I interpret it and the way the Senator from North Carolina interprets it are different. I think the record of the hearings in the Committee on Banking and Currency and the debate now taking place in the Senate will show that the language is intended to mean "or other such service organization or facility," there being the words which modify "multiple-listing service, real estate brokers' organization".

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[77] *Katzenbach* v. *McClung, supra,* 379 U.S. at 302, *Labor Board* v. *Jones & Laughlin Steel Corp.,* 301 U.S. 1, 34–36.

[78] *Wickard* v. *Filburn,* 317 U.S. 111, 125 (1942); *Mabee* v. *White Plains Publishing Co.,* 327 U.S. 178 (1946); *United States* v. *Wrightwood Dairy Company,* 315 U.S. 110 (1942).

[79] *Heart of Atlanta Motel* v. *United States,* 379 U.S. 241 (1964).

Mr. ERVIN. That modifies the first category but not the second or the third. It is like saying that a man can buy an apple or an orange or a piece of pumpkin pie for a nickel; it does not mean that he can buy all three for a nickel.

I thank the Senator from Maryland.

Mr. TYDINGS. Mr. President, I thank the distinguished Senator from North Carolina.

Mr. ERVIN. Mr. President, I will ask if this measure does not empower the Secretary of Housing and Urban Development to investigate charges, to make charges, to prosecute charges, to act as a jury, to judge the charges, and then to act as a judge and render a judgment.

Mr. TYDINGS. Mr. President, I think the Senator will find a provision for judicial review on pages 17, 18, and 19 of the printed amendment.

Mr. ERVIN. Yes, but here we combine the functions of prosecuting witness, investigator, prosecutor, jury, judge, and executioner in the Secretary of Housing and Urban Development.

Mr. TYDINGS. As the Senator well knows, in the administrative practice and in many administrative boards in the Government, the same procedure has been followed for many years and many decades. The problem is basically met if we have judicial review to insure against arbitrary or capricious actions by the administrators.

Under this amendment, we do have judicial review and the protection of the Constitution.

Mr. ERVIN. The Supreme Court holds that it is a denial of due process of law to combine these powers in one person. This is quite different from the National Labor Relations Board. That board is not an investigator or a prosecutor. It is a quasi-judicial body. The general counsel does the investigating and the prosecuting. However, this bill would empower the Secretary of HUD to do virtually everything.

That offends my sense of fairness and violates the principle of law that a man should not be a judge in his own case.

I thank the Senator.

Mr. TYDINGS. Mr. President, I thank the Senator.

Mr. PERCY. Mr. President, I am very happy to cosponsor the fair housing amendment which is before this body. I wish to take this occasion to salute the bipartisan leadership which is behind this legislation, the leadership of the Senator from Michigan [Mr. HART], the Senator from Minnesota [Mr. MONDALE], on one side of the aisle, and the senior Senator from New York [Mr. JAVITS] and the junior Senator from Massachusetts [Mr. BROOKE] on the other side of the aisle, together with their colleagues.

I am very pleased indeed, as a member of the Committee on Banking and Currency, that a majority of the members of that committee which has cognizance of this legislation, sponsored this amendment.

I have not always been a proponent of Federal legislation in some of the social fields, nor have I even been a proponent of State legislation in some of those fields. I have had to come to the conclusion the hard way. Only in recent years did I "get religion" on some of those issues. I think, sometimes, that when we are a convert to a cause, we feel more deeply about it than if we had had it as an original conviction.

Mr. President, first, I should like to discuss the legislation affecting job opportunities in this country and what has happened to that kind of legislation, and speak, not just as a public official but as a former businessman, and then relate it to the open housing or fair housing legislation before the Senate.

As a businessman for many years in my State of Illinois, I had the deep conviction that it would be possible, through education, to offer fair employment opportunities and equal employment opportunities to all citizens, regardless of race, color, or creed. I felt that there were certain decisions which should be left to the business community, and that the right to hire was one of them.

For many years, I worked with every volunteer organization that I could, in order to improve understanding in this area. After several years, however, I recognized that we would never move fast enough in the area if we left it to the voluntary decisions of every businessman in the State, and I reluctantly concluded that State legislation was needed.

In 1961, as president of one of the largest employers in the State of Illinois, I went before the Senate of the State of Illinois and testified on behalf of fair employment practices legislation, which I urged the legislature to adopt.

The legislation which subsequently passed was originally abhorred by the business community. Business organizations testified vigorously against it. But now, in the light of a number of years of experience, none of the fears evidenced by business—that such legislation would remove a sacred right of businessmen to hire and fire at will, that the legislation was not needed, or that it would impair their freedom to engage in business as they might wish to—has come true.

Mr. President, the business community was one of the first to fall in behind the legislators to see that the set of laws which was enacted was subsequently enforced.

I am very proud, indeed, of the employers associations for the fine job they did to see that this legislation was carried out in spirit as well as in letter.

Although I had originally believed that legislation could not affect employment practices in the States significantly, I realize now that it could—and did. I know that as an educational force in Illinois, it gave the moral backing of law to employers who wanted to do it but felt that they might meet resistance. It has substantially moved fair employment ahead. The opening of opportunities for employment in the State of Illinois is much farther along than if such a law had not been enacted.

The evolution of my thinking on housing has followed a similar line. In fact, in 1964, I actively opposed State legislation for fair housing, feeling that was one thing we simply could not legislate, that we had to do it from the heart and the mind, not by force. Yet, as I worked with the relevant organizations—working again in the field of voluntary activity and public education—I recognized that we were simply not moving fast enough for the times, that if we left it strictly to voluntary decisions, we would not be moving with the dispatch that the times required.

It was for that reason that I changed my mind, as I had changed my feelings in the employment area, and I supported legislation at the State level.

Mr. President, I believed that if enacted, it would never fulfill the fears of those who opposed it, nor would it probably fulfill the expectations of the proponents; but I do believe that if enacted at the State level it would, again, just as in the area of fair employment practices, move us farther ahead in keeping with the times, and see that we, too, put the moral force of law behind what I consider to be right.

Mr. President, I know that this issue is one which has been looked upon as sectional, that the North feels one way about it, and the South another.

Today, I should like to speak as one who has lived all his life in the North but who has some claim to a Southern heritage, for I am a native son of the South.

For generations, my branch of the Percy family lived in Alabama, and a second branch lived in Mississippi. My grandfather was a drummer boy at the headquarters of Robert E. Lee, and later he served on the faculty at Washington and Lee University. My father spent most of his life in Mobile, and I was born across the bay in Pensacola, Fla.

I am not, then, a stranger to the South, although I have lived all my life, after birth, in the North.

At this time, I should like to discuss equal opportunity, as someone who has, perhaps, a foot in both sections of the country and also as a former businessman—and now, a politician.

When I speak of equality, I certainly do not do so under a halo of self-righteousness, for I live in a glass house. My city, Chicago, has nearly a million Negro citizens. They do not have equal access to jobs. They do not have equal education. They do not have equal housing. I myself have lived in a village of 2,800 persons where there is only one Negro family; this is not a sociological accident.

Cloaked in hypocrisy, discrimination in the North is just as real as discrimination anywhere else. Our social problems, especially in the cities, are at least as serious in the North as they are in the South.

Martin Luther King made no mistake in coming to Chicago to mount an assault against our wretched slums. We in the North must work just as hard as those in the South to hammer out a society of justice, equality, and dignity.

I have talked about employment and jobs, and this is a good place to talk about housing. A person cannot obtain good housing if he cannot afford good housing. First he needs a job.

I have already discussed in this Chamber the experience I had as a businessman in this area.

In talking about civil rights, I should like to address myself to it as a Republican.

As a Republican, I have long been proud of much of our civil rights record. One need not go back to Abraham Lincoln to find cause for pride.

The recommendations of the Eisenhower administration led to bipartisan enactment in 1957 of the first Federal civil rights legislation in over 80 years. Republican governors like Rockefeller in New York, Scranton and now Shaeffer in Pennsylvania, Romney in Michigan, and Hatfield in Oregon have provided strong leadership in the field of equal rights.

Two Republican Representatives, HALLECK, of Indiana, and MCCULLOCH, of Ohio, made it possible in 1963 for President Kennedy to get the civil rights bill through the House Judiciary Committee.

And as much as any man, it was Senator EVERETT DIRKSEN from Illinois who was responsible for the passage of the Civil Rights Act of 1964.

In the spring of 1964, the Republican Critical Issues Council, headed by Dr. Milton Eisenhower, recommended Federal legislation to ensure fair employment practices and to guarantee access to public accommodations to all Americans. These recommendations were included in the Civil Rights Act of 1964 which won the support of 80 percent of the Republicans in the 88th Congress.

We must see in every man the work and genius of God. We must respect, support, and actively defend the rights of every American, as an individual and as a citizen. To do less would be to deny our heritage.

All those, both Republican and Democratic, who deplore the breakdown of States rights, who look with horror upon Federal intrusion into State and local government, should be as concerned about States responsibilities as States rights.

If every State had met its responsibilities to assure the rights of all citizens, there would have been no need for a Federal Civil Rights Act of 1964, and there never would have been the strife and the anguish this country has witnessed in recent years. As Ralph McGill has observed, if political and public leadership had supported the processes of law in 1954 when the Supreme Court's school decision was handed down, "the South—and the Nation—would have avoided the bitter and disgraceful harvest of hate that has been so much a part of the years since."

Those of us who wish to see State and local government remain effective must remember the past. For it has been truly said that those who cannot remember the past are condemned to live it again. If, for instance, we in Chicago fail to respond to the challenge of our slums, then we may be sure that the Federal Government will eventually assume the responsibilities in urban housing which should be ours.

Similarly, if the South does not move with greater energy, speed, and sincerity to give the Negro his vote, to abolish injustice to Negroes and to civil rights workers at the hands of biased juries, to advance the cause of civil rights across the board, then you can be assured that the Federal Government will—and should—pass more and more of the legislation which so many southerners abhor.

In the social revolution of the 1960's, it is incumbent on each of us, northerner and southerner, Republican and Democrat, black and white, to look ahead and to plan ahead—not to temporize, not to drag our feet in the sands of the past. With open minds and hearts, we must decide what is needed, and then we must do it.

President Johnson thinks a great society is possible, and that is a worthy goal he shares with all Americans. But I believe that before a society can be great, it must be just.

A just society will provide equal opportunity to every citizen, whether he lives in Philadelphia, Pa., or Philadelphia, Miss.

A just society will ensure the dignity of every citizen, from the south side of Chicago to South Carolina.

A just society will guarantee the rights of every citizen, whatever his color, his creed, his cause.

A truly just society will not be easily attained. We have learned that the hard way. The shaping of such a society is a complex and delicate task which requires and deserves patience, as long as patience is not cynically invoked as a screen for inaction.

But a just society can be achieved. In a short time, we have already moved a long way toward it. We can move still further, still faster, if, individual by individual, institution by institution, in Watts and in Harlem, in Chicago and in Jackson, we voluntarily set the just society as our goal. All of us working together can hasten that day when democracy will truly work for every American.

We in this Chamber, we in the Republican Party particularly, as we set out for a series of Lincoln Day appearances throughout the country, and we in the United States could do no better than to follow Abraham Lincoln's personal creed:

> I shall try to correct errors when shown to be errors—

He said—

> and I shall adopt new views so fast as they shall appear to be true views . . . and I intend no modification of my oft-expresesd personal wish that all men everywhere might be free.

Mr. President, I should like to relate an experience that I had at a time when I was trying to decide if voluntary action and public education were sufficient, or if, instead, legislation was needed in the area of public housing.

I walked through the streets of the south side and west side of Chicago, met with many individuals there, and, in informal discussion with them, asked them whether they felt that legislation would really improve the quality of housing available to them, whether they felt that a law was necessary to give them the ability to live where they wanted to, and whether or not a law would truly be effective, and could be effectively enforced and carried out, in this area; whether, really, the problem was not, as I put it to them, an economic more than a legislative one, and whether or not the availability of adequate housing was based more on the ability to pay than on whether a person is black or white.

I already knew some of the answers, but I wanted to reaffirm the growing feeling I had that it is not just an economic problem, but a problem of barriers erected against individuals in our society—barriers so nearly invisible that sometimes we can hardly see them, but terribly effective when erected by the consent of individuals, the neighborhood or community, and the real estate brokers.

As I talked with people in the ghettos and in the slums, they asked me to price out comparable housing in other areas. They pointed out the fact that every night, at 11:59 p.m., the Illinois Central Railroad train "The City of New Orleans" came from the south and pulled into the 63d Street Station, as it has been doing 7 nights a week, 365 days a year, for years and years. Every night a dozen, 40, or 50 Negro individuals and families, coming from Alabama, Mississippi, Georgia, or Louisiana, get off that train, and within 15 minutes have disappeared into the black of the night, into the darkness of the city; and that every single morning, moving trucks start again moving white families, out of the city of Chicago into the suburbs. This process, as I say, has been going on for years and years, as the ghetto area has broadened.

Some of those with whom I spoke recalled that 10 or 15 years ago it would have been possible to walk almost any direction in Chicago, and you could not walk for five blocks without passing a white neighborhood or the residence of a white family. Some of them pointed out the fact that now you could walk for 10 miles from north to south in Chicago, and never pass the home of a single white family.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield to the distinguished floor leader of the pending amendment.

Mr. MONDALE. Mr. President, I think one of the most impressive witnesses before our committee was the president of the Illinois Bell Telephone Co., from the Senator's State. He testified about the problem to which the Senator has just referred.

In his testimony, he argued for a strong fair housing act, to apply to all housing in this country, as the best single answer to the kind of ghetto situation to which the Senator has referred.

He developed a mathematical formula. He said that when blocks A, B, and C, located next to each other in a residential area, develop so that block A is the first entirely Negro block, and then the first Negro family moves into block B, it is almost certain that before long, block B will be entirely Negro, and then the same process will be repeated with block C, so that the net effect is a growing pattern of racially segregated, all-black blocks.

But he said that on those occasions—which are far too rare—where the Negro family has moved, not into block B, but

into block X somewhere else, in either an integrated or all-white community, it has not been the experience that that block necessarily had to break down into a single race community. He stated that the present practices of discrimination in the sale and rental of housing encourage the first pattern and discourage the second pattern; and that if we had a strong fair housing law, and those who had the financial ability to do so could buy where they pleased, they would not buy in block B, but would buy elsewhere, in a stable, integrated neighborhood, and thus avert this totally unacceptable and heartbreaking process by which, almost like an ink blot, communities, and particularly the central cores of American cities, have become all black, to everyone's chagrin.

I think the witness' name was Mr. Cook; I am not quite sure of the name, but it was a remarkable bit of testimony, not by a traditional civil rights leader, not by a member of a class or group who had traditionally taken this position, but a substantial, highly-respected white businessman, who, from his own experience, felt that fair housing was not only morally desirable, but a long overdue practical step for this Nation to take.

Mr. PERCY. Mr. President, I should like to state that I was just as impressed as was the distinguished Senator from Minnesota by the testimony given by Mr. James W. Cook, president of Illinois-Bell Telephone Co., before the Housing and Urban Affairs Subcommittee of the Committee on Banking and Currency.

I was impressed to hear such on opinion so openly and frankly expressed by a man who heads a great public regulated agency, whom one would not ordinarily expect to take notably controversial positions or to seek them, and who had every reason to say, "As the head of a public regulated agency, with strong feelings by Republicans and Democrats, by liberals and conservatives on this issue, it would be best for me not to take this controversial position as head of the leadership group in this area of civil rights in Chicago."

He did not do that. He has accepted the abuse that he has received as a result of taking this position, and he gave excellent testimony to our committee.

Mr. MONDALE. I think I am correct in this, that he represents a committee of Chicago business leaders from all walks of life in Chicago, who similarly believe that this step is long overdue.

There was another witness from Chicago who, likewise gave testimony that I thought was enormously impressive, and that was Mr. Kramer of the Kramer Realty Co. I may be mistaken in this belief, but I believe that is one of the largest and most experienced real estate firms in the Nation, if not in the world.

His testimony was not simply that we should have some kind of fair housing law. I think his was almost the most radical testimony we heard. He said:

> We simply must have, now, an adequate, thorough, all-encompassing program of fair housing.

