By Mr. KASTENMEIER (for himself, Mr. CONYERS, Mr. DONOHUE, Mr. EDWARDS of California, Mr. TENZER, and Mr. MATHIAS of Maryland):

H.R. 17498. A bill to amend the provisions of chapter 5 of title 5, United States Code, relating to administrative procedure; to the Committee on the Judiciary.

By Mr. MACHEN (for himself and Mr. FEIGHAN):

H.R. 17499. A bill to amend section 341 of the Immigration and Nationality Act to require the Attorney General to furnish a certificate of citizenship to a person holding certification of birth issued by the Secretary of State; to the Committee on the Judiciary.

By Mr. RIEGLE (for himself, Mr. GERALD R. FORD, Mr. BROOMFIELD, Mr. HARVEY, Mr. BROWN of Michigan, and Mr. CEDERBERG):

H.R. 17500. A bill to designate certain lands in the Seney, Huron Islands, and Michigan Islands National Wildlife Refuges in Michigan as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. STAGGERS:

H.R. 17501. A bill to authorize the Department of Commerce to make special studies, to provide services, and to engage in joint projects, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITENER (for himself, Mr. SISK, Mr. ABERNETHY, Mr. FRASER, Mr. ADAMS, Mr. KYROS, Mr. STEIGER of Arizona, Mr. ZWACH, Mr. GUDE, Mr. WINN, and Mr. DOWDY):

H.R. 17502. A bill to authorize the Commissioner of the District of Columbia to utilize volunteers for active police duty; to the Committee on the District of Columbia.

By Mr. JOELSON:

H.J. Res. 1281. Joint resolution proposing an amendment to the Constitution of the United States providing that when the right of choice of the President shall devolve upon the House of Representatives, each Representative shall have one vote; to the Committee on the Judiciary.

By Mr. NICHOLS:

H.J. Res. 1282. Joint resolution proposing an amendment to the Constitution of the United States to provide for the popular election of the Judges of the Supreme Court; to the Committee on the Judiciary.

By Mr. RIEGLE:

H.J. Res. 1283. Joint resolution to provide that it be the sense of Congress that a White House Conference on Aging be called by the President of the United States in 1971, to be planned and conducted by the Secretary of Health, Education, and Welfare to assist the States in conducting similar conferences on aging prior to the White House Conference on Aging, and for related purposes; to the Committee on Education and Labor.

By Mr. FASCELL:

H. Res. 1185. Resolution expressing the sense of the House of Representatives concerning a stable and durable peace in the Middle East; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ADDABBO:

H.R. 17503. A bill for the relief of Rochelle Kadoche also known as Rachel Kadosh; to the Committee on the Judiciary.

By Mr. BELL:

H.R. 17504. A bill for the relief of Felix Kimpo Gonzales; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 17505. A bill for the relief of Andrea Giliberti and Maria Giammalvo Giliberti; to the Committee on the Judiciary.

H.R. 17506. A bill for the relief of Pietro Pepe; to the Committee on the Judiciary.

H.R. 17507. A bill for the relief of Vincenzo Taormina; to the Committee on the Judiciary.

By Mr. FARBSTEIN:

H.R. 17508. A bill for the relief of Laela Mohideen; to the Committee on the Judiciary.

By Mr. FULTON of Tennessee:

H.R. 17509. A bill for the relief of Dr. Silverio Agujar and his wife, Teresita Agujar; to the Committee on the Judiciary.

By Mr. KING of New York:

H.R. 17510. A bill for the relief of Ioannis Sotiriou Koutsakis; to the Committee on the Judiciary.

By Mr. KUPFERMAN:

H.R. 17511. A bill for the relief of Joaquina Januario; to the Committee on the Judiciary.

By Mr. McCARTHY:

H.R. 17512. A bill for the relief of Jordan Koste Ristevski; to the Committee on the Judiciary.

By Mr. MacGREGOR:

H.R. 17513. A bill for the relief of Byung-Woong Kim; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 17514. A bill for the relief of Joseph Lala; to the Committee on the Judiciary.

H.R. 17515. A bill for the relief of Rouhama Lebel; to the Committee on the Judiciary.

By Mr. REES:

H.R. 17516. A bill for the relief of Mr. Yehoshua M. Horvitz; to the Committee on the Judiciary.

By Mr. REINECKE:

H.R. 17517. A bill for the relief of Man Young Lee; to the Committee on the Judiciary.

H.R. 17518. A bill for the relief of Santuzza Simonti; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 17519. A bill for the relief of Sreten Kosta Ristivojevic; to the Committee on the Judiciary.

H.R. 17520. A bill for the relief of Giuseppe Tornatore; to the Committee on the Judiciary.

By Mr. TENZER:

H.R. 17521. A bill for the relief of Tran Huu Can; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

323. By the SPEAKER: Petition of National Association for Community Development, Washington, D.C., relative to the antipoverty and community development programs; to the Committee on Education and Labor.

324. Also, petition of Mrs. Rita Warren, Children's Society, Brockton, Mass., relative to assistance to retarded children; to the Committee on Interstate and Foreign Commerce.

325. Also, petition of Mr. Memory H. Oliver, Biloxi, Miss., relative to benefits from the Veterans' Administration and the Department of Health, Education, and Welfare; to the Committee on Veterans' Affairs.

SENATE—*Thursday, May 23, 1968*

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore.

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

O Thou God of grace and glory, a thousand years, in Thy sight, are but as yesterday, and as a watch in the night, so teach us to number our days that we may apply our hearts unto wisdom. Bowing at this altar of Thy sustaining grace, we come vividly conscious that we need not turn back to bygone centuries to hear Thy voice, as if Thou dost speak to men no longer in the living present. Give us receptive ears to hear Thy imperial call above the noise of crashing human systems.

Forgive us for smug satisfaction with ourselves and for our cynical contempt of others.

Bring us to a golden tomorrow for all Thy children when the shared plenty of the good earth shall wash the slums of the world into vague, unhappy memories.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, May 22, 1968, be approved.

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

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 126. An act for the relief of Pedro Antonio Julio Sanchez;

S. 233. An act for the relief of Chester E. Davis;

S. 1040. An act for the relief of certain employees of the Department of the Navy; and

S. 2409. An act for the relief of the estate of Josiah K. Lilly.

SUBCOMMITTEE MEETING DURING SENATE SESSION

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

Mr. DIRKSEN. Mr. President, reserving the right to object, we did make exceptions for two committees yesterday, and I think mainly on the ground that they were hearing witnesses who had come from a long distance.

Mr. MANSFIELD. The Senator is correct.

Mr. DIRKSEN. I do not know what the situation is with respect to the Subcommittee on Manpower, Employment, and Poverty. If they are local witnesses, I would hesitate to give consent. If, however, they are witnesses from Resurrection City, I would not want to stand in the way of hearing them.

Mr. MANSFIELD. That is correct.

Mr. DIRKSEN. Of course, I have no objection.

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

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The LEGISLATIVE CLERK. A bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

The Senate proceeded to consider the bill.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Delaware [Mr. WILLIAMS] may be allowed to proceed for not to exceed 5 minutes, and that at the conclusion of his remarks, the controlled time begin.

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

SUGGESTED REDUCTIONS IN FARM SUBSIDIES

Mr. WILLIAMS of Delaware. Mr. President, during the past several days administration officials have been warning the American people of the disastrous results that will develop if Congress approves a $6 billion mandatory reduction in expenditures. In its determined effort to defeat such expenditure reductions, the various agencies of the Government have been conducting a vigorous campaign, warning of the drastic curtailment or the abandonment of programs dealing with health, education, welfare, veterans benefits, and so forth. Significantly, not a single suggestion has as yet been made as to where they could make a reduction.

Today I call attention to a place where the Government can save a minimum of $600 million per year by adopting my amendment proposing a $10,000 ceiling on the amount which can be paid to any individual farmer under the farm subsidy program. Approximately $1 billion could be saved annually if these payments were limited to $5,000 per individual farmer.

Today I am incorporating in the RECORD a report giving a list of those cash payments to farmers which in 1967 exceeded $50,000. Of this group five operations were paid over $1 million each, 15 were paid between $500,000 and $1 million each, 388 farming operations were paid between $100,000 and $500,000 each, and 1,290 were each paid between $50,000 and $100,000. There were 4,881 farming operations which were paid between $25,000 and $50,000 each. In 1967 these 6,579 farming operations, each of which was paid in excess of $25,000, received a grand total of $333,127,693.

I have a more complete report which breaks this list down further to include the names and addresses of all who received in excess of $25,000. This report is available in my office to anyone interested.

I have submitted an amendment to the Committee on Appropriations, the purpose of which is to limit all such payments to $10,000; and should this amendment be accepted, the estimated annual savings would be about $600 million.

It is estimated that placing a ceiling of $25,000 on all such agriculture payments to any one operation would save the taxpayers approximately $170 million annually.

I can see no justification for these outlandish subsidy payments, such as are outlined in this report. It should be emphasized that these payments are not for food produced or for services rendered but, rather are payments not to cultivate the land.

The $600 million which could be saved annually through the adoption of my amendment would go far toward underwriting the cost of some of the more essential and worthy programs.

At a time when the administration is shedding so many crocodile tears over the plight of the hungry in America it is a farce to see them at the same time paying millions to corporate-type farming operations not to produce crops. Why does the administration oppose the adoption of my amendment and the saving of this $600 million?

This is a place where Congress can achieve a $600 million expenditure reduction and at the same time correct a farm program which is getting completely out of hand. I appeal to the administration for its support of the amendment which I have submitted to achieve this objective.

I ask unanimous consent that a list of the names, addresses, and total payments of $50,000 or more under ASCS programs—excluding price support loans—for calendar year 1967 be printed at this point in the RECORD, followed by the amendment I have offered.

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

1967 TOTAL PAYMENTS OF $1,000,000 AND OVER, UNDER ASCS PROGRAMS (EXCLUDING PRICE SUPPORT LOANS)

State and name	Address	Amount
CALIFORNIA		
Rancho San Antonio	Post Office Box C, Gila Bend, Ariz., Fresco County.	$2,863,668
J. G. Boswell Co	Box 128 Litchfield Park, Ariz., Kings County	4,091,818
South Lake Farms	Post Office Box 307, Five Points	1,304,093
FLORIDA		
U.S. Sugar Corp	Drawer 1207, Clewiston, Hendry County	$1,275,687
HAWAII		
Hawaiian Commercial & Sugar Co.	Box 3440, Honolulu	1,353,770

1967 TOTAL PAYMENTS OF $500,000 TO $999,999 UNDER ASCS PROGRAMS (EXCLUDING PRICE SUPPORT LOANS)

State and name	Address	Amount
ARIZONA		
Farmers Investment Co	Box 128, Aguila, Maricopa County	$554,817
ARKANSAS		
Lee Wilson & Co	Wilson, Southern Mississippi County	619,489
CALIFORNIA		
Acco Seed	Drawer R, Leoti, Kans., Fresno County	814,714
Mount Whitney Farms	Post Office Box 247, Five Points	591,980
Kern County Land Co	Box 380, Bakersfield, Kern County	838,130
S. A. Camp Farms Co	Bin D, Shafter	517,285
Salyer Land Co	Post Office Box 488, Corcoran, Kings County	789,910
FLORIDA		
So. Puerto Rico Sugar Co	R.F.D. 1, Box 142, Fellsmere, Palm Beach County	610,913
HAWAII		
Kohala Sugar Co	Box 2990, Honolulu	$800,718
Waialua Agricultural Co., Ltd	Box 2990, Honolulu	600,477
Oahu Sugar Co	Box 3230, Honolulu	571,453
Lihue Plantation Co., Ltd	Box 3230, Honolulu	539,570
Pioneer Mill Co	Box 3230, Honolulu	500,296
MISSISSIPPI		
Delta & Pine Land Co	Scott, Bolivar County	653,252
MONTANA		
State of Montana	Department of State Lands, Helena, Daniels County.	553,358

1967 TOTAL PAYMENTS OF $100,000 TO $499,999 UNDER ASCS PROGRAMS (EXCLUDING PRICE SUPPORT LOANS)

State and name	Address	Amount
ALABAMA		
Joe I. McHugh	Box 17, Orrville, Dallas County	$103,870
Edward F. Mauldin	Leighton, Lawrence County	165,003
ARIZONA		
Youngker Farms	Box 398, Buckeye, Maricopa County	327,523
Goodyear Farms	Litchfield Park, Maricopa County	270,705
Community Gin	Post Office Box 7446, Phoenix, Maricopa County	233,231
Harris Cattle Co	Box 456, Chandler, Maricopa County	165,272
Belluzzi Farms Inc	Box 223, Avondale, Maricopa County	160,883
David A. Shumway	Route 1, Box 19, Queen Creek, Maricopa County	157,063
Waddell Ranch Co	Waddell, Maricopa County	154,878
Leyton Woolf	4419 W Royal Plms Rd. Glendale, Maricopa County.	154,650
F. C. Layton	Box 640, Thatcher, Maricopa County	152,784
Ed Ambrose	Route 1, Box 118–B, Buckeye, Maricopa County	141,086
Abel Bros	Route 1, Box 75, Tolleson, Maricopa County	140,458
Martori Bros	Post Office Box 878, Glendale, Maricopa County	128,479
H. L. Anderson	Route 1 Box 515, Peoria, Maricopa County	127,363
Vans Farms	Post Office Box 48, Palo Verde, Maricopa County	124,274
J. L. Hodges Farming Co	Post Office Box 68, Buckeye, Maricopa County	121,864
Morrison Bros	Route 1 Box 13, Higley, Maricopa County	119,011
Roscoe & Allen	Route 1 Box 1046, Scottsdale, Maricopa County	114,086
Fridenmaker Farms	223 South 4th St., Phoenix, Maricopa County	113,504
Southmountain Farms Inc	Route 1 Box 705, Laveen, Maricopa County	110,298
Hardesty Bros	1013 Narramore, Buckeye, Maricopa County	102,247
Bill Hilburn	Box 236, Bowie, Cochise County	141,351
BKW Farms Inc	Box 186, Marana, Pima County	321,126
John Kai	Box 428, Marana, Pima County	175,601
John J. & Ola V. Lord	Post Office Box 5761, Tucson, Pima County	112,025
Argee Farms, Inc	105 North Camino Marimonte, Tucson, Pima County.	108,098
C. & V. Sheep & Cattle Co. Inc	Box 368, Maricopa, Pinal County	463,003
Hamilton Farms	Route 1, Box 325 Eloy, Pinal County	435,531
Red River Land Co	Box 566, Stanfield, Pinal County	416,606
Kirby Hughes	Marana, Pinal County	388,259
John D. Singh	Box DD, Casa Grande, Pinal County	350,552
A. K. Chin Enterprises	Box 22, Maricopa, Pinal County	327,122
Bogle Farms, Inc	Dexter, N. Mex., Pinal County	317,782
Pima Community Farms	Sacaton, Pinal County	260,072
Arizona Farming Co	Box 907, Eloy, Pinal County	231,805
Coury Bros	Route 1, Box 87, Queen Creek, Pinal County	208,378
L–4 Ranches	Queen Creek, Pinal County	207,575
W. T. Golston Farms	Box 698, Stanfield, Pinal County	182,033
J. A. Roberts	Route 1, Box 207, Casa Grande, Pinal County	174,651
Talla Farms, Inc	Box 668, Stanfield, Pinal County	172,128
Imperial Valley Cattle Co	Box 148, Arizona City, Pinal County	169,392
Thunderbird Farms	Box 1984, Phoenix, Pinal County	162,931
Isom & Isom	110–C E Florence Blvd, Casa Grande, Pinal County.	152,682
Rancho Tierra Prieta	Box 938, Eloy, Pinal County	147,478
Milton P. Smith, Jr	Route 1, Box 85, Maricopa, Pinal County	137,536
Peter J. Robertson	Box 578, Coolidge, Pinal County	127,959
Paul Brophy	Box 528, Casa Grande, Pinal County	125,560
McFarland & Hanson Ranches	Box 1497, Coolidge, Pinal County	121,513
McCarthy Hilderbrand Farms	Route 1, Box 246–A, Eloy, Pinal County	118,455
Empire Farms	Route 1, Box 326, Eloy, Pinal County	109,184
Anderson Bros	Drawer KK, Casa Grande, Pinal County	108,184
Santa Cruz Farms, Inc	Box 998, Eloy, Pinal County	107,378
L. Z. Farms, Inc	900 N. Brown, Casa Grande, Pinal County	105,672
Barkley Co. of Ariz	Rural Route 1, Box 73, Somerton, Yuma County	375,838
C. M. S. Farming Co	801 N. 1st Ave. Phoenix, Yuma County	304,676
J. W. Olberg	Post Office Box 1710, Yuma, Yuma County	250,020
Bruce Church, Inc	Post Office Box 1009, Yuma, Yuma County	241,689
Ben Simmons	Post Office Box 744, Parker, Yuma City	185,740
Cold River Trading Co	Post Office Box T, Parker, Yuma County	175,694
Jones Ranches, Inc	404 1st St., Eloy, Yuma County	135,583
Earl Hughes	Post Office Box 218, Gadsden, Yuma County	106,597
Ed Hall	Box Y, Bouse, Yuma County	105,759
Woods, Co	Post Office Box 1294, Yuma, Yuma County	104,879
ARKANSAS		
Kuhn Rieves Clarke Moore & Hap.	Marion, Crittenden County	247,421
Bond Planting Co	Box 446, Clarkedale, Crittenden County	127,868
Carlson Bros	Rural Route 1, Box 568, Marion, Crittenden County.	126,465
J. F. Twist Plantation	Twist, Crittenden County	108,097
Alpe Bros	Crawfordsville, Crittenden County	102,223
A. & M. Co	E. D. McKnight ptr., Parkin, Cross County	116,334
R. A. Pickens & Son Co	Pickens, Desha County	244,265
Stimson Veneer & Lumber Trust.	Dumas, Desha County	105,458
Cornerstone Farm & Gin Co	Box 7008, Pine Bluff, Jefferson County	125,893
Sweet Bros	Widener, Lee County	107,694
Arkansas Board of Penal Institution.	Box 500, Grady, Lincoln County	177,207
Howe Lumber Co., Inc	Wabash, Phillips County	296,864
Brooks Griffin	Elaine, Phillips County	162,914
Highland Lake Farm	46 Waverly Wood, Helena, Phillips County	141,657
Alexander Farms, Inc	do	111,402
E. Ritter & Co	Marked Tree, Poinsett County	198,759
Dan Portis	Lepanto, Poinsett County	138,205
Wesson Farms, Inc	Victoria, south Mississippi County	206,354
Armorel Planting Co	Armorel, south Mississippi County	167,232
J. A. Crosthwait	Box 351, Osceola, south Mississippi County	144,160
Rufus C. Branch	Joiner, south Mississippi County	130,991
C. J. Lowrance & Sons	Driver, south Mississippi County	101,657
J. G. Adams & Son	Hughes, St. Francis County	124,702
Miller Lumber Co	Marianna, St. Francis County	113,307
CALIFORNIA		
Boston Ranch Co	Star Route 2, Box 100, Lemoore, Fresno County	458,020
Jack Harris, Inc	Box 248, Five Points, Fresno County	414,970
Air Way Farms, Inc	Equitable Bldg., Room 614, Fresno, Fresno County.	329,228
Savage Tivy Valley Ranch	222 West Shaw, Fresno, Fresno County	256,147
CALIFORNIA—Continued		
Timco	5720 South Washoe, Mendota, Fresno County	$230,969
McCarthy & Hildebrand	Box 1, Burrel, Fresno County	228,215
Coit Ranch, Inc	2578 South Lyon, Mendota, Fresno County	214,976
Schramm Ranches, Inc	Box 487, San Joaquin, Fresno County	207,605
M. J. and R. S. Allen	Post Office Box 925, Coalinga, Fresno County	195,942
Raymond Thomas, Inc	25810 Avenue 11, Madera, Fresno County	194,343
W. J. Deal	Box 427, Mendota, Fresno County	192,803
Sullivan & Gragnani	Box 128 A, Tranquillity, Fresno County	191,109
Redfern Ranches, Inc	Box 305, Dos Palos, Fresno County	173,255
J. E. O. Neill, Inc	Post Office Box 2114, Fresno, Fresno County	154,382
Britz Chemical Co	Post Office Box 366, Five Points, Fresno County	151,190
Desert Ranch	47375 West Dakota, Firebaugh, Fresno County	147,399
V. C. Britton	Post Office Box 397, Firebaugh, Fresno County	145,758
Pilibos Bros., Inc	2141 Tuolumne, Fresno, Fresno County	133,805
Telles Ranch, Inc	46031 West Nees, Firebaugh, Fresno County	131,249
Wood Ranches	Post Office Box 247, Lemoore, Fresno County	131,055
Hammonds Ranch, Inc	47375 West Dakota, Firebaugh, Fresno County	127,774
Summer Peck Ranch, Inc	Post Office Box 507, Mendota, Fresno County	127,389
Linneman Ranches, Inc	Post Office Box 156, Dos Palos, Fresno County	120,713
Wm. Erickson	5250 West Jefferson, Fresno, Fresno County	119,296
Weeth Ranches, Inc	Box 924, Coalinga, Fresno County	116,932
Giusti Farms	Suite 904, 2220 Tulare, Fresno, Fresno County	113,768
O'Neill Farms, Inc	Post Office Box 5, Huron, Fresno County	109,670
Rabb Bros	Box 736, San Joaquin, Fresno County	101,046
Deavenport Ranches, Inc	910 East Swift, Fresno, Fresno County	100,301
H. B. Murphy Co	Post Office Box 74, Brawley, Imperial County	442,327
Elmore Co	Post Office Box 119, Brawley, Imperial County	359,740
Jack Elmore	Box 156, Brawley, Imperial County	299,888
Sinclair Ranches	Box 234, Calipatria, Imperial County	208,972
Russell Bros. Ranches, Inc	Box 275, Calipatria, Imperial County	206,916
W. E. Young & W. E. Young, Jr.	Box 267, Calipatria, Imperial County	198,852
Irvine Co	1567 Elm, El Centra, Imperial County	179,695
Stafford Hannon	Post Office Box 1141, Brawley, Imperial County	169,070
J. H. Benson, Est	Box 239, Brawley, Imperial County	166,795
Donald H. Cox	560 North 8th, Brawley, Imperial County	161,504
Stephen H. Elmore	Post Office Box 54, Brawley, Imperial County	159,728
C. T. Dearborn	Post Office Box 6055, Calipatria, Imperial County	159,472
Neil Fifield Co	Route 2, Box 26, Brawley, Imperial County	144,715
Antone Borchard Co	200 Andrita Pl., Brawley, Imperial County	140,010
Donald K. Donley	2454 5th St., Yuma, Ariz., Imperial County	134,506
Adamek & Dessert	Post Office Box 787, Seeley, Imperial County	125,485
Griset Bros	2324 Oakmont Ave., Santa Ana, Imperial County	121,243
Fifield Land Co	Route 2, Box 26, Brawley, Imperial County	115,460
Raymond O'Connel & Son	Route 1, Box 73, Brawley, Imperial County	110,565
Williams & Quick	Box 217, Calipatria, Imperial County	107,433
Gerald R. Elmore	Post Office Box 603, Calipatria, Imperial County	105,114
Jack Bros. & McBurney, Inc	Post Office Box 116, Brawley, Imperial County	104,860
Hugh Hudson Ranches	Post Office Box 201, Calipatria, Imperial County	102,887
George B. Willoughby	Box 860, El Centro, Imperial County	102,168
Chas. Vonderahe	6136 Rockhurst Dr., San Diego, Imperial County	101,991
California Sturges Ginning Co	Box 409, Yuma, Ariz., Imperial County	101,674
Dixie Ranches	Post Office Box 585, El Centro, Imperial County	101,299
Guimarra Vineyard Corp	Box 1969, Bakersfield, Kern County	278,721
W. B. Camp & Sons	Post Office Box 2028, Bakersfield, Kern County	238,816
B. V. Farms & Miller & Lux	550 Kearney, San Francisco, Kern County	237,271
Houchin Bros. Farming	Box 493, Buttomwillow, Kern County	228,240
C. J. Vignolo	Box 1268, Shafter, Kern County	201,321
Mazzie Farms	Box 698, Arvin, Kern County	186,259
Palm Farms, Inc	4016 Stockdale Highway, Bakersfield, Kern County.	180,490
D. M. Bryant, Jr	Box 540, Pond, Kern County	177,597
M. & R. Sheep Co. Trust	Post Office Box 96, Oildale, Kern County	175,597
Reynold M. Mettler	Post Office Box 473, Bakersfield, Kern County	149,311
McKittrick Ranch	1921 Bradford, Bakersfield, Kern County	138,028
M. & I. Farms	Post Office Box 700, Delano, Kern County	134,195
Bidart Bros	Rural Route 1, Box 860, Bakersfield, Kern County	131,147
Ridgeside Farms	Bakersfield Savings & Loan Building, Bakersfield, Kern County.	126,321
Kern Valley Farms	Box 184, Arvin, Kern County	123,809
Em. H. Mettler & Sons	Box 1298, Shafter, Kern County	122,718
Cattani Bros	Rural Route 6, Box 215, Bakersfield, Kern County.	120,482
Tejon Ranch Co	Post Office Box 1560, Bakersfield, Kern County	115,802
Wheeler Farms	Rural Route 1, Box 760, Bakersfield, Kern County	113,969
Milham Farms	Post Office Box 976, Bakersfield, Kern County	110,633
Willis & Kurtz	Rural Route 6, Box 522 R, Bakersfield, Kern County.	106,596
Twin Farms	Rural Route 1, Box 91, Buttonwillow, Kern County.	105,865
Rossi Bros	Rural Route 7 Box 470, Bakersfield, Kern County	103.875
Coberly-West Co	626 Wilshire Blvd., Los Angeles, Kern County	103,041
Marvin Lane	564 Central Ave., Shafter, Kern County	102,678
Westlake Farms	23311 Newton Ave., Stratford, Kings County	363,652
Vernon L. Thomas Inc	Post Office Box 8, Huron, Kings County	305,653
Gilkey Farms, Inc	Post Office Box 426, Corcoran, Kings County	274,314
West Haven Farming Co	24487 Rd. 140, Tulare, Kings County	180,003
J. G. Stone Land Co	Box 146, Stratford, Kings County	170,554
Borba Bros	5521 22d Ave., Riverdale, Kings County	156,870
R. A. Rowan Co	458 South Spring St., Los Angeles, Kings County	155,424
Kern River Delta Farms	Post Office Drawer D, Wasco, Kings County	136,668
Boyett Farming	Post Office Box 386, Corcoran, Kings County	117,331
Wesley Hansen	Post Office Box 995, Corcoran, Kings County	111,401
Hadley Yocum	9256 Kansas Ave., Hanford, Kings County	107,184
Newhall Land & Farming	5002 El Nido Rd, El Nido, Madera County	181,684
Schuh Bros	377 Circle Dr., Chowchilla, Madera County	112,350
Red Top Ranch	Post Office Box 1, Red Top, Madera County	100,374
Wolfsen Land & Cattle	Box 311, Los Banos, Merced County	213,930
Sam Hamburg Farms	Post Office Box 547, Los Banos, Merced County	180,954
Bowles Farming Co	11609 Hereford, Los Banos, Merced County	126,049
San Juan Ranching Co	Route 1, Box 171B, Dos Palos, Merced County	108,462
Wilco Produce Co	Post Office Box 162, Blythe, Riverside County	359,261
Riverview Farm & Cattle Co	Route 1, Box 161, Blythe, Riverside County	305,900
John Norton Farms	Post Office Box 1000, Blythe, Riverside County	160,985
Clarence Robinson	Post Office Box 1064, Blythe, Riverside County	158,685
Kennedy Bros	Post Office Box 275, Indio, Riverside County	132,173
C. J. Shannon & Sons	24487 Rd. 140, Tulare, Tulare County	257,931
Nichols Farms Inc	13762 1st Ave., Hanford, Tulare County	140,341
Roberts Farms Inc	15366 Rd. 192, Porterville, Tulare County	124,913

1967 TOTAL PAYMENTS OF $100,000 TO $499,999 UNDER ASCS PROGRAMS (EXCLUDING PRICE SUPPORT LOANS)—Continued

State and name	Address	Amount
CALIFORNIA—Continued		
Roy D. Murray	Route 1, Box 3, Earlimart, Tulare County	$116,962
G. L. Pratt	31599 Rd. 132, Visalia, Tulare County	113,921
A. E. Panetta Farms	12771 Rd. 112, Tipton, Tulare County	107,586
E. W. Merrit Estate	11188 Rd. 192, Porterville, Tulare County	102,289
COLORADO		
J. Baughman Tr	Box 1178, Liberal, Kans., Kit Carson County	280,429
FLORIDA		
Talisman Sugar Corp	Box 814, Belle Glade, Palm Beach County	419,178
Florida Sugar Corp	Box 1001, Belle Glade, Palm Beach County	212,454
A. Duda & Sons	Oviedo, Palm Beach County	158,080
715 Farms, Ltd	Box D, Pahokee, Palm Beach County	131,484
New Hope Sugar Co	314 Royal Point Palm Beach, Palm Beach County	120,956
Closter Farms, Inc	Box 698, Belle Glade, Palm Beach County	116,890
S. N. Knight Sons, Inc	Box 7, Belle Glade, Palm Beach County	110,784
HAWAII		
EWA Plantation Co	Box 2990, Honolulu	486,233
Kekaha Sugar Co., Ltd	Box 3230, Honolulu	430,061
Mauna Kea Sugar Co., Inc	Post Office Box 3470, Honolulu	392,900
Grove Farm Co., Inc	Puhi Rural Station, Lihue	373,325
Pepeekeo Sugar Co	Post Office Box 3470, Honolulu	347,042
McBryde Sugar Co., Ltd	Box 3440, Honolulu	330,736
Puna Sugar Co., Ltd	Box 3230, Honolulu	321,637
Honokaa Sugar Co	Box 3020, Honolulu	320,735
Laupahoehoe Sugar Co	do	315,779
Hutchinson Sugar Co., Ltd	Post Office Box 3470, Honolulu	312,231
Olokele Sugar Co., Ltd	do	310,577
Wailuku Sugar Co	do	309,913
Hamakua Mill Co	Box 3020, Honolulu	381,880
Kahuku Plantation Co	Box 3440, Honolulu	222,457
Paauhau Sugar Co. Ltd	Post Office Box 3470, Honolulu	194,412
Gay & Robinson	Makaweli	184,559
Kilauea Sugar Co. Ltd	Post Office Box 3470, Honolulu	181,540
IOWA		
Charles Lakin	Emerson, Sac County	107,136
LOUISIANA		
Scopena Plantation	Rural Route 1, Bossier City, Bossier County	127,927
George Yarbrough	England, Catahoula County	154,031
J. P. Brown	Box 329, Lake Providence, East Carroll County	177,993
Deltic Farm & Timber Co., Inc	El Dorado, East Carroll County	112,600
Hollybrook Land Co., Inc	Lake Providence, East Carroll County	111,175
Barham Inc	Care of Joe Barham, Oak Ridge, Morehouse County.	115,880
J. H. Williams	Route 1, Box 211, Natchitoches, Natchitoches County.	163,749
Sterling Sugars, Inc	Post Office Box 572, Franklin, St. Mary County	110,876
Southcoast Corp	Rural Route 1, Napoleonville, Terrebonne County.	280,780
Southdown, Inc	Box 52378, New Orleans, Terrebonne County	185,662
MISSISSIPPI		
Robbins & Long	Rosedale, Bolivar County	155,989
Dan Seligman	Shaw, Bolivar County	149,547
Allen Gray Est	Walt Bosecker, agent, Mount Carmel, Ill., Bolivar County.	136,939
Brooks Cotton Co	Shelby, Bolivar County	116,559
J. A. Howarth, Jr	Route 2, Cleveland, Bolivar County	113,403
J. G. Gourlay	Rosedale, Bolivar County	110,476
McMurchy Farms	Box 181, Duncan, Bolivar County	101,739
John B. McKee, Jr	Friars Point, Coahoma County	256,363
Roy Flowers	Mattson, Coahoma County	210,832
Kline Planting Co	Alligator, Coahama County	150,434
Roundaway Planting Co	do	147,540
Oakhurst Co	Box 335, Clarksdale, Coahoma County	124,816
J. H. Sherard & Son	Sherard, Coahoma County	121,018
Garrett & Son	Rural Route 2, Clarksdale, Coahoma County	118,002
King & Anderson, Inc	Post Office Box 745, Clarksdale, Coahoma County	115,441
Fred Tavaleli & Sons	1101 West 2d, Clarksdale, Coahoma County	114,569
R. W. Jones & Sons, Inc	Lula, Coahoma County	109,583
P. L. Sanders	Walls, De Soto County	195,934
Banks & Co	Hernando, De Soto County	123,064
Howard & Blythe Plt	Lake Cormorant, De Soto County	113,232
Egypt Planting Co	Cruger, Holmes County	113,696
Stonewall Planting Co	Post Office Box 11, Thornton, Holmes County	101,494
J. E. Cunningham, Jr	Tchula, Holmes County	101,487
Blanche R. Slough	Care of T. L. Reed III, Belzoni, Humphreys County.	140,477
B. W. Smith Planting Co	Louise, Humphreys County	133,764
James E. Coleman	Rural Route 4, Yazoo City, Humphreys County	115,510
C. B. Box Co	Midnight, Humphreys County	108,145
Gordon & Partridge	Louise, Humphreys County	103,303
Nerren Bros	Isola, Humphreys County	102,184
W. T. Touchberry	Glen Allan, Issaquena County	134,043
Buckhorn Planting Co	Rural Route 2, Greenwood, Leflore County	203,193
Wildwood Plantation	Rural Route 3, Greenwood, Leflore County	156,518
West, Inc	Box 274, Tchula, Leflore County	149,414
Four Fifths Plantation	Rural Route 3, Greenwood, Leflore County	142,798
The Brown Farm	Schlater, Leflore County	129,829
O. F. Bledsoe Plantation	Rural Route 3, Greenwood, Leflore County	116,157
Race Track Plantation	do	106,528
Annapeg Inc	Care of Rufus Stainback, Minter City, Leflore County.	105,920
L. W. Wade Farms, Inc	Box 1136, Greenwood, Leflore County	104,140
W. H. & J. C. Morgan	Morgan City, Leflore County	103,748
Roebuck Plantation	Sidon, Leflore County	103,508
New Hope Plantation	411 Barton St., Greenwood, eflore County	102,237
J. W. Patrick	Post Office Box 163, Canton, Madison County	107,709
Yandell Bros	Vance, Quitman County	167,068
Self & Co	Marks, Quitman County	122,563
MISSISSIPPI—Continued		
John B. Ford	Darling, Quitman County	$101,396
Pantherburn Co	Pantherburn, Sharkey County	212,303
Cameta Plantation, Inc	Anguilla, Sharkey County	125,287
Hagan & Bruton	Hollandale, Sharkey County	116,990
Murphy Jones	Nitta Yuma, Sharkey County	116,930
H. G. Carpenter	Rolling Fork, Sharkey County	108,704
Duncan Farms, Inc	Inverness, Sunflower County	161,615
Eastland Plantation, Inc	Doddsville, Sunflower County	157,930
Brooks Farms	Drew, Sunflower County	123,598
William M. Pitts	Indianola, Sunflower County	119,032
Topanga Caine Farm	Lake Cormorant, Sunflower County	111,851
R. D. Mallette	Box 578, Indianola, Sunflower County	108,554
Lipe Farms, Inc	Care of George Lipe, Indianola, Sunflower County.	102,197
Billups Plantation, Inc	Indianola, Sunflower County	101,040
W. D. Patterson	Rome, Sunflower County	100,759
M. T. Hardy	Webb, Talahatche County	168,425
Mike P. Sturdivant	Glendora, Talahatche County	122,640
Hoparka Plantation	Care of F. M. Mitchener, Sumner, Talahatche County.	101,196
B. F. Harbert	Robinsonville, Tunica County	131,791
Richard Watson	Tunica, Tunica County	124,528
U. O. Bibb, Jr	Box 122, Tunica, Tunica County	106,243
Paul Battle, Jr	Box 232, Tunica, Tunica County	105,687
Abbay & Leatherman, Inc	Robinsonville, Tunica County	105,165
Potter Bros., Inc	Box 349, Arcola, Washington County	257,169
Live Oak Plantation	Arcola, Washington County	248,996
H. K. Hammett & Sons	Box 512, Greenville, Washington County	155,564
Trail Lake Plantation	Tralake, Washington County	151,175
Torrey Wood & Son	Hollandale, Washington County	136,531
R. A. Ingram	Leland, Washington County	127,189
Holly Ridge Planting Co	Holly Ridge, Washington County	122,286
Baker Planting Co	Box 387, Leland, Washington County	111,009
I. D. Nunnery	Arcola, Washington County	110,728
Walker Farms, Inc	Care of George R. Walker, Stoneville, Washington County.	108,627
J. C. Sides & Sons	Coffeeville, Yalobusha County	114,015
E. T. Jordan & Sons	Rural Route 4, Yazoo City, Yazoo County	117,089
Lakeview Planting Co	Rural Route 4, Yazoo City, Yazoo County	115,800
H. S. Swayze	Route 2, Benton, Yazoo County	106,379
Harrison Evans	Shuqualak, Noxubee County	192,072
MISSOURI		
E. P. Coleman, Jr	Sikeston, Scott County	103,271
MONTANA		
Campbell Farming	Hardin Mountain, Big Horn County	166,336
NEVADA		
Walter J. Williams	1223 Park Circle, Las Vegas, Nye County	105,271
NEW MEXICO		
Emma G. Lawrence	Hobbs, Lea County	135,869
Jerry Lynn Hilburn	Box 156, Columbus, Luna County	101,724
NORTH CAROLINA		
McNair Farms, Inc	T. J. Harris, Rural Route 3, Red Springs, Robeson County.	297,570
Southern National Bank	Lumberton, Robeson County	148,343
PUERTO RICO		
Luce & Co	Box 1972, Aguirre	471,952
Antonio Roig Sucrs S. En C	Box 487, Humacao	366,033
C. Brewer, P.R. Co	Box 877, Caguas	289,140
Sucn J. Serralles	Box A, Mercedita	250,121
A. Martinez Jr., trustee	Box 215, Aguadilla	135,595
SOUTH CAROLINA		
Lawrence E. Pence	Route 1, Box 93, McColl, Marlboro County	107,515
W. R. Mayes	Mayesville, Sumter County	188,812
TENNESSEE		
Riggan Planting Co	Box 978, West Memphis Ar, Shelby County	105,309
TEXAS		
Three Way Land Co	Dekalb, Bowie County	156,052
H. H. Moore and Sons	Box 7, Navasota, Brazos County	302,799
Tom J. Moore	Navasota, Brazos County	292,555
Est Geo. C. Chance	307 South Main, Bryan, Burleson County	141,422
Porter & Wentz Inc	Post Office Box 870, Brownsville, Cameron County.	143,778
Oscar Mayfield & Sons	Taft, Cameron County	128,135
Martha M. Russell	Route 3, Box 21, San Benito, Cameron County	121,962
John A. Abbott	Route 2, Harlingen, Cameron County	116,966
Hill Farms	Hart, Castro County	122,528
J. K. Griffith	Route 2, Morton, Cochran County	306,149
John A. Wheeler	Route 1, Larenzo, Cochran County	168,547
F. O. Masten	Route 2, Sudan, Cochran County	108,308
Leslie Mitchell	Box 848, Crosbyton, Crosby County	109,899
Bill Weaver	502 South Houston, Lamesa, Dawson County	158,636
Delmar Durrett	Box 1081, Amarillo, Deaf Smith County	129,768
Taft McGee	Box 69, Hereford, Deaf Smith County	119,143
Lee Moor Farms	Clint, El Paso County	102,474
Basil Abate	Box 99, Bremond, Falls County	117,558
Marble Brothers	Box 91, South Plains, Floyd County	117,251
Texas Department of Corrections	Central Farm 520, Sugarland, Fort Bend County	335,777
Ercell Givens	Box 817, Abernathy, Hale County	163,150
Rio Farms Inc	Edcouch, Hidalgo County	128,515
Helen Engelman Stegle	Box 307, Elsa, Hidalgo County	128,312
Krenmueller Farms	Route 1 Box 77 ,San Juan, Hidalgo County	127,411

1967 TOTAL PAYMENTS OF $100,000 TO $499,999 UNDER ASCS PROGRAMS (EXCLUDING PRICE SUPPORT LOANS)—Continued

State and name	Address	Amount
TEXAS—Continued		
Shary Farms Inc	Box 433, Mission, Hidalgo County	$125,711
Lloyd M. Bentsen	Post Office Box 593, Mission, Hidalgo County	108,904
J. W. Wallace & Sons	Box 929, Edinburg, Hidalgo County	107,234
R. T. Hoover Farms	Box 816, Fabens, Hudspeth County	202,222
W. E. Armstrong	Route 2 Box 18, Lubbock, Lubbock County	105,419
Dixie Farms	Satartia, Mis., Maverick County	174,707
Coyanosa Farms	Box 235, Coyanosa, Pecos County	206,847
Belding Farms Inc	Route 1 Belding Farms, Fort Stockton, Pecos County.	150,117
C and C Farms	Box 1387, Fort Stockton, Pecos County	124,086
Marshall C. Rudder	Box 394, Fort Stockton, Pecos County	122,368
Elvin Crow	Box 1130 Pecos, Pecos County	108,857
Kesey Bros	Box 1368, Pecos, Reeves County	193,844
Worsham Bros	Box 1411, Pecos, Reeves County	189,497
Kenneth Lindemann	Box 1947, Pecos, Reeves County	172,042
Clark & Roberts	1927 Jackson, Pecos, Reeves County	167,093
Smallwood Farms	Box 1507, Pecos, Reeves County	129,492
Trans-Pecos Dairy	Box 1383, Pecos, Reeves County	125,170
W. W. Hill	2203 Johnson, Pecos, Reeves County	$123,867
Mi Vida Farms, Inc	Box 1210, Pecos, Reeves County	111,223
Joe Lee McMahon	Box 68, Verhalen, Reeves County	109,711
Reetex Farms	Box 741, Pecos, Reeves County	108,285
W. T. Lattner & Son	2114 Johnson, Pecos, Reeves County	102,220
John W. Nigliazzo	Box 786, Hearne, Robertson County	108,219
F. H. Vahlsing, Inc	Care of R. O. Burns, manager, Elsa, San Patricio County.	163,838
Charles Roos, III	Bo 501, Rio Grande City, Starr County	101,403
Warner Reid	Box 694, Tulia, Swisher County	128,198
W. T. Waggoner Trust Estates	Box 2130, Vernon, Wilbarger County	143,702
Sebastian Cot. & Gr. Corp	Box 104, Sebastian, Willacy County	149,811
Norment Foley	801 North Cherry St., Uvalde, Zavala County	121,132
WASHINGTON		
Broughton Land Co	Post Office Box 27, Dayton, Columbia County	122,730
Department of Natural Resource	Box 7, Ephrata, Whitman County	166,396

1967 TOTAL PAYMENTS OF $50,000 TO $99,999 UNDER ASCS PROGRAMS (EXCLUDING PRICE SUPPORT LOANS)

State and name	Address	Amount
ALABAMA		
McQueen Smith Farms	Care of W. H. Murfee, Prattville, Autauga County	$92,427
W. L. Corcoran	Rural Route 2, Eufaula, Barbour County	77,084
Ben F. Bowden	do	74,812
Dean Pruett	Rural Route 2, Altoona, Blount County	93,010
W. E. & W. C. Reid	Cherokee, Colbert County	64,394
Herbert C. Harris, Jr	Box K, Cherokee, Colbert County	54,856
Beers Bros	Tyler, Dallas County	56,925
James A. Minter, Jr	do	53,212
W. J. Chandler & Sons	Moundville, Hale County	70,799
G. T. Hamilton	Rural Route 2, Hillsboro, Lawrence County	89,011
Albermarle Corp	Box 215, Courtland, Lawrence County	76,677
Guy Parker	Courtland, Lawrence County	67,309
Dewberry Bros	Wheeler, Lawrence County	62,278
Dan Claborn	Box 242, Courtland, Lawrence County	54,401
Grady Windle Parker	Box O, Courtland, Lawrence County	53,440
McDonald Farms	Madison, Limestone County	77,989
Joe E. Murphy	Rural Route 1, Tanner, Limestone County	76,838
Walter B. Shaw	do	59,293
Glennes V. Moore	Belle Mina, Limestone County	57,729
Gene Thomas Burgreen	Rural Route 1, Madison, Limestone County	54,769
Brady C. Rhyne	Benton, Lowndes County	56,293
A. L. Lazenby, Jr	Rural Route 2, Auburn, Macon County	51,608
Douglass & Vandiver	Rural Route 2, Madison, Madison County	67,210
Clyde Dublin	Madison, Madison County	60,995
Carl A. Williams	do	58,598
John W. McCrary	Rural Route 2, Madison, Madison County	55,510
Do	do	55,418
J. C. Moore Mercantile Co	Rural Route 1, Marion, Perry County	61,436
Norris K. Waites	Harpersville, St. Clair County	50,879
W. M. Wisener	Rural Route 2, Tallassee, Tallapoosa County	53,796
ARIZONA		
J. L. Kidd, Jr	1207 West Ave. H, Lovington, Cochise County	86,014
D. & R. Farms	Route 2, Box 167, Chandler, Maricopa County	99,609
Phelps & Palmer	222 North Westood St., Mesa, Maricopa County	98,890
Woodrow Lewis	500 West Toledo, Chandler, Maricopa County	94,000
Henry L. Voss	48 West Glenn Dr., Phoenix, Maricopa County	93,500
Wallace Bales	401 North 6th Ave., Buckeye, Maricopa County	93,220
AZ Pest Control Co	Post Office Box 968, Glendale, Maricopa County	91,556
Power Ranches, Inc	Rural Route Box 72, Higley, Maricopa County	89,915
W. A. Heiden & Son	Box 576, Buckeye, Maricopa County	85,100
W. H. Haggard, Jr	Route 1, Box 35, Buckeye, Maricopa County	84,800
Travis H. Jones	Route 1, Box 74, Buckeye, Maricopa County	84,670
Jacob S. Stephens	Post Office Box 338, Buckeye, Maricopa County	81,235
Arena Co. of Arizona	Post Office Box 37, Glendale, Maricopa County	80,326
Chico Farms	Route 2, Box 780, Peoria, Maricopa County	79,233
J. S. Hoopes	Route 1, Box 115, Chandler, Maricopa County	78,004
Don B. Co	Post Office Box 2003, Phoenix, Maricopa County	77,576
Skousen & Hastings	Route 1, Box 44, Queen Creek, Maricopa County	77,166
Sutton Bros	Route 4, Box 769, Phoenix, Maricopa County	76,688
S. & P. Farms Inc	Box 228, Gila Bend, Maricopa County	76,663
Ben Riggs & Son	Route 2, Box 95, Chandler, Maricopa County	73,916
M. I. Vance and J. A. Mortensen, Jr.	Route 2, Box 550, Tempe, Maricopa County	73,491
F. M. Gorrell	Star Route Box 470, Buckeye, Maricopa County	73,125
King Farms	Route 1, Box 162, Buckeye, Maricopa County	73,091
James M. Hamilton	Route 2, Box 152, Chandler, Maricopa County	72,941
Barney-Mecham	Route 1, Box 26, Queen Creek, Maricopa County	69,601
Carl E. Weiler	3314 East Monte Vista, Phoenix, Maricopa County.	68,435
Robert B. Coplen	Box 25, Laveen, Maricopa County	68,276
D. L. Hadley	Route 2, Box 47, Chandler, Maricopa County	68,232
Joseph D. Bickman	5304 North 9th St., Phoenix, Maricopa County	67,712
Dougherty Ranch	4414 North 36th St., Phoenix, Maricopa County	65,602
Phil Ladra	5825 West Harmont Dr., Glendale, Maricopa County.	65,438
C. W. Neely	Box 172, Gilbert, Maricopa County	64,977
Painted Rock Ranches	Box Q, Gila Bend, Maricopa County	64,124
Laveen Farming Co	Route 1, Box 403, Laveen, Maricopa County	63,439
Escobedo Bros	501 West Toledo, Chandler, Maricopa County	63,379
Raymond D. Schnepf	Route 1, Box 42, Queen Creek, Maricopa County	62,628
Dobson & Patterson	2345 West Baseline Rd., Mesa, Maricopa County	61,651
Jewell Turner Farms	Route 1, Box 275, Buckeye, Maricopa County	61,056
J. R. Tucker	Route 1, Box 122, Buckeye, Maricopa County	60,952
Don H. Bennett	Post Office Box 517, Buckeye, Maricopa County	60,335
M B M Farms	1315 West Palm Lane, Phoenix, Maricopa County	60,052
J. V. Pace	Box 514, Chandler, Maricopa County	59,441
W. P. Haggard & Son	Route 1, Box 114, Laveen, Maricopa County	59,392
J. L. Golightly, Sr	1108 East 4th Ave., Mesa, Maricopa County	58,675
J. L. Golightly, Jr	1730 North Stapley Dr., Mesa, Maricopa County	57,444
ARIZONA—Continued		
Joe A. Sheely	Route 1, Box 64, Tolleson, Maricopa County	$56,340
Win Farms	801 North 1st Ave. Phoenix, Maricopa County	56,184
R.S.R. Ranch	Post Office Box 38, Litchfield Park, Maricopa County.	54,804
Salt River Farms	2550 East Southern Ave., Mesa, Maricopa County	54,274
Gladden Farms	Post Office Box 476, Cashion, Maricopa County	54,207
Sossaman Farms	Route 1, Box 74, Higley, Maricopa County	54,124
Donald Wiechens	Route 3, Box 856, Glendale, Maricopa County	53,992
C. O. Pitrat & Sons	Route 1, Box 12, Laveen, Maricopa County	53,979
Finley Ranches	Post Office Box 196, Gilbert, Maricopa County	53,626
Ed Weiler	Route 1, Box 273, Buckeye, Maricopa County	53,623
William Hardison	Post Office Box 98, Palo Verde, Maricopa County	53,561
Lee Wong Farms, Inc	Post Office Box 866, Glendale, Maricopa County	53,014
Trimble Farms	Route 2, Box 345, Tempe, Maricopa County	52,405
Kempton & Snedigar	Route 1, Box 539, Tempe, Maricopa County	51,952
Chatham & Chatham	5853 West Vista Ave., Glendale, Maricopa County	51,056
Earl C. Recker Co	Post Office Box 978, Mesa, Maricopa County	50,751
Schnepf Farms	Route 1, Box 38, Queen Creek, Maricopa County	50,404
George Knapple	Box, 124 Laveen Stage, Phoenix, Maricopa County.	50,279
C. & W. Ranches, Inc	State Route Box 17, Marana, Pima County	95,120
Avra Land & Cattle	902 North Samalayuca, Tucson, Pima County	66,732
Watson Farms	Post Office Box 156, Marana, Pima County	55,426
J. Boyd White	Route 1, Box 239, Marana, Pima County	52,636
Buck Sam Chu	Marana, Pima County	52,619
Bud Antle, Inc	Box 68, Red Rock, Pinal County	99,762
Fred Enke	1405 North Kadota, Casa Grande, Pinal County	99,473
Anderson-Palmisano Farms	Route 1, Box 39-A, Maricopa, Pinal County	92,807
H. L. Holland	Box L598, Coolidge, Pinal County	92,529
Daley & Bogle Farms	Route 1 Box 40, Maricopa, Pinal County	91,703
Crouch Bros	Route 1 Box 32, Maricopa, Pinal County	91,027
Glenn Lane	871 West Roosevelt, Coolidge, Pinal County	90,835
C. Ray Robinson	Box 93, Eloy, Pinal County	88,322
Sunset Ranches, Inc	Box 907, Eloy, Pinal County	88,142
Martin Talla	Box 668, Stanfield, Pinal County	87,540
Charles Urrea & Sons	3256 East Main, Mesa, Pinal County	86,879
Jack Ralston	Box 455, Maricopa, Pinal County	86,504
Telles Ranch Inc	Box 886, Eloy, Pinal County	86,067
Combs & Clegg Ranches, Inc	Route 1 Box 96, Queen Creek, Pinal County	84,325
Pinal Farms, Inc	Box 728, Stanfield, Pinal County	84,304
C. J. & L. Farms, Inc	Box 607, Casa Grande, Pinal County	84,139
Edward Pretzer	401 East 5th St., Eloy, Pinal County	83,694
Emmett Jobe	Route 1 Box 53, Queen Creek, Pinal County	81,857
Finley Bros	Box L96, Gilbert, Pinal County	80,495
M. M. Alexander	Route 1 Box 249, Eloy, Pinal County	79,671
P. S. Thompson	Box 787, Eloy, Pinal County	79,320
Duane Ellsworth	Box 138, Queen Creek, Pinal County	76,545
Dunn Farms	Route 1 Box 6, Maricopa, Pinal County	74,928
Franklin B. Cox	Route 2 Box 189, Chandler, Pinal County	73,356
Marathon Farms	Box 206, Casa Grande, Pinal County	71,573
Diwan Ranches, Inc	Route 1 Box 485, Casa Grande, Pinal County	71,279
Alex & Norman Pretzer	Box 786, Eloy, Pinal County	70,278
Jay Wilson	Route 2 Box 323, Casa Grande, Pinal County	69,925
K. K. Skousen	Route 1 Box 85, Chandler, Pinal County	68,625
J. H. Farms	Box 333, Coolidge, Pinal County	68,494
Rex Neely	483 North Jay St., Chandler, Pinal County	67,675
Roy Wales	Box 82, Queen Creek, Pinal County	66,811
John Smith	Box 57, Maricopa, Pinal County	66,777
Robert D. Bechtel	2020 South 9th St, Coolidge, Pinal County	66,580
J. B. Johnston	5802 East Lafayette, Phoenix, Pinal County	65,766
McFaddin Ranches, Inc	915 East McMurray, Casa Grande, Pinal County	65,647
Paul Carron	Route 2, Box 80, Casa Grande, Pinal County	64,937
Independent Gin Co	Box J, Casa Grande, Pinal County	63,682
J. O. Thompson	Route 1, Box 482, Casa Grande, Pinal County	63,261
Howard Arthur Wuertz	Route 1, Box 115A, Coolidge, Pinal County	63,105
Otice Self	Box 217, Stanfield, Pinal County	62,162
Sunshine Valley Ranches	Box 788, Eloy, Pinal County	61,986
Kortsen & Kortsen	Box 477, Stanfield, Pinal County	61,970
Dan C. Palmer	808 West Wilson, Coolidge, Pinal County	61,083
Tolby & Boulais	Route 1, Box 28, Tolleson, Pinal County	60,670
Larry R. Scott	Box 273, Arizona City, Pinal County	60,650
M. H. Montgomery	1301 North Park, Casa Grande, Pinal County	60,167
R. P. Anderson	Box 1236, Coolidge, Pinal County	58,587
Guy Gilbert Farms	Drawer C, Casa Grande, Pinal County	58,394
Buckshot Farms, Inc	Box 428, Stanfield, Pinal County	58,232
R. W. Neely	Star Route 1, Box 35, Florence, Pinal County	58,156
C. V. Hanna	Box 1155, Coolidge, Pinal County	57,545
El Dorado Ranch, Inc	Box 607, Casa Grande, Pinal County	57,457
Buford Gladden	Route 1, Box 222, Casa Grande, Pinal County	57,152
Picacho Buttes Farms	Box DD, Casa Grande, Pinal County	56,897
Hamilton Farms, Inc	Route 1, Box 18, Florence, Pinal County	56,249

1967 TOTAL PAYMENTS OF $50,000 TO $99,999 UNDER ASCS PROGRAMS (EXCLUDING PRICE SUPPORT LOANS)—Continued

State and name	Address	Amount
ARIZONA—Continued		
Wm. E. Foster	Box 1093, Casa Grande, Pinal County	$55,989
C. S. C. Farms, Inc	Route 1, Box 16, Florence, Pinal County	54,798
H. L. Kendrick	Box 315, Eloy, Pinal County	54,739
R. B. Elsberry	Box 125, Coolidge, Pinal County	54,196
John Dermer	1100 North Lehmberg, Casa Grande, Pinal County	54,042
Ernest McFarland	306 West Royal Palms, Phoenix, Pinal County	53,218
Red Eye Farms, Inc	Box 428, Stanfield, Pinal County	52,738
Pinal Ranches	Route 1, Box 38, Queen Creek, Pinal County	52,406
Rodney Kleck	Route 1, Box 17–E, Coolidge, Pinal County	52,406
Wilbur Wuertz	914 North Picacho, Casa Grande, Pinal County	52,213
W. & J. Farms	Box 428, Stanfield, Pinal County	52,094
A. C. T. Ranches, Inc	Route 1, Box 247–2, Eloy, Pinal County	52,005
England & England	676 West Palo Verde, Coolidge, Pinal County	51,935
G. Buster Brown	1104 North Olive Dr., Casa Grande, Pinal County	51,239
D. H. Cole & Son	Box 883, Coolidge, Pinal County	51,075
Clifton C. Sides	5 Lynn Rd., Englewood, Co., Pinal County	50,784
Worth K. Bartlett	Box 156, Coolidge, Pinal County	50,686
Bianco Bros	Route 2, Box 350, Casa Grande, Pinal County	50,614
Chanan Singh	Route 2, Box 630, Casa Grande, Pinal County	50,565
Noel E. Martin	Route 2, Box 590, Casa Grande, Pinal County	50,550
Florence Farms, Inc	Box 1288, Coolidge, Pinal County	50,548
Blackstone Investment	Box 8, Casa Grande, Pinal County	50,420
Attaway Ranches Trust	Route 1, Box 59, Coolidge, Pinal County	50,342
Eldon K. Parish	Box 128, Mohave Valley, Yavapai County	79,193
C. C. S. Farms	801 1st Ave., Phoenix, Yuma County	97,159
W. J. Scott	Rural Route 1, Box 695A, Yuma, Yuma County	94,167
Ferguson & Sons	Rural Route 3, Box 326, Yuma, Yuma County	77,696
M. & V. Farms	Post Office Box 82, Ehrenberg, Yuma County	71,471
Clayton Farms	Post Office Box 82, Ehrenberg, Yuma County	64,223
Clyde Curry	Post Office Box 316, Somerton, Yuma County	59,421
Pete Pasquinelli	Post Office Box 1750, Yuma, Yuma County	51,815
ARKANSAS		
Gus Pugh Sons, Inc	Portland, Ashley County	76,406
W. W. & Earl Cochran	do	69,733
Guy Botsford	do	57,411
P. G. Keith	State Route 1, Box 110, Lake Village, Chicot County.	57,709
Don Pylate	Eudora, Chicot County	56,683
Allen B. Helm	Rural Route 1, Lamar, Ms, Crittenden County	95,946
Pirani & Sons	Rural Route 1, Turrell, Crittenden County	90,773
Mallory Farms	Chatfield, Crittenden County	86,901
Bruins Planting Co	Hughes, Crittenden County	85,833
J. O. E. Beck Trust	do	83,407
E. H. Clarke & Co	do	81,023
Lake Plantation	Care of L. Taylor, Jr., Hughes, Crittenden County.	77,948
A. Angeletti, Inc	Box 71, Crawfordsville, Crittenden County	76,905
D. W. Rodgers	712 Missouri, West Menphis, Crittenden County	74,441
N. S. Garrott & Sons	Proctor, Crittenden County	71,371
Carter Planting Co	Clarkedale, Chittenden County	70,061
D. & J. Inc	Box 45, Crawfordsville, Crittenden County	66,186
William B. Rhodes Co	Marion, Crittenden County	65,771
James W. Young, Jr	Crawfordsville, Crittenden County	64,543
E. J. Barham, Jr	1131 Main St., Earle, Crittenden County	63,779
Richland Plan, Inc	Rural Route 2, Hughes, Crittenden County	62,304
Jim Nichols	Rural Route 2, Kennett, Mo., Crittenden County	62,056
Morrison Bros	Earle, Crittenden County	61,523
O. Neal & Son, Inc	Crawfordsville, Crittenden County	59,811
Critt Farms, Inc	Turrell, Crittenden County	58,495
Pacco, Inc	do	58,395
Nickey-Eason Plantation	Hughes, Crittenden County	58,208
Bloodworth Co	Crawfordsville, Crittenden County	57,808
David Harrison, Jr	Post Office Box 16341, Memphis Tn, Crittenden County.	17,152
Ragland Plant, Inc	Care of C. G. Morgan, Hughes, Crittenden County	57,065
Dana F. Sulcer	DBA Sulcer Planting Co., Marion, Crittenden County.	56,509
Alton Grant Farms	Rural Route 1, Box 260, Turrell, Crittenden County	55,507
Earl Beck	Hughes, Crittenden County	55,051
John H. Johnston	Rural Route 2, Wynne, Crittenden County	54,219
Johnny Greer	Rural Route 1, Box 100, Heth, Crittenden County	53,508
Fogleman & Son	Marion, Crittenden County	53,397
Charles S. Riggan	Box 978, West Memphis, Crittenden County	52,932
Oliver Bros	Proctor, Crittenden County	52,700
Looney Bros	do	52,464
Nugenco, Inc	Turrell, Critten County	52,129
Herman C. McDaniel	Crawfordsville, Crittenden County	51,885
Julian L. Hardin	Marion, Crittenden County	50,823
J. H. Johnston, Jr	Birdeye, Cross County	69,137
H. P. Sisk	Parkin, Cross County	60,093
Leslie Nix	Rural Route 2, Box 283, Wynne, Cross County	57,643
Brooks Griffin	Ratio, Desha County	55,223
Baxter Land Co., Inc	Dermott, Desha County	53,861
Clay Cross	Postal Delivery Letter Route, Dumas, Desha County.	51,348
Tillar & Co	Tillar, Drew County	86,047
G. L. Morris, Jr	McCrory, Jackson County	76,414
Elms Planting Corp	Altheimer, Jefferson County	86,021
B. N. Word Co., Inc	Wabbaseka, Jefferson County	64,180
Lyons Planting Co., Inc	Rural Route 2, Altheimer, Jefferson County	58,263
Richland Planting Co	Moscow, Jefferson County	53,869
Kenny Mitchell Bonds	Moscow, Jefferson County	52,610
Lawrence E. Taylor	Rural Route 1, Bradley, Lafayette County	65,725
H. T. Dillahunty & Sons	Rural Route 1, Box 7, Hughes, Lee County	98,095
C. E. Yancey & Sons	Rural Route 4, Marianna, Lee County	88,506
Robert May	Rural Route 1, Brickeys, Lee County	71,717
Miller Farms, Inc	Marianna, Lee County	62,603
Dick Ed Thomas	Marianna, Lee County	62,330
J. E. Ivy	Box 428, Marianna, Lee County	60,254
C. M. Cooke	Brickeys, Lee County	55,731
Dan Felton & Co	Marianna, Lee County	55,346
T. H. Barker	Rural Route 4, Marianna, Lee County	55,054
E. J. Chaffin, Jr	Hughes, Lee County	52,547
Lon Mann	Marianna, Lee County	52,376
Holthoff Bros	Gould, Lincoln County	88,778
ARKANSAS—Continued		
H. R. Wood & Son, Inc	Grady, Lincoln County	$65,680
Frizzell Farms, Inc	Route 3, Star City, Lincoln County	56,566
N. M. Ryall & Son, Inc	Yorktown, Lincoln County	55,054
Marion Baugh	Rural Route 1, Box 56, Star City, Lincoln County	53,127
A. P. Henderson	England, Lonoke County	53,632
Price Plantation, Inc	Box 157, Garland, Miller County	62,099
Ralph Abramson	Holly Grove, Monroe County	58,862
Wood-Sanderlin Farm	Crumrod, Phillips County	81,675
R. J. Suddath	Route 1, Box 180, Helena, Phillips County	79,558
Tunney Stinnet	Elaine, Phillips County	76,681
Ray H. Dawson	Rural Route 1, Lexa, Phillips County	74,443
Buron Griffin	Box 571, Helena, Phillips County	70,605
Curtis Clark	80 Highland Park, Helena, Phillips County	62,545
King-Wells Farm	Route 1, Box 290, Helena, Phillips County	61,618
Riverside Farm	Route 1, Box 330D, Helena, Phillips County	59,514
J. R. Bush Estates	325 York St. Helena, Phillips County	58,268
Martin Paschal	Box 426, Marvell, Phillips County	56,938
Dixie Farm Co	Crumrod, Phillips County	56,265
James Byrd	Rural Route 3, Box 99B, Dundee, Phillips County.	54,148
T. W. Keesee	326 Walnut St., Helena, Phillips County	53,440
Ralph Cochran	Box 202 Trumann, Poinsett County	80,037
Fairview Farms Co	Tyronza, Poinsett County	63,614
Citizens Gin Co., Inc	Lepanto, Poinsett County	61,669
Frank Dean	Post Office Box 503, Marked Tree, Poinsett County.	50,469
Jack Hale	Rural Route 1, Box 499, Blytheville, Mississippi County.	96,977
R. Creecy & T. Tate	Route Rural 2, Box 446, Osceola, Mississippi County.	93,058
Harold Senter	Rural Route 1, Wilson, Mississippi County	90,451
Lowrance Bros. & Co	Driver, Mississippi County	87,095
R. D. Hughes	Box 67, Blytheville, Mississippi County	86,673
Semmes Farm Corp	Box 205, Joiner, Mississippi County	85,756
Midway Farms, Inc	Joiner, Mississippi County	83,161
Larry Woodard Farms, Inc	Lepanto, Mississippi County	72,565
Robbins Bros	Box 189, Osceola, Mississippi County	70,660
Charles Nick & Richard Rose	Roseland, Mississippi County	67,068
M. J. Koehler	Dell, Mississippi County	66,171
Henry Battle	Box 157, Joiner, Mississippi County	63,562
H. T. Bonds Sons, Inc	Rural Route 1, Lepanto, Mississippi County	63,116
C. W. Bowles	Rural Route 1, Box 567, Osceola, Mississippi County.	62,429
W. J. Denton Est	Care of Ruby C. Denton Exrx, Wilson, Mississippi County.	62,041
John E. Crain, Jr	Wilson, Mississippi County	61,933
Russell Gill	Rural Route 1, Box 461, Osceola, Mississippi County.	61,464
B. C. Land Company	Box 218, Leachville, Mississippi County	60,798
R. J. Gillespie	Luxora, Mississippi County	60,110
Larry J. Woodard	Box 477, Lepanto, Mississippi County	59,139
Wesley Stallings	Rural Route 2, Box 47, Blytheville, Mississippi County.	57,703
Riggs Bros	Rural Route 4, Box 268, Blytheville, Mississippi County.	57,421
R. G. Edwards	Rural Route 1, Manila, Mississippi County	57,129
C. L. Denton, Jr	Rural Route 1, Tyronza, Mississippi County	56,182
Sullivan Bros	Burdette, Mississippi County	54,523
J.E. Crain Est	Wilson, Mississippi County	54,374
John M. Stevens, Jr	Dell, Mississippi County	54,367
Joe H. Felts	Rural Route 1, Joiner, Mississippi County	52,703
John M. Speck	Frenchmans Bayou, Mississippi County	51,110
Clide Barnett	Keiser, Mississippi County	51,064
C. B. Robinson	Box 253, Osceola, Mississippi County	50,680
Shannon Bros. Enterprises	Box 2863 DeSoto Sta, Memphis Tn, St. Francis County.	97,164
Lindsey Brothers	Caldwell, St. Francis County	89,826
W. W. Draper, Jr	420 Mockingbird Lane, Forrest City, St. Francis County.	82,495
Kellog & Hughey	Hughes, St. Francis County	69,666
Chappell & Moore	Box 166, Forrest City, St. Francis County	63,485
John T. Higgins & Son	Forrest City, St. Francis County	62,968
L. E. Burch, Jr	Hughes, St. Francis County	59,367
Belle Meade Plantation	Hughes, St. Francis County	54,438
McCain Bros., Inc	Widener, St. Francis County	54,247
C. J. Beasley & Son	Heth, St. Francis County	53,747
Robert Brewington	2829 Mary Dr., Forrest City, St. Francis County	52,557
Red Gum Plantation	Hughes, St. Francis County	51,896
Gregory Farm Inc	Augusta, Woodruff County	59,579
CALIFORNIA		
F. H. Hogue Produce	Box, 2152, Willcox Az., Fresno County	99,843
Hugh Bennett	51170 West Althea, Firebaugh, Fresno County	94,493
Sam & D. M. Biancucci	Post Office Box 337, Firebaugh, Fresno County	94,273
J. B. Hawkins	Post Office Box 566, Fresno, Fresno County	93,338
Pappas & Co., Inc	Post Office Box 477, Mendota, Fresno County	90,157
Ryan Bros	Post Office Box 268, Mendota, Fresno County	81,223
J. C. Andresen	10610 West Whitesbridge, Fresno, Fresno County	80,957
J. & J. Ranch	Post Office Box 155, Firebaugh, Fresno County	80,557
Hugh Bennett Ranch	51170 West Althea, Firebaugh, Fresno County	77,526
Starkey & Erwin	Post Office Box 669, Avenal, Fresno County	76,350
Griffin & Griffin	Box 1193, Coalinga, Fresno County	75,586
Drew Farms, Inc	50860 West Herndon, Firebaugh, Fresno County	74,608
William H. Noble	Post Office Box, 506, Kerman, Fresno County	73,926
Vincent Kovacevich	858 West Whitesbridge, Fresno, Fresno County	71,802
Marchini Bros	Post Office Box 1, Tranquillity, Fresno County	71,719
Gordon Bros	Post Office Box 366, Tranquility, Fresno County	67,994
S. E. Lowrance Ranch	Box 36, Tranquillity, Fresno County	67,953
M. L. Dudley & Co	515 North Harrison, Fresno, Fresno County	67,403
Robert Cardwell	8265 West Annadale, Fresno, Fresno County	66,150
Vernon Swearingen	11050 West Mount Whitney, Riverdale, Fresno County.	64,361
Telles Farms	46031 West Nees, Firebaugh, Fresno County	63,204
Willson Farms	2220 Tulare Suite 711, Fresno, Fresno County	63,097
Aladdin Ranch	614 Equitable Bldg, Fresno, Fresno County	62,637
Claremont Farms	Box 98, Huron, Fresno County	62,623
S. & S. Ranch, Inc	Box 22, Mendota, Fresno County	61,886
C. H. & G. Farms	08297 East Sanders Ct., Fresno, Fresno County	61,432

1967 TOTAL PAYMENTS OF $50,000 TO $99,999 UNDER ASCS PROGRAMS (EXCLUDING PRICE SUPPORT LOANS)—Continued

State and name	Address	Amount
CALIFORNIA—Continued		
Coelho Farms	Post Office Box 645 Riverdale, Fresno County	$60,482
Sierra Dawn Farms	45949 West Shields, Firebaugh, Fresno County	60,272
Davis Drier & Elevator, Inc	Box 425, Firebaugh, Fresno County	59,299
M. Griffen Ranch, Inc	805 Patterson Bldg., Fresno, Fresno County	59,043
Davis & Huey, Inc	Post Office Box 187, Tranquillity, Fresno County	57,025
Arthur Cuelho Ranch	1308 Mount Whitney, Riverdale, Fresno County	57,010
John & Alex Kochergen	523 North Brawley, Fresno, Fresno County	56,841
Raven Land Co	5700 East Clarkson, Selma, Fresno County	56,604
Pacific Farms Co	1047 M St., Firebaugh, Fresno County	56,511
Martin Costales	Post Office Box 67, Tranquillity, Fresno County	56,435
Vierhus Farms	Post Office Box 773, Coalinga, Fresno County	55,975
J. C. Conn Farms	Post Office Box 615, Coalinga, Fresno County	54,926
Enrico Farms, Inc	Box 755, Firebaugh, Fresno County	54,914
Markarian Farms	10278 South Elm, Fresno, Fresno County	54,059
W. F. McFarlane	7600 East Barstow, Clovis, Fresno County	52,766
William E. Glotz	Post Office Box 86, Tranquillity, Fresno County	52,696
Rusconi Farms	Post Office Box 65, San Joaquin, Fresno County	52,291
Farley Co	Box 537, Firebaugh, Fresno County	50,716
John L. Errecart	Post Office Box 7, Tranquillity, Fresno County	50,377
Dearborn & Maraccini	Post Office Box 6055, Calipatria, Imperial County	97,554
Salton Sea Farms	Box 277, Calipatria, Imperial County	96,715
Bonanza Farms	1404 Ross, El Centro, Imperial County	92,365
Fifield Farms	229 Main St. Brawley, Imperial County	83,418
Abatti Bros	Post Office Box 466, El Centro, Imperial County	80,880
Jeankins Farms	681 Sandalwood, El Centro, Imperial County	74,425
Davis Beauchamp	Route 1, Box 132, Calipatria, Imperial County	73,704
Hawk & Sperber	Box 847, Holtville, Imperial County	73,543
Kenneth Reynolds	Box 6041, Calipatria, Imperial County	72,134
J. N. Osterkamp Ranches	445 South Rio Vista, Brawley, Imperial County	70,544
Ed Wiest	133 West J St., Brawley, Imperial County	70,442
House & Haskell	Post Office Box 426, El Centro, Imperial County	69,541
Harold T. Greene	1075 Holt, El Centro, Imperial County	69,528
Johnny P. Singh	Box 175, Brawley, Imperial County	69,198
R. S. Reese	Box 338, Westmorland, Imperial County	68,714
Jake Brown	Box 76, Brawley, Imperial County	65,663
Moiola Bros	Route 2, Box 41, Brawley, Imperial County	65,136
J. M. Bryant	Post Office Box 25, Calipatria, Imperial County	62,225
Harry Schmidt Farms	Box 32, Brawley, Imperial County	61,446
John Baretta	Post Office Box 35, Calipatria, Imperial County	61,348
Belle Kruger Estates	1225 North Granada, No. 8, Alhambra, Imperial County.	61,288
M. M. Cline	895 Broadway, Suite 110, El Centro, Imperial County.	60,120
Robert C. Brown	Post Office Box 1424 Brawley, Imperial County	57,946
James A. Taylor	Route 2, Box 199, Brawley, Imperial County	55,041
San Pasqual L. & C. Co	Box 1234, Brawley, Imperial County	54,122
R. B. Wilson Co	Box 176, Brawley, Imperial County	53,850
Sweetwater Feeders	605 South Rio Vista, Brawley, Imperial County	53,239
Lerno Bros	2555 West Main, El Centro, Imperial County	52,356
Edwin Chew	Post Office Box 818, Imperial, Imperial County	50,564
J. Emanuelli & Sons	330 El Cerrito Dr., Brawley, Imperial County	50,233
John H. Borchard	1425 Cypress St., El Centro, Imperial County	50,167
H. & H. Farms, Inc	Rural Route 2, Box 560, Bakersfield, Kern County	99,903
Tracy Ranch, Inc	Rural Route 1, Box 177, Buttonwillow, Kern County.	97,090
L. I. Rhodes & Sons	Rural Route 1, Box 475, Wasco, Kern County	95,791
Voth Farms, Inc	450 G St., Wasco, Kern County	90,955
C. R. Wedel Estates	Post Office Box L, Wasco, Kern County	90,770
W. A. Banks	Rural Route 7, Box 376, Bakersfield, Kern County.	90,478
Belluomini Bros	Rural Route 1, Box 89, Buttonwillow, Kern County.	90,392
Sill Prop, Inc	212 Sill Building, Bakersfield, Kern County	88,897
John Valpredo	Rural Route 2, Box 460, Bakersfield, Kern County.	86,050
E. O. Mitchell, Inc	Post Office Box 195, Arvin, Kern County	85,155
Parsons Ranch	Rural Route 1, Box 57, Buttonwillow, Kerns County.	84,010
Henson & Sons	Rural Route 3, Box 920, Bakersfield, Kern County.	83,714
Cerro Bros	Rural Route 2, Box 749, Bakersfield, Kern County	82,551
Di Giorgio Fruit Corp	Box 1358, Fort Pierce, Fla., Kern County	82,194
Paul Pilgrim	666 Sycamore St., Shafter, Kern County	82,119
B. S. Baldwin	2908 McCall St., Bakersfield, Kern County	82,054
L. A. Robertson Farms, Inc	29536 West Lerdo, Shafter, Kern County	82,023
Kenmar Farm	Rural Route 1, Box, 318, Arvin, Kern County	80,794
Sanders Farms	Rural Route 3, Box 969, Bakersfield, Kern County	80,659
C. Mettler	Box 473, Bakersfield, Kern County	80,166
Anton Giovanni & Jerrard	1318 Baldwin Rd., Bakersfield, Kern County	79,704
Sanders & Sanders	Rural Route 3, Box 971, Bakersfield, Kern County	79,386
The Mirasol Co	Post Office Box 757, Buttonwillow, Kern County	79,215
Torigiani Farms	Post Office Box 483, Buttonwillow, Kern County	76,024
Banducci Farming Co	4016 Stockdale Highway, Bakersfield, Kern County.	74,807
Kennedy & Stephens	2493 Beech St., Bakersfield, Kern County	72,155
Campco Farming Co	Bin D. Shafter, Kern County	71,140
Bloemhof Hay Co	Post Office Box 147, Buttonwillow, Kern County	69,929
Antongiovanni Bros	Route 7, Box 532, Bakersfield, Kern County	69,003
South Lake Ranch	Rural Route 3, Box 959, Bakersfield, Kern County	68,331
W. B. Camp, Jr., Inc	Post Office Box 576, Bakersfield, Kern County	67,466
Three H Ranch	1709 30th St., Bakersfield, Kern County	67,386
Elo & Vido Fabbri	Box 523, Pond, Kern County	66,244
Joe Frettas, Jr	Rural Route 2, Box 89, Bakersfield, Kern County	66,155
Wayne Kirschermann	5109 Lansdale Dr., Bakersfield, Kern County	65,899
J. Antongiovanni	191 Oleander Ave., Bakersfield, Kern County	64,705
Opal Fry & Sons	Rural Route 2, Box 443, Bakersfield, Kern County	63,985
Porter Land Co	In care of Wm. R. Johnson, Lake Lillian Mission, Kern County.	62,527
James O. Payne	Star Route Box 96, Wasco, Kern County	62,125
H. Buller Farms	1730 Locust Ravine, Bakersfield, Kern County	62,021
Barnard Bros	2902 Kingsley Lane, Bakersfield, Kern County	61,498
Bonanza Farms	2612 Elm St., Bakersfield, Kern County	60,732
Archie Frick	Rural Route 1, Box 730, Arvin, Kern County	60,443
M. B. McFarland & Sons	Box 1458, McFarland, Kern County	60,054
Little & Hanes	Post Office Box 795, Wasco, Kern County	59,501
H. Spitzer	Rural Route 1, Box 146, McFarland, Kern County	59,056
Barling Bros	640 G St., Wasco, Kern County	58,921
Fredio Farms	Post Office Box 174, Arvin, Kern County	58,651
Deno Fanucchi	Rural Route 1, Box 79, Buttonwillow, Kern County.	$57,761
Triple J Farms	4016 Stockdale Highway, Bakersfield, Kern County.	57,332
E. D. Neufeld	665 Sycamore St., Shafter, Kern County	57,330
S. K. Farms	Rural Route 1, Box 24, Buttonwillow, Kern County.	57,297
G. Mendiburu & Son	Box 96, Oildale, Kern County	56,250
J. Kroeker Sons	30335 Orange St., Shafter, Kern County	54,321
Joe G. Fanucchi & Sons	Rural Route 2, Box 318, Bakersfield, Kern County	53,436
E. L. Goodspeed	Box 206, Buttonwillow, Kern County	53,299
D & R Farms	29389 Fresno Ave., Shafter, Kern County	51,905
Jimmie Icardo	1141 Panorama Dr., Bakersfield, Kern County	51,820
Scarrone Bros	Rural Route 1, Box 651, Arvin, Kern County	51,284
Claude Botkin Co., Inc	Post Office Box 162, Arvin, Kern County	50,384
Tejon Potato Co	Post Office Box 655, Arvin, Kern County	50,373
Schwartz Farms, Inc	21451 20th Ave., Stratford, Kings County	98,302
Newton Bros	Post Office Box 117, Stratford, Kings County	92,972
Jones Farms	Box 275, Stratford, Kings County	90,067
Peterson Farms	Box 877, Corcoran, Kings County	85,579
Inco Farms, Inc	Post Office Box 185, Bonsall, Kings County	74,026
P. Hansen Ranch	Post Office Box 295, Corcoran, Kings County	72,307
W. W. Boxwell, Jr	700 Shitley Ave., Corcoran, Kings County	69,582
Lone Oak Ranch	Box 386, Corcoran, Kings County	69,161
Harp & Hansen	Post Office Box 295, Corcoran, Kings County	68,079
Murray Farms, Inc	Post Office Box 171, Hanford, Kings County	61,175
Loy & Chesley Wedderburn	210 Fox St., Lemoore, Kings County	59,867
R. S. Barlow	Post Office Box 220, Lemoore, Kings County	58,450
S. P. Land Co	65 Market, San Francisco, Kings County	50,400
John Fuson	Post Office Box 875, Lebec, Los Angeles County	82,549
Sherman Thomas	25808 Avenue 11, Madera, Madera County	78,031
Hooper Farms, Inc	4823 Avenue 24, Chowchilla, Madera County	74,908
Ray Chiarelli	10651 Road 25, Madera, Madera County	62,823
El Peco Ranch	10462 Road 21, Madera, Madera County	59,183
W. L. Nesmith	27765 Avenue 15½, Madera, Madera County	54,671
Lindemann Farms, Inc	1420 11th St., Los Banos, Merced County	63,334
Eagle Loma Farms, Inc	51170 West Althea, Firebaugh, Merced County	50,506
Delta Ranches, Inc	Post Office Box 211, Blythe, Riverside County	86,708
Rummonds Bros. Ranches	Route 1 Box 726, Thermal, Riverside County	85,585
Scott & Knappenberger	Route 2 Box 180, Blythe, Riverside County	78,283
George Arakelian	Post Office Box 656, Blythe, Riverside County	69,836
Sunrise Farms	500 North Broadway, Suite 3, Blythe, Riverside County.	69,651
Schindler Bros	Box 215, Ripley, Riverside County	68,556
Pi-Land & Cattle Co	Route 2, Box 368, Blythe, Riverside County	68,073
Fisher Ranch	Route 2, Box 302, Blythe, Riverside County	61,907
Joe H. Ulmer	Route 2, Box 135, Blythe, Riverside County	56,099
Verne Wuertz	Post Office Box 75, Ripley, Riverside County	53,309
Harboe-Ensley	Post Office Drawer 1787, Indio, Riverside County.	52,138
Lawrence Chaffin	Box 877, Blythe, Riverside County	50,556
E. C. Apodac	Post Office Box 570, Indio, Riverside County	50,432
M. & T., Inc	Post Office Box 308, Chico, San Joaquin County	52,701
Sanchez Bros	1270 Liberty Island Rd., Rio Vista, Solano County	88,536
Chew Bros	6256 Fordham Way, Sacramento, Solano County	66,430
Rogers Farming Co	Post Office Box 348, Porterville, Tulare County	96,856
Correia Bros	6401 Ave. 296, Visalia, Tulare County	95,964
Don & Vern Thiesen	Route 1, Box 432, Kingsburg, Tulare County	92,490
Lesley W. Smith	8771 Ave. 104, Pixley, Tulare County	90,710
Shuklian Bros	Box 406, Tagus Ranch, Tulare, Tulare County	89,940
F.J. McCarthy & Sons	Box 1138, Tulare, Tulare County	81,752
T.V. Cardoza & Son	19505 Rd. 68, Tulare, Tulare County	75,908
Morris Stuhaan	29001 Rd. 48, Visalia, Tulare County	72,990
Jack Phillips	Post Office Box 548, Delano, Tulare County	72,530
Richard Berry	37955 Rd. 132, Cutler, Tulare County	71,628
Bill White	10769 Ave. 96, Pixley, Tulare County	70,185
Andy Wheat	Post Office Box 277, Corcoran, Tulare County	68,974
R. A. Hildebrand	225 Sill Bldg., Bakersfield, Tulare County	68,777
Earl Royer	19011 Rd. 196, Strathmore, Tulare County	68,628
Doe Cattle & Land Co	Post Office Box 401, Visalia, Tulare County	67,712
J & J Farms	19561 Rd. 44, Tulare, Tulare County	67,554
M. F. Harris	21228 Rd. 14, Chowchilla, Tulare County	65,662
G. E. Paxton	25248 Rd. 140, Tulare, Tulare County	65,559
Glenn Schott & Sons	14565 Ave. 120, Pixley, Tulare County	65,304
Edward L. Irwin	1727 East Bardsley Rd., Tulare, Tulare County	62,972
C. & W. Ranches	2520 Turner Dr., Tulare, Tulare County	62,521
Mitchellinda Ranches	Post Office Box 145, Alpaugh, Tulare County	62,469
E. Batsch	18384 Avenue 200, Strathmore, Tulare County	62,233
Atilio Belezzuoli	Post Office Box 94, Tipton, Tulare County	61,390
M. Curti & Sons	Post Office Box 158, Waukena, Tulare County	59,676
C. J. Ritchie	2800 North Akers Rd., Visalia, Tulare County	57,450
Galbraith Bros	15785 Avenue 152, Tipton, Tulare County	56,878
Baker Bros	18371 Avenue 40, Earlimart, Tulare County	53,557
John Guthrie	20210 Avenue 176, Porterville, Tulare County	53,044
J. D. Andreas & Sons	Route 1, Box 855, Delano, Tulare County	51,750
Porter Estates	2 Pine St., San Francisco, Tulare County	51,568
S. K. Ranch	12021 Avenue 328, Visalia, Tulare County	50,401
Heidrick Bros	Route 1, Box 1215, Woodland, Yola County	61,644
COLORADO		
Monaghan Farms, Inc	Box 358, Commerce City, Adams County	52,682
Kalcevic Farms, Inc	19 Del Mar Cr., Aurora, Adams County	52,190
T. F. Arbuthnot	Box 296, Springfield, Baca County	50,731
R. R Rutherford	Care of W. R. Hill, 309 East 6th, Springfield, Baca County.	50,540
John Kriss	Colby, Kans., Cheyenne County	60,157
Olive W. Garvey	Box 517, Colby, Kans., Kiowa County	85,322
James S. Garvey	Box 517, Colby, Kans., Kiowa County	69,098
Delmer Zweygardt	Burlington, Kit Carson County	90,775
Penny Ranch	Burlington, Kit Carson County	53,139
Hinkhouse Bros	do	51,001
FLORIDA		
O. V. Land Co	Post Office Box 1088, Clewiston, Hendry County	73,049
Wedgworth Farms, Inc	Box 206, Belle Glade, Palm Beach County	86,438

