A. Wald, Harkrader & Rockefeller, 1225 19th Street NW., Washington, D.C.
B. Edward Weck & Co., Inc., subsidiary of Standard International Corp., 49-33 31st Place, Long Island City, N.Y.

A. Charles E. Walker, 90 Park Avenue, New York, N.Y.
B. The American Bankers Association, 90 Park Avenue, New York, N.Y.

A. Herbert A. Watkins, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.

A. James G. Watt, 1615 H Street NW., Washington, D.C.
B. Chamber of Commerce of the U.S.A., 1615 H Street NW., Washington, D.C.

A. Edward Weck & Co., Inc., 49-33 31st Place, Long Island City, N.Y.

A. Earl Wilson, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 1015 Vine Street, Cincinnati, Ohio.

A. Frank J. Wilson, 888 17th Street NW., Washington, D.C.
B. National Association of Securities Dealers, Inc.

A. Peter L. Wolff, Washington, D.C.
B. Association of American Law Schools, 1521 New Hampshire Avenue NW., Washington, D.C.

A. Perry W. Woofter, 1101 17th Street NW., Washington, D.C.
B. American Petroleum Institute, 1271 Avenue of the Americas, New York, N.Y.

A. Zachary, Smith Reynolds Trust, care of Mercantile Safe Deposit & Trust, Mercantile Trust Building, Baltimore, Md.

SENATE—*Thursday, February 15, 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:

Lord God Omnipotent, Thou only art the help and hope of our distracted world. Thy mercy endureth forever, in spite of all human denials and betrayals.

Make plain to our understanding that our economic adjustment in the realm of trade and commerce, in themselves, cannot bring social starvation, except as they clear the way for the spiritual undergirding without which we labor in vain and all our endeavors are as futile props against a decaying house that the Lord hath not made.

With Thy benediction may we face the toil of these days with honest dealing and clear thinking, with hatred of all deceit and sham, and in the knowledge that all great and noble service in this world is based on gentleness and patience and self-giving. In the spirit of the Master we ask it. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, February 14, 1968, be dispensed with.

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

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.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Ohio [Mr. YOUNG] be recognized for up to 20 minutes at the conclusion of the transaction of morning business.

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

OBJECTION TO COMMITTEE MEETING

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

Mr. HRUSKA. Mr. President, I enter an objection, by request.

The PRESIDENT pro tempore. Objection is heard.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the State of South Dakota; to the Committee on Agriculture and Forestry:

"SENATE CONCURRENT RESOLUTION 5

"A concurrent resolution, memorializing the Congress of the United States to enact legislation that would give farmers and ranchers the right to bargain collectively with respect to the price level of products of the farm and ranch in the commerce of the nation

"Be it resolved by the Senate of the State of South Dakota, the House of Representatives concurring therein:

"Whereas, South Dakota is one of the most agricultural states of the nation; and

"Whereas, the economic well-being of South Dakota is very dependent upon the economic condition of its farming and ranching areas; and

"Whereas, a great disparity exists at the present time between the level of agricultural prices throughout the nation and the price level of non-agricultural wages, salaries and products, with the parity index at approximately 73% of parity; and

"Whereas, the inability of farmers to participate in the pricing of their own products is well known and is contrary to the public interest in South Dakota and nationwide; and

"Whereas, products of the farms of the United States in the export trade is the greatest single item in this nation's overall trade with the nations of the world; and

"Whereas, the volume of grains in the export trade is very large at the present time but with the unfavorable price level of such products it may well be said that Agriculture is not holding up its end with respect to United States balance of trade and balance of payments deficit; and

"Whereas, at this immediate time there is grave concern on the part of this nation as to its balance of payments deficit in world trade; and

"Whereas, there is now in the Congress and will be in the 90th session of the Congress legislation to provide the legal means by which farmers and ranchers of the nation may legally and actively bargain collectively in the determination of price levels of the products of farms and ranches,

"Now, therefore, be it resolved, that the Senate of the 43rd session of the Legislature of South Dakota, the House of Representatives concurring therein, respectfully urge the United States Senators from South Dakota, the Honorable Karl Mundt and the Honorable George McGovern, and members of the Congress, the Honorable E. Y. Berry and the Honorable Ben Reifel, to support legislation in the Congress providing for collective bargaining by farmers. We respectfully urge their support of such legislation as they may believe to be in the interests of the Agriculture of South Dakota and in the public interest of this nation, to the end that the Congress may pass such legislation.

"Be it further resolved, that the Secretary of the Senate of the state of South Dakota be directed to transmit copies of this Memorial Resolution to his Excellency, the President of the United States, the Honorable Lyndon B. Johnson; to the Secretary of the United States Senate and to the Chief Clerk of the House of Representatives; to the Honorable Karl Mundt, and the Honorable George McGovern, United States Senators from South Dakota; the Honorable E. Y. Berry and the Honorable Ben Reifel, Representatives in Congress from South Dakota, within ten days after the passage and approval of this resolution.

"Adopted by the Senate January 23, 1968.

"Concurred in by the House of Representatives February 7, 1968.

"LEM OVERPECK,
"President of the Senate.

"Attest:

"NIELS P. JENSEN,
"Secretary of the Senate.

"JAMES D. JELBERT,
"Speaker of the House.

"Attest:

"PAUL INMAN,
"Chief Clerk."

A concurrent resolution of the Legislature of the State of South Dakota; to the Committee on Agriculture and Forestry:

"HOUSE CONCURRENT RESOLUTION 5

"A concurrent resolution, memorializing the Congress and the President of the United States to review and enact legislation to modify the new federal meat inspection act and the slaughterhouse equipment regulations of the U.S. Department of Agriculture so as not to drive the independent slaughterhouses and meat packing plants out of business

"Be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

"Whereas, twenty-nine states have, on their own accord, adopted compulsory state meat inspection programs, and twelve other states, including South Dakota, have such programs on a voluntary basis; and

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

"Whereas, in South Dakota a total of approximately ninety (90) meat slaughterhouses, locker plants and packing plants have served the people of this state on the whole, with clean, wholesome meat subject to purity standards enforcement by the South Dakota Department of Agriculture; and

"Whereas, the quality will be improved further by the new compulsory state meat inspection program; and

"Whereas, many of these plants, operated in a clean manner by any reasonable standards, are nevertheless small plants which cannot economically continue to operate if forced to comply to present federal slaughterhouse equipment standards promulgated by the U.S. Department of Agriculture; and

"Whereas, this legislative body is in full accord with the provisions regarding the inspection of meat as to purity and cleanliness;

"Whereas, this legislative body opposes the application of the present U.S.D.A. standards for construction and equipment to the small intrastate slaughtering and processing plants; and

"Whereas, the construction and equipment standards for intrastate slaughter and processing plants should be left under state jurisdiction:

"Now, therefore, be it resolved, by the House of Representatives of the Forty-third Legislature of the state of South Dakota, the Senate concurring therein, that the President and the Congress of the United States of America be, and the same is hereby, respectfully, requested to give due consideration to instructing the U.S. Department of Agriculture to adjust its regulations so as not to drive the independent slaughterhouses and meat packing plants out of business and until then to withhold authority to enforce the new meat inspection act; and

"Be it further resolved, that copies of this Concurrent Resolution be transmitted by the Chief Clerk of the House of Representatives of the state of South Dakota to the Offices of the President and Vice President of the United States, the Speaker of the House of Representatives of the United States, the Secretary of the Senate of the United States, the members of the Congressional delegation of the state of South Dakota, and the Secretary of the Department of Agriculture of the United States; and

"Be it further resolved, that the South Dakota Legislature hereby urges the members of the Congressional Delegation from South Dakota to take immediate steps toward the development of an act amending the meat inspection program as now enacted into law, so as to have the question of equipment and inspection procedure standards resolved by state law.

"Adopted by the House of Representatives January 22, 1968.

"Concurred in by the Senate February 1, 1968.

"JAMES D. JELBERT,
"Speaker of the House.

"Attest:

"PAUL INMAN,
"Chief Clerk of the House.
"LEM OVERPECK,
"President of the Senate.

"Attest:

"NIELS P. JENSEN,
"Secretary of the Senate."

A concurrent resolution of the Legislature of the State of South Dakota; to the Committee on Public Works:

"HOUSE CONCURRENT RESOLUTION 4

"A concurrent resolution, memorializing the Congress of the United States to authorize the State Highway Commission to increase the gross axle weight permitted for farm to market vehicles using the Federal Aid Highway

"Be it resolved by the House of Representatives of the State of South Dakota, the Senate concurring therein:

"Whereas, the present Federal Aid Highways Act of 1956 limits the load weight of vehicles to 18,000 pounds on any single axle and 32,000 pounds on any tandem axle traveling on Federal Aid Highways; and

"Whereas, the ability to get farm crops from the harvest field to market in the most expeditious manner possible is imperative to efficient farming operations; and

"Whereas, the time consumed in getting farm crops to the market is greatly increased by the present load limit restrictions; and,

"Whereas, the transportation of other commodities is impeded by the existing restriction on load limits on the Federal Aid Highways.

"Now, therefore, be it resolved, that the House of Representatives of the Forty-third Session of the Legislature of South Dakota, that Senate concurring therein, respectfully urge the Congress of the United States to take whatever action might be necessary and appropriate to authorize the Highway Commissions of the states discretionary power to designate load limits of 20,000 pounds on any single axle and 36,000 pounds on any tandem axle traveling on Federal Aid Highways.

"Be it further resolved, that copies of this Concurrent Resolution be transmitted by the Secretary of the Senate of the State of South Dakota to the offices of the President and Vice-President of the United States, the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, the members of the Congressional delegation of the State of South Dakota, the Secretary of the United States Department of Transportation, and the Governor of the State of South Dakota.

"Adopted by the House of Representatives January 22, 1968

"Concurred in by the Senate February 6, 1968

"JAMES D. JELBERT,
"Speaker of the House.

"Attest:

"PAUL INMAN,
"Chief Clerk of the House.
"LEM OVERPECK,
"President of the Senate.

"Attest:

"NIELS P. JENSEN,
"Secretary of the Senate."

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable report of a nomination was submitted:

By Mr. CANNON, from the Committee on Armed Services:

Brig. Gen. Tom E. Marchbanks, Jr., U.S. Air Force Reserve, for appointment as Chief of Air Force Reserve and major general, Air Force Reserve.

Mr. SYMINGTON. Mr. President, from the Committee on Armed Services I report favorably the nominations of 122 flag and general officers in the Army, Navy, Marine Corps, and Air Force, and ask that these names be placed on the Executive Calendar.

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

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Rear Adm. Fred G. Bennett, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Brig. Gen. Charles Lutcher Southward, Army National Guard of the United States, to be major general;

Col. John Richard Carson, Army National Guard of the United States, to be brigadier general;

Maj. Gen. Arthur G. Salisbury (brigadier general, Regular Air Force), U.S. Air Force, and sundry officers, for appointment in the Regular Air Force;

Maj. Gen. John Jarvis Tolson III, Army of the United States (brigadier general, U.S. Army), and sundry other officers, for appointment in the Regular Army of the United States;

Brig. Gen. Frank J. Puerta, Air Force Reserve, and sundry other officers, for appointment in the Air Force Reserve;

Lee E. Bains, and sundry other officers, for promotion in Naval Reserve; and

Harold L. Oppenheimer, Marine Corps Reserve, for appointment to the grade of brigadier general.

Mr. SYMINGTON. Mr. President, in addition, I report favorably 1,233 promotions in the Army in the grade of lieutenant colonel and below, 2,392 appointments in the Air Force in the grade of major and below, and 1,909 appointments in the Marine Corps in the grade of 2d lieutenant and below. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

The nominations, ordered to lie on the desk, are as follows:

Louis A. Cabral, and sundry other officers, for promotion in the Marine Corps;

Grey C. Axtell, and sundry other officers, for promotion in the Marine Corps;

Jerome Aaron, and sundry other officers, for promotion in the Regular Army of the United States; and

Edward L. Menning, and sundry other persons, for appointment in the Regular Air Force.

BILLS INTRODUCED

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

By Mr. PEARSON (for himself, Mr. ALLOTT, Mr. BENNETT, Mr. COOPER, Mr. DOMINICK, Mr. HATFIELD, Mr. MILLER, Mr. PROUTY, and Mr. SCOTT):

S. 2970. A bill to establish an independent Office of Government Procedure to assist the Congress in its oversight of the execution of statutes enacted by the Congress, the evaluation of procedures of executive and independent agencies of the Government, and the adoption of improved means to carry into effect the policies of the Congress; to the Committee on Government Operations.

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

By Mr. BOGGS:

S. 2971. A bill for the relief of Dr. C. J. Phalangas; to the Committee on the Judiciary.

By Mr. TALMADGE:

S. 2972. A bill to enable baby chicks, started pullet, laying hen and table egg producers to consistently provide an adequate supply of these commodities to meet the needs of consumers, to stabilize, maintain and develop orderly marketing conditions at prices reasonably to consumers and producers, and to promote and expand the use and consumption of such commodities and products thereof; to the Committee on Agriculture and Forestry.

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

By Mr. MONDALE (for himself, Mr. BURDICK, Mr. MCCARTHY, Mr. NELSON, Mr. MCGOVERN, Mr. MCGEE, Mr. PROXMIRE, Mr. YOUNG of North Dakota, Mr. METCALF, and Mr. MANSFIELD):

S. 2973. A bill to provide for the orderly marketing of agricultural commodities by the producers thereof and for other purposes; to the Committee on Agriculture and Forestry.

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

By Mr. RANDOLPH:

S. 2974. A bill for the relief of Dr. Houshang Vossoughi; to the Committee on the Judiciary.

By Mr. FULBRIGHT (by request):

S. 2975. A bill to provide for increased participation by the United States in the Inter-American Development Bank, and for other purposes; to the Committee on Foreign Relations.

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

By Mr. TYDINGS:

S. 2976. A bill relating to planning in the District of Columbia and its environs in connection with developments and projects of the Governments of the United States and the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

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

By Mr. BREWSTER:

S. 2977. A bill for the relief of Melencio Acerimo Garcia; to the Committee on the Judiciary.

By Mr. COTTON:

S. 2978. A bill to repeal the exemption applicable to ordinary livestock in the Interstate Commerce Act; to the Committee on Commerce.

By Mr. SCOTT (for himself, Mr. BROOKE, Mr. CASE, and Mr. JAVITS):

S. 2979. A bill to establish a Commission on Negro History and Culture: to conduct a study of all proposals to research, document, compile, preserve, and disseminate data on Negro history and culture; to recommend such legislative enactments as may be required to provide for the integration of such data into the mainstream of American education and life; and for other purposes; to the Committee on Labor and Public Welfare.

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

S. 2970—INTRODUCTION OF BILL RELATING TO THE ESTABLISHMENT OF AN OFFICE OF GOVERNMENT PROCEDURE

Mr. PEARSON. Mr. President, on behalf of myself, Mr. ALLOTT, Mr. BENNETT, Mr. COOPER, Mr. DOMINICK, Mr. HATFIELD, Mr. MILLER, Mr. PROUTY, and Mr. SCOTT, I introduce today a bill to create an Office of Government Procedure which, I believe, would do a great deal to strengthen the ability of Congress to fulfill its constitutional responsibility in the making of public policy and also to better assure the maintenance of a viable, responsive democracy.

The authority and responsibility of Congress to make public policy is clearly identified in article I, section I, of the Constitution which states:

All legislative powers herein granted shall be vested in a Congress of the United States.

Yet over the years, and particularly within the past three decades, the executive branch has assumed—both in a practical and legal sense—enormous and increasingly greater law making powers.

Actually although the enactment of statutory law is the sole responsibility of Congress, the sharing of public policy-making between the two branches of Government is inherent to our constitutional and political system. The presidential power to issue executive orders and the bureaucracy's authority to promulgate administrative rules has always meant that the function of the executive branch was never limited to that of simply administering the precise letter of statutory law. Moreover, the President's constitutional responsibility for the conduct of foreign affairs, his roles as Chief of State and Commander in Chief coupled with the fact that he is the Nation's chief political officer assured the presidency, from the very beginning, broad power to influence the formulation and enactment of public policy. And the Nation's great growth and the ever increasing complexity of these modern times has necessarily encouraged the centralization of leadership and direction in the affairs of state.

Thus it is natural and inevitable that the executive branch should be a far greater force in the making of public policy today than in early years of our development.

But despite this, Mr. President, I think it is now clear that we must seriously consider the question of whether or not the distribution of policy powers has not become unbalanced. I believe it has. I believe the increasing assumption of policy-making powers by the executive branch has now reached the point where the ability of Congress to meet its own constitutional responsibilities has been jeopardized. Furthermore, I believe that this trend presents an increasingly serious challenge to our historic and continuous effort to create and maintain a government that is truly representative and responsive in all its various parts.

Mr. President, the trends of which I have spoken are particularly manifested in, first, the expansion of the bureaucracy's "legislative" function, and second, the increasing capacity of the President to dominate the formulation and enactment of public policy.

First I would discuss the reasons for the growing power of the bureaucracy and the problems and dangers inherent in this trend.

The sheer number and complexity of today's problems and the Federal programs intended to deal with them makes it quite impossible for Congress to write statutes so detailed and specific that the administrators charged with putting them into effect would have only to apply the letter of the law. Thus it has been necessary to delegate broad powers to the executive and independent agencies with the result that much of the legislative function has been transferred to the administrative process. And a subtle and inexorable change has been affected in our system of Government.

The volume of agency legislation now exceeds by many volumes the corresponding additions to the statute books. Americans are bound in countless ways by a vast array of rules and regulations by an army of appointed administrators rather than by elected representatives of the people. Administrative policies have an impact on practically every human endeavor. They prescribe individual, group, and institutional behavior. They have the force of law and their violation incurs the loss of government service or the imposition of sanctions.

Mr. President, lawmaking by the bureaucracy need not be incompatible with the system of representative government. But it is essential that Congress be able to maintain oversight control over the manner in which the administrative agencies exercise the powers which the Congress has delegated.

Such control is necessary not only to assure that Congress meets its constitutional responsibilities but also to assure that the bureaucracy is responsive to the needs and wishes of the people. No modern-day government can survive with a large bureaucracy, but limited and representative government cannot be maintained unless the bureaucracy is responsive to democratic controls.

The Congress has long recognized the dangers of an uncontrolled and unregulated bureaucracy. Thus Congress has passed laws requiring executive and independent agencies to observe certain procedural safeguards and to make many of their records available to the public.

In addition, Congress requires agencies to make reports on their operations. It has authorized and directed the Comptroller General to audit accounts, to make expenditures analyses of executive agencies to determine whether public funds have been economically and efficiently expended, and in the case of government corporations, to ascertain and report whether any activity has been carried on without authority of law. Under the Legislative Reorganization Act of 1946, it is the duty of each standing committee of the Senate and House of Representatives to exercise continuous watchfulness of the administrative agencies.

Supplementing these modes of review are the informal day-to-day investigations carried out by individual Members of Congress and their staffs as part of their service to constituents whose rights are affected by actions of particular agencies. In addition, the Senate has the constitutional authority to withhold consent to nominees for agency positions.

When administrative abuses are discovered, the Congress can act to expressly reduce or eliminate the authority of the agency in question. It can reduce the agency's appropriations, reorganize it, or abolish it.

No one should belittle the importance or effectiveness of these various measures. But there is widespread agreement that they are grossly inadequate. Members of Congress, acting individually or through committees, simply do not have the time or the means to keep up with the manifold activities of executive and independent agencies. The mission of the Comptroller General is too limited to enable him to supply information on all aspects of those activities.

Congress and the public urgently need additional assistance from experts empowered to survey the entire range of administrative activity, to report what

is actually being done and to recommend needed changes in procedures and laws."

In his excellent book, "Bureaucracy on Trial," William W. Boyer effectively stated the need for such a body this way:

> From the frames of reference of limited government and popular control, there is as much justification for legislative audit of administrative lawmaking as for legislative audit of administrative spending.

He went on to argue that given the complexity of modern government—

> . . . the chasm so apparent now between the legislative process and administrative policy making will deepen, unless reasonable and workable accommodations between the two are effected. Otherwise, government in the United States is destined to drift either toward chaos or major constitutional, structural, and political surgery. Either alternative could exact a high price in individual liberty and democracy.

Mr. President, the second major difficulty Congress encounters in attempting to properly fulfill its constitutional responsibilities for the making of public policy is that of acquiring the information necessary to evaluate the effectiveness of programs it has enacted as measured against the objectives that Congress intended to be achieved with enactment of these programs.

If the Congress is to adequately fulfill its policymaking responsibilities, it must have the available means by which it can evaluate the legislation which it enacts. It needs the information necessary to determine whether the programs are working as intended; whether they are having undesirable or unintended side effects; and what types of changes are necessary.

The congressional committees, of course, do valuable work in this area of program evaluation, but given the enormous increase in the number and complexity of Federal programs in the past decades it has simply become a physical impossibility for the committees to acquire and digest all the necessary information.

Thus, today it is the executive branch of Government which has a near monopoly on the type of information needed for program evaluation both on a day-to-day basis and a long-range basis as well. It is much beter equipped than the Congress to acquire and evaluate the data needed to measure public problems and needs. And once Federal programs to deal with these problems are enacted it has a great advantage over the Congress in terms of evaluating the effectiveness of these programs, pinpointing their strengths and weaknesses and determining what changes are needed.

The staff resources and professional expertise are concentrated almost entirely in the executive branch. Much of the necessary basic data is available to Congress and the public; but some of it is not, particularly the most current data which is often the most valuable. However, even more important than the availability of basic data is the matter of analysis and evaluation, and Congress has only limited access to this type of service.

This lopsidedness in the availability of program evaluation data and accompanying staff resources is of course one of the principal reasons why the Congress has steadily lost ground to the Executive in the formulation of public policy.

But the implication of this trend goes beyond the issue of the Chief Executive's growing domination of the formulation of public policy. For once programs proposed by the President are enacted an inevitable climate of vested self-interest sets in and regardless of how well intentioned the administrators may be one must inevitably question whether or not they will use their great program evaluation resources objectively. There will always be a tension between the demand for candid and objective evaluation and the natural human tendency to defend and justify one's own work.

Mr. President, the bill which I introduce is designed to provide, first, the institutional means whereby administrative actions and procedures can be regularly audited and studied to assure compliance with statutory law and prevent abuses of bureaucratic authority. Second, it would serve to provide the Congress with the necessary information for program evaluation.

The Office of Government Procedure would be completely independent of the executive branch and solely responsible to the Congress. Like the General Accounting Office, it would be directed by an official appointed by the President and confirmed by the Congress for a period of 15 years and who could be removed only by joint action of both Houses of the Congress.

The function of this Office would be to conduct studies and investigations and make reports on two basic questions: First, are statutory laws being interpreted and administered in the manner intended by Congress; and second, are the laws achieving the results sought by Congress.

To provide Congress with these answers the Office of Government Procedure would be assigned the following eight specific duties:

First, to conduct studies to determine whether the administrative procedures of the executive and independent agencies of the Government are in all respects in compliance with the letter and intent of the laws passed by Congress;

Second, to conduct studies of specific fields of administrative law, and otherwise assist the Congress to conduct such studies, in order to effect more adequate and clear statutory standards of delegation of policymaking discretion to such agencies;

Third, to report periodically to the Congress incidents of noncompliance by executive and independent agencies with laws governing administrative procedures;

Fourth, to audit the substance and procedures of administrative action of such agencies to ascertain the extent to which agency policies are not published as rules as required by law;

Fifth, to investigate and advise the Congress as to the extent to which the policies of the Congress could be more effectively carried out if the responsible agencies which exercise adjudicative powers were to formulate, publish for public information, and comply with statements of principles to govern the interpretation of provisions of law;

Sixth, in its discretion to investigate and evaluate complaints made concerning administrative procedures of such agencies;

Seventh, to gather and transmit to Congress the information necessary to effectively evaluate program performance by executive and independent agencies of the Government, and to ascertain whether legislative programs are achieving the policy objectives anticipated by the Congress; and

Eighth, to submit recommendations, from time to time, directly to the Congress for additional legislation which the Office deems necessary or desirable to further the purposes of this act.

Mr. President, I believe that the language of most of these duties is self-explanatory, however, a few comments are in order.

Duty No. 2 was written into the bill because there is general acknowledgment among Congressmen and bill-drafting experts that the issue of congressional delegation of authority to administrative agencies is greatly complicated by the absence of guidelines on how to write statutory language that clearly identifies the nature and limits of the authority which Congress considers necessary to delegate. The Office of Government Procedure would be charged with the responsibility of studying this and then advising Congress as to the development and use of such guidelines.

Duty No. 5 is an attempt to deal with one factor which has significantly increased the difficulty experienced by both Congress and the public in trying to follow administrative action; namely, the widespread tendency of agencies to dispose of matters brought before them by adjudication on a case-by-case basis, rather than by the promulgation of general rules embodying general policies and interpretations of law. This practice is, of course, particularly characteristic of the regulatory agencies. Because of this, it is extremely difficult for Congress to determine how the statutory laws are being interpreted at any given time.

In addition, this absence of general policy guidelines often works the hardship of uncertainty on the individuals and groups affected by the law in question. Thus the affected interests must employ extensive legal counsel to study each case and attempt to interpret how the particular agency is interpreting the law in question at any given time. As a result, a whole new field of legal service has come into being in recent decades.

Now it is not suggested that the case-by-case approach be abolished. Likewise it is recognized that in the development of any general policy guideline care must be taken not to destroy the flexibility which is necessary in the exercise of adjudication. But there should be no insurmountable reason why the tensions between the desirable flexibility of the case-by-case approach and the justified need for general policy guidelines cannot be bridged. It would be one of the duties of this office to advise the Congress how this might best be accomplished.

Duty No. 6 authorizes the Office to receive and investigate complaints concerning administrative procedures. I would emphasize that it is not intended

that the Office of Government Procedure assume the function of an ombudsman. However, the receiving of complaints from the public would be a necessary and useful means whereby the Office could better fulfill its basic functions of determining administrative compliance with statutory law and the measuring of program performance.

Mr. President, in conclusion I would emphasize that in proposing the Office of Government Procedure there is no intent to create an administrative straitjacket or otherwise unduly hamper the administrative process. But it is clear, I believe, that Congress's delegations of power over the past few decades have outstripped the machinery for checking administrative operations under them. Thus an independent agency, staffed by experts, giving undivided attention to all aspects of the administration of statutes has now become necessary if Congress is to halt the further erosion of its constitutional responsibility.

Likewise in stressing the need for Congress to equip itself with the tools that will strengthen its capacity to formulate public policy it is not proposed that the capacity of the executive branch to formulate policy be correspondingly reduced. Rather the objective here is to better assure the balance of policymaking power which the Constitution requires and democracy demands.

Mr. President, I ask unanimous consent that the bill I introduce today to create the establishment of an Office of Government Procedure be printed in the RECORD at this point.

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. 2970) to establish an independent Office of Government Procedure to assist the Congress in its oversight of the execution of statutes enacted by the Congress, the evaluation of procedures of executive and independent agencies of the Government, and the adoption of improved means to carry into effect the policies of the Congress, introduced by Mr. PEARSON (for himself and other Senators), was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 2970

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 "Office of Government Procedure Act of 1968".

DECLARATION OF POLICY

SEC. 2. The Congress declares that the full and proper exercise of its legislative authority and responsibility conferred upon it by the Constitution of the United States makes necessary the establishment of an Office of Government Procedure independent of the executive branch of Government to aid the Congress in exercising oversight with respect to the compliance with policies embodied in legislation enacted by the Congress by executive and independent agencies charged with the administration thereof, and to provide means whereby the Congress can determine the extent to which the policy objectives of such legislation are achieved through the execution and administration thereof.

OFFICE ESTABLISHED

SEC. 3. (a) To assist the Congress in the discharge of its constitutional responsibility to make all laws, and for the purpose of carrying out the policy set forth in section 2 of this Act, there is hereby established the Office of Government Procedure (referred to hereinafter as the "Office").

(b) The Office shall be headed by a Director appointed by the President by and with the advice and consent of the Senate for a term of fifteen years.

(c) The Director may be removed by joint resolution of both houses of Congress upon prior notice and stated cause and after hearing before a joint committee of the Congress established for that purpose and by no other means.

(d) The Director shall receive compensation at the rate prescribed by law for the compensation of the Comptroller General of the United States.

STAFF OF THE OFFICE

SEC. 4. (a) The Director shall have power to appoint and fix the compensation of such personnel as he deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, or the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule of pay rates.

(b) The Office may procure temporary and intermittent services of experts and consultants pursuant to section 3109 of title 5, United States Code, but at rates not to exceed $100 per diem for individuals.

DUTIES OF THE OFFICE

SEC. 5. (a) It shall be the function of the Office to—

(1) conduct studies to determine whether the administrative procedures of the executive and independent agencies of the Government are in all respects in compliance with the letter and intent of the laws passed by Congress;

(2) conduct studies of specific fields of administrative law, and otherwise assist the Congress to conduct such studies, in order to effect more adequate and clear statutory standards of delegation of policymaking discretion to such agencies;

(3) report periodically to the Congress incidents of noncompliance by executive and independent agencies with laws governing administrative procedures;

(4) audit the substance and procedures of administrative action of such agencies to ascertain the extent to which agency policies are not published as rules as required by law;

(5) investigate and advise the Congress as to the extent to which the policies of the Congress could be more effectively carried out if the responsible agencies which exercise adjudicative powers were to formulate, publish for public information, and comply with statements of principles to govern the interpretation of provisions of law administered by them;

(6) in its discretion to investigate and evaluate complaints made concerning administrative procedures of such agencies;

(7) to gather and transmit to Congress the information necessary to effectively evaluate program performance by executive and independent agencies of the Government, and to ascertain whether legislative programs are achieving the policy objectives anticipated by the Congress; and

(8) submit recommendations, from time to time, directly to the Congress for additional legislation which the Office deems necessary or desirable to further the purposes of this Act.

POWERS OF THE OFFICE

SEC. 6. (a) (1) Under such regulations as the Director shall prescribe, the Director, or any employee of the Office duly designated by the Director, may conduct such hearings as may be required for the performance of the duties of the Office, administer oaths for the purpose of taking evidence in any such hearing, and issue subpenas to compel witnesses to appear and testify and to compel the production of relevant documentary evidence in any such hearing. Such subpenas shall bear the signature of the Director, and may be served by any person designated by the Director for that purpose.

(2) The provisions of section 1821 of title 28, United States Code, shall apply to witnesses summoned to appear at any such hearing. The per diem and mileage allowances of witnesses so summoned under authority conferred by this section shall be paid from funds appropriated to the Office.

(3) Any person who willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify, or to produce any evidence in obedience to any subpena duly issued under authority of this section shall be fined not more than $500, or imprisoned for not more than six months, or both. Upon the certification by the Director of the facts concerning any such willful disobedience by any person to the United States Attorney for any judicial district in which such person resides or is found, such attorney shall proceed by information for the prosecution of such person for such offense.

(b) The Director is authorized to enter into contracts or other agreements with Federal agencies, private firms, institutions, and individuals for the conduct of such research or surveys as may be required in the performance of the duties of the Office.

(c) The Director is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the United States Government, information, suggestions, estimates, and statistics required for the discharge of the duties of the Office under this Act. Subject to the requirements of national security, each such department, bureau, agency, board, commission, office, independent establishment, or instrumentality, is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Office upon written request made by the Director.

APPROPRIATIONS

SEC. 7. There are hereby authorized to be appropriated to the Office such sums as may be required to carry out the provisions of this Act.

S. 2972—INTRODUCTION OF BILL RELATING TO THE EGG INDUSTRY

Mr. TALMADGE. Mr. President, I introduce a bill and ask that it be appropriately referred, and I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my brief explanatory remarks.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD at the conclusion of the Senator's remarks.

Mr. TALMADGE. Mr. President, today I introduce the industry egg legislation bill, to permit the egg producers of our Nation to decide for themselves whether or not they want to bring the supply of eggs in line with demand. It is my belief that the producers should have this privilege because the price of eggs has been below the cost of production.

The election provided for in this legislation will be administered by the Department of Agriculture, with the pro-

ducers themselves having the only voice involved as to whether they want to place controls on their own laying flocks.

If the results of the referendum show that a majority of the producers are against this egg quota legislation, then the current practice of producing eggs will continue. If, however, the producers are in favor of egg quota legislation, then controls will be placed on the number of hens that each producer may maintain by a national egg board that will be composed of two producer members from each egg production district.

I want to make it quite clear that this program is solely for the producers to elect, and the Government will only be the administrator of the election.

The bill (S. 2972) to enable baby chicks, started pullets, laying hens, and table eggs producers to consistently provide an adequate supply of these commodities to meet the needs of consumers, to stabilize, maintain, and develop orderly marketing conditions at prices reasonable to consumers and producers, and to promote and expand the use and consumption of such commodities and products thereof, introduced by Mr. TALMADGE, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 2972

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

SECTION 1. That this Act shall be known as the Table Egg Marketing Act.

LEGISLATIVE FINDINGS AND DECLARATION OF POLICY

SEC. 2. It is declared that disruption of the orderly exchange of baby chicks, started pullets, laying hens, and table eggs and products thereof in interstate commerce impairs the purchasing power of farmers and destroys the value of agricultural assets which support the national credit structure and that these conditions affect transactions in agricultural commodities with a national public interest, and burden and obstruct the normal channels of interstate commerce. The efficient production of such commodities and the maintenance and expansion of their existing markets and uses is vital to the welfare of producers and those concerned with marketing, processing, and using the commodities to the extent that their orderly production and marketing is a matter of national interest and affects the economy and general welfare of the nation. That owing to the causes beyond their control, those engaged in the production and marketing of baby chicks, started pullets, laying hens, and table eggs and products thereof have, from time to time, been unable to anticipate the quantity of table eggs reasonably required to meet the ultimate needs of consumers with the result that cycles of excess supply have often reduced market prices below actual cost of production and cycles of deficient supply have often caused relatively high consumer prices. That such fluctuations in supply and demand have from time to time repeatedly created unstable and chaotic conditions for both producers and consumers and is likely to do so in the future without proper regulation tending to produce a reasonable balance between the supply of and demand of such commodities.

SEC. 3. It is declared to be the policy of Congress—

(A) Through the exercise of the powers conferred upon the Secretary of Agriculture under this Act, to establish and maintain such orderely market conditions for baby chicks, started pullets, laying hens, and table eggs and products thereof as will establish, as the prices to producers of table eggs, parity prices as defined by the Agricultural Adjustment Act of 1938, as amended, 52 Stat. 31, 62 Stat. 1258, 63 Stat. 1054.

(B) To protect the interest of the consumer by (1) approaching the level of prices which it is declared to be the policy of Congress to establish in subsection (A) of this section by gradual correction of the current level at as rapid a rate as the Secretary of Agriculture deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (2) authorizing no action under this Act which has for its purpose the maintenance of prices to producers above the level which it is declared to be the policy of Congress to establish in subsection (A) of this section.

(C) Through the exercise of the powers conferred upon the Secretary of Agriculture under this Act, to establish and maintain such minimum standards of quality and such grading and inspection requirements for baby chicks, started pullets, laying hens, and table eggs and products thereof as will effectuate such orderly marketing of such commodities as will be in the public interest.

(D) Through the exercise of the power conferred on the Secretary of Agriculture under this Act, to establish and carry out a program to provide an orderly flow of baby chicks, started pullets, laying hens, and table eggs in commerce as will avoid unreasonable fluctuations in supply or of prices of table eggs and as will tend to consistently provide an adequate supply of high-quality products to meet the needs of consumers at prices which are reasonable to consumers and sufficient to allow a reasonable and adequate return to producers by (i) stabilizing table egg prices, (ii) diverting surplus baby chicks, started pullets, or laying hens from the production of table eggs for the commercial egg market, and (iii) research and development of production and marketing programs designed to improve quality and promote the consumption of table eggs or the products thereof.

(E) Through the exercise of the powers conferred upon the Secretary of Agriculture under this Act, to continue for the remainder of any marketing season or marketing year such regulation pursuant to any order as will tend to avoid a disruption of the orderly marketing of table eggs and be in the public interest, if the regulation of such commodity under such order has been initiated during such marketing season or marketing year on the basis of its need to effectuate the policy of this Act.

ORDERS REGULATING THE HANDLING OF EGGS

SEC. 4. (A) The Secretary of Agriculture shall, subject to the provisions of this Act, issue, and from time to time amend, orders applicable to (1) persons engaged in the marketing or handling of laying hens, baby chicks, or started pullets intended for development into laying hens, intended for the production of table eggs for marketing in commerce, and (2) producers, dealers, and processors of eggs and products thereof. Such orders shall regulate, in the manner provided in this Act, only such handling of baby chicks, started pullets, laying hens, and table eggs or products thereof, as is in the current of interstate or foreign commerce in such commodity, or which directly burdens, obstructs, or affects, interstate or foreign commerce in such commodity or product thereof.

COMMODITIES TO WHICH APPLICABLE

(B) orders issued pursuant to this section shall be applicable only to the following agricultural commodities: baby chicks, started pullets, laying hens, and table eggs and products thereof. Baby chicks started pullets, and laying hens may be combined with table eggs in any combination under an order for the purpose of improving the economic conditions of the producers of table eggs.

NOTICE OF HEARING

(C) Whenever the Secretary of Agriculture has reason to believe that the issuance of an order will tend to effectuate the declared policy of this Act with respect to table eggs or products thereof, he shall give due notice of and an opportunity for a hearing upon a proposed order. Such hearing may be requested by any group of table egg producers which is deemed by the Secretary to be representative of a significant volume of the table eggs currently marketed in commerce and such group may submit to the Secretary a proposal regarding the form and content of any such order, and nothing done by any such group or the members thereof in connection with the drafting or formulating of such proposals shall be held to be in violation of the anti-trust laws of the United States or deemed to be unlawful.

FINDINGS AND ISSUANCE OF ORDER

(D) After such notice and opportunity for hearing, the Secretary shall issue an order if he finds, and sets forth in such an order, upon the evidence introduced at such hearing, that the issuance of such order and all the terms and conditions thereof will tend to effectuate the declared policy of this Act.

REQUIRED TERMS IN ORDER

(E) Any order issued pursuant to this Act shall contain the following terms and conditions:

(1) Providing for the establishment of a National Egg Board to be composed of two producer members from each egg production district established by such order, which districts shall not exceed six in number. Each member shall be elected by producers in a manner prescribed in the order and confirmed by the Secretary. No board member shall serve more than two consecutive three year terms. Said order shall define the National Egg Board's powers and duties, which shall include the following:

(a) to administer such order in accordance with its terms and provisions:

(b) to make rules and regulations to effectuate the terms and provisions of such order;

(c) to receive, investigate, and report to the Secretary of Agriculture complaints of violations of such order;

(d) to formulate and recommend amendments to such order; and

(e) to acquire, compile, and analyze factual economic and statistical information necessary to perform its functions under the order and to disseminate relevant information to the industry and to the public.

(2) Providing for provisions incidental to, and not inconsistent with, the terms and conditions specified in this Act and necessary to effectuate the other provisions of such order.

PERMISSIVE TERMS OF ORDER

(F) Orders issued pursuant to this Act shall contain one or more of the following terms and conditions and (except as otherwise provided in Section 4(E)), no others.

(1)(a) Providing for the determination, or a method for the determination, of a total quota of baby chicks, started pullets, and laying hens, which all producers of table eggs may acquire in a designated period or periods, based on the desirable total quantity of eggs to be marketed by all producers in a designated period or periods. In developing such quota, consideration shall be given to balancing the supply of table eggs with anticipated market demand therefor in the light of historical production, consumption, and other uses and any reasonably expected changes in these factors occasioned by popu-

lation trends, per capita consumption, or other reasons.

(b) Providing for the allotting, or a method for allotting, on a uniform basis to each producer of table eggs, a proportionate share of the total quota of baby chicks, started pullets, and laying hens each producer may acquire, based on the quantities of such commodities acquired, and eggs marketed, by each such producer in a prior representative period.

(2) Providing for the allotting, or providing methods for allotting, the amount of table eggs or products thereof, of any grade, size, or quality thereof, which each handler may purchase from or handle on behalf of any and all producers thereof (including a handler's own production) under a uniform rule based upon the amounts sold by such producers in such prior period as the Secretary determines to be representative, or upon current quantities available for sale by such producers, or both, to the end that the total quantities of table eggs or products thereof to be purchased or handled during any specified period or periods shall be apportioned equitably among producers.

(3) Providing for a market diversion program for table eggs, which may include open market purchases of table eggs, (including liquid, frozen or dried eggs) of any grade, size, type or quality, when the Secretary determines that the then current or the estimated price for table eggs is such that the average return therefor to producers would not be reasonable in view of the prices of feed, the available supplies of feeds, economic conditions affecting table egg production, and other economic conditions which affect market supply and demand for table eggs, and providing further, that a table egg market diversion fund may be established by an assessment, at a rate set forth in the order, upon each dozen of table eggs marketed or handled under the order.

(4) Providing for a market diversion program for baby chicks, started pullets, and laying hens, which may include open market purchases of such commodities, when the Secretary determines that the then current or the estimated price for such commodities is such that the average return therefor to producers of such commodities would not be reasonable in view of the prices of feed, the available supplies of feeds, other costs of production, economic conditions affecting production, and other economic conditions which affect market supply and demand for such commodities, and providing further, that an egg poultry market diversion fund may be established by an assessment, at a rate set forth in the order, upon each baby chicks, started pullet, and laying hen marketed, or handled under the order.

(5) Providing for the control and regulation of the sale, transfer, assignment, or other disposition of all or any part of an allotment issued under this section.

(6) Providing for the licensing, under procedures set forth in the order, of: (a) persons who are producers of table eggs; (b) persons handling baby chicks, started pullets, and laying hens; and (c) persons who handle table eggs. An order may also provide for collection of a fee for such licenses in an amount or amounts sufficient to pay the cost and expense of administering the order. Such fees may be in a uniform amount to each handler or may be established as to each handler on a pro rata basis, based on the quantity of the commodity handled by each handler. Such fees may also vary as between handlers of different commodities. The Secretary, in establishing the fee arrangement, shall determine the amount necessary to administer the order, and, in the event of varied fees as to handlers of different commodities, shall assign a larger proportionate share of the administrative cost to handlers of the commodities to whom, he determines, accrue a greater benefit from the order program.

(7) Establishing, or providing for the establishment of, research and development, advertising, and other programs designed to assist, improve, or promote the marketing and distribution of table eggs and to improve the quality and increase consumption of table eggs or egg products, and providing further that a research and development fund for table eggs may be established by an assessment, at a rate set forth in the order, upon each dozen of table eggs marketed or handled under the order.

(8) Providing for exemption from the application of the regulatory and assessment provisions of an order of the marketing and handling of such minimum quantities of baby chicks, started pullets, laying hens, and table eggs, upon which the Secretary determines such regulation and assessment would not be necessary to effectuate the policy of the Act or the order and which, if regulated and assessed would result in unduly burdening the administration of the order.

(9) In the event the licensing authority provided in subsection (6) of this section is not used, providing for the establishment of an administrative expense fund to pay the cost and expense of administering the order by assessments made on handlers of baby chicks, started pullets, laying hens, and table eggs subject to regulation under the order. Such assessments may be in a uniform amount to each handler or may be established as to each handler based on the quantity of the commodity handled by each handler. Such assessments may also vary as between handlers of different commodities. The Secretary, in establishing such assessments, shall determine the amount required to administer the order, and, in the event of varied assessments as to handlers of different commodities, shall assess a larger proportionate share of the administration cost to handlers of the commodities to whom, he determines, accrue a greater benefit from the order program.

(10) (a) Providing that all persons subject to an order shall keep such books and records and make such reports as may be required by the order. Such books and records shall be open for inspection at all times during normal business hours by authorized representatives of the National Egg Board and the Secretary. Such reports shall be furnished in such form and contain such information prescribed by the order. The Secretary is authorized to examine such books, papers, records, copies of income tax reports, accounts, correspondence, contracts, documents, or memoranda as he deems relevant and which are within the control of such persons, or any party having, either directly or indirectly, actual or legal control of or over such person or of any subsidiary of any such person.

(b) All information furnished to or acquired by the Secretary of Agriculture or the National Egg Board pursuant to this section shall be kept confidential by all officers and employees of the Department of Agriculture and of the National Egg Board and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them and then only in a suit or administrative hearing at the direction, or upon the request, of the Secretary of Agriculture, or to which he or an officer of the United States is a party, and involving the order with reference to which the information so to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit (i) the issuance of general statements based upon reports of a number of persons subject to an order, which statements do not identify the information furnished by any person, or (ii) the publication, by direction of the Secretary, of the name of any person violating the order, together with a statement of the particular provisions of the order violated by such person. Any such office or employee violating the provisions of this section shall, upon conviction, be subject to a fine of not more than $1,000, or to imprisonment for not more than one year, or to both, and shall be removed from office.

REQUIREMENT OF REFERENDUM AND PRODUCER APPROVAL

SEC. 5. The Secretary shall conduct a referendum among producers who, during a representative period determined by the Secretary, have been engaged in the production of table eggs for commerce for the purpose of ascertaining whether the issuance of an order is approved or favored by producers. No order issued pursuant to this Act shall be effective unless the Secretary determines that the issuance of such order is approved or favored by (a) not less than two-thirds of the producers voting in such referendum and those producers voting in favor of the order produced not less than fifty-one per cent of the table eggs produced during such representative period, or, (b) not less than a majority of the producers voting in such election and those producers voting in favor of the order produced not less than two-thirds of the table eggs produced during such representative period.

AMENDMENT, SUSPENSION AND TERMINATION OF ORDERS

SEC. 6. (A) The Secretary shall, whenever, he finds that any order issued under this Act, or any provision thereof, obstructs, or does not tend to effectuate the declared policy of this Act, or is not in the public interest, terminate or suspend the operation of such order or such provision thereof.

(B) The Secretary may conduct a referendum at any time, and shall conduct a referendum on the request of two-thirds of the entire membership of the National Egg Board, or 10 per centum of the table egg producers by petition to determine whether the producers favor termination or suspension of an order; and the Secretary shall suspend or terminate such order whenever he determines that suspension or termination of the order is favored or approved by a majority of the producers voting in such election and that those voting for suspension or termination produced a majority of the table eggs during a representative period determined by the Secretary.

(C) The termination or suspension of any order, or any provision thereof, shall not be considered an order within the meaning of this Act.

(D) The provisions of this Act applicable to orders shall be applicable to amendments to orders.

ELIGIBILITY TO VOTE IN REFERENDUM

SEC. 7. At least thirty days prior to conducting any referendum under this Act the Secretary shall issue a public notice fixing a time and place in each county where producers who, during a representative period determined by the Secretary have been engaged in the production of table eggs for commerce, may register their names and addresses and disclose such other pertinent information regarding their operations as the Secretary may require. The Secretary may exclude any person who fails to so register or who is otherwise ineligible from participating in the referendum.

PETITION AND REVIEW

SEC. 8. (A) Any person subject to an order may file a written petition with the Secretary stating that any such order or any provision of any such order or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition in accordance with regulations made by the Secretary of Agriculture. After such

hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

(B) The District Courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction in equity to review such ruling, provided a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the complaint. If the Court determines that such ruling is not in accordance with law it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the Court shall determine to be in accordance with law, or (2) to take such further proceedings as, in the opinion of the Court, the law requires. The pendency of proceedings instituted pursuant to this section 8 shall not impede, hinder or delay the United States or the Secretary from obtaining relief pursuant to section 9 of this Act.

ENFORCEMENT

SEC. 9. (A) Any fee assessed pursuant to any order issued hereunder shall be due and payable to the National Egg Board by the person liable therefor under the terms of the order. In the event of failure by any person so assessed to pay any such fee in accordance with the terms of the order, the Secretary, in addition to refusing to issue any further certificates or quotas to such person, may, upon request of the National Egg Board, cause a suit to be instituted against such person in a court of competent jurisdiction for the collection thereof.

(B) Any producer who violates any provision of an order duly issued by the Secretary hereunder, including the failure or refusal to pay any fee or assessment under the order, shall be liable civilly in an action brought in the name of the United States for an amount not exceeding $1,000 for each separate violation.

(C) The several district courts of the United States are vested with jurisdiction specifically to enforce and to prevent and restrain any person from violating any provision of this Act or any provision of any order or regulation made or issued pursuant to this Act.

(D) Upon request of the Secretary it shall be the duty of the several district attorneys of the United States in their respective districts, under the direction of the Attorney General, to institute proceedings to enforce the provisions of this Act and any order or regulation issued under this Act.

(E) The Secretary may make such investigations as he deems necessary for the effective carrying out of his responsibilities under this Act or to determine whether any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this Act, or of any order or rule or regulation issued under this Act. For the purpose of any such investigation the Secretary is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of failure or refusal to obey a subpoena issued to any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found.

(F) No person shall be excused from attending and testifying or from producing books, papers and documents before the Secretary, or in obedience to the subpoena of the Secretary, or in any case or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of this Act, or of any order or rule or regulation issued thereunder, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual 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, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

REGULATIONS

SEC. 10. The Secretary is authorized to make such regulations with the force and effect of law, as may be necessary to carry out the provisions of this Act and the powers vested in him hereunder.

DEFINITIONS

SEC. 11. For the purposes of this Act—

(a) The term "commerce" means interstate or foreign commerce and that commerce which affects, burdens, or obstructs interstate or foreign commerce.

(b) The term "Secretary" means the Secretary of the United States Department of Agriculture.

(c) The term "person" means any individual, partnership, corporation, association, and any other business unit.

(d) The term "egg" or "table egg" means an egg produced by a female chicken excepting broiler breeders.

(e) The term "producer" or "table egg producer" means a person engaged in the production of eggs through ownership or control of laying hens and/or buildings used for the housing of laying hens.

(f) The term "handler" means a person who markets or in any way places in the stream of commerce table eggs of producers, including table eggs of his own production, baby chicks, started pullets, or laying hens.

OFFICERS; DEALING OR SPECULATING IN AGRICULTURAL PRODUCTS; PENALTIES

SEC. 12. No person shall, while acting in any official capacity in the administration of orders issued pursuant to this Act, speculate, directly or indirectly, in any commodity or product thereof to which this Act applies or in contracts relating thereto, or in the stock or membership interest of any association or corporation engaged in handling, processing, or disposing of any such commodity or product and any person violating this section shall upon conviction thereof be fined not more than $10,000, or imprisoned not more than two years, or both: *Provided, however,* That no such person shall be deemed to be acting in an official capacity, within the meaning of this section, unless such person receives compensation for his personal services from funds of the United States.

AUTHORIZATION

SEC. 13. There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, such funds as are necessary to carry out the provisions of this Act: *Provided, however,* That the funds so appropriated shall not be available for the payment of the expenses or expenditures of the National Egg Board in administering any provision of any order issued pursuant to the terms of this Act.

SEPARABILITY

SEC. 14. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 15. This Act shall take effect upon enactment.

S. 2975—INTRODUCTION OF A BILL TO PROVIDE FOR INCREASED PARTICIPATION BY THE UNITED STATES IN THE INTER-AMERICAN DEVELOPMENT BANK

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to provide for increased participation by the United States in the Inter-American Development Bank, and for other purposes.

The proposed bill has been requested by the Secretary of the Treasury and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill may be printed in the RECORD at this point together with the letter from the Secretary of the Treasury to the Vice President dated February 8, 1968, in regard to it.

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

The bill (S. 2975) to provide for increased participation by the United States in the Inter-American Development Bank, and for other purposes, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 2975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Inter-American Development Bank Act (22 U.S.C. 283–2831) is amended by adding at the end thereof the following new section:

"SEC. 17. (a) The United States Governor of the Bank is hereby authorized (1) to vote for an increase in the authorized capital stock of the Bank under article II, section 2, of the agreement as recommended by the Board of Executive Directors in its report of April 1967, to the Board of Governors of the Bank; and (2) to agree on behalf of the United States to subscribe to its proportionate share of the $1,000,000,000 increase in the authorized callable capital stock of the Bank.

"(b) There is hereby authorized to be appropriated, without fiscal year limitation, for payment by the Secretary of the Treasury of the increased U.S. subscription to the capital stock of the Inter-American Development Bank, $411,760,000."

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

THE SECRETARY OF THE TREASURY,
Washington, February 8, 1968.
Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: In accordance with the President's special message on foreign aid, there is transmitted herewith a draft of a proposed bill, "To provide for increased participation by the United States in the Inter-American Development Bank, and for other purposes."

At the annual meeting of the Governors of the Inter-American Development Bank in April 1967, the Governors unanimously agreed to recommend to their Governments that appropriate steps be taken to permit a $1 billion increase in the authorized capital stock of the Bank and to permit members to subscribe—on a callable basis requiring no cash payment—to their proportionate share of such increase. Callable subscriptions enable the Bank to raise needed resources by borrowing in various private capital markets. They are subject to call only when required to meet the obligations of the Bank on its Ordinary Capital borrowings and guarantees.

The proportionate share of the United States in the proposed callable capital increase would be $411,760,000. By the Act of January 22, 1964 (P.L. 88-259), the Congress approved U.S. participation by the same amount in a previous capital increase of identical purpose and size.

I believe that this proposed increase in the callable capital of the Bank is vital to permit the Bank to continue to play a leading role in the Alliance for Progress by financing the economic development of its Latin American member countries. I believe, further, that participation by the United States will be fully consistent with the balance of payments program announced by the President on January 1.

The Inter-American Development Bank was established in 1959 with an authorized capital stock for all members of $850 million, of which $400 million was to be paid in and $450 million was to be callable. The initial United States subscription to paid-in Ordinary Capital was $150 million and $200 million to callable Ordinary Capital.

The callable capital of the Bank was increased by $1 billion in 1964. The U.S. share of that increase was $411,760,000 and was subscribed in two equal installments in 1964 and in 1965. The Bank has not been required to make a call on any of its callable capital stock, and thus none of the funds appropriated by the Congress for callable capital have been paid to the Bank.

Under the proposed increase, each member is to subscribe to one-half of its proportionate share in calendar year 1968, with the remaining half to be subscribed in 1970. An appropriation of $205,880,000 will thus be sought in this session of Congress, but again it is not expected that this would be paid out to the Bank.

Since it began its lending operations in 1961, the Bank has made a major contribution to the social and economic development of Latin America, and has clearly demonstrated the wisdom of pursuing the goal of regional development through multilateral financial institutions in which all members may contribute their talents and resources and may share attendant burdens. The Bank has made 448 loans totaling $2,390.8 million. Of these, 155 loans totaling $901.8 million were made from the Bank's Ordinary Capital resources which constitute the Bank's so-called "hard loan window". As of December 31, 1967, the uncommitted Ordinary Capital resources of the Bank were approximately $65.8 million. The proposed increase in callable capital will enable the Bank to borrow sufficient sums in private capital markets to continue its projected level of lending through the end of 1970.

On January 1, 1968 the Bank inaugurated a new program designed to mobilize additional resources from developed countries which are not members of the Bank. This program relates the use of Bank funds for procurement in non-member developed countries to the level of resources provided to the Bank by those countries. The program is intended to provide the Bank with greater access to the private capital markets of other industrialized countries, and the Bank is vigorously pursuing that end.

A special report of the National Advisory Council on International Monetary and Financial Policies relating to the proposed increase in the authorized capital stock of the Bank is being transmitted to you and to the Speaker of the House of Representatives.

It would be appreciated if you would lay the proposed bill before the Senate. An identical bill has been transmitted to the Speaker of the House of Representatives.

The Department has been advised by the Bureau of the Budget that the proposed legislation would be in accord with the President's program.

Sincerely yours,

HENRY H. FOWLER.

S. 2979—INTRODUCTION OF BILL RELATING TO ESTABLISHMENT OF A COMMISSION ON NEGRO HISTORY AND CULTURE

Mr. SCOTT. Mr. President, America is an amalgam of cultures. From the earliest settlements until today our land has absorbed peoples from all corners of the earth and welded them into a society whose strength depends in large part on its diversity.