This was not what some would like to call do-gooders, although I like do-gooders and wish there were more of them. This was a man who spoke as a businessman, a man whose whole life and career and survival depended upon the strength of the real estate industry. His testimony, along with the testimony of other top realtors from around the country, demonstrated that the old monolithic structure of the real estate industry had been broken into throughout the Nation and that the real estate industry is more and more coming to the view, despite the official position of the National Real Estate Association, that the time has come for the adoption of fair housing legislation.

I think that Chicago did itself proud with those two witnesses.

Mr. PERCY. Mr. President, I thank the distinguished Senator for his kind words about our fellow Chicago citizen. And I commend Mr. Kennon B. Rothchild, of St. Paul, Minn., who also appeared on the real estate panel, with Mr. Ferd Kramer, of Chicago, and gave excellent testimony.

Mr. MONDALE. Mr. President, at the time Mr. Rothchild testified before us, he was the president of the Minnesota State Mortgage Bankers Association. The reason that I mention that is that we have been given the impression that fair housing is merely a dream of idealists and people who are remote from the real and practical world. However, time and time again, Mr. Cook, Mr. Kramer, Mr. Heiskell, president of Time-Life, and Mr. Rothchild, president of the Minnesota State Mortgage Bankers Association, appeared before us and pleaded for the adoption of this kind of legislation. This is a part of the record which was developed on fair housing that I am glad the Senator is exploring and making clear because I am not sure that it is well known or understood in the country at large.

Mr. PERCY. Mr. President, I regret very much that I do not have with me the testimony of Mr. Ferd Kramer. However, I do have a copy of the testimony of Mr. James W. Cook, who serves not only as president of the Illinois Bell Telephone Co., but also as the president of the Leadership Council for Metropolitan Open Communities in the Chicago area.

This is a committee made up of religious leaders—Catholic, Protestant, and Jewish—as well as Republicans and Democrats.

I am very proud to serve on that committee with Senator EVERETT MCKINLEY DIRKSEN, my senior colleague, and also with Mayor Daley and Governor Kerner. This is a bipartisan effort. It embraces labor leadership as well as business leadership.

Mr. President, I ask unanimous consent that the remarks made by Mr. Cook be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. PERCY. Mr. President, Illinois now remains the one major industrial Northern State without an open occupancy law, and although I strongly support Federal legislation, I am cognizant of the fact that we have not done our job back home.

I am anxious to do that job. I am pleased that now we do have a great many local communities that have adopted ordinances.

The subject of fair housing in Illinois was a subject of debate in this Chamber as some debated whether Illinois was worthy to be a recipient of a large contract from the Atomic Energy Commission. I pledged at that time that I would continue to make every possible effort to see to it that we adopt in Illinois not only State legislation, but also local ordinances.

I am happy to report now that we have 30 cities and towns in Illinois that have open housing ordinances. These 30 cities and towns embrace more than half the population of Illinois. The number of cities and towns includes every major city in the State of Illinois with the exception of Rockford, Ill.

I am pleased to report that 18 more cities are now in the process of trying to enact ordinances at the local level. And certainly when our State legislature convenes once again, I feel quite confident that the leaders of both parties will introduce open housing legislation as an early order of business.

The distinguished Senator comes from a State that has adopted fair housing legislation after, I presume, the same heated and emotional and rational arguments that we now hear in the State of Illinois.

I ask the Senator from Minnesota whether the slum dweller who lives in a compressed area in which he has great difficulty leaving does not discover that this compression results in increased rent and inferior housing when compared to other areas to which he would move if there was an open housing law?

Mr. MONDALE. Mr. President, I do not think there is the slightest doubt of that matter. Some studies are included in the record that disclose, insofar as housing costs can be compared, that the cost of housing in the ghetto is infinitely higher than it is outside the ghetto. Of course, that does not tell the whole story because one of the things that has been happening in recent years—and I am very pleased that this is the case—is that the number of Negro Americans who are joining the middle class and the upper middle class and the upper economic class in terms of economic returns has been increasing rather impressively.

Thus, there is a growing number of Negro Americans who are able to buy good housing, but who find that so much of their purchasing power is absorbed by exorbitant real estate costs in the ghetto that they are denied a far better bargain in housing in a far better community in an integrated neighborhood or in an all-white neighborhood because of the pattern of discrimination that exists.

We had testimony, as the Senator knows, from a lieutenant in the U.S. Navy, a remarkable young man with a handsome family, who has spent 8 years now, among other things, defending this Nation, who went to 39 different places in Arlington with his uniform and asked to buy a house and was turned down.

We had testimony from a language professor in Philadelphia whose annual income was slightly over $11,000 a year, clearly putting him in the normal rang-

ing of decent housing. He spent one-half of a year over the vicinity in which he worked seeking housing outside of the Negro ghetto. He could not find it.

What does that mean to the thousands and thousands, perhaps millions, of Negro Americans who want a decent place to live, who have the money to pay the cost of such housing, but yet are pinned down in the high-cost, low-value, alienated, depressed ghettos of rotting American cities? What sense of alienation, rage, and frustration must be in the breasts of those of our fellow Americans who are in that predicament?

Mr. PERCY. I should like to ask another question of the distinguished Senator. I know it is difficult for any of us to walk in someone else's shoes. But I have been deeply impressed by the ability of the distinguished Senator from Minnesota to walk in the shoes of the consumer and to walk in the shoes of the Negro and envision what life is like to the consumer and even to the Negro. On the basis of the Senator's experience, how important as a symbol is open-occupancy legislation to the Negro? I ask that question recognizing that probably 95 percent or more of the Negroes would never be affected by an open-occupancy law; but to 100 percent of them, it is my feeling that it is an important symbol.

Can the distinguished Senator from Minnesota tell me how important a symbol it is and how important it might be to have the passage of an open-occupancy law relieve some of the frustrations and some of the bitterness that many Negro Americans feel toward American society, when they say, "The Bill of Rights, the Constitution, and the American dream are for white Americans, not for Negro Americans"? How much of the frustration is due to the fact that we cannot pass a law which provides that everyone, regardless of race, color, or creed, has the right to education, to jobs, to vote, to rights before juries, and to housing?

Mr. MONDALE. I am glad that the Senator from Illinois asked that question. Of course, I am most grateful to him for his flattering comments about my work. I must say that the combination of the Senator from Illinois and the Senator from Minnesota appears almost daily in the Senate. Last year we worked together to unsnarl the problem of how to bring homeownership within the reach of families having modest incomes, particularly in the cities, families who could not afford to own homes. Out of our teamwork, I think we developed a program that is exciting and creative. Except for the insight, the insistence, and the understanding of the Senator from Illinois, we could not have accomplished nearly as much as we have.

Mr. PERCY. If the Senator will yield, I should like to indicate that it has been with great restraint that I have been speaking for 45 minutes on the floor of the Senate without once mentioning homeownership.

Mr. MONDALE. I do not believe that would be contrary to the rules, but I am sure the Senate is grateful to both of us for not bringing it up.

I ask practically every witness the same question the Senator asked, because I believe it is fundamental. How important is fair housing? Is this just a symbolic vestigial issue left over by the civil rights movement that we bring up on a ritualistic basis, or is it a matter of substance, a matter of fundamental importance to the people of this country?

Mr. Roy Wilkins, who I believe has as strong credentials as any American to speak on this subject, said this:

> I might say as sort of a confession that while I have always believed that housing and employment and schools are the inseparable trio that must be dealt with as far as the ghetto living is concerned, I have been a little astonished to discover in recent years the tremendous feeling about housing, and even more so than unemployment. Ordinarily we would say unemployment is No. 1. I personally say schools are No. 1, but I think unemployment is only about a nostril behind, you might say, but I have been astonished to find the number of persons who consider housing.

Later in his testimony he said that he regards fair housing as the No. 1 issue facing urban America and all decent citizens in our country.

There is another statement, presented by the representative of the American Civil Liberties Union, which in my opinion underscores the psychological costs of the alienation of our fellow Americans because of discrimination in the rental and sale of housing. This is one of the finest statements I have ever seen by anyone seeking to make tangible the psychological costs of discrimination. This was Dr. Black, who represents the American Civil Liberties Union. He said:

> The real evil in the ghetto effects is the rejection and humiliation of human beings. As former chairman of the Police Complaint Review Board of New York City, I found that the most humiliating and injurious thing that police can do is not physical but psychological and spiritual, when they humiliate a man in the presence of his wife or his children. This is the enraging and destructive thing to a man's soul—and the injury it does to a child's psyche—because the man, who is supposed to protect the family, to make the home, and is made to feel that he is nothing by one who represents the authority of society.

Then I believe he put his finger on the real issue. He said:

> This sense of humiliation goes all through the ghetto. It is the primary cause of the frustration and rage in the youth which has acted with such violence in the recent riots. In the ghetto no matter what they do, what they become, they don't get anywhere. They feel they are in a cage. And this is why this bill is of crucial importance now.

Testimony to the same effect was given throughout the hearings.

The brilliant statement by the distinguished Senator from Massachusetts [Mr. BROOKE], who is a member of the President's Commission on Civil Strife, appearing at page 2283 of the RECORD, underscores the psychological dynamite that is exploding all around us because of the continuing alienation and separation of good people from good people solely on the irrelevant basis of color.

Mr. PERCY. I should like to indicate to my colleagues in the Senate an illustration of how deep-seated this feeling is on the part of Negroes who ordinarily, we might feel, would not have such a feeling of bitterness and frustration against society because society, in material terms, has treated them quite well.

During the course of the meetings that I held throughout the South and West Sides of Chicago, I not only went through the public housing projects—the Robert Taylor Homes—and up and down the tenements and flats, visiting with the families and individuals, but also went into some of the more affluent areas of our Negro community. I visited with a Negro doctor who I would estimate had paid a very sizable amount for the co-op apartment that he occupied. The furnishings were extremely attractive and undoubtedly expensive. I asked him whether or not he had any deep-seated feelings about open-occupancy legislation. He looked at me and said:

> I don't know whether I can really adequately express how deeply I feel about this. On the surface, I have no real cause for bitterness against society. I have a practice, including many white patients, that nets me $40,000 or $50,000 a year. I have several children. They have received or will receive a college education. We are able to travel about the world occasionally, and I have every aspect that material life can offer to me.
>
> But, you know, once a week I get frustrated because I sit here and read the Chicago newspapers and their housing sections. I read about the beautiful suburban homes, and I read about the lovely lawns and vistas that are available in the suburbs, against the congested conditions inside the city. I sit there and I say, "That's just fine. That's for you white members of this community." Because most of the communities being advertised, I know from experience are for whites only. I could call on the realtors, I could call on the brokers handling those houses and if I were white and I didn't have a college education, all I would have to do is demonstrate my ability to pay and I would be able to own one of those houses tomorrow.

But he said:

> Since I am Negro, they will give me 50 different reasons why I would not be happy, or why those houses are not available, or why an investigation of my condition would take a long period of time.

He said:

> Once a week when I go through that exercise, I become enraged at American society that can have a citizen, such as me, who can gain an education, become a responsible citizen, contribute part of my time every week to the county hospital, serve on boards, and engage in every aspect of American society trying to be a responsible citizen, and then realize that there are still rights that other Americans have in this country that I cannot have today and never will have unless somehow or other we begin to move ahead and recognize the frustration and bitterness that comes when the American dream is available only to white America and not Negro America.

Mr. President, when I recognize a man such as that could have as deep and bitter feelings as he has about the lack of promise of American society and certain phases of our activity, I feel we are not moving ahead fast enough. That is why I began to speak on behalf of state legislation and why I believe with such deep conviction that we must act now at the Federal level to see that open occupancy legislation is passed. Even when it is

passed it will not fill the hopes of all of its ardent enthusiasts because of all of the other factors involved affecting the ability of the individual family to have housing in this country.

I know from experience in the past in other States and other communities it will not measure up to the views of those who oppose it. However, it will be a symbol to America and 20 million Americans.

If we do not have open housing, it can tear us apart and fashion us as hypocrites in the eyes of the world. It can tear us apart from the rest of the world, most of which is nonwhite. But if we act, it can help bind us to the rest of the word, which looks upon America as the symbol of hope.

I feel that in our actions we demonstrate what America can and must represent.

I thank the acting majority leader for his courtesy in extending to me the time to make these comments today.

Mr. President, I ask unanimous consent that there be printed in the RECORD an editorial entitled "The Spread of Fair Housing," published in the Chicago Sun-Times of July 13, 1967; an editorial entitled "Warning Inside FHA," published in a recent edition of the St. Louis Post-Dispatch; and an article entitled "Fair-Housing Laws Enacted by 26 Illinois Municipalities," published in the St. Louis Post-Dispatch of January 7, 1968.

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

[From the Chicago Sun-Times, July 13, 1967]

THE SPREAD OF FAIR HOUSING

With the adoption of a fair-housing ordinance by the Joliet City Council, the number of Illinois communities with some form of fair-housing legislation now totals 10. The number of residents covered is 4,132,071, which is more than half the urban population of the state.

A number of other cities and villages are considering the adoption of fair-housing ordinances, particularly since the 1967 Illinois Legislature failed to act.

The figures cited above show in cold statistics that the Illinois Senate was out of touch with urban residents and their problems when it failed to pass a fair-housing bill last month. The House earlier had accurately reflected public opinion when it approved a bill directed at commercial dealers in housing but not individual homeowners. That is the essence of most of the city ordinances.

The changing climate of public opinion on fair housing is also evidenced by the comment of Dr. Martin Luther King, Jr. who on Tuesday said Chicago has done more than any other city to create a favorable atmosphere for fair housing. He said there probably will be no open-housing marches here this summer and praised the recent Project: Good Neighbor as unique.

Some of the pressure for action by the Legislature was generated by the possibility that Illinois might lose the big federal atom smasher project at Weston unless a state fair-housing statute was enacted. Fair housing should have been approved by the Legislature even if the Weston site were not involved. Conversely Illinois deserved the project even without a state fair-housing law and the U.S. Senate yesterday acknowledged this. Even before the Weston project was conceived several Illinois communities, including Chicago, adopted fair-housing laws.

Chicago adopted a fair-housing ordinance in September, 1963, the first Illinois city to do so. (It was upheld as constitutional by the Illinois Supreme Court last January.) In December, 1963, Peoria adopted a similar ordinance. In January, 1964, East St. Louis adopted an even stricter one. Others with fair housing are: Decatur, Freeport, Maywood, Springfield, Alton, Wheaton and Weston.

Although Joliet is in driving distance to Weston, the City Council's action on fair housing had no relationship to the big federal project. The drive for the ordinance was based on local needs. The city is expanding and is facing a manpower and housing shortage. It needs to keep and attract qualified Negro workers and professionals, as do other industrial communities.

About 10 per cent of the Joliet population is Negro. Last year when the City Council turned down a fair-housing ordinance four Negro members of the mayor's advisory committee quit. Their resignation was responsible in part for failure to obtain federal financing of private and public development in the city.

This year the fair-housing ordinance was backed by the Joliet Chamber of Commerce and other civic groups. Fair housing is becoming more widely recognized as necessary for the prosperity and growth of local business enterprises and consequently the progress of the entire community. As this becomes better understood by more citizens, we expect more communities—and eventually the state and nation—to adopt workable and fair housing laws.

[From the St. Louis Post-Dispatch]

WARNING INSIDE FHA

The Federal Housing Administration headquarters in Washington has urged its field officers to do more for open housing for Negroes "or we will have an agency with little future." This is sound advice, and it follows a startling revelation. Since the 1962 presidential order for open housing in FHA-insured programs, only 3 per cent of the homes in all FHA-aided subdivisions have been opened to Negroes.

Originally, FHA's intent was to aid persons with modest incomes to build homes. The result after many years, however, was to promote the building of lily-white suburbs. In today's affluent nation, many suburban homes are built without FHA assistance and thus escape the effect of the 1962 executive order, and what has been left for the FHA has generally not been used by its field officers to stimulate fair housing. So it could be said that this is an agency that has lost its way.