1967 TOTAL PAYMENTS OF $50,000 TO $99,999 UNDER ASCS PROGRAMS (EXCLUDING PRICE SUPPORT LOANS)—Continued

State and name	Address	Amount
FLORIDA—Continued		
New Ranch Corp	375 Park Ave. New York, N.Y., Palm Beach County.	$71,346
Billy Rogers Farm	Post Office Box 68, South Bay, Palm Beach County.	68,821
South Bay Growers, Inc	Box 338, South Bay, Palm Beach County	68,564
Sam Senter Farms, Inc	Drawer B, Belle Glade, Palm Beach County	66,549
Chanticleer Farms Co	314B Roy Poin Pl. Palm Beach, Palm Beach County.	64,159
C. A. Thomas	Post Office Box 8, Lake Harbor, Palm Beach County.	63,342
Sugarcane Farms Co	318 A Royal P, Palm Beach, Palm Beach County	63,247
Hatton Bros., Inc	Drawer 558, Pahokee, Palm Beach County	60,977
Eastgate Farms, Inc	100 E. Robinson, Orlando, Palm Beach County	52,771
GEORGIA		
J. C. Evans	Rural Route 1, White, Bartow County	54,207
Roy Barefield	Alexander, Burke County	65,963
T. R. Rowland	Vidette, Burke County	55,734
Quinton Rogers	Waynesboro, Burke County	51,790
W. J. Estes	Haralson, Coweta County	57,723
Moss Land Co	Post Office Box 204, Calhoun, Gordon County	50,990
Hubert Cheek, Jr	Bowersville, Hart County	73,003
Charlie T. Kersey	Elko, Houston County	58,936
Fred C. Evans	Bartow, Jefferson County	69,413
W. R. & J. L. Jackson	Care of J. L. Jackson, Wrightsville, Johnson County.	50,420
W. A. Rountree	Rural Route 5, Dublin, Laurens County	82,207
W. H. Lovett	Wrightsville, Laurens County	65,854
D. W. Malcom	Bostwick, Morgan County	84,597
Otis Whitlock	Box 113, Bostwick, Morgan County	66,207
John W. Dawson	Rural Route 3, Hawkinsville, Pulaski County	66,684
W. C. Bradley Co	Care of T. T. Molnar, Cuthbert, Stewart County	77,119
Guy H. Shivers, Sr	Norwood, Warren County	69,823
HAWAII		
Waimea Sugar Mill Co., Ltd	Box 3230, Honolulu	54,795
IDAHO		
Jess Croft & Son	Rural Route 5, Box 116, Idaho Falls, Bonneville County.	50,767
Barker Bros	Soda Springs, Caribou County	52,432
Morgan Shillington Farms Co	Box 535, Rupert, Minidoka County	76,715
Vernon B. Clinton	Box 58, Rupert, Minidoka County	63,555
Wagner Bros., Inc	1126 3d St., Lewiston, Nez Perce County	65,967
Ira McIntosh & Sons	2034 14th St., Lewiston, Nez Perce County	61,670
ILLINOIS		
C. H. Moore Trust Estates	South Center St., Clinton, DeWitt County	79,153
INDIANA		
Overmyer Farms	Care of Lee Overmyer, Francesville, Pulaski County.	58,658
Richard Gumz	North Judson, Starke County	56,274
IOWA		
Amana Society	Middle Amana, Iowa County	88,499
KANSAS		
Garden City Co	Box 597, Garden City, Finney County	88,594
Dale R. Steele	Ford, Greeley County	68,129
A. Sell Estates	Care of M. Sell, 1744 Monaco Parkway, Denver, Colo., Greeley County.	63,895
Kleymann Bros	Care of F. J. Kleyman, Tribune, Greeley County	51,879
Lemon & Miller	Box 403, Pratt, Haskell County	55,313
Lloyd Kontny	1004 Harrison, Goodland, Sherman County	52,730
Clarence Winger & Sons	Johnson, Stanton County	52,563
G.H.J. Farms, Ltd	do	50,035
J. E. Ely Estate	Care of A. Larson, Rural Route 1, Garden City, Wallace County.	51,460
LOUISIANA		
Churchill & Thibaut, Inc	Box 431, Donaldsonville, Ascension County	53,365
Savoie Industries	Belle Rose, Assumption County	55,565
L. H. Woodruff	McDade, Bossier County	63,782
Rosedale Planting Co., Inc	Rural Route 1, Benton, Bossier County	51,088
Mission Planting Co	Box 248, Ida, Caddo County	87,354
Stinson & Stinson	Post Office Box 175, Gilliam, Caddo County	68,761
J. W. Lynn Plantation	Post Office Box 125, Gilliam, Caddo County	62,538
Cecilia L. Ellerbe	Post Office Box 5475, Shreveport, Caddo County	61,606
L. R. Kirby, Jr	Post Office Box 175, Belcher, Caddo County	59,404
G. A. Frierson	Rural Route 1, Shreveport, Caddo County	55,018
A. C. Dominick, Jr	Mira, Caddo County	54,995
Dalton R. Pittman	445 Pennsylvania, Shreveport, Caddo County	53,515
L. S. Frierson, Jr	Rural Route 1, Box 389L, Shreveport, Caddo County.	53,340
Dan P. Logan	Post Office Box 181, Gilliam, Caddo County	52,334
Rowland Bros	Rural Route 2, Monroe, Caldwell County	54,919
Carrol Rice	Sicily Island, Catahoula County	93,537
Shepherd & Shepherd	Rural Route 2, Lake Providence, East Carroll County.	65,783
Russel Fleeman	Box 431, Lake Providence, East Carroll County	63,046
J. H. Gilfoil III	Box 632, Lake Providence, East Carroll County	59,899
Keener Howard	Rural Route 2, Box 30, Lake Providence, East Carroll County.	59,021
Wendell Downen	Rural Route 1, Box 116, Lake Providence, East Carroll County.	50,791
A. Wilberts Sons L/S Co	Box 540, Plaquemine, Iberville County	75,928
Ashly Plantation	Rural Route 2, Box 117, Tallulah, Madison County.	76,099
Elton Fortenberry	Transylvania, Madison County	63,278
Dudley Pillow	Box 298, Schlater, Madison County	54,822
James U. Yeldell, Jr	Mer Rouge, Morehouse County	83,408
LOUISIANA—Continued		
Max Brodnax	Rural Route 1, Bonita, Morehouse County	$53,755
Duke Shackelford	Jones, Morehouse County	50,620
Mason & Godwin	Rural Route 2, Monroe, Ouachita County	83,484
W. A. Calloway	Bosco, Ouachita County	75,125
Paul S. Ransom	Rural Route 4, Monroe, Ouachita County	53,570
J. A. Moore	Rural Route 4, Box 109, Monroe, Ouachita County.	53,508
R. R. Rhymes Farm	Rural Route 5, Rayville, Richland County	70,379
Elton Upshaw, Jr	Box 4304, Monroe, Richland County	59,603
J. A. Pickett	Box 117, Morrow, Richland County	51,229
Panola Co	Care of W. A. Guthrie, Newellton, Tensas County.	90,147
E. R. McDonald & Sons	Newellton, Tensas County	70,953
Somerset Plantation	Newellton, La. 71357, Tensas County	54,817
Little Texas, Inc	Rural Route 2, Box 88, Napoleonville, West Baton Rouge County.	86,857
Westover Planting Co., Ltd	Route 2, Box 214, Port Allen, West Baton Rouge County.	54,326
Harry L. Laws & Co., Inc	Brusly, West Baton Rouge County	52,405
Louisiana State Penitentiary	Angola, West Felicana County	89,697
MISSISSIPPI		
Dossett Plantation, Inc	Beulah, Bolivar County	98,992
H. B. Hood	Route 1, Box 149, Duncan, Bolivar County	95,970
Lewis Barksdale, Jr	Deeson, Bolivar County	90,527
Carr Planting Co	O. C. Carr, Jr, Clarksdale, Bolivar County	82,997
Zumbro Plantation	Cleveland, Bolivar County	77,150
Charles A. Russell	Beulah, Bolivar County	75,806
H. H. Lawler	Rosedale, Bolivar County	69,563
Cloverdale Planting Co	Box 38, Alligator, Bolivar County	68,845
Maryland Plantation, Inc	Care of Jim Goodman, Shelby, Bolivar County	67,787
Sunrise Dairy	Cleveland, Bolivar County	66,416
Myres & Edwards	Post Office Box 191, Greenville, Bolivar County	63,720
Valley Farming Co	Max Dilworth, Shelby, Bolivar County	62,690
T. E. Pemble	Merigold, Bolivar County	62,586
J. E. Bobo	Gunnison, Bolivar County	61,238
R. C. Malone	Pace, Bolivar County	61,081
William Peacock	Merigold, Bolivar County	60,332
W. H. Howarth	Skene, Bolivar County	57,156
R. N. & E. C. Tibbs	Hushpuckena, Bolivar County	56,578
Warfield Bros	Gunnison, Bolivar County	55,653
W. F. & W. H. Hardin	Box 163, Duncan, Bolivar County	54,292
M. J. Dattle	Rosedale, Bolivar County	53,753
Rogers Hall	1206 College, Cleveland, Bolivar County	50,984
Allendale Planting Co	Shelby, Bolivar County	50,557
L. B. Pate & Sons	Cleveland, Bolivar County	50,160
R. W. Coleman	Okolona, Chickasaw County	63,925
W. J. Linn	Rural Route 3, Houston, Chickasaw County	62,910
Leon C. Bramlett	Rural Route 3, Box 599, Clarksdale, Coahoma County.	92,540
Fox Bros	231 West 2d, Clarksdale, Coahoma County	90,253
Carr-Mascot Plantation, Inc	Rural Route 2, Box 161, Clarksdale, Coahoma County.	87,809
Mohead Planting Co	Lula, Coahoma County	84,361
H. H. Twiford	Alligator, Coahoma County	82,168
W. S. Heaton, Jr	Lyon, Coahoma County	75,307
T. M. Luster	Rural Route 3, Box 597C, Clarksdale, Coahoma County.	73,099
Dan Crumpton, Jr	Rural Route 1, Box 222, Clarksdale, Coahoma County.	72,166
Graydon Flowers	Mattson, Coahoma County	72,064
P. F. Williams & Son	Box 729, Clarksdale, Coahoma County	71,292
J. R. Weeks	Rural Route 2, Clarksdale, Coahoma County	70,570
Connell & Co	Box 790, Clarksdale, Coahoma County	68,562
J. H. Pruett	Lyon, Coahoma County	68,419
Johnson Bros	Friars Point, Coahoma County	68,257
Wheeler-Graham	Coahoma, Coahoma County	68,058
Maryland Planting Co	Rural Route 2, Box 23B, Clarksdale, Coahoma County.	66,033
Sigmon Planting Co	Post Office Box 67, Sherard, Coahoma County	65,426
Kirk Haynes	Jonestown, Coahoma County	63,294
W. E. Young	Bobo, Coahoma County	60,806
Allen & Ritch	Rural Route 1, Lyon, Coahoma County	60,755
J. F. Humber	Rural Route 1, Box 215, Clarksdale, Coahoma County.	59,597
Lucille and C. W. Fyfe, Jr	Lula, Coahoma County	59,369
J. W. Henderson	403 Cypress, Clarksdale, Coahoma County	58,283
Sigmon Planting Co	Sherard, Coahoma County	57,763
T. W. Dulaney & Sons	Rural Route 2, Box 140, Clarksdale, Coahoma County.	57,701
Simmons Planting Co	Box 426, Clarksdale, Coahoma County	57,665
Oscar Connell Farm	Box 790, Clarksdale, Coahoma County	57,127
H. M. Haney	Jonestown, Coahoma County	56,971
Fant Bros	Coahoma, Coahoma County	56,441
Flowers Bros	Dublin, Coahoma County	54,413
Lea Planting Co	do	53,616
Omega Planting Co	Rural Route 1, Lyon, Coahoma County	52,972
Parker Springer Planting Co	Box 6, Drew, Coahoma County	52,926
Rives & Brewer	Rural Route 1, Coahoma, Coahoma County	52,224
J. L. Stribling & Son	Post Office Box 83, Clarksdale, Coahoma County	52,000
G. L. McWilliams, Sr	Rural Route 1, Clarksdale, Coahoma County	51,746
R. N. McWilliams	Rural Route 1, Box 283, Clarksdale, Coahoma County.	51,554
Prairie Planting Co	Stovall, Coahoma County	51,160
J. B. Laney	Lyon, Coahoma County	51,158
Stribling Planting Co	Box 83, Clarksdale, Coahoma County	50,654
Homer Rutland	Rural Route 4, Collins, Covington County	56,875
R. L. Sullivan	Walls, De Soto County	73,421
Topanga Caine Farm	Lake Cormorant, De Soto County	90,859
E. F. Crenshaw	Rural Route 9, Box 199, Memphis Tn., De Soto County.	65,960
R. S. Jarratt	Walls, Coahoma County	64,400
Tract-O-Land Plantation	Lake Cormorant, De Soto County	59,490
Herman Koehler	Robinsonville, De Soto County	59,454
Kraetzer Cured Lumber Co	Box 908, Greenwood, Grenada County	53,520
Gaddis Farms, Inc	Raymond, Hinds County	74,555
Shotwell Plantation Inc	Route 1, Tchula, Holmes County	99,650
Lynchfield Planting Co	Tchula, Holmes County	86,215

1967 TOTAL PAYMENTS OF $50,000 TO $99,999 UNDER ASCS PROGRAMS (EXCLUDING PRICE SUPPORT LOANS)—Continued

State and name	Address	Amount
MISSISSIPPI—Continued		
Pluto Planting Co	Thornton, Holmes County	$73,779
Wayne Watkins	Rural Route 1, Cruger, Holmes County	70,868
W. J. Waits	Goodman, Holmes County	62,522
Paul Wilson	Rural Route 1, Tchula, Holmes County	61,445
James P. Love	Tchula, Holmes County	57,191
E. W. Hooker	406 Spring St. Lexington, Holmes County	55,679
Charley Wade	Rural Route 2, Cruger, Holmes County	55,250
Byron B. Sharpe	Tchula, Holmes County	54,227
George D. Wynn	Rural Route 1, Pickens, Holmes County	51,350
Spencer H. Barret	Belzoni, Humphreys Co	91,038
R. D. Hines	Rural Route 4, Yazoo City, Humphreys County	74,155
A. B. Jones, Jr	Box 37, Belzoni, Humphreys County	64,366
B. A. Holaday Co	Louise, Humphreys County	62,632
R. D. Bearden	Isola, Humphreys County	59,884
Halbrook Farms	Belzoni, Humphreys County	57,119
T. M. Simmons, Jr	Rural Route 2, Belzoni, Humphreys County	56,411
Fouche Farms	Rural Route 1, Silver City, Humphreys County	55,047
Wm. L. Dillard	Louise, Humphreys County	53,089
Loyd M. Heigle	Mayersville, Issaquena County	57,881
Johnson Bros	Valley Park, Issaquena County	55,757
Ruby Planting Co	Care of J. F. Shaw, Box 174, Money, Leflore County.	97,856
H. C. McShan	Schlater, Leflore County	96,650
Joe Pugh	Itta Bena, Leflore County	88,683
Reynolds Planting Co	Glendora, Leflore County	79,080
King Plantation	1100 Poplar, Greenwood, Leflore County	77,518
Ed Hunter Steele	Morgan City, Leflore County	73,276
Roberson Plantation	Minter City, Leflore County	71,111
Runnymede Plantation	Box 277, Itta Bena, Leflore County	70,334
Maloney Farms	Rural Route 1, Itta Bena, Leflore County	68,984
T. J. Carter	Box 304, Money, Lefflore County	64,785
F. T. Leavell	Minter City, Leflore County	61,483
Sturdivant & Bishop	do	61,296
B. G. McGeary	Box 426, Sidon, Leflore County	60,396
W. L. Craig	Rural Route 2, Greenwood, Leflore County	60,270
Holly Grove Plantation	Sidon, Leflore County	58,829
Hobson Gary	Schlater, Leflore County	58,219
W. D. Bradford	Rural Route 2, Itta Bena, Leflore County	55,426
Elmwood Plantation	Rural Route 2, Box 51, Greenwood, Leflore County.	53,222
Landrum & Leavell	Minter City, Leflore County	50,469
Dubley Bozeman	Post Office Box 270, Flora, Madison County	83,573
George H. Moore	Rural Route 3, Canton, Madison County	80,441
J. D. Rankin	do	75,468
M. S. Cox, Jr	Madison, Madison County	62,893
Thomas L. James	Finney Rd., Canton, Madison County	55,695
Odell J. Wilson	Rural Route 3, Holly Springs, Marshall County	57,119
W. S. Taylor, Jr	Como, Panola County	59,962
Robert McMillan	Rural Route 5, Batesville, Panola County	57,532
J. H. Magee	Batesville, Panola County	56,992
Hays Bros. & Hall	Rural Route 2, Box 196, Sardis, Panola County	53,819
Dalmar Plantation	Rural Route 1, Marks, Quitman County	81,196
Roger Davidson	Box 245, Marks, Quitman County	76,040
Valley Plantation	Box 265, Oxford, Lafayette County	63,364
F. R. Trainor	Lambert, Quitman County	72,268
Wise Bros	Jonestown, Quitman County	65,268
T. C. Haley	Rural Route 1, Vance, Quitman County	61,351
E. Q. Vance, Jr	Vance, Quitman County	59,332
H. T. Pittman	Marks, Quitman County	59,166
Garmon Farm	Rural Route 1, Marks, Quitman County	55,441
T. C. Potts	Crenshaw, Quitman County	54,630
Fulmer Farms	Care of T. J. Ware, Jr., Rural Route 2, Marks, Quitman County.	51,796
C. W. Denton	Belen, Quitman County	51,544
Raymond and J. M. Brown	Anguilla, Sharkey County	84,626
Moore Planting Co., Inc	Route 2, Rolling Fork, Sharkey County	74,319
Lynndale Planting Co., Inc	Cary, Sharkey County	73,229
Little Panther Plantation	Leland, Sharkey County	70,439
Powers Co., Inc	Cary, Sharkey County	68,155
Reality Plantation, Inc	Rolling Fork, Sharkey County	66,668
Baconia Plantation, Inc	Cary, Sharkey County	65,622
Evanna Plantation, Inc	do	64,076
S. M. Montgomery	Route 2, Rolling Fork, Sharkey County	60,503
Martin Planting Co., Inc	Anguilla, Sharkey County	59,406
M. C. Ewing Co., Inc	do	57,790
Carter Bros	Rolling Fork, Sharkey County	55,654
Neff Farms, Inc	Box 278, Hollandale, Sharkey County	53,486
G. C. Cortright	Rolling Fork, Sharkey County	52,622
James A. Boykin	Delta City, Sharkey County	51,935
Allen & Brashier Planting Co	Indianola, Sunflower County	95,726
Phillip Fratisi	Box 187, Rosedale, Sunflower County	91,063
W. P. Scruggs	Doddsville, Sunflower County	89,686
Frank Brumfield	Inverness, Sunflower County	87,301
J. Levingston Estate	Ruleville, Sunflower County	86,501
Mrs. Virginia Polk	Care of J. G. Prichard, Inverness, Sunflower County.	85,246
P. K. McGregor	Inverness, Sunflower County	81,803
Brashier-Allen	Indianola, Sunflower County	71,328
Vivian A. Johnson	Box 7, Indianola, Sunflower County	70,338
J. H. Hill	Indianola, Sunflower County	65,832
J. W. Stowers	Inverness, Sunflower County	64,812
W. O. Shurden	Drew, Sunflower County	63,923
C. S. Simmons, Jr	Inverness, Sunflower County	61,456
H. T. Bonds & Sons	Shelby, Sunflower County	61,072
J. M. Montgomery, Jr	Inverness, Sunflower County	60,136
Gerrard Estate	Indianola, Sunflower County	59,729
Lindsey Farms	Doddsville, Sunflower County	58,757
Pauline V. Adair	Doddsville Sunflower County	56,894
Shurden & Owens	Drew, Sunflower County	56,522
W. D. Simmons	Baird, Sunflower County	55,896
R. M. and C. H. McClatchy	Sunflower, Sunflower County	55,791
Brewer Morgan	do	55,432
Hugh M. Arant	Rural Route 2, Ruleville, Sunflower County	54,496
A. J. Hill	Rome, Sunflower County	54,066
James Bradshaw	Sunflower, Sunflower County	53,474
Estate of Noel Morgan	Post Office Box 38, Sunflower, Sunflower County	52,904
Billy Brewer	Inverness, Sunflower County	52,366
F. L. Tindall	Indianola, Sunflower County	52,237
N. H. McMath	Isola, Sunflower County	50,796
A. K. Maxwell	Moorhead, Sunflower County	$50,557
W. E. Austin	Clover Drive, Indianola, Sunflower County	50,460
F. T. Clark	Ruleville, Sunflower County	50,064
J. L. Hill, Jr	Webb, Tallahatchie County	88,525
Cotton Dixie Inc	Care of J. B. Baker, Webb, Tallahatchie County	87,912
Twilight Plantation	Swan Lake, Tallahatchie County	83,799
E. D. Graham	Sumner, Tallahatchie County	82,467
E. C. Fedric	Glendora, Tallahatchie County	82,189
T. C. Buford	do	80,453
Triple M Planting Co	Sumner, Tallahatchie County	79,476
Ralph T. Hand, Jr	Glendora, Tallahatchie County	78,734
Rainbow Planting Co	Care of W. W. Pearson, Webb, Tallahatchie County.	76,168
A. A. Mabus	Phillip, Tallahatchie County	74,649
Equen Plantation	Minter City, Tallahatchie County	73,844
F. M. Mitchener, Jr	Sumner, Tallahatchie County	73,818
S. M. Fewell & Co	Vance, Tallahatchie County	73,491
Jerry Falls	Webb, Tallahatchie County	72,444
Frank Sturdivant	Minter City, Tallahatchie County	69,470
J. A. Townes	do	68,984
Martha B. Lowe	Glendora, Tallahatchie County	67,446
Frank Sayle	Charleston, Tallahatchie County	66,641
J. R. Flautt & Sons	Swan Lake, Tallahatchie County	66,510
H. T. Bond, Jr	Rural Route 1, Shelby, Tallahatchie County	63,637
Herbert Rice	Webb, Tallahatchie County	59,901
Phil Thornton III	Tutwiler, Tallahatchie County	59,123
T. B. Abbey, Jr	Webb, Tallahatchie County	57,543
M. L. McMillan, Jr	Minter City, Tallahatchie County	54,253
J. Noel Reed	Rural Route 2, Charleston, Tallahatchie County	52,956
J. C. Hardy	do	51,309
Billy Joe Waldrup	Drew, Tallahatchie County	51,134
James Bros	Care of Bill James, Tippo, Tallahatchie County	51,008
M. P. Moore	Senatobia, Tate County	81,380
E. E. Moore	do	55,781
Hood Farms, Inc	Box 845, Tunica, Tunica County	96,846
R. W. Owen Inc	Route 1, Tunica, Tunica County	96,763
D. C. Parker	do	92,284
S. A. Arnold, Jr	Tunica, Tunica County	91,691
Arnold Farms, Inc	do	89,924
Sterling W. Owen III	Route 1, Tunica, Tunica County	89,003
Shelby Thomas Wilson	Dundee, Tunica County	82,106
M. L. Earnheart	Tunica, Tunica County	81,826
C. P. Owen, Jr	Robinsonville, Tunica County	80,165
Oaklawn Plantation, Inc	Route 3, Box 36, Dundee, Tunica County	75,937
Carl C. May	Route 2, Box 599, West Helena, Ark., Tunica County.	73,758
S. W. Seabrook	Tunica, Tunica County	65,879
McClintock Farms, Inc	Box 115, Tunica, Tunica County	59,414
A. S. Perry	Tunica, Tunica County	58,832
W. H. Houston, Jr	do	56,452
B. R. Smith	Route 3, Box 132, Dundee, Tunica County	55,145
C. A. Austin	Dundee, Tunica County	54,300
A. C. Caperton	Tunica, Tunica County	53,876
T. O. Earnheart	do	53,720
W. C. McLean Co., Inc	do	52,702
R. I. Abbay	do	51,473
Hugh Stephens	Box 186, New Albany, Union County	80,716
Aden Bros., Inc	Valley Park, Warren County	94,621
B. N. Simrall & Son, Inc	Redwood, Warren County	50,880
Gilnockie Planting Co	Leland, Washington County	99,213
Fairfax Plantation	Ben Walker, Tribbett, Washington County	98,821
Ganier Bros	Hollandale, Washington County	77,680
Dan L Smythe	Leland, Washington County	77,051
W. C. Skates & Son	Avon, Washington County	75,181
John T. Dillard	503 Cypress St., Leland, Washington County	72,693
Edward Trotter	Rural Route 2, Box 745, Greenville, Washington County.	72,114
Billy Joe Trotter	Rural Route 2, Box 301, Hollandale, Washington County.	71,570
Arcola Planting Co	J. R. Shaw, Arcola, Washington County	70,505
Refuge Plantation, Inc	Rural Route 2, Box 667, Greenville, Washington County.	69,833
Dogwood Plantation	W. E. Taylor, Rural Route 2, Box 822, Greenville, Washington County.	68,519
Faith Plantation	J. M. Dean, Tribbett, Washington County	68,443
J. C. Reed	Rural Route 2, Leland, Washington County	66,779
Lakeland Farms	Rural Route 1, Box 380, Hollandale, Washington County.	66,468
Dean & Co	Tribbett, Washington County	64,757
M. H. Rich & Son	Chatham, Washington County	62,874
Deloach Cope	103 Church St., Hollandale, Washington County	62,158
Andrews Bros	A. L. Andrews, Leland, Washington County	61,947
E. J. Ganier	Percy, Washington County	61,723
Highland Plantation	Rural Route 2, Box 225, Greenville, Washington County.	60,045
James Middleton	Darlove, Washington County	59,793
Montgomery & Grissom	Leland, Washington County	58,730
Stevens Bros	Glen Allan, Washington County	58,482
Barton Ingram	Box 352, Arcola, Washington County	58,182
Deandale	Cameron Dean, Tribbett, Washington County	57,069
Alex Curtis	602 Southwest Deer Creek Dr., Leland, Washington County.	56,821
W. D. Atterbury	Estill, Washington County	56,398
Raymond Clark	Rural Route 2, Box 421, Leland, Washington County.	56,348
Walnut Bayou Planting Co	Care of James S. Brown, Leland, Washington County.	55,949
Cope & Neff	Box 278, Hollandale, Washington County	55,671
W. G. Trotter	Box 113, Winterville, Washington County	55,488
James A. Petty	Wayside, Washington County	54,682
Mounds Plantation	1210 Arnold St., Greenville, Washington County	54,609
Metcalfe & Weathers	Care of W. T. Weathers, Metcalfe, Washington County.	54,586
D. K. Morrow	Gamwyn Park, Greenville, Washington County	54,103
John A. Aldridge	Estill, Washington County	53,058
Wilmot Planting Co	Ross Underwood, Arcola, Washington County	51,176
H. T. Cochran	Hollandale, Washington County	51,041
S. C. Coleman	Rural Route 5, Yazoo City, Yazoo County	89,397
Ruby Walker	Bentonia, Yazoo County	84,518

1967 TOTAL PAYMENTS OF $50,000 TO $99,999 UNDER ASCS PROGRAMS (EXCLUDING PRICE SUPPORT LOANS)—Continued

State and name	Address	Amount
MISSISSIPPI—Continued		
D. H. Dew, Sr	Eden, Yazoo County	$68,265
Seward & Harris	Midnight, Yazoo County	65,688
E. T. Schaefer	Post Office Box 305, Yazoo City, Yazoo County	64,940
D. H. Drew, Jr	Box 142, Eden, Yazoo County	62,642
W. T. Ciark, Jr	Rural Route 4, Box 118, Yaz o City Yazoo County	59,040
Ivanhoe Plant	Care of E. Coker, 746 Sunset Dr., Yazoo City, Yazoo County.	56,666
Kinkead Plantation	Rural Route 1, Yazoo City, Yazoo County	52,959
MISSOURI		
Quinn Bros	Salisbury, Chariton County	56,887
Wolf Island Farms	Wolf Island, Mississippi County	89,025
Marshall Lands, Inc	Box 3, Charleston, Mississippi County	67,442
W. C. Bryant	Rural Route 2, East Prairie, Mississippi County	51,581
Dearmont Oliver	210 Williams, East Prairie, Mississippi County	51,558
Byars Orton	Rural Route 2, Portageville, New Madrid County	93,612
Swiney & Sons	Box 375, Morehouse, New Madrid County	60,757
Acom Farms, Inc	Wardell, Pemiscot County	67,370
L. Berry Farms, Inc	Holland, Pemiscot County	61,420
Stonner Bros	Miami, Saline County	56,189
Eugene Elson	Rural Route 1, Miami, Saline County	55,986
W. P. Hunter	Care of Blair Dalton, Bell City, Stoddard County	73,807
Mahan, Mahan & Radcliff	Parma, Stoddard County	58,437
Trailback Plantation, Inc., Tom B.	Essex, Stoddard County	52,412
MONTANA		
Prairie Nest Ranch, Inc	Highwood Route, Great Falls, Cascade County	56,065
Nash Bros	Redstone Mountain, Sheridan County	65,076
NEW MEXICO		
A. W. Langenegger	Box 503, Hagerman, Chaves County	98,750
Hal Bogle	Dexter, Chaves County	61,133
Jack Patterson	Box 938, Roswell, Chaves County	59,908
J. P. White, Jr	Box 533, Roswell, Chaves County	56,199
John Garrett & Sons	Box 520, Clovis, Curry County	82,641
Garrett Corp	do	71,435
Lockmiller & Son	1401 Piedmont, Clovis, Curry County	53,450
Snodgrass & Carlisle	Post Office Box 908, Roswell, Eddy County	76,182
Moutray Bros	Box 280, Carlsbad, Eddy County	70,730
Bill Veck	Star Route Box 237, Animas, Hidalgo County	52,757
NORTH CAROLINA		
M. C. Braswell Farms	Battleboro, Edgecombe County	62,441
D. D. McCall	Box 748, St. Pauls, Robeson County	70,721
Ted Smith	Rural Route 1, Parkton, Robeson County	61,457
Alice J. Mcleod	Rural Route 3, Laurinburg, Scotland County	65,128
Z. V. Pate, Inc	Laurinburg, Scotland County	54,842
James R. McKenzie	Laurinburg, Scotland County	54,290
NORTH DAKOTA		
Otto Engen	311 9th St. S.E. Minot, Mountrail County	52,266
Arvel Glinz	Eldridge, Stutsman County	69,471
OHIO		
Ward Walton & Associates, Inc	Rural Route 4, Upper Sandusky Marion County	65,710
OKLAHOMA		
F. E. Motley	424 North Glover, Hollis, Harmon County	69,218
Wayne Q. Winsett	2028 Willard Dr., Altus, Jackson County	75,382
Murray R. Williams	1831 North Main, Altus, Jackson County	60,515
Charles R. Sheffield	Rural Route 2, Webbers Falls, Muskogee County	56,267
H. C. Hitch, Jr	Guymon, Texas County	70,939
OREGON		
Ralph S. Crum	Ione Drive, Morrow County	50,616
Cunningham Sheep Co	Box 1186, Pendleton, Umatilla County	77,372
B. L. Davis Ranch, Inc	Adams, Umatilla County	58,166
PUERTO RICO		
Ramon Gonzalez Hernandez	Box 287, Aguirre	97,843
W. Bravo Monagas	Box 58, Mayaguez	83,373
Carlos F. Quiles Trustee	Box 67, Hormigueros	82,268
Mario Mercado E. Hijos	Box 377, Guayanilla	81,858
Agricola DelMonte Y Espinosa	Box 696, Cayey	78,787
Chas. R. C. Openheimer Admin	Box 377, Guayanilla	61,684
M. A. Garcia Mendez	Box 599, Mayaguez	59,125
Hector L. Bruno	Vincente Pales No. 4, Guayama	56,545
E. Quinones Sambolin	Box 125 San German	54,966
Wirshing & Co	Box A, Mercedita	54,451
SOUTH CAROLINA		
Kirkland & Best	Post Office Box 97, Ulmers, Allendale County	55,364
H. W. Herndon	Rural Route 1, Bamberg, Bamberg County	56,452
H. D. Free	Bamberg, Bamberg County	50,531
J. Calvin Rivers	Chesterfield, Chesterfield County	57,776
Thos. R. and Gillum E King, Jr	McBee, Chesterfield County	53,844
H. Fox Tindal	Pinewood, Clarendon County	53,029
Charles N. Plowden	Box 308, Summerton, Clarendon County	50,617
Coker Pedigreed Seed Co	Chester, Darlington County	61,847
Hugh T. Lightsey	General Delivery, Brunson, Hampton County	53,724
C. E. Atkinson	Rural Route 3, Bishopville, Lee County	66,010
J. E. Mayes	Mayesville, Lee County	64,500
Hamilton Corbett	Mayesville, Lee County	61,889
R. V. Segars, Sr	Rural Route 1, Oswego, Lee County	55,280
C. B. Player, Jr	Rural Route 2, Lynchburg, Lee County	52,085
C. P. Polston, Jr	Rural Route 1, Glenheim, Marlboro County	94,970
J. A. McDonald	Route 3, Bennettsville, Marlboro County	86,746
SOUTH CAROLINA—Continued		
T. A. & Charles Oneal	Blenheim, Marlboro County	$65,886
Charles E. Lynch	Bvile, Marlboro County	65,493
Ernest C. McInnis	Clio, Marlboro County	51,529
Edgar L. Culler, Jr	Rural Route 5, Box 72, Orangeburg, Orangeburg County.	57,072
E. E. Gasque & Son	Box 370, Elloree, Orangeburg County	53,426
R. M. Watson Sons	Ridge Spring, Saluda County	53,500
James F. Bland, Jr	Mayesville, Sumter County	97,276
J. E. Mayes	do	94,134
J. M. Edens, Jr	Dalzell, Sumter County	59,305
B. J. Barnett, Inc	Box 267, Sumter, Sumter County	52,448
SOUTH DAKOTA		
Stanley Asmussen	Agar, Sully County	54,432
TENNESSEE		
Cowan Bros	LaGrange, Fayette Co	60,776
Tommy B. Willis	122 Rooks Dr., Brownsville, Haywood County	55,428
W. T. Jamison	Tiptonville, Lake County	67,893
Tipton Bros. & Sullivan	Tiptonville, Lake County	52,338
Jim Fullen	Ashport, Lauderdale County	74,850
Jack Crutcher	Henning, Lauderdale County	58,203
H. S. Mitchell	Post Office Box 98, Millington, Shelby County	81,528
T. A. Densford & Son	Rural Route 2, Millington, Shelby County	54,728
Horace E. Moore & Sons	Frenchmans Bayou, Tipton County	62,977
TEXAS		
Carl C. Bamert	Rural Route 3, Box 114, Muleshoe, Bailey County	79,568
Randy Johnson	320 Main St., Muleshoe, Bailey County	79,333
J. Bert Williams	Rural Route 1, Farwell, Bailey County	69,632
Horace Hutton	Rural Route 1, Box A, Muleshoe, Bailey County	69,343
Bill Jim St. Clair	Rural Route 3, Muleshoe, Bailey County	56,773
W. T. Millen	Rural Route 1, Muleshoe, Bailey County	53,741
J. G. Arnn	619 West 7th St., Muleshoe, Bailey County	51,979
Jim Claunch	State Route 1, Enochs, Bailey County	51,385
Herbert L. Vance	DeKalb, Route 3, Bowie County	65,281
Elwood Elkins	Rural Route 3, DeKalb, Bowie County	53,684
Brazos A. Varisco	Varisco Building, Bryan, Brazos County	98,092
J. P. Terrell & Son	Navasota, Brazos County	77,665
Lee J. Fazzino	Rural Route 1, Box 259, Bryan, Brazos County	62,946
Tony Varisco	Rural Route 1, Box 250, Bryan, Brazos County	62,496
Vince Court	Rural Route 1, Box 261, Bryan, Brazos County	57,207
Joe Varisco	Rural Route 4, Box 161, Bryan, Brazos County	55,373
Matt Morello	Rural Route 1, Box 230, Bryan, Brazos County	52,234
L. O. Weaks	66 Fannin Dr., Tulia, Briscoe County	50,433
L. L. Lawson	3307 43d St., Lubbock, Brown County	71,486
Holland Porter	Rural Route 2, Caldwell, Burleson County	93,669
Porter Bros	do	93,580
H. H. and Edgar Baker	Rural Route 2, Somerville, Burleson County	92,292
Joe C. Scarmardo	906 Jan Lane, Bryan, Burleson County	55,416
Roy Smith	5030 South Staples, Corpus Christi, Calhoun County.	50,547
Simpson & Wilson	Post Office Box 393, Rio Hondo, Cameron County.	95,649
D. L. Smith Estate	Route 2, Harlingen, Cameron County	75,527
Geo. L. Labar & Sons	do	68,147
E. B. Adams & Sons	1019 North 1st St., Harlingen, Cameron County	67,466
Henry V. Macomb	Post Office Box 451, Los Fresnos, Cameron County.	65,157
Schmitt Bros. Farms Plantation	Post Office Box 545, Los Fresnos, Cameron County.	64,922
Rio Grande Equipment Co	South Highway 77, Harlingen, Cameron County	64,587
Robert I. Taylor, Jr	Post Office Box 804, Dyersburg, Cameron County	60,067
Rex L. McGarr	Post Office Box 906, San Benito, Cameron County	59,093
P. Maurin and J. T. Maurin	Box 407, Rio Hondo, Cameron County	58,682
Edward J. Wolf	Post Office Box 364, La Feria, Cameron County	58,473
Douglas S. Cantwell	Post Office Box 803, Harlingen, Cameron County	54,062
Eubanks Bros	Post Office Box 8, Santa Rosa, Cameron County	54,021
Oval A. Martin	Route 3, Box 16A Los Fresnos, Cameron County	52,577
Jack Lomax	Rio Hondo, Cameron County	52,500
Herbert W. Bode	Route 3, Box 82E, San Benito, Cameron County	50,455
Jimmy Cluck	Route 2, Hart, Castro County	99,074
G. L. Willis, Jr	Box 458, Dimmitt, Castro County	82,305
Ware Farms Co	Box 865, Dimmitt, Castro County	79,532
Homer Hill	Hart, Castro County	72,260
Carl Bruegel	Box 175, Dimmitt, Castro County	68,137
J. F. Martin	Box 1306, Hereford, Castro County	68,003
Chas. E. Armstrong	609 West Stinson, Dimmitt, Castro County	64,373
Dulaney Bros	Box 1035, Dimmitt, Castro County	55,992
Clements Corp	Box 304, Plainview, Castro County	55,265
Otto Steinberg	Box 242, Plainview, Castro County	52,565
H. D. Smith	Box 467, Hart, Castro County	52,281
C. C. Slaughter Farms	Box 575, Morton, Cochran County	98,074
D. E. Benham	Rural Route 2, Morton, Cochran County	75,403
Jimmy Millar	State Route 2, Morton, Cochran County	73,222
Carl Ratliff	1703 Great Plains Building, Lubbock Cochran County.	69,391
E. L. Polvado	304 East Grant, Morton, Cochran County	64,650
T. K. Williamson	Box 931 Morton, Cochran County	61,928
J. E. Polvado	Route 2, Morton, Cochran County	55,700
James Adolph Greener	Rural Route 6, Box 93B, Lubbock, Cochran County.	54,967
R. L. Polvado	Route 1, Morton, Cochran County	53,984
Erma Griffith	Route 2, Morton, Cochran County	53,070
H. B. Barker	602 East Lincoln, Morton, Cochran County	52,244
Slaughter Hill Co	Box 758' Levelland, Cochran County	50,133
Delton Caddell	Route 1, Ralls, Crosby County	80,089
Louis Garcia & Sons	Route 1, Box 136, Spur, Crosby County	77,531
Don Anderson	Route 2, Crosbyton, Crosby County	76,682
Lloyd Gambrel	Box 246, Ralls, Crosby County	69,894
G. J. Parkhill, Jr	Box 275, Crosbyton, Crosby County	62,214
J. P. Beck	Box 873, Ralls, Crosby County	58,679
San C. Jenkins	Box 497, Lamesa, Dawson County	98,429
Gordon V. Waldrop	Route C, Lamesa, Dawson County	70,382

1967 TOTAL PAYMENTS OF $50,000 TO $99,999 UNDER ASCS PROGRAMS (EXCLUDING PRICE SUPPORT LOANS)—Continued

State and name	Address	Amount
TEXAS—Continued		
Donnell Echols	State Route 4, Lamesa, Dawson County	$60,314
Woodward Farms, Inc	405 North 20th St., Lamesa, Dawson County	59,194
Ray Allen Noret	Box 597, Lamesa, Dawson County	55,724
R. M. Middleton	Route 2, O'Donnell, Dawson County	53,353
Perrin Bros	Box 12, Hereford, Deaf Smith County	85,048
R. C. Godwin	Box 1026, Hereford, Deaf Smith County	75,921
Hosea Foster	1518 5th, Canyon, Deaf Smith County	57,745
Virgil F. Marsh	Rural Route 3, Hereford, Deaf Smith County	57,510
W. H. Gentry	400 Sunset, Hereford, Deaf Smith County	54,802
J. R. Durrett Estate	Box 1081, Amarillo, Deaf Smith County	53,731
B. T. Spear	Star Route, Wildorado, Deaf Smith County	50,106
G. B. Morris	Crosbyton, Dickens County	58,108
L. R. Allison Co	Box 137, Tornillo, El Paso County	57,509
Jack Falco	Rural Route 1, Reagan, Falls County	50,744
Felix Tusa	Highbank, Falls County	50,566
Morris Scanardo	447 Maryland, Marlin, Falls County	50,118
R. A. Harling AG	Riverby Ranch, Rural Route 2, Telephone, Fannin County.	68,666
Dorris Jones	506 South White, Floydada, Floyd County	68,841
William S. Poole	Dougherty, Floyd County	62,324
John C. Alford	Box 28, Petersburg, Floyd County	62,075
J. E. Franklin	Rural Route 1, Lubbock, Floyd County	54,986
R. I. Bennett	Lockney, Floyd County	54,615
Richard F. and Robert Stovall	Box 1058, Plainview, Floyd County	53,779
Hershel Carthel	Rural Route 1, Box 27, Lockney, Floyd County	53,497
J. S. Hale, Jr	Rural Route 1, Floydada, Floyd County	52,997
J. R. Turner	Rural Route 3, Floydada, Floyd County	52,925
Sugarland Industries Inc	Box 45, Sugarland, Fort Bend County	73,499
Foster Farms Inc	Care of J. M. Schrum, Sugarland, Fort Bend County.	56,257
A. E. Schletze Farms	106 Bryan, Pearsall, Frio County	53,388
Vernon Goodwin	Box 395, Seagraves, Gaines County	84,040
J. H. Jones	Box 34, Welch, Gaines County	76,048
Verlon Hilburn	East Star Route, Lovington, Gaines County	69,048
Earl Layman	Box 836, Loop, Gaines County	56,831
Shamrock Farms	Drawer B, O'Donnell, Gaines County	56,105
Charles Medlin	Route 2, Seagraves, Gaines County	54,743
Paul Morgan	707 North 18th, Lamesa, Gaines County	54,274
J. C. Mills	Drawer G, Abernathy, Hale County	93,444
I. F. Lee	Rural Route 2, Hale Center, Hale County	86,517
Elmo Stephens	Olton Route, Plainview, Hale County	79,615
Frank Moore	1400 West 7th, Plainview, Hale County	73,184
Jason H. Allen	4602 15th St. Lubbock, Hale County	65,197
James Cannon	Rural Route 1, Lockney, Hale County	64,557
E. A. Houston	Box 838, Abernathy, Hale County	63,880
W. Grady Shepard	Route 1, Hale Center, Hale County	62,165
Ballard & Hurt	Olton Route, Plainview, Hale County	55,926
Warren Mathis	Rural Route 3, Plainview, Hale County	53,184
W. D. Scarborough, Jr	Box 247, Petersburg, Hale County	52,410
Swann Pettit	Rural Route 1, Hale Center, Hale County	51,916
Ralph Wheeler	Box 27, Edmondson, Hale County	50,647
R. L. Porter Estates	302 South Barkley, Spearman, Hansford County	56,065
Harold H. Hogue	1415 Denrock, Dalhart, Hartley County	71,129
Thomas L. Moran	Hartley, Hartley County	55,936
J. R. Stump	Box 851, Elsa, Hidalgo County	92,501
Sam R. Sparks	Route 1, Santa Rosa, Hidalgo County	91,485
Valley Acres	Box 128, Santa Rosa, Hidalgo County	85,477
Beckwith Farms	Drawer 616, Progreso, Hidalgo County	80,573
Ben Estes Bearden	Box 387, Santa Rosa, Hidalgo County	79,402
J. B. Hardwicke Co. Plantation	Box 1990, McAllen, Hidalgo County	79,219
Byron Campbell	795 West Rockey, Raymondville, Hidalgo County	78,626
Guerra Bros	Box 38, Linn, Hidalgo County	76,465
Knapp Farms	Box 205, Weslaco, Hidalgo County	75,694
J. B. Pollock	Box 238, Hargill, Hidalgo County	71,936
Davis & Gandy	301 Austin, Edinburg, Hidalgo County	65,303
Tuberville Farms	Box 686, Elsa, Hidalgo County	64,065
Frank Schuster	Route 1, San Juan, Hidalgo County	60,245
Davis & Gandy	301 Austin, Edingurg, Hidalgo County	59,601
Joe Davis	Box 202, Edinburg, Hidalgo County	59,581
Fay M. Willis	Snyder, Okla., Hidalgo County	58,565
Fuller Farms	Route 2, Box 52, Weslaco, Hidalgo County	57,936
Bryan Hanks	Route 3, Box 211–D, Edinburg, Hidalgo County	57,775
Bell Bros	Box 335, Elsa, Hidalgo County	55,890
La Perla Farms, Inc	Box 837, Edinburg, Hidalgo County	55,015
J. S. & Quinn McManus	Box 568, Weslaco, Hidalgo County	54,060
Carl Schuster	Route 1 Box 77–A, San Juan, Hidalgo County	53,192
J. A. Whisenant	Santa Rosa, Hidalgo County	52,846
Las Palmas Farms	Box 325, Weslaco, Hidalgo County	52,159
M. D. & N. J. Moore, Jr	Route 2 Box 6, Weslaco, Hidalgo County	51,668
Bill Burns	Box 1106, Raymondville, Hidalgo County	51,591
Edgar R. Smith	Route 2 Box 184, Weslaco, Hidalgo County	51,083
C. B. Shields, Jr	Route 1 Box 284, Edcouch, Hidalgo County	50,905
Post Mtgmry care of Monta Moor	Levelland, Hockley County	88,786
Whiteface Farms	Box 1030, Levelland, Hockley County	83,286
Spade Farms, Inc	1107½ Avenue K, Lubbock, Hockley County	79,243
Coble Land Farms	736 Amarillo Bldg., Amarillo, Hockley County	62,461
J. Walter Hobgood	Box 777, Anton, Hockley County	59,668
Aubrey L. Lockett	Care of J. H. Roberson, Route 1, Ropes, Hockley County.	57,856
C. L. Ranch	Dell City, Hudspeth County	87,428
B. E. Walker	Fort Hancock, Hudspeth County	54,127
Grady E. Miller, Jr	do	52,277
Claude Higley	Route 2, Box 69, Stinnett, Hutchinson County	52,214
J. E. Kemp	20th Floor, Merc Bank Bldg., Dallas, Johnson County.	70,473
Hoke Propst	Route 3, Anson, Jones County	70,866
Mashburn Farms, Inc	Rural Route 5, Paris, Lamar County	59,213
Hicks Graves	Petty, Lamar County	56,437
Busby Farms	Star Route 2, Olton, Lamb County	99,577
Halsell Estate	114 West 10th, Kansas City, Mo., Lamb County	93,643
J. D. Smith	109 East 11th, Littlefield, Lamb County	76,767
E. K. Angeley	Route 1, Box 152, Muleshoe, Lamb County	73,419
Parish Farms	Box 187, Springlake, Lamb County	66,160
Clayton Farms	Box 38, Springlake, Lamb County	63,567
L. C. Hewitt	Box 806, Littlefield, Lamb County	59,274
Tom King, Jr	Box 517, Sudan, Lamb County	53,604
Medlock Farms	Route 2, Box 183, Lubbock, Lubbock County	91,457
A. L. Cone	Box 871, Lubbock, Lubbock County	$80,538
Layton L. Lawson	3307 43d St., Lubbock, Lubbock County	71,597
Standefer-Gray, Inc	Box 711, Lubbock, Lubbock County	70,011
Howard Alford	Rural Route 4, Lubbock, Lubbock County	62,836
George A. Taylor, Jr	Route 2, Slaton, Lubbock County	60,714
Annette O. Martin	6206 Knoxville Ave., Lubbock, Lubbock County	59,470
J. Carter Caldwell	Box 206, Slaton, Lubbock County	57,377
W. D. Vardeman	Route 1, Slaton, Lubbock County	55,639
R. E. Jones	Route 6, Box 287, Lubbock, Lubbock County	53,921
F. E. McNabb	Care of Walter F. Leonard, San Benito, Lubbock County.	53,037
B. J. Robbins	Rural Route 1, Idalou, Lubbock County	52,314
Ferman R. Priddy	4913 19th, Lubbock, Lubbock County	52,173
Melville Hankins	2309 Broadway, Lubbock, Lubbock County	51,185
W. C. Huffaker, Jr	Box 416, Tahoka, Lynn County	85,332
Cass Edwards II	725 Commerce Bldg, Fort Worth, Lynn County	80,961
J. W. Gardenhire	Route 1, O'Donnell, Lynn County	64,253
John Saleh	502 North 1st. Lamesa, Lynn County	59,987
Heirs, Edwards Estates	725 Commerce Bldg., Fort Worth, Lynn County	58,802
Cecil Dorman	Route 2, O'Donnell, Lynn County	57,497
Lynn West	Wison, Lynn County	56,827
W. G. Lumsden	Box 117, Wilson, Lynn County	55,831
Bryan Wright	Box 816, Tahoka, Lynn County	53,895
L. C. Unfred	Rural Route 4, Tahoka, Lynn County	51,874
O. R. Phifer, Jr	Rural Route 5, Tahoka, Lynn County	51,671
Glen Cox	State Route, Lenorah, Martin County	69,266
J. A. Pebsworth, Jr	Box 1368, Tahoka, Martin County	60,376
Eugene F. Jones	Route 1, Box 93 Midland, Midland County	50,457
Paul E. Hayes	Route 1, Kress, Moore County	67,465
Marshall Cator	Box T, Sunray, Moore County	64,624
Fortson Farms	Rice, Navarro County	83,089
Drew Gillen	Box 8, Blooming Grove, Navarro County	62,294
Philip V. Haynes	Box 575, Roscoe, Nolan County	53,872
Clarence Martin	Route 2, Box 146, Friona, Parmer County	70,985
Verney Towns	Rural Route 2, Muleshoe, Parmer County	61,749
Sloan Osborn	Route 2, Friona, Parmer County	51,847
Albert J. Hoelscher	1902 Jackson, Pecos, Pecos County	98,389
A. B. Foster	Box 891, Pecos, Pecos County	86,777
Lakeside Farms	Box 691, Fort Stockton, Pecos County	64,894
Luther C. Holladay	Route 1, Box 132, Fort Stockton, Pecos County	55,247
David C. McAteer	1603 West Callaghan, Fort Stockton, Pecos County.	53,283
Melvin H. McKinney	Box 728, Pecos, Pecos County	53,196
Charles Spencer	Box 533, Presidio, Presidio County	52,752
Delmar Durrett Trustee	Box 1081, Amarillo, Randall County	52,915
G. G. Passmore	1800 Jefferson, Pecos, Reeves County	99,108
U-Bar Land & Cattle Co	Box 1052, Pecos, Reeves County	95,524
Loy Kilgore	1721 Jefferson, Pecos, Reeves County	94,198
Winterrowd Bros	Box 1049, Pecos, Reeves County	93,854
W. A. Sullivan	2100 Wyoming, Pecos, Reeves County	89,251
J. F. Crews	Box 352, Pecos, Reeves County	73,963
J. W. Bryan	1916 Jackson, Pecos, Reeves County	73,107
F. F. Bradley	Box 1370, Pecos, Reeves County	70,084
Rowe and Turnbough	Box 1, Toyahvale, Reeves County	70,068
Davidson Bros	Box 1286, Pecos, Reeves County	68,625
Broyles Pecos Farm	509 Colpitts, Fort Stockton, Reeves County	64,109
Tom Passmore	1901 Jackson, Pecos, Reeves County	63,293
Walter B. Shaw	Box 1456, Pecos, Reeves County	62,707
J. R. Lefevere	Box 1806, Pecos, Reeves County	60,083
Coy Fraley	Box 586, Pecos, Reeves County	55,964
B. C. Kesey	1826 Jackson, Pecos, Reeves County	51,890
Weinacht Bros	602 Hackberry, Pecos, Reeves County	51,608
W. W. Clem	1120 Willow, Pecos, Reeves County	50,597
Peppy McKinney	1701 Jefferson, Pecos, Reeves County	50,320
T. J. Wilson	2018 Jackson, Pecos, Reeves County	50,234
Joe Reistino	Rural Route 1 Box 60, Hearne, Robertson County	93,774
Goodland Farms, Inc	Box 193, Hearne, Robertson County	83,075
Vence S. Corpora	701 Anderson St., Hearne, Robertson County	75,980
John C. Reistino	1002 San Jose St., Hearne, Robertson County	60,582
Sam Degelia, Sr	409 Brenken St, Hearne, Robertson County	56,334
James H. Jones	507 Barton St., Hearne, Robertson County	54,199
Louis Muse	Rural Route 1, Hearne, Robertson County	50,799
Clara Barton	Calvert, Robertson County	50,297
Heirs of Jos. F. Green	Route 1 Box 7, Taft, San Patricio County	80,102
Starr Produce Farm Acct	Box 432, Rio Grande City, Starr County	68,377
La Casita Farms, Inc	Box 505, Rio Grande City, Starr County	54,227
Fowler E. McDaniel	Box 6, Tulia, Swisher County	87,406
B. Raymond Evans	49 Travis Rd., Tulia, Swisher County	60,592
Tyline N. Perry	Star Route, Kress, Swisher County	60,590
J. L. Francis	Route 1 , Kress, Swisher County	56,741
Henry O. Thompson	2300 West 12th, Plainview, Swisher County	52,801
Corliss H. Currie	Box 597, Happy, Swisher County	50,571
Howard Hurd	1008 East Tate, Brownfield, Terry County	79,409
Muldrow Farms	1612 East Reppto, Brownfield, Terry County	62,872
W. A. Fulford	1305 East Buckley, Brownfield, Terry County	62,373
Milton Addison	1015 East Tate, Brownfield, Terry County	60,817
Charlie Caswell	Route 1, Meadow, Terry County	60,748
Graham Swain	Rural Route 5, Brownfield, Terry County	57,944
Bonard Stice	Rural Route 4, Brownfield, Terry County	57,455
Robert Beasley	Rural Route 1, Meadow, Terry County	56,205
Dan Day	Route 1, Meadow, Terry County	53,836
M. H. Wagner	Rural Route 1, Brownfield, Terry County	51,776
Norman Caswell	Rural Route 1, Meadow, Terry County	51,488
Texas Department of Correction -	Sugarland, Walker County	87,972
Daniel Gustafson	Post Office Box 244, Lyford, Willacy County	79,059
Alazan Farms	117 Brentwood, Harlingen, Willacy County	71,637
Joyce L. Smith	Route 2, Box 50, Lyford, Willacy County	58,059
K. L. & D. E. Morrow Plantations	Box 341, Lyford, Willacy County	57,478
B. W. Kirsch	Box 1118, Raymondville, Willacy County	57,076
S. R. & C. D. Stone Trusts	Post Office Box 766, Raymondville, Willacy	56,384
S. & S. Seed	Box 1208 Raymondville, Willacy County	55,773
Funk Brothers	117 Brentwood, Harlingen, Willacy County	54,170
R. G. Hartman	Plains, Yoakum County	61,848
Wheeler Robertson	Route 1, Idalou, Yoakum County	58,937
Leslie H. Laffere	Box 810 Uvalde, Zavala County	64,815
Ritchie Bros	Box 54, Crystal City, Zavala County	62,209

1967 TOTAL PAYMENTS OF $50,000 TO $99,999 UNDER ASCS PROGRAMS (EXCLUDING PRICE SUPPORT LOANS)—Continued

State and name	Address	Amount
WASHINGTON		
D. E. Phillips	Lind, Adams County	$70,757
Leonard & Henry Franz	do	52,917
Hutterian Brethren Inc	Route 1, Espanola, Adams County	51,585
Ralph Gering	108 W. 11th, Ritzville, Adams County	50,373
Bi County Farms	Box 550, Prosser, Benton County	66,673
WASHINGTON—Continued		
Vollmer-Bayne	Box 129 Prosser, Benton County	$52,434
Neil Rasor	Box 117, Royal City, Grant County	69,993
Grote Farms Inc	Care of Ben Grote, Prescott, Walla Walla County	62,221
Glen Miller	Rural Route 2, Colfax, Whitman County	98,936
McGregor Land & Livestock Co	Hooper, Whitman County	84,942

AMENDMENT No. 811

At the appropriate place insert the following:

"SEC. —. Notwithstanding any other provision of law, after January 1, 1969, no producer shall be eligible for payments under any program or programs administered by the Department of Agriculture in any amount in excess of $10,000 for any one year. The foregoing limitation shall include the fair dollar value (as determined by the Secretary of Agriculture) of any payment-in-kind made to a producer."

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MANSFIELD. Mr. President, I have done some checking on the basis of the statements made by the distinguished Senator on yesterday. I am informed by the White House that the President in no manner, shape, or form has issued any instructions or exercised any degree of coercion, persuasion, or threat to bring about an acceptance of a tax bill which would have a maximum of $4 billion reduction in the field of expenditures.

I have also talked with the Secretary of Health, Education, and Welfare, Mr. Wilbur Cohen, and he says that he knows nothing about the type of development which was described on yesterday, and that if he finds out there is anything like that, he will end it immediately.

What I wish to point out is that on the part of the administration there has been no campaign to sway, coerce, or threaten people to get them to see a particular point of view so far as the conference report on the tax bill is concerned.

With respect to the situation concerning excess payments above $10,000, or even above $25,000, in the form of subsidies to farmers, I believe the Senator has a good point. But why should we ask the administration to come forth with a recommendation? After all, it is up to Congress, in the final analysis, to make a disposition of any proposal; and I do not believe the crocodile tears should be shed any more on the part of the administration than on the part of Congress, because we have a responsibility in that respect, also.

Mr. WILLIAMS of Delaware. I thank the Senator. I agree completely that we have a responsibility.

I have had printed at the conclusion of my remarks an amendment which would limit these payments to $10,000. The amendment has been submitted to the Committee on Appropriations. I hope they agree to it, but if they do not, it will be offered on the floor of the Senate. What I am pleading for is administration support of this amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

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

Mr. WILLIAMS of Delaware. Mr. President, I appreciate the majority leader checking with respect to the statement which I made yesterday. I note that he states unequivocally that the President knows nothing about this. I accept that statement because I have no basis to say otherwise, except that I have a right to assume that he knew it.

I will not accept the point that Mr. Cohen knows nothing about it.

Unless the accuracy of my statement is admitted before the day is out I intend to introduce a resolution asking that Mr. Cohen and the other gentlemen be called before the committee and give their answers under oath. My statement of yesterday has been confirmed to other Members of the Senate. I will not be contradicted in a back-door manner by any such means.

If the matter is not straightened out I shall ask that the two gentlemen be called before the committee.

Mr. MANSFIELD. The Senator is perfectly within his rights. Immediately upon hearing the allegations made yesterday I did call Secretary Cohen. He did deny it on the basis of what I said and he did state if such events were occurring he would see that they were stopped immediately.

Mr. WILLIAMS of Delaware. Did the majority leader call either of the two men whom I named yesterday and who were in charge of the so-called task force?

Mr. MANSFIELD. No; I contacted only the White House and HEW.

Mr. WILLIAMS of Delaware. I shall see to it that they are contacted. As I said before, I will not stand back and let the White House and the Secretary deny something I know is true.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. MANSFIELD. Mr. President, does the controlled time now start?

The PRESIDING OFFICER. The question before the Senate is on agreeing to the amendment of the Senator from Michigan [Mr. HART]. The time for debate is one-half hour, to be equally divided.

Who yields time?

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

The PRESIDING OFFICER. How is the time to be charged?

Mr. McCLELLAN. To both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 755

Mr. HART. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HART. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the amendment of the Senator from Michigan, amendment No. 755.

Mr. HART. I thank the Presiding Officer.

The PRESIDING OFFICER. How much time does the Senator yield to himself?

Mr. HART. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 3 minutes.

Mr. HART. Mr. President, the pending amendment is a response to what I think is a problem to which we should give a little thought and I believe we can resolve the problem here.

Title III simply requires notice to a person named in a court order that his communication has been intercepted. The amendment now pending would allow the judge, in his discretion, to disclose the contents of the intercepted communication to such persons, as well as to other parties.

It is intended that in exercising his discretion the judge shall take into account the legitimate privacy interests of the parties in protecting their communications against disclosure. It seems to me that this provision, which clearly makes the decision one for the judge to make, would be a worthwhile addition to the bill and I hope very much that the problem to which this amendment seeks to respond, is resolved by the Senate before we act finally on title III.

I realize that the able Senator in charge of the bill has been giving careful thought to the problems which has been indicated by my comments and I would hope that he might be able to resolve it.

Mr. McCLELLAN. The proposed amendment is constructive and its objectives certainly meet with my approval.

I am, however, going to suggest a modification. The amendment may be all right as it is, but I think we can clarify it. I would insert the concept in the interest of justice in the amendment. I would insert the word "interest" to clarify that. I hope that the Senator would modify his amendment to that extent. I think that would make it clearer.

Mr. HART. The Senator from Arkansas makes a suggestion that, in my judgment, does improve the proposal. I do modify my amendment in the fashion suggested and would hope that as modified, the amendment would be agreed to.

The PRESIDING OFFICER. The amendment is so modified.

Mr. McCLELLAN. I thank the Senator.

There is one other point I should like to make.

The PRESIDING OFFICER. The time of the Senator from Michigan has expired.

Mr. HART. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 2 additional minutes.

Mr. McCLELLAN. May I suggest as an amendment embodying that concept in the nature of a substitute, that instead of the language the Senator proposes as modified, that he substitute for it the following:

The judge, upon the filing of a motion, may in his discretion make available to such person or his counsel for inspection such portions of the intercepted communications, applications and orders as the judge determines to be in the interest of justice.

I believe that would accomplish what the Senator wants to do and I think it actually does it a little more directly.

Mr. HART. Mr. President, the suggested substitute offered by the Senator from Arkansas would appear to meet the problem that concerns us.

Mr. McCLELLAN. Let me suggest for the Senator's further consideration, if his language is accepted, that on page 73, line 22 of the bill, after the word "order", we insert "and accompanying application," so as to make it conform——

Mr. HART. That would make it consistent.

Mr. McCLELLAN. Yes, that would make it consistent and conform with the other provisions. If the Senator would, upon examination, possibly agree that this is the better language to do the same thing——

Mr. HART. Mr. President, the language suggested by the Senator from Arkansas indeed is preferable. It does meet the problem.

Mr. McCLELLAN. I understand our staffs have worked together on this. It is a combination and a summation of the best judgment of our able advisers.

Mr. HART. Yes, able men.

Mr. McCLELLAN. Able advisers, yes.

Mr. HART. I would hope that the substitute amendment would be agreed to.

Mr. McCLELLAN. Mr. President, I read the substitute for the RECORD.

The PRESIDING OFFICER. Will the Senator send the proposed substitute to the desk as it has now been agreed upon?

Mr. McCLELLAN. I will read it first and then send it to the desk:

The judge, upon the filing of a motion, may in his discretion make available to such person or his counsel for inspection such portions of the intercepted communications, applications and orders as the judge determines to be in the interest of justice.

Then further on, on line 22, page 73 of the bill, after the word "order," insert "and accompanying application." That last insertion will make it conform to the substitute.

Mr. HART. I would hope very much that the substitute would be agreed to, and I am grateful to the Senator from Arkansas and his staff for their cooperation.

Mr. McCLELLAN. We appreciate the Senator's labors here in helping us to get the very best bill possible, because that is what we all desire. The Senator has been very helpful on this title.

Mr. HART. Mr. President, I yield back the remainder of my time.

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has now been yielded back. The question is on agreeing to the amendment as modified through the understanding——

Mr. McCLELLAN. That is on the substitute amendment, Mr. President. The amendment as modified by the substitute.

The PRESIDING OFFICER. The amendment as modified by the substitute.

The question is on agreeing to the amendment as modified by the substitute.

The amendment as modified by the substitute was agreed to.

AMENDMENT NO. 760

Mr. HART. Mr. President, I call up my amendment No. 760 and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The bill clerk read as follows:

On page 56, lines 1–4, amend paragraph (c) to read as follows:

"(c) It shall not be unlawful under this chapter for a person acting under color of law to intercept a wire or oral communication, where at least one of the parties to the communication has consented to the interception."

Mr. HART. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 3 minutes.

Mr. HART. Mr. President——

Mr. McCLELLAN. Mr. President, will the Senator from Michigan yield for a moment?

Mr. HART. I yield.

Mr. McCLELLAN. Would the Senator not offer the substitute which has been agreed upon by our staffs? If so, I would not have to offer it. I think the Senator should do it.

Mr. HART. Yes. I ask unanimous consent that the amendment now pending be modified in the fashion and form as I now offer it.

The PRESIDING OFFICER. That right is inherent without unanimous consent. It is so modified as proposed.

Mr. HART. Then, Mr. President, I send it forward.

The PRESIDING OFFICER. The amendment as modified will be stated.

The BILL CLERK. On page 56, lines 1–4, amend paragraph (c) to read as follows:

(c) It shall not be unlawful under this chapter for a person acting under color of law to intercept a wire or oral communication, where such person is a party to the communication or one of the parties to the communication has given prior consent to such interception.

(d) It shall not be unlawful under this chapter for a person not acting under color of law to intercept a wire or oral communication where such person is a party to the communication or where one of the parties to the communication has given prior consent to such interception unless such communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of any State or for the purpose of committing any other injurious act.

Mr. HART. Mr. President, here again the able manager of the bill and his staff and those associated with me have spent considerable time trying to respond to an enormously sensitive problem. The bill as we reported it out of the committee leaves a gaping hole, which would permit surreptitious monitoring of a conversation by one of the parties to the conversation without the consent of the other. It leaves wide open the problem of industrial espionage and many other abuses of the right of privacy.

In the substitute that is now pending we propose to prohibit a one-party consent tap, except for law enforcement officials, and for private persons who act in a defensive fashion. In other words, whenever a private person acts in such situations with an unlawful motive, he will violate the criminal provisions of title III and will also be subject to a civil suit. Such one-party consent is also prohibited when the party acts in any way with an intent to injure the other party to the conversation in any other way. For example the secret consensual recording may be made for the purpose of blackmailing the other party, threatening him, or publicly embarrassing him. The provision would not, however, prohibit such activity when the party records information of criminal activity by the other party with the purpose of taking such information to the police as evidence. Nor does it prohibit such recording in other situations when the party acts out of a legitimate desire to protect himself and his own conversations from later distortions or other unlawful or injurious uses by the other party.

I think the substitute does respond to a problem that is of very great concern to this country; and in the years ahead, as these techniques become more sophisticated still, will become of increasing concern. Let me say in conclusion that the amendment does not in any way limit consensual recording by law enforcement officers or by private persons

acting in conjunction with law enforcement officers.

I am grateful to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I have no objection to the modified, substitute amendment. Again I say to my colleagues in the Senate that we are working in a very difficult area. It is not easy, in the first stages here, when we are trying to work out a bill in this field. It is very difficult. The Senator from Michigan is making valuable contributions with the amendments he is offering. I express my appreciation to him.

Mr. HART. I am grateful for the Senator's kind remarks, and I am grateful to him for the help he has given.

Mr. President, I hope the Senate will adopt the amendment.

I yield back my time.

Mr. McCLELLAN. I yield back my time.

The PRESIDING OFFICER. The question before the Senate is on agreeing to the amendment, as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 815

Mr. TYDINGS. Mr. President, I call up my amendment No. 815.

The PRESIDING OFFICER. The amendment will be stated by the clerk.

The bill clerk proceeded to read the amendment.

Mr. TYDINGS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD at this point.

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

The amendment (No. 815) is as follows:

On page 80, between lines 14 and 15, insert the following:

"SEC. 804. (a) There is hereby established a National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance (hereinafter in this section referred to as the 'Commission').

"(b) The Commission shall be composed of fifteen members appointed as follows:

"(A) Two appointed by the President of the Senate from Members of the Senate;

"(B) Two appointed by the Speaker of the House of Representatives from Members of the House of Representatives; and

"(C) Eleven appointed by the President of the United States from all segments of life in the United States, including lawyers, teachers, artists, businessmen, newspapermen, jurists, policemen, and community leaders, none of whom shall be officers of the executive branch of the Government.

"(c) The President of the United States shall designate a Chairman from among the members of the Commission. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

"(d) It shall be the duty of the Commission to conduct a comprehensive study and review of the operation of the provisions of this title, in effect on the effective date of this section, to determine the effectiveness of such provisions during the six-year period immediately following the date of their enactment.

"(e) (1) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

"(A) appoint and fix the compensation of an Executive Director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title; and

"(B) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

"(2) In making appointments pursuant to paragraph (1) of this subsection, the Chairman shall include among his appointment individuals determined by the Chairman to be competent social scientists, lawyers, and law enforcement officers.

"(f) (1) A member of the Commission who is a Member of Congress shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission.

"(2) A Member of the Commission from private life shall receive $100 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

"(g) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman, such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this section. The Chairman is further authorized to call upon the departments, agencies, and other offices of the several States to furnish such statistical data, reports, and other information as the Commission deems necessary to carry out its functions under this section.

"(h) The Commission shall make such interim reports as it deems advisable, and it shall make a final report of its findings and recommendations to the President of the United States and to the Congress within the one-year period following the effective date of this subsection. Sixty days after submission of its final report, the Commission shall cease to exist.

"(i) (1) Except as provided in paragraph (2) of this subsection, any member of the Commission is exempted, with respect to his appointment, from the operation of sections 203, 205, 207, and 209 of title 18, United States Code.

"(2) The exemption granted by paragraph (1) of this subsection shall not extend—

"(A) to the receipt of payment of salary in connection with the appointee's Government service from any source other than the private employer of the appointee at the time of his appointment, or

"(B) during the period of such appointment, to the prosecution, by any person so appointed, of any claim against the Government involving any matter with which such person, during such period, is or was directly connected by reason of such appointment.

"(j) There is authorized to be appropriated such sum as may be necessary to carry out the provisions of this section.

"(k) The foregoing provisions of this section shall take effect upon the expiration of the six-year period immediately following the date of the enactment of this Act."

The PRESIDING OFFICER. How much time does the Senator from Maryland yield himself?

Mr. TYDINGS. I yield myself 7 minutes.

Mr. President, I think all of us, especially those who are advocates of this title, are very reluctantly authorizing use of electronic surveillance. If it were not that, under present law, anyone, any private eye, any snooper, or any industrial thief, can use electronic surveillance with impunity, perhaps we would not argue as strongly. If we were not persuaded completely that the investigation of organized crime cannot proceed without the use of electronic surveillance, perhaps we would not argue as persuasively. If the bill before us were not so carefully drawn, if there were an alternative to court approved use of electronic devices, perhaps we would be acting differently.

The fact is that today electronic devices are used with impunity by those who should not use them. Telephone communications are making organized criminals immune to investigation. This title is carefully drawn to conform to constitutional law. Its constitutionality has been approved by the Department of Justice, even though the Attorney General personally opposes it.

So, for all these reasons, I urge support of it.

The purpose of amendment No. 815 is to establish a National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance. The Commission would be composed of 15 members. It would meet 6 years after the signing into law of this act. It would then meet for 1 year, hire experts—social scientists and others—study the effects of the law, submit a report to the President and Congress, and then disband.

Mr. President, I understand the distinguished Senator from Arkansas [Mr. McCLELLAN] wishes to suggest three modifications of the amendment, basically on the composition of the commission. I am prepared to accept those modifications.

Mr. McCLELLAN. Mr. President, I am sorry. I was occupied for a moment. Would the Senator advise what amendments he was referring to? With respect to the numbers?

Mr. TYDINGS. The Senator from Arkansas has suggested that on page 1 of the amendment, at line 7, the number "Two" should be increased to the number "Four," so there would be four Members of the U.S. Senate on the commission, rather than two.

The Senator from Arkansas has requested that on page 2 of the amendment, line 1, the number "Two" should be changed to the number "Four." That would increase the representation of the House of Representatives on the Commission from two to four.

Mr. McCLELLAN. Mr. President, the reason I requested that change is that it would enable two members from each party in the Senate to be on the Commission. I assume it would be a bipartisan Commission. That is the intent of it. We do not think there should be a partisan issue here in trying to ascertain whether the law has been effective or not and what provisions are needed.

Mr. TYDINGS. The final modification the Senator from Arkansas suggested was on line 4 of page 2, the number "Eleven" would be changed to the number "Seven."

Mr. McCLELLAN. Mr. President, I am not going to object to that. I had really suggested four, but I am not going to object to that, just so long as the majority remains in the Congress. I think that could be reduced at least to five.

Mr. TYDINGS. Mr. President, may I modify my amendment as follows? On page 1, line 7, change the number "Two" to "Four."

On page 2, line 1, change the number "Two" to "Four."

On line 4 of page 2, change the number "Eleven" to "Seven."

Mr. McCLELLAN. Mr. President, I agree to that.

The PRESIDING OFFICER. The amendment is so modified.

Mr. McCLELLAN. I agree to that so long as we keep the majority in the Congress, where the legislation is actually to be enacted.

Mr. TYDINGS. Mr. President, I yield back the remainder of my time.

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland, as modified.

The amendment, as modified, was agreed to.

Mr. TYDINGS. Mr. President, I send to the desk an amendment, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 62, line 13, strike "or" and after "treason" insert "or chapter 102 (relating to riots);"

On page 63, line 6, after the comma insert "section 659 (Theft from interstate shipment), section 664 (embezzlement from pension and welfare funds),".

Mr. TYDINGS. Mr. President, the purpose of the amendment is to add to the scope of the title III more offenses in the field of organized crime and one relating to interstate movements in furtherance of riots, which I feel should be covered under the bill.

We would add, on page 62, line 13, after the word "treason," a chapter 102, relating to riots.

At the time this bill was reported out of committee, the antiriot law that Congress has since enacted, had not passed the Senate and the House of Representatives, and therefore we did not include this chapter 102 in the bill at that time.

On page 63, line 6, after the comma, the amendment would insert section 659, on theft from interstate shipments. The problem here, Mr. President, is that the Cosa Nostra has been operating in and around Kennedy International Airport and some of the big shipping and receiving points across the country, and have been robbing, in collusion and in conspiracy, some of the major shipments coming in from various States and from outside the country.

The final portion of the amendment has to do with embezzlements from pension and welfare funds. This problem was brought out in the McClellan hearings and in other hearings. It is a problem in which the Cosa Nostra, the mob, also participates.

I think all of these additional offenses are part of the intent of title III.

I have not offered at this time, Mr. President, a provision to include loan sharking under the new truth-in-lending bill, but I serve notice, for purposes of legislative background, that when that bill is signed into law, I shall introduce an amendment. Loan sharking now being conducted by the Cosa Nostra is one of the most heinous, violent, and reprehensible crimes this country has ever seen.

The Senator from Florida [Mr. SMATHERS] has held hearings in his Committee on Small Business which have highlighted the threats, the beatings, the torture, and killings conducted in the loan shark operations of the Cosa Nostra. For the purpose of creating legislative history now, I repeat, I serve notice on the Senate that when the truth-in-lending bill is enacted into law, I intend to introduce a bill to amend title III to cover that new chapter, whatever it is, if the bill is signed into law, as I assume it soon will be.

Mr. McCLELLAN. Mr. President, I have no objection to this amendment. We have had problems, and there are some who feel that the instruments of law enforcement created by this title should not be used except in the national security area, that is, in subversion and threats to overthrow the Government, and that the President should have the exclusive right to use electronic surveillance in that field. They oppose the use of these instrumentalities by law enforcement with respect to any other crime that might be committed; but there are those of us who feel that it is imperative, today, that our law enforcement officials be authorized to make use of this technique to combat the modern techniques that are being used by the criminal today—particularly organized crime.

Personally, I think title III should apply in these instances. There are those who think it ought to be more restricted, but as far as I am concerned, I welcome the amendments which the distinguished Senator offers. There are, as he points out, in these areas crimes being committed that are really being instigated, sponsored, and committed in an organized fashion, and I think they should be reached. If this added tool will help to ferret them out, facilitate investigations, and get the evidence necessary for conviction, I think it is a very constructive addition to the bill, and therefore, I have no objection to the amendment offered.

Mr. TYDINGS. Mr. President, I yield back the remainder of my time.

Mr. McCLELLAN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

Mr. TYDINGS. Mr. President, are there further amendments to title III?

Mr. MANSFIELD. Oh, yes, there are.

Mr. TYDINGS. 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.

AMENDMENT NO. 752

Mr. HART. Mr. President, I call up amendment No. 752 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

Page 70, line 24, after "exists" insert the following: "that involves a threat of immediate danger to life and".

Mr. HART. Mr. President, I think we have here a proposal that would appeal to a good many people as being prudent and desirable.

Title III establishes a procedure of requiring an application to a court, the indication of probable cause, the issuance of an order, and the tap. However, at the bottom of page 70 we see a provision for an emergency situation.

The emergency provision would authorize a tap to go on without any court order. What basis would that be on? If a law enforcement officer feels that he has an emergency situation on his hands that requires that a tap be put on immediately, he is authorized to put it on without a court order. The sole requirement is that, within 48 hours after the interception, he must go to a court and secure ex post facto approval.

This is a very dangerous provision, because I think it tempts even the most disciplined policeman to do a little tapping that we may never hear about. If an emergency proves to be a false assumption and after a day and a half of using the tap, he finds that he has not got anything, I think even a well-motivated policeman is apt to say: "Well, I'll be darned if I am going into court and explain that this great emergency that I thought existed had produced nothing, and then have the court lecture me on how foolish and how wrong I was. Besides that, the fellow that I put the tap on is liable to drag me into court on a civil action, even though my motives were good and pure. Therefore, I'll just put the tap in my bag and go home."

Initially I was moved to suggest that we eliminate entirely this temptation, but sensing the mood of my colleagues, I now trim it back. The temptation will remain, but the amendment would permit this emergency tapping only in a case where an immediate danger to life existed. I refer, for example, to a kidnap, a threat to murder, or the attempt to apprehend a dangerous felon.

Let us restrict the provision to just those narrow areas rather than saying, as we would in effect be doing, to a policeman: "If you think you have an emergency, go ahead and tap and within 2 days come into court and we will see whether it was all right."

Mr. President, let us at least restrict the authorization to a tap without a clearance and without any establishment of probable cause only to situations when a man says: "Well, I have got a situation involving an immediate danger to life, and I must put the tap in. I will get to court tomorrow or the day after."

Is this not a prudent and reasonable middle ground to pursue? Some of us feel

that it is unwise to authorize tapping for the broad police community without a court order. Others, as the committee report reflects, feel that in an emergency situation, without further defining it, it is all right to put the tap on and then go to court.

I provide in my amendment that we will say: "Well, in the case where there is an immediate threat of danger to a person's life, it is all right to go that far, but no further."

Mr. President, I hope that the Senate will agree to the amendment so that we will at least have discipline involved on the otherwise almost too tempting invitation to a policeman to put a tap on. I imagine that if one is a good policeman, everything is an emergency to him.

The PRESIDING OFFICER (Mr. BYRD of West Virginia in the chair). The Senator from Virginia is recognized.

Mr. BYRD of Virginia. Mr. President, I rise to support the amendment offered by the Senator from Michigan. I have supported the bill submitted by the committee. I have done it as far as the wiretapping section is concerned with some reluctance, because through the years I have been very strongly opposed to wiretapping except in national security cases or perhaps where organized crime is involved.

I think, however, that if wiretapping is to be permitted, most certainly it should not be permitted until an order has been obtained from a court of competent jurisdiction.

I would much prefer that the entire 48-hour section be knocked out. I do not think wiretapping should be permitted until an order has been obtained from a court.

The Senator from Michigan has offered an amendment which seems to me to be a desirable one, unless the Senate were to go further and knock out the entire 48-hour provision. However, if the Senate is not willing to do that, then I expect to support the amendment of the Senator from Michigan.

I think that wiretapping is a dirty business. It ought to be used only under the most carefully controlled conditions.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. Mr. President, I yield to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. LAUSCHE. Mr. President, I have supported the bill that has been debated thus far on the theory that, upon the issuance of a search warrant by a court of competent jurisdiction, we may invade the privacy of an individual's home. That has been the basis of my support of the right to wiretap.

The Constitution says that the home shall be inviolate, but that on probable cause a search warrant may be issued, when an affidavit is filed, allowing an invasion of the home.

I think when we provide that in an emergency the officer suspecting a wrong shall have 48 hours to wiretap without the consent of the court and must go to court within 48 hours, we are not acting in conformity with the reasoning that underlies my support of this general subject.

I concur with the Senator from Virginia—that is, we should strike that entire provision from the bill.

Mr. HART. Mr. President, clearly, I am encouraged—indeed, delighted—to have the judgment of the Senator from Virginia and the Senator from Ohio.

I am persuaded, as I indicated in my opening comments, that some of us feel that this section in its entirety is undesirable. The amendment I called up was an attempt to find a middle ground. But I share the basic concern voiced by both the Senator from Ohio and the Senator from Virginia. I do feel that it is undesirable to permit anybody to put a tap on, based on his judgment, even if it is a judgment that will be reviewed 2 days later.

Given the support of the Senator from Virginia and the Senator from Ohio, Mr. President, I now modify the amendment and would have it strike all of paragraph 7. And we will have the direct issue drawn: Do we want in this bill to authorize in emergencies a tap which will be subject to review if the tapper goes to court 2 days later, or shall we strike it?

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. HART. Let me explain that the Senator from Missouri has at the desk an amendment precisely in this direction.

I yield to the Senator from Ohio.

Mr. LAUSCHE. That is, at the end of 48 hours the damage is done.

Mr. HART. Exactly.

Mr. LONG of Missouri. Mr. President, will the Senator yield?

Mr. HART. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Michigan has three and a half minutes remaining.

Mr. LONG of Missouri. Mr. President, I concur in what the Senator from Michigan has said. The way he has modified the amendment, it is the same as amendment No. 731, which I have at the desk.

This is one of the loopholes in the bill about which I spoke last week, when I said there was a loophole through which you could drive a thrashing machine.

This is the problem we have. This provision would permit officers to wiretap promiscuously, we might say; and in 48 hours, if they decided they did not want to go to court, they could just withdraw it. No record would be made. No one would know what they had done or what information they had.

It seems to me that this so clearly violates the right of privacy that the Senate certainly would want to adopt this amendment and exclude that section from the bill in its entirety.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. LONG of Missouri. I yield.

Mr. LAUSCHE. Let us assume that he honestly goes to court and says, "We believed that an emergency existed. We now find that there was no such thing." The rights of the individual have been invaded and harmed, and that temptation should not be given to the police officer.

Mr. LONG of Missouri. The Senator is correct. The damage has already been done. And even if he does not go to court, it is a great temptation to the officer to go ahead and wiretap for 2 days, without any record being made and without anyone knowing what he is doing.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, with respect to the legality of the issue, with respect to it conforming substantially to search and seizure provisions of the Constitution, statutes, and court rulings, may I say that section 2518 of title III recognizes that there are a number of situations in the administration of justice in which prior approval by a judicial or prosecuting officer is not possible under the circumstances. This recognition has, of course, a direct parallel in existing permitted search and seizure procedure.

In Carroll against United States, decided in 1925, the Supreme Court upheld the constitutionality, on the ground of necessity, of a congressional authorization to make a physical search of automobiles for contraband without a warrant. That is an instance in search and seizure in which the Court has upheld that you can search a car if it has contraband.

In Schmerber against California, in 1966, the Supreme Court sanctioned a blood analysis in an emergency in which the delay necessary to obtain a warrant, a judicial warrant, under the circumstances, threatened to result in the dissipation of the possible alcohol in the suspect's body.

The court, too, has repeatedly recognized that dictum, the right to make such searches in exceptional circumstances.

Mr. President, I know this is a delicate area, and no one desires to be more careful than I do if we are to have an emergency authorization at all.

I should like to suggest two or three things.

When meetings are set up or occur between subjects during the course of an investigation, without advance planning as to time or place, a situation crying for immediate action is presented.

Indeed, such meetings occur and terminate more often than not in such a fashion that it is not even possible technically to place them under electronic surveillance, much less secure any sort of pre-use approval.

Reflecting New York law, the title III accords to the law enforcement officer the freedom to act in these situations where surveillance is possible when certain tough conditions are met. The officer must determine, first, that an emergency situation exists and, second, that he could otherwise secure the approval of a judicial or a prosecuting officer. Finally, he must seek an order of approval ratifying his actions within 48 hours.

This requirement of post-use justification should be a sufficient precaution against the possibility of abuse. It would also afford the law enforcement agents an opportunity to determine if investigative use may be lawfully made of any information that may have been secured. If the application for approval is denied, such evidence must be suppressed.