We have done a credible job of recording what many people have contributed to American society as we know it today. But we are sadly lacking in a full appreciation of the achievements of Negroes in America.

I am today proposing legislation to give us a better appreciation of those achievements.

The Negro contribution to this country is not known by many Americans. This dearth of knowledge among our multiracial society is the mother of much of the prejudice that is aimed at the Negro minority.

Children in our schools study the heroes of the past and aspire to emulate—if not the deeds of such men, surely their motives. Youth wishes to identify with the great ones who share with them some other common denominator than that both are human beings.

Negro children have not been exposed to the knowledge of their great ones such as the approximately 5,000 Negroes who served in the Continental Army and Navy during the Revolution. Or of Crispus Attucks, a runaway slave who was shot at the Boston Massacre while leading a mob protesting the presence of British troops, thus becoming the first American to die in the cause of freedom. Or of Prince Estabrook, one of 70 minutemen, who faced the British at Lexington on the very first day of the Revolution.

How many Americans are aware that one of the original settlers of Chicago was Jean Baptiste Point DuSable—a Negro?

The Revolutionary generation produced Negroes who excelled. But the next century, produced disheartening setbacks. With the introduction of the cotton gin into the South, cotton and slaves became vital to its prosperity. Laws were passed which prevented association by slaves with Negro preachers and teachers. These restrictive laws closed many schools and churches. Laws were also passed to segregate black Americans in almost all phases of life.

Courageously, men like Gabriel Prosser, Denmark Vesey and Nat Turner, fought against slavery, but with little chance of success. These men put their principles on the line against great odds; they did fight. How many Americans, black or white, know of these men and their battle against slavery?

Since 1900, Negro Americans have made great progress up what many consider to be the "down staircase" in the house of America. However, the steps once gained have not always been maintained. American Negroes are far below the level of some of their earlier advances. At one time, the South's leading craftsmen and mechanics were Negroes. At one time, horse racing was dominated by Negro jockeys who won nine of the first 13 Kentucky Derbies. Rarely in America today is there a Negro jockey. At one time, Negroes held public offices in the South as Congressmen, Lieutenant Governors, State legislators, superintendents of education, county commissioners, and city councilmen. Few Negroes hold such offices today. How many Americans, black and white, know the names of any of these men of history?

Negroes took many steps up the "down staircase" during World War I only to suffer bitter setbacks when the war was ended. Too few Americans know that the all-Negro 369th Regiment of the 94th Division was on the front line longer than any other American regiment during World War I.

One million Negroes served in the armed services during World War II but most of them in segregated Army and Navy units. The services were integrated after the war and Negro and white servicemen served side by side on all levels. Thus, another step up the "down staircase" after 170 years the return of an integrated state in the armed services.

In 1915, Carter G. Woodson, historian and author, organized the Association for the Study of Negro Life and History and later began the observance of Negro History Week, which is held each year during the week in which Lincoln's birthday falls. This year the celebration of Negro History Week began on Sunday, February 11—the 42d observance.

I am pleased to report that my Commonwealth of Pennsylvania is one of about 18 States observing that week. Therefore, today, on behalf of my able and distinguished colleagues from Massachusetts [Mr. BROOKE], New York [Mr. JAVITS], New Jersey [Mr. CASE], and myself, I am introducing legislation similar to that which is pending in the House of Representatives. It would establish a Commission on Negro History and Culture to conduct a study of proposals to research, document, compile, preserve, and disseminate data on the role of the Negro in history.

As man draws constantly on his herit-

age for inspiration in dealing with present and future situations, it is vital that the Negro also have his opportunity to put together the pieces of the puzzle of his life in order to become a whole person, and to aid those not of his ethnic group to look upon him with a knowledge of what actually has gone before.

Today, a conference on Negro history and culture is taking place on Capitol Hill. This conference is sponsored by the Association for the Study of Negro Life and History, Inc., and coincides with the celebration of Negro History Week. Because of my deep interest in, and desire for, the success of this conference, I have assigned a member of my staff, Mrs. John Reed, to attend.

Today, the Negro is running hard against the downward motion of the "down staircase." Because he is an American first and a Negro second, he desires to change the motion of the escalator to an up staircase. Let us lend every encouragement to his inspiration—drawn from his own heritage—to devise the ways and means of accomplishing this essential progression.

Mr. President, I ask unanimous consent that the text of my 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. 2979) to establish a Commission on Negro History and Culture; to conduct a study of all proposals to research, document, compile, preserve and disseminate data on Negro history and culture; to recommend such legislative enactments as may be required to provide for the integration of such data into the mainstream of American education and life; and for other purposes, introduced by Mr. SCOTT (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:

S. 2979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established a Commission to be known as the Commission on Negro History and Culture (hereinafter referred to as the "Commission"). The Commission shall be composed of eleven members, appointed by the President from persons who are authorities on Negro history and culture.

(b) The President shall designate one of the members of the Commission as Chairman, and one as Vice Chairman. Six members of the Commission shall constitute a quorum.

(c) Members of the Commission shall each be entitled to receive $100 per diem when engaged in the performance of the duties vested in the Commission, including traveltime; and while so engaged when away from their home or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5, United States Code, for persons in Government service employed intermittently.

(d) The Commission shall meet at the call of the Chairman or at the call of a majority of the members thereof.

SEC. 2. (a) The Commission shall have the power to appoint and fix the compensation of such personnel, as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(b) The Commission may procure, in accordance with the provisions of section 3109 of title 5, United States Code, the temporary or intermittent services of experts or consultants. Persons so employed shall receive compensation at a rate to be fixed by the Commission, but not in excess of $75 per diem, including traveltime. While away from his home or regular place of business in the performance of services for the Commission, any such person may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

SEC. 3. The Commission shall conduct a study of all proposals to create a better understanding and knowledge of Negro history and culture and shall make such recommendations to the President and to the Congress with respect to legislative enactments which it deems appropriate to carry out such proposals. Such study shall include consideration of the following:

(1) The steps necessary for research, collection and the preservation of historical materials heretofore uncollected dealing with Negro history and culture.

(2) The steps necessary to compile and catalogue existing materials.

(3) Examination of the possibilities of the establishment of a Museum of Negro History and Culture or a Center of Negro History and Culture.

(4) Consideration where such a museum or center should be located, whether it should be independent or a part of an existing establishment, and how it should be financed.

(5) Consideration of possible methods of disseminating such data so that the information can be best integrated into the mainstream of American education and life.

SEC. 4. The Commission shall submit a comprehensive report of its findings and recommendations to the President and to the Congress not later than twelve months after the date of enactment of this Act. The Commission shall cease to exist thirty days after such report is submitted.

ADDITIONAL COSPONSORS OF BILLS

Mr. BYRD of West Virginia. Mr. President, on behalf of the senior Senator from Pennsylvania [Mr. CLARK] I ask unanimous consent that, at its next printing, the name of the senior Senator from Idaho [Mr. CHURCH] be added as a cosponsor of the bill (S. 2938) to extend certain expiring provisions under the Manpower Development and Training Act of 1962, as amended.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at its next printing, the name of the junior Senator from New Mexico [Mr. MONTOYA] be added as a cosponsor of the bill (S. 1401) to amend title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

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

AMENDMENT NO. 524—ADDITIONAL COSPONSORS

Mr. MONDALE. Mr. President, I ask unanimous consent that, in addition to myself, the names of the following Senators be shown as cosponsors of the pending amendment, numbered 524, the so-called fair-housing amendment:

Mr. BROOKE, Mr. CASE, Mr. CLARK, Mr. DODD, Mr. FONG, Mr. GRUENING, Mr. HARRIS, Mr. HART, Mr. HATFIELD, Mr. INOUYE, Mr. JAVITS, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of New York, Mr. LONG of Missouri, Mr. MCCARTHY, Mr. MCGEE, Mr. MUSKIE, Mr. NELSON, Mr. PERCY, Mr. PROXMIRE, Mr. SCOTT, Mr. TYDINGS, and Mr. WILLIAMS of New Jersey.

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

ATTENDANCE OF SENATORS

The following additional Senators attended the session of the Senate today: Hon. E. L. BARTLETT and Hon. DANIEL K. INOUYE.

THE 100TH BIRTHDAY ANNIVERSARY OF WILLIAM ALLEN WHITE

Mr. CARLSON. Mr. President, the 100th birthday anniversary of William Allen White, the nationally and internationally known editor and journalist, was celebrated last week with ceremonies taking place in El Dorado, Emporia, and Lawrence, Kans.

Mr. White passed away 23 years ago on January 29, 1944, at the age of 76.

On Saturday morning, February 10, a marker honoring Mr. White was unveiled at the Emporia Service Center on the Kansas Turnpike. The speaker for that occasion was Rolla Clymer, of the El Dorado Times, Kansas' most distinguished editor.

At noon on the same day, several hundred outstanding citizens of Kansas, including most of our State's editors, attended a luncheon at the Kansas State Teachers College in honor of Mr. White's service to journalism. On this occasion, I was privileged to speak on the freedom of the press and Mr. White's great contributions to our democracy through a free press.

On Saturday evening, February 10, William L. White, the distinguished son of William Allen White, gave a dinner for a large number of Kansas citizens who were friends of his late father and mother. At this banquet, Mr. Erwin D. Canham, editor in chief of the Christian Science Monitor and a close friend of Mr. and Mrs. White, recalled many personal experiences he and the family shared and enjoyed. Mr. Canham also underscored his famous friend's contributions to the American press through his vigorous brand of journalism.

A granite monument with inscription and a bas-relief likeness of this famous editor was dedicated on the lawn of the U.S. post office near the site of his boyhood home in El Dorado, Kans., on February 11.

On February 12, William L. White, a nationally known author and journalist in his own right, reminisced of his boyhood days and growing up with his famous father and mother at the William Allen White tribute luncheon.

His remarks were followed by an address from Mark F. Ethridge, publisher of the Louisville Courier-Journal, the

recipient of the William Allen White Foundation Award for 1968. The award is given each year to an outstanding journalist for service to their profession and community. Mr. Ethridge told how William Allen White met the problems of his day with frank and honest discussion—an attribute sorely needed today. A dinner in Mr. Ethridge's honor followed on that evening.

William Allen White has literally become the symbol of the tolerance, sanity, and greatness of small-town America. As his biographer, Walter Johnson, so aptly put it:

He is the folk hero, of the middle class.

Mr. President, in order that William Allen White's legacy of courageous journalism might be read and preserved by all Americans, I ask unanimous consent that my remarks at the February 10 luncheon honoring this great country editor be printed in the RECORD.

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

SPEECH BY SENATOR FRANK CARLSON, WILLIAM ALLEN WHITE MEMORIAL FOUNDATION LUNCHEON, EMPORIA, KANS., FEBRUARY 10, 1968

It is indeed a great honor and privilege to share in these commemoration activities on this, the 100th anniversary birth date of William Allen White—one of our nation's outstanding journalists—a great Kansas editor and a close personal friend.

The purpose of these ceremonies is to commemorate the life of William Allen White in the cause for better understanding among all mankind.

What a wonderful purpose to commemorate the memory of such a wonderful man! These ceremonies are especially appropriate in that today this memorable man's legacy of fearless and courageous journalism is sorely needed—a tradition that must be preserved. His legacy is one of true humility—of courageous and forthright enthusiasm—and of common sense—a legacy that must continue to provide a conscience for an ever-changing society.

Perhaps the most important, single statement I can make here today is that the spirit of this great Kansas editor is as vital to the preservation and safety of our great democracy as it was in his day. That spirit must never be extinguished—for the day that men like William Allen White are not allowed to champion the public's right to know—our days as a democracy are numbered.

The spirit of William Allen White is with us here—strong and vibrant. The William Allen White School of Journalism at Kansas University graduates young men and women dedicated to the same principles that made him famous.

The memorial library serves his home community in the same fashion that he once did—giving the people access to information and offering them a challenge to think for themselves.

I am especially pleased and personally thankful that out-of-town visitors have had the opportunity to visit the William Allen White Memorial Drive here in Emporia—that a granite monument will be dedicated tomorrow in El Dorado, his boyhood home, and that a Kansas Historical Marker has been unveiled at the Emporia Turnpike Service Center.

All of these things not only promise to carry on the tradition of this great man but to preserve and protect as well the very thing he stood for—the public's right to know in a free democracy.

I have always considered myself fortunate to have known Mr. White personally. For me, his personal friendship meant I had a special insight into Kansas history. I am grateful that I had the opportunity to be a friend of William Allen White—a man who made Kansas history a rich heritage for which we can all be proud.

And, although we are here to commemorate the memory of William Allen White, I think I would be remiss if I did not mention the obvious fact—that we have with us here today another great publisher, author and journalist of the same name.

The old adage "like father, like son" applies in this case. I am sure that if Mr. White were here today he would pridefully point out to his old friends how the White tradition in journalism has been carried on. I am referring, of course, to William L. White, his son.

He, too, is a personal friend of mine. We served together in the Kansas Legislature. In the 1931 session, I was Chairman of the Committee On Assessment and Taxation. He was Vice-Chairman.

Earlier I said that the tradition of William Allen White was synonymous with the very taproots of our society—the public's right to know in a free democracy.

Like other great newspapermen before him, he used the press neither as a sword or shield to coin a well used phrase. He used the press to shine the light of truth into confused darkness. He did not tell the people what to think but he sure let them know what was going on and challenged them to think for themselves.

Today, we realize the struggle for a free and responsible press is a never ending battle. Today, the press must face a world full of change with the same common sense, humility, and courage that he used.

When Mr. White was young, Kansas was going through the rigors of social change that brought on Populism. The change and challenge is still with us. The William Allen Whites of today must seek to be as candid and forthright.

There will always be attempts to restrict the freedom of the press. Men of great zeal but with little understanding will seek public control over private news media. The talk will begin with guidelines—codes—standards—and privileged information—subtle controls over a free press.

Behind these good intentions we can easily see not so subtle men and controls. We all have a responsibility—clergyman, educator, businessman, public official—to defend a truly free press. For you see, freedom of the press and personal freedom go hand in hand—if we lose one we lose the other.

Today's journalist does face some unique situations that William Allen White did not have to face. According to the latest figures, the taxpayers are presently paying $450 million a year on government public relations and information programs.

The cost of this federal deluge is more than double the combined expense for news gathering by the two major news services—the three major TV networks and the ten largest American newspapers. To wade through this questionable information coming from this propaganda mill is enough to make any editor shake his head.

In Mr. White's day, his beat was the town's main street—and no one knew the pulse of the community better than the "Sage of Emporia."

Consider the plight of the reporter today. War and international problems beset us at every turn abroad. At home a set of social revolutions—each one as significant to the future of this country as the Populist revolution—demand specialized and objective reporting.

Because of these social revolutions and the change in today's fast growing—complex and technical society—Americans have witnessed a mass media communications explosion. The world is shrinking beyond belief and we find ourselves under detailed and close scrutiny. Judging from the reflection in the news media mirror—though the image may be somewhat distorted—the picture is not particularly pretty or flattering.

We have been judged by the fourth estate and found wanting. It is only natural then that some have found the news media short on responsibility and long on sensationalism in return. Adopting a reactionary attitude, some have even recommended suppression of news.

We are in an age where we are high in material well-being and low in moral conscience and trust. The man in the street wonders about the much publicized credibility gap, becomes skeptical and adopts a policy of apathy. Virtually every public official's word and intent are questioned and doubted.

The credibility gap between the press and our government seems to be reaching canyon proportions and is reinforced by the adopted policy that the government has a right to mislead.

Freedom of the press and access to government information has become such a crucial issue that a special program to help newspapers—broadcasters and the public gain access to federal information has been developed by the Freedom of Information Center in Washington.

These developments—I am sure—would make Mr. White shake his head in wonder and his typewriter would hum with resulting editorials that would clear the air with salvos of level headed—no nonsense logic.

As in the days of William Allen White, the press must continue to object when the government forgets its most sacred responsibility—that of telling the people who hire and pay the government, the truth. Stated simply, once again, the public has the right to know. The simple art of telling the truth is paramount in these troubled times.

William Allen White fought bigotry and censorship without regard to personal safety when he took on the Ku Klux Klan. We should follow his example to safeguard our free press in America.

Today—right this very minute—more than half the people of Europe still live without freedom of the press. There are still 12 European countries with a population of over 350 million people where the government controls all channels of information or subjects the press to surveillance and censorship.

For many today, the choice between total acceptance and free dissent is the choice between life and death. Let us not take our freedoms for granted. Today, the highly publicized right of dissent is of primary importance. Truth is benefited by free expression. It is the fundamental foundation of our great country. There may be great error in such expression, but the "right to be wrong"—the right of dissent—must be afforded every citizen.

John Peter Zenger went to trial in the early days of this country to prove that right. Courageous editors down through American and Kansas History fought with pen in one hand and a gun in the other to preserve that right—never was this more true than in the early days of Kansas.

Men in authority will always think that criticism of their policies is dangerous. We must make sure that men like William Allen White have the freedom to prove them wrong.

There is another basic point to consider however. Especially with the kind of dissent we face today. The only limitation that William Allen White placed upon the right of dissent was that of responsibility.

I think we should emphasize that while Mr. White was a champion of freedom of the press—he was also the champion of a free *and responsible* press. Responsible dissenters do not slander—write or broadcast obscenity—or incite others to commit crime. These same limitations are those that a free society must impose to protect itself and its citizens.

I am afraid that these limitations are too often being ignored by many of our so-called dissenters. We can carry the torch of dissent too far. If we don't apply a little common sense, dissent may well turn our bill of rights into a warped excuse for anarchy.

As I have said before, the rich tradition of William Allen White is a living—present day entity. Although his modern-day counterparts are busy each day carrying on his tradition, I cannot help but wonder what tomorrow's editorial would say if he—in his unique style—could again comment on the problems of the world.

He never lost his humility—that rare country editor trait of never taking himself too seriously, but seriously taking on his responsibility of being a conscience of a community—a state—and a nation.

Here was a country editor who loved his work—who loved the people of his community and state. Part of the reason for his great success was that when he wrote—he wrote what the people were genuinely thinking. His very heart beat was in tune with the pulse of the people and the fortunes of Kansas. Lesser men withdraw to ivory towers to criticize and complain. Bill White wrote what the people were thinking and wanted to hear—and the people loved him for it.

Recently, I again had the opportunity to glance through a book compiled by the Kansas Historical Society entitled "Kansas In Newspapers". There, on the now famous front page of the Emporia Gazette, dated Thursday, August 20, 1896, was the editorial you are all familiar with—"What's the Matter With Kansas".

In the midst of the McKinley-Bryan campaign, William Allen White took on the Populists and their solutions to hard times of the day. Mark Hannah—the famous chairman of the Republican Party—reprinted that editorial and distributed it across the country. Hannah said that it helped materially to elect McKinley president.

That editorial represents Mr. White's brand of journalism in full flower—I might add a flower that bloomed in virtually every political campaign.

His interest in taking part in political matters transcended political activity as we know it today. He believed political activity was a citizen's responsibility. He thought one could achieve almost anything through maintaining an active voice in politics. Once he even attributed a much needed summer shower during a dry spell to a Republican rally.

William Allen White had his non-political side too. Read his prose describing his love for the beauty of the Kansas flint hills—his deep rooted appreciation of nature's loveliness and I will venture to say any Kansan will be hard put to remain dry eyed.

And, of course, his literary masterpiece, "Mary White"—a father's farewell to his daughter who died at 16—has become a legend. The article puts into words and describes what is impossible to describe—and it does so with such tenderness that people who suffer the same kind of tragedy today gain strength and comfort from it.

In retrospect, I wish William Allen White were here with us today to help us achieve better understanding in our endeavors to climb the ladder of progress. Perhaps tomorrow's editorial would have read, "What's the Matter With America".

What a wonderful thing it would be if we could really achieve the purpose of these ceremonies in the memory of this great and humble man. The courageous and forthright lessons of William Allen White applied today would certainly be a breath of Kansas fresh air into a jaded and polluted atmosphere of skepticism and credibility.

I think it is noteworthy that these ceremonies are but a few days away from the birthday of another great American who also gained fame through his use of reason and humility to unite the common man into shouldering the responsibilities of mutual understanding.

Abraham Lincoln said that if you once forfeit the confidence of your fellow citizens, you can never again gain their respect and esteem.

We must again re-dedicate ourselves to these principles. Rather than launching a great society to change or capture men's minds—let us strive to free men's minds with plain fact and rational discussion.

Our system of self-government has been built upon the trust of government in the people's ability—and the people's trust in the integrity of government.

In 1907, William Allen White wrote the obituary of old time journalism in Kansas when he observed—"Unfortunately, for the picturesque in journalism, the old time editors are nearly all dead or in the poorhouse. We seldom hear of them anymore and we sigh for the touch of a vanquished hand and the sound of a voice that is still."

I don't think William Allen White ever gave a serious second thought to the fact that his courageous brand of journalism would stand as a living tradition for Kansans today and tomorrow—he was too busy doing his job as a country editor—providing a humble conscience for his community, his state and his nation.

As he stated—we miss his picturesque journalism—and we long for the voice that is still. But were William Allen White here today, he would dismiss such sentimentality in a gruff manner and say we should get to the business at hand.

Our business—ladies and gentlemen—is that of increasing the sum total of man's well-being and wisdom for the cause of better understanding among all mankind.

In his memory, let us all strive to achieve that goal.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE TYRANNY OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Mr. ERVIN. Mr. President, on February 12, 1968, the Greensboro Daily News, of Greensboro, N.C., published an editorial entitled "A Threat to Free Choice." The editorial portrays the tyranny of HEW's new office for civil rights and illustrates anew Woodrow Wilson's aphorism that centralization of power always precedes the destruction of human liberties. As I pointed out on the Senate floor at the time the bill was under consideration, the Civil Rights Act of 1964 robs all Americans of rights more precious than those it attempts to confer upon some Americans.

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

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

A THREAT TO FREE CHOICE

There should be no mistaking the gravity of warnings from officials of the U.S. Department of Health, Education, and Welfare to the Greensboro Board of Education and other North Carolina public school units that federal funds for local schools may be terminated. At issue is not only the degree and pace of racial integration, which is crucial enough in itself, but also whether white and Negro students can continue to be educated at all and whether local citizens of both races can choose to operate the schools in the best interests of their community.

The recent agitation for faster integration of the schools has come from HEW's new Office for Civil Rights, which a few months ago replaced the U.S. Office of Education and Commissioner Harold Howe II as the enforcing agent for provisions of the 1964 Civil Right Act. After merely studying North Carolina statistics the officials decided that all but 32 of the state's 160 public school units are showing too little progress toward an OCR goal of eliminating dual school systems by September, 1969.

If the local units do not show sharp improvement, the OCR has warned in several ways, actions will begin to stop federal aid to the schools. The compliance schedules varied (Alamance County was given only 30 days to make substantial changes), and some units fear their expected funds may be deferred. Even temporary withholding is serious, for in all local systems federal tax dollars pay a growing portion of the school budgets.

Much can be said, of course, about the disservice to government and education (not to mention the patent absurdity) of having bureaucrats in Washington decide on the basis of population and school registration figures that local schools across the country are not serving the needs of their communities. However, the OCR attack on the Greensboro City Schools and our "freedom of choice" desegregation plan is particularly unreasonable.

GREENSBORO'S METHOD

The plan was established here according to federal guidelines issued in December, 1966. Each spring any student, Negro or white, may apply to any school in the city—no matter what his "home" district may be—for any reason or for no particular reason. If he arranges his own transportation (as nearly all city pupils must) the student may seek his education in whatever school he wishes to attend. Exclusive courses at some schools encourage this sort of voluntary desegregation, and school staffs are integrated. Transfers from any residential section to a different school district are routinely approved by following the guidelines. In some schools the degree of integration is not yet high, but Greensboro school officials say they have had *no* complaints from Negro citizens that the free choice plan is unfair. Evidently, integration is progressing at a rate determined by all Greensboro pupils and their families, which is as it should be.

This is not satisfactory for the Office for Civil Rights. Apparently because the most recent registration period did not show "enough" numerical increase over last year in Negro students attending predominantly white schools and vice versa, the OCR has warned the Greensboro Board of Education to try other methods. Instead, the board called the threatened termination of federal aid "strictly blackmail" and voted unanimously to continue the locally satisfactory free choice plan. Now a team of examiners from the regional HEW office will come to Greensboro for a first-hand look at progress in school desegration.

The investigation should have come *before* the warning; and now that federal officials are coming here the responsibility will be theirs to demonstrate that the free choice plan is *not* working. We believe the school board's decision was right. We hope the visiting investigators will realize that because of present school locations, housing patterns, school bus shortages and varying curricula

the free choice plan is Greensboro's best means to achieve school integration. If they think it is not, the onus will be on them to develop a truly better method.

While the officials are here they should be required to explain, if they are able, exactly what it is that they *want* our school system to do. Director Peter Libassi of the OCR wrote in a December 27, 1967, memorandum: "The new policies are not expected to reflect any change in the department's present position that free choice procedures are an available means of eliminating a dual school structure if they lead to significant year-by-year progress toward the establishment of a single system of nonracial schools."

EXPLANATION REQUIRED

That would seem to mean that Greensboro displeased the OCR by not showing sufficient statistical improvement. But a few days ago the OCR's information director Michael Berla said that is not so because since last fall "the terms of negotiation have been different." Well, are the terms different or not? And if they have changed, *how* have they changed? No school system can achieve compliance unless it knows what to comply with.

Other fundamental questions are raised by the OCR's stated goal of abolishing "racially identifiable schools" by the 1969–70 school year. Certainly the dual systems must be eliminated eventually if full integration is to be achieved, but why the rush to do it all within the next year and a half? Is every local unit suddenly to follow the dramatic example of the Chapel Hill system by eliminating "predominantly white" and "predominantly Negro" schools and replacing them with one statistically integrated school? That method has not worked well in a small college community, and it could be disastrous in a city the size of Greensboro.

Aside from the political and social upheaval of immediately creating nonracial schools, the financial cost would be tremendous. Yet to "encourage" school systems in this task the OCR would withhold the federal share of their budgets. A more likely result would be the crippling of public education—and all by September, 1969.

Ultimately, the threat of denying federal funds is as self-defeating as it is unfair. It works against improving the education of all pupils, which is one of the things the Civil Rights Act sought to do. And the threat is not to be taken lightly. Although federal aid has not been formally terminated yet anywhere in North Carolina, some of our school systems have real cause for concern about next year's budget. When the local share of school revenue runs out, these units may be forced to increase their taxes or decrease their services to the community. Then all students of both races would suffer.

LESS LOCAL CONTROL

No doubt the federal education officials need to apply pressure for integration in many school systems, and it could be argued that the federal share in local budgets gives the government a right to make its influence felt. But to deny federal aid would be to deny education for many. What the Office for Civil Rights threatens—with or without the legal power to do so—is to restrict local control over local schools. The Department of Health, Education and Welfare apparently would have Greensboro schools operated by appointees in Washington instead of city representatives directed by state law.

We do not oppose the principle of racial integration—in the schools or anywhere else. We most certainly do oppose the Office for Civil Rights' authoritarian means to a democratic end. Greensboro's progressive school integration plan still appears to be in keeping with the desires of our citizens. If we must end free choice in our schools we could lose free choice in governing our community.

HEW'S PHONY FIGURES

Mr. ERVIN. Mr. President, on February 12, 1968, the Statesville, N.C., Record and Landmark published an editorial entitled "Those Phony Figures," which makes apt comment upon the phony figures assembled by National Opinion Research for the Public Health Service at a cost to the American taxpayers of at least $140,000.

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

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

THOSE PHONY FIGURES

Thanks to Senator Sam J. Ervin, Jr., we now know the story behind those 100,000 doctors who quit smoking and it isn't pretty.

It all started when the Post Office department announced that mail trucks would carry posters displaying this statement: "100,000 Doctors Have Quit Smoking (Maybe They Know Something You Don't)."

This seems to say, in a roundabout way, that your doctor has found out something about smoking that you should know and for some reason or other is not telling you.

This moved Senator Ervin to go behind the statistics. How did the government come up with such a statement? Since many reputable doctors are in disagreement about the hazards of smoking, how about those 100,000?

Senator Ervin learned that, at a cost of $140,000, the Public Health service had a poll taken by the National Opinion Research center.

Out of 242,569 practicing physicians in the country, questionnaires were sent to 5,000. Only 1,867 responded. That is less than 1 percent and the survey should have been abandoned at that point.

But it wasn't. The National Opinion Research center sorted through the 1,867 replies and found that exactly 828 doctors said they had stopped smoking.

Any doctor who said that he had once smoked and had stopped was put down as a doctor who had "quit smoking." No attempt was made to determine why or when.

But that isn't all. On the basis of the finding that 828 doctors had "quit smoking," the research center deduced this to indicate that 81,018 or more doctors had quit smoking for medical reasons.

And why stop there? It was assumed that retired and nonpracticing doctors had, naturally, given up smoking at the same rate. That raised the 81,018 figure somewhat. Then resident doctors and interns were thrown into the hopper, and that increased the total of those who had given up smoking still further.

So, the Opinion Research center came up with the plump, round 100,000 figure.

It was not only just right for a poster; but it probably comes closer describing the number of dollars profit Opinion Research made from the survey than it does the number of doctors who have quit smoking.

Preparing and printing the original 5,000 questionnaires and mailing them at the old five-cent first class rate probably cost less than $500. Tabulating and analyzing those 1,867 returns by the most expensive consultants in the country might have cost $1,000 more. Then throw in $30,000 for brain power, and it is still difficult to determine why a survey of 5,000 doctors should have cost the taxpayers $140,000.

Now that we have $140,000 worth of useless information, what are we going to do with it? The answer is typically bureaucratic—spend a few thousand more having posters printed and affixed to our mail trucks and maybe we can brainwash a few more Americans against free enterprise.

There is nothing scientific or factual behind the statement that 100,000 doctors quit smoking; yet the Public Health Service uses it freely. If the cigarette manufacturers were half as careless with their facts, the Federal Trade commission would prohibit their advertising as false and misleading.

Indeed, a more scientific case can be made against leaded gasoline as a health hazard than has been made against cigarettes. Recent drillings into the Greenland ice cap have established that the lead content in the atmosphere has increased many fold since it was introduced into gasoline. Lead is one of the most toxic poisons known. But you can sit back for a good long wait before any responsible agency of the government starts a drive to remake the oil industry.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Under the previous order, the Senator from Ohio is recognized.

THIEU AND KY SHOULD BEGIN TO PACIFY AND PROTECT SOUTH VIETNAM—WE SHOULD UNCONDITIONALLY STOP BOMBING NORTH VIETNAM AND DISENGAGE AND GRADUALLY WITHDRAW OUR COMBAT FORCES

Mr. YOUNG of Ohio. Mr. President, the Vietcong attacks on Saigon and other major cities and provincial capitals throughout South Vietnam demonstrate once again the hollowness of the Saigon regime's pretensions of sovereignty over South Vietnam, and the fraudulence of claims of imminent victory by our generals of the Joint Chiefs of Staff and high-ranking administration officials supporting President Johnson's war in Vietnam. The very fact that these devastating raids could be conducted in the heart of supposedly secure territory shattered any claim that President Thieu, Vice President Ky, and the military junta of the Saigon regime exercise the normal authority of a viable government.

The Vietcong attacks throughout South Vietnam were apparently well planned and carefully coordinated. We have CIA agents and operatives all over the place in South Vietnam, and the success of the Vietcong offensive action is another black mark against their intelligence and operational failure. Nor were our generals in South Vietnam and intelligence officers of all branches of our Armed Forces alerted.

The attacks again clearly revealed that our military leaders have grossly misjudged the character of this war and the basic untenability of the American military position. Everywhere—and I was there recently—in every section of the area of South Vietnam during the grim days from late January to mid-February the Vietcong had far inferior numerical strength to the combined forces of the

Saigon regime and our half million men. Yet we were on the defensive and the Vietcong held the offensive. General Westmoreland must accept responsibility for failure to make the best use of the forces under his command.

These Vietcong attacks could have happened only because the Vietcong encountered feeble resistance from South Vietnamese military forces and police. The longstanding practice in the rural areas of local South Vietnamese commanders making corrupt bargains with the Vietcong to avoid fighting evidently has now spread to the cities. The Associated Press reported that, during the recent fighting in Saigon, Americans living there were compelled to defend their own homes without assistance of South Vietnamese troops or police.

It is now clear that only American soldiers and marines can defend the cities of South Vietnam. They are, therefore, vulnerable to a deadly strategy in which our forces are stretched thin to defend meaningless outpost fortresses, and then stretched even thinner to protect the cities which the South Vietnamese are supposed to protect and should have pacified and controlled months ago. It is doubtful that even a million American soldiers and marines can indefinitely withstand such bitter attrition.

While in South Vietnam last month, I conferred with Gen. William C. Westmoreland, who told me that we Americans should not halt the bombing of North Vietnam. He stated that North Vietnam and VC armed forces were massing in huge numbers just above Khesanh, and General Giap was proposing to achieve another Dienbienphu by attacking our marines who were on the defensive at Khesanh. However, he and other generals in that area north of Danang boasted that reinforcements from the southern areas of South Vietnam were being brought north to back up the Khesanh area, and that the huge onslaught would be hurled back. Many thousands of our mobile forces were withdrawn from the Mekong Delta area in the southern portion of South Vietnam and from the environs of Saigon, all being taken by helicopters and planes to areas closer to the Demilitarized Zone to defend against and repulse the enemy engaged in the anticipated mass attack on Khesanh, which the generals and our intelligence officers predicted would occur during the Tet Lunar New Year holiday or within a few hours afterward. The Lunar New Year holiday is from January 30 to February 2, inclusive. High-ranking officers, apparently believing in General Westmoreland's infallibility, echoed his assurance that we would reverse Dienbienphu. All of them were completely fooled. The VC outwitted and outgeneraled our generals. This is a very sad situation and a humiliation for us.

It is now evident that the VC never intended an attack on Khesanh and in massing their forces it may be they paraded their men back and forth in the darkness of the night. The forces of the National Liberation Front, the VC, struck everywhere except Khesanh, which we have greatly reinforced. General Westmoreland was outwitted and outgeneraled. The VC attacked 38 of the 44 provincial capitals that General Westmoreland had believed to be pacified, and for a period of hours—and in fact in Saigon, Hue, and other important cities for a period of days, in fact weeks, maintained control. A tremendous rice harvest was waiting in South Vietnam. The VC seized or purchased huge quantities of rice, recruited or impressed into military service thousands of boys 13 to 20 years of age right up to the suburbs of Saigon, and at the same time lashed out in furious assaults in the provincial capitals and hamlets, even breaching the huge fortified U.S. Embassy in Saigon completed only last September at a cost of nearly $3 million. VC commandos invaded the Embassy compounds and buildings and killed American defenders. They were not finally out until after 6½ hours. The too friendly forces of South Vietnam remained friendly. More than half of the South Vietnamese soldiers and officers were away enjoying the Tet lunar holiday. Even as late as February 14, a large densely populated area of Saigon is in possession of the VC, or is being fought over. An entire American division was hurried into Saigon to save the city, and American soldiers have been doing most of the fighting there. The principal activity of General Loan, chief of the South Vietnamese police, and Ky and other leaders of the Saigon regime seems to be to execute VC prisoners.

General Westmoreland's optimistic statements of victory, which he has been making from time to time, have been proved fraudulent and wrong. Our forces, superior in number, intelligence, training, and equipment including the Marines at Khesanh and elsewhere, the finest offensive fighting men in the world, have been occupying defensive positions waiting, simply waiting, for a massive attack in depth that General Westmoreland expected but which has not come and may never come. The Vietcong struck elsewhere. In the Civil War, numerous Union generals were also outwitted or defeated—Generals McDowell, McClellan, Rosecrans, Burnside, Hooker, and Pope, to name a few—and President Lincoln relieved them of their commands. This is a matter entirely in the hands of our Chief Executive as Commander in Chief.

The fact is that millions of American citizens are shocked over the defeats and setbacks recently suffered by the friendly forces of South Vietnam, so called, and American forces under the leadership of Gen. William Westmoreland. His confident predictions over recent months just do not seem to have any validity. President Johnson, in my considered judgment, has every justification to relieve him of his command and appoint a more competent general.

It is unfortunate that President Johnson always seems to yield to the advice of General Westmoreland and the Joint Chiefs of Staff, who have consistently been proved wrong in their predictions and recommendations, continually and repetitiously made over the past 7 years, for greater and greater escalation and expansion of the war. Now Gen. Earle G. Wheeler, Chairman of the Joint Chiefs of Staff, says that he would not rule out the use of nuclear weapons at Khesanh if that seemed necessary to defend our defensive position there and to prevent it from being overrun. This is really a shocking statement. As Prime Minister Wilson of Great Britain recently stated while visiting this country, to employ tactical nuclear weapons at Khesanh would be sheer lunacy. It could easily lead to a third world war—a nuclear war. It is rumored and has been stated that tactical nuclear weapons are stockpiled in South Vietnam. Americans very prayerfully should hope that the denial of this by our generals in South Vietnam is in this one instance true. Unfortunately, all along we have been misinformed.

The Constitution of the United States provides that civilian authority should always be supreme over military authority in our Nation. The President's continued deference to the Joint Chiefs of Staff and to other political generals seriously threatens to reverse and eliminate that great safeguard written into the fundamental law of our Nation—the Constitution—by the Constitutional Convention and to threaten that great doctrine of civilian control of the military. Among the patriots who drafted our Constitution were Benjamin Franklin; James Madison; and Gen. George Washington, a member of the Convention and its presiding officer.

Let us hope that President Johnson will reject the pleas of those whose advice could carry the world to the brink of disaster—nuclear war.

Our forces suffered a severe setback throughout South Vietnam. The VC, by the taking over, for a period of days and even weeks, of lush areas with rice ready for harvesting, have added to their food supplies and to their armed forces by enlistments or conscription. President Johnson would be praised by most American citizens were he to exercise his authority as Commander in Chief and replace General Westmoreland with some top general now in South Vietnam.

Mr. President, recently the Washington newspapers and newspapers throughout the Nation published two extremely thoughtful and informative columns by two of the Nation's most distinguished and perceptive news reporters and columnists, who have clearly and concisely set forth compelling reasons for replacing Gen. William C. Westmoreland as our commanding officer in Vietnam. One, by Marquis Childs, entitled "On Westmoreland, Generals, and War," appeared in the Washington Post of February 7, 1968; and the other by Clayton Fritchey, entitled "Westmoreland's Vietnam Strategy," appeared in the Washington Evening Star on February 9, 1968. I commend both of these outstanding articles to Senators and ask unanimous consent that they be printed at this point in the RECORD.

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

[From the Washington Post, Feb. 7, 1968]

ON WESTMORELAND, GENERALS, AND WAR

(By Marquis Childs)

In the agony of the Civil War, Abraham Lincoln, as Commander-in-Chief of the Un-

ion forces, searched after the terrible defeats of the early years for a general who could win. One of his gravest trials, he nevertheless had the resoluteness to relieve politically popular generals until he found Ulysses S. Grant.

The courage of the Civil War President is recalled at this time against the uncertainty and doubt over military leadership in Vietnam today. The doubts have grown with the shock of the Vietcong successes and the impending threat of the biggest battle of the war about to begin. Inevitably, the doubts center around Gen. William C. Westmoreland, the American commander in Vietnam and the author of the "search and destroy" strategy spreading ground forces the length and breadth of the country.

Less than three months ago, Westmoreland returned to Washington ostensibly for a conference on the course of the war. With him came Ambassador Ellsworth Bunker and others of the Saigon team. They put on what was, in effect, a high-powered propaganda campaign, creating the impression that all was going well with allied military operations, bound to bring triumph in the foreseeable future.

Westmoreland outlined Phase III for 1968 with the South Vietnamese forces greatly strengthened, the number of American advisers with South Vietnamese units reduced. Then would come Phase IV, the final phase, when in the not-too-remote future at least token withdrawal of American forces could begin.

Reports from Vietnam indicate that almost exactly the opposite is happening. South Vietnam units have been slow or reluctant to meet the wave of terrorist attacks. Instead of American forces leveling off or even anticipating withdrawals, alarmed Senators now predict a rise above the 1968 ceiling of 525,000.

Most remarkable were Westmoreland's statements in his principal speech.

He said the enemy could fight his "large forces only at the edge of his sanctuaries . . . his guerrilla force is declining at a steady rate. Morale problems are developing within his ranks."

The question being asked here is whether these were considered military judgments or whether Westmoreland was influenced by the need to reassure the American people that all was going according to plan. At the end of the round of upbeat speeches and press conferences after Westmoreland and Bunker had gone back to Saigon, White House Press Secretary George Christian said that no decisions concerning the war had been taken during their stay.

Political generals—either self-propelled or pushed into the vortex—have been no novelty in this capital. Lincoln's biggest headache was Gen. George Brinton McClellan who in the initial phase of his command of the Army of the Potomac won important battles. He got a popular billing with the nickname "Little Mac: The Young Napoleon." Then he faltered and the Northern armies took fearful losses.

But Lincoln bit the bullet and relieved him of his command, knowing there would be a loud outcry. McClellan was nominated by the Democrats to run against President Lincoln on a platform calling for a negotiated peace with the South and an immediate end of the war. While the general repudiated the platform, he was decisively defeated.

Harry Truman relieved Gen. Douglas MacArthur of his command in Korea for going against the Commander-in-Chief. In this instance, however, the damage had already been done, since MacArthur, by advancing to the Yalu, brought on a mass invasion of Chinese troops and the American forces suffered perhaps the worst rout in our military history. MacArthur made a gesture at the Republican convention in 1952 which got nowhere.

Despite several Republican boomlets sent aloft for Westmoreland, he has steadfastly maintained a nonpolitical stance. He has held the soldier's posture in the face of the temptations inherent in the President's action in having him speak before a joint session of Congress. The acclamation that goes with the reflected glow from the White House is heady wine.

Increasingly Johnson, as at his last press conference, cites the authority of Westmoreland for his personal judgments on Vietnam. And he backs this up by reciting what the Joint Chiefs of Staff tell him. He seems at times to be reversing the Constitution of the United States which holds that the President as Commander-in-Chief exercises the supreme authority.

[From the Washington Star, Feb. 9, 1968]

WESTMORELAND'S VIETNAM STRATEGY

(By Clayton Fritchey)

Putting aside other questions about Vietnam, surely both hawks and doves ought to be able to agree on one dismaying but ever more obvious fact, which is that the field commander, General William C. Westmoreland, seems to have no idea how to win the war, assuming it can be won.

Westmoreland is rated as an able officer, and he might even be an excellent commander in a conventional war, but after three years of going around in Vietnam to no lasting purpose, it is painfully evident that he doesn't know how to master a guerrilla war of this unorthodox character.

Since early 1965, Westmoreland's strategy if it can be called that, has consisted of demanding and getting ever more U.S. troops to throw into what he terms his war of "attrition." All that attrition means is that the fighting continues until one side or the other runs out of men.

This sterile concept was abandoned 50 years ago after millions of soldiers were futilely slaughtered during the exhausting stalemate on the Western Front in World War I. Asia is no place for the U.S. to revive it. North Vietnam has 17 million people; China, its neighboring ally (committed to supporting Hanoi), has 700 million more. Attrition would hardly seem to be the best road to victory. It would seem to be the worst.

If President Johnson is going to prosecute the war to the bitter end, he at least ought to give the troops a commander with a new and more inspiring strategic concept. American forces have never fought more bravely, but should they be needlessly exposed in operations that are not settling anything?

Under Westmoreland, U.S. combat forces in South Vietnam have expanded from 25,000 to 500,000, and more are on the way. Yet, as events of the last week have demonstrated, Saigon and other key centers were safer three years ago than they are now.

It is time to change generals as Lincoln did when he replaced McClellan with Grant to break the Civil War stalemate. It is time to send a commander to Vietnam who is capable of plotting a winning strategy or, if there is no such thing, who is capable of telling the President so.

In any case, it is time that the President, the Congress, and the people begin to challenge the endless reassurances of Westmoreland that the situation is "very, very encouraging," that the guerrilla forces are "declining at a steady rate," and that the end of the war "begins to come into view."

If a war was being fought on our own continent would Americans believe victory was at hand if enemy troops invaded Washington, broke into the White House complex, seized parts of New York, Chicago, San Francisco, and 26 state capitals, attacked West Point, and shot up key airfields? That is about what the enemy has just done in South Vietnam.

President Thieu frankly admitted the situation had become "critical" but Westmoreland has persuaded the President that the enemy operation was a "complete failure." The general may well believe this, but that kind of thinking is no substitute for realistic judgment. We are in trouble today because the general has made the following miscalculations:

1—He has consistently underestimated the enemy's will to fight, his capacity to absorb punishment, and his ability to meet every U.S. escalation with a counter one.

2—Conversely, he has grossly overestimated the South Vietnamese army's capabilities and has closed his eyes to its unreliability and indifference.

3—He has put too much confidence in air power to interdict and knock out the enemy in this kind of a war.

4—He has put military operations ahead of absolutely essential political and economic reform. Under Westmoreland, the much-heralded "pacification" program to stabilize the rural areas has been a deep disappointment.

The general's defense could well be that he is doing all that is possible in the circumstances, and that if the U.S. wants a quick victory it has got to take a chance on invading North Vietnam and even be prepared to use nuclear weapons if necessary. If that is the case, he ought to say so, then the American people, knowing the price, can judge whether they want to pay it. As it is, they don't know what to believe.

Mr. YOUNG of Ohio. Mr. President, we Americans, instead of escalating the war, which has resulted in a stalemate and casualties of more than 120,000 Americans killed and wounded, should immediately proceed to disengage. Furthermore, we should unconditionally halt the bombing of North Vietnam.

I recommend as a first step toward disengagement from our involvement in the miserable civil war in Vietnam that we compel President Thieu and Vice President Ky to take complete control and pacification, within 30 days, of four, eight, or 10 of the 44 Provinces in South Vietnam.

When it has been determined that the South Vietnamese leaders or their military junta in Saigon will take four, eight, or 10 Provinces, and the Provinces have been determined, a commencement will have been made toward disengagement, and we should then withdraw, on that date, all of our civilian personnel, all our AID personnel who are cluttering Saigon and elsewhere in South Vietnam, all our CIA operatives who are everywhere in South Vietnam, all our forces, and even our so-called military advisers, and make it clear to President Thieu and Vice President Ky that we are disengaging, and then compel the Saigon regime to assume sole responsibility for the control and pacification of the four, eight, or 10 Provinces. They would either have to hold or pacify those Provinces, or lose them, and if they lost them, it would be their tough luck. This would be a commencement toward disengagement.

After a few months, we should repeat this process by adding eight additional provinces, continue the process of disengagement, and gradually withdraw our forces to coastal bases in South Vietnam and Thailand and then from Southeast Asia altogether. This process might well take 2 or 3 years.

I agree that it is not the best thing to disengage while some fighting is going on. There may be a risk in that, but

we should take that risk. We are taking a greater risk now.

Sallust, the great Roman historian, about 40 years before the birth of our Saviour, wrote:

It is always easy to begin a war, but very difficult to stop one, since its beginning and end are not under the control of the same man.

That is certainly as true now as it was then. I feel, in making this suggestion, Mr. President, that I have offered a constructive suggestion for an armistice and a ceasefire that we should strive to obtain in South Vietnam, instead of expanding and escalating this immoral and un-American war.

STATE DEPARTMENT ISOLATION WARD CLOSED

Mr. WILLIAMS of Delaware. Mr. President, yesterday I discussed an outrageous situation wherein two employees of the State Department had, for a period of 2 years, been assigned to an isolated area with no duties whatever to perform. I am glad to report that after my disclosure the State Department called last night and stated that they had corrected this situation and that the two aides had been reassigned and duties given them. I am happy to note in an article appearing in the Chicago Tribune that they have also apologized to these men and promised that the situation has been corrected and will not happen again. Apparently these men were being punished for having testified before a congressional committee and telling the truth.

In this connection, I ask unanimous consent to have printed in the RECORD an article entitled, "State Department Ends Two Aides' Exile," written by Willard Edwards and published in the Chicago Tribune of Thursday, February 15, 1968.

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

STATE DEPARTMENT ENDS TWO AIDES' EXILE—OUTBURSTS IN CONGRESS SPUR ACTION—OFFERED APOLOGY, NEW JOBS

(By Willard Edwards)

WASHINGTON, February 14.—The state department, responding to outbursts of indignation in Congress, today ended the exile of two veteran security officers who have been confined in forced idleness to a condemned, rat-infested building since November, 1965.

Apologies to the two men, Harry M. Hite, 42, and Edwin A. Burkhardt, 44, were rendered by Robert T. Hannemeyer, chief of functional personnel. He said he was speaking for Idar Rimstad, deputy undersecretary for administration.

PROMISED NO RETURN

Rimstad was "totally unaware" of the conditions imposed on Hite and Burkhardt and deeply regretted them, Hannemeyer said. "You will never have to go back to your present offices," Hite and Burkhardt were told.

New assignments in new offices were offered the two officers, who had been sending a flow of memoranda in quest of employment for nearly two years. Hite, who has a law degree, was offered a post with the director of the office of personnel. Burkhardt also was offered a job in the personnel office. They will receive the same salaries.

TWO LIVE IN DESPAIR

Until yesterday, Hite and Burkhardt lived in despair that their confinement would ever be relieved. Their plight was disclosed that day by THE CHICAGO TRIBUNE, and the report stirred a reaction in Congress which culminated today in these developments:

1. A telegram to Secretary of State Dean Rusk from Chairman James O. Eastland [D., Miss.] of the Senate judiciary committee and its subcommittee on internal security, urging Rusk to personally investigate the "working conditions" of the two men and demanding "an immediate explanation and remedial treatment."

2. A Senate floor speech by John J. Williams [R., Del.] the Senate's celebrated investigator, giving the state department 72 hours to restore the rights of the two men and rescue them from "the state department's isolation ward." If no action was taken in that period, he pledged, he would seek action, thru a Senate resolution, to fire the superior responsible for "an incredible outrage."

3. The issuance of a special report by the Senate internal security subcommittee declaring that Hite, a veteran of 20 years in government service, and Burkhardt, with 26 years of service, had been subjected to a "Chinese-torture type of system."

4. Announcement by Rep. H. R. Gross [R., Ia.] that, when the House met tomorrow, he would seek action on a resolution similar to that proposed by Williams in the Senate. "Heads should roll," he said, "and the first man to go should be Secretary Rusk himself."

MOVES WITH SPEED

Within three hours, the state department had moved with unprecedented speed. Rusk was reported to have instructed Rimstad to quell the congressional disturbance.

Assistant Secretary of State William B. Macomber Jr., in charge of congressional relations, paid a visit to Hite and Burkhart, looked around, exclaimed, "What an awful place!" and fled.

Growing panic in the state department, as it received reports of thunderous oratory in Congress, was climaxed when a television crew showed up to take scenes of the rubbish-filled interior of the old building, known as state department annex No. 1, which adjoins the new 48 million dollar state department building.

OLD JOBS ABOLISHED

In midafternoon, the two men received a summons to report to Hannemeyer for "new assignments." Both said they would take the offers under advisement. Their former jobs as security officers, they were told, had been abolished and were not available to them.

Williams and Gross disclosed that they had made personal inspections of the condemned building from which all state department employes except Hite and Burkhardt had long ago been transferred. The building has been condemned and is scheduled to be torn down.

They described their wanderings thru the eight-story structure, its deserted rooms filled with rubbish and gutted of furnishings, in a search for the only two permanent tenants remaining.

NO WORK ASSIGNED

"I was shocked and dismayed," Williams told the Senate, "to find that the state department is operating a special isolation ward or cooler for employes whose only crime is telling the truth to a Senate committee.

"I invite the entire Senate and the Washington press to visit this junk-filled, deserted building. After a long search, I found these two men hidden in a corner office. They have had no work assignments since October, 1966, and their repeated requests for work have been ignored.

"These two men are being isolated and penalized solely because they testified truthfully in the Otepka case. Three other employes testified falsely and were rewarded. They were taken care of. But these two men sit twiddling their thumbs in an old abandoned warehouse because they told the truth."

SUPPORT HIS DEFENSE

Hite and Burkhardt were associates of Otto F. Otepka, former chief of evaluations in the department's office of security. They supported his defense against charges of conduct unbecoming a state department officer.

Otepka was discharged in November, 1963, allegedly for supplying confidential documents to the Senate internal security subcommittee but actually, Williams noted, for testifying candidly about the protection of security risks in the department. Four years later, in December, 1967, after Otepka had waged a costly legal battle, Rusk evoked the dismissal, substituting a severe reprimand and demotion involving a $5,479 salary cut. Otepka has appealed this decision to the Civil Service Commission.

REPORT IN CASE

"No one who has not seen the utterly appalling conditions which surrounded Hite and Burkhardt could possibly believe that they were ordered by officials of the United States government," Gross said. "There are absolutely no excuses for this unspeakable disgrace."

A special report on the treatment given Hite and Burkhardt by the state department was issued by the Senate internal security subcommittee. It gave this summary:

"The department of state at the highest level has pursued a vendetta for five years against Otepka. Much has been said about the relentless persecution of Otepka by the state department.

BLAST AT SYSTEM

"But the drive against his associates continues to be equally relentless in an effort to cow them into submission and, if at all possible, obtain their resignations and removal as professional security officers.

"Now, the new information brought out shows the Chinese-torture type of system introduced against these men by the state department.

"Contrived efforts by these officials to force despair on Hite and Burkhardt thru solitary confinement and lack of authentic assignments by which they could utilize their skills have failed.

"The state department, stooping again to a new tactic, designed to achieve its ends and thwart the intent of the Senate internal security subcommittee, has placed these men in quarters which cannot even be compared to a hovel. Whisky bottles litter the floor. Bait for rats is cast in every corner of their office.

"There is no security guard even tho the project to which Hite and Burkhardt were assigned on paper was justified by the state department as being top-secret and extremely sensitive in nature. Windows do not have locks. Cardboard covers panes of glass to keep out the cold. Restroom conditions are filthy.

OUTRAGED AT PENALTY

"With all this, these two career civil service employes remain the past two individuals on their floor of a building which is scheduled to be demolished within a very short time.

"Will this be the way to get rid of them—by razing the building with these two men still inside? Members of the subcommittee are not only concerned but outraged at the cruel and inhuman punishment being meted out against these two men because they dared to testify truthfully before it.

"We shall not permit the state department's lack of decency nor stand for its subtle personnel assassination."

Mr. WILLIAMS of Delaware. Mr. President, I hope that the Department will be a little more careful hereafter and that this will not happen again. In the meantime I suggest that the administration

apologize not only to these two men but also to the American taxpayers.

ORDER OF BUSINESS

Mr. HANSEN. Mr. President, I ask unanimous consent that I may proceed for 7 minutes.

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

ORDER MUST BE MAINTAINED

Mr. HANSEN. Mr. President, it is with great sorrow and regret that I see and hear predictions of more rioting, looting, burning, and murder in our cities this summer. It saddens me especially that the President has indicated that city riots are inevitable.

For us to accept such riots as inevitable is purely tragic. For it means that we accept the inevitability of death and destruction which falls disproportionately upon our Negro and other minority citizens.

And it means we accept as inevitable the disintegration of civil order to the degree that normal law enforcement can protect none of our citizens.

What these assurances of riots to come do, Mr. President, is to create an atmosphere in which—

Our Negro citizens see an unconscionably long history of oppression and misery extended. The hopes which may have been kindled in their revolution to achieve equality—hopes shared by the vast majority, I am convinced—and which we have yet to meet, all are submerged in the fear of violence and lawlessness.

No progress toward righting the very grave and real wrongs of centuries is possible.

All our citizens, of whatever race or view, are put on notice that normal peace and order cannot be maintained. To proclaim the inevitable course of civil disorder simply feeds the fires of extremism. Black power extremists are reinforced in their predictions of warfare. Bigots are simply encouraged to react violently. But the vast majority of us, white and Negro, desperately want assurances that peace can be lawfully maintained.