To find itself again, FHA must reassert its housing leadership for lower-income groups, which means Negroes among others. That is what Deputy Assistant Secretary Philip J. Maloney of the Department of Housing and Urban Development implied in his warning to the field offices. Unless FHA finally stands for fair housing, it may not stand for much housing at all. It would, indeed, have little future.

[From the St. Louis Post-Dispatch, Jan. 7, 1968]

FAIR-HOUSING LAWS ENACTED BY 26 ILLINOIS MUNICIPALITIES

(By Taylor Pensoneau)

SPRINGFIELD, ILL., January 6.—At least 26 municipalities in Illinois now have passed fairhousing ordinances. Seventeen have acted since the General Assembly refused in a bitter row six months ago to approve a state freedom-of-residence law.

The ordinances vary from token measures stipulating little more than a statement of municipal policy to strong laws providing wide coverage and strict enforcement against persons refusing to sell or rent housing to Negroes and members of other minority groups.

WIDE VARIATIONS

The only similarity among some of the ordinances is that they say they intend to insure that a person will not be denied an opportunity to obtain housing in any section of town because of race, creed or ethnic background.

Ivan R. Levin, downstate director of the Illinois Commission on Human Relations, said, "Generally, of course, adoption of an ordinance in itself doesn't put much of a dent in segregated housing. Many are convinced nothing significant can happen in this field without state level action."

Levin, whose commission supports the passage of local open housing ordinances in the absence of a state law, said that city officials supporting the ordinances "obviously feel their cities are not developing in a healthy fashion when one part seems perpetually condemned to all of the worst aspects of existence."

"Many of these local leaders waited for the General Assembly to act," Levin said, "but in view of what happened they now must feel they have a better understanding of the need for this kind of legislation than do others who are not local officials.

"We have noticed that most local leaders supporting these ordinances are conservative and business-oriented, not radicals. Big business now understands better than most groups that fair housing is desirable."

On the other hand, Robert E. Cook, executive vice president of the Illinois Association of Real Estate Boards, told the Post-Dispatch that, "we still feel, after looking at Chicago, Peoria and other places where these laws have been in effect that they just don't change the situation at all." The association was a major opponent of open housing proposals in the 1967 legislative session.

CRITICIZES EXCLUSIONS

Cook especially criticized the municipal ordinances that restrict only real estate brokers and salesmen from discrimination and not home owners and other parties that could be involved in housing transactions.

"Singling out the broker is only hurting Realtors and making it harder for people to dispose of their property," Cook said. "There's no effect on the basic problem of trying to find better housing for all."

The least offensive ordinance to real estate brokers is the so-called blanket type that covers property owners, lenders and others as well as brokers, Cook said.

Levin said this type would be viewed "on paper" as the strongest kind.

Leading examples of blanket ordinances are those of East St. Louis, Carbondale, Wheaton, Highland Park and Bloomington. The East St. Louis ordinance, one of the state's first at the time of its passage three years ago, specifically outlaws discrimination by owners of residential real estate as well as brokers licensed by the city.

SOME COVER OWNERS

Some municipalities include owners as well as brokers in ordinances, but exempt broad classifications of housing from the anti-discrimination provisions. As an example, the town of Normal excludes from its ordinance the owners of one or two-family owner-occupied residences.

Regardless of the extent of coverage, most observers believe the usefulness of the ordinances will be determined by the degree of enforcement. Most of the Illinois ordinances are being enforced either by the local human relations commissions, specially created fair housing boards or directly by the city councils.

The ordinances generally provide penalties for persons found guilty of a discriminatory practice after conciliation efforts have failed. Penalties usually entail suspension or revocation of local brokerage licenses or fines ranging up to $500 for each offense. A jail sentence of up to 90 days is possible in Bloomington.

Open housing advocates have pointed to the Carbondale ordinance, approved Dec. 28, as possibly the strongest in the state. A major reason is that the Carbondale Fair housing board, in the course of an investigation of a complaint, is authorized to ask that the City Attorney be instructed to seek a court injunction to prohibit any violation of the ordinance that appears imminent.

Friction has occurred in some communities because of requirements in their ordinances that persons pay fees in the filing of complaints. In Rock Island, a complainant must pay a $40 fee. A $15 fee is required in Champaign. The fees would be remitted under certain circumstances.

Other Illinois municipalities with fair housing ordinances include Springfield, Decatur, Maywood, Freeport, Weston, Elgin, Joliet, East Moline, Galesburg, Skokie, Evanston, De Kalb, Markham, Moline, Quincy and Arlington Heights.

EXHIBIT 1

STATEMENT OF JAMES W. COOK, PRESIDENT, LEADERSHIP COUNCIL FOR METROPOLITAN OPEN COMMUNITIES, CHICAGO, ILL., SENATE SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS, AUGUST 23, 1967

Mr. Chairman, and members of the committee: My name is James W. Cook. I am President of the Illinois Bell Telephone Company and I serve currently as President of the Leadership Council for Metropolitan Open Communities in the Chicago area. I appear here today at your invitation, not as an expert witness in housing legislation, but as a concerned businessman who has been intimately involved since last fall in an attempt to solve the problem of equal opportunity in housing in our metropolitan community.

Perhaps you recall that about a year ago, almost to this day, the Chicago area, gravely affected by a summer of riots, disorders, and lawful demonstrations, hailed the news that a "Summit Agreement" on housing had been reached. What the newspapers termed the "Summit Agreement" was a landmark voluntary compact in which various governmental agencies, business, labor, religious bodies, financial institutions, civil rights organizations, the real estate industry and dozens of other leadership organizations agreed to seek "immediate, practical, and effective steps . . . to create a fair housing market in metropolitan Chicago."

This agreement was reached through negotiations called by the Chicago Conference on Religion and Race which is jointly sponsored by the Roman Catholic, Jewish and major Protestant bodies in our area. The meetings were chaired by Mr. Ben Heineman, Chairman of the Chicago and North Western Railway. The agreement itself was drawn up by a committee headed by Mr. Thomas G. Ayers, President of the Commonwealth Edison Company, and received the wholehearted endorsement of Chicago's Mayor, Richard J. Daley.

Much to my surprise (and candor might cause me to add consternation!) I found myself, a few weeks later, called upon by the religious leaders of our community and leading government officials to head up the group which was charged with the implementation of that Summit Agreement—The Leadership Council for Metropolitan Open Communities. There were dozens of reasons to say "no." After a good deal of soul searching I said "yes," because I believed then, and am absolutely convinced now, that we must face up to this problem while it can still be solved, or face in the future economic and social consequences which could lead to the erosion of our free, democratic way of life.

Of necessity, I am going to testify out of knowledge gained in coming to grips with this problem in the Chicago metropolitan area since last summer. I have not in that short time miraculously become qualified to draft a piece of legislation or even make intelligent criticisms of the details of proposed legislation. Being, I hope, a prudent man I don't intend to tell this august body what kind of a bill it should recommend to the Senate. I do hope that I can tell you what such legislation should achieve and why it is needed. How you're going to do it, I leave to the experts.

Latest studies show that the City of Chicago is turning from white to black at the rate of 4.56 blocks per week. This estimate of ghetto growth by the Real Estate Research Corporation gives you the quantified result of the historic existence of a dual housing market in the Chicago metropolitan area.

Here are the facts. Eight out of ten Negroes in Illinois live in the city of Chicago. In 1950 about 500,000 lived there and Negroes comprised 14% of the city's population. Now there are about one million Negroes in Chicago and they total 28% of the city's population.

Where do they live? By and large they live in racially concentrated neighborhoods on the south and west sides of the city. Restrictions on housing have created two housing markets in the Chicago metropolitan area; one for Negroes and another for whites. The Negro market is characterized by an excess of demand over supply and this results in what you would expect—higher rents and higher prices for Negroes. Some Negro families accommodate these higher costs by "doubling up" with the consequent deterioration of property and living conditions.

Certain facts have crystallized, and I believe we should examine them.

Fact 1. When Negro residential area "A" is immediately adjacent to white residential area "B" and the demand for Negro housing exceeds the supply, eventually a Negro family will move from "A" to "B."

Fact 2. With few exceptions, it will be only a matter of time before the whites move out of area "B" and the area becomes Negro. In the presence of panic some whites may suffer financial loss in the process and their fears are intense during the time this happens—intense enough, sometimes, to produce violence.

Fact 3. But when the move from Negro area "A" is to a *non-adjacent* white area—Say "X" or "Y"—the same pattern almost never occurs. Negro inundation does not follow and violence is rare.

Movement from the A's to the B's, however, has been the pattern by which the growth of Chicago's Negro population from a half-million to a million has, by and large, been accommodated. We do not need a crystal ball in order to foresee the consequences of continuing this trend. If the only move possible for a Negro family is from one ghetto neighborhood to another, or to extend the ghetto, Chicago will become in due time virtually all-black.

Accommodating our Negro population by expanding the ghetto is also prohibitively expensive. It erodes the tax base for real property, and increases the cost of essential goods and services for the rest of us.

Chicago is the economic heart of our metropolitan community. Even those who both work and live in the suburbs are dependent upon the survival of the city.

I do not believe we can prosper economically and socially, if we end up with a black central city with a white noose around it. The consequences of racial isolation of the central city from the rest of the metropolitan area are dismal to contemplate. In an era when the problems of pollution, sanitation, public safety and transportation—just to name a few—demand *closer* cooperation between the central city and surrounding communities, we cannot afford to grow *apart* further.

Yet, if the present trend continues, this is what will happen. But there is a solution. An alternative to block by block expansion of the ghetto could eliminate the threat to all of us.

Give Negroes and other minority groups the same freedom of choice in housing that the rest of us enjoy, and we will ease the pressures on the ghetto and on the rest of us, too.

I know this will give some immediate visions of a complete turnover in the suburbs, too, but the evidence is all against that possibility.

The block by block pattern applies only in those areas that are immediately adjacent to the ghetto and where whites panic and flee at the approach of a Negro. In those instances where a Negro family has broken the pattern and moved to a community some distance from the ghetto, the community has remained stable.

It has been estimated that there are 60–70,000 Negro families in Chicago whose income, education—their general socio-economic status—would make it possible for them to move to presently all-white communities in the area if the market were free and they were inclined to do so.

Even if *all* of these 60–70,000 families elected to move, and were accommodated on a random basis in presently all-white areas, the resulting ratio would be somewhere in the neighborhood of 14 white families to every Negro family, in the metropolitan area. Needless to say, actually getting any appreciable number of these families to move, let alone all of them, would take a tremendous amount of education within the Negro community. In view of past history, it will not be easy to convince a significant number of these Negro families that they would be welcome.

It is clear that in addition to creating an environment which will make it possible for Negro families with the capability and desire to move into all-white areas, we have to move simultaneously on two other fronts in order to provide equal housing opportunities for the great bulk of minority group citizens. I don't intend to dwell on these, but I do want to note simply that we also need to give our support to the massive rehabilitation job which must be undertaken to make inner-city dwellings fit for habitation. To be sure, government has a big role to play here, but I believe there is also a great role for private enterprise and I am heartened by some of the imaginative projects currently being discussed here and around the nation.

I noticed that in hearings before this subcommittee just a few weeks ago you heard testimony on various ways to help the residents of the inner city gain a greater ownership stake in the progress of their community. As a businessman I applaud these efforts and assure you that we are receptive to plans for increased private initiative as well as governmental efforts to renew our inner cities. I don't believe we can rely on any single effort to solve this most pressing problem.

Then, also, we must together seek new, creative and heretofore untried ways of stabilizing the communities now adjacent to all-Negro neighborhoods. We must find a way to make it possible for Negroes to move into these communities without setting off the chain reaction which ends in the extension of the ghetto.

A year ago I was rather lukewarm on the question of fair housing legislation. By now I have, somewhat reluctantly, reached the conclusion that local ordinances, state laws, and federal legislation all have a role to play—along with cooperative educational efforts—in helping to solve the problem. The sad fact is that voluntary efforts alone have not been effective enough to meet the rapidly increasing needs and expectations of our minority groups. As long as measures to prohibit discrimination do not fall with an even hand on all, we will continue to have

landlords who fear economic disaster, if they are the first to rent to a Negro; sellers who believe in a free market, but fear their neighbors wrath; and minority group members who will not venture forth without the knowledge that they are in *fact* free to move where their heart and their purse will take them.

Many things have happened to change my attitude. They can best be typified by one story. Late this spring the Leadership Council learned that one of our leading national corporations, headquartered in Chicago, had hired a Negro man as a research technician for their laboratory in a northwestern suburb of Chicago. He and his wife had a difficult time finding a place to rent in the all-white communities near his work. Finally they found an ideal apartment, were introduced by the agent on the site to their potential neighbors in this large apartment complex and were welcomed by them. They filled out an application and made a deposit. Several days later they were turned down for reasons which were later shown to be insincere. A local group of clergymen and other citizens intervened on behalf of this couple, to no avail. The Vice President in charge of research, and the Chairman of the Board of his corporation intervened and offered guarantees. The answer was still "no." The staff of the Leadership Council, whose membership includes 20 corporate chief executives, the heads of 13 banks and financial institutions, the leaders of 7 universities and colleges, 6 labor union heads, 7 chiefs of real estate firms and the Mayor or President of 35 cities, towns or counties, talked at great length with the apartment house managers, but we failed, too. Finally the Governor of Illinois tried to prevail upon these men to grant this college trained researcher and his wife the opportunity to rent one of the several hundred apartments in this developments. And the answer was still "no." It is not often that such an array of leading citizens can be brought to bear on an individual case—but the owners would not be moved. They spoke of many things, but we believe at the heart of their refusal was their fear of the potential competitive disadvantage which would be theirs, if they rented to a Negro and others in the area did not. (This fear, I'm happy to say was not shared by another owner nearby who stepped forward when the story was made public and offered an apartment which this family now enjoys—but he is a rare man.)

This problem belongs to all of us and I'm afraid the only way we will all share it is if our obligation becomes legal as well as moral.

Not too long ago local, state and federal legislators found a way to bring the majesty of the law to bear on fair employment problems without destroying our economic system or our society. I believe that today a way can be found to bring the majesty of the law to bear on our fair housing problems—and perhaps save our society and our economic system.

In the case of fair employment, mere passage of laws did not bring instantaneous change. It has taken the conscientious, cooperative efforts of labor, business, and many other segments of our society to open up new fields for Negro employment. In Chicago, the Merit Employment Committee of the Chicago Association of Commerce and Industry, for example, has tackled this problem enthusiastically and through their efforts more than 1,200 firms are participating in a program designed to encourage the employment and advancement of non-white workers.

While I am here today as a businessman to testify for the principle of fair housing legislation I want to make it clear that in my estimation legislation alone will not solve the problem. I am a staunch believer in what the businessman, either as an individual or through the influence of his enterprise, can do to help solve our enormous social problems. We will need the same kind of voluntary, cooperative effort which has brought such progress in the employment field before equal opportunity in housing becomes a reality.

In short, it is my conviction that the urban problems of America will be solved only when we successfully join the efforts of government, voluntary associations, and private business in an attack on the ills which plague us.

I look forward, as I'm sure you do, to the day when every man is free to move wherever his heart and his purse will take him.

Thank you very much for this opportunity to appear before you.

Mr. KENNEDY of Massachusetts. Mr. President, the fight in Congress for Federal fair housing legislation is now nearly 2 years old. It was on April 28, 1966, that 20 of us introduced in the Senate the Civil Rights Act of 1966 containing a fair housing title. We held extensive hearings in the Constitutional Rights Subcommittee, and heard all the arguments on every side of all the titles, and especially a very complete dialog on the question of the constitutionality of the housing title. The bill was passed by a substantial majority in the House, and was the subject of extended debate in the Senate, with a majority of us on the Constitutional Rights Subcommittee and on the full Judiciary Committee in support of its passage. As we well know, despite the fact that a majority of this body favored the bill, the Senate was not even permitted to vote on the bill itself.