Note, too, that an inventory must be filed in each case, and there is heavy penalty for failure to do so. There is no

intent here to permit the officer to sample a telephone and then get a warrant. This sort of conduct would warrant the application of criminal penalties. I mean that if an officer goes out without probable cause and without being in good faith, simply for mischief or to serve some individual purpose, or just to try to snoop—in that sense—he would be subject to a $10,000 fine and 5 years in prison. The officer is taking a risk if he is reckless and careless and wilfully trespassing. In addition, he will be liable for punitive damages under civil provisions of this bill.

The single narrow purpose of this section of the statute is to let the officer act in a real emergency when time is of the essence. The Supreme Court specifically left this question open in Katz. We are not foreclosed from giving law enforcement officers the power they need to protect us. This provision should remain in the measure, in my judgment. Again, I know it is a delicate area. Everybody concedes that. But we have tried to do the best we could.

He has to go in within 48 hours and present his probable cause to a court and get it confirmed. The harm has already been done. The testimony, whatever it may be, is presented and perhaps the warrant will be suppressed. If he were reckless about it and did not have probable cause and a court and jury were justified in thinking so, he will have committed a crime and would be subject to the civil penalties.

This is important. These criminals move around from place to place. Information may very well be obtained that they are going to be in a certain hotel but the law enforcement officer would not be able to go in in advance and get a warrant. However, the officer may have information on one tap of the conversation where they are going to meet in another place 2 or 3 hours from now for the payoff by corrupting an official. In instances such as that, or to deliver dope, or to meet and make a plan, officers do not have time necessarily to go and get a judge and get all of these things done in limited time.

I do not think it would be fatal to the bill if this proposal were defeated but it would weaken the opportunity to get the most effective results from it. I grant that we will have crooked officers as long as we have humanity because no man is perfect. We even have crooked courts. Human frailties are not going to be resolved on this earth by us. It is impossible.

However, I want to say that an officer who would violate it, abuse it, and misuse it, should be subject to the penalties the statute provides.

It is up to the Senate to make this decision. There are those who believe it is absolutely imperative, particularly in connection with organized crime and other serious offenses. For instance, suppose there is a kidnaping. We do have kidnapings. We cannot always know exactly where a thing is going to happen. Word may be received in the last 10 minutes or in the last hour and the officers cannot always run to the court 24 hours or 48 hours in advance of something and get the warrant or the order that is needed to be effective in apprehending the criminal and getting evidence of the crime.

I yield to the Senator from Maryland.

Mr. TYDINGS. Mr. President, will the Senator yield to me for 7 minutes?

Mr. McCLELLAN. I yield 7 minutes to the Senator from Maryland.

The PRESIDING OFFICER (Mr. Moss in the chair). The Chair informs the Senator that he has only 5 minutes remaining.

Mr. TYDINGS. Mr. President, the effect of the amendment of the Senator from Michigan, I am afraid, would be merely to reduce the effectiveness of title III. If Senators oppose title III they should support the amendment of the Senator from Michigan.

The Senator from Michigan well knows that to get a search warrant—particularly after the recent decision of the Supreme Court—to conduct just a normal search and seizure in a normal case—can take from 12 to 14 hours. I am sure the Senator has had the same experience I had as U.S. attorney in the preparation of those search warrants.

The language of title III here would place the same restrictions on a prosecutor or police officer asking for a warrant to search electronically. I feel certain, and I am sure the Senator from Michigan would agree, that the first of these orders issued by Federal judges will be more carefully studied than the normal search warrant.

If the Senate agrees to this amendment, we will be telling the Cosa Nostra that if it makes important telephone calls or holds important meetings, it should switch its telephone numbers and hold its meetings beginning at the close of the day on Friday until Monday.

I would refer, for example, to the Apalachin meeting in Tioga County in New York which a State trooper stumbled upon by accident. If he were to stumble upon that meeting, and have a fairly clear idea of what was up, after this bill became law, he would set up an electronic surveillance on all of the telephones which might be used, and, if possible, place a device in the meeting. Note, finally, that there just would not always be time to get the warrant first.

The intention of this measure is to give law enforcement a weapon to fight against Cosa Nostra type crime.

Mr. McCLELLAN. Is it not true that there are meetings and conventions which are held in secret, that the officers cannot find out about them in time to get a warrant, and that that is especially true over the weekend? They simply miss the opportunity, and possibly the greatest opportunity, to make the big catch, to catch the overlords in a conference of that kind.

Mr. TYDINGS. The Senator is correct. I am fearful that the amendment of the Senator from Michigan would severely reduce the effectiveness of title III. If Senators oppose title III, they should support the amendment.

Mr. President, I wish to point out another matter. In my jurisdiction, particularly in the summertime, the U.S. district courts slow down their business. I think if I were the U.S. attorney in this district I would want to be careful about which judge signed the tap warrant. I would not want to go to just any U.S. district judge. I would not want to prepare the matter as in the case of the ordinary search warrant.

But we are not talking about a new procedure. All we are asking is that the same constitutional law apply to title III as applies to search and seizure under the Constitution.

In the Katz case, Justice Harlan, in his concurring opinion, although this matter was not then an issue, stated as follows:

> Finally, I do not read the Court's opinion to declare that no interception of a conversation one-half of which occurs in a public telephone booth can be reasonable in the absence of a warrant. As elsewhere under the Fourth Amendment, warrants are the general rule, to which the legitimate needs of law enforcement may demand specific exceptions. It will be time enough to consider any such exceptions when an appropriate occasion presents itself, and I agree with the Court that this is not one.

Mr. HART. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. HART. I yield to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, I have followed the recommendation of this committee on the basis that what was done with respect to wiretapping and bugging was in conformity with the principles set forth in the fourth amendment of the Constitution.

Amendment Four of the Constitution provides for the right of the people to be secure in their homes, houses, papers, and effects against unreasonable searches and seizures, and that that right shall not be violated and no warrant shall issue except upon probable cause to make the search.

Mr. President, that is the parallel I use in supporting bugging and wiretapping. The provision we are now considering, however, provides that an enforcement officer, suspecting a wrong, and believing an emergency to exist, may bug and wire, and then, 48 hours later go into the court and get authority. By that time the damage is done.

I do not care whether one talks about the Cosa Nostra, the fourth amendment was to protect the innocent man. It is intended to protect Senator LAUSCHE, Senator McCLELLAN, Senator DIRKSEN, and others.

I simply cannot conceive that we are going to give an arresting officer the discretionary power to determine that an emergency exists, and then 48 hours later get the authority.

The PRESIDING OFFICER. All time has now expired. The question is on agreeing to the amendment of the Senator from Michigan, as modified. All those in favor signify by saying "aye."

The "ayes" were heard.

The PRESIDING OFFICER. All those opposed to the amendment as modified signify by saying "no."

The "noes" were heard.

Mr. LAUSCHE. Mr. President——

The PRESIDING OFFICER. The "noes" appear to have it.

Mr. LAUSCHE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. There is a sufficient second. Does the Senator therefore withdraw his request for a call of the quorum?

Mr. LAUSCHE. Yes, I do.

The PRESIDING OFFICER. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the Senator from Oregon [Mr. MORSE]. If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Idaho [Mr. CHURCH], the Senator from Connecticut [Mr. DODD], the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from Indiana [Mr. HARTKE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New York [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Minnesota [Mr. MONDALE], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], and the Senator from Florida [Mr. SMATHERS] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Alaska [Mr. GRUENING], and the Senator from New York [Mr. KENNEDY] would each vote "yea."

I also announce that, if present and voting, the Senator from Florida [Mr. SMATHERS] would vote "nay."

On this vote, the Senator from Connecticut [Mr. DODD] is paired with the Senator from South Carolina [Mr. HOLLINGS]. If present and voting, the Senator from Connecticut would vote "yea," and the Senator from South Carolina would vote "nay."

Mr. DIRKSEN. I announce that the Senator from New York [Mr. JAVITS] and the Senator from Idaho [Mr. JORDAN] are absent on official business.

The Senator from California [Mr. KUCHEL] and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

If present and voting, the Senator from Idaho [Mr. JORDAN] would vote "nay."

On this vote, the Senator from New York [Mr. JAVITS] is paired with the Senator from California [Mr. KUCHEL]. If present and voting, the Senator from New York would vote "yea," and the Senator from California would vote "nay."

The result was announced—yeas 37, nays 44, as follows:

[No. 151 Leg.]

YEAS—37

Aiken	Cannon	Hart
Anderson	Case	Hatfield
Bible	Clark	Inouye
Brewster	Cooper	Jackson
Brooke	Fong	Kennedy, Mass.
Burdick	Gore	Lausche
Byrd, Va.	Griffin	Long, Mo.
Long, La.	Pastore	Talmadge
Magnuson	Pell	Williams, N.J.
McGee	Proxmire	Yarborough
Metcalf	Ribicoff	Young, Ohio
Muskie	Spong	
Nelson	Symington	

NAYS—44

Allott	Fulbright	Pearson
Baker	Hansen	Percy
Bayh	Hayden	Prouty
Bennett	Hickenlooper	Randolph
Boggs	Hill	Russell
Byrd, W. Va.	Holland	Scott
Carlson	Hruska	Smith
Cotton	Jordan, N.C.	Sparkman
Curtis	McClellan	Stennis
Dirksen	McIntyre	Thurmond
Dominick	Miller	Tower
Eastland	Monroney	Tydings
Ellender	Moss	Williams, Del.
Ervin	Mundt	Young, N. Dak.
Fannin	Murphy	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, against.

NOT VOTING—18

Bartlett	Hollings	McGovern
Church	Javits	Mondale
Dodd	Jordan, Idaho	Montoya
Gruening	Kennedy, N.Y.	Morse
Harris	Kuchel	Morton
Hartke	McCarthy	Smathers

So Mr. HART's amendment, as modified, was rejected.

Mr. PERCY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HRUSKA. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS

Mr. PERCY. Mr. President, I offer amendments to title III of the Omnibus Crime Control Act.

I have discussed this amendment with the manager of the bill, and, as I understand it, he has no objection. The purpose of the amendment would be to place the offense of extortion——

Mr. MANSFIELD. Mr. President, may we have the amendment read?

The PRESIDING OFFICER. The point is well taken.

The amendments of the Senator from Illinois will be read.

The assistant legislative clerk read the amendments, as follows:

On page 63, in line 14, strike the word "or".

On page 63, between lines 15 and 16, add the following new subsection:

"(f) any offense including extortionate credit transactions under sections 892, 893, or 894 of this title; or"

On page 63, in line 15, change "(a)" to "(g)".

Mr. PERCY. Mr. President, I ask unanimous consent that that be modified to read "between lines 14 and 15,".

The PRESIDING OFFICER. The Senator has the right to modify his amendment. It is not necessary to request unanimous consent.

Mr. MCCLELLAN. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. MCCLELLAN. Will not the subsections, then, have to be renumbered or reidentified?

Mr. PERCY. I modify the amendment further as follows: On line 15, strike "(a)" and insert "(f)" and change "(f)" to "(g)".

Mr. MCCLELLAN. Very good.

Mr. PERCY's amendment, as modified, is as follows:

On page 63, in line 14, strike the word "or".

On page 63, between lines 14 and 15, add the following new subsection:

"(f) any offense including extortionate credit transactions under sections 892, 893, or 894 of this title; or".

On page 63, in line 15, change "(f)" to "(g)".

Mr. PERCY. Mr. President, the purpose of this amendment is simply to place the provisions on extortionate credit transactions or loan sharking as covered in the Truth in Lending bill adopted by the Senate yesterday under the provisions of title III of the present bill now being considered.

I have discussed this amendment with the manager of the bill, and understand that he is willing to accept it.

Mr. MCCLELLAN. Mr. President, I have no objection to the amendment. As I said earlier this morning, we are trying to get a bill to reach those crimes we thought were most involved with organized crime, particularly. I am sure this is one of them. If the Senator wishes it identified in the bill, I have no objection.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I join in what the Senator from Illinois has said. As we all know, the crime of loan sharking involves threats and oppression, it involves organized crime, and it can lead to murder and violence generally; and I hope the Senator's amendment will prevail.

The same point has been made in the House of Representatives by the distinguished Member of that body from Pennsylvania, Representative JOSEPH MCDADE.

Mr. TYDINGS. Mr. President, I associate myself with the amendment of the Senator from Illinois, and commend him for introducing it. I did not realize that it was parliamentarily correct, at this time, but I congratulate him, and wish to be associated with it.

Mr. PERCY. Mr. President, I yield back the remainder of my time.

Mr. MCCLELLAN. Mr. President, I accept the amendment, and yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was agreed to.

AMENDMENT NO. 778

Mr. FONG. Mr. President, I call up my amendment No. 778, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Hawaii [Mr. FONG] proposes an amendment (for himself, Mr. HART, and Mr. LONG of Missouri) as follows:

On page 62, line 5, immediately after "interception", insert "is directly related to an investigation of organized crime and".

On page 67, line 22, strike out the period and insert a semicolon and the word "and".

On page 67, between lines 22 and 23, insert the following:

"(f) the relation of the application to an investigation of organized crime."

On page 68, line 24, strike out the period and insert a semicolon.

On page 68, after line 24, insert the following:

"(e) such investigation is directly related to activities of organized crime."

On page 53, line 7, strike out the period and insert a semicolon and the word "and".

On page 53, between lines 7 and 8, insert the following:

"(12) 'organized crime' means the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including but not limited to gambling, prostitution, loan sharking, narcotics, labor racketeering, and other unlawful activities of members of such organizations."

The PRESIDING OFFICER. Does the Senator request that his amendments be considered en bloc?

Mr. FONG. Yes.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. FONG. Mr. President, I ask that the amendment be modified in two respects:

On page 2, line 10, strike out the words "a highly organized, disciplined" and insert in lieu thereof the word "an".

On page 2, line 12, after the word "to" insert the words "murder, kidnaping,".

The PRESIDING OFFICER. The amendment will be so modified.

Mr. McCLELLAN. Mr. President, I ask that a copy of the Senator's modifications be sent to the desk, so that we can see them.

The PRESIDING OFFICER. Will the Senator send his amendment, as modified, to the desk?

Mr. FONG. I send to the desk a copy of my amendment as modified.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Let the Chair inquire first, is this the amendment on which the Senator from Hawaii wishes a 1-hour limitation?

Mr. FONG. That is correct.

Mr. HOLLAND. That was my question.

Mr. McCLELLAN. Mr. President, is that 1 hour to each side?

The PRESIDING OFFICER. Thirty minutes to each side, a total of 1 hour.

The Senator from Hawaii may proceed.

Mr. FONG. I yield myself 15 minutes.

I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FONG. Mr. President, if adopted, my amendment would limit title III to allow wiretapping and eavesdropping to cases involving hard-core organized crime. It would leave undisturbed provisions allowing the President to wiretap and bug in cases involving the national security.

Mr. President, the right of privacy, the right to be left alone, and the right against unreasonable searches and seizures—the right, that is, to be personally secure—are among the most highly valued rights of an American citizen.

These guarantees have been a part of Anglo-Saxon law ever since the 15th century. Nothing has been deemed more fundamental to freedom than the concept that a man's home is his castle. This is why search warrants are so circumscribed and difficult to obtain.

In title III we are dealing not only with one search, at one place, at a given time, and a certain defendant. With search warrants, the search is over in a relatively short time—a few minutes or an hour or so.

Electronic surveillance, unlike search warrants, is continuous, unlimited, and unlimitable.

All the more, then, should we tightly circumscribe any permissive legislation in this area.

Wiretapping and electronic surveillance are enormously dangerous practices, precisely because they present an extraordinary threat to our individual liberties.

In a democratic society privacy of communication is absolutely essential if citizens are to think and act creatively and constructively. Fear or suspicion that one's speech is being monitored by a stranger, even without the reality of such activity, can have a seriously inhibiting effect upon the willingness to voice critical and constructive ideas.

When we open this door of privacy to the Government—when the door is widely agape—as Alan Barth rightly points out, it is only a very short step to allowing the Government to rifle our mails and search our homes. A nation which countenances these practices soon ceases to be free.

This perilous situation was pointed up in two editorials, one appearing in the Denver Post on May 14, 1968, and the other in the Honolulu Star-Bulletin on May 16, 1968. I ask unanimous consent to have printed in the RECORD an editorial entitled "Bill Threatens Right of Privacy," published in the Denver Post of May 14, 1968; an editorial entitled "Blue Print for a Police State," published in the Honolulu Star-Bulletin of May 16, 1968; and an editorial entitled "Bugs and Guns," published in the Rocky Mountain News of May 14, 1968.

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

[From the Denver Post, May 14, 1968]

BILL THREATENS RIGHT OF PRIVACY

Unfortunately, what started out as a highly meritorious bill to give federal assistance to state and local enforcement agencies to deal with the alarming increase in crime has been loaded down in a U.S. Senate committee with two dangerous new sections.

Recently this newspaper called attention to perils contained in a section of the bill which is designed to amend the Constitution and repeal certain decisions of the U.S. Supreme Court in matters relating to rights of persons not to incriminate themselves, rights of accused persons to be represented by counsel and rights to appeal under writs of habeas corpus.

Now we wish to raise a warning signal against a section which would so broaden the power of federal and local officials to tap wires and engage in electronic eavesdropping that the country might find itself on the verge of becoming a police state with all rights of privacy wiped out.

At times impressive arguments have been presented for permitting the use of wiretapping and "bugging" in cases involving national security and Mafia-type organized crime.

The merits of those arguments need not be considered here, however, because the proposed section would authorize electronic surveillance of homes, offices, etc., in a vast number of investigations.

Federal officers could get court permission to use listening devices in cases of robbery, gambling, extortion, the influencing of witnesses, the obstruction of criminal investigations and many other offenses, including interference with commerce.

State and local officers, if local laws permitted, could obtain court orders to use taps and bugs in the pursuit of any investigation of any crime punishable by as much as a year in prison—and that would include every felony on the statute books.

Such a carte blanche extension of eavesdropping powers, amazing as it is, would be bolstered by another provision which would permit officers to tap wires and bug homes for as long as 48 hours without even getting a court order, provided the officers, using their own discretion, believed an "emergency" condition existed.

The Department of Justice has never supported so extensive a use of eavesdropping as the bill proposes. President Johnson in urging the passage of a crime bill has pointedly refrained from supporting the wiretap provisions.

The Fourth Amendment of the Bill of Rights declares, "The right of the people to be secure in their persons, homes, papers, and effects, against unreasonable searches and seizures, shall not be violated and no warrant shall issue but upon probable cause, supported by oath and affirmation, and particularly describing the place to be searched and the persons and things to be seized."

The Supreme Court has held that the Fourth Amendment applies to electronic listening devices and has found unconstitutional laws and actions which did not conform to the "particularity" clause of the amendment.

The bill now being debated in the Senate ignores both the wording of the amendment and the decisions of the courts which are based upon it.

Among those who have warned against the section are Sen. Hiram L. Fong, R.-Hawaii. "The instant bill," he has said, would allow the police to put a virtual end to privacy in America. When we open the door of privacy to the government, it is only a very short step to allowing the government to rifle our mails and search our homes. A nation which countenances these practices soon ceases to be free."

We hope the Senate as a whole was listening.

[From the Honolulu Star Bulletin, May 16, 1968]

BLUEPRINT FOR A POLICE STATE

Sen. Hiram L. Fong has correctly taken a position against the majority of the Senate Judiciary Committee which has reported an omnibus crime control bill (S. 917), two of whose major sections seriously impair constitutional freedoms.

In a 34-page statement last week, Sen. Fong said he favors Title I of the bill, which provides federal funds to strengthen state and local law enforcement operations, and with reservations, Title IV, which restricts the sale of guns. Fong termed this section too weak.

But he took an adamant position against Title II, which seeks to set aside recent decisions by the Supreme Court regarding the admissibility of confessions, the length of time a suspect may be held without arraignment, and the ground-rules for eye-witness testimony (in police line-ups, for example), and against Title IV which permits wide scale wiretapping, under court orders, at both State and federal levels.

Together, according to Fong, these sections could start the United States down the road toward a police state, with the right of privacy torn to shreds. Sen. Wayne Morse, D.-Ore., expressed almost identical views. The court review (Title II) provisions "could start us down the road toward a government by police state procedures." he said, and the eaves-

dropping provisions (Title III) could permit "total invasion of our homes through spying."

Fong acknowledges that there may be situations in which eavesdropping is tolerable—cases involving national security or "hard-core organized crime"—but the problem there is to know where to make the distinction between what can be tolerated and what cannot.

Fong's position is that "Titles II and III threaten to nullify some fundamental rights of equal justice guaranteed under the Constitution to all citizens of this nation: the rights to privacy and against unlawful searches and seizures; the right to counsel at each and every stage of the law enforcement process, and the right to full, fair, and prompt administration of criminal justice."

He goes on to say: "Risk for risk, for myself, I would rather take my chance that some criminals will escape detection than that one single innocent person shall be wrongly incarcerated or executed."

No better expression of the right to privacy can be found than that of Mr. Justice Brandeis:

"The makers of our Constitution . . . sought to protect Americans in their beliefs, their thoughts, their emotions, and their sensations. They conferred as against the government the right to be let alone—the most comprehensive of the rights of man and the right most valued by civilized man."

To which we can but say, amen.

[From the Rocky Mountain News, May 14, 1968]

BUGS AND GUNS

The omnibus crime bill now before the Senate contains provisions for court-approved wiretapping, which go too far, and for gun control, which don't go far enough. But with appropriate amendment both deserve passage.

The wiretapping provision really deals with two major problems: The proliferation of electronic listening devices ("bugs") that threaten the individual's right to privacy; and preservation of the right to privacy while permitting limited use of wiretaps to fight crime.

It sets out strict penalty for illegal "bugging" and wiretapping and for the unlawful manufacture, distribution, possession and advertising of snooping devices: $10,000 or five years or both. That's good.

It is in authorizing use of wiretaps and other listening devices by law enforcement agencies that the sponsoring Judiciary Committee has gone too far, despite efforts to make its proposals conform to suggestions offered by Supreme Court decisions.

The bill would permit wiretapping only after a federal or state judge had been fully informed by the investigating agency about where and how and against whom the tap was to be made and why it was presumed necessary. If satisfied of probable cause and need, the judge then would authorize it.

Present federal law authorizes wiretaps only in national security cases. The argument for extending authorization is based largely on the urgent need to halt the cancerous spread of organized crime, which does most of its far-flung gambling, narcotics and prostitution business by phone. We're for taps there too, if that's what it takes to get the job done.

But the bill contains language which grants all jurisdictions—from the President to state courts—too broad discretionary authority to decide what cort of suspect behavior justifies wiretaps to gather evidence.

Against the meritorious goal of mob-busting must be weighed the average citizen's right to protection against the kind of Big Brotherism that too liberal license to wiretap might encourage.

(We like the suggestion of Sen. Fong (R-Hawaii) that wiretapping be confined for five years to national security and hard-core organized crime; that such surveillance be conducted only by the FBI; and that a national commission be appointed to evaluate the results to help Congress decide if wiretapping authorization should thereafter be further extended.

The bill's gun-control provision would outlaw mail-order sale of handguns (pistols and revolvers) and over-the-counter sale of handguns to minors and criminals.

It would also ban importation of surplus military weapons. Rifles and shotguns are home free. Madmen of the kind who shot President Kennedy and Dr. King and sniped at police during urban riots would find in this bill no impediment to mail-ordering rifles.

Before passage the Senate could put more teeth in this provision and still leave legitimate sportsmen no room for complaint.

Mr. FONG. Mr. President, we must be very clear on one thing: what is at stake in any proposal to legalize wiretapping and eavesdropping in our very freedom embodied in those liberties inalienably guaranteed us by the Constitution.

Of course, all Americans are concerned that those who violate the law are apprehended and convicted. But the question is: to what extent should wiretapping and electronic surveillance be made legal? And, to what extent, is the price we must pay in terms of the loss of personal liberty and privacy worth it?

I recognize that the chaotic conditions existing in this area serves neither the interests of individual liberty nor the legitimate needs of law enforcement.

I recognize that wholesale violations of existing law by individuals and law enforcement agencies across the country must cease.

I recognize that the virtual absence of any regulation on eavesdropping, in the face of its increasing prevalence and the exploding technology in the area, must be remedied.

There is very little dispute that the confusing hodge-podge of standards under Federal and State laws and court decisions must be clarified.

New legislation is therefore an urgent necessity. Legislation on wiretapping and eavesdropping should be narrowly confined and stringently controlled, under uniform standards and precisely defined circumstances. So precise, that we do not give away too much of our liberties and freedoms.

But in my estimation, title III does not meet these requirements.

It goes far, far beyond what is necessary, wise, and prudent. It is much too drastic.

If ever there were a case of putting out a fire by the deluge of the Pacific Ocean, title III is it. The bill would allow the police to wiretap and bug in a very wide variety of Federal and State criminal offenses, if a willing court could be found to sanction it. This would allow the police to put a virtual end to privacy in America.

At present, by one survey, 38 States of our 50 States make wiretapping illegal.

There are four States which require a court-authorized warrant to wiretap or bug.

There are eight States which have no statutes whatever on the subject.

Add these eight States to the 38, and we have 46 States which have no permissive legislation on tapping and bugging.

Yet, in the face of the almost complete absence of authority to tap and bug in our 50 States, title III provides for the wholesale invitation to all 50 States to get into the act of wiretapping and bugging—and to do so at will. Where previously 42 States have no permissive laws to tap and bug, title III says to these States: "You are out of step, so come in for this license to do so."

All of us are aware of the fact that the vast majority of our American citizens play some form of card games. Call them what you may—bridge, poker, blackjack, cribbage—and if small bets are made, and money, no matter how little, changes hands, they had better beware: their telephones may be tapped, their homes may be bugged—and legally so, under the provisions of title III naming gambling as one of the crimes for which tapping and bugging are allowed.

If any American who may commit a crime "dangerous to life, limb, or property," and such crime is punishable by at least 1 year's imprisonment, he may be tapped and bugged.

Certainly, it is most desirable that every person guilty of a crime be brought to the bar of justice. But, just as surely, wholesale tapping and bugging will so erode our privacy as to utterly destroy our freedom.

Title III would permit wiretapping and bugging in an extremely broad variety of situations, including alleged violations of provisions of the Taft-Hartley Act regulating jointly administered employee welfare and pension plans and other Federal labor laws. Under all these circumstances, our labor unions will be subject to the broadest kind of wiretapping and bugging.

To me, the sacrifice is altogether out of proportion to the gain.

To be sure, title III has incorporated, substantially verbatim, many of the provisions of S. 928, which I cosponsored.

I also strongly endorse the portions of title III concerned with protecting the individual from electronic invasions of his privacy by private persons.

I approve, too, of the excellent prohibitions on the manufacture, shipment, or advertising of electronic surveillance devices. If we are to make substantial progress toward protecting individual privacy, we must sharply curtail the supply of the nefarious devices that are so easily obtained in the marketplace today.

But these protections are scant compensation for the grave threat to privacy engendered by the permissive provisions in the remainder of title III. Police-connected invasions of privacy are authorized to investigate a vast range of Federal or State crimes. Section 2516(1) offers a shopping list of crimes for which Federal warrants may be issued that is far too broad to be reconciled with any legitimate law enforcement purpose. And the provisions of section 2516(2) give carte blanche to State and local police to engage in wiretapping and

eavesdropping for any felony whatsoever.

In its present form, title III invites eavesdropping in all manner of crime, trivial as well as serious. It would allow the cloak of judicial authorization to be thrown about the police by State judges as well as Federal. The practical effect of all this is to render official eavesdropping very nearly universal.

I oppose the enactment of any such broadly permissive electronic and wire surveillance legislation at this time.

However, I do recognize that there may be areas of law enforcement in which some police eavesdropping and wiretapping may be necessary.

In matters of national security, electronic surveillance is essential because the stakes involved are so high. The President, under title III, is authorized to employ electronic surveillance to protect the national security. My amendment would leave these provisions intact and operative.

In matters involving organized crime, I believe electronic surveillance is necessary because of the shroud of secrecy that organized crime can and does command to the death.

The President's Commission on Law Enforcement and the Administration of Justice, in its report on organized crime, stated as follows:

> The great majority of law enforcement officials believe that the evidence necessary to bring criminal sanctions to bear consistently on the higher echelons of organized crime will not be obtained without the aid of electronic surveillance techniques.

The report went on to say that communication is essential to members of the underworld who operate their enterprises. For, in organized crime enterprises, the possibility of loss or seizure of an incriminating document demands a minimum of written communication.

Furthermore, because of the varied character of organized criminal enterprises, the large number of persons employed in them, and often the great distances separating elements of the national—or international—organizations, the telephone remains the primary vehicle for communication.

I firmly believe, however, that if authority to bug or tap hard-core organized crime is given, it must be granted only with very stringent limitations.

In this very new and relatively untested area, I feel strongly that we should proceed with great caution, resolving doubts generally in favor of restriction and privacy—unless a strong case is made to the contrary.

The truth is that wiretapping and eavesdropping are law enforcement weapons whose value and impact are as yet dimly perceived. At the present time, we can only speculate on the burdens and benefits involved. In our present state of knowledge, we simply ought not to create a blanket authorization for the wholesale use of such an ultimate weapon.

I am fearful that if these wiretapping and eavesdropping practices are allowed to continue on a widespread scale, we will soon become a nation in fear—a police state.

In title III we have gone too far.

The purpose of electronic surveillance is to collect evidence in order to obtain an indictment. But under the instant bill, we would continue to hound the accused—nailing down the case and copper-riveting it by continuous surveillance—even after the indictment is secured. The bill would allow tapping and bugging even after the date of the indictment, right up to the time of the trial.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FONG. I yield myself 2 additional minutes.

Do we want to go this far? I am quite sure Senators will agree, that to so hound a defendant until the day of trial, after he has been indicted, is abhorrent to our enlightened system of jurisprudence.

These are surely police state tactics.

This is contrary to our Anglo-Saxon traditions of fair play and justice.

This is contrary to our most deeply cherished liberty—the right of privacy.

This is an unconscionable destruction of our most valued right to be let alone.

The only way to prevent our going so far is to hold down tightly its applicability—for example, only to organized crime, as well as to cases against our national security.

I have therefore introduced, for myself and for the distinguished Senator from Michigan [Mr. HART] the distinguished Senator from Missouri [Mr. LONG] a series of amendments—all of which are designed to limit the use of electronic surveillance to cases involving organized crime.

Mr. President, I have now called up the first of these amendments, No. 778.

Under this amendment, the phrase "organized crime" is defined as being "the unlawful activities of five or more members of an association engaged in supplying illegal goods and services, including but not limited to murder, kidnapping, gambling, prostitution, loan sharking, narcotics, labor racketeering, and other unlawful activities of members of such organizations."

This language is almost identical to the language defining "organized crime" in section 601(b) of title I on law enforcement assistance, of the omnibus bill we are considering.

It is my understanding, Mr. President, that this definition of the term "organized crime" was drafted only with the utmost care, and only after a thorough reading and analysis of the Report of the President's Commission on that subject.

I believe the definition to be extremely broadly drawn. It is the product of the work and thinking of a number of national conferences on law enforcement and organized crime. It represents a consensus of these extensive discussions and undoubtedly is the best thinking of acknowledged experts in the country.

Believing the title I language to be succinct, crisp, and pointedly accurate, I have adopted it substantially and propose that it be incorporated as an integral part of title III.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FONG. I yield myself 2 additional minutes.

My amendment would require that when the U.S. Attorney General and the principal prosecuting attorney of a State or political subdivision authorized an application to either a Federal or State court of competent jurisdiction for a surveillance warrant, they may do so only if they find that the interception "is directly related to an investigation of organized crime."

Each application must so specify.

And each court issuing an ex parte order authorizing a surveillance warrant must specifically find that the investigation is "directly related to activities of organized crime."

Mr. President, I hope the Senate will vote to sustain this amendment.

Mr. McCLELLAN. Mr. President, I ask the Senator from Hawaii whether this is one of the Department of Justice amendments.

Mr. FONG. Yes, it is a Department of Justice amendment. It modifies the amendment I had introduced.

Mr. McCLELLAN. I understood that the Department of Justice had an amendment such as this. I did not know who would offer it. So it is a Department of Justice amendment.

Mr. FONG. Yes.

Mr. McCLELLAN. Mr. President, the amendment would require that any order—I am very serious about this—authorizing or approving the interception of wire or oral communications must be directly related to an investigation of organized crime.

The main thrust of title III is directed at organized crime, subversive activities, and other serious crimes. Each of the crimes contained in title III for which an electronic surveillance or order may be obtained has been selected because it is either serious in itself or characteristic of organized crime or subversives.

Mr. President, we note that in three or four instances this morning, the Senate has added several additional crimes to this bill which the committee did not include because it felt that this modern technique is essential to combat the crime situation in this country.

Each crime contained in title III for which an electronic surveillance or order may be obtained has been selected because it is either serious in itself or characteristic of organized crime or subversives. Amendment No. 778 ignores this rationale, when it would restrict all investigations of organized crime.

Mr. President, this is a Department of Justice amendment, and the present Attorney General opposes every part of this title except that which would give him and the President the power to tap wherever they think it is necessary for them to do so. The Attorney General opposes the remainder of the title; and, of course, it is not surprising that he sends an amendment here to destroy the effectiveness of the bill.

There is, for example, no relationship between organized crime and the Atomic Energy Act, espionage, sabotage, or treason. There is no relation between organized crime and riots. You could not bug a room or a hall in which Carmichael was meeting, in which Rap Brown was meeting, where they were inciting to riot, telling people to get their guns,

"Go get whitey," and do this and do that. Do you want to take that out of the bill? It could not be said that that was organized crime.

These are just illustrations of what is intended. Perhaps the Senator does not understand it that way, but that is what the Justice Department wants to do. It simply wants to gut this bill. It does not want it at all. It has been fighting it and still is fighting it. The present Attorney General does that notwithstanding the fact that every other Attorney General including the father of the present Attorney General, since 1931, I believe—for approximately 35 or 36 years—has recommended legislation of this nature. We are only now getting around to it.

Yet, amendment No. 778 would require such a relation to be shown. This would end its impact as a court order system in the national security area. Under this amendment, if you had information that someone was plotting to assassinate the President, you would have to show, before you get an order, that he is associated with organized crime. I do not understand an amendment designed to go that far. We are not requiring that. We are giving discretion to the President, to act under the court order system in the national security area. This is essential.

Outside the area of subversion, there are other serious defects. Amendment No. 778 would permit only "organized crime kidnaping" to be investigated with electronic surveillance techniques. If you could not show that an organized crime ring was engaged in kidnaping, you could not get an order in a kidnaping case. Mr. President, this whole thing is destructive, and I believe that is what the Justice Department intended it to be. Can this be justified? How could this be explained to the mother of a small child? Kidnaping requires the use of these techniques without regard to the presence or absence of organized crime.

I think it would be true, too, in the case of murder if there were information of a plot.

What is organized crime? We speak of it generally in terms of some national organization or some organization that spreads out. Sometimes it is local. We might have operating here in Washington a small ring of one dozen people involved in organized crime since it is operating a car theft ring. In a sense that is organized crime. However, ordinarily when speaking of organized crime we think of the Mafia and syndicates.

This is certainly the most charitable thing that can be said about it. The whole effect would be to so completely confuse the matter that there would be no certainty that Congress intended what was done.

Rioting requires the use of the techniques without regard to the existence of organized crime. As I said a moment ago I do not know whether we are free from future riots. I do not say that we are going to have them. No one knows. I do say that every effort, every protection, every instrumentality that is within the Constitution should be made available to law enforcement officers to try to prevent the planning for rioting if any such thing is going on and to try to prevent rioting from happening.

But there is another, deeper objection to this amendment. It sets up a double standard which embodies guilt by association. Traditionally Anglo-American jurisprudence has dealt with a man's acts—not his associates or social status. We talk about "white collar" crime, but we prohibit tax evasion and price fixing. We talk about "street crime" but we prohibit rape, robbery, and assault. We talk about "organized crime" but prohibit narcotics and extortion.

With respect to narcotics, we may have one man in Washington who has a contact with the source of heroin and he has heroin shipped into this country. He may have a dozen people working for him, but he may not work in another city. Is that organized crime? I do not know. I do say that we should have the right, and law enforcement officers should be given this instrumentality, to ferret out and detect that crime.

Under amendment No. 778, one murderer would be treated differently from another, and the basis for the distinction would not be his acts committed in violation of some law, but his relationship with other people.

The aim of the amendment is obviously to strike a blow at organized crime and, at the same time, protect privacy. Yet, just as obviously, it will introduce in our legal theory a new distinction which will in the long run be a cure far worse than the disease

Amendment No. 778 would inject an extremely general and artificial standard for determining whether or not a surveillance order should be authorized. Title III is specific in this regard. You must have probable cause regarding a particular individual committing a specific offense. Under title III, the approach is to select the traditional crime categories, such as murder or extortion, in which organized crime is very active. However, these offenses are committed often by people who are not engaged in organized crime.

Mr. President, can you imagine the showing a law enforcement officer would have to make to obtain an order under amendment No. 778? Not only would he have to show probable cause that a particular suspect was committing a specific crime, as under title III, but also that the suspect was a member of an association, and that such association was engaged in certain illegal activities, and further that the suspect's particular crime must be directly related to the association's illegal activities. This amendment has the effect of requiring an officer to show what the surveillance will give before he can get an order for surveillance. It is because of the difficulty of getting proof in these areas that we are authorizing the use of these techniques in the first place. You may also rest assured that each of these requirements would be the subject of endless motions to suppress.

We might ask what kind of evidence the Senator would accept as proving his standard. I do not question the Senator's good intention. However, it should be rejected as artificial, cumbersome, and, in the long run, unworkable. Finally, it is destructive. The Department of Justice does not want the provisions of this bill at all, except with respect to the President.

Mr. President, I earnestly urge Senators to reject this amendment.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 21 minutes remaining.

Mr. McCLELLAN. Mr. President, I yield such time to the Senator from Maryland as he desires.

Mr. TYDINGS. Mr. President, I rise to speak against the amendment for another reason.

I am afraid that the amendment, by the definition on page 2, beginning on line 9, which states:

> (12) "organized crime" means the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including but not limited to gambling, prostitution, loan sharking, narcotics, labor racketeering, and other unlawful activities of members of such organizations.

Might, I say just might, open the door to a far wider area of possible suspects than is presently spelled out in the bill.

I do not know who drafted the bill in the Department of Justice. However, I call to the attention of the Senate that the language on page 2 of the amendment could be construed to authorize electronic surveillance, in addition to the specified offenses, for any unlawful activities by two or more persons engaged in "supplying illegal goods and services including but not limited to," so that all that would be needed is two persons engaged in illegal activity.

I suggest it is very difficult to say what organized crime is. Going back to the argument of the Senator from Arkansas, there are certainly 5,000 names generally associated with leading families, but I think it is far better law to associate wiretapping warrants with specific crime violations rather than opening it up, possibly, wide open and saying "the unlawful activities of the members of a highly organized, disciplined association, including but not limited to."

I do not question the motivation of the sponsor of the amendment but we must protect the public as well as organized crime. I do not believe the amendment is so carefully drafted that it would do what it is supposed to do. I do not suggest it necessarily means this, but it is a possible reading of the language.

Mr. FONG. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr FONG. Mr. President, the distinguished Senator from Arkansas asked whether this was a Department of Justice amendment. The administration did not wish to go this far, but to limit its coverage to cases involving national security. I inserted the organized crime addition, and the Department of Justice welcomed it.

Mr. President, the Senator from Arkansas asserted that if someone were to try to assassinate the President, we would not be able to tap and bug under the amendment I have introduced. We all know that the President is the Chief

Executive of our Nation and is the Commander in Chief of our Armed Forces. Any assassination, attempted assassination, assault, or the attempted assault of our Chief of State would certainly be contrary to our national interests. Therefore, under the national security provision of title III—which my amendment leaves undisturbed—electronic surveillance would most certainly be allowed.

Let us remember that we have no Federal statute permitting any tapping and eavesdropping on this subject now. For 192 years this Nation and her component States of the Union have administered Federal and State criminal laws, and have maintained—in balance, successfully—law and order without having the benefit of such a pernicious statute such as that proposed in title III.

Thus, we are entering an entirely new field, one which is—I firmly believe—tightly circumscribed by the fourth amendment of the Constitution on searches and seizures.

Mr. PASTORE. Mr. President, will the Senator from Hawaii yield?

Mr. FONG. I yield.

Mr. PASTORE. I am sympathetic to the arguments being made by the Senator from Hawaii. I know of his apprehension, that sometimes powers can be abused and innocent people are hurt. He brought out the fact that there are some parts of the country where sympathy for labor unions is not so well looked upon as in my own State of Rhode Island. I would therefore suppose that irreparable harm could be done, in some instances, if the power were abused.

This brings me to the point of the amendment I shall offer later on, on the question of emergency powers, which is left entirely up to the police officer, without any determination on the part of the court. I would limit that emergency power to case organized crime and the national security.

The Senator from Arkansas has agreed to look over my amendment, to see how he feels about it, but I have every intention of proposing to offer it, at the proper time, anyway.

Now what does the Senator from Hawaii have to say with reference to kidnaping? Kidnaping is in a very sensitive area. Unless we use those techniques which can reach out to apprehend these dastards, if I may use that word, because anyone who would prey upon the love of a family for a child and kidnap it and hold it in seclusion with the threat that if anyone interferes, that child would either be maimed or destroyed, is a dastard.

In this sort of crime, we have to use techniques which are effective; namely, investigation by modern techniques. We have to use the medium of secrecy in order to get to the voices over the telephone, to get to the voices in such a way that we can discover the location of their victim.

What does the Senator have to say to that?

He is excluding kidnaping. That disturbs me.

Take now any plot or conspiracy that would be used to assassinate the President of the United States. That sort of plot or conspiracy is not usually done in the open, And it happens suddenly.

In kidnaping, a child is seized from an automobile or a backyard and taken to a barn or some secluded place and then conversations start to and fro for ransom.

Unless we can tap a wire, how are we going to get at the criminals? That is what bothers me. I agree that organized crime must be in it and national security must be in it, as well. But there are other crimes, and I am afraid that unless we bring this kind of technology into play—always under proper supervision, of course—we could do irreparable harm.

Had we been able to use wiretaps or bugging in the Lindbergh case, the chances are the Lindberghs' little boy would not have been murdered. My heart still goes out to them.

As for the labor unions, no one has ever worked harder on their behalf than I. My whole record indicates that. I do not have to apologize or explain any of it on the floor of the Senate. But I think, sometimes, that we can imagine certain consequences. But, here we are looking at reality. Unless we are able to tap the wire of a kidnapper, how are we going to apprehend him? That is what disturbs me.

Mr. McCLELLAN. Mr. President, will the Senator from Hawaii yield?

Mr. FONG. I yield.

Mr. McCLELLAN. Let me ask the Senator in all candor, since we have a situation in this country with which every one is familiar—it is public knowledge during these critical times—if there was a plot being hatched down here in this city, or in any other, by some of the radical extreme leaders or some of the extreme militants, to start a riot and they were having a meeting at a given location, could this technique be used to detect and get evidence against them under the Senator's amendment?

Mr. FONG. No; I do not think that——

Mr. McCLELLAN. How does the Senator relate that to organized crime?

Mr. FONG. The hypothetical situation posed by the Senator would not be covered by my amendment, which would require that the associations engage in unlawful activities and in supplying illegal goods and services. If such a plot comes to fruition, we now have on our law books ample statutory authority to move in where any firearms and other dangerous devices are to be used and where there is any incitement to riot. These actions can be taken entirely apart from any necessity to eavesdrop.

With respect to the question posed by the Senator from Rhode Island, I believe again that existing law regarding kidnaping on both the Federal and State levels are ample to bring the dastards, as the Senator rightly called them, to account for their heinous crimes.

Mr. McCLELLAN. The Senator would require that they be associations engaged in supplying illegal goods and services. Yet they are down here plotting a riot. Would they not be excluded by the Senator's amendment?

Mr. FONG. Mr. President, the whole question before us is, How do we balance the probable erosion of our liberties against our desire to secure evidence to convict criminals?

For 192 years, our Government has been able to secure the necessary evidence to convict kidnapers and murderers without using police-state tactics. Yet the pending bill would go so far that, if one is playing cards at home, and money is being waged on the game, the State's prosecuting attorney could go to a State judge and get a warrant to tap his wires. That is the extreme to which the bill has gone.

If one commits a crime which is dangerous to life, limb, and property, which carries a term of imprisonment for 1 year, any prosecuting attorney or chief prosecutor of a State can go to the State court to get a surveillance warrant.

Mr. President, Senators here must decide: how far are they willing to go to erode the liberties of the American people?

I am convinced that we should not go so far that we become a nation of fear, that we will become a police state. We simply must not ever become a nation in which "Big Brother" is always watching over our citizens, always eavesdropping on our citizens, for the flimsiest of reasons.

Mr. President, do Senators know that, under the bill, if a man is indicted, after all the evidence has been secured against him to indict him, Federal and State Governments can continue to eavesdrop and wiretap him until the day of his trial?

Mr. President, do Senators know that under the bill the Federal and State Governments can wiretap a man any time they feel there is an emergency, and within 48 hours they can decide whether they want to go before a judge or not; and if they should decide that they do not want to go before a judge, they need not do so?

In other words, the prosecuting attorney of a State or in a political subdivision can wiretap anyone if he does not like him, and no one else would know about the wiretapping or the eavesdropping because he would not have to go to the judge if he did not want to use the evidence.

Thus, it is very evident that the bill goes so far that it would erode the liberties of our people, who would become subjects of a police state.

I think, Mr. President, that this bill is extremely imprudent. It has gone too far. It is disastrous to our privacy and we should limit its application.

The most reasonable limitation, in addition to national security cases, is to restrict the bill's applicability to organized crime, as proposed by my amendment.

As I have already pointed out, the administration is not even willing to go this far. The Administration wants to confine wiretapping and eavesdropping only to national security cases.

My amendment goes farther than the administration, by providing for coverage of only organized crime, besides national security.

We must proceed with caution because we are entering into an entirely new field, a field we have not gone into before. For the first time in the history of this country, we are attempting to pass a bill

which will drastically and undoubtedly erode our freedom of privacy.

Mr. President, let us not become a nation in fear. Let us not become a police state. Let us only resort to eavesdropping practices where we really need them; namely, in cases of national security, and organized crime.

Mr. President, I believe that this bill is exceedingly drastic. It would erode the liberties and freedoms of our people. It would be utterly contrary to all our tenets of fairplay and justice. So I say: Let us restrict its application, and adopt my amendment.

Mr. McCLELLAN. Mr. President, how much time is remaining to me?

The PRESIDING OFFICER. Twelve minutes remain to the Senator from Arkansas.

Mr. McCLELLAN. I will use only a minute or two.

The Senator, in his closing remarks, very clearly depicts the spirit of this amendment. The Justice Department is opposed to this title of the bill. The Attorney General has been doing everything that he could to defeat. Now that he cannot possibly do that, he seeks to destroy it by language that would make it inoperative and ineffective.

It is perfectly all right for any Senator who is opposed to this title of the bill, giving law enforcement officers these essential tools, to support the amendment; but Senators who do not believe that law enforcement officials should be deprived of these modern techniques and innovations in combating the criminal element of this country should vote against it.

I am confident the Senate, as it has already indicated, strongly favors a provision of law similar to that in the bill in title III.

Therefore, I yield back the remainder of my time.

Mr. AIKEN. Mr. President, will the Senator yield for a question?

Mr. McCLELLAN. I yield.

Mr. AIKEN. I have just come into the Chamber, and possibly my question has been answered. The amendment of the Senator from Hawaii apparently applies only to organized crime.

Mr. McCLELLAN. Only organized crime. Wiretapping would not be allowed unless it related to organized crime. It could not be used in a kidnaping case——

Mr. AIKEN. My question is, How would one possibly be assured that a crime was organized?

Mr. McCLELLAN. This is a destructive amendment. It is intended for that purpose. It was prepared in the Justice Department. They sent it up here trying to destroy this part of the bill. It is just that simple.

Mr. AIKEN. I am sure the Senator from Hawaii has the best of intentions——

Mr. McCLELLAN. I am sure he does. I accord him that.

Mr. AIKEN. It would be rather difficut to prove that a group was organized.

Mr. McCLELLAN. What do we mean by "organized crime"? A little group here could be engaged in an automobile theft ring. Is that organized crime in the sense of a national organization? Of course not. How would anyone prove it?

Mr. AIKEN. I was going to say the difficulties of enforcing this provision seem to outweigh the good intentions of the sponsors of the amendment.

Mr. McCLELLAN. There is no doubt about it.

Mr. President, I call for a vote.

Mr. FONG. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Hawaii has 2 minutes remaining.

Mr. FONG. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment, as modified, of the Senator from Hawaii. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUSCHE (when his name was called). Mr. President, on this vote I have a pair with the Senator from Oregon [Mr. MORSE]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

The rollcall was concluded.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Idaho [Mr. CHURCH], the Senator from Connecticut [Mr. DODD], the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from Indiana [Mr. HARTKE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New York [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Minnesota [Mr. MONDALE], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], and the Senator from Florida [Mr. SMATHERS] are necessarily absent.

On this vote, the Senator from Alaska [Mr. GRUENING] is paired with the Senator from South Carolina [Mr. HOLLINGS]. If present and voting, the Senator from Alaska would vote "yea" and the Senator from South Carolina would vote "nay."

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Connecticut [Mr. DODD], and the Senator from New York [Mr. KENNEDY] would each vote "yea."

I also announce that, if present and voting, the Senator from Florida [Mr. SMATHERS] would vote "nay."

Mr. DIRKSEN. I announce that the Senator from New York [Mr. JAVITS] and the Senator from Idaho [Mr. JORDAN] are absent on official business.

The Senator from California [Mr. KUCHEL] and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from Delaware [Mr. BOGGS] is detained on official business.

If present and voting, the Senator from Delaware [Mr. BOGGS], the Senator from New York [Mr. JAVITS], the Senator from Idaho [Mr. JORDAN], and the Senator from California [Mr. KUCHEL] would each vote "nay."

The result was announced—yeas 20, nays 60, as follows:

[No. 152 Leg.]

YEAS—20

Brewster	Hart	Nelson
Brooke	Kennedy, Mass.	Proxmire
Burdick	Long, Mo.	Ribicoff
Clark	McGee	Williams, N.J.
Dominick	McIntyre	Yarborough
Fong	Metcalf	Young, Ohio
Griffin	Muskie	

NAYS—60

Aiken	Fulbright	Murphy
Allott	Gore	Pastore
Anderson	Hansen	Pearson
Baker	Hatfield	Pell
Bayh	Hayden	Percy
Bennett	Hickenlooper	Prouty
Bible	Hill	Randolph
Byrd, Va.	Holland	Russell
Byrd, W. Va.	Hruska	Scott
Cannon	Inouye	Smith
Carlson	Jackson	Sparkman
Case	Jordan, N.C.	Spong
Cooper	Long, La.	Stennis
Cotton	Magnuson	Symington
Curtis	Mansfield	Talmadge
Dirksen	McClellan	Thurmond
Eastland	Miller	Tower
Ellender	Monroney	Tydings
Ervin	Moss	Williams, Del.
Fannin	Mundt	Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Lausche, against.

NOT VOTING—19

Bartlett	Hollings	Mondale
Boggs	Javits	Montoya
Church	Jordan, Idaho	Morse
Dodd	Kennedy, N.Y.	Morton
Gruening	Kuchel	Smathers
Harris	McCarthy	
Hartke	McGovern	

So Mr. FONG's amendment (No. 778), as modified, was rejected.

MESSAGE FROM THE HOUSE

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

S. 1129. An act for the relief of Demetra Lani Angelopoulos; and

S. 1808. An act for the relief of Miss Amalia Seresly.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 15348) to amend section 703(b) of title 10, United States Code, to make permanent the authority to grant a special 30-day period of leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 15190) to amend sections 3 and 4 of the act approved September 22, 1964 (78 Stat. 990), providing for an investigation and study to determine a site for the construction of a sea-level canal connecting the Atlantic and Pacific Oceans; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GARMATZ, Mrs. SULLIVAN, Mr. MURPHY of New York, Mr. MAILLIARD, and Mr. GROVER were appointed managers on the part of the House at the conference.

The message also announced that the

House had agreed to the following concurrent resolutions:

S. Con. Res. 64. Concurrent resolution authorizing the printing of additional copies of Senate hearings on the establishment of a Commission on Balanced Economic Development and the creation of a Northwest Regional Services Corporation; and

S. Con. Res. 66. Concurrent resolution to print, for the use of the Senate Special Committee on Aging, additional copies of its hearings on long-range program and research needs in aging.

The message further announced that the House had passed a bill (H.R. 16674) to amend the Federal Farm Loan Act and the Farm Credit Act of 1933, as amended, to improve the capitalization of Federal intermediate credit banks and production credit associations, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 5. An act to safeguard the economy in connection with the utilization of credit by requiring full disclosure of the terms and conditions of finance charges in credit transactions or in offers to extend credit; by restricting the garnishment of wages; and by creating the National Commission on Consumer Finance to study and make recommendations on the need for further regulation of the consumer finance industry; and for other purposes; and

H.R. 15348. An act to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas.

HOUSE BILL REFERRED

The bill (H.R. 16674) to amend the Federal Farm Loan Act and the Farm Credit Act of 1933, as amended, to improve the capitalization of Federal intermediate credit banks and production credit associations, and for other purposes, was read twice by its title and referred to the Committee on Agriculture and Forestry.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. LONG of Missouri. Mr. President, I have three amendments that I would like to dispose of. I will then be through with the pending title as far as I know.

With respect to the first amendment (No. 719) I call up, I will have something to say on it and will then withdraw the amendment.

I will speak briefly on the next amendment, (No. 717) and I hope that the senior Senator from Arkansas will give serious thought to accepting the amendment.

The third amendment (No. 737) will be a motion to strike. I will speak briefly on that and will ask for a rollcall vote.

Mr. McCLELLAN. Mr. President, do I correctly understand that the Senator does not expect to have a rollcall on the first two amendments?

Mr. LONG of Missouri. The Senator is correct. There might be a rollcall on the second amendment, but I do not think so at this time.

Mr. McCLELLAN. Mr. President, I thank the Senator.

AMENDMENT NO. 719

Mr. LONG of Missouri. Mr. President, I call up amendment No. 719 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

AMENDMENT NO. 719

(a) Section 2516 of title III is amended as follows: By striking all of paragraph (2) thereof.

(b) Paragraph (7) of section 2510, title III, is amended as follows: By striking all of the language on lines 8 and 9 of page 52 immediately following the word "States" on line 8 of page 52 and ending with the comma immediately preceding the word "who" on line 9 of page 52.

(c) Paragraph (9) of section 2510, title III, is amended as follows: By changing the semicolon following the word "appeals" on line 21 of page 52 to a period; and by striking the word "and" at the end of line 21 of page 52; and by striking all of lines 22 through 25, inclusive, of page 52.

(d) Paragraph (2)(b) of section 2512, title III, is amended as follows: By striking the words "a State" and the comma which follows the word "State" on line 19 of page 58, and by striking all of the language on lines 21 and 22 of page 58 beginning after the words "United States" on line 21 of page 58 and ending immediately preceding the word "to" on line 22 of page 58, including the striking of the comma immediately following the word "thereof" on line 22 of page 58.

The PRESIDING OFFICER. There are various parts to amendment No. 719.

Mr. LONG of Missouri. Mr. President, I ask that the amendments be considered en bloc.

The PRESIDING OFFICER. The amendments will be considered en bloc.

Mr. LONG of Missouri. Mr. President, amendment No. 719 is simple in purpose, but strong in what it is designed to accomplish. As I read title III of the omnibus crime in the streets proposal, it would authorize State law-enforcement officers—pursuant to State law—to wiretap or eavesdrop when specifically designated crimes have occurred. This amendment No. 719 will prohibit any wiretapping or eavesdropping at the State level.

My amendment, if adopted, would permit wiretapping and eavesdropping only at the Federal level. The junior Senator from Missouri wants his colleagues to understand that he does not favor any wiretapping or eavesdropping; but if this bill is to pass, it must be cleaned up. We cannot permit invasions of privacy at State levels for the simple reason that we have no control over their activities. At the Federal level—at least under this bill—the law-enforcement officer must go through the motions of preserving the rights of citizens; at the State and local levels, it would appear that the officers need not even go through these motions.

Let us look at what the proposed bill would permit at the State levels of government in the guise of cleaning up crime from the streets. First, it would centralize areawide law enforcement policy in one official to be determined by State law. The report on S. 917—report 1097—suggests that "in most States, the principal prosecuting attorney of the State would be the attorney general". But the report goes on to state, and I quote from this report beginning at page 98:

> The important question, however, is not name but function. The intent of the proposed provision is to provide for the centralization of policy relating to statewide law enforcement in the area of the use of electronic surveillance in the chief prosecuting officer of the State. Who that officer would be would be a question of State law. Where no such office exists, policymaking would not be possible on a statewide basis; it would have to move down to the next level of government. In most States, the principal prosecuting attorney at the next political level of a State, usually the county, would be the district attorney, State's attorney, or county solicitor. The intent of the proposed provision is to centralize areawide law enforcement policy in him. Who he is would also be a question of State law. Where there are both an attorney general and a district attorney, either could authorize applications, the attorney general anywhere in the State and the district attorney anywhere in his county. The proposed provision does not envision a further breakdown. Although city attorneys may have in some places limited criminal prosecuting jurisdiction, the proposed provision is not intended to include them.

Mr. President, do we read this section of the report correctly? Does it say that the proposed provision of this legislation is not intended to include city attorneys—although clearly they may be authorized by the law we are about to enact? Let us clarify this—and before the bill becomes law. Do we want city attorneys to wiretap and eavesdrop, or do we not? I wish the RECORD to clearly reflect my opposition, at least.

Second, what crimes have to be committed to allow these city attorneys and other principal prosecuting attorneys to indiscriminately invade the privacy of citizens? The proposed bill provides that interception of wire or oral communications by State law enforcement officers could only be authorized when it might provide, or has provided, evidence of designated offenses. And let us look at these offenses: Murder, kidnaping, gambling, robbery, bribery, extortion, or dealing in narcotics or other dangerous drugs. In addition to this list of "specifically designated crimes," all other crimes would have to be designated by State law, and, to quote this bill, would have to be "dangerous to life, limb, or property, and punishable by imprisonment for more than 1 year."

Mr. President, have the proponents of this proposal cataloged all of the offenses which under the laws of the 50 States are punishable by imprisonment for more than 1 year? Mr. President, have the proponents of this proposal cataloged all of the offenses which, under the laws of the 50 States, are dangerous to life, limb, or property? The junior Senator from Missouri submits that this

body cannot, in good conscience, pass on legislation when we do not have the slightest idea of its scope. According to my good friend and colleague, the Senator from Michigan [Mr. HART] in his individual views on this bill, "it is hard to conceive how the range of State offenses for which such a serious invasion of privacy as wiretapping is authorized could be broader than the Federal offenses, but such is the case." I concur fully with the Senator's concern.

Mr. President, for these reasons I cannot support legislation which authorizes State law enforcement officers to invade our privacy. Accordingly, the amendment No. 719 which I have introduced would prohibit wiretapping and eavesdropping at the State level. The only authorized invasion of privacy would be performed by Federal law enforcement officers. Although this is still a gross invasion of our privacy, it does attempt to place some controls in this area.

Mr. President, I ask unanimous consent that a tabulation of the crimes punishable by imprisonment for more than 1 year in various States be printed at this point in the RECORD.

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

CRIMES PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1 YEAR

MARYLAND

(Source: The Annotated Code of the Public General Laws of Maryland, 1957 edition)

Abortion.
Arson: arson, attempted arson, setting fire while perpetrating crime.
Assault with intent to murder, rape, or rob.
Bigamy.
Bribery: bribery of public official, bribery of participant in athletic contest, bribery of juror.
Burglary.
Breaking and entering.
Burglary with explosives.
Carrying concealed weapons.
Conspiracy.
Counterfeiting: private instruments, public documents, public seals, Comptroller stamps, orders for money or goods, manifesto of tobacco inspector, defacing tobacco inspector's brand, breaking hogshead of tobacco with intent to evade inspection, certificate of state stock, metallic checks used by food canners, prescriptions.
Cruelty to animals: injuring race horse.
Defalcation by officer collecting revenue due state or county.
Desertion of wife or child.
Embezzling: wills and deeds, destroying secret wills, embezzling by bank officer, wrongful disposal of property by carriers.
Escaping from penitentiary.
False pretenses: obtaining money by bad check, obtaining money by check with intent to stop payment.
Taking fish belonging to another.
Fraud: breach of trust, misrepresentation by corporate officer, conversion of partnership money, repledge of securities, failure to deliver drafts for stored grain.
Graveyard desecration; also destroying tombs, trees, etc. in cemeteries, narcotics violations, sale of denatured alcohol for beverage purposes, incest, kidnapping.
Larceny: horse, colt, mule, or ass; pipes or fixtures; tobacco plants; larceny after trust.
Possession of machine gun.
Maiming.
Malicious injury to tongue, nose, eye, lip, limb, etc.
Manslaughter.
Miscegenation.
Murder.
Pandering.
Perjury.
Rape.
Receiving stolen goods.
Robbery.
Sending threatening letters.
Extorting by false accusations.
Sodomy.
Rogue and vagabond (a person being caught with burglary tools).

ARKANSAS

(Source: Arkansas Statutes, 1957, 1964 Replacement)

Abortion.
Arson.
Assault with intent to kill.
Assault with intent to rob.
Bigamy.
Illegal cohabitation.
Concubinage (meretricious relationship between white and Negro).
Incest.
Sodomy or buggery.
Bribery of public officers.
Bribery of athletic contest participant.
Burglary.
Possession of burglar's tools.
Taking children out of state after court awards custody to another.
Annoying or molesting child.
Indecent proposals to minors.
Indecent exposure of person.
Unlawful fondling of child.
Window peeping (on second offense).
Dueling.
Forgery: Coins; public securities; deeds, wills, etc.; official seals; bank bills, checks, etc.; possession of counterfeit bank notes or coin; possession of counterfeiting instruments; erasure on instruments; false entries in bank books.
Fraud.
Gambling, keeping of gambling house.
Murder.
Manslaughter.
Death in consequence of arson.
Killing in a duel.
Kidnapping.
Slander.
Maiming.
Night riding (while wearing robe, mask, etc.) for purposes of intimidation.
Resisting execution of civil or criminal process by drawing gun.
Bribery of jurors.
Perjury.
Rebellion by prisoners.
Smuggling firearms, intoxicants, and narcotics into penal institution.
Pandering.
Placing wife in house of prostitution.
Detention of female in disorderly house.
Transporting women for prostitution.
Rape.
Accessory to rape.
Administering potion to woman with intent to rape.
Carnal abuse (statutory rape).
Seduction.
Permitting convict to escape.
Rescue of felon.
Robbery.
Removal of body from grave.
Purchasing body removed from grave.
Opening grave.
Malicious injury to grave or monument.
Mining in cemetery.
Larceny.
Stealing of horse, mare, gelding, filly, foal, mule, ass, or jennet.
Receiving stolen animals.
Shoplifting (third offense).
Blackmail.
Treason (against the State).
Usurping government.
Usurping office.
Subversive activities (advocating overthrow of any government in the United States).
Intentional injury to property.
Intentionally defective workmanship on defense materials.
Failure to register as a Communist or other subversive organization.
Cutting down trees on private property (valued at $10 or more).
Dynamiting real or personal property.
Possession of machine gun for aggressive purposes.
False bomb threat.

MISSOURI

(Source: Vernon's Annotated Missouri Statutes, 1949)

Perjury.
Attempt to corrupt witnesses.
Attempt to bribe juror.
Rescuing prisoner.
Furnishing prisoners with implements for escape.
Attempt to aid escape of convict.
Bribery of public officials.
Bribing officer to appoint to office.
Murder.
Manslaughter.
Poisoning.
Mother disposing of child to conceal birth.
Assault with intent to kill.
Mayhem.
Kidnapping for ransom.
Enticing away child or insane person.
Rape.
Forcing woman to marry.
Abduction of woman under 18.
Seduction.
Guardian defiling ward.
Abandonment of child.
Mistreating of child.
Arson.
Burglary.
Possession of burglary tools.
Robbery.
Blackmail.
Grand larceny.
Stealing domestic fowls in nighttime.
Embezzling.
Malicious destruction of property of explosives.
Fraudulently changing bill or act of legislature.
Destruction of bridges or dams.
Forgery (1st, 2nd, and 3rd degree).
Fraud.
Treason against the state.
Giving aid to enemies of the state.
Dueling.
Prize fighting.
Agreement to prize fight out of state.
Pandering.
Permitting female under 18 in bawdy house.
Forcing wife into prostitution.
Enticing female to house of ill fame.
Transportation of female across state for purposes of prostitution.
Camping or traveling in city or near highway for prostitution.
Maintaining bawdy house within one hundred yards of a church.
Leasing house or building for purposes of prostitution.
Displaying signs to inveigle in bawdyhouse.
Molesting minor with immoral intent.
Bigamy.
Incest.
"The abominable and detestable crime against nature."
Miscegenation.
Publishing obscene newspaper or magazine.
Bookmaking or pool selling.
Keeping a gaming device.
Establishing a lottery.
Bribery of baseball player.
Robbing a cemetery.
Marijuana growing, possession, or sale.
Obstructing railroad track.
Endangering life of railroad passenger.
Carrying explosives on trains.
Operating motor vehicle under the age of 16.
Carrying concealed weapons.

VIRGINIA

(Source: Code of Virginia, 1950 ed.)

First and second degree murder.
Lynching.
Shooting, stabbing, etc., with intent to maim, kill, etc.
Abduction.
Kidnapping.
Abduction with intent to extort money or of female for immoral purposes.
Seduction of female of previous chaste character.
Rape.
Carnal knowledge of a child under 16 or of a lunatic.
Attempt to poison.
Discharging firearms maliciously within occupied buildings.
Arson.
Burning or destroying barn, meeting house, etc.
Willful burning of property with intent to injure insurer.
Burglary.
Possession of burglary tools.
Entering bank with dangerous weapon with intent to commit larceny.
Robbery.
Forgery.
Possession of forged coin or bank notes.
Larceny.
Embezzlement.
Obtaining money by false pretenses.
Shooting at, or throwing stones at trains, cars, etc.
Willfully destroying a vessel.
Extorting money by threats.
Conspiring to cause spouse to commit adultery.
Taking or detaining a female for prostitution (pandering).
Receiving money for procuring female.
Placing or leaving wife for prostitution.
Receiving money from earnings of female prostitutes.
Detaining female in house of prostitution for debts.
Sodomy.
Enticing a child to enter vehicle, room, etc., for immoral purposes.
Exposure of one's sexual organs to child.
Taking indecent liberties with children.
Second offense on obscenity statute.
Perjury.
Bribery to candidates for office or officers.
Acceptance of a bribe.
Allowing prisoner to escape.
Escape, by setting fire to jail.
Making sound recordings of jury deliberations.
Treason.
Misprison or treason.
Advocacy of change in government by force or violence.
Conspiring to incite the colored population to insurrection against the white population, or the white against the colored.

Mr. LONG of Missouri. Mr. President, I withdraw amendment No. 719.

The PRESIDING OFFICER. The The amendment is withdrawn.

AMENDMENT NO. 717

Mr. LONG of Missouri. Mr. President, I call up my amendment No. 717 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

AMENDMENT NO. 717

Section 801, title III, is amended as follows:

(a) Insert a new paragraph (a) as follows:

"(a) The Constitution of the United States guarantees to all individuals a basic right of privacy. Accordingly, the Congress endorses the requirement that what an individual seeks to preserve as private is to be protected, even in an area accessible to the public. The Congress supports the view that wherever a man may be, he is entitled to know that he will remain free from unreasonable searches and seizures."

(b) Accordingly, paragraphs (a), (b), (c), and (d) are redesignated paragraphs (b), (c), (d), and (e), respectively.

Mr. LONG of Missouri. Mr. President, amendment No. 717 has as its sole purpose the attempt to create on the statute books a basic right of privacy for our American citizens. Strange as it may seem, the Congress of the United States—though sympathetic to the idea of privacy—has never recognized such a right. In fact, the law of privacy is a comparatively modern idea. It is not built into the Constitution, except through interpretation; there is no common law right of privacy; there is no Federal law of privacy. Historians, when they analyze the evolving law of privacy often cite the famous 1890 law journal article by Warren and Brandeis as the basis for the doctrine of privacy.

Recently, a flurry of Supreme Court cases have interpreted the doctrine, and perhaps have gone as far as court cases can go in developing a law. Starting with the famous birth control case of 1965, Griswold against Connecticut, a 7-to-2 majority invalidated a Connecticut law forbidding the dissemination of birth-control information as a violation of the right to marital privacy. Thus, as late as 1965, the Supreme Court took a major first step toward formulating a new constitutional doctrine of privacy. The opinion for the Court was written by Mr. Justice Douglas who spoke of the "zones of privacy" created by the Bill of Rights. Mr. Justice Douglas cited the first amendment, the third amendment, the fourth amendment, the fifth amendment, and the ninth amendment, as all relevant to the zones of privacy which exist under the Constitution.

Mr. President, I ask unanimous consent to have inserted, at this point in the RECORD, the above-cited amendments.

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

CONSTITUTION OF THE UNITED STATES

AMENDMENT I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to assemble, and to petition the Government for a redress of grievances.

AMENDMENT III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

AMENDMENT IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Mr. LONG of Missouri. Thus, for the first time, the Supreme Court of the United States faced the issue of privacy squarely and determined that there is a constitutional right to be left alone. Needless to say, this was not the end of the debate. The zones of privacy ranged across many areas of our life, and several new Supreme Court cases have added clarification to the concept.

Other cases have further delineated the zone of privacy, but it is our purpose today to be germaine to the issue at hand; namely, wiretapping and eavesdropping—the "dirty business" to which Mr. Justice Holmes so aptly referred. Accordingly, I wish to call to the attention of my colleagues two very recent Supreme Court cases.

In Berger against the State of New York, decided on June 12, 1967, the majority of the Court, speaking through Mr. Justice Clark, threw out the New York State court-approved eavesdropping statute, declaring it to be unconstitutional. The New York statute permitted the police to obtain judicial warrants authorizing them to hide bugs in the premises of criminal suspects. The Court's majority opinion outlawed this bugging statute because, it said, the procedures did not contain specific safeguards against violations of the fourth amendment, which limited police searches.

Mr. Justice Clark, in his opinion, pointed out that "few threats to liberty exist which are greater than that posed by the use of eavesdropping devices". I would like to insert into the RECORD an article by Mr. Fred Graham, the Supreme Court reporter of the New York Times. Mr. Graham's article appeared in the June 13, 1967, issue of the Times.

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

[From the New York Times, June 13, 1967]

BUGGING IN STATE IS OUTLAWED, 5 TO 4, BY SUPREME COURT—JUSTICES ALSO RULE THAT ALL SUSPECTS IN THE LINE-UPS MUST HAVE COUNSEL—PLAYBOY CASE IS ISSUE—CLARK SAYS "FEW THREATS" TO LIBERTY ARE GREATER THAN EAVESDROPPING

(By Fred P. Graham)

WASHINGTON, June 12.—The Supreme Court imposed strict new limitations today on two police investigative techniques.

The ruling declared it was unconstitutional for New York State to permit court-approved eavesdropping by the police, and said that suspects must have counsel when they appeared in police line-ups.

The majority opinion, written by Associate Justice Tom C. Clark, said that "few threats to liberty exist which are greater than that posed by the use of eavesdropping devices."

The New York statute permitted the police to obtain judicial warrants authorizing them

to hide microphones in the premises of criminal suspects. The case did not involve the tapping of telephones, which is authorized in New York under a different section of the law.

The 5-to-4 ruling outlawed the bugging because, it said, the procedures did not contain specific safeguards against violations of the Fourth Amendment, which limits police searches.

Voting with Justice Clark were Chief Justice Earl Warren and Justices William J. Brennan Jr., William O. Douglas and Abe Fortas.

THE BERGER CONVICTION

Justices Hugo L. Black, John M. Harlan, and Byron R. White dissented. Justice Potter Stewart said the law was constitutional, but he joined with the majority in throwing out the bribery conviction of Ralph Berger, the Chicago public-relations man who had appealed the case to the Supreme Court.

Justice Stewart said the affidavits used to obtain the eavesdropping warrant in the Berger case were insufficient to justify the installation of the bug.

Berger was found guilty in November, 1964, of having plotted with the owners of Playboy Clubs International and Playboy magazine to give a $50,000 bribe to Martin C. Epstein, then chairman of the State Liquor Authority.

In court papers the District Attorney of New York County conceded that Berger would not have been convicted without leads and evidence produced by bugs placed in two New York offices.

The majority opinion today did not say that all court-approved police eavesdropping was unconstitutional, but it laid down such strict standards as to create doubt that any effective law would pass muster before the present Supreme Court.

The direct effect of the decision will be felt in only five other states that have permissive police bugging statutes—California, Maryland, Massachusetts, Nevada and Oregon. The decision appears to invalidate all of these because they are similar to the New York law.

But the effect of the decision could be crucial in Congress, where legislation similar in principle to New York's is currently being pushed by leaders who say police eavesdropping is necessary in the fight against organized crime.

The decision will undoubtedly aid the forces that support the competing Johnson Administration proposal. This would outlaw wiretapping and other electronic eavesdropping, except in national security investigations.

Justice Clark—who stepped down as Justice at the end of today's session to avoid embarrassments involving his son, Attorney General Ramsey Clark—relied on some of the arguments currently being advanced by the Attorney General in his efforts to defeat the police eavesdropping measure.

Without mentioning the current Congressional controversy, Justice Clark noted the absence of statistics to show that the New York statute had been decisive in the state's fight against organized crime. He said the Justice Department's anticrime effort had not suffered since it banned bugging by Federal anticrime agents.

"Some may claim that without the use of such devices crime detection in certain areas may suffer some delays, since eavesdropping is quicker, easier and more certain," he said. "However, techniques and practices may well be developed that will operate just as speedily and certainly, and what is more important, without attending illegality."

According to the Fourth Amendment, searches can be made only on warrants based on affidavits "particularly describing the place to be searched, and the persons or things to be seized."

Justice Clark listed the following reasons why the New York law did not comply with the amendment:

It authorizes the issuance of "general warrants" that sanction sweeping invasions of privacy, rather than the narrowly circumscribed warrants that are used in regular searches.

It does not require the police to specify what crime is being committed, or what conversations are being sought. The New York law does require the naming of the persons whom the police are attempting to bug, but it does not make the police say in advance the nature of the admissions they are seeking.

It permits the operation of the bug for 60-day periods, which can be extended any number of times with the permission of a judge. The Court did not say how long a bug might constitutionally be kept in operation, but it said that was too long.

It does not require that the police remove the hidden microphone after they have obtained the desired information.

It does not provide for notice of the "search."

This final objection served to illustrate the hurdles any bugging law must face in the present Supreme Court. The opinion said that "exigent circumstances" might justify the installation of a device by means of secret trespass, but without the right to ignore the traditional serving of the warrant, any eavesdropping law would appear to be useless.

In the line-up decisions, the Court held for the first time that that police procedure is such a "critical" stage of the prosecution that a suspect must be permitted to have his lawyer present.

The opinions by Justice Brennan dealt with three cases and held that, although a suspect had no right to refuse on self-incrimination grounds to appear in a line-up, he had a right to have a lawyer there.

This gives the lawyer the opportunity to object to any procedures that might prejudice the suspect's chances to a fair identification by the witnesses, Justice Brennan said.

Presumably, the decision will require that lawyers be furnished for suspects who ask for them and cannot afford to pay. The Court did not have to decide this issue directly, since two of the three cases involved suspects who had already retained lawyers at the time they were placed in the line-ups to be viewed by witnesses to the crimes.

The line-up appeals concerned the convictions of Billy Joe Wade for bank robbery in Eustace, Tex., in 1964, and of Jesse James Gilbert in the armed robbery of an Alhambra, Calif., savings and loan association office in 1964.

Mr. LONG of Missouri. Mr. President, it is important to repeat language from Mr. Justice Clark's majority opinion in the Berger case. He points out "that few threats to liberty exist which are greater than that posed by the use of eavesdropping devices."

A second Supreme Court case is Katz against the United States, decided on December 18, 1967. The facts of the case are well known to my colleagues, but I am afraid that the import of the case is not so well known. Mr. Justice Stewart, in delivering the majority opinion, stated "wherever a man may be, he is entitled to know that he will remain free from unreasonable searches and seizures."

Mr. Justice Stewart, in this same opinion, pointed out a problem which I am today attempting to correct by my amendment. The Justice pointed out that the "protection of a person's general right to privacy—his right to be let alone by other people—is like the protection of his property and of his very life, left largely to the law of the individual States." The amendment I today support would, in my opinion, for the first time create a Federal right of privacy. It would for the first time put the Congress of the United States on record that a man has a right to be left alone. It would for the first time put the Congress on record that our privacy remains in our own control. No longer will it be necessary to rely on the close decisions and the legalisms which sometimes are embodied in Supreme Court decisions.

Mr. President, since the creation of our Nation, we have not really enjoyed a right of privacy. Wiretapping and bugging, to name a few intrusions, were only recently curtailed when President Johnson in 1966 took firm steps to put an end to indiscriminate eavesdropping within Federal Government agencies. But our privacy should not and must not be dependent upon the decision of the President of the United States. The decision must come from the Congress, and this is all my amendment will accomplish.

Mr. President, two comments are appropriate at this point. First, it should be made perfectly clear, and the junior Senator from Misouri has attempted to make this perfectly clear, that we are in no way attempting to curtail the fight against organized crime. We are in no way attempting to curtail legitimate law enforcement activities. But, as I stated in the opening statement at my subcommittee's first hearing over 3 years ago:

> Let me also stress the point that many of the practices and procedures which some people allege to be unwarranted and unnecessary invasions of privacy are staunchly defended by their users as both warranted and necessary, indeed, indispensable, as tools of law enforcement.
>
> What we are dealing with here is clearly a problem of the balancing of interests: Privacy of the individual on the one hand and law enforcement on the other.
>
> Neither of these interests can be satisfied entirely.

I further stated "that in a free society, we must maintain a balance, and that is what these hearings are all about."

And that is what this discussion here today on title III of "crime in the streets" is all about. We must continue to achieve the balance between privacy and law enforcement. Title III of the legislation pending before us today does not, as I read the bill, go toward achieving the proper balance. In fact, no balance is drawn at all. As I read the law, it would give too much authority and perhaps even complete permission to law enforcement officers to bug and wiretap at their discretion when they are carrying out their functions.

Accordingly, Mr. President, if we must have a wiretapping bill on the statute books of the United States, I strongly urge my colleagues of the Senate to adopt this amendment. As stated earlier, the sole purpose of the amendment is to endorse the right of privacy—at the Federal level—for our American citizens.

Mr. McCLELLAN. Mr. President, the pending amendment constitutes the author's view of the meaning of the Con-

stitution. I see no place for the amendment in the pending bill. The Constitution is interpreted as these questions are raised.

The amendment, from its language, is apparently intended to reflect the developments in constitutional law worked out in the case of Katz against the United States. Nevertheless, it misstates the holding in that case.

Writing for the court, Mr. Justice Stewart observed:

> The Fourth amendment cannot be translated into a general constitutional "right of privacy." That amendment protects individual privacy against certain kinds of government intrusion, but its protections go further and often have nothing to do with privacy at all.
>
> Other provisions of the Constitution protect personal privacy from other forms of government invasion, but protection of a person's general right to privacy is really to be let alone by other people, the right of protection of his property and his very life left largely to the law of the individual States.

Consequently, the first sentence of the pending amendment must be rejected. The remainder of the amendment is superfluous since it but restates the holding of Katz and reflects the language of the fourth amendment. How it adds anything to the statute is unclear.

It is far better to protect privacy with civil, criminal, and suppression sanctions, as the statute does, than to put into a statute of this sort general statement.

I think it is a nice gesture, but I do not think it has any real substance.

Mr. LONG of Missouri. Mr. President, I think it is a statement by Congress to the effect that it endorses the right of privacy for the citizens of our country.

The amendment was submitted to the Justice Department.

The Justice Department wrote me that although the Constitution does not specifically mention the right of privacy, recent decisions of the Supreme Court have discussed several provisions of the Bill of Rights, including the first, fourth, and fifth amendments in sanctioning the right of privacy.

The amendment should be agreed to. I do not think it hurts the bill at all. I believe it is merely a fair statement of the views of Congress to the effect that the right of privacy is a right that should be protected.

Mr. President, I do not ask for a rollcall on the amendment.

I yield back the remainder of my time.

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). All time having expired, the question is on agreeing to the amendment of the Senator from Missouri.

The amendment (No. 717) was rejected.

AMENDMENT NO. 737

Mr. LONG of Missouri. Mr. President, I call up my amendment No. 737 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

Amend title III of S. 917 as follows: Strike all of title III.

Mr. LONG of Missouri. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Mr. President, would the pending amendment strike the entire title III from the pending bill?

The PRESIDING OFFICER. The Senator from Arkansas is correct.

Who yields time?

Mr. LONG of Missouri. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 10 minutes.

Mr. COOPER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Kentucky for a parliamentary inquiry?

Mr. LONG of Missouri. Mr. President, I so yield.

The PRESIDING OFFICER. The Senator from Kentucky will state his parliamentary inquiry.

Mr. COOPER. Mr. President, I ask if it is appropriate to have a division on that section which deals with national security.

Mr. LAUSCHE. Mr. President, may we have order so that we can hear?

The PRESIDING OFFICER. The Senate will be in order.

Mr. COOPER. I will ask: Would it be appropriate under the rules to amend the amendment offered by the distinguished Senator from Missouri by striking subparagraph (3) on page 56—section 2511, subparagraph (3)?

The PRESIDING OFFICER. The amendment itself would not be amendable, but an amendment in the nature of a strike and insert for the whole title would be in order and would take precedence over the amendment offered by the Senator from Missouri.

Mr. COOPER. To strike the section but insert the language on page 56, subparagraph (3). That would be appropriate?

The PRESIDING OFFICER. Is the understanding of the Chair correct that the Senator from Kentucky proposes to strike the entire title and then insert new language?

Mr. COOPER. I will propound another parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOPER. Would it be appropriate and permissible under the rules for the Senator from Missouri to except from his amendment subparagraph (3) on page 56?

Mr. McCLELLAN. Mr. President, did the Senator say "except" or "accept"?

Mr. COOPER. Except.

Mr. McCLELLAN. Subparagraph (3) on what page?

Mr. COOPER. Page 56.

The PRESIDING OFFICER. The Senator from Missouri could ask unanimous consent to so modify his amendment, if the Senator from Missouri desired to do so. Unanimous consent would be required because the yeas and nays have been ordered.

Mr. COOPER. It is the Senator from Missouri's amendment, and I will not offer an amendment to his amendment.

I propounded this inquiry because on page 56 section (a) refers to the power of the President to take such measures as he deems necessary to protect the Nation, I assume that it implies his power and authority to use wiretapping and electronic devices if he considers it necessary for the protection and the security of the Nation. It is my judgment that he has the power without this section to use such means as he finds necessary to protect the national security.

I make this statement with the hope that the Senator from Missouri may except from his amendment, subparagraph (3) on page 56.

Mr. LONG of Missouri. I say to the senior Senator from Kentucky that I do not believe that at this time I would want to accept that suggestion. This amendment (No. 737) would strike the entire title III. We are certainly with the President with respect to giving him the right in national security cases. He is using that right now.

This amendment, if adopted, would not interfere with him in exercising the right that he has at the present time. But I believe that making the change you suggest would bring in other issues.

One reason why I prefer to proceed with this amendment (No. 737) is that I believe that title III is quite involved. Many rights are involved. We are interested in enforcing the criminal laws of the Nation, but the rights of our citizens are vitally concerned, and I believe we are giving them a rather fast treatment in this title. I believe this title should be taken out of the bill.

Pending before the Committee on the Judiciary is S. 928, which covers electronic eavesdropping in its entirety. I believe the Judiciary Committee should give that bill further consideration and bring it to the floor of the Senate for consideration. That is the administration bill on wiretapping, incidentally, which endorses for the President all of the rights that the Senator from Kentucky has suggested, although the President is exercising those rights now.

AMENDMENT NO. 737

Mr. President, I respectfully urge my colleagues in the Senate to reject title III of the pending bill. As proposed by the administration, S. 928 was properly called the Right to Privacy Act. I join some of my fellow Senators in describing title III of S. 917 as the End to Privacy Act. I find title III objectionable both on constitutional and policy grounds.

To be sure, title III has incorporated, substantially verbatim, many of the provisions of S. 928. I strongly endorse the portions of title III concerned with protecting the individual from electronic invasions of his privacy by private persons. I also approve the excellent prohibitions on the manufacture, shipment, or advertising of electronic surveillance devices. If we are to make substantial progress toward protecting individual privacy, we must sharply curtail the sup-

ply of the nefarious devices that are so easily obtained in the marketplace today.

But these protections are scant compensation for the grave threat to privacy engendered by the permissive provisions in the remainder of title III. Police-conducted invasions of privacy are authorized to investigate a vast range of Federal or State crimes. Section 2516(1) offers a shopping list of crimes for which Federal warrants may be issued that is far too broad to be reconciled with any legitimate law enforcement purpose. And the provisions of section 2516(2) give carte blanche to State and local police to engage in wiretapping and eavesdropping for any felony whatsoever.

So long as a willing judge is found to issue a surveillance warrant, there is no bar to massive electronic surveillance by the police at every level—Federal, State, or local. The requirements of title III are simply inadequate to protect the precious right of the individual to privacy. The ease with which some judges now rubberstamp conventional search warrants is notorious. No doubt, the vast majority of judges will take great care to make proper findings before issuing surveillance warrants. We shall inevitably find, however, that law enforcement officers in search of surveillance warrants will seek out the judges who are less exacting or less cautious in their dispensation.

I oppose the enactment of any permissive electronic surveillance legislation at the present time. I especially oppose the action of the committee in tying such legislation to the crucially important provisions of the law enforcement assistance program in title I of the bill.

Mr. President, there is a fundamental inconsistency between title III and the requirements of the Constitution applicable to electronic surveillance, as interpreted by the Supreme Court in the recent Berger and Katz decisions. I believe that title III violates the requirement of these decisions that a warrant for electronic surveillance must particularly describe the conversations to be overheard.