Predictions of sure destruction, this summer and in summers to come, simply arm the criminal and the extremist, while dashing away the necessary grounds for hope and progress upon which the majority of Americans—Americans of all races—stands.

I would have hoped, Mr. President, that the President, our Governors, and mayors would have made it clear, again and again, that order will be maintained by lawful force sufficient to the task. Attempts at rioting, looting, arson, and murder will be dealt with firmly and promptly—they simply will not be allowed to spread.

Had the President made this clear earlier in the week, rather than shrugging in the face of inevitable disaster, he would have reinforced the position of all who are seeking desperately and by peaceful means to right the tragic injustices of centuries. As it is, I fear the President's much-cited statement of Monday has given the advantage to the hotheads, black and white.

By contrast, the firm line Mayor Daley has taken in Chicago—assuring that the lawful authorities can and will maintain order—must give hope to the people of that city. Progress can be made, but only in the context of order lawfully maintained.

To put the case I have made here in sharp focus, Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "City Riots Inevitable, L. B. J. Says; Hopes Problems Can Be Eased," written by Carroll Kilpatrick and published in the Washington Post of February 14, 1968; an article entitled "Hot Summer Is Foreseen by Johnson," published in the Baltimore Sun of February 13, 1968; and an editorial entitled "Nobody Is Going To Tear Chicago Apart," published in the Chicago Tribune of February 14, 1968.

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

[From the Washington (D.C.) Post, Feb. 14, 1968]

CITY RIOTS INEVITABLE, L. B. J. SAYS: HOPES PROBLEMS CAN BE EASED

(By Carroll Kilpatrick)

President Johnson believes that more riots in the cities are inevitable this summer and in future summers.

In an off-the-cuff talk to college students late Monday, the President said that "we will have several bad summers before the deficiencies of centuries are erased."

The President gave his reply in answer to a question from a Negro student who wanted to know whether the President could avert another bad summer.

Mr. Johnson gazed at the rug a moment, and said: "We can't avert it."

He said that the best would be done with the resources available, but he did not see that anything could prevent more trouble in the cities this year and in the future.

There will "still be millions in poverty after we do all we can," he said.

The President said he hoped that Congress would pass all of the appropriations he had requested for education, health, model cities and antipoverty programs.

"If we get these we will make a dent in some of the causes of unrest, and give hope to people to the point that they would be inspired and stimulated to hold on rather than throw up their hands and say there is no hope," he said.

The President referred to the meeting he has planned for later this month with the Nation's governors and to meetings he has had with industrial leaders and with mayors to try to attack the problem of hard core unemployment.

He said that "we are making the biggest attempt ever made in the history of this land in terms of measures and dollars to attack illiteracy, ignorance and discrimination, and we have been getting some results."

[From the Baltimore (Md.) Sun, Feb. 13, 1968]

HOT SUMMER IS FORESEEN BY JOHNSON—HE SAYS HIS PROPOSED PROGRAMS WOULD EASE TENSIONS

WASHINGTON, February 12.—President Johnson tonight predicted that America faces another summer of racial tension, and warned that it will be worse if Congress rejects his programs aimed at solving urban problems.

Asked by a Negro among a group of college students visiting the White House how another urban crisis could be averted this summer, Mr. Johnson replied grimly, "We can't avert it. We will have a bad summer. We will have several bad summers before the deficiencies of centuries are erased."

The urban problems cannot be solved between now and the summer, Mr. Johnson said. But he emphasized that congressional backing for the proposals he has already made, aimed specifically at the hard-core unemployed in city ghettos, would "make a dent in some of the causes of unrest."

PROGRAMS GIVE HOPE

Such programs, he asserted, "will give hope to people to the point that they will be inspired and stimulated to hold on, rather than throw up their hands and say there is no hope."

In an impromptu question and answer session with about two dozen White House Fellows and a dozen college students who are organizing a nationwide presidential referendum in April on 2,000 college campuses, the President underlined his efforts to interest American business and industry in the problems of "the other half."

The men who are his target, said Mr. Johnson, are the tycoons who "fight all day to make a better mousetrap, shoving and revving up."

THEY DON'T KNOW

"They don't know what is happening in Harlem or Brooklyn or even Long Island," he declared.

Mr. Johnson pointed to his recent move in recruiting such men as Henry Ford 2d to head an alliance of leading businessmen in becoming actively interested in producing jobs for the hard-core unemployed.

"We are trying to provide business with guidelines for training these people, working it out to the point where the unemployed can be pulled up by their bootstraps to the stage where they can hold a job, then get one."

[From the Chicago (Ill.) Tribune, Feb. 14, 1968]

NOBODY'S GOING TO TEAR CHICAGO APART

It is disgusting to hear what Police Supt. James B. Conlisk calls "apostles of gloom and doom" predicting that Chicago is in for the hottest summer ever at the hands of instigators of racial conflict. Last summer, because of the firmness of Mayor Daley in announcing in advance that trouble makers would get what was coming to them, there were only minor and sporadic disorders.

In 1965, however, there was rioting on the west side, and in 1966 "open housing" marches promoted by the Rev. Martin Luther King and his lieutenants produced considerable tension, tho the police prevented outright violence. Now, again, we are hearing threats that this will be the "worst time" Chicago has seen.

Dick Gregory, an unfunny comedian, has announced that he has hatched plans to disrupt the Democratic national convention here next August. He says the police will be tied up by "50 or 60 demonstrations in different directions at the same time." Last October a threat was made at a New York radical meeting that the convention would be stopped even "if we have to burn down the hall."

Saul Alinsky, a professional agitator who has been active in other cities, recently returned to Chicago with the word that the city was too quiet and he intended to stir it up. One description of him is that, "for a fee, he contracts to come into your city and, so to speak, bust up the joint."

The great body of fine and decent Negro Chicagoans should combine with the real leaders of the colored people to stop these threats before they can be translated into action. These people have found homes here, their incomes are constantly improving, and

their opportunities are expanding. They have the impartial protection of the law, and they are accustomed to peace and order.

Certainly they know that rioting and the destruction of property improve nothing and accomplish nothing, and that their best service is in contributing to Chicago, not trying to tear Chicago down.

Every effort is being made here to improve housing, education, opportunities for solid employment, and social communion. Interchanges of views can provide solutions to those things which may still be out of joint, but bricks and bottles and fire bombs will only destroy what has already been gained.

We are encouraged by Supt. Conlisk's statement yesterday that he sees no reason for major disturbances and is optimistic that racial amity will continue to prevail. Those who say the contrary and try to inflame street crowds should be isolated and denied the opportunity to try to foment disorder.

All of us in Chicago should unite in the conviction that Chicago, far from facing its worst season, is going to continue to progress toward a better day for everyone.

ORDER OF BUSINESS

Mr. MONDALE. Mr. President, I ask unanimous consent to proceed for 15 minutes.

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

S. 2973—INTRODUCTION OF BILL ENTITLED "NATIONAL AGRICULTURAL BARGAINING ACT OF 1968"

Mr. MONDALE. Mr. President, I introduce, for appropriate reference, the National Agricultural Bargaining Act of 1968, for myself and Senators BURDICK, MCCARTHY, NELSON, MCGEE, PROXMIRE, MCGOVERN, YOUNG of North Dakota, METCALF, and MANSFIELD, and ask that it be received and appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2973) to provide for the orderly marketing of agricultural commodities by the producers thereof and for other purposes, introduced by Mr. MONDALE (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. MONDALE. Mr. President, this legislation, which would create a national collective bargaining system for determining fair farm prices, offers two approaches toward providing greater economic muscle for farmers. Title I of the bill enables farmer-elected marketing committees to bargain and negotiate with processors and other buyers for decent and adequate prices on a commodity-by-commodity basis. Title II makes all commodities eligible for marketing orders, and provides a broad new range of powers for farmers under market orders—including collective bargaining for minimum price and nonprice terms of sale of the particular commodity involved.

I expect that this proposal will become a center of controversy. This is, in fact, one of the main functions it is intended to serve. Farm bargaining has been debated and considered for many years, but nothing has been done because it has been too controversial.

The distinguished chairman of the Committee on Agriculture and Forestry, the Senator from Louisiana [Mr. ELLENDER], has contributed, in statesmanlike fashion, to the discussion of the objective of improving the bargaining power of the farmers, which I think is wise and proper, because I believe the time has come now to fish or cut bait, to get down to the hard specifics of legislation to see how this concept can best be achieved. This proposal is intended to accomplish that objective, by encouraging and focusing debate on the benefits and problems that may be associated with farmer collective bargaining.

This legislation, or something very nearly like it, is sorely needed and must be passed if we expect the American family farmer to continue in the business of farming. Without it, farmers are doomed to economic disenfranchisement. Without it, farmers will continue to be the low man on our economic totem pole, without any real hope of attaining the just portion of national income to which they are entitled.

No business—and farmers do run substantially large businesses—could function or stay in operation under the conditions under which farmers operate. First of all, they are at the mercy of many variables, including the weather, entirely outside their control. In addition, farmers have no economic power to establish the price on the commodities they produce. They must take, in all reality, whatever is offered by way of the market price or federal programs. They have no alternative.

There is no doubt, and the records are clear, that this inherently weak bargaining position has caused the American family farmer to lag far behind the prosperity enjoyed by nearly every other segment of our society. The record is quite clear. Consumers in this country are estimated to have expended about $85.5 billion during 1967 for domestic farm products. This represents an increase over the last 20 years of 100 percent.

The farmer's share or the farm value of that food marketing bill is only $27.5 billion and has increased in the last 20 years by only one-half.

It certainly is instructive to note what the farmer's share of the consumer dollar amounts to for market basket commodities. The farmer receives only 2.7 cents for the wheat in a pound of a loaf of white bread, or 12 percent of the cost of that loaf. The farmer receives overall only 39 cents out of every dollar spent on food by the American consumer. And this share of the consumer dollar has not varied materially in the last 10 years despite a marked increase in the farm retail spread.

It is fact that the American farmer subsidizes his consumer counterpart, by continuing to produce food for substandard returns. At the same time the farmer has been increasing his own productivity fourfold over the last 30 years. Between 1950 and 1965 alone, the output per manhour in agriculture rose nearly three times as fast as in nonfarming occupations, 132 percent in agriculture against 47 percent for the rest of the economy. In one sentence, that sums up the farm subsidy to consumers. Consumers pay more but farmers get less.

It is not unheard of to seek to improve the economic and bargaining position of depressed segments of our society. The most striking example of Federal legislation to achieve this purpose is, of course, the Wagner Act of 1935. This legislation has very successfully eliminated sweatshop conditions and permitted working men and women with no commodity to offer other than their labor, to bargain and receive a fair price in return for that labor.

Statistics from 1966 adequately show the tremendous strides made by organized labor in improving their wages and working conditions. General construction trades laborers earned an average of $3.87 an hour, trucking warehouse workers $3.18 an hour, railroad workers $3.09 an hour, factory workers $2.71 per hour, and retail food workers $2.39 per hour. The farmer average return per hour was only $1.60 an hour, and this will undoubtedly appear high to many and perhaps most of the American family farmers, where the average for most major types of farming operations was closer to $1 an hour.

And, therefore, I think the American farmer must borrow a page out of the book of organized labor. The American farmer needs a magna carta for agriculture similar to the Wagner Act of 1935.

And, therefore, I think it is very important that we begin this year to consider in a constructive manner the farm bargaining legislation which is introduced today and which might be introduced in the future by others. I intend to ask that the Senate Agriculture and Forestry Committee conduct searching in-depth hearings on this issue. I am hopeful that all interested persons and groups will join critical comments with alternative ideas, proposals, and suggestions. Only in this way will we be able to determine the wisest course of action to follow.

I wish to make clear that this bill is not a replacement for existing farm programs. We do not regard the National Labor Relations Act as a total solution for all the ills of the workingman, nor can this bill be a panacea.

This approach to bargaining, or any other, cannot work without substantial unity among farmers, and a willingness to act as a cohesive group. Unity is an absolute essential. This bill is a self-help tool which farmers can use if they wish. It is not, therefore, a replacement for existing farm programs. The National Labor Relations Act has not superseded the need for minimum wage legislation or unemployment compensation legislation, and I do not see how we can regard farm bargaining as a substitute for existing programs.

Mr. President, I ask unanimous consent that a section-by-section analysis of the proposed legislation be printed at this point in the RECORD.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

SECTION BY SECTION ANALYSIS OF THE NATIONAL AGRICULTURAL BARGAINING ACT

TITLE I. NATIONAL AGRICULTURAL BARGAINING ACT

Section 101. *Policy and Findings.*—Farmers do not have the opportunity to bargain effectively for a fair and reasonable return for their production, because of an inherently weak economic position.

Section 102. *National Agricultural Relations Board.*—This independent five-member Board, appointed by the President with Senate confirmation, is established to provide administrative, technical, and supporting assistance to farmer Marketing Committees and Purchasers Committees. It does not represent either farmers or buyers. It would administer farmer referendums and assist the Committees in holding meetings.

Section 103. *Marketing Committees.*—

Section 103(a). *Petition and Referendum.*—When the Board receives a petition from the producers of a particular agricultural commodity, stating that the average market price is below a fair and reasonable level, it shall proceed to conduct a referendum among producers to determine whether a Marketing Committee should be established and who should be elected to that Committee. The Board may also initiate a referendum upon its independent determination that the market price is below a fair and reasonable price. This procedure may be used for any commodity or commodity group.

Section 103(b). *Referendum.*—The Board supervises and administers all phases of the balloting, including voting qualifications in addition to 103(c).

Section 103(c). *Voting and Candidates.*—ASC County Committees will furnish names of candidates to the Board, which shall include on the ballot at least twice as many as will be elected. Candidates may be elected at large or from lesser subdivisions. Basic eligibility for voting and membership requires that at least 60% of income must be from farming or ranching, and the particular commodity must be a "significant portion" of the farming operation.

Section 103(d). *First Meeting.*—Upon a majority referendum vote, the Board will convene the first meeting of the Marketing Committee.

Section 103(e). *Notification to Prospective Buyers.*—The Board must notify prospective purchasers of the existence of the farmer Marketing Committee, requesting them to select a Purchasers Committee to meet and negotiate price and nonprice terms of sale of the particular commodity involved.

Section 103(f). Board is authorized to fix the time and place of a meeting between the Purchasers Committee and the Marketing Committee. The Marketing Committee must invite consumer representatives to present the viewpoint and information on behalf of consumers at such meetings.

Section 103(g). Statistical and factual data are to be supplied to the respective Committees by the Board and USDA. Provides that the Board may act as an arbitrator if both Committee invite its participation and if both Committees accept the Board's conditions.

Section 103(h). *Failure of Referendum.*—Provides procedures for resubmission through referendum on the questions of establishing the Marketing Committee and the membership in following years.

Section 103(i). *Powers of the Marketing Committee.*—

Establish minimum price and nonprice terms of sale pursuant to agreements in negotiations.

Where negotiations for whatever reason do not result in a minimum price, the Board is required to mediate the dispute. If this does not lead to agreement within 30 days, the disputed issues are referred to a Joint Settlement Committee composed of a Purchasers representative, a farmers representative, and a neutral selected by each. The Joint Settlement Committee, after reasonable opportunity for the parties to be heard, must decide the questions at issue, and its decision is judicially reviewable.

Other powers dealing with operation of the Marketing Committee, and enforcement of their responsibilities. See also Section 111.

Section 103(j). *Dissolution of Marketing Committees.*—Provides for termination of a Marketing Committee unless approved by referendum every three years.

Section 103(k). *Prohibition.*—Prohibits the sale or purchase of the commodity below the established price.

Section 104. *Recordkeeping.*—Farmers are required to keep certain records to aid in carrying out the Marketing Committee's functions.

Section 105. *Exemption.*—The Board may, with the approval of the Marketing Committee, where it will not interfere with the purposes of this Act, allow some farm production in the commodity to be marketed for specific markets outside the limitations of this Act.

Section 106. *Injunctions and District Courts.*—Injunctive proceedings provided, through U.S. Attorneys in U.S. District Courts.

Section 107.—The Board is required to pay for and conduct all referenda, and cost of operation of the Marketing Committee.

Section 108. The Board's decisions on the boundaries of marketing areas, the scope of the commodity, and the results of the referenda are final.

Section 109. *Appropriation authorization.*

Section 110. *Antitrust exemption.*

Section 111. *Supply Control.*—Provides that the Marketing Committee, when necessary to achieve the purposes of the Act, may prepare in consultation with the Board and the Secretary of Agriculture a plan of marketing allotments, with or without acreage or production limitations, for submission to farmers for approval in a referendum. If approved, the Secretary of Agriculture will administer the program.

Section 112. Authorization for the Secretary to implement the plan approved under Section 111.

Section 113. *Definitions.*

Section 114. *Separability.*

TITLE II. MARKETING ORDERS

Section 201. Amends the Agricultural Marketing Agreement Act of 1937, as amended, in eight respects, as follows:

Section 201(1). Amends Section 8c(2) to make any additional agricultural commodity or product (except canned or frozen products) eligible for a marketing order if the Secretary, after a special preliminary referendum of affected producers, finds that a majority of those voting favor making that commodity or product eligible for such an order.

Sections 201(2) and 201(5). Provide authority to include in marketing orders provisions establishing a method of establishing, by collective bargaining (including provisions for the designation by election of committees of producer representatives to bargain with handlers or groups of handlers), minimum prices and terms and conditions under which handlers may acquire a regulated commodity or product thereof (other than milk and its products) from producers or associations of producers. The minimum prices and other terms prior to becoming effective would have to be agreed to by the handlers of 50 per cent of the commodity and would be subject to approval by the Secretary.

These provisions also specify special pricing standards to be the statutory objective for such price determining purposes if the Secretary finds that parity for a regulated commodity is not adequate. The alternative pricing standard would take into account factors such as production costs, prices to consumers, and other factors affecting supply and demand for the commodity, including any limitations on marketings that may otherwise be included in the marketing order.

In addition, Section 201(5) would authorize the pooling of proceeds of sale of a commodity other than milk when minimum prices are established on a use-classification basis. If the Secretary found that pooling and producer marketing quotas were necessary in conjunction with pricing provisions to provide equitable distribution of returns and market opportunity among producers, he could require the use of such combined authority.

Section 201(3). Authorizes the establishment of minimum pricing for milk through a collective bargaining process.

Section 201(4). Amends Section 8c(6)(A) through (e) by adding "species or other classification" after "grade, size, or quality" to make this regulation available by such categories with respect to livestock and other commodities.

Section 201(6). Adds a section 8c(7)(E) to—

(1) Authorize the Secretary to issue producer allotment bases for any commodity including milk on the basis of (i) the amount produced or marketed by such producer or from the farm on which he is a producer in a representative prior period, subject to adjustment for abnormal conditions and other factors the Secretary may determine, or (ii) the current quantities available for marketing by such producer, or (iii) any combination of (i) and (ii) that will result in the total allotment being apportioned equitably among producers. A minimum allotment could be fixed for producers whose production does not exceed that amount.

(2) Establish an administrative procedure, with subsequent court review, for reviewing the lawfulness of a producer's allotment. This would be similar to the section 8c(15)(A) and (B) review procedure for handlers.

(3) Specify that a handler may not handle more of a producer's allotment base than is authorized to be marketed.

Section 201(7). Adds a Section 8c(2) to authorize the Secretary to establish a producer advisory committee for any commodity to provide advice on starting proceedings to promulgate a new order and formulate specific hearing proposals.

Section 201(8). Provides that orders containing price bargaining or producer allotment provisions under proposed Section 8c(6)(J) or Section 8c(7)(E) (see items 5, 6) would impose administrative assessments pro rata on producers, payable through handlers to the agency administering the order. Handlers would have the responsibility of collection from producers.

Section 202. Would make it clear that the new authorities provided by Title II shall not supersede the provisions of other statutes relating to marketing quotas, acreage allotments or limitations, or price support and that no action taken or any provision of an order issued under Title II shall be inconsistent with such other statutes or actions taken by the Secretary thereunder.

TITLE III. AGRICULTURAL FAIR PRACTICES

Sections 301 to 311 include the substance of the version of S. 109 on which the Senate held hearings, with amendments recommended by the Department of Agriculture in its report on that bill.

Section 312 would protect associations and organizations of producers and their members or officers from being held responsible for acts where it is not clearly established that they participated in, authorized or ratified such acts after full knowledge and limits the authority for issuance of injunctions to instances where after a full hearing the Court

finds that such association or person actually engaged in the acts in question authorized them or ratified them with full knowledge thereof. This is similar to the type of protection given to labor organizations involved in labor disputes. (29 U.S.C. Sections 106 and 107).

Mr. MONDALE. Mr. President, I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

TITLE I

Mr. MONDALE. Very briefly, title I of the bill provides that when the price of a particular agricultural commodity is unfair and unreasonable, farmers producing that commodity may ask the newly established National Agricultural Relations Board to conduct a farmer referendum for the purpose of electing a bargaining committee to negotiate a fairer price and other terms of sale in bargaining sessions with a similar committee representing processors and other purchasers of that commodity.

The Board is established as an independent agency to assist farmers and buyers in the process of bargaining. If no agreement can be reached—whether on price or nonprice terms of sale—or if the purchasers fail to bargain in good faith, the unsettled or disputed issues would be resolved by a three-man joint settlement committee. This joint settlement committee would be composed of a farmer representative, a purchasers representative, and a neutral party.

The price and nonprice terms of sale of the commodity, whether reached through the bargaining process or through the joint settlement committee, would be binding on all producers and all buyers.

This procedure is available to the producers of all commodities without exception, and would also permit the farmer bargaining committee to recommend a plan of marketing controls for approval by farmers in an additional referendum.

The bill does not provide a specific, detailed test for determining whether farm prices are unfair or unreasonable, but relies on basic economic realities and prevailing market factors to achieve this objective. While farmer bargaining committees would be free to ask for any price level they feel necessary, they could not demand an unreasonably high price without running a very serious risk of competition from substitutes, increased integrated farming, loss of export markets, increased imports, or, in the absence of supply control, tremendous surplus-producing increases in production.

But while this proposal will require the fullest consideration of the realities of the marketplace it does seek to overcome the American family farmer's chief handicap; namely, that he is the weakest link in the marketing chain from the land to the table. He does not have the power he needs to achieve a fair price for his production. Thus we have seen his prices reduced while what he must buy increases in price. We have seen his prices fall while the price to the consumer on that production rises. This measure seeks to remove this cruel predicament in which the farmer has traditionally found himself.

The bill does not describe in detailed terms who may serve on a purchasers committee, nor spell out how that committee must be selected by the purchasers. It seems to me that further detail on this question may fairly be reserved until we have the viewpoint of the purchasers during hearings on this measure.

TITLE II

Title II is an amendment to the Agricultural Marketing Agreements Act of 1937. It would enable the producers of any agricultural commodity to form a market order, with a new broad range of powers available for use in the order—including collective bargaining for the establishment of minimum prices.

Under this title, an agricultural commodity is eligible for a market order if a majority of the producers favor the establishment of an order in a special referendum conducted for that purpose by the Secretary. Orders could include collective bargaining, minimum pricing, pooling of proceeds for commodities in addition to milk when prices are established on a use-classification basis, and producer allotments based on historical marketings or quantities currently available or any combination to assure equitable distribution of returns.

Prices or other terms agreed upon between farmers and processors or handlers would become binding on all producers and all buyers on the approval of the Secretary and on reaching agreement with processors or handlers taking 50 percent of the volume of the commodity.

Provision is also made for the establishment of a producer advisory committee for the guidance of the Secretary on formulation of new market orders and specific order provisions.

In my judgment, titles I and II are not contradictory. Congress could pass either or both or a combination of the two. They are different approaches to the same objective bargaining power for farmers.

There is little doubt that this measure, or something very close to it, must be adopted if the American family farmer is going to stay in the business of farming. Without it, thousands of farmers and farming as we know it are doomed to extinction.

The reason is concisely stated in a quotation from a statement by President John F. Kennedy:

> The farmer is the only man in our economy who buys everything he buys at retail, sells everything he sells at wholesale, and pays the freight both ways.

This has remained true despite the important progress made in farm legislation and farm income over the last 7 or 8 years.

If I may be permitted to reach back into the past, some 20 years ago, another individual said much the same thing in forceful terms. He said:

> The farmer is an individual. He has no economic power to protect himself in our present big economy. He cannot strike. Our farm organizations and cooperatives have never suggested such a weapon. He cannot fix the prices of his commodities.

That speaker went on to say, concerning the farmer's inability to set his own prices:

> Organized labor would strike before accepting such a position of economic disparity. Manufacturers would not produce except in control of price making. Banks would liquidate instead of continuing services under such doubtful conditions as confront farmers. Public utilities would liquidate if their present protection were to be discontinued.

These words are taken from the testimony of a great farm leader before the Senate Agriculture Committee in late 1947—the testimony of M. W. "Bill" Thatcher. For as long as I can remember—and for much longer than that—Bill Thatcher has been a strong advocate and champion of the concept of a Wagner Act for Agriculture.

The farmers of his country ought to recognize the tremendous debt they owe him for his refusal to abandon such a worthwhile and necessary proposal. Farmers need only look around them to know that in just about every way that the adequacy of farm income can be measured, they are the low man on the economic totem pole.

The existing programs have worked very well in eliminating and preventing disastrous surpluses and tailspins in prices. They have provided a floor under farm income, but have not helped the farmer bring his return up to an adequate level. In short, they have prevented disaster but have not assured prosperity.

This measure would not solve every problem of the family farmer or of agriculture in general. But it could permit the farmer to get what he deserves through his own efforts, and it would provide "self-help" tools to achieve fairness in farm income.

EXHIBIT 1

S. 2973

A bill to provide for the orderly marketing of agricultural commodities by the producers thereof, and for other purposes

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 National Agricultural Bargaining Act.**

TITLE I

Policy and findings

SEC. 101. The Congress finds that production and marketing of agricultural commodities constitutes a fundamentally basic and essential industry of the United States, involving the supply of the Nation's food, feed and fiber which must be available in adequate volume without impairing or wasting the soil resources of the country.

The bulk of agricultural commodities are produced for commercial purposes and are marketed either in the current of interstate and foreign commerce or in a manner which directly burdens, obstructs or affects such commerce and the marketing of that part of such commodity as enters directly into the current of interstate and foreign commerce cannot be effectively regulated without also extending the regulations, in the manner provided in this Act, to that part which is marketed within the State of production.

Farmers, ranchers and other producers of agricultural commodities are located and operate throughout the United States, produce the same or similar or competitive crops in many States carry on their farming opera-

tions with the use of borrowed funds and on leased land as well as their own land, and their operations are subject to uncontrollable and unforeseeable natural causes which often adversely affect the supply and directly affect consumer and national welfare.

Agricultural producers do not now enjoy the opportunity, comparable to that of industrial workers and those in many other forms of enterprise or employment, to organize and bargain effectively for a just and reasonable return or compensation for the commodities they offer for sale in domestic and foreign commerce. Neither is adequate government protection or assistance available to the vast majority of them in their effort to market their agricultural commodities in an orderly manner at reasonable prices. The producers of agricultural commodities are one of the very few economic groups, if not the only economic group, which must sell in markets largely controlled by the buyers, brokers, commission agents and other representatives of buyers. As a result, producers of agricultural commodities are unable to effectively prevent or avoid the wasting of natural resources, the disorderly marketing of their commodities, congestion in transportation, storage and processing and other burdens on interstate and foreign commerce.

Disorderly marketing of abnormally excessive supplies of agricultural commodities unduly depresses the prices received by the producers, burdens and obstructs interstate and foreign commerce, causes wide and injurious disparity between the prices received by producers of such commodities and the cost to such producers of the materials and supplies required to produce such agricultural commodities, thus depressing the net return received by such producers and threatens the maintenance of a continuous and stable supply of agricultural commodities to meet the requirement of the Nation and the consumers of said commodities.

National Agricultural Relations Board

SEC. 102(a)(1). There is hereby created a board, to be known as the "National Agricultural Relations Board" (hereinafter referred to as the "Board"), which shall be composed of five members, who shall be appointed by the President, by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, two for a term of three years, and two for a term of five years, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as chairman of the Board. Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

SEC. 102(a)(2). The Board is authorized to delegate to any group of three or more members any or all of the powers which it may itself exercise. A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board, and three members of the Board shall, at all times, constitute a quorum of the Board, except that two members shall constitute a quorum of any group designated pursuant to the first sentence hereof. The Board shall have an official seal which shall be judicially noticed.

SEC. 102(a)(3). The Board shall at the close of each fiscal year make a report in writing to Congress and to the President stating in detail the business it has conducted over the preceding year, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the Board, and an account of all moneys it has disbursed.

SEC. 102(a)(4). Each member of the Board shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment. The Board shall appoint an executive secretary, and such other employees as it may from time to time find necessary for the proper performance of its duties.

SEC. 102(a)(5). All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Board or by any individual it designates for that purpose.

SEC. 102(a)(6). The Board shall have authority from time to time to make, amend, and rescind, in the manner prescribed by the Administrative Procedure Act, such rules and regulations as may be necessary to carry out the provisions of title I of this Act.

SEC. 102(a)(7). The Board is authorized to use the services of the employees of the Department of Agriculture and of the committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, in the performance of all of its duties and responsibilities provided for herein.

Marketing committees

SEC. 103(a). In order to effectuate the policy of this title, whenever a representative group of producers of any agricultural commodity or relative group of commodities or any market classification or product thereof the initial sale of which is customarily made by the producer or his cooperative or other marketing representative, shall file with the Board a written petition stating that the average market price received by the producers of said agricultural commodity or commodities is below a fair and reasonable price to the producers thereof or that the price to the producer of said agricultural commodity or commodities may reasonably be expected to be below a fair and reasonable price to the producer thereof during the next marketing season or seasons and shall define the area within which said agricultural commodity or commodities is commercially produced or, if said agricultural commodity is produced in a lesser area than the entire United States, shall define the boundaries of the lesser area by States or political subdivisions of States; or, if the Board finds and determines that the average market price received by the producers of any agricultural commodity is below a fair and reasonable price to the producers thereof or that the price to the producers of such agricultural commodity or commodities during a future marketing season may reasonably be expected to be below a fair and reasonable price to the producers thereof, taking into account: (1) the direct cost of production, including hired labor; (2) the reasonable value of the time, skill, and experience of the individual producing such commodity or commodities; (3) a fair return upon essential invested capital; (4) continuation of the American family farm pattern of agricultural production; and (5) other appropriate factors, including compensation comparable with that of other persons engaged in other means of earning a livelihood for themselves and their families, the Board shall announce the receipt of said petition or its findings and determination and promptly thereafter shall initiate and conduct a referendum among producers of such agricultural commodity to determine whether or not said producers favor the establishment of a representative marketing committee of the producers of said commodity to be chosen by such producers for the purpose of negotiating with purchasers of the commodity to determine a fair minimum price or nonprice terms for the sale and purchase of said commodity. If the Board determines that such agricultural commodity is commercially produced in a lesser area than the entire United States it shall so state in its announcement and define the boundaries of the lesser area by States or political subdivisions of States. Commodities of the same general class or which are used wholly or in part for the same purpose may be treated as a separate commodity for the purposes of this title.

SEC. 103(b). All phases of said referendum, including preparation and distribution of ballots, establishment of voting places and procedures defining the further qualification of producers eligible to vote, the tallying of the vote upon the issue of whether or not a marketing committee shall be created and authorized and the number of the initial members of the marketing committee for said commodity as hereinafter provided shall be prepared and conducted by the Board.

SEC. 103(c). Said referendum ballot shall contain the names of at least twice as many persons as the membership of the proposed initial marketing committee, to be selected by the Board from recommendations submitted to it by the agricultural stabilization and conservation county committees established by section 8(b) of the Soil Conservation and Domestic Allotments Act, as amended. The membership of the marketing committee shall be elected at large or the whole area may be divided into divisions or subareas and the number of members to be selected from each division or subarea to be elected by the eligible producers resident in such division or subarea shall be fixed by the Board. No person shall be eligible to vote for or serve on any marketing committee unless more than 60 per centum of his annual gross income received from production during each of the preceding three calendar years has been derived from farming or ranching as owner-operator or lessee-operator and the commodity named in the Board's announcement constitutes a significant portion of the total farming or ranching operations of said proposed marketing committee member.

SEC. 103(d). If a majority of producers eligible to vote and voting in said referendum shall approve the establishment of such a marketing committee, the Board shall so publicly announce and shall promptly notify the persons elected as the initial members of said marketing committee that a meeting of said committee will be convened at a time and place, either in Washington, D.C., or elsewhere, for the purpose of organizing and planning the work of the committee.

SEC. 103(e). Concurrently with its announcement of the creation of a marketing committee as provided for in this title, the Board shall give notice to prospective purchasers of such commodity and request such prospective purchasers to select a purchasers' committee for the purpose of participating in negotiating a minimum price at which said commodity shall be offered for sale and sold by the producers thereof and negotiating nonprice terms of such sales.

SEC. 103(f). If prospective purchasers do not select a committee which is fairly representative of all prospective purchasers of the commodity within thirty days after date said invitation was issued by the Board, or within such additional period as the Board may fix, the Board is authorized to select a committee which it determines is fairly representative of all commercial purchasers of said commodity. The Board is authorized to fix the time and place of a meeting or meetings of the marketing committee and the purchasers committee for the purpose of negotiating a minimum price at which such commodity is to be offered for sale and sold by producers and on nonprice terms of such sales. The marketing committee and the purchasers committee shall bargain in good faith during such meeting or meetings. The marketing committee shall also invite the Chairman of the President's Advisory Council on Consumer Problems to designate one

or more persons to represent the interest of consumers in said meeting and to present such data and information, recommendations and suggestions on behalf of consumers as said consumer representatives deem desirable.

SEC. 103(g). The Board and the Secretary of Agriculture are authorized and directed to make available to the marketing and purchaser committees such information, statistics and assistance as are reasonably available to them and will assist in determining the facts relating to the production and marketing of said agricultural commodity and a fair and reasonable minimum price. But no employee of the Board or of the Department of Agriculture shall participate in any meetings of such committees except that the Board or its delegate may act as an arbitrator in any bargaining negotiations between the marketing and purchaser committees if invited by a majority vote of the membership of both committees and both committees accept the terms and conditions prescribed by the Board concerning the scope and nature of its participation in such negotiations.

SEC. 103(h). If less than a majority of the producers eligible to vote and voting in the referendum favor the establishment of a marketing committee, the Board shall make public announcement of that fact and shall not take any further action to establish a marketing committee for that commodity during the current marketing year or season. The Board shall, however, be authorized to submit a referendum to the producers within the same area applicable to a subsequent marketing year or season, except that if a majority of said producers voting fail to vote in favor of a marketing committee in three successive referenda, the Board shall take no further action to establish a marketing committee for said commodity produced within said area unless at least 20 percent of the producers of said agricultural commodity in such area shall sign and submit to the Board a petition requesting another referendum.

SEC. 103(i). Each marketing committee constituted pursuant to this title shall be authorized and empowered:

(1) To establish the minimum price by size, grade, quality, or other type of condition, and other nonprice terms of sale, and the date upon which said price and terms shall become effective, for the agricultural commodity described in and produced within the area defined in the Board's announcement, in accord with agreements reached after negotiations with representatives of prospective purchasers of such commodity as provided in this title; or, if said representatives of the prospective purchasers of the product fail or refuse to negotiate, or, if after a reasonable period of negotiations in good faith as determined by the Board, the parties fail to agree upon a minimum price, then the Board shall promptly offer and provide such conciliation and mediation services to the marketing committee and purchasers committee as may be useful and helpful in bringing them to agreement. If such agreement is not thereupon reached within 30 days, the issues under dispute shall be submitted to a joint settlement committee to be selected as follows: One member to be chosen by the marketing committee, and one member by the purchasers committee, and the third member to be chosen within five days by the first two. If the first two members cannot agree upon such third member within such period, the latter shall be a neutral appointed by the Board. The Board may apply to the appropriate Federal district court to compel action unlawfully withheld or unreasonably delayed under this section. The joint settlement committee shall proceed to resolve such issues, allowing the marketing committee and purchasers committee reasonable opportunity to present pertinent information and argument, through submission of written data, views, or arguments, with or without opportunity to present the same orally in any manner. The decision of the joint settlement committee on the issues in dispute shall be judicially reviewable in the appropriate Federal district court to the extent provided hereafter. The reviewing court shall hold unlawful and set aside decisions found to be (1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with this Act; (2) affected with bias or prejudice on the part of the neutral member of the joint settlement committee; (3) in excess of jurisdiction or authority granted under this Act; or (4) without observance of procedures required herein.

(2) To announce said minimum price and the effective date thereof of the commodity by any one or more of the usual and available media of publication and communication.

(3) To establish reasonable rules for the operation of the committee, including the rules and procedures for the election of their successors and to fill vacancies on the committee.

(4) To establish terms of service on the committee.

(5) To request the Board to submit referenda to producers from time to time for the committee's guidance.

(6) After the second year or season of its operations, to recommend to the Board a reasonable assessment on the producers of the commodity, by unit or by value, for the cost of carrying on the activities of the committee, to be assessed and collected by the Board through the committees established by section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(7) To recommend to the Board that injunctive or related actions to be instituted to prevent any buyers from purchasing or any producers from selling the commodity at less than the minimum price established under this section or in violation of other, non-price terms of sale so established.

(8) To establish additional penalties for violation of section 103(k) by producers after approval in a referendum by a majority of producers eligible to vote and voting.

SEC. 103(j). All marketing committees created pursuant to this title shall cease to have any authority and shall be dissolved by the Board after three years from the date of its first meeting if, during the third year of said three-year period, at least a majority of the producers then eligible to vote and voting fail to vote in favor of the continuation of the marketing committee in a referendum conducted by the Board.

SEC. 103(k). In order to effectuate the purposes of this title, no producer shall offer to sell or sell and no buyer shall offer to purchase or purchase from a producer said commodity at a price lower than the minimum price agreed upon and fixed by the marketing and purchasers committees or, in the absence of an agreement by said committees at the price established by the joint settlement committee under this section. Compliance by a producer with the minimum prices established by a marketing committee under this title for a commodity shall be established by the Secretary as a condition of eligibility for price support, loans, purchases, and other similar payment authorized under any other Act.

SEC. 104. All producers of a commodity covered by the provisions of this title for which a marketing committee has been elected shall keep such records and furnish such reports with respect to production, storage, marketing, and other relevant matters as the marketing committee may require; and all persons purchasing or acquiring possession of any such commodity shall supply such information concerning such commodity as the marketing committee finds to be necessary to enable it to carry out the provisions of this title. Any such person failing to make any report or keep any record as required by this subsection or making any false report or record shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not more than $500.00.

SEC. 105. Notwithstanding the foregoing provisions of this title the Board may, with the approval of the marketing committee, if it deems such action will not substantially interfere with the achievement of the purposes of this title or the effective operation of the marketing committee, determine for any agricultural commodity a uniform amount of production (in terms of acreage, production units or commodity units) per form which may be marketed in specified markets free of restriction for all uses or limited uses.

SEC. 106. Injunctive proceedings or other penalties provided for by this title shall be brought by the Board in the name of the United States. The several district courts of the United States are vested with jurisdiction of such suits, and it shall be the duty of the United States attorneys in their respective districts, at the request of the Board and under the direction of the Attorney General, to prosecute such proceedings. The remedies and penalties provided for herein shall be in addition to and not exclusive of any of the remedies or penalties under existing law.

SEC. 107. To effectuate the purposes of this title, the Board is directed and authorized to pay the costs of conducting any referendum required to be submitted to producers, including the cost of publishing notice in newspapers, radio and television announcements, posting notices throughout the area, giving notices to prospective purchasers of the commodity, pay the costs of operation of the marketing and purchasers committees including a meeting room, temporary clerical and stenographic assistance, necessary transportation, meals and housing costs of members while traveling to and attending such meeting or any adjournment or continuation thereof.

SEC. 108. The decision of the Board with respect to the boundaries of the area and the commodity to be affected by his announcement and the results of the referendum conducted pursuant thereto shall be final.

SEC. 109. There is authorized to be appropriated to the Board such sums as Congress may from time to time determine to be necessary to enable it to carry out the purposes of this title I including the reasonable and necessary expenses and per diem of any marketing committee elected by the producers of a commodity. Obligations may be incurred in advance of appropriations therefor and the Commodity Credit Corporation is authorized to advance from its capital fund such sums as may be necessary to implement this title during any current fiscal year.

SEC. 110. No bargaining or negotiating activities by a marketing committee pursuant to this Title and no price agreement reached as a result of such negotiations and bargaining shall be deemed to be in violation of any of the antitrust laws of the United States.

SEC. 111. Whenever a marketing committee shall have established a minimum price for any commodity and thereafter shall also determine that the total supply of said commodity produced within the defined area will so substantially exceed the effective demand for said commodity during the marketing year as to nullify or defeat the purposes of this title, said marketing committee, in consultation with the Board and the Secretary of Agriculture, shall develop a plan or program of marketing allotments, with or without acreage or production limitations, and shall request the Board to submit said plan or program by referendum to the producers of said commodity within said defined area for the approval or rejection of said producers. If a majority of producers

eligible to vote and voting in said referendum approve said plan or program, the Board shall instruct the Secretary of Agriculture to proceed immediately to put said plan or program into effect.

SEC. 112. The Secretary of Agriculture is hereby authorized to establish all reasonable rules and regulations necessary to effectuate such plan and program, including the fixing of reasonable penalties for the violation of said rules and regulations. The Secretary is further authorized to use any existing authorities available to him for the purpose of putting said plan or program into effect and, in the event he determines that he is without sufficient authority to effectuate any part of said plan or program, the Secretary is directed to suggest enabling legislation before the Congress of the United States.

SEC. 113(a). For the purposes of this title, the following definitions shall apply:

(1) "Secretary" shall mean the Secretary of Agriculture.

(2) "Commodity" shall mean any agricultural commodity or any regional or market classification, or product thereof, the initial sale of which is customarily made by the producer, or his cooperative, or other marketing representative, and shall further include a combination of agricultural commodities of the same general class which are used wholly or in part for the same purpose. The plural shall be included whenever the context so requires.

(3) "Total supply" of any agricultural commodity for any marketing year shall be the carryover at the beginning of such marketing year, plus the estimated production of the commodity in the United States during the calendar year in which such marketing year begins and the estimated imports of the commodity into the United States during such marketing year.

(4) "Marketing year" for an agricultural commodity shall be any period determined by the Board during which substantially all of a crop or production of such commodity is normally marketed by the producers.

SEC. 114. If any provision of this title, or any section thereof, is declared unconstitutional or the applicability thereof to any person, circumstance, commodity or product is held invalid, the validity of the remainder of this title and the applicability thereof to other persons, circumstances, commodities or products, shall not be affected thereby.

TITLE II—MARKETING ORDERS

SEC. 201. The Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended as follows:

(1) Section 8c(2) is amended by inserting after the third sentence ending with the words "Southwest production area," the following:

"Notwithstanding any of the commodity, product, area, or approval exceptions or limitations in the foregoing sentences hereof, any agricultural commodity or product (except canned or frozen products) thereof, or any regional or market classification thereof, shall be eligible for an order, exempt from any special approval required by the preceding sentences hereof, if after referendum of the affected producers of such commodity the Secretary finds that a majority of such producers voting in such referendum favor making such commodity or product thereof, or the regional or market classification thereof specified in the referendum, eligible for an order: *Provided, however,* That such referendum shall not be required for any commodity or product for which an order otherwise is authorized under the preceding sentences of this subsection (2) and for which no special approval or area limitation is specified therein."

(2) Section 2(3) is amended by inserting "such minimum prices and other terms and conditions for the acquisition of commodities by handlers as are provided for in section 8c(6)(J)," immediately after "establish and maintain".

(3) Section 8c(5)(A) is amended by inserting "by collective bargaining in good faith (including provisions for the designation, by election of committees of producer representatives to bargain with handlers, or groups of handlers), or otherwise," after the phrase "method for fixing."

(4) Sections 8c(6) (A), (B), (C), (D), and (E) are amended by inserting ", species or other classification" after the words "grade, size, or quality" wherever the latter words appear.

(5) Section 8c(6), as amended, is further amended by adding the following at the end thereof:

"(J) Providing a method for establishing by collective bargaining in good faith between producers and handlers (including provision for the designation by election of committees of producer representatives to bargain with handlers or groups of handlers), the minimum price or prices and other minimum terms and conditions under which any such commodity or product, or any grade, size, quality, variety, species, container, pack, use, disposition, or volume thereof may be acquired by handlers from producers or associations of producers: *Provided,* That no such minimum price or prices or other terms and conditions shall become effective unless agreed to by handlers who during the preceding marketing year acquired from producers at least 50 percent of the commodity sold by producers which was produced in the production area subject to the order and unless thereafter approved by the Secretary of Agriculture: *Provided further,* That if the Secretary of Agriculture finds that the parity price of any such commodity, other than milk or its products, for which such minimum prices or other terms or conditions are to be established is not adequate in view of production costs, prices to consumers, and other economic conditions which affect market supply and demand for such commodity subject to such order (including any marketing limitation of the commodity otherwise provided by such order), the Secretary of Agriculture shall determine a price or prices for such commodity at such levels as he finds will insure a sufficient market supply of the commodity, reflect such factors, and be in the public interest, and such price or prices shall be used in lieu of the party price for the purpose of section 2 of this title: *Provided further,* That the agency designated to administer provisions authorized under this subsection shall be a committee primarily composed of producers of the commodity: *And provided further,* That an order containing provisions authorized under this subsection shall also contain provisions authorized under section 8c(6)(K) or section 8c(7)(E), or both, if the Secretary of Agriculture finds that such combination of provisions is necessary to provide an equitable distribution of market opportunity and returns among producers.

"(K) With respect to orders providing for minimum prices on a classified use basis (i) providing for the payment to all producers or associations of producers of uniform minimum prices for the commodity or product marketed by them (within their allotments, if any), irrespective of the use or disposition thereof, subject, however, to adjustments specified by the order, including but not limited to adjustments for place of production or delivery, grade, condition, size, weight, quality, or maturity, or any other adjustments found to be appropriate to provide equity among producers, and (ii) providing a method for making adjustments in payments as among handlers (including producers who are also handlers), to the end that the total sums paid by each handler shall equal the value of the commodity or product purchased or acquired by him at the classified use minimum prices fixed pursuant to such order."

(6) Section 8c(7), as amended, is further amended by adding the following at the end thereof:

"(E) Notwithstanding any other provisions of this title:

"(1) Allotting, or providing methods for allotting, the quantity of such commodity or product or any grade, size, or quality thereof, which each producer may be permitted to market or dispose of in any or all markets or use classifications during any specified period or periods on the basis of (i) the amount produced or marketed by such producer or produced on or marketed from the farm on which he is a producer in such prior period as the Secretary of Agriculture determines to be representative, subject to such adjustment for abnormal conditions and other factors affecting production or marketing as the Secretary may determine, or (ii) the current quantities available for marketing by such producer, or (iii) any combination of (i) and (ii), to the end that the total allotment during any specified period or periods shall be apportioned equitably among producers. Allotments hereunder may be in terms of quantities or production from given acres or other production units. If the Secretary determines that such action will facilitate the administration of a marketing order hereunder and will not substantially impair the effective operation thereof he may fix, or provide a method for fixing, a minimum allotment applicable to producers and producers whose production does not exceed such minimum shall not be subject to the regulatory provisions of the order except as prescribed therein;

"(2) any producer for whom an allotment is established or refused under the authority of this subsection may obtain a review of the lawfulness of his allotment as prescribed by the order of the Secretary establishing the allotment and rules and regulations thereunder, which shall constitute the exclusive procedure for review thereof and section 8c(15)(A) of this title shall not apply thereto. Under such order, rules or regulations any officers or employees of the Department or any committees or boards created or designated by the Secretary of Agriculture may be vested with authority to perform any or all functions in connection with such review proceedings including ruling thereon. Committees or boards created or designated for this purpose shall be deemed agencies of the Secretary within the meaning of subsection 8c(7)(C) and section 10 of this title. The ruling upon such review shall be final if in accordance with law. The producer may obtain a judicial review of such ruling in accordance with the provisions of section 8c(15)(B) of this title;

"(3) when allotments for producers are established under this subsection the order may contain provisions allotting or providing a method for allotting the quantity which any handler may handle so that any and all handlers will be limited as to any producer to the allotment established for such producer, and such allotment shall constitute an allotment fixed for each handler within the meaning of section 8a(5) of this title."

(7) Amend section 8c by adding at the end thereof a new paragraph (20) as follows:

"(20) PRODUCER ADVISORY COMMITTEES.—The Secretary of Agriculture may establish a producer advisory committee with respect to any commodity, or group of commodities, for which a marketing order is potentially authorized. Such committee shall be composed of producers of the commodity or commodities for which the committee is established. Such committees may be called on

by the Secretary of Agriculture to provide advice and counsel with respect to the initiation of proceedings for the promulgation of a marketing agreement or marketing order for such commodity or commodities and may also formulate specific proposals for purposes of a public hearing concerning such a proposed marketing agreement or marketing order. The establishment of such a committee shall not, however, be deemed necessary to the initiation of any such proceeding to promulgate a marketing agreement or marketing order."

(8) Amend section 10(b)(2) by adding at the end thereof a new subparagraph (iv) as follows:

"(iv) If the order contains provisions authorized by section 8c(6)(J) or section 8c(7)(E) it shall provide that the assessments payable by handlers under subsections (i) or (ii) shall initially be payable pro rata by the producers of the commodity to such handlers thereof, who shall be responsible for the collection thereof from producers and payment to the authority or agency established under such order."

SEC. 202. Nothing in this title shall supersede the provisions of other statutes relating to marketing quotas, acreage allotments or limitations, or price support, with respect to agricultural commodities and no action taken or provisions in an order issued under this title shall be inconsistent with the provisions of such other statutes or actions taken by the Secretary of Agriculture under such other statutes.

TITLE III—AGRICULTURAL FAIR PRACTICES

DEFINITIONS

SEC. 301. When used in this title—

(a) The term "handler" means any person engaged in the business or practice of (1) acquiring agricultural products from producers or associations of producers for processing or sale; (2) grading, packaging, handling, storing, or processing agricultural products received from producers or associations of producers; (3) contracting or negotiating contracts or other arrangements, written or oral, with or for producers or associations of producers with respect to the production or marketing of any agricultural product; or (4) acting as an agent or broker for a handler in the performance of any function or act specified in clause (1), (2), or (3) of this paragraph.

(b) The term "producer" means a person engaged in the production of agricultural products as a farmer, planter, rancher, dairyman, fruit, vegetable, or nut grower.

(c) The term "association of producers" means any association of producers of agricultural products engaged in marketing, bargaining, shipping, or processing as defined in section 15(a) of the Agricultural Marketing Act of 1929, as amended (49 Stat. 317; 12 U.S.C. 1141j(a)), or in section 1 of the Act entitled "An Act to authorize association of producers of agricultural products," approved February 18, 1922 (42 Stat. 388; 7 U.S.C. 291).

(d) The term "person" includes individuals, partnerships, corporations, and associations.

Prohibited practices

SEC. 302. It shall be unlawful for any handler knowingly to engage or permit any employee or agent to engage in the following practices:

(a) To coerce any producer in the exercise of his right to join and belong to an association of producers, or to refuse to deal with any producer because of the exercise of his right to join and belong to such an association; or

(b) To discriminate against any producer with respect to price, quantity, quality, or other terms of purchase, acquisition, or other handling of agricultural products because of his membership in or contract with an association of producers; or

(c) To coerce or intimidate any producer or other person to enter into, maintain, breach, cancel, or terminate a membership agreement or marketing contract with an association of producers; or

(d) To pay or loan money, give any thing of value, or offer any other inducement or reward to a producer for refusing to or ceasing to belong to an association of producers, or

(e) To make false reports about the finances, management, or activities of associations of producers or interfere by any unfair or deceptive act or practice with the efforts of such associations in carrying out the legitimate objects thereof; or

(f) To conspire, combine, agree, or arrange with any other person to do, or aid or abet the doing of, any act made unlawful by this title.

Enforcement

SEC. 303. (a) Whenever the Secretary of Agriculture has reason to believe that any handler has violated or is violating any provision of this Title, he shall cause a complaint in writing to be served upon the handler, stating his charges in that respect, and requiring the handler to attend and testify at a hearing at a time and place designated therein, at least thirty days after the service of such complaint; and at such time and place there shall be afforded the handler a reasonable opportunity to be informed as to the evidence introduced against him (including the right of cross-examination), and to be heard in person or by counsel and through witnesses, under such regulations as the Secretary may prescribe. Any person for good cause shown may, on application, be allowed by the Secretary to intervene in such proceeding, and appear in person or by counsel. At any time prior to the close of the hearing the Secretary may amend the complaint; but in case of any amendment adding new charges the hearing shall, on the request of the handler, be adjourned for a period not exceeding fifteen days.

(b) If, after such hearing, the Secretary finds that the handler has violated or is violating any provisions of this Title covered by the charges, he shall make a report in writing in which he shall state his findings as to the facts, and shall issue and cause to be served on the handler an order requiring such handler to cease and desist from continuing such violation. The testimony taken at the hearing shall be reduced to writing and filed in the records of the Department of Agriculture.

(c) Until the record in such hearing has been filed in a court of appeals of the United States, as provided in section 305, the Secretary at any time, upon such notice and in such manner as he deems proper, but only after reasonable opportunity to the handler to be heard, may amend or set aside the report or order, in whole or in part.

(d) Complaints, orders, and other processes of the Secretary under this section may be served in the same manner as provided in section 5 of the Act entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes", approved September 26, 1914 (38 Stat. 719, as amended; 15 U.S.C. 45).

SEC. 304. The Secretary of Agriculture shall have power, upon issuance of a complaint as provided for in section 303 of this title charging that any person has engaged in or is engaging in a practice in violation of this title, to petition the United States district court within any district wherein the practice in queston is alleged to have occurred or wherein such person resides or transacts business, for appropriate temporary relief or restraining order. Upon the filing of any such petition, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction to grant to the Secretary such temporary relief or restraining order as it deems just and proper.

SEC. 305. (a) An order made under section 303 shall be final and conclusive unless within thirty days after the service the handler appeals to the court of appeals for the circuit in which he has his principal place of business, by filing with the clerk of such court a written petition praying that the Secretary's order be set aside or modified in the manner stated in the petition, together with a bond in such sum as the court may determine, conditioned that such handler will pay the costs of the proceedings if the court so directs.

(b) The clerk of the court shall immediately cause a copy of the petition to be delivered to the Secretary, and the Secretary shall thereupon file in the court the record of such proceedings, as provided in section 212 of title 28, United States Code. If before such record is filed the Secretary amends or sets aside his report or order, in whole or in part, the petitioner may amend the petition within such time as the court may determine, on notice to the Secretary.

(c) At any time after such petition is filed, the court, on application of the Secretary, may issue a temporary restraining order and injunctions, restraining, to the extent it deems proper, the handler and his officers, directors, agents, and employees, from violating any of the provisions of the order pending the final determination of the appeal.

(d) The evidence so taken or admitted, and filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case. The proceedings in such cases in the court of appeals shall be made a preferred cause and shall be expedited in every way.

(e) The court may affirm, modify, or set aside the order of the Secretary.

(f) If the court determines that the just and proper disposition of the case requires the taking of additional evidence, the court shall order the hearing to be reopened for the taking of such evidence, in such manner and upon such terms and conditions as the court may deem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings and his recommendations, if any, for the modification or setting aside of his order, with the return of such additional evidence.

(g) If the court of appeals affirms or modifies the order of the Secretary, its decree shall operate as an injunction to restrain the handler, and his officers, directors, agents and employees from violating the provisions of such order or such order as modified.