Again in 1967 we introduced a similar bill, S. 1026, containing a fair housing title, this time with 26 of us as cosponsors. In order to expedite the bill's consideration, we split it up into its constituent titles, and again all of them have been the subject of hearings in the Senate. Yesterday Senator MONDALE presented what amounted to the favorable report of the Banking and Currency Committee, since he was able to announce that a majority of the members of that committee have joined in support of the housing title. Today many of us who have been sponsors of this legislation in both the 89th and 90th Congress are giving formal notice of our continuing determination to achieve the goal of fair housing, by having our names listed, as well, as sponsors of the pending amendment.

Mr. President, I intend to speak at length tomorrow on the pending amendment, but I would like to take this occasion today to express briefly four thoughts.

First, this is one of the most important measures we will have before us in the 90th Congress. It affects the very right to live of over 20 million American citizens. They have every right to watch what we do, and to find in our action the answer to the question. Has slavery really been abolished in this Nation?

Second, we must keep in mind that this bill has had careful consideration in committees of both Houses in two Congresses, and full debate in both Houses of the last Congress. We are all well aware of the issues involved. I would venture a guess that most of us know how we feel on the subject, because it is not one we can avoid making up our minds on. Thus, the justification for an extended debate this year is utterly lacking. The entire Nation has had nearly a year and a half, since we last considered this question, to indicate the direction in which we should move, and in countless city and State legislatures that direction has been toward fairness, justice, and equality in housing opportunity. I ask in all sincerity how, in the light of this record, anyone can countenance the obstruction of this body from working its will one way or the other. Our inability to vote on this measure in the 89th Congress was a national disgrace. A repeat of that result in the 90th Congress may be a national disaster.

Third, I hope we can take very seriously our responsibility not only as representatives, but also as leaders. We were elected because our constituents respected our intelligence, our perception, and our judgment. Frequently, and properly, public opinion affects what we do here. But equally important is the fact that what we do here affects public opinion, and as responsible leaders, we must lead in the direction we think is the best direction for our States and for the Nation. I am reminded of the response given during the riot hearings to a member of the Judiciary Committee, when he asked a young lady from Harlem whether we should pass a riot bill, even if it is unnecessary, just to placate those who fear we are not concerned enough about riots.

Her answer was this:

> Congress has to provide proper leadership. The country has to see that Congress simply is not going to go along with this kind of reaction to riots. Let the Congressmen, let the Senators show that they do understand, even if their constituents do not. I really think this is part of leadership—if they are really going to be leaders, people who are going to run our society, to guide it for us, they have this kind of responsibility.

This leads me to my final thought for today, a deeply felt plea to the members of this body for reason and restraint in this debate. In the last Congress, perhaps the novelty of the issue and the heat of the argument led to lines of argument that really had very little to do with the matter at hand. The fact that some of those who live in the squalor and hopelessness of our ghettos were led to the inexcusable act of rioting last summer and in prior years is by no extension of the imagination an excuse for not passing this bill. As I have said before, it smacks of the rankest racism to say that because a Negro in Detroit committed a criminal act against a fireman, a Negro in Washington should therefore be prevented from renting an apartment he can afford in Virginia. I would hope and pray that we can keep such appeals to unreason and emotion out of this discussion. In fact, no measure we consider this year holds more promise for relieving the tension and antagonism which are rife in many American communities, but that potential will be off set and destroyed if in the course of this debate we argue in terms which exacerbate those tensions.

PUBLIC TESTIMONY BEFORE THE FOREIGN RELATIONS COMMITTEE BY THE SECRETARY OF STATE

Mr. GORE. Mr. President, I believe it my duty again to call to the attention of my colleagues the sad fact that in a few weeks it will have been 2 years since the Secretary of State last appeared before the Senate Committee on Foreign Relations in public session to discuss our Nation's policy toward Vietnam and Southeast Asia as a whole. This distressing fact was a matter of increasing concern to the committee and to Senators generally in the closing weeks of the first session, as I and others pointed out on several occasions last November and December. Now, with the start of this second session, the question has become one of great and urgent significance.

When I last spoke in this Chamber on the subject, Secretary Rusk only a few days earlier had communicated to the chairman of the Foreign Relations Committee his unwillingness to testify in public session on U.S. policies in Southeast Asia. This decision of the Secretary of State was taken neither hastily nor lightly. On the contrary, behind it was a long exchange of letters with Chairman FULBRIGHT, a 3-hour session with the Foreign Relations Committee in November to discuss all facets of the problem, and then a 3-week delay in delivering an answer which was both conclusive in form and negative in content. The full exchange may be found in the CONGRESSIONAL RECORD of last month. However, both to refresh the memories of my colleagues and to underscore the patience and courtesy displayed by the committee, I ask unanimous consent that the relevant correspondence between Secretary Rusk and Senator FULBRIGHT be inserted in the RECORD at the conclusion of these remarks.

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

(See exhibit 1.)

Mr. GORE. In my view, as I stated last December 11, one can only conclude from all the circumstances involved—notably the 3 weeks employed by Secretary Rusk before giving a considered reply—that the ultimate decision on the issue was rendered by President Johnson. In so doing, the Chief Executive in effect has elevated the disagreement between the Secretary of State and the Committee on Foreign Relations to the level of a fundamental difference between the President and the Senate Foreign Relations Committee. I believe that if the Senate does not recognize and challenge the constitutional implications of the President's position, it will acquiesce in yet another expansion of Executive power, another diminution of the elected representatives of the people.

In dealing with this question of eliciting public testimony from a public servant the Senate Committee majority has today stood on the firm ground of principle.

First, let us consider that as late as February 1966 Secretary Rusk, by appearing in public session before the Foreign Relations Committee to discuss our policies toward Southeast Asia and other areas, was acting in full consonance with the general practice established by a long line of his predecessors as Secretary of State. Even as recently as a year ago, when the 90th Congress convened, Secretary Rusk replied to the committee's usual invitation to testify at the start of a session by suggesting that he appear first behind closed doors and then arrange for a later public meeting. There was no implication that he would invoke some fancied privilege of refusing to talk about Southeast Asia in an open session.

What, then, are the reasons suddenly advanced by the executive branch as an explanation for trying to overturn long-established precedents and practices? One looks in vain to the Secretary of State's letter of December 8 for much enlightenment. There is one modestly significant sentence, which reads as follows:

> Any thorough hearing on our involvement in Viet-Nam would necessarily deal with questions of military operations and war planning, as well as the most delicate relations with other governments.

All too often we have been told, on the one hand, that responsible public figures who disagree with the voluminous official line on Vietnam should be regarded as feckless dissenters, while, on the other hand, the Secretary of State has said that—except for a handful of extremists—those who question Government policy are merely differing about means to agreed ends. Both statements are seriously at fault.

The Secretary has seemed to believe that committee members are more interested in the military situation in Vietnam than in the broad policies which underlie our current actions in the area, and which will shape our future ones in Asia as a whole. But to hold that view he would have to ignore completely the express language of the many invitations issued by the Foreign Relations Committee concerning the need for consultation about policy. And I fear he has done just that.

In any case, as I have stated before, General Westmoreland late last year chose the forum of the National Press Club to present the fullest account available of U.S. military strategy for the future. No testimony before the Senate Foreign Relations Committee about the military conduct of the war has been as revealing as that Press Club speech. The fact that the optimism of that speech has now been rendered unreal is tangent to the issue today.

The second point raised by Secretary Rusk, about the delicacy of our relations with other governments, is scarcely a novel one. Indeed, it is a constant factor in every committee hearing, open or closed, which is devoted to an examination of our foreign policy. The record of committee members in exercising discretion in this regard is a good one. I cannot remember an instance when a State Department witness who asked to reserve his position for a private session was not given that courtesy.

It requires little mental effort to see that this objection is not a tenable one. Are we to accept an argument that the risk of offending an authoritarian ruler in some small Asian country should take precedence over the right of the American public to be kept informed on basic policy decisions by means of discussions between the people's representatives and the Government officials responsible for executing the policies? If this reasoning is adopted in this instance, it could easily be pushed toward the point where the Foreign Relations Committee could find itself inhibited from conducting any hearings in public.

The Committee on Foreign Relations has a right—indeed a duty—to examine public policy. And since this is a government of the people, both the Senate and the President have a responsibility for public education on issues so important as war or peace.

As to the committee's constitutional obligation to undertake the kind of policy discussion which we envisage, the historical record completely supports the doctrine that the senatorial powers of advice and consent to ratification of treaties and to presidential appointments have always been employed in public as well as in closed sessions of the committee. It stands to reason that if a nominee to the position of Secretary of State traditionally is queried about his views in an open hearing, then there is no justification for foreclosing further public examination of the Secretary during his tenure of office. The committee's practices in this regard are too firmly established to be open to suspension for reasons of expediency or for any grounds short of a most pressing emergency involving the safety of the Nation.

Even in such circumstances, the judgment cannot be abdicated by one branch of this Government in favor of another. For the third clause in section 5 of the first article of our Constitution provides that each House of the Congress exercises its own judgment concerning what part of its proceedings should not be published. By extension, it clearly may be argued that the committee proceedings should always be public unless members determine otherwise. And in fact, this reasoning is given full effect in section 133(f) of the Legislative Reorganization Act of 1946, which reads as follows:

> All hearings conducted by standing committees or their subcommittees shall be open to the public except executive sessions for marking up bills or for voting or where the committee by majority vote orders an executive session.

There is a very practical purpose lying behind these activities of the committee. The use of the public hearing is the counterpart in our system for the crucial safeguard of democratic processes represented by the "question period" in the parliamentary system, maintained most notably in the British House of Commons. If appointive officials are to be accountable to the electorate in this country—and I know of no direct challenge to this fundamental thesis—the committee public hearing offers virtually the only means for employing the practice of examination of such officials by the people's representatives.

It is for these reasons that I believe

that the committee's efforts to interrogate the Secertary of State in public stand on the firmest of constitutional grounds.

In the absence of a conclusive reply to the letters of the committee chairman, it is possible we might still be quietly discussing this question with the executive branch. However, the issue now has been joined in full view of the public. And it is clear that the failure of the Senate to insist on its rights in the matter could establish a precedent for a Secretary of State independently to decide whether or not to appear before the Foreign Relations Committee, as well as other committees, and on what terms. No less vital a question is at stake in our deliberations on this subject.

I believe it is with a keen awareness of constitutional duty, duty to the Senate as an institution and responsibility to the people in our system of self-government, that a majority of the Senate Foreign Relations Committee has instructed its chairman to communicate directly to the President its view that the public welfare and constitutional responsibility require public examination of U.S. foreign policy.

Mr. President, another and to my mind, equally vital factor, is involved in this debate. It is simply the question of wise public policy on the part of the executive branch of our Government. And it goes right to the heart of the furor so widely prevaling in this country concerning the nature of our involvement in Southeast Asia.

Secretary Rusk, in effect, has been saying that the normal processes of our constitutional system should be suspended because this country is engaged in war. He cites what he believes to be comparable situations, such as the Second World War, and suggests that since the Secretary of State did not testify in public about our foreign policies under those circumstances, the present occupant of the post should equally be entitled to consider Vietnam as cause for suspending the usual practice of consultation in open hearings.

It requires little effort for us to remember that only a few short years ago the executive branch was doing everything possible to avoid describing the conflict in Vietnam as a full-scale war. Now it seems that the previous embarrassment about conducting an undeclared war has evaporated in the heat of war.

But there is a world of difference between the attitude of the American people toward the Second World War and toward the conflict in which we are presently involved. On every hand we have testimony concerning the bewilderment and frustration of the American people regarding our current involvement and its effects upon the Nation's welfare. I submit that the American people are baffled by the circumstances in which we find ourselves. While there is no direct ratio, at least some of the difficulty is traceable to the inability of the Congress to give a clearer lead to public understanding through sustained questioning of public officials. We may, as it has been charged, have entered into a war by inadvertence; if so, I can only regard it as a dereliction of its duty if the Congress now fails to insist on its prerogatives at this perilous juncture.

On last December 11 I made the following statement in this Chamber:

> I believe that the Senate has a right to know and that the American people have a right to know whether Administration policies are to take steps which further risk war with China, whether the Administration is willing to accept a status of neutrality for Vietnam, whether this nation is to destroy itself internally, and further to erode its position in world leadership in pursuit of policies upon which the Members of the President's Cabinet have been unwilling to testify publicly for nearly two years.

Nothing which has occurred in the intervening period has lessened my conviction that it is imperative for the Secretary of State to discuss in public with the Foreign Relations Committee the direction in which our policies toward Southeast Asia are leading this country.

So, Mr. President, Congress itself must share in the responsibility. Nothing has occurred in recent weeks to alter the necessity for public education on the issues involved. Indeed, the tragedy and confusion of the war today renders the point more imperative. The confusion has only compounded the urgency for the Senate seriously to discharge its constitutional responsibility.

For example, who among us, at this point, is able to tell the American people whether we have abandoned or confirmed our fancied "right of hot pursuit" into Cambodia? Again, who can explain to us how a San Antonio speech came to present a formula which is no formula but a semantic puzzle which ties State Department officials into inarticulate knots? Far from least important, we are still waiting for interpretation of the new emphasis given by the Secretary of State to the Chinese peril in his Columbus Day press conference.

Frankly, I cannot understand why the administration—why President Johnson—is not taking the initiative, rather than drawing back from the committee, in trying to clarify the urgent questions confronting this Nation. In all logic, it seems to me that the executive branch for its own good—and more importantly, for the public good—would urgently be seeking to test its policies in the marketplace of this democracy.

I believe that the current issue of the Progressive magazine, in an article entitled "Dissent and Disorder," accurately reflects the widespread concern in the country about Vietnam and the lamentable absence of participation by Congress in the desired process of examining where we stand and where we are heading.

At this point I will only quote a small excerpt from that article.

The magazine excerpt goes as follows:

> There is yet another ingredient in the explanation for the intensity of feeling and the relentless rate at which emotions are soaring into the danger zone. This is the Administration's decision to close the constitutional channels to debate in Congress and thus destroy the safety-valves which were built into our system or government to prevent the very kind of disaster toward which we are racing. Thomas Jefferson, in his first inaugural address, caught the essence of what makes democracy workable when he said: "Error or opinion may be tolerated where reason is left free to combat it."
>
> The most effective means prescribed by the Constitution to make it possible for reason to combat error in foreign policy is the advice and consent clause under which the Senate's advice and consent are required to be sought by the President on major issues of foreign policy. But the Johnson Administration has refused to permit the Senate, through its Foreign Relations Committee, to advise and consent—publicly—on the major issues of Vietnam. . . .

I hope most profoundly that the President, even at this late date, will change his mind about the wisdom of permitting, or directing, as the case may be, his Secretary of State to confer openly with the Committee on Foreign Relations. If he does not, however, I have no intention of letting a victory be won by the executive branch at the expense of the Senate without a contest. Unless circumstances change, at an appropriate moment, I fully intend to offer a resolution in this Chamber which will give my colleagues every opportunity to address themselves to the fundamental issue which has now been raised and joined.

There are several reasons for this state of affairs. For almost 40 years we have been through a succession of wars, both hot and cold, and serious economic adjustments. These conditions have made strong Executive leadership desirable and necessary. But these conditions have not made it mandatory that Congress become moribund. Indeed, I would state categorically that the loss of effectiveness by the Congress in recent years, particularly in helping to fashion broad national policy, has not been caused by, but rather has contributed materially to, our difficulties.

I believe that to be the case with respect to the issue of Vietnam, to the Vietnam war. Congress has been remiss in its duty. I confess that I, as a Member of the U.S. Senate, have been remiss in my own duty.

Furthermore, power has not always been wrested from the Congress by an aggressive President. Rather, the Congress has surrendered power and prestige almost voluntarily. The result, obvious to all, has been that relatively poor solutions to our more pressing problems both at home and abroad have been advanced and implemented.

The prosecution of the type of war in which we now find ourselves engaged in Vietnam is only the most highly publicized of these poor solutions. There are others.

If what I have said thus far has any validity, it is certainly highly desirable—mandatory, if you will—that Congress assert itself and restore itself to its rightful place in formulating national policy. There is no agency of government or society which is equipped to do this for us. We, as individual Senators and Congressmen, acting individually and collectively, must do it ourselves.

All too often, the advise and consent clause of the Constitution has come to be regarded as merely an exercise of assent and consent after the fact. The constructive element of that clause is equally obligatory upon the U.S. Senate.