As the Court emphasized time and again in Berger and Katz, the requirements of the fourth amendment applicable to wiretapping and eavesdropping are the same requirements applicable to conventional search warrants. Thus, it is clear that the overall purpose of Berger and Katz is to assimilate electronic surveillance to the strict requirements applicable to searches and seizures for tangible physical objects.

It has long been established that a conventional search warrant must describe with particularity the object to be seized, and that a judge authorizing the issuance of a warrant for the object must have probable cause to believe that the described object will be found on the premises to be searched.

It is true that section 2518(3)(b) of title III requires a finding of probable cause for belief that particular communications concerning the offense named in the warrant will be intercepted. That provision, however, pays only lip-service to the constitutional mandate. The lengthy periods of surveillance authorized in title III—up to 30 days, with potentially unlimited renewals for fresh periods of 30 days each—completely belies the apparent adherence of title III to the requirement of particularity.

Mr. President, I believe that the period of surveillance is far too long to meet the constitutional requirements imposed by the Supreme Court in the Berger and Katz decisions. In these cases, the Court clearly required that any period of electronic surveillance must be brief. The length of the surveillance period lies at the heart of any statutory scheme authorizing electronic surveillance. Without a requirement that the period be brief, none of the other safeguards provided by title III will be effective to prevent wholesale abuses of the warrant procedure.

Even under the most generous reading of Berger and Katz, 30 days almost certainly exceeds the outer constitutional limit for a reasonable surveillance period. In Berger, the Supreme Court held unconstitutional a New York statute authorizing the issuance of surveillance orders for 2-month periods. Justice Clark's opinion for the Court sharply criticized the long surveillance period on three separate grounds. First, authorization of electronic surveillance for such a lengthy period is equivalent to a series of intrusions over the entire period pursuant to a single showing of probable cause. Second, the long surveillance period effectively avoids the requirement of prompt execution of the order, a requirement applicable under existing law in the case of conventional search warrants. Third, the conversations of any and all persons coming into the area are recorded indiscriminately during the entire surveillance period, without regard to their connection to the crime under investigation. The same criticisms are obviously applicable to the 30-day surveillance period authorized by section 2518(5).

Nothing in the Katz decision supports such a lengthy surveillance period. Although the Supreme Court stated unequivocally in Katz that a warrant could constitutionally have been issued to authorize the surveillance in that case, the surveillance in Katz was in fact extremely limited. It involved the recording by FBI agents for the subject's daily conversations from a public telephone booth, averaging 3 minutes each day over a 7-day period, and made in plain view of Government agents at approximately the same time each day. The recording device was activated only when the suspect entered the telephone booth; in this manner, the interception of innocent conversations by third persons was almost entirely avoided.

The surveillance in Katz was thus conducted under extremely precise and narrow circumstances. An application for a surveillance warrant would have pinpointed the conversations to be seized to within minutes of their occurrence, and adequate precautions could have been—and in fact were—taken to minimize the interception of conversations of innocent persons.

The Supreme Court may limit the use of electronic surveillance to circumstances similar to those in Katz, in which event surveillance will be available to law enforcement in only a narrow range of situations. Such a restriction would, of course, be fully consistent with the Court's basic holdings in both Berger and Katz, that electronic surveillance procedures must meet the strict requirements of the fourth amendment applicable in the case of conventional search warrants.

Even under a more generous reading of Berger and Katz, however, it is hardly likely that the Court will accept the 30-day surveillance period authorized by section 2518(5).

The reason for the inclusion of the lengthy surveillance period in section 2518(5) is obvious. In spite of the other safeguards included in title III, section 2518(5) makes clear that the title as a whole is designed to authorize warrants for general intelligence gathering, rather than for the investigation of specific crimes. The language of the Berger and Katz decisions nowhere speaks of such general intelligence gathering as a legitimate purpose of electronic surveillance. Indeed, the court could hardly have held otherwise, since a warrant for such purposes would be invalid under the fourth amendment as a general search warrant. The abhorrence of such warrants was a major factor underlying the adoption of the fourth amendment in the Bill of Rights. Nothing in Berger or Katz suggests that such warrants are any less objectionable in the case of wiretapping or eavesdropping than in the case of conventional search warrants.

There are other fundamental objections to title III. I believe that it will encourage illegal electronic surveillance. Although subsection (3) of section 2517 prohibits the disclosure by law enforcement officers of illegally intercepted communications in criminal trials or grand jury proceedings, paragraphs (1) and (2) make clear that such communications may be disclosed or used for other purposes. The section is likely to encourage illegal electronic surveillance, especially in cases where the parties to a communication are not the real objects of the surveillance.

Section 2510(11) gives standing to challenge a surveillance order to any person who was either a party to an intercepted communication, or the person against whom the interception was directed. This section is also likely to encourage illegal surveillance in cases where the parties to a communication are not the real objects of the surveillance. As the section now stands, it is an open invitation for law-enforcement officers to engage in illegal electronic surveillance. So long as the illegally obtained evidence is not used against the parties to the intercepted communications no person will have standing to challenge its introduction in evidence. Although the section gives standing to the person against whom an interception is directed, whether or not he was a party to the communication, it will be difficult in many cases to determine that the surveillance was directed against anyone other than the parties to the communication.

Serious objections must be raised against the broad range of Federal crimes for which wiretapping and eavesdropping is authorized under section 2516.

In their report, proponents of title III state:

> Applications for orders authorizing the interception of wire or oral communications may be made only in the investigation of certain major offenses. . . . Each offense has been chosen because it is intrinsically serious or because it is characteristic of the operations of organized crime.

Section 2516 of title III then goes on to authorize Federal wiretapping for such crimes as bribery of union officials—section 186 of title 29—embezzlement of union assets—section 501(c) of title 29—bribery of public officials and witnesses—section 201, title 18—obstruction of criminal investigations—section 1510 of title 18—bribery in sports contests—section 224 of title 18—offering or soliciting kickbacks to influence the operation of employee benefit plans—section 1954 of title 18.

If the preceding are some of the offenses which proponents of title III view "as intrinsically serious or characteristic of the operations of organized crime," I wonder what a list of the offenses they view as minor or noncharacteristic of organized crime would consist of.

As broad as the range of Federal offenses for which wiretapping is authorized is, the range of State offenses is even broader. Under title III, the category of State offenses for which eavesdropping warrants may be issued is essentially open ended. Section 2516(2) permits eavesdropping for any State crime punishable by more than 1 year in prison and dangerous to "life, limb, or property." Nothing in section 2516(2) prohibits the use of electronic surveillance in such sensitive areas as State income tax violations. Further in many States numerous petty offenses will qualify under section 2516(2) as crimes for which surveillance orders may be issued.

Under section 2511(3) of title III the President is given unlimited power to authorize tapping in national security cases. Section 2511 also authorizes the admission into evidence of communications intercepted in national security cases if the interception was "reasonable."

Although I recognize the need for the Government to be able to protect itself, it seems some check should be placed on a President's authority in this area. Although unlikely, one President's definition of national security could encompass a nationwide trucking or rail or airline strike. Under section 2511(3) the President, if he deemed such a strike a threat to national security, could without seeking court orders, place taps on both labor and management in the struck industry.

The bill as drawn permits surveillance orders to issue where privileged or highly private conversations are likely to be overheard, without even the minimum safeguard of requiring a showing of special need.

It does not even require that recordings of intercepted communications be sealed with the issuing judge as soon as practicable during an interception instead of waiting for the period of surveillance to end. Such a waiting period opens the door to the dangers of editing or other alteration.

Finally, Mr. President, the crucial point is that we simply do not have adequate information on which to base a judgment that electronic surveillance is an essential tool in the war against crime.

Before electronic surveillance is authorized as an investigative tool for law-enforcement officers, I believe that many currently unanswered questions must be answered. How often does electronic surveillance produce substantial evidence leading to arrests or convictions that could not otherwise be obtained? What price is paid in terms of the number and type of innocent conversations overheard? Is electronic surveillance likely to be most useful in the "morals" area of the criminal law—gambling, bookmaking, and prostitution—where it is most susceptible to abuse? How large an investment in terms of law-enforcement manpower, equipment, and other resources is required? How often is false or misleading information obtained? To what extent is success of electronic surveillance dependent on unawareness by criminals of its widespread use as a law-enforcement tool? How easily can members of organized criminal conspiracies defend against electronic surveillance?

In sum, we have no knowledge of the efficiency of electronic surveillance as a law-enforcement technique, as compared to other investigative techniques which are currently available and which raise on substantial constitutional or policy issues.

I feel strongly the Senate should strike title III of the bill.

Mr. McCLELLAN. Mr. President, I yield myself 10 minutes. I do not believe I will take that much time.

Mr. President, we now have squarely before us the issue as to whether to provide this tool, this instrumentality for the use of law enforcement in combating crime.

Mr. President, I have already placed in the RECORD the objectives of title III, and we are now talking about those objectives. Those who oppose the objectives would eliminate the title from the bill entirely. The objectives of this title have been recommended by all Attorneys General since 1931 down to but not including the present Attorney General. The objectives of this title have been recommended by the President's Crime Commission, the Judicial Council, the Association of District Attorneys of the United States, the Association of Attorneys General throughout the United States, and the National Council on Crime and Delinquency.

I do not know how a proposal could get stronger endorsement than that.

Under the Katz case and the Berger case it has been held that this proposal is within the framework of the Constitution, if we have drafted it correctly, and we think we have.

Mr. President, the situation comes down to this: Will we deny law enforcement the essential tools it needs in many instances to detect the commission of crime and to discover who committed the crime, and also, in many instances to prevent the commission of major crime?

I do not have to repeat again the lawlessness situation in this country. Everybody knows it. We have a situation in the Nation's Capital that is a world disgrace and not just a national disgrace. The rate of crime is rising every day. Everybody says, "We have to do something about it." Yet when they are given the opportunity to do something about it they say, "We must not do that."

While we wait, the crime rate continues to spiral higher and higher and American citizens become more and more insecure in their safety.

Shall we act? The hour of decision is here. I could read much material about the experience in New York, which has one of the greatest States attorneys in the Nation, Mr. Hogan, declared to be unconstitutional until their law was.

Mr. President, I submit that when you place the sources I have referred to here as endorsing this legislation, all the endorsements from these high sources, against the present Attorney General, it is not merely a preponderance of weight but it is an overwhelming endorsement of this character of legislation. I regret that the present Attorney General opposes this measure, but we must do something.

The present program, which I support may be good as far as it goes but it is inadequate to meet the impending crisis of lawlessness in this country.

Mr. President, I urge a very decisive vote by the Senate in rejecting this amendment.

Mr. BREWSTER. Mr. President, will the Senator from Missouri yield to me?

Mr. LONG of Missouri. I yield whatever time I have remaining.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. BREWSTER. Mr. President, once upon a time a man could retire into his home, free from prying eyes and ears, with distance between his neighbors. That time, unfortunately, is gone. Parabolic microphones, wiretaps, miniature transmitters, hovering cameras—all these have combined to make it almost impossible for a man to get away from a determined spy or eavesdropper.

Justice Brandeis had a simple definition of the right of privacy. He called it "the right to be left alone." Whatever we call that right, it is obvious that it is fast disappearing. We pay lipservice to it and yet dishonor it in practice. As we pile high in apartments, as electronic surveillance increases, as the tentacles of Government spread, big brother invades the precincts of our homes, audits our conversations, and looks more and more over our shoulder.

It is clear that time and wisdom were more on the side of Justice Brandeis who wrote in his dissenting opinion in the Olmstead case in 1928:

> Time works new changes, brings into existence new conditions and purposes . . . The progress of science in furnishing the Government with means of espionage is not likely to stop with wiretapping. Ways may some day be developed by which the Government without removing papers from secret drawers, can reproduce them in court . . . Can it be that the Constitution affords no protection against such invasions of privacy?

Perhaps we are not quite at the stage where we can reproduce documents with-

out opening closed drawers, but the idea is not so farfetched as it may seem.

Since 1934 we have had legislation specifically prohibiting the interception and divulgence of telephone conversations. Yet we have seen to what great lengths Federal and State law enforcement officers have gone to violate that law. The Federal officers have justified their instrusions on the privacy of countless thousands of citizens by a most specious legal theory. For years now the Justice Department has argued that it is illegal only to intercept and divulge, and that so long as the Government does not use the wiretap evidence in open court there has been no divulgence. Forget about all the agents, clerks, typists, and messenger boys who have read the file. As long as it does not leave the building there has not been a divulgence.

Earlier I cited Justice Brandeis, who asked:

> Can it be that the Constitution affords no protection against such invasions of privacy?

I would answer the Justice, "No, it cannot be; the Constitution does protect our right of privacy," and this protection can be found in the fourth amendment.

The founders of our Nation established the protections of the fourth amendment because they had seen their homes subjected to unlimited searches and seizures and they wanted to insure that such unlimited searches and seizures and general warrants would never be repeated. Government officials were therefore to be allowed only specific warrants, particularly describing, in the words of the fourth amendment, the "place to be searched" and "the thing to be seized."

Wiretapping and electronic eavesdropping cannot, however, be so limited. Any authorization, even one based on a court order, would necessarily be general, rather than covered by a specific warrant limited to specific objects and places, for it would necessarily permit a general exploratory search for evidence in aid of prosecution. This is because such devices inevitably pick up all the conversations on the wire tapped or the room scrutinized. Thus, not only is the privacy of the telephone user invaded with respect to those calls relating to the offense for which the tap is installed, but, first, all his other calls are overheard, no matter how irrelevant, intimate, or otherwise privileged—such as conversations with his lawyer or doctor—and thus all persons who respond to his calls have their conversations overheard; second, all other persons who use his telephone are overheard, whether they be family, business associates, or visitors; and, third, all persons who call him, his family, his business associates or visitors, are overheard.

Wiretapping's broad sweep is even more apparent where public telephones are tapped. Of 3,588 telephones tapped by the New York police in the 1953–54 period, 1,617, almost half, were public telephones. The same holds true for taps on hotel switchboards, large companies, law firms. It is inevitable that in these cases only an infinitesimal number of the intercepted calls are made by the suspect or by anyone even remotely connected with him; yet the privacy of numerous other callers is invaded, many of whom may have resorted to a public telephone precisely in order to obtain a privacy not obtainable at their homes or businesses.

The record is so full of abuses that it is almost unbelievable. I suggest that my fellow Senators take a little time to browse through the multivolume hearing transcripts of the Subcommittee on Administrative Practice and Procedure, of which the distinguished Senator from Missouri is chairman. Keep in mind that all this tapping was done and is still being done at a time when the practice was and still is absolutely and unequivocally prohibited by statute.

Are we naive enough to think that "legalization" of this dirty business will result in fewer abuses. On the contrary, if we enact title III of S. 917 as it is presently drafted, I think we will be providing law enforcement officers with a license to do wholesale tapping and bugging. Title III is so full of dangerous loopholes that it could be characterized as a legal fishnet.

Rather than legalizing wiretapping and eavesdropping, we should be spending our time tightening up the provisions of the Communications Act, which have been on the books for 34 years now, but which have been more honored in the breach than in observance. We should be spending our time establishing criminal penalties for violators of that act and civil remedies for those whose privacy has been violated.

The right to privacy is indeed the most comprehensive of all rights. A society which cherishes liberty and human dignity cannot do without it; a society which seeks to abolish individual freedom cannot tolerate privacy. I have always thought that this was what distinguished us from the totalitarian governments, and yet I see us moving in that direction.

A client who talks to his lawyer in confidence is now often talking for the "record." The bug may be in a stapler on the desk, in the chandelier or in an inkwell, even in that ludicrous martini olive. The receiving set may be down the street a block or two.

The Government conference room may contain a two-way mirror; and everything said by a client to his lawyer may be audited.

The men dressed as telephone mechanics who drive up in a "telephone" truck may be Government men, placing a tap.

As one views the increasing intrusions into the various realms of privacy he is bound to agree that we are approaching what Orwell described in "1984":

> You had to live—did live, from habit that became instinct—in the assumption that every sound you made was overheard.

We are not yet at this point, but the pattern of surveillance and conformity that possesses us marks a gravitation toward it. Electronics have made it easy to penetrate any sanctury and to break down the walls that have guarded people's confidences.

The climate of privacy envisioned by our Founders once allowed the genius of our people to flourish. I rebel against the loss of that climate.

Personally, I have grave reservations about title III. I am unequivocally opposed to wiretapping and eavesdropping as a general principle. I do not think that provision for a court-order system offers sufficient protection of our right of privacy. That right is much too precious to leave in the unrestrained hands of Federal, State, and local judges.

I would carve out one exception, however, and allow wiretapping and electronic eavesdropping in national security cases, for there the interests of the Nation, perhaps even its survival, overrides the individual's right of privacy. Even in cases of national security, I do not think we should give the Government an unrestricted power to tap or bug on mere suspicion. I think we should allow the Government to tap or bug only on authorization by a Federal court order. Here the Government would have to show probable cause and the court could impose proper limitations on the duration and scope of the tap, making it conform as clearly as possible to the "particularity" requirements of the fourth amendment.

I, for one, am not persuaded by the arguments of those in favor of legalized tapping and bugging. Proponents of title III say that tapping and bugging are necessary tools in the fight against organized crime. This is the "fight fire with fire" argument. Yet we find that the present Attorney General of the United States has stated in no uncertain terms that he could fight his war on organized crime, and win, without the use of wiretaps or electronic bugs. To support his statement the Attorney General pointed out that in 1966 the number of indictments under his organized crime program were 25 percent higher than any year in history. He added:

> The evidence used in securing these indictments was not developed in any way through the use of electronic surveillance.

These remarks were brought out in testimony before the Senate Subcommittee on Administrative Practice and Procedure on March 20, 1967.

Some proponents of greater use of wiretapping and electronic bugging believe that a slight loss of privacy is more than compensated for if we can convict the leaders of organized crime. I disagree. I believe we can truly have our cake and eat it too. I believe that we should strive to maximize both the public safety and individual privacy. What we should do is devote sufficient resources to developing our police departments to the point where they can secure the public safety from organized crime while at the same time protect our right to privacy. We need not give up our privacy to win the war on crime.

The concept of privacy, which is the most comprehensive right of a free man in a free society, is diminishing with each passing decade. This is not by reason of any deliberate malevolent policies on the part of our bureaucrats. It is largely, I think, owing to the ignorance and the indifference of a people so comfortably intent upon material well-being and security that they lose sight of the ancient wisdom of our Founding Fathers.

If we approve title III of the bill we are considering today, that "most comprehensive of rights and the right most valued by free men" is certain to be even more progressively diminished. Things will surely get worse as we tend to squander the heritage that has been left to us.

Five years from now we may be debating a bill which would remove the court-order restrictions of title III and leave the decision to tap or not solely to the discretion of law-enforcement officials. I suggest that the time to stop the ever-growing invasions of our privacy is now.

I ask unanimous consent to have a New York Times editorial and letter to the editor printed in the RECORD.

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

[From the New York Times, May 3, 1968]

LEGISLATING PRIVACY

To the EDITOR:

We are concerned that your otherwise excellent story of April 29 on the report of the Association of the Bar of the City of New York relating to proposed wiretapping and eavesdropping legislation may be misconstrued as an endorsement by the association of more broadly permissive legislation than we in fact could support.

Our concern is accentuated by the fact that virtually simultaneously with publication of our report there came to the Senate floor the "Safe Streets" bill (S. 917) containing a major section on wiretapping and eavesdropping that is a substantially amended version of one of the bills (the "Blakey bill") considered by our report.

Many of the features of the original Blakey bill which were disapproved in our report have been retained and indeed made more objectionable in this amended version. As a result, this very complex part of S. 917 is a totally unacceptable dangerous legislative proposal.

Its passage would open the door to perhaps the most extensive legal wiretapping and eavesdropping seriously proposed to date, while eliminating many of the safeguards proposed not only in our report but in other legislative schemes which have been before Congress. There is considerable doubt whether the present bill meets the constitutional requirements set forth in recent Supreme Court decisions in this area.

While we therefore cannot support the proposed bill, we continue to believe that a bill should be drafted which will deal responsibly with the problem, and that the present chaotic condition should not be permitted to continue. We urge that the matter be referred back to committee with a view to drafting a much narrower bill, with far greater safeguards.

In the association's report, prepared by a joint subcommittee of the committees on Federal legislation and civil rights, we made detailed recommendations which in our view would meet the dual objectives of protecting the right of privacy and aiding the legitimate needs of law enforcement.

We emphasized there, and we reiterate here, that our recommendations, constitute a single package of proposed legislative controls, and that were any major element to be omitted, we would oppose the enactment of the remainder.

EASTMAN BIRKETT,
Chairman, Committee on Federal Legislation.
LOUIS A. CRACO,
Chairman, Committee on Civil Rights.
SHELDON H. ELSEN,
Chairman, Joint Subcommittee on Wiretapping and Eavesdropping.
NEW YORK, *May 1, 1968.*

[From the New York Times, May 3, 1968]

BALANCE ON BUGGING

Among the oddly assorted provisions of the Senate Judiciary Committee's misshapen crime-control bill is a section that would complicate the muddle over effective control of wirestapping and eavesdropping.

The Committee treats with a steam shovel a problem that demands an approach as sophisticated as today's electronic snooping devices, which make it possible to invade the privacy of communications almost anywhere. The "Big Brother" potentialities of these devices are so frightening that many civil libertarians favor a total ban on their use, but such a remedy would deprive law-enforcement officials of a weapon they need to fight organized crime.

The test for legislators, as the Supreme Court has made clear, is to draw up rules of reason that will provide maximum protection for individual liberties without disarming the police in their effort to safeguard society. Even though the Senators have given lip service to the criteria indicated by the Court, we feel the list of crimes for which they would permit bugging is too broad and the degree of judicial restraint too slight.

A much more satisfactory attempt at balance has been made by the Association of the Bar of the City of New York. Its committees on civil rights and on Federal legislation, which have long been at odds on this troublesome subject, have just reached agreement on control programs of remarkable comprehensiveness and sensitivity.

The recommendations are far too detailed for meaningful summary here, but they impress us as superior to any of the proposals put forward by the Administration of members of Congress for meeting the needs of law enforcement while avoiding wholesale trespass on private rights.

The Senate would be well advised to recommit the crime-control bill for consideration of the Bar Association's suggestions. The bill, as we have noted before, has so many other defects that sending it back to committee would be a good idea in any event.

The subjects with which it deals are too important to permit the bill to die, but it would be even worse to pass it in its present form.

Mr. MURPHY. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I yield 3 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 3 minutes.

Mr. MURPHY. Mr. President, I should like to associate myself with the views of the distinguished Senator from Arkansas. We are working now to devise a viable means for stopping crime and, at the same time, protect the constitutional rights of the individual, which include an unjust invasion of his privacy, from the people who, although quite properly, use all manner of gathering information against the criminal element.

One should not get the impression that crime, and particularly organized crime, is a new situation. Of course, it is not. I have known of it more intimately at times over a period of 35 years than I would care to say. It has become more brazen, more active, more effective, and more destructive to our society in late years because we have passed laws and the courts have handed down decisions that manage to restrain those charged with the protection of the peace and tranquillity of our communities and with the protection of all law-abiding citizens.

I do not believe we should jeopardize an individual's right to privacy when he is acting within the law. By the same token, we must not restrict unnecessarily the work of peace officers who have the duty of protecting the welfare of all the people. Therefore, I should like to ask my distinguished colleague from Arkansas if he would discuss one point with me, for a moment. There are now electronic devices available to the individual householder which he can buy and install to protect his home. One device I know of, in case of an illegal entry by a burglar, immediately notifies the police, records all sounds and voice patterns of those who are improperly in that house.

I should like to ask the Senator from Arkansas, will this device be permitted under title III as it now stands?

Mr. McCLELLAN. Yes. In the home, or in the apartment, on fair notice, such a device would be permitted. Then it would not be "surreptitious."

I also invite the attention of the Senator to pages 93 and 94 of report No. 1097, where he will find:

Paragraph (2)(c) provides that it shall not be unlawful for a party to any wire or oral communication or a person given prior authority by a party to a communication to intercept such communication. It largely reflects existing law. Where one of the parties consents, it is not unlawful. (*Lopez* v. *United States*, 373 U.S. 427 (1963); *Rathbun* v. *United States*, 355 U.S. 107 (1957); *On Lee* v. *United States*, 343 U.S. 747 (1952)). Consent may be expressed or implied. Surveillance devices in banks or apartment houses for institutional or personal protection would be impliedly consented to. Retroactive authorization, however, would not be possible. (*Weiss* v. *United States*, 308 U.S. 321 (1939)) and "party" would mean the person actually participating in the communication. (*United States* v. *Pasha*, 332 Fed. 193 (7th), *cert. denied*, 379 U.S. 839 (1964)).

This would take care of the average man's consent. And if a burglar broke into a house and his voice is recorded, he took that risk when he broke in there. He has no reasonable expectation of privacy.

Mr. MURPHY. Mr. President, I thank the Senator. I was aware of the language in the report stating that, "Surveillance devices in banks or apartment houses for institutional or personal protection would be impliedly consented to" and therefore lawful. However, my reading of the actual language of the bill made me believe that the manufacture or use of such equipment might be considered unlawful. I refer specifically to section 2510(2) defining "oral communication," section 2510(5), defining "electronic, mechanical or other device," section 2511 (i), designating unlawful types of interception and disclosure of oral and wire communications, section 2512(b) which explains unlawful manufacture and sale of intercepting devices, and section 2510 (4), which defines the term "intercept."

It occurred to me that the type of device of which we have been speaking might be termed illegal from the actual language of these sections.

I appreciate the Senator's attention to this matter. He has greatly clarified the committee's intent.

Mr. McCLELLAN. Mr. President, how much time remains?

The PRESIDING OFFICER. Six minutes remain.

Mr. McCLELLAN. I yield 3 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 3 minutes.

Mr. TYDINGS. Mr. President, I hope that the motion of the Senator from Missouri fails and that title III is adopted by the Senate.

The President's Commission on Law Enforcement and the Administration of Justice was composed of outstanding criminologists, sociologists, and lawyers. It completed its report on July 23, 1967. The committee was not an inexperienced body. Nine of its 19 members had personal experience with law enforcement and with electronic devices in State and local communities. Those of us interested in crime, in the courts, and in the administration of justice, have relied on the recommendations and advice of this group.

They stated that the great majority of law enforcement officials believe that the evidence necessary to bring criminal sanctions to bear on the higher echelons of organized crime will not be obtained unless electronic devices are used. That is my judgment also.

It is also the judgment of the Judicial Conference of the United States, headed by the Chief Justice of the U.S. Supreme Court, who make policy for the administration of the Federal judicial system, and who endorsed limited, court approved, electronic surveillance.

The National Council on Crime Delinquency, a private and nonprofit organization concerned with the improvement of criminal justice, has also endorsed it.

I cannot accept the argument of those who say that rigidly controlled electronic surveillance, under court order, as prescribed by this bill, would lead to indiscriminate eavesdropping. All our experience has been to the contrary. For two decades, the office of the District Attorney of New York County, from 1940 to 1959, conducted electronic surveillance in criminal investigations; and during that time, over 343,000 investigations were made, and in only 219 of the 343,000 cases were wiretaps used.

After 1958, the average of court orders has been 75 court requests for wiretaps and 19 bugs per year. Seventy-five wiretaps and 19 bugs with 8 million people in New York County, possessing 5 million telephones.

The actual use of electronic surveillance requires a team of expert personnel. The initial experts to install the equipment, the detectives required for physical surveillance, and those who maintain the equipment and listen in to make certain that proper use is made of the information. Thus, it is not an easy task.

If we really want to do something about the problem of organized crime in this country, and I think it is very serious, as I have pointed out, as others have—when $10 billion in profits are realized, as Mr. Lansky said it was bigger than United States Steel, and one political scientist was heard to suggest that some 15 percent of contributions to political activities originate from the organizations of the Mafia and Cosa Nostra—this badly needed legislation should be quickly enacted into law. I hope that the motion of the Senator from Missouri fails.

Mr. TOWER. Mr. President, I rise today in support of title III of S. 917, the crime control bill. During the past few weeks we have talked at length about the rapidly rising rate of crime and have cited many statistics which reveal the worsening condition of our Nation's cities and rural areas. I believe that we are all agreed that crime must be suppressed in this country in order that the safety of our citizens will not be in doubt.

There has been much discussion of the tools which must be made available to this Nation's law-enforcement agencies to enable them to effectively combat crime. It is the opinion of many that the police and other law enforcement officials at the present time do not have adequate means of fighting organized crime.

This section of the crime control bill would, under a closely supervised system, allow competent law enforcement officers to employ wiretapping in cases dealing with national security and in court-approved matters. This is not by any stretch of the imagination an invitation for the police to start tapping the phone of everyone in the country. In fact, wiretapping is specifically forbidden except under these specially controlled circumstances.

Wiretapping can be an effective device in the fight against organized crime, and we must make it available to our crime-control agencies if we are to truly deter crime. All our talking against crime is not going to materially improve the situation, and neither is the expenditure of vast sums of money if we are to continue to tie the hands of our law-enforcement agencies in such vital areas. We must take the offensive against the criminal elements in our society who are daily destroying everything our Nation is trying to build.

For example, it has been estimated that every week organized crime takes more out of the poor communities in this Nation through the numbers racket than the Federal Government will spend there in a year. If we could seriously hamper this operation, there would be more money left in the hands of the poor and consequently less poverty. Of all the things that we can possibly do to further the fight against poverty, a serious assault on organized crime would be one of the greatest steps forward.

However, in order to make this assault, we must have the necessary tools to carry it out. We must allow wiretapping under these closely supervised procedures in order that the assault against the mob may begin in earnest.

Mr. President, some argue that this section of S. 917 would be an invasion of the privacy of every American. Such an argument is contrary to the facts of the matter. The main thrust of title III embodies the decisions of the U.S. Supreme Court in the Berger and Katz cases on this matter. The process through which any law enforcement agent must go through in order to obtain permission to use electronic surveillance devices will prohibit the misuse of this process. I certainly would not favor this proposal were such not the case.

In conclusion, Mr. President, I would like to again emphasize the seriousness of the present situation. Much of the treasures of our land are being destroyed by this cancer called crime. Only by challenging this problem head on shall we be able to effectively suppress it. I therefore urge my colleagues to provide the tools which are necessary in the fight against crime and to support the fine work of the Judiciary Committee in this matter.

Mr. McCLELLAN. Mr. President, I yield the remainder of my time to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, reference has been made to the suggestion that wiretapping should be limited to instances involving only our national interest or national security. May I, as a layman who has little or no knowledge of the law, state my feelings on this subject, because I think we have to take cognizance of the attitude of the people of the Nation as a whole.

I would point out that we are affected by a question of domestic security and well-being, as well as national security as it applies in the field of foreign affairs. There has been a decided increase in crime in recent years, and this trend is continuing. There has been a decrease in effective law enforcement, and this trend downward is continuing. We as a people have shrugged off this phenomenon, which seems to have become normal in our life. We have ignored victims and walked away from them. We have avoided the prosecution of criminals. We have shirked our responsibilities, underpaid our policemen, overworked them, treated them disrespectfully, and helped break down respect among and between the people of this Nation—and I include all groups. We are now paying the piper, and I think the American people expect Congress to do something to rectify a situation which could rapidly get out of hand.

The PRESIDING OFFICER. The time of the Senator has expired. All remaining time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Missouri [Mr. LONG] to strike title III. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LAUSCHE. Mr. President, on this issue I have a pair with the Senator from Oregon [Mr. MORSE]. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Idaho [Mr. CHURCH], the Senator from Connecticut [Mr. DODD], the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from Indiana [Mr. HARTKE], the Senator from South Carolina [Mr. HOLLINGS], the Senator from New York [Mr. KENNEDY], the Senator from Louisiana [Mr. LONG], the Senator from Minnesota [Mr. McCAR-

THY], the Senator from South Dakota [Mr. McGOVERN], the Senator from Minnesota [Mr. MONDALE], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Florida [Mr. SMATHERS] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Alaska [Mr. GRUENING], and the Senator from New York [Mr. KENNEDY] would each vote "yea."

I also announce that, if present and voting, the Senator from Florida [Mr. SMATHERS] would vote "nay."

On this vote, the Senator from Connecticut [Mr. DODD] is paired with the Senator from South Carolina [Mr. HOLLINGS]. If present and voting, the Senator from Connecticut would vote "yea" and the Senator from South Carolina would vote "nay."

Mr. DIRKSEN. I announce that the Senator from New York [Mr. JAVITS] and the Senator from Idaho [Mr. JORDAN] are absent on official business.

The Senator from California [Mr. KUCHEL] and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

If present and voting, the Senator from New York [Mr. JAVITS], the Senator from Idaho [Mr. JORDAN,] and the Senator from California [Mr. KUCHEL] would each vote "nay."

The result was announced—yeas 12, nays 68, as follows:

[No. 153 Leg.]

YEAS—12

Brewster	Fong	Metcalf
Burdick	Hart	Ribicoff
Case	Kennedy, Mass.	Yarborough
Cooper	Long, Mo.	Young, Ohio

NAYS—68

Aiken	Gore	Nelson
Allott	Griffin	Pastore
Anderson	Hansen	Pearson
Baker	Hatfield	Pell
Bayh	Hayden	Percy
Bennett	Hickenlooper	Prouty
Bible	Hill	Proxmire
Boggs	Holland	Randolph
Brooke	Hruska	Russell
Byrd, Va.	Inouye	Scott
Byrd, W. Va.	Jackson	Smith
Cannon	Jordan, N.C.	Sparkman
Carlson	Magnuson	Spong
Clark	Mansfield	Stennis
Cotton	McClellan	Symington
Curtis	McGee	Talmadge
Dirksen	McIntyre	Thurmond
Dominick	Miller	Tower
Eastland	Monroney	Tydings
Ellender	Moss	Williams, N.J.
Ervin	Mundt	Williams, Del.
Fannin	Murphy	Young, N. Dak.
Fulbright	Muskie	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Lausche, against.

NOT VOTING—19

Bartlett	Javits	Mondale
Church	Jordan, Idaho	Montoya
Dodd	Kennedy, N.Y.	Morse
Gruening	Kuchel	Morton
Harris	Long, La.	Smathers
Hartke	McCarthy	
Hollings	McGovern	

So the amendment of Mr. LONG of Missouri was rejected.

Mr. LONG of Missouri. Mr. President, I deeply regret that I and my colleagues who oppose electronic eavesdropping have been unable to persuade a majority of the Senate of the correctness of our views. However, we have been unable to persuade the Senate, and further rollcall votes would be futile.

Equally, only a few of my colleagues have listened to the views of the Department of Justice. However, so that the record may be clear on our position and that of the Department of Justice, I ask unanimous consent to have printed at this point in the RECORD the various amendments which have been proposed to S. 917 and the brief comments of the Department of Justice thereon.

There being no objection, the proposed amendments and comments were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 716

Strike all of title III and substitute S. 928 in lieu thereof.

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

Purpose: Substitute S. 928 for Title III.

Discussion: S. 928 is the "The Right of Privacy Act" proposed by President Johnson in February 1967. It bans *all* wiretapping and eavesdropping, whether by private persons or law enforcement officers, except in cases involving the national security. It also bans the manufacture, distribution, and advertising of wiretapping and eavesdropping devices.

Recommendation: The Amendment should be accepted.

AMENDMENT NO. 717

Section 801, title III, is amended as follows:

"(a) Insert a new paragraph (a) as follows:

"'(a) The Constitution of the United States guarantees to all individuals a basic right of privacy. Accordingly, the Congress endorses the requirement that what an individual seeks to preserve as private is to be protected, even in an area accessible to the public. The Congress supports the view that wherever a man may be, he is entitled to know that he will remain free from unreasonable searches and seizures.'"

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

Purpose: Amend the findings of Title III to place Congress on record as endorsing the right of privacy as a constitutional right.

Discussion: Although the Constitution does not specifically mention the right of privacy, recent decisions of the Supreme Court have drawn on several provisions of the Bill of Rights, including the First, Fourth, and Fifth Amendments, to fashion a right of privacy. See *Griswold* v. *Connecticut, Berger* v. *New York, Katz* v. *United States.* The present amendment is not controversial.

Recommendation: The amendment should be accepted.

AMENDMENT NO. 718

Subparagraph (5)(a)(ii) of section 2510, title III, is amended as follows:

"Strike all of the language on lines 20, 21, and 22 on page 51 following the word "business" on line 20 on page 51, and insert after the word "business" a period."

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

Purpose: Delete the exemption from the court order requirement for law enforcement officers using wiretapping and eavesdropping devices in the ordinary course of their duties.

Discussion: The present definition of wiretapping and eavesdropping devices in Section 2518(5)(a) excludes devices used by law enforcement officers in the ordinary course of their duties. The purpose of this exemption is unclear. It was probably included in order to permit law enforcement officers to use such devices under the court order provisions, and to make certain that devices used by law enforcement officers would not be subject to the prohibitions on manufacture, distribution, or possession of such devices. It is clear, however, that the court order provisions and prohibitions on manufacture, distribution and possession contain specific exemptions for law enforcement officers. Thus, there is no need for the exemption in the definition of wiretapping and eavesdropping devices. The present exemption is likely to cause confusion, and may be read as allowing the *illegal* use of such devices by law enforcement officers, so long as they are otherwise acting in the ordinary course of their duties.

Recommendation: The amendment should be accepted.

AMENDMENT NO. 719

(a) Section 2516 of title III is amended as follows: By striking all of paragraph (2) thereof.

(b) Paragraph (7) of section 2510, title III, is amended as follows: By striking all of the language on lines 8 and 9 of page 52 immediately following the word "States" on line 8 of page 52 and ending with the comma immediately preceding the word "who" on line 9 of page 52.

(c) Paragraph (9) of section 2510, title III, is amended as follows: By changing the semicolon following the word "appeals" on line 21 of page 52 to a period; and by striking the word "and" at the end of line 21 of page 52; and by striking all of lines 22 through 25, inclusive, of page 52.

(d) Paragraph (2)(b) of section 2512, title III, is amended as follows: By striking the words "a State" and the comma which follows the word "State" on line 19 of page 58, and by striking all of the language on lines 21 and 22 of page 58 beginning after the words "United States" on line 21 of page 58 and ending immediately preceding the word "to" on line 22 of page 58, including the striking of the comma immediately following the word "thereof" on line 22 of page 58.

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

The amendment would prohibit the use of wiretapping and eavesdropping by State and local law enforcement officers, but would retain the provisions of Title III authorizing such activities by Federal law enforcement officers. The amendment should be accepted.

AMENDMENT NO. 720

Paragraph (11) of section 2510, title III, is amended as follows:

"Insert after the word 'to' and before the word 'any' on line 6 on page 53 the words 'or who was the subject of'."

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

Purpose: Allow any person who was the subject of an intercepted conversation to challenge the legality of the interception.

Discussion: Under the present version of Title III, only the persons who are actually parties to such conversations or the persons against whom the interception was directed are given standing to challenge the legality of the interception. Title III thus encourages *illegal* wiretapping and eavesdropping, in circumstances where the evidence sought is not intended to be used against the parties to the conversation. See also Amendment No. 758.

Recommendation: The amendment should be accepted.

AMENDMENT NO. 721

Subparagraph (2)(a) of section 2511, title III, is amended as follows:

"Delete all of the language on lines 11 through 16, inclusive, on page 55, following the word 'service' on line 11 of page 55."

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

The amendment would delete the provision of Title III authorizing communications common carriers to use electronic surveillance to protect their property rights, and would also delete the provision prohibiting service-observing and random-monitoring by communications common carriers. See Amendment 722. The former provision opens substantial loopholes for wiretapping and eavesdropping by employees of such carriers. The scope of the latter provision is unclear, and appears to be too vague for a criminal statute. The amendment should be accepted.

AMENDMENT NO. 722

Subparagraph (2)(a) of section 2511, title III, is amended as follows:

"Strike all of the language following the word 'service' on line 11 on page 55 through and including the word 'communication' on line 13 on page 55."

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

The amendment would delete the provision of Title III authorizing communications common carriers to use electronic surveillance to protect their property rights. See Amendment No. 721. The present version of Title III contains a substantial loophole for wiretapping and eavesdropping by employees of such carriers. The amendment should be accepted.

AMENDMENT NO. 723

Subparagraph (2)(b) of section 2511, title III, is amended as follows:

"Insert after the word 'obtained' on line 24 of page 55 the language 'for the purpose of enforcing this chapter, or other related statutes.'."

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

The amendment would limit the exemption for the use of wiretapping and eavesdropping by employees of the Federal Communications Commission to activities related to the enforcement of the prohibitions of Title III and related statutes. The amendment should be accepted.

AMENDMENT NO. 724

Paragraph (3) of section 2511, title III, is amended as follows:

"By striking lines 13 through 19, inclusive, of page 56, beginning after the word 'activities' on line 13 of page 56, and ending with the word 'Government' on line 19 of page 56."

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

Purpose: Restrict the national security exception in Title III to *foreign* threats to the national security.

Discussion: The present version of Title III contains a broad exception authorizing the President to use wiretapping and eavesdropping in cases involving both foreign and domestic threats to the national security. The concept of a *domestic* threat to the national security is vague and undefined. Use of electronic surveillance in such cases may be easily abused.

Recommendation: The amendment should be accepted.

AMENDMENT NO. 725

Paragraph (3) of section 2511, title III, is amended as follows:

"Insert after the word 'may' on line 21 on page 56 and before the word 'be' on line 21 of page 56 the word 'not' and to strike all of the language on lines 22, 23, and 24 on page 56 following the word 'proceeding' on line 22 on page 56."

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

The amendment would prohibit the use in evidence of communications intercepted in the exercise of the national security power. A similar provision is contained in S. 928. See Amendment No. 762. The amendment should be accepted.

AMENDMENT NO. 726

Title III is amended by striking all of section 2516 and substituting in lieu thereof the following language:

"The Attorney General may authorize an application to a Federal judge of competent jurisdiction for, and such judge may grant in conformity with section 2518 of this chapter an order authorizing or approving the interception of wire or oral communications by the Federal Bureau of Investigation when such interception may provide or has provided evidence of a violation of the following sections of title 18, United States Code: Section 201 (bribery of public officials and witnesses), section 224 (bribery in sporting contests), section 1084 (transmission of wagering information), section 1503 (influencing or injuring an officer, juror, or witness generally), section 1510 (obstruction of criminal investigations), section 1751 (presidential assassinations, kidnaping, and assault), section 1951 (interference with commerce by threats or violence), section 1952 (interstate and foreign travel or transportation in aid of racketeering enterprises), section 1954 (offer, acceptance, or solicitation to influence operations of employee benefit plan), or sections 2313 and 2314 (interstate transportation of stolen property), or any offense which involves murder, kidnaping, robbery, or extortion, or any conspiracy to commit any of the foregoing offenses."

DEPARTMENT OF JUSTICE COMMENT

The amendment would prohibit wiretapping and eavesdropping by State officers and would allow Federal wiretapping and eavesdropping to be carried out only by the FBI. It would also narrowly limit the Federal offenses for which warrants could be obtained. The amendment should be accepted.

AMENDMENT NO. 727

Section 2517, title III, is amended by adding a new paragraph (b) as follows:

"(b) Under no circumstances whatsoever shall any person knowingly prepare or possess any written report or make any oral report to any other person which contains any information whatsoever obtained through the interception of wire or oral communications pursuant to this title or in violation thereof without identifying or disclosing that such information was so obtained."

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

The amendment would require written or oral reports containing information obtained by electronic surveillance to identify the fact that the information was obtained by such surveillance. The amendment should be accepted.

AMENDMENT NO. 728

(a) Subparagraph (1)(b) of section 2518, title III, is amended as follows: Delete the comma after the word "been" on line 19 on page 66 and to insert in lieu thereof the word "or" and to strike all of the language on line 20 on page 66 preceding subparagraph (ii).

(b) Subparagraph (3)(a) of section 2518, title III, is amended as follows: Delete the comma after the word "committing" on line 10 on page 68 and insert in lieu thereof the word "or" and to strike all of the language on lines 10 and 11 on page 68 following the word "committed" on line 10 on page 68 and immediately preceding the article "a" on line 11 on page 68.

(c) Subparagraph (3)(d) of section 2519, title III, is amended as follows: Strike the comma after the word "used" on line 21 on page 68 and to strike all of the language on lines 21 and 22 on page 68 following the word "used" on line 21 on page 68 to and inclusive of the word "used" on line 22 on page 68 including the comma following the deleted word "used" on line 22 of page 68.

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

The amendment would prohibit the use of electronic surveillance in connection with offenses "about to be committed." The present version of title III authorizes a warrant to be issued in connection with an offense that "has been, is being, or is about to be committed." The concept of an offense that is "about to be committed" is extremely vague, and is likely to be abused in the issuance of warrants. The amendment should be accepted.

AMENDMENT NO. 729

Paragraph (5) of section 2518, title III, is amended as follows:

"Strike the word 'thirty' on line 22 of page 69, on line 4 of page 70, and on line 10 of page 70, and to substitute in lieu thereof the word 'fifteen'."

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

Purpose: The amendment would limit the period of surveillance under court orders to a maximum of 15 days. See also Amendment No. 777, which would limit the period to 7 days.

Discussion: The present version of Title III allows warrants for wiretapping and eavesdropping to be issued for periods up to 30 days in length. Section 2510(5). A serious constitutional objection may be raised against this provision. In *Berger* v. *New York*, the Supreme Court held invalid a New York statute authorizing the issuance of surveillance orders for two-month periods. The Court sharply critized the length of the New York period on three separate grounds. First, authorization of electronic surveillance for the long period is equivalent to a series of intrusions over the entire period pursuant to a single showing of probable cause. Second, the long surveillance period effectively avoids the requirement of prompt execution of the order, a requirement applicable under existing law in the case of conventional search warrants. Third, the conversations of any and all persons coming into the area are recorded indiscriminately during the entire surveillance period, without regard to their connection to the crime under investigation.

Nothing in *Katz* v. *United States* supports the lengthy surveillance order permitted under Title III. The surveillance in *Katz* was extremely precise and discriminate, involving the recording by FBI agents of the subject's conversations from a public telephone booth, averaging about 3 minutes each day over a 7-day period. In *Katz*, therefore, a surveillance order could have been issued pinpointing the conversations to be seized within minutes of their occurrence.

Possibly, the Supreme Court may limit the use of electronic surveillance to situations involving the sort of narrow circumstances present in *Katz*. At the very least, however, *Berger* and *Katz* strongly suggest that the period of surveillance must be brief. Even under a generous reading of the Court's decisions, 7 or possibly 15 or 20 days would probably represent the outer limit for a constitutional statutory period. The New York State legislature has recently approved a bill authorizing warrants to be issued for periods up to 20 days.

Recommendation: The amendment should be accepted.

AMENDMENT NO. 730

Paragraph (7) of section 2518, title III, is amended as follows:

"Insert after the word 'application' on line 19 of page 71 the words 'or upon any person whose communications were intercepted or upon any person who was the subject of such intercepted communications'."

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

The amendment would require notice to be served on any person whose conversations were intercepted under the emergency surveillance provision. The present version of Title III requires such notice to be served only on the persons named in the court order. The amendment should be accepted, but should probably be amended to require such notice to be served on all parties to intercepted conversations, whether or not the interception was carried out under the emergency surveillance provision.

AMENDMENT NO. 731

Section 2518 of title III is amended as follows:

"Strike all of paragraph (7) thereof."

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

The amendment would delete the emergency surveillance provision. See Amendments No. 742 and 752. The present version of Title III contains a provision authorizing law enforcement officers to engage in wiretapping or eavesdropping without court orders in emergency situations, provided they apply for such an order within 48 hours. The emergency surveillance offers a broad loophole for illegal surveillance. It encourages law enforcement officers to make use of the emergency provision, and to seek a court order only if the surveillance uncovers something useful. The amendment should be accepted.

AMENDMENT NO. 732

Subparagraph (8)(d) of section 2518, title III, is amended as follows:

"Strike the word 'ninety' on line 24 of page 72 and insert in lieu thereof the word 'thirty'."

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

The amendment would require notice of electronic surveillance to be served within 30 days after the termination of the surveillance. The present version of title III requires such notice to be served within 90 days. The amendment should be accepted.

AMENDMENT NO. 733

Subparagraph (8)(a) of section 2518, title III, is amended as follows:

"Between lines 12 and 13 of page 73 add the following: 'After the service of the inventory such person may make a motion before such judge and the judge may order disclosed the applications and orders and may make available to such person or his counsel for inspection such portions of the intercepted communication as the judge determines to be in the interest of justice.'"

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

The amendment would authorize the issuing judge to disclose applications for court orders, the court orders themselves, and the communications intercepted under the orders, provided that the judge determines that the disclosure is in the interest of justice. The disclosure would be made only to persons named in the court order. See Amendment No. 755. The present version of title III is silent on these points. The amendment should be accepted.

AMENDMENT NO. 734

Subparagraph (8)(d) of section 2518, title III, is amended as follows:

"Strike lines 13, 14, and 15 on page 73."

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

The amendment would delete the provision authorizing a judge to postpone the service of notice of electronic surveillance. The present version of Title III authorizes such notice to be postponed indefinitely. The amendment should be accepted, but should probably be amended to permit notice to be postponed for a period up to six months, where the judge determines that prior notice would substantially interfere with a pending investigation.

AMENDMENT NO. 735

Subparagraph (10)(a) of section 2518, title III, is amended as follows:

"(a) Strike the word 'or' at the end of line 12 on page 74.

"(b) Change the period to a semicolon at the end of line 14 on page 74 and add thereafter the word 'or'.

"(c) Add the following new subparagraph (iv) to read as follows:

"'(iv) That he was not the subject of such application, authorization, or extension thereof.'"

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

The amendment would permit intercepted communications to be used in evidence only against the persons named in the court order, not against other persons. The amendment is designed to limit the scope of electronic surveillance, but it accomplishes this purpose in an artificial manner. So long as a court order is validly obtained, evidence obtained under the order should be admissible against any person not merely against the person named in the order. The most appropriate method to limit electronic surveillance is through narrowly drawn requirements of probable cause and careful selection of the offenses for whose investigation such orders may be issued. The amendment should be rejected.

AMENDMENT NO. 736

Section 2520, title III, is amended as follows:

"Insert after the word 'chapter' on line 9 of page 78 the following language: 'or who is the subject of a wire or oral communication intercepted, disclosed, or used in violation of this chapter'."

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

The amendment would extend the civil remedy provisions of Title III for the benefit of persons who were the subjects of illegally intercepted communications. The present provision of Title III applies only for the benefit of those persons whose conversations were intercepted. The amendment should be accepted.

AMENDMENT NO. 737

Amend title III of S. 917 as follows:

"Strike all of title III."

DEPARTMENT OF JUSTICE COMMENT

(LONG, HART)

The amendment would delete Title III. The amendment should be accepted.

AMENDMENTS NO. 742

On page 62, lines 1 and 2, delete the words, "or approving".

On page 62, line 6, delete the words, "or has provided evidence".

On page 63, lines 21 and 25, delete the words, "or approving".

On page 64, line 4, delete the words, "or has provided".

On page 65, line 19, delete the words, "or approval".

On page 65, lines 23 and 24, delete the words, "or approved".

On page 66, lines 7 and 8, delete the words "or approving".

On page 67, lines 18 and 19, delete the words, "or for approval of interceptions of".

On page 68, lines 4 and 5, delete the words, "or approving".

On page 69, line 1, delete the words, "or approving".

On page 69, line 19, delete the words, "or approve".

On page 70, beginning with line 18, strike out through line 19 on page 71.

On page 72, line 25 and page 73, line 1, delete the words, "filing of an application for an order of approval under section 2518 (7)(b) which is denied or the".

On page 73, line 4, delete the words, "or the application".

On page 73, lines 6 and 7, delete the words, "or the application".

On page 73, lines 9 and 10, delete the words, "approved or disapproved" and "or the denial of the application".

On page 73, lines 22 and 23, delete the words, "or approved".

On page 74, lines 11 and 14, delete the words, "or approval".

On page 75, lines 6 and 7, delete the words, "or the denial of an application for an order of approval".

On page 75, lines 8 and 9, delete the words, "or other official" and "or denying such application".

On page 75, lines 15 and 16, delete the words, "or the denial of an order approving an interception".

On page 75, line 17, delete the words, "or denying".

On page 77, lines 22, delete the words, "or approving".

On page 78, lines 20 and 21, delete the words, "or on the provisions of section 2518 (7) of this chapter".

Subsections (8), (9), and (10) of section 2518 shall be redesignated subsections (7), (8), and (9).

(BROOKE)

The amendment would delete the emergency surveillance provision. See Amendments No. 731 and 752. The amendment should be accepted.

AMENDMENTS NO. 747

Intended to be proposed by Mr. FONG (for himself, Mr. HART, and Mr. LONG of Missouri) to S. 917, viz:

On page 62, line 5, immediately after "interception", insert "is directly related to an investigation of organized crime and".

On page 67, line 22, strike out the period and insert a semicolon and the word "and".

On page 67, between lines 22 and 23, insert the following:

"(f) the relation of the application to an investigation of organized crime."

On page 53, line 7, strike out the period and insert a semicolon and the word "and".

On page 53, between lines 7 and 8, insert the following:

"(12) 'organized crime' means the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including, but not limited to, gambling, prostitution, loan sharking, narcotics, labor racketeering, and other unlawful activities of members of such organizations."

On page 51, beginning with line 3, strike out all through line 6.

On page 52, line 8, beginning with the first "or", strike out all through the comma on line 9.

On page 58, line 19, beginning with the second comma, strike out all through the comma on line 20.

On page 61, line 17, strike out the following: "a State, or a political subdivision thereof".

On page 63, beginning with line 17, strike out all through line 11 on page 64.

On page 70, line 20, beginning with "or", strike out all through "State" on line 22.

On page 76, line 12, beginning with "or", strike out all through the comma on line 14.

On page 62, line 3, beginning with the comma, strike out all through the comma on line 5.

On page 52, beginning with line 20, strike out all through line 25 and insert in lieu thereof the following:

"(a) the chief judge of a United States district court or such judge as he may designate, or the chief judge of a United States court of appeals or such judge as he may designate;".

On page 69, line 22, strike out "thirty" and insert "seven".

On page 70, line 4, strike out "thirty" and insert "seven".

On page 70, line 10, strike out "thirty" and insert "seven".

On page 80, between lines 14 and 15, insert the following:

"SEC. 804. (a) Except as provided in subsection (b) of this section, upon the expiration of the fifth year following the date of the enactment of this Act, section 2514 and sections 2516 through 2518 of title 18, United States Code, shall have no force or effect.

"(b) During the eighteen-month period beginning on the expiration of the fifth year following the date of the enactment of this Act—

"(1) the provisions of section 2514 of title 18, United States Code (relating to immunity of witnesses), shall apply with respect to cases or proceedings before any grand jury or court of the United States involving any violation of chapter 119 of such title (or any conspiracy to violate such chapter) which occurred prior to the expiration of such year;

"(2) the provisions of section 2517 of title 18, United States Code (relating to authorization for disclosure and use of intercepted wire or oral communications), shall apply with respect to wire or oral communications intercepted prior to the expiration of such year; and

"(3) the provisions of paragraphs (8), (9), and (10) of section 2518 of title 18, United States Code, shall apply with respect to wire and oral communications intercepted prior to the expiration of such year.

"SEC. 805. (a) Within three years after the date of this Act, there shall be established a National Commission on Electronic Surveillance.

"(b) The Commission shall be composed of—

"(1) three Members of the Senate appointed by the President of the Senate,

"(2) three Members of the House of Representatives appointed by the Speaker of the House of Representatives,

"(3) three members appointed by the President of the United States, one of whom shall be the Attorney General of the United States, whom he shall designate as Chairman, and

"(4) one United States circuit judge and two United States district judges appointed by the Chief Justice of the United States.

"At no time shall more than two of the members appointed under paragraph (1), paragraph (2), or paragraph (3) be persons who are members of the same political party.

"Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made, and subject to the same limitations with respect to party affiliations as the original appointment was made.

"Seven members shall constitute a quorum, but a lesser number may conduct hearings.

"(c) The Commission shall make a full and complete review and study of the operation of the provisions of this title, for the purpose of recommending to the Congress legislation for the amendment, revision, or repeal of such provisions, and such other changes as the Commission may feel will serve the interests of law enforcement, the administration of criminal justice, and the right of privacy.

"(d) (1) A member of the Commission who is a Member of Congress, in the executive branch of the Government, or a judge shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission.

"(2) A member of the Commission from private life shall receive $75 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

"(e) (1) The Director of the Commission shall be appointed by the Commission without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(2) The Director shall serve as the Commission's reporter and, subject to the direction of the Commission, shall supervise the activities of persons employed under the Commission, the preparation of reports, and shall perform such other duties as may be assigned him within the scope of the functions of the Commission.

"(3) Within the limits of funds appropriated for such purpose, individuals may be employed by the Commission for service with the Commission staff without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(4) The Chairman of the Commission is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

"(f) (1) There is hereby established a committee of fifteen members to be known as the Advisory Committee on Electronic Surveillance (hereinafter referred to as the 'Advisory Committee'), to advise and consult with the Commission. The Advisory Committee shall be appointed by the Commission and shall include lawyers, businessmen, and persons from other segments of life in the United States competent to provide advice for the Commission.

"(2) Members of the Advisory Committee shall not be deemed to be officers or employees of the United States by virtue of such service and shall receive no compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them by virtue of such service to the Commission.

"(g) The Commission is authorized to request from any department, agency, or independent instrumentality of the Federal Government or any State or local government any information and assistance it deems necessary to carry out its functions under this section and each such department, agency, and instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the Chairman or any other member when acting as Chairman.

"(h) The Commission shall submit interim reports to the President and the Congress at such times as the Commission may deem appropriate, and in any event within five years after the date of this Act, and shall submit its final report within six years after the date of this Act. The Commission shall cease to exist sixty days after the date of the submission of its final report.

"(i) The General Services Administration shall provide administrative services for the Commission on a reimbursable basis.

"(j) There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts, not to exceed a total of $500,000, as may be necessary to carry out the provisions of this section."

DEPARTMENT OF JUSTICE COMMENT

(FONG, HART, LONG)

This amendment contains seven separate provisions. It would:

1. Limit the use of electronic surveillance to cases involving organized crime.

2. Ban wiretapping and eavesdropping by State officers. See Amendments No. 719 and 726.

3. Limit the use of Federal wiretapping and eavesdropping to FBI officers. See Amendment No. 726.

4. Limit the Federal judges who may issue surveillance warrants to the chief judge of a district court, the chief judge of a court of appeals, or such judges as they may designate.

5. Limit the maximum period for which a surveillance warrant may be issued to 7 days. See Amendment No. 729.

6. Terminate Title III at the end of 5 years.

7. Establish a National Commission on Electronic Surveillance to study the operation of Title III.

The amendment should be accepted.

AMENDMENT NO. 750

Page 68, line 24: Insert the following new subsection after subsection (3):

"(4) No order shall be issued under this chapter if the facilities from which, or the place where, an oral communication is to be intercepted are being used primarily for habitation by a husband and wife."

Redesignate subsections (4)–(10) as (5)–(11), respectively.

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Prohibit the use of bugs (but not wiretaps) in homes.

Discussion: Title III draws no distinction between homes and other places with respect to wiretapping and eavesdropping. Homes should not be completely immunized, since there is a strong possibility that they may be used for illegal activities. The amendment would permit wiretaps on home telephones, but would prohibit the installation of bugs in homes. The use of bugs presents a far more serious threat to privacy and the sanctity of the home than the use of wiretaps. Until we know more about the needs of law enforcement and the usefulness of bugging, bugs in homes should be banned.

Recommendation: The amendment should be accepted.

AMENDMENT NO. 751

Page 70, line 4, after "days" add the following: "and no order and extensions thereof shall be issued for a total period longer than ninety days, and no series of orders naming the same individual shall be issued for a total period longer than ninety days in a calendar year."

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Limit the maximum period of a warrant plus extensions to 90 days. Limit surveillance of any individual named in a warrant to 90 days in any calendar year.

Discussion: Title III authorizes orders for wiretapping and eavesdropping to be issued for periods of up to 30 days in length, with unlimited extensions for additional 30-day periods. The present amendment would place an absolute limit of 90 days on the total period of surveillance. Three 30-day surveil-

lance periods, or their equivalent, is a generous dividing line between legitimate investigation of specific offenses and unconstitutional general intelligence-gathering. The final clause of the amendment prevents evasion of the limitation by prohibiting the use of separate orders naming the same person and over a period totaling more than 90 days in any calendar year.

Recommendation: The amendment should be accepted.

AMENDMENT NO. 752

Page 70, line 24, after "exists" insert the following: "that involves a threat of immediate danger to life and".

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Limit the emergency surveillance provision to situations involving a threat of immediate danger to life.

Discussion: The provisions of Title III, which authorize emergency wiretapping and eavesdropping with judicial warrants, contain a broad loophole inviting serious evasion of the other safeguards of the title. The amendment would prohibit emergency surveillance except in cases of immediate danger to life, such as investigations involving kidnapping, threats to murder, attempts to apprehend dangerous felons, etc. In other cases, a prior court order would have to be obtained before communications could be intercepted.

Recommendation: The amendment should be accepted.

AMENDMENT NO. 753

Page 72, line 1, amend the phrase "Immediately upon the expiration" to read as follows: "As soon as practicable, and in any event no later than immediately after the expiration".

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Require recordings to be sealed with the issuing judge as soon as practicable during an interception.

Discussion: Section 2518(8)(a) of Title III requires recordings of intercepted communications to be sealed with the issuing judge only after the period of surveillance has ended, regardless of the length of the surveillance period or the number of extensions of the original period that have been granted. The present amendment would require such recordings to be sealed with the judge as soon as practicable during the investigation. In this manner the recordings will receive increased protection from alteration.

Recommendation: The amendment should be accepted.

AMENDMENT NO. 754

Page 73, line 4, after "application," insert "and such other parties to intercepted communications as the judge may determine in his discretion and the interest of justice,".

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Authorize a judge in his discretion to require notice of a surveillance to all parties whose conversations were intercepted.

Discussion: Title III requires notice of wiretapping or eavesdropping to be served only on the persons named in the court order. The communications of many other persons, innocent or otherwise, may also be intercepted. The amendment would give the judge who issued the order discretion to require notice to be served on other parties to intercepted communications, even though such parties are not specifically named in the court order. The *Berger* and *Katz* decisions established that notice *must* be served on *all* parties to intercepted communications. Since legitimate interests of privacy may make such notice to all parties undesirable, the amendment leaves the final determination to the judge.

Recommendation: The amendment should be accepted.

AMENDMENT NO. 755

Page 73, line 15, at the end of paragraph (d), add the following sentence: "The judge may, in his discretion and the interest of justice, require that the contents of intercepted wire or oral communications shall be disclosed to the parties to the communications.".

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Authorize a judge in his discretion to disclose the contents of intercepted conversations to the parties to the conversations.

Discussion: Title III merely requires notice to a person named in a court order that his communications were intercepted. The present amendment would allow the judge, in his discretion and the interest of justice, disclose the contents of the intercepted communications to such person, as well as to the other parties to the communication. It is intended that, in exercising his discretion, the judge shall take into account the legitimate privacy interests of the parties in the nondisclosure of their communications.

Recommendation: The amendment should be accepted.

AMENDMENT NO. 756

On page 52, line 13, insert the following: After "offenses," add: "but shall not include any legislative or judicial officer".

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Prohibit use of wiretapping and eavesdropping by legislative and judicial officers.

Discussion: Title III authorizes legislative investigating committees and probation and parole officers to engage in wiretapping and eavesdropping. The amendment would restrict the use of such techniques to officers of the Executive Branch of Federal, State, and local governments. By the operation of Section 2517, the amendment would also prohibit the disclosure of intercepted communications to executive committees.

Recommendation: The amendment should be accepted.

AMENDMENT NO. 757

Page 52, lines 22–25, delete paragraph (b).
Page 61, line 24, delete the word "Federal."
Page 63, line 20, delete the words "State court".

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Require State officers to obtain warrants only from Federal judges.

Discussion: Although Title III places narrow restrictions on the Federal judges who may issue surveillance warrants, the title is essentially open-ended with respect to the State judges authorized to issue such warrants. The amendment would allow wiretapping and eavesdropping by State officers, but would require them to go through a Federal court. Reliance on 50 separate judicial systems would make it extremely difficult to achieve uniform standards. Title III in its present form encourages judge-shopping in the State courts, since applicants for warrants will undoubtedly go to the judge who is most sympathetic to such applications. Wholesale intrusions on privacy are likely to result.

Recommendation: The amendment should be accepted.

AMENDMENT NO. 758

On page 53, line 7, add the following at end thereof: "or a person against whom the communication, or evidence derived therefrom, is sought to be used.".

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Give standing to challenge a warrant to any person against whom an intercepted communication is sought to be introduced in evidence.

Discussion: Section 2510(11) of Title III gives standing to challenge a surveillance order to any person who was either (1) a party to an intercepted communication, or (2) the person against whom the interception was directed. Title III is thus likely to encourage *illegal* electronic surveillance in cases where the parties to a communication are not the real objects of the surveillance. For example, Title III will encourage illegal surveillance of petty hoodlums by law enforcement officers to gain intelligence against their bosses, secure in the knowledge that their illegal activities cannot be challenged in court. The proposed amendment gives standing to challenge a surveillance order to any person against whom an intercepted communication is sought to be introduced in evidence.

Recommendation: The amendment should be accepted.

AMENDMENT NO. 759

On page 55, line 10, after the word "employment" insert the following: ", pursuant to such regulations as the Federal Communications Commission shall promulgate,".

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Place the activities of switchboard operators and communications employees under regulations of the Federal Communications Commission.

Discussion: The present version of Title III offers a wide loophole for invasion of privacy by switchboard operators and employees of communications common carriers. The present amendment would place such activities under the control of the Federal Communications Commission.

Recommendation: The amendment should be accepted.

AMENDMENT NO. 760

On page 56, lines 1–4, amend paragraph (c) to read as follows:

"(c) It shall not be unlawful under this chapter for a person acting under color of law to intercept a wire or oral communication, where at least one of the parties to the communication has consented to the interception."

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Ban consensual wiretapping or eavesdropping, except by persons acting under color of law.

Discussion: Although Title III contains broad prohibitions against all non-consensual ("third party") interceptions of wire or oral communications — i.e. interceptions without the consent of at least one of the parties to the conversation—and places strict controls on the use of such interceptions by law enforcement officers, it is totally permissive with respect to the surreptitious monitoring of a conversation by one of the parties to the conversion without the consent of the other parties. Such consensual wiretapping and eavesdropping by private persons is a wide-spread and insidious practice in our society, and constitutes a serious invasion of privacy. The proposed amendment would expand the prohibitions of Title III to include such consensual eavesdropping by private persons. It would not be applicable to the activities of law enforcement officers, or of private persons acting in cooperation with

law enforcement officers. The amendment thus interferes in no way with the legitimate needs of law enforcement. At the same time, it accomplishes a significant protection of the right of privacy.

Recommendation: The amendment should be accepted.

AMENDMENT NO. 761

Page 56, lines 1–4, amend paragraph (c) by adding the following at the end thereof: "*Provided, however,* That this exception shall not apply where such communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of any State, or for the purpose of committing any other injurious act.".

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Ban consensual wiretapping and eavesdropping by private persons acting with wrongful intent.

Discussion: There are a limited number of situations in which private persons placed in compromising circumstances may legitimately desire to surreptitiously record the statements of other parties to the conversation. The present amendment is designed to prohibit the flagrant abuses that now exist with respect to the practice of consensual wiretapping and eavesdropping, but at the same time to allow private persons to use the technique for lawful purposes. The amendment places no restrictions on law enforcement officers acting in the ordinary course of their duties.

Recommendation: The amendment should be accepted.

AMENDMENT NO. 762

On page 56, line 23, insert in lieu of the word "reasonable" the following: "authorized or approved by a Federal judge of competent jurisdiction".

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Require judicial authorization or approval before interceptions obtained in the exercise of the national security power may be introduced in evidence.

Discussion: Section 2511(b)(3) of Title III authorizes the admission into evidence of communications intercepted in national security cases if the interception was "reasonable." The present amendment is intended to prohibit the use of communications intercepted in the exercise of the national security power in any judicial, legislative or administrative proceeding, unless a court order was obtained authorizing or approving the interception under the probable cause standards of Title III. The amendment in no way restricts the exercise of the national security power. At the same time, it eliminates the danger of potential abuses of the power against private citizens. The requirement of subsequent judicial approval is mild, and can be met if the approval is obtained within a reasonable period after the need becomes apparent for the use of the information in a judicial or other proceeding.

Recommendation: The amendment should be accepted.

AMENDMENT NO. 763

Page 60, lines 11–12 and 13–14, delete the phrases "or any of the offenses enumerated in section 2516".

Page 107, line 5, substitute S. 677 as a new title V, and redesignate the present title V as title VI.

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Delete the general immunity provisions of Title III and substitute S. 677 as a new Title V.

Discussion: The present version of Title III contains a broad immunity provision. Under Section 2514, a United States Attorney, with the approval of the Attorney General, would be authorized to grant immunity in connection with the investigation of any of the offenses for which wiretapping and eavesdropping warrants may be used. Since the number of such offenses is relatively large (see Section 2516), Title III in effect would operate as a general immunity statute.

The immunity procedure places a powerful and useful weapon in the hands of the prosecutor. It is, however, a weapon that has been subjected to serious criticism because of its grave potential for abuse. Under the immunity provision in Title III, the Government would be authorized to grant immunity against criminal prosecution to any witness in a Federal trial or grand jury proceeding who claims his Fifth Amendment privilege against self-incrimination. Once immunity has been granted, the Government may compel the witness to testify on the subject matter of the proceeding. A witness who refuses to testify before the grand jury or at trial faces jail for contempt of court.

The immunity provisions under present law are narrowly limited to a small group of Federal offenses. Even so, they have proved extremely valuable in investigations of organized crime. The National Crime Commission specifically recommended that a general witness immunity statute should be enacted at both the Federal and State levels. The present version of Title III goes far toward meeting this recommendation.

Amendment No. 763 would delete the general immunity provision of Title III and replace it with S. 677, a bill which was passed by the Senate in June 1967, in the First Session of the 90th Congress, but which has not yet been acted upon in the House of Representatives. S. 677 would authorize grants of immunity in four carefully chosen areas directly related to the activities of organized crime: interstate or foreign travel in aid of racketeering enterprises; obstruction of justice by intimidation of witnesses or jurors; bankruptcy frauds; and bribery, graft, and conflict of interest.

Recommendation: The immunity provision in Title III should go at least as far as S. 677.

AMENDMENT NO. 764

Page 64, lines 17 and 25, after "therefrom" insert: "intercepted in accordance with the provisions of this chapter".

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Prohibit the disclosure or use by law enforcement officers of illegally intercepted communications.

Discussion: Although subsection (3) of Section 2517 of Title III prohibits the disclosure by law enforcement officers of *illegally* intercepted communications in criminal trials or grand jury proceedings, subsections (1) and (2) contain a broad loophole that may permit such communications to be disclosed or used for other purposes. The loophole arises from the fact that the phrase to be added by the amendment to subsections (1) and (2) already appears in subsection (3). Title IV is therefore likely to encourage *illegal* electronic surveillance, especially in cases where the parties to a communication are not the real objects of the surveillance. The amendment would make subsections (1) and (2) of Section 2517 completely parallel to subsection (3), and would prohibit the disclosure or use of illegally intercepted communications in any circumstances.

Recommendation: The amendment should be accepted.

AMENDMENT NO. 765

Page 66, line 24, after the word "intercepted," add the following: "and the particular time of the day or night at which the communications sought to be intercepted will take place,".

Page 68, line 15, after the word "interception" insert the following: "and that such communications will take place at particular times of the day or night;".

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Require warrants to describe the particular times of the day or night at which intercepted communications will take place.

Discussion: The present version of Title III violates the specific constitutional requirement, established by the Supreme Court in the *Berger* and *Katz* decisions, that judicial warrants for electronic surveillance must particularly describe the conversations to be overheard.

The circumstances of the *Katz* case offer a clear example of what the Supreme Court intended by the "particularity" requirement. In *Katz*, the Federal investigating agents obviously had probable cause to believe that particular communications made by the suspect from the public telephone booth would take place at particular times of the day. A judicial warrant for the surveillance in *Katz* could therefore have been obtained that would have satisfied the requirements of the Fourth Amendment, which has long been held to require a precise description of the article to be seized under a search warrant. By contrast, under the present version of Title III, *all* conversations of the person named in the warrant may be intercepted and seized over the entire period of the surveillance, which may be up to 30 days in length. Such a blanket surveillance is nothing but a general search, and is therefore invalid under the Constitution.

Recommendation: The amendment should be accepted.

AMENDMENT NO. 766

Intended to be proposed by Mr. HART (for himself, Mr. FONG, and Mr. LONG of Missouri) to S. 917,

On Page 67, line 22, at the end of paragraph (e), add the following new paragraph:

"(f) where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results."

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Require applications for extensions of warrants to set forth results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results.

Discussion: Title III leaves open the possibility that extensions of a surveillance warrant may be obtained merely on the basis of the original showing of probable cause. The amendment requires an applicant for an extension of an order to make a fresh and timely showing of probable cause in order to obtain the extension. If a prior surveillance has been unproductive, a judge should not grant an extension of the order unless a reasonable explanation is given for the failure to obtain results under the original order, even though the original showing of probable cause remains valid.

Recommendation: The amendment should be accepted.

AMENDMENT NO. 767

Page 68, line 24, insert the following new subsection after subsection (3):

"(4) If the facilities from which, or the place where, a wire or oral communication is to be intercepted are public, an order issued under this chapter shall be limited to

the interception of wire or oral communications of named or otherwise specifically identified persons."

Redesignate subsections (4)–(10) as (5)–(11), respectively.

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Limit interceptions on public facilities to the conversations of named individuals.

Discussion: Title III authorizes blanket monitoring of public telephones and other public facilities. As the facts of the *Katz* case itself make clear, surveillance equipment can easily be activated when, for example, the person named in the warrant enters the phone booth. The amendment would require this procedure.

Recommendation: The amendment should be accepted.

AMENDMENT NO. 768

Page 68, line 24, insert the following new subsection after subsection (3):

"(4) *No* order shall be issued under this chapter if the facilities from which, or the place where, a wire or oral communication is to be intercepted are being used professionally by a licensed physician, licensed lawyer, or practicing clergyman."

Redesignate subsections (4)–(10) as (5)–(11), respectively.

DEPARTMENT OF JUSTICE COMMENT

(HART, FONG, LONG)

Purpose: Prohibit wiretapping and eavesdropping on premises used professionally by doctors, lawyers, or clergymen.

Discussion: By authorizing wiretapping and eavesdropping in circumstances that may involve the interception of communications between attorney and client, doctor and patient, priest and penitent, and husband and wife, Title III carries a drastic potential for the serious disruption of professional relationships. There is no compelling evidence that professional offices are being used as headquarters for criminals. Sound professional relationships require public confidence that such communications will be kept secret. The present amendment would prohibit the use of wiretapping or eavesdropping on premises used professionally by a lawyer, doctor, or clergyman. It would not apply in the case of premises merely listed in the name of such persons. Title III is clearly in the experimental stage. Until professional offices are shown to be used as criminal sanctuaries, the balance in Title III should be struck in favor of privacy.

Recommendation: The amendment should be accepted.

AMENDMENT NO. 769

On page 56, strike out line 5 through line 24.

Sections 2519 and 2520 of chapter 119, which begin on page 50, line 3, shall be redesignated sections "2520" and "2521".

The analysis of chapter 119, which appears on page 50, between lines 4 and 5, is amended by striking out the last two items and inserting in lieu thereof the following:

"2519. Authorization for interception, disclosure, and use of wire or oral communications in national security cases.

"2520. Reports concerning intercepted wire or oral communications.

"2521. Recovery of civil damages authorized."

On page 75, between lines 11 and 12, insert the following new section:

"§ 2519. Authorization for interception, disclosure, and use of wire or oral communications in national security cases

"(1) The Congress recognizes the constitutional authority and responsibility of the President to take measures to protect the Nation against actual or potential attack to other hostile acts of a foreign power, to obtain foreign intelligence information deemed essential to the security of the United States, or to protect national security information against foreign intelligence activities. The Congress further recognizes the constitutional authority and responsibility of the President to take measures to protect the United States against the overthrow of the Government by force or other unlawful means, or against any other clear and present danger to the structure or existence of the Government.

"(2) Notwithstanding other provisions of this chapter, or the provisions of section 605 of the Communications Act of 1934 (48 Stat. 1143, 47 U.S.C. 605), the President or his designee may authorize an application to a Justice of the United States Supreme Court, a judge of a United States court of appeals or a judge of a United States district court for, and such judge may grant in conformity with this section, an order authorizing the interception of wire or oral communications when such interception may provide evidence in connection with any of the matters enumerated in the preceding subsection.

"(3)(a) Any investigative or law enforcement officer who, by the means authorized by this section, has obtained knowledge of the contents of any wire or oral communication, or evidence derived therefrom, may disclose such contents to another investigative or law enforcement officer to the extent that such disclosure is appropriate to the proper performance of the official duties of the officer making or receiving the disclosure.

"(b) Any person who has received, by the means authorized by this section, any information concerning a wire or oral communication, or evidence derived therefrom, may disclose the contents of that communication or such derivative evidence while giving testimony under oath or affirmation in any proceeding in any court of the United States or of any State or in any Federal or State grand jury proceeding.

"(4)(a) Applications submitted and orders issued under this section shall be in such form as the judge to whom the application is presented may require. Such judge shall not be bound by the provisions of section 2518 of this chapter in determining the form and requirements relative to applications or orders submitted or issued under this section. Such applications and orders may, if circumstances warrant, be submitted and issued orally. In such cases, the oral application or order shall be reduced to writing within a period of forty-eight hours from the time of oral authorization of the requested interception. Copies of all applications and orders shall be retained by the court, and shall be disclosed only upon a showing of good cause before a judge of competent jurisdiction.

"(b) Each application for an order authorizing the interception of a wire or oral communication under this section shall include a statement of the facts concerning all previous applications known to the individual authorizing or making the application made to any judge for authorization to intercept wire or oral communications involving any of the same persons, facilities or places specified in the application, and the action taken by the judge on each such application.

"(c) An order issued under this section may authorize the interception of a wire or oral communication for such period of time as the judge who issues such order shall determine, but not for an indefinite period of time. Extensions of an order may be granted if the judge is satisfied that such extension is necessary under all of the circumstances.

"(5) The contents of any intercepted wire or oral communications or evidence derived therefrom shall not be received in evidence or otherwise disclosed in any trial, hearing or other proceeding in a Federal or State court unless each party, not less than ten days before the trial, hearing or proceeding, has been furnished with a copy of the court order under which the interception was authorized. This ten-day period may be waived by the judge if he finds that it was not possible to furnish the party with the above information ten days before the trial, hearing or proceeding and that the party will not be prejudiced by the delay in receiving such information.

"(6)(a) Any aggrieved person in any trial, hearing or proceeding in or before any court, department, officer, agency, regulatory body or other authority of the United States, a State, or a political subdivision thereof, may move to suppress the contents of any intercepted wire or oral communication, or evidence derived therefrom, on the grounds that—

"(i) the communication was unlawfully intercepted;

"(ii) the order of authorization under which it was intercepted is insufficient on its face; or

"(iii) the interception was not made in conformity with the order of authorization. Such motion shall be made before the trial, hearing or proceeding unless there was no opportunity to make such motion. If the motion is granted, the contents of the intercepted wire or oral communication, or evidence derived therefrom, shall be treated as having been obtained in violation of this chapter. The judge, upon the filing of such motion by the aggrieved person, may in his discretion make available to the aggrieved person or his counsel for inspection such portions of the intercepted communication or evidence derived therefrom as the judge determines to be in the interests of justice.

"(b) In addition to any other right to appeal, the United States shall have the right to appeal from an order granting a motion to suppress made under paragraph (a) of this subsection, if the United States attorney shall certify to the judge granting such motion that the appeal is not taken for purposes of delay. Such appeal shall be taken within thirty days after the date the order was entered and shall be diligently prosecuted.

"(7) The provisions of section 2510 (definitions); section 2511 (relating to prohibition of interception and disclosure of communications); section 2512 (relating to prohibition of manufacture, distribution, possession, and advertising of intercepting devices); and section 2515 (relating to prohibition of use of unauthorized interceptions in evidence) of this chapter shall be fully applicable to the subject matter regulated by this section."

DEPARTMENT OF JUSTICE COMMENT

(BROOKE)

The Amendment would amend the national security provision to require the President or his designee to obtain a court order for electronic surveillance in national security cases. Such orders could be granted on a showing that useful evidence would be obtained, and could be issued for a period of time determined by the judge (although not for an indefinite period.) Thus, such orders would not be subject to the strict probable cause and other requirements of Title III applicable to court orders issued in connection with cases not involving the national security. The present version of Title III, like S. 928, does not restrict the President in his exercise of the national security power.

The amendment should be rejected.

AMENDMENT NO. 773

On page 62, line 3, beginning with the comma, strike out all through the comma on line 5.

DEPARTMENT OF JUSTICE COMMENT

(FONG, HART, LONG)

The amendment would limit the use of Federal wiretapping and eavesdropping to

FBI officers. Under the present version of Title III, electronic surveillance could be conducted by any Federal agency authorized to investigate the offense named in the surveillance warrant. The amendment should be accepted.

AMENDMENT NO. 774

On page 80, line 14, at the end of section 803, add the following new section:

"SEC. 804. (a) Within three years after the date of this Act, there shall be established a National Commission on Electronic Surveillance.

"(b) The Commission shall be composed of—

"(1) three Members of the Senate appointed by the President of the Senate,

"(2) three Members of the House of Representatives appointed by the Speaker of the House of Representatives,

"(3) three members appointed by the President of the United States, one of whom shall be the Attorney General of the United States, whom he shall designate as Chairman, and

"(4) one United States circuit judge and two United States district judges appointed by the Chief Justice of the United States.

"At no time shall more than two of the members appointed under paragraph (1), paragraph (2), or paragraph (3) be persons who are members of the same political party.

"Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made, and subject to the same limitations with respect to party affiliations as the original appointment was made.

"Seven members shall constitute a quorum, but a lesser number may conduct hearings.

"(c) The Commission shall make a full and complete review and study of the operation of the provisions of this title, for the purpose of recommending to the Congress legislation for the amendment, revision, or repeal of such provisions, and such other changes as the Commission may feel will serve the interests of law enforcement, the administration of criminal justice and the right of privacy.

"(d) (1) A member of the Commission who is a Member of Congress, in the executive branch of the Government, or a judge shall serve without additional compensation, but shall be reimbursed for travel subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission.

"(2) A member of the Commission from private life shall receive $75 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

"(e) (1) The Director of the Commission shall be appointed by the Commission without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(2) The Director shall serve as the Commission's reporter, and, subject to the direction of the Commission, shall supervise the activities of persons employed under the Commission, the preparation of reports, and shall perform such other duties as may be assigned him within the scope of the functions of the Commission.

"(3) Within the limits of funds appropriated for such purpose, individuals may be employed by the Commission for service with the Commission staff without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(4) The Chairman of the Commission is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

"(f) (1) There is hereby established a committee of fifteen members to be known as the Advisory Committee on Electronic Surveillance (hereinafter referred to as the 'Advisory Committee'), to advise and consult with the Commission. The Advisory Committee shall be appointed by the Commission and shall include lawyers, businessmen, and persons from other segments of life in the United States competent to provide advice for the Commission.

"(2) Members of the Advisory Committee shall not be deemed to be officers or employees of the United States by virtue of such service and shall receive no compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them by virtue of such service to the Commission.

"(g) The Commission is authorized to request from any department, agency, or independent instrumentality of the Federal Government or any State or local government any information and assistance it deems necessary to carry out its functions under this section and each such department, agency, and instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the Chairman or any other member when acting as Chairman.

"(h) The Commission shall submit interim reports to the President and the Congress at such times as the Commission may deem appropriate, and in any event within five years after the date of this Act, and shall submit its final report within six years after the date of this Act. The Commission shall cease to exist sixty days after the date of the submission of its final report.

"(i) The General Services Administration shall provide administrative services for the Commission on a reimbursable basis.

"(j) There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amount, not to exceed a total of $500,000, as may be necessary to carry out the provisions of this section."

DEPARTMENT OF JUSTICE

(FONG, HART, LONG)

The amendment would establish a 12-member National Commission on Electronic Surveillance to study the operation of the provisions of Title III for the purpose of "recommending to the Congress legislation for the amendment, revision, or repeal of such provisions, and such other changes as the Commission may feel will serve the interests of law enforcement, the administration of criminal justice, and the right of privacy."

The Commission would consist of three Senators, appointed by the President of the Senate; three members of the House, appointed by the Speaker; three Federal judges, appointed by the Chief Justice; and three persons appointed by the President, one of whom is to be Attorney General, who is designated as Chairman of the Commission.

The Commission must be created within three years after the date of enactment of S. 917, and must submit its final report within six years after the date of enactment. A 15-member Advisory Committee on Electronic Surveillance, composed of representatives from all walks of life in the United States, is established to assist the Commission.

The amendment should be accepted.

AMENDMENT NO. 775

On page 80, between lines 14 and 15, insert the following:

"SEC. 804. (a) Except as provided in subsection (b) of this section, upon the expiration of the fifth year following the date of enactment of this Act, section 2514 and sections 2516 through 2518 of title 18, United States Code, shall have no force or effect.

"(b) During the eighteen-month period beginning on the expiration of the fifth year following the date of the enactment of this Act—

"(1) the provisions of section 2514 of title 18, United States Code (relating to immunity of witnesses) shall apply with respect to cases or proceedings before any grand jury or court of the United States involving any violation of chapter 119 of such title (or any conspiracy to violate such chapter) which occurred prior to the expiration of such year;

"(2) the provisions of section 2517 of title 18, United States Code (relating to authorization for disclosure and use of intercepted wire or oral communications) shall apply with respect to wire or oral communications intercepted prior to the expiration of such year; and

"(3) the provisions of paragraphs (8), (9), and (10) of section 2518 of title 18, United States Code, shall apply with respect to wire and oral communications intercepted prior to the expiration of such year."