(h) The court of appeals shall have jurisdiction, which upon the filing of the record with it shall be exclusive, to review, and to affirm, set aside, or modify, such orders of the Secretary, and the decree of such court shall be final except that it shall be subject to review by the Supreme Court of the United States upon certiorari, as provided in section 1254 of title 28, if such writ is duly applied for within sixty days after entry of the decree. The issue of such writ shall not operate as a stay of the decree of the court of appeals, insofar as such decree operates as an injunction, unless so ordered by the Supreme Court.

SEC. 306. Any handler, or any officer, director, agent, or employee of a handler, who fails to obey any order of the Secretary issued under the provisions of section 303, or such order as modified—

(1) After the expiration of the time allowed for filing a petition in the court of appeals to set aside or modify such order, if no such petition has been filed within such time; or

(2) After the expiration of the time allowed for applying for a writ of certiorari, if such order, or such order as modified, has

been sustained by the court of appeals and no such writ has been applied for within such time; or

(3) After such order, or such order as modified, has been sustained by the courts as provided in section 305;

shall on conviction be punished by a fine not less than $500 nor more than $10,000, or imprisonment not less than six months nor more than five years, or both. Each day during which such failure continues shall be deemed a separate offense.

SEC. 307. Any person injured in his business or property by reason of any violation of, or combination or conspiracy to violate, any order of the Secretary issued under section 303 of this title may sue therefor in the district court of the United States for the district in which defendant resides or is found or has an agent, without respect to the amount in controversy, and shall recover threefold the damages sustained, and the cost of the suit, including a reasonable attorney's fee.

SEC. 308. For the efficient administration and enforcement of this title, the provisions (including penalties) of sections 6, 8, 9 and 10 of the Act entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes", approved September 26, 1914 (38 Stat. 721–723, as amended; 15 U.S.C. 46, 48, 49 and 50) (except the last paragraph of section 9), and the provisions of subsection 409(1) of the Communications Act of 1934 (48 Stat. 1096, as amended; 47 U.S.C. 409(1)), are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this title and to any person, firm, or corporation with respect to whom such authority is exercised.

SEC. 309. The provisions of this title shall not be construed to deprive the proper State courts of jurisdiction in actions for damages.

SEC. 310. Nothing contained in this title shall be construed to supersede, displace, or in any way interfere with the jurisdiction of any Federal court or Federal agency.

SEC. 311. If any provision of this title or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the title and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 312. No court of the United States shall hold any officer, member of any association or organization of producers of agricultural commodities participating or interested in the marketing of agricultural commodities or any such association or organization responsible or liable for the unlawful acts of individual officers, members, or agents except upon clear proof of actual participation in, or actual authorization of such acts, or of ratification of such acts after actual knowledge thereof. No court of the United States shall have jurisdiction to issue a temporary or permanent injunction in any case against such an association or organization relating to activities in connection with actions relating to the marketing of agricultural commodities including disputes with respect to prices or other terms in connection with the acquisition thereof except after hearing the testimony of witnesses in open court (with opportunity for cross-examination) in support of the allegations of a complaint made under oath, and testimony in opposition thereto, if offered, and except after findings of fact by the court to the effect that unlawful acts have been threatened and will be committed unless restrained or have been committed and will be continued unless restrained, but no injunction or temporary restraining order shall be issued on account of any threat or unlawful act against such an officer, organization, or member thereof except one making the threat or committing the unlawful act or actually authorizing or ratifying the same after actual knowledge thereof.

SEC. 313. There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

Mr. McGOVERN. Mr. President, will the Senator yield to me briefly?

Mr. MONDALE. I am pleased to yield to the distinguished Senator from South Dakota, who has probably been the Senate's chief spokesman on behalf of the American farmer.

Mr. McGOVERN. Mr. President, I want to commend the junior Senator from Minnesota for his preparation and introduction of an Agricultural Bargaining Act, on which I have joined him as a cosponsor.

I know that the draft bill represents a great many hours of work, conferences, drafting and redrafting—an extremely arduous task for which his reward is undoubtedly going to be a great harvest of additional work. I hope that criticism will be constructive, but I suppose some will not be.

A radio broadcaster in my State commented Monday that Senator MONDALE's bill was coming, and added:

> It or any other farm bargaining legislation is expected to be ripped, torn, shredded, dissected, pieced together, and repeatedly attacked.

The Senator from Minnesota has embarked on a voyage into uncharted waters. Intensive study is needed of how to give 3 million family farmers enough bargaining power to survive—and to keep the agricultural segment of our society economically and socially healthy in competition with big industry and big labor. There appears to be a majority consensus in favor of bargaining power for farmers as a general idea. But there has been no consensus on the "how" of it, and the Senator from Minnesota is brave, indeed, to offer a specific proposal as to how bargaining should occur. The consensus on the general idea may vanish as the discussion moves on to his specific proposal.

I have joined as a coauthor of the measure because I believe that agriculture is being exploited to the detriment of our society; its financial returns have not kept pace with other segments of our economy, and the disparity must be corrected before millions more rural people migrate from rural areas to already overcongested cities.

I suspect all of us, including the Senator from Minnesota, will have suggestions to make in regard to a farm bargaining measure as we go into hearings, and debate develops on specific proposals. But it is time that the debate moved from generalities to specifics, and I want my colleague from Minnesota to know that I admire his courage, energy, and initiative in presenting this measure, his acceptance of legislative responsibility, and his thoughtful workmanship.

However much it is ripped, torn, shredded and dissected in whatever course lies ahead for it, I am sure that it will prove an excellent vehicle with which to make a start toward the solution of a very critical national problem.

Mr. President, I ask unanimous consent to include in the RECORD at this point Senate Concurrent Resolution 5 approved by the members of the senate and house of representatives at the current session of the South Dakota Legislature endorsing legislation providing collective bargaining for farmers, urging those of us in the South Dakota delegation to support it, and Congress to pass such legislation.

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

SENATE CONCURRENT RESOLUTION 5

(Introduced by Mr. Jones of Marshall and Roberts and Mr. Poppen)

Concurrent resolution memorializing the Congress of the United States to enact legislation that would give farmers and ranchers the right to bargain collectively with respect to the price level of products of the farm and ranch in the commerce of the Nation

Be it resolved by the Senate of the State of South Dakota, the House of Representatives concurring therein:

Whereas, South Dakota is one of the most agricultural states of the nation; and

Whereas, the economic well-being of South Dakota is very dependent upon the economic condition of its farming and ranching areas; and

Whereas, a great disparity exists at the present time between the level of agricultural prices throughout the nation and the price level of non-agricultural wages, salaries and products, with the parity index at approximately 73% of parity; and

Whereas, the inability of farmers to participate in the pricing of their own products is well known and is contrary to the public interest in South Dakota and nationwide; and

Whereas, products of the farms of the United States in the export trade is the greatest single item in this nation's overall trade with the nations of the world; and

Whereas, the volume of grains in the export trade is very large at the present time but with the unfavorable price level of such products it may well be said that Agriculture is not holding up its end with respect to United States balance of trade and balance of payments deficits; and

Whereas, at this immediate time there is grave concern on the part of this nation as to its balance of payments deficit in world trade; and

Whereas, there is now in the Congress and will be in the 90th session of the Congress legislation to provide the legal means by which farmers and ranchers of the nation may legally and actively bargain collectively in the determination of price levels of the products of farms and ranches: Now, therefore, be it

Resolved, That the Senate of the 43rd session of the Legislature of South Dakota, the House of Representatives concurring therein, respectfully urge the United States Senators from South Dakota, the Honorable Karl Mundt and the Honorable George McGovern, and members of the Congress, the Honorable E. Y. Berry and Honorable Ben Reifel, to support legislation in the Congress providing for collective bargaining by farmers. We respectfully urge their support of such legislation as they may believe to be in the interests of the Agriculture of South Dakota and in the public interest of this nation, to the end that the Congress may pass such legislation; be it further

Resolved, That the Secretary of the Senate of the state of South Dakota be directed to transmit copies of this Memorial Resolution to his Excellency, the President of the United States, the Honorable Lyndon B. Johnson; to the Secretary of the United States Senate and to the Chief Clerk of the House of Representatives; to the Honorable Karl Mundt, and the Honorable George McGovern, United States Senators from South

Dakota; the Honorable E. Y. Berry and the Honorable Ben Reifel, Representatives in Congress from South Dakota, within ten days after the passage and approval of this resolution.

Adopted by the Senate January 23, 1968.

Concurred in by the House of Representatives February 7, 1968.

LEM OVERPECK,
President of the Senate.

Attest:

NIELS P. JENSEN,
Secretary of the Senate.

JAMES D. JELBERT,
Speaker of the House.

Attest:

PAUL INMAN,
Chief Clerk.

Mr. MONDALE. Mr. President, I of course greatly appreciate the comments made by the able Senator from South Dakota, particularly in light of the fact that the name of Senator McGOVERN has been identified with the best thinking in American agriculture. The Senator from South Dakota has been not only a battler here in the Senate but he has been the philosopher for the American family farmer in our country since his arrival in Congress.

As we all know, the Senator from South Dakota recently published a book containing the most advanced and thoughtful proposals to deal with the perplexing and, in some cases, the tragic problems of the American family farmer. I know that American farmers and Americans generally have come to identify the name of Senator McGOVERN with the best thinking and the most responsible leadership in this field.

The fact that the Senator from South Dakota would cosponsor this measure contributes enormously to the serious discussion which I hope we will shortly have in order to explore all facets of the objective of the measure introduced today.

Mr. McGOVERN. I thank the Senator for his generous comments.

Mr. MONDALE. Mr. President, the measure I introduce today has been discussed for more than 20 years. It was discussed perhaps most brilliantly, and ahead of his time, by the general manager of the National Farmers Union Grain Terminal Association, Mr. M. W. Thatcher who, over 20 years ago, testified before a Senate subcommittee and pleaded that they deal with the problem of bargaining power for the farmer so that the farmer would get a decent return for his efforts. I hope that in the near future we can contribute to the dream of this great American agricultural statesman who for some years tried to achieve this goal.

Mr. McGOVERN. Mr. President, the Senator from Minnesota referred to my book. The selection I included in the book was from the pen of M. W. Thatcher who, in a national speech in the forties, called for a concept very similar to that outlined in the Senator's proposal. He pointed out at that time the bargaining capacity that the American farmer needs to secure a more just price for the products he has to sell. That proposal has been around for a long time. What the Senator from Minnesota has done is to put it in specific form.

I do not think it is hard to get people to agree that we need to improve the bargaining capacity of the farmer. There is a general consensus on that matter. However, what is needed now is to have somebody with the courage to come forward with a specific proposal, so that we can start to examine into the matter and perhaps improve the situation as we go along. Until that step was taken, we were talking about a theoretical matter. However, we now have a concrete proposal before us. I hope that we can move forward.

Mr. MONDALE. Mr. President, as the Senator knows, we have been working on the proposal for well over a year. I have repeatedly discussed some of the problems involved in the matter and have repeatedly sought the help of the Senator from South Dakota. We have discussed this problem with farm economists throughout the country, officials in the Department of Agriculture, and representatives of farm groups who expressed interest in the objective. And we have tried to incorporate in this proposal all of the known, responsible suggestions for achieving this objective.

We have also tried to incorporate our best tentative notions as to the mechanics of those principles and how they might best be incorporated into a practical, working measure.

I believe, therefore, that this proposal does include all of the known suggestions in this field.

I think one of the encouraging elements in seeking this objective has been the statements made by the President of the United States, who, I believe, is the first President to ever announce in favor of national bargaining for the farmer, and the statements made by the distinguished Secretary of Agriculture who has repeatedly called for an exploration of these objectives. Thus, I anticipate and hope that we will see support forthcoming for a thorough exploration of this objective from the Executive as well, following on the heels of the leadership which we have seen from the White House and from the Department of Agriculture.

Mr. McGOVERN. I look forward with great eagerness to working with the distinguished Senator in the progress of the proposed legislation.

Mr. MONDALE. I am most grateful to the distinguished Senator from South Dakota.

Mr. ELLENDER. Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

The PRESIDING OFFICER (Mr. YARBOROUGH in the chair). Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, I am delighted that the distinguished Senator from Minnesota has introduced his bill.

There has been much talk about this matter in the past, and up to now the Committee on Agriculture and Forestry, of which I am chairman, has not had the opportunity to study the proposal.

At the last meeting of our committee, we decided to hold open hearings on the Farm Act of 1965, which will expire with the crop of 1969. Instead of having the Department of Agriculture present to us a bill as to what should be done about the renewal or extension of the act of 1965, the committee thought it best to prepare or have prepared a memorandum indicating how the 1965 act was operated, and to go to the grassroots for information as to how the act was administered.

As all Senators know, we gave the Secretary of Agriculture, in the administration of this act, much flexibility, and I doubt that it will be necessary to change much of the act. But we are eager to find out the extent to which the Secretary of Agriculture has used the flexible language that was put in the bill and how we can improve on the present law.

Undoubtedly, there will be much discussion on the bill that has been introduced by the distinguished Senator from Minnesota. I believe it might form a basis for discussion. As a matter of fact, in the memorandum that I have prepared for distribution among the farmers as well as the organizations, I have stated generally what we intend to do in respect to creating a bargaining authority for the farmers. With this bill, we may be able to make a good start.

I am very hopeful that when we hold our hearings, probably starting April 3, we will have a full week of open hearings, so that all who desire to offer suggestions may be heard.

It is my hope that we can obtain sufficient information; but if we do not, we might obtain permission to hold hearings in the fall, in various States, so that we can go to the grassroots and find out how best to amend or change or treat the present law.

So far as I am concerned, I shall do my best to get all the information possible. I am hopeful that we will have a full attendance of the committee, so that all can listen, offer suggestions, and be prepared, and that next year, when the 91st Congress convenes, we will have sufficient information to form the basis for the introduction of a committee bill in order to amend, change, or to do whatever is necessary to make the present 1965 act better.

It is my suggestion that the subject that the Senator has just discussed might be incorporated in the overall picture of whatever bill we propose next year.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MONDALE. Mr. President, one of the delights that I found in coming to the Senate was, first of all, to become a member of the Committee on Agriculture and Forestry, which comes under the able, creative, and experienced leadership of the Senator from Louisiana, and to have worked under his leadership in the development of the 4-year farm program which he is now bringing before us for further review. I believe that in that measure the chairman succeeded in assuring that the committee heard everyone who had any reason to express himself before the committee. We had full and ample public and private opportunity to explore not only every principle but also every sentence and comma of that measure.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ELLENDER. Mr. President, I ask unanimous consent that we may proceed for 5 additional minutes.

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

Mr. MONDALE. Mr. President, I frankly believe that I learned more about agriculture in the 2 months we considered that bill than I have ever learned at any other sitting in my life. I shall always be grateful for this opportunity to have served with the distinguished chairman of the committee.

As the chairman of the committee knows, in introducing this legislation I am not certifying I have a bill that is ready to be passed. I am simply saying that I have done my best over the past year to take the theory of bargaining power and put it to paper in the best way that I could, short of hearings and short of the searching inquiry the chairman suggests, and to provide a basis for discussion in terms of some of the practical and mechanical problems one has in seeking to achieve the objective of farm bargaining power.

As the Senator knows, my proposal is based on the assumption that existing farm programs are necessary and essential. Many times those of us who have worked hard on these proposals are chagrined by suggestions that these proposals have not been helpful. It is fair to say if it had not been for these proposals now on the books, administered by the Department of Agriculture, most of the family farmers who are now in business would have long since been gone.

We have a farm structure that is very important to the security of our farmers and the very fine bargain that American consumers enjoy in food products today. In no sense was the introduction of this measure intended to diminish what I consider to be the fundamental importance of these farm programs.

Mr. ELLENDER. I have looked into many of the rulings and administrative regulations issued by the Secretary, and there is one thing in which I am a little disappointed. I felt that the original measure would probably make it possible at the end of 4 years for us to get the Government out of the hair of the farmers because many of them complain, as the Senator will remember, about Government interference. However, somehow the bill, up to now, has not been what I thought it would be. It would seem to me that if we can get supply and demand balanced, which was the intent of the 1965 act, particularly with respect to our wheat, corn, and other feed grains, and cotton, which are our staple crops, that the farmers could look for their revenues at the marketplace, that the prices would be automatically fixed under our private enterprise system, and that they would depend on supply and demand.

As I have said, as I see the picture now, it would seem to me that we would have to continue some kind of price support; we would have to continue some kind of restrictive planning on the many fertile acres that we have throughout the Nation. There is no doubt we have the most productive agriculture in all the world, and if we were to put into cultivation all of the available acres we now have, there is no telling how much surplus we could produce.

Mr. President, that possibility is something against which we must guard. As the Senator will remember, back in 1961 we had huge surpluses dangling over the market which had a depressing effect on prices. That situation was particularly true with respect to wheat, corn, and other feed grains. We were able to gradually reduce that situation to the point where we thought we had reached a balance of supply and demand.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ELLENDER. Mr. President, I ask unanimous consent that we may proceed for 4 additional minutes.

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

Mr. ELLENDER. Mr. President, unfortunately the situation has not developed in that way. It is my hope that with the information we will be able to obtain in light of the administration of the bill in the last 3 years that we might be able to get new clues to assist us in providing ways and means so as to better serve the farmers.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MONDALE. Mr. President, I believe that the statement of the Senator from Louisiana cannot be controverted. The point of beginning in agricultural economics is, in most areas, supply and demand. If there is excessive supply the price is going to be driven down. We experienced this situation, as the Senator pointed out, in 1961, when not only had surpluses reached the danger stage, to which the Senator made reference, but also the situation came close to destroying the entire farm program. The American public saw pictures of mounds of surpluses rotting away in the fields and the farm programs were losing support which they needed.

It is fair to say that in the last few years a much better level of supply management has occurred. I believe that one of the things we could explore would be the international relationship of supply and demand. Last year was disappointing in the sale of American commodities for cash. American farm production has been our chief dollar earner in world trade. I suspect that it still is but the dollar figure has dropped. Some of that situation is caused by barriers and variable levies in the Common Market. Sometimes I think we do not do as sharp a job in international trade as we should. Sometimes we voluntarily accept the role of residual supplier. Other nations are willing to let us supply free markets—and I am a strong advocate of our doing our share in connection with world hunger—while they run away with the cash markets.

We should make certain that our programs leave our international grain traders in a position where they can compete effectively for these cash markets around the world.

Mr. ELLENDER. Mr. President, as the Senator knows, we have had the surplus disposal law on the statute books since 1956. It has worked fairly well in relieving us of much of the surplus we accumulated over the years. However, I find that if we have on hand a lot of surplus, we become residual suppliers to the world.

What many countries do is to buy, with their cash, from other areas and then look to us for more or less donations or sales with soft currencies. I am very hopeful that if, as, and when we consider Public Law 480, which is the surplus disposal law, we will tighten up a little bit on that law and not be so liberal in making this food available for free or for sale for the local currencies of those countries who are able to pay.

Mr. MONDALE. The Senator will recall that under his leadership——

The PRESIDING OFFICER. The time of the Senator from Louisiana has expired.

Mr. BYRD of West Virginia. Mr. President, I see no other Senator seeking recognition in the Chamber at the moment, and I therefore ask unanimous consent that the Senator from Minnesota [Mr. MONDALE] and the Senator from Louisiana [Mr. ELLENDER] may proceed for an additional 5 minutes.

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

Mr. ELLENDER. I thank the Senator from West Virginia.

Mr. MONDALE. I thank the Senator from West Virginia. As the Senator from Louisiana recalls, the 1965 Food for Peace Act, which was developed under his fine leadership, had some basic changes in it over previous legislation, or at least we thought it did, among which was, first, deletion of the "surplus removal" concept for food distribution; and, second, a change in emphasis from simply distributing food to considering it self-help, and conditioning such aid on measures to be taken by the recipient food-deficit country to help solve its own food and population problems. We did so because the figures show that by 1985, unless something is done by the food-deficit countries to become self-sufficient, we would arrive at the point that even if we produced everything we could and gave it away, there would still be literally millions of people left starving.

Thus, if we gave food away without conditioning it on a solid program of self-help, we might actually do more harm to the program. I am hopeful that when we review the food-for-peace program, we can explore and see how the self-help programs are coming along.

Mr. ELLENDER. In that connection, let me say to my good friend from Minnesota that last December and the latter part of November of last year, I had the good fortune to visit all of the countries to the south of the Soviet Union and China which were not at war. Those countries were India, Pakistan, Burma, and Ceylon. I found that particularly in India, as well as in Pakistan, quite an effort has been made on the self-help proposal but they are far from reaching their goal.

It would seem to me that much more could be done, so far as family planning is concerned. I noticed some of it going

on here and there, but it was hard to determine whether those programs were effective. It strikes me that when we do extend the act—that is Public Law 480—it might be well for us to consider whether to make it voluntary or obligatory on the part of the countries receiving our aid, because there is no doubt in my mind that unless we have family planning in countries such as India and Pakistan, in particular, even if the whole world produced all that it could, including our full capacity, we could not supply the required food necessary to feed just those two countries alone.

Mr. MONDALE. As the Senator knows, one of the unique features added to the last food-for-peace proposal was the population assistance measure. I hope that we can explore how that is coming along and the use being made, for example, of foreign currencies to help them establish decent and adequate population measures, because that is really the other side of the picture. Unless they are making progress there, the future will be bleak, indeed.

The Senator's recent tour of those critical areas will be valuable to the committees when we discuss that subject.

Mr. ELLENDER. In that connection, let me further say that as the Senator knows, we disposed of quite a lot of the food to the countries and accepted their currencies in return. We used part of the currencies for our own use—that is, to pay for the use of our embassy staffs—in fact, all Americans abroad—but it seems to me that we might use a greater amount of the proceeds to foster larger family planning operations. It seems to me that is a "must" in addition to self-help.

I might also announce at this time that on tomorrow or Monday I will introduce a bill to extend Public Law 480 and emphasize family planning. Hearings on Public Law 480 will begin March 13 and continue for a few days, at which time all who have an interest should appear before the committee.

Mr. MONDALE. In the 1965 Food for Peace Act, we not only conditioned our food aid on efforts in the population field, but we also adopted a unique, new proposal which released certain funds over those that would be needed in the next 2 years to be used on a more liberal basis for self-help objectives, which included population. I think it would be well in order for us to inquire of our aid missions just what they are doing with this new authority and the new resources in this field to improve population efforts.

The PRESIDING OFFICER. The time of the Senator from Louisiana has expired.

Mr. ELLENDER. 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.

FAUNTROY PONDERS DUAL ROLE IN DR. KING'S SPRING DRIVE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the Washington Post on yesterday, written by William Raspberry, and entitled "Fauntroy Ponders Dual Role in Dr. King's Spring Drive."

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

FAUNTROY PONDERS DUAL ROLE IN DR. KING'S SPRING DRIVE

(By William Raspberry)

Walter E. Fauntroy must be wishing that the Southern Christian Leadership Conference had chosen another city for its spring campaign for jobs or income.

But SCLC's director, the Rev. Dr. Martin Luther King, has picked Washington, and the Rev. Mr. Fauntroy finds himself in a real bind as a result.

A few months ago it wouldn't have mattered. But that was before Mr. Fauntroy was appointed vice chairman of the D.C. City Council—when he was merely a pastor, a civil rights activist, head of the Shaw area Model Cities program and Washington director of SCLC.

Now his dual role, as a member of the local government and as a director of the organization whose campaign might well include disruption of that government, has the young (he was 35 on Sunday) minister wondering just what he ought to do.

"I really haven't made up my mind yet," he says. "I can either do all I can to make sure that the campaign is productive, or I can sit on the sidelines."

But if he chooses to sit it out and the campaign flops—or, worse, degenerates into violence—"I'm going to get saddled with it, whether I'm officially a part of it or not, because of my ties with Dr. King."

So far, he has been steering a tricky course down the middle—involving himself in the planning, but avoiding any close identification as a leader of the campaign.

He can't hold that course for long. When the campaign moves from the planning to the action stages, he'll have to get in or out. There is plenty of justification for either decision.

He is the one man who is in a position to be thoroughly familiar with both Washington (of which he is a native) and SCLC (of which he is a longtime executive). The Rev. Jefferson P. Rogers has taken on much of Mr. Fauntroy's work with SCLC since Mr. Fauntroy became a member of the City Council.

But Mr. Rogers doesn't know SCLC and the mechanics of nonviolence as intimately as Mr. Fauntroy who has been active with the organization since 1960 and was a key planner of the 1963 march on Washington, the 1964 Selma (Ala.) march and the Meredith march to Jackson, Miss., in 1966.

He knows the mechanics of planning effective civil rights campaigns, selecting achievable goals and setting the tone of nonviolence.

He has been steeped in the philosophy and the execution of nonviolent action, a fact that would make him ideally suited for a major role in the Washington compaign—were it not for his seat on the City Council.

Mr. Fauntroy, of course, is aware of all this. "I've been on the horns of this so-called dilemma ever since I was appointed to the Council," he said, recalling that it was a similar consideration that prompted him to give up the executive directorship of the Model Inner City Community Organization (MICCO). He still is president of the board of the group, but somewhat less subject now to conflict-of-interest problems.

But, just as he has been unwilling to quit MICCO completely, he also is unwilling to step out of the rights movement.

"We have got to find some alternative to violence as a way to get things moving," he said. "I'm totally committed to that. And doing nothing is not a real alternative. If Martin succeeds, we'll all be sinners; if he fails, we're all in trouble."

Will the city be worse off if Dr. King fails than if he had never made the attempt?

"Well, it's a risk," Mr. Fauntroy acknowledges, "but I'm not sure we really have a choice. There are too many guys out there working too hard to turn the city toward violence. Those of us who are committed to nonviolence have to do what we can."

And if that means that Mr. Fauntroy will be both a member of the local government and an agitator for change, he thinks the two roles aren't necessarily incompatible.

"Some people seem to expect me to take one position as a man of conscience and another as a city official; they assume that being a part of government automatically puts you on the other side of the fence.

"Well, I just don't quite see it that way. I mean whose government is it anyway?"

PREVENTING RIOTS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the Washington Evening Star on yesterday, written by Richard Wilson, and entitled "Hopes on Preventing Riots Yield to Foreboding."

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

HOPES ON PREVENTING RIOTS YIELD TO FOREBODING

(By Richard Wilson)

Although six months have passed since last summer's disastrous urban riots, and more trouble looms ahead six months from now, it is not demonstrable that any significant progress has been made in preventive action.

Washington is apprehensively awaiting some kind of mass civil disobedience and obstruction demonstration planned by Martin Luther King. The national political conventions are threatened by disruptive action. The mood in the ghettos has not improved. Congress stands adamant against new civil rights legislation. Civil rights activity has come to be equated with crime in the streets. The future is foreboding.

To top this all off, the one program which might have done some good is now acknowledged to be a failure. A confidential government report reveals that the single program depended upon most to give the firebrands of the ghettos something to do and some hope for the future simply isn't reaching those is was intended to help.

Instead of providing jobs for hard-core unemployed in 146 key urban and rural areas, and thus preoccupying the rootless thousands who can find nothing to do but riot, from 65 to 90 percent of those enrolled in the program in various cities are women.

While it may be useful to help women who must support fatherless families find some means of decent livelihood, the great hidden masses of men who have faded into the shadows of the ghettos still remain unreachable.

This is a strange aspect of our society. The ghettos are roamed by faceless and nameless men whose primary aim in life is to escape the notice of the census-taker, the bill-collector, or anyone connected with government. These are men who do not officially exist. Most of them have never held a steady job. Some 500,000 are included in what is called

the hard-core unemployed. How many the census taker has missed nobody knows.

President Johnson marshaled his government programs more than a year ago to the task of finding useful occupations for these men and others who live in the depressed downtown areas of the cities. All the resources of a half dozen programs were focused on what was called CEP, the Concentrated Employment Program—the resources of the employment service, manpower training and development, Youth Corps and poverty agencies. These agencies found women to enroll in CEP but not the men.

Today hundreds of thousands are roaming aimlessly through downtown streets, lurking in doorways, hanging out on street corners. Anyone in Washington who wishes to see them need only walk a few blocks from his downtown office.

The failure of this program brings on somber thoughts because it may be that even if such programs were to succeed they still would not have reached the root causes of the urban rioting. The more this phenomenon is studied the more baffling it becomes. Those who rioted in Detroit were not rioting over jobs. Most of those arrested for rioting had jobs placing them above the currently credited poverty level.

They were most probably rioting against an environment which contained a whole complex of circumstances arousing incompletely reasoned resentments which burst into flame because the weather was uncomfortable or some little incident triggered an explosion.

Who can look at conditions as they still exist in Negro populated areas and say that except in isolated instances, any general progress has been made in removing the causes of the riots?

Would it not be more likely, in fact, that the reckless linking of the civil rights movement with protest against the Vietnam war, would cause more trouble than before?

The whole atmosphere in this field is discouraging. Committees and commissions find no generally acceptable answers. Congress reacts in stubborn resentment against the agony the racial equality movement cannot seem to avoid creating.

Individual programs, such as the hiring of firebrands in the poverty program to try to mollify them, arouse more resentment than they prevent. It all adds up to an alarming prospect if only because no one in government has yet come close to finding the answer.

VIETCONG MASSACRE OF MISSIONARIES

Mr. BYRD of West Virginia, I ask unanimous consent to have printed in the RECORD an article published in the Washington Evening Star yesterday, written by David Lawrence, and entitled "VC Massacre of Missionaries."

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

VC MASSACRE OF MISSIONARIES

(By David Lawrence)

A few days ago the American people were shocked to see on the front pages of their newspapers a photograph showing the South Vietnamese police chief, Brig. Gen. Nguyen Ngoc Loan, in the act of shooting a prisoner on the streets of Saigon. It was explained that, although in civilian clothes, the victim was an officer of the Viet Cong forces engaged in the attack on Saigon. General Loan said: "They killed many Americans and many of my men."

The execution was widely condemned as inhumane, though there had been news reports previously of similar shootings by the Communists in the capital city, primarily the murder of the families or relatives of government officials.

On the day before the episode in Saigon, six American missionaries operating a hospital in a remote area of South Vietnam were slain by the Viet Cong. No pictures are available, but what happened is described in a letter, dated Feb. 5, written from Formosa to this correspondent by Charles E. Notson of the Christian and Missionary Alliance. He writes:

"In a brutal and vicious attack the Viet Cong have massacred the entire staff of the Christian and Missionary Alliance leprosarium in Ban Me Thuot. In a cold-blooded, premediated mass murder they have deprived their countrymen afflicted with that dread disease—leprosy—of having loving care and skillful treatment of dedicated missionaries.

"Here is a vivid illustration of the heartless cruelty that is characteristic of all communism. It was not a case of these troops not knowing what the foreigners were doing there in that mountain station. On May 30, 1962, they had perpetrated a raid on the leprosarium and had taken captive three missionaries: the hospital administrator, Rev. Archie Mitchell, Dr. Ardell Vietti, and a volunteer male nurse of the Mennonite church, Dan Gerber. Then they warned the other members of the hospital staff to get out and to stay out of Ban Me Thuot.

"Fully aware of the hazard involved in ignoring a Viet Cong order, the missionaries continued their ministry of mercy and love. They would not desert the helpless patients, even though they continued at the risk of their lives in that exposed outpost. After all they were obeying orders from a higher authority than the Viet Cong.

"In the intervening years the hospital staff has been aware that every move was being watched. Because the Communist did not further molest the hospital, they assumed that even the Viet Cong had come to respect such a ministry, and comforted with that thought they persisted in their task.

"What advocate of communism can step forth in an attempt to justify this foul deed? How can anyone further argue that the struggle in Vietnam is a civil war? It is not against their fellow countrymen in the South that the Viet Cong are fighting, but, like all Communists, they are animated by a perverted hatred of all that is good and all that is righteous. Their war is against humanity and against the creator of mankind. How many more such tragic examples of this infamous concept do we need to observe before we close our ranks and begin to deliver the concerted blows necessary to break its power?

"This was no act of war when with malicious aforethought and intent the Communists killed Bob Ziemer, Ed and Ruth Thompson, Ruth Wilting, Carolyn Griswold and Carolyn's father who was on a visit, wounded Marie Ziemer and captured Betty Olsen. In calculated cowardice these rabid devotees of a heinous doctrine have attacked unarmed and unresisting messengers of mercy. In so doing they have revealed their true colors once more. The blood of these heroic dead cries for judgment. Let men of conscience respond."

An Army chaplain reported that all of the mission buildings, including the leprosarium, were "totally obliterated," but the fate of its 2,000 patients is unknown.

The massacre of the missionaries serves to emphasize the horrible nature of the war in Vietnam and the improbability of bringing order to the country without increasing the number of American and allied troops now engaged in the conflict.

CARMICHAEL HECKLED

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the Washington Evening Star on yesterday, by David Braaten, and entitled "Students Talk Back—Carmichael Heckled at Roosevelt High."

I invite attention to this one sentence:

Carmichael had been invited to speak on "current events," at an assembly sponsored by a number of teachers.

Mr. President, I think it might be appropriate for the Board of Education to determine the identity of the "teachers" who are inviting this revolutionist into the schools of the District of Columbia, and I hope that it will make every effort to discourage further invitations of this kind.

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

STUDENTS TALK BACK: CARMICHAEL HECKLED AT ROOSEVELT HIGH

(By David Braaten)

Stokely Carmichael was either too old or out of his class yesterday at Roosevelt High School.

The kids not only talked back to the Black Power spellbinder—some of them walked out on him.

The after-school assembly drew about 400 students to the school auditorium—virtually all Negroes.

"I came out of curiosity," said a girl putting on her fur-lined coat. "I've heard enough and I don't agree with him."

POOH-POOHED POINT

One well-dressed young man pooh-poohed Carmichael's point that schools need equal funds to provide an equal education.

"Good equipment doesn't make you bright," he said.

And a well-dressed young lady even had the effrontery to probe Carmichael's psyche.

"I'd like to know what caused you to turn to Black Power, what incident in your life?" she asked.

"I was born black, that's what," snapped Carmichael. Then he added, "If you're black, that's it, no matter if you're a dope peddler or a high school principal. That's it."

"Why sit and holler and wait for somebody to come and pick you up? Shouldn't you take an interest in yourself?" asked another girl.

"Do you think everyone has an equal opportunity?" asked Carmichael.

"I'M WRONG"

The girl hesitated, then said, "I don't know."

"Okay, you're right and I'm wrong," said Carmichael. "Everyone has equal opportunity."

Carmichael had been invited to speak on "current events," at an assembly sponsored by a number of teachers. As a lecturer, he ranged from Latin to the vernacular.

After explaining the derivation of the word "education" ("The E comes from ex and means out of; the DUC means to lead, so education is to lead you out of the problem you face"), he asked: "Do the black children get an education that leads them out of the problems they face?" Some students answered: "No."

"Do black people need help, or do white people need help?" he asked at another point.

"BOTH! BOTH!"

"Both! Both!" was the response. And a student rose to express the feeling that what is needed is more understanding.

"If I'm standing on your toe and I won't get off, what do you do?" asked Carmichael. "Will you be satisfied if I say, 'Take it easy, I'll be off in 10 years?'

"How long have they been doing this?

Would you believe 400 years? You've got to help yourself."

If he failed to set the student body afire, Carmichael did arouse hero-worship in a couple of dozen students, mostly girls, who crowded up on the stage at the close of the program. Some asked for his autograph—earning a polite refusal—and the rest followed him out of the hall, crowding around, laughing and talking.

How did Camichael himself feel about his reception at Roosevelt High School?

"No comment," said Carmichael, ducking into a waiting car. "No comment."

THE STUDENTS' VOICE IN SCHOOLS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the Washington Evening Star on February 13, written by Ernest Holsendolph, and entitled "Rhodes Maps New Meeting on Students' Voice in Schools."

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

RHODES MAPS NEW MEETING ON STUDENTS' VOICE IN SCHOOLS

(By Ernest Holsendolph)

Student representatives from District public high schools will meet in about two weeks with George R. Rhodes, assistant superintendent in charge of secondary schools, after an assembly yesterday of some 1,800 students engaged in a spirited session on student administration relations.

Rhodes said three representatives would be elected from each school. He asked the students to discuss in the meantime what areas of decision-making such a council should have.

Student representatives from all the high schools at the extraordinary session yesterday at McKinley High School heard Rhodes promise a new era in student-administration relations.

However, many of the students were skeptical of Rhodes' promise.

"I give myself three months to make some change in the school structure and if I can't, I will leave," he said during the 1½-hour session. "Besides, I enjoyed being principal of McKinley," he added.

Rhodes told the students he is sympathetic to their call for more self-expression and greater freedom to bring about change in their schools.

Common complaints voiced by about a dozen students concerned the quality of teaching, the inadequacy of student government and a lack of attention to the individual needs and abilities of students. A number of students from Eastern High School repeated their call for a "freedom school for black students," made originally at the District Board of Education meeting last Wednesday.

Rhodes told the Eastern students he was considering conducting a poll of all Eastern students, with the militant Modern Strivers as poll watchers, to see if the proposed freedom school to teach Afro-American culture is desired by the student body at large.

Perhaps the fact that there was a meeting yesterday with two "delegates" from every homeroom in the city, was more striking and important than anything that was said.

But speakers drew loud applause when they called for student unity to solve the problems of students.

"There has been a tendency to dictate to young people," Rhodes said. "If you expect students to behave favorably or to learn, they do it. It's as simple as that."

The former McKinley principal gained a reputation for his handling of students' requests for self-expression, and observers feel this was one of the reasons he was made supervisor of secondary schools. Student militancy has been mounting throughout the school year.

David J. Hardin, a Coolidge sophomore, opened the meeting and caused the first split in audience opinion by complaining that bright students are the most neglected in the District since abolition of the honors track last year.

"It has been a disappointment to the children who enjoy the excitement of learning to be placed in classes where they must wait for slow students to catch up," he said.

"We have neglected the bright child—the potential leaders of our city and nation," he continued.

Young Hardin, who was supported by other students during a post-assembly press conference, asked that "two or three" special schools for the best students be established in the District.

Rhodes, who presided at the meeting, had to call for quiet several times as many students noisily expressed disagreement with Hardin.

The new assistant superintendent told students at the press conference, mainly for high school reporters, that the teacher is responsible for the progress of all students in a class, regardless of the ability range. He said new programs for staff development and in-service teacher training would equip teachers to handle their students of mixed ability better.

Lewis Anthony, an articulate 10th-grader at Western, who once was an effective spokesman for Shaw Junior High students, said "teachers just don't seem to care anymore."

Other students defended teachers during the press conference, criticizing students for not showing enough initiative.

Said Dave Affelder, a Coolidge senior: "This is probably the first time that we have been a part of the democratic process—we are told that student councils are examples of democratic participation. If so, it is a tragedy."

The program ran in an orderly manner, despite the fact that McKinley officials counted 1,650 visitors from other schools, as well as 200 McKinley delegates, bringing the morning population at McKinley to about 4,000.

Forty students were counted standing in line to speak when the meeting was adjourned at 11 a.m., presenting a heavy traffic problem handled ably by a corps of 50 McKinley cadets armed with two-way radios.

PROMINENT BRITISH JOURNALIST SAYS THANKS TO THE YANKS FOR STANDING FAST IN VIETNAM

Mr. McGEE. Mr. President, Americans have become so accustomed to criticism from abroad, that when compliments are sent our way by articulate members of the foreign press we do not react with sufficient vigor.

One of these articulate journalists is Bernard Levin of London, who as a biting satirist and critic has made a world reputation. Mr. Levin has now said publicly and passionately—Thanks to the Yanks for standing up to communism in Vietnam.

It is Levin's contentions, expressed in the London Daily Mail of February 1, 1968:

America is in Vietnam . . . because they know that, where aggression is concerned, the appetite doth grow by what it feeds on; and because they (the Americans) know that however great the price of the war in Vietnam, it is still less than would be the price of the war we will all one day have to fight elsewhere if it is lost.

I share Mr. Levin's sentiments, and I know the President and the American people share his sentiments. And I must say that it is heartwarming to see such sentiments expressed without reserve in one of England's largest newspapers.

This is a time for Americans to stand by their President and our allies.

This is a time for strength and perseverance. We must not permit the smoke of battle to cloud our basic objectives in Vietnam. And an intelligent British has said it clearly. He merits our thanks.

I ask permission to insert in the RECORD the Bernard Levin article from the Daily Mail of London and a similar article by William Stoneman from the Chicago Daily News.

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

[From the London Daily Mail, Feb. 1, 1968]

MAKE NO MISTAKE, AMERICA IS FIGHTING FOR US

(By Bernard Levin)

I spent yesterday evening at the opera (Wagner, of course). You, I dare say, spent it helping your children with their homework, or watching television, or learning the piano, or reading a book.

A lot of Americans and South Vietnamese, however, spent it dying.

Strange to relate (and I imagine that many of them would find it as strange as anyone), they spent it dying so that you can go on watching television, learning the piano, reading books and helping the children with their homework, and so that I can go on listening to Wagner.

I don't know about you, but I am grateful, and will now say why.

A battle was launched in Vietnam on Tuesday, in which bands of North Vietnamese and Vietcong swept through South Vietnamese towns, killing and pillaging, while others launched a major offensive against the American base at Khe Sanh.

It is not, I believe, too, fanciful to describe the battle as potentially one of the major turning-points of civilization, and to think of General Westmoreland and his men in the way that, with the perspective of history to aid us, we think of Leonidas and the Spartans at Thermopylae, John Sobieski facing the Turks at the gates of Vienna, or Lord Dowding and the Fighter Command in the Battle of Britain.

THEIR HORROR

For each of those battles changed the face of the world for the better; or rather, prevented others from changing it for the worse.

And so it may be at this moment in Vietnam. The war there is confused and horrible; its aims blurred, its methods savage, its cost in innocent blood uncountable. But if it is lost, if the Americans finally get tired of doing the world's work for nothing but the world's abuse, if South Vietnam is left to its fate, then what will follow is not merely the piecemeal engulfing of the rest of South-East Asia.

What will follow, as surely as Austria followed the Rhineland, and Czechoslovakia followed Austria, and Poland followed Czechoslovakia, and six years of world war followed Poland, is a nuclear confrontation on a global scale between the forces at present engaged in one tiny corner of the globe.

And that, in the end, is why my Wagner and your children are at stake this day in "a far-off country of which we know nothing." The Americans are not fighting the war there so that Saigon racketeers can grow fat on black market profits; indeed, they are only secondarily fighting it so that Saigon may stay free long enough for a society to grow up there that will be strong enough to dispense with the racketeers.

They are not even there because if they leave they will one day be digging gun em-

placements in California, as the Australians will be digging them round Darwin.

They are there because they know that, where aggression is concerned, the appetite doth grow by what it feeds on; and because they therefore know that, however great the price of the war in Vietnam, it is still less than would be the price of the war we will all one day have to fight elsewhere if it is lost.

The Americans and the South Vietnamese are not alone in knowing this. The Australians and New Zealanders know it; the Thailanders know it; the South Koreans know it; the Filipinos know it. But in this country, it seems, we do not know it.

Well, it is time we did. And the battle now going on in Vietnam is as good a time to find out as we shall ever have. On this battle, the Communist forces have staked a great deal; for some time now they have been promising their increasingly disillusioned troops that one last push will see victory—if not military victory, then "victory-by-coalition."

The Communist strategy in Vietnam is to inflict such a major reverse on the Americans and South Vietnamese that they will be desperate to make peace even at the price of an agreement that gives the Communists a share in the Government of South Vietnam, with the full take-over following a few months later.

I do not think that the American resolve will crack. But a word of thanks and admiration from Britain may help to show America that her resolve is recognized for what it is—a resolve to hold the front for civilisation, by convincing those who would destroy it that they are not going to succeed in doing so.

OUR THANKS

I would prefer that word to come from our Government. Unfortunately, it won't. Nor will it even come from our opposition. So it has to come from us—from those of us who recognise the connection between what the Americans are doing in South Vietnam and what we like to do with our evenings in Britain.

We are not, I believe, all that few. But few or many, let me now say on behalf of us all, to the Americans and South Vietnamese and their allies, even now fighting and dying in Vietnam: "Our words may be useless, but they are all we have to offer. We understand why you are there, and know that your cause is ours too. And we thank you."

[From the Chicago Daily News, Feb. 2, 1968]

THANKS, YANKS, FOR FIGHTING—BRITON

(By William H. Stoneman)

LONDON.—Britishers have been treated to a refreshing outburst of pro-Americanism by Bernard Levin, a brilliant nonconformist intellectual who writes a widely read daily column for the London Daily Mail.

Using twice his usual space allotment, Levin braved the indignation of his fellow countrymen by reminding them that Americans and South Vietnamese were fighting and dying for their protection.

"We spent yesterday evening at the opera. You, I dare say, spent it helping your children with their homework or watching television or learning the piano or reading a book," he wrote.

"A lot of Americans and South Vietnamese, however, spent it dying

"Strange to relate, they spent it dying so that you can go on watching television, learning the piano, reading books and helping the children with their homework and so that I can go on listening to Wagner.

"I don't know about you, but I am grateful and will now say why.

"A battle was launched in Vietnam on Tuesday in which bands of North Vietnamese and Viet Cong swept through South Vietnamese towns, killing and pillaging, while others launched a major offensive against the American base at Khe Sanh.

"It is not, I believe, too fanciful to describe the battle as potentially one of the major turning points of civilization and to think of Gen. William C. Westmoreland and his men in the way that, with the perspective of history to aid us, we think of Leonidas and the Spartans at Thermopylae, John Sobieski facing the Turks at the gates of Vienna or Lord Dowding and the fighter command in the Battle of Britain.

"If the war is lost," he continued, "if the Americans finally get tired of doing the world's work for nothing but the world's abuse, if South Vietnam is left to its fate, then what will follow is not merely the piecemeal engulfing of Southeast Asia.

"What will follow, as surely as Austria followed the Rhineland and Czechoslovakia followed Austria and six years of world war followed Poland is a nuclear confrontation on a global scale between the forces now engaged in one tiny corner of the globe."

Levin concluded:

"Let me now say to the Americans and South Vietnamese and their allies, even now fighting and dying in Vietnam: Our words may be useless but they are all we have to offer. We understand why you are there and know that your cause is ours, too. And we thank you."

OLDER AMERICANS COMMUNITY SERVICE CORPS

Mr. WILLIAMS of New Jersey. Mr. President, President Johnson announced today grants of $1,096,000 to the National Council on Aging and $1,129,520 to the National Council of Senior Citizens. The grants are being made by the Department of Labor. These grants are a first major step toward establishing Older Americans Community Service Corps across the Nation.

The money will be spent in a number of cities, some of them not yet pinpointed.

The aim of both projects is to search out community needs which can be met by elderly people and to find elderly people with the experience or skills required who are willing to devote their time and energy to meeting these needs.

During the hearings on the legislation which I introduced, Secretary of Labor Willard Wirtz was highly enthusiastic about the idea and said he was not going to wait for legislation, but was going to develop a program on his own.

I am delighted that he has done so and that President Johnson has given his endorsement to it.

The grants announced today will enable us to begin on a pilot scale. I am confident that experience will show that the program should be established across the Nation.

The studies by the Senate Special Committee on Aging and testimony at the hearing on the Senior Community Service Corps bill showed that elderly people are anxious to remain busy and productive.

And, we were told repeatedly, they are more than willing to volunteer their time and a lifetime of experience in service to their neighbors. In a few areas, on a limited basis, this is being done now. Elderly persons are serving as teachers' aides, foster grandparents, and in a number of other capacities. And we have barely begun to touch the potential.

I was pleased, also, at the President's announcement of the funding for Project Green Thumb. It will be doubled next year.

This has been one of the few antipoverty projects which has been directed toward the rural poor and the only one, really, solely devoted to the elderly.

It has been a remarkable success. In New Jersey, retired residents of rural areas have been hired, part time, to beautify our State highways and do similar work.

Reports on the program have been uniformly good. And this has been one antipoverty program which really accomplished what it set out to accomplish—supplement the income of the rural, elderly poor. Some 87 percent of the money appropriated for the program actually went into the pockets of those who participated.

DEATH OF ARVID E. MILLER, BOWLER, WIS.

Mr. NELSON. Mr. President, 1 month ago, Wisconsin and the Nation lost one of our most effective and admired community leaders, Arvid E. Miller, of Bowler, Wis., a proud member of the Stockbridge-Munsee Indians.

He was a leader in every respect. As a longtime chief of the Stockbridge Community Tribal Council, he served as a steadying force for this community of American Indians who came to Wisconsin from New York and New England early in the last century. As an officer of the National Congress of American Indians and as a member of the Wisconsin Governor's Commission on Human Rights, he showed his deep concern for the well-being of all Indians and all Americans deprived of an equal opportunity in our society. As a founder and president of the Great Lakes Inter-Tribal Council, he worked to develop the concept of progress through regional unity without destroying the traditions of individual tribes. As the executive director of the Great Lakes Inter-Tribal Council community action program, he directed a 500-member Neighborhood Youth Corps project, seven Headstart programs, 10 resource coordination and community development programs, and a landmark housing project.

Arvid Miller was an American Indian; a man who served his people and his country with devotion and purpose. His contributions toward improving the welfare of his fellow man are now a part of a proud history of service and sacrifice. He will be missed.

I ask unanimous consent that four articles relating to Mr. Miller be printed in the RECORD.

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

[From the Shawano (Wis.) Evening Leader, Jan. 15, 1968]

FUNERAL SERVICES FOR TRIBAL CHIEF 2 P.M. WEDNESDAY

Funeral services for Arvid E. Miller, 59, Bowler, who died at Wausau on Saturday, January 13, will be conducted on Wednesday at 2:00 p.m. at the Lutheran Church of the Wilderness, Town of Bartelme. The Rev. Edgar E. Barg will officiate and interment will

be in the church cemetery, Town of Bartelme. Friends may call at the Gaffney Funeral Home, Gresham, from 7 o'clock this Monday evening until noon on Wednesday and then at the church until the time of the service.

Mr. Miller was the executive director of the Great Lakes Intertribal Council, Inc. He died shortly after collapsing of a heart attack at a council meeting held at the Wausau Vocational and Technical School.

He was born Oct. 10, 1908, in Red Springs. His parents were the late Mr. and Mrs. Carl Miller who lived near Bowler. His marriage to Bernice Davids took place on April 28, 1935, at Red Springs. She survives.

Mr. Miller, who lived at Bowler, was a longtime chief of the Stockbridge-Munsee Indians who occupy a reservation of more than 15,000 acres in the town of Bartelme and Red Springs a few miles from Bowler. The Stockbridge tribe's Wisconsin history goes back to 1822, when it came to the state from New York and Massachusetts.

Mr. Miller was a former chairman of the board of directors of the intertribal council, which was formed in 1961. He became executive director when it became a community action agency.

He was a former area vice-president of the National Congress of American Indians and was a member of the governor's commission on human rights.

Mr. Miller was a member of the Lutheran Church of the Wilderness, Town of Bartelme.

[From the Great Lakes Indian Community Voice, Jan. 29, 1968]

IN MEMORY OF ARVID E. MILLER, EXECUTIVE DIRECTOR, GREAT LAKES INTER-TRIBAL COUNCIL, INC., COMMUNITY ACTION AGENCY, BOWLER, WIS.

It is with sincere regret that we report the death of Mr. Arvid E. Miller, who served as Executive Director of the Great Lakes Inter-Tribal Council, Inc. Community Action Agency from July 1966 until his death due to a heart attack on Saturday, January 13, 1968. Mr. Miller was born in Bowler, Shawano County, Wisconsin, on October 10, 1908, where he attended school, later going into business training.

For several years he served as a clerk for the Civilian Conservation Corps (CCC) Indian Division, Tomah, Wisconsin. In 1939 he became President of the Stockbridge Community Tribal Council and served in that capacity until 1966. In 1958 he was elected President of the Indian Security Foundation. He was a Charter Member of the National Congress of American Indians which was formed in 1944, and was a former Area Vice President. The area which he represented in the National Congress of American Indians consisted of the States of Minnesota, Michigan, Iowa and Wisconsin. For several years he was employed as Manager of the Stockbridge-Munsee Arts and Crafts Enterprises. He was a member of the Governor's Commission on Human Rights. For many years he served as a member of the Town Board, Town of Bartelme, Shawano County. Mr. Miller served as President of the Great Lakes Inter-Tribal Council, Inc. until 1966, at which time he resigned his presidency to become Executive Director of the Great Lakes Inter-Tribal Council, Inc. Community Action Agency, Bowler, Wisconsin.

[From the Milwaukee Sentinel, Jan. 16, 1968]

INDIAN LEADER ARVID MILLER'S FUNERAL SET

GRESHAM, WIS.—Services for Arvid E. Miller, 59, executive director of the Great Lakes Intertribal Council, Inc., and longtime chief of the Stockbridge-Munsee Indians, will be at 2 p.m. Wednesday at the Lutheran Church of the Wilderness on the reservation near here.

Mr. Miller died in Wausau Memorial hospital Saturday shortly after collapsing of a heart attack at a council meeting at the Wausau vocational and technical school.

Mr. Miller, who lived in Bowler (Shawano county), was a former chairman of the board of directors of the intertribal council, which was formed in 1961. He became executive director when it became a community action agency.

He was a former area vice-president of the National Council of American Indians and was a member of the governor's commission on human rights.

He is survived by his wife, Bernice; 11 children; his stepmother, Mrs. Dolly Miller, Bowler, two brothers, Robert, Bowler and the Rev. Occum, Cottonwood, Ariz.; and two sisters, Mrs. Howard Cannon, Joliet, Ill., and Mrs. Charles Glover, Milwaukee.

Surviving children are: Richard, Carl, James, Marlene, Kristy and Tammy, all at home; Alfred, Cedar Rapids, Iowa; Arvid, Jr., San Jose, Calif.; Mrs. Harvey Kroening, Clintonville; Mrs. Merle Moede, Bowler, and Mrs. Marvin Heath, Milwaukee.

[From the Association on American Indian Affairs, Inc., Newsletter, November–December, 1967]

WISCONSIN TRIBES WORK FOR PROGRESS

"Some people think Indians need to quit being Indians to meet today's challenges, but we don't go along with that. The Great Lakes Inter-Tribal Council is working to adapt, and not discard, our ways toward building a modern Indian way of life."

This statement of purpose is that of Mr. Arvid Miller, Community Action Program director for the Great Lakes Inter-Tribal Council in Bowler, Wisconsin. GLITC is a relatively new development in Wisconsin Indian affairs, but in less than two years of operation, the Council has mounted self-help and community development programs totaling more than $1,500,000.

The programs include a Neighborhood Youth Corps involving a total of some 500 high-school students. Head Start preschool programs on seven reservations, full-time resource coordinators and community workers on ten reservations, and a unique mutual-help housing project. In addition, over 100 adults work full- or part-time running the programs and supervising as many as 42 VISTA workers.

Equally important in Miller's view, the GLITC and its programs are helping to shape an enduring spirit of intertribal cooperation that is replacing generations of separateness.

The first Indians entered the area now knows as Wisconsin some 4,000 years ago. The last influx was during the first half of the 19th century when three tribal resettlements occurred as a result of the pressure of colonization and expansion. Subsequently, tribal holdings decreased and with the exception of the Winnebagos, who live in central Wisconsin, the various tribes were settled on reservations in the northernmost counties of the state, both east and west.

Early efforts at organizing an intertribal council to serve the scattered reservations failed. Lack of funds for travel expenses was a major problem. The threat of termination of federal services to Indian reservations in the late 1950's intensified the need for such an organization; however, there were only occasional meetings during the next few years. Wisconsin tribal leaders, such as Arvid Miller, the Reverend Mitchell Whiterabbit of Black River Falls, and Norbert Hill of Oneida, continued to work toward organization.

They sought and received assistance from outside agencies. Especially helpful were Mrs. Helen Sheirbeck of the University of Wisconsin Extension, Mr. Robert Neal Smith, now acting director of the State Office of Economic Opportunity, Mrs. Veda Stone of the State Division of Children and Youth, and Green Bay attorney Rodney Welch. Travel expenses for tribal representatives still presented a serious problem.

In 1965, responding to a request from GLITC, the Association on American Indian Affairs made the first of several grants to cover travel and telephone costs.