Let me make it clear that I do not wish a power struggle. We can ill afford that at this time. What I seek is a fuller measure of partnership. The Constitution has clearly placed the President and the Senate in a position of limited partnership in the formulation and the conduct of foreign policy. While I want to strengthen Congress, I do not by any means wish to see Congress attempt to assume executive powers and prerogatives. The usurpation by Congress of powers not legitimately belonging to it was tried at one time in this country, and that period of post-Civil War reconstruction is one of the sorriest in our history by almost any yardstick. What I desire is a proper balance between the executive branch and Congress. There can be a proper balance, but that balance can be achieved only by the Congress, itself. Only Members of Congress, acting individually and collectively, can strengthen the hand of Congress, and it follows that Congress must insist upon its proper role. And, in my view, wiser policy would result from fuller participation by Congress in the decisionmaking process.

Nor do I wish necessarily to weaken the executive branch. There is no mathematical equation involved here which necessitates substracting power from the executive branch in order to build up the power of Congress. I do not share the views often expressed by the New Right; that, in order to have a proper balance among the branches of the Federal Government, Congress must be antagonistic to the President and seek to block and embarass members of the executive bureaucracy at every opportunity.

This would result in a weak Government, and weakness is not desirable. This approach is now being advocated by many academic people who should know better. Strengthening Congress so it can and will perform its constitutional role properly does not at all mean that the Presidency must be proportionately weakened.

As a matter of fact, the Constitution contemplates strong Executive leadership, and this system has proved workable for us. We do not have a parliamentary system, and the Congress must neither attempt to perform executive functions nor seek to impede and hamper the President and his associates in the proper performance of their constitutional duties.

What is required is that Congress perform its duties with more vigor and effectiveness. In other words, Congress, and in the present crisis, the Senate must play a more constructive and positive role, neither, on the one hand, passively accepting the undigested recommendations of the President, nor, on the other, falling back on negative obstructionism.

Indeed, the role of Congress in setting broad national policy may today be the most important of our functions. The administration certainly needs all the assistance we can render.

I sincerely believe that President Johnson would welcome every worthwhile contribution we could make, and in the teamwork of the Senate and of the President there could be contributions which would flow therefrom so that peace could be more nearly assured.

Our constituents deserve our best efforts. The times demand no less.

Perhaps it is through a better understanding of this function, and its implementation, that we can find a good starting point from which to launch a campaign for strengthening Congress.

Under the stress and duress of the present emergency and the danger to our Nation and the peace of the world, perhaps we can reformulate the equality between the executive and the legislative, which our forefathers ordained, and reach a better future as a result thereof.

Senators and Congressmen must represent their constituents in every sense of that term. Most of us represent them consciously, I am afraid, only in dealing with minutiae. We act as a sort of ombudsman for our constituents. If one is experiencing trouble with the Army, we ask for a report. If he encounters delay in getting the social security rolls, or in qualifying for some kind of veterans' benefits, we will try to expedite action. If he needs a job, particularly with the Post Office Department, we will make recommendations.

Now, I submit, Mr. President, that this is far too restricted a view of our duties in carrying out our representational function. We ought not to neglect the minutiae, although most of us have staff personnel who can handle this. But at the same time, we ought to devote a far greater personal effort to the larger matter of representing our constituents in the formulation of broad national policies. And, beyond that, we must, in carrying out this function, be the eyes and ears as well as the voice of our constituency in Washington. And by being the eyes and ears of our constituency, we can assist materially in leading, molding, and correcting public opinion. Once again, let me say that those of us who are privileged to serve in the Congress have been taking a much too restricted view of our roles in this area.

It is hardly open to debate that the single most important ingredient in a modern democracy is an interested and informed citizenry. No machinery of government, no matter how finely conceived, nor how well operated by officials and employees of government, can long hold a democracy together in the absence of an interested and informed public with adequate means at its disposal for formulating, expressing, and implementing public opinion. In a democracy, it is generally held that the legislative body formulates the will of the state and is the chief organ of popular government. I submit that the Congress is not performing its duty in this regard. We have all but invited the Executive to preempt our prerogatives. However, one small silver lining of our dark clouds of today is a growing determination of U.S. Senators to fulfill more full their constitutional power and duty.

The pivotal question facing this country today is Vietnam. It lies at the root of much of our difficulty and deterioration both at home and abroad. Because of Vietnam, in part, our moral leadership has been seriously eroded throughout the world. Because of Vietnam, in part, our balance-of-payments problem has assumed such proportions that solutions now advanced on a temporary, "crash," basis could create other and perhaps more serious problems abroad, and might possibly constitute a threat to continued domestic economic growth. Because of Vietnam, in part, dissent at home in many social and political areas has reached such proportions that the country is more seriously threatened with ruinous disruption than at any time since the Civil War. This tragedy now threatens to become calamitous.

And yet, in spite of the obvious importance of the questions surrounding our actions in Southeast Asia, and there are several, there is still a lack of knowledge on the part of the general public of many facets of the problem, and there is surely lacking altogether that clear concensus on which the most important public decisions involving the very survival of the Nation must rest. On the shoulders of each Senator and Congressman, and on all of us collectively, rests a part of the responsibility for this deplorable and dangerous state of affairs.

Surely, then, the best means possible for informing the public and facilitating a consensus, which consensus can then be transmitted through the people's representatives in Government for translation into action, must be found and utilized.

The immediate, urgent task of war by our gallant soldiers is to contain the current offensive. Meanwhile, and thereafter, there must be a probing reassessment of our national policy in Southeast Asia. The advice and consent of the Senate is needed in this reexamination.

We are today faced with a situation the difficulties of which are just now becoming apparent to some. There is a general breakdown in law and order. There is frustration. There is anger. There is open defiance of the law. And the war in Vietnam, with the dissent which it has generated, must be held in part responsible for this.

A way must be found to halt the growing disunity and disharmony within our Nation. By some means we must dispel the growing sense of confusion and frustration about the issues. A concensus must be developed. A national will to go in some specific direction must be formulated. Then this concensus, this feeling of national will and purpose, must be translated into a program which the people can support and which will bring this war to a close. Almost any future course that is decided upon, will be an improvement over current conditions, if the Nation as a whole can understand and support it.

The best and most dramatic means available to us should be utilized in this effort to educate, mold and develop public opinion.

And there are other pressing problems. Even with the overweening importance of Vietnam, I do not wish my remarks at this time to be considered as applying only to that question. Vietnam is only one, albeit of the most immediate importance, of the many problems on which Congress ought to focus public attention

and thereby assist in the process of educating and informing the public, in helping to crystallize public opinion, and then in translating public opinion into appropriate action.

I, for one, am not content to leave the education of the public to chance. Nor am I willing to shirk my duty to the extent that I would turn it over to the Executive or television quiz shows. Cabinet members are not elected by the people. They speak only for the President. Heads of agencies are not elected. They generally should speak for Congress, but they more often find themselves under the thumb of the President.

Senators and Congressmen are uniquely and directly qualified to represent their constituents in the process of formulating public opinion and translating it into appropriate Government policy.

There are various ways in which Congress can seek to inform the public, to lead public opinion, to assist in the formulation of a meaningful concensus. In pursuit of this goal, this democratic function, I urge my colleagues in this distraught day to participate fully. The tragedies, problems, and dangers of our times require it. I am confident that President Johnson will welcome every worthy contribution we can make.

EXHIBIT 1

Mr. President, there have been a number of letters exchanged between Senator FULBRIGHT, chairman of the Senate Foreign Relations Committee, and Secretary of State, Dean Rusk.

I list the efforts the committee has made to persuade the Secretary that such an appearance would be in the public interest.

On December 21, 1966, the chairman of the committee, Senator FULBRIGHT, wrote Secretary Rusk inviting him early in 1967 and at his convenience to meet with it to discuss "the progress of the pacification program in Vietnam, recent developments in mainland China and their relation to the war in Vietnam, our military and economic activities in Thailand" and certain other subjects That letter expressed the "hope that this first meeting of the 90th Congress could be in open session because all of these subjects are of great interest to the American people:" The letter stated explicity that "there may be questions that you will not be able to answer in open session and the committee will therefore make arrangements for an additional closed session if necessary."

On December 30, 1966, Secretary Rusk replied to the committee stating that he would "be very happy to meet with the committee at any time" and that he looked "forward to a thorough review and discussion of such matters as the members may care to raise."

The letter from Secretary Rusk continued, suggesting that "my first meeting with the committee be in executive session," in accord with previous practice. This executive session, wrote the Secretary, "could be followed, if the committee wishes, by a public meeting at a convenient time." He continued:

"I fully agree that the great issues of American foreign policy are of interest to the American people as a whole, and I am glad to cooperate with the Committee's effort to facilitate public discussion and understanding."

The committee accepted that suggestion, and on January 16, 1967, Secretary Rusk met with the committee in secret session to discuss the general world situation. At that meeting the Secretary was agreeable to a subsequent public appearance and the date of January 23, 1967 was set for that meeting.

Shortly prior to January 23, however, Secretary Rusk asked the chairman of the committee to change the subject of the public session so that it could be devoted to testimony on the Consular Convention with the Soviet Union. That change was accepted by the committee. I might note parenthetically, however, that this was the second go-around on the subject of the Consular Convention. The committee had held hearings and favorably reported the Consular Convention the previous session, but no action was taken by the Senate, thus requiring the hearing and reporting process to be repeated in the new session.

Be that as it may, subsequent efforts made at the staff level to arrange for the Secretary to meet with the committee at a convenient time and in public were not fruitful.

Finally on April 27, 1967, the chairman of the committee wrote to Secretary Rusk as follows:

APRIL 27, 1967.

The Honorable DEAN RUSK,
Secretary of State.

DEAR MR. SECRETARY: You will recall that earlier this year the Committee on Foreign Relations requested you to appear in public session to discuss the role and responsibilities of the United States as a great power, but you were unable to accept those invitations.

In view of the important events which have taken place since then, would you be willing to appear in public session for a general discussion of our foreign policy, with special attention to Southeast Asia, on Tuesday, May 2, or Tuesday, May 9? It would be helpful to the Committee and to the public understanding of our policy if you could arrange to be with us.

Very truly yours,

J. W. FULBRIGHT.

On May 2, 1967, Secretary Rusk replied to the chairman as follows:

MAY 2, 1967.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: Thank you for your letter of April 27.

I would be glad to have a general discussion of our foreign policy, with special attention to Southeast Asia, with the Foreign Relations Committee. It seems to me, however, that the value of such a discussion could be greatly enhanced if it were held in *Executive session*. It is not easy for the Secretary of State to discuss particular situations in particular countries in public without risking considerable damage to our foreign relations. A public session would carry with it, therefore, many of the inhibitions which attend a press conference. An *Executive session would permit a candid exchange of views and could be valuable,* it seems to me, both to the Committee and to myself. I would see no objection to a mutual review of the transcript of an Executive session to determine whether substantial portions of it might be made public.

If the procedure is agreeable with the Committee, I would be pleased to appear on Tuesday, May 9, or Tuesday, May 16, whichever would be more convenient for the Committee.

With every good wish,
Sincerely yours,

DEAN RUSK.

And on May 3, the chairman replied as follows:

MAY 3, 1967.

The Honorable DEAN RUSK,
Secretary of State.

DEAR MR. SECRETARY: In reply to your letter of May 2, the Committee will be very pleased to have you in Executive Session on May 16 at 10:00 AM.

I regret that you do not wish to appear in public session, as I think the general public would benefit very much by a discussion of our present situation.

With best wishes, I am,
Sincerely yours,

J. W. FULBRIGHT.

There the subject rested until October 12, 1967. At that time the chairman wrote to Secretary of State Rusk as follows:

OCTOBER 12, 1967.

The Honorable DEAN RUSK,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: In view of recent discussion on the Senate Floor regarding the need for public enlightenment with respect to our policies in Vietnam, I take this occasion to renew my past invitations that you appear before the Committee on Foreign Relations in public session to discuss issues raised by our policies there.

I would be very happy to consult with your staff to work out an appropriate time for your appearance.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

On October 19, 1967, Secretary Rusk replied to the chairman as follows:

OCTOBER 19, 1967.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: Thank you for your letter of October 12 in which you suggested I appear before the Committee on Foreign Relations in public session to discuss issues raised by our policy in Vietnam.

For the reasons I have mentioned to you in earlier exchanges, I believe our meeting would be of greater value and, at the same time, run less risk of damaging our foreign relations in this critically important time if it were held in executive session. An executive session would, of course, permit a more candid exchange of views which I believe would be valuable both to the Committee and to myself.

Following such a meeting I think it would be useful for us to review the transcript in order to reach agreement as to whether substantial portions of it could be made public. As you know, this procedure has been used many times in the past, and, it seems to me, would best meet the Committee's and our requirements.

With all best wishes,
Sincerely,

DEAN RUSK.

Not satisfied with the Secretary's letter of October 19, the full Committee on Foreign Relations discussed the subject at its business meeting of October 31. At that meeting I took the position, and so moved, that the Committee on Foreign Relations should instruct its chairman to communicate directly with the President of the United States, expressing the concern of the committee at the refusal of the Secretary of State to meet with the committee to discuss with it in public session the American involvement in southeast Asia.

I withdrew that motion, however, when another member suggested a course of action which I thought reasonable; namely, that the Secretary of State be invited to meet with the committee to explain why he was refusing to appear before the committee.

On October 31, therefore, the chairman of the commmittee, acting on the basis of its instructions, addressed the following letter to Secretary Rusk:

OCTOBER 31, 1967.

Hon. DEAN RUSK,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: The Committee on Foreign Relations has discussed your October 19 response to our letter of the 12th which invited you to appear before the Committee in public session to discuss issues raised by our policies with respect to Vietnam. Particular attention was given to your belief that you should instead appear at an executive session.

The Committee has agreed to invite you to attend an executive session designed primarily to elicit and consider your reasons for

preferring to avoid a meeting with Committee members before the public. At that session there would, of course, be ample opportunity for substantive discussion about Vietnam policy and other issues.

Assuming your concurrence, Mr. Marcy of the Committee staff will contact Assistant Secretary Macomber to determine an appropriate time for the meeting.

Sincerely yours,

J. W. FULBRIGHT, *Chairman.*

On November 1, Secretary Rusk replied to the chairman as follows:

NOVEMBER 1, 1967.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: I will be pleased to attend an Executive session of the Committee on Foreign Relations as discussed in our recent correspondence.

As you suggest, I will ask Mr. Macomber to arrange with Mr. Marcy a mutually convenient time for the meeting.

Sincerely yours,

DEAN RUSK.

On November 7, Secretary Rusk met with the Committee on Foreign Relations and for more than 3 hours discussed not only his reluctance to appear before the committee, but some aspects of American involvement in Vietnam.

At the end of that hearing the Secretary indicated that he wanted further time to consider whether he would comply with the committee's request for a public hearing on Vietnam and, when pressed for a time by which he might decide whether to comply with the committee request, he said he would reply promptly.

NOVEMBER 30, 1967.

Hon. DEAN RUSK,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: The Committee on Foreign Relations today discussed its invitation to you to testify in public on United States policies in Southeast Asia.

While Members were not unanimous in believing that such an appearance by you at this time would be desirable, it is fair to note that most of those present felt that a public exchange of views would be most helpful sometime before adjournment. There was a strong feeling that it was proper to discuss these policies in the legislative environment, inasmuch as they are unavoidably a part of public consideration.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

THE SECRETARY OF STATE,
Washington, D.C., December 8, 1967.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: I am replying to your letter of November 30, concerning the desirability of a public hearing with the Committee on Viet-Nam.

I wish to make it clear, Mr. Chairman, that I am always ready to consult with any appropriate committee of the Congress on Viet-Nam, or on other matters involving the foreign policy of the United States.

The question in this case is whether the hearing should be in open or in executive session.

Any thorough hearing on our involvement in Viet-Nam would necessarily deal with questions of military operations and war planning, as well as the most delicate relations with other governments. The Committee is entitled to know my views on these questions. But because of the extreme sensitivity of these matters, I am convinced that they should be fully discussed only in executive sessions of the Committee.