DEPARTMENT OF JUSTICE COMMENT

(FONG, HART, LONG)

The amendment would limit to five years the operation of the provisions of Title III authorizing wiretapping and eavesdropping by Federal and State officers. The amendment should be accepted.

AMENDMENT NO. 776

On page 51, beginning with line 3, strike out all through line 6.

On page 52, line 8, beginning with the first "or", strike out all through the comma on line 9.

On page 52, beginning with line 19, strike out all through line 25 and insert in lieu thereof the following:

"(9) 'Judge of competent jurisdiction' means a judge of a United States district court or a United States court of appeals;"

On page 58, line 19, beginning with the second comma, strike out all through the comma on line 20.

On page 61, line 17, strike out the following: "a State, or a political subdivision thereof".

On page 63, beginning with line 17, strike out all through line 11 on page 64.

On page 70, line 20, beginning with "or", strike out all through "State" on line 22.

On page 76, line 12, beginning with "or", strike out all through the comma on line 14.

DEPARTMENT OF JUSTICE COMMENT

(FONG, HART, LONG)

The amendment would prohibit wiretapping and eavesdropping by State officers. The amendment should be accepted.

AMENDMENT NO. 777

On page 69, line 22, strike out "thirty" and insert "seven".

On page 70, line 4, strike out "thirty" and insert "seven".

On page 70, line 10, strike out "thirty" and insert "seven".

DEPARTMENT OF JUSTICE COMMENT

(FONG, HART, LONG)

The amendment would limit to seven days the maximum period for which a warrant for wiretapping or eavesdropping could be issued. See Amendment No. 729. The present version of Title III authorizes such warrants to be issued for periods up to 30 days. The amendment should be accepted.

AMENDMENT NO. 778

On page 62, line 5, immediately after "interception", insert "is directly related to an investigation of organized crime and".

On page 67, line 22, strike out the period and insert a semicolon and the word "and".

On page 67, between lines 22 and 23, insert the following:

"(f) the relation of the application to an investigation of organized crime."

On page 68, line 24, strike out the period and insert a semicolon.

On page 68, after line 24, insert the following:

"(e) such investigation is directly related to activities of organized crime."

On page 53, line 7, strike out the period and insert a semicolon and the word "and".

On page 53, between lines 7 and 8, insert the following:

"(12) 'organized crime' means the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including but not limited to gambling, prostitution, loan sharking, narcotics, labor racketeering, and other unlawful activities of members of such organizations."

DEPARTMENT OF JUSTICE COMMENT

(FONG, HART, LONG)

The amendment would limit the use of wiretapping and eavesdropping by State and Federal officers to investigations of organized crime. The amendment should be accepted.

AMENDMENT No. 779

On page 52, beginning with line 20, strike out all through line 25 and insert in lieu thereof the following:

"(a) the chief judge of a United States district court or such judge as he may designate, or the chief judge of a United States court of appeals or such judge as he may designate;"

DEPARTMENT OF JUSTICE COMMENT

(FONG, HART, LONG)

The amendment would limit the Federal judges who may issue warrants for wiretapping and eavesdropping to the chief justice of a district court, the chief judge of a court of appeals, or such judges as they may designate. The present version of Title III authorizes warrants to be issued by any judge of a district court or court of appeals. The amendment should be accepted.

AMENDMENT No. 781

On page 55, delete all the language on line 11, following the word "service", down to and including the word "communication" where it first appears on line 13; and substitute in lieu thereof "or the protection of his service from unlawful use".

DEPARTMENT OF JUSTICE COMMENT

(LONG)

The amendment would delete the provisions of Title III authorizing communications common carriers to use electronic surveillance to protect their property rights, and would substitute a more limited provision authorizing surveillance by such carriers to protect their facilities from unlawful use. The present version of Title III is vague, and contains substantial loopholes for wiretapping and eavesdropping by the employees of such carriers. See also Amendment Nos. 721, 722. The amendment should be accepted.

AMENDMENT No. 793

On page 56, line 17, strike out all after the word "means" down to and including the word "Government" on line 19.

DEPARTMENT OF JUSTICE COMMENT

(LONG)

Purpose: Restrict the national security exception in Title III, in cases involving domestic threats to the national security, to cases involving attempts to overthrow the Government "by force or other unlawful means."

Discussion: The present version of Title III contains a broad exemption authorizing the President to use wiretapping and eavesdropping without limitation in cases involving either foreign or domestic threats to the national security. The domestic security provision reads as follows:

"[Nothing] contained in this chapter [shall] be deemed to limit the constitutional power of the President to take such measures as he deems necessary to protect the United States against the overthrow of the Government by force or other unlawful means, *or against any other clear and present danger to the structure or existence of the Government.*"

Amendment No. 793 would delete the underlined clause. See Amendment No. 724.

The concept of a *domestic* threat to the national security is vague and is not defined in the bill. Use of electronic surveillance may be easily abused in such cases. The legitimate exercise of the President's national security power would not be jeopardized by Amendment No. 793, which would merely restrict its exercise to cases involving attempts to overthrow the Government by force or other unlawful means.

Recommendation: The amendment should be accepted.

Mr. COOPER. Mr. President, I send to the desk an amendment, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Kentucky [Mr. COOPER] proposes an amendment as follows:

On page 50, line 16, beginning with the word "exhibiting" strike out through the word "expectation" in line 2 on page 51.

On page 51, line 9, insert the word "similar" after the word "other".

Mr. COOPER. Mr. President, I understand that 30 minutes are allotted for the consideration of my amendment, 15 minutes to the side; so in 30 minutes the Senate will have an opportunity to work its will on this issue.

I voted to strike title III. The amendment that I have offered and the discussion will, I believe, illustrate why this title concerns me.

Section 605 of the Communications Act provides that information secured through wiretapping may not be divulged by the person securing it to another. Certainly, it could not be used, under present law, as evidence in a court.

The prohibition flows from the fourth amendment to the Constitution, the amendment prohibiting unreasonable searches and seizures.

I think it is fair to say that the committee—and it is evident that this section, as does the whole bill, represents a great deal of study and effort—has, in bringing in title III, attempted to satisfy the provisions of the fourth amendment to the Constitution.

The section I seek to amend provides that officers may go to a court of proper jurisdiction and, upon filing an application similar to that required for a search warrant and making a proper showing, secure the authority to intercept a communication by wire or radio, or an oral communication.

It follows, of course, that if this has been done properly, the information secured through such process could be introduced in a court as evidence.

I have desired to establish the background for the suggestion embodied in my amendment. Section 2511 of this title, on page 58, applies, presumably and to all appearances, as a strict section, with strict penalties against persons who do not follow the designated procedure to secure a proper order for the authority to intercept a communication by wire or radio, or an oral communication.

I assume that the interception of oral communications would usually be obtained by so-called electronic or bugging devices. I now invite attention to the reason for my amendment.

Section 2511, from page 53 through page 55 to the fourth line, mentions "oral communications" five times. It would appear that the sanctions of punishment up to $10,000 or imprisonment of not more than 5 years, appears to any person who intercepts a wire communication or an oral communication by a bugging device without following the procedure required by title III. But now I wish to read from page 50, line 15 where "oral communication" is defined. It is not oral communication alone. Everywhere that "oral communication" is mentioned in this section, it becomes necessary to use the words as the phrase is defined beginning on line 15, page 50. This is the definition:

(2) "oral communication" means any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation—

In other words, while it would be necessary to go before a court and allege in particularly the circumstance which would justify authority to intercept a wire, it would not be necessary to do so with respect to an oral communication if it could be proved that the person who was speaking in his room, in his office, or from some other place exhibited an expectancy that his oral communication would not be intercepted.

On page 56, we find that the following type of interception is excluded from the penalty. I read from subsection (c) on page 56:

(c) It shall not be unlawful under this chapter for a party to any wire or oral communication, or a person given prior authority by a party to the communication to intercept such communication.

It seems to me, as far as the phrase "oral communication" is used, it leaves such a communication open to bugging by either a private party or official and whatever information is obtained by that bugging could be introduced in court as evidence.

I would like to have an interpretation from any Senator who helped to draft the bill.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. TYDINGS. Mr. President, the Senator may not be aware of it, but the managers of the bill accepted this morning an amendment, essentially a combination of Nos. 760 and 761, offered by the Senator from Michigan [Mr. HART], so that the language the Senator refers to on page 56, lines 1 to 4, is now modified by the combined amendments, Nos. 760 and 761.

Mr. COOPER. The amendments were accepted without rollcall vote?

Mr. TYDINGS. The Senator is correct.

Mr. COOPER. Will the Senator read the language of the amendments?

Mr. TYDINGS. I will read the langauge. The language is at the desk, but it reads as follows:

On page 56, lines 1–4, amend paragraph (c) to read as follows:

"(c) It shall not be unlawful under this chapter for a person acting under color of law to intercept a wire or oral communication, where such person is a party to the communication or one of the parties to the communication has given prior consent to such interception.

"(d) It shall not be unlawful under this chapter for a person not acting under color of law to intercept a wire or oral communication where such person is a party to the communication or where one of the parties to the communication has given prior consent to such interception unless such communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of any State or for the purpose of committing any other injurious act."

I think the last clause, beginning with the words "unless such communication is intercepted" takes care of the point just raised by the distinguished Senator from Kentucky concerning the irresponsible bugging of any private citizen.

Mr. COOPER. I ask general questions for proper interpretation. Is it the intent of the managers of the bill that oral communications cannot be intercepted and that no information secured by reason of such interception can be used as evidence in prosecutions or otherwise unless the same procedures are followed—with respect to an application to secure authority to intercept a communication or wire?

Mr. TYDINGS. Insofar as private people are concerned, the consent exception was specified in the two amendments which were accepted. However, the language does not go as far as the question of the Senator from Kentucky does.

The reason for the language on page 50, lines 15 and 16—"oral communication means any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation"— is that in the drafting of the pending legislation, the drafters were trying to follow the guidelines and the language set out in the decision of the Supreme Court in Katz against United States. We tried to do it verbatim in this particular instance.

There is one area which immediately comes to my mind where an oral communication could be intercepted without a warrant. I think that is the point that the Senator from Kentucky is trying to make.

That exception would be in a prison cell in a maximum security prison. That would be possible.

Mr. COOPER. That is perfectly proper under the Katz case.

Mr. TYDINGS. The Senator is correct. However, that is solely the sort of exception intended. That is the Katz language. That is why we adopted it, and that is why we accepted the amendments of the Senator from Michigan.

Mr. COOPER. Mr. President, considering the fact that the amendments to which the Senator has referred have been accepted, I have other questions to ask. I believe they are capable of clear answers and I know that the Senator will give a clear answer.

Would the language I have discussed give sanction to a private party to intercept oral communications and use the information secured from the interception of such communications for introduction in evidence?

Mr. TYDINGS. Is the Senator talking about a private party, a person who is not a party to the communication?

Mr. COOPER. Yes. The Senator is correct.

Mr. TYDINGS. The answer is "No." Indeed, we went further. Even if he were a party he could not always record conversations. That is the reason we accepted the language proposed by the Senator from Michigan.

Mr. COOPER. Then a private party who intercepted an oral communication would be subject to the sanctions imposed by the title—of fine or imprisonment?

Mr. TYDINGS. The Senator is correct. And he would be subject to the criminal prosecution spelled out in the language of title III.

Mr. COOPER. Mr. President, would an official, a police officer, or one acting with him—as is provided for in the pending bill—have the authority to intercept an oral communication and use the information thus secured as evidence? Would he have any authority outside of the guidelines laid down in the conviction in the Katz case?

Mr. TYDINGS. He would not. Our definition is intended to reflect the principles of Katz.

Mr. COOPER. Mr. President, I am sorry that the Senator from Arkansas is not present in the Chamber. I have heard the Senator from Arkansas describe the Katz case and give it wide meaning. Actually, the Katz case was reversed.

Mr. TYDINGS. The Senator is correct.

Mr. COOPER. It was reversed because the officers did not secure a proper warrant before intercepting the communication?

It has been argued during this debate that the Katz case is broad.

Mr. President, I ask unanimous consent that the majority opinion in the Katz case be printed at this point in the RECORD.

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

MR. JUSTICE STEWART delivered the opinion of the Court.

The petitioner was convicted in the District Court for the Southern District of California under an eight-count indictment charging him with transmitting wagering information by telephone from Los Angeles to Miami and Boston, in violation of a federal statute.[1] At trial the Government was permitted, over the petitioner's objection, to introduce evidence of the petitioner's end of telephone conversations, overheard by FBI agents who had attached an electronic listening and recording device to the outside of the public telephone booth from which he had placed his calls. In affirming his conviction, the Court of Appeals rejected the contention that the recordings had been obtained in violation of the Fourth Amendment, because "[t]here was no physical entrance into the area occupied by [the petitioner]." [2] We granted certiorari in order to consider the constitutional question thus presented.[3]

The petitioner has phrased those questions as follows:

"A. Whether a public telephone booth is a constitutionally protected area so that evidence obtained by attaching an electronic listening recording device to the top of such a booth is obtained in violation of the right to privacy of the user of the booth.

"B. Whether physical penetration of a constitutionally protected area is necessary before a search and seizure can be said to be violative of the Fourth Amendment to the United States Constitution."

We decline to adopt this formulation of the issues. In the first place, the correct solution of Fourth Amendment problems is not necessarily promoted by incantation of the phrase "constitutionally protected area." Secondly, the Fourth Amendment cannot be translated into a general constitutional

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[1] 18 U.S.C. § 1084. That statute provides in pertinent part:

"(a) Whoever being engaged in the business of betting or wagering knowingly uses a wire communication facility for the transmission in interstate or foreign commerce of bets or wagers or information assisting in the placing of bets or wagers on any sporting event or contest, or for the transmission of a wire communication which entitles the recipient to receive money or credit as a result of bets or wagers, or for information assisting in the placing of bets or wagers, shall be fined not more than $10,000 or imprisoned not more than two years, or both.

"(b) Nothing in this section shall be construed to prevent the transmission in interstate or foreign commerce of information for use in news reporting of sporting events or contests, or for the transmission of information assisting in the placing of bets or wagers on a sporting event or contest from a State where betting on that sporting event or contest is legal into a State in which such betting is legal."

[2] 369 F. 2d 130, 134.

[3] 386 U.S. 954. The petition for certiorari also challenged the validity of a warrant authorizing the search of the petitioner's premises. In light of our disposition of this case, we do not reach that issue.

We find no merit in the petitioner's further suggestion that his indictment must be dismissed. After his conviction was affirmed by the Court of Appeals, he testified before a federal grand jury concerning the charges involved here. Because he was compelled to testify pursuant to a grant of immunity, 48 Stat. 1096, as amended, 47 U.S.C. § 409(*l*), it is clear that the fruit of his testimony cannot be used against him in any future trial. But the petitioner asks for more. He contends that his conviction must be vacated and the charges against him dismissed lest he be "subjected to [a] penalty . . . on account of [a] . . . matter . . . concerning which he [was] compelled . . . to testify . . ." 47 U.S.C. § 409(*l*). *Frank* v. *United States*, 347 F. 2d 486. We disagree. In relevant part, § 409(*l*) substantially repeats the language of the Compulsory Testimony Act of 1893, 27 Stat. 443, 49 U.S.C. § 46, which was Congress' response to this Court's statement that an immunity statute can supplant the Fifth Amendment privilege against self-incrimination only if it affords adequate protection from future prosecution or conviction. *Counselman* v. *Hitchcock*, 142 U.S. 547, 585–586. The statutory provision here involved was designed to provide such protection, see *Brown* v. *United States*, 359 U.S. 41, 45–46, not to confer immunity from punishment pursuant to a *prior* prosecution and adjudication of guilt. Cf. *Reina* v. *United States*, 364 U.S. 507, 513–514.

"right to privacy." That Amendment protects individual privacy against certain kinds of governmental intrusion, but its protections go further, and often have nothing to do with privacy at all.[4] Other provisions of the Constitution protect personal privacy from other forms of governmental invasion.[5] But the protection of a person's *general* right to privacy—his right to be let alone by other people[6]—is, like the protection of his property and of his very life, left largely to the law of the individual States.[7]

Because of the misleading way the issues have been formulated, the parties have attached great significance to the characterization of the telephone booth from which the petitioner placed his calls. The petitioner has strenuously argued that the booth was a "constitutionally protected area." The Government has maintained with equal vigor that it was not.[8] But this effort to decide whether or not a given "area," viewed in the abstract, is "constitutionally protected" deflects attention from the problem presented by this case.[9] For the Fourth Amendment protects people, not places. What a person knowingly exposes to the public, even in his own home or office, is not a subject of Fourth Amendment protection. See *Lewis* v. *United States*, 385 U.S. 206, 210; *United States* v. *Lee*, 274 U.S. 559, 563. But what he seeks to preserve as private, even in an area accessible to the public, may be constitutionally protected. See *Rios* v. *United States*, 364 U.S. 253; *Ex parte Jackson*, 96 U.S. 727, 733.

The Government stresses the fact that the telephone booth from which the petitioner made his calls was constructed partly of glass, so that he was as visible after he entered it as he would have been if he had remained outside. But what he sought to exclude when he entered the booth was not the intruding eye—it was the uninvited ear. He did not shed his right to do so simply because he made his calls from a place where he might be seen. No less than an individual in a business office,[10] in a friend's apartment,[11] or in a taxicab,[12] a person in a telephone booth may rely upon the protection of the Fourth Amendment. One who occupies it, shuts the door behind him, and pays the toll that permits him to place a call is surely entitled to assume that the words he utters into the mouthpiece will not be broadcast to the world. To read the Constitution more narrowly is to ignore the vital role that the public telephone has come to play in private communication.

The Government contends, however, that the activities of its agents in this case should not be tested by Fourth Amendment requirements, for the surveillance technique they employed involved no physical penetration of the telephone booth from which the petitioner placed his calls. It is true that the absence of such penetration was at one time thought to foreclose further Fourth Amendment inquiry, *Olmstead* v. *United States*, 277 U.S. 438, 457, 464, 466; *Goldman* v. *United States*, 316 U.S. 129, 134–136, for that Amendment was thought to limit only searches and seizures of tangible property.[13] But "[t]he premise that property interests control the right of the Government to search and seize has been discredited." *Warden* v. *Hayden*, 387 U.S. 294, 304. Thus, although a closely divided Court supposed in *Olmstead* that surveillance without any trespass and without the seizure of any material object fell outside the ambit of the Constitution, we have since departed from the narrow view on which that decision rested. Indeed, we have expressly held that Fourth Amendment governs not only the seizure of tangible items, but extends as well to the recording of oral statements overheard without any "technical trespass under . . . local property law." *Silverman* v. *United States*, 365 U.S. 505, 511. Once this much is acknowledged, and once it is recognized that the Fourth Amendment protects people—and not simply "areas"—against unreasonable searches and seizures, it becomes clear that the reach of that Amendment cannot turn upon the presence or absence of a physical intrusion into any given enclosure.

We conclude that the underpinnings of *Olmstead* and *Goldman* have been so eroded by our subsequent decisions that the "trespass" doctrine there enunciated can no longer be regarded as controlling. The Government's activities in electronically listening to and recording the petitioner's words violated the privacy upon which he justifiably relied while using the telephone booth and thus constituted a "search and seizure" within the meaning of the Fourth Amendment. The fact that the electronic device employed to achieve that end did not happen to penetrate the wall of the booth can have no constitutional significance.

The question remaining for decision, then, is whether the search and seizure conducted in this case complied with constitutional standards. In that regard, the Government's position is that its agents acted in an entirely defensible manner: They did not begin their electronic surveillance until investigation of the petitioner's activities had established a strong probability that he was using the telephone in question to transmit gambling information to persons in other States, in violation of federal law. Moreover, the surveillance was limited, both in scope and in duration, to the specific purpose of establishing the contents of the petitioner's unlawful telephonic communications. The agents confined their surveillance to the brief periods during which he used the telephone booth,[14] and they took great care to overhear only the conversations of the petitioner himself.[15]

Accepting this account of the Government's actions is accurate, it is clear that this surveillance was so narrowly circumscribed that a duly authorized magistrate, properly notified of the need for such investigation, specifically informed of the basis on which it was to proceed, and clearly apprised of the precise intrusion it would entail, could constitutionally have authorized, with appropriate safeguards, the very limited search and seizure that the Government asserts in fact took place. Only last Term we sustained the validity of such an authorization, holding that, under sufficiently "precise and discriminate circumstances," a federal court may empower government agents to employ a concealed electronic device "for the narrow and particularized purpose of ascertaining the truth of the . . . allegations" of a "detailed factual affidavit alleging the commission of a specific criminal offense." *Osborn* v. *United States*, 385 U. S. 323, 329–330. Discussing that holding, the Court in *Berger* v. *New York*, 388 U. S. 41, said that "the order authorizing the use of the electronic device" in *Osborn* "afforded similar protections to those . . . of conventional warrants authorizing the seizure of tangible evidence." Through those protections, "no great invasion of privacy was permitted than was necessary under the circumstances." *Id.*, at 57.[16] Here, too, a similar judicial order could

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[4] "The average man would very likely not have his feelings soothed any more by having his property seized openly than by having it seized privately and by stealth. . . . And a person can be just as much, if not more, irritated, annoyed and injured by an unceremonious public arrest by a policeman as he is by a seizure in the privacy of his office or home." *Griswold* v. *Connecticut*, 381 U.S. 479, 509 (dissenting opinion of MR. JUSTICE BLACK).

[5] The First Amendment, for example, imposes limitations upon governmental abridgment of "freedom to associate and privacy in one's associations." *NAACP* v. *Alabama*, 357 U.S. 449, 462. The Third Amendment's prohibition against the unconsented peacetime quartering of soldiers protects another aspect of privacy from governmental intrusion. To some extent, the Fifth Amendment too "reflects the Constitution's concern for . . . '. . . the right of each individual "to a private enclave where he may lead a private life." '" *Tehan* v. *Shott*, 382 U.S. 406, 416. Virtually every governmental action interferes with personal privacy to some degree. The question in each case is whether that interference violates a command of the United States Constitution.

[6] See Warren & Brandeis, The Right to Privacy, 4 Harv. L. Rev. 193 (1890).

[7] See, *e. g.*, *Time, Inc.* v. *Hill*, 385 U.S. 374. Cf. *Breard* v. *Alexander*, 341 U.S. 622; *Kovacs* v. *Cooper*, 336 U.S. 77.

[8] In support of their respective claims, the parties have compiled competing lists of "protected areas" for our consideration. It appears to be common ground that a private home is such an area, *Weeks* v. *United States*, 232 U.S. 383, but that an open field is not. *Hester* v. *United States*, 265 U.S. 57. Defending the inclusion of a telephone booth in his list the petitioner cites *United States* v. *Stone*, 232 F. Supp. 396, and *United States* v. *Madison*, 32 L. W. 2243 (D. C. Ct. Gen. Sess.). Urging that the telephone booth should be excluded, the Government finds support in *United States* v. *Borgese*, 235 F. Supp. 286.

[9] It is true that this Court has occasionally described its conclusions in terms of "constitutionally protected areas," see, *e. g.*, *Silverman* v. *United States*, 365 U.S. 505, 510, 512; *Lopez* v. *United States*, 373 U.S. 427, 438–439; *Berger* v. *New York*, 388 U.S. 41, 57, 59, but we have never suggested that this concept can serve as a talismanic solution to every Fourth Amendment problem.

[10] *Silvertone Lumber Co.* v. *United States*, 251 U.S. 385.

[11] *Jones* v. *United States*, 362 U.S. 257.

[12] *Rios* v. *United States*, 364 U.S. 253.

[13] See *Olmstead* v. *United States*, 277 U.S. 438, 464–466. We do not deal in this case with the law of detention or arrest under the Fourth Amendment.

[14] Based upon their previous visual observations of the petitioner, the agents correctly predicted that he would use the telephone booth for several minutes at approximately the same time each morning. The petitioner was subjected to electronic surveillance only during this predetermined period. Six recordings, averaging some three minutes each, were obtained and admitted in evidence. They preserved the petitioner's end of conversations concerning the placing of bets and the receipt of wagering information.

[15] On the single occasion when the statements of another person were inadvertently intercepted, the agents refrained from listening to them.

[16] Although the protections afforded the petitioner in *Osborn* were *"similar* . . . to those . . . of conventional warrants," they were not identical. A conventional warrant ordinarily serves to notify the suspect of an intended search. But if Osborn had been told in advance that federal officers intended to record his conversations, the point of making such recordings would obviously have been lost; the evidence in question could not have been obtained. In omitting any requirement of advance notice, the federal court that authorized electronic surveillance in *Osborn* simply recognized, as has this Court, that officers need not announce their purpose before conducting an otherwise authorized search if such an announcement would provoke the escape of the suspect or the destruction of critical evidence. See *Ker* v. *California*, 374 U.S. 23, 37–41.

Although some have thought that this "exception to the notice requirement where exigent circumstances are present," *id.*, at 39, should be deemed inapplicable where police

have accommodated "the legitimate needs of law enforcement" [17] by authorizing the carefully limited use of electronic surveillance.

The Government urges that, because its agents relied upon the decisions in *Olmstead* and *Goldman*, and because they did no more here than they might properly have done with prior judicial sanction, we should retroactively validate their conduct. That we cannot do. It is apparent that the agents in this case acted with restraint. Yet the inescapable fact is that this restraint was imposed by the agents themselves, not by a judicial officer. They were not required, before commencing the search, to present their estimate of probable cause for detached scrutiny by a neutral magistrate. They were not compelled, during the conduct of the search itself, to observe precise limits established in advance by a specific court order. Nor were they directed, after the search had been completed, to notify the authorizing magistrate in detail of all that had been seized. In the absence of such safeguards, this Court has never sustained a search upon the sole ground that officers reasonably expected to find evidence of a particular crime and voluntarily confined their activities to the least intrusive means consistent with that end. Searches conducted without warrants have been held unlawful "notwithstanding facts unquestionably showing probable cause," *Agnello* v. *United States*, 269 U.S. 20, 33, for the Constitution requires "that the deliberate, impartial judgment of a judicial officer . . . be interposed between the citizen and the police . . . ." *Wong Sun* v. *United States*, 371 U.S. 471, 481–482. "Over and again this Court has emphasized that the mandate of the [Fourth] Amendment requires adherence to judicial processes," *United States* v. *Jeffers*, 342 U.S. 48, 51, and that searches conducted outside the judicial process, without prior approval by judge or magistrate, are *per se* unreasonable under the Fourth Amendment [18]—subject only to a few specifically established and well-delineated exceptions.[19]

It is difficult to imagine how any of those exceptions could ever apply to the sort of search and seizure involved in this case. Even electronic surveillance substantially contemporaneous with an individual's arrest could hardly be deemed an "incident" of that arrest.[20] Nor could the use of electronic surveillance without prior authorization be justified on grounds of "hot pursuit." [21] And, of course, the very nature of electronic surveillance precludes its use pursuant to the suspect's consent.[22]

The Government does not question these basic principles. Rather, it urges the creation of a new exception to cover this case.[23] It argues that surveillance of a telephone booth should be exempted from the usual requirement of advance authorization by a magistrate upon a showing of probable cause. We cannot agree. Omission of such authorization "bypasses the safeguards provided by an objective predetermination of probable cause, and substitutes instead the far less reliable procedure of an after-the-event justification for the . . . search, too likely to be subtly influenced by the familiar shortcomings of hindsight judgment." *Beck* v. *Ohio*, 379 U.S. 89, 96.

And bypassing a neutral predetermination of the *scope* of a search leaves individuals secure from Fourth Amendment violations "only in the discretion of the police." *Id.*, at 97.

These considerations do not vanish when the search in question is transferred from the setting of a home, an office, or a hotel room to that of a telephone booth. Wherever a man may be, he is entitled to know that he will remain free from unreasonable searches and seizures. The government agents here ignored "the procedure of antecedent justification . . . that is central to the Fourth Amendment," [24] a procedure that we hold to be a constitutional precondition of the kind of electronic surveillance involved in this case. Because the surveillance here failed to meet that condition, and because it led to the petitioner's conviction, the judgment must be reversed.

It is so ordered.

MR. JUSTICE MARSHALL took no part in the consideration or decision of this case.

MR. JUSTICE DOUGLAS, with whom MR. JUSTICE BRENNAN joins, concurring.

While I join the opinion of the Court, I feel compelled to reply to the separate concurring opinion of my Brother WHITE, which I view as a wholly unwarranted green light for the Executive Branch to resort to electronic eavesdropping without a warrant in cases which the Executive Branch itself labels "national security" matters.

Neither the President nor the Attorney General is a magistrate. In matters where they believe national security may be involved they are not detached, disinterested, and neutral as a court or magistrate must be. Under the separation of powers created by the Constitution, the Executive Branch is not supposed to be neutral and disinterested. Rather it should vigorously investigate and prevent breaches of national security and prosecute those who violate the pertinent federal laws. The President and Attorney General are properly interested parties, cast in the role of adversary, in national security cases. They may even be the intended victims of subversive action. Since spies and saboteurs are as entitled to the protection of the Fourth Amendment as suspected gamblers like petitioner, I cannot agree that where spies and saboteurs are involved adequate protection of Fourth Amendment rights is assured when the President and Attorney General assume both the position of adversary-and-prosecutor and disinterested, neutral magistrate.

There is, so far as I understand constitutional history, no distinction under the Fourth Amendment between types of crimes. Article III, § 3, gives "treason" a very narrow definition and puts restrictions on its proof. But the Fourth Amendment draws no lines between various substantive offenses. The arrests in cases of "hot pursuit" and the arrests on visible or other evidence of probable cause cut across the board and are not peculiar to any kind of crime.

I would respect the present lines of distinction and not improvise because a particular crime seems particularly heinous. When the Framers took that step, as they did with treason, the worst crime of all, they made their purpose manifest.

MR. JUSTICE HARLAN, concurring.

I join the opinion of the Court, which I read to hold only (a) that an enclosed telephone booth is an area where, like a home, *Weeks* v. *United States*, 232 U.S. 383, and unlike a field, *Hester* v. *United States*, 265 U.S. 57, a person has a constitutionally protected reasonable expectation of privacy; (b) that electronic as well as physical intrusion into a place that is in this sense private may constitute a violation of the Fourth Amendment; and (c) that the invasion of a constitutionally protected area by federal authorities is, as the Court has long held, presumptively unreasonable in the absence of a search warrant.

As the Court's opinion states, "the Fourth Amendment protects people, not places." The question, however, is what protection it affords to those people. Generally, as here, the answer to that question requires reference to a "place." My understanding of the rule that has emerged from pior decisions is that there is a twofold requirement, first that a person has exhibited an actual (subjective) expectation of privacy and, second, that the expectation be one that society is prepared to recognize as "reasonable." Thus a man's home is, for most purposes, a place where he expects privacy, but objects, activities, or statements that he exposes to the "plain view" of outsiders are not "protected" because no intention to keep them to himself has been exhibited. On the other

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enter a home before its occupants are aware that officers are present, *id.*, at 55–58 (opinion of MR. JUSTICE BRENNAN), the reasons for such a limitation have no bearing here. However true it may be that "[i]nnocent citizens should not suffer the shock, fright or embarrassment attendant upon an unannounced police intrusion," *id.*, at 57, and that "the requirement of awareness . . . serves to minimize the hazards of the officers' dangerous calling," *id.*, at 57–58, these considerations are not relevant to the problems presented by judicially authorized electronic surveillance.

Nor do the Federal Rules of Criminal Procedure impose an inflexable requirement of prior notice. Rule 41(d) does require federal officers to serve upon the person searched a copy of the warrant and a receipt describing the material obtained, but it does not invariably require that this be done before the search takes place. *Nordelli* v. *United States*, 24 F. 2d 665, 666–667.

Thus the fact that the petitioner in *Osborn* was unaware that his words were being electronically transcribed did not prevent this Court from sustaining his conviction, and did not prevent the Court in *Berger* from reaching the conclusion that the use of the recording device sanctioned in *Osborn* was entirely lawful. 388 U.S. 41, 57.

[17] *Lopez* v. *United States*, 373 U.S. 427, 464 (dissenting opinion of MR. JUSTICE BRENNAN).

[18] See, *e.g.*, *Jones* v. *United States*, 357 U.S. 493, 497–499; *Rios* v. *United States*, 364 U.S. 253, 261; *Chapman* v. *United States*, 365 U.S. 610, 613–615; *Stoner* v. *California*, 376 U.S. 483, 486–487.

[19] See, *e.g.*, *Carroll* v. *United States*, 267 U.S. 132, 153, 156; *McDonald* v. *United States*, 335 U.S. 451, 454–456; *Brinegar* v. *United States*, 338 U.S. 160, 174–177; *Cooper* v. *California*, 386 U.S. 58; *Warden* v. *Hayden*, 387 U.S. 294, 298–300.

[20] In *Agnello* v. *United States*, 269 U.S. 20, 30, the Court stated "The right without a search warrant contemporaneously to search persons lawfully arrested while committing crime and to search the place where the arrest is made in order to find and seize things connected with the crime as its fruits or as the means by which it was committed, as well as weapons and other things to effect an escape from custody, is not to be doubted."

Whatever one's view of "the long-standing practice of searching for other proofs of guilt within the control of the accused found upon arrest," *United States* v. *Rabinowitz*, 339 U.S. 56, 61; cf. *id.*, at 71–79 (dissenting opinion of Mr. Justice Frankfurter), the concept of an "incidental" search cannot readily be extended to include surreptitious surveillance of an individual either immediately before or immediately after, his arrest.

[21] Although "[t]he Fourth Amendment does not require police officers to delay in the course of an investigation if to do so would gravely endanger their lives or the lives of others," *Warden* v. *Hayden*, 387 U.S. 294, 298–299, there seems little likelihood that electronic surveillance would be a realistic possibility in a situation so fraught with urgency.

[22] A search to which an individual consents meets Fourth Amendment requirements, *Zap* v. *United States*, 328 U.S. 624, but of course "the usefulness of electronic surveillance depends on lack of notice to the suspect." *Lopez* v. *United States*, 373 U.S. 427, 463 (dissenting opinion of MR. JUSTICE BRENNAN).

[23] Whether safeguards other than prior authorization by a magistrate would satisfy the Fourth Amendment in a situation involving the national security is a question not presented by this case.

[24] See *Osborn* v. *United States*, 385 U. S. 323, 330.

hand, conversations in the open would not be protected against being overheard, for the expectation of privacy under the circumstances would be unreasonable. Cf. *Hester* v. *United States, supra.*

The critical fact in this case is that "[o]ne who occupies it, [a telephone booth] shuts the door behind him, and pays the toll that permits him to place a call is surely entitled to assume" that his conversation is not being intercepted. *Ante,* p. 352. The point is not that the booth is "accessible to the public" at other times, *ante,* p. 351, but that it is a temporarily private place whose momentary occupants' expectations of freedom from intrusion are recognized as reasonable. Cf. *Rios* v. *United States,* 364 U.S. 253.

In *Silverman* v. *United States,* 365 U.S. 505, we held that eavesdropping accomplished by means of an electronic device that penetrated the premises occupied by petitioner was a violation of the Fouth Amendment.

That case established that interception of conversations reasonably intended to be private could constitute a "search and seizure," and that the examination or taking of physical property was not required. This view of the Fourth Amendment was followed in *Wong Sun* v. *United States,* 371 U.S. 471, at 485, and *Berger* v. *New York,* 388 U.S. 41, at 51. Also compare *Osborn* v. *United States,* 385 U.S. 323, at 327. In *Silverman* we found it unnecessary to re-examine *Goldman* v. *United States,* 316 U.S. 129, which had held that electronic surveillance accomplished without the physical penetration of petitioner's premises by a tangible object did not violate the Fourth Amendment. This case requires us to reconsider *Goldman,* and I agree that it should now be overruled.* Its limitation on Fourth Amendment protection is, in the present day, bad physics as well as bad law, for reasonable expectations of privacy may be defeated by electronic as well as physical invasion.

Finally, I do not read the Court's opinion to declare that no interception of a conversation one-half of which occurs in a public telephone booth can be reasonable in the absence of a warrant. As elsewhere under the Fourth Amendment, warrants are the general rule, to which the legitimate needs of law enforcement may demand specific exceptions. It will be time enough to consider any such exceptions when an appropriate occasion presents itself, and I agree with the Court that this is not one.

Mr. JUSTICE WHITE, concurring.

I agree that the official surveillance of petitioner's telephone conversations in a public booth must be subjected to the test of reasonableness under the Fourth Amendment and that on the record now before us the particular surveillance undertaken was unreasonable absent a warrant properly authorizing it. This application of the Fourth Amendment need not interfere with legitimate needs of law enforcement.**

*I also think that the course of development evinced by *Silverman, supra, Wong Sun, supra, Berger, supra,* and today's decision must be recognized as overruling *Olmstead* v. *United States,* 277 U. S. 438, which essentially rested on the ground that conversations were not subject to the protection of the Fourth Amendment.

**In previous cases, which are undisturbed by today's decision, the Court has upheld, as reasonable under the Fourth Amendment, admission at trial of evidence obtained (1) by an undercover police agent to whom a defendant speaks without knowledge that he is in the employ of the police, *Hoffa* v. *United States,* 385 U. S. 293 (1966); (2) by a recording device hidden on the person of such an informant, *Lopez* v. *United States,* 373 U. S. 427 (1963); *Osborn* v. *United States,* 385 U. S. 323 (1966); and (3) by a policeman listening to the secret micro-wave transmissions of an agent conversing with the defendant in another location, *On Lee* v. *United States,* 343 U. S. 747 (1952). When one man speaks to another he takes all the risks ordinarily inherent in so doing, including the risk that the man to whom he speaks will make public what he has heard. The Fourth Amendment does not protect against unreliable (or lawabiding) associates. *Hoffa* v. *United States, supra.* It is but a logical and reasonable extension of this principle that a man take the risk that his hearer, free to memorize what he hears for later verbatim repetitions, is instead recording it or transmitting it to another. The present case deals with an entirely different situation, for as the Court emphasizes the petitioner "sought to exclude . . . the uninvited ear," and spoke under circumstances in which a reasonable person would assume that uninvited ears were not listening.

In joining the Court's opinion, I note the Court's acknowledgment that there are circumstances in which it is reasonable to search without a warrant. In this connection, in footnote 23 the Court points out that today's decision does not reach national security cases. Wiretapping to protect the security of the Nation has been authorized by successive Presidents. The present Administration would apparently save national security cases from restrictions against wiretapping. See *Berger* v. *New York,* 388 U.S. 41, 112–118 (1967) (WHITE, J., dissenting). We should not require the warrant procedure and the magistrate's judgment if the President of the United States or his chief legal officer, the Attorney General, has considered the requirements of national security and authorized electronic surveillance as reasonble.

Mr. COOPER. The Katz case is narrow. The Katz case holds that the conditions for securing a search warrant to intercept a wire are substantially the same as those required to secure a search warrant to search a person's premises.

Mr. TYDINGS. The Senator's point is well made. The Katz case does provide limited and rigid restrictions. The intent of this bill is to conform to the principles of the Katz case, and that any private individual would have the same protection, under title III, from a private tapper that he would have from a police tapper, consistent with the principles of Katz case as well as under the provisions of title III.

Mr. COOPER. Then, the Senator's statement is that in order for the title and section to be applicable with respect to oral communications, the same procedures as outlined in the Katz case must be followed.

Mr. TYDINGS. The Senator is correct. Again, I repeat, we even went further in the private area. That is the reason why the manager of the bill worked out the perfecting amendment and accepted it from the Senator from Michigan.

Mr. COOPER. But there is one final exception, as I understand it—that if one of the parties to an oral communication consents that the conversation may be intercepted and the contents used in court, that is permissible.

Mr. TYDINGS. Yes. But we even limit that interception, even when it is a party to the communication, so that it cannot be intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of any State, or for the purpose of committing any other injurious act. We have gone about as far in that respect as we can under the Constitution.

Mr. COOPER. Mr. President, on the assurance of the Senator from Maryland, who is a comanager of this section of the bill, in giving his interpretation that the definition of oral communications does not delimit its application to private persons, that the sanctions would be applied against a private person who violated this section, and also his assurance that the principles laid down in the Katz case would apply to oral communications, for interpretation in the courts, I will withdraw my amendment. But before withdrawing it, I ask how much time I have remaining.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COOPER. Does any time remain?

The PRESIDING OFFICER. The Senator from Maryland has 15 minutes remaining.

Mr. COOPER. Will the Senator from Maryland yield me 3 minutes?

Mr. TYDINGS. I yield 3 minutes to the distinguished Senator from Kentucky.

Mr. COOPER. Mr. President, I shall withdraw my amendment, as I have said, on the assurances and interpretation given by the Senator from Maryland.

As this will be the only time I will have a chance to speak on the bill as a whole, I should like to state my views about it.

There are very valuable sections in this bill, titles I and IV, and I support them. But I find it difficult to agree with title II and title III of the bill.

Title II, which was debated earlier this week, seeks to upset the Miranda and the Mallory cases. Title III, establishing a system of wire and electronic surveillance, in my judgment, is full of loopholes. It would enable a police officer in any jurisdiction to secure wide authority for surveillance not only of criminals, but of the people of our country. It would legalize a practice which heretofore has not been approved in our country.

We are all aware of the growing incidence of crime and violence in our country. I do not believe it is fair to argue, as has been done in this debate that because one opposes a section of the bill that he is protecting law violators. All of us are against crime. It can be met by firm and fair judges, by additional judges, by competent police officers, by better trained and better educated police officers—and I may say judges, also. It can be controlled by public and private support of law and law enforcement.

But we must remember that every individual in this country is protected in his constitutional rights, guaranteed by the Bill of Rights, and that all—the accused and the innocent—are entitled to its protection. In our laudable effort to stamp out crime, we have no authority or right to limit the protections of the Bill of Rights of the Constitution. Arguments can be made against the Supreme Court cases, and I believe the Court has been wrong and certainly ill advised in some instances. But its decisions in the Miranda case and the Mallory case are bottomed upon the constitutional right of a person assured by the fifth amendment not to be forced to incriminate

himself. This right was obtained after a struggle through centuries to be free and secure protection from the coercion of rules and arbitrary authority.

These protections of the individual were incorporated in the Bill of Rights of our Constitution as protection against government itself. Now we are setting up, for the first time in this country, an instrument of surveillance which can be misused to reach every individual in the country. We hope it will be used properly if it becomes law. But, as we know, it could be the agent of trespasses and great injustice.

So, reluctantly—because I have been a lawyer and a judge and I desire, as much as any other Senator, to see law and order prevail in this country—I cannot bring myself to support this measure, which chips away at the Bill of Rights and those protections of all our citizens which thus far have distinguished our country from most countries in the world.

I wanted to express my views in the short time I had available.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TYDINGS. I yield such additional time to the Senator from Kentucky as he may desire.

Mr. President, has the Senator from Kentucky withdrawn his amendment? What is the posture now?

The PRESIDING OFFICER. The amendment has been withdrawn. The bill is open to further amendment.

Mr. LAUSCHE. Mr. President, will the Senator withhold the withdrawal of his amendment, so that I may use whatever time he has remaining?

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Mr. TYDINGS. Mr. President, I surrender the floor.

Mr. LAUSCHE. Mr. President, how much time remains?

The PRESIDING OFFICER. The time is on the bill.

Mr. LAUSCHE. Mr. President, there has been much discussion today about the foundation upon which this bill is built, and there has been a difference of opinion as to whether the fourth amendment of the Constitution of the United States is the basis of what is sought to be done in the bill. My purpose in speaking now is to declare that whatever we do has its roots in the authority granted by the fourth amendment of the Constitution of our country.

I have in my hand the opinion rendered by the Supreme Court Justices who ruled in the case of Charles Katz, petitioner, against the United States.

In this case, Charles Katz was suspected by substantial circumstances and evidence of using the telephone in communicating racetrack results from Los Angeles to Miami. The Federal Bureau of Investigation understood and suspected that he went to a telephone booth and there, from Los Angeles, telephoned to Miami.

The FBI installed an eavesdropping electronic listening device to find out what his communications were from Los Angeles to Miami. They found that he was using interstate communications in connection with gambling operations.

Katz was arrested. He was charged with violating the Federal law. In the trial the important proof against him, in part, was the telephone talk which was detected by the FBI when he spoke to Miami from Los Angeles. He was convicted. Then he filed a petition covering certain complaints in the appellate court telling why the conviction should be reversed.

I now read from the Katz case.

Mr. TYDINGS. What page?

Mr. LAUSCHE. I shall read from page 2:

> The petitioner has phrased those questions as follows:
>
> "A. Whether a public telephone booth is a constitutionally protected area so that evidence obtained by attaching an electronic listening recording device to the top of such a booth is obtained in violation of the right to privacy of the user of the booth."

The booth was not the home of Katz. It was apparently public property, but subject to becoming the possession of the man who was using the telephone.

> "B. Whether physical penetration of a constitutionally protected area is necessary before a search and seizure can be said to be violative of the Fourth Amendment to the United States Constitution."

The fourth amendment of the Constitution provides that every inhabitant of the United States, without regard to his humble position or position of strength, shall be inviolate against search and seizure by the Government of the United States, or by any other government.

That provision was written into the Constitution because of the operations and persecutions practiced in the tyrannical and despotic nations of Europe prior to the French Revolution and prior to the adoption of the Constitution in 1787.

The fourth amendment was intended to protect the innocent citizen against oppressive actions of Government. The writers of our Constitution knew that the fourth amendment would, at times, provide immunity to criminals from criminal prosecution.

However, they also knew that the innocent individual would be protected in his home; that no one shall enter. Even though it is a hovel, to him it is a palace. So they wrote into the Constitution, regardless how poor one's home may be, that it shall not be entered by the government without the law-enforcement official having first obtained a warrant for search and seizure issued on the basis of evidence establishing probable cause.

In 1787 they did not know about eavesdropping nor did they know about electronic devices. Hence, they did not speak specifically of them. They knew about the inviolability of a man's home.

Mr. President, when I lie in my bed at night, whether I am a poor individual or a Member of the U.S. Senate, I have the right to privacy and the right to expect freedom from intrusion by public officials.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. LONG of Louisiana. Mr. President, in my judgment, the Senator could not be more right in what he is saying with regard to the fourth and fifth amendments. As the Senator from Ohio said so well, these amendments were written before the day of electronic devices.

The fourth amendment to the Constitution provides as follows:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

That amendment keeps a man from having his person, his home, or his place of business searched for evidence against him except by order of a court.

Then, the fifth amendment provides, and I shall only pick out the most important words that I have in mind:

> No person shall be * * * compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law;

Mr. President, we had debate for more than a day on the floor of the Senate about the Miranda case and whether a confession or an admission could be used, where a man was actually testifying against himself, unless he had been warned previously of four different things, which include the warning that he did not have to make a statement, that if he did make a statement it could be used against him, that he was entitled to a lawyer, and that if he could not afford a lawyer one would be provided.

The decision of the Senate after very controversial debate was against those who would uphold the Miranda case and favored the position that if the confession were voluntary or if the admission were voluntary and the circumstances so indicated, it should be admitted, if the trial judge agreed on the voluntariness.

Mr. President, if one were to follow the same logic we could have a case where a man is confessing to a crime over the telephone. The same logic would insist that the person tapping the telephone tune in and say, "Listen old buddy, we are tapping your telephone. You do not have to say anything, but if you do say anything, everything you say will be held against you." Or, they could come in on the telephone conversation and say, "Your phone is being tapped, and this conversation is being taped by the police to be used against you or finding further evidence against you," the latter case being what the court once described as "the fruit of a poisonous tree." That was a case wherein the law officers did not use that evidence but used what they learned by the wiretapping to go and obtain the evidence which they did use. It is not proper to use either one. It is clear that as between the two those were the ones clearly intended, that that kind of thing was not to be permitted.

Clearly the tapping of a wire can amount to depreciation of the rights protected by these two amendments.

Mr. LAUSCHE. Mr. President, to get back now to my original position, that what we are doing in the bill has a relationship to the authority granted in the Constitution of the United States, that no home shall be invaded except by authority of a search warrant, issued by a duly constituted court, based upon the

probability that a wrong is being committed.

There has been some discussion that there is not a complete relationship between the fourth amendment and the foundation upon which the bill is structured. I reject that argument vigorously. In this case, where Katz went into a telephone booth and called from Los Angeles to Miami to give wagering information, he was convicted. He said, "My constitutional rights were violated. The Government had no authority to tap the telephone line while I was in the telephone booth." The court sustained him. It sustained him on the basis that if a wiretap or an eavesdrop were perpetrated, it had to be done under the authority granted by a court.

I point this out specifically, because I believe that in the amendment that was rejected about 3 hours ago, a great number of my associates were not adequately informed.

The bill, as now written, provides that an officer, when he thinks an emergency exists, may make a search by the installment of electronic or eavesdropping devices and then, within 48 hours, he can seek ratification of the unlawful invasion which he made of the privacy of an inhabitant of the United States. This provision is in violation of the Constitution of the United States.

It is with respect to this point that I am now speaking.

Can we comply with the fourth amendment of the Constitution of the United States by allowing any enforcement officer in the United States, constable, deputy sheriff, sheriff, or attorney general, to say that an emergency exists and, therefore, he will tap the wires of the man whom he suspects without previously getting court authority in compliance with the amendment IV of the Constitution of the United States of America.

The bill provides that he may do so, provided within 48 hours he goes to a court, in conformity with the provisions of the fourth amendment of the Constitution, and obtains a retroactive ratification of what he did.

I ask my associates to ponder that situation.

What about the innocent man's rights after the tap has been made and he has suffered damage and he has been the individual who has been subjected to a violation of his constitutional rights?

The argument has been made that we have to reach Cosa Nostra, that we must reach the criminal.

The Constitution of the United States, in the fourth amendment, dealt only with the innocent citizen. It said no man's home shall be invaded by governmental sleuths, agents, detectives, or otherwise.

At this point I want to make reference to what the Supreme Court of the United States said upon this subject, principally for the information of my associates.

Mr. YARBOROUGH. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. LAUSCHE. Mr. President, am I out of parliamentary order?

The PRESIDING OFFICER. The Senator is in order.

Mr. LAUSCHE. Then I will be glad to yield to the Senator from Texas in a minute.

I now read, in part, from the opinion:

> The Government stresses the fact that the telephone booth from which the petitioner made his calls was constructed partly of glass, so that he was as visible after he entered it as he would have been if he had remained outside. But what he sought to exclude when he entered the booth was not the intruding eye—it was the uninvited ear. He did not shed his right to do so simply because he made his calls from a place where he might be seen. No less than an individual in a business office, in a friend's apartment, or in a taxicab, a person in a telephone booth may rely upon the protection of the Fourth Amendment. One who occupies it, shuts the door behind him, and pays the toll that permits him to place a call, is surely entitled to assume that the words he utters into the mouthpiece will not be broadcast to the world. To read the Constitution more narrowly is to ignore the vital role that the public telephone has come to play in private communication.
>
> The Government contends, however, that the activities of its agents in this case should not be tested by Fourth Amendment requirements, for the surveillance technique they employed involved no physical penetration of the telephone booth from which the petitioner placed his calls. It is true that the absence of such penetration was at one time thought to foreclose further Fourth Amendment inquiry, *Olmstead* v. *United States*, 277 U.S. 438, 457, 464, 466; *Goldman* v. *United States*, 316 U.S. 129, 134–136, for that Amendment was thought to limit only searches and seizures of tangible property.

Now, Mr. President, I shall not read further from the opinion except that the Court said the Constitution provides that before we can invade the privacy of a man's home, we must get a search warrant. The Constitution is not complied with when we say that we will search first and then, 48 hours later, get approval by way of a retroactive ratification that what we did was right.

I am a deep believer in the enforcement of law and order. I yield to no one on that subject. I respectfully say to the Chair that, in my opinion, if I had the power and the authority, under constitutional powers, we would not be in the chaotic condition in which we are today.

In the Rayburn Building are 125 occupants who refuse to leave. They are a part of the peace march. That is only the beginning of our problem. When we ask the people in what has been labeled by Madison Avenue language as a resurrection city to leave, that is when the trouble will begin.

I believe in law and order. I believe in it because without it that flag behind the Presiding Officer will be pulled down to the ground, in ashes and shame. But I also believe in the provisions of the Constitution that every individual shall be protected in the enjoyment of his rights.

I support every provision in the bill before us consistent with the fourth amendment and other amendments of the Constitution. I oppose every provision of the bill which takes away constitutional rights, and one of them is the measure against which the Senator from Virginia [Mr. BYRD], the Senator from Nevada [Mr. CANNON], the Senator from Missouri [Mr. LONG], and the Senator from Michigan [Mr. HART] led the fight on the ground that we were denying constitutional rights to the inhabitants of our Nation.

I close my remarks believing that the bill before us will bring great strength to our Government, in conformity with the provisions of the Constitution of the United States. I will support the bill that is pending.

I regret that I have obviously imposed upon the patience of my fellow Members by this presentation, but I felt impelled to make it because of the seriousness of the question involved.

Mr. YARBOROUGH. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment of the Senator from Texas will be stated.

The LEGISLATIVE CLERK. It is proposed, on page 71, line 19, after the word "application" to insert the following——

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

> Add after the word "application," on line 19, page 71, these words:
>
> "The provisions of this subsection (7) shall apply only in cases of national security, or in case of a claimed organized nation-wide criminal conspiracy."

Mr. YARBOROUGH. Mr. President, the proposed amendment reads as follows: On page 71, line 19 of that page, at the close of the sentence, after the world "application," add these words—and this is the provision dealing with a policeman going in and starting electronic wiretapping and asking the courts 48 hours later whether it is all right—

> The provisions of this subsection (7) shall apply only in cases of national security, or in case of a claimed nation-wide criminal conspiracy.

The PRESIDING OFFICER. If the Chair may interrupt, how much time does the Senator yield himself?

Mr. YARBOROUGH. I yield myself 15 minutes.

Mr. President, this bill declares that the President has the constitutional power, without any order of the court, to take any measure he deems necessary to protect the Nation against actual or potential attack or dangers. Furthermore, he is authorized, by any means, to protect the Nation against any clear and present danger to the structure and existence of the Government internally.

There is a provision in this bill that recognizes the President's constitutional power to wiretap anything and everything, without any order, and use it in court, if he thinks the security of the Government is endangered, externally or internally.

That is appropriate to the President of the United States. But section 7, as it stands now, allows broader authority in in lesser officials who can tap on a wide range of suspected offenses. I am not speaking merely about the Attorney General of the United States, or U.S. attorneys acting under him. There are thousands of officers in this country author-

ized to wiretap, on their own initiative, under this provision, because subsection (7) authorizes "the principal prosecuting attorney of any State or subdivision thereof." In my State alone we have hundreds of county and district attorneys.

I phoned the Attorney General's office today and asked how many thousands of authorities there were in the United States, acting on their own initiative, who could go out and initiate wiretapping under this section. I was told they did not have a ready answer. I talked to the Attorney General in person and Mr. Fred Vinson in person. There are thousands of them. This bill does not authorize only the Attorney General of this country to do it. Any State attorney, district attorney, or county attorney can do it, except where they are under the supervision of the attorney general of the State. So the Senate has opened a Pandora's box of inquisitorial power such as we have never seen in the history of this country.

Mr. President, this is worse than the writs of assistance under King George. If we leave this provision in, then Congress ought to appoint a committee to hang an apology on King George's tomb. Under the writs of assistance, one knew when government agents were going to come to his house. Under this provision, we would not know whether some county attorney who does not like the color of our hair has a bug on our house or is listening to a conversation between a husband and wife. I know something about this. During one of my campaigns for Governor, a bug was put on my house and every conversation was overheard, including every word spoken between me and my wife. But here the Senate has legalized this type of operation not merely for crime.

Look at page 62 of the bill, paragraph (b), line 14, "a violation of section 186." Why did they have to name that?

Because they said, in the preceding paragraph, "Any offense punishable by death or by imprisonment for more than 1 year." Under this provision, a man could be imprisoned for more than 1 year. Section 186 of title 29 of the United States Code specifically provides that this is a misdemeanor.

We have provided broad power to open a Pandora's Box of inquisitorial power against any business or labor union. It is not under the criminal code. It is under labor-management relations. It gives power to any county or district attorney, if he thinks any businessman is giving anything to an officer of a labor union or a president of the union, to set up an inquisitorial bug on that business. It says "anything of value." If one gives a birthday cake to a local officer of a local union, his business could be bugged. So this goes into labor-management relations and will open up a Pandora's Box of evils in that field. The law says it is a mere misdemeanor. This is something that is based upon labor-management relations.

That is only one instance. The bill is full of such provisions.

This measure should be limited to a bill to detect crime. But it is extended to areas not even in the criminal code, areas such as labor-management relations. I ask my fellow Senators to read it.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. YARBOROUGH. I have only 15 minutes. If the Senator handling the bill will yield time for it, I will yield to the Senator from Louisiana.

The Senator handling the bill declines to yield time.

Mr. President, when the safe streets and crime control bill was first proposed, I gladly joined as a cosponsor. I believe in safety in the streets, and I am in favor of measures which will aid a free society to curb crime and aid local law enforcement. But in Senate committee, certain provisions were added which I oppose. They are not compatible with a free society. Title III of this new bill contains sweeping provisions for wiretapping and electronic surveillance all over this country, which I oppose.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that I may have 1 minute to ask the Senator from Texas a question.

The PRESIDING OFFICER. The Senator from Texas will have to yield.

Mr. YARBOROUGH. I will gladly yield if it is not charged to my 15 minutes, Mr. President. I shall be happy to yield if it is not charged against my time.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that I be accorded 1 minute to ask the Senator a question, and that it not be charged against the Senator's time.

The PRESIDING OFFICER. If there is no objection, it is so ordered.

Mr. LONG of Louisiana. Am I to understand that this bill makes it legal for any State district attorney as well as any Federal authority to tap the telephone wires?

Mr. YARBOROUGH. Or any county attorney.

Mr. LONG of Louisiana. Mr. President, they have had some difficulty with this matter down my way. They have been tapping people's telephone wires down in Louisiana in violation of the law; for example, tapping a preacher's telephone wire, on the theory that he might be cooperating with the integrationists, or with the people who do not believe in segregation, and that, if his congregation knew that much about him, they would fire him.

In my State, at least, they have been doing that kind of thing against the law already. If they are doing it against the law now, what will those people be doing if they have a law to excuse them?

Mr. YARBOROUGH. Mr. President, we have never seen anything in this country such as will result from the passage of this bill, if it is passed as it is now before us. It is not a bill to prevent crime alone, and it is not a bill to protect the national security alone. The title, as it is before us, does not deal solely with felonies, but concerns itself also with misdemeanors. It goes over into many areas outside of crime itself.

There were added to this bill this morning the truth in lending provisions. If a county attorney or district attorney were carrying on a crusade against high interest rates—and I am opposed to high interest rates; I have voted against usury and in favor of lower interest rates consistently—but if some county or district attorney was suspicious that a store was charging over the legal rate of interest, he could wiretap that place of business in an effort to find out. No business place in America would be immune. Any place of business, or the offices of any labor union in America, could be wiretapped.

It goes beyond crimes. It covers misdemeanors. Unless you are going to make every misdemeanor a crime serious enough to justify wiretapping, the exceptions would have to be spelled out. Mr. President, there is not enough time, in 15 minutes or even in half an hour, to name all the possible instances under the bill as it is written.

There is one caveat only. The individual State must pass a law incorporating the provisions of this bill for its county and district attorneys. That indicates to me that there will be a rash of laws quickly passed by the State legislatures, to give their officers this authority.

The history of this great Nation began in a revulsion against such measures against privacy. King George gave his customs officials in the colonies blanket authority to search for goods imported in violation of the tax laws of the Crown. Our forefathers opposed such general warrants. They opposed them in the Declaration of Independence. The fourth amendment of our Constitution prohibits such general warrants and places strict requirements on any proposed searches.

Yet title III authorizes such widespread and "ransacking" searches: The writs of assistance that brought on the American Revolution were minor in application compared to the sweeping electronic supervision of public and private life all over America authorized by title III of the pending bill.

But in those days, they knew they were coming into their homes. We will not know. Under these writs, they have 30 or 60 days to obtain the information; and then you never tell a man you were spying on the innermost secrets of his family and home.

Mr. President, I think this is the worst bill I have ever seen since I have been a Member of the Senate. Page 56 of the bill recognizes the constitutional power of the President to wiretap, without the leave of a court, for national security reasons, to protect against foreign or domestic spies, or to protect against the efforts of anybody in America giving American secrets to a foreign power. There is a whole page spelling out that this is a constitutional power of the President, and he does not have to get a court order to make it admissible in evidence.

With that recognition, for the first time in history that I know of, there is no doubt that wiretapping would be widely used for such surveillance purposes.

But then it goes even further, and grants the power not only to the Attorney General of the United States, but to every county or district attorney of any State. They each will have just as much power as the Attorney General of the United States himself to start these inquisitions.

Mr. President, I say, let us protect

against crime in the streets, but let us not destroy every right and every privacy of the American people in their own homes. Any little 50-cent gift is prohibited by law; and if we permit electronic surveillance of our businesses, our labor unions, and our homes, by the sweeping authority embodied in this measure, it could be used to apprehend the giver. Electronic surveillance can be exercised over every business in the United States, under truth in lending, on the theory that it may be intending to charge too high an interest rate.

We would never stand still for a proposal that a policeman be allowed at any time day or night to ransack every part of a man's home to see what he might find that might be incriminating. Yet this measure is even more insidious. With a person not even knowing that he is being searched, a law-enforcement official using wiretaps and the most modern bugging devices can search everywhere for any oral communication.

This is a gross invasion of each individual's right to privacy, the right characterized by Mr. Justice Brandeis as "the most comprehensive of rights, and the right most valued by civilized men."

But not only personal privacy is violated; private property is violated. A vital characteristic of private property is the right to possess it exclusively and keep invaders out. The free citizen can shut his door against the world and the king, and his house thus truly becomes his castle. Title III now proposes mass trespasses, a fatal onslaught against private property and all that it stands for, as well as against personal privacy and all that it stands for.

Most of us are familiar with the techniques that have been developed for electronic surveillance. Wiretaps can be placed on phones, picking up every conversation made to or from that phone. Tiny microphones and transmitters can be hidden away to pick up and broadcast any conversation without the knowledge of those who are talking. Laser beams can be trained over distances of one-half mile against windows or thin walls to pick up any sound within a house.

What is it that title III would allow officials to do with these modern "peeping Tom" devices? A law-enforcement officer can go to a judge and get permission to tap someone's phone and bug his house for up to 30 days upon suspicion that he might learn information that such persons may be about to commit a crime. If nothing turns up in those 30 days, he can simply get an extension for another 30 days. If one judge will not authorize it, he can shop around until he finds a sympathetic judge.

One can tap for a wide range of offenses. Marihuana is listed as a dangerous drug the use of which is a "major offense." Are we to bug the home of every high school student to see if we can overhear two teenagers conspiring to take a puff of marihuana? That is clearly contemplated in this bill. A man's house is no longer his castle; it has become an electronic trap. Only those with money enough to buy a large yacht and go far out to sea would have any hope of privacy from an electronic "peeping Tom."

Mr. President, when I mentioned this thought to a lawyer friend, he said, "No, he could not avoid it even there. These sonar beams can pick it up from 20 miles across the sea."

The eavesdroppers would be everywhere.

Of course, in the meantime, while you are waiting for the teenagers to say something about marihuana, you would overhear and record every intimate detail of family life. Every conversation between husband and wife, between father and son, between the father and those with whom he has business.

Such an invasion could potentially destroy every private relationship: Priest and penitent; lawyer and client; doctor and patient. Surely we do not want to allow such a gross invasion of privacy. And surely our fine law-enforcement personnel do not feel they need such a tool. If these provisions remain in the law, 1984 has arrived in 1968.

How would it help in the battle against crime in the streets? What purse snatcher or rapist plans his crime on the telephone? How would these crimes be prevented by electronic surveillance? The overwhelming desire for safety against crime in the streets will not be met by this measure.

Some persons think organized crime could be effectively attacked by wiretaps. The State of New York has allowed wiretaps and eavesdropping for decades but they still have as much organized crime as any State in the country because those wiretaps yield only petty gamblers and few convictions of bookmakers and gamblers, mainly.

The Nation's highest ranking law-enforcement officer, Attorney General Ramsey Clark, does not want the sweeping authority contained in this bill. I have full confidence in Attorney General Clark. He has the FBI under his jurisdiction. He knows how wiretapping can be employed, and how it is used. And he is fighting every element of crime in the society from the highest organized crime to the lowest, most petty crime in the street. I know of his sincerity in enforcing the law to the fullest.

I have been privileged to know him since he was a student in law school. Ramsey Clark opposes this broad measure and told the Senate Judiciary Committee:

> Public safety will not be found in wiretapping. Security is to be found in excellence in law enforcement, in courts, and in corrections. Nothing so mocks privacy as the wiretap and electronic surveillance. They are incompatible with a free society.

We cannot afford to purchase security at the cost of our personal freedoms.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCLELLAN. Mr. President, I yield 1 additional minute to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 1 additional minute.

Mr. YARBOROUGH. Mr. President, we cannot afford to purchase security at the cost of our personal freedoms. We cannot afford to purchase security at the cost of destroying the confidential relationship between lawyer and client, doctor and patient, or husband and wife.

We want a just society as well as a safe one.

I predict if this provision becomes law, giving each county attorney and each district attorney in the land—thousands of them, as the Attorney General's Department told me today—as much power as the Attorney General of the United States over every labor-management conference and over every business conference, then we will see after a few years that a situation has been created in this country which will be just as dangerous as that experienced by King George III in the American Revolution.

It is not necessary to trade freedom for security. We can have both in this country.

Mr. TYDINGS. Mr. President, I have the greatest respect and admiration for the distinguished Senator from Texas. However, listening to him speak, I cannot believe that he has read the bill. The Senator described situations which now exist as likely to occur if the bill is adopted.

I would like to advise my distinguished colleague, the Senator from Texas, that there is no law today that prohibits any snooper, any private eye, or any manufacturer's agent from using taps, bugs, or electronic surveillance in their day-to-day activities. As a matter of fact, they are doing it.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. TYDINGS. Mr. President, I do not want to yield at this time.

The pending bill makes it a crime for a person, whether he is a police officer or any other person, to engage in electronic surveillance except under certain conditions.

The Senator from Texas indicated that this measure would permit any police officer, constable, district attorney, or other individual in the country to tap a wire after the pending bill is adopted. That is not correct.

Mr. YARBOROUGH. Mr. President, will the Senator yield for a question?

Mr. TYDINGS. Mr. President, I would like to finish my statement.

Mr. YARBOROUGH. Mr. President, I would say there is a law that prohibits wiretapping. There is a Federal law.

Mr. TYDINGS. There is no Federal statute.

Mr. YARBOROUGH. It prohibits the information being divulged.

Mr. TYDINGS. There is no criminal statute on electronic surveillance.

The PRESIDING OFFICER. Has the Senator yielded?

Mr. TYDINGS. No, I have not.

The pending bill has an enabling provision which permits a State government which wishes to permit electronic surveillance to adopt State legislation which come within the confines or restrictions of the pending legislation.

As the law of the land is today, any State legislature can adopt statutory language permitting electronic surveillance, providing it is constitutional and meets the test of the Berger or Katz case. This measure goes a step further and says that it must conform with the restrictions of this legislation.

Mr. President, in the emergency situation, it is not just any officer. It is a law officer especially designated by the Attorney General or by the principal prosecuting attorney of any State or subdivision therein.

I point out that in the county of New York, with 8 million people and 5 million phones, in the 20-year period from 1940 to 1959, there were 343,000 criminal cases. Of those 343,000 criminal investigations, 219 included electronic surveillance. There were 719 taps, which included the renewals.

Since 1958, according to the district attorney, Mr. Frank Hogan, they have averaged each year 75 electronic surveillance wiretaps and 19 bugs.

That is for 5 million phones and 8 million people.

In Great Britain, for 20 years they have had this type of electronic surveillance under rigid court-order type approval.

Mr. President, I ask unanimous consent that the summary of the British experience in this regard be printed at this point in the RECORD.

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

THE ENGLISH EXPERIENCE WITH ELECTRONIC SURVEILLANCE

There are those who speak of Title III as if it were some kind of new and dangerous experiment alien to Anglo-American justice. What they ignore is the long and successful use of electronic surveillance techniques by the English police, successful both from the point of view of privacy and of justice. This English experience is reviewed in the *Report of the Committee of Privy Councillors Appointed to Inquire into the Interception of Communications* (1957), reprinted in *Wiretapping, Eavesdropping and the Bill of Rights,* Hearings before the Subcommittee on Constitutional Rights of the Committee on the Judiciary, United States Senate, 85th Congress, 2nd Session, Pt. 2, 460–99 (1958) at 481.

In June of 1957, three Privy Councillors were appointed to inquire into the interception of communications in Great Britain. The Report deals only with wiretapping, but its conclusions are equally applicable to all forms of electronic surveillance. The practice over a twenty year period was examined. After reviewing the historical source of the power as exercised by the police, the Councillors took up the purposes and extent of its use. The Report indicated that the power to intercept was limited to serious crimes and issues of the security of the state. Serious crime was understood to mean a crime for which a long term of imprisonment could be imposed or a crime in which a large number of people were involved. Interception could only be on a warrant issued by the Secretary of State.

The Councillors found that metropolitan police used interception chiefly "to break up organized and dangerous gangs . . ." *Id.* at 480. The experience of the police was that much of the major crime in England stemmed from gangs located in London. According to the police, the leaders of the gangs needed the telephone to communicate with their henchmen. The chief use of interception by the Board of Customs and Excise, on the other hand, was in the area of diamond smuggling. Their experience was that the traffic was organized by a "very small, closed group" in which it was "hard to get reports from informers or by normal means of detection." *Ibid.* Again, the telephone was widely employed by the individuals. Finally, the Councillors noted that in espionage the weakest link was communication, and without penetration of this link, detection would be almost impossible.

The Councillors refrained from reaching any hard judgments on effectiveness in terms of alternatives, noting the impossibility of certain conclusions in this area. But based on their examination, they had no question but that its use was necessary in certain kinds of cases. They observed:

"The freedom of the individual is quite valueless if he can be made the victim of the law breaker. Every civilized society must have power to protect itself from wrongdoers. It must have power to arrest, search, and imprison those who break the laws. If these powers are properly and wisely exercised, it may be thought that they are in themselves aids to the maintenance of the true freedom of the individual," *Id.* at 48.

The Councilors concluded that no steps should be taken to deprive the police of the power of interception. They noted:

"But so far from the citizen being injured by the exercise of the power in the circumstances we have set out, we think the citizen benefits therefrom. The adjustment between the right of the individual and the rights of the community must depend upon the needs and conditions which exist at any given moment, and we do not think that there is any real conflict between the rights of the individual citizen and the exercise of this power . . . The issue of warrants . . . will permit the freedom of the individual to be unimpeded, and make his liberty an effective, as distinct from a nominal, liberty," *Id.* at 489.

They continued:

"We cannot think it to be wise or prudent or necessary to take away from the Police any weapon or to weaken any power they now possess in their fight against organized crime of this character . . . If it be said that the number of cases where methods of interception are used is small and that an objectionable method could therefore well be abolished, we feel that . . . this is not a reason why criminals in this particular class of crime should be encouraged by the knowledge that they have nothing to fear from methods of interception . . . This, in, our opinion, so far from strengthening the liberty of the ordinary citizen, might very well have the opposite effect," *Ibid.*

Finally, they concluded:

"If it should be said that at least the citizen would have the assurance that his own telephone would not be tapped, this would be of little comfort to him, because if the powers of the Police are allowed to be exercised in the future, as they have been in the past under the safeguards we have set out, the telephone of the ordinary law-abiding citizen would be quite immune . . . (I)f it is said that when the telephone wires of a suspected criminal are tapped all messages to him, innocent or otherwise, are necessarily intercepted too, it should be remembered that this is really no hardship at all to the innocent citizen. This cannot properly be described as an interference with liberty; it is an inevitable consequence of tapping the telephone of the criminal; but it has no harmful results . . . The citizen must endure this inevitable consequence in order that the main purpose of detecting and preventing crime should be achieved. We cannot think, in any event, that the fact that innocent messages may be intercepted is any ground for depriving the Police of a very powerful weapon in their fight against crime and criminals . . . To abandon the power now would be a concession to those who are desirous of breaking the law in one form or another, without any advantage to the community whatever," *Id.* at 491.

It is from the English that we derive much of our understanding about civil liberty. It was to maintain the "rights of an Englishman" that the Colonies broke away from the Mother Country. There is much once again that we can learn from the English. If they can maintain both privacy and justice under a system of the limited use of electronic surveillance, a system containing significantly less protections, too, than in Title III, then there is no reason why this country cannot do the same.

Mr. TYDINGS. Mr. President, I ask unanimous consent that the New York County experience, including a summary, two letters, and two illustrations of the kinds of showings now being made to obtain court orders, be printed at this point in the RECORD.

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

EXHIBIT 1

ELECTRONIC SURVEILLANCE—THE NEW YORK EXPERIENCE

Sometimes it is said that if electronic surveillance techniques were authorized in the administration of justice, it would undermine privacy without giving to law enforcement a tool that is really needed. This argument ignores the New York experience.

The President's Commission on Law Enforcement and Administration of Justice reviewed the New York experience in these terms:

"Over the years New York has faced one of the Nation's most aggravated organized crime problems. Only in New York have law enforcement officials achieved a level of continuous success in bringing prosecutions against organized crimes. For over 20 years, New York has authorized wiretapping on court order. Since 1958, bugging has similarly been authorized.

"District Attorney Frank S. Hogan, whose New York County office has been acknowledged for over 27 years as one of the country's most outstanding, has testified that electronic surveillance is: 'the single most valuable weapon in law enforcement's fight against organized crime . . . It has permitted us to undertake major investigations of organized crime. Without it, and I confine myself to top figures in the underworld, my own office could not have convicted Charles "Lucky" Luciano, Jimmy Hines, Louis "Lepke" Buchalter, Jacob "Gurrah" Shapiro, Joseph "Socks" Lanza, George Scalise, Frank Erickson, John "Dio" Dioguardi, and Frank Carbo . . .'

"Wiretapping was the mainstay of the New York attack against organized crime until Federal court decisions intervened. Recently chief reliance in some offices has been placed on bugging, where the information is to be used in court. Law enforcement officials believe that the successes achieved in some parts of the State are attributable primarily to a combination of dedicated and competent personnel and adequate legal tools; and that the failure to do more has resulted primarily from the failure to commit additional resources of time and men. The debilitating effect of corruption, political influence, and incompetence, underscored by the New York State Commission of Investigation, must also be noted.

"In New York at one time, Court supervision of law enforcement's use of electronic surveillance was sometimes perfunctory, but the picture has changed substantially under the impact of pre-trial adversary hearings on motions to suppress electronically seized evidence. Fifteen years ago there was evidence of abuse by low-rank policemen. Legislative and administrative controls, however, have apparently been successful in curtailing its incidence."

It was based on this experience that the Commission was willing to recommend to this Body that legislation be enacted. The Commission was not an inexperienced Body.

Nine of its nineteen members had personal experience with law enforcement use of these techniques, either on the federal or state level, or both. Their judgment can be relied upon. There is, in short, just no substantial evidence that the commercial, political, intellectual, or personal life of the New York community from law enforcement use of these techniques. All the evidence is to the contrary. New York, acting as one of the little laboratories of our federal system, has proven that privacy and justice can be well served in this area. Fears to the contrary are not supported by the facts.

EXHIBIT 2

DISTRICT ATTORNEY OF THE
COUNTY OF NEW YORK,
November 21, 1966.

Prof. G. ROBERT BLAKEY,
Professor of Law,
Notre Dame Law School,
Notre Dame, Ind.

DEAR PROFESSOR BLAKEY: I believe a brief (informal) recapitulation of our views and certain basic facts with respect to the value of electronic eavesdropping (wiretapping and bugging) may be of some aid to you in your efforts to arrive at a proper evaluation of the need for the use of electronic eavesdropping to combat organized crime. As we previously indicated, the successful prosecutions involving organized crime prior to the Benanti case provided the most convincing demonstration of its effectiveness. Our previous communication to you contained a summary of the successful prosecutions in the area of organized crime that were made possible by State legalized wiretapping.

In cases previously outlined for you, it was shown that wiretap conversations were used to induce witnesses of organized crime to cooperate. I may point out that wiretaps were extremely valuable in persuading victims of organized crime to cooperate since they were made to understand that they either had to cooperate or face prosecution for perjury or contempt.

We regard court authorized wiretapping so valuable in our investigations of organized crime that since the Benanti decision was handed down, we have continued to use wiretaps as leads. You recall that as a result of the Benanti decision, we have adopted a policy not to use wiretaps as evidence before a grand jury or at a trial to avoid violating Section 605 of the Federal Communications Act. We have adopted the view expressed by Attorney General Jackson that a violation of this Section takes place only when there is both interception and divulgence. It may be interesting to note that since 1959, the number of telephones tapped pursuant to court order average less than sixty-five for each year.

The question often asked, is wiretapping necessary despite the fact it may prove to be effective. An understanding of the nature of organized crime provides the answer to this question. We must bear in mind that the criminal operations of the underworld today are not limited to a small locality but embrace a wide area that often transcend State lines and, at times, assume national dimensions. These operations involve quite a large number of participants. Therefore, communication among the members of the underworld by the use of the telephone is obviously, quite necessary.

Curiously, our experiences showed that even when underworld characters were apprehensive of the possibility that their phones were tapped, they, nevertheless, continued to use the phones because of the pressing need for immediate communication among themselves. This is true in virtually every area of organized crime whether it involves gambling in all its forms, labor management relations (extortion, bribery of labor union officials, sale of union influence, etc.) loan sharking, corruption in sports and infiltration of legitimate business by the underworld through the corrupt use of influence over certain labor unions and the use of money unlawfully acquired (the proceeds of other rackets).

It must be borne in mind that as the chain of command in the underworld is ascended, the need for communication by use of the telephone becomes greater and greater. The higher ups can not exercise control over a wide area and over a large number of participants in the criminal operations without the use of the telephone.

No matter how guarded they may be in their conversations over the telephone, experience has shown that there have been providential lapses of caution or prudence that made it possible for us to obtain direct evidence of crime. These guarded conversations often yield, at the very least, valuable information and an insight into underworld activity, particularly, in the light of the general knowledge that the investigators may have.

Quite often, underworld characters in an effort to conceal their activities have used the telephones of apparently respectable people. They thus speak more freely on the telephone with their confederates. Our investigators, through diligent observations, have on occasions learned of the use of these phones which have been tapped pursuant to court orders.

It is significant to note that the use of wiretapping requires considerable manpower and equipment. It must be used, therefore, on an extremely selective basis. In other words, wiretapping is necessarily limited to relatively few major targets. The desired massive aproach to the problem of organized crime manifestly would require tremendous manpower and equipment. But limited as our resources might have been, the use of court authorized wiretaps before the Benanti decision, as was indicated in the last communication to you, was nevertheless quite effective.

I shall cite a few instances of the effectiveness of wiretapping to illustrate the impact the activities of the Rackets Bureau has had on organized crime. In 1950, we successfully prosecuted Frank Erickson, the nation's number one bookmaker who we showed was closely allied with Frank Costello. This prosecution was made possible by court authorized wiretaps. It was followed by other successful prosecutions involving other major bookmakers with underworld connections.

During the years between 1953 and 1956, we uncovered racketeering in union welfare funds. This was a significant revelation which made the public throughout the nation aware of this new form of subtle and indirect underworld control over certain labor unions. As a result of our investigation of the misuse of union welfare funds, we successfully prosecuted Sol Cilento, secretary-treasurer of the International Liquor Union, a front for the underworld, and George Scalise, an underworld character who was a close associate of an underworld leader, Augie Pasano.

During the late 1950's, the use of court authorized wiretapping enabled us to expose the underworld control over the professional sport of boxing. We successfully prosecuted Frank Carbo, the underworld czar of boxing.

During the years between 1954 and 1957, the evidence obtained through wiretapping provided the bases for successful prosecutions of about twenty-five underworld characters and faithless union officials. Among those prosecuted was Johnny Dio, the notorious underworld character.

During the investigation that resulted in these prosecutions, this office disclosed the creation of "paper locals" by underworld characters such as Johnny Dio. The underworld, through these "paper locals", obtained substantial revenue through the sale of "sweetheart contracts" to employees who did not want their employees organized by legitimate unions. The underworld also used these "paper locals" as instruments of extortion. It is interesting to point out also, that during this time court authorized wiretaps enabled this office to expose the plan of Johnny Dio and one Tony "Ducks" Caralo to exercise control over the Teamster's Union in the New York area (Joint Council 16). The salutory effect of these disclosures and prosecutions is quite apparent.

Not only has the Benanti decision deprived this office of an extremely valuable aid in the development of evidence of organized crime but it also has had the shocking effect of defeating justice in important cases that were pending. This decision confronted District Attorney Hogan with the dilemma of either directing police officers to violate Section 605 by having them divulge telephone conversations overhead pursuant to court order or to dismiss those indictments based on these conversations. The District Attorney decided that those indictments based on wiretap evidence, should be dismissed. Accordingly, a number of cases were dismissed. I shall cite two indictments that were dismissed as examples of what I personally characterize as serious miscarriages of justice caused by this unfortunate and, in my judgment, unwarranted decision.

The case of People v. Russo et al involved seven defendants charged with conspiracy, feloniously selling a narcotic drug and feloniously possessing a narcotic drug. The conspirators were engaged in the importation and distribution of heroin on a major scale. One kilo (2.2 lbs.) of pure heroin was confiscated. When cut for retail purposes, this would amount to 50,000 to 100,000 decks of heroin which normally sells for $5.00 a deck.

Only two of the men would handle the narcotics; some of the conspirators had never met; and only one or two of them knew the details of the entire operation. The key men of the conspiracy never personally handled the narcotics but issued directions by telephone in code to effectuate the operation.

Joseph Russo and his brother were notorious wholesalers of narcotics. Joseph had been previously convicted of a narcotics felony. Aniello Carillo had a long arrest record for gambling and narcotics crimes and faced a life sentence if convicted on this indictment. Carillo's son, who had previously been convicted of a felony enjoyed the confidence of other major narcotics dealers. He carried out his father's directions in the narcotics business even when his father was incarcerated. The others were major figures in the narcotics trade and enjoyed the confidence of important figures in the organized narcotics trade.

Because of the nature of this conspiracy, all the key evidence was obtained from telephone conversations that were recorded pursuant to court order.

Hopefully, after the Benanti decision, the District Attorney delayed the proceeding, awaiting action by the Congress on a number of bills designed to amend Section 605 of the Federal Communications Act so as to permit the use of State legalized wiretaps at a trial.

Finally, the District Attorney was forced to move most reluctantly, to discharge these defendants, despite the fact that the wiretap evidence conclusively proved their guilt.

People v. Lee Broder et al. involved nine defendants charged with conspiracy and criminally receiving stolen property to wit, $747,000 worth of United States Postal Money Orders. One of the defendants at the time of the commission of this crime was a member of the New York City Police Department. All of them deserved substantial jail sentences in order to protect society from their organized criminal activity.

Wiretap evidence obtained pursuant to court order was more than sufficient to prove the case beyond a reasonable doubt. Without the wiretap evidence the District Attor-

ney was forced to move to dismiss the indictment and turn them loose.

Since the enactment of legislation in 1958 authorizing electronic eavesdropping within private enclosures (bugging) under the supervision of our State courts, our office has made use of this form of eavesdropping on an extremely limited basis. There are three basic reasons for this limited use of this form of electronic eavesdropping. First of all, the telephone, as I stated previously, has been and still is the primary means of communications among the various elments of the underworld in carrying out their criminal operations. Secondly, when underworld characters do meet to further their criminal designs, their meeting places are rarely made known to law enforcement. This may be due to the extremely secret manner in which these meeting are arranged. The third reason is that these meeting places, even when known to law enforcement are quite often inaccessible for the purpose of engaging in this form of electronic surveillance. These factors, therefore, account for the relatively few court orders obtained for electronic eavesdropping (bugging) since 1959. The average per year has been about nineteen. However, these instances of its use have been highly productive in investigations that involved corruption of public office as well as organized crime. Since there has not been a public disclosure of our use of this form of electronic eavesdropping in connection with investigations of organized crime, I shall refrain from giving the details of such use.

Pete and I regret that we have not been able to supply the statistical information concerning the personnel of our office within the time requested. However, it is hardly necessary for me to remind you that we are at a great disadvantage in competing with private employment because of the substantial differential in salaries.

Pete, who has collaborated with me in drawing up this letter, has asked me to tell you that he has not completed reading your report. I look forward to reading it in the near future. Pete and I will make known to you our reactions.

Sincerely,

ALFRED J. SCOTTI,
Chief Assistant District Attorney.

EXHIBIT 3

POLICE DEPARTMENT, CITY OF NEW YORK,
New York, N.Y., October 30, 1967.

Prof. G. ROBERT BLAKEY,
Professor at Law,
Notre Dame Law School,
Notre Dame, Ind.

DEAR PROFESSOR BLAKEY: In connection with your request for a factual description of the internal administrative procedures employed by the New York City Police in the use of wiretapping and bugging up until the Supreme Court's decision in the *Berger* case, the following is submitted.

Wiretapping is supervised by the Police Commissioner and this power is exercised by the Deputy Commissioner in charge of Legal Matters and his legal staff. Although Section 813A of the Code of Criminal Procedure of the State of New York would permit wiretapping for either felonies or misdemeanors, in general wiretapping has previously been authorized by the department only in connection with the investigation of very serious crimes, such as homicides, narcotics sales, robberies, felonious assaults and organized criminal activity in vice and gambling areas.

A request for a wiretapping order may originate from any division or bureau within the department providing that the requesting unit has jurisdiction of the case involved. There is no manual of procedure as such, but the pertinent regulations governing wiretapping and bugging are contained in Chapter 13 of the department's rules and procedures, paragraph 21.0 through 21.12. (Copies of these were previously forwarded to you). These provisions were incorporated into this department's rules and procedures through General Order No. 6 on February 13, 1951. While there have been some minor amendments through the years, the provisions remain substantially the same.