The first official meeting of GLITC was held in January of 1966 in Wausau, Wisconsin. The Council was incorporated and chartered by the state. Arvid Miller was elected president. In March, at the invitation of the Council, AAIA executive director William Byler traveled to Wisconsin to work with the GLITC and state resource people in efforts to expedite the planning of an ambitious "war on poverty." By summer, Council membership included the Oneidas, the Stockbridge-Munsees, Winnebagos, Forest County Potawatomis, the separate tribes of the Chippewa nation at Bad River, as well as the reservations of Lac Courte Oreilles, Lac du Flambeau, Red Cliff, Mole Lake and St. Croix. At this point Miller resigned the presidency to accept election to the executive directorship. The Reverend Whiterabbit, long-time Winnebago tribal chairman, was elected president.

The Council swung into full operation and things began to happen fast. During the summer of 1966, with a grant of $131,810 from the U.S. Office of Economic Opportunity, the GLITC Neighborhood Youth Corps enrolled an average of 150 Indian teenagers who worked 32 hours per week on community improvement projects on ten reservations. When school began in the fall, a 12-hour a week in-school program started. In 1967, the NYC budget was cut to $89,000 and the number of enrollees dropped. Nevertheless, the results continue to be impressive.

In June of 1966 a Head Start program, with a budget of $46,806, drew some 60 children to six centers. Directors, teachers, assistant teachers and volunteer workers were local Indian people. The Head Start grant was increased in 1967, and GLITC is now awaiting approval of a grant for a year-round program for 120 five-year-olds on four reservations.

A Conduct and Administration grant of $116,400 in 1966 (later supplemented with $7,789) established full-time community coordinators on ten reservations. An increase in 1967 brought the total Conduct and Administration budget up to $187,455 and 15 community workers were added, plus a nurse and a home economist who will visit all tribes.

The community coordinators and community workers seek to involve reservation residents in community affairs and problem solving. They advise on community resources and services, and serve as a liaison between Indian people and the various agencies and organizations. Other areas receiving attention are: assistance for the aged, job training for the underskilled, and the development of permanent jobs on or near the reservations. The Wisconsin State Employment Service has responded by creating five new staff positions to serve Indian communities, and has hired Indian people to fill them.

GLITC's 80-unit mutual help housing is a national project with several unusual features. A short-term bank loan for $600,000 was taken by the four participating reservations to guarantee completion of the project. Prospective owners of the homes (mostly three bedroom) are cooperatively involved in construction, each contributing 550 hours of labor backed by a 19-week training program in building trades. Perhaps the most unusual feature is the high degree of coordination GLITC has managed to promote between the Office of Economic Opportunity, the Bureau of Indian Affairs, the U.S. Public Health Service, and the Public Housing Administration. The goal is for the housing to be 90% complete by October of 1968.

According to director Miller, housing is greatly needed. Nine-tenths of reservation

housing is considered seriously substandard, attributable in part to a per capita annual income of only $750 for Wisconsin Indians.

In addition to Head Start and adult education, GLITC sponsored an Upward Bound program for 80 high-school students, and is supporting, in conjunction with the Bureau of Indian Affairs, an enrichment program for grade-school children at Wisconsin State University in Superior.

A Nelson-Scheuer Amendment grant to GLITC of $90,000 is employing older residents on four reservations to carry out beautification and clean-up projects.

GLITC has qualified for Wisconsin Judicare, a free legal aid program for low-income persons, and issues Judicare certification cards. To date, the 50 or so cases handled by Judicare have included hunting and fishing rights, property questions and wild-rice rights.

Working with the University of Wisconsin's Center for Community Leadership Development, GLITC is seeking funds for reservation-oriented health programs, a tribal-leadership training program and an experimental community-development program for an intensive effort on one reservation. There is also an arts and crafts production center in the GLITC headquarters at Stockbridge-Munsee sponsored by the University of Wisconsin Extension.

The Great Lakes Inter-Tribal Council represents a valuable asset for the Indian reservations in Wisconsin. Its programs are aimed at improving life on the reservations through education and self-help. Arvid Miller notes, with pride, that the measure of GLITC's success is that its resources are getting to the people.

TOUGHER CRIME PROVISIONS URGED

Mr. SCOTT. Mr. President, the President recently sent his crime message to the Congress. Composed of 22 proposals hopefully capable of reversing the rising rate of crime across the Nation, this message could represent the basis for a blueprint for progress and a plan of action. But mere rhetoric and expressions of concern will not solve our problems. Forthright action of the kind that works must be taken. We cannot wait until the bolted door and the fearful glance totally pervade our society. The need, as well as the urgency, could not be clearer.

The President's message stresses the need for coordination in anticrime programs—a laudable goal. Yet, on two vitally important points, he appears to be working at cross-purposes to such an end. Inadvertently, therefore, the message seems weak in efforts to fight organized crime and national crime syndicates.

The President's proposed Safe Streets Act calls for direct Federal grants to individual units of local government, largely bypassing the Governors of the States. Yet the crime message goes to great lengths to emphasize that law enforcement is primarily a State and local responsibility. Why create such a system that leads the way to Federal control and restrictions while encouraging fragmentation and confusion among existing State law enforcement agencies and services?

The President's own Crime Commission pointed out that one of the major problems of effective law enforcement is in the fragmentation of police efforts. As an example, in my own State of Pennsylvania, one county—a metropolitan area needing highly coordinated law enforcement services—has approximately 129 police departments. Imagine the result if each local political subdivision could apply individually for Federal assistance without any overall coordination. I am sure similar instances can be found across the Nation.

Why encourage such fragmentation? This inadvertently plays into the hands of those who would step across city boundaries or county lines in order to evade the law. I urge that we stimulate intrastate activity and interstate cooperation by adopting the bloc grant approach incorporated into the House-passed crime bill. Under that approach Federal money goes to the States which administer the programs with local law enforcement agencies. By giving those States that are willing to meet their responsibilities the opportunity to formulate comprehensive plans of action, that method of providing crime-fighting funds would encourage the pooling of services, effective regionalization, and increased coordination in law enforcement activities.

Second, I object to the President's proposals that would prohibit the use of the most modern technology and equipment to combat organized crime.

The threat presented by organized crime is well documented in the President's Crime Commission report. In fact, a majority of the members of this highly respected group favored enacting legislation "granting carefully circumscribed authority for electronic surveillance to law enforcement officers to the extent it may be consistent with the decision of the Supreme Court in Berger against New York."

We all desire to protect the rights of individual privacy. But even the Bill of Rights does not establish the privacy of the individual in his person and effects as an absolute right. Protection was only guaranteed against unreasonable search and seizure. That is the basis of carefully limited search warrants and the authority for electronic surveillance which I favor, providing it is guarded by the most specific and rigorous supervision. After all, the balancing of individual rights and privacy against the public good is a basic precept of civilized society. This balance requires that the public good prevail.

I do not believe, however, there is any justification for such surveillance activities being carried on by private individuals.

I have discussed this entire matter at great length in an article entitled "Wiretapping and Organized Crime," originally published in the winter 1968 edition of the Howard Law Journal. The article appears at page 2947 of the CONGRESSIONAL RECORD for Wednesday, February 14, 1968.

This approach, strictly supervised law enforcement surveillance and the total prohibition of such private surveillance, is one of the amendments added to the crime bill by the Senate Judiciary Subcommittee on Criminal Laws and Procedures, on which I sit. It deserves, in my considered opinion, our strong support.

RABBI NORMAN GERSTENFELD

Mr. MONDALE. Mr. President, recently the District of Columbia and the Nation lost a great and noble citizen with the death of Rabbi Norman Gerstenfeld. For many years he had shared in the life of this city as a selfless civic and religious leader.

On January 29, the Washington community participated in great numbers in the memorial service for Rabbi Gerstenfeld. There could have been no finer evidence of the respect in which this good man was held. Vice President HUMPHREY has shared with me copies of the two memorial addresses that were delivered at the service.

I ask unanimous consent that the eulogies by Dr. Eugene Mihaly, Professor of Rabbinic Literature and Homiletics, Hebrew Union College—Jewish Institute of Religion, Cincinnati, Ohio; and Dr. Edgar E. Siskin, Rabbi, North Shore Congregation Israel, Glencoe, Ill., be printed in the RECORD.

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

IN MEMORY OF RABBI NORMAN GERSTENFELD

(Address by Dr. Eugene Mihaly, Professor of Rabbinic Literature and Homiletics Hebrew Union College—Jewish Institute of Religion, Cincinnati, Ohio)

When a distinguished member of the Academy died, talmudic tradition tells, his colleagues would appoint a spokesman, a *meturgeman*, to deliver the public eulogy for the departed scholar and sage. That is my mission today. I speak as the representative of a community of scholars—the faculties of the Hebrew Union College Jewish Institute of Religion, the Seminary of Reform Judaism where Rabbi Gerstenfeld received his ordination over three decades ago.

For perspective we turn to the imagery of the biblical poets. The author of the Song of Songs appears to speak to us as we grope for meaning:

"My beloved has gone down to his garden . . . To gather lillies."

"My beloved," Jewish tradition, is the Holy One, Blessed be He; "the garden" is this terrestrial world; and "the lillies," are the righteous who bring beauty, purpose and worth to the world. Yes! The Beloved of men descended into his garden . . .

We do not presume to say we understand. Death robs of meaning. We stand dumb in its presence. It is the ultimate challenge of meaninglessness; the apparent victory of mortality, of finitude—of nothingness, especially when we feel death's chill before it is time, in the vigor of creative maturity, when one has yet much wisdom and inspiration and beauty to offer. We rebel; we curse; we blaspheme. But somehow, as a formal ritual at first, and then, as the profoundest residue of our experience, we wrest the blessing even from tragedy and with countless generations disciplined by pain we whisper, *Barukh Dayyan Ha'emet*, Blessed be the true Judge."

I have been sent by the scholars and students of Reform Judaism to say to this family of mourners that we at the Hebrew Union College—the spiritual home of Rabbi Gerstenfeld—in our classrooms and in our studies, will keep alive and perpetuate the blessing that was the life and shall ever be the memory of this dedicated Rabbi, the beloved spiritual mentor of the Washington Hebrew Congregation.

The ideal as envisioned by Jewish tradition is a life devoted to study, worship and deeds of loving kindness. The classic formulation of this doctrine is found in *The Ethetics of the Fathers*: "The world stands

on three things—study, service of the heart, and acts of love." A parallel to this reach of historic Judaism is the familiar triad: The true, the beautiful, the good. Rabbi Gerstenfeld embodied these to a remarkable degree.

For a generation Reform Jews he was an outstanding example of the dignified, learned, intellectual Rabbi. He was the son of a great talmudic scholar, a professor of Talmud, the descendant of a long line of Rabbis. He personified the tradition of the nobility of the mind—deliberate, rational endeavor rooted in deep learning and knowledge. He esteemed, he loved scholars and scholarship. The Scholar Series which he initiated and to which he devoted so much effort is an adornment to this entire community. It has inspired numerous similar projects throughout the United States and remains today the unequalled example of the significant contribution a synagogue can make to serious study.

Rabbi Gerstenfeld's imaginative and creative life bore witness not only to the nobility of the mind but to the religious potential of all of man. Humanity is more than disembodied reason. Man expresses his highest spiritual longings through art and music. Rabbi Gerstenfeld fully appreciated and had an unusual sensitivity for religion of the heart, for "the beauty of holiness." His concern for enriching the synagogue service, the liturgy, with beautiful music; his vision of the arts as testimony to the living God—a religion of the mind and the heart—these are the blessings bequeathed to us by this dedicated Rabbi.

At the very core of Rabbi Gerstenfeld's varied activities his total dedication to the good—an ethical concern which knew no parochial boundaries; it encompassed all men. Decades ago, he perceived that if religion is to address contemporary man, it must reach out beyond narrow institutional interest, break down the age-old, encrusted prejudices and hatreds and encourage serious dialogue between all men. He spared no effort in sponsoring, from the earliest of his ministry, a variety of inter-religious programs which would serve to bring splintered man into the presence of the one God.

In all these endeavors, Rabbi Gerstenfeld had the loving help of a devoted family, of his wife whom he adored and who adored him—his *eshet hayil*, a woman of true valor, of his loving children and of a devoted Congregation. They shared and shall perpetuate the vision of this noble Rabbi: A Judaism that is coextensive with life, universal in its concern; a religious way which is the highest expression of man's total striving—the rational, the aesthetic, the ethical; a faith of truth, beauty, goodness.

The mind is skeptical but the heart wants to believe. Somehow, somehow I envision Rabbi Gerstenfeld in the *Yeshiva shel ma'alah*, the Academy on High, arranging the greatest Scholar Series of them all—with Solomon and Soccrates, Akiba and Aristotle, Maimonides and St. Thomas—and the Good Lord Himself smiles.

May his soul be bound in the bond of eternal life. Amen.

RABBI NORMAN GERSTENFELD

(A eulogy by Dr. Edgar E. Siskin, rabbi, North Shore Congregation Israel, Glencoe, Ill., Jan. 29, 1968)

Dear friends, a deep sorrow is in our hearts this day. For a great leader in our midst has been gathered to his fathers, taken in the full tide of his years. Norman Gerstenfeld, outstanding rabbi, distinguished communal leader, singularly endowed personality, servant of God, friend of man, no longer walks among us, and we have come here this afternoon to show by our presence a measure of the esteem, admiration, and affection in which we held him while he lived.

It is surely unnecessary for me to remind you who knew him of the many admirable qualities which comprised his character and person.

There was the reach of his mind, to which Professor Mihaly has already so tellingly referred. He was at home both in the realm of ideas and in the world of Jewish learning. But beyond this, he was astonishingly well informed on a wide variety of subjects. When we were students together at the Hebrew Union College, I recall going into his room one evening and seeing some large folio volumes on his desk. I wondered what they were and upon examining them, discovered that they were a series of detailed studies in the science of oceanography. Near the books was a neat stack of cards filled with notes on the contents of these volumes in Norman's own crabbed and quite illegible hand. He had a hunger for knowledge. And in this community a generation of Templegoers and radio listeners have been the beneficiaries of the learning, wisdom, and insight of this master of gracious and felicitous expression.

There was not only the reach of his mind; there was also the depth of his spirit. He was sensitive to the world around him—to its people; to its places, both here and in the exotic removes of wide travel; to its events; to its art, with which he had a connoisseur's familiarity; to its music, which he loved; and to its spiritual intimations and dimensions to which his soul was attuned.

There was in addition to the reach of his mind and the depth of his spirit, the breadth of his concern. For he was sensitive to another kind of music—the music of humanity, of a humanity striving for, but too often failing to achieve, harmony and peace. With Joseph he proclaimed, "I seek my brothers." He cared for fellow Jew and for fellowman. He cared for brotherhood—for all the children of God regardless of creed, race, or national origin. He cared for the men, women, and children of his congregation, partaking of their joys, sharing their sorrows. He cared for his community and for his country, for the needs and hopes of the America he loved. He cared for all of these and in their behalf, raised his nobly eloquent voice.

There was also the boldness of his imagination. Like Joseph, he was not afraid to dream. These dreams were not infrequently dismissed as impractical and visionary by the cautious and earth-bound. But under his skilled and inspired hand, more often than not they came to triumphant fruition. This magnificent Temple, this noble music, the Sunday Scholars Series, the annual Institute of Judaism for the Christian Clergy, are but some of the examples of his capacity to translate dreams into reality.

Norman Gerstenfeld was distinguished for all of these qualities—reach of mind, depth of spirit, breadth of concern, boldness of imagination. But there was one attribute especially which set him apart from the generality of men; that attribute was style. Norman had incomparable style. He embodied a dignity, a grace, a charm, a wit, a flair, a sensibility, a sophistication, which made him quite unique among the men I have known. It was always a delight to be in his presence. He was a person of unerring and impeccable taste, whether in his personal appearance, or in his functioning role as rabbi, or in the pattern of his life, or in his expectations. His standards were high, in a sense perfectionist, and for none higher than for himself. Nor do we have to look far for the evidence of this. It is all about us.

All of these talents he brought to his rabbinic vocation and they were focused brilliantly in his role as rabbi, as minister to men and as servant to God. He loved the rabbinate in all of its Protean facets and gave himself to his sacred calling unsparingly. This was indeed the purpose and the goal of his life, and we are here this day to attest that this purpose and goal were amply fulfilled.

One cannot think of Norman Gerstenfeld, his work and achievements without thinking of his wife, Louise. For she has been his true and perfect helpmeet, sharing his interests, tastes, predilections, and aspirations. A rare and precious bond united them as they faced together through the decades of marriage every condition and vicissitude that life brought. Life surely holds no greater prize than such perfect companionship, transcending as it does every change in time and tide and circumstance. His children also brought him great joy, the children to whom he was a devoted father. How proud he was of Jon and Lynn and Roger and Norma, proud of the bright promise of their young lives! He was a loyal and splendid brother, the proud inheritor, with his brothers and sisters, of a legacy of learning and piety bequeathed by a noble mother and a devout father, of blessed memory.

Now he is gone from us. Too soon, we say. Yes, too soon if estimated by mortal man's measure of time. But if measured by a higher standard, in terms of worth, intensity, and contribution, surely Norman Gerstenfeld lived a long life. Let us not be deceived by the numerical sum of a man's years. A sage once wrote: "We should strive not to live long but to live rightly. A life is really long if it is a full life . . . One's age may be incomplete, but one's life may be complete . . . Let us see to it that our lives, like jewels of great price, be noteworthy not because of their width but because of their weight. Let us measure them by their performance, not by their duration." The other day someone said to me of a friend who had died. "He lived two days in every one." In this sense, the span of Norman's years was long indeed. Let us be grateful for the precious gift of life which was his and which we were privileged to share.

Let us be grateful also that he is now at peace. Released from the pain, the frailties, the infirmities of the body, he is now at one with eternity, with the God whom he served so faithfully in life. An ancient faith whispers to us that all is well with him, and we are thankful.

In a conversation we had not too long ago, I brought up the subject of retirement. There are moments even in the ministry when retirement seems a very alluring prospect. I remember what Norman said to me on that occasion. "I don't think I could ever retire," he said. "I love my work too much." He never retired. And now his work is done—and so well done. And a grateful congregation in the midst of its sorrow, recalls in thanksgiving the life and contribution of the man who was its spiritual leader for more than three decades. A community pauses in its busy life to remember in gratitude a distinguished leader who never separated himself from any worthwhile civic or religious cause. As the *Washington Post* so movingly editorialized this morning, "Men and women of every faith will be diminished by his death." And you and I, and a much larger community of men, women, and children beyond these walls, feels personally bereaved. What are these but the tokens of work well done, of life fulfilled, of faith vindicated!

We shall not soon meet his like again. He has left us a singular heritage. If we would honor his life and his name, let us who respected and admired him as rabbi and friend, and especially you who loved him as your own, strive to go forward in his spirit, animated by the ideals of prophet and seer, of country and faith, of man and God.

If he could speak to us now, he would perhaps echo the poet's words:

"If I should die and leave you here a while,
Be not like others, sore undone, who keep
Long vigil by the silent dust, and weep.
For my sake turn again to life, and smile,
Nerving thy heart and trembling hand to do
That which will comfort other souls than thine:

Complete these dear unfinished tasks of mine,
And I, perchance, may therein comfort you."

"The memory of the righteous is for eternal blessing."

Amen.

PEGGY FLEMING: QUEEN OF THE ICE

Mr. ALLOTT. Mr. President, the entire world had its eyes focused on pretty Peggy Fleming from Colorado Springs, Colo., during the Olympic competition in Grenoble, France. And, the world was not disappointed. Miss Fleming was the star of the entire show, capturing the Olympic Gold Medal for the United States.

The world, the Nation, and particularly the people of Colorado, are proud of Peggy Fleming. We in Colorado are especially happy to call her our own. She is truly an inspiration to all of us. I join in speaking for all the people of our State, and for the Nation as a whole in paying tribute to this outstanding young lady.

Mr. President, the midwinter 1968 edition of Colorado magazine, as part of its special Olympic issue, featured Peggy Fleming in an article entitled "A World Champion." Unfortunately, it is not possible for the beautiful color reproductions of Miss Fleming in action to be printed in the RECORD, but I would ask unanimous consent to have the story itself printed in its entirety.

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

A WORLD CHAMPION: PEGGY FLEMING

The news report was datelined Brussels . . . the day was February 15, 1961. "A Sabena Airlines Boeing 707 crashed near Belgium's International Airport early today killing 73 persons, including the 18 members of the United States Figure Skating Team . . ."

Grim, gruesome details continued to filter across the wires. The world was shocked, particularly that portion centered around the Broadmoor Ice Arena in Colorado Springs—home and training ground for many of the American champions aboard the ill-fated aircraft. During the previous 13 years, the United States had completely dominated international figure skating competition, having won 11 world titles. And the future had looked even brighter.

Peggy Fleming, a petite 12-year-old junior skater in California, wept at the news. "I was very young and it was hard to accept. It took time to get over it," she now recalls. Along with American Olympic officials, she believed the sports experts who conjectured that the United States would need at least a decade to produce another championship team.

No one, particularly, modest, brunette-and-blue eyed Peggy could predict that within four years this fragile youngster would be acclaimed the figure skating champion of the world—and furthermore would be ranked as one of the greatest women skaters of all time.

Today, only 19 and looking like 16, this "shy Bambi on blades" (as she was dubbed by the news writers of Europe) from Colorado Springs has won every major ice crown except the Olympics. Four-time winner of the US title, she has owned the world skating title for the past two years. And, in February of this year, Peggy is the overwhelming favorite to seize the gold medal for the United States at the Olympic figure skating competition in Grenoble, France.

"It all started," Peggy remembers, "because my Dad wanted to keep me out of mischief and took me ice-skating when I was nine years old. That was in Cleveland. According to family legend, my ankles didn't wobble even that first day. I know I fell in love with skating right away. Looking around at skaters doing jumps and spins, I was determined to do them, too. Learning the basics was difficult and I might have become discouraged, but my whole family was behind me, getting across the idea, 'you can do it.' And it's always been that way."

Her father, Albert Fleming (who died in 1966) was a pressman by profession but with a life-long ambition to be an athlete. "He had great natural ability—he could have been a baseball or football star—but never had the opportunity," Peggy says. He recognized her talent on the ice and encouraged her, "But we never pushed Peggy," her mother Doris Fleming is quick to point out. "We never had to."

With a modest smile, the greatest figure skater of them all thinks back to the early days. "The first time I ever saw a figure skating competition, I was in it. And I won." And then a grin as she adds, "I thought I was really good. But the next time I competed I came in last." Philosophically, sipping her coke, "It was the best thing that could have happened. I had a taste of winning and a taste of losing."

By 1960, not yet a teen-ager, Peggy was whirling her way to regional and sectional championships in California. At the age of 13, petite Peggy (at 19 she's a mere 108 pounds) started toward her major victories, taking second place at the National Championships in the novice division. A year later, she had won the sectional championships held at Los Angeles and Berkeley competing in the senior divisions, knocking out favorites and reigning champions with apparent ease.

As the date drew near for the 1964 National Championships, it became a time of decision for the Fleming family. The question: Should she remain in the junior division and win for sure, or should she move up to the senior division? "She's always been the underdog," Mrs. Fleming says, "skating against champions much older and more experienced." Albert Fleming was convinced that his 15-year-old daughter had what it would take. And the decision was made to try for all the marbles. One member of the committee, hearing of the decision, ranked her as 11th (out of 11 competitors).

Somewhat prophetically, the 1964 National Championships were held in Cleveland where less than six years earlier Peggy had tied the laces on her first pair of skates. Even before the judges had announced the decision, the audience knew that Peggy had dethroned the reigning champion. Later that same year, America's newly-crowned queen took sixth place at the Olympics—an amazing finish for this tiny teen-ager from Colorado.

"We were pleased about her performance," Mrs. Fleming recalls, "and were somewhat deflated when we returned to the States and listened to some of our friends say, 'What happened?'" Peggy only smiled, inwardly vowing that by the next Olympics she would be the best in the world.

Peggy's successes and her acclaim from the experts affected the lives of everyone in the Fleming household: Moving from California to Colorado Springs to train at the Broadmoor under the great Italian skating coach Carlo Fassi, putting aside hard-earned extra dollars to pay for trip expenses, and revising family schedules for compatibility with arduous practice sessions. But, Mrs. Fleming points out, "We decided that we would do this thing right. And that meant that we had to remain normal people. If we couldn't, it wasn't worth doing."

Both Peggy and her mother learned much through the increasing pressures of competition. "At the Junior Nationals in Long Beach, we drove from our home in Pasadena to the competition that same morning. We realized, when it was too late, that we should have spent the night in Long Beach." Peggy tired during the competition and the fatigue probably cost her the national title.

According to Peggy, "My attitude had been foolish. I had let myself be overawed and, even worse, I had listened to several skaters talking just before the competition and became upset by their pointed analysis of my skating weaknesses. There are lots of angles.

"Sometimes the others are nice to you," she says, "and sometimes they don't speak to you at all. But you always have the feeling they would like to reach out and knock you down." Peggy doesn't have any locker-room tactics. "I just ignore all of it. I think that's the best way to handle it."

"Our move to Colorado Springs was no accident," her mother says. "Altitude training is important. And here Peggy trains on both indoor and outdoor ice." Her father had seen Peggy weaken in the 1965 world meet at Colorado Springs and finish third. And he knew that conditioning would be vital for the next title meet at Davos (elevation 5,164) in 1966. "It's a major factor," Peggy believes, "in my success. I just barely get through my routine at the Broadmoor arena, but by comparison it's a breeze at a more normal altitude."

Although she appears as fragile as a Dresden doll, her stamina is matched only by the grace and perfection of her movements.

By the unknowledgeable, Mrs. Fleming has been criticized for pushing her famous daughter too hard—assuming, apparently, that the predawn to dark practice schedule is Doris Fleming's idea. That, says the champion's mother, is ridiculous. "We have always let Peggy set her own alarm clocks. That way she had to do it herself. Nobody pushed her to skate. That's what really gets me" she continues. "Peggy will go outside after dinner and practice out of doors. Although it sometimes gets bitterly cold around seven o'clock, she still practices for an hour every evening. And people ask if I push Peggy. That makes me laugh. You don't see me out there with her at night."

By the end of 1965, Peggy had conquered North America. Not only had her graceful, ballet-like movements and her unbelievable precision in school figures convinced the judges that she epitomized perfection, but her delicate manner and shy smile had charmed everyone who watched her perform. She was, in fact, America's sweetheart on ice, and now, in March of 1966, Peggy Fleming was ready to captivate the hearts and plaudits of the world.

As George Gross reported in *Sports Illustrated*, following Peggy's performance of the compulsory school figures at the World Championships in Davos, Switzerland, "Only four times in the 60-year history of the women's world figure-skating championships had a defending titlist been dethroned in a competition, but reigning champion Petra Burka's crown was wobbling." Former Olympic champion Dick Button refused to be optimistic. Before the competition he said, "Petra should do it again, although Peggy could be her closest challenger."

Taking her school figure lead into the free skating portion of the competition, Peggy, wearing a tight-fitting dark rose costume and a white ribbon in her hair, flowed flawlessly through a difficult and demanding four-minute free skating program to the music of Verdi, Tchaikovsky, and Rossini to gain the only perfect score in the championships. When it was all over, she had become the first American girl to win a world figure skating championship since Carol Heiss in 1960. Coach Carlo Fassi, after congratulating his newly-crowned champion, said, "It is her determination that makes Peggy great. She has an excellent disposition, which makes her forget a bad practice in 10 minutes. But at the same time, she learns from all her mistakes."

And Peggy, her blue eyes flashing, just

smiled and nonchalantly said, "Gosh, I'm glad the big scare is over."

"Everything," Fassi recalls, "went right at Davos. Peggy hadn't been skating very well before Davos, but did great skating in the competition." And what happened to the former world champion? "Peggy's performance in the first figure skating competition beat Petra. After that, Petra lost her nerve or something," he said.

At Davos, Peggy played her role as underdog for the last time. In March of 1967 at the World Championships in Vienna, Peggy was the overwhelming favorite. Nothing, said the experts, except a complete collapse could prevent her from repeating as the world champion. Dressed in a costume of pink jersey, with a gum wrapper stuck inside her glove for luck, Peggy swirled onto the ice and moved into one of her most difficult figures, the double axel. As the TV cameras beamed her performance to the world, Peggy suddenly fell and skidded toward the wall on the seat of her pink pants. Her coach, Fassi, remembered only too vividly the time, a few years back, when Peggy had fallen four times during a performance. And Peggy's mother thought of Dick Button's comment that Peggy was perfection—unless something unexpected were to happen.

Mrs. Fleming knew that later in the sequence her young daughter would be repeating the same figure—unless she decided to eliminate it from her routine ("I was praying that she wouldn't try it again").

But Peggy picked herself up, and, as Bob Ottum wrote, looking "as fragile as a Viennese chandelier, waltzed her way with ease to her second world figure skating championship."

Although Peggy's fall received most of the publicity, several of the other competitors had similar accidents which were not reported by the press. "Actually," her mother says, "it may have been the best thing that happened. The rink was smaller than the practice area and she might have crashed into the wall if she hadn't taken a spill."

Like the champion she is, Peggy doesn't make excuses. "I slipped at the take-off and couldn't regain control in the air." And then she adds, "I'd like to go out and do the whole thing over again and do it right." Coach Fassi believes that the powerful TV lights, coupled with the fact that skaters were not permitted to practice on the ring where the competition was held, contributed to the fall.

"Peggy pioneered a style all of her own—a combination of ballet along with the athletic leaps," Mrs. Fleming notes. "It took great courage to stick with this style, since it was not what the judges were used to seeing. And now, hers is the accepted way. She's had a tremendous influence on figure skating."

National magazines and newspapers throughout North America, Europe and Japan have lavishly praised this shy and talented Bambi on skates. In Vienna, the press called her "that whirlwind from Colorado," and "the fragile skater." Experts agree universally that Peggy is the only skater who swings gently into a turn, picking up momentum by arching her body rather than stroking off powerfully with one leg. Gabriele Seyfert, her ranking rival, says of Peggy: "She has no weaknesses. I am the more athletic type. The ideal thing would be to skate as Peggy does, which is softly, and then connect it with the high jumps between."

Watching her perform today, with perfection, with confidence, with the grace of a swan, it is difficult to imagine that this is the Peggy who once was ill-at-ease and sometimes terrified as she performed before an audience only a few years earlier. "I used to pretend that people in the audience were cabbages. And I'd tell myself, how can you be intimidated by rows of cabbages?" She also used to practice the modern, teen-age dances—the watusi and the pony—in front of a full-length mirror. Dancing with wild, free movements did much, she says, "to get me out of my shell."

"In one way," she says with a smile, "I've been a bit of a bad influence on Mr. Fassi. He used to be a purist—being Italian and all—about music who recognized just the classics. Now he keeps time to Beatle music! I caused his downfall by bringing records from home to play during my free-skating practice."

Peggy's first skating idol, and perhaps the person who had the greatest influence on her style, was Tenley Albright. "Tenley brought the grace and classic beauty of ballet to ice skating. The motions of the body," Peggy believes, "are much the same in free skating as in ballet, although the leg action is completely different. Actually, skating can be freer than ballet because of the glide and the possibility of great speed." Peggy has surpassed her idol.

One of her most avid fans and critics—in addition to her coach and her three sisters—is Dick Button. While praising her on the one hand ("Peggy has a unique combination of athletic ability, technical control, great style and immense musicality,") he lectures her fiercely on the nutritional superiority of steak over macaroni. At times, when they happen to be eating together, he refuses to allow her to leave the table until she's finished all her protein. But he compares her with the greatest. "She is a delicate lady on ice. She is not a fiery skater, and she shouldn't be made to be. With some skaters there is a lot of fuss and feathers, but nothing is happening. With Peggy there's no fuss and feathers, and a great deal is happening."

Although Peggy in her role as champion has the world at her feet and is idolized by virtually every young skating hopeful on a rink, at home she is in many ways the typical teen-ager, neither seeking nor receiving any special treatment from her three sisters. In fact, competition is keen within the Fleming household, and Peggy is as proud of her cooking and sewing talents as she is her medals and press clippings. "We listen to records, try new hairdos and, like any family, we tease each other a lot."

"Her sisters are good for her," Mrs. Fleming says, "and they understand her. If Peggy is especially tense before a competition, they'll come to me and say, 'Don't worry, Mom, we'll handle things'. And then they'll start to kid her, or maybe end up in a pillow fight. At least, they get rid of the tension."

With Peggy, as with most US amateur athletes, the financial problem of being a champion is not an easy one. Although some of Peggy's expenses are paid under the AAU's strict code, Mrs. Fleming has to pay her own way. "Promising European athletes," her mother stresses, "are subsidized by their governments from the local level upward. Here you have to make the national team before you even get expenses. I've seen skaters at the Nationals who couldn't afford to eat. That's hardly the way to encourage young skaters to develop their skills. And if we're going to stay on top, we'll have to. The Iron Curtain countries and the Russians, in particular, are beginning to develop hordes of figure-skaters—just like they've done in other sports in the past."

Mrs. Fleming travels with her daughter to all of the major competitions and has been criticized by the New York press for minding her daughter's business more than she should. "It's just a sour grapes attitude," she comments. "I'm concerned about my daughter, as any mother would be. It's surprising the things that happen. In Paris, for example, the papers ran a picture of Peggy with a Russian boy and implied that it was a big romance. Actually, there'd been a whole group of people in the picture, but it was cropped to show just Peggy and the Russian. Peggy's even been accused of being a secret agent for the CIA." Her mother grins, "I just told them that they had us confused with Ian Fleming."

Peggy prefers to leave politics to the politicians, and spends most of her free time while traveling around the globe shopping for her friends and, more particularly, her one-and-only romantic interest, a pre-med student she met in Austria. "At the competitions, the participants all stay together. And we have lots of fun together. At the parties, it's mostly dancing." She says, "Language isn't a barrier. We're all young people and we understand each other."

Interest in skating throughout Europe is much greater than in the US. "In Germany," Peggy recalls, "we were putting on an exhibition at an outside rink. It was pouring rain, but 12,000 people waited six hours to see the exhibition. It was really funny, seeing all of the audience under umbrellas. Our outfits were completely soaked, but it was one of the best performances we ever gave."

One of the tragedies of Peggy's young life came close on the heels of her exciting triumph at Davos. Following a tour of Russia, she received word at the Moscow airport that her father had died April 6 of a heart attack. "It was a real blow, although we knew of his heart ailment. He had a tremendous influence on me—on our whole family." At least, Albert Fleming saw his dream come true—Peggy as the world champion—before he died.

Since last October, Peggy had been in training for the most important event of her life—the 1968 Olympics at Grenoble, France. Peggy's schedule—with the Olympics just around the corner—is rigorous—calling for seven hours of skating six days a week. Normally, the young champion starts her practice routine by doing slow, simple circles, gradually working into the compulsory school figures, ranging from the familiar forward figure eight to the complex paragraph double three. Frequently she spends as much as a half hour on a figure, or longer if she's not satisfied with her performance. With a total of 48 compulsory figures, it takes a week to get through the complete set.

"Peggy is one of those rare individuals," Coach Fassi notes, "who has the control and precision necessary for perfect school figures—and is equally good at free figure skating." Fassi believes that skaters sometimes over-train and end up giving a flat, uninspired performance during the event. Peggy begins to taper off during the two weeks prior to competition. As Fassi says, "You train too much, it gets you nothing but big legs."

Following the National competition in January, the Olympics in February, and the World Championships thereafter, Peggy will tour Europe and return home, very possibly to retire from skating competition. "People keep asking me, will I turn professional? Gee," she answers, "I really look forward to leading a life of my own, a kind of other life."

Mrs. Fleming concurs that Peggy will quit this year. "Frankly, we can't afford it anymore," her mother emphasizes. What happens to the women's figure skating championship after Peggy? "I think there'll be a gap in the US, at least for a few years. The East Germans and Czechs will probably control the international skating competitions."

And what of Peggy's future. "I'll most likely go to college full time and train as a kindergarten teacher." After a month of vaction: "I want time to do all the things I've been longing to do. Like swimming, sleeping late, eating pastry, getting a sun tan and staying up late at parties." Peggy has taken the fame she has earned in typical teen-age stride, and unsophisticatedly, honestly admits that it excites her to get mail from Europe addressed simply, "Peggy Fleming, USA," or to have people ask her for autographs. "It's fun," she says. Her comment when her picture appeared on the cover of *Sports Illustrated:* "I thought it was great."

And her comment on being the best: "It makes you feel good. I like the feeling very much."

At the moment, the Flemings and Coach Fassi are looking forward only to this year's Olympics. "If we have good ice," Fassi says confidently, "Peggy should have no trouble in beating the others." Regardless of the outcome, the Fleming philosophy will prevail. In the words of Mrs. Fleming, "Peggy's father believed that the most important thing he could teach her was sportsmanship. He taught her to be a good competitor. If you win, you win. If you lose, lose gracefully. Certainly we want Peggy to win. But if she loses, so what? It's certainly not the end of the world."

Win or lose in the weeks ahead, blue-eyed Peggy Fleming from Colorado Springs will remain a champion—and the most exciting queen on skates that America has ever seen.

THE 50TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

Mr. PROXMIRE. Mr. President, on February 16, 1918, the Lithuanian nation declared its independence, thus realizing a goal for which the people had been striving through 120 years of Russian domination. Two years later, the Soviet Government in Moscow signed a peace treaty in which it recognized Lithuanian independence and affirmed its belief that all peoples have the right to self-determination. The treaty stated in part:

> Russia recognizes . . . the sovereignty and independence of the State of Lithuania . . . and voluntarily and forever renounces all sovereign rights possessed by Russia over the Lithuanian people and territory.

History has provided irrevocable proof that the Soviet Union betrayed the Lithuanian people with its insidious promises. Two decades later, under the guise of defending Lithuania from the powerful Nazi onslaught, the Soviets occupied the country and took control of of the government. In 1940, the Supreme Soviet in Moscow declared the entrapped nation a constituent republic of the U.S.S.R., thus obliterating the last vestiges of Lithuanian sovereignty.

For the past 28 years, the Lithuanian people have been subjected to all forms of Sovietization, aimed at destroying their nationalist spirit. Yet, although a government must succumb to a stronger force, the hearts and minds of those who possess a will to freedom can never be enslaved.

Fifty years ago today, the Lithuanians chose to govern themselves by principles of freedom and democracy. For 20 years, they enjoyed the fruits of liberty. They watched their beloved nation grow and prosper through their own earnest efforts. Inspired by that memory, they continue to struggle against Communist domination and to hold fast their national identity.

The Lithuanian cause has evoked the hope of free men everywhere that the ardent desire of the Lithuanian people for liberty and self-government will ultimately become a reality.

IMPROVED HOUSING FOR THE RURAL ELDERLY

Mr. MONDALE. Mr. President, home maintenance is a serious burden for elderly citizens. Shoveling walks, cleaning windows, and mowing grass can be formidable chores when bones are aging and vigor declining.

For some of our senior citizens, apartment living can solve the problem—if desirable rental apartments are available. But in rural communities, the "if" is a big one. Second-floor apartments in homes or store buildings seldom meet the needs of older persons; for there are frequently too many stairs to climb and too much noise for comfort.

There is a growing demand in small towns throughout Minnesota, and throughout all of rural America, for that matter, for rental units designed to meet the needs of elderly residents. I am gratified to learn that the Farmers Home Administration in the Department of Agriculture is cognizant of the housing needs of our senior citizens and is making determined efforts to be an ever-present partner in revitalizing this segment of rural America.

Through wise administration, the Farmers Home Administration is using its rental housing loan program to help local people to build and develop projects suitable for our senior citizens. Through the rural rental housing program, this agency is helping to assure that retirement is truly a "golden age" for our senior citizens, a time filled with the security and dignity that a lifetime of labor deserves.

Last fiscal year, for instance, some 1,100 rural people—mostly senior citizens—were able to move into well-constructed, comfortably designed apartments located in the countryside as a result of $5.5 million in loans advanced by the Farmers Home Administration. In my State, about 150 rural senior citizens were able to obtain apartments in new or improved rental housing units during the last fiscal year, thanks to the more than $500,000 in credit advanced by the Farmers Home Administration under this program.

A recent issue of the Farmer contained a fine article written by Margaret Landin, the family and farm editor of that magazine, which tells of the joy and pleasure senior citizens are having as residents of rental projects in Minnesota, particularly in Grove City. This excellent article is probably the best summary made so far of this little known program that is of such great benefit to our senior citizens in rural areas.

I ask unanimous consent that the article, entitled "FHA Retirement Housing—Is It Working?" be printed in the RECORD.

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

FHA RETIREMENT HOUSING—IS IT WORKING?

(By Margaret Landin)

"So, you're from the Farmer," Mrs. W. L. Paul, Grove City, Minn., greeted us at her door. "Well, you're why we live here.

"Mr. Paul and I read about the retirement homes in your magazine in 1964, and though we'd been retired from our farm about nine years and lived in Redwood Falls, this sounded just grand—and it is."

Hers was the first of many enthusiastic comments from people who live in Grove City Community Homes, which the Farmer revisited recently, three years after its first feature on retirement facilities for farm families. Grove City was the first retirement center in the U.S. okayed for an FHA loan.

Equally pleased with their new homes are people living in Heights Court Apartments, a more recently completed center at Wyoming, Minn.

Non-profit, rural retirement housing centers may be set up by rural communities with populations under 5,500. They will be granted USDA Farm Home Administration (FHA) loans if area residents support the project and plans are approved. Community support is demonstrated by sale of individual memberships for enough to establish a bank account that amounts to about 3% of the loan requested from FHA.

The housing is designed for healthy, independent, older individuals and couples who no longer need or want a large farm or home to care for. Rents are moderate and those who live in the centers need not make any investment, other than a $10 or $20 membership.

Mr. and Mrs. Paul moved to Grove City, a town of about 500, in July, 1966. "There are such good neighbors here—people were friendly and easy to know right from the beginning," Mrs. Paul said. "Tell folks not to be afraid to move into one of these retirement centers. They have privacy plus the convenience of being close to town, have a central laundry so this need not be done in your own house and a caretaker who does yard work. And there are many, many good friends close by.

"The apartments are easy to take care of. Tile floors wipe up quickly; closets and cupboards are more than generous. In fact," Mrs. Paul laughed, "I gave away things I'd have had plenty of room to store."

Another couple visited, Mr. and Mrs. Roy Olson, have lived in Grove City Community Homes about one year. "Sometimes when you think or talk about retirement projects, you wonder if people will look down on the idea," Mr. Olson told THE FARMER. "But it isn't like that at all. We're tickled pink—this isn't a poverty project."

Mrs. Olson, who is crippled with rheumatism and uses a walker, likes living near neighbors. "You know," she said, "I lived most of my life in the country where I couldn't even see a neighbor's house. Now I can get to meetings in the community center, even though I have a hard time walking. Today, for instance, we're getting together to see about forming a craft club where we can work and exchange hobby ideas—over coffee, of course."

Frank Silseth, caretaker for Grove City Community Homes, was one of the project's originators. He sat on the board of directors until accepting his position as caretaker. He farmed about two miles outside of town and lived on his farm the first year he worked at the homes. He liked his job and the homes so much that he has rented his farm and moved into one of the apartments.

"One pleasant feature here is that a person can have a vegetable or flower garden if he wants," Mr. Silseth, an avid gardener himself, said. "This last summer we had five vegetable gardens and nearly everyone had flowers. We've plenty of space because the homes own 17 acres."

"And you know," he went on, "we've had only one elderly tenant leave, and that was because he was no longer able to walk well and wanted to live right downtown."

Another plus is the central community building with its big activity room, its handy, equipped kitchen, a big laundry room with coin-operated washers and dryer, and two apartments on the second floor.

Cooperation from people in the area has continued strong, according to Donald Peterson, Grove City businessman and president of the non-profit, Homes Corporation. Originally, 278 memberships were sold for $10 each, with memberships including cor-

poration voting privileges. The project is operated by a board of ine area citizens. Area groups and individuals have given strong support in landscaping, furnishing the community room and the community kitchen.

Grove City Homes is maintaining about 90% occupancy. There are 21 one-bedroom apartments which rent for $55; five two-bedroom units, renting for $75. Tenants pay for electric heat and light, plus telephone. The homes furnish refrigerator and 30-inch stove for each unit, water (hot and soft), grounds maintenance, help with windows when needed and repair work. When residents want to go visiting or on vacation, they just walk out and lock the door, regardless of weather. The caretaker checks temperature and takes care of seasonal chores for them.

"Financially," says Mr. Peterson, "the Grove City venture is now into the plus columns. Our original construction was delayed because of bad weather so we didn't start collecting rents as soon as planned. But now, retirement home groups can delay their first loan payment two years—a necessary change in rules. Despite our original delay, we're now in good shape and have requested another loan from FHA to build a 10-car garage. We figure $5 rent per month will meet that expense easily.

"Another FHA rule that has changed, which we think is desirable, allows the corporation to write bylaws so young people with modest income can live in the centers. Income for young, childless couples must be no more than $4,000; for couples with children, $6,000. The $6,000 yearly maximum income for people over 62 still holds," Mr. Peterson said.

Turnover of younger people is more because this is really a temporary situation for them, until their salaries increase and they can afford to buy homes. But, residents of Grove City enjoy having young folks around and watching the children play, saying they are well-behaved and no bother.

"Offering these homes to young people has been to our advantage," Mr. Silseth said. "We've been able to provide good and moderately-priced housing to teachers. Some smaller communities have a real problem in this area."

The retirement center at Wyoming, Minn., a town of about 700, is set up in a slightly different way, reflecting FHA's desire that each community plan and design for their own special, local area.

Donald Grans, Wyoming postmaster and secretary-treasurer of Heights Court Apartments, Inc., was one of the prime movers in getting that project going. He is now manager of the court.

"Our buildings are four-plexes," he told the Farmer. "Each apartment is on the ground level. Rents, which include everything but electricity for lights, and phones, are $75 for one bedroom; $90 for two bedroom apartments. Our recreation room, not quite completed, is a big, walk-out room on the lower level of one building. It overlooks the yard, woods and a small creek. Our land covers two acres. We have four buildings and there's plenty of room for curb parking and gardens—we had six vegetable gardens last summer.

"Now," he continued, "we have a request in to FHA for money to put up one more four-unit building."

The Wyoming group's bylaws state that residents must be 62 years or older, because the board feels older people enjoy peace, quiet and one another. Apartments aren't isolated from the community, but border a lovely, wooded residential section which is just being planned and built.

"We sold about 100 memberships at $10 apiece to get rolling," Mr. Grans continued. "Robert Ackerman, Afton, Minn., architect, drew our plans. We think we have buildings that will last for years with minimum repairs, at least of a major nature."

Residents at Wyoming Heights are area people; about half are retired farmers. Those the Farmer talked to were just as enthusiastic as residents at the Grove City retirement center.

Mr. and Mrs. Russell W. Carlson were getting ready to leave on a delayed wedding trip when the Farmer called. They met, as neighbors at Heights Court, about a year ago and were married in September.

"I was lonely when I first came here from Center City," Mr. Carlson said. "But people were so nice."

Mrs. Carlson originally lived in Forest Lake, Minn. She sold her home because it got to be too much work. "I considered a trailer home," she said, "then I visited Heights Court. The cramped trailer idea went out the window when I saw these lovely, roomy apartments."

Mrs. Eva Wentze, a widow who lived at Martin Lake, Minn., feels her two-bedroom apartment is as nice as any home. "Just look at the birch woodwork, oak floors and ceramic bathroom tile. Grand, big windows crank out easily and you can change storms or screens at will. My kitchen is a gem, too," Mrs. Wentze continued. "The floor is inlaid vinyl, stove is a full, 30-inch size, the refrigerator has a good-sized freezing compartment and there's plenty of cupboard space for storing grocery supplies. They've let me carpet my living room floor and I could easily bring all the old treasures I wanted to keep. Closets are huge—even a great big linen closet outside the bathroom door."

Wyoming's loan for its four original units was $53,000. It was acquired after the interest rate was reduced to an even 3%, and the corporation took advantage of the two-year option to make the first payment.

Lower interest rate, the two-year option on making first loan payment and a chance for each community to decide whether or not its members will let young people move in have been the major changes in FHA rules to date. "All in all," Arthur Hanson, state FHA director, told The Farmer, "the plan has worked well and enthusiasm throughout the state is growing.

"We have a couple suggestions for community groups thinking about retirement centers. Perhaps most important, we are encouraging them to buy smaller parcels of land. This means less original investment on their part and it isn't difficult to get more money for additional buildings, once the first units are filled.

"Actually, even very small towns can now have a retirement unit—we'd consider loans on a single building on one lot."

Roger Runestrand, engineer for Minnesota FHA and the man who helps supervise community building plans, feels that having buildings or groups of buildings scattered throughout the community is a commendable idea. "If you get older people out where they can see kids and cats, you keep them involved in more local activities," he points out.

Another FHA suggestion is that original membership fees be set at $20. "The higher fee," Mr. Hanson continued, "keeps the person more actively interested in the project and he's more likely to continue his support because of his larger investment.

"We've also found that total collection from original membership sales should be about 3% of the loan. This money in the bank assures the group of a cushion for extra expenses and equipment until rents start coming in."

Minnesota now has five non-profit retirement centers in operation under FHA loans. They are at Wyoming, Askov, Gonvick, Red Lake and Grove City.

Four more centers are under construction at Halstad, Fosston, Bejou and Waverly. FHA also has tentative commitments on loans to groups in Isle, Belgrade, Hinckley, Sebeka, Newfolden, Grygla and Brooks.

THE FAIRNESS DOCTRINE

Mr. ALLOTT. Mr. President, in a speech before the Colorado Association of Broadcasters on the 26th of January of this year, I made it known that I intend to seek repeal of the Federal Communications Commission's so-called fairness doctrine. Apparently, this should have been done much earlier, for, if the Commission's decisions on cigarette advertising and political candidates appeared absurd, the FCC's latest application of the doctrine is a mockery of fairness.

To be specific, the FCC required radio station WHN in New York to grant equal time to the W. E. B. DuBois Clubs in response to a WHN editorial accusing the DuBois organizations of being Communist fronts. It was a 6-to-1 decision, with Commissioner Robert E. Lee dissenting. Commissioner Lee was quoted as saying:

> We have to draw the line somewhere.

I thoroughly agree with Mr. Lee, but unfortunately the majority on the Commission seems unwilling to make any rational decisions in implementing the doctrine.

For anyone not familiar with the DuBois Clubs, let me say that former Attorney General Nicholas Katzenbach labeled them Communist-front organizations, as did FBI Director J. Edgar Hoover. Mr. Hoover specifically warned that the DuBois Clubs are making a strong effort at fomenting revolution among our Nation's youth. W. E. B. DuBois, by the way, was an obscure Communist whose writings have apparently inspired a part of the new left.

The requirement that equal time be afforded those organizations who aid the Communists in their goal of internal subversion and world domination is such an extreme perversion of the intent of Congress that obviously the fairness doctrine must be abolished. I would not be surprised to see the Commission require radio stations in the metropolitan Washington area which produced documentaries on the assassination of George Lincoln Rockwell to grant equal time to the American Nazi Party. I would ask the Commission, Is this in the public interest? Does the Commission feel that it is in the public interest to expose the American people to the views of Communists who are not clearly labeled as Communists? Obviously, the Commission does; and, obviously, before too many broadcasting stations are required to air treasonous declarations against the United States and its interests, the second session of the 90th Congress must act to correct this outrage.

Mr. President, in the near future I will submit a bill to the Congress dealing with the fairness doctrine, and I hope it will be given every consideration.

IS THE SST A WORTHWHILE PUBLIC INVESTMENT?

Mr. PROXMIRE. Mr. President, Prof. Karl Ruppenthal, director of the transportation management program at Stanford University, delivered a superb speech at the California Institute of Technology the other day about the supersonic trans-

port. I commend the speech to the attention of all Senators.

The speech sums up as well as any statement I have yet seen all the reasons why our Government should adopt a "proceed with great caution" attitude toward this project.

Professor Ruppenthal, at one point in his speech, stated:

Although there are thousands of sophisticated investors eagerly seeking growth situations; although there are literally billions of dollars in risk capital ready to be invested in attractive, business-like speculations, not one broker in the world has offered to underwrite the supersonic transport project.

He continued:

There is no mystery to this reluctance. Said one of the bankers who made a study of the project, "Without the guarantee of the government, there would be absolutely no market for the securities." In other words, even to the sophisticated investor with risk capital to invest, the financial prospects don't look good.

SST uses this as an argument for heavy Government participation. But I question whether the SST is a reasonable Government investment when private investors eager for profits will not touch with a 10-foot pole. If some great public purpose were served by Government investment in the SST, then it might be a reasonable investment. But the controversy that surrounds the SST dwells on just this point: Does the SST serve any important public purpose, particularly at a time in our history when we have so many tasks that are so obviously important?

I ask unanimous consent that Professor Ruppenthal's speech be printed in the RECORD.

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

SOME ENVIRONMENTAL PROBLEMS IN COMMERCIAL SUPERSONIC FLIGHT

(By Karl M. Ruppenthal)

Blasé though we may be after having become accustomed to announcements of immense progress and gigantic leaps in the multifarious areas of science and technology, there is, nonetheless, an understandable sense of excitement as we contemplate the possibility of supersonic flight. There is a quickening of the senses, a feeling of anticipation that comes with each new advance in transportation technology. There is an undeniable thrill that comes with each new advance in speed. No doubt that thrill was felt by the primitive inventor of the wheel as he attached his invention to some crude chariot and then went careening down a hill. No doubt that thrill was felt by the Wright Brothers as they detached themselves from the earth and actually managed to coax their contraption into the air. And that thrill is anticipated by the visionaries and the promoters who would soon have the people of the world travelling about at three times the speed of sound. Here is what one of them has to say:

"Racing along above the troposphere you will actually outdistance the sun. Washington to Paris in but three short hours; Los Angeles to New York in even less. The ski slopes of the Andes and the beaches of South America will be no farther from Chicago than Detroit is by air today. Outracing the sun, no place on earth will be more than hours away. Every remote and idyllic area in the world will be brought virtually to your very doorstep. A new day will dawn with the advent of supersonic flight."

It almost sounds like Paradise—at least to the efficient practitioner of that well-known Madison Avenue trade. But like many artful advertisements, it does not even speak of the price. And before we leap too fast into the supersonic age, it may be well to explore some of the environmental aspects of supersonic flight. In modern business parlance, we need to undertake an economic analysis to determine cost-benefit relationships. Or, in more commonplace language, it seems wise to know more about the costs of what we are getting before we sign the contract to buy.

There are four types of benefits that could flow from the construction of a U.S. supersonic transport. First, and most obvious, is speed. It is obvious that a plane traveling at 1800 mph can cover the distance more quickly than one poking along at one third that speed. Second, a substantial number of jobs can be created whenever the government undertakes any new and expensive project. That is true whether we speak in terms of the SST, Cancer Research, or the WPA. Third, there would be a "fall out" in technology. It seems likely that the multi billion dollar expenditures for the SST would enable us to learn more about the metallurgy of titanium, some problems in hydraulics, and the secrets of radiation. Indeed, as in any program of research and development, it is entirely possible that incidental and unforeseen benefits of undetermined value would spring from these efforts.

Fourth, it would tend to feed our ego. As Americans we have long nurtured the idea that in certain, selected areas we should, if possible, always be first. And on those rare occasions when some competitor beats us to the punch, we should nonetheless be preeminent. America is always best!

Our ego is bruised at the thought that the British can rival us in accomplishment in any of these proprietary areas. Our pride is wounded if the French ever succeed in doing anything as well as we. And our national honor is surely at stake whenever the Russians do better than we.

We have long felt, and with some justification, that aviation is really an American domain. Stunned with the notion that the British-French Supersonic Concorde may actually be the first commercial plane to fly faster than the speed of sound, we are bound and determined to drive it from the skies—notwithstanding the fact that there is abundant evidence to indicate that the Concorde will be underpowered, inefficient and expensive; indeed there is mounting evidence to indicate that the Abominable Concorde may never really make it off the ground.