I would be glad to agree—as I have with all other Congressional committees where I have appeared to discuss matters of critical national importance and sensitivity—to the prompt release of all portions of my testimony that our security interests will permit.

As you know, Mr. Chairman, it has been the consistent policy of all previous Administrations to discuss matters of this kind in executive session, while an armed conflict is in progress. The single exception to this policy, which occurred early last year, does not in any way suggest that the consistent practice of the past should be abandoned.

To recapitulate, I am ready to come before the Committee in executive session whenever the Committee desires to discuss our policy in Viet-Nam with me. I am ready to respond fully to the Committee's questions. I am ready to agree to the release of those questions and answers that may be released without endangering our men in Viet-Nam, our security interests, or our diplomatic efforts to end this conflict—recognizing that our foes, as well as our friends, will carefully examine the record.

I hope that all the Members of the Committee will feel that my reply is sufficiently responsive. But as you point out, there are substantial differences of view on this matter among the Members of your committee, and I believe I would encounter significant disagreement whatever my reply.

I do hope that the Committee will understand the reasons for my view, even though not all of them may find it possible to agree with it.

Sincerely,

DEAN RUSK.

AMENDED EXPORT-IMPORT BANK ACT

Mr. BYRD of Virginia. Mr. President, a few moments ago the House by near unanimous vote approved the amended Export-Import Bank Act.

If I understand the House action correctly, it in substance combines both the Byrd amendment and the Mundt-Byrd amendment approved by the Senate last August.

Specifically, both House and Senate actions do these three things:

One, they eliminate the President's discretionary authority.

I believe that helps and it is a first step toward correcting the imbalance which has begun to exist between the three branches of Government.

Two, they prevent the use of Export-Import Bank funds—taxpayers' money—to finance the building of a Fiat plant in the Soviet Union. This measure ends any proposal to use tax funds of American taxpayers to build a Fiat plant for the Soviet Union, a fantastic proposal.

Three, they prevent the use of taxpayers' money to finance trade with any nations trading with North Vietnam.

Mr. President, I applaud the House action, as it sustains the view of the vast majority of the American people and the views of the Senate which accepted the Byrd amendment by a vote of 56 to 26 last August.

I said at the time, and I say frankly again today, that some American companies will have their profits reduced as a result of the action of the House of Representatives today and the action of the Senate last August. However, with the severe casualties which the American people are suffering in Vietnam we cannot concern ourselves about business profits if those profits come as a result of trading with our enemies.

Mr. President, I wish to applaud at this time and commend the distinguished senior Senator from South Dakota [Mr. MUNDT] for the effective and able work he did in regard to the amendment introduced by him, with me as a cosponsor, and the help which he gave me on the Byrd amendment last August.

It has been a long fight. It has taken 6 months to get this Export-Import Bank legislation through Congress with amendments which prevent the use of taxpayers' moneys to finance transactions with those nations which are trading with our enemy.

Mr. President, I applaud the action the House of Representatives took today.

ORDER FOR RECOGNITION OF SENATOR MONDALE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of morning business tomorrow, the distinguished junior Senator from Minnesota [Mr. MONDALE] be recognized for not to exceed 20 minutes.

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

THE PRESIDENT'S 1968 CRIME MESSAGE

Mr. KENNEDY of Massachusetts. Mr. President, we have today received the President's 1968 crime message. I believe it is a historic document as much for what it leaves out as for what it includes. In each of his annual crime messages, President Johnson has given the Nation a challenge and a program for dealing with the problem of crime effectively, and comprehensively, with a sense of rational priorities and of the separation of local and Federal responsibility, without panic, without seeking scapegoats, and without claiming that any of his proposals would be a panacea.

Once again the key feature of our anticrime program is passage of the Safe Streets and Crime Control Act which will provide massive assistance to State and local governments in their efforts to prevent and control crime and to rehabilitate offenders, and which will stimulate strong Federal leadership in the research and development efforts necessary to bring our criminal justice system fully into the 20th century. I am especially pleased to note that the President has again expressed his support for the establishment of a National Institute of Criminal Justice, a proposal which I introduced in the Senate last February as S. 992.

It is clear from the President's message and the description of the amendments to safe streets which he supports, that he is now placing the full weight and influence of the administration behind the so-called clean bill which Senator HART and I, in cooperation with the Department of Justice, presented to the Judiciary Committee last November. The clean bill synthesizes the original safe streets bill, the most constructive parts of the House passed version, and the reasonable parts of the Senate Criminal Law Subcommittee's revision. I believe the clean bill, the text of which can be

found in the CONGRESSIONAL RECORD, volume 113, part 26, page 35716, is a bill which will receive the support of a majority of the Senate and will be found acceptable by a majority of the House, once its provisions are fully understood. Despite the fact that there were sufficient votes in the Senate Judiciary Committee to report that bill in the last session, those of us who support it were obstructed in our efforts to achieve passage last year by those who wish to hold it as a hostage, which can be ransomed only through acceptance of their own theories of crime control, all of which, apart from the question of merit, are totally irrelevant to the focus and substance of this bill. I am hopeful that with the President's personal backing for our approach, we will now be able to break the logjam in the Judiciary Committee and report the clean bill with dispatch. I would point out that if we are not successful in obtaining action in this committee, there are other committees considering related legislation to which the addition of safe streets would be most appropriate, especially since much of this measure has been passed by the House and since this bill has been in the Judiciary Committee for nearly a year now.

Much the same can be said for the State Firearms Control Assistance Act, designed to help control the largely unfettered flow of deadly firearms which contributes so much to crime and violence in the Nation. Here, too, I am hopeful that we can achieve prompt and effective action in the Judiciary Committee, but if the traditional obstructionist attitude fostered by certain interests—or should I say self-interest—groups continues, we shall have to seek other avenues to assure that the Senate will be allowed to work its will on this subject.

I can be much more optimistic about the progress of the Juvenile Delinquency Prevention Act. We are polishing this bill right now in the Manpower Subcommittee, and we expect to meet next week in executive session to report the bill to the full committee, where I am sure it will receive immediate consideration.

I have not yet seen the text of the antiriot bill mentioned in the President's message, and I will examine it with great care and interest. It was my own conclusion that the hearings we had in the Judiciary Committee on this subject demonstrated that there was no real need for Federal legislation in this field, that State and local governments were fully empowered and willing to punish rioters, arsonists, and looters, and that there existed a real danger that the passage of such legislation would mislead the American people by representing that we had dealt adequately with the riot problem when in fact we were doing nothing of substance. Perhaps, after we have passed a strong civil rights bill demonstrating our continued dedication to equality and justice for every American, and after we have passed the two bills which really hold hope for helping to prevent and control riots; namely, the safe streets and gun control bills, and after we have considered and passed bills providing new programs and new appropriations to deal with the real problems of our urban areas, the poverty, ignorance, disease, and deprivation which lead to the tensions and hostility that lie at the root of riots, perhaps then we consider an antiriot bill. But I have serious doubts that such a measure, even if its passage can ultimately be justified, deserves any priority in the 90th Congress.

Again, Mr. President, I want to express my congratulations and respect for President Johnson's approach to the crime problem. When the history of this decade is written, I think his leadership in the fight against crime will be well noted by a grateful nation.

CONSUMER CREDIT PROTECTION ACT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Chair lay before the Senate the amendment of the House of Representatives on S. 5.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 5) to assist in the promotion of economic stabilization by requiring the disclosure of finance charges in connection with extension of credit, which was, strike out all after the enacting clause and insert:

SECTION 1. This Act may be cited as the "Consumer Credit Protection Act".

TITLE I—CREDIT TRANSACTIONS

SEC. 101. (a) The Federal Reserve Act is amended by striking the first sentence and inserting:

"TITLE I—THE FEDERAL RESERVE SYSTEM

"SECTION 1. SHORT TITLE AND DEFINITIONS

"This title may be cited as the Federal Reserve Act."

(b) Title I of the Federal Reserve Act is amended by changing "Act", wherever that word is used with reference to title I of the Federal Reserve Act (as so designated by subsection (a) of this section) to read "title".

(c) The Federal Reserve Act is amended by adding at the end:

"TITLE II—CREDIT TRANSACTIONS

"DECLARATION OF PURPOSE

"SEC. 201. The Congress finds that economic stabilization would be enhanced and that competition among the various financial institutions and other firms engaged in the extension of consumer credit would be strengthened by the informed use of credit. The informed use of credit results from an awareness of the cost thereof by consumers. It is the purpose of this title to assure a meaningful disclosure of credit terms so that the consumer will be able to compare more readily the various credit terms available to him and avoid the uninformed use of credit.

"DEFINITIONS

"SEC. 202. For the purposes of this title—

"(a) 'Board' means the Board of Governors of the Federal Reserve System.

"(b) 'credit' means the right granted by a creditor to a person other than an organization to defer payment of debt or to incur debt and defer its payment, where the debt is contracted by the obligor primarily for personal, family, household, or agricultural purposes. The term does not include any contract in the form of a bailment or lease except to the extent specifically included within the term 'consumer credit sale'.

"(c) 'consumer credit sale' means a transaction in which credit is granted by a seller in connection with the sale of goods or services, if such seller regularly engages in credit transactions as a seller, and such goods or services are purchased primarily for a personal, family, household, or agricultural purpose. The term does not include any contract in the form of a bailment or lease unless the obligor contracts to pay as compensation for use a sum substantially equivalent to or in excess of the value of the goods or services involved, and unless it is agreed that the obligor is bound to become, or for no other or a merely nominal consideration has the option of becoming, the owner of the goods upon full compliance with the provisions of the contract.

"(d) 'finance charge' means the sum of all the mandatory charges imposed directly or indirectly by a creditor, and payable directly or indirectly by an obligor, as an incident to the extension of credit, including loan fees, service and carrying charges, discounts, interest, time price differentials, investigators' fees, costs of any guarantee or insurance protecting the creditor against the obligor's default or other credit loss, and any amount payable under a point, discount, or other system of additional charges, except that

"(1) if itemized and disclosed under section 203, the term 'finance charge' does not include amounts collected by a creditor, or included in the credit, for

"(A) fees and charges prescribed by law which actually are or will be paid to public officials for determining the existence of or for perfecting or releasing or satisfying any security related to a credit transaction, or the premium, not in excess of those fees and charges, payable for any insurance in lieu of perfecting the security; or

"(B) taxes; and

"(2) where credit is secured in whole or in part by an interest in real property, the term does not include, in addition, to the duly itemized and disclosed costs referred to in clauses (A) and (B) of paragraph (1) the costs of

"(A) title examination, title insurance, or corresponding procedures;

"(B) preparation of the deed, settlement statement, or other documents;

"(C) escrows for future payments of taxes and insurance;

"(D) notarizing the deed and other documents;

"(E) appraisal fees; or

"(F) credit reports.

"(e) 'creditor' means any individual, or any partnership, corporation, association, cooperative, or other entity, including the United States or any agency or instrumentality thereof, or any other government or political subdivision or agency or instrumentality thereof, if such individual or entity regularly engages in credit transactions, whether in connection with the sale of goods and services or otherwise, and extends, or arranges for the extension of, credit for which the payment of a finance charge is required.

"(f)(1) 'annual percentage rate' means, for the purposes of sections 203(b), 203(c), and 203(d), the nominal annual rate determined by the actuarial method (United States rule).

"(2) The Board may prescribe methods other than the actuarial method, if the Board determines that the use of such other methods will materially simplify computation while retaining reasonable accuracy as compared with the rate determined under the actuarial method.

"(3) For the purposes of section 203(d), the term 'equivalent annual percentage rate' means the rate or rates computed by multiplying the rate or rates used to compute the finance charge for any period by the number of periods in a year.

"(4) Where a creditor imposes the same

finance charge for all balances within a specified range, the annual percentage rate or equivalent annual percentage rate shall be computed on the median balance within the range for the purposes of sections 203(b), 203(c), and 203(d).

"(g) 'open end credit plan' means a plan prescribing the terms of credit transactions which may be made thereunder from time to time and under the terms of which a finance charge may be computed on the outstanding unpaid balance from time to time thereunder.

"(h) 'installment open end credit plan' means an open end credit plan which has one or more of the following characteristics: (1) creates a security interest in, or provides for a lien on, or retention of title to, any property (whether real or personal, tangible or intangible), (2) provides for a repayment schedule pursuant to which less than 60 per centum of the unpaid balance at any time outstanding under the plan is required to be paid within twelve months, or (3) provides that amounts in excess of required payments under the repayment schedule are applied to future payments in the order of their respective due dates.

"(i) 'organization' means a corporation, government or governmental subdivision or agency, business or other trust, estate, partnership, or association.

"(j) 'State' means any State, the Commonwealth of Puerto Rico, or the District of Columbia.

"DISCLOSURE OF FINANCE CHARGES; ADVERTISING

"SEC. 203. (a) Each creditor shall furnish to each person to whom credit is extended and upon whom a finance charge is or may be imposed the information required by this section, in accordance with regulations prescribed by the Board.

"(b) This subsection applies to consumer credit sales other than sales under an open end credit plan. For each such sale the creditor shall disclose, to the extent applicable,

"(1) the cash price of the property or service purchased;

"(2) the sum of any amounts credited as downpayment (including any trade-in);

"(3) the difference between the amounts set forth in paragraphs (1) and (2);

"(4) all other charges, individually itemized, which are included in the amount of the credit extended but which are not part of the finance charge;

"(5) the total amount to be financed (the sum of the amounts disclosed under (3) and (4) above);

"(6) the amount of the finance charge (such charge, or a portion of such charge, may be designated as a time-price differential or as a similar term to the extent applicable);

"(7) the finance charge expressed as an annual percentage rate;

"(8) the number, amount, and due dates or periods of payments scheduled to repay the indebtedness;

"(9) the default, delinquency, or similar charges payable in the event of late payments; and

"(10) a description of any security interest held or to be retained or acquired by the creditor in connection with the extension of credit, and a clear identification of the property to which the security interest relates.

Except as otherwise hereinafter provided, the disclosure required by this subsection shall be made before the credit is extended. Compliance may be attained by disclosing such information in the contract or other evidence of indebtedness to be signed by the obligor. Where a seller receives a purchase order by mail or telephone without personal solicitation by a representative of the seller and the cash price and deferred payment price and the terms of financing, including the annual percentage rate, are set forth in the seller's catalog or other printed material distributed to the public, the disclosure shall be made on or before the date the first payment is due. Where a creditor mails or otherwise transmits monthly or other periodic bills or statements in connection with any sale to which this subsection is applicable, each such bill or statement shall set forth, to the extent applicable, the items described in subsection (d)(3) of this section, except that if the credit is extended for a period of five years or more, the items described in subsection (d)(3) need not be set forth more than once in each calendar year. If a credit sale is one of a series of credit transactions made pursuant to an agreement providing for the addition of the deferred payment price of that sale to an existing outstanding balance, and the person to whom the credit is extended has approved in writing both the annual percentage rate or rates and the method of computing the finance charge or charges, and the creditor retains no security interest in any goods sold as to which he has received payments aggregating the amount of the sales price including any finance charges attributable thereto, then the disclosure required by this subsection for the particular sale shall be made on or before the date the first payment for that sale is due.

"(c) This subsection applies to extensions of credit other than consumer credit sales or transactions under an open end credit plan. Any creditor making a loan or otherwise extending credit under this subsection shall disclose, to the extent applicable,

"(1) the amount of credit of which the obligor will have the actual use, or which is or will be paid to him or for his account or to another person on his behalf;

"(2) all charges, individually itemized, which are included in the amount of the credit extended but which are not part of the finance charge;

"(3) the total amount to be financed (the sum of items (1) and (2) above);

"(4) the amount of the finance charge;

"(5) the finance charge expressed as an annual percentage rate;

"(6) the number, amount, and due dates or periods of payments scheduled to repay the indebtedness;

"(7) the default, delinquency, or similar charges payable in the event of late payments; and

"(8) a description of any security interest held or to be retained or acquired by the creditor in connection with the extension of credit, and a clear identification of the property to which the security interest relates.