It should be noted that this General Order was the outgrowth of a Grand Jury investigation of gambling activities in Kings County in 1950 and its findings concerning the department wiretapping procedures. Prior to that investigation, the department conducted wiretapping and eavesdropping activities pursuant to Section 813A of the Code of Criminal Procedure. (This section, incidentally, was enacted by Chapter 924 of the Laws of 1942. The basic authority for the statute is Article 1, Section 12 of the New York State Constitution which became effective in 1938). Prior to the 1951 amendment to the rules and procedures, the department's administration and control of wiretapping activities was poorly supervised and maintained. The detailed provisions of General Order #6 were designed to overcome this situation. There is no doubt that the order was successful in this respect. (A copy of General Order #6 of 1951 is attached).

A member of the force who is investigating the possible existence of a crime and who has reasonable grounds to believe that evidence of a crime may be obtained by wiretapping is required to promptly report all pertinent facts in writing to his commanding officer pursuant to Chapter 13/21.0. This information must be detailed. Specific facts such as the identification of the telephone or telegraph line involved and the nature and source of the investigating officer's information must be included in support of the application. The precise facts relied upon to believe that evidence of crime may be obtained through use of the wiretap must be set forth. This request must be reviewed by a high ranking member of the department, usually above the rank of Captain, who certifies that he is of the opinion that reasonable grounds in fact exist and that the application for the order is necessary and proper.

The request must be delivered to the Legal Bureau at least three days prior to the time the application is to be submitted to court (except in emergency cases). The form containing the request and information is reviewed by a superior officer attorney of the Legal Bureau who is assigned to assist in the obtaining of wiretap orders. The determination is here made as to whether or not adequate facts are contained in the application for the preparation of appropriate supporting affidavits. If the application is inadequate the attorney of the Legal Bureau confers with the command concerned in order to obtain such additional facts as may be necessary. If no further facts are available the application is rejected.

The percentage of rejection by the Legal Bureau has been very small. While there are no statistics available, it is estimated that the rejections are less than 2% of the total of the applications submitted. The reason for this is the fact that tight standards and requirements are set forth in detail in the rules and procedures and that the commands applying for wire tapping orders are required to stringently adhere to these standards. Additionally, the review and required certification by a ranking superior officer prior to submission to the Legal Bureau provides effective pre-Legal Bureau screening of such applications. It should also be noted that, generally speaking, the rejections which do occur are strictly on a legal basis and often due to the failure of the police officer affiant to set forth adequate facts in his affidavit which would spell out reasonable grounds. Questioning and interrogation of affiants usually results in removing apparent defects.

Once adequate facts are available, the necessary affidavits and order are prepared. The applicant and affiants, together with a Legal Bureau attorney, appear before a Supreme Court Justice. Although any Supreme Court Justice may sign a wiretap order (their jurisdiction is state wide) pursuant to an informal agreement, applications are made to the justice sitting in the ex parte part of the court. It is to him alone that applications for wiretapping orders are to be submitted as a general rule. However, in case of his absence or inability, urgent applications may be taken to any justice of the Supreme Court who is available.

In some cases the justice may require additional sworn statements from the affiant to satisfy himself that sufficient facts are available to support the order. Once the order is signed, one copy together without the supporting affidavit is left with the judge to be maintained at the court in a special separate file to which only the clerk of the special term which handles all ex parte orders and his chief assistant have access. The original is given to the applicant, and an additional copy of the order with the supporting affidavits is given to the applicant for delivery to the New York Telephone Company. An additional copy containing all papers upon which the order was based is returned to the Legal Bureau for recording and file.

Once the copy of the order is returned to the Legal Bureau appropriate index cards are prepared and additional information concerning the order is recorded in a large bound book. Orders are serially numbered on a monthly basis and filed numerically by month. Access to this information, which is kept under lock and key, is limited to the Director of the Legal Bureau, one staff member who assists in this area and a clerk.

The superior officer who has received the wiretap order applies through the Chief Inspector's office to the Central Investigation Bureau of the department for assignment of a member of that unit to assist in the actual conduct of the wiretapping and for necessary equipment. With the exception of members of the force assigned to the various District Attorney's squads or offices who are subject to the control of the District Attorneys, no unit in the department may engage in wiretapping activities without conforming to the provisions of the rules and procedures.

The equipment used is installed and safeguarded by the Central Investigation Bureau as one of its special assignments. The most stringent safeguards are provided for the use of the equipment, which is almost wholly designed for telephonic interception. In those rare instances where bugging devices have been installed, their use was always reviewed by the Police Commissioner via the Deputy Commissioner in charge of Legal Matters, and special privileges were granted only in non-trespassory situations. Even prior to *Silverman* v. *U.S.* 365 U.S. 505 (1961), if trespasses were involved in the installation of eavesdropping equipment pursuant to a court order, this procedure was governed strictly by the provisions of the rules of the department and was proper according to then existing law.

Prior to the decision of the Court in *United States* vs. *Berger*, bugging was limited solely to homicide cases. Since that decision, its use has been completely eliminated. The preferred eavesdropping device has been the wiretap, quite possibly because of the minimal amount of involvement of persons outside the department. Inasmuch as no trespassory bugging was permitted, permission always had to be obtained from the owner of the premises wherein a bugging device was installed or of the person who was to be a party to the conversation who would carry the necessary device. This of course opened areas for possible leakage in bugging cases.

With respect to the wiretap situation, the sole contact outside the department, aside from the necessary ex parte court appearance, is with the New York Telephone Com-

pany. Relations with the security section of this organization are maintained by the Director of the Legal Bureau. The purpose of this liaison is to obtain information as to the current listing of subscribers and the physical feasibility of installing the wiretap.

The installation of the wiretap is made as speedily as possible. Automatic recorders are used almost exclusively. The detective or officer assigned to the wiretap detail transcribes the pertinent messages intercepted. The number of officers who have access to this information is limited to those involved in the investigation and the supervisor who is responsible for the execution of the wiretap order.

The commanding officer of the patrol division or the borough command of detectives is concerned with the review and inspection of the wiretap orders and the procedures to be followed. All transcribed notes of wiretap orders are filed and maintained under tight security conditions in the office of the superior command responsible for the execution of the order. The pertinent tapes are stored in the Central Investigation Bureau and when required are maintained up to two to three years after which they are destroyed. The process is witnessed by a superior officer of that command.

All procedures relating to the review and enforcement of regulations are supervised by staff personnel of the First Deputy Commissioner and the Confidential Investigating Unit of the Police Commissioner. There are no specific penalty provisions in the rules and procedures covering improper conduct with respect to wiretap records or procedures, but failure to comply with the provisions of the rules and procedures regarding these matters can result in departmental charges for noncompliance with specific sections or for violation of an omnibus section of the rules and procedures which reads: "Conduct, disorder or neglect prejudicial to good order, efficiency or discipline, whether or not specifically mentioned in the Rules and Procedures, and including cowardice or making a false official statement, is prohibited."

It should also be noted that any law enforcement officer who fails to comply with Section 813A of the Code of Criminal Procedure except in certain emergency situations as set forth in Section 813B of the Code of Criminal Procedure commits a felony.

A decision to renew a court order is made by the commanding officer who made the initial request based on the need for the new order substantiated by any other facts, such as pertinent conversations intercepted during the time of the original order and any additional material obtained during the course of the investigation. The decision on whether or not to terminate the order prior to the sixty-day period is based on whether or not the desired conversation had been intercepted or whether arrests had been made at such earlier time. The superior officer assigned to the execution of the order may also take this action where it is deemed no longer advisable to continue a wiretap. In any event a full report concerning results or lack thereof resulting from the wiretap must be made to the Chief Inspector who forwards a copy of this report to the judge or justice who issued the initial order. This practice arose as a result of specific requests from the judges, and it has become a uniform policy so that in every case a report of results is forwarded to the justice who issued the order regardless of whether results are negative or positive. It should be noted that this system is more or less analogous to the return which is required by law in search warrant cases. (See Sections 802 and 805 Code of Criminal Procedure). It would seem to be a praiseworthy practice in that it provides for further judiciary review of police activities and practices in this area.

The standards used to approve or disapprove any request submitted for both an original or a renewal are many. These criteria are employed by each reviewing officer throughout the procedure described. They include the nature and seriousness of the crime involved, the soundness of the presentations submitted in terms of establishment of probable cause, the extent of the investigation already conducted and the relative need and advantage of obtaining the requested order.

Enclosed is a copy of the organizational chart of our department as it existed in January, 1967. [Chart not printed in RECORD.]

I trust that the foregoing information will be of assistance to you.

Very truly yours,

R. HARCOURT DODDS,
Deputy Commissioner, Legal Matters.

POLICE DEPARTMENT, CITY OF NEW YORK, OFFICE OF THE POLICE COMMISSIONER,
New York, February 10, 1951.

(General Orders No. 6)

AMENDMENTS TO THE MANUAL OF PROCEDURE

1. Article 14 of the Manual of Procedure titled "Evidence" is amended by adding thereto new paragraphs 36 to 48 inclusive to read as follows:

"INTERCEPTION OF TELEPHONE COMMUNICATIONS

"(Wire-Tapping)

"36. When a member of the force, who is investigating a complaint of, or the possible existence of a crime, has reasonable grounds to believe that evidence of such crime may be obtained by the interception of telephonic or telegraphic communications, he shall promptly report the facts in writing to his commanding officer.

"37. The commanding officer of the division, district or higher command, when satisfied that necessary evidence may be obtained in this manner, shall make written report on form U. F. 49, in duplicate, to the Commanding Officer, Legal Bureau, requesting that application be made to the proper court for an Ex Parte Order authorizing the interception of telephonic or telegraphic communications in accordance with the provisions of Section 813a of the Code of Criminal Procedure.

"38. Such request shall contain:

"a. The identification of the telephone or telegraph line or lines to be tapped;

"b. Reason for believing that necessary evidence may be obtained in this manner;

"c. The nature and source of his information in support of the application;

"d. The number of prior applications made for orders to tap the same telephone or telegraph line or lines including the status thereof.

"39. Accompanying this report, on form U. F. 49 in triplicate, shall be the following certification signed by the commanding officer of the division, district or higher command concerned:

"'(Command) (Date)

"'I hereby certify that I have been informed by ——— ——— of my command of the facts and necessity for the application for a court order authorizing the interception of telephonic (or telegraphic) communications, over (telephone number), and based upon such information, I am of the opinion that reasonable grounds exist for believing that evidence of crime may be obtained over said facilities and that the application for this order is necessary and proper.

"'Signed _____'

"'Commanding _____'

"40. The request and certification shall be *delivered* to the Commanding Officer, Legal Bureau, by a member of the command of the requesting officer who must be above the rank of sergeant.

"41. Commanding Officer, Legal Bureau, shall supervise the preparation of the necessary affidavits and application for such order, and shall assign a qualified member of his command to assist the superior officer in presenting the application to a justice of the Supreme Court or judge of another court of competent jurisdiction. The application shall request that the order be made effective for a period not exceeding sixty days.

"42. When such order has been issued, a copy thereof will be delivered to the clerk of the court issuing the order for file. A copy will be delivered to the legal office of the telephone or telegraph company concerned. A copy countersigned by the superior officer of the requesting command will be filed in the Legal Bureau of this department as a receipt for the order. The original order shall be delivered to the commanding officer who made the request for the order.

"43. The commanding officer receiving the wire-tapping order shall assign a qualified member or members of his command to execute the order under the supervision of a superior officer. Such assignment shall be made in writing and a proper record thereof maintained. When necessary to do so, the commanding officer will make application for necessary paraphernalia and equipment, such as, earphones, voice recording instruments, etc., to the Chief Inspector, so that Police Department property will be used for wiretapping purposes.

"44. The officer assigned to conduct the wire-tapping operation shall report without delay to his commanding officer the location where the wire-tap was installed. When a voice recording device is not employed, he shall make notes and transcribe all pertinent information obtained in connection with the wire-tapping operation, which shall be submitted in writing daily to his commanding officer. Should information of such a nature as to require immediate attention be obtained it will be promptly reported by telephone to the commanding officer and included in the daily written report.

"45. When the desired results have been obtained, or in any case, at the termination of the period for which the order was issued, a complete report, in writing of arrests made or other important results obtained shall be submitted by the officer assigned to execute the order to the commanding officer. The commanding officer shall report such results, together with the identity of the officer assigned to execute the order, to the Chief Inspector. A copy of this report will be submitted to the Commanding Officer, Legal Bureau. When the order has been executed by a unit of the Detective Division, a copy of the report shall also be forwarded to the Chief of Detectives.

"46. Commanding officers concerned shall maintain a file containing a complete record in writing of all wire-tap orders obtained and activities in connection therewith.

"47. Recording tape and/or original notes used or made in connection with the execution of wire-tap orders shall be wrapped or placed in containers, sealed, and filed in the office of the command and kept available for inspection. Such records shall be stored in the manner prescribed for other department records.

"48. The provisions of this order will not apply to members of the force assigned to a district attorney's squad or office when the application is made by direction of the District Attorney or his designated assistant, or to a member of the force who is acting under the direction and supervision of a District Attorney or his designated assistant."

2. The Table of Contents, Article 14, Manual of Procedure, titled "Evidence," is amended by adding thereto the following:

"Interception of Telephone Communications (Wire-Tapping)---- 36–48"

THOMAS F. MURPHY,
Police Commissioner.

EAVESDROPPING

21.0 When a member of the force who is investigating the possible existence of a crime

has reasonable grounds to believe that evidence may be obtained by eavesdropping (interception of telephone or telegraph communications, or overhearing or recording conversation or discussion by means of an instrument), he shall promptly report the facts in writing to his commanding officer.

21.1 The commanding officer of a patrol precinct within Brooklyn shall apply for eavesdropping orders through his division commander. The commanding officer of a patrol division or higher command, or in the Detective Division, the commanding officer of a detective borough command, Central Office Bureaus and Squads or Narcotics Bureau, who believes that necessary evidence may be obtained by eavesdropping shall submit a report in duplicate requesting the Legal Bureau to assist him or a superior officer above the rank of sergeant of his command in applying for a court order authorizing the eavesdropping. (See Sec. 813a, C.C.P.) The request shall contain:

a. Reason for believing that necessary evidence may be obtained by eavesdropping

b. Description or, if available, the identification of the person or persons whose communications, conversations or discussions are to be oveheard or recorded and the purpose thereof

c. Identification of the telephone or telegraph line or lines to be involved, if any

d. Nature and source of his information in support of the application

e. Number of prior applications made for orders to eavesdrop the same telephone or telegraph line or lines, or the conversations or discussions of the same individual or individuals, and the status of such applications.

21.2 The commanding officer shall send with this request a separate certification, in triplicate:

"Command) (Date)

"I hereby certify that I have been informed by _____ of my command of the facts and necessity for an application for a court order authorizing the

"a. interception of telephonic communications over (telephone number), or

"b. interception of telegraphic communications over (telegraph line), or

"c. overhearing and/or recording, by means of an instrument, conversations or discussions of (here giving identification of person or persons concerned if possible; otherwise the description of such person or persons)

"Based upon such information, I am of the opinion that reasonable grounds exist for believing that evidence of crime may be obtained thereby, and that the application for this order is necessary and proper."

"Signed _____

"Commanding _____."

21.3 A member of the requesting command above the rank of sergeant shall *deliver* the request and certification to the Director, Legal Bureau.

21.4 The Director, Legal Bureau, shall supervise the preparation of the application and affidavits for each order. He shall assign a member of his command to assist in presenting the application in court. The application shall request an order for a period not exceeding 60 days.

21.5 When the order is issued, the judge or justice retains one copy. The original order will be delivered to the commanding officer who made the request and a copy, countersigned by the superior officer of the requesting command, will be filed in the Legal Bureau as a receipt for the original order. If the order authorizes the interception of telephonic or telegraphic communications, a copy shall be delivered to the legal office of the telephone or telegraph company.

21.6 The commanding officer who receives the authorizing order shall have it executed by qualified member(s) of his command under the supervision of a superior officer. Such assignments shall be made in writing and properly recorded. Only Police Department property shall be used for eavesdropping purposes. When necessary the commanding officer shall send a request in duplicate direct to the Chief Inspector, for earphones, voice recorders, etc. indicating the date of the court order, the period for which issued and the name of the issuing judge or justice. The Chief Inspector will forward the original request to the Chief of Detectives for his attention and file the duplicate copy. Such department property shall be returned when the desired results have been obtained or, in any case, at the end of the period for which the eavesdropping was authorized.

21.7 The member of the force assigned to conduct the eavesdropping operation pursuant to the authorizing order shall notify his commanding officer without delay of the location where the wiretap or other instrument is installed or is in use, and of any subsequent change in this location. Whether or not a voice recorder is employed, he shall make notes of all pertinent information and daily submit a transcript of his notes to his commanding officer. He shall also promptly notify his commanding officer by telephone if the information requires immediate attention.

21.8 When the desired results have been obtained or, in any case at the end of the period for which the order was issued and also at the end of each period for which the order was renewed, the member of the force assigned to execute the order shall give his commanding officer a complete written report of arrests made or other important results. If no arrests were made or results obtained, the report shall so indicate. The commanding officer shall report to the Chief Inspector, Bureau of Public Morals, direct, the results and the identity of the member of the force assigned to execute the order. The report shall be in triplicate except that it shall be in quadruplicate if the order was executed by a subordinate command of the Detective Division. The Chief Inspector shall send a copy of the report to the Director, Legal Bureau; the judge or justice who issued the order, and if renewed, to the judge or justice who renewed the order. The quadruplicate copy shall be sent to the Chief of Detectives.

21.9 Commanding officers shall keep a file of all eavesdropping orders and activities. Recording tape and original notes used or made in connection with the execution of such orders shall be wrapped or placed in suitable containers, sealed, and then filed in the Record Room of the command concerned.

21.10 Eavesdropping shall not be directed or commenced until a court order authorizing it has been issued, except that a member of the force may, by means of an instrument, overhear or record conversation or discussion other than telephonic or telegraphic communications:

a. When he has reasonable grounds to believe that evidence of crime may be thus obtained, and that in order to obtain such evidence time does not permit an application to be made for a court order before such eavesdropping must commence, and

b. If he has complied with 21.0 and has obtained permission in writing from the commanding officer designated in 21.1.

Regardless of the length of time that eavesdropping is to be so conducted, the commanding officer granting permission therefor shall immediately apply for a court order as provided in 21.1, 21.2 and 21.3 so that the application may be submitted to the court within 24 hours after the eavesdropping commences, exclusive of legal holidays. Before granting permission, the commanding officer shall be certain that the application to court can be made within the specified time limitation. In addition to the information required by 21.1, the report of the commanding officer shall include the time when the eavesdropping commenced and the reason it was necessary to begin eavesdropping prior to making application to the court. Requests for department property shall be sent to the Chief Inspector as provided in 21.6 except that information as to the date of the court order, etc. will be reported, in duplicate, to the Chief Inspector at such time as the court order issues. If the order is issued, it will be effective from the time the eavesdropping commenced. If the application is denied, the member of the force presenting the application shall immediately notify the commanding officer concerned who shall cause the eavesdropping to cease immediately. The member of the force assigned to conduct the eavesdropping operation shall submit the report required by 21.8, including therein the time and date the eavesdropping ceased. The commanding officer shall submit report required by 21.8 to the Chief Inspector, except that no copy thereof will be required for the judge or justice who denied the application.

21.11 Eavesdropping conducted pursuant to 21.10 shall be subject to the provisions of 21.6, 21.7 and 21.9.

21.12 These provisions do not apply to members of the force assigned to a district attorney's squad or office.

AMENDMENTS TO THE RULES AND PROCEDURES

13/21.1 The commanding officer of a patrol precinct to which plainclothes personnel are assigned shall apply for eavesdropping orders through his division commander. The commanding officer of a patrol division or higher command or, in the Detective Division, the commanding officer of a detective borough command, Central Office Bureaus and Squads or Narcotics Bureau, who believes that necessary evidence may be obtained by eavesdropping shall submit a report in duplicate requesting the Legal Bureau to assist him or a superior officer above the rank of sergeant of his command in applying for a court order authorizing the eavesdropping. (See Sec. 813a, C.C.P.) The request shall contain:

(Remainder of paragraph unchanged.) (G.O. 51, s. 1963).

EXHIBIT 4

(In the matter of the application of Norman J. Levy, an Assistant District Attorney of the County of Nassau, for an order for interception of certain telephone communications, County Court, New Courthouse, Mineola, N.Y., July 1, 1964)

Before Hon. Harold M. Spitzer, *County Court Judge* (In Chambers).

Appearances: Norman J. Levy, Assistant District Attorney.

DONALD J. WHITE, CSR, DA Confidential Reporter.

(Norman J. Levy, being duly sworn by the Court, testified as follows:)

By the Court:

Q. State your name and address. A. Norman J. Levy, 120 Winsum Avenue, Merrick, New York. I am an attorney duly licensed and admitted to practice law in the State of New York.

I am and have been an assistant district attorney of Nassau County since January 12, 1959, and I am Chief of the District Attorney's Rackets Bureau.

Since June 8, 1964, I have been conducting an investigation of the crimes of attempted extortion, conspiracy to commit the crime of extortion, conspiracy to commit a crime and felonious assault.

On June 8, 1964, I had a conversation with Irving Holzman who resides at 55 Sycamore Drive, Roslyn, New York. Mr. Holzman resides at 55 Sycamore Drive, Roslyn, with his wife, Mrs. Ruth Holzman.

Mr. Holzman's business is United East Coast Corporation which is located at 583 Tenth Avenue, New York 36, New York. He also maintains a business in the County of Nassau and that business is located at 243 Northern Boulevard, Great Neck.

The nature of Mr. Holzman's business is

that he is a distributor of automatic coin machines, juke boxes, game machines, and he is the owner of routes of automatic coin machines locations, juke boxes, game machines and cigarette machines.

Mr. Holzman told me that a principal of one of his juke box routes is one Robert Luttman. Mr. Luttman is also employed by Mr. Holzman as an adjustor and his duties as an adjustor are to adjust problems that arise in connection with automatic coin machine locations that are owned by Mr. Holzman in connection with Mr. Luttman, himself and with others.

Mr. Holzman told me that he became aware that Luttman had gone to a location in the Bronx, the Calypso Lounge, in the end of May, 1964, to adjust a location on behalf of Mr. Holzman. At that location in the Bronx a competitor, Jet Automatic, was seeking to take over a location belonging to Mr. Holzman wherein he had placed an automatic coin machine.

Mr. Luttman went to the Calypso Lounge and spoke with the owner of the premises, and the basis of Mr. Holzman's knowledge is a conversation he had subsequently with Mr. Luttman. This is in regard to the Calypso Lounge.

Mr. Holzman said that Luttman told him that in seeking to keep the location for Mr. Holzman that he, Luttman, had told the owner of the Calypso Lounge that one Sally Burns was with Mr. Holzman and Mr. Luttman in that location.

Mr. Holzman identified the name Sally Burns as an alias of one Salvatore Granello. Salvatore Granello resides at 215 Mott Street, Apartment A–1 in the Borough of Manhattan in New York City. Salvator Granello is known through the Intelligence of the District Attorney's Rackets Bureau and Central Intelligence Bureau of the New York City Police Department to be a member of Cosa Nostra.

He is a member of the Thomas Luchesse, alias Three Finger Brown, Family of Cosa Nostra. He is presently under indictment by the federal government, Southern District of New York, and he's charged with income tax evasion.

He's out on bail pending the trial of his case. He has previously been arrested in Orange County for the crime of rape, and he is awaiting trial on that indictment in Orange County.

Mr. Holzman told me that he informed Mr. Luttman that he had had no right to use Sally Burns name in connection with that location or any other location.

Mr. Holzman said that on June 4, 1964, a Thursday, a man came to his New York office located at 583 Tenth Avenue, New York, and identified himself as Dino Conte.

Mr. Holzman told me that he believed Conte was a relative of one of his upstate New York customers and as a result spoke with Conte in his office.

At this time Holzman said that Conte indicated that he had been sent by Sally Burns to talk to Holzman. Conte said to Mr. Holzman at that time, "Do you know Charles Morel? Do you know that Playmore is jumping Charles Morel's locations?"

Conte then said to Mr. Holzman, "We're not interested in Morel but the people Morel is with."

A previous investigation by the District Attorney's office has ascertained that Mr. Morel is a principal of Local Vending and that another principal of Local Vending and partner of Mr. Morel's is one Mike Miranda.

Through our intelligence information Michael Miranda has an arrest record. He's previously been arrested twice for homicide. Both of these charges were dismissed. He has a New York City Police Department B #129648.

He resides at 167 Greenway North in Forest Hills. Mr. Miranda, according to sworn testimony by Joseph Valachi before the Senate Investigating Committee, is one of the National Commissioners of Cosa Nostra, and he's the advisor or consigilliare to Vito Genevese and the Vito Genovese family of Cosa Nostra.

This information, your Honor, is borne out by our own intelligence information and the fact that Mr. Miranda is a partner of Mr. Morel in Local Vending.

By the Court:

Q. Conte said something about Charles Morel jumping locations? A. No, your Honor. Conte said that Playmore was jumping Morel's locations and he said to Mr. Holzman, "We're not interested in Morel, but the people Morel is with."

Q. Who is Playmore? A. According to our investigation the principal of Playmore, which is also an automatic coin machine partnership or corporation, is one Harold Kaufman.

Conte at this time asked Mr. Holzman if Holzman was a partner with Playmore. Mr. Holzman informed Conte that he was not.

At this time Conte said to Mr. Holzman, "We know that you bought out your partner's estate and that you now own Long Island National," which is another juke box operation that Mr. Holzman owns.

He had been a partner in this jukebox operation until his partner, one David Simon, died and he had bought Simon's interest out from the estate.

At this point, according to Mr. Holzman, Conte said to him, "You used Sally's name. He doesn't mind, but people are saying you're Sally Burns' partner."

Mr. Holzman told me that he told Conte, "I never used Sally Burns' name; one of my employees did, he told me he was authorized to use Sally Burns' name."

At this point Mr. Holzman said Conte said, "No one is authorized to use Sally Burns' name." Conte then said to Mr. Holzman that Burns wanted to have dinner with Holzman that evening.

Holzman told me that he then said to Conte, "You just come in off the street. You tell me you know Sally Burns. How do I know that you know Sally Burns?"

Holzman then started to walk to the telephone and he told Conte that he would call Sally Burns directly and speak to him on the telephone. At that point Holzman said Conte said, "Don't do that." He, Conte, would have Sally Burns contact Holzman within the next hour.

Mr. Holzman said that approximately two hours passed and he then received a telephone call from Sally Burns at his office at 583 Tenth Avenue, New York. During the course of this conversation Burns invited Mr. Holzman to have dinner with him that evening and Mr. Holzman told me that he advised Burns that he would be unable to meet with him that evening.

They then discussed having lunch the next day,, Friday, June 6, 1964. Burns asked Mr. Holzman to meet him for lunch at the Charles Restaurant on Sixth Avenue in Manhattan.

Mr. Holzman told me that he told Burns that he was too busy to meet Burns at the Charles Restaurant, but that Burns could come over to Mr. Holzman's office on Tenth Avenue and have lunch with him.

An appointment was made for the next day. Mr. Holzman said that on June 5, 1964, he was in his office at Tenth Avenue and that Burns did not come to his office for lunch, nor did he call him and inform him that he wasn't coming.

On Monday, June 8, 1964. Holzman told me he left for his Manhattan office at approximately 7:40 A.M. Approximately five minutes after he left for work his wife, Mrs. Ruth Holzman, stated that a man rang her doorbell and said that he was from United Parcel.

At this time she was upstairs in their home at 55 Sycamore Drive in Roslyn. She came downstairs to answer the door.

When she opened the front door the unknown man already had the storm door open and he shoved her backwards and she fell to the floor.

According to Mrs. Holzman she stated that the man put his left hand over her mouth and asked her, "Where is your husband?"

She started to scream and during the struggle the man, who had been wearing glasses lost his glasses. When they fell to the floor she grabbed the glasses and held them under her.

During the course of the struggle the man pulled a gun and when she started to scream a neighbor came to her assistance and three men who had been waiting outside the home informed the man who was inside the home that the neighbors were going to call the police, that the cops were coming, "Let's get out of here."

At this time the man who was in the house left the house and the men got into the automobile and left the scene.

Mr. Holzman said that when he arrived at his office—

Q. Excuse me for interrupting you. A. Yes, your Honor.

Q. Was this assault reported to the police? A. Yes, it was.

Q. And is it under investigation? A. It is under investigation at this time, your Honor.

Q. Has the neighbor referred to been interviewed? A. Yes, she has.

Q. And does she verify these facts? A. Yes, she does, your Honor. And that matter is under investigation jointly by the Sixth Squad of the Nassau County Police Department and the office of the District Attorney of Nassau County.

Mr. Holzman informed me that he arrived at work that morning at approximately ten a.m. Strike that.

Mr. Holzman informed me that when he arrived at his office he was told by a business associate to call home right away.

He called his home and was informed by his son-in-law, Ronnie Billing, what had happened to his wife and he was to come—he was told to come right away.

He drove to his home and after arriving there at approximately 12 p.m., one of his employees, one Lou Drutman, called him and advised him that Sally Burns had been at this office, Holzman's office in New York, and had said that he'd heard on the radio what had happened to Ruth.

Drutman told Holzman that Burns had left a phone number for Holzman to call Burns at. Drutman gave Holzman the telephone number, 212–LW–4–2523.

The subscriber of this telephone is the Headline Bar, Eighth Avenue and 43rd Street, New York City. The exact address of the Headline Bar is 253 West 43 Street, New York County.

At that time from his home Holzman called 212–LW–4–2523 and asked for Sally Burns. Burns spoke to him on the telephone and instructed Holzman to go to an outside phone and call Burns at 212–LW–4–2523, the same number.

Holzman told me that he went to a neighbor's telephone and again called Burns at the same number. Holzman said that he said to Burns over the telephone, "Did you hear what happened to my wife?"

Holzman said that Burns replied, "I know all about it." At this point Burns asked Holzman to come to New York to meet him at the Charles French Restaurant, 452 Sixth Avenue, Manhattan.

Holzman said that he advised Burns that he didn't want to leave his wife and he wanted to know why Burns wanted to see him.

Holzman said that Burns told him that he wanted to talk to him about what happened to Holzman's wife. Holzman said that he asked Burns to tell him over the telephone and Burns said, "Meet me. Don't talk about it on the telephone."

Holzman said that he and his son-in-law,

Ronald Billing went to the Charles French Restaurant, 452 Sixth Avenue in New York and arrived there at approximately three p.m.

Holzman said that Burns asked his son-in-law to wait at the bar while he spoke to Holzman. Holzman said that he and Burns sat at a table at the Charles Restaurant and Burns said to him, "It's around the industry that you're in the million dollar class, you're the biggest man in the industry.

No one gets in that class unless he has someone with him."

Holzman said that at this time he interrupted Burns and said, "I thought you were going to tell me about what had happened to my wife?"

He said that he asked Burns, "Did you hear about it on the radio," and that Burns replied, "No, I didn't hear about it on the radio; never mind how I heard about it."

At this point Burns said to Holzman, "If you had met me Friday I wouldn't have forgot to come to you and this wouldn't have happened. If I had come home Sunday from Greenwood Lake instead of Monday this wouldn't have happened.

"The people I'm with are animals. They couldn't wait until I came home."

Holzman said that Burns then stopped talking about his wife and said to Holzman, "Even Costello had to give up a piece."

"Now, with you the family wants $25,000 in cash and I want you to give it to them."

Burns then said to him, "I would never mention the word, 'family' but with you I have no worries and I want 25 percent of what you have—not what your partners have—just you."

Burns said to him, at the end of each week he and Burns would meet and have dinner and for every dollar Holzman took in he would keep 75 cents and 25 cents would go to Burns.

He told Holzman, "If at the end of the week you have $1 left I take 25 cents and you keep 75 cents."

At that time Burns asked Holzman for an answer and he told him that he couldn't give him an answer at that time, he'd have to think about it.

Burns then asked Holzman to meet him the next day, Tuesday, June 9, 1964, at the Charles Restaurant.

That evening, Monday, June 8, 1964, myself, District Attorney Cahn and Detective Shephard and Detective Costello were advised of the meeting between Burns and Holzman at the Charles Restaurant.

Holzman also stated that as he was leaving the meeting with Burns that had taken place at the Charles Restaurant he observed Dino Conte in the bar of the Charles Restaurant. He had no conversation with Conte at that time.

Holzman stated that the meeting to take place on Tuesday, June 9, 1964, at the Charles Restaurant with Salvatore Granello, alias Sally Burns, was set for 12 o'clock noon.

The next day at approximately 12 o'clock noon Holzman in my presence called the Charles Restaurant and spoke to Sally Burns. He asked Burns if he should go out to an outside telephone and call Burns back. Burns said that he wanted Holzman to do that.

Holzman then went to an outside telephone in the presence of myself, Assistant Chief Inspector James Farrell of the Nassau County Police Department, Lt. Frank O'Shea of the Nassau County Police Department, Commanding officer of the Sixth Detective Squad, and Nassau County Detectives Harold Shepherd and Clifford Crawford, both of whom are assigned to the District Attorney's Squad.

At that Holzman placed a telephone call to the telephone number 212–GR 7–3300. The subscriber of that telephone number is the Charles French Restaurant, Inc., located at 452 Sixth Avenue, New York City.

This telephone call was made from the Oaks Pharmacy in Rosyln, County of Nassau, State of New York, and the telephone call was monitored and recorded with the permission of the owner of the Oaks Pharmacy.

Q. Holzman knew about it too, I assume?

A. And Mr. Holzman. In this conversation Mr. Holzman asked for Sally Burns and Burns got on the telephone.

Mr. Holzman told Burns that someone had been in the phone booth and he had to wait.

Holzman then said to Burns, "On that conversation yesterday, you know, first of all, I don't have any method of raising $25,000 for the family and I think that that should be reduced.

"I think that your request is a little bit out of line."

That he, Holzman, had put in 26 years in this business and that was a big chunk to give away.

Burns said to Mr. Holzman, "Alright, let me say this to you. You know the way I feel about you and I feel worse than you do about what happened, and I want you to know that's an outside faction."

Burns said that he would explain it to Holzman when he saw him. Burns said that it wasn't his people, his friends.

Burns told Holzman that he would explain to Holzman what was involved and what the past history was to this thing.

Burns said to Holzman, "Between you and I as far as a lot of things that have transpired where I was mentioned, et cetera, and so on, to me it's unimportant.

"I'd like, I'd like, I'd love to be with you and I want you to be with me, but I want to start off right.

"If you feel that you want me—Do you want me to be with you?"

And Holzman said to Burns, "Well, I told you yesterday that with you I could get along but as far as these fancy figures for me to go on financing and stuff like that and to have to, you know, the thing is it don't add up, Sal, it just don't add up."

Burns then said, "Well, then I will tell you what you better do, Irv.

"The first thing to do, Irv, the best thing to do if you feel that way about it, 'cause I want to explain, see, I would, I would help you in that situation myself.

"I don't want to come in there for nothing, you understand. I don't want to come in there for nothing, but I must explain to you better than I did yesterday what the, what it involves and how many different—

"There are different elements involved here, you know, that wanted to take a shot at you.

"You understand what I'm talking about?"

Holzman said, "Yes, but that deal yesterday, that is the worst part, you know, I can't understand why you couldn't have stopped that."

And Burns said, "Well, no, no, I will explain you that, too. This was an outside thing where other people wanted to come into the picture.

"Now, the thing is either I have to know that I'm in there or I'm not in there, and I'm not pushing you, take it easy and take care of her. That's more important.

"That is why I suggested for you to have dinner together and I think—"

And Holzman said, "Well, of course—"

And Burns continued and said, "—you'll feel better."

Then Holzman said, "I know first of all she's marked up pretty bad and I don't know when she'll be able to walk out of the house."

And Burns said, "Alright."

And Holzman said, "Whoever that was—"

And Burns interrupted him and said, "Alright, I will take care of that in my own way. You'll have satisfaction through my way, you understand, which I don't care to discuss on the phone.

"Let me take care of it and you will be very satisfied. I will take care of it my way because I found out more about the story.

"It wasn't my friends involved here. It was friends, but from other people."

Holzman then said, "Yes."

And Burns said, "If you understand what I'm talking about, I will take care of that. I'll have the satis—you'll have satisfaction there my way, understand?

"But as far as the deal what I want to do with you, Irv, I think you should come in today."

Holzman told Burns that he couldn't come in, and Burns said, "You can't?"

And Holzman said, "I can't leave her today. If I leave her I ain't going to have a wife, you know."

And Burns said, "No, no, that's more important. If she feels that way you stay home, but I would like you to come down, sit down and you and I, I think we can work the whole thing out. It could be worked out."

And Holzman interrupted and said, "Well, listen—"

And Burns continued, "It's bad for you to—I'm sorry—and, uh, if it can't be, it can't be, it's alright.

"Either way, whatever you say. You mean that you want to forget it?"

Holzman said, "Well, I—"

And Burns said, "I wouldn't want you to do that, believe me, as your friend I don't want you to do that."

Holzman said, "Well, Sally, look, the first request is way out of line. I just got through buying out an estate and I have no means of going out to raise that kind of money in cash.

If I have to go out and borrow it they're not, nobody is going to lend it in cash."

And Burns said, "Let me say this to you. We'll work that out because I could help you in that situation myself.

"I'll be part and parcel of it with you and when I explain it to you you'll know what I'm talking about, you understand?"

Burns then asked Holzman to again come in and visit him and Holzman said, "You know last night I was a little bit upset with the whole situation, you know, especially after I left you.

"I became upset myself. The thing is getting so that what's the sense of knocking your brains out if these things are going to happen?"

Burns said, "Well, there ain't nothing going to happen. That is what I want to eliminate, and that is the missing link with you, Irving, and you can believe what I'm telling you.

"Then you can do what you want. You can do anything you want. I told you that.

"As far as I'm concerned I think I'm a necessary evil in this situation and the way it will clarify everything all the way around and we can go forward.

"There'll be no nonsense involved and nothing else, and I'm telling you."

And then Holzman again told him, "I think that the 25 thousand is way out of line."

And Burns said, "The figure can't be changed, but here's what I'm going to do.

"I'm going to do something on my own to work it out."

And Holzman interrupted and said, "Sally, they've got to change the figure. I'm not going to go for $25,000. I told you yesterday.

"I know I can deal with you but I'm not going to go for $25,000."

And Burns answered, "Look, you've made your mind up definitely that way, then there is no sense even meeting if you don't want to."

And Holzman said, "I don't say I don't want to meet but I say I'm not going for 25."

And Burns said, "But I want to explain to you, I'll do my best for what I have to do. I know what I have to do, but I can work it out.

"I told you I could work it out."

Burns then said, "Let me sit down with you and we'll discuss it and then maybe I'll go there and say, 'Look, this is what

I'm going to do, I'm going, I am doing it on my own, this is for me,' maybe it will be a little different picture, but I can't pick your brain.

"I got to sit down and talk to you, you and I together."

Burns then asked Holzman to again meet him the next day and Burns gave Holzman his home telephone number CA 6-2638, and asked Holzman to call him the next morning at 10 o'clock and let Burns know whether Holzman could meet him at noon at the Charles Restaurant.

Burns said, "You just talked to me in the morning. I'll tell you what to do, call me tomorrow morning at 10 o'clock home," and further told Holzman, "Go outside and call me, and tell me if you're coming in and I'll meet you at 12 o'clock at Charles."

Burns then told Holzman, "If you want to call me, call me tonight," and Holzman asked him:

"Where? At home?"

And Burns told him, yes, he'd be home, but if he wasn't home to call him at this other number, CAnal 6-8509.

Burns told Holzman that, "That's Patrissy's; remember the restaurant downtown, the one on Kenmare Street," and he again gave Holzman the number CAnal 6-8509.

Thereafter, Burns gave Holzman another telephone number.

He said to him, "And the other number I gave you yesterday, I go there once in awhile for a drink, you know."

And Holzman said, "Is that the LW number?"

And Burns said, "LW."

And Holzman told him that he had that number.

Holzman then told Burns, "I'll call you in the morning."

On June 10, 1964, Holzman called Burns at CAnal 6-2638, the code number was 212. CAnal 6-2638 checks to Nancy Granello, 215 Mott Street, Apartment A-1, New York County.

Nancy Granello is known to be the wife of Salvatore Granello, and this is Granello's residence.

The telephone number 212-CA-6-8509 checks to the subscriber, Patrissy's Restaurant, 96 Kenmare Street, New York, New York County.

On June 10, 1964, when Holzman called Burns at his home he told Burns that he would call him at 12 o'clock at the Charles Restaurant.

Holzman didn't call Burns at the Charles Restaurant at 12 o'clock on June 10, 1964, and thereafter, during the afternoon of June 10, 1964, Dino Conte called Holzman at his home and told Holzman that Sally was waiting for Holzman's call and told Holzman further, "Well, you should call him and let him know if you want to see him or don't want to see him, 'cause he's waiting."

Conte told Holzman that Sally had left the Charles Restaurant and was now at the LW number. Holzman then called 212-LW-4-2523, the Headline Club, and spoke with Sally Burns.

Burns asked Holzman what happened and Holzman told him, "Do you know Dino just called me. I didn't want to call you.

"I'm upstairs you know. Bill Cahn posted a man here 24 hours. I don't want to call you from home with a guy sitting in."

Burns told Holzman, "Why don't you take a ride out? Two minutes. You know I waited for your call."

Holzman told Burns, "Well, the man goes with me, that's what Cahn told him to do."

And Burns answered, "Irving, look, I know you're home. It's allright. Do you want to see me or you don't want to see me."

Holzman said, "Well, I'm not coming into New York for a couple of days and I'm staying here."

Burns then said, "I would like to see you on this one way or the other. I know what you want me to do and I'll know what you want me to do, and I'll get away from the picture altogether."

And Holzman told Burns that he'd see him when he came into New York and as soon as he came into New York.

Holzman told Burns that he would be in New York on Monday. Burns told Holzman, "I understand, but at the same token you know when I tell you, Irving, I waited for you, I don't go no place, I wait for you." Holzman told Burns he was sorry.

Burns said to Holzman, "It's important to me, too, you know what I mean."

Holzman said, "I was doing this for you, not for me." And Burns said, "Okay, buddy. Look, try to get in touch with me Friday morning."

Holzman said, "If not, you will hear from me."

And Burns said, "I go up to the country."

And Holzman said, "If you go up to the country you will hear from me Monday before 12 o'clock."

And Burns said, "In fact, I'll tell you the truth, what I would like you do Saturday or Sunday, put Ruth in a car and come up to the house and stay the whole day with me and she'll be a new woman; that's what I would like you to do."

And Holzman said, "Well, where is this place?"

Burns said, "It's in Greenwood Lake."

Holzman said, "Greenwood Lake is a big place."

Burns said, "Well, I could give you the whole instructions. You come right over the mountain and in fact, Dino will come with you and show you the place."

Holzman said to Burns, "Let me put it this way. If I can convince her to go up I will call you Friday morning at the house."

Burns said to Holzman, "Well, you do that, call me and give her my love."

Holzman said to him, "And don't forget I didn't call because—" And Burns interrupted him and said, "Allright, but I wanted to hear from you, Irving."

"You know how I am when I do something, I do it right."

Holzman said, "But you know where I am, too."

And Burns said, "Allright, I don't care. I don't care who's there, and who's not there. With me I'm one way.

"If I have to do something for you I'll do it, and if we don't want to do it, forget about it.

"So you call me Friday morning. If you come in early call me."

And that was the end of the conversation.

On Monday, June 15, 1964, Holzman met with Burns at his New York office at 583 Tenth Avenue, New York. The meeting was set up after a telephone call from Holzman to Burns at Burns' home, CAnal 6-2638.

During the course of the meeting at Holzman's office Burns gave Holzman his Greenwood Lake telephone number, code number 914, GR 7-2439. The telephone number 914, GR 7-2439 checked to the subscriber Nancy Granello, Lakelands, Greenwood Lake.

Nancy Granello is the wife of Salvatore Granello, alias Sally Burns.

On Tuesday, June 23, 1964, Holzman again met with Salvatore Granello-Sally Burns at his New York office. At that time Burns asked Holzman for $12,500 for the family, and he told Holzman that Holzman should make a $5,000 down payment by that coming Friday.

He told Holzman, "You can't keep stalling." And he advised Holzman, "If you don't want to make a deal with them I'll bow out."

Holzman told Granello that he would let him know by Friday or the latest Monday.

On Friday, June 26, Dino Conte called Drutman, an employee of Holzman's at Holzman's office in New York and told Drutman that Irving made an appointment and didn't keep it and that is no way to act.

On Monday, June 29, Holzman called Granello and told Granello that he wasn't going to give any money to the family and he wasn't going to give Granello any part of his business.

Granello told Holzman, "Okay, buddy, I'm bowing out. Now you're on your own."

On Tuesday, June 30, Delores Billing, who is the married daughter of Irving Holzman received a telephone call at her home. Her telephone number is OV-1-0271. The call was received at approximately 10:20 a.m.

The caller said to Delores Billing, "Delores, if your father doesn't cooperate we'll come to Sylvia Lane and kick your ——— pregnant belly in."

Holzman's daughter resides with her husband, Ronald Billing at 65 Sylvia Lane, Plainview and she is presently pregnant.

During the course of this investigation I spoke with Joseph Albino who is a business associate of Irving Holzman. Both Holzman and Albino told me that they knew Salvatore Barbella also known as Rocco Barbella, also known as Rocky Graziano.

Albino said that he entered Mercy Hospital on Thursday, June 18, 1964, for an operation. He said that on Tuesday, June 23, 1964, he received a telephone call at Mercy Hospital in Rockville Centre, Nassau County, New York, from Rocky Graziano.

Graziano said to him, "I met a guy on the street in New York who walked up to me and said, 'Your cousin is in the hospital.'"

Graziano asked Albino if he could come to see him in the hospital. And he also said to Albino, "I understand your partner, Irv, and you are having a little trouble.

"I can't talk to you on the phone. Can you read between the lines? Can I come up to see you?"

Albino told Graziano that he could come to see him at Mercy Hospital.

Graziano, according to Albino, didn't come to see him in the hospital, but on Sunday, June 28, Graziano during the morning stopped at Albino's home in West Hempstead.

Albino told me that Graziano said to him that he Graziano was sitting at a table with guys the other day and these guys were talking rough. "They said they were going to hurt your partner, Irv, and you."

Graziano said to Albino, "I told them you were my cousin and that they shouldn't hurt you." Graziano then asked Albino, "What did you do to aggravate them? You must have done something."

Albino told Graziano at that time that he had nothing to do with Holzman's business in New York; that he was only his partner in Nassau County and in other parts of Long Island.

Graziano then asked him, "What did Irving do to them?" At that point Albino told me that he told Graziano that Sally Burns wanted $25,000 in cash from Holzman for the family and 25 per-cent of his business.

At that point Albino said Graziano said to him, "Don't take sides. If you're asked you stay neutral. Don't worry. You're not going to get hurt."

At the end of the conversation Graziano said to Albino, "The guys want to know an answer. Tell him the guys are waiting for an answer."

In regard to Robert Luttman and in addition to the testimony that I've previously given with regard to Luttman I wish to state that Holzman told me that approximately seven months ago he was engaged in a conversation with Luttman about women; and during the course of this conversation Luttman indicated to Holzman that he was being kept by a woman who gave him thousand-dollar bills as spending money.

Holzman said to me that during the course of this conversation with Luttman he made up a story which he told Luttman that he, Holzman, was keeping company with a Copacabana chorus girl named Joyce.

Holzman told me that he didn't know any Copacabana chorus girls, let alone one

named Joyce, and that he wasn't keeping company with any woman.

He said that he made this story up during the course of his conversation with Luttman. Holzman further stated that at the time of his meeting with Salvatore Granello alias Sally Burns on June 15, 1964, at his business in New York City Burns said to him, "I did you a favor. I know a shylock who works at the Copacabana and I told him to tell Joyce to forget you because you're a married man."

Holzman stated to me that this information couldn't have been given to Burns by anyone other than Luttman because Luttman was the only one present when he made this statement.

On June 30, 1964, Detective Fred Pawel and Detective Thomas Costello of the Nassau County Police Department assigned to the District Attorney's office, were in Patrissy's Restaurant.

On that occasion they observed Salvatore Granello alias Sally Burns in the bar of that restaurant. During the course of this surveillance of Salvatore Granello alias Sally Burns, Burns used two public telephones.

The telephone numbers of these two public telephones are CA 6–8509 and CA 6–8854. The telephone number CAnal 6–8854 is listed to Patrissy's Restaurant, 98 Kenmare Street, New York County, New York.

I wish to correct for the record, your Honor, I had earlier said that Salvatore Granello alias Sally Burns was presently under indictment charged with rape as a felony.

On July 19, 1963, that indictment was dismissed and I was in error when I told you that the indictment was pending.

On July 17, 1940, Granello was arrested by the State Police, Trenton, New Jersey, and charged as a disorderly person and received a sentence of ten days.

On October 6, 1940, he was arrested in Manhattan for assault and robbery and the final disposition of that case was a conviction for assault in the third degree.

On January 29, 1949 he was arrested in New York City and charged with violation of the Selective Service Laws and prosecution was denied by the federal authorities thereafter.

On July 25, 1947, he was arrested in Manhattan and charged with Grand Larceny. That charge was discharged in Manhattan Felony Court.

On January 14, 1959 he was arrested in Brooklyn and charged with 887 of the Code of Criminal Procedure, subdivision 1, vagrancy, and that charge was dismissed.

He is presently under indictment as I've previously testified and charged with income tax evasion.

On this indictment his co-defendant is one George Levine. George Levine is the stepfather of Rocky Graziano. Joseph Albino informed me that Graziano is the Godfather of Granello's youngest child, a daughter.

Mr. LEVY: Your Honor, on the affidavit of Norman J. Levy, Assistant District Attorney, and the sworn testimony of Norman J. Levy before your Honor, the People make application to intercept and record all telephone communications over a telephone instrument bearing telephone number 212–LW–4–2523. This telephone instrument is located at 252 West 43rd Street, New York County, New York.

The subscriber of that telephone is the Headline Bar which is located at 252 West 43rd Street, New York County, New York.

The basis of the People's application, your Honor, is the affidavit by Norman J. Levy that is before you and the sworn testimony of Normal J. Levy which you have heard.

The COURT: Mr. Levy, have you been trying to verify whether the daughter of Holzman was in fact threatened?

Mr. LEVY: Your Honor, Detective John Skuzenski of the Nassau County Police Department assigned to the District Attorney's Squad interviewed Mrs. Delores Billing at her home on Sylvia Lane yesterday and the facts that I testified to before your Honor were stated to Detective Skuzenski by Mrs. Billing.

The District Attorney's office and the Nassau County Police Department are working on an investigation to identify the caller.

The COURT: At the present time have you been able to get any clue which would lead you definitely to the caller?

Mr. LEVY: We have not, your Honor.

The COURT: You feel as though this tap will assist you in that quest?

Mr. LEVY: Yes, your Honor.

The COURT: From your experience over the years do you feel that there is reasonable ground to believe that evidence of crime may be obtained by intercepting messages over this telephone?

Mr. LEVY: Yes, your Honor. This telephone has been used by Salvatore Granello alias Sally Burns in telephone conversations with the complainant, Irving Holzman, in regard to the demand for $25,000 and 25 per-cent of his business.

The COURT: So that in addition to the alleged extortion you are faced here with the threats of violence and physical harm to innocent people?

Mr. LEVY: Yes, your Honor, and the investigation regarding the assault on Mrs. Ruth Holzman at her home in Nassau County as well as the threatening telephone call to Mrs. Billing.

The COURT: I am satisfied that there is reasonable ground for granting your application.

EXHIBIT 5

(In the Matter of Overhearing Conversations Taking Place in the offices of the Big "S" Service Center, located at 446 Coney Island Ave., Brooklyn, New York)

STATE OF NEW YORK
County of New York, ss.

FRANCES J. ROGERS, being duly sworn, deposes and says:

"1. I am an Assistant District Attorney of the County of New York, assigned to the Frauds Bureau of the District Attorney's Office. This office is currently conducting an investigation into the complicity of one Michael Scandifia with one John Lombardozzi and one Carmine Lombardozzi in a conspiracy or conspiracies to commit the crime of grand larceny and other alleged crimes in this county.

"2. On December 26, 1962, Seymour Kaplan, of Kaplan Jewelers Inc., 52 West 47th Street, New York City informed this office that on October 18, 1962, Michael Scandifia, using the alias 'Mike Scandi', obtained approximately $60,000 worth of diamonds from his firm 'on memorandum', John Lombardozzi was with Scandifia at the time of this transaction. Included within the 'memorandum' was an item giving John Lombardozzi $6200 worth of jewelry.

"3. Said Seymour Kaplan has informed this office that said Scandifia and said Lombardozzi originally asked Kaplan for $250,000 worth of diamonds for which they wanted to leave certificates of stock as collateral.

"4. Said Seymour Kaplan has informed this office that said Scandifia and said Lombardozzi have not to date returned the diamonds or their value.

"5. On October 31, 1962, Honorable Mitchell D. Schweitzer Justice of the Supreme Court, made an order relating to a different investigation authorizing the District Attorney, members of the Police Department, and other duly authorized agents to overhear and record, by means of any instrument, any and all conversations, communications, and discussions that may take place in the center Room of the ground floor of premises known as the Elbro Coffee Shop, located at 377 Broome Street, in the County, City, and State of New York.

"6. On November 5, 1962, a meeting took place in the above-mentioned Elbro Coffee Shop during which the theft of subject jewelry was discussed. Present at this meeting were Michael Scandifia, Carmine Lombardozzi, brother of John Lombardozzi, Arthur Tortorella, Sabota Muro, and other unidentified persons.

"7. On January 3, 1963, detectives from this command interviewed said Scandifia and he denied any knowledge of the jewelry or of the memorandum signed by one M. Scandi.

"8. Said Seymour Kaplan and his brother Fred Kaplan positively identify photographs of said Scandifia as the individual known to them as Mike Scandi.

"9. On January 7, 1963, Scandifia was again contacted by detectives who were told by Scandifia 'to get in touch with Carmine Lombardozzi if they wanted the whole picture of this diamond matter.'

"10. On January 9, 1963, Honorable Mitchell D. Schweitzer Justice of the Supreme Court, made an order relating to this investigation authorizing the District Attorney, members of the Police Department, and other duly authorized agents to overhear and record, by means of any instrument, any and all conversations, communications, and discussions that may take place in room 106, of the Kings Highway Hospital, 3201 Kings Highway, in the County of Kings, City and State of New York.

"11. Said Scandifia was then a patient in room 106, Kings Highway Hospital, 3201 Kings Highway, Brooklyn, New York.

"12. On January 10, 1963, a meeting took place in the above-mentioned hospital room during which the disposition of certain diamonds was discussed. Present at this meeting were Fred Epplitio, Wendi 'Honey' Hoffman and subject Scandifia.

"13. Said Hoffman visited Scandifia again on January 11, 1963, and was called by said Scandifia at her home, 2800 Coyle Street, Apartment 419, Brooklyn, New York, telephone number TWining 1–1295, on January 12, 1963.

"14. Said Scandifia was released from Kings Highway Hospital on January 12, 1963 and since that time he has been observed as a constant companion of said Wendi Hoffman and a frequent visitor at her apartment.

"15. On January 22, 1963, Honorable Mitchell D. Schweitzer, Justice of the Supreme Court, made an order relating to this investigation authorizing the District Attorney, members of the Police Department, and other duly authorized agents to intercept any and all telephonic communications transmitted over the telephone line and instrument listed as TWining 1–1295., under the name Wendi Hoffman, Apartment 419, 2800 Coyle Street, Brooklyn, New York.

"16. On February 4, 1963, Honorable Mitchell D. Schweitzer, Justice of the Supreme Court extended the order mentioned in paragraph 15 to include the telephone line and instrument listed as TWining 1–0295, under the name of the same Wendi Hoffman, located in the same Apartment 419, 2800 Coyle Street, Brooklyn, New York.

"17. By means of the above-mentioned orders (paragraphs 15 & 16), detectives assigned to this command, were able to establish that said Michael Scandifia used the phones, located in the offices of the Big 'S' Service Center, 446 Coney Island Avenue, Brooklyn, to communicate with said Carmine Lombardozzi and said John Lombardozzi, among others.

"18. It has also been established that the said Scandifia meets with various persons connected with said Carmine and John Lombardozzi in the offices of the Big "S" Service Center, 446 Coney Island Avenue, Brooklyn.

"19. On February 14, 1963, detectives from this command observed one Robert Weber outside the said Big "S" Service Center. * * *

"I further respectfully request that this order be made effective until and including May 1, 1963.

"No previous application has been made to any justice or court for the order herein requested.

"Francis J. Rogers,
"FRANCIS J. ROGERS."

Sworn to before me this 8th day of March, 1963.

Edwin W. Kapusta,
EDWIN W. KAPUSTA,
Notary Public for the State of New York, Qualified in New York County, No. 31–2034975.
Commission expires March 30, 1963.

Mr. TYDINGS. Mr. President, I understand that the purpose of the Senator from Texas speaking was to offer an amendment. I understand that the amendment is now pending. I understand further that the purpose of the amendment is to restrict the emergency use of electronic surveillance to cases involving national security or organized crime.

Mr. YARBOROUGH. Nationwide organized crime.

Mr. TYDINGS. Mr. President, I wonder if the Senator from Texas would accept this language as a modification for his, since I think it is a little tighter: "with respect to conspiratorial activities threatening the national security interest or to conspiratorial activities characteristic of organized crime."

Mr. YARBOROUGH. Mr. President, there is one difficulty I face that the distinguished Senator from Maryland also faces. What is organized crime? Does it mean what we generally call a crime syndicate that operates on a vast scale, or is it something petty?

Mr. TYDINGS. It is the former. That would be my quick response.

Mr. YARBOROUGH. If the Senator would clarify it for the RECORD, then we would have in the RECORD what he means by organized crime. The Senator from Maryland was a distinguished U.S. district attorney.

Mr. TYDINGS. Mr. President, I ask unanimous consent that the part of the report of the Senate Committee on the Judiciary describing the operations of the Cosa Nostra, organized crime, and excerpts from my speech on organized crime be printed at this point in the RECORD as part of my response to the Senator's question.

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

LAW ENFORCEMENT

The major purpose of title III is to combat organized crime. To consider the question of the need for wiretapping and electronic surveillance techniques in the administration of justice, it is necessary first to consider the historical development of our system of criminal law and procedure and the challenge put to it today by modern organized crime. We inherited from England a medieval system, devised originally for a stable, homogeneous, primarily agrarian community. In our formative years, we had no professional police force. Today, however, we are a mobile, modern, heterogeneous, urban industrial community. Our Nation, moreover, is no longer small. Our traditional methods in the administration of justice, too, were fashioned in response to the problems of our Nation as they were in its formative years. In years past it was not possible to investigate crime aided by science. Today it is not only possible but necessary, in the development of evidence, to subject it to analysis by the hands of those trained in the scientific disciplines. Even so, scientific "crime detection, popular fiction to the contrary notwithstanding, at present is a limited tool" ("The Challenge of Crime in a Free Society" (1967)). In our formative years, offenses usually occurred between neighbors. No specialized law enforcement force was thought necessary to bring such crimes into the system of justice. Ignored entirely in the development of our system of justice, therefore, was the possibility of the growth of a phenomenon such as modern organized crime with its attendant corruption or our political and law enforcement processes.

We have always had forms of organized crime and corruption. But there has grown up in our society today highly organized, structured and formalized groups of criminal cartels, whose existence transcends the crime known yesterday, for which our criminal laws and procedures were primarily designed. The "American system was not designed with (organized crime) * * * in mind," the President's Crime Commission noted in its report "The Challenge of Crime in a Free Society" (1967), "and it has been notably unsuccessful to date in preventing such organizations from preying on society." These hard-core groups have become more than just loose associations of criminals. They have developed into corporations of corruption, indeed, quasi-governments within our society, presenting a unique challenge to the administration of justice. Organized crime has never limited itself to one illegal endeavor. Today, it is active in, and largely controls, professional gambling, which can only be described as exploitive, corruptive and parasitic, draining income away from food, clothing, shelter, health, and education in our urban ghettos. The net take is estimated at $7 billion a year.

Organized crime also has an almost monopolistic control over the illegal importation, distribution and sale of narcotics, which is estimated to be a $350 million a year business. The destruction of human personality, the violation of human dignity, even death, associated with addiction need not be belabored here nor ought it be necessary to point out again who the victims are, the poor, the uneducated, the unskilled, the young. The cost of narcotics varies, but it is seldom low enough to permit the typical addict to obtain money for drugs by lawful means. Theft and prostitution are necessary byproducts of many addicts.

Loan sharking, finally, is everywhere dominated by organized crime. Its estimated take is $350 million a year. Its victims, in contrast, come from all segments of our society. Only a pressing need for cash and no access to regular channels of credit separate the victim from each of us. Repayment is everywhere compelled by force. Since debtors are often pressed into criminal acts to find repayment, loan sharking also has wide social impact.

Organized crime has not limited itself to criminal endeavors. It has large spheres of legitimate business and union activity undermining our basic economic mores and institutions. In many cities, it dominates the fields of jukebox and vending machine distribution. Laundry services, liquor and beer distribution, night clubs, food wholesaling, record manufacturing, the garment industry, and a host of other lines have been invaded. Our free control of businesses has been acquired by the sub rosa investment of profits acquired from illegal ventures, accepting business interests in payment of gambling or loan sharks debts, or using various forms of extortion. After takeover, the defaulted loan has sometimes been liquidated by professional arsonists burning the business and collecting the insurance or by various bankruptcy fraud techniques. All of us consequently pay higher insurance premiums and higher prices to cover the losses. Many times the group, using force and fear, will attempt to secure a monopoly in the service or product of the business. When the campaign is successful, the organization begins to extract a premium price from customers. Either way, each of us suffers individually and our traditional economic way of life is damaged.

CORRUPTION OF DEMOCRATIC PROCESSES

Organized crime flourishes best only in a climate of corruption. Today's corruption is less visible, more subtle, and therefore, more difficult to detect and assess than the corruption of earlier times. With the expansion of governmental regulation of private and business activity, the power to corrupt has given organized crime greater control over matters affecting the everyday life of each of us. At various times, it has been the dominant political force in such metropolitan centers as New York, Chicago, Miami, and New Orleans. Political leaders, legislators, police officers, prosecutors, and judges have been tainted by organized crime, and the public is the victim because there can be no true liberty or justice under a corrupt government.

The President's Crime Commission, in their report "The Challenge of Crime in a Free Society" (1967), put it this way: Organized crime's success preaches "a sermon that all too many Americans heed: The Government is for sale; lawlessness is the road to wealth; honesty is a pitfall and morality a trap for suckers."

In discussing the use of electronic surveillance as a weapon against organized crime, the President's Crime Commission states:

"* * * communication is essential to the operation of any business enterprise. In legitimate business this is accomplished with written and oral exchanges. In organized crime enterprises, however, the possibility of loss or seizure of an incriminating document demands a minimum of written communication. Because of the varied character of organized crime enterprises, the large numbers of persons employed in them, and frequently the distances separating elements of the organization, the telephone remains an essential vehicle for communication."

Victims, complainants, or witnesses are unwilling to testify because of apathy, fear, or self-interest, and the top figures in the rackets are protected by layers of insulation and direct participation in criminal acts. Information received from paid informants is often unreliable, and a stern code of discipline inhibits the development of informants against organized criminals. In short, intercepting the communications of organized criminals is the only effective method of learning about their activities.

District Attorney Frank Hogan, a recognized national authority, who has served in the New York District Attorney's office for 32 years, states that wiretapping is an indispensable weapon in the fight against organized crime. The President's Commission on Law Enforcement and Administration of Justice had this to say about the organized crime problem in New York:

"Over the years New York has faced one of the Nation's most aggravated organized crime problems. Only in New York have law enforcement officials achieved some level of continuous success in bringing prosecutions against organized crime. For over 20 years, New York has authorized wiretapping on court order. Since 1957 "bugging" has been similarly authorized. Wiretapping was the mainstay of the New York attack against organized crime until Federal court decisions intervened."

[From the CONGRESSIONAL RECORD, May 13, 1968]

LA COSA NOSTRA

Today, organized crime in America—typified by La Cosa Nostra—consists of the 24 core groups, operating as criminal cartels in our major cities. The wealthiest and most in-

fluential are in New York, New Jersey, Illinois, Florida, Louisiana, Nevada, Michigan, and Rhode Island. The estimated strength of these groups is 5,000, of which 2,000 are in New York alone.

Each of the 24 groups is known as a "family." Membership varies from 700 down to five. Most cities have only one family, but New York City has five. Family organization is rationally designed to insulate one layer from another, and to protect members from law enforcement.

Family structure parallels that of Mafia groups on the island of Sicily. Each family is headed by a boss. Beneath him is the underboss. He collects information for the boss, relays messages to him, and passes instructions for him.

On the same level as the underboss is a "consigliere," usually an elder member whose judgment is valued. Below him are the "caporegime," who serve either as buffers between the top men and lower level personnel, or as chiefs of operating units.

That is, there may be one in charge of numbers, another for heroin, another for loan-sharking operations. They are used to maintain insulation from the police, and are like vice presidents.

Below the caporegime are the "soldati." They actually operate the illegal enterprise, supervising employees. It is they who oversee the numbers, heroin, loan sharking, infiltration of business, and highjacking.

UNIQUE PHENOMENON

But organized crime cannot be seen merely as a collection of groups which engage in narcotics, gambling, and loan sharking. There are at least two aspects of organized crime which make it unique. They are functions not found in other forms of criminal activity—"enforcement" and "corruption."

The "enforcer" maintains organizational norms by arranging to have potential deviates warned, and, when necessary, punished. The "corrupter" establishes relationships with public officials, police officers, and other potentially useful people to insure both their active assistance as well as their noninterference.

At the top of the structure is the "commission," the ruling body of the 24 families. It is a legislature, supreme court, board of directors, and arbitration board. It is composed of the bosses only of the most powerful families, but has authority over all. Membership varies from between 9 and 12.

Currently, nine families are represented on the commission—five from New York, and one each from Buffalo, Philadelphia, Detroit, and Chicago. Within the commission, men with longer tenure, larger families, and greater wealth are more powerful than others. The balance of power lies and has lain for some time, with the New York leaders.

GAMBLING

Organized crime has never limited itself to one illegal activity. Today, it is active in, and largely controls, professional gambling. This is its greatest source of revenue, estimated at an annual net of $7 billion.

There is middle-class gambling—as on the horses and other sporting events. And there is the lottery known as the "numbers" or "policy," which preys on the poor. In the numbers, the odds against winning are 1,000 to 1; the payoff, at best, is only 600 to 1. Its effect is to take out of the slums money which might otherwise be used for food, clothing, housing, and education.

Syndicated gambling uses enormously sophisticated devices which make detection nearly impossible.

I may say at this point that I speak from experience, having served as U.S. attorney for some 3 years, and having had experience in organized crime operations in my own area.

One example is the so-called black box, a device planted in an empty apartment, which automatically bucks calls to another location. Police who finally locate the apartment to which calls apparently are being made, raid the apartment, and find nothing but the box.

The great need is to deprive the syndicate of its means of doing business—the telephone.

NARCOTICS FEEDS CRIME

Narcotics, principally heroin, is another important source of organized crime's revenue. It is estimated at $350 million a year, more than half of which is sold in New York, and the rest primarily in Chicago, Los Angeles, Detroit, Washington, Philadelphia, Baltimore, and Newark.

Narcotics is certainly the most pernicious of organized crime's activities. And one of the reasons is that it has a multiplier effect. An impoverished addict must find cash to sustain his habit; and he inevitably turns to crime. The estimates of total street crimes committed by narcotics addicts are as high as 50 percent.

Addition is, of course, a disease. But the importation and distribution of drugs is a crime. Although the traffic in narcotics is run, at least in the East, by the syndicate, the top men have nothing directly to do with it. They simply provide the capital, and make policy. The absence of overt criminal acts by the top men makes traditional patrol and observation worthless.

LOAN SHARKING GROWING

Loan sharking is right now the major growth activity of organized crime. It is now bringing in about the same amount per year as narcotics—$350 million—but has the potential of surpassing even gambling as the major source of revenue.

Loan sharking is organized into a hierarchy. At the top is a La Cosa Nostra leader, who lends to trusted lieutenants large sums of cash, usually at the rate of 1 percent a week. The lieutenants give money to soldiers, at a rate of perhaps 3 to 5 percent a week. They, in turn, finance the level loan sharks who deal with people who need money. The rates vary, but usually are about 20 percent a week.

The setup includes "steerers," who bring potential borrowers to the loan sharks. They are anyone who has contact with large numbers of people. For example, a bartender makes an excellent steerer.

Victims come from every stratum of society—professional, industrial, commercial—especially high competition business like the garment industry—contractors, owners of small businesses, narcotics addicts, bettors.

They are people to whom—for one reason or another—legitimate channels of credit are closed.

Repayment is compelled by force. There is a special man, the enforcer, whose job it is to see that debts are repaid. Often debtors are forced into criminal activity to repay the loan shark. They may embezzle, act as numbers writers, or serve as fingerman for burglary rings; or, as, apparently, in the case of James Marcus, of New York, they may betray the public trust by giving special favors to syndicate-owned businesses.

CORRUPTION OF BUSINESS

The next major activity of La Cosa Nostra is the corruption of legitimate business. In many cities, the syndicate now dominates the distribution of juke-boxes and vending machines. In many cities it has or is obtaining monopolies in laundry and diaper services, garbage disposal, liquor distribution, nightclubs, food wholesaling, record manufacturing, and garment manufacturing.

Any business which is subject to cyclical shifts or other ups and downs is vulnerable. Often the small, marginal businessman—just the one who most needs society's protection—is the one driven out by the Cosa Nostra. In general, organized crime is most interested in businesses with a high cash turnover, and which therefore lend themselves to "skimming."

Control is obtained in one of three ways: First, the syndicate decides to move in, and invests great amounts of money acquired from illegal ventures. Second, it may accept business interests in lieu of repayment of gambling or loan shark debts. La Cosa Nostra never merely kills; it first asks what a debtor can do for it. Finally, there are the old tried and true methods of extortion, which are used freely to take over businesses.

* * * * *

Mr. TYDINGS. After a takeover, a professional arsonist may burn the business; and the insurance is collected by the syndicate. Or the business can be stocked, and the stock sold quickly at bargain prices, driving the business into bankruptcy. There are about 250 of these bankruptcy frauds each year, netting $200,000 per job.

Sometimes, as in the case of laundry, vending machines, and trash collection, La Cosa Nostra will decide to stay in the business. Then it will use force and intimidation to drive competitors out of business. And once it has a monopoly, quality declines, and prices rise.

CORRUPTION OF UNIONS

The final major activity of organized crime is the corruption of unions. Control of the labor supply through control of unions can prevent unionization of some industries and get sweetheart contracts in others.

Control of unions creates the opportunity to steal union funds, to extort employers, to manipulate union welfare and pension funds and insurance contracts. Further, such control provides additional opportunity for gambling, loan sharking, and systematic theft. Many industries—trucking, construction, waterfront—have been "persuaded" to accept great amounts of illegality to ensure labor peace.

Sometimes union membership itself becomes a matter of grace, dispensed by La Cosa Nostra officials, rather than a right guaranteed to every man by law. All this makes a mockery of much of the social legislation of the past 50 years.

PREYS ON THE POOR

The most insidious aspect, however, of La Cosa Nostra is that it preys on the poor. Indeed, the relationship of organized crime and the poor is close and essential. The poor depend on organized crime to dispense services—such as narcotics, the numbers. Organized crime depends on the poor for much of its revenue.

Take, for example, narcotics. Heroin addiction is a disease of the poor. Saying that it is a consensual crime is like saying that the man with heart disease wants it. Of the 59,720 known heroin addicts, more than 50 percent are Negroes. Fifty-two percent of all known addicts live in New York State, mostly in Harlem and other ghettos.

And, of course, they must commit crimes to sustain their habits. Those who saw that striking film "The Cool World" can understand the relationship between organized crime and the poor. It was stated well by the President's Commission on Civil Disorders:

"With the father absent and the mother working, many ghetto children spend the bulk of their time on the streets—the streets of a crime-ridden, violence-prone, and poverty-stricken world. The image of success in this world is not that of the 'solid citizen,' the responsible husband and father, but rather that of the 'hustler' who promotes his own interests by exploiting others. The dope sellers and the numbers runners are the 'successful' men because their earnings far outstrip those men who try to climb the economic ladder in honest ways.

"Young people in the ghetto are acutely conscious of a system which appears to offer rewards to those who illegally exploit others, and failure to those who struggle

under traditional responsibilities. Under these circumstances, many adopt exploitation and the 'hustle' as a way of life, disclaiming both work and marriage in favor of casual and temporary liaisons. This pattern reinforces itself from one generation to the next, creating a 'culture of poverty' and an ingrained cynicism about society and its institutions."

The Reverend Martin Luther King, Jr., understood this problem well:

"The most grievous charge against municipal police is not brutality, although it exists. Permissive crime in ghettos is the nightmare of the slum family. Permissive crime is the name for organized crime that flourishes in the ghetto—designed, directed, and cultivated by the white national crime syndicates, operating numbers, narcotics, and prostitution rackets freely in the protected sanctuaries of the ghettos. Because no one, including the police, cares particularly about ghetto crime, it pervades every area of life."

The poor themselves understand the problem. Recent surveys of the attitudes of people *living in* Harlem and Watts ranked crime and narcotics addiction, along with housing and jobs, as the most serious problem of the ghetto.

Hearings held in the 89th Congress by the Subcommittee on Executive Reorganization of the Senate Committee on Government Operations established the same thing. As one witness put it:

"When people talked about 'problems of Harlem' or 'even problems in my block,' the mention of integrated schools, busing, police brutality or some other problem . . . just don't get much attention or mention . . . they chose to talk about inadequate housing, and the problems which are offspring of that major problem, such as crime, dope addiction, winos, and inadequate police protection."

THE "UNTOUCHABLES"

La Cosa Nostra does have a kind of immunity from law enforcement. It must have it, to insure its ability to operate with minimal risk. And so it systematically corrupts public officials at all levels of government.

Zoning, land acquisition, contract procurement—these are functions of government in which organized crime has a great stake. And as the scope of governmental activity grows, so does the necessity of the syndicate to corrupt.

The mere amount of money controlled by La Cosa Nostra makes enormous its ability to corrupt. With an estimated annual net of $10 billion, La Cosa Nostra is the richest corrupter in history. As Meyer Lansky, described as La Cosa Nostra's financial wizard by Life magazine, put it, "We're bigger than United States Steel."

Politics requires money. A conservative estimate by Alexander Heard, the political scientist and expert on money and politics, is that 15 percent of all political contributions come from criminal sources.

At various times, as Senate hearings have shown, organized crime has been the dominant political force in such cities as New York, Chicago, Miami, and New Orleans. La Cosa Nostra nearly took over Portland, Oreg., and Kansas City, Mo. Smaller communities like Cicero, Ill., and Reading, Pa., have been virtual baronies of organized crime.

It is in Illinois that corruption has been, perhaps, most blatant. For years, the "West Side block" has fought against legislation contrary to the interests of organized crime—including nearly every piece of decent social legislation proposed. One of its associates, Roland Libonate, became a Member of the U.S. House of Representatives, a member of the House Judiciary Committee.

In New York, a newly nominated judge pledged his undying loyalty to a Cosa Nostra boss, who helped him to obtain his seat on the bench. This was fully documented by the Kefauver committee.

How much governmental corruption can a democratic society tolerate? Our system of government depends on the disinterested judgment of the public's representatives. If they are not free to give it, what does this do to our system? There is no true civil liberty anywhere where the government is corrupt.

The names of organized crime's leaders are well known. Does the public not wonder why, if they are such criminals, they remain free to engage in criminal activity? What is our answer?

This is how the President's Crime Commission put it:

"In many ways, organized crime is the most sinister kind of crime in America. The men who control it have become rich and powerful by encouraging the needy to gamble, by luring the troubled to destroy themselves with drugs, by extorting the profits of honest and hard-working businessmen, by collecting usury from those who oppose them, by bribing those who are sworn to destroy them. Organized crime is not merely a few preying on a few. In a very real sense it is dedicated to subverting not only American institutions, but the very decency and integrity that are the most cherished attributes of a free society. As the leaders of Cosa Nostra and their racketeering allies pursue their conspiracy unmolested, in open and continuous defiance of the law, they preach a sermon that all too many Americans heed: The government is for sale; lawlessness is the road to wealth; honesty is a pitfall and morality a trap for suckers."

Or, as a social worker describing life in the ghetto put it:

"When a noted criminal is caught, the fact is the principal topic of conversation among boys. They and others lay wagers as to how long it will be before the criminal is free again, how long it will be before his pull gets him away from the law. The youngsters soon learn who are the politicians who can be depended upon to get offenders out of trouble, who are the dive-keepers who are protected. The increasing contempt for law is due to the corrupt alliance between crime and politics, protected vice, pull in the administration of justice, unemployment, and a general soreness against the world produced by these conditions."

In other words, when the government is unable to enforce the law, people, particularly young people, realize that the law is not worthy of allegiance. When top criminals, known to all, live in big houses, in exclusive neighborhoods, drive plush cars, crime is seen as the road to success.

Young people know that only the small-time crook is vulnerable to the law. The higher one goes, the more crime he engages in, the greater is his immunity from law. The ambitious young man realizes that he can rise through crime—from petty strong-arm man to powerful pillar of community.

Mr. YARBOROUGH. Mr. President, with that clarification, I accept the language of the Senator from Maryland as a modification of my amendment.

Mr. McCLELLAN. Mr. President, if that is accepted, I have no objection to the amendment.

Mr. YARBOROUGH. Mr. President, I accept the modification with the explanation of the Senator from Maryland as to what he means by organized crime, as included in the report.

The PRESIDING OFFICER. The clerk will report the modification.

The bill clerk read as follows:

On page 70, line 24, insert the following after the word "exists": "With respect to conspiratorial activities threatening the national security interest or to conspiratorial activities characteristic of organized crime."

The PRESIDING OFFICER. The amendment is so modified.

Who yields time?

Mr. McCLELLAN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 7 minutes remaining.

Mr. McCLELLAN. Mr. President, I yield myself 2 minutes.

Mr. President, I call the attention of the Senator to the fact that they have had this authority in New York for over 25 years. They had a legislative committee make a thorough investigation on the allegations of the abuses of this practice. After a 5-year investigation, it was reported that they found no abuse of this law.

In respect to whether it applies, is workable, and produces results, it is said that there is as much crime in New York now as there ever was. However, how much more crime would there have been if there had not been some law enforcement?

There is more crime in the United States now than there ever has been. That is our trouble. We have not had effective law enforcement. We should be able to enforce the law.

This is an instrument to help enforce the law.

Mr. Hogan, who is the most experienced man with this and who is the one who investigated it up there, said in the report after a thorough investigation that on the basis of his experience says:

That telephonic interception, pursuant to court order and under proper safeguards, is the single most valuable and effective weapon in the arsenal of law enforcement, particularly in the battle against organized crime.

In my judgment, it is an irreplaceable tool and, lacking it, we would find it infinitely more difficult, and in many instances impossible, to penetrate the wall behind which major criminal enterprises flourish.

He said further, referring to wiretapping:

Without it, and I confine myself to top figures in the underworld, the New York County District Attorney's Office, under the leadership of my distinguished predecessor, Thomas E. Dewey, and during my own tenure, could not have convicted Charles "Lucky" Luciano, Jimmy Hines, Louis "Lepke" Buchalter, Jacob "Gurrah" Shapiro, Joseph "Socks" Lanza, George Scalise, Frank Erickson, John "Dio" Dioguardi and Frank Carbo. Joseph "Adonis" Doto, tried in New Jersey, was convicted and deported on evidence supplied by our office and obtained by assiduously following leads secured through wiretapping.

All these people, he said, were convicted as a result of it.

I know there is always some risk in any law that is passed. Today we have wiretapping. Today we have electronic surveillance by the criminal, in the homes, to find out when people are going to be away, so the criminals can rob the homes. They use it. You cannot convict them under the law today because you cannot prove disclosure.

It seems to me, Mr. President, that if the State of New York and its officials can operate for 20 years under a statute comparable with the proposed legislation—in fact, looser than the proposed legislation, because we have tried to pick up the loose ends where the Supreme

Court said it did not come within the Constitution—if they can operate that law effectively and without a scandal, I believe I can trust the officials of Texas, of Arkansas, and of other States to be just as honorable and just as effective in the discharge of their duties, if they are given the proper tools to do the job.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. YARBOROUGH. The distinguished Senator from Arkansas has had broad experience before his service in the Senate, as a famed prosecuting attorney and law enforcement official.

Mr. McCLELLAN. I was never famed. I was just a country prosecutor.

Mr. YARBOROUGH. I am in favor of protecting the national interest.

Mr. McCLELLAN. I am sure the Senator is, and we all are.

Mr. YARBOROUGH. I express concern about giving equal authority to every county and district attorney in America.

Mr. McCLELLAN. The States would have to pass a law, just as New York did.

Mr. YARBOROUGH. I also express concern about bringing in these minor misdemeanors in section (b). The whole truth-in-lending bill was added to it today, every business transaction on interest rates.

Mr. McCLELLAN. Mr. President, I have the floor.

Mr. YARBOROUGH. I beg the Senator's pardon.

Mr. McCLELLAN. We have thousands of law enforcement officers. But if the State of New York, with its officials, can operate this type of statute without scandal and those officials can be trusted and they get good results from it, will the Senator agree with me that the officials of the State of Texas can likewise be trusted? I believe the officials in my State can be trusted. I can trust my people to elect officers who I believe will not be guilty of corruption. There may be one here and there in every State. We know that. There is some element of risk in everything we do. But we have a crisis, and we must try to deal with it.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. YARBOROUGH. The Senator mentioned corruption. I made no suggestion of any county or district attorney being guilty of corruption. We are talking about the judgment they would use—thousands of these county and district attorneys.

Mr. McCLELLAN. I believe they are the same as the people in New York.

Mr. GORE. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

The PRESIDING OFFICER. The time has expired.

Mr. MANSFIELD. Mr. President, I ask that the Senator have 1 additional minute.

Mr. GORE. Mr. President, it will take more than 1 minute. Will the Senator ask for 3 minutes?

Mr. MANSFIELD. I ask for 3 minutes.

Mr. GORE. Do I correctly understand that there is no Federal statute now which provides a crimianl penalty for wiretapping?

Mr. McCLELLAN. Not for wiretapping, unless it can be proved that after the tapping there was a disclosure of what was heard. That is correct. There must be the combination of the two in order for it to be a crime.

Mr. GORE. Then, is the principal question of legislation involved here the use of the disclosure and the use of the evidence for the purpose of conviction?

Mr. McCLELLAN. The first thing is to outlaw all wiretapping except that approved by a court.

Mr. GORE. So to this extent it is a positive force. No wiretapping is now outlawed. If this bill becomes law, all wiretapping will be outlawed except that which complies with the terms of the bill.

Mr. McCLELLAN. That is absolutely correct. We made the penalty heavy.

One may detect a wiretapping or electronic surveillance on his telephone and know who did it, but until he can prove that the one who intercepted the conversation disclosed it to someone else, a crime has not been committed.

Mr. GORE. Then, if I correctly understand the bill, it would legalize or provide a framework for legal use of electronic surveillance and it would prohibit the use of electronic eavesdropping unless it does comply with the statute.

Mr. McCLELLAN. Absolutely—with a heavy penalty.

Mr. GORE. Do I correctly understand that, if evidence is deduced in conformity with the terms of the pending bill, if it becomes law, this evidence can then be used in the prosecution of a case?

Mr. McCLELLAN. The Senator's understanding is correct.

Mr. YARBOROUGH. Mr. President, I yield myself 2 minutes on the bill.

Mr. MANSFIELD. Mr. President, I am sorry, but we must get on. We are trying to make a deadline. We asked the distinguished Senator from Hawaii [Mr. FONG] to hold back his amendment so that the Senator from Texas could catch an airplane or make some other connection later. Perhaps we can go on and get this matter straightened out.

The PRESIDING OFFICER. The additional time has expired.

Mr. MANSFIELD. I ask that the Senator from Texas have 1 additional minute, and that will be it.

Mr. YARBOROUGH. With reference to the colloquy between the distinguished Senator from Arkansas and the distinguished Senator from Tennessee, it is now illegal for anyone to bug a phone by electronic surveillance and tell anybody. What are the private eyes all over the Nation hired for—to bug and not tell the people who paid them? Businesses are bugging each other's phones. It is illegal if they tell anybody. When they hire the private wiretappers, the latter tell the people who pay the fees. As the Senator from Maryland said, it is specious to say it is not a violation of the law to tap now; it is only a violation if you tap and tell somebody. Certainly, they tell somebody. Only experts know how to tap. The owners of the businesses do not do the tapping personally. All this surveillance is revealed, and it is a crime under present law.

The PRESIDING OFFICER (Mr. McINTYRE in the chair). The time on the amendment has expired.

The question is on agreeing to the amendment, as modified, of the Senator from Texas.

The amendment, as modified, was agreed to.

Mr. FONG. Mr. President, I call up amendment No. 775 and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. FONG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 80, between lines 14 and 15, insert the following:

"SEC. 804. (a) Except as provided in subsection (b) of this section, upon the expiration of the fifth year following the date of the enactment of this Act, section 2514 and sections 2516 through 2518 of title 18, United States Code, shall have no force or effect.

"(b) During the eighteen-month period beginning on the expiration of the fifth year following the date of the enactment of this Act—

"(1) the provisions of section 2514 of title 18, United States Code (relating to immunity of witnesses) shall apply with respect to cases or proceedings before any grand jury or court of the United States involving any violation of chapter 119 of such title (or any conspiracy to violate such chapter) which occurred prior to the expiration of such year;

"(2) the provisions of section 2517 of title 18, United States Code (relating to authorization for disclosure and use of intercepted wire or oral communications) shall apply with respect to wire or oral communications intercepted prior to the expiration of such year; and

"(3) the provisions of paragraphs (8), (9), and (10) of section 2518 of title 18, United States Code, shall apply with respect to wire and oral communications intercepted prior to the expiration of such year."

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. FONG. I yield.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 20 minutes on the two amendments to be offered by the Senator from Hawaii, the time to be equally divided between the Senator from Hawaii and the manager of the bill.