These, briefly, are the benefits to be received from building our own version of the SST. And now, a look at the other side of the coin. What is the nature of the problems that are involved in its construction and operation and what is the magnitude of the cost?

The problems may be classified according to the various environments in which they will exist. One environment concerns the plane itself and its occupants. This is the physical environment through which the plane would pass. The second environment concerns the people on the earth—the human beings over whom the Supersonic plane would pass. The third environment is economic. What is the magnitude of the costs that are involved in the development, construction, and operation of the supersonic transport? Who will bear these costs And what is the probable return on their investment?

There are a variety of interesting problems that concern the in-flight environment of the SST. These, briefly, involve heat, cold, pressurization, and radiation. Since it is contemplated that the transport will operate in a wide variety of physical conditions, its various systems must take into account enormous variations in pressure and temperature. The plane should be able to take off at sea-level tropical airports, but its hydraulic systems must function properly when the plane is flying fifteen miles high over the frozen arctic wastes. Systems utilizing liquids must be operable when it is so hot that certain fluids would boil and when it is so cold that ordinary jet fuel will freeze.

In cruising flight the skin of the plane will reach 550° Fahrenheit—so hot that it could easily be used to grill a steak. Yet the metals used in the structure must not shrink or lose their shape if the plane lands in Iceland on the coldest winter night.

Pressurization presents certain problems. If the cabin of a transport is ruptured while flying at subsonic altitudes today, the emergency oxygen system can be relied upon to serve until the plane descends to a viable altitude—perhaps 10,000 feet. But this will not be true in the case of supersonic flight. Flying unpressurized at 70 to 80 thousand feet, a human's blood would boil. Result: The pressurization system must not be allowed to fail.

While we are rapidly learning more about the hazards of radiation, there is still a good bit more to learn. It now appears that there will be little radiation danger to the passenger on the routine supersonic flight. There is less certainty about the amount of continuous exposure which the flight crew members can tolerate. And there is work to be done in relation to predicting the incidence of severe radiation disturbances, or at least in locating them in relation to the projected Supersonic flight path. Once such disturbances are located, it seems probable that the SST could descend to a lower altitude or in some other appropriate manner alter its projected course.

While these problems involving the environment of the supersonic transport itself are not unimportant, there is little doubt that they can be solved. All that is required is the passage of time, the application of the requisite brainpower plus a plentiful supply of money. These problems are technical in nature, and a satisfactory solution can surely be bought.

A far more important set of problems concerns the people who live on the earth—under the flight path of the supersonic planes. It is they who must contend with the sonic boom.

At the outset it may be appropriate to examine the nature of the sonic boom. This phenomenon is created whenever any object passes through the air faster than the speed of sound. It results from the inability of the molecules in the air to move fast enough to get out of the way of the plane. The result is a shock wave, or sonic boom, variously described as a sharp crack or a thunderous roar.

While some things are known about the sonic boom, many questions still remain. It is known, for instance, that the size and intensity of the boom bears some relationship to the altitude of the plane, its speed, its shape, and its size. Generally speaking, the larger the plane, the bigger the boom. But there are several other related factors whose relationship is not yet clearly understood. While it is known that the intensity of the boom varies in different atmospheric conditions, the reasons for the variations have not been identified. It is also known that the signature of the boom—its shape and pattern, if you will—may vary with the attitude of the plane. While the boom created by a small plane flying straight and level in supersonic flight may cause no more than slight annoyance, when that same plane turns and banks, it sometimes creates a destructive boom.

How much boom will there be? The answer to that question is not yet fully clear. If the U.S. SST cruises at between 60,000 and 70,000 feet, as now appears probable, it will leave in its wake a continuous boom in the shape of a

cone. As the underside of the boom strikes the earth, it will resemble a sonic carpet some fifty miles wide. What is not known is the severity of the boom; how it will be magnified whenever the plane banks, turns, or changes its course; nor the effect of the boom on ships, marine life, or other planes following it in the air.

Thus far several thousand claims have been filed against the United States for boom damage and the claimants have been paid something like a million dollars for property damage that thus far has been sustained. There is no record of the number of people who have been damaged or annoyed but did not take the trouble to file a claim.

Before becoming complacent about the amount of reparations that have been paid for boom damage inflicted, it is well to remember that these claims have resulted from relatively small sonic booms—mostly caused unintentionally by over-eager or under-trained Air Force pilots operating in relatively small planes. It does not require an Einstein to appreciate the number and size of the claims for boom damage that could result from a thousand larger and faster planes plying the nation's air ways.

The quasi-official calculations made by the proponents of the SST estimate that about 500 of the planes can be sold if they are restricted to over-water operations and that an additional 700 of them can be sold if they are allowed to fly over land. If but one fourth of this latter fleet—175 planes—were allowed to fly the transcontinental routes of the United States, people living in their wake would have the joy of being boomed some 700 times per day. If the pleasures of the boom were distributed evenly throughout the day and night, that would mean a sonic boom every 2 minutes, more or less. But lest the people of Denver, Omaha, or Des Moines becomes disconcerted at that melodious thought, they may take comfort in the knowledge that under normal conditions the sonic boom carpet gracing their city should ordinarily be no more annoying than the sound of a modern-day subsonic jet airborne at the end of the runway with full take-off power.

Apparently that would mean that when the supersonic age is full blown, the quietest place to live may well be at the threshold of the airport itself. For the thousands of miles of flight-ways over which these planes fly would be subject to a continuous and never ending boom.

Faced with an increasing storm of protests because of booms caused by Air Force planes, one inventive General proposed the addition of a new public relations man to his staff. He saw it simply as a problem in education. In the interests of progress, the public must learn to live with the boom.

One of the most disheartening aspects of the whole supersonic program has been the matter of the sonic boom. Well aware of the fact that a boom is created whenever a plane achieves supersonic flight, the members of an early SST study committee sought some answers to the problems of the boom. Even then they knew that there were limits to the noise and annoyance to which the American people would allow themselves to be subjected even under the guise of progress, paternalism, or patriotism.

Since neither they nor the public then knew much about the nature of overpressure—the amount of boom-created pressure in excess of that of the atmosphere itself—they sought to find some understandable translation. As one of the members of that committee expressed it, "We found that a boom of 1 psf (pressure per square foot) was somewhat annoying and that a boom of 2 psf was a little like being shoved."

Although they felt that the public should not be asked to tolerate a boom in excess of 1 psf, that specification was not achieved by any of the designers of the SST. Privately concerned about the public reaction to the boom, a series of boom tests have been made—each of them under carefully supervised—and antiseptically artificial—conditions. While there is disagreement about the results, one thing is abundantly clear: The full public reaction to the boom has not yet been revealed, for the tests are sorely incomplete. Since it is not yet known what will be the signature and intensity of the boom created by the U.S. SST, the public reaction to that boom is clearly unknown. Some of the proponents of the SST answer this question by saying that we must simply try it out. Once built and in the air, the people themselves can determine their collective reaction to the boom. In other words, since the laboratory tests are inadequate, why not make guinea pigs out of the American people themselves.

Incidentally, if the British-French Concorde actually makes it to the air, its specifications call for a boom of 2½ psf, more or less, at take off and about 2 psf during cruising flight.

The third environmental area is economic. How much is it likely to cost? And who will pay for the plane? While there are still many uncertainties concerning the full cost of research, development, and construction, there is indeed little doubt that the taxpayers will pick up the tab. In this connection it is interesting to note that although the financial problems of the SST have been studied by some of the most astute bankers and financiers that the United States can boast, not one of them has ever seriously suggested that the plane be financed by the private enterprise system itself. Although there are thousands of sophisticated investors eagerly seeking growth situations; although there are literally billions of dollars in risk capital ready to be invested in attractive, business-like speculations, not one broker in the world has offered to underwrite the supersonic transport project.

There is no mystery to this reluctance. Said one of the bankers who made a study of the project, "Without the guarantee of the government, there would be absolutely no market for the securities." In other words, even to the sophisticated investor with risk capital to invest, the financial prospects don't look good.

The fact of the matter is that it is hazardous indeed to forecast the financial prospects for the SST. Until the probable size of the market for the plane can realistically be determined, it is impossible to set a rational price for the plane itself nor to know how much of the research and development costs to charge each plane that is built. And the greatest of many uncertainties concerning the market for the plane itself concerns the willingness of the American people to suffer the sonic boom.

There is real danger here. Billions of dollars of the taxpayers' money may be invested on the implicit assumption that the boom will be heard only on the over-ocean routes. There is now some official claim that the project could be successful even if the plane did not fly over land; or if it did, that it would fly at subsonic speeds. But the danger is that with these restrictions the supersonic plane would be a colossal economic flop and the multi-billion dollar investment would risk going down the drain.

Faced with a financial loss of such gigantic proportions, there would be enormous pressures to change the rules and allow full operation over land. If that day comes, peace and quiet in much of the countryside will truly be a nostalgic thing of the past.

In this connection it is important to note that Sir William Hildred, then Director General of the International Air Transport Association, has said that the financial assumptions underpinning the SST were so tenuous that a change of but one per cent in certain critical elements could convert an assumed profit into an important loss. And as any forecaster knows, this is an exceedingly close parameter for any prognosticator to use.

While it is true that there have been exhaustive studies concerning the technical aspects of the SST, as yet very little has been done about the environmental problems of the SST. We know precious little about its probable effects on wildlife, dairy cattle, or sleeping babes. We know little about its effects on human irritability, blood pressure, or ability to get a good night's sleep. We know almost even less about the startle effect and what it can mean to a surgeon, scientist, or a person who is critically ill. These are important considerations, and they should not rudely be swept under the rug. Knowing of their existence, it does not seem prudent to ignore them, hoping that with the advent of the supersonic plane itself, they will, somehow, magically disappear.

One of the regrettable aspects of the whole supersonic project is that it is the technicians who have been in control. Instead of looking at the human aspects of the problem, too often technology itself has been their God.

Probably the most important problem entwined in the project concerns the living qualities of the earth. Who should make the decisions concerning booms, noise, stench, and screams? Who should set the allowable limits to pollution in the air, pollution on the ground, and pollution of serenity? Who should decide these questions, involving as they do the very living qualities of the earth? Should they be left to the technicians and the promoters and the artists of Madison Avenue? Or should the people on the earth have some small voice in their determination?

THE PUBLIC IMAGE OF THE JUDICIARY

Mr. TYDINGS. Mr. President, one of the outstanding Maryland trial judges, the Honorable Kenneth C. Proctor, circuit judge of Baltimore County, last month presented to the Maryland Judicial Conference an address which outlined, in fine style, a code of conduct for all judges. I have had the opportunity to read Judge Proctor's remarks, and I believe they are well worth sharing with Senators.

Judge Proctor's concluding words are particularly worthy of note. He said:

> Very few of us will be known as great judges and the public will neither know nor care. What the people want and have every right to expect from us are integrity, humanity, consideration, devotion to, and reasonable expedition in, our work, dignity, freedom from outside influences, such as business and politics, self-restraint—in short—good judges.

In this day—when court dockets are burdened as never before in our history—the bench cannot perform its public function unless it is composed of judges of the caliber and with the human charactertistics Judge Proctor calls for. As Socrates said centuries ago, judges must "hear courteously, answer wisely, consider soberly, and decide impartially." The bench today must not be the repository of man appointed principally for their political activities or elected for their appeal in the political circuit. Our clogged court calendars will never find relief if the bench is reserved as a sinecure for lawyers no longer able to face the rigors of practice.

Every judge, be he a trial magistrate or a Supreme Court Justice, would do well to follow Judge Proctor's suggested

code of conduct. Only industrious, conscientious, temperate, and courageous judges can meet the challenges facing justice today. And, as Judge Proctor so aptly states:

If the people lose faith in the courts, they lose faith in the government.

Mr. President, Maryland, and particularly Baltimore County, can be proud of Judge Proctor. He has served the State on the bench since May 1965, and is a judicial member of the American College of Trial Lawyers. An extremely able lawyer, he served as past president of the Maryland Bar Association. He is a former deputy State's attorney and assistant Maryland attorney general.

I ask unanimous consent that Judge Kenneth C. Proctor's speech, entitled "The Public Image of the Judiciary," be printed in the RECORD.

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

THE PUBLIC IMAGE OF THE JUDICIARY

(Presentation by Judge Kenneth C. Proctor at the Maryland Judicial Conference January 11, 1968)

The public's concept of the Judiciary is reflected from not just one—but several mirrors. The first, and probably the most important, is what I will call the Court House mirror. From it we are observed by every one employed there, from the custodial staff to our fellow judges; by jurors, court attaches, witnesses, litigants and attorneys; by casual visitors; and finally, by representatives of the various news media who report our activities to the world.

The second is the Extra Curricular mirror which reflects all those occasions when we come in contact with the general public away from the Court House—while driving our cars, at our clubs, walking on the street, in restaurants, at the theater and meetings.

The third is the Semi-Private mirror which shows us, quite often with our hair down, to our friends and acquaintances and, I might add, to our colleagues—while at cocktail parties, private dinners and bench meetings.

We all know that collectively these mirrors reflect everything we do from the moment we leave our homes in the morning until our return in the evening—many times until we retire for the night. A few of us, however, apparently are not fully aware of the code of conduct to which we all should adhere so that the reflections from these mirrors will lend dignity to the office which each of us holds and will result in respect by all those whom we serve.

What are the standards of conduct which all of us should follow? I suggest that the following ten commandments embody them with reasonable objectivity:

1. The first and indispensable standard is that, like Caesar's wife, we must be above suspicion—not most of the time but all of the time. Ours cannot be the morals of the market place, for we are required to judge them every day. We must not only be fair and impartial in the trial of cases and in handling our other judicial duties, we also should give the appearance of fairness and impartiality. Those who appear before us—whether as attorneys, litigants or witnesses—should carry out of the court room the feeling that, right or wrong, we have been fair. It should be observed that our public image in this regard may very well be reflected from all three mirrors—not just from that which picks up our court room conduct.

2. We must at all times remember that we are public servants—not kings, little or big. We can and should run our courts with a taut rein. We should not, however, act as autocrats who can do no wrong.

Judge Harold R. Medina has said—"After all that is said and done, we cannot deny that a judge is almost of necessity surrounded by people who keep telling him what a wonderful fellow he is. And if he once begins to believe it, he is a lost soul."

3. We should be considerate. We expect our court attaches to jump at our slightest request. We expect counsel to be respectful. We expect jurors, litigants and witnesses to be prompt in their attendance. The least that we can do is to open court at the designated hour—make recesses as brief as possible. The judge who does not do these things leaves a very bad impression on those he keeps waiting. When delay is unavoidable—as it occasionally is—we should be careful to explain to all concerned exactly why that is so.

4. We should remember that serving as a judge is a full time job. Today the volume and complexities of litigation and of administration of the judicial process require all of our energy and full time in court or chambers. The day when a judge could perform his duties in three days a week—nine months a year is long past. I'm not suggesting that we have to punch a time clock or that we can't take off for an occasional golf game or attend grandmother's funeral on opening day. However, it has been said that a lazy judge is a poor judge. We can't shirk our responsibilities by taking four day weekends and vacations of three months. We cannot expect the public to provide bigger and better Court Houses for more and more judges, some of whom would not be needed if we all bore our fair share of the overall judicial load. If the hoped for increase in and equalization of salaries and pensions are realized, those who sit in counties where the workload is comparatively light must expect assignments where it is heavy. In fact, without a good public image so far as our work habits are concerned, we can't expect the legislators to approve and the taxpayers to pay such increased and equalized salaries and pensions.

Only recently, the Legislative Council in approving proposed legislation affecting judicial salaries and pensions added the following preamble to the proposed bill: "It is the intention of the General Assembly that the circuit court judges throughout the State shall be paid uniform salaries and that the judicial work-load shall be distributed as uniformly as possible by exercise of the authority of assignment by the Chief Judge of the Court of Appeals. It is further the intention of the General Assembly that the Court of Appeals shall by rule establish a uniform procedure for the scheduling of judicial vacations and leaves of absence throughout the State."

5. We should respect the views and opinions of our colleagues. In administering the judicial process there are bound to be many occasions when we do not agree with our fellow judges. Nevertheless, disagreements should be respectful—not bitter. Ability to negotiate and compromise is one of the factors which made us reasonably successful lawyers. Let us not discard that ability now that we are on the bench. Let us discuss and determine our administrative problems in the meeting room—not in the public press.

6. We should never forget that we were lawyers before we were judges. Counsel are entitled to and should be accorded consideration in and out of court. We should not, of course, play favorites.

If it becomes necessary to censure counsel, it should be done, if possible, in chambers.

Many times in the trial of cases it is incumbent upon us to question a witness. When we do so I suggest certain guide lines: (a) As a general rule, such interrogation should be reserved until counsel have exhausted the witness—the question may become unnecessary. (b) Our questions should not be slanted—should not indicate any degree of bias. (c) We should at all times bear in mind the old chestnut—the injunction of the young lawyer to the interfering judge "Your Honor, I don't mind you trying the case, but please don't lose it!" (d) In jury trial we should ask as few questions as possible and be particularly careful not to ask questions which might prejudice either side. (e) Ask questions if necessary to prevent manifest injustice.

7. We should be expeditious in deciding cases. Delayed justice many times results in injustice. Even if we are not prepared to decide a case from the bench, upon its conclusion we should at least hand down our findings of fact. We will never be better prepared to make those determinations and quite often such findings lead to an inevitable conclusion. Prompt action on the facts leaves a good impression on litigants and attorneys.

If we delay unduly in deciding cases it adversely affects our overall effectiveness as judges. We lag in handling our fair share of the work and our colleagues have to take up the slack. We should not kid ourselves that the public do not know the judges who work effectively and those who don't. They do!

8. We must not engage in partisan politics. Whether we like it or not the public look upon politicians with suspicion. A judge who is active politically or who associates with politicians is promptly labelled by the people as one of them. To the public this label connotes bias—subject to influence.

9. We should not engage in business or be associated with business ventures of any kind where such association would be an inducement to others to deal with such concerns or would interfere in any way with the performance of our judicial duties. Any such association would necessarily involve some of our time and energy and would probably result in undue disqualifications and public belief of bias.

Since preparing this talk, the State Constitutional Convention has adopted the proposed new Constitution (subject to the approval of the voters on May 14, 1968). Section 5.25—Restriction of Non-Judicial Activities in part provides as follows:

"No judge shall practice law, or seek public elective office other than the judicial office he then holds, or contribute to or hold office in a political party or political organization, or participate in a partisan political campaign or serve as officer, director or employee of any business formed with the intention of making a profit. * * *"

10. We should at all times be temperate and I use the word in two senses. First, we should be self-restrained in our dealings with others—in and out of the court room. Kindness and patience pay big dividends in all walks of life and particularly where the relationship is judge—counsel—litigant. Restrained dignity is impressive—lack of it is inexcusable. We should not lose our temper in court—Count ten and recess.

Second, we should be temperate in our consumption of alcoholic beverages. Intemperance not only seriously limits our ability to function as judges—it results in a permanent black eye so far as the public is concerned.

If we do a little soul-searching, I doubt if any of us can conscientiously say that day in—day out we abide by all of these standards. Yet, I submit, the breach of any one of them by any one of us does damage to the public image of all of us—the Judiciary of the State of Maryland. Collectively we constitute one of the three great branches of government in this State—in fact the greatest because it is the last resort of the people in times of stress—be such problems public or private. If the people lose faith in the courts, they lose faith in the government.

Very few of us will be known as great judges and the public will neither know nor care. What the people want and have every right to expect from us are integrity, humanity, consideration, devotion to, and reasonable expedition in, our work, dignity, freedom from outside influences, such as business and politics, self-restraint—in short good judges. With dedication each of us can be a good judge. A good public image will follow as day the night.

THE DECLINE OF RAIL PASSENGER SERVICE IN THE UNITED STATES

Mr. ALLOTT. Mr. President, almost every day another petition to discontinue a major passenger train is reported in the press. So frequent have these reports been that I think Members of Congress and the American people are hard pressed to keep track of them. Thus, I was most interested to learn that the National Association of Railroad Passengers in Chicago, Ill., has conducted an exhaustive survey of the current status of long-distance passenger trains in the United States.

Among other things, the survey revealed that 75 intercity passenger trains had been discontinued between July 1 and December 31 of last year, reducing the number of intercity runs throughout the Nation to 650 compared with over 20,000 in 1929. In addition, the survey notes that another 108 applications for discontinuances of trains are pending before the Interstate Commerce Commission, and other regulatory agencies. Should all of these petitions be granted, only 542 long-distance trains would continue to operate in the United States.

The association statement notes:

This rash of abandonments and applications to discontinue service follows on the heels of the U.S. Post Office Department's wide-spread cancellations of railroad mail contracts and diversion of the mail to the highways and airways.

As Members of the Senate know, I have long contended that there is a close interrelationship between RPO abandonments and the decline in railway passenger service. This survey by the association points up more dramatically than anything I have ever seen the seriousness of the rail transportation problem and certainly demonstrates why the administration should change its policies to give high priority to this national catastrophe.

Mr. President, I ask unanimous consent that the survey prepared by the National Association of Railroad Passengers, showing the present posture of passenger train operations in the United States, be printed in the RECORD at this point.

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

PASSENGER TRAIN DISCONTINUANCE SURVEY

	Railroad																																						Total all railroads
	Alaska	A.T.S.F.	A. & W.P.	B. & O.	C. of G.	C. & O.	C. & E.I.	C. & N.W.	C.B. & Q.	C.M.S.P. & P.	C.R.I. & P.	C.S.S. & S.B.	D. & H.	D. & R.G.W.	E-L	F.E.C.	G.T.W.	G.N.	G.M. & O.	I.C.	K.C.S.	L. & N.	MoPac.	Monon.	N.Y.C.	N.Y.N.H. & H.	N. & W.	N.P.	P.R.R.	R.D.G.	S.C.L.	S.L.S.F.	Soo	S.P.	Southern	S.P. & S.	U.P.	W.P.	
Trains operated, July 1, 1967	2	42	6	22	6	24	4	16	36	30	16	24	4	6	6	2	10	20	6	28	6	16	24	2	55	58	22	14	80	4	50	2	2	22	26	6	24	2	725
Trains discontinued July 1 to Dec. 31, 1967:																																							
ICC decision	..	4	..	..	..	..	..	..	8	2	4	..	..	..	..	..	..	..	..	4	..	..	2	2	..	..	2	2	2	..	2	2	..	4	4	..	..	..	44
State commission decision	..	2	..	2	..	2	..	..	..	..	..	..	..	2	..	..	2	..	..	..	..	..	..	..	5	..	..	..	2	..	..	..	..	..	2	..	4	..	23
Appeal to ICC from State commission denials	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Court decision	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Unilateral action by railroad	..	..	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	4	..	..	..	..	..	..	..	..	..	..	..	2	..	8
Total	..	6	..	4	..	2	..	..	8	2	4	..	..	2	..	..	2	..	..	4	..	..	2	2	9	..	2	2	4	..	2	2	..	4	6	..	6	..	75
Train discontinuances denied by all regulatory authorities, July to December 1967	..	..	..	..	..	..	2	..	2	..	..	..	..	..	..	..	..	..	..	..	..	2	..	..	2	..	2	2	..	..	..	..	..	..	..	..	..	..	12
Trains operated, Dec. 31, 1967	2	36	6	18	6	22	4	16	28	28	12	24	4	4	6	2	8	20	6	24	6	16	22	..	46	58	20	12	76	4	48	..	2	18	20	6	18	2	650
Pending discontinuance proceedings, Jan. 1, 1968:																																							
ICC	..	14	..	..	..	6	2	..	4	4	2	..	..	..	2	..	..	2	..	8	6	..	..	..	4	..	..	2	2	..	..	..	2	2	..	..	4	..	66
State commission	..	8	..	..	..	..	..	..	..	..	2	..	..	2	..	..	..	..	..	..	..	..	6	..	..	..	2	..	..	..	..	..	..	2	2	..	..	..	24
Appeals to ICC from State commissions	..	..	..	..	..	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	2	..	..	2	..	..	..	..	..	..	..	6
Court	..	..	..	..	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	2
Announced but not yet filed	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..	2	..	..	..	..	..	..	..	..	..	..	2	..	..	..	..	..	..	..	..	..	2	2	10
Total	..	24	..	..	..	8	4	..	4	4	4	..	..	2	2	2	..	2	..	8	6	..	6	..	4	..	4	4	2	..	2	..	2	4	2	..	6	2	108

Sources: Official Guide of the Railways; Moody's Transportation; Traffic World; NARUC Bulletin; various press reports.

Mr. ALLOTT. Mr. President, while we are on the subject of the declining number of passenger trains, which unquestionably has been brought about by the discontinuance of Railway Post Office cars, I felt that the editorial by Luther Miller in the February 12 edition of Railway Age made an outstanding contribution to bringing the RPO controversy into focus.

Mr. President, I ask unanimous consent that this editorial be printed at this point in the RECORD.

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

AS THE EDITOR SEES IT

(By Luther Miller)

POST HASTE?

"Our railroads," grumbles a correspondent, "have been pilloried in the press and crucified in Congress for their alleged failure to haul the mails with sufficient speed and efficiency to suit the Post Office. Has anybody bothered to check up on how the airlines are doing the job, now that they have it?" The answer is yes—the airlines *have* been checked up on. And they're doing a fantastic job.

THE WAY IT WAS

Sixty-five years ago one of our Chicago editors could put a parcel of manuscripts on the "20th Century Limited" late in the afternoon, and be reasonably sure it would be in the New York office the following day. Over the years we took full advantage of this excellent service. So did millions of others.

AND THE WAY IT IS

Then the airplane came along; gradually the Post Office began to shift the bulk of its traffic from rail to air. Last year there was wholesale abandonment of Railway Post Office cars. The "20th Century Limited" was among the casualties. Up in the air went the mail. Now what happens?

HERE'S WHAT HAPPENS

On Thursday, Feb. 1, Engineering Editor Merwin Dick (Chicago) stuffed an envelope with manuscripts due in New York the next day, stamped it "Air Mail," and entrusted it to the Chicago Post Office. At about the same time Senior Editor Gus Welty (also Chicago) filled a second envelope with news stories and stamped it "Air Mail—Special Delivery." In New York, Friday came and went—but no manuscripts.

NINETY-SIX HOURS LATER

Hope springs eternal, and on Monday morning the New York copy editors and layout men were primed and waiting for the first mail. But two mail deliveries passed before the missing manuscripts limped in early in the afternoon—96 hours after being posted. The special-delivery parcel carried a stamp certifying that it was received at the New York GPO at 9:30 a.m., Monday Feb. 5. It took only three hours to travel three miles downtown—apparently the fastest leg of the journey.

WHO NEEDS IT?

Blame the weather; blame the Post Office; blame the airlines (which, reportedly, have so much mail that they sometimes stuff it into unoccupied passengers' seats); blame the railroads, if you will. But an incontrovertible fact remains: What took 24 hours by rail in 1905 took 96 hours by air last week. How much more of this kind of progress can our transportation system stand?

CHILE RATIFIES POLITICAL RIGHTS OF WOMEN CONVENTION—UNITED STATES STILL MISSING FROM LIST

Mr. PROXMIRE. Mr. President, the total number of nations which have ratified the Political Rights of Women Convention has grown to 55.

Just recently, the Government of Chile decided that ratification of this Human Rights Convention was not only in the interest of universal establishment of human dignity, but also very much in its own national interest.

I do not believe that the people of Chile or Albania or Ghana or Pakistan care more about political equality for their female citizens than we in the United States do. But the conclusion is inescapable. These governments have all ratified the Political Rights of Women Convention and our Government has not.

I ask unanimous consent that the list of 55 nations which have ratified the Political Rights of Women Convention be printed in the RECORD.

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

COUNTRIES WHICH ARE PARTIES TO THE POLITICAL RIGHTS OF WOMEN CONVENTION

Afghanistan	India
Albania	Indonesia
Argentina	Israel
Belgium	Jamaica
Brazil	Japan
Bulgaria	Lebanon
Byelorussia	Madagascar
Canada	Malawi
Central African Republic	Mongolia
Chile	Nepal
China	Nicaragua
Congo (Brazzaville)	Niger
Costa Rica	Norway
Cuba	Pakistan
Czechoslovakia	Phillipines
Denmark	Poland
Dominican Republic	Republic of Korea
Ecuador	Rumania
Finland	Senegal
France	Sierra Leone
Gabon	Sweden
Ghana	Thailand
Greece	Trinidad & Tobago
Guatemala	Turkey
Haiti	Ukraine
Hungary	U.S.S.R.
Iceland	United Kingdom
	Yugoslavia

NEGRO LIFE AND HISTORY

Mr. MURPHY. Mr. President, last Sunday, February 11, the distinguished Senator from Iowa [Mr. MILLER] was the principal speaker at the 31st annual meeting of the Pasadena Association for the Study of Negro Life and History which was held at the Beckman Auditorium on the campus of Caltech in my State.

The remarks of the Senator from Iowa are most timely and meaningful, and I ask unanimous consent to have them printed in the RECORD.

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

REMARKS BY U.S. SENATOR JACK MILLER, OF IOWA

Today we begin National Negro History Week, and I am, indeed, most honored to open your program.

My first real, in depth contact with Negro history was during my high school days when I read a book on the life of Booker T. Washington. As you can well imagine, it left a lasting impression on me—one, I am sure, which has been of great value in my understanding of and appreciation for the contributions made by the American Negro in our march towards fulfillment of the American dream.

These contributions have been significant—not just in the world of competitive athletics (where they assuredly have merited international acclaim), but in every facet of American life: literature, painting, music, dancing, voice, sculpture, Medicine, scientific research, education, diplomacy, religion, politics, and business. Significant contributions will continue, and they will multiply.

The work of your association in furthering the study of history to fill the gap which has existed in the education of so many of our people is most commendable, because the filling of that gap is essential to the understanding and the full sense of values which must be present in a good society.

A great amount of history in Negro life has been produced in the last decade. The foundation for much of it was laid by the United States Supreme Court decision in the school desegregation cases. In 1957, the Congress, at the urging of the Administration, undertook for the first time since the Civil War to implement the Fourteenth Amendment to the federal constitution. This was essentially a voting rights Act under which the federal government, through the Department of Justice, was empowered to obtain court injunctions against obstruction or deprivation of voting rights. Another feature was the creation of the Civil Rights Commission.

In 1960, with a bipartisan majority prevailing over both those who desired more federal intervention to protect constitutional rights and those who wished none at all, the Congress approved amendments designed to strengthen the 1957 Act. The principal one was an authorization to federal judges to appoint referees to help deprived citizens register and vote. Criminal penalties were also provided for bombings and bomb threats, and also for mob action designed to obstruct court orders, whether or not any of these anti-social activities involved racial considerations.

Bipartisan efforts in Congress brought about the Civil Rights Act of 1964—"the most significant piece of legislation produced by the Congress in the 20th Century", I called it during final debate on the measure. This Act genuinely committed the nation to work to remove racially-motivated injustices and to do so within the framework of our federal constitution. There were some Members of Congress who believed that some of its provisions exceeded constitutional limits; and some lower federal courts apparently agreed. However, appellate decisions have all held in favor of constitutionality. Of almost equal significance was that, preliminary to passing the 1964 Act, the Senate, for the first time in history, voted to invoke cloture to end a filibuster on a civil rights bill.

In addition to providing new guarantees against a denial of voting rights, the Act covered discrimination in public accommodations, employment, and federally-assisted programs; empowered the Attorney General to initiate suits to desegregate schools and public facilities; established a Community Relations Service; and extended the life of the Civil Rights Commission.

Notwithstanding these various Acts of 1957, 1960, and 1964, there still was need for a swifter mechanism to secure the right to vote to all American citizens. Recognition of this need by a bipartisan coalition brought forth the Voting Rights Act of 1965, which not only curtailed the use of voter qualifications as a device for discrimination, but also authorized direct federal action (through the Department of Justice) to protect registration and voting instead of having to resort to long, drawn out individual court actions required under previous Acts. The 1965 Act also established severe penalties for false registration, for paying someone to vote, and for accepting payment for voting—these provisions designed to protect the votes of good citizens secured by this legislation from being diluted or cancelled out.

Those who supported the 1964 and 1965 acts were persuaded that a right without a remedy isn't much of a right, and that justice delayed is justice denied. I might point out that since enactment of the Voting Rights Act of 1965, over 500,000 Negroes have been registered in the five states of Alabama, Georgia, Louisiana, Mississippi, and South Carolina—a 72% increase in two years.

During the 1964 and 1965 debates, I well recall there was a great amount of talk about "States Rights". I happen to believe strongly in the principle of States Rights, for after all I took an oath to uphold and defend the Constitution; and I often join in the Pledge of Allegiance to our flag and to the Republic for which it stands—a Republic of fifty individual, sovereign states which, along with their people, retain all powers of government except those granted the federal government. But the point missed by the States Rights arguments was that these rights have correlative states responsibilities which, when not lived up to, leave an affected citizen with no recourse except through action by the federal government. At the same time, it was intended that such action under these Acts be in reasonable consonance with the preservation of states rights. Thus, the 1964 Act, for the most part, gives the states an opportunity to carry out their responsibilities first; and then, if they don't do so promptly, the federal government will step in.

To those of our citizens who had been deprived of their constitutional rights, the Civil Rights Acts of 1964 and 1965 was a national expression of good faith and trust that, upon securing their rights, these citizens would reciprocate that faith and trust by living up to the responsibilities accompanying those rights. For example:

The right to vote has a correlative responsibility to do one's political homework; to know whom and what one is voting for; to vote intelligently and not, for instance, to vote superficially for the candidate who happens to promise the *most*, but rather for the candidate who makes responsible promises and matches his promises with deeds; to bear in mind Jefferson's warning that majority rule is no guaranty against despotism; that the necessary and sufficient conditions to the success of the great American Experiment in self-government is consent of the elightened majority.

The right to equal educational opportunities has a correlative responsibility to work hard in school, to develop one's God-given talents, to not become a "dropout"—a responsibility shared by both parent and child. Moreover, as President Nabrit of Howard University so aptly said last year: "The student has responsibilities to his fellow members of the University community, the most important of which is to refrain from interference with those rights which promote essential purposes and processes of this community."

The right to equal employment opportunities has a correlative responsibility to acquire skills, to work hard and honorably, to be tolerant of one's fellow-employees and loyal to one's employer, and to seek advancement on the basis of merit.

Finally, the enjoyment of all these rights carries with it the responsibility to join with one's neighbors in uplifting one's community, in exerting one's influence towards observance of the law, respecting other people's rights and property, and not to look the other way when the good name of one's community is being harmed.

During the 1964 debate, I observed that we must never forget that in a democracy the force of public opinion will make or break any law passed by a legislative body. At that point of history in 1964, public opinion decided that racially-motivated injustice had to go. But public opinion can change, and it is generally agreed that since 1964 the riots and demonstrations resulting in injury

to innocent people and their property have adversely affected public opinion. As the Washington Evening Star recently put it: "If there is any area of the national life in which Americans can truly be said to be color blind, it is in the area of crime. The victims or their survivors couldn't care less about the color of the criminal. They want him caught. Or, even better, they want the crime prevented."

There are extremists who seem bent on changing public opinion back—communists and fellow travelers, paid trouble makers and cowards who burn or bomb churches, homes, and shops, and un-American groups such as the Ku Klux Klan and the Black Muslims. They have received publicity out of all proportion to their true importance, and this publicity has not only encouraged them in their misguided activities, but it has had a detrimental impact on public opinion. I hope that members of the press will recognize this and realize they, along with all responsible citizens, have a responsibility in not aiding and abetting a backward step in public opinion.

The challenge is to move public opinion forward—not backwards. The proceedings of the Third Conference on Federal Civil Rights Legislation at the University of Notre Dame a year ago points the way. The Conference found that legal remedies now exist for most of the traditional forms of discrimination practiced under color of law or official action, but that passage of civil rights laws has generated expectations that are still far short of fulfillment; that persistence of the wide gap between law and achievement presents a serious danger of disillusionment over the effectiveness—and, worse, the good faith—of the federal government. I might add, the federal government mirrors public opinion.

The Conference well said "the achievement of equal opportunity requires that both real opportunity and really equal access to it be provided simultaneously." For example, and I quote: "equal job opportunity means nothing to the individual who has been deprived of the necessary education and training to qualify for it. Similarly, equal job opportunity is an empty promise unless enough jobs of the right kind are available for those who need them." In this connection, the Conference recommended greater federal support for expanded on the job training programs that would include disadvantaged persons not currently eligible. When it called for the "right kind" of jobs, the Conference was talking especially about jobs in private industry—not federal handouts and artificial make-work programs without a future. This is why government programs simply must enlist the assistance of business and industry. Moreover, the Conference was not thinking only of the cities, but of all sectors of our society. We should remember that nearly half the poor families in the nation live in the rural areas.

In referring to the Employment Act of 1946, which commits the federal government to creating and maintaining conditions of full employment and maximum purchasing power, the Conference impliedly criticised the inflation which is sweeping our country today. This has accompanied the multi-billion dollar deficits voted for by a majority of the Members of Congress, and it is well known that increases in the cost of living hurt low income people worst of all. Inflation in 1967 amounted to $25 billion, and California's share of this was the equivalent of an 8% sales tax on the backs of every man, woman, and child in this state—rich and poor alike. It won't do for the federal government to aid the poor with the right hand and then, with its left hand, stab the poor with the knife of inflation.

There are other significant pages of history in Negro life being written today in a far away land called South Vietnam. War is always a terrible tragedy—both in human and material resources. We are troubled when we realize how much of our national budget goes for war when there is so much that needs to be done here at home. But we must understand that if those who believe the individual exists to serve the government—not the government to serve the individual, who believe in aggression by force, who believe in violence and terror for political ends, who despise freedom of speech, freedom of the press, and freedom of religion—if those possessing these attitudes prevail, then material progress here at home will not be worth much.

It has been said that this war is a set-back for the cause of civil rights, because resources needed to wage the war on poverty are being wasted in our war effort. On the contrary, I suggest that history will show that the cause of civil rights has been served with more far-reaching positive effects than all the money that would otherwise be going to deal with the poverty problem. History is filled with examples of heroism of Negro members of our armed forces during all of our wars. After World War I, General Pershing said: "I cannot commend too highly the spirit shown among the colored combat troops." In World War II, members of the 92d Infantry Regiment—a Negro unit—received over 12,000 decorations and awards for fighting in the Italian campaign—many of them awarded posthumously. In the Korean War, in just fourteen months, members of the Negro 24th Infantry Regiment received two Congressional Medals of Honor, nine Distinguished Service Crosses, 300 Silver Stars, 500 Bronze Stars for valor, two Legion of Merits, and 65 Commendation Ribbons. This heroism is being exemplified by Negro fighting men in South Vietnam today. But most important, this is the first war in which all military units are fully integrated, and no amount of money spent on the poverty war could inspire the brotherhood of man under the Fatherhood of God which is being born out of the blood, sweat and tears of our boys over there in the foxholes, the bunkers, the rice paddies, the ships in the Tonkin gulf, the aircraft over North Vietnam, and the hospitals.

There are a few cynics who have suggested that these boys will return to the United States—the Negroes to lead the riots in our cities and their white comrades to fight against them. But I believe that history will show that they will, instead, return to join hands and hearts and minds in the common cause of justice, tolerance, and brotherly love.

I would like to read the recent citation of a young Negro soldier upon his award of the Congressional Medal of Honor.

"Private First Class Milton L. Olive, III, distinguished himself by conspicuous gallantry and intrepidity at the risk of his own life above and beyond the call of duty while participating in a search and destroy operation in the vicinity of Phu Cuong, Republic of Vietnam, on 22 October 1965. Private Olive was a member of the 3d Platoon of Company B, 2d Battalion (Airborne), 503d Infantry, as it moved through the jungle to find the Viet Cong operating in the Area. Although the Platoon was subjected to a heavy volume of enemy gun fire and pinned down temporarily, it retaliated by assaulting the Viet Cong positions, causing the enemy to flee. As the Platoon pursued the insurgents, Private Olive and four other soldiers were moving through the jungle together when a grenade was thrown into their midst. Private Olive saw the grenade, and then saved the lives of his fellow soldiers by grabbing the grenade in his hand and falling on it to absorb the blast with his body. Through his bravery, unhesitating actions, and complete disregard for his own safety, he prevented additional loss of life or injury to the members of his platoon. Private Olive's conspicuous gallantry, extraordinary heroism, and intrepidity at the risk of his own life above and beyond the call of duty are in the highest traditions of the United States Army and reflect great credit upon himself and the Armed Forces of his country."

My friends, Milton Olive will not be returning to the United States to lead a riot. The Medal of Honor was awarded posthumously.

JUVENILE CRIME IN VFW MAGAZINE

Mr. DODD. Mr. President, crime is becoming, indeed it has already become, the principal threat faced by the young people of America on their road to maturity as successful, productive citizens.

The adolescent years are really a crossroads, the time of decision for our young. They are no longer children, but not yet fuly grown and mature. They are not yet ready to participate in all of adult life, and yet they have left behind the playthings of their childhood.

It is during these years that time hangs heavily on their hands. The lack of direction and the need to fulfill a natural desire for accomplishment and recognition combine with the all too often result that a juvenile turns to crime to distinguish himself among his friends.

There is a gap in the home life of the teenager created when parents are caught up in the family-defeating pursuits of an acquisitive society. The price of keeping up with Jones' second car is often both parents away from home working, and a house is not a home without parents.

So now add to the cost of that second car the life of an adolescent who, at the crossroads, turned to juvenile crime for something to occupy his time while rattling around in a house without parents.

The government and the community is doing much to fill the gap in the home life of a teenager. More must be done to give teenagers a sense of purpose, that secret ingredient which distinguishes the delinquent juvenile from the successful juvenile.

The February issue of VFW, the monthly magazine of the Veterans of Foreign Wars, publishes a thoughful article by William D. Schul, staff member, the Menninger Foundation, which discusses this facet of the juvenile delinquency problem. It is entitled "Delinquency: Its Cause and Cure." I recommend it to my colleagues and ask unanimous consent it be inserted in the RECORD at this point.

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

DELINQUENCY: ITS CAUSE AND CURE

(By William D. Schul)

"Johnny, you have left me no choice. I am going to send you to the Boys Industrial School."

Frightened and bewildered, the 15-year-old youth looked over at his huddled parents, took in the unmoving court officials and turned back to the judge. His mouth worked several times before he managed, "Well, a guy has to have somethin' to do!"

The retort was not meant for anyone in particular. It was a cry against the forces which had conspired against him: a summer vacation without a job, a house emptied by working parents, endless days with nothing

to do but hang out on the streets and try to overcome boredom. This last demand had finally been met by stealing cars and breaking into vending machines.

Such tragedies and waste in young life have come in the wake of great social and economic changes which have altered the patterns of childhood and adolescence.

It wasn't too many years ago that the kindly reader could weep over tales of spindly urchins slaving 12 hours a day in coal mines, or the pallid little ragamuffin braving the wintry blasts to peddle his newspapers in order to take bread home to an invalid mother.

It was well that the reader did respond to these heartbreakers. Much in the same manner that *Uncle Tom's Cabin* contributed to emancipation and temperance plays to prohibition, these stories helped bring about laws governing social welfare, child labor and mandatory school attendance during the early part of this century.

Before the enactment of these laws, the protection of children depended upon the interest and capabilities of their parents. They attended school only if their parents so desired and if they could be spared from bearing their part of the family workload. Employment of the young depended upon the whims of the employer. If a child committed a crime, he was tried under the same laws and faced the same penalties as an adult.

Aroused federal and state legislatures, through enactment of welfare laws, reduced the abuse and neglect of children. The mandatory school attendance laws promised at least some education to all children. Federal and state child-labor laws prohibited employment of young children and limited employment of older youngsters to non-hazardous jobs during hours when school was not in session. Juvenile laws placed the jurisdiction over juveniles in juvenile courts, starting in Cook County, Illinois in 1899. The juvenile court, considered as a substitute parent, provided special treatment for young offenders.

Yet, this evolution spawned a new tragedy which is drawing its share of tears from parents, judges and educators. One must question now whether the elimination of these injustices wasn't too thoroughly accomplished.

Consider the 14-year-old lad who wants a part-time job but can't get one because of his state's child-labor laws. Since both parents work, he doesn't like to go home after school so he loiters on the streets with other boys. They are always looking for something to do, trying to figure out ways of getting some money.

I marvel sometimes that we do not have a much higher rate of delinquency among teenagers. At this age the human body has an amazing amount of vitality and it seems the height of folly for us to believe the teenager can make constructive use of his many leisure hours. Despite its mileage, the adage, "Idleness is the devil's workshop," is still valid.

J. Edgar Hoover told me that we can expect nearly one million crimes by teenagers this year.

Perhaps of even greater consequence than child labor laws are changes occurring in the home. Before the era of economic plenty the family was a closely-knit unit with the father as the final authority. Children learned strict discipline at an early age and helped out with the family workload.

Came the great industrial explosion with technological advances and, in its wake changes in American thinking.

The father, in his search for larger paychecks—material things became the staus symbol—relinquished all child-rearing duties and most of the authority of the home to the mother. Father became less dominant and mother became more assertive.

The mother, faced with a role for which she was not physically, tempermentally nor psychologically fitted, became frustrated and the children, used to being told explicitly what they could or could not do, no longer felt the security of well-drawn boundary lines.

The mother, fearing the loss of her children's affection, perhaps found it increasingly difficult to deprive her offspring of pleasures as a method of punishment. Good behavior was often bought through gifts, over-protectiveness, over-love, over-possessiveness and over-indulgence. Many children reacted to this flexible discipline with rebellion and disrespect.

During this period of struggle between mothers and their offspring, John Dewey's theory of progressive education came into its own. Many educators and psychologists embraced this new philosophy of allowing children to express themselves freely. This doctrine of permissiveness often gave the frustrated mother the reassurance that the non-disciplinary approach to child-raising was the right one.

In the opinion of some authorities, this inaugurated an era of juvenile domination. Family activities centered around Junior's demands and the spoiled adolescent became the new autocrat. Contributing nothing to the family upkeep, the adolescent became a consumer without being also a producer.

Underlying all theories of child-rearing—and lending an air of urgency to them—is the greater theory that man, except for hereditary factors, is exclusively a product of his environment. Especially his environment during his first years of life.

True or not, if one accepts this theory without qualification, it is not too difficult to then surrender all individual responsibility. For if a man's behavior is set in infancy, he may well look upon himself as being a chip tossed helplessly by forces beyond his control.

I believe that this doctrine of placing responsibility somewhere other than within oneself is eroding the moral fiber of many young people today.

Today's teenager has become a special breed. So often, he is not taught responsibility and is not held morally or legally responsible by society. Consequently, he does not feel responsible. He does not find himself an integral part of the family where his services are needed, and beyond this threshold, too, he learns he is a consumer but not a producer.

"Who needs me?" a new member at a state reformatory asked me recently. The question is being asked by many young people.

The evolution we have been considering so far is one that has taken place mainly in middle and upper class families. The evolution taking place among lower class families is of quite a different nature and might be termed The Great Welfare Tragedy.

With the coming of the industrial revolution, threats to individual rights came from the great industrial empires, which could and often did exploit their employees. Consequently, there was a shift in emphasis in our laws—from the protection of the property owner to the protection of the individual.

Noble in their concept of protecting persons from exploitation, the trade unions, the new federal and state laws, and the welfare programs unwittingly gave birth to selfish expectations, creating a feeling of dependency and loss of purpose. Worth became no longer a matter of accomplishment but simply a matter of being.

Accepting public assistance has come to be considered an honorable career, with politicians weeping over welfare recipients and courting their favor. The youngster of a family whose "breadwinner" is on the public dole sees little reason to finish school to get a $50-a-week job when one can get that much without working.

Dr. Marston McCluggage, sociologist at the University of Kansas, predicts that if present trends continue, by 1975 half of the male population of this country will be dependent upon the other half.

But as Dr. Karl Menninger of the Menninger Foundation in Topeka says, "Human behavior forever thwarts the charted course. Man not only survives, but he perseveres and prevails." And definite hopeful signs are beginning to appear.

The idea of individual responsibility is being resurrected. And the shouldering of this responsibility demands education and training. Vocational education facilities are springing up throughout the country to train the unskilled and to retrain displaced workers under the Federal Manpower Development Act. Conservation camps for the young are growing in number, as are "work-reation" programs which combine part-time employment and recreational activities for teenagers during the summer months. An increasing number of communities are subsidizing employers who will train apprentices.

We are re-learning that individual worth, self-respect and a sense of purpose come to a person only through his own efforts to help himself and that philosophies which contribute to dependency undermine the morale fiber of the individual—and eventually the nation.

This is the lesson we must teach our youth.

LAZINESS: A GROWING PROBLEM AMONG AMERICANS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD an editorial which appeared in the February 2, 1968, issue of the Morgantown, W. Va., Post entitled "Laziness: A Growing Problem Among Americans."

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

LAZINESS A GROWING PROBLEM AMONG AMERICANS

"We have too many people in this country who think they can work eight hours and sleep eight hours in the same eight hours."

Calvin Dean Johnson, an official of a large office machine firm, delivered this indictment of a growing number of workers at a national convention the other day.

An apparent "anti-work movement" in America is approaching critical stage, a nationwide survey by an insurance company indicates.

Twenty-five to thirty per cent of the work force dislike their work, according to studies cited by Dr. Charles S. Dewey, consulting psychologist in Chicago and professor of industrial psychology at the Illinois Institute of Technology.

"Our problem is that so many of our people have been working at such a slow pace for so long that they don't realize they aren't doing a good job," said the training director of a transportation company. "We have become so accustomed to mediocrity that we accept it as normal."

Absenteeism, a symptom of estrangement from work, cost American industry $10 billion in lost but paid-for labor in 1966. An average of more than two million employees are absent every day. The hours they don't work are three to six per cent of the total possible work hours, says Jerry D. Adams, management consultant in San Antonio and an expert on absenteeism.

Nearly three million employees stretched their weekend by an extra day last summer, according to a national survey. An estimated one-half of them were only sick characterwise.

An "incredible correlation" exists between absenteeism and major sports events, according to Industrial Relations Counselors, Inc., New York. A study in an oil refinery in the southwest uncovered an inverse relation between man daily temperature and absenteeism rate.

Even when they're at work, many employees are "absent." A personnel man calls this phenomenon "on-the-job absenteeism." In a cartoon the boss is saying to an employee who has asked for a raise. "I know you've been with us for 30 years, but how long have you worked here?"

In many offices, factories and stores, the surest way to be blackballed is to voluntarily do more work than required.

By their laziness, employees often are counteracting the effects of routine, isolation and oversimplification produced by modern industrial methods, the Northwestern National Life survey report stated.

Nevertheless, most people must work, whether they like it or not. J. Pieper gave one reason for work in his book, "Leisure, the Basis of Culture." "One must work if not from taste, then at least from despair," he wrote. "For to reduce everything to a single truth, work is less boring than pleasure."

Millions of Americans would disagree. Nothing, they would say, is more boring than work when it is sliced up into trivial, repetitive tasks as many jobs are in our technological society. This is the basic reason why some people are "non-oriented to productivity," as a certain Irish industrialist describes his lazy employees.

One reason for wanting work motivation is an increase in job and pay-check security that reduces the urgency about providing for physical needs.

A tight labor market makes it possible for an employee to risk laziness. He feels sure that if he gets a pink slip with his paycheck, he can walk down the street and get another job, and he probably can.

Many people are "distracted" by pleasure and leisure, says Dr. Dewey. Too much leisure and comfort tend to suppress interest in work.

Some people actually are allergic to work, in a medical sense. According to a report submitted to a recent medical conference in Caramanica, Italy, muscular activity can release an excessive amount of histamine, a powerful chemical stimulant, into body tissues, causing rashes and allergies.

"Young rebels" in the work force seem to be especially cursed with work alienation. A minority of new male employees are "rebellious youngsters who don't care much about work, but care intensely about making trouble for those who do," says a labor relations vice president.

Robert Newcomb and Marge Sammons, husband and wife who operate a Chicago firm that specializes in employees communications, report that they "fairly often encounter the cynical, sometimes even belligerent new, young employee."

They seem to feel that the world owes them a living. Many were raised in affluent families in which they enjoyed luxuries and privileges they don't earn. When they begin their first jobs and find that they must work for their rewards, they rebel.

Despite the visibility of laziness in America, hard work hasn't gone out of style. Some people still grieve that each day has only 24 hours. They relish challenge and achievement, or they are motivated by altruism or a social consciousness. It never occurs to them not to bolt down their meals and leap out of bed in the morning so they can get on with their work.

They would disagree with Jerome Jerome, English humorist and playwright who died in 1827, who said: "I like work. It fascinates me. I can sit and look at it for hours."

They would agree with Voltaire, the French philosopher, who said: "Not to be occupied and not to exist amount to the same thing."

Another good solution to the laziness problem seems to have occurred only to Calvin Johnson who advised: "Let's get back to work."

TET ATTACKS

Mr. BYRD of West Virginia. Mr. President, an interesting editorial appeared in the February 14, 1968, issue of the Hampshire Review, a weekly newspaper published in Romney, W. Va. The editorial is entitled "Tet Attacks." I ask unanimous consent to insert the editorial in the RECORD.

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

TET ATTACKS

The Communist attacks that resulted in the devastation of nearly every major city of South Vietnam are having a profound effect on the attitude of the American people towards the war we are waging for the freedom of that country. Coming as they did on the day of the Vietnamese New Year—known as Tet—they shocked the sensibilities of even the Viet Cong supporters in this and other countries because this has always heretofore been the first day of a cease-fire period and had been so proclaimed this year.

The brilliant coordination of the attacks and the havoc that was wrought on the cities and the civilian population by the attacks and the counter attacks by American and South Vietnamese troops have caused many to reassess their thinking about the war. Most of us had been led to believe that the cities of South Vietnam were completely secure from anything more than an occasional terrorists bombing and that the Viet Cong and North Vietnamese forces had been so weakened by the long fighting and mounting casualties that they would be unable to mount any kind of major assault anywhere except near the Demilitarized Zone.

A great many people here at home had begun to feel impatient that we were taking so long to bring defeat to a motley collection of guerrillas mixed with a few units of the regular forces of the Communist country to the north. Many of the self-designated experts whose knowledge was sometimes, although not always, based on a brief VIP visit to Southeast Asia, were basing their criticism of our policies on the theory that we were using too much time, men and material to defeat such a small opponent, that it was wrong for a mighty nation like the United States to pick on him, and even that it was somehow unfair for us to use our vast resources and modern, sophisticated weapons and equipment against the little peasants armed with obsolete hand weapons.

Suddenly we were faced with the fact that the enemy was a great deal stronger and better organized than we thought. Out of hiding came a well trained, well organized and well equipped force of considerable magnitude in a marvelously conceived and coordinated attack that raged the length and breadth of the land. Why it was done and what the enemy hoped to achieve by it is still a matter of speculation as is its eventual effect on the course of the war. The immediate result has been to bring home to the people of the United States the realization that we are embroiled in a major military effort against a major enemy and a rising determination to see it through.

BLACK FRONT BACKING FOR MARTIN LUTHER KING

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD an article by Robert C. Maynard entitled "Black Front Will Back King, Join Fight Against Freeways," which appeared in the February 15, 1968, edition of the Washington Post.

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

BLACK FRONT WILL BACK KING, JOIN FIGHT AGAINST FREEWAYS

(By Robert C. Maynard)

The Black United Front, a civil rights coalition operating behind closed doors here for more than a month, spelled out its purposes and participants to the public yesterday.

At a packed press conference of more than 50 reporters and photographers at the New School of Afro-American Thought, 2208 14th st. nw., five spokesmen of the Front announced that:

It would support the aims of the Rev. Dr. Martin Luther King's April campaign for aid to poor.