Except as otherwise hereinafter provided, the disclosure required by this subsection shall be made before the credit is extended. Compliance may be attained by disclosing such information in the note or other evidence of indebtedness to be signed by the obligor. Where a creditor receives a request for an extension of credit by mail or telephone without personal solicitation by a representative of the creditor and the terms of financing, including the annual percentage rate for representative amounts of credit, are set forth in the creditor's printed material distributed to the public, or in the contract of loan or other printed material delivered to the obligor, the disclosure shall be made on or before the date the first payment is due. Where a creditor mails or otherwise transmits monthly or other periodic bills or statements in connection with any extension of credit to which this subsection is applicable, each such bill or statement shall set forth, to the extent applicable, the items described in subsection (d)(3) of this section, except that if such credit is extended for a period of five years or more, the items described in subsection (d)(3) need not be set forth more than once in each calendar year.

"(d)(1) This subsection applies to open end credit plans.

"(2) Before opening any account under an open end credit plan, the creditor shall, to the extent applicable, disclose to the person to whom credit is to be extended—

"(A) the conditions under which a finance charge may be imposed, including the time period, if any, within which any credit extended may be repaid without incurring a finance charge;

"(B) the method of determining the balance upon which a finance charge will be imposed;

"(C) the method of determining the amount of the finance charge (including any minimum or fixed amount imposed as a finance charge), the annual percentage rate of the finance charge to be imposed, if any, and, in the case of an installment open end credit plan, the equivalent annual percentage rate;

"(D) the conditions under which any other charges may be imposed, and the method by which they will be determined; and

"(E) the conditions under which the creditor may retain or acquire any security interest in any property to secure the payment of any credit extended under the plan, and a description of the interest or interests which may be so retained or acquired.

"(3) For each billing cycle at the end of which there is an outstanding balance under any such account, the creditor shall disclose, to the extent applicable,

"(A) the outstanding balance in the account at the beginning of the billing period;

"(B) the amount and date of each extension of credit during the period and, if a purchase was involved, a brief identification (unless previously furnished) of the goods or services purchased;

"(C) the total amount credited to the account during the period;

"(D) the amount of any finance charge added to the account during the period, itemized to show the amount, if any, due to the application of a percentage rate and the amount, if any, imposed as a minimum or fixed charge;

"(E) the finance charge expressed as an annual percentage rate;

"(F) the balance on which the finance charge was computed and statement of how the balance was determined. If such a balance is determined without first deducting all payments during the period, that fact and the amount of such payments shall also be disclosed;

"(G) the outstanding balance in the account at the end of the period; and

"(H) the date by which, or the period (if any) within which, payment must be made to avoid additional finance charges.

"(4) If a creditor adds to this billing under an open end credit plan one or more installments of other indebtedness from the same obligor, the creditor is not required to disclose under this subsection any information which has been disclosed previously in compliance with subsection (b) or (c).

"(5) Any creditor under an open end credit transaction shall furnish any party to the transaction with a written estimate of the approximate annual percentage rate of the finance charge on the transaction determined in accordance with regulations issued by the Board, if the party making the request specifies or identifies the repayments schedule involved and such other essential credit terms as may be prescribed in the regulations issued by the Board.

"(e) In the case of any extension of credit in connection with which a security interest is to be retained or acquired in any property which is used or is expected to be used as a residence by the person to whom credit is extended, the disclosures required under this title shall be made at least three days before the transaction is consummated or before any agreement to consummate the

transaction is entered into by the party to whom the credit is extended, whichever is earlier. The Board may, if it finds that such action is necessary in order to permit homeowners to meet bona fide personal financial emergencies, prescribe regulations authorizing the modification or waiver of this requirement to the extent and under the circumstances set forth in such regulations.

"Notwithstanding any other provision of this Act, written acknowledgment of receipt by a person to whom a statement is required to be given pursuant to this paragraph shall provide only a rebuttable presumption of proof of delivery thereof.

"(f) Written acknowledgment of a receipt by a person to whom a statement is required to be given pursuant to this section shall be conclusive proof of the delivery thereof and, unless the violation is apparent on the face of the statement, of compliance with this section in any action or proceeding by or against an assignee of the original creditor without knowledge to the contrary by such assignee when he acquires the obligation, unless the assignee, its subsidiaries, or affiliates, are in a continuing business relationship with the original creditor. Such acknowledgment shall not affect the rights of the obligor in any action against the original creditor.

"(g) If there is more than one obligor, a creditor may furnish a statement of required information to only one of them. Required information need not be given in the sequence or order set forth in this section. Additional information or explanations may be included. So long as it conveys substantially the same meaning, a creditor may use language or terminology in any required statement different from that prescribed by this title.

"(h) If applicable State law requires disclosure of items of information substantially similar to those required by this title, then a creditor who complies with such State law may comply with this title by disclosing only the additional items of information required by this title.

"(i) If information disclosed in accordance with this section and any regulations prescribed by the Board is subsequently rendered inaccurate as the result of a prepayment, late payment, adjustment, or amendment of the credit agreement through mutual consent of the parties or as permitted by law, or as the result of any act or occurrence subsequent to the delivery of the required disclosures, the inaccuracy resulting therefrom shall not constitute a violation of this section.

"(j) If a creditor, in order to aid, promote, or assist directly or indirectly, any consumer credit sale, loan, or other extension of credit subject to the provisions of this section, other than an open end credit plan, states or otherwise represents in any advertisement

"(1) the rate of the finance charge, the advertisement shall state the rate of the finance charge expressed as an annual percentage rate; or

"(2) the amount of an installment payment or the dollar amount of finance charge, the advertisement shall state:

"(A) the cash price or the amount of the loan, as applicable;

"(B) the downpayment, if any;

"(C) the number, amount, and due dates or period of payments scheduled to repay the the indebtedness if such credit were extended; and

"(D) the rate of the finance charge expressed as an annual percentage rate.

The provisions of this subsection shall not apply to advertisements of residential real estate except to the extent that the Board may by regulation require.

"(k) No creditor, in order to aid, promote, or assist, directly or indirectly, the extension of credit under an open end credit plan may state or otherwise represent in any advertisement any of the specific terms of that plan unless the advertisement clearly and conspicuously sets forth

"(1) the conditions under which a finance charge may be imposed, including the time period, if any, within which any credit extended may be repaid without incurring a finance charge;

"(2) the method of determining the balance upon which a finance charge will be imposed;

"(3) the method of determining the amount of the finance charge (including any minimum or fixed amount imposed as a finance charge), and the annual percentage rate; and

"(4) the conditions under which any other charges may be imposed, and the method by which they will be determined.

"(l) No creditor may state or otherwise represent in any advertisement

"(1) that a specified periodic credit amount or installment amount can be arranged, unless the creditor usually and customarily arranges credit payments or installments for that period and in that amount; or

"(2) that a specified downpayment is required, unless the creditor usually and customarily arranges downpayments in that amount.

"(m) For the purposes of subsections (j), (k), and (l), a catalog or other multiple-page advertisement shall be considered a single advertisement if the catalog or other multiple-page advertisement clearly and conspicuously displays a credit terms table on which the information required to be stated by subsections (j), (k), and (l) is clearly set forth.

"(n) The prohibitions and requirements of subsections (j), (k), (l), and (m) of this section shall apply only to a creditor or his agent directly or indirectly causing the publication or dissemination of an advertisement and not to the owner, employees, or distributors of the medium in which the advertisement appears or through which it is disseminated.

"(o) The provisions of this section shall not apply to

"(1) credit transactions involving extensions of credit for business or commercial purposes, or to governments or governmental agencies or instrumentalities, or to organizations;

"(2) transactions in securities or commodities in accounts by a broker-dealer registered with the Securities and Exchange Commission; or

"(3) credit transactions other than real property transactions, in which the total amount to be financed exceeds $25,000.

"REGULATIONS

"SEC. 204. (a) The Board shall prescribe regulations to carry out section 203, including provisions

"(1) describing the methods which may be used in determining annual percentage rates under section 203, including, but not limited to, the use of any rules, charts, tables, or devices by creditors to convert to an annual percentage rate any add-on, discount, or other method of computing a finance charge;

"(2) prescribing procedures to insure that the information required to be disclosed under section 203 is set forth clearly and conspicuously; and

"(3) prescribing reasonable tolerances of accuracy with respect to disclosing information under section 203.

"(b) In prescribing regulations with respect to reasonable tolerances of accuracy as required by subsection (a)(3), the Board shall observe the following limitations:

"(1) The annual percentage rate may be rounded to the nearest quarter of 1 per centum for credit transactions payable in substantially equal installments when a creditor determines the total finance charge on the basis of a single add-on, discount, periodic, or other rate, and such rates are converted into an annual percentage rate under procedures prescribed by the Board.

"(2) The use of rate tables or charts may be authorized in cases where the total finance charge is determined in a manner other than that specified in paragraph (1). Such tables or charts may provide for the disclosure of annual percentage rates which vary up to 8 per centum of the rate as defined by section 202(f). However, any creditor who willfully and knowingly uses such tables or charts in such a manner so as to consistently understate the annual percentage rate, as defined by section 202(f), shall be liable for criminal penalties under section 206(b) of this title.

"(3) In the case of creditors determining the annual percentage rate in a manner other than as described in paragraph (1) or (2), the Board may authorize other reasonable tolerances.

"(4) In order to simplify compliance where irregular payments are involved, the Board may authorize tolerances greater than those specified in paragraph (2).

"(c) Any regulation prescribed under this section may contain such classifications and differentiations and may provide for such adjustments and exceptions for any class of transactions as in the judgment of the Board are necessary or proper to effectuate the purposes of section 203 or to prevent circumvention or evasion of, or to facilitate compliance by creditors with, section 203 or any regulation issued under this section. In prescribing exceptions, the Board may consider, among other things, whether any class of transactions is subject to any State law or regulation which requires disclosures substantially similar to those required by section 203.

"(d) In the exercise of its powers under this title, the Board may request the views of other Federal agencies which in its judgment exercise regulatory functions with respect to any class of creditors, and such agencies shall furnish such views upon request of the Board.

"(e) The Board shall establish an advisory committee, to advise and consult with it in the exercise of its functions with respect to section 203 and this section. In appointing the members of the committee, the Board shall seek to achieve a fair representation of the interests of sellers of merchandise on credit, lenders, and the public. The committee shall meet from time to time at the call of the Board, and members thereof shall be paid transportation expenses and not to exceed $100 per diem.

"EFFECT ON STATE LAWS

"SEC. 205. (a) This title shall not be construed to annul, alter or affect, or to exempt any creditor from complying with, the laws of any State relating to the disclosure of information in connection with credit transactions, except to the extent that such laws are inconsistent with the provisions of this title, or regulations issued thereunder, and then only to the extent of the inconsistency. This title shall not otherwise be construed to annul, alter or affect in any manner the meaning, scope or applicability of the laws of any State, including, but not limited to, laws relating to the types, amounts or rates of charges, or any element or elements of charges, permissible under such laws in connection with the extension or use of credit, nor to extend the applicability of such laws to any class of persons or transactions to which such laws would not otherwise apply, nor shall the disclosure of the annual percentage rate in connection with any consumer credit sale as required by this title be evidence in any action or proceeding that such sale was a loan or any transaction other than a credit sale.

"(b) The Board shall by regulation exempt from the requirements of section 203 any class of credit transactions which it determines are subject to State law or regulation substantially similar to the requirements under that section, with adequate provision for enforcement.

"(c) Except as specified in section 206, section 203 and the regulations issued there-

under do not affect the validity or enforcibility of any contract or obligation under State or Federal law.

"CIVIL AND CRIMINAL PENALTIES

"SEC. 206. (a)(1) Any creditor who, in connection with any credit transaction, knowingly fails in violation of section 203 (except sections 203(i), 203(j), and 203(k)), or any regulation issued thereunder, to disclose any information to any person to whom such information is required to be given shall be liable to such person in the amount of $100, or in any amount equal to twice the finance charge required by such creditor in connection with such transaction, whichever is the greater, except that such liability shall not exceed $1,000 on any credit transaction. Any action which may be brought under this subsection against the original creditor in any credit transaction involving a security interest in real property may be maintained against any assignee of the original creditor where such assignee, its subsidiaries, or affiliates were in a continuing business relationship with the original creditor either at the time the credit was extended or at the time of the assignment, unless the assignment was involuntary, or the assignee shows by a preponderance of evidence that it had no knowledge of any reasonable likelihood of violation by the original creditor and that it maintained procedures reasonably adapted to apprise it of the existence of any such violations.

"(2) In any action brought under this subsection in which it is shown that the creditor disclosed a percentage rate or amount less than that required to be disclosed by section 203 or regulations prescribed by the Board (after taking into account permissible tolerances), or failed to disclose information so required, there shall be a rebuttable presumption that such violation was made knowingly. The presumption is rebutted if the creditor shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error. A creditor has no liability under this subsection if within fifteen days after discovering the error, and prior to the institution of an action hereunder or the receipt of written notice of the error, the creditor notifies the person concerned of the error and makes whatever adjustments in the appropriate account as are necessary to insure that the person will not be required to pay a finance charge in excess of the amount or percentage rate so disclosed.

"(3) Any action under this subsection may be brought in any United States district court, or in any other court of competent jurisdiction, within one year from the date of the occurrence of the violation. In any such action in which a person is entitled to recover a penalty as prescribed in paragraph (1), the defendant is also liable for reasonable attorneys' fees and court costs as determined by the court.

"(b) Any person who knowingly and willfully gives false or inaccurate information or fails to provide information required to be disclosed under the provisions of this title or any regulation issued thereunder, or who otherwise knowingly and willfully violates any provision of this title or any regulation issued thereunder, shall be fined not more than $5,000 or imprisoned not more than one year, or both. The Attorney General shall enforce this subsection.

"(c) No punishment or penalty provided for a violation of section 203 or any regulation issued under section 204 applies to the United States, or any agency thereof, or to any State, any political subdivision thereof, or any agency of any State or political subdivision.

"(d) No person is subject to punishment or penalty under this section solely as the result of the disclosure of a finance charge or percentage which is greater than the amount of such charge or percentage required to be disclosed by such person under section 203, or regulations prescribed by the Board.

"ADMINISTRATIVE ENFORCEMENT

"SEC. 207. All of the functions and powers of the Federal Trade Commission are applicable to the administration and enforcement of this title to the same extent as if this title were a part of the Federal Trade Commission Act, and any person violating or threatening to violate any provision of this title or any regulation in implementation of this title is subject to the penalties and entitled to the provisions and immunities provided in the Federal Trade Commission Act, except as follows:

"(1) The exceptions stated in section 5(a)(6) of the Federal Trade Commission Act (15 U.S.C. 45(a)(6)) are not, as such, applicable to this title.

"(2) No bank or thrift institution is subject to the jurisdiction of the Federal Trade Commission or to the provisions of the Federal Trade Commission Act with respect to this title if the bank or institution is subject to section 5(d) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(d)), section 407 of the National Housing Act (12 U.S.C. 1730), or section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818). The Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation) shall enforce this title and regulations in implementation thereof with respect to banks and other institutions under their respective jurisdictions.

"(3) No common carrier subject to the acts to regulate commerce is subject to the jurisdiction of the Federal Trade Commission or to the provisions of the Federal Trade Commission Act with respect to this title. The Interstate Commerce Commission shall enforce this title and regulations in implementation thereof with respect to such carriers.

"(4) No air carrier or foreign air carrier subject to the Federal Aviation Act of 1958 is subject to the Federal Trade Commission or to the provisions of the Federal Trade Commission Act with respect to this title. The Civil Aeronautics Board or the Federal Aviation Administration, as may be appropriate, shall enforce this title and regulations in implementation thereof with respect to any such carrier.

"(5) Except as provided in section 406 of the Act of August 15, 1921 (7 U.S.C. 227)—

"(A) no person, partnership, or corporation subject to the Packers and Stockyards Act, 1921, is subject to the jurisdiction of the Federal Trade Commission or to the provisions of that Act with respect to this title, and

"(B) the Secretary of Agriculture shall enforce this title and regulations in implementation thereof with respect to persons, partnerships, and corporations subject to the Packers and Stockyards Act, 1921.