Mr. FONG. Mr. President, does the request mean there will be 10 minutes to each side on each amendment?

Mr. MANSFIELD. The Senator is correct. I understand these are the last two amendments to title II, and that when we dispose of these two amendments we will take up title I.

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

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the Senator from Hawaii yield to the Senator from Rhode Island [Mr. PELL] so that he may introduce a parliamentary delegation from the Republic of Niger?

Mr. FONG. I yield 2 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

VISIT TO THE SENATE BY PARLIAMENTARY DELEGATION FROM THE REPUBLIC OF NIGER

Mr. PELL. Mr. President, we are very pleased to have as visitors to the Senate today four Members of the Parliament of the Republic of Niger who are making a 30-day tour of the United States. I should like to present them at this time:

The Honorable Maigachi Dangaladima.

The Honorable Ousmane Ibrahim Diallo.

The Honorable Amadou Maiga Katkore.

The Honorable Ousmane Toudou.

[The distinguished visitors rose in their places and were greeted with applause, Senators rising.]

RECESS

Mr. PELL. Mr. President, I ask unanimous consent that the Senate stand in recess for 3 minutes for the purpose of greeting our distinguished guests.

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

Thereupon, at 3 o'clock and 10 minutes p.m., the Senate took a recess until 3:13 p.m.

During the recess, the distinguished guests were greeted by Members of the Senate.

On expiration of the recess, the Senate reassembled and was called to order by the Presiding Officer (Mr. MCINTYRE in the chair).

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. FONG. Mr. President, I am very happy that the Senate has seen fit to accept the amendment offered by the distinguished Senator from Texas [Mr. YARBOROUGH]. The purpose and thrust of his amendment were the same as those of the amendment I had offered this morning relative to the entire bill. I am happy that the Senate has now agreed to adopt the principles of my amendment, even though their terms apply only to the area of national security.

The amendment which I now offer, if agreed to, would limit title III to a period of 5 years from the date of enactment.

Mr. President, as we have debated and thoroughly considered every aspect of the provisions of title III during the past few weeks, we have been reminded again and again that the right of privacy, the right to be left alone, the right against unreasonable searches and seizures—the right, that is, to be personally secure—are among the most fundamental to our freedom and our liberty.

Wiretapping and eavesdropping are, I am firmly convinced, enormously dangerous practices, precisely because they grievously threaten these individual liberties.

As Mr. Justice Brandeis pointed out:

> The makers of our Constitution . . . sought to protect Americans in their beliefs, their thoughts, their emotions, and their sensations. They conferred as against the Government the right to be let alone—the most comprehensive of the rights of man and the right most valued by civilized man.

Whether or not the protection of the Constitution applies in a particular instance does not, as the Supreme Court recently pointed out, turn on whether the site of the intrusion is a "constitutionally protected area."

The Court said:

> What a person seeks to preserve as private, even in an area accessible to the public, may be constitutionally protected. . . . No less than an individual in a business office, in a friend's apartment, or in a taxicab, a person in a telephone booth may rely upon the protection of the Fourth Amendment.

Wiretapping and eavesdropping cannot, by their very natures, be limited to a particular person, place or purpose. They are unlimited and unlimitable. Whenever a tap is placed on a telephone, for example, it monitors all conversations on that telephone, and every phone in the world which may be connected with it.

The chaotic conditions presently existing in this area, however, serve neither the interests of individual liberty nor the legitimate needs of law enforcement; they can no longer be tolerated.

Wholesale violations of existing law by individuals and law-enforcement agencies across the country must cease.

The virtual absence of any regulation of eavesdropping, in the face of its increasing prevalence and the exploding technology in the area must be remedied.

The confusing hodgepodge of standards under the State laws must be clarified.

New legislation is therefore an urgent necessity under which wiretapping and eavesdropping would be narrowly confined and stringently controlled, under uniform standards and precisely defined circumstances.

But in my estimation, title III, even as modified and amended at this juncture, does not fill this bill.

What we have here, I believe, is still a rather loosely drawn court-order system under which widespread eavesdropping and bugging by a vast array of State and local police officials, and by Federal authorities can be conducted in connection with a vast number of suspected offenses.

If title III in its present form were to be enacted into law, I am convinced that our highly valued heritage of privacy and of freedom from arbitrary intrusion by the police would soon be drastically undercut. It would not be long before the authoritarianism of police rule would be substituted for the authority of law and the majesty of due process.

I believe title III should be stricken from the omnibus bill. It is a most dangerous measure—badly drafted, and very probably unconstitutional. I believe that the upshot of its very complicated provisions would be to legitimatize the most pervasive invasion of privacy yet seriously proposed.

Having failed to delete it from the bill, I urgently call upon my colleagues to adopt the amendment I have now called up—to limit the life of its dangerously permissive provisions to 5 years.

In view of the Senate's adoption this morning of an amendment which I had also proposed—and, had intended to call up today—to establish a National Commission on Electronic Surveillance, it would be most appropriate to adopt my amendment to limit the effectiveness of title III to 5 years, pending the study and report of the commission. I believe that a 5-year limitation goes hand in hand with an in-depth study and an exhaustive report which the Commission will produce—to help guide the Senate when title III is reconsidered 5 years from now.

Should 5 years' experience under title III provisions prove my fears to be unfounded; should wiretapping and eavesdropping prove in actual experience of 5 years' duration to be useful; should their cost be shown to be small with respect to the erosion of our civil liberties and our constitutional rights—then, and only then, I am sure, the Congress will not hesitate to make the legislation permanent.

In the light of the tremendously advanced state of eavesdropping technology today—with its vast potential for the invasion of privacy—I feel very strongly that we owe it to each individual American citizen to require this second look at title III before it passes with finality into the statute books.

My amendment would provide a transition period of 18 months following the expiration of the law. During those 18 months, the provisions dealing with the immunity of witnesses and proceedings before any grand jury or Federal court involving any violation of the law would continue in effect; provisions relating to authorization for disclosure and use of intercepted wire or oral communications would continue in effect; and the provisions regarding the use, disclosure, and suppression of the contents of any intercepted communication would continue in effect. I ask my colleagues to adopt the amendment to limit title III to 5 years and take a second look at it before it goes onto the statute books permanently.

Mr. TYDINGS. Mr. President, I appreciate the objectives of the amendment of the Senator from Hawaii. However, I think it is unnecessary. The amendment adopted this morning provides for a Study Commission and a 6-year review by a joint senatorial-House and civilian Commission to review the entire history of the act.

Section 2519 of title III as written today provides for it, as follows:

> (3) In April of each year the Director of the Administrative Office of the United States Courts shall transmit to the Congress a full and complete report concerning the number of applications for orders authorizing or ap-

proving the interception of wire or oral communications and the number of orders and extensions granted or denied during the preceding calendar year. Such report shall include a summary and analysis of the data required to be filed with the Administrative Office by subsections (1) and (2) of this section.

Thus, each year Congress is going to have, on the basis of extremely thorough reports and analysis, a review of the operations of this act. Incidentally, 6 years after the date of enactment, the Presidential Commission—which includes four Members from this body, four Members from the House, and 11 civilians—will conduct another survey. Any time during the operation of the act, Congress can always revoke or abrogate its enactment of this legislative proposal. So I think that the Senator's amendment is unnecessary and superfluous and I would hope that he would withdraw it. If not, I hope that the Senate will not agree to it.

Mr. FONG. Mr. President, this law is all pervasive. It is the first law we will have on the statute books relative to the invasion of privacy. We are entering into a new field. It is, therefore, most necessary that the Senate commit itself to take a second look at it, and that this be done on a date certain—rather than to blindly accept legislation the consequences and implication of which cannot possibly be known at this time.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. There is not a sufficient second.

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

The PRESIDING OFFICER. The Parliamentarian informs the Senator from Hawaii that he does not have sufficient time remaining to suggest the absence of a quorum until all time has been yielded back.

Mr. FONG. Mr. President, I ask unanimous consent that I be given sufficient time to suggest the absence of a quorum so that I may ask for the yeas and nays.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Hawaii? The Chair hears none, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FONG. 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. FONG. Mr. President, I renew my request for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. MUNDT. Mr. President, I speak in support of title III of the Omnibus Crime Control and Safe Streets Act of 1967 without any crippling amendments. This section of the bill both permits and prohibits wiretapping and it both permits and prohibits electronic eavesdropping, more commonly referred to as "bugging." Although there is a legal distinction between the two, for the purposes of my remarks, and because the general principle remains the same, I shall for the most part simply refer to the interception of oral and wire communications as wiretapping.

On the one hand, title III permits wiretapping by law-enforcement officers, operating under a court order obtained after showing probable cause, to investigate a wide range of specified crimes including murder, robbery, organized crime, and drug abuse. On the other hand, it prohibits all other wiretapping by civilians except that authorized by the President in the interest of national security and by employees of the Federal Communications Commission and certain other individuals in the normal course of their job.

Mr. President, in my estimation this is a balanced and sensible approach. It is also needed. As the President's Crime Commission reported after reviewing the use of wiretaps and the history of court decisions in this field:

> The present status of the law with respect to wiretapping and bugging is intolerable. It serves the interests neither of privacy nor of law enforcement.

I believe this title serves both.

Everyone agrees that private wiretapping or eavesdropping should be prohibited. It is repugnant to our way of life. And yet it has grown substantially in the last few years. The use of remarkably sophisticated listening devices, which gained prominence and publicity in the form of the famous olive in the martini, can give everyone cause to wonder if their most casual conversation is not being transmitted to the world at large. Wiretapping of telephones is just as clever, and when not legally authorized, it is fully as repugnant, indefensible, and undesirable. Title III deals constructively and effectively with this problem.

Some individuals who employ these devices are law-enforcement agents who are attempting to protect society. Unfortunately, numerous private persons are also utilizing these techniques. Domestic relations, industrial espionage, and counterespionage, information obtained for civil litigation are all fertile fields for those who traffic in other people's privacy. Title III takes care of this by making it a crime to intercept communications without the consent of one of the participants.

In the same respect, while we abhor private wiretapping, almost everyone agrees that the President should be allowed to authorize wiretapping and electronic surveillance when our national security is involved. Enemies of our Nation and determined criminals do not advertise and they do not welcome close observation of their activities. They thrive on stealth and secretiveness. To protect ourselves we must know what they are doing and planning. Wiretapping is a time-honored and time-tested method of gaining intelligence information. These two aspects being accepted and relatively uncontroversial, the real question in title III boils down to when and how should the Government, in the form of its law-enforcement officials, be allowed to use wiretaps and "bugs." Implicit, I believe, Mr. President, in this question is "Why?"

The "why" is one of the most cruel and powerful forces operating in the United States today. The real purpose of title III is to provide our governments—Federal, State, and local—with an effective tool to fight organized crime, a cancer in our system which if allowed to go uncontrolled could very well destroy our society.

The report on S. 917 documents the dire need for this legislation. In addition, the President's Crime Commission in their task force report on organized crime recommended that Congress, as a means of making a full-scale commitment to destroy the power of organized crime groups, enact legislation dealing specifically with wiretapping and bugging.

Recently, former Vice President Nixon in his excellent position paper on crime endorsed title III. In commenting on the need for wiretap legislation, Mr. Nixon stated:

> Organized crime is a secret society. By denying to State and Federal law enforcement agencies the tools to penetrate that secrecy, the President and the Attorney General are unwittingly guaranteeing the leaders of organized crime a privileged sanctuary from which to proceed with the systematic corruption of American life.

As the quotation from Dick Nixon's position paper indicates, the present administration through its Attorney General, Ramsey Clark, has expressed opposition to legalizing wiretaps. This position by the Attorney General, the so-called "Mr. Big" in the fight against crime, is hard to understand or justify. It certainly is not supported by the evidence of the hearings. In particular, I mention the testimony of Professor Blakey. The evidence he presented, based upon Department of Justice files, completely refutes the Attorney General's contention that electronic surveillance is not effective. It is also interesting to point out that every Attorney General since 1931, with the exception of Ramsey Clark, has endorsed some type of legislation granting law enforcement officers the right to utilize some sort of wiretapping in the investigation of major crimes under controlled conditions stipulated by the court.

Mr. President, I do not sit on the Committee on the Judiciary, the committee that considered this legislation. I am a member of the Permanent Investigations Subcommittee, however, that has investigated organized crime and I am very familiar with this sinister apparatus.

The Permanent Investigations Subcommittee of the Government Operations Committee has on at least two different occasions come into contact with organized crime. One time we backed into it when we were investigating the labor rackets and found that the criminal syndicate, those greedy merchants of filth and influence, had managed to gain a foothold in the otherwise honest labor movement. Our last investigation was a frontal attack on organized crime in the so-called Valachi hearings on the Cosa Nostra.

These hearings, in 1963 and 1964, were described as the first major breakthrough in the barrier of silence that has traditionally surrounded and protected the hierarchy of the underworld, particularly the supersecret Mafia, or as it is now called, the Cosa Nostra.

As I have said, the focal witness in those hearings was Joe Valachi, a member of the Cosa Nostra. His testimony and the supporting testimony of law enforcement officials who had been battling organized crime exposed the extent of the clandestine activities of the criminal syndicate.

It has, I believe, been amply demonstrated in those hearings and in others that modern-day crime is big business. It is organized, well financed, and ruthless. It controls a portion of our society unmatched in any other period of our Nation's history. Gambling, prostitution, extortion, murder for pay, loan sharking, labor racketeering, and narcotics are just a few of its illegal activities.

In addition, organized crime has spread its tenacles into many legitimate businesses. Through huge personal fortunes wrenched and beaten from the poor and unfortunate, many gangsters have surrounded themselves with an aura of respectability. The fact that the fruit is as bitter as the vine cannot be determined by others—until this awesome economic power, coupled with traditional muscle power, is brought to bear upon other honest, competitive businessmen to drive them out of business—and thus, in a monopolistic world, raise their prices.

Mr. President, at this time I should like to point out just how diversified the Cosa Nostra operation has become and how they have contaminated so much of our society. All of us are aware of their control of such activities as gambling syndicates and prostitution rings, but when we hear of a company going bankrupt or of a purse snatched, do we associate it with organized crime? Probably not; yet the chances are good that organized crime was involved.

Let us take the bankruptcy situation. According to FBI Director J. Edgar Hoover, an old scheme—planned bankruptcy—has recently gained favor with the organized underworld. The Cosa Nostra even has a name for it. They call it "scam."

This is how it works. Organized crime either uses one of its dishonest means, such as gambling debts, or simply its economic power, to purchase a legitimate business having a good credit rating. Then, capitalizing on the company's good reputation, the organization immediately, on credit or with postdated checks, purchases huge stocks of various products. Those products are turned into cash by resale at reduced prices or passed along to fellow hoodlums who control legitimate outlets for the merchandise involved. Eventually, of course, the business declares bankruptcy, honest businessmen are victimized, and organized crime moves its ill-gotten profits into its foreign bank accounts or uses them to finance more of its evil empire.

I mention this activity, Mr. President, because some critics of title III have singled out the enumeration of so many crimes in this bill as one of its weaknesses, saying that we have gone too far and have included crimes that are not related to organized crime. Yet bankruptcy fraud is one of those enumerated crimes, one which, without wiretaps, it is difficult to pin to the men responsible, the ones who put up the seed money and masterminded the takeover, but did not run the business.

Let me turn now to the purse snatcher. Was he a drug addict? Did he steal so that he could buy another fix? Who introduced him to narcotics in the first place? Who acts as his supplier? The record of the Cosa Nostra is well established in the control of narcotics traffic.

There are other methods in which organized crime maintains a hold over the poor and forces them into criminal activity. Maybe it was a gambling debt or perhaps a loan-shark operation in which the ghetto resident found that it was easy to get the loan but difficult to make the high-interest payments.

This is a point, Mr. President, that I believe should be emphasized at the moment. We have in this city thousands of people participating in a Poor Peoples' March. They ask Congress to legislate in their behalf. With this bill, we have an opportunity to do so. Few people realize it, but organized crime victimizes the poor, proportionally, more than any other segment of our society. The poor and the vulnerable are the prime target of the powerful and the vipers. Narcotics, the numbers game, and loan sharking find their richest mother lode in the ghettos of America.

The President's Crime Commission undestood and commented upon this. The late Martin Luther King, Jr., said that organized crime is the "nightmare of the slum family," and the people in the ghettos, I am sure, realize this. They can not help it. They live with it.

This, Mr. President, is my point. We all live with it. Lower class, middle class, upper class—all of us are confronted with the threat of organized crime living off us as the leeches they are, incapable of life by themselves, but subsisting only on the blood money of their victims.

To counteract this force, better methods of gathering information are necessary so that arrests may be made and convictions obtained. The method suggested by the President's Crime Commission was legalized wiretapping. The method selected by the most successful prosecutor of organized crime, Frank Hogan, of New York, is wiretapping. The method endorsed by the Judicial Conference of the United States and by the National Association of Attorney Generals is wiretapping.

They all realize that conventional methods of securing evidence are not sufficient when organized crime is involved. Informers, undercover agents, and the hope that public-spirited citizens will come forward with information are simply not enough. The Cosa Nostra is famous for its wall of secrecy and silence. With the exception of Joe Valachi, there have been no dramatic break-outs of a mob member turning over information to the police, and the process of infiltrating the Cosa Nostra with undercover agents is painfully slow.

We do make arrests and obtain a few convictions, but these are generally on the lower levels. As our organized crime hearings pointed out, the crime chieftains have developed the process of "insulation" to a remarkable degree. The efficient police forces in a particular area may well be aware that a crime leader has ordered a murder, or is an important trafficker in narcotics, or controls an illegal gambling network. Convicting him of his crimes, however, is usually extremely difficult and sometimes is impossible simply because the top-ranking criminal has taken the utmost care to insulate himself from any apparent physical connection with the crime or with his hireling who commits it.

In the same respect, it is wishful thinking to believe that the plans and orders of organized crime will be found on paper or sent through the mails. The interception of oral communications between organized criminals is the only effective way of learning about their activities.

I am afraid, Mr. President, that without this legislation we will be forced to limp along at our present pace and this is not sufficient. For every "soldier" like Joe Valachi who does provide information, there are hundreds more who will not, and for every family "boss" like Vito Genovese that we have behind bars, there are others like Sam Giancana who are still free.

In my estimation, Mr. President, the when and how of legalizing wiretapping and electronic surveillance and still not destroying the right to privacy have been handled in an admirable and constitutionally sound way in this legislation. By following the guidelines set down by the Supreme Court in Berger against New York and Katz against United States, the Senate has achieved that delicate balance between protecting the individual and protecting society through law enforcement. Under the Senate bill, the electronic surveillance must be authorized by the Court, similar to the granting of a search warrant, it must be to investigate a particular suspected crime, and it is limited in its use.

Mr. President, I urge the adoption of title III as it is. By so doing, we will be driving another nail in the coffin of crime in this country. We are developing a sound and powerful weapon to attack crime with each title we pass. They are all interrelated and dependent on one another. We must not upset that balance.

The PRESIDING OFFICER. Who yields time? Is all time now yielded back? Does the Senator from Hawaii yield back his time?

Mr. FONG. I understood from the Chair that I had no time remaining.

The PRESIDING OFFICER. The Senator from Hawaii has 1 minute remaining.

Mr. FONG. Mr. President, I yield back the remainder of my time, although I was told by the Chair that I did not have any.

Mr. TYDINGS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has now been yielded back on the amendment. The question is on agreeing to the amendment of the Senator from Hawaii.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Idaho [Mr. CHURCH], the Senator from Penn-

sylvania [Mr. CLARK], the Senator from Connecticut [Mr. DODD], the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Minnesota [Mr. MONDALE], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Florida [Mr. SMATHERS], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Pennsylvania [Mr. CLARK], the Senator from Connecticut [Mr. DODD], the Senator from Alaska [Mr. GRUENING], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from New York [Mr. KENNEDY] would each vote "yea."

I also announce that, if present and voting, the Senator from Florida [Mr. SMATHERS] would vote "nay."

On this vote, the Senator from Oregon [Mr. MORSE] is paired with the Senator from South Carolina [Mr. HOLLINGS]. If present and voting, the Senator from Oregon would vote "yea" and the Senator from South Carolina would vote "nay."

Mr. DIRKSEN. I announce that the Senator from Idaho [Mr. JORDAN] is absent on official business.

The Senator from California [Mr. KUCHEL] and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from Kansas [Mr. CARLSON] is detained on official business.

If present and voting, the Senator from Idaho [Mr. JORDAN] and the Senator from California [Mr. KUCHEL] would each vote "nay."

The result was announced—yeas 23, nays 56, as follows:

[No. 154 Leg.]

YEAS—23

Brewster	Hart	Nelson
Brooke	Hartke	Pell
Burdick	Hatfield	Proxmire
Byrd, Va.	Javits	Ribicoff
Cannon	Long, Mo.	Spong
Case	McIntyre	Williams, N.J.
Cooper	Metcalf	Young, Ohio
Fong	Muskie	

NAYS—56

Aiken	Griffin	Murphy
Allott	Hansen	Pastore
Anderson	Hickenlooper	Pearson
Baker	Hill	Percy
Bayh	Holland	Prouty
Bennett	Hruska	Randolph
Bible	Inouye	Russell
Boggs	Jackson	Scott
Byrd, W. Va.	Jordan, N.C.	Smith
Cotton	Lausche	Sparkman
Curtis	Long, La.	Stennis
Dirksen	Magnuson	Symington
Dominick	Mansfield	Talmadge
Eastland	McClellan	Thurmond
Ellender	McGee	Tower
Ervin	Miller	Tydings
Fannin	Monroney	Williams, Del.
Fulbright	Moss	Young, N. Dak.
Gore	Mundt	

NOT VOTING—21

Bartlett	Clark	Harris
Carlson	Dodd	Hayden
Church	Gruening	Hollings
Jordan, Idaho	McCarthy	Morse
Kennedy, Mass.	McGovern	Morton
Kennedy, N.Y.	Mondale	Smathers
Kuchel	Montoya	Yarborough

So Mr. FONG's amendment (No. 775) was rejected.

Mr. FONG obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield, without losing the right to the floor, while I propound a unanimous-consent request?

Mr. FONG. I am happy to yield.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I understand we have one more amendment on title III——

Mr. FONG. I will just ask for a voice vote.

Mr. MANSFIELD. And that there will be no rollcall vote on it.

I ask unanimous consent that when we complete the disposition of the amendments to title III, we then turn to title I, and that there be a time limitation of 40 minutes on each amendment, the time to be equally divided between the sponsor of the amendment and the distinguished senior Senator from Arkansas [Mr. MCCLELLAN], manager of the bill.

The PRESIDING OFFICER. Is there objection. The Chair hears none, and the unanimous-consent request is agreed to.

The unanimous-consent agreement, later reduced to writing, is as follows:

Ordered, That during the consideration of title I of S. 917, to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice sytems at all levels of government, and for other purposes, debate on all amendments thereto shall be limited to 40 minutes, to be equally divided and controlled by the mover of the amendment and the manager of the bill, the Senator from Arkansas [Mr. MCCLELLAN].

AMENDMENT NO. 777

Mr. FONG. Mr. President, I call up amendment No. 777.

The PRESIDING OFFICER. The clerk will state the amendments.

The assistant legislative clerk read the amendments (No. 777) as follows:

On page 69, line 22, strike out "thirty" and insert "seven".

On page 70, line 4, strike out "thirty" and insert "seven".

On page 70, line 10, strike out "thirty" and insert "seven".

The PRESIDING OFFICER. Does the Senator from Hawaii ask unanimous consent that the amendments be considered en bloc?

Mr. FONG. Yes.

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

Mr. FONG. Mr. President, I yield myself 4 minutes.

Mr. President, the amendment, if adopted, would cut the 30-day period for a surveillance warrant to 7 days.

Section 2518(5) of the bill allows a court order to be issued authorizing wiretapping and eavesdropping for as long a period as "is necessary to achieve the objective of the authorization, nor in any event longer than 30 days."

The applications may be made for 30 more days, and after that, for another 30 days. The only limitations the issuance of open ended surveillance orders is that if an order is issued for a period longer than 30 days, progress reports must be made to the issuing judge at 30-day intervals—section 2518(6). The bill thus contemplates surveillance periods of 60 days, 90 days, or even longer—perhaps indefinitely.

Equally serious, the section is likely to be read as inviting the routine issuance of surveillance orders for 30-day periods.

A most serious constitutional objection may be raised against this provision, particularly in the light of two leading cases recently handed down by the Supreme Court—*Berger* v. *New York* (388 U.S. 41 (1967)), and *Katz* v. *United States* (389 U.S. 347 (1967)).

In the Berger case, the Court held invalid a New York statute authorizing the issuance of surveillance orders for 2-month periods. The opinion of Mr. Justice Clark for the Court sharply criticized the lengthy surveillance period on three separate grounds:

First, authorization of electronic surveillance for the long period is equivalent to a series of intrusions over the entire period pursuant to a single showing of probable cause.

Second, the long surveillance period effectively avoids the requirement of prompt execution of the order, a requirement applicable under existing law in the case of conventional search warrants.

Third, the conversations of any and all persons coming into the area are recorded indiscriminately during the entire surveillance period, without regard to their connection to the crime under investigation.

On the other hand, the surveillance in the Katz case was extremely precise and discriminate, involving the recording by FBI agents of the subject's conversations from a public telephone booth, averaging about 3 minutes each day over a 7-day period. So that in this case a surveillance order could have been issued pinpointing the conversations to be seized within minutes of their occurrence.

At the very least, then, Berger and Katz strongly suggest that the period of surveillance must be brief. Even under a generous reading of the Court's decisions, 15 to 30 days would in all likelihood represent the outer limit for a reasonably statutory period.

By authorizing monitoring of the most dragnet character and in the most indiscriminate manner for unlimited periods of time, title III flouts the Supreme Court's clear intention to limit official surveillance as a form of search to plainly specified times, places, and objectives—in the same way that a search for some physical object is limited.

My amendment would shorten the period for an authorized wiretap or eavesdrop from 30 days to 7 days. The period of extension is similarly shortened, and no limitation is specified as to the number of extensions which may be granted. Each extension may be granted, however, only upon a fresh showing of probable cause.

As I have pointed out repeatedly in the past, Mr. President, this entire area of wiretapping and electronic eavesdropping is very new and untested. We should

therefore proceed with deliberate cautiousness, resolving any doubts in favor of restriction and privacy—unless a very strong case is made to the contrary.

The truth is that wiretapping and eavesdropping are law-enforcement weapons whose value as criminal investigative techniques and whose impact on the entire fabric of criminal justice is as yet dimly perceived. At the present time, we can only speculate on these questions.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FONG. I yield myself an additional minute and a half.

In the present state of knowledge of the field, and in the face of the increasing prevalence and exploding technology of wiretapping and eavesdropping, the Congress simply ought not to authorize any unreasonably extensive use of such an ultimate weapon.

It seems clear to me that at the very least, we ought to cut back the authorized period of surveillance to 7 days.

In search and seizure warrants, the search takes but once, and it is over in an hour or two, or maybe in a few minutes. Here we allow 30 days to tap and bug. This, Mr. President, is for too long a time.

I urge my fellow Senators to agree to the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, title III, in its authorization of surveillance, is not in conflict with the Supreme Court opinions in Berger and Katz.

In Berger, the courts criticized the issuance of 60-day orders in all cases. Berger involved a situation where they were issuing them for 60 days irrespective of the circumstances, without careful consideration of the character of the probable cause in each case.

In other words, the Court said each case has to stand on the circumstances.

Katz said only that brief surveillance would have been all right. It did not say it was constitutionally required.

Title III envisions precisely what the Supreme Court has suggested—a case-by-case approach, rather than an arbitrary rule. As Berger and Katz demand, title III thus requires prompt execution of the warrant, and that the surveillance be conducted so as to minimize the interception of unrelated conversations; that the surveillance be terminated once the objective of the order is achieved; and that there be an exact and exacting relationship between the showing of probable cause and the period of authorized surveillance. If the showing warrants 1 day, in the afternoon, no longer a period should be authorized.

The matter is within the discretion of the court. No matter what the showing is, the initial surveillance period cannot exceed 30 days, but if the showing warrants longer, an additional period of up to 30 days may be authorized. Renewal, of course, must meet the same standards as the original order.

There is nothing in the Berger or Katz opinions, in short, which suggests that brief surveillance as such is required. Both cases make the simple point that no greater invasion of privacy should be authorized than is "necessary under the circumstances." That is exactly the standard of title III.

Title III thus represents a fair and an affectual approach. It does not arbitrarily set up hurdles for law enforcement, unrelated to law or to a policy designed to protect privacy.

Mr. President, I am ready for a vote.

Mr. FONG. The comments and analysis I have made on the Berger and Katz cases, I am convinced, stand, and speak for themselves. I am certain it is the proper and correct interpretation of those cases, and the conclusions I have drawn are proper.

Drawing from those cases, I do not feel it wise public policy to leave so critical an issue at the discretion of the courts, particularly as they are ex parte proceedings.

Mr. President, we are dealing in a new field here, and our right to do so, under title III, comes from amendment Four of the Constitution, in which a man's home is rendered inviolate unless there is probable cause as to why it should be searched or "bugged."

In a search and seizure under the fourth amendment, we have one day, usually. There is a specific time, and there is a specific place. In a few minutes, in an hour, or probably at most in 2 hours, the search is over.

But here we have an instrument of surveillance whereby we tap the man's wire or we bug his home for a 30-day period, and then we can reapply for another 30-day period, and then for still another 30-day period.

Mr. President, this is altogether unreasonable and much too long a time. I think cutting down the 30 days to 7 days, and then forcing the prosecutor to go and see the judge, after 7 days, and explain why he needs another 7 days, is far more reasonable.

I am certain the Supreme Court would agree with this, as I drew upon Berger and Katz in drawing up my amendment.

I yield back the remainder of my time.

Mr. McCLELLAN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Hawaii.

The amendment was rejected.

Mr. LONG of Missouri. Mr. President, in view of the Senate's action on titles II and III of this bill, I have had to consider carefully what position to take on the bill as a whole. In my opinion both titles are clearly unconstitutional. Further, neither will have any real effect on reducing street crime and it is doubtful that either will have any real effect on reducing organized crime. New York permitted court wiretapping for a quarter of a century prior to the Berger case, but a look at the crime situation in New York proves that wiretapping is not a solution and it is not even a very effective tool.

Despite titles II and III, however, I feel it vital that action be taken on title I which does hold out hope for helping solve our serious crime problem. Therefore, I support final passage.

It is my hope that in the conference with the House that titles II and III will be eliminated. If they are not and they should become law the severability clause will save titles I and IV when the courts strike down titles II and III relative to confessions and electronic snooping.

AMENDMENT NO. 715

Mr. DIRKSEN. Mr. President, I call up my amendment No. 715.

Mr. HART. Mr. President, would the Senator from Illinois before calling up his amendment—which would control our time—permit me a couple of minutes to engage in colloquy on one section of the wiretapping title with the Senator from Arkansas?

Mr. DIRKSEN. Mr. President, I ask unanimous consent, without losing my right to the floor, that the distinguished Senator from Michigan [Mr. HART] may have 5 minutes in which to explain the matter he wishes to discuss and not impair my time.

The PRESIDING OFFICER. The Senator will not lose the floor. The Senator from Michigan has yielded to him the right to speak.

Mr. HART. Mr. President, I thank the Senator from Illinois very much.

Mr. President, I invite attention to page 56 of the bill. I refer to section 2511 (3). As I read it, this is an exemption to insure that nothing in the restriction on wiretapping shall limit the President in certain areas and under certain conditions. What does it say?

It says that nothing in this chapter or in the bill shall limit the constitutional power of the President to take such measures as he deems necessary to protect the United States against the overthrow of the Government by force or other unlawful means.

It then goes on to say that nothing in the bill shall limit the power of the President to take such measures as he deems necessary to protect the United States—and this is what bothers me—"against any other clear and present danger to the structure or existence of the Government."

What is it that would constitute a clear and present danger to the structure or existence of the Government? As I read it—and this is my fear—we are saying that the President, on his motion, could declare—name your favorite poison—draft dodgers, Black Muslims, the Ku Klux Klan, or civil rights activists to be a clear and present danger to the structure or existence of the Government.

If that is the case, section 2511(3) grants unlimited tapping and bugging authority to the President. And that means there will be bugging in areas that do not come within our traditional notions of national security.

Is my reading of that a fair one? Is my concern a valid one? If it is, why do we not agree to knock out the last clause?

Mr. McCLELLAN. Mr. President, this language is language that was approved and, in fact, drafted by the administration, the Justice Department. I have not challenged it. I was perfectly willing to recognize the power of the President in this area. If he felt there was an organization—whether black, white, or mixed, whatever the name and under whatever auspices—that was plotting to overthrow

the Government, I would think we would want him to have this right.

What such an amendment would do would be to circumscribe the powers we think the President has under the Constitution. As far as I am concerned, I would like to see it remain in here. I do not want to undertake to detract from any power the President already has. I do not think we could do so by legislation anyway. In fact, I know we could not. However, what we have done here is in keeping with the spirit of permitting the President to take such action as he deems necessary where the Government is threatened. I cannot find any bugger in the woodpile from looking at it, myself.

Mr. HART. Mr. President, some people can take comfort, I think, in the language of section 2511(3), and especially the statement that the President is indeed limited by the Constitution in his exercise of the national security power. This is why I think it might be useful to have this exchange.

We notice that the recital runs this way:

> Nothing contained in this chapter . . . shall be deemed to limit the constitutional power of the President to do whatever he wants in the area of bugging against any other clear and present danger to the structure or existence of the Government.

If we agree that the President does not have constitutional power to put a tap on an organization that is advocating the withholding of income tax payments—to cite a current, though as yet a small movement—I would feel more at ease. But if, in fact, we are here saying that so long as the President thinks it is an activity that constitutes a clear and present danger to the structure or existence of the Government, he can put a bug on without restraint, then clearly I think we are going too far.

The PRESIDING OFFICER. The time allotted to the Senator from Michigan has expired.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the Senator from Michigan have an additional 5 minutes without being charged any time.

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

Mr. HOLLAND. Will the Senator yield?

Mr. HART. I yield.

Mr. HOLLAND. Mr. President, I think that the distinguished Senator is unduly concerned about this matter.

The section from which the Senator has read does not affirmatively give any power. It simply says, and I will not read the first part of it because that certainly says that nothing shall limit the President's constitutional power, but the part from which the Senator has read continues in the same spirit. It reads:

> Nor shall anything contained in this chapter be deemed to limit the constitutional power of the President to take such measures as he deems necessary to protect the United States against.

And so forth. We are not affirmatively conferring any power upon the President. We are simply saying that nothing herein shall limit such power as the President has under the Constitution. If he does not have the power to do any specific thing, we need not be concerned. We certainly do not grant him a thing. There is nothing affirmative in this statement.

Mr. McCLELLAN. Mr. President, we make it understood that we are not trying to take anything away from him.

Mr. HOLLAND. The Senator is correct.

Mr. HART. Mr. President, there is no intention here to expand by this language a constitutional power. Clearly we could not do so.

Mr. McCLELLAN. Even though intended, we could not do so.

Mr. HART. A few days ago I wondered whether we thought that we nonetheless could do something about the Constitution. However, we are agreed that this language should not be regarded as intending to grant any authority, including authority to put a bug on, that the President does not have now.

In addition, Mr. President, as I think our exchange makes clear, nothing in section 2511(3) even attempts to define the limits of the President's national security power under present law, which I have always found extremely vague, especially in domestic security threats, as opposed to threats from foreign powers. As I recall, in the recent Katz case, some of the Justices of the Supreme Court doubted that the President has any power at all under the Constitution to engage in tapping and bugging in national security cases without a court order. Section 2511(3) merely says that if the President has such a power, then its exercise is in no way affected by title III. As a result of this exchange, I am now sure no President thinks that just because some political movement in this country is giving him fits, he could read this as an agreement from us that, by his own motion, he could put a tap on.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. PASTORE. Mr. President, I think the only mistake is in the use of the word "deems." That word indicates someone else's interpretation. The word should be "intends." When we say "Nor shall anything in this chapter be deemed to limit," that is an interpretation that someone makes. I think the word ought to be "intended."

Mr. HOLLAND. Mr. President, I still reiterate my position. I do not think there is a single indication here that anything affirmative is being done.

We are simply negating any intention to take away anything that the President has by way of constitutional power. We could not do it if we wanted, and we are making clear that we are not attempting any such foolish course.

Mr. PASTORE. That is the point I make. No matter what is "deemed," you just cannot take powers away from the President that he constitutionally has. All we are saying is that we do not intend to do it because of anything that is in the bill.

Mr. McCLELLAN. Mr. President, I ask unanimous consent to proceed for 2 minutes.

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

Mr. McCLELLAN. Mr. President, a short time ago, this afternoon, an amendment was offered by the distinguished Senator from Texas. As manager of the bill, I was absent from the Chamber, and my able colleague the Senator from Maryland [Mr. TYDINGS] was in charge. The amendment related to a subject matter that had been voted on earlier today, a matter with respect to which the Senator from Rhode Island [Mr. PASTORE] and the Senator from Ohio [Mr. LAUSCHE] had prepared an amendment to be offered, which we had worked out and agreed upon. They were to offer it before the debate closed on title III of the bill.

While I was absent from the Chamber, Senator TYDINGS offered that amendment, which was going to be accepted as between those of us who had worked on it—particularly the two authors of it, Senator PASTORE and Senator LAUSCHE—as a substitute for an amendment that was related to the same subject matter. It was voted on while Senator PASTORE was in the performance of his duties in the Committee on Appropriations.

I regret that that happened. I had told Senator PASTORE that when the amendment came up, when the opportune time came, I would send for him and let him know. I am sorry it happened. I apologize to both Senators. But I desire the record to reflect clearly that they are the authors of the amendment that was offered as a substitute to the amendment of the distinguished Senator from Texas, and was agreed to, and they have made a very valuable contribution in this amendment. They have worked splendidly in cooperation with the managers of the bill, trying to get a good bill, and I appreciate very much the assistance they have given us.

Mr. PASTORE. Will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. PASTORE. The Senator from Rhode Island was a little irked at the time. But with the passage of time and a little exercise of patience, he is very much at ease, and he is very happy.

Mr. McCLELLAN. I thank the Senator.

May I say that trying to manage a bill as controversial as this, which requires close attention to the dotting of every "i" and the crossing of every "t," is very difficult. I had given the Senator my promise with respect to the amendment.

Mr. PASTORE. I held it off because of the insistence on the part of the Senator from Arkansas.

Mr. McCLELLAN. I could not have foreseen what was going to happen.

Mr. PASTORE. I understand.

Mr. HART. Mr. President, I thank the Senator from Arkansas for his cooperation, and I thank the Senator from Rhode Island and the Senator from Florida for their comments.

The PRESIDING OFFICER (Mr. INOUYE in the chair). The clerk will read the amendment offered by the Senator from Illinois.

The bill clerk proceeded to read the amendment.

Mr. DIRKSEN. Mr. President, I ask unanmious consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 19, beginning with line 6, strike out all through line 24, and insert in lieu thereof the following:

"SEC. 202. The Administration shall make grants to the States for the establishment and operation of State law enforcement planning agencies (hereinafter referred to in this title as 'State planning agencies') for the preparation, development, and revision of the State plans required under section 303 of this title. Any State may make application to the Administration for such grants within six months of the date of enactment of this Act.

"SEC. 203. (a) A grant made under this part to a State shall be utilized by the State to establish and maintain a State planning agency. Such agency shall be created or designated by the chief executive of the State and shall be subject to his jurisdiction. The State planning agency shall be representative of law enforcement agencies of the State and of the units of general local government within the State.

"(b) The State planning agency shall—

"(1) develop, in accordance with part C, a comprehensive statewide plan for the improvement of law enforcement throughout the State;

"(2) define, develop, and correlate programs and projects for the State and the units of general local government in the State or combinations of States or units for improvement in law enforcement; and

"(3) establish priorities for the improvement in law enforcement throughout the State.

"(c) The State planning agency shall make such arrangements as such agency deems necessary to provide that at least 40 per centum of all Federal funds granted to such agency under this part for any fiscal year will be available to units of general local government or combinations of such units to enable such units and combinations of such units to participate in the formulation of the comprehensive State plan required under this part. Any portion of such 40 per centum in any State for any fiscal year not required for the purpose set forth in the preceding sentence shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development by it of the State plan required under this part.

"SEC. 204. A Federal grant authorized under this part shall not exceed 90 per centum of the expenses of the establishment and operation of the State planning agency, including the preparation, development, and revision of the plans required by part C. Where Federal grants under this part are made directly to units of general local government as authorized by section 305, the grant shall not exceed 90 per centum of the expenses of local planning, including the preparation, development, and revision of plans required by part C.

"SEC. 205. Funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States for use therein by the State planning agency or units of general local government, as the case may be. The Administration shall allocate $100,000 to each of the States; and it shall then allocate the remainder of such funds available among the States according to their relative populations."

On page 20, line 2, insert "(a)" immediately after "SEC. 301.".

On page 20, strike out lines 6 through 15, and insert in lieu thereof the following:

"(b) The Administration is authorized to make grants to States having comprehensive State plans approved by it under this part, for—".

On page 21, line 20, insert "Federal" immediately after the word "any".

On page 22, beginning with line 16, strike out down through line 14 on page 24, and insert in lieu thereof the following:

"SEC. 302. Any State desiring to participate in the grant program under this part shall establish a State planning agency as described in part B of this title and shall within six months after approval of a planning grant under part B submit to the Administration through such State planning agency a comprehensive State plan formulated pursuant to part B of this title.

"SEC. 303. The Administration shall make grants under this title to a State planning agency if such agency has on file with the Administration an approved comprehensive State plan (not more than one year in age) which conforms with the purposes and requirements of this title. Each such plan shall—

"(1) provide for the administration of such grants by the State planning agency;

"(2) provide that at least 75 per centum of all Federal funds granted to the State planning agency under this part for any fiscal year will be available to units of general local government or combinations of such units for the development and implementation of programs and projects for the improvement of law enforcement;

"(3) adequately take into account the needs and requests of the units of general local government in the State and encourage local initiative in the development of programs and projects for improvements in law enforcement, and provide for an appropriately balanced allocation of funds between the State and the units of general local government in the State and among such units;

"(4) incorporate innovations and advanced techniques and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of law enforcement dealt with in the plan, including descriptions of: (A) general needs and problems; (B) existing systems; (C) available resources; (D) organizational systems and administrative machinery for implementing the plan; (E) the direction, scope, and general types of improvements to be made in the future; and (F) to the extent appropriate, the relationship of the plan to other relevant State or local law enforcement plans and systems;

"(5) provide for effective utilization of existing facilities and permit and encourage units of general local government to combine or provide for cooperative arrangements with respect to services, facilities, and equipment;

"(6) provide for research and development;

"(7) provide for appropriate review of procedures of actions taken by the State planning agency disapproving an application for which funds are available or terminating or refusing to continue financial assistance to units of general local government or combinations of such units;

"(8) demonstrate the willingness of the State and units of general local government to assume the costs of improvements funded under this part after a reasonable period of Federal assistance;

"(9) demonstrate the willingness of the State to contribute technical assistance or services for programs and projects contemplated by the statewide comprehensive plan and the programs and projects contemplated by units of general local government;

"(10) set forth policies and procedures designed to assure that Federal funds made available under this title will be so used as not to supplant State or local funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available for law enforcement;

"(11) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting of funds received under this part; and

"(12) provide for the submission of such reports in such form and containing such information as the Administration may reasonably require.

Any portion of the 75 per centum to be made available pursuant to paragraph (2) of this section in any State in any fiscal year not required for the purposes set forth in such paragraph (2) shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development and implementation of programs and projects for the improvement of law enforcement and in conformity with the State plan.

"SEC. 304. State planning agencies shall receive applications for financial assistance from units of general local government and combinations of such units. When a State planning agency determines that such an application is in accordance with the purposes stated in section 301 and is in conformance with any existing statewide comprehensive law enforcement plan, the State planning agency is authorized to disburse funds to the applicant.

"SEC. 305. Where a State fails to make application for a grant to establish a State planning agency pursuant to part B of this title within six months after the date of enactment of this Act, or where a State fails to file a comprehensive plan pursuant to part B within six months after approval of a planning grant to establish a State planning agency, the Administration may make grants under part B and part C of this title to units of general local government or combinations of such units: *Provided, however*, That any such unit or combination of such units must certify that it has submitted a copy of its application to the chief executive of the State in which such unit or combination of such units is located. The chief executive shall be given not more than sixty days from date of receipt of the application to submit to the Administration in writing an evaluation of the project set forth in the application. Such evaluation shall include comments on the relationship of the application to other applications then pending, and to existing or proposed plans in the State for the development of new approaches to and improvements in law enforcement. If an application is submitted by a combination of units of general local government which is located in more than one State, such application must be submitted to the chief executive of each State in which the combination of such units is located. No grant under this section to a local unit of general government shall be for an amount in excess of 60 per centum of the cost of the project or program with respect to which it was made.

"SEC. 306. Funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States for use therein by the State planning agency or units of general local government, as the case may be. Of such funds, 85 per centum shall be allocated among the States according to their respective populations and 15 per centum thereof shall be allocated as the Administration may determine.

"SEC. 307. (a) In making grants under this part, the Administration and each State planning agency, as the case may be, shall give special emphasis, where appropriate or feasible, to programs and projects dealing with the prevention, detection, and control of organized crime and of riots and other violent civil disorders.

"(b) Notwithstanding the provisions of section 303 of this part, until August 31, 1968, the Administration is authorized to make grants for programs and projects dealing with the prevention, detection, and control of riots and other violent civil disorders on the basis of applications describing in detail the programs, projects, and costs of the items for which the grants will be used, and the relationship of the programs and projects

to the applicant's general program for the improvement of law enforcement."

On page 39, beginning with line 14, strike out through line 12 on page 40.

On page 40, line 13, strike out "SEC. 552" and insert in lieu thereof "SEC. 521.".

On page 41, line 3, strike out "SEC. 523. Section 3334 of title 42, United States Code" and insert in lieu thereof "SEC. 522. Section 204(a) of the Demonstration Cities and Metropolitan Development Act of 1966".

On page 42, beginning with line 8, strike out through line 12.

On page 42, line 13, strike out "(h)" and insert in lieu thereof "(g)".

On page 42, line 22, strike out "(i)" and insert in lieu thereof "(h)".

On page 43, line 1, strike out "(j)" and insert in lieu thereof "(i)".

On page 43, line 4, strike out "(k)" and insert in lieu thereof "(j)".

Mr. DIRKSEN. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. DIRKSEN. Mr. President, for the information of the Senate, this is the so-called block-grant amendment. It is not a bit prolix or complicated. It simply follows the action that was taken by the House of Representatives.

When this bill was reported by the House committee, it contained no provision relating to block grants. An amendment was offered on the floor of the House. That amendment, providing for block grants, was approved by a vote of 377 to 23. That is a vote of 18 to 1.

Now, this matter will be in conference whether we do anything about it or not. But I believe we should nail it down now and make sure of the Senate's position.

Mr. President, back in 1934 we had 18 grant programs, and the whole amount of money involved was only $126 million. In 1964, 30 years later, we had in excess of 400 grant programs, and I understand that at the present time the amount of money involved is roughly $17 billion. It is estimated, on the basis of past performance, that by 1984 the total amount of grants may amount to as much as $52 billion. Of course, when this money is granted, a little of the flexibility and the liberty of the State is taken away because it has to comply with the conditions of the grant.

Now, this is not a complicated matter, and there is no point in my belaboring it unduly. There is going to be the so-called law enforcement assistance division, under the Attorney General, that will look at these plans as they are submitted. The State can submit plans, a locality can submit a plan; but before it goes to the assistance division, it has to go to the Governor to give him a look. But the interesting thing is that the Governor cannot either approve or disapprove. He is just a vegetable, so far as all power is concerned. And that seems rather strange.

I am fully aware of all the argument that is involved here. But I am also aware that in the next 3 years we are going to grant $500 million of Federal funds for the purpose of safe streets and law enforcement, and I want to be sure that it is going to be done right and going to be done efficiently.

I believe that what they reported originally is nothing more than a circumvention of constitutional policy against Federal controls over State and local police powers. So through the power of the Federal purse and the mechanism in title I, we could inadvertently federalize all of law enforcement in America; and we ought to listen to the admonitions of J. Edgar Hoover and the President's Crime Commission and a great many others who have given time and attention to this subject.

When the President set up that Crime Commission under the present Under Secretary of State, Mr. Katzenbach, they said, among other things, that the Commission noted that it was "mindful of the special importance of avoiding any invasion of State and local responsibility." Of course, they did not say how. They just put that down as a principle, and it is a good principle. But they said this, also, in that Crime Commission report:

> There are today in the United States 40,000 separate agencies responsible for enforcing laws on the Federal, State, and local levels of government. But law enforcement agencies are not evenly distributed among these three levels, for the function is primarily a concern of local government.

And that is as right as rain. That is where you have to enforce the law. There are only 50C law enforcement agencies on the Federal level of government and 200 at the State level.

The remaining 39,750 agencies are dispersed throughout the counties, cities, towns, and villages that form local governments. So today's law-enforcement system is a composite that is composed largely of small, independent police forces with maybe five, 10, 20, 30, or 50 members on the force.

I was interested in what Dean Roscoe Pound had to say about law enforcement today. I quote from his statement:

> That institutions and doctrines and precepts devised or shaped for rural or small-town conditions are failing to function efficiently under metropolitan conditions, that institutions and methods which were effective in a background of pioneer modes of thought and rural conceptions of social life in the past century are working badly in a background of modes of thought born of a developed industrial society and urban conceptions of social life in the present century.

The former Attorney General, who was the Attorney General when I first came here a long time ago, Attorney General Homer Cummings, said:

> In the urban, industrialized, and unified county of today, attorneys general, prosecution attorneys, police and public detective forces must enforce the law with machinery essentially unchanged from that set up for the typically rural community of a century ago.

So the system is outmoded, and to dump $500 million into the system with its fragmentation and its weaknesses is going to be a waste of the people's money. This has to be planned and the place to plan it is at the State level. That is the reason for this so-called block grant amendment. We still have some flexibility, namely 15 percent, but the emphasis and the focus is upon the State, where it ought to be. We are never going to do a job in this field until we have a captain at the top, in the form of the Governor, and those he appoints, to coordinate the matter for a State because crime may be committed in a spot, but before it gets through its ramifications it may spread over a very considerable area.

Now, New Jersey had this experience and they finally modified it. They had the same kind of system. When they set up a commission it reported on April 22, 1968, and this is what it said:

> (The) system was established in another day for a peaceful rural society of friendly neighbors, while today it serves an entirely different mobile, troubled, and urban society embracing 95 percent of New Jersey's population.

They say in that report further that New Jersey has 430 separate local police departments, 12,000 policemen, 430 chiefs of police. It also has State police, 21 county prosecutors and staffs, and county police.

Why, Mr. President, they even have "boulevard police." I do not know the function of boulevard police but they have them up there also. They have a waterfront commission with enforcement powers. Unfortunately, New Jersey law enforcement and the criminal justice structure is not unlike that of many other States.

Mr. President, if we are going to do a job it has to be unfragmented, and the only way it can be done is to make certain that this goes from the top down and that it goes through the hands of the Governors of the States.

The PRESIDING OFFICER. The Senator will suspend. The Senate will be in order.

The Senator may proceed.

Mr. DIRKSEN. Mr. President, we have impaired the Federal-State partnership to the point where now we see that what was creeping federalism is now almost a galloping federalism. This is a good place to put the chocks on the wheels before we go much further down the road. That, then, is the purpose of block grants on an 85 to 15 basis.

Mr. President, there will be an amendment offered to this amendment to change that ratio and make it 33⅓ to 66⅔. I oppose the amendment and I shall oppose it because I think what we have written here in this proposal on an 85-to-15-percent basis is the proper thing to do. Otherwise we have one man in this Federal Government who, along with any criteria that anyone wants to establish, is going to have discretionary and permissive power, and it cannot help but end in inefficiency and incompetency before we get through.

I trust the Senate will, in its judgment, follow the pathway that has been marked out by the House of Representatives by a vote of 377 to 23 when they approved block grants.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MUSKIE. Mr. President, will the manager of the bill yield to me?

Mr. TYDINGS. I yield 5 minutes to the Senator from Maine.

GRANTS TO BOTH STATES AND LOCAL GOVERNMENTS

Mr. MUSKIE. Mr. President, I wholeheartedly endorse the provisions of title

I of S. 917 that make Federal financial assistance available to both States and local governments, and I urge the members of the Senate to reject the so-called block grant amendment, amendment No. 715.

I believe that title I in its present form is well designed to guarantee the maximum appropriate role for States and local governments in the war against crime. Under the provisions of title I, planning grants and action grants will be available not only to the States, but also to the relatively larger local governments—those having a population of at least 25,000 persons or more. By contrast, under the block grant amendment, all Federal grants would be made solely to the States, under a strict allocation formula, and the States alone would be responsible for distributing the funds to local governments.

Thus, the block grant amendment would impose a rigid requirement of State-dominated planning as the sole means of participation by local governments in the new Federal program. If enacted into law, the amendment will seriously impair our ability to cope with crime at the level where its impact is most obvious and the need for immediate financial assistance to law enforcement is most acute—the level of local government, especially our major metropolitan areas. Yet, it is in precisely these metropolitan areas that the delays and frustrations inherent in the block grant proposal would be mostly strongly felt.

Let me note at the outset that President Johnson is strongly in favor of the present version of title I. In his letter to the majority leader of May 8, 1968, the President declared his strong belief that direct Federal assistance must be made available to both local communities and State Governments. As the President has repeatedly emphasized, crime is a local problem and the machinery of local law enforcement across the Nation must be strengthened before it can carry out its mission effectively.

I would like to comment specifically upon six main weaknesses in the bloc grant amendment.

I. TITLE I DOES NOT BYPASS THE STATES

The present version of title I, we are told, would bypass the States.

In no sense can it be said that S. 917 bypasses the States. Nothing in the bill prevents direct and immediate Federal financial assistance to the entire range of State-level activities in law enforcement—police, courts, corrections, and crime prevention. Nothing in the bill prevents expansion by State-level agencies into new aspects of law enforcement. Nothing in the bill prevents close and continuing cooperation, coordination, and assistance between State and local governments for the mutual improvements of their law-enforcement systems, either through the formation of a State planning agency or through any other means of joint effort that may be available to State and local governments.

The bloc grant slogan is bottomed on the startling assertion that unless the new Federal program turns over all funds to State governments, with no strings attached, the program will bypass the States. Nothing could be further from the truth. Title I of S. 917 launches a major new program of Federal financial assistance to improve and strengthen all aspects of our system of law enforcement and criminal justice—Federal, State, and local. Title I is carefully designed to emphasize the essential role that governments at both the State and local level must play if the new program is to succeed in its goal. The only appropriate grant structure for such a new and experimental program is one that retains maximum flexibility for progress on all fronts in the war against crime. In every State, it is for the State and local governments themselves to determine the approach that is most appropriate to attack the problem of crime. Law-enforcement methods vary too widely from State to State and from locality to locality to flourish in the straitjacket that will inevitably be imposed by the bloc grant amendment.

II. TITLE I GUARANTEES AN ACTIVE ROLE FOR THE STATES

The second major point I wish to make is that, in fact, the basic provisions of title I guarantee a primary and essential role for the States in the new law-enforcement assistance program. Let me briefly describe the numerous ways that title I both encourages and insures the strong and active participation of the States:

First. The States themselves are clearly eligible for major planning grants and action grants under parts B and C of title I. States that apply to the administration for a grant on behalf of all local governments in the State will obviously be entitled to high priority in the distribution of funds.

Second. Local jurisdictions with a population of less than 25,000 persons which do not or cannot combine with similar jurisdictions will be eligible for Federal assistance only through grants made to the State in which the jurisdiction is located. In effect, therefore, title I adopts the bloc grant approach with respect to these smaller jurisdictions, and encourages them to cooperate with the State in improving and strengthening their law-enforcement systems.

The full impact of this point can be appreciated only when it is realized that in the large majority of the States of our Nation, there are very few cities with a population of more than 25,000 persons. In each of these States, therefore, the States themselves must necessarily play the central role in improving law enforcement, even under the present version of title I.

It is true that, in the United States as a whole, there are more than 40,000 units of general local government. But only an extremely small percentage of these local governments—slightly more than 5 percent—are large enough to meet the 25,000 population cutoff. Therefore, even under the present version of title I, the States themselves will have the sole responsibility for improving law enforcement in over 95 percent of the local governments of the Nation.

Third. Title I provides an express opportunity for the State Governor or the appropriate State law-enforcement agency to review and comment upon any application for a planning grant or an action grant made by a unit of local government in the State. I am referring specifically here to section 521 of the bill. No grant can be made by the administration to a local government until the comments and criticisms of the State have been received and considered. The comments of the State must deal expressly with the relation of the local government's application and law-enforcement plan to the State plan and State programs, as well as to other local plans and programs in the States. Heavy weight will be given to State evaluations of local grant applications. Obviously, no local application will be funded that flies in the face of the State plan or other relevant local plans. Nor will a local application be funded in cases where the local government has made no substantial effort to coordinate its plan with the State.

A striking example of the potential role of both States and local governments in improving law enforcement is through the development of law enforcement planning committees. In March 1966, the Office of Law Enforcement Assistance in the Department of Justice announced a special grant program under the Law Enforcement Assistance Act of 1965 to encourage the establishment and development of State-level planning committees in law enforcement and criminal justice. The grant program was initiated in conjunction with studies then under way by the National Crime Commission, which had documented the virtual nonexistence of coordinated and integrated law-enforcement planning at the State level.

The proponents of the block grant amendment have laid a great deal of emphasis on the formation of State planning committees funded by LEA under its special grant program. The initial response of the States to the LEA program was apathetic. In the first 4 months of the program, only two States had received grants to set up their State-level planning committees. By the end of the first 16 months of the LEA program, only 14 additional States had received grants to establish their State committees. As of the present time, more than 2 years after the program began, LEA has funded State planning committees in only 27 States, or slightly more than half of the States. Two other State applications are now pending, and I am informed that five other States have established State planning committees without assistance from LEA.

The experience of LEA under the State planning committee program is still unsatisfactory, however. Even at the present time—more than 2 years after the special grant program began—most State governments, even those with established and functioning planning committees, have developed neither the experience nor the administrative machinery to deal adequately with comprehensive planning for local law enforcement. Indeed, many of these committees still exist largely on paper. Some of the committees originally funded have even gone out of existence. The average time-

lag between the funding of a committee under an LEA grant and the actual beginning of operations by the committee has been 4 to 6 months. Yet amendment 715, the bloc grant amendment, would require State planning committees to complete their law-enforcement plan within 6 months after they have been funded. As I shall discuss later in more detail, this requirement of the block-grant amendment is highly unrealistic.

Specific examples of the difficulties that have faced State planning committees under the LEA program are sobering indeed:

In one State, the State attorney general challenged the Governor's authority to accept planning funds and vowed to carry the battle to the courts.

In another State, the executive director resigned in the face of political pressure to use the committee as a traveling investigative unit in the State.

In some States, the operation of the committee has been delayed, sometimes by as much as a year, by its inability to obtain a full-time director.

In several States, the operations of the committee have been disrupted by partisan conflicts within the committee, or by a change in State administrations. In one State, five members were appointed by the Governor, and five each by the two party leaders in the legislature. The committee went out of existence after 1 year and has just now been replaced.

The formation of State planning committees is clearly a promising development, and one that must be rapidly encouraged under title I of S. 917. At the same time, however, the LEA experience demonstrates the need to retain at least a modicum of flexibility in the grant program to enable grants to be made to local governments as well. We simply cannot place all of our eggs in the State basket.

Equally important, however—and this is a point altogether ignored by the proponents of the block grant amendment—local governments themselves have accumulated extensive experience in recent years with law-enforcement planning committees and crime commissions, especially in the major metropolitan centers.

Strong impetus toward the formation and development of local, metropolitan, and regional planning agencies has come from the large number of Federal grant programs that encourage or require planning on an areawide basis. For example, section 204 of the Model Cities Act requires that after June 30, 1967, all applications for Federal loans or grants to carry out open-space land projects or to plan or construct certain types of facilities within any metropolitan area must be submitted for review and comment to a designated metropolitan or regional planning agency. The types of facilities named in the act are: hospitals, airports, libraries, water supply and distribution facilities, sewage facilities and waste distribution works, highways, transportation facilities, and water development and land conservation projects. The review and comment provisions of the model cities program are closely analogous to the similar provisions of title I of S. 917, which require State-level review before Federal funds may be made available to local governments under the law-enforcement assistance program.

Under the terms of the Model Cities Act, the reviewing agency must be "to the greatest practicable extent, composed of or responsible to the elected officials" of the units of local government in the geographic area. The general response of local governments to the review and comment provisions of the Model Cities Act has been good. Several reviewing agencies are actually using the review function as a means of helping their constituent local governments to obtain Federal funds.

As of the end of the recent fiscal year, the Department of Housing and Urban Development and the Bureau of the Budget had designated appropriate reviewing agencies for the purposes of the Model Cities Act in approximately three-quarters—170—of the 237 "standard metropolitan statistical areas" in the United States. Of the SMSA's with a designated planning agency, approximately two-thirds are single-county areas with a countywide planning agency—either a county planning agency or a city-county planning agency. In many cases, these local planning agencies are already in active operation and are capable of taking on the responsibility of planning for law enforcement and criminal justice in their areas, once the new Federal program under title I comes into operation.

The experience with State and local planning agencies amply demonstrates that nothing will more inhibit the success of the new program than a procrustean determination that only the States are capable of planning to improve law enforcement. The only true solution is to nurture the full potential of both State and local governments.

III. TITLE I ENCOURAGES COOPERATION AMONG LOCAL GOVERNMENTS

The third major point I would like to make is that title I in its present version actively encourages cooperation and coordination among local law-enforcement agencies. It is specifically designed to discourage the excessive fragmentation and decentralization that characterize so many aspects of our existing law-enforcement system. The 25,000 population cutoff avoids any possibility that the bill will stimulate further decentralization of law enforcement. The cutoff is not intended, however, to be an absolute bar to direct participation in the new grant program by smaller jurisdictions. The bill encourages a city, town, or county that does not by itself have the requisite population to formulate a joint plan or implement an action program with one or more nearby jurisdictions. By specifically authorizing the Administration to make planning grants and action grants to combinations of local jurisdictions, title I encourages coordination in the very areas where the Crime Commission found it most needed and where law enforcement is most disjointed—the small counties and municipalities of the Nation.

In addition, title I specifically directs the Administration to encourage plans which encompass entire metropolitan areas, which coordinate all law-enforcement and criminal justice agencies in the areas, and which take into account all other relevant law-enforcement plans and systems. In this manner, title I promotes the adoption and implementation of law-enforcement plans that cut across artificial geographic and political boundaries and adopt a unified approach to all aspects of the law-enforcement system.

IV. LAW ENFORCEMENT IS A LOCAL RESPONSIBILITY

The fourth major point I would like to make is one that has become thoroughly familiar to us in the debate on the war against crime. It is that law enforcement in the United States is essentially a local responsibility that must be met by local governments. I hope that I may be excused here if I belabor the local character of law enforcement in this country. Sometimes, however, as the great Supreme Court Justice Oliver Wendell Holmes once said:

> We need education in the obvious far more than we need investigation in the obscure.

Law enforcement in the United States has traditionally been among the most local of governmental functions. Even the smallest local governments provide at least minimum police services for their citizens. Whatever the role of the States in such areas as education, housing, employment, transportation, or welfare, State involvement in law enforcement has historically been very limited and remains very limited today. In addition, there are legal obstacles in many States to participation by State-level agencies in particular aspects of local law enforcement and criminal justice. The structure of law enforcement in this country thus reflects a fundamental attribute of our democratic society—the existence of local control over law enforcement. The provisions in title I for financial assistance directly to local governments are firmly grounded in this basic feature of our American system of government.

Statistics on the distribution of law-enforcement personnel in the United States confirm the essentialy local character of law enforcement in this country. According to the National Crime Commission, of the 348,000 full-time State and local police officers in the Nation, 90 percent—308,000—are employed by county and municipal police agencies, and only 10 percent—40,000—are employed by State police agencies. The number of officers on the New York City police force alone is almost as large as the total number of State law-enforcement officers in all of the States combined. There are more local policemen in Los Angeles County than there are Federal Bureau of Investigation agents for the entire Nation.

Moreover, not all of the 40,000 full-time State police officers have even the legal authority to perform more than highway patrol duties. A major recent study by the International Association of Chiefs of Police of 49 State police agencies in the United States found that the majority of State police agencies are concerned almost solely with highway patrol duties and do not even have broad

criminal jurisdiction. Even the recently issued position paper of the Republican coordinating committee clearly recognizes and deplores this major deficiency in the existing law-enforcement effort at the State level.

Statistics on expenditures by State and local governments for the prevention and control of crime also confirm the local character of law enforcement in the United States. Seventy-two percent of the total State and local expenditures for law enforcement are made by local governments. Eighty-six percent of the total expenditures for police and 77 percent of the expenditures for courts are made by local governments. Only in the area of corrections do State expenditures exceed local expenditures, and even here the local contribution is substantial—35 percent of the total funds expended.

The expenditure figures just quoted highlight one of the most arbitrary requirements of the block grant amendment. According to the specific language of the amendment, 75 percent of the Federal funds granted to a State must be made available to local governments within the State. The figure of 75 percent was undoubtedly chosen to reflect the average percentage—72 percent—of expenditures by local governments for law enforcement and criminal justice in the Nation as a whole. But the 72-percent figure, is, of course, only an average. The actual percentage in one or another State varies widely from the average. In California, for example, 88 percent of the total law-enforcement expenditures in the State are made by local governments, and only 12 percent are made by the State. In Vermont, on the other hand, only 52 percent of the total expenditures are by local governments, and 48 percent are by the State. The block grant amendment, with its rigid formula, will inevitably overemphasize State-level activities in some States and underemphasize them in others. Such a crude and arbitrary approach can serve only to hamstring the new grant program in its efforts to upgrade law enforcement.

The proponents of the block grant amendment, have argued that, although the allocation formula under part C—action grants—requires 85 percent of the action funds to be distributed to State governments, the remaining 15 percent of such funds may be used for grants to local governments. The argument is in error for three principal reasons:

In the first place, it is extremely difficult to read the clear language of amendment 715 as authorizing any Federal grants to be made directly to local governments. Section 302 of the amendment authorizes action grants to be made only to the States for use by State planning agencies. It does not authorize grants to be made directly to local governments. Although amendment 715 retains the hortatory language of section 301(a), stating that the purpose of the action grants is to encourage both States and local governments to improve and strengthen their systems of law enforcement, that language is most easily as requiring local governments to participate only through the States. Thus, if the 15-percent portion of the action funds is to be available to local governments, it appears that the language of amendment 715 must itself be amended.

Second, even if 15 percent of the action funds are available for direct grants to local governments, the percentage is too small to permit adequate participation by local governments in the new law-enforcement assistance program. As I have already indicated, the best available figures reveal that, of the total expenditures for law enforcement and criminal justice by State and local governments, 72 percent are by local governments, and only 28 percent are by the States. Therefore, the 15-percent figure in amendment 715 completely reverses the proper allocation of expenditures between State and local governments.

Third, amendment 715 is also inadequate because it allows no planning funds—not even 15 percent—to be made available directly to local governments. Yet, the need for comprehensive law-enforcement planning is most urgent at the level of local government, especially in our major metropolitan areas. To leave local planning solely to the States will seriously impair our ability to wage the war against crime at the level where its impact is most obvious—the level of local government.

V. THE BLOCK GRANT AMENDMENT WILL DISRUPT THE BALANCE OF POWER BETWEEN STATE AND LOCAL GOVERNMENTS

The fifth major point I wish to make is what I conceive to be the essential guiding principle in the development and implementation of title I—that the Federal assistance contemplated by the new grant program must not become the vehicle for disrupting the existing balance of power between State and local law-enforcement agencies in the United States.

The threat to local autonomy under the block grant amendment is far more serious than any "threat" of Federal control under the present version of title I. The block grant approach will give the State Governors enormous leverage over local law enforcement. It will create the dangerous potential for a power play by State officials to gain control over local law enforcement, and thereby transform the entire police function in the United States. No planning grants or action grants are authorized to be made under the present version of title I to any agency of the Federal Government. By contrast, State agencies will receive vast sums of money under the block grant amendment, which can be used to build new and powerful State police forces, capable of threatening the autonomy of local government in the United States in a way that the present version of title I could never do.

At the very least, the block grant amendment will plunge the new Federal program into continuing political controversies and partisan rivalries between State and local governments, between Governors and mayors, between urban areas and rural areas, and between State and local police. I respectfully submit that the Senate should think long and hard before it reverses more than two centuries of tradition of law enforcement in the United States by injecting State governments into this basic area of local responsibility.

These grave dangers can be avoided only by adopting the more neutral approach that is offered in the present version of title I, which recognizes the proper role that must be played by both State and local governments. Title I is a balanced program of law-enforcement assistance. As I have already emphasized, to the extent that State governments are involved in the law-enforcement process—primarily in the area of courts and corrections, but including police as well—the States themselves will obviously be strong applicants for funds under title I. By contrast, the bloc grant proposal contains the seeds of potential conflict of interest between States as applicants in their own right and States as applicants on behalf of local governments within the State. At the very least, the bloc grant amendment threatens to divert the grant program from its primary emphasis on substantial improvements in all aspects of law enforcement and criminal justice and toward those areas in which the States have greater responsibilities.

VI. THE BLOCK GRANT AMENDMENT WILL CAUSE SERIOUS DELAYS

The final point that I wish to emphasize is the very serious delays that will result in implementing the new program if the block grant amendment is adopted. Under the specific language of the amendment, a State will be given up to 6 months to apply for a planning grant under part B, and 6 more months to prepare its statewide law enforcement plan that must be filed in order to qualify for action grants under part C. Therefore, up to an entire year may be wasted before substantial action funds can be made available for the benefits of local law enforcement. And, this figure does not even include the further delays that will inevitably result before the States can actually make the action funds they receive available to local law enforcement. In addition, in many States, new statutory or constitutional authority will have to be obtained before State governments are enabled to participate in programs to improve local law enforcement.

Moreover, as I have mentioned, the bloc grant amendment is highly unrealistic in its requirement that a State planning committee must submit a comprehensive law enforcement plan within 6 months after the State has received a planning grant. It is very doubtful that the States will be able to prepare such plans within this 6-month period. The experience of the Office of Law Enforcement Assistance under its State planning committee program has not been promising in this respect. As I have already stated, many of the 27 State committees that have been funded under the LEA program still exist largely on paper. The average timelag between the initial funding of a State planning committee and the beginning of operations by the committee has been 4 to 6 months. Yet amendment numbered 715 requires that the entire State plan must be completed within 6 months. Some State committees funded under the LEA program have been in existence for as long as 2 years without yet having formulated a comprehensive State plan.

The block grant amendment will en-

courage the formulation of State plans on a crash basis, solely to meet the 6-month time limit and to thereby prevent Federal funds from being made available directly to local governments within the State. The arbitrary time requirement under the block grant amendment is thus likely to foster the production of hasty and ill-conceived law-enforcement plans by the States, far removed from the balanced and imaginative planning that can be accomplished under the present version of title I.

In contrast to the lengthy delays inherent in the block-grant amendment, the present version of title I permits local governments to obtain planning funds immediately, and to receive action grants as soon as their law-enforcement plans are prepared and submitted. In fact, many local governments have already completed their law-enforcement plans or are now in the process of completing them. These localities are ready to apply for action grants as soon as title I is signed into law.

The present version of title I fully recognizes the essential role that States and local governments together must play if they are to make substantial progress in the war against crime. We must wage a total war against crime, not the limited war that will be fought under the block-grant approach. We must preserve the best possible structure for the law-enforcement assistance program—a structure capable of implementing the great promise and potential of this legislation. I strongly urge my colleagues to support the present version of title I, and to reject the block-grant amendment.

Mr. CANNON. Mr. President, will the Senator from Maryland yield?

Mr. TYDINGS. I yield 1 minute to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 1 minute.

Mr. CANNON. Mr. President, every mayor and every law-enforcement officer has contacted me concerning the provisions of the bill, and each and every one of them has urged that we support the bill as it now stands and not proliferate another State agency for them to have to go through in order to meet this pressing problem.

I support the Senator's position.

Mr. DIRKSEN. Mr. President, I yield 1 minute to the distinguished former Governor from Wyoming, and now a distinguished Senator from Wyoming [Mr. HANSEN].

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 1 minute.

Mr. HANSEN. Mr. President, apparently I have come from the office of chief executive of my State more recently than has my distinguished colleague from the great State of Maine come from his as Governor.

I take a different position on the bill than he does. I believe that if we want to strengthen local law enforcement—and I agree with him that we should—then I say the way to do it is to adopt the amendment proposed by the distinguished minority leader. I think that is the way to do it. That is the way we would do it in Wyoming.

The State of Wyoming cooperates with local law enforcement efforts by assisting with the State highway patrol. I know of no better way to help each State insure better law enforcement than through block grants.

Mr. TYDINGS. Mr. President, I yield back the remainder of my time.

Mr. JAVITS. Mr. President, Mr. President——

Mr. DIRKSEN. Mr. President, I yield 2 minutes to the distinguished Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 2 minutes.

Mr. ERVIN. Mr. President, I rise in support of the amendment. The municipalities throughout this land are the creatures of the State. From the standpoint of preserving the system of government which the Constitution of the United States envisaged, we should not have the Department of Justice or any branch of the Federal Government dealing directly with the creatures of the State. They should be dealt with through the agency of State governments.

Second, I think it is very unwise to leave the distribution of hundreds of millions of dollars to one executive officer. We have seen in recent years the danger of doing that. When an executive officer of the U.S. Government takes charge of the distribution of funds to political subdivisions of the States, he uses the funds to coerce the such subdivisions into acceptance of his ideas.

There are many States in this Union which have fine law enforcement systems. My State has one. I think that the block grant system would enable the States to discharge their duties much better than could the Department of Justice in Washington, which has no acquaintance with the multitude of diverse problems existing throughout the country.

The PRESIDING OFFICER. The time of the Senator from North Carolina has expired.

Mr. TYDINGS. Mr. President, I move that the motion of the distinguished minority leader be tabled.

The PRESIDING OFFICER. The Chair informs the Senator from Maryland that he must yield back his time before that motion can be made.

Mr. DIRKSEN. Let me say to the Senator from Maryland, why not have a vote on the merits? Why a motion to table?

Mr. TYDINGS. If the Senator from Illinois will yield back his time——

Mr. JAVITS. Mr. President, Mr. President, Mr. President——

Mr. TYDINGS. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator from Maryland does have the floor.

Mr. JAVITS. Mr. President, would the Senator yield to me so that we do not have any misunderstanding. The Senator from Massachusetts [Mr. BROOKE] has an amendment to the amendment. So have I, if this fails. So, let us not move too fast here.

Mr. LAUSCHE. We have been at it for 5 weeks now. [Laughter.]

Mr. DIRKSEN. I know that the Senator from Massachusetts [Mr. BROOKE] wants some time because he contemplates offering an amendment. I do not want to see the Senator foreclosed. Thus, Mr. President, I reserve the remainder of my time.

Mr. TYDINGS. Mr. President, is my motion still in order?

The PRESIDING OFFICER. The motion to table is not in order until all time has been used up.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Rhode Island will state it.

Mr. PASTORE. How much time is there in existence on this amendment?

The PRESIDING OFFICER. The Senator from Illinois has 5 minutes remaining and the Senator from Maryland 10 minutes remaining.

Who yields time? Time is running.

Mr. DIRKSEN. Mr. President, I yield 3 minutes to the distinguished Senator from South Carolina [Mr. THURMOND].

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 3 minutes.

Mr. THURMOND. Mr. President, the block-grant amendment to the Omnibus Crime Control and Safe Streets Act is one of the most important that this body will consider. The amendment provides for Federal funds to be channeled through "State planning agencies" created, or designated, by the several States. The State authority would develop a comprehensive plan, allocate grants to local agencies according to this plan, and according to priorities determined by the State planning agency. The comprehensive plans of the States would be reviewed annually by the Federal Law Enforcement Administration.

The block-grant approach to Federal support of local programs has gained increasing support in recent years. Everyone recognizes that the Federal Government has shown itself to be exceedingly talented in raising funds. With this has come increased difficulty for the States as more and more sources of revenue have become "federalized." Although Federal efficiency in revenue collection has grown, Federal effectiveness in supervising the expenditure of funds has suffered.

It has become apparent to experts of all political persuasions that in the important area of supervising the proper use of funds, the State governments have shown themselves to be far more able to get the most for the taxpayer's dollar. Being closer to the people—both geographically and psychologically—State governments are able to translate blueprints into effective action for solving problems with far more skill than the large and cumbersome Federal establishment.

Mr. President, the block-grant approach—based on the foregoing reasoning—has become popular with many persons familiar with the increasingly complicated problems facing Americans. Thus, Congress provided for block grants for supplemental services when it passed the 1967 amendments to the Elementary and Secondary Education Act last December. At that time, I offered a block-grant amendment to the bill which was narrowly defeated in the Senate, but was later substantially restored by the con-

ference committee. Both the National Education Association and the Council of Chief State School Officers favored the block-grant proposal.

With reference to the particular bill before us—S. 917—the House of Representatives embodied the block-grant approach in its version. This same amendment was offered before the full Judiciary Committee and failed to pass by only one vote. Only recently 47 Governors meeting here in Washington recommended passage of this bill and urged that Congress give careful consideration to the need for statewide planning and coordination of projects and to the need for local officials to confer with State authorities in developing programs. In addition, the National Association of Attorneys General passed a resolution in favor of the bill as it passed the House of Representatives—which included block-grant provisions.

Mr. President, the goal of all Senators is to enact a measure which will contribute substantially toward decreasing the incidence of crime in this Nation. While we recognize that the maintenance of law and order is a responsibility which falls on officials from the local level to the White House, we are hopeful that action in the Congress can be significant toward stemming the rising tide of lawlessness in this Nation. For this reason, it is incumbent upon us to enact legislation which will be as effective as possible in solving this problem which is now of crisis proportions. In my judgment, the block-grant approach is far superior to direct supervision from the Federal level. There are five reasons which lend credence to this position that I should like to discuss.

First, better planning for the use of Federal funds. Instead of Washington-based personnel attempting to supervise literally thousands of grants in single-shot, hit-or-miss fashion, their supervision will be limited to annual approval of 50 comprehensive statewide programs. This will make for better coordination of law enforcement improvement plans. It will encourage systematic planning, the use of priorities, and intelligent use of these funds in more communities.

Second, a greater diversity of ideas and more imaginative use of funds will be possible with the block-grant plan. If grants are made directly from Washington, Federal guidelines will rapidly have the effect of encouraging a conformity of ideas and suggestions for law enforcement improvement. If plans are developed through a State planning agency, 50 agencies will operate—thus bringing creative federalism into action. State agencies will be in a better position to gain the approval of the Federal Law Enforcement Administration for unique proposals than will isolated local agencies, who will be anxious to see that their plans meet with the approval necessary to securing the funds.

Third, this proposal provides for fairer distribution of funds. Large cities with Washington representatives trained in the art of "grantsmanship" will have an unfair advantage under the bill as it now stands. Many localities in severe need of better law enforcement techniques would lack the expertise to extract a grant from a Federal agency. However, every locality would be likely to have a working relationship with State-level law enforcement authorities.

Fourth, the block-grant amendment would lessen the likelihood of Federal domination of programs administered under this bill. The power to grant or to withhold Federal funds is most persuasive. If this power is concentrated in an agency in Washington, the opportunity for stifling and dictatorial control from the Federal Government is clearly present. In an area as important and sensitive as law enforcement, the prospect of imposition of Federal standards not required by statute is disturbing. This Federal domination and control is as likely to occur through the normal bureaucratic procedures involved in approving grant applications from thousands of local jurisdictions as it is through design. In either case, Federal control is undemocratic, removed from the people, and less likely to consider local problems and conditions.

The block-grant proposal would provide for overall approval of statewide comprehensive plans at the Federal level, but the actual devising and implementing of plans and programs at the State and local level.

Fifth, and finally, the block-grant approach effectively guards against the danger of a Federal police force. It has been said many times that the maintenance of law and order is the responsibility of State and local governments. If we are to honor this concept, the block-grant amendment should be approved. The centripetal force in Federal administration of these grants is obvious. In order to guard against the gradual, and perhaps unnoticed, creation of a national police force, financed and administered from Washington, we should pass this amendment which gives a greater role to the State authorities.

Mr. President, in conclusion, I believe the block-grant concept of Federal aid is a sound approach to aiding in solving law enforcement problems in this Nation. I urge the adoption of this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BROOKE. Mr. President——

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. A parliamentary inquiry, Mr. President. Who has the floor?

The PRESIDING OFFICER. The Senator from Illinois and the Senator from Maryland. The Senator from Illinois has 2 minutes and the Senator from Maryland has 7 minutes.

Mr. LAUSCHE. Mr. President, what is the amendment——

The PRESIDING OFFICER. Who yields time?

Mr. LAUSCHE. Mr. President——

The PRESIDING OFFICER. Does either Senator in control of the time yield time to the Senator from Ohio?

Mr. TYDINGS. Mr. President, on my time, can I suggest the absence of a quorum?

The PRESIDING OFFICER. Is there objection to calling a quorum without the time being charged to either side?

Mr. TYDINGS. Charge it to me, Mr. President.

Mr. LAUSCHE. Mr. President——

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PASTORE. Reserving the right to object, why cannot the Senator from Ohio speak?

Mr. TYDINGS. Mr. President, I move to table the amendment.

Mr. MANSFIELD. Mr. President, is that motion in order?

The PRESIDING OFFICER. The Senator from Illinois still has 2 minutes and the Senator from Maryland has 7 minutes.

Mr. LAUSCHE rose.

The PRESIDING OFFICER. To what purpose does the Senator from Ohio rise?

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. Is the clock running during these minutes of silence?

The PRESIDING OFFICER. Time is running at the present time, equally divided.

Mr. LAUSCHE. Mr. President, may I ask a question of the managers of the bill?

The PRESIDING OFFICER. Does either Senator yield time to the Senator from Ohio?

Mr. LAUSCHE. Mr. President, what is the issue before us?

Mr. TYDINGS. Mr. President, I yield 3 minutes to the Senator from Mississippi [Mr. STENNIS].

Mr. STENNIS. May I have 5 minutes?

Mr. LAUSCHE. Mr. President, what was the answer to my question?

Mr. STENNIS. I thank the Senator for yielding to me.

Mr. President, I had been downstairs in the Appropriations Committee. I really did not know this amendment was coming up at this time and shall have to be brief but I do think we are passing on a very vital governmental principle with reference to the so-called block grants.

There are not many subject matters that I would tell the Senate I knew much about. I am not an expert in anything, but I think I do know something about the practical side and the problem with reference to law enforcement. My basic belief is that we are not going to solve this problem just by appropriating money, or even having training schools; instead we are going to have to have a policy, a will, and a determination to stop this tremendous increase in crime. One thing that has to be done is to have a firm policy providing for the certainty of punishment on those who are proven to be guilty. It is the certainty of punishment that prevents crime.

But, getting down now to the appropriation itself—and I say this with all charity to everyone in the Department of Justice; they may be doing the best they can—I do not believe that just a great sum of money appropriated to the Department of Justice is going to reach the real problem nearly as well as will be done by giving the Governors some responsibility in this matter. This is not a

political issue, or a partisan matter, or anything of that kind, but at the State level is where the problem is, and that is where it has to be worked out. Certainly, the Justice Department has not been outstanding in its knowledge of how to stop and prevent crime.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I asked for 5 minutes.

Mr. TYDINGS. Five minutes to the Senator from Mississippi.

Mr. STENNIS. We have the facts here as to what is happening. Conditions in Washington are such that even a Member of this body does not dare leave home early without being sure his doors are all locked, so as to protect his wife. Bus drivers in this city are refusing to drive under certain times at night because of lawlessness and lack of protection to the drivers. Crime is increasing all the time; protection to the public is decreasing.

To give the Department of Justice this added money, requiring State and local government to come here and get the money largely on the Department's terms, is not the way to meet the problem. I am satisfied in my own mind that we should put the money down there where the trouble is and put the responsibility at the State level, and there we will get the best results. I hope the amendment, which is in that direction, will prevail, so this program will have a better chance to get some results.

I think this proposal is perhaps one of the most important parts of the whole bill. We bring everything in the world here to Washington in this measure. The Justice Department selects the U.S. attorneys. It largely selects the Federal judges. Now it is proposed to give the Department control of a large sum of money, even to help pay police salaries over this country. The estimates are that this program will amount to $1 billion within a few years.

I think that so far as our responsibilities at home, our States and their responsibilities, are concerned, this would be really a colossal sellout, and start a deluge here of countless demands that we nor our successors could stop.

I hope the motion to table will be defeated and that the amendment will prevail. Again I thank the Senator for yielding to me.

LAW ENFORCEMENT PLANNING BY LOCAL GOVERNMENTS

Mr. TYDINGS. Mr. President, I am opposed to the block-grant amendment to title I of S. 917. I strongly urge that the version of title I that was favorably reported out from committee be enacted by the Senate without further amendment.

Title I establishes within the Department of Justice a new office called the Law Enforcement Assistance Administration. That office will be responsible for the administration of the new Federal grant program under title I, which is designed to improve and strengthen law enforcement at the State and local level. Under the bill, planning grants and action grants may be made to States, to units of general local government, or to combinations of States or local governments.

However, the provisions in grants to local governments are narrowly limited. No grant may be made to a unit of local government or a combination of such units unless it has a population of at least 25,000 persons. Although the population cutoff was set at 50,000 persons in the version of title I reported out by the Judiciary Committee, the limitation was recently reduced to 25,000 persons by an amendment offered and accepted during the current debate.

In addition, no grant may be made to a local government unless the applicant has submitted a copy of its law-enforcement plan to the Governor of the State and to the law-enforcement agency of the State in which the unit is located. The Governor and the State law-enforcement agency must have been afforded an opportunity to evaluate the application by the local government and to submit any comments to the Law Enforcement Assistance Administration. The State's evaluation would not only include comments on the efficacy of the plan, but would also take account of other plans in the State that are presently in the application stage, thus enabling the administration to avert possible overlaps or to provide for potential gaps in the various plans submitted to it.