Membership of individuals and organizations in the front is now wide open, but the organizations must be at least half Negro and send a Negro delegate.

The Front will support the local fight against freeways in Negro neighborhoods.

About 75 organizations now hold membership but the number of individual members will not be disclosed.

The purpose of the organization is to help "all black people in the District of Columbia . . . obtain a rightful and proportionate share in the decision-making councils . . . and proportionate control of the economic institutions of the black community."

Stokely Carmichael, who called the coalition together early in January and who was identified yesterday as the temporary chairman, remained silent throughout the 40-minute press conference.

"Why can't Carmichael speak if he's the chairman?"

"The trouble is," the Rev. Channing E. Phillips said, as the discussion became more heated, "Black folks and white folks have different conceptions of the function of a chairman."

Carmichael and others in the Front have said they do not want the organization to bear the image of any individual.

The spokesmen yesterday, in addition to Mr. Phillips, were Calvin Rolark, publisher of the Washington Informer, a weekly newspaper; the Rev. David Eaton, executive director of the Opportunities Industrialization Center; Marion Barry of Pride, Inc., and C. Sumner Stone Jr., former aide to unseated Harlem Congressman Adam Clayton Powell.

Questioned sharply by reporters about being all-Negro, Front spokesmen remained firm on the point.

"Why shouldn't there be an organization that is all for black people?" said Stone. "You don't see any Italians in the Polish-American Association . . . or any Irishmen on the board of B'nai B'rith."

Pursuing the argument, a reporter asked about possible membership for white persons with strong liberal identification in the community. "Take Joe Rauh, for example," he said.

The question was never finished, because the Front officials roared with laughter. "You take Joe Rauh," one of them said.

"He sold out black people at the '64 contion," shouted Stone. The discussion ended there.

Attorney Joseph L. Rauh Jr. is active here in Americans for Democratic Action and in the Democratic primary campaign of Sen. Eugene McCarthy (D-Minn.), who is challenging President Johnson's policy in Vietnam.

Regarding Dr. King's April campaign for jobs, the Front spokesmen made it clear that endorsement of his goals did not mean en-

dorsement or rejection of his nonviolent tactics. While all-out support for Dr. King may be forthcoming from some of the individuals, the Front limited itself to endorsing his goals.

For the first time, the Front made public the names of its Board of Conveners, the committee responsible for the group's administration.

The list released yesterday follows:

Louise Barrow, local representative of the National Welfare Rights Organization; Barry; Marshall Brown of SNCC; Carmichael; Mr. Eaton; the Rev. Walter E. Fauntroy, local representative of Dr. King's Southern Christian Leadership Conference and vice chairman of City Council; Dr. Nathan Hare, who is leaving Washington for a post at San Francisco State College; James W. Reese II; Charles Jones of Access, an open-housing group; Doug Jones, of the New School of Afro-American Thought; Herb Kelsey of the United Planning Organization; Kenneth C. Kennedy, Northeast Model Inner-City Coordinating Committee, and Mr. Phillips, head of Housing Development Corp.

Also, the Rev. Jefferson P. Rogers of the Church of the Redeemer and a member of the SCLC board of directors: Stone and Sterling Tucker, executive director of the Washington Urban League.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further 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. 705, H.R. 2516.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate resumed the consideration of the bill.

Mr. BYRD of West Virginia. Mr. President, I 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.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

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

ORDER FOR ADJOURNMENT FROM FRIDAY TO MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 12 o'clock noon Monday.

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

ADDRESS BY GOV. SPIRO T. AGNEW, OF MARYLAND, AT FLORIDA MEMORIAL COLLEGE

Mr. JAVITS. Mr. President, former Senator Harry P. Cain has taken an active role in the rejuvenation and relocation of Florida Memorial College, a predominantly Negro institution in Dade County, Fla. Formerly located in St. Augustine, the college recently was moved to Miami, and with its program of expansion will eventually accommodate 2,000 students. This expansion has been greatly contributed to by former Senator Cain's devoted attention. More than $8 million has been raised in pledges and cash, some of it at a testimonial dinner in honor of Senator Cain which was held in Miami on December 11.

I invite attention to the extraordinary testimonial dinner at which the Governor of Maryland, Hon. Spiro T. Agnew, was the guest speaker. I might say, in a personal reference, that a testimonial dinner was given for me that same night, December 11; and when the Governor of Maryland put the question to me, I urged him to keep the Florida Memorial College engagement.

His remarks are so illuminating on the question of our country's situation with respect to higher education, the work of the State of Maryland, and what needs to be done about this critically important question that I ask unanimous consent that his address on that occasion be printed in the RECORD.

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

ADDRESS BY GOV. SPIRO T. AGNEW AT DINNER HONORING FORMER U.S. SENATOR HARRY P. CAIN AND THE ADVENT OF FLORIDA MEMORIAL COLLEGE, MIAMI, DEAUVILLE HOTEL, MIAMI, FLA., DECEMBER 11, 1967

Tonight is essentially a double celebration and therefore, I am doubly grateful for your invitation. For tonight we honor a life of distinguished service and celebrate the prospects for a college of distinction.

While some private citizens are fortunate enough to go through life without encountering moral conflict, few public officials have the opportunity to avoid such confrontations. While private citizens may speak out or make "a separate peace" on the issues of the day, their courage or complacence rarely affects their careers. However, when a public official refuses to compromise his conscience and consistently counters the current of popular will, it is bound to affect his career and consequently, requires special courage.

It is the kind of courage that the eminent Eighteenth Century Jurist, Edmund Burke, had in mind when he wrote: "Your representative owes you not his industry only, but his judgment; and he betrays instead of serving you, if he sacrifices it to your opinion."

Senator Harry Cain's life has been characterized by this special courage. Early in World War II, as Mayor of Tacoma, Harry Cain stood almost alone among West Coast elected officials in his opposition to the internment of Japanese-American citizens.

If Senator Cain's convictions on fundamental rights and human liberty had been cerebral in Tacoma in 1942, they became visceral in Germany in 1945, when the then Colonel Cain viewed the horrors of Nazi concentration camps.

In a speech before the authorities and citizens of the German town of Hagenau—a populace assembled to view the burial of two hundred Jewish victims destroyed in the local camp—Colonel Cain said: "These dead who lie here were driven and starved and beaten to slake the unholy thirst of your German war machine. . . . The Allies shudder because they never dreamed or visualized that human leadership, supported by the masses, could so debase itself as to be responsible for results like those who lie in these open graves. The civilized world shudders on finding that a part of its society has fallen so low. . . . If there *be* a soul within the German nation it will rise now to make impossible the doing of such future wrong. If there *not* be a soul in this German nation, its future is forlorn and totally lacking in hope."

Almost a decade later in 1954, Senator Cain, as a member of the Subversive Activities Control Board, saw the soul of the American nation threatened by injustices not so grave in impact but in implication.

Deeply disturbed by what he regarded as violations of fundamental liberties, Senator Cain noted that injustices, completely out of consonance with the American tradition, were being perpetrated against employees of the Federal government and against many citizens as well.

His own words say best why, as he has put it, "I would not remain silent and live with myself":

"Our exaggerated fear . . . (Senator Cain has written) had become a plague. It led brother to spy on brother, as in Nazi Germany and Soviet Russia. It broke the lives of many decent little people, who, in a number of cases, were convicted by malicious rumor, plain dirty lies and the words of professional informers. The victims were thrown out of jobs and their characters stained. . . . It mocked our American justice with a security net that touched one out of every ten adults in the United States."

As expected, Senator Cain was fiercely denounced by those he describes, with great insight, as being "more concerned with politics than justice." But in his temerity and determination to speak up, he demonstrated what a New York Times editorial declared to be "courage unique in the political scene."

Harry Cain, characteristically modest about his role in those tempestuous days a decade ago and about the significance of his actions, describes his behavior as that of a *true conservative*. He has portrayed himself as "a basically conservative person—meaning conservative to include *respect for individual rights*." "Every government worker," he insists, "must be loyal and reliable, but there is no reason why he must be rigidly orthodox in his thinking. There is every reason to encourage the iconoclast *as well* as the conformist to serve the Republic on the public payroll you taxpayers support. Whether in or out of government, the orthodox mind, because of its strength and singleness of purpose, *maintains and preserves progress*, but the dreamer and the non-conformist *make* progress. The opportunity to be different while being strictly loyal is a climate we ought to take pains to develop."

Harry Cain's brand of conservatism is thus one involving the conservation of human dignity and the protection of individual freedom.

Thus at home and abroad, Harry Cain decided—as the poet put it—in the strife of truth with falsehood, to choose the good, and avoid the evil side.

Later, Harry Cain looked southward to

Miami and to another career in which his many talents could be utilized! For it was to be this move to Miami that would provide us with the basis of tonight's testimonial to him and our salute to the college which he serves as patron and friend.

It is not surprising that this conservator of human liberty should be in the vanguard of the crusade to bring new life and location to Florida Memorial College.

In associating himself with the present welfare and future of Florida Memorial College, he demonstrates further his conviction that the struggle for human dignity will be won in the last analysis through the liberating process of education.

I am sure that these present enterprises of his are most congenial to Harry Cain. Indeed, there are few things more exciting or rewarding than participating in the development of a college. For one of the most characteristic and stimulating features of American education and of American society in recent years has been the virtual tidal wave of youth washing through the corridors of higher education.

Never before and never anywhere else have so many youngsters had access to such an extended educational opportunity. And opportunity it is. The classic cliché of our time remains profoundly true: Ours is a world of such social and technological complexity that no man can be well enough educated. Therefore, for this opportunity to be a bona fide one, there must be quality and relevance in the exposure to college.

What are these elements of quality and relevance that we hope to see in Florida Memorial College and in every college throughout America?

The first is inner coherence. A criticism often heard today is that our nation's colleges represent a society without inner coherence—that they reflect two worlds. One of these college worlds, the criticism goes, is the province of the faculty—rationalistic and detached in outlook, isolating the individual from the surge and uproar of the world outside.

The other college world, the critics say, is the province of the student—pragmatic in outlook and very much involved in that surge and uproar.

Admittedly, the criticism may be overdrawn. But it contains a degree of validity. A college cannot exclusively be an asylum for elderly research scholars any more than it can be exclusively a forum for student protest. The function of higher education must be social and cultural as well as intellectual. Even better, it should be a union of these three.

This brings me to the second element of collegiate quality—relevance to the pressing issues of the day. Of necessity the academic community—students and faculty alike—must function in the world outside and relate to events, conditions and obligations which they probably cannot and certainly should not escape. If a college cannot address itself to these issues, imparting to its student body an attitude and an appetite to confront contemporary challenges, it is not functioning at full force. It is failing its student body.

As the philosopher Alfred North Whitehead once remarked: *"So far as the mere imparting of information is concerned,* no university has any justification for existence since the popularization of printing in the fifteenth century . . . the justification for a university (for a college too, we may add) is that it preserves the connection between knowledge and the zest of life, by uniting the young and the old in the imaginative consideration of learning."

Unless Whitehead's stricture is seriously understood and used as a guide to action, I fear that our colleges may become what some have described as a world of planned juvenility—a world which has little, if any, functional relevance to the life from which the student comes or that into which he will presumably enter after graduation.

I know that many college people are aware of this and are working toward a better balanced, reality-oriented curriculum. I am proud that the higher educational institutions of my State have devised, and are continuing to experiment with, a variety of programs and projects to meet this problem.

We are taking a serious look at current curricula and developing a new set of intellectual and academic priorities which will prepare our undergraduates not only to function in, but to contribute to their communities. Particular emphasis has been placed upon creating curricula in fields where professional personnel shortages are acute and in areas that the academic community has long neglected—such as law enforcement and police science.

In teacher education we are moving to institute attitude training as a co-equal partner of academic learning. The knowledge explosion is so great that we cannot aspire to teach secure, technical truths but we can provide our youth with the attitude to adopt and the aptitude to learn through a mastery of the learning process. We are also preparing our teachers to address the immediate social and environmental problems of our day within the context of classroom routine. Prejudice and pollution, crime and delinquency, narcotics and sex can be handled skillfully and sensitively if our teachers are properly trained.

Finally, in Maryland, State government has won the cooperation of the academic community in the creation of a Graduate Corps which will unite graduate and undergraduate classroom work with work experience in State administration. It is our hope that by providing opportunity and exposure we will attract more of Maryland's talented students to careers of public service.

This naturally leads into the third element of collegiate quality—involvement in and contribution to the immediate community. Each campus has the potential not only to cultivate its students' intellects but to bring culture and thought stimulation to the total mature community. By sponsoring informal lecture series, art shows, concerts and theater productions, the college can become the cultural patron of the community.

At the same time political, social and economic researchers can gain by using their communities as living laboratories . . . and in turn their discoveries may well bring increased insight, progress and reform to the community.

Florida Memorial College has a great opportunity to create those qualities as it constructs its new campus; and I would hope that it would use this hiatus in its historical development to consider what new and special contributions it can bring to Miami. Certainly because it is a predominantly Negro institution, but one which welcomes qualified students of all races, creeds and nationalities, the Negro community can take pride in being the host rather than the guest on this sparkling new campus.

Certainly, the spirit in which this new campus has been founded, with generous support and tremendous interest provided by both races, is a cause for pride and an expression of true mutual respect and responsibility that does all Miami credit. This campus represents an island and a hope that our fundamental faith in brotherhood is not sham sentiment, and as such it is making a contribution to Miami, to Florida, to the United States and its image throughout the world.

It would be presumptuous for me to prescribe in detail what should be done to unify life with learning on the Florida Memorial campus. Only the faculty, administration and trustees of this institution, with *responsible* student participation, can appraise the situation and shape the strategies and the tactics. A Nigerian proverb says, "The owner of the house knows where the roof leaks."

Seventy-five years ago a few farsighted, public-spirited Christian leaders founded this college. Although tonight we pay tribute to present leaders and a future campus, we also celebrate the continuity of a tradition expressed by the college's ideals—character, leadership and service. In the years ahead, the college will continue to draw inspiration from its founders, its officials and faculty. Yet, it is my hope that it will supplement this by translating the special courage of its special patron—Senator Harry Cain—into meaningful programs and challenging curricula on controversial, contemporary issues. Above all, I hope that Miami's Florida Memorial College, within as well as without, shall reflect not only the sparkle of new steel but the far brighter glow from the spirit of brotherhood, good will and good faith among men, a spirit that is so much a part of its new campus.

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.

MARTIN LUTHER KING'S PLAN TO PROTEST IS DECRIED

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD an article from the Washington Post of yesterday entitled "King's Plan To Protest Is Decried."

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

KING'S PLAN TO PROTEST IS DECRIED

L. Brent Bozell warned members of the District Bar Association last night that if the Rev. Dr. Martin Luther King's poor people's camp-in in Washington this April is permitted to succeed it will have a devastating effect on law enforcement across the country.

Bozell, former editor of William Buckley's National Review and a panelist on "Protest and the Law" at the Mayflower Hotel, said he saw no difference between Stokley Carmichael's methods and those announced by Dr. King for the camp-in.

"It is an attempt to strike fear in Congress and stampede it into acceding to Dr. King's demands," Bozell said. "It will be the first wave. But there will be a second . . . and people will proceed in the Nation without any thought for law whatever."

Bozell, Buckley's brother-in-law, also said the Administration and Congress had undermined respect for law by scorning the Constitution and waging a war in Vietnam without declaring war.

A second panelist, Michael E. Tigar, Berkeley law graduate who lost a Supreme Court clerkship in 1966 after protests by right wing elements, likened today's draft-card burners to suffragettes, abolitionists and labor stickers. "Our country is healthier because these people violated the law to awaken a sleeping government," he said.

Tigar, now with Edward Bennett Williams' law firm here, cited the Selective Service Act as an example of a law that cannot be protested unless they are violated, since Congress has prohibited legal challenge of the laws.

Tigar said that unless the government found ways of acceding to just demands of black Americans and war protesters, then it is bound to be confronted with civil disorder.

The third panelist, Robert E. Jordan III, deputy general counsel of the Army, told the group that all protesters must remember that the First Amendment protects speech, not

acts, and that the Government cannot accept the obstruction of Government as a legitimate form of protest.

DR. KING TO MEET WITH MAYOR ON BIG MARCH

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD an article by Paul Delaney, Star staff writer, under date of February 14, 1968, entitled "King To Meet With Mayor on Big March," which appeared in the Washington Evening Star.

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

KING TO MEET WITH MAYOR ON BIG MARCH—FAUNTROY SAYS PLAN FOR JOBS CAMPAIGN WILL BE PRESENTED

(By Paul Delaney)

Dr. Martin Luther King Jr. will meet with Mayor Walter E. Washington in the next few weeks to inform him of plans for the massive demonstrations that King hopes to launch here in April.

City Council Vice Chairman Walter E. Fauntroy, who heads the local unit of King's Southern Christian Leadership Conference, said yesterday that a meeting between King and the mayor would be "very useful" before the nonviolent demonstrations begin.

"I'm sure that when Dr. King's plans for the spring campaign are finalized, he'll want to apprise the mayor of them," Fauntroy said. "And I'm sure the mayor will want to meet with him."

Mayor Washington, when asked at a press conference yesterday if he felt such a meeting would be in the best interests of the city, replied: "I suppose so, at the proper time."

PLANNING FOR CONTROL

As the city's top officials indicated that efforts would be made to insure order during King's "poor people's" demonstration for jobs and income, the man who coordinated the Army's response to the massive peace march on the Pentagon last October said the government must be willing to "make a tremendous commitment of resources" to control civil disobedience here.

Robert E. Jordan III, deputy general counsel of the Army, told members of the D.C. Bar Association yesterday that the most effective deterrent to large-scale civil disobedience was a policy of "restraint" and "passive defense." He spoke of the Pentagon demonstration last fall but did not refer specifically to King's upcoming campaign.

He said the general government response in Washington has always been to commit "large resources" to make demonstration control as non-violent as conditions permit.

Jordan said that the massive numbers of troops used by the Pentagon to back up law officials during the demonstrations had caused comment in the press and from public officials.

BACKS MASSIVE SUPPORT

Massive support is necessary, he said, "unless you are going to stop it by shooting or tear gas. Then you can get by with a small number of people to enforce that policy."

Jordan's remarks came during a panel discussion on "The Law and Protest," as part of a bar association meeting at the Mayflower Hotel.

His philosophy of large-scale "passive defense" is involved in current discussions at the District Building, where it is known that city officials have been quietly conferring with representatives of several federal agencies and the military about planning for possible disorders here this summer.

At the press conference yesterday, Mayor Washington was asked if he were making such contingency plans.

"We're making plans for the summer, fall, winter and spring," he said. "We're always making plans."

The mayor expressed optimism about the summer. He remarked that "all cities have problems, we know that. If problems develop here we'll have to handle them. I'm optimistic."

Fauntroy was asked yesterday whether black power militant Stokely Carmichael would be asked to sit in on a meeting between King and Washington. The Vice chairman questioned whether it would be necessary to include Carmichael.

"I don't know if Stokely's presence at such a meeting would be relevant," Fauntroy said. "Dr. King's interest is in the jobs or income—poor people's—campaign. He's not here to mix nonviolence with violence."

Fauntroy said he saw no potential conflict between the mayor and King, since King's demonstrations will be aimed at Congress and not the District. The vice chairman added that the fact that District policemen might have to arrest demonstrators won't be a problem.

"I think people place too much emphasis on arrest," Fauntroy said. "It's not planned in the initial stages for people to be arrested—only if Congress proves uncooperative.

"However, by the very nature of civil disobedience, if the demonstrations get to that point, the participants expect to get arrested and to stay in jail.

"We are in for a new experience," Fauntroy added.

AUTHORIZATION FOR PRINTING AS A SENATE DOCUMENT "THE COST OF CLEAN WATER"

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate reconsider its adoption, yesterday, of Senate Resolution 249, to print as a Senate document the report of the Secretary of the Interior entitled "The Cost of Clean Water"; that the Senate amend the resolution, in line 5, by striking out "Public Law 89–234" and substituting in lieu thereof "Public Law 89–753"; and that the resolution as thus amended be adopted.

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

ACTION SLATED THIS WEEK ON PUPIL DEMANDS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the RECORD an article by Ernest Holsendolph, Star staff writer, which appeared in yesterday's Washington Evening Star, entitled "'Action Slated This Week on Pupil Demands."

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

ACTION SLATED THIS WEEK ON PUPIL DEMANDS

(By Ernest Holsendolph)

The District's assistant superintendent for secondary schools will meet with high school principals Friday to begin some of the change requested by students at a citywide meeting Monday.

George R. Rhodes said yesterday he will insist that principals "re-examine the nature of student involvement" in their schools and extracurricular activities.

Sources within the school administration say privately there is a "quiet desperation" among officials to "get the initiative" from militant students who have been gaining followers in every high school in the city since last spring.

The Student Nonviolent Coordinating Committee in the District is attempting to organize separate, citywide groups of Negro students, parents and teachers which together may link up with Stokely Carmichael's Black United Front to seek substantial "black community" control over schools in Negro neighborhoods.

A SNCC spokesman said yesterday that the student, parent and teacher groups were being mobilized by William W. Hall, a SNCC field organizer.

The recently formed Black Students Union at various District high schools would serve as a nucleus for the citywide student group, the organization hopes.

Form letters distributed by Black Student Union members at Monday's citywide student gripe session at McKinley High School urged that students to "become aware of your power in unity" and join the organizations. The telephone number of SNCC headquarters was listed at the end of the flyers for persons desiring further information.

"We have just got to stop merely reacting," an official said.

Rhodes said he will instruct principals, as a first step, to drop requirement for membership in student councils and other governing organizations.

"I'm convinced that, with the exception of the honor societies, there should be no requirements for participation in a group except for membership in the student body," Rhodes said.

Among other notions which he will begin exploring with the principals Friday is the need for more support for college-bound students of all abilities.

"I want to set up some year-round equivalent to the Upward Bound programs operated by the University of Maryland and Howard University, and other enrichment efforts to get students oriented toward college," Rhodes said.

"We should do all that we can to assure the success of every student who tells us he wants to go to college."

Rhodes said he feels the enrichment programs are needed as a "step beyond" the superintendent's announced expansion of courses to be offered after school and Saturday mornings.

STIPENDS SUGGESTED

Rhodes hopes to help students who often must make a hard choice between taking part in a summer enrichment program or working to earn needed money.

"I'm sure we can find money that can be paid to students as stipends equal to the $1.40 an hour that most of them earn on summer jobs," he said.

Rhodes said he would make it clear to principals Friday that a representative group of the city's students to be formed within the next two weeks must be freshly elected—not just designated from existing student groups.

Rhodes said yesterday after emerging from a meeting with school officials:

"Above all else I want the students to understand that we were not just talking yesterday. We mean to do something about their grievances."

INTERFERENCE WITH CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

The PRESIDING OFFICER. The pending question is the amendment offered by the Senator from Minnesota [Mr. MONDALE].

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. CASE. 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. CASE. Mr. President, I have joined in sponsoring the fair housing amendment because I am convinced that residential segregation on a racial basis is a basic inequality that underlies and stimulates other forms of discrimination. For the Congress to refuse to deal with this most blatant form of discrimination in the pending bill to protect constitutional rights seems to me unthinkable.

More than a decade ago, the Supreme Court ruled out segregation in education, pointing out that "separate but equal" is in fact "inherently unequal." The same principle applies in the field of housing. Indeed, I believe there is even less justification to assert equality in separation.

It has been pointed out many times that housing is the only commodity that is not available in the open market according to a man's ability to pay. Yet housing is a basic necessity, a commodity which no family can do without. And it bears importantly on all major aspects of living—health, education, employment, and recreation among them.

Restricted access to the whole housing market because of race has been a major cause of the concentration of nonwhite population in our cities. In 1910, it is estimated that 73 percent of the Negro population lived in rural areas. Today that same percentage, 73 percent, lives in urban areas, mostly in ghettos. To our shame, the Federal Government has helped to build these ghettos.

The Federal responsibility here appears to be little known. But it is great, as the National Committee Against Housing Discrimination showed in its report, "How the Federal Government Builds Ghettos." A powerful indictment of Federal policies and practices in the housing field, the report, issued in February 1967, warned:

> The ghetto system, nurtured both directly and indirectly by Federal power, has created racial alienation and tensions so explosive that the crisis in our cities now borders on catastrophe. It has excommunicated Negro and other minority-group citizens from membership in the American community. It has isolated the white majority inside a world of conscious and subconscious racism.
>
> Housing segregation is at the root of the ghetto way of life and all of its attendant evils and turmoil. Witness the intolerable conditions of life in the impacted racial ghetto, and the inevitable hopelessness, bitterness and rebellion of those who are imprisoned within its confines. Witness mounting strife over segregated, overcrowded, inherently unequal schools. Witness unemployment and under-employment of millions of nonwhites in the midst of unprecedented affluence among whites. Witness the appalling disparity in mortality and health statistics between the privileged and the discriminated-against. Witness the widening breach between white suburbia and the inner city. Witness the deterioration and decay of the nation's cities, with their shrinking tax bases and expanding costs for essential services.

The report points out that from the time the Government entered the housing field in the late thirties, it has shunned any real responsibility for affirmative action to assure equal housing opportunity. In its earliest days, the Federal Housing Administration actually urged use of restrictive covenants to keep out "inharmonious racial groups." Up until a few years ago the Federal Home Loan Bank and the Home Owners Loan Corporation recommended racial segregation in residential neighborhoods as a means of protecting the stability and values of the area. And all along the line, the financing agencies have, again and again, protested their powerlessness to take positive action to root out the evil of racial discrimination.

One result has been, according to the NCDH, that while the FHA and the Veterans' Administration have together financed more than $120 billion worth of new housing since World War II, less than 2 percent of this has been available to nonwhite families, and much of that only on a strictly segregated basis.

I know from personal experience the apathy and lack of interest within the agencies to establish, much less promote, programs to open the housing market to all citizens on an equal basis. For example, some years ago I sought executive action against a builder who stated publicly that he would not sell to Negroes in a burgeoning subdivision in southern New Jersey. But the HHFA insisted that it was unable to halt the flow of Federal assistance which enabled him to continue with construction of the development.

We all recall the "stroke of the pen" so much talked about in the 1960 campaign. It was not until 1962 that the Executive order was finally signed and, according to the testimony of Secretary Weaver before the Senate Committee on Banking and Currency this year, the order is an ineffective instrument. Indeed, this is the basis on which the Secretary supported the fair housing bill before the committee.

The absence of any strong effective push for integrated housing has also been noted by the American Friends Service Committee. In its report to the President in May 1967, it stated:

> Executive Order 11063 is being widely and flagrantly violated by builders, brokers and lenders who participate in FHA and VA programs. We are struck by the disparity between the stated policies of President Johnson and the actions of federal agencies charged with the execution of these policies.

The committee's report stated further:

> More disturbing and more harmful than the industry's disregard to the imperatives of the Executive order have been the inertia, obstruction and lack of sympathy the American Friends Service Committee has found in the two Federal agencies charged with primary responsibility for enforcing the nondiscrimination and equal opportunity requirements in federally assisted housing.

The story with respect to public housing is an equally dismal tale. Again, let me cite an example from my own State. In July 1966, I wrote to the Department of Housing and Urban Development with regard to testimony before the New Jersey Advisory Committee to the U.S. Civil Rights Commission which indicated that public housing in the city of Newark was becoming more rather than less segregated and that policies of the local housing authority were in large part responsible.

It took 6 months before HUD replied and its reply, I regret to say, was misleading to say the least. I was totally unable to discern in it any real concern for the central problem. Rather, its whole thrust was to present the housing authority in a creditable light, emphasizing its good intentions and deemphasizing, indeed omitting, many salient facts. Since then, many of these facts have been made plain in the ugly riots that occurred in Newark last summer and in the report just released of the Governor's commission to inquire into the causes of the riot.

The letter I received from HUD reads, in part, as follows:

> Our New York office made a special review of the Newark Housing Authority's compliance with Title VI of the 1964 Civil Rights Act and we have analyzed their findings as well as other data available to us. Our New York office has concluded, and we concur, that the Newark Housing Authority is fully aware of its responsibilities under Title VI; and that it is attempting to make progress toward achieving open occupancy and racially balanced tenancy despite difficulties occasioned by population shifts, traditional biases and social behavior patterns and problems. We do not mean to represent or imply that the racial distribution of the Newark Housing Authority tenant body leaves nothing to be desired. There are five projects in Newark's Central Ward which are over 90 percent Negro-occupied. There are five projects in other parts of the City which are less than 10 percent Negro-occupied. The racial distribution of tenants in the Authority's other seven projects shows more racially balanced proportions. The reasons for this distribution appear to be related to factors which have little to do with the Housing Authority's tenant selection practices or with changes in its regulations. We are enclosing with this letter a summary of the Newark program which serves as a substantiation for our conclusions.

When I submitted this report to the chairman of the New Jersey Advisory Committee hearing, I was advised that—

> No progress has been made in achieving racial balance in the last four years, since the U.S. Commission hearings in September 1962, in Newark. At that time there were 14 projects in Newark under the authority—four of them over 90% white and 2 over 90% non-white. At that time the announced policy for integration, as stated on page 127 of the Commission hearings, was this: ". . . if an apartment adjacent to a Negro family were offered to a white family and it was refused on that ground, or vice versa, the refusing family should not be accorded the opportunity to choose another apartment, if such were available."
>
> Now, we have 17 projects under the Newark Authority. 5 are over 90% white, 5 are over 90% non-white. In July 1966, at the public meeting of the N.J. Advisory Committee to the U.S. Commisison on Civil Rights, reference was made by a Committee member to the policy described above (Page 213 et seq.) and this was the answer (page 216): "Our policy on integrating the projects from 1950 for a number of years thereafter was the policy you have read. We haven't that policy of compulsion any more."

And, page 217, "If they were to refuse and we exercised the policy by not giving them—that would be a denial to them of public housing at all." (transcript of Committee meeting.)

Another excerpt from the HUD report:

The Housing Authority has developed five additional projects in various sections of the city. These projects show varying proportions of Negro occupancy, ranging from 21 to 81 percent.

The comment from the Advisory Committee chairman:

This paragraph is misleading. Five projects were not mentioned. It should have read, "There are 9 other projects—5 over 90% white, one 79% and 3 over 60%."

At the time that I inquired as to the Authority's practices, I also submitted a long list of allegations with regard to the maintenance and administration of the buildings. They included serious charges of corruption and failure to provide police protection to residents. Since July 1966, I have been in repeated touch with HUD to ascertain the results of its investigation. Finally, in January 1967, I received this reply:

We have just received from the Inspection Division, HUD, a closed Report of Investigation regarding activities of the Housing Authority of the City of Newark, New Jersey, which is being reviewed by our New York Regional Office. As soon as we receive a final Disposition Report from that office we will be glad to report to you on the matter.

I have had no word since, despite continuing efforts to secure the report promised. Perhaps now that the Governor's Commission has recommended a grand jury or other appropriate official investigation into similar charges, the Department can be stirred to interest itself in the matter.

For their guidance, they could well use the outline of his testimony presented to the 1966 hearing of the New Jersey Advisory Committee by the pastor of an Abyssinian Baptist Church in Newark. It reads:

OUTLINE

I. CLEANLINESS

A. More and better Janitorial Services are needed.

B. More and better Janitorial equipment.

C. More and better personnel.

II. POLICE PROTECTION

A. Population density—demands it.

B. Senior Citizens and ordinary adults male and female are afraid to go out at night.

III. LAW ENFORCEMENT

A. Because of population density—projects become cesspool for breeding crime.

B. Curtailment of dope traffic, rapings; muggings, robbings, break-ins, etc.

IV. ACCULTURATION

A. Housing vs. herding.

B. Landscaping, etc.—"Beautiful City." Adequate recreation for Children.

V. ADEQUATE RECREATION FOR CHILDREN

A. To satisfy cravings for adventure, i.e. (Boy on carnival track).

B. To give exercise to muscles and experience to growing brain cells; i.e., the new will occupy time and burn up energy—thus "rock-throwing" will be minimized or interest in or time for such acts reduced.

VI. LAWS AND REGULATIONS ARE NEEDED

Also penalties to occupants (and even ejections) who persist in vandalizing public property and who litter.

VII

A. Federal Housing is too expensive to be permitted to set any example but the ideal ones. Federal housing should demonstrate what housing should be.

B. Federal Slums are no more desirable than private Slums.

C. Federal Slums are more easily recognized than private slums—they are usually larger.

VIII

Children grow up in these conditions who will be either our soldiers or our criminals, builders or destroyers, scholars or delinquents, civil servants or wards of welfare.

Even the existence of a good open housing law in the State of New Jersey cannot mend situations like that of Newark public housing. Our law, most recently revised in 1966, prohibits discrimination in all private housing transactions except for the rental of rooms in a single-family dwelling by the occupant thereof and the rental of a portion of an owner-occupied, two-family dwelling. Provision is made for enforcement through the division of civil rights in the department of law and public safety. Further, New Jersey law forbids discriminatory advertising and requires that posters mentioning individual rights under the fair housing law be shown in real estate offices and wherever houses are offered for sale or rent.

The implementation of the law is far from perfect, but it is ironic that a chief offender against the law should be the Federal Government.

The administration professes deep concern with resolution of the racial problems that embroil our cities. It is difficult to square its expressions of concern with its lack of support for an amendment which would give it the authority it claims to lack to enlist the full resources of the U.S. Government in a struggle against prejudice that the Nation must win if we are to survive as a civilized democratic society.

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.

Mr. HATFIELD. Mr. President, I believe it is essential that all our citizens have genuine equality of opportunity so that they may fully participate in America's political, economic, and cultural life. This requires the elimination of artificial barriers to the exercise of free choice by individuals.

One of the major barriers to the exercise of such free choice is in the realm of housing. The open-housing amendment proposed by the Senator from Minnesota [Mr. MONDALE], the Senator from Massachusetts [Mr. BROOKE], and a number of other Senators to H.R. 2516, an act to prescribe penalties for certain acts of violence or intimidation, and for other purposes, seeks to remove this housing barrier. I am pleased to join as a cosponsor of the fair housing amendment.

I am proud of the State of Oregon's record of progress in intergroup relations, and I believe that out of this experience we can see certain basic evidence which could be helpful to us in the consideration of the legislation now before the Senate, on the Federal level. In the great federal system, the States have oftentimes been able to provide, through experimentation, the direction for progress, the models for action that the Federal Government can take, and thereby share with all the other parts of the Union.

The modern march of progress in improvement of intergroup relations in Oregon started with the enactment of Oregon's Fair Employment Practice Act, in 1949. The State bureau of labor began administering this act on July 16, 1949.

I believe it is pertinent at this point to review, in quick succession, the measures which have been recognized as the great civil rights legislation in the State of Oregon.

First, in 1949, we enacted the Fair Employment Practice Act, which guarantees to each individual in our State equal employment opportunities, without distinction as to race, religion, color, or national origin.

Then, in 1951, we enacted what is called the vocational schools law. This law prohibits discrimination in vocational, professional, or trade schools in Oregon.

In 1951 we progressed further and built upon the record of the past by repealing the law prohibiting interracial marriages.

We repealed the prohibition with respect to selling liquor to Indians.

We repealed the statute requiring a census of sanitation and thrift habits of Japanese and Chinese residents.

We had a Governor's executive order directing the National Guard to pursue a strict policy of nondiscrimination.

A Governor's executive order was issued establishing a State council on Indian affairs, to further guarantee their rights as citizens in all the procedures and laws and also the customs, of our State.

In the same year, 1951, the State insurance commissioner issued an order to insurance companies in Oregon requiring the elimination of surcharges formerly levied against nonwhite drivers.

In 1953, we moved on with a further foundation leading to our own Housing Act, with the public accommodation law. This law in the State of Oregon prohibits discrimination in places of public accommodation, resorts, or amusement places, and establishes the rights of all persons to equal facilities.

We also amended the constitution of the State of Oregon by deleting the word "white" with respect to a reapportionment of population, which was based previously on the white population.

In 1957, we strengthened the Fair Employment Practice Act, the vocational schools law, and the public accommodations law by amendments.

In 1957, we enacted our first Housing Act. This is similar to the proposal which we are discussing and debating

these days in the Senate. But in 1959 we found, through the experience of our initial act, that we should strengthen it, so we enacted the second Housing Act in that year.

In 1959 we amended the real estate broker law to make a violation of the Housing Act by a realtor a cause for the revocation or suspension of the realtor's license. This was, of course, a very important step in our State's history and in the development of our civil rights legislation.

I wish to point out, Mr. President, that with all these laws—of which we are mighty proud in our State—it can be seen that Oregon has been a leader among the 50 States in enacting civil rights legislation. In spite of all these laws, I do not attempt today to portray Oregon as being free from discrimination or as a State which no longer has problems in matters of intergroup relations. What I do say, however, is that, with all these laws, I believe we have established a pattern in our State by indicating to the citizens of our State that the law implies a duty, and that the law can be responsible for a learning process; that some of the old prejudices and old habits can break down and can bring people into confrontation one with another, into an association; and, to the surprise of many people, they find that some of the old thoughts, old ideas, and old concepts of discrimination are truly without foundation.

We use law in our State not as an end in itself but to help people learn to understand one another and to help govern their actions. But changing their minds and their hearts one toward another still is a matter at which we must constantly work, through government and voluntary and nongovernmental associations.

Oregon was the sixth State in the Union to pass a law which guarantees job democracy. There is nothing intricate or involved about Oregon's Fair Employment Practice Act, any more than there is anything intricate or involved about Oregon's Open Housing Act. It means simply that our State has an act; that in the act we have made sure that each inhabitant is guaranteed the fundamental human right to earn a living at a job commensurate with his ability and skill; and that he shall not be prevented from doing so because of his race, religion, color, or national origin, because we have declared such action to be an unlawful practice.

We have used this as the foundation for our Open Housing Act. The objective in our Fair Employment Practice Act of giving every person in the population an equal chance to obtain and maintain employment without discrimination became accepted as public policy.

I think it might be well to review the simplicity of the provisions of the law, its administrative setup, and its practice, because—and permit me to emphasize—I am using this particular Fair Employment Practice Act as the example and the foundation upon which we built our Open Housing Act.

There are those who had led us to believe there is something terribly complex and something that is to be feared with all of a State's difficulties, difficulties impossible to overcome.

I think that by relating the experience, at the State level, of one State we can indicate that there are difficulties, but that they are not beyond the scope of man to solve. This was our experience, which I think is highly relevant and pertinent to the pending legislation.

First of all, the statute we enacted at the State level defines opportunity for employment without discrimination as a civil right. It is a simple proposition and a simple statement but has great and profound meaning.

Second, the law assigns the responsibility for enforcement to the commissioner of the State bureau of labor. Here we focus responsibility on one single officeholder.

Third, it spells out the two major administrative functions: First, to eliminate and prevent discrimination in employment by employers, employment agencies, labor organizations, and other persons who aid, abet, incite, compel, or coerce the doing of any acts forbidden under the law; and, second, to develop a positive educational program in all fields of human relations.

Fourth, this Fair Employment Practices Act, upon which we based our later civil rights legislation, establishes special privileges for no one. It sets forth job qualifications such as aptitude, training, skill, character, and job experience as the sole prerequisites to employment.

No system is set up whereby any group, black, white, or any other color or division of men, has a special privilege, but all people are looked upon with equal rights for job opportunities.

Fifth, it provides for receiving and processing complaints. Any aggrieved individual may file with the bureau of labor a verified complaint containing specific allegations regarding discrimination in hiring, firing, upgrading or promotion, compensation, conditions and privileges of work, employment application forms, membership in labor unions, or practices of employment agencies.

Sixth, after all pertinent data has been gathered and analyzed, a determination is made. If an unlawful practice is found, an effort is made to correct the violation through conference, conciliation, and persuasion.

Here again, one of the basic strengths of our law was that we sought through the informal relationship of conferences and oral persuasions to have correction made rather than holding the club of some civil or criminal legal action over the head of the violator.

In our Open Housing Act, which later followed, we used the same approach, a conciliatory approach, whereby effort is made through persuasion to seek a solution to these problems, with hopeful conference and discussion.

Seventh, if and when conciliation fails, the commissioner of labor is empowered to hold a hearing and issue an order for the respondent to cease and desist from the unlawful practice. If necessary, this order can be enforced by a court.

On the other hand, if it has been determined that the respondent has not engaged in unlawful employment practices, the complaint shall be dismissed.

Eighth, in fulfilling the educational function, the bureau of labor is charged with the utilization of all methods of communication available to carry out effective community education programs for improvement of intergroup relationships.

Here we recognize the specific responsibility under the law to employ powers of persuasion through the instrumentality of education.

Ninth, the bureau is empowered to organize and work in communities throughout the State in fostering good will and conciliation among various groups and elements in the population.

I wish to return to the issue of community councils because here we found much assistance in the enforcement and understanding of our civil rights law through the voluntary association of leaders at the community level who assumed the responsibility for intergroup activity and understanding. It was one of the groups which added much and contributed much to our race relations and intergroup relations.

Tenth, in addition, the law provides for the appointment of a citizens advisory committee responsible for assisting the Bureau in carrying out the intent and purposes of the act.

Discrimination in job opportunities had been experienced in some degree by segments of the Oregon population throughout its history as a State. European and Asiatic immigrants, in their turn, faced resistance to their efforts to use their native skills in economic competition with the earlier settlers of the Oregon territory. In later years the migrating American Negro, in search of a place in the growing commerce and industry of the West, met even greater opposition. The native Indian was shut out completely.

The law against discrimination in employment provided the legal sanction needed to meet a crisis and a special challenge. World War II manpower demands had ended, but workers, who had come in the period's migration, were remaining to knock at the doors of Oregon employers. It was clearly evident throughout the State that the traditional pattern of hiring, combined with the pinch of a recession, was creating a condition destined to cause special hardships for minority group wage earners and difficult law enforcement problems. Regulating behavior that is based on attitudes, social habits, and traditional practices accumulated over a long period of time, is a most difficult task. Many sensible and fairminded men and women believed that these things could not be changed by law. There existed a substantial body of public opinion which held the sincere conviction that no workable law could ever be devised in the emotional field of human relations.

There were others who demanded a ferocious crackdown. Those who had confidence in a fair employment practice law supported features of education and conciliation as a means of directing and controlling human behavior. It was agreed that statutes cannot force a person or group to like others. This was not

the fair employment practice objective. The objective was to set standards of behavior which might lead to changes of attitude and, more importantly, to more equitable treatment with improvement of opportunity for Oregon's disadvantaged minorities. Accordingly, the overall policy of the bureau of labor in its administration of civil rights laws has been not to build up caseloads of complaints but to build up new public attitudes and practices.

This initial policy began opening doors to workers from minority groups. Employers eliminated questions on race, religion, and national origin from their employment application forms. Newspapers struck discriminatory phrasing out of their help-wanted columns. The use of photographs in job applications by teachers agencies or others was forbidden.

Prior to July 1949, the principal sources of employment for the minority group worker in Oregon were limited to a few industries and services. Although considerable improvement had been gained over the years respecting members of religious and nationality groups, many businesses and industries had a policy of completely excluding nonwhite workers. Firms which did employ members of the nonwhite minority did so on a token basis, in certain restricted jobs, and often with little or no opportunity for advancement.

There were instances where whole industries adopted a change in their former employment practices. Prior to the Fair Employment Practices Act, not a single Negro worker was known to be on the production lines of any laundry. Today this industry hires without discrimination, as do a growing number of other large industries.

The first large department store to hire Negro sales personnel interspersed them throughout the store. Some were stationed at counters with Caucasians. Some had their own counters. To make clear what the company policy was, one Negro salesgirl was placed at a counter just inside the store's busiest entrance. Other stores, observing the success of this practice, quietly began to follow suit. It has become commonplace to see a new non-Caucasian face on the sales floor of these stores.

Again, let me point out that as people began to work together we found that working side by side in stores, shops, and industries led to the belief that they could even live as next door neighbors because they found in their working relationships that they had forgotten some of the old prejudices that they might once have held. That is why this experience was the beginning of the foundation of the civil rights action in our State leading to the open housing law we have there now.

Among the first fair employment practices complaints filed with the bureau of labor was that of a Japanese-American veteran, who had qualified through civil service examination for a State government position but was denied employment for the reason "as an identifiable member of a minority group, he was unsuited for dealing with the public." Investigation of the case disclosed no dispute concerning the applicant's qualifications for the job; in fact, he topped the list of eligibles. The commissioner of labor, upon examining the facts, insisted that this applicant be considered for the position solely on the basis of ability and merit in accordance with the provisions and intent of the fair employment practices law. He was hired and soon recognized as an efficient and highly acceptable worker.

This action opened the way for employment of qualified minority group workers in other State agencies. Today, Oregon's minority citizens are employed in all levels of civil service, in Federal, State, county, and municipal government. They are found also teaching in public schools, in all kinds of classrooms and communities. This change in teacher hiring practices followed the only organized resistance to any provision of the law or administrative ruling promulgated in connection with it. Strong objections were made by some school administrators to the ruling that request for an applicant's photograph constitutes an unlawful employment practice.

The pattern of differential treatment accorded non-Caucasian persons was a result of assorted fears, assumptions, stereotyped beliefs, habits, customs and economic and social pressures. For instance, study of the problem of reluctance to hire minority group workers in a previously majority group setting has found that, in a significant number of cases, the reluctance results from the employer's fear that he cannot discharge these workers if they prove to be incompetent. Employers have been assured by evidence that, once an employe has been hired on the basis of merit and without regard to his minority group status, he is not likely to have to be discharged for incompetency. But, if he does fail to live up to employer expectations, the employer's right to discharge such a worker has been fully supported in dispositions of complaints filed.

Other top fears of employers have proved to be the fear of losing business through customer reaction to being served by non-Caucasians and the fear that employes might leave when non-Caucasians were hired, in spite of their qualifications to do the job. Some other employers simply doubted the efficiency and job performance of non-Caucasian wage earners.

By 1954, a majority of Oregon employers had the answer to their most common fears. That such legislation would lead to turmoil and intergroup strife had been exploded as a hollow myth. In no case, had any employer indicated that he had suffered loss, inconvenience or other disadvantages in complying with the law.

Some of these same fears were raised at the time we were considering our open housing act.

I can say that after this period of experience, we found that the same fears, the same thoughts, and charges which were made against the enactment of that act, were exploded by that experience.

Employers gained—not lost—business as a result of changed policies. Their right to select qualified workers had been strengthened, not impaired. No employee had walked out in protest against the hiring of minority group workers. Disgruntled jobseekers had not flooded the bureau of labor with groundless complaints. No new problems came into being although qualified Negroes were found to be filling satisfactorily a wide range of occupations in which they previously had not had the opportunity to work.

Today's labor practices are a far cry from the nine complaints against one union, which brought about the first civil rights case to reach the public hearing stage in Oregon. The respondent organization was charged with barring from membership the nine complainants solely because they were Negroes. In this case, a decision was handed down, on August 29, 1951, by former State Labor Commissioner William E. Kimsey, finding a lodge of the Brotherhood of Railway Carmen guilty of race discrimination under the Fair Employment Practices Act. The union was ordered to cease and desist from such discrimination.

Once tightly closed memberships of labor unions generally have been opened to an extent that has drastically altered employment practices in a variety of fields. A survey of organized labor practices today will show that almost all local unions in Oregon extend full membership privileges, including official leadership opportunities, without restrictions on race, religion, color or national origin. The State AFL–CIO convention has established by resolution, and annually reaffirmed its stand, in support of the Oregon fair employment practices law and other civil rights legislation. This support has been furthered by the State labor council in providing for close cooperation of its labor education office with the bureau's civil rights division.

The State apprenticeship council has helped further fair employment practices objectives by developing training opportunities for members of minority groups. An increasing number of Negroes, Orientals, Spanish-Americans and American Indians are entering apprenticeable trades. Employment barriers against non-Caucasian apprentices have begun to be lowered. Apprentice openings have been made for minority group applicants even in very technical trades, including those of tool and diemaker, optical technician, auto mechanic, boot and shoe repairman, and inside technician.

The employment agency, which represents an important source of job information, is in a crucial position for promoting democratic employment practices. Oregon employment agencies are becoming increasingly essential to the orderly flow of labor into business and industry. When the fair employment practices law was enacted, the agency door to job changes was largely a closed one to minority group persons, except in a few traditional service and nonskilled occupations.

It was difficult to reach as a job source since violations were hard to detect and control. The agency is in a position to either serve, if it so chooses, as a buffer or screen for a discriminatory employer,

or as a barrier between the applicant it does not want to refer to a particular job opportunity and the employer who might be quite willing to hire the applicant in question.

It has been the task of the civil rights division staff to convince the employment agency that its role is simply registering and referring qualified applicants to employers needing such workers, while the decision to hire is solely that of the employer. All private employment agencies, which charge a fee to the applicant for their service, are licensed by the bureau of labor. This has made possible a closer control of their activities and helps to resolve more easily problems of a discriminatory nature.

However, no exemption from provisions of the fair employment practices law is made for non-fee-charging employment agencies, as distinguished from fee-charging employment agencies, nor is any exemption provided for nonprofit employment agencies as distinguished from commercial agencies operating on a for-profit basis.

The Oregon State employment service set an early example in adopting a policy of refusal to accept discriminatory job orders of any kind. The policy was made clear to all the service's personnel in an interoffice instructional bulletin, part of the employee's manual. It set the tone for compliance with the provisions and intent of the fair employment practices law and for cooperation with the civil rights division program on fair practices in employment.

Today it may be said that there is almost no expressed opposition, and positively no organized opposition, to the fair employment practices law.

Let me again emphasize the point that the fair employment practices law provided the basic foundation upon which all of our other civil rights laws were predicated, culminating in the open housing act that we have in our State.

Oregon was the 19th State in the Nation to enact a public accommodations law. The Oregon law establishing the civil rights of all persons to equal accommodations, advantages, facilities, and privileges of any place of public accommodation, resort, or amusement, was enacted in 1953. It became effective July 21, 1953, after opponents of the act failed to secure sufficient signatures on a referendum petition. The statute provided for a civil remedy only. The measure was supported by an ad hoc committee comprising 59 community organizations and called the Oregon Committee for Equal Rights.

This traditional litigative approach toward eliminating discrimination in public accommodations because of race, religion, color, or national origin did not prove as successful as expected.

Many persons refused public accommodation were loath to institute court proceedings. Others were deterred by the expense and time involved or the anticipated publicity. Furthermore, some public officials had shown equal reluctance to bring criminal prosecutions against local community violators.

In talking about that bit of history, I may say that, as a member of the Oregon Legislature in 1953, I recall vividly the kind of opposition that was raised. There were those who said we would no longer have a good convention trade in the State, because people would not come to Oregon and hold their conventions in hotels and motels that provided equal accessibility for people of all races. We were told all sorts of things about why the act could not succeed. I remember, too, that as we were pleading for this cause, as we were fighting for this law in our State, not only did some people try to raise economic problems, but some people maintained that by passing such a law we were doing so without the necessary evidence of discrimination in our State.

It is very easy for people to point their fingers at certain geographical locations of the United States as being locations of discrimination, but I believe, speaking as a person from a Western State far removed from the Mason-Dixon line, that discrimination exists in all parts of the United States, at least those parts with which I have had contact; and when discrimination exists in any part of our country, it becomes a concern of all of us. I think it ill behooves any of us to point a finger at any one area as having certain characteristics of discrimination.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. MONDALE. I would like to underscore the point the Senator from Oregon just made, because I think it is central to the issue we face with the pending fair housing amendment, which the Senator from Oregon cosponsors. It has been said by some opponents of the measure on fair housing that it is different from other civil rights bills in that it deals with a northern problem and not just a southern problem; that, in a sense, many of the advocates of civil rights from the North are hypocrites; that we are perfectly willing to point a stern finger at the South, but not a stern finger at ourselves, when in fact we have a similar problem.

The Senator from Oregon makes an important contribution to this debate when he points out and acknowledges the existence of discrimination in the North.

I come from a State which is very similar to the Senator's, except that it has a better tourist industry than his. I have freely acknowledged for years the discrimination problem. I am pleased to say that a few years ago we adopted a measure to strengthen the public accommodations provisions, particularly the enforcement part, to develop an easy method of restraining discriminatory practices. But I think we have to begin this debate by acknowledging that discrimination exists in the North, and purge ourselves of this complaint which has some validity. It is one thing to vote to remove discrimination in the South, say, in voting or transportation, and the rest, and it is another thing to vote on a measure which affects our own constituents.

The Senator from Oregon courageously and properly accepts the challenge that has been laid down—the challenge that we have been hypocritical in the past.

If we fail to enact fair housing legislation, there will be a necessary implication that we are not quite as courageous in dealing with our own problems as we are in dealing with others.

If, on the other hand, those who are raising the argument prohibit us from having the right to vote on the issue, by extended discussions, sometimes called filibusters, and we are not able to get to the issue so that a majority of the Senate can work its will, then I would say we have answered the issue of hypocrisy. If, because of their strategy, we have been unable to work our will, that is another matter.

I highly commend the Senator from Oregon for making what I think is a very, very important observation, one which puts the responsibility not on the back of the South alone, but of the North, as well.

Mr. HATFIELD. I thank the Senator from Minnesota for his comments, and wish to underline again the point which he has so eloquently made. Not only must we assume responsibility for that which we know to exist in our own areas, and to try to take action that is going to constructively and positively solve that problem; we must also be equally concerned about the kind of responsibilities we have on an international level. Whenever we as the United States posture ourselves in a position of world leadership—whether or not we want to be in that position, that is where we are—I think to give meaning to that which is recognized as the American ideal and the American philosophy, it certainly has to be fulfilled in the practices in which we engage as between and among our own people.

It is not only a matter of local concern and national concern; it also takes on a truly international dimension as we seek to provide leadership in the world as between those who would deny men their rights and those who would give men those rights; as between political autocracies and political dictatorships which would deny to men the political and other rights that we hold dear, and those who support those rights. When we posture ourselves in opposition to that kind of philosophy, I think we have to be all the more careful to make certain that our own house is in order, and that all the people within our own borders are enjoying the kind of freedoms and equality before the law that all other citizens enjoy.

So it has great significance, as the Senator indicates, and I am, I repeat, very proud to join with him in the sponsorship of his amendment.

The history of successful activity in States, which had amended their FEP laws to give their commissions against discrimination jurisdiction over complaints in the field of public accommodations gave weight to the suggestion that this approach had great merit for Oregon.

Meanwhile, in line with the Oregon declaration of discriminatory practices being a matter of State concern, the bureau of labor endeavored to educate citizens concerning their obligations under the Public Accommodations Act, insofar as department facilities permitted. Under this policy, an appreciable number of unlawful discriminatory practices in public

accommodations were resolved through conference, conciliation, and persuasion in the years 1953 to 1957.

The 1957 legislature showed its confidence in effectiveness of the conciliation process by amending the Public Accommodations Act to provide for its administration by the bureau of labor. The provision for a complainant's recourse to civil court action was retained. The act also was expanded to cover trailer parks and campgrounds, sources of a number of complaints of racial discrimination.

Under the amended statute, a person claiming to be aggrieved by an alleged discrimination in public accommodation, resort, or amusement may file a complaint with the bureau of labor in the same manner and expect the same type of handling as the FEP complainant. Charges of discriminatory advertising by a place of public accommodation similarly may be handled by the bureau of labor.

As we move forward with our regulatory and educational program, it is expected that the time will come when members of minority groups will feel no hesitancy in patronizing any place of public accommodation. Under conditions of a decade ago, even a nonwhite person of celebrity status had great difficulty in obtaining hotel or motel accommodations.

Many weak links in the chain of compliance have been indicated in filed complaints and civil suits in which the respondent was found guilty. Some proprietors of places of public accommodation still fear that nondiscrimination in services to the public will result in financial loss despite all visible evidence to the contrary. Smaller establishments, particularly, hold this fear. Some proprietors attribute their reason, for evading service to non-Caucasian customers whenever possible, to intimidations of a few disgruntled patrons or stubborn employes.