"REPORTS

"SEC. 208. Not later than January 3 of each year commencing after the effective date of this title, the Board of Governors of the Federal Reserve System and the Attorney General shall, respectively, make reports to the Congress concerning the administration of their functions under this title, including such recommendations as the Board and the Attorney General, respectively, deem necessary or appropriate. In addition, reports of the Board of Governors of the Federal Reserve System shall include the Board's assessment of the extent to which compliance with the provisions of this title, and regulations prescribed thereunder, is being achieved.

"EFFECTIVE DATE

"SEC. 209. The provisions of this title shall take effect on the first day of the ninth calendar month which begins after the date of enactment of this title, except that section 204 shall take effect immediately."

SEC. 102. (a) The Congress makes the following findings:

(1) Organized crime is interstate and international in character.

(2) Organized crime is engaged directly in interstate and foreign commerce, as well as intrastate commerce, in loaning money and other valuable things at excessive rates of interest, often in conjunction with the use of force, violence, and fear. This so-called loan sharking business of organized criminals and other criminals involves billions of dollars each year.

(3) The stability of the Nation's economy is affected by loan sharking activities.

(4) The use of legitimate credit channels would be enhanced by the prevention of loan sharking activities.

(5) The production and flow of goods in the Nation's economy is hindered by the diversion of money into excessive and confiscatory credit payments.

(6) Federal programs designed to aid the poor in the United States are rendered less effective by loan sharking activities.

(7) The diversion of money and assets into organized crime nullifies the purposes and benefits of a free enterprise economy and hinders the operations of Federal statutes and regulations designed to preserve that economy.

(8) In order to protect commerce, benefit the national economy and assure the full effects of Federal programs designed to aid the poor and maintain a free enterprise system, it is the purpose of this Act to prohibit loans at excessive and prohibitive rates of interest.

(9) Loan sharking activities directly impair the effectiveness and frustrate the purposes of the laws enacted by the Congress on the subject of bankruptcies.

(10) Loan sharking activities impair the stability of the national economy and thereby interfere with the regulation of the value of money.

(b)(1) Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce by loan sharking or attempts so to do shall be fined not more than $10,000 or imprisoned not more than five years, or both.

(2)(A) Whoever travels in interstate or foreign commerce or uses any facility in interstate or foreign commerce, including the mail, with the intent to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of loan sharking, and (B) thereafter performs or attempts to perform any act described in the preceding clause, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

(3) As used in this section—

(A) The term "loan sharking" means the lending of money at a rate of interest prohibited by the statutes of the State where the loan transaction takes place.

(B) The term "commerce" means commerce within the District of Columbia, or any territory or possession of the United States; all commerce between any point in a State, territory, possession, or the District of Columbia and any point outside thereof; all commerce between points within the same State through any place outside such State; and all other commerce over which the United States has jurisdiction.

(4) Whoever knowingly participates in any way in a wrongful use of actual or threatened force, violence, or fear in connection with a loan or forbearance in violation of subsections (1) and (2) of this section, or attempted violation thereof, shall be fined

not more than $10,000 or imprisoned not more than twenty-five years, or both.

(5) Whoever knowingly possesses, maintains, or exercises control over any paper, writing, instrument, or other thing used to record any loan or forbearance or any part of such transaction in violation of subsections (1) and (2) of this section shall be fined not more than $5,000 or imprisoned not more than five years, or both.

(c) The provisions of subsection (b) of this section do not apply to any extension of credit by a creditor which is both—

(1) licensed or chartered as a banking or lending institution by the United States or any State, and

(2) regulated and supervised as a banking or lending institution by the United States or any State.

(d) Whenever in the judgment of a United States attorney the testimony of any witness, or the production of books, papers, or other evidence by any witness, in any case or proceeding before any grand jury or court of the United States involving any violation of this section, or any conspiracy to violate such section, is necessary to the public interest, such United States attorney, upon the approval of the Attorney General, or his designated representative, shall make application to the court that the witness shall be instructed to testify or produce evidence subject to the provisions of this section, and upon order of the court such witness shall not be excused from testifying or from producing books, papers, or other evidence on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no such witness shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, nor shall testimony so compelled be used as evidence in any criminal proceeding (except prosecution described in the next sentence) against him in any court. No witness shall be exempt under this section from prosecution for perjury or contempt committed while giving testimony or producing evidence under compulsion as provided in this section.

(e) This Act shall not be construed as indicating an intent on the part of Congress to occupy the field in which this Act operates to the exclusion of a law of any State, territory, Commonwealth, or possession of the United States, and no law of any State, territory, Commonwealth, or possession of the United States, which would be valid in the absence of the Act shall be declared invalid, and no local authorities shall be deprived of any jurisdiction over any offense over which they would have jurisdiction in the absence of this Act.

TITLE II—RESTRICTION OF GARNISHMENT OF WAGES

SEC. 201. The Congress finds that garnishment of wages is frequently an essential element in predatory extensions of credit and that the resulting disruption of employment, production, and consumption constitutes a substantial burden upon interstate commerce.

SEC. 202. (a) Except as provided in subsection (b) of this section, not more than 10 per centum of the excess over $30 per week, or its equivalent for any pay period of a different duration, of any wages, salary, or earnings in the form of commission or bonus as compensation for personal services may be attached, garnished, or subjected to any similar legal or equitable process or order. No court of the United States or of any State may make, execute, or enforce any order or process in violation of this section.

(b) The prohibition contained in subsection (a) of this section does not apply in the case of any debt due—

(1) under the order of any court for the support of any person; or

(2) for any State or Federal tax.

(c) The Secretary of Labor, acting through the Wage and Hour Division of the Department of Labor, shall enforce the provisions of this section.

SEC. 203. (a) No employer may discharge any employee by reason of the fact that, on one occasion, wages or other compensation due the employee for personal services have been subjected to attachment, garnishment, or any similar legal or equitable process.

(b) The Secretary of Labor, acting through the Wage and Hour Division of the Department of Labor, shall enforce the provisions of this section.

(c) Whoever willfully violates subsection (a) of this section shall be fined not more than $1,000, or imprisoned not more than one year, or both.

SEC. 204. This title shall not be construed to annul, alter, or affect, or to exempt any creditor from complying with, the laws of any State relating to the garnishment of wages, salary, or earnings in the form of commission or bonus, as compensation for personal services in connection with credit transactions, where such laws—

(1) prohibit such garnishments or provide for more limited garnishments than are provided for in section 202(a) of this title, or

(2) prohibit the discharge of any employee by reason of the fact that, on any occasion, wages or other compensation due the employee for personal services have been subjected to attachment, garnishment, or any similar legal or equitable process.

TITLE III—COMMISSION ON CONSUMER FINANCE

SEC. 301. ESTABLISHMENT.—There is established a bipartisan National Commission on Consumer Finance (referred to in this title as the "Commission").

SEC. 302. MEMBERSHIP OF THE COMMISSION.—(a) The Commission shall be composed of nine members, of whom—

(1) three are Members of the Senate appointed by the President of the Senate;

(2) three are Members of the House of Representatives appointed by the Speaker of the House of Representatives; and

(3) three are persons not employed in a full-time capacity by the United States appointed by the President, one of whom he shall designate as Chairman.

(b) A vacancy in the Commission does not affect its powers and may be filled in the same manner as the original appointment.

(c) Five members of the Commission constitute a quorum.

SEC. 303. COMPENSATION OF MEMBERS.—(a) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) Each member of the Commission who is appointed by the President may receive compensation at a rate of $100 for each day he is engaged upon work of the Commission, and shall be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

SEC. 304. DUTIES OF THE COMMISSION.—(a) The Commission shall study and appraise the functioning and structure of the consumer finance industry, as well as consumer credit transactions generally. The Commission, in its report and recommendations to the Congress, shall include treatment of the following topics:

(1) The adequacy of existing arrangements to provide consumer credit at reasonable rates.

(2) The adequacy of existing supervisory and regulatory mechanisms to protect the public from unfair practices, and insure the informed use of consumer credit.

(3) The desirability of Federal chartering of consumer finance companies, or other Federal regulatory measures.

(b) The Commission may make interim reports, and shall make a final report of its findings, recommendations, and conclusions to the President and to the Congress by December 31, 1969.

SEC. 305. POWERS OF THE COMMISSION.—(a) The Commission, or any three members thereof as authorized by the Commission, may conduct hearings anywhere in the United States or otherwise secure data and expressions of opinions pertinent to the study. In connection therewith the Commission is authorized by majority vote

(1) to require, by special or general orders, corporations, business firms, and individuals to submit in writing such reports and answers to questions as the Commission may prescribe; such submission shall be made within such reasonable period and under oath or otherwise as the Commission may determine;

(2) to administer oaths;

(3) to require by subpena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

(4) in the case of disobedience to a subpena or order issued under paragraph (a) of this section to invoke the aid of any district court of the United States in requiring compliance with such subpena or order;

(5) in any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths, and in such instances to compel testimony and the production of evidence in the same manner as authorized under subparagraphs (3) and (4) above; and

(6) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States.

(b) Any district court of the United States within the jurisdiction of which an inquiry is carried on may, in case of refusal to obey a subpena or order of the Commission issued under paragraph (a) of this section, issue an order requiring compliance therewith; and any failure to obey the order of the court may be punished by the court as a contempt thereof.

(c) The Commission is authorized to require directly from the head of any Federal executive department or independent agency available information deemed useful in the discharge of its duties. All departments and independent agencies of the Government are hereby authorized and directed to cooperate with the Commission and to furnish all information requested by the Commission to the extent permitted by law.

(d) The Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conducting of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

(e) When the Commission finds that publication of any information obtained by it is in the public interest and would not give an unfair competitive advantage to any person, it is authorized to publish such information in the form and manner deemed best adapted for public use, except that data and information which would separately disclose the business transactions of any person, trade secrets, or names of customers shall be held confidential and shall not be disclosed by the Commission or its staff. The Commission shall permit business firms or individuals reasonable access to documents furnished by them for the purpose of obtaining or copying such documents as need may arise.

(f) The Commission is authorized to delegate any of its functions to individual members of the Commission or to designated

individuals on its staff and to make such rules and regulations as are necessary for the conduct of its business, except as herein otherwise provided.

SEC. 306. ADMINISTRATIVE ARRANGEMENTS.—(a) The Commission is authorized, without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service or to classification and General Schedule pay rates, to appoint and fix the compensation of an executive director and the executive director, with the approval of the Commission, shall employ and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Commission, but no individual so appointed shall receive compensation in excess of the rate authorized for GS-18 under the General Schedule.

(b) The executive director, with the approval of the Commission, is authorized to obtain services in accordance with the provisions of section 3109 of title 5 of the United States Code, but at rates for individuals not to exceed $100 per diem.

(c) The head of any executive department or independent agency of the Federal Government is authorized to detail, on a reimbursable basis, any of its personnel to assist the Commission in carrying out its work.

(d) Financial and administrative services (including those related to budgeting and accounting, financial reporting, personnel, and procurement) shall be provided the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator of General Services. The regulations of the General Services Administration for the collection of indebtedness of personnel resulting from erroneous payments shall apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of said Administrator for the administrative control of funds shall apply to appropriations of the Commission. The Commission shall not be required to prescribe such regulations.

(e) Ninety days after submission of its final report, as provided in section 304(b), the Commission shall cease to exist.

SEC. 307. AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated such sums not in excess of $1,500,000 as may be necessary to carry out the provisions of this title. Any money appropriated pursuant hereto shall remain available to the Commission until the date of its expiration, as fixed by section 306(e).

TITLE IV—SEVERABILITY

SEC. 401. If any provision of this Act is judicially held to be invalid, that holding does not necessarily affect the validity of any other provision of this Act.

And amend the title so as to read: "An Act to safeguard the consumer in connection with the utilization of credit by requiring full disclosure of the terms and conditions of finance charges in credit transactions or in offers to extend credit; by restricting the garnishment of wages; and by creating the National Commission on Consumer Finance to study and make recommendations on the need for further regulation of the consumer finance industry; and for other purposes."

Mr. BYRD of West Virginia. Mr. President, I call up this matter at the request of the distinguished Senator from Alabama [Mr. SPARKMAN]. At his request, I move that the Senate disagree to the amendment of the House and request a conference with the House thereon and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SPARKMAN, Mr. PROXMIRE, Mr. MUSKIE, Mr. BENNETT, and Mr. HICKENLOOPER conferees on the part of the Senate.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 24 minutes p.m.) the Senate adjourned until tomorrow, Thursday, February 8, 1968, at 12 o'clock meridian.

CONFIRMATION

Executive nomination confirmed by the Senate February 7, 1968:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Thomas O. Paine, of California, to be Deputy Administrator of the National Aeronautics and Space Administration.

EXTENSIONS OF REMARKS

U.S. Dilemma in Vietnam

HON. THRUSTON B. MORTON

OF KENTUCKY

IN THE SENATE OF THE UNITED STATES

Wednesday, February 7, 1968

Mr. MORTON. Mr. President, not long ago Dr. James S. Brashear, of Central City, Ky., returned after 2 years' service in Vietnam. His impressions of that service, as related to Dr. M. David Orrahood, were contained in an article published in the Owensboro, Ky., Messenger and Inquirer of February 1, 1968.

I commend it to all Senators, and ask unanimous consent that it be printed in the Extensions of Remarks.

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

MUHLENBERG DOCTOR SPEAKS ON U.S. DILEMMA ON VIETNAM

(By Dr. M. David Orrahood)

"The U.S. dilemma (in Vietnam) stems from a rice-growing peasant who make $1.00 a month in a country that has been at war for 20 years or more and who is thus fiercely indifferent to his plight."

So stated Dr. James S. Brashear, a Muhlenberg County physician who completed two years of active duty with the Army Medical Corps January 29.

Dr. Brashear, a captain in the Medical Corps, finished a year of duty in Vietnam in September, 1967. He finished his active duty at Ft. Campbell and has returned to Central City to resume general practice.

The physician said the U.S. government is confronted in South Vietnam with three main problems:

Unsolvable weakness in the central government in Saigon.

Tough guerrilla forces in rural areas.

Aggression and support of guerrilla forces from Hanoi.

The government weakness and the effect of the war extend into and disrupt all facets of civilian life in Vietnam.

For instance, a prostitute makes several times as much money as a college professor, physician, soldier or government official.

WON'T WORK ON WEEKENDS

"The Vietnamese lack personal pride and respect for life," explains Dr. Brashear. "The Viet Cong can severely beat a South Vietnamese Army unit on Friday noon, but come Saturday, they (the South Vietnamese) still take off for the weekend and do no work or fighting until Monday."

Dr. Brashear pointed out that the village chief, as the only arm of authority for the Saigon government, collects the taxes and pays his own expenses by taking a "cut", which could average as much as $700 a month, a veritable fortune there.

With this money, the chief buys loyalty for himself, the Saigon government and the U.S. government. And, according to the Muhlenberg physician, the more ruthless and corrupt a village chief the more effective he is.

"A virtual dictator," Dr. Brashear explained, "the chief is able to keep power so long as he is not killed by a rival, V.C., or what is worse, becomes so corrupt and so overbearing that he is rounded up by the Viet Cong and killed in the village square to the hand clapping of every peasant in the district."

INNOCENT SUFFER

The chief, if he is effective, keeps the Viet Cong population down by offering a bounty to informers—The going rate was reported as high as $150 per Viet Cong. The problem here was identifying the V.C. Thugs were known to take advantage of this situation and who was to say whether the people they killed were Viet Cong or not?

Most of Dr. Brashear's time in Vietnam was spent at the 12th Evacuation Hospital at Cu Chi district about 30 miles northwest of Saigon. Considered a model example of the U.S. pacification program, the area is designated militarily secure. Yet it was the site of a recent mortar attack that killed 20 people and wounded many others. The Viet Cong sustained no losses. Thus, despite two years of major effort, the U.S. and Saigon governments have not been able to say to the peasant: "You are safe to go about your daily affairs." It is the same situation in the rest of the country.

FRUSTRATION COMPOUNDED BY SNIPERS

Seeing comrades fall as a result of sniper fire or hidden land mines in relatively "secure" areas is another source of frustration to the military. This is especially true since it is impossible to tell the friendly villager