Despite these safeguards, the block-grant amendment now before us would entirely eliminate grants to local governments. The amendment would require that all grants made under title I be made to the States in the first instance. Whatever money is deemed by the State to be required for use at the local level would then be channeled through a "State planning agency" to reach the local unit, but only after the State agency has determined its own priorities for expenditures in accordance with its concept of statewide law enforcement. I am strongly opposed to such a change in the existing bill. I believe that the block-grant approach will seriously impede our progress in the war against crime.

Crime is a problem of nationwide concern. Because of its increasing prevalence and wantonness, the issue of crime—and, in particular, crime in the streets—has become one of the major political issues of the current presidential campaign. Nevertheless, the roots of crime are local in nature, and the problems of law enforcement are local problems; statewide and nationwide concern over crime has arisen only because of the vast prevalence of crime in our society and because of the rapid-fire frequency with which criminal activity has broken out in one locality after another, all across the country. However great the concern at the State and national levels, it is at the local level where the job needs to be done, where the problems of law enforcement must be faced. Even now, before the passage of this bill, over 90 percent of full-time State and local police officers in the country work at the local level, with local governments accounting for more than 70 percent expenditures for law enforcement. New York City for example, boasts almost as many policemen—29,000—as the total number of State-level law enforcement officers in the 50 States combined.

The local nature of law enforcement has been recognized by the President's Commission on Law Enforcement and Administration of Justice, in one of the most comprehensive studies ever undertaken in this field. In their report of February 1967, entitled "The Challenge of Crime in a Free Society," the Commission emphasized the extent to which primary responsibility for criminal administration rested jointly with the States and with local enforcement units. Indeed, the language and provisions contained in the present title I is a direct outgrowth of the recommendations made by the Crime Commission in its report. A block-grant system, which places primary responsibility for criminal administration in the hands of the State government, and relegates local units to the class of functionaries, runs directly counter to the spirit and the reasoning of the Crime Commission's report.

The thesis underlying the block-grant amendment is that law enforcement can only be handled on a statewide basis, and that allowing local communities to create their own plans and administer programs themselves would invite confusion and lack of uniformity. I find considerable difficulty with this line of reasoning. Lack of uniformity and diversity of programs is just what is required in many instances to do the job properly.

Problems relating to law enforcement are much more likely to vary on a community-to-community basis than from State to State. Factors such as population distribution, age groupings, racial balance and race relations, economic sability, standard of living, unemployment, and education, all will undoubtedly play an important role in determining the type of plan that is needed: The composite makeup of these elements will differ markedly from one locale to the next, and may require the use of widely disparate law-enforcement programs. For a State to attempt to develop a comprehensive statewide plan and impose it on diverse communities may well be worse than no plan at all.

Another problem generated by statewide administration of law-enforcement planning is the conflict of jurisdictions that may arise in dealing with a community such as New York City. It clearly makes sense to provide funds directly to a citywide crime commission that is familiar with the unique problems faced by the city and which is capable of formulating a comprehensive plan for dealing with them. On the other hand, the block-grant approach would leave Connecticut, New Jersey, and New York free to develop three separate plans for dealing with the city's ills. Barring a miracle, the most likely outcome would be a piecemeal solution to the tristate area's problems, assuming that jurisdictional squables did not disrupt the project altogether.

None of this is meant to suggest that State law-enforcement agencies and State planning commissions should not play a significant role in the grant program of title I. State agencies undoubtedly are more effective in combating organized crime where the criminal group is organized and operating on a statewide basis. Title I has explicitly provided

for grants which are designed to combat organized crime, and in all likelihood most of these grants will be made directly to the States. In fact, section 304 stipulates that programs relating to organized crime and to riots are to be given special emphasis in the Administration.

State agencies are also likely to be more effective in developing plans for combating crime in rural areas. In these areas environmental and social factors are likely to be less significant, and those factors that do enter the picture are less likely to vary radically from one rural locale to the next. However, I must emphasize that although rural crime is on the increase, and cannot be ignored, it still accounts for only one-twelfth of the overall incidence of crime in this country. It is the other eleven-twelfths—the crime in our dense urban centers—that must necessarily be our primary focus, and it is here that, for reasons I have already stated, we should not allow local law enforcement to become sublimated to some far-removed commission on crime and punishments sitting in the ivory tower of the statehouse.

The proponents of the block-grant amendment have relied heavily on the formation of State planning committees in many of the States. There can be no question that the States can and must play a major role in planning for law enforcement. Equally important, however—and this is a point altogether ignored by the proponents of the block-grant amendment—local governments themselves have accumulated extensive experience in recent years with law-enforcement planning committees and crime commissions, especially in the major metropolitan centers. Strong impetus toward the formation and development of local, metropolitan, and regional planning agencies has come from the large number of Federal grant programs that encourage or require planning on an areawide basis. For example, section 204 of the Model Cities Act requires that after June 30, 1967, all applications for Federal loans or grants to carry out open-space land projects or to plan or construct certain types of facilities within any metropolitan area must be submitted for review and comment to a designated metropolitan or regional planning agency. The types of facilities named in the act are: hospitals, airports, libraries, water supply and distribution facilities, sewage facilities and waste distribution works, highways, transportation facilities, and water development and land conservation projects. The review and comment provisions of the model cities program are closely analogous to the similar provisions of title I of S. 917, which require State-level review before Federal funds may be made available to local governments under the law-enforcement assistance program.

Under the terms of the Model Cities Act, the reviewing agency must be "to the greatest practicable extent, composed of or responsible to the elected officials" of the units of local government in the geographic area. The general response of local governments to the review and comment provisions of the Model Cities Act has been good. Several reviewing agencies are actually using the review function as a means of helping their constituent local governments to obtain Federal funds.

As of the end of the recent fiscal year, the Department of Housing and Urban Development and the Bureau of the Budget had designated appropriate reviewing agencies for the purposes of the Model Cities Act in approximately three-quarters—170—of the 237 "standard metropolitan statistical areas" in the United States. Of the SMSA's with a designated planning agency, approximately two-thirds are single-county areas with a countywide planning agency—either a county planning agency or a city-county planning agency. In many cases, these local planning agencies are already in active operation and are capable of taking on the responsibility of planning for law enforcement and criminal justice in their areas, once the new Federal program under title I comes into operation.

The institution of a local or community planning agency is hardly a novel idea. Many cities, counties, and private groups have formed committees to study criminal behavior in their localities and have successfully initiated reforms and programs for improving the local police force, expediting law-enforcement procedures, and combating crime generally. Examples of such instances are abundant. Of a private nature, perhaps the best known are the citizens crime commissions. These have sprung up in a number of large cities with the avowed purpose of educating the public as to all phases of organized crime and of developing effective methods for controlling it. In 1951 representatives from the various citizens commissions met in Chicago and formed the National Association of Citizens Crime Commissions—NACCC. Since then the association has met annually to discuss problems of common interest, with an eye to fostering the growth of similar commissions in various localities across the country. At present, citizen crime commissions are active in Atlanta; Baltimore; Boston; Burbank, Calif.; Chicago; Crown Point, Ind.; Dallas; Fort Worth; Kansas City, Mo.; Miami; New Orleans; Philadelphia; St. Louis; Waukegan, Ill.; Wichita; and Wilmington, Del.

In addition to these private efforts, the Department of Housing and Urban Development has encouraged a selected group of metropolitan planning agencies to develop comprehensive programs for crime prevention and law enforcement. Under this pilot project, HUD will provide two-thirds of the total cost of the program from its urban planning assistance program; the remaining one-third is to be supplied by local groups or by donated services. As of now, grants have been authorized for pilot projects in Kansas City, Atlanta, Boston, Minneapolis-St. Paul, and Lansing, Mich. In addition, HUD is processing grants and expects to issue them soon for planning agencies in Washington, D.C.; Baltimore; Philadelphia; Phoenix; Dade County, Fla.; and Wayne County, Mich. These HUD-financed programs are expected to cost in the neighborhood of $10,000 to $20,000 per program, and should provide useful guidelines for planning grants by the Law Enforcement Administration pursuant to title I of the crime bill. I might point out that HUD's pilot project is in supplement to the Department's model cities program, pursuant to which some 75 cities have been directed to consider problems of law enforcement and criminal justice as part and parcel of their general revamping under the program.

In addition to the local programs funded by HUD and the private efforts of the citizens crime commissions, several cities have appropriated funds for city level crime planning councils. Louisville, Ky., has appropriated $35,000 for this purpose from its city budget. The city of Alexandria, Va., recently allocated $5,000 from its budget to set up a similar group. Other cities which have taken similar steps and which presently boast of city level criminal justice planning commissions are Philadelphia, New York, New Orleans, and San Francisco. I would like to briefly highlight the experience of two of these metropolitan areas, because I believe their approach to the problems of criminal law enforcement serves to demonstrate the utility of such a program and the need to allow direct grants to be made under title I to local governments.

In New York City, participation by the local citizenry in efforts to reform criminal procedures and to plan for better law enforcement goes back to 1873, with the formation of a committee for the suppression of vice. Five years later, a rival group known as the Society for the Prevention of Crime was founded, and over the next 60 years or so these groups devoted themselves to ferreting out corruption and bribery in the city administration. It was at the society's insistence that the Seabury investigation was begun, which ultimately led to the ouster of Mayor Walker and ushered in the reform administration of Mayor Fiorello H. La Guardia.

As late as 1951 the society was responsible for a major shakeup among top police officials, which led to the appointment by Governor Dewey and a five-member State crime commission. The success of the society in bringing about reform prompted the formation of a number of private and public crime commissions which have studied New York City's unique problems and recommended solutions. These have ranged from temporary commissions whose function and goal was limited to a particular study, such as legislative revisions, to various citizen's committees for the control of crime and citywide anticrime committees whose goals were broader but which have ceased to function for lack of funds. In the latest local effort, Mayor John Lindsay has recently established the New York City Crime Council which is to be funded by city appropriations. The long history of the local efforts to study and control crime in New York City demonstrates the key role that local agencies can and must play in improving the enforcement of criminal law.

At the other end of the country, Mayor Joseph L. Alioto, of San Francisco, has established a committee on crime whose assigned task is to conduct a

searching inquiry into the complexities of crime in the city. The committee has been asked to develop recommendations to improve the city agencies that deal with crime, delinquency and rehabilitation. It is expected to delve into the root causes of the conditions that spawn crime, and to determine the extent of any relationship that exists between environmental conditions and criminality. Mayor Alioto candidly observed that San Francisco, by dint of its high incidence of alcoholism, drugs, narcotics, suicide, sexual promiscuity, and pornography, represents a "unique laboratory for the study of modern social ills and aberrations." Twenty-five thousand dollars has been appropriated for the task, which is expected to take 18 months to complete.

Thus, in one way or another, more than 100 cities, counties, or local communities have devoted considerable time, energy, and money to the problems of law enforcement and criminal justice. At the close of my remarks I shall insert a partial list of local governments that have already engaged in major planning efforts to improve and strengthen their law enforcement systems. These units of local government have amply demonstrated that they are capable of effectively attacking the problem of crime, and that they are worthy of receiving funds directly under title I—without the intervention of statewide agencies—in order that they may continue this work.

Such local governments should not be subjected to the serious delays and frustrations of the block-grant amendment, under which up to an entire year may be wasted before Federal funds may be made available to local governments. Even now many local governments have already completed their law enforcement plans, or are in the process of completing them. These localities will be ready to receive grants under title I as soon as the bill is signed into law. Only if title I retains adequate flexibility to fund both States and local governments can we achieve the success that is needed in the war against crime.

Eventually, it is hoped that many other localities may be given an opportunity to examine their own problems and formulate plans for solving them. Title I, in my opinion, represents the best possible approach to the problems of law enforcement and criminal justice. When enacted, it will start us on the right track toward eradicating the scourge of crime which today is threatening the peace and security of our society.

I strongly urge the Senate to reject the block-grant amendment to the omnibus crime bill.

I ask unanimous consent that an appendix to my statement be printed in the RECORD.

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

APPENDIX

The following is a partial list of local jurisdictions that have engaged in some form of law enforcement planning, at the instance of federal, municipal or private groups (listed alphabetically by states):

ARIZONA

Phoenix (HUD Pilot Program; LEAA Grantee).
Scottsdale Police Department (LEAA).
Tucson Police Department (LEAA).

CALIFORNIA

Alameda County (Anti-Racket Council).
Burbank (Nat'l. Ass'n. of Citizens Crime Committee—NACCC).
Chula Vista Police Department (LEAA).
Crime Commission of Los Angeles.
Los Angeles Police Department (LEAA).
Los Angeles County Sheriff's Office (LEAA).
Redondo Beach (LEAA).
Richmond Police Department (LEAA).
Riverside County Sheriff's Department (LEAA).
San Francisco (City Budget Appropriation).
San Jose Police Department (LEAA).

COLORADO

Denver County Court (LEAA).
Pueblo Crime Commission.

CONNECTICUT

New Haven Police Department (LEAA).

DELAWARE

Delaware Citizens Crime Commission (NACCC).
Wilmington Police Department (LEAA).

DISTRICT OF COLUMBIA

District of Columbia Metropolitan Police Department (LEAA).
District of Columbia (HUD).
District of Columbia Department of Corrections (LEAA).
District of Columbia Department of Public Health (LEAA).
United Planning Organization (LEAA).
Citizen's Crime Commission of Metropolitan Washington (NACCC).

FLORIDA

Alachua County Sheriff's Office (LEAA).
Dade County Public Safety Department (LEAA).
Gainesville Police Department (LEAA).
Miami (HUD Pilot Project; LEAA).
Crime Commission of Greater Miami (NACCC).
Tampa Police Department (LEAA).

GEORGIA

Atlanta (HUD Pilot Project).
Citizens' Crime Prevention Commission of Atlanta.

HAWAII

County of Hawaii Police Department (LEAA).
Honolulu Police Department (LEAA).

ILLINOIS

Chicago Crime Commission (NACCC).
Chicago Police Department (LEAA).
Chicago Vice Commission.
Evanston Crime Commission.
Oak Park Police Department (LEAA).
Peoria Police Department (LEAA).

INDIANA

Gary Crime Commission.
Gary Police Department (LEAA).
Marion County Crime Commission.
Northwest Indiana Crime Commission (NACCC).

IOWA

Cedar Rapids Police Department (LEAA).
Des Moines Police Department (LEAA).

KANSAS

Kansas City Police Department (LEAA).
Wichita Bureau of Police (LEAA).
Wichita Crime Commission (NACCC).

KENTUCKY

Louisville (City Budget Appropriation).
Newport Committee of 500.

LOUISIANA

New Orleans (City Budget Appropriation).
New Orleans Police Department (LEAA).
Metropolitan Crime Commission of New Orleans (NACCC).

MARYLAND

Baltimore (HUD Pilot Project).
Baltimore Criminal Justice Commission (NACCC).

MASSACHUSETTS

Boston (HUD Pilot Project).
Boston Police Department (LEAA).

MICHIGAN

Detroit (LEAA).
Flint Police Department (LEAA).
Lansing (HUD Pilot Project).
Pontiac Police Department (LEAA).

MINNESOTA

Edina (LEAA).
Minneapolis-St. Paul (HUD Pilot Project).
Law Enforcement Association of Minneapolis.
Minneapolis Police Department (LEAA).
St. Paul Police Department (LEAA).

MISSOURI

Kansas City (HUD Pilot Project).
Kansas City Police Department (LEAA).
Kansas City Crime Commission (NACCC).
St. Louis Metropolitan Police Department (LEAA).
St. Louis Crime Commission (NACCC).
St. Louis County (LEAA).

NEBRASKA

Omaha Police Department (LEAA).

NEW JERSEY

East Orange Police Department (LEAA).
Elizabeth Police Department (LEAA).
Newark (LEAA).

NEW YORK

Brooklyn Crime Commission.
Citizen's Crime Commission of the State of New York.
New York City (City Budget Appropriation).
New York Anti Crime Commission.
New York City Police Department (LEAA).
New York County District Attorney's Office (LEAA).
Rochester Department of Public Safety (LEAA).
Syracuse Police Department (LEAA).

NORTH CAROLINA

Charlotte Police Department (LEAA).
Winston-Salem Police Department (LEAA).

NORTH DAKOTA

Fargo Police Department (LEAA).

OHIO

Cincinnati (LEAA).
Cincinnati Regional Crime Commission.
Cincinnati Division of Police (LEAA).
Cleveland Police Department (LEAA).
Cleveland Crime Commission.

OKLAHOMA

Oklahoma City Police Department (LEAA).
Tulsa Police Department (LEAA).

OREGON

Laue County Youth Study Board (LEAA).

PENNSYLVANIA

Philadelphia (HUD Pilot Project).
Philadelphia (City Budget Appropriation).
Philadelphia Police Department (LEAA).
Crime Commission of Philadelphia (NACCC).
Philadelphia Criminal Justice Association.
Pittsburgh (LEAA).

TENNESSEE

Memphis Crime Commission.

TEXAS

Dallas-Ft. Worth (HUD Pilot Project).
Dallas Crime Commission (NACCC).
San Antonio (HUD Pilot Project).
Tarrant County Crime Commission (NACCC).

UTAH

Salt Lake City Police Department (LEAA).

VIRGINIA

Alexandria (City Budget Appropriation).
Alexandria Police Department (LEAA).
Richmond Bureau of Police (LEAA).

WEST VIRGINIA

Huntington Police Department (LEAA).

WISCONSIN

Milwaukee Metropolitan Crime Prevention Commission.
Waukesha Sheriff's Department (LEAA).

Mr. PERCY. Mr. President, I rise in support of title III of the bill and in opposition to the motion to strike. In my view, it is imperative that the Congress act to define the law of the land as it pertains to wiretapping and electronic surveillance. In my view, title III represents a definition that is responsive to the needs of our times.

In passing this title, the Senate has the opportunity to take steps to outlaw private espionage which is fast becoming a major threat to the normal operations of the business world. We can protect individual citizens from the intrusions of secret surveillance that is becoming increasingly widespread and increasingly blatant.

At the same time, Mr. President, we must act to clarify the law as to the extent to which modern electronic surveillance techniques may be used as a weapon against organized crime. The insulation from detection, and from normal evidence-gathering processes of law enforcement agencies has made "the mob" all but impenetrable.

PRIVATE ELECTRONIC SURVEILLANCE

Mr. President, the variety of means and the extent of private electronic surveillance activities in the United States is alarming. There have been numerous press studies and accounts of individual incidents in recent years that have highlighted this threat to private citizens who in our modern age are already subjected to the intrusions of their fellow man resulting from the growth of a rapidly urbanizing, communications-oriented society.

While the exact extent of this private surveillance cannot be accurately determined, from the increase in the numbers of advertisements of surveillance devices alone, a boom in the business can be readily inferred.

For example, in 1963, two reporters from the Chicago Sun-Times, William Braden and Art Petacque, undertook a survey of Chicago private detective agencies to ascertain the availability of professional electronic surveillance services. In contacting eight of the cities' 75 agencies, only one refused to undertake to install and maintain listening devices for the reporters, who posed as lawyers seeking help for "clients." The one who refused was hardly altruistic in his reasoning: he offered to rent the necessary equipment.

The conclusion reached by Braden and Petacque was that, even though illegal in the State of Illinois, the practice of eavesdropping was continuing unchecked as a practical matter. The examples of tapped public telephones or bugged conference rooms should bring home to every citizen the loss of individual freedom that can result from continuation of the present wideranging eavesdropping. The most telling example from the Sun-Times series—the hiring of an expert to plant a listening device in a church confessional—is indicative of the scope of the danger in our society if the present practices continue unhindered.

A more comprehensive study of the problem has recently been completed by Prof. Allan F. Westin, "Privacy and Freedom." Under the sponsorship of the Association of the Bar of the City of New York, the project was funded by the Carnegie Corp.; the result is deserving of commendation to all who made it possible.

The report succinctly summarizes the situation we address with title III of the bill, as follows:

A technological breakthrough in techniques of physical surveillance now makes it possible for government agents and private persons to penetrate the privacy of homes, offices, and vehicles; to survey individuals moving about in public places; and to monitor the basic channels of communication by telephone, telegraph, radio, television, and data line. Most of the "hardware" for this physical surveillance is cheap, readily available to the general public, relatively easy to install, and not presently illegal to own. As of the 1960's, the new surveillance technology is being used widely by government agencies of all types and at every level of government, as well as by private agents for rapidly growing number of businesses, unions, private organizations, and individuals in every section of the United States. Increasingly, permanent surveillance devices have been installed in facilities used by employees or the public. While there are defenses against "outside" surveillance, these are so costly and complex and demand such constant vigilance that their use is feasible only where official or private matters of the highest security are to be protected. Finally, the scientific prospects for the next decade indicate a continuing increase in the range and versatility of the listening and watching devices, as well as the possibility of computer processing of recordings to identify automatically the speakers or topics under surveillance. These advances will come just at the time when personal contacts, business affairs, and government operations are being channeled more and more into electronic systems such as data-phone lines and computer communications (pp. 365–366).

The many examples contained in the Westin study will come as no surprise to anyone who has followed the hearings of the Senate Subcommittee on Administrative Practices and Procedures, as well as many excellent articles in national news media.

Professor Westin's conclusion on the effectiveness of present laws to cope with this growing problem, is a forthright one:

The current legal framework is now inadequate to defend the American equilibrium on privacy from new surveillance techniques.

This terse summation underscores that of the Task Force on Organized Crime of the President's Crime Commission, that the present state of the law is "intolerable," that—

It serves the interests neither of privacy nor of law enforcement.

It is clear to this Senator that action is necessary. While Federal laws cannot present the whole answer to the problem, a Federal law such as title III can provide an excellent beginning. An outright ban on private wiretapping and eavesdropping could be accomplished under the title by two means. First, the private interception or publication of interceptions of wire and cable communications would be prohibited. Second, relying on the commerce clause, title III would prohibit the manufacture, distribution, possession, and advertising of surveillance devices primarily intended for use in surreptitious interception of wire and oral communications. Additional sections of the bill provide for confiscation of illegal communication intercepting devices and prohibit the use in any court of the contents of unauthorized interceptions.

While the need for complementing State laws to assure privacy continues, these provisions, as part of the Federal law, will indicate a strong and far-reaching new direction, and resolve, in the development of the laws of privacy. In recognizing the present advanced state of electronic surveillance technology, the title anticipates as well the capabilities science is sure to develop in the years ahead. Enactment of the prohibitions of title III into law will be a landmark in the development of the historic right to privacy in our society.

Mr. President, the provisions of the bill banning private surveillance enjoy widespread if not complete support of this body. Notwithstanding their broad sweep, and notwithstanding invocation by title III of the ultimate reach of the commerce powers, there has hardly been a suggestion that we should not so act to insulate individuals, groups, and corporations from the possibility of these secret electronic invasions of their privacy.

The provisions of the bill that afford a court-supervised exception for law-enforcement officers to the general prohibition of the title, however, have invited wide-ranging discussion, and justifiably so. The question of whether the law-enforcement arm of the Government should be allowed to maintain electronic surveillance over private citizens—and if so, under what circumstances—is a matter deserving the closest public scrutiny and debate. The American people have a right to expect that—as in so many instances in the development of our laws—the competing interests involved in a decision of this kind will be thoroughly evaluated. The hearings in two subcommittees of the Senate Judiciary Committee, before the House Judiciary Committee, and before the Permanent Investigations Subcommittee—all within recent years—have given Congress an excellent background on the problem. The result is a workable, though controlled approach to permissive official surveillance.

For my own part, I have arrived at a position of support for authorized wiretapping only after many months of study and analysis. I support the pending measure in view of the proven effectiveness of electronic surveillance in the war on organized crime. I am convinced that we must devote every possible resource to breaking the organization and control of the crime syndicate in our Nation.

For when the risks to individual liberties of misdirected surveillance activities are balanced against the wholesale deprivation of liberty exacted by the activities of the mob, and its corrosive effect on our society, there is little doubt as to where my duty lies in contemplation of this title of the bill.

ELECTRONIC SURVEILLANCE AND ORGANIZED CRIME

It has been heartening to observe the increased attention accorded the problem of organized crime in the press and in the Congress since the release of the report of the President's Commission on Law Enforcement and the Administration of Justice. In that report, and in the appended Task Force Report on Organized Crime will be found an exhaustive and extensive analysis of the operation of the organized crime syndicate. Anyone who has read such detailed congressional investigations as the "Permanent Subcommittee on Investigations Report on Organized Crime and Illicit Traffic in Narcotics," so ably chaired by the distinguished Senator from Arkansas [Mr. McCLELLAN], will find a great deal of familiar analysis and similar conclusions to those found in the Commission's report.

Most of the President's Crime Commission recommendations relate to the need to strengthen the hand of society in the gathering of evidence necessary to successful prosecution of the participants of organized crime. It is to this objective that the provisions of title III are directed.

Title III authorizes wiretapping and electronic eavesdropping by Federal law enforcement officers pursuant to authorization issued by a Federal court. It should be noted well that title III does not, in and of itself, authorize or encourage electronic eavesdropping by State or local authorities. The States are free to enact authorizing statutes if their residents so desire. They must conform to the requirements of the Supreme Court, of course, if they undertake to do so.

The Federal procedure is similar to that used for arrest or search warrants. An extensive showing must accompany an application for authority to intercept communications. There must be probable cause to believe one of the several enumerated offenses has been, is being, or is about to be committed. It must be sworn that the interception sought to be authorized will probably yield information relative to the offense; and it must appear in the application that normal investigative techniques either would not succeed or would be overly dangerous to law-enforcement personnel.

Specificity is required as to the person or persons whose communications will be intercepted, the times and places where the intercept authority may be exercised, and the agency who may exercise the intercept authorization. A limitation on the duration of the authority under each application is set at 30 days, with extensions allowed only based upon the same criteria required for an original surveillance warrant.

Once a surveillance is instituted, the intercepted material must be safeguarded pursuant to court supervision, and preserved for 10 years. Notice to the party on whom surveillance authority was sought must be given, whether or not the warrant was issued and whether or not, and if it was issued, whether or not it was successful. Notice to a criminal defendant of the use of intercepted communications 10 days prior to a proceeding in a criminal case is a condition precedent to their admissibility in the proceeding. Offenses which may be the subject of an interception are enumerated in the bill, and are those which experience has shown to be most closely related organized crime activities. I was gratified that the distinguished manager of the bill has accepted my amendment making offenses relating to extortionate credit transaction—loan sharking—properly cognizable under the title.

Having referred to "Privacy and Freedom," I would point out that title III meets the four basic criteria deemed essential by Professor Westin to any basic system that authorizes surveillance. They are first, limitations on who may carry out surveillance—excluding private parties; second, regulation of the scope, duration, and operation of the surveillance; third, judicial supervision of authorization for surveillance; and, fourth, rules as to disclosure and use.

Professor Westin points out that the rules governing the need for issuance of surveillance warrants must, of necessity, be more precise than under other warrant systems. With this premise I agree, as did the other drafters and proponents of the original legislation.

In evaluating the need for title III, it is essential to consider who the targets of organized crime activity are, and how this organization operates so effectively outside of the laws and law-enforcement efforts of our society.

Who are the victims of the mob?

There is little doubt left by the President's Crime Commission that we all are victims of organized crime. The underlying danger posed by the mob's purpose was highlighted by Capt. William Duffy, of the Chicago Police Department:

> (La Cosa Nostra) is aggressively engaged in attempts to subvert the process of government by well-organized endeavors to capture or otherwise make ineffectual the three branches of our local and Federal Government by various forms of bribery and corruption.

The Crime Commission report is equally straightforward:

> Organized crime is not merely a few preying on a few. In a very real sense it is dedicated to subverting not only American institutions, but the very decency and integrity that are the most cherished attributes of a free society. As the leaders of the Cosa Nostra and their racketeering allies pursue their conspiracy unmolested, in open and continuous defiance of the law, they preach a sermon that all too many Americans heed: The government is for sale; lawlessness is the road to wealth; honesty is a pitfall and morality a trap for suckers.

The principal illegal activities of the mob suggest the elements of our society where the bulk of those directly victimized will be found. Gambling, narcotics traffic, loan sharking, and the protection rackets—the victims of these sorts of crime are found chiefly in our urban core areas. In exploiting the slum and ghetto dweller, organized crime works in diametric opposition to the efforts and policies of government at all levels. It operates against the least well protected, and therefore the more easily subjugated elements of our population.

These activities of direct participation by organized crime often breed further lawlessness which itself adds to the plight of the ghetto dweller. Narcotic addicts often will resort to repeated crimes such as larceny and housebreaking to acquire the money to feed their habit. Since narcotic imports are a virtual monopoly of syndicated crime, the mob is the ultimate beneficiary of the fruits of this seemingly petty criminal activity on the part of narcotic addicts. The victims of this sort of crime are most often the members of the lower economic classes who live in the city centers.

Similarly the gambler who loses—and most do—still must find a source of income to sustain himself, and to continue to pursue the hope of his big win so openly availed him by syndicate-controlled gamblers. Woe to the gambler, or the loan shark victim who becomes indebted to the organization. The law of the organization as to their debtors is clear: the victim is himself security. The exaction of a pound of flesh is effectively promised by occasioned beatings and torture carefully arranged for maximum publicity effect on other debtor-victims. Faced with a choice between this insidious but efficient law, and the remote, seemingly slow and ineffective sanctions of society at large, the debtor often chooses to defy society since he cannot safely defy the mob. Invariably his victim will be from an element of our society who can least afford the loss. This continuing lesson to the impressionable and to the youth of our core-city areas, that crime can be made to pay—and pay well—underscores the need to use every constitutional device to root out and destroy what has been very aptly called the "secret government" of organized crime.

I might comment briefly on the loansharking racket, which is by no means new, but is a growing area of mob activity. I had occasion last week to meet with the executive director of the Illinois Crime Investigating Commission and his chief investigator, both of whose statements before the Select Committee on Small Business appear at page 13655 of the RECORD for Thursday, May 16. I urge all Senators to read them as examples of how the mob operates.

Loan sharking is everywhere ultimately controlled by organized crime. Its victims, in contrast, come from all segments of society. Only a pressing need for cash—no rarity in our credit-oriented economy—and no access to regular lending channels separate the victim from each of us. Repayment is universally compelled by force, but often defaulting debtors are also pressed into committing or tolerating criminal acts to find repayment—including arson and brankruptcy fraud. Detroit, particularly, has seen the work of one of the top "torches" in organized crime. In the past 8 years, more than 20 syndicate-related businesses have gone up in flames.

Organized crime has not limited itself

to criminal endeavors. Large spheres of legitimate business and union activity have been and are being subverted, undermining our basic economic mores and institutions. In many cities, organized crime dominates the fields of jukebox and vending machine distribution. Laundry services, liquor and beer distribution, banks, race tracks, bars and restaurants, refuse collection, construction, real estate, bakery and dairy products, and a host of other lines have been invaded. Control of businesses has been acquired by the subrosa investment of profits acquired from illegal ventures, by accepting business interests in payment of gambling or loan shark debts, and by using various forms of extortion. Our free enterprise system, industry by industry, is under careful exploration by those who seek to exploit it.

Closely paralleling its takeover of business, organized crime has moved in on legitimate labor unions, particularly in the transportation area. Control of labor supply through control of unions prevents the unionization of some industries or guarantees sweetheart contracts in others. This, of course, can give an unfair competitive position to a favored syndicate employer. It provides the opportunity for theft from union funds, extortion through the threat of economic pressure, and the loot to be gained from the manipulation of the welfare and pension funds and insurance contracts on which so many of our workers and their families depend. Trucking, construction, and waterfront entrepreneurs have been persuaded for labor peace to countenance gambling, loan sharking, and pilferage. Membership in the union itself often has been made a matter of grace dispensed by the high officials of organized crime rather than a right guaranteed to each man by law without regard to race, color, creed, or national origin. All of this, of course, degrades the promise of the social legislation of the last half century.

HOW DOES THE MOB OPERATE SUCCESSFULLY—AS A SECRET GOVERNMENT—OUTSIDE THE LAW?

The President's Crime Commission has detailed the structure of the mob, and outlined its modus operandi with great clarity. As the Commission remarked, the Cosa Nostra was designed to operate successfully outside the laws of our society. The executives or "bosses" are insulated from the employees—many of whom are not formally members of the organization—by three intermediate levels of authority in a well-defined chain of command. In addition, the mob operates in "families," equivalent to separate organizations, which have exclusive operating rights in clearly defined territories. The 24 identified families are responsive to a nine-member "commission" whose membership is filled by the heads of the most powerful families.

Thus the executive levels are insulated from the specific illegal acts which they direct. Moreover, the different functions within a given mob activity are insulated from each other—the collector, or bag man, for a loan-shark operation may never see or know who the enforcer is whose threatened violence assures the success of the operation. The mobster who corrupts a public official may never touch the money. A "hit" man—a murderer given a "contract" to eliminate a mob victim—is often dispatched from another family in another territory, his identity even unknown to those who issued the fateful contract.

The benefits of our age of modern communication are available to the syndicate and they are used well. As the President's Crime Commission observed, if we are to successfully combat organized crime, we must be prepared to use the same ingenuity and modern methods as are used by the adversary. It is obvious that the presence of a statute on the books authorizing electronic surveillance will have the effect of forcing the use of less secure means of communication. Effectively used, it can unquestionably lead to the production of the evidence needed to convict those who direct and control the business of organized crime.

Mr. President, I submit that the need for this legislation is clear. The law has been approved by the Supreme Court in pattern and principle in the recent Berger and Katz cases. The need has been recognized by a majority of the President's Crime Commission, by the Judicial Conference of the United States and by the National Council on Crime and Delinquency. The report of the British Privy Councillors, reviewing 20 years of permissive official electronic surveillance cited an "infinitesimal" interference with privacy. The experience under the New York permissive surveillance law—which was far less precise and comprehensive than the present proposal—indicates the efficacy of a court-supervised system.

Mr. President, I believe this proposal has gained broad public support in the year that has passed since it was introduced. I hope that support will be reflected in the vote on the pending motion. I have have talked with a number of my constituents, with public officials of my own State as well as others, and with prominent national leaders, both in and out of Government. Many were initially skeptical about authorizing official surveillance. But the balanced, limited concept for Federal authority embodied in the bill has been generally well received as a sound workable approach to the problem. While it implies a good measure of respect for our Federal system of criminal justice and those that administer it, I for one do not feel that in the passage of this law that confidence will prove to have been misplaced.

Mr. President, I urge the adoption of title III, not only as an indication that the Congress is willing to make hard decisions to meet the challenges of crime in our society, but as well to reorient and redirect the whole body of law protecting our citizens from intrusive, unnecessary invasion of their right to privacy.

Mr. BREWSTER. Mr. President, I wish to urge the Senate to support the provisions of title I of S. 917 in their present form, and to vote against the block grant amendment that has been proposed.

The present version of title I authorizes the Law Enforcement Assistance Administration to make planning grants and action grants to States and local governments having a population of at least 25,000 persons.

By contrast the block grant amendment completely eliminates the role of local governments in the new Federal program. Under the amendment, Federal grants can be made only to the States, and the States alone are made responsible for disbursing the funds to local governments.

The shortcomings of the block grant amendment are manifold. First, and most important, is the fact that no Federal grant program designed to improve and strengthen law enforcement can succeed without the major involvement of local governments. Law enforcement in the United States has always been a local responsibility, and if local governments are to succeed in meeting their responsibility, they must be allowed to share—and to share directly—in the major new Federal assistance program that will be established under title I.

The face of America has changed enormously since the colonial days. We have gone from a collection of predominantly rural and essentially autonomous jurisdictions to a single, highly industrialized nation. But we have never lost sight of the basic and guiding principle in the history of law enforcement—that law enforcement is a local function.

The local nature of law enforcement is firmly rooted in English history. The first official police forces were created in large towns of England during the reign of Edward I, at the end of the 13th century. Their basic structure and composition remained essentially unchanged for more than 500 years. The industrial revolution, however, placed pressure of enormous magnitude on the traditional system of law enforcement, and in 1829, in London, Sir Robert Peel organized the first metropolitan police force. It was structured along the lines of a military organization, and it was the first police force to wear a distinct uniform.

The American colonists of the 17th and 18th centuries brought to America the law-enforcement system they had known in England. That system was solidly grounded in the fundamental principle of independent local law enforcement. In spite of increased State control in many areas in the 19th century, our cities and counties throughout the country continued to pay for their own police services.

The formation of law-enforcement agencies at the State level is of relatively recent origin. Although a State police force known as the Texas Rangers was created in 1835 to supplement the military forces of Texas, modern State police organizations did not emerge until the beginning of the 20th century. In 1905, the Governor of Pennsylvania, in the absence of an effective local police system, created the first modern State police force. The majority of State police departments were established shortly before World War I to deal with the increasing problem of the automobile and the accompanying wave of car thefts. It is no wonder, then, that our modern

State police are restricted almost entirely to highway safety and traffic patrol functions.

Today, almost all of the 50 States have State police forces. At the same time, however, even the smallest local government provides at least minimum police protection for its citizens. In the majority of States, the jurisdiction of the State police force is narrowly limited to highway patrol duties. In addition, there are substantial legal obstacles in many States to participation by State police in local law enforcement. Throughout our history, therefore, we have had a single fixed star in our democratic system—the existence of local control over law enforcement.

The local nature of law enforcement in the United States is revealed by the distribution of law-enforcement personnel. Almost 90 percent of the total number of full-time State and local police officers in the Nation are employed by county or municipal police agencies. Only 10 percent are employed by State police agencies. The same pattern holds true with respect to the relative proportion of law-enforcement expenditures by State and local government. Eighty-six percent of the total expenditures for police and 77 percent of the total expenditures for courts are made by local governments.

The new law enforcement assistance program established by title I should not be used to disrupt the balance of power between State and local enforcement agencies that has been maintained throughout our history. The block grant amendment threatens the very existence of local law enforcement in our society. It gives the State Governors vast power over the cities and counties of the Nation. It will inevitably foster major partisan conflicts between Governors and mayors, between urban and rural areas, and between State and local police.

By contrast, title I in its present form adopts a flexible, neutral and balanced approach toward the problem of improving State and local law enforcement. It guarantees a generous and active role for the States. Funds available under the bill will be used to support the entire range of law enforcement activities at the State level. The States will be encouraged to enter new areas of law-enforcement activities.

At the same time, title I guarantees to local governments an equally appropriate role in their efforts to upgrade their systems of law enforcement. There is no conflict between grants to State governments and grants to local governments. Title I in its present form makes clear that no grant can be made to a local government unless the State Governor and the appropriate law enforcement agency in the State have had an adequate opportunity to review the local application and to comment on the merits of the local program. Local governments will not be able to obtain funds for programs that cut at cross purposes with State programs. Instead, the present version of title I requires complete coordination of all law enforcement assistance programs developed by local governments within a State.

In the light of the numerous provisions for an effective and active State role, it simply cannot be said that title I bypasses the States. Title I recognizes the appropriate role that State and local governments together must play if they are to succeed in the war against crime. By contrast, the block grant amendment offers only delay and frustration in the implementation of this urgently needed program. I believe that nothing would more inhibit the success of the new great program than an arbitrary determination by the Senate that only the States are capable of planning and implementing improvements in local law enforcement.

I would also like to emphasize that title I in its present form contains strict limitations on the local governments that are eligible to apply for grants. No jurisdiction whose population is less than 25,000 persons can receive a planning grant or an action grant on its own. Title I thus discourages fragmentation and decentralization. At the same time, however, it encourages a city, town, or county that does not by itself have the required population to combine with other local governments in order to apply for assistance. Title I thus encourages cooperation and coordination where the Crime Commission found that law enforcement was most decentralized—in the small cities and counties of the Nation.

Finally, there is the serious delay that will inevitably result if the block grant amendment is adopted. The amendment provides that a State may take up to 6 months to apply for a planning grant under part B, and 6 more months to prepare its statewide law-enforcement plan and apply for an action grant under part C. Thus, up to an entire year or more may be wasted before substantial action funds can be distributed by the State for the benefit of local law-enforcement agencies within the State.

Many local governments have already begun to draw up their own comprehensive law-enforcement plans, and will be ready to receive planning grants just as soon as the Federal funds become available. Other local jurisdictions have already completed their law-enforcement plans and will be ready to receive action grants as soon as title I is enacted. Many of these local governments are major metropolitan areas, where the need for immediate and substantial financial assistance for law enforcement is most acute.

My own State, Maryland, provides a good case in point. Recognizing the regional nature of law-enforcement problems, both major metropolitan areas in the State have already initiated regional crime control and crime prevention programs.

The Metropolitan Washington Council of Governments has been the agency involved in the Washington area, while in and around Baltimore, it has been the Regional Planning Council.

The Regional Planning Council, which has unique status as both a State and a local agency, is made up of officials from Baltimore City and Anne Arundel, Baltimore, Carroll, Harford, and Howard Counties. Recently, the council has been moving from its traditional concern with physical and socioeconomic planning into more substantive areas like mass transit and crime prevention.

Just in the past month, the council received the results of a study it sponsored on law-enforcement cooperation in the Baltimore region, and has scheduled submission shortly of a study-design for criminal justice planning.

The principal recommendation of the study, "Police Cooperative Services in the Baltimore Metropolitan Area," is "that the Regional Planning Council become involved in the planning, promotion, development, and eventual implementation of certain areawide police service programs in the Baltimore region." Cited as lending themselves to areawide performance were personnel management services, and planning and research activities.

It is my understanding that the Regional Planning Council plans to act on the recommendations I have mentioned, and that, therefore, steps are already being taken to place this agency in an excellent position to receive and utilize efficiently Federal planning and program grants.

The Metropolitan Washington Council of Governments, for its part, has been one of the pioneers in the development of regional public safety programs. Most of the existing programs are conducted by the Regional Police Chiefs' Committee, the membership of which is made up by the law enforcement officers from the following organizations:

The Metropolitan Police Department, District of Columbia.
Arlington County, Va., Police Department.
Alexandria, Va., Police Department.
City of Fairfax, Va., Police Department.
City of Falls Church, Va., Police Department.
City of Greenbelt, Md., Police Department.
Montgomery County, Md., Police Department.
Prince George's County, Md., Police Department.
Prince William County, Va., sheriff's office.
City of Takoma Park, Md., Police Department.
U.S. Park Police.
Capitol Police Department.
Washington National Airport Police Department.
U.S. Military Police.
The Maryland State police.
The Virginia State Police.
The Federal Bureau of Investigation.
The U.S. Secret Service.
International Association of Chiefs of Police.

This Regional Police Chiefs' Committee has formed standing subcommittees concerned with such problems as interjurisdictional communications, intelligence exchange, and investigative activities. It has also initiated regional police teletype and radio systems which make possible the rapid exchange of information among law enforcement units, received and reviewed a preliminary report on area police training, and, in cooperation with the FBI, initiated the joint

release of quarterly police statistics for all area police departments.

To my mind, the record of achievement in both the Baltimore and the Washington regional agencies is considerable. Congress would be making a great mistake to ignore the groundwork in law enforcement that has already been laid by these bodies and others like them across the Nation.

I realize the need, of course, for additional financial and program commitments from local units of government to fully carry out a law-enforcement program of the magnitude envisioned in the Safe Streets and Crime Control Act. Local governments cannot expect the Federal Government to underwrite the whole burden. My point, however, is simply to demonstrate that there is no reason, in my State at least, why local, metropolitan and State law enforcement and criminal justice planning cannot proceed concurrently. I urge, therefore, that the Senate reject any attempt to bar local and regional agencies from receiving direct law-enforcement assistance grants.

Mr. DIRKSEN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Illinois has 1 minute remaining.

Mr. DIRKSEN. Does the Senator from Maryland have time?

Mr. TYDINGS. I have 2 minutes.

The PRESIDING OFFICER. Who yields time?

Mr. DIRKSEN. Mr. President, I understand that when the time is yielded back, a motion to table will be made. I trust it will be voted down by a resounding vote. If it is, the distinguished Senator from Massachusetts will still, then, have the opportunity to offer his amendment to my amendment. But he cannot do it until the time goes back.

I have probably used up my 60 seconds, and my distinguished friend from Maryland has 120 seconds; so when he uses it, that is all there is.

Mr. TYDINGS. Mr. President, as the Senator from Illinois has stated, it is my intention, although I dislike to do so, to move to table, for this reason: Two of our distinguished colleagues have to catch a plane. They have been waiting here for this vote. At the present time, unfortunately for our side, we have 14 Senators away.

This is an important vote. I think these Senators are entitled to an opportunity to vote on it. I would be happy to have an up-or-down vote now, but it is impossible under the circumstances. I hate to move to table, because I think it is not a good motion if it can be avoided, but I have no alternative. It is my responsibility to carry this section; the Senator from Arkansas has asked me to present the case; so I therefore yield back the remainder of my time, and move to lay on the table the amendment of the Senator from Illinois.

Mr. DIRKSEN. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Illinois. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia (after having voted in the affirmative). On this vote I have a live pair with the senior Senator from Oregon [Mr. MORSE]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

I announce that the Senator from Missouri [Mr. LONG] and the Senator from Georgia [Mr. TALMADGE] are absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Connecticut [Mr. DODD], the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Minnesota [Mr. MONDALE], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Florida [Mr. SMATHERS], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

On this vote, the Senator from Pennsylvania [Mr. CLARK] is paired with the Senator from South Carolina [Mr. HOLLINGS]. If present and voting, the Senator from Pennsylvania would vote "yea," and the Senator from South Carolina would vote "nay."

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Alaska [Mr. GRUENING], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], and the Senator from Florida [Mr. SMATHERS] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from Idaho [Mr. JORDAN] is absent on official business.

The Senator from California [Mr. KUCHEL] and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

If present and voting, the Senator from Idaho [Mr. JORDAN] and the Senator from California [Mr. KUCHEL] would each vote "nay."

The result was announced—yeas 30, nays 48, as follows:

[No. 155 Leg.]

YEAS—30

Bayh	Holland	Muskie
Bible	Inouye	Nelson
Brewster	Jackson	Pell
Burdick	Magnuson	Proxmire
Byrd, Va.	Mansfield	Ribicoff
Cannon	McClellan	Spong
Fulbright	McGee	Symington
Gore	McIntyre	Tydings
Hart	Metcalf	Williams, N.J.
Hartke	Monroney	Young, Ohio

NAYS—48

Aiken	Cooper	Fong
Allott	Cotton	Griffin
Anderson	Curtis	Hansen
Baker	Dirksen	Hatfield
Bennett	Dominick	Hayden
Boggs	Eastland	Hickenlooper
Brooke	Ellender	Hill
Carlson	Ervin	Hruska
Case	Fannin	Javits
Jordan, N.C.	Pastore	Smith
Lausche	Pearson	Sparkman
Long, La.	Percy	Stennis
Miller	Prouty	Thurmond
Moss	Randolph	Tower
Mundt	Russell	Williams, Del.
Murphy	Scott	Young, N. Dak.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Byrd of West Virginia, against.

NOT VOTING—21

Bartlett	Jordan, Idaho	Mondale
Church	Kennedy, Mass.	Montoya
Clark	Kennedy, N.Y.	Morse
Dodd	Kuchel	Morton
Gruening	Long, Mo.	Smathers
Harris	McCarthy	Talmadge
Hollings	McGovern	Yarborough

So Mr. TYDINGS' motion to lay Mr. DIRKSEN's amendment on the table was rejected.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. MUNDT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BROOKE. Mr. President, I send to the desk an amendment to the amendment of the Senator from Illinois and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

Mr. PASTORE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats. The clerk will not proceed with the reading until there is quiet in the Chamber.

The clerk may proceed.

The legislative clerk read as follows:

On page 9, line 12, strike out through page 9, line 19, and substitute the following:

"SEC. 306. (a) 66⅔ per centum of the funds appropriated to make grants under this part for a fiscal year shall be allocated by the administration among the States which have qualified to receive such grants according to their respective populations for use by each State's planning agency or units of general local government, as the case may be.

"(b) 33⅓ per centum of the funds appropriated to make grants under this part for a fiscal year shall be allocated by the administration among qualifying States or among qualifying units of general local government according to such criteria as the administration shall determine."

The PRESIDING OFFICER. How much time does the Senator from Massachusetts yield himself?

Mr. BROOKE. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 10 minutes.

Mr. PROUTY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BROOKE. Mr. President, block grants can make an essential contribution to improved law enforcement; at the same time they can do much to create a new and vital role for State government in our federal system. For both of these reasons, I believe the better part of wisdom calls for us to endorse this important concept.

But there are other factors to consider as well. There is an obvious insensitivity

to the varying needs of different States in a block grant scheme which is tied exclusively to the relative populations of the States. This single criterion, though it has the virtue of simplicity, has the vice of ignoring a central truth: That population alone is not a sufficient measure of the needs of any State for assistance in this field. Crime rates vary, the capabilities of police vary, the financial capacities of States vary—and all these and many other factors affect the relative needs of different States.

Moreover, there are cases in which a sound case can be made for direct assistance by the Federal Government to local units of government.

Considerations such as these have led me to devote much time to devising a suitably flexible system of grants to meet these diverse requirements. These factors are recognized in the text of amendment 715 by its provisions for most funds to be spent at the local level, even when channeled to the States as block grants. In addition the amendment offered by the distinguished minority leader reserves 15 percent of total funds under this program for allocation by the law enforcement administration at its discretion. This is an admirable attempt to build certain flexibility into the grant mechanism.

However, in my studied opinion, somewhat more flexibility is desirable. I have been a law enforcement officer and I believe there may well be cases in which direct Federal grants to local units of government would be helpful.

As the distinguished Senator from Illinois knows from my discussions with him and the able Senator from Nebraska, I have tried to devise a new set of criteria to permit greater flexibility in the administration of this program, while retaining a built-in preference for grants to encourage development of State capabilities for law enforcement. There have appeared certain problems with adding more criteria to the single standard of population proposed in amendment 715.

For this reason I have concluded that the most effective way to meet the mixed and divergent requirements in this field is to allocate most of the funds to the States according to their respective populations, but to reserve a substantial portion to be allocated either to the States or to local units of government according to the discretion of the administering body.

To accomplish this, my amendment to the pending Dirksen amendment provides that 66⅔ percent of the action funds should be allocated as block grants to the States, but that 33⅓ percent of the funds would be reserved for allocation as the law-enforcement administration shall decide.

This is a good-faith attempt to reach common ground for all of us who are interested in expanding the Nation's investment in sound law enforcement. I believe that the allocation formula which I advocate fairly serves the interests of both the supporters of the block grant amendment offered by my respected leader and the supporters of title I in its present form.

I urge that the Senate follow its customary instinct to approve reasonable and workable compromise. I hope that my colleagues on both sides of the aisle will recognize this proposal as such a compromise and that they will pass it with a solid majority.

The PRESIDING OFFICER (Mr. BURDICK in the chair). Who yields time?

Mr. DIRKSEN. I yield myself 5 minutes.

Mr. President, the Governor of a State is the No. 1 law-enforcement officer of the State. He even has power to bring out the National Guard and to do many other things. He can remove a county attorney if he wishes. And he is the No. 1 officer.

Well, 47 Governors have gone for this block grant idea and do not want to see it watered down. The National Association of State Attorneys General have been in favor of it. But the amendment now pending proposes to change this ratio on grants from 85–15 to 66⅔–33⅓.

What does it do? It just puts more power back in the hands of the Attorney General. And I am not about to see Ramsey Clark handle $500 million, because this law-enforcement assistance division, as the bill says, would be under his authority.

So you want to water this down? Well, you will be watering down law enforcement at the very place where you have to get it, and that is at the local level, at the grassroots. I do not know that this requires me to say anything more, because it is going to impair the whole block grant idea. And if we want to get something done in this demanding, compelling field, the time is right now, and not to impair this amendment—which was not tabled a little while ago—by changing these ratios and letting them set at 85–15 percent.

What an amazing thing, Mr. President, that the House originally brought in a bill in which it said the localities can offer a plan, but it has to go to the Governor. And then, lo and behold, they said the Governor can either approve or disapprove. He has the power to evaluate. That is the language that they sent to the Senate? What does it amount to? Why, he can sit at his desk in the gubernatorial mansion, look at it, and his risibilities rise, and he gets angrier by the minute; but he does not have 5 cents worth of authority. Yet, he is the number one law-enforcement man in that State.

So it is important, in the interest of this State-Federal partnership and in the interest of retrieving a little of this State power, in the wave of growing federalism, that this be kept where it is at the present time, without further impairment.

I hope that the amendment of my distinguished friend the Senator from Massachusetts will be rejected.

The PRESIDING OFFICER. Who yields time?

Mr. BROOKE. I yield myself 4 minutes.

Mr. President, I certainly agree with my distinguished minority leader that we want law enforcement at the local level, at the grassroots level, as he said. And that is exactly what my amendment proposes to do. The 85–15 formula, which the distinguished minority leader's amendment has devised, only gives 15-percent flexibility, which can be used either for the States of for the local municipalities, the local grassroot government. Under my proposed amendment, there would be 33⅓ percent that could be used.

Certainly, the grassroots local government is not the State government. That is the municipal government. All I am proposing in this amendment is to make a more equitable distribution of those funds, so that the 33⅓ percent can be used either for the States or for the municipalities.

We certainly know, and my distinguished minority leader has cited, what the Governors of this country want. But I believe we must also give consideration to what the mayors of the country want. They have very serious law-enforcement problems all over the country. The mayors want some flexibility. They do not want merely 15 percent, all of which they may not be entitled to at all. In some States they might be bypassed, and no funds would go to the municipalities where the money is actually needed.

We need to upgrade the local police departments in this country. We need better qualified policemen. We need better equipment in these municipalities.

Now, I am philosophically attuned to the concept of block grants. I have said that. And I agree with the distinguished minority leader in that respect. The only thing I am proposing is that the 85–15 distribution is not the best distribution we can achieve at this time which will assure municipal governments, grassroot local law-enforcement agencies, sufficient funds that they would need.

As to the statement about Ramsey Clark, Mr. President, I am not concerned about the incumbent Attorney General of the United States. I do not believe we should consider the man who presently occupies the job. Someone else may be in that job in 1969. I do not know. The voters of this country will determine that.

But I certainly believe that the administrative counsel that is provided for in the bill, under the amendment of the distinguished minority leader, could be given the authority to see where this money might be needed. We need this flexibility. I do not believe that population should be the only criterion. Some of the larger States have the best police departments. If you proceed entirely on population, that would mean that the money would be given to the larger States with the best police departments. What about the smaller States that have poor police departments but do not have much population? They may need more money. The State of Nebraska may need more money than the State of New York, for example, because the State of New York may have better law enforcement than the State of Nebraska. So I believe that the criterion of population is not the best criterion at this time.

I believe that my proposal is very reasonable and very sound. It is not just a compromise, because I am not trying to make a compromise between those in favor of title I and those in favor of the amendment offered by the distinguished Senator from Illinois. I believe my proposal is a sound, reasonable approach to the problem of law enforcement in this

country. I urge again that the Members of the Senate consider that in the vote upon this amendment.

I yield 5 minutes to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, I am also a former attorney general of my State. I voted with the majority in respect of tabling; and I want very much, if I can, to vote on this block grant question affirmatively.

But I am deeply troubled by this fact: The Senator from Illinois has said, "Do not water it down." Well, it is watered down. He, himself, watered it down because he recognized the situation. He watered it down by 15 percent. The other body, in the vote of which he spoke, watered it down by 25 percent. If that is the argument to be used, it gets to be a highly technical argument.

The reason why 33⅓ percent is needed, in that order of magnitude, is to deal with the problem of cities which will not necessarily prosper as much as they need. That is where the really burgeoning crime is.

Mr. President, 15 percent will probably be devoted largely to experimental ideas. If I were the Attorney General, that is what I would do. But 33⅓ percent gets to be an appreciable amount and a grant can really be moved to supplement effectively the policing in some of the major cities, which is so badly needed.

The entire concept of block grants in this area is justified. It is not a precedent for me for I have so moved with respect to education, poverty, and other matters. However, with respect to crime, I think it is a State responsibility and that it is uniquely a State responsibility.

As with any program, we should see how well the States do. We put some heavy criteria on them. A good deal of this money will not be used at all if State plans do not adequately satisfy the criteria of the Attorney General. Section 509 of this bill makes that clear.

I appeal to those who feel strongly about the tabling and who have just been defeated. I think if they push this matter to the ultimate point they will lose totally. This is a way in which they can get a fair compromise which gives some consideration to that point of view.

As I have said, I was a law enforcement officer, as was the Senator from Massachusetts [Mr. BROOKE], and I understand some of the enormous problems of the cities. I see a new program with criteria which might not be met.

I think we would be making a judicious compromise by making it one-third to two-thirds and we can change it later, if necessary. Two-thirds is a very substantial portion and will honor the idea that this program may leave something to be desired and some flexibility would be permitted in the way of two-thirds.

In conclusion, Mr. President, I point out again that we cannot talk about watering it down; it has been watered down. The House of Representatives made it 25 percent, which is generally available, and the author of this amendment himself made it 15 percent.

I hope the friends of recent efforts in this area on both sides support the amendment.

I yield back the remainder of my time.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. DIRKSEN. Mr. President, I yield 5 minutes to the distinguished Senator from Ohio, the former Governor of his State.

Mr. LAUSCHE. Mr. President, as between giving the power of the distribution of funds under this bill to the Attorney General of the United States and the separate Governors of the different States, I propose that the power be given to the Governors. I say that on the basis of my belief that the Governors are more intimately informed about the problems of law enforcement within their States.

Aside from the political aspects of the issue of whether the Governors will be dominated by politics or the Department of Justice will be dominated by politics, I take no position.

I am opposed to centralism. If centralism is to continue in the future as it has in the past, we will have a monolithic Government in the United States. The basis of our strength as a Government has been not centralism but Government divided among 50 States of the Nation. Thus, I propose that in whatever we do it shall be against centralizing the power of Government in a few people in Washington. Distribute the power as widely as it can be distributed. Distribute it to the Governors of the 50 States. Do not put it in one man, the head of the Department of Justice. When you put it in 50 men, you are more likely to achieve a composite judgment that will be fair to all the people of the Nation.

If all of the power is put in one man, the head of the Department of Justice, I respectfully submit that he is likely to be dominated by political motivations and, with that domination, justice will not be done.

I have spoken in a sort of ambiguous way about the Department of Justice. Now I wish to speak more directly.

The head of the Department of Justice of the United States in everything he has done indicates that he has been motivated by political considerations.

We have on the Mall what has been euphoniously identified as "Resurrection City." My understanding is that today 125 members of this hallowed, sacred city, have established themselves in the Rayburn Building.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LAUSCHE. Mr. President, will the Senator yield to me for 2 additional minutes?

Mr. DIRKSEN. I yield 2 minutes to the Senator from Ohio.

Mr. LAUSCHE. I thank the Senator.

They were told to move. They refused to move. The time will come when Resurrection City will have to be abandoned.

The Interior Department was of the belief that we would escape trouble by allowing them to bring their habitations to the Mall. They did not dare face up to the problem. They felt: Let them be there temporarily and the time will come when they will obediently and supinely move out. That time has not come. It will come, but I state with the greatest belief in the positiveness of my judgment that when they are told to move out they will not do it, and then will come the crucial period of what our Government will do.

Do not give to one man, the Attorney General of the United States, the power to distribute these moneys. Do not give him that great force, that he shall decide. Give it to 50 men, the Governors of the 50 States.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. DIRKSEN. Mr. President, I yield 3 minutes to the Senator from Oklahoma.

Mr. MONRONEY. Mr. President, I strongly support the provisions of S. 917 which would provide financial assistance to State and local governments to improve law enforcement systems in the United States. The Federal Government is in many cases the best and sometimes the only source of large revenues through which great national programs can be financed.

Small cities also need help. I respectfully disagree with the amendment of the senior Senator from Massachusetts which would greatly restrict the funds that can go to the smaller cities. I point out that Cambridge, Md., has had riot after riot, and perhaps more violence and burning than any other place in the Nation. Yet with money going to only the big cities, countless tens of thousands of communities in the United States would be denied any benefit from the bill whatever.

For many years rivers and harbors projects, agricultural price supports, unemployment insurance, and airport and highway construction have been financed largely out of Federal funds. In recent times, Federal aid for medical care and education have been adopted in large part because adequate funds simply do not exist in some or all of our States.

Our crisis in law enforcement today is partly a result of the financial strain which many cities and States work under. The job of the cop on the beat has seldom been rewarding, but in recent times, particularly in large cities, it has become an extremely dangerous job and the recruitment and retention of well-qualified police officers has been a full-time pursuit.

In order to get the kind of men we want in our police forces, more money must be made available to State and local governments. I congratulate our Judiciary Committee for reporting a bill which will go far to establish new progressive programs locally, financed in part by the Federal Government.

I am deeply committed to the policy of local law enforcement. I think it would be a tragic mistake for our local law enforcement officers and leaders to surrender the local autonomy of police power to any form or fashion of a national police force. I am glad to see the provisions in this bill for the cooperation between the Federal Bureau of Investigation, the Law Enforcement Assistance Administration, and State and local police authorities.

I believe that both the Federal and State governments can benefit through mutual assistance and advisement. There has been a great deal of cooperation between Federal and State law enforcement agencies in the past. I am

sure that title I of S. 917 will strengthen the relationship while preserving respective areas of police authority.

I cannot conceive of conditions where Congress would wisely invade the prerogatives of local police authority on a permanent basis. In times of extreme difficulty, such as a riot, the executive authority of the State is always able to call in the State National Guard for duty. If a situation is out of control, the State may request Federal assistance; but we should never go further than that.

The monstrous nature of a police state or a big brother peering into and controlling the lives of private citizens is too well and too frequently exemplified in other nations for America to permit the growth of such a totally foreign concept of law enforcement in this great free Nation.

We are living in a time of turmoil. To those of us who have experienced the sadness and deprivation caused by national depression or world war, the attitude of some of our people today is impossible to understand. The spread of violence indicates not only dissatisfaction with social and economic problems, but a reckless desire to bring havoc upon innocent citizens, businessmen, private homes, and American life generally.

Some say that the irresponsible arsonist or looter has nothing to lose by throwing a brick, lighting a fire, or stealing a suit of clothes. They are dead wrong. They have everything to lose. Reason and patience and common understanding will be overwhelmed by fear and hatred if blind violence against society continues. Absolutely nothing can be gained by such lawlessness.

Our great national effort to achieve social and economic justice for all of our citizens will grind to a tragic halt if reckless, lawless behavior continues.

The hungry will not be fed, the ignorant will not be educated, the downtrodden will not be lifted up if our local, State, and National Governments have to spend all their time fighting fires and arresting looters. There could be no greater tragedy for our Nation than to put to the acid test the ability and willingness of the Government to put down riot or insurrection.

America does not want martial law; it is as alien to our concept as nazism or communism. But we will have it if the only alternative is rioting, burning, and looting. We must not be backed to the wall to make that cruel choice.

We must maintain an orderly society and resolve our domestic problems. We must have the patience, fortitude, and willingness to achieve that objective. The improvement of our local police forces by providing better training, better education, and the most modern methods of criminology and penology is a vitally important part of that effort.

If Americans know that they will be protected, that there will be a cop on the beat, they will be willing to come out from behind locked doors and speak to their neighbors.

If the hoodlum knows that he goes to jail if he throws a brick through a window, the incidence of crime and violence will diminish. The peculiar attraction of civil disobedience will fade in the minds of many young people who do not understand its grave consequences.

We must re-create the atmosphere where people are able to walk the streets of our cities and towns. If we accomplish that, the willingness of Americans to visit with their neighbors near and far and to lend a helping hand will once again characterize our American way of life.

I appreciate the time and effort which the Senate has devoted to the consideration of this legislation. I know the needs of our State and local law-enforcement agencies to restore law and order in our cities and across the Nation. I firmly and wholeheartedly support responsible proposals to accomplish that great objective.

At the same time, we should carefully consider the wisdom of any proposal which may contravene ancient traditions of freedom in our private lives or which will lead to disunity or inconsistency in the State or Federal laws which govern our Nation. The American people are too dedicated to our free and democratic traditions to ignore the implications and consequences of such proposals.

Mr. BROOKE. Mr. President, I yield 4 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 4 minutes.

Mr. MUSKIE. Mr. President, I would prefer to see title I remain as it is. However, in light of the vote taken a few moments ago, it is clear that it will be changed. In light of that fact, I support the amendment of the Senator from Massachusetts.

Mr. President, it is interesting that those who bemoan centralism in Washington so often argue for it in State capitals at the expense of local governments. I have listened to the argument this afternoon and have been impressed by one thing above all; namely, that so much of the argument is not addressed to the bill as now written.

Earlier this week, we adopted a population limitation which would control the dividing line between State-controlled programs and local-controlled programs. As a result of that amendment, under the bill as now written, in title I as it stands, 95 percent of local government in this country will get assistance only through State governments. But, what we are talking about, with the Dirksen amendment, is the other 5 percent. That other 5 percent, Mr. President, includes those large metropolitan population areas of this country where the problem exists. Anyone reading the newspapers for the past 2 years knows that it exists there, and exists in a form which brooks no delay.

Thus, Mr. President, what we would be doing in 5 percent of the communities which are the object of the Dirksen amendment, would be to take control away from them at a time when they need it, in a field where they have demonstrated the capacity to work, and in a field where they now have the responsibility because of the failure of the States to act.

Mr. President, this builds in delays, if we leave the responsibilty to the States. Under the block grant amendment, a State will have 6 months to apply for a planning grant and 6 more months to produce a statewide plan to qualify for action grants.

So that will mean an entire year which may be wasted before substantial funds will be available to law-enforcement agencies in those areas where it is most needed, we are told by the sponsors of the bill, now.

We are asked to make the federal system work, not only at the Federal level, not only at the State level but also at the local level. It is there that we need participation by local citizens, participation by local leaders, participation by local political institutions; and in these great metropolitan areas the responsibility for law enforcement now rests in local leaders and in local government. The Dirksen amendment would not bypass those institutions in the areas where the great problems now exist.

It is for these reasons that I wholeheartedly endorse the amendment of the Senator from Massachusetts [Mr. BROOKE], not as a substitute for title I as it stands now—because I would prefer that—but as a preferable alternative to the Dirksen amendment.

Mr. BROOKE. Mr. President, I yield 1 minute to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 1 minute.

Mr. BAYH. Mr. President, I thank my distinguished colleague from Massachusetts.

Mr. President, I believe that the Senator from Maine has given as telling an argument—not only for support of the amendment of the Senator from Massachusetts but also, really, for support of the bill as it is now written—as the Senate is going to hear.

The problem exists where the population is. Indeed, as all of us know, like it or not, we are talking about metropolitan areas, which have a greater population and, really, more responsibility and are more conversant with the gravity of the problem of crime than exists in many of our entire States.

For us to deny the emphasis which the bill now places, even as a second best effort——

The PRESIDING OFFICER. The time of the Senator from Indiana has expired.

Mr. BAYH. Mr. President, will the Senator from Massachusetts yield me 30 seconds?

Mr. BROOKE. Mr. President, I yield 30 additional seconds to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized for an additional 30 seconds.

Mr. BAYH. I think the States deny recognizing the responsibility as it exists today.

I salute my colleague from Maine and my colleague from Massachusetts. I wish it were not necessary for us to retreat, because we have to solve the problem where it exists; namely, in the large metropolitan areas, where it is much more grave than in the smaller areas.

Mr. BROOKE. Mr. President, how much time remains to me?

The PRESIDING OFFICER. Two and one-half minutes remain.

Mr. BROOKE. Mr. President, I yield 1 minute to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 1 minute.

Mr. TYDINGS. Mr. President, I rise to speak in favor of the amendment of the distinguished Senator from Massachusetts. I think that the Senator from Maine and the Senator from Indiana have very eloquently stated their points.

For the benefit of Senators, 90 percent of all law enforcement officers in the United States today are local law enforcement officers. Seventy-two percent of all the funds expended are for local law enforcement.

I urge adoption of the Brooke amendment. I think it would be a tragedy if the Dirksen amendment were to stand as is, without any alteration.

Mr. BROOKE. Mr. President, I yield 1 minute to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for 1 minute.

Mr. MANSFIELD. Mr. President, I think that the localities should have some consideration in this bill and that the bulk of the power should not be delegated to the State Governors.

I wish that the Brooke amendment went a little bit further; but it appears that if there is any possibility of getting anywhere, this is the best vehicle which can be used.

Senators may recall that my colleague, Mr. METCALF, and I successfully pressed an amendment to title I that would reduce the requirement of a 50,000 population to 25,000 so far as the local municipalities' entitlement was concerned. We offered that amendment because in my State, and in most of the Rocky Mountain States, there are very few cities having a population larger than 50,000. In Montana we have only two. The smaller localities do need this assistance.

I hope, therefore, that the amendment will be adopted.

Mr. DIRKSEN. Mr. President, I yield 2 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 2 minutes.

Mr. TOWER. Mr. President, I think we are all aware that the problems of law enforcement exist primarily in the large cities of this country.

I represent a highly urbanized State containing the sixth largest city in the United States. I understand adequately the problems of the cities, but the fact of the matter is that the city is, after all, the corporate creature of the State. The State is fully competent to make laws and to enact constitutional provisions regulating the activities of the cities and prescribing the limits to which they can legislate and administer for themselves.

Beyond that, Mr. President, we now have equality of representation in our State legislatures throughout this country. So the cities are adequately represented in their State governments. It is inconceivable to me that the administration of a State is, then, going to go against the wishes of a city.

I think we should vest as much of this discretionary power in the Governors as possible because, when you consider the attitude of the present administration of the Department of Justice, where we have an Attorney General who apologizes for the law rather than insists on its strict enforcement, I can foresee a situation in which cities which act with inordinate restraint in law enforcement would be rewarded over those which insisted on strict and rigid enforcement of the law.

The PRESIDING OFFICER. Who yields time?

Mr. MILLER. Mr. President, will the distinguished minority leader yield for a question?

Mr. DIRKSEN. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Illinois has 3 minutes.

Mr. DIRKSEN. Mr. President, before I yield, I want to make one observation. It is this. It is a singular thing that Members of Congress with smaller constituencies in their States than those in this body, who ought to know more about their localities than we do, would undertake by a vote of 377 to 23 to write into this bill the block grant proposal that I submit today. That was 17 to 1. If that does not have some influence in this body, I give up.

This bill is going to be in conference, whether anybody likes it or not, because it is in the House bill right now.

Now I yield to the Senator from Iowa [Mr. MILLER].

Mr. MILLER. I would like to ask the distinguished minority leader this question. There seems to be some confusion. As I understand the argument that is being made, it is that with the Dirksen amendment untouched, as it is now, the local communities will not get as much money as they need. The thrust of the argument of the Senator from Maine seems to be that we must have the increase from 15 to 33 percent for the local communities to obtain these benefits.

Is that a necessary result of the Dirksen amendment, or, if the Dirksen amendment is agreed to, will the Governors of the States have power to see to it that the local communities will receive that help.

Mr. HRUSKA. Mr. President——

Mr. DIRKSEN. I will let the Senator from Nebraska answer that.

Mr. HRUSKA. Mr. President, the answer is that this puts totally unnecessary, arbitrary power and discretion in the hands of the Attorney General over 33 percent of the money instead of 15 percent. There is no assurance that the Attorney General will turn to the big cities and say, "I will give you this money. I will now help you." It is totally arbitrary and totally discretionary.

Mr. DIRKSEN. Mr. President, the answer to the Senator from Maine is this: Can you imagine the Governor of a State undertaking to let a community go by in niggardly fashion where there are law enforcement problems, and not undertake to help it? There is not a locality in the land that is not the creature of an enabling act of a legislature that was signed by the Governor. That is the first responsibility. If this program is going to be adequately planned and coordinated, this is the way to do it, and the Brooke amendment ought to be voted down.

The PRESIDING OFFICER. The Senator from Massachusetts has 1 minute remaining.

Mr. BROOKE. Mr. President, the proponents fail to recognize that the 85–15 percent formula means that the 85 percent must go according to population. There is no discretion. It must be according to population, and population is the only criterion under that formula.

Under the formula of two-thirds to one-third, that gives more flexibility and other criteria than population can be used—the quality of the present police force, the quality of law enforcement in a municipality or locality. Then there is discretion to give to either the State or municipal government. If that is not provided, there will be only 15 percent which is flexible and which can go to municipalities. It does not have to go that far, but only up to 15 percent.

I hope my amendment is adopted.

I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts [Mr. BROOKE] to the amendment of the Senator from Illinois [Mr. DIRKSEN]. All time on the amendment has expired. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Missouri [Mr. LONG] and the Senator from Georgia [Mr. TALMADGE] are absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Nevada [Mr. CANNON], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from Arizona [Mr. HAYDEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Minnesota [Mr. MONDALE], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Florida [Mr. SMATHERS], the Senator from Texas [Mr. YARBOROUGH], and the Senator from Ohio [Mr. YOUNG] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Pennsylvania [Mr. CLARK], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], and the Senator from Nevada [Mr. CANNON] would each vote "yea."

On this vote, the Senator from Oregon [Mr. MORSE] is paired with the Senator from Florida [Mr. SMATHERS]. If present and voting, the Senator from Oregon would vote "yea," and the Senator from Florida would vote "nay."

On this vote, the Senator from Alaska

[Mr. GRUENING] is paired with the Senator from South Carolina [Mr. HOLLINGS]. If present and voting, the Senator from Alaska would vote "yea," and the Senator from South Carolina would vote "nay."

Mr. DIRKSEN. I announce that the Senator from Idaho [Mr. JORDAN] is absent on official business.

The Senator from California [Mr. KUCHEL] and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

If present and voting, the Senator from Idaho [Mr. JORDAN] and the Senator from California [Mr. KUCHEL] would each vote "nay."

The result was announced—yeas 33, nays 44, as follows:

[No. 156 Leg.]

YEAS—33

Anderson	Hart	Moss
Bayh	Hartke	Muskie
Bible	Hatfield	Nelson
Brewster	Inouye	Pastore
Brooke	Jackson	Pell
Burdick	Javits	Proxmire
Byrd, W. Va.	Magnuson	Randolph
Case	Mansfield	Ribicoff
Dodd	McGee	Symington
Fulbright	McIntyre	Tydings
Gore	Metcalf	Williams, N.J.

NAYS—44

Aiken	Fannin	Murphy
Allott	Fong	Pearson
Baker	Griffin	Percy
Bennett	Hansen	Prouty
Boggs	Hickenlooper	Russell
Byrd, Va.	Hill	Scott
Carlson	Holland	Smith
Cooper	Hruska	Sparkman
Cotton	Jordan, N.C.	Spong
Curtis	Lausche	Stennis
Dirksen	Long, La.	Thurmond
Dominick	McClellan	Tower
Eastland	Miller	Williams, Del.
Ellender	Monroney	Young, N. Dak.
Ervin	Mundt	

NOT VOTING—23

Bartlett	Jordan, Idaho	Montoya
Cannon	Kennedy, Mass.	Morse
Church	Kennedy, N.Y.	Morton
Clark	Kuchel	Smathers
Gruening	Long, Mo.	Talmadge
Harris	McCarthy	Yarborough
Hayden	McGovern	Young, Ohio
Hollings	Mondale	

So Mr. BROOKE's amendment to Mr. DIRKSEN's amendment was rejected.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, I send to the desk an amendment to the pending Dirksen amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 9, line 19, of amendment No. 715, strike the period and insert in lieu thereof the following: ", plus such additional amounts as may be made available by virtue of the application of the provisions of section 509 to the grant to any State."

Mr. JAVITS. Mr. President, I yield myself 2 minutes. I understand that this amendment is acceptable to the Senator from Illinois.

Mr. PASTORE. Mr. President, may we have order so that we can hear?

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats.

The Senator from New York may proceed.

Mr. JAVITS. Mr. President, I understand this amendment is acceptable to the author of the primary amendment, the Senator from Illinois [Mr. DIRKSEN], for this reason: It seeks to deal with funds which may be made available because a State does not actually meet the requirements of its own plan. According to the bill as reported, section 509 provides that funds may be withheld, but it is not made clear whether they will ultimately be paid or not paid, or whether they would just pass back into the Treasury.

This amendment proposes that such funds as result from the application of that section may be made available to the Attorney General for direct use, perhaps in the State in question, or perhaps, as exigencies may require, in other States.

This amendment, as I understand, is agreeable to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, all this amendment would do is keep the funds available to a State at all times.

Mr. JAVITS. That is correct.

Mr. DIRKSEN. I accept the amendment.

The PRESIDING OFFICER. Does the Senator from Illinois modify his amendment accordingly?

Mr. DIRKSEN. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York to the amendment No. 715 of the Senator from Illinois.

The amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment No. 715 of the Senator from Illinois, as amended. On this vote, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Missouri [Mr. LONG] and the Senator from Georgia [Mr. TALMADGE] are absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Nevada [Mr. CANNON], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Minnesota [Mr. MONDALE], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Florida [Mr. SMATHERS], the Senator from Texas [Mr. YARBOROUGH], and the Senator from Ohio [Mr. YOUNG] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Nevada [Mr. CANNON], the Senator from Pennsylvania [Mr. CLARK], the Senator from Alaska [Mr. GRUENING], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], and the Senator from Florida [Mr. SMATHERS] would each vote "nay."

On this vote, the Senator from South Carolina [Mr. HOLLINGS] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting, the Senator from South Carolina would vote "yea," and the Senator from Oregon would vote "nay."

Mr. DIRKSEN. I announce that the Senator from Idaho [Mr. JORDAN] is absent on official business.

The Senator from Utah [Mr. BENNETT], the Senator from California [Mr. KUCHEL], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

If present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Idaho [Mr. JORDAN], and the Senator from California [Mr. KUCHEL] would each vote "yea."

The result was announced—yeas 48, nays 29, as follows:

[No. 157 Leg.]

YEAS—48

Aiken	Fannin	Moss
Allott	Fong	Mundt
Anderson	Griffin	Murphy
Baker	Hansen	Pastore
Boggs	Hartke	Pearson
Brooke	Hatfield	Percy
Carlson	Hickenlooper	Prouty
Case	Hill	Russell
Cooper	Hruska	Scott
Cotton	Javits	Smith
Curtis	Jordan, N.C.	Sparkman
Dirksen	Lausche	Stennis
Dominick	Long, La.	Thurmond
Eastland	McIntyre	Tower
Ellender	Miller	Williams, Del.
Ervin	Monroney	Young, N. Dak.

NAYS—29

Bayh	Hayden	Nelson
Bible	Holland	Pell
Brewster	Inouye	Proxmire
Burdick	Jackson	Randolph
Byrd, Va.	Magnuson	Ribicoff
Byrd, W. Va.	Mansfield	Spong
Dodd	McClellan	Symington
Fulbright	McGee	Tydings
Gore	Metcalf	Williams, N.J.
Hart	Muskie	

NOT VOTING—23

Bartlett	Jordan, Idaho	Montoya
Bennett	Kennedy, Mass.	Morse
Cannon	Kennedy, N.Y.	Morton
Church	Kuchel	Smathers
Clark	Long, Mo.	Talmadge
Gruening	McCarthy	Yarborough
Harris	McGovern	Young, Ohio
Hollings	Mondale	

So Mr. DIRKSEN's amendment (No. 715), as amended, was agreed to.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIRKSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SCOTT. Mr. President, under title I of S. 917, the Omnibus Crime Control and Safe Streets Act, various grant programs are established to improve and strengthen law enforcement.

I recently received a letter from John H. Harris, Sr., M.D., the president of the Pennsylvania Medical Society, regarding the intent of this legislation, and specifically inquiring if the grant provisions in this legislation encompass funds to support a medical examiner system and the laboratory facilities and equipment necessary under such a system. Dr. Harris noted that the scientific sophistication of a medical examiner system is extremely suitable to today's criminal investigation

needs and therefore of great use in the "detection of crime." His concern was that the definition of law enforcement in this measure, page 41—"all activities pertaining to crime prevention or reduction and enforcement of the criminal law"—may not include the detection of crime.

I take this opportunity to ask the distinguished Senator from Arkansas [Mr. McCLELLAN], chairman of the Senate Subcommittee on Criminal Laws and Procedures which held hearings on this legislation, and the floor manager of S. 917, if he considers activities such as the medical examiner system which aid in the detection of crime as being one of the "activities pertaining to crime prevention or reduction and enforcement of the criminal law," the statutory definition of "law enforcement."

Mr. McCLELLAN. In my judgment, the definition of law enforcement cited by the Senator from Pennsylvania does include activities aimed at crime detection such as the medical examiner system. Therefore, the "planning grant" and "grants for law enforcement purposes" outlined in parts B and C of title I, respectively, would, I believe, authorize the use of funds for the type of medical examiner system and related facilities discussed by the Senator from Pennsylvania.

Mr. SCOTT. I thank the Senator and wonder if I may ask one final question?

Under part D of title I—Training, education, research, demonstration, and special grants—the stated purpose—section 401—is to provide for and encourage training, education, research, and development for the purpose of improving law enforcement and developing new methods for the prevention and reduction of crime, and the detection and apprehension of criminals. In view of the use of the phrase "improving law enforcement" and the specific reference to "detection and apprehension of criminals," am I correct in assuming that the medical examiner system and facilities and operations thereunder are encompassed within the various provisions of section 402 of part D?

Mr. McCLELLAN. The Senator is correct. Our whole purpose in enacting this legislation is to improve and strengthen the entire law-enforcement process, and this surely includes all efforts that assist us in the area of crime detection.

Mr. SCOTT. I ask unanimous consent that my correspondence with Dr. John Harris be printed at this point in the RECORD.

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

PENNSYLVANIA MEDICAL SOCIETY,
Lemoyne, Pa., February 8, 1968.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: We have read with a great deal of interest your January 31, 1968 Newsletter, and especially the first paragraph dealing with "Crime". I am particularly pleased to see that you are a co-sponsor of the so-called "Safe Streets Act" which is currently pending before the Judiciary Committee.

Although we have not read the legislation, we note that it would provide federal funds to help train local police forces, permit law enforcement officers to question suspects, etc. Our interest in the measure stems from an effort which the Pennsylvania Medical Society is currently making here at home to create a statewide Medical Examiner System. As you know, the Pennsylvania Constitutional Convention has before it at the present time a proposal to eliminate from the language of the Constitution the word "coroner". It is this word that has prevented the state and the larger municipalities from moving to a Medical Examiner System during the last several sessions of the Legislature. We, of course, believe that a Medical Examiner System is far more scientifically sophisticated and more suited to today's criminal investigation needs. Medical defects in the coroner system violate cardinal principles of forensic medicine and pathology, namely, that a violent death, regardless of its category, may only be revealed as such after consideration of all the circumstances and the most searching type of investigation, including chemical, histological and other laboratory examinations. As further evidence of our feelings on this subject, we are enclosing a copy of the testimony presented by our organization to the Committee on Local Government of the Constitutional Convention.

The real purpose of this letter is to ask you if there exists a possibility under your proposed legislation for funds to support a Medical Examiner System once attained in our state, for, if a Medical Examiner System is ultimately created for Pennsylvania, there will be a need for toxicological laboratory facilities, etc. This system, it seems to us, could provide the state with a great opportunity for training scientifically oriented law-enforcement officials. If the present bill does not anticipate the above contingencies, could it be amended to accommodate in both funds and philosophy the moving throughout the United States for Medical Examiner Systems.

We would be most pleased to talk with you on this subject, or to provide such other collateral information as may be helpful to you. Please let us know when we may discuss this.

Sincerely,
JOHN H. HARRIS, SR., M.D
President.

MARCH 27, 1968.

Dr. JOHN H. HARRIS,
President, Pennsylvania Medical Society,
Lemoyne, Pa.

DEAR DR. HARRIS: Thank you very much for your recent letter inquiring whether the proposed Safe Streets and Crime Control Bill (S. 917) contemplates the funding of facilities necessary for a Medical Examiner System. Upon receipt of your letter, I took this matter up with the Senate Judiciary Subcommittee on Criminal Laws and Procedures and, after consultation, have been informed that the action grant and the research grant provisions of this legislation would apply in this area.

In view of your interest, I am pleased to enclose copies of the Senate bill, the House-passed Crime Bill, and the Report thereon. The research and action grant provisions have been appropriately marked for your information. The full Senate Judiciary Committee is currently taking up S. 917, and I shall be pleased to keep you informed of the progress of this legislation and any substantive changes in the version I have enclosed.

With best wishes.
Sincerely,
HUGH SCOTT,
U.S. Senator.

PENNSYLVANIA MEDICAL SOCIETY,
Lemoyne, Pa., April 2, 1968.

Hon. HUGH SCOTT,
U.S. Senate,
Committee on the Judiciary,
Washington, D.C.

DEAR SENATOR SCOTT: I wish to thank you very much for replying to my inquiry concerning S-917, the proposed "Safe Streets and Crime Control Bill". I am pleased to know that in the opinion of the "Senate Judiciary Subcommittee on Criminal Laws and Procedures" agrees that the research grant provisions of this legislation would apply in the area of a Medical Examiner System in Pennsylvania.

I have read S-917 with a great deal of interest and do agree that certainly Titles II and III would seem to indicate that federal funds would be available in this area. I would, I think, feel more secure with the language if the words "crime detection" were added, since the Medical Examiner's function is principally involved in this area. The sections, as presently written, would seem to apply to "law enforcement and criminal justice". I would certainly take your word as a lawyer and friend of Medicine, but, again, I raise the question, having had some experience with Attorney Generals' opinions and their clinging to the "letter of the law".

Again, I would be pleased to have your thoughts and instructions as to what we may do to further the bill in its present form, or if you think it advisable, have it amended to incorporate our thoughts.

Again, many thanks, and I trust all is well with you.

Sincerely,
JOHN H. HARRIS, Sr., M.D.,
President.

AMENDMENT NO. 820

Mr. LONG of Louisiana. Mr. President, I call up my amendment No. 820, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, reads as follows:

On page 107, between lines 4 and 5, insert the following new title:

"TITLE VII—UNLAWFUL POSSESSION OR RECEIPT OF FIREARMS

"SEC. 1201. The Congress hereby finds and declares that the receipt, possession, or transportation of a firearm by felons, veterans who are other than honorably discharged, mental incompetents, aliens who are illegally in the country, and former citizens who have renounced their citizenship, constitutes—

"(1) a burden on