In spite of these facts, the record of compliance is encouraging. The success of the law has been most notable in hotels, motels, and restaurants where free movement is close to full realization. Other areas made completely or relatively free from discrimination are amusement and recreation parks and places, hospital and public health services, public transportation, and theaters. The areas chiefly represented in filed complaints are taverns and clubs where alcoholic beverages are sold, and barber shops, beauty parlors, and slenderizing studios. The latter places have not yet been included in provisions of the Oregon Public Accommodations Act. In contrast to some other States, Oregon's minority groups experience little or no problem of discrimination in public schools and libraries or in the general area of law enforcement.

Violations of the public accommodation law have been promptly investigated and quickly corrected. In no instance, to date, has a second violation by an offender been recorded.

In Oregon, as in other States across the Nation, housing is the one commodity on the public market that members of certain minority groups cannot purchase or rent freely. Housing has proved to be the most resistant of all fields to the demands for equal opportunity.

In recent years, there has been an accelerated flight of white families from the central city areas into new suburban subdivisions—from which minorities are generally barred—and an increase of nonwhite families in the urban areas. The pattern of segregation in housing has not changed substantially in recent years. Oregon's minorities can find shelter chiefly in the oldest, most unattractive neighborhoods of each city among the most substandard dwellings deteriorating through age and neglect after being abandoned by previous occupants. The situation is the telltale witness that we still are only halfway to democracy in Oregon.

The impact of housing segregation reaches into almost every other aspect of daily living—employment, education, public accommodation, religious worship, and social relations. The visible disparity between majority and minority housing conditions, with its attending social problems, aroused considerable public concern among Oregon community leaders. Intergroup tensions were rising as minority group families sought shelter outside the painfully overcrowded, circumscribed areas of minority concentration. There was growing recognition that a national, statewide fair-housing program was essential to the public peace and welfare. The State legislature, on May 21, 1957, enacted the Publicly Assisted Housing Act. Oregon became the sixth State to have such a law.

This act confined enforcement powers to violations in housing benefits from public aid. Two years administration of the act disclosed that it did not get at the roots of the housing matter. However, it did establish certain facts related to the basic problem:

First. In the main, the real estate industry traditionally has stood sentry over residential properties, translating prejudice into discriminatory action by negotiating the sale or rental of property to minority persons only in certain circumscribed areas. This was based on the belief that to do otherwise would adversely affect the industry.

Second. Underlying the exclusion of nonwhites from white neighborhoods is the unwillingness of many white people to live in proximity to Negroes or other minorities.

It was apparent then that, although the group prejudices of the white population provided support for the residential segregation of minority groups—with only occasional exceptions—the real estate industry applied the actual restrictions and controls.

These facts were helpful in bringing about a new housing law, effective August 5, 1959. The act extended coverage beyond housing with some public character to the housing field generally and the practices of the housing industry. It prohibits all persons "engaged in the business of selling, leasing, or renting real property" from refusing to sell, lease or rent property solely because of the race, color, religion or national origin of the would be purchaser or lessee, or any other person.

Oregon is a pioneer in the administering of such a housing law. Our goal has been twofold:

First. To win the acceptance of previously excluded minorities by neighbors—in accordance with the intent and spirit of the law.

Second. To win the confidence and willingness of the housing industry to eliminate practices of catering to a restricted neighborhood policy (in conformance with provisions of the law).

The Oregon Housing Act, adopted in 1959 has resulted in only 191 formal complaints in 8½ years; one-half or 86 of these complaints resulted in findings of discrimination; the thorough investigation of the 86 cases and the subsequent conciliation conferences resulted in the satisfactory elimination of the basis for the complaint in each instance except two. And those two are now in the courts on appeals from the orders of the State Labor Commissioner.

Twenty-four informal complaints were investigated by the Civil Rights Division of Oregon Bureau of Labor.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. MONDALE. Mr. President, I commend the Senator from Oregon for his most interesting analysis of the various civil rights proposals that are now a part of the law of Oregon. It is reassuring to know of his personal involvement in this important human progress in his State.

As I listened to the Senator's review of measures to protect against discrimination in employment and labor, to his discussion of measures to protect against discrimination in public accommodation, and then to his discussion of discrimination in the sale or rental of housing, I noted that in each case the State of Oregon acted over objections when it adopted legislation to correct those wrongs.

I ask the Senator whether in each of these instances when the proposals to correct these wrongs were presented, the opposition did not conjure up horror stories and visions of disaster if the State of Oregon were to pass a law prohibiting discrimination in employment, public accommodations, or housing, and if so, did these dire predictions come true.

Mr. HATFIELD. The opposition did just that. But I point out to the distinguished Senator from Minnesota that I am not aware that we had any formal organizational action or opposition.

Most of the opposition came from individuals or groups of individuals, but I recall very vividly the open housing act which we passed in 1959. As the then Governor of the State, I was called upon to sign the bill after the State Legislature had acted upon it. Not only during the time in which I was considering the signing of the bill, but also during the time when the bill was being considered, my office was besieged by those who, by letter and by personal visitation, informed me that we would have chaos in our community.

Those people did conjure up stories to create fear in the minds of people. They approached the subject from the economic viewpoint. They claimed that it

would depreciate the land values for people who owned their own homes, especially those who were retirees and people in the middle-income group in our community.

These individuals claimed that because of the passage of such legislation, people would eventually lose their homes; that retired and older people would be driven out of their homes and communities and would therefore go on public welfare, because they would have lost their investments in their homes.

We were told stories that not only related to the economic concern of people, but also that indicated that we would have a large influx of Negroes from other States and would find ourselves, as a result, burdened with additions to our welfare rolls. We were told that these people would see in Oregon a State offering great new advantages which they were not then enjoying in other States and would, as a consequence, migrate there en masse and flood the small, middle, and larger communities with people who were without skill or means.

We were told that this in-migration of people would result in additions to our welfare rolls. Stories were conjured up to the effect that once a Negro moves into a community, that constitutes the first step toward intermarriage and a breaking down of the traditional patterns that people follow in our State. Although we had repealed the prohibition on interracial marriages in our State years ago, this claim was raised again as a fear that would support their opposition viewpoint.

I am sure that we heard every kind of story that could be conjured up, in Minnesota or any other State. However, I say to my good friend, the Senator from Minnesota [Mr. MONDALE], that those stories were not promoted by any organized groups.

The stories were from individuals in private life, individuals who were sincere in their beliefs, but who were wrong. They based their beliefs upon myths and a lack of information. By and large, they based their beliefs on a lack of association.

I asked a number of these individuals as they visited my office: "What kind of contact have you had with racial minority groups? Have you ever gone to school with racial minority groups or with individuals from such groups? Have you ever belonged to an organization to which they belonged?"

Almost without exception, the responses were in the negative. They had not had the experience of going to school with people from the Oriental, Negro, Indian, or any other of the non-Caucasian groups.

They had, almost to a person, no experience in background or association with such people at work or in any kind of an organization. I believe that if some of those people would follow through and be frank about it, they would find after such association that their fears would probably disappear.

It is true that there was some transition. We had communities on the brink of deterioration. We had communities already in the process of becoming old and rundown. Those communities contained the cheaper properties, so to speak. Negroes began to move into such places because that was where they could afford to move.

There then seemed to be those who felt that once the Negroes started to move into a community, the white people would move out. And they did. Places that formerly constituted a white neighborhood became almost totally a colored neighborhood.

Interestingly enough, some of those properties began to cease going down in physical deterioration. Some of them began to be rebuilt and strengthened in economic value. Some of them became well-kept pieces of property.

We have had problems with others, there is no question. However, some of those neighborhoods were already on the deterioration side. Therefore, any deterioration did not depend upon whether white, black, yellow, red, or any other color of people were living there.

Mr. MONDALE. The Senator has recited the many fears which opponents of the State fair housing law expressed at the time of its adoption. I understand that legislation was passed by the State of Oregon in 1959.

Mr. HATFIELD. That was the second part of the law. The first part was enacted in 1957.

Mr. MONDALE. The State of Oregon, then, has had experience with open housing for 10 years in one form or another.

Mr. HATFIELD. The Senator is correct.

Mr. MONDALE. What has been the experience of the State of Oregon with these measures? Have the fears been confirmed, or has the law worked out satisfactorily?

Mr. HATFIELD. I point out here, to be completely factual and as objective as one can be, that we have in our State about 2 million people. Two percent of that population is non-Caucasian. One percent is Negro. However, 99 percent of the Negro population resides in the one city of Portland. It resides in that city because it is the largest metropolitan and industrial center of Oregon. Someone might say: "Obviously, you do not have a real understanding of the problem. You have only 1 percent of the community that is Negro. We have 40 percent, or 60 percent."

We do not claim to have all of the answers in our State. We do not claim that we have the same problems that any other State has. However, I do feel that we can say that there is a microcosm here. There is a ghetto in the city of Portland. There is a concentration of Negroes which represents some of the same urban, employment, and racial relations problems that exist in Detroit or in any other city that has a high percentage of non-Caucasians.

Having said this, I believe I should point out further that much of our experience in the civil rights area has been successful not only because we have the laws but also because we have worked diligently in developing educational programs and educational activities, to help educate people to understand these laws and to support the laws because of their understanding of them.

We also have created the community councils, and I believe this is a fundamental point of our success. We have created in these community councils an organization which is voluntary, which is not governmentally sponsored, and is not governmentally controlled. It is a group of individual citizens making up the leadership and the followership of the community. They analyze their community problems, their complaints, and they help to resolve them on the informal, nongovernmental basis.

I should like to list in specific terms what our experience has been under our Open Housing Act. These figures, by the way, were obtained as of yesterday, so they are the most up-to-date figures we can get on it. Of the 191 formal complaints that we have had in the eight and a half years of the actual experience under the 1959 act, we found, after full investigation, that in only approximately one-half of them had there actually been discrimination. In other words, there had been some false complaints or some evidence in the minds of some persons that there had been discrimination, when the facts did not bear it out.

Then we went further into the 86, the ones in which there had been some basis for the complaints, and found that all 86 of them were finally satisfactorily resolved except two, and they are now in the courts.

We have had 24 informal complaints, which were investigated by the Civil Rights Division of the Oregon Bureau of Labor. Only seven of them were found to involve discrimination, and the practices were corrected.

To answer the Senator's question, I believe we have had, in this type of experience, ample evidence and ample time to prove that when people are sincere and with concern expressing themselves in many different ways, seeking to solve a problem of intergroup relations, they can do so. They can do so with voluntary action and with the kind of coercion that comes with law. It takes both. It cannot be done only with the one. I do not believe that all the civil rights laws with which we could load the statute books would eliminate or solve the problem, unless we coupled those laws with very aggressive citizen action and administration of those laws with fairness and with equity by the persons charged with the administration of the laws. The mere presence of such laws on the statue books, unaided, by these other efforts, would not be terribly meaningful.

Oregon civil rights legislation over the many years since 1949—almost 20 years of experience, as I have recited this afternoon—and the administrative practices in carrying out these statutes have evoked the interest of other States, judging by the number of inquiries received by the office of the Governor and by the bureau of labor.

There has been no attempt in Oregon to repeal any of these laws, nor has there been any court challenge of the constitutionality of such laws.

So I believe that in making this report to the Senate today, I am indicating not that Oregon has reached the ultimate or that we have a model, but that this is

only one State's experience. I believe it is pertinent to our discussion in the Senate, and I believe it should be encouraging to the Senate to fulfill its duties and responsibilities by enacting such a law on the national level.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. ELLENDER. Do I correctly understand that of the 2 million people in Oregon, only 1 percent are Negroes?

Mr. HATFIELD. The Senator's understanding is correct.

Mr. ELLENDER. Do I correctly understand that of this 1 percent, or 20,000 people, most live in Portland?

Mr. HATFIELD. Approximately 18,500 of them.

Mr. ELLENDER. The Senator referred to a ghetto. Do the 18,000 live together in Portland in one area?

Mr. HATFIELD. Predominantly so, yes. As I indicated, they live in what might be referred to in the language of today as a ghetto.

Mr. ELLENDER. How does the Senator from Oregon think the law, as it was described by him, could be administered in a State where, let us say, the Negro population is approximately 35 to 38 percent, as is the situation in many Southern States? I can well understand that with only 1 percent, or 20,000 Negroes, located in Portland, most of them in a ghetto, it could be handled easily. Judging from what the Senator has said, I do not suppose there are many Negroes in Seattle or in any of the other larger cities in Oregon. But suppose that instead of 1 percent, Oregon had, let us say, 38 percent. Would the Senator evaluate what would happen then?

Mr. HATFIELD. I would be happy to do so.

Mr. ELLENDER. I wish the Senator would.

Mr. HATFIELD. The experience of our State, the record of our State, as I have indicated today, was carefully predicated on the fact that we had been pioneering in this legislation, that we had enacted original bills which we found, after experience, had to be modified, had to be changed, had to be improved. Therefore, I would say that it would be the same, whether it is 1 percent or 38 percent.

We are sharing with you today what has been our experience; and when we talk about discrimination, I believe that whether it exists in a quantitative or qualitative measure is not important.

The point is that where discrimination exists at all, where any man in any part of this country, whether he constitutes 1 percent or 38 percent of the population, is denied the right to buy a home within a community according to his economic ability, wherever he might please, merely because his skin is of a different color, there is a denial of a right that belongs to all Americans, and therefore this should be corrected. We should not merely try to excuse ourselves by doing nothing, whether it is 1 percent or 38 percent; and if it is 1 percent, then perhaps we do have an easier way to do a little experimentation. That is why I presented this evidence today. We had, no doubt, an easier situation in our State, with only 1 percent. But the fact remains that we took action. We undertook to try to remove the discrimination which existed de facto, and we have had a certain experience which I believe is worthy of consideration. If it can be done on a smaller scale, it can be done with improvements and modifications on a larger scale; because I point out that where discrimination exists, it makes little difference whether those discriminated against represent 1 percent or 38 percent of the population.

We have a higher percentage of Indians in our State than perhaps there are in other States. But if discrimination exists against the Indians of our State—as it has—then it certainly behooves us all the more to take action to remove that discrimination because we have a larger percentage of Indians than other States.

Mr. ELLENDER. Did the Senator say that the ghetto in Portland contains the 18,000 or 20,000 Negroes in Oregon?

Mr. HATFIELD. I said that 18,000 of them live in the city of Portland, and a goodly portion of them live in a ghetto. But Negroes live in all parts of our city of Portland, according to their economic ability.

Mr. ELLENDER. Will the Senator tell us how many live in the ghetto? To be frank, I am surprised that there is a ghetto in Portland or in Oregon, with so few Negroes.

Mr. HATFIELD. Yes.

Mr. ELLENDER. I am disappointed.

Mr. HATFIELD. We are disappointed, too. That is why we are taking action to try to eliminate it.

A ghetto, in my opinion, cannot be eliminated by merely passing an open housing act. We must have educational facilities that are adequate to meet their needs. We must have job opportunities that can give them employment. We must have all these various things in order to attack the problem of the ghetto.

As I said a while ago I am not pointing my finger to any part of the country other than my State because we have enough problems and conditions there that exist that need correcting. I feel I am only indicating what has been our experience.

However, the ghetto that does exist is gradually being eliminated by educational programs sufficient to meet the needs of those people, and job opportunities for all of the people in the Portland area whereby they can raise their standards and abilities. We have urban renewal programs and improved housing programs which are available to the Negro in other parts of the city. All of these things are being used to attack the problem of the ghetto. The Negro living in the ghetto today is not restricted to the ghetto if he has the economic ability to remove himself from the ghetto because he can buy in any part of the city, if he has the means. He has the right, the freedom, and the legal protection to buy a home in any part of that city within his economic income or capability.

Mr. ELLENDER. Will the Senator describe conditions in other parts of Oregon? Are there any Negroes in Tacoma?

Mr. HATFIELD. Salem has Negroes, Eugene has Negroes, Medford has Negroes, and one can find them scattered throughout the community. There are about 200 Negroes living in Salem, which is the capital, and there are Negroes in all parts of the city and not in one section.

Mr. ELLENDER. What is the population of Salem?

Mr. HATFIELD. The population there is about 60,000.

Mr. ELLENDER. There are only 200 Negroes among the population of 60,000 there?

Mr. HATFIELD. With the right to live in any part of that city.

Mr. ELLENDER. I can well understand that the problem there would be nil with so few Negroes out of a total population of 60,000.

How many Negroes are there in Tacoma?

Mr. HATFIELD. Tacoma is in the State of Washington. I am not familiar with that.

Mr. ELLENDER. I have confused the cities of Washington with those of Oregon. I am sorry. I had mentioned Seattle a while ago, which, of course, is in the State of Washington also.

Mr. HATFIELD. It all belonged to the Oregon Territory at one time. I do wish to say to the Senator that when he states the problem is nil in a city like Salem, I can remember when Marian Anderson was denied a room in a hotel in that city because she was a Negro; when Paul Robeson, when he was on the concert stage before he was on the political stage, was denied a room in a hotel in our city of Salem; and when a minister of the Gospel was denied a room in a hotel.

The point is that we have a problem. We always have a problem, in my opinion, wherever there is discrimination, when it is directed against one man or one group and, I, therefore, feel even though we have few Negroes in number, we have tried to solve this problem on a scale commensurate with our problem.

I think it is applicable and pertinent to the matter here under discussion.

Mr. ELLENDER. Mr. President, will the Senator yield further?

Mr. HATFIELD. I yield.

Mr. ELLENDER. The Senator stated that there are two cases pending in Portland.

Mr. HATFIELD. The Senator is correct.

Mr. ELLENDER. Does the act under which these proceedings are pending provide that the court shall have jurisdiction or a commission that is created under the law?

Mr. HATFIELD. The Commissioner has jurisdiction and his decision can be appealed to the courts. He has original jurisdiction.

Mr. ELLENDER. But he has original jurisdiction, and whatever he decides can be immediately appealed.

Mr. HATFIELD. The Senator is correct.

Mr. ELLENDER. His decision can be appealed by any aggrieved person.

Mr. HATFIELD. The Senator is correct.

Mr. ELLENDER. What is the basis of

the two cases about which the Senator spoke? Does the Senator know?

Mr. HATFIELD. In connection with those two cases I cannot give the exact details. One arose in Eugene and the other in Portland. I believe they involved attempts to purchase or rent housing. The property was on the market and it was on the market in the general knowledge of the public. That is to say it was either advertised or listed by a realtor. Negroes attempted to purchase or rent, who had the financial capacity to do so. They were denied or the terms were changed so that they were denied the opportunity to occupy the properties.

Mr. ELLENDER. I presume these two suits are to test the validity of the law.

Mr. HATFIELD. The constitutionality of the law is not in question. It is a matter of factfinding relating to the Commissioner's first decision. We have no case now pending, or any case previously brought, before the courts on the matter of constitutionality.

Mr. ELLENDER. The Senator spoke of the law enacted in 1957 and another law enacted in 1959. What gave rise to those laws? How did they come about? Did they arise because of complaints of Negroes?

Mr. HATFIELD. No. The act passed in 1949, the FEP Act, the Public Accommodations Act of 1953, the first housing act of 1957, and the housing act of 1959, all originated within the community councils, supported by individuals and by interested citizens groups. They arose because of the efforts of the people of Oregon trying to solve existing problems and prevent them from becoming bigger problems.

Mr. ELLENDER. Did the law enacted in 1959, deal only with housing, or were other discriminatory practices involved?

Mr. HATFIELD. No; the law of 1959 was called Oregon Housing Act, and it had to do with rentals and sales of apartments and such. The 1953 act had to do with public accommodations, hotels, motels, amusements and recreation.

Mr. ELLENDER. The 1959 act dealt only with housing?

Mr. HATFIELD. The Senator is correct.

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

The PRESIDING OFFICER (Mr. JORDAN of North Carolina in the chair). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TYDINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

S. 2976—INTRODUCTION OF BILL RELATING TO THE REORGANIZATION OF PLANNING IN THE DISTRICT OF COLUMBIA

Mr. TYDINGS. Mr. President, our cities today enjoy a great potential for shaping their future character and development. They can make themselves better places for their inhabitants to live and work in. By providing sufficient recreational facilities and open spaces, they can make their environment a place where human beings can live and will want to live. They can provide neighborhoods which are human in tone and with which the individual will want to identify. In such a neighborhood, the individual resident could enjoy either privacy or neighbors of similar interests or diversified backgrounds whatever his individual choice; and whatever his income could enjoy, housing which is livable, desirable, and inexpensive.

The potential for achieving these objects comes from the rational and effective use of planning and development tools by the local jurisdiction. Planning as a governmental function brings about the rational use of available social, economic, and demographic information on conditions and needs to develop future patterns and objectives for the city's growth. Development as a governmental function makes possible the channeling of all available resources into the achievement of these future objectives.

Some cities have been able to tap the full potential of these functions to radically transform their character. New Haven, Conn., is probably the most nationally acclaimed city in this regard. Under the leadership of Mayor Richard C. Lee and as a result of the highly centralized operation of the city government which included both the planning and development functions, the mayor was able to direct and fully harness the thrust of all of the city's resources toward the goal of a better city.

Unfortunately, the government of the District of Columbia stands at the opposite pole from that of New Haven in its ability to rationally and effectively utilize available resources in the planning and development areas. Where the organization of Mayor Lee's government allowed a total commitment and followthrough on development and execution of planning and development programs, the nature of planning and development functions in the District of Columbia is so highly fragmented as to make virtually impossible the establishment, let alone the execution, of a cohesive and consistent policy. The overriding characteristic of the District of Columbia is the profusion of independent agencies, each of which enjoys some authority for planning, or some development function.

Among these many separate jurisdictions there exists little or no coordination in program execution or even in the establishment of policy objectives. The National Capital Housing Authority, the Redevelopment Land Agency and the District government, for example, all possess authority to initiate redevelopment projects. The National Capital Housing Authority has primary responsibility for the construction and maintenance of public housing, which during land acquisition and construction involves it in urban renewal. But NCHA has little coordination with the agency primarily responsible for urban renewal in the District, the Redevelopment Land Agency. Neither of these two agencies in turn has close coordination with the District of Columbia government, which itself has an office of urban renewal, a community redevelopment program, and a model cities office.

As early as April 1961 the need to bring about a coordinated approach was pointed out by Chairman JOHN MCMILLAN of the House Committee on the District of Columbia. At that time, Chairman MCMILLAN introduced a bill and held initial hearings on a proposal to centralize all District redevelopment functions in an office in the District government. Last August, following the passage of Reorganization Plan No. 3, the ranking Republican member of that same committee, Representative ANCHER NELSEN, of Minnesota, called for the centralization of planning and development functions in the District government. The reorganization plan, he declared, did not go far enough to meet the real problems of the District government. The reorganization plan did not go far enough to meet the real problems of the District government which the fragmentation of authority created. Finally, in early January the mayor's task force called for centralization of authority for these areas in the District government.

In addition to the profusion of separate jurisdictions responsible for initiating redevelopment proposals the complicated review procedure found in the District further acts to fragment and decentralize planning and development. A single initiating body like the Redevelopment Land Agency must secure the approval of other independent agencies before it can begin to execute its proposal. RLA must get the approval of the National Capital Planning Commission and the District government. While NCPC has no power to initiate urban renewal proposals it can effectively block them through its review procedure of proposals developed by the Redevelopment Land Agency. The result is not only a total absence of cohesive or consistent policy among the separate authorities, but a hamstringing of each individually in its own operations.

In addition to the other two problems, the National Capital Planning Commission, which is theoretically the central planning unit for the District of Columbia, lacks any positive power to implement its plans. It lacks authority to initiate plans of its own. The only power the NCPC has to effect its plans is the negative power to reject proposals or force modification in those submitted to it for its review by other agencies and jurisdictions. But even here, this rejection can and is frequently ignored. The net effect is that planning in the District of Columbia which is supposed to act to rationalize development for the future is unable to have any real influence on the shaping of the city.

In an attempt to remedy some of these problems, I am today introducing legislation to establish an agency within the District of Columbia government responsible for exercising all local planning and development functions in the District. The powers and functions of the National Capital Housing Authority, the Redevelopment Land Agency, and the District planning functions of the National Capital Planning Commission would be transferred to this agency.

I understand that the President is con-

sidering the use of his reorganization powers to bring about a similar transfer of powers to the District government. I would enthusiastically welcome such action on his part in this regard. And as far as I understand what the President expects to propose, there is no conflict between his proposals and what I am today proposing.

The only major difference between the two is in their scope. The President's power under the Reorganization Act of 1965 are limited. He can only reorganize already existing powers and functions. It is one thing to transfer the existing powers of planning and development of established governmental units to a centralized authority; it is quite another to provide the additional tools necessary to do an adequate and effective job of planning and development for the District. There is much that can be achieved through reorganization. Only through additional legislative action can many of these needed tools be supplied.

In 1910 the current restrictions on building heights in the District of Columbia were passed. Tradition has it that these restrictions were intended to protect the position of the Washington Monument as the highest structure in the Nation's Capital. However, nice this sounds, it is not the reason the legislation was passed. In 1910, firefighting equipment could only reach a certain height. Legislation was passed to prevent the construction of structures too tall to be reached by the fire equipment of that day. But while the technology of firefighting has changed since 1910, the limitation still remains, and the result of its continued existence has been a substantial and unnecessary limitation of the growth of the District, particularly in commercial areas of the city.

There is, of course, a need to protect the historic quality of the District. This can be achieved through adequate planning. At the same time here is also a need to provide economically viable patterns of land use in the District. Giving the Zoning Commission power to waive the height limitation for proposals which complement or further the objectives of District conservation, planning, and development is one significant way of achieving this.

In addition there is a need to utilize public space for more than just one purpose. Space in the District is too limited, for example, to allow 3 acres to be used solely for a school site which will be used only during daylight hours. There is a need to provide the authority for the schools and other District government units to combine different uses in a single structure, different public uses, or to even combine complementary public and private uses. New York City recently began work on a facility which would combine a school facility with private housing. The District of Columbia should have the widest range of tools at its disposal to make the Nation's Capital a model place not only to visit, but in which to live and work. This power would be an additional tool which could be used toward that end. This could be achieved in the District of Columbia by empowering the Agency for Planning and Development to approve the acquisition of land to be used for a public District purpose and other public and private purposes.

The legislation I introduce today provides for both the relocation of the height limitation and the multiple use of public facilities. It provides the District planners and developers with other mechanisms as well to effectively produce a better city. The planning mandate of the agency is not limited to physical planning as is currently true of the 1952 act establishing the NCPC. It would bring about the inclusion of social and economic factors as elements to be considered in the development of plans and does not arbitrarily limit the planner to physical considerations. The legislative proposal establishes the post of urban economist in the agency to provide the kind of economic analysis necessary for effective planning which takes into account economic consequences.

It stands to reason that no city can permit arbitrary removal of a substantial part of its tax-producing structures, properties, and improvements; and yet in the past there has been no consideration, no official charged with the responsibility, of pointing out the economic factors of planning and development within the District of Columbia. I think the 1985 plan is an unfortunate example or symptom of the complete failure of planning processes in the District. There you have a "plan" which actually does not really plan for the development of the city, but merely takes into account certain patterns, and assumes that those patterns cannot be changed, and comes up with certain results which would actually be a city which no one of us would like to see or live in.

In addition the legislation authorizes employment of nonprofessionals to assist in planning and development. The employment of nonprofessionals would be the professional planners in direct contact with individuals who have lived in the environments that the professional is attempting to improve.

Mr. President, I have spoken of the need to centralize and make more effective planning and development in the District of Columbia. But even if this were to be fully achieved, one important component would still be missing, one factor which is too frequently ignored by government today, and which, I am sure, was one of the primary causes of the summer riots in the past 4 years. I am referring to the lack of concern for the impact of government projects on the citizen. Government too frequently functions in spite of rather than in behalf of the very people for whom it is theoretically working. Too often government does what it thinks is best for people without consulting them and taking their views of specific needs into account. This is particularly true in the District which lacks even the rudimentary mechanisms of elections to bring about a dialog between the citizen and the public official. Nor are the residents in the city able to use what channels may be open. Those who are totally or partially uneducated or are "uncultured" to middle class ways do not know how to articulate their wants functionally into the system.

Prior to 1958, the meetings of the National Capital Planning Commission were held behind closed doors. Even today most of the business of the Commission is conducted in executive sessions to which the public is barred. Moreover, the public meetings of NCPC do not provide a mechanism for the citizen to express his sentiments. With the exception of two sets of public hearings the public has been strictly barred from participating in the "public" meetings of the NCPC. This is not the way to achieve an awareness of citizen needs and desires. Much the same can be said about the other government bodies in the District for the development of the model cities proposals by the District government as well as for other projects undertaken by the various jurisdictions exercising planning and development functions.

One obvious solution is to require public hearings at which the public can testify on all major planning and development proposals. But the public hearing has two serious limitations as a vehicle for citizen impact and involvement. First, it must of necessity be held after the proposal has been pretty well developed. There is thus less of an opportunity to effect major modifications in the proposal short of out right rejection by groups testifying. Public hearings do not allow the public "to get in on the ground floor," so to speak, of the development of the proposal. Second, public hearings are most effectively used by individuals and groups which are highly articulate and enjoy greatest professional competence. For it is they who are capable of fully understanding the proposals, being able to develop alternatives and explain in technical terms the reasons for their views. The member of a lower-income family has neither the time nor the ability to collect data on the proposal, to understand it fully, to be able to develop alternatives, or to prepare testimony or articulate his views. While public hearings provide part of the solution to citizen involvement, something more is needed.

The concept of advocate planning as suggested by Paul Davidoff, of Hunter College in New York City, and successfully applied in such diverse localities as Boston and San Diego represents a means of overcoming some of the obstacles faced by lower-income citizens in achieving a full understanding of technical planning and redevelopment proposals, and being able to articulate his sentiments if a channel is available through which his sentiments can have an impact on the proposals. The concept of advocate planning concerns citizen groups being advised by professional planners. The profession helps to translate the technical jargon of planning into terms readily understood. In this way the citizen can achieve an understanding of exactly what a proposal does and does not do, and at the very least the gap of misunderstanding and ignorance can be avoided.

On many occasions, it is the misunderstanding of a proposal that creates hostility and antagonism. The advocate planner would be able to advise the citizen as well of the potential consequences and impact of the proposal, and be able to suggest alternative proposals in line with the reactions of the citizen. The

planner could then help prepare any formal recommendations or testimony of the citizens' group. Where this idea has been tried notably through private groups such as the Urban Planning Act, Inc., in Boston and through the city government, as in San Diego, it has been quite successful. Such a mechanism makes it possible for the nonprofessional to channel his sentiments into the decisionmaking process of planning just as the nonprofessional is represented before a court by the lawyer.

To achieve the objectives of citizen impact and articulation on the planning and development process, the legislation I am introducing today establishes public hearings requirements and empowers the District of Columbia Council to set specific requirements and procedures with respect to such hearings. In addition there are established a series of neighborhood planning councils through which residents of each neighborhood can develop their responses to proposed plans and redevelopment proposals. Each council would be provided with professional planning assistance to aid the resident in understanding and developing his positions.

This concept is not a totally new one to the District of Columbia, for in December 1966 neighborhood planning councils were established to plan the summer youth program for the next year. Such councils were highly effective in developing what was called the most successful summer program the District has ever had. Within certain limits laid down by the District government, each council was free to design whatever kind of program most appealed to it. This legislation would take the prototype of the neighborhood planning councils and establish them with planning functions. It would further establish mandatory referral of all proposals developed by the planning and redevelopment agency of the District government to the neighborhood councils which would be affected by them.

The councils would then be free to meet with agency officials and testify at the open hearings. This in no way would affect the right of any other organized groups in the District to express their views on the proposals at the time of the public hearings. In fact, the legislation would require the planning and development agency to supply information on their proposals to all interested groups. The legislation would also establish a small office to service the neighborhood planning councils.

This legislation reflects two basic objectives, the centralization and strengthening of the planning and redevelopment functions of the municipal government to make it more capable of developing and carrying out coordinated and rational policies and the involvement of the citizen in that process. Traditionally, these two objectives have not been sufficiently reconciled. This legislation attempts to strike a sufficient balance between the two to make them not only compatible but complementary.

Mr. President, the impact of Federal office buildings and other facilities is quite significant on many areas of the United States. It obviously has a particularly great impact on the Washington metropolitan region because of the concentration of office buildings and other Government facilities in the region. The location of these facilities of necessity has a major impact on the nature and development of the region. A rational location can have a highly beneficial effect while an irrational location can act as a strongly detrimental factor.

The Federal Government has been a pioneer in initiating regional planning through requirements that local jurisdictions applying for road construction funds must have a regional thoroughfare plan, and that localities applying for Federal grants must submit their requests to the regional planning council for comment on conformity with regional planning before submission to the Federal Government.

Yet while it is so progressive in getting others to do their planning and development on a regional basis, the Federal Government is lacking in this regard in its own backyard, the Washington metropolitan region. We find in the Maryland suburbs of Washington as well as those in Virginia irrationally scattered Federal buildings and other facilities. Virginia, for example, saw the irrational development of airport facilities while Maryland witnessed the placement of an Atomic Energy Commission building on a site where no major highway or other form of transportation reached for a couple of years after the building had been completed.

Nor is there any real coordination or even attempt at coordination within the executive branch of the agencies' location plans. Today, there exists on paper a mechanism for coordinating Federal facilities in the region, but that is all it is—a paper mechanism. The key to the effective placement of Federal buildings is continuous and coordinated contact with the Metropolitan Washington Council of Governments and the local jurisdictions, and an effective and active coordinating mechanism in the executive branch itself.

To achieve this third objective my proposed legislation establishes an Office of Federal Development in the Washington metropolitan region with responsibility for devising, in consultation with COG and the local jurisdictions, of a Federal site and Government facilities plans. Such a plan should complement the development patterns for the region established by COG and the local jurisdictions. The Office would be in the Executive Office of the President where it would have sufficient prestige and power to be able to deal with the agencies. It would review agency plans for sites in the region, based on the criteria of and the comments of COG and the local jurisdictions. All proposals would be mandatorily referred to COG and the local jurisdiction before a final decision on a plan could be made. A Commission composed of five prominent and distinguished planners and architects appointed by the President would advise the Director of the Office on each proposal. Public hearings on all proposals would be required. In addition the agencies would be required to submit 5-year or more capital improvement plans to the Office each year.

The proposed legislation covers the three broad areas of planning organizations, in the District of Columbia citizen participation, and the impact of the Federal establishment of the Washington metropolitan area. My comments of necessity have covered each element only briefly. It is my hope that hearings on this legislation, will be able to bring out the important elements of each of these areas and serve as a forum in which these three questions which affect many cities and urban areas across the country can be focused upon.

Mr. President, I send to the desk, for appropriate reference, a bill to meet the objectives I have just outlined; and I ask unanimous consent that a summary of this proposed legislation be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred, and, without objection, the summary will be printed in the RECORD, as requested by the Senator from Maryland.

The bill (S. 2976) relating to planning in the District of Columbia and its environs in connection with developments and projects of the Governments of the United States and the District of Columbia, and for other purposes, introduced by Mr. TYDINGS, was received, read twice by its title, and referred to the Committee on the District of Columbia.

The summary, presented by Mr. TYDINGS, is as follows:

SUMMARY OF LEGISLATION BY SENATOR JOSEPH D. TYDINGS TO REORGANIZE DISTRICT OF COLUMBIA PLANNING, PROVIDE FOR CITIZEN PARTICIPATION, AND COORDINATE FEDERAL BUILDING SITE DEVELOPMENT IN THE REGION

This legislation establishes an agency in the government of the District of Columbia (the Agency for Planning and Development) responsible for exercising all local planning and development functions. Unlike the National Capital Planning Commission, its planning mandate would not be limited to physical elements. The agency would be able to take into account social and economic factors as well as physical. The powers and functions of the National Capital Housing Authority, the Redevelopment Land Agency, and the District planning functions of the National Capital Planning Commission would be transferred to this agency. The director of the agency would be directly responsible to the Mayor-Commissioner.

The Zoning Commission would be given the power to waive the building height limitation and the Agency for Planning and Development the power to approve the acquisition of land for mixed public and private uses. In both cases the exercise of the powers would have to comply with District comprehensive plans and planning objectives. The functions of the Advisory Commission on Zoning would be likewise transferred to the new agency, and the authority of the current Board of Zoning Adjustment would be given to a single administrator appointed by the Mayor and located within the new agency.

The proposed legislation further sets up a series of Neighborhood Planning Councils (NPC) based on the prototype of the existing Neighborhood Planning Councils, which developed the District's 1967 summer youth program. All residents of a neighborhood would be members of the Council. Each council would elect a chairman and a board of directors for one year term. These councils would be concerned with planning and would be able to hire professional planners to advise them on proposed plans, and organizers to interest residents of the community in the activities of the councils. The

chairman of the District of Columbia Council would be authorized to designate members of the (D.C.) Council to maintain contact with each NPC.

The Agency for Planning and Development would be required to provide the NPC's and any other interested citizens' groups with full information on proposals that it was developing which affected specific neighborhoods. The Agency would also be required to consult with the NPC's and to hold public hearings prior to any action being taken upon any proposal. At these hearings the NPC's and anyone else could present their views and alternatives.

There would also be established an Office of Neighborhood Planning to service the Neighborhood Planning Councils. The director of this Office would be chosen by a majority of the chairmen of the NPC's and he would serve a one year term. His appointment would be subject to the approval of the Mayor.

The federal agency planning functions now exercised by the National Capital Planning Commission would be transferred to a new unit, the Office of Federal Development in the National Capital Region, in the Executive Office of the President. This Office would review all agency proposals for building sites and other federal facilities in the Washington region. A commission composed of five distinguished planners and architects appointed by the President would advise the Office on the proposals it was considering.

The Office would be required to refer all agency proposals submitted to it to the local jurisdictions and the Metropolitan Washington Council of Governments (COG) for comment. The Office would also be responsible for the development in cooperation with COG and the local jurisdictions (including the District) of federal site plans for the region which complemented other regional and local planning objectives. It would then review the agency proposals on the basis of their conformity to the federal plan and on the basis of the comments of the local jurisdictions and COG.

The agencies would be required to develop their own five year (or longer) capital improvement programs for their facilities needs in the region and to submit these to the office for review.

INTERFERENCE WITH CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

Mr. MONDALE. Mr. President, I wish to speak in support of the fair housing amendment.

In this session of Congress we have talked about and will continue to talk about manpower training programs to remedy hard-core unemployment and about the deplorable state of ghetto area schools. One of the means the Senate and this Congress can begin to remedy these situations is through the passage of a fair housing law.

The pattern of racial segregation in housing affects employment opportunities and the racial composition and quality of schools. Any city planner planning the ideal city will tell you that journey-to-work considerations are crucial in the location of housing and employment. Low-income people cannot afford the expenses of private transportation to work. In the first half of this century, industry and most employment in American cities was located in the cities' central sector, and housing for the low-income groups was also located in the central sector.

Among the many reasons for industry's move to the suburbs in the past 15 years are the requirements of mechanized assembly lines which need space all on one level and the requirements for increased parking areas. In addition, the increase of interstate truck transportation required that industries locate on the outskirts of large cities. Industries found no barriers to moving out where more land was available, but discrimination in housing prevented the nonwhite workers from following them. Those who could not afford the transportation to work were left without employment.

The Secretary of Housing and Urban Development, Robert Weaver, testified before the Committee on Banking and Currency's Subcommittee on Housing and Urban Affairs that in the first 5 years of this decade, one-half to two-thirds of all new factories, stores, and other mercantile buildings in all areas of the country except the South were located outside the central cities and metropolitan areas. If this trend continues, and it is expected to, expanding job opportunities will be in or near the suburbs rather than in core cities.

Eighty percent of the nonwhite population of metropolitan areas in 1967 lived in central cities. Under present conditions, these persons are unable to move to suburbia because of housing discrimination practices and because of the lack of low- and moderate-cost housing. They are the least able to afford the high cost of transportation and, unable to live in the central city and work in the suburbs, they will be deprived of many jobs.

Recently U.S. Department of Labor reports show that unemployment is so much worse in the slum ghettos than in the country as a whole. National unemployment rates do not begin to show the problems of minority workers. Unemployment figures of 3.7 or 4 percent do not indicate the rate of unemployment in the slums. In the slums, few persons have decent jobs, up to one-half are unable to earn better than a poverty-level income, and between 10 to 20 percent of those who should be working are not working at all.

I give a few specific examples presented by the National Committee Against Discrimination in Housing showing the movement of jobs from the central city to the suburbs. New York City lost more than 180,000 manufacturing jobs in the years 1951 to 1965 when its nonwhite and Puerto Rican population was increasing by almost one-quarter of a million. New employment gain of approximately 30,000 jobs occurred especially in manufacturing industries in the suburbs of the cities.

Between 1962 and 1965, when St. Louis city's employment increased less than 3,000, St. Louis County gained almost 53,000 jobs, mostly manufacturing and service type jobs.

In Baltimore between 1951 and 1965, total employment increased only 1,450. Baltimore lost almost 20,000 jobs in manufacturing and urban Baltimore gained 86,272 in those years.

The city of Philadelphia lost nearly 50,000 jobs from 1952 to 1965, but the ring around Philadelphia gained 215,000 jobs.

What is the transportation situation for the inhabitant of the Negro ghetto out to these jobs? In New York, the monthly commuting total on the Long Island Railroad equals $30. In St. Louis there is no public transportation to many of the areas to which jobs moved. Where there is transportation, the trip costs about $6.50 a week and takes from 1½ hours to 2 hours each way.

In Baltimore, the trip ranges from $4 a week and a 40-minute ride each way to $15 and an hour's ride each way. In Philadelphia, a person working in Montgomery County would have to change buses at least three times and pay about $6.60 a week in commuter tickets.

The Watts riots in Los Angeles indicated that the problem is even of greater magnitude in California. I commend to the reading of the Senate the remarkable book entitled "Rivers of Blood, Years of Darkness," by Robert Conot. This book spells out many of the aspects that contributed to the tragic rioting in the Watts area and the fact that one of the key factors was this pool of unskilled employment, penned in the ghettos and sealed off from employment, unable to afford cars or public transportation. There is in addition the inconvenience of spending time to find jobs, if jobs can be found. These factors were such as to discourage completely efforts to find employment. I think the best example of that is the recent Aerojet-General plant located in the center of the Watts area. That company produces military tents under Federal contract. The initial employment was to be 75 employees. In response to help wanted ads, more than 5,500 residents of the Watts area applied. That showed the absolutely pathetic need for unskilled jobs in that one area alone.

The same situation exists in San Francisco. To commute from any one of the several Negro ghettos in San Francisco or the East Bay to job openings in South San Francisco, Martinez, Livermore, or Point Richmond, a person would find it almost impossible if he had to rely on public transportation. To commute from Hunters Point in San Francisco to a job in Contra Costa County in the East Bay would require from three to four transfers, a cost of about $15 a week, and a 4- to 5-hour commute time each day. A more reasonable commute, via Alameda or West Oakland, to jobs in Contra Costa County costs about $11.50 a week, takes at least 2 hours each way, and is restricted primarily to travel during peak rush hours, which makes any off-hour job of this kind virtually impossible.

Unless the county is willing to invest billions of dollars in a cheap, fast, and multidestination transportation system, ghetto residents will not be able to reach most jobs. A much simpler solution to one facet of the employment problem would be to open housing to everyone.

The pattern of racial segregation in housing also affects the racial composition and quality of schools. The neighborhood school concept, until recently,

coupled with patterns of racial housing, operated despite a Supreme Court decision in Brown against the Board of Education to keep Negroes in de facto segregated schools. And the condition of these schools is a question of considerable concern for many. The schools in Washington, D.C., in New York City, and in other large city ghetto areas have been the subject of intense criticism. Jonathan Kozol's book, "Death at an Early Age," depicts the conditions of schools in Boston. The book describes the efforts of a young teacher in the Boston school system to deal with the deplorable conditions which literally destroy the young students attending those schools.

The stopgap solution for this result of lack of fair housing measures has been, as for unemployment, to provide transportation. For education this has come in the form of busing. Neither de facto segregation nor busing would be the case if we could do away with discrimination in housing.

The U.S. Commission on Civil Rights has recently published a study entitled "Racial Isolation in the Public Schools." This report demonstrated that there is a relationship between the confinement of Negroes to central city ghettos and inferior educational opportunities. For this reason, since housing discrimination produces inequality of educational opportunity, the Commission recommended in that report a Federal fair housing law in order to minimize the impact of housing segregation on education.

Open housing is absolutely essential to the realistic achievement of such accepted goals as desegregated schools and equal opportunity. Much of the statutory civil rights progress of recent years will be little more than theoretical until open housing becomes a reality. Because the composition of the student body is determined by the composition of the residents of the area in which this school is located, the soundest way to attack segregated education and the quality of the schools resulting from it is to attack the segregated neighborhood. Testimony at the hearings on the Fair Housing Act brought out that it is virtually impossible to provide high quality education to disadvantaged minorities as long as they are restricted to living in older congested sections of cities. The opportunity to go to school with members of other racial and ethnic and economic groups tends to improve the educational achievement of disadvantaged children, according to findings of educational research including the Coleman report.

De facto segregation in schools and education is directly traceable to the existing patterns of racially segregated housing. We cannot afford to allow our efforts to provide the best education possible to all Americans to be thwarted by actions of private persons, actions which are antisocial, immoral, and which ultimately amount to contravention of our public policy in favor of equal educational opportunity. Fair housing is therefore more than merely housing. It is part of an educational bill of rights for all citizens.

Without it, the dream of full and fair social opportunities for all Americans is an illusion.

(At this point, Mr. WILLIAMS of New Jersey assumed the chair.)

Mr. ELLENDER. Mr. President, the open housing amendment to the pending bill declares that it is the policy of the United States to prevent discrimination in the purchase, rental and occupancy of all housing. Title II of the amendment provides that the bill will take effect in three stages, that is, its provisions shall apply to the Federal Government and its agencies immediately. After December 31, 1968, the provisions of the amendment would also then apply to all dwellings in which the owner is not a resident at the time of the sale, and dwellings intended for occupancy by five or more families. The final stage of the bill is December 31, 1969, when it would apply to all dwellings. However, there are exempted dwellings which are occupied by no more than four families, if the owner actually occupies one of the living quarters as his residence.

The amendment further provides that discrimination in the sale and rental of houses is not only unlawful, but also the printing or publication or any statement or notice indicating a preference based on race, religion, or national origin. Apparently, under this provision any newspaper publisher who accepted an advertisement indicating a preference by the owner of a certain race or religion would be in violation of the law. Apparently, freedom of speech and press guaranteed in the Bill of Rights is to be abolished with the inauguration of this open housing amendment.

The amendment also provides that any person involved in the financing of housing who in any way discriminates against a person applying for a loan would be made criminally liable.

Any person operating a multiple listing service or real estate brokers' service, who indicated a preference for one race or another, would be in violation of the law. In the hearings held in 1966 and 1967, most of the real estate organizations testified against the whole open housing bill, and not just this section alone. The amendment further provides that it is unlawful to interfere, coerce, intimidate, or do anything which would interfere with the so-called right of open occupancy. There is exempted from these provisions the right of a religious organization to show preference in any institution controlled by it for its own members.

There would be created an additional Assistant Secretary to the Department of Housing and Urban Development to implement the provisions of the amendment. The Secretary of Housing and Urban Development, or his agents, are given unlimited power to implement and enforce the so-called right of open occupancy. He is given the power to entertain complaints, engage in factfinding in particular disputes, render judgments on the charges of discrimination, issue restraining orders and subpenas, and assess penalties for failure to comply with his judgments. Never in the history of the United States or of the civilized world has a political appointee been granted such far-reaching and sweeping executive and judicial powers. He may even institute proceedings against an alleged violator without having even received a complaint.

The intent of the proposed amendment gives authority to the Secretary to conduct what is termed "educational activities." He is authorized to pay out sums of money to bring groups of people together to be educated in this new social order. It is indeed a sad day for the United States when Congress would even consider permitting a political appointee to engage in this type of propaganda and brainwashing of our own citizens. I do not believe that it is unfair of me to say that the Department of Housing and Urban Development is the poorest run department of any of our Federal agencies, even taking into account that it is a relatively new department. The officials charged with the administration of the programs have indicated an ignorance of congressional acts and congressional intent to an unbelievable extent. The bureaucratic bungling in the Department of Housing and Urban Development is unparalleled in any of our executive departments.

As Senators know, I have supported every housing act which has become law in the last 31 years. In my earlier years in the Senate, I was a member of the committee which considered all housing legislation. I toured the country to ascertain the housing needs of the American people. I have done everything in my power to see that all people in this country, regardless of race, have had decent housing. In very recent years, I have even supported rent supplement programs at considerable political cost, I might add. Each and every time I have attempted to secure any information of value from the Department of Housing and Urban Development regarding new proposals or the operation of existing programs, I have been met with nothing but delays, misinformation, lack of information—no information.

In granting power and authority to the Secretary of Housing and Urban Development and his agents, we must proceed on the assumption that the least qualified people will occupy those positions of power because there is no assurance that the best people will ever hold these jobs. As has been said by one of my colleagues, "no good Secretary would want such power as this amendment invests in him, and no bad Secretary should have it."

This open housing amendment holds out the traditional bait to the Northern States by providing that their local open housing laws may take precedence over the Federal law and the Secretary is authorized to refrain from enforcing the Federal law in such States.

I may say, Mr. President, that quite a few States have such laws. We have heard a discussion this afternoon of such a law in the State of Oregon.

As I suggested to my good friend the Senator from Oregon, with the State having only 1 percent of its population Negro, and most of the 1 percent located in the city of Portland, they have no problem.

I was surprised when the Senator from

Oregon stated that there was a ghetto in Portland, when only 20,000 Negroes live throughout the State, and more than 18,000 of them are in the city of Portland.

The Secretary or his agents are authorized to hold hearings and investigate, and to have access to premises, records, documents, and individuals and any other evidence to determine if there are any violations of the provisions of this act. Here, again, is another constitutional safeguard to the right of privacy, a citizen's right to be secure in his home, trampled underfoot by this amendment. As I said before, it is unbelieveable that the Senate would consider for a moment enacting the provisions of this amendment into law, taking away all of the rights which were fought for so long and so hard.

This bill is so obnoxious because it weights the controversy so heavily in favor of the person who claims to have been discriminated against. There is no attempt to maintain evenhanded justice. A person can file a complaint against the owner of a dwelling or the Secretary of Housing and Urban Development can file the complaint, or the Attorney General can bring an action in the U.S. District Court against an alleged violator, all independently of each other, or all working together, depending upon their own discretionary choice. Anyone who violates the Secretary's orders can be fined $50 a day for disobeying such an order. In the past, Congress has created special commissions such as the Interstate Commerce Commission, and has endowed it with quasi-judicial functions. It has made certain by the enactment of the Administrative Procedure Act—APA—and other rights of redress against arbitrary acts of the Commission to insure that a respondent or violator would be protected in his constitutional rights. However, in this case, an ordinary political appointee of the President and his agents who hold office at the pleasure of the President, are invested with these overwhelming executive and judicial powers, without any safeguards for the rights of an accused person. To my knowledge, this is the first time a partisan political official in this Government would be granted such powers.

The pending amendment on open housing represents the ultimate in social extravagance in the United States. Every cherished liberty purchased at a high cost in Anglo-American history over the centuries is cast aside. All personal rights and liberties of the individual are ripped away for the alleged purpose of preventing discrimination. All the personal liberties wrung from the sovereigns from the Magna Carta to the Bill of Rights are trampled under foot. If this amendment becomes law, those guaranteed rights will be nothing but lies and dead concepts. The curators of our archives have placed the Declaration of Independence and the Constitution in a steel and concrete vault. How stupid and foolish. Do they not know that the protection of the Constitution is here on this very floor and in the minds and actions of all Americans? The vault contains but empty promises on faded parchment. The fulfillment of the promises has not been kept.

Under this amendment the Secretary of Housing and Urban Development would become a virtual commissar of housing—violating every right of life, liberty, and property. Sweeping judicial powers, I repeat, are given the Secretary and his agents to investigate the facts of alleged discrimination, render judgments against an accused and assess penalties. No right to file a complaint in court is granted an accused until 6 months after the Secretary or his agents have rendered their judgments that a violation has occurred. However, if the Secretary should decide against one of the so-called aggrieved persons he can go into Federal court in 30 days. In other words, if a so-called aggrieved person does not get a favorable decision from the Secretary within 30 days he can get the Attorney General to go into Federal court with his complaint. However, the poor fellow accused of discrimination cannot get a fair trial in a duly constituted court for 6 months.

Nothing so monstrous has been perpetrated on civilized people since the French and Russian Revolutions. The howling mobs are always the same—whether it is Paris in 1793, Petrograd in 1917 or Detroit in 1967. It is always in the name of democracy and equality. Equality is the last refuge of the trifling, the shiftless and the incompetent. This amendment runs into many of the same constitutional objections as the pending bill does, only it violates more provisions of the Bill of Rights.

The amendment is more or less the same bill that was considered in 1966 and 1967. On May 27, 1966, the Attorney General of Louisiana filed an opinion in the form of a memorandum with the Judiciary Committee on the constitutional questions raised. At some future time I shall quote from his very thoughtful and learned opinion.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock meridian tomorrow.

The motion was agreed to; and (at 4 o'clock and 16 minutes p.m.) the Senate adjourned until tomorrow, Friday, February 16, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

The 16th Annual Presidential Prayer Breakfast

HON. FRANK CARLSON

OF KANSAS

IN THE SENATE OF THE UNITED STATES

Thursday, February 15, 1968

Mr. CARLSON. Mr. President, on Thursday morning, February 1, the 16th consecutive annual Presidential prayer breakfast was held. The breakfast was attended by the President of the United States, the Vice President of the United States, the Speaker of the House, members of the Cabinet, members of the Supreme Court, members of the diplomatic corps, Governors of various States, and members of the executive and legislative branches of the Government.

Also present were presidents of national and international labor unions, outstanding leaders in the field of industry and business, chancellors and presidents from a select number of universities and colleges, and men of distinction from the courts, from communications, and from every other phase of our economic life.

We have found this event to be very meaningful, not only to those of us who gather at the breakfast, but also to millions of citizens across this Nation.

I ask unanimous consent to have printed in the Extensions of Remarks the text of the program and the proceedings.

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

PROGRAM OF PRESIDENTIAL PRAYER BREAKFAST

Invocation: The Hon. John A. Volpe, Governor, State of Massachusetts.

Introduction of Head Table and Statement: Sen. Frank Carlson, Kans.

Greetings from House Breakfast Group: Rep. Ben Reifel, S. Dak.

Old Testament Reading: Rep. John W. McCormack, Mass.; Deuteronomy 6:4–17, Read by Sen. Joseph Tydings, Md.

Greetings from Senate Breakfast Group: Sen. John Stennis, Miss.

New Testament Reading: John 15:1–17, The Vice President of the United States.

Prayer for National Leaders: Hon. Robert C. Weaver, Secretary Housing and Urban Development.

Message: General Harold K. Johnson, Chief of Staff, U.S. Army.

Address by Lyndon B. Johnson, President of the United States.

Closing Prayer: Hon. Price Daniel, Office of Emergency Planning.

Closing Song: The Singing Sergeants.

INVOCATION, GOV. JOHN A. VOLPE

We raise our voices in prayer to the God of men and nations acknowledging our dependence on Him and our earnest intention to do His will. On this earth we only see dimly His divine light. After we hear too softly the sound of His voice. May His grace make us each day more sensitive to our duty, more conscious of how helpless we are without Him. As we ask His blessing on ourselves, we ask Him also to guide this nation and all others into the paths of peace and justice. Too often in our bewildered world, His sons are enemies separated by conflict and violence seeking to resolve by power what must be earned in peace. Those who call Him Father must by this fact be brothers, but how easily oppression, persecution and discrimination divide them one from the other and make a mockery of brotherhood and justice. The world God made for man, man has remade according to his own weakness. Help us, oh Lord, to know your ways and give us strength to follow them. Make us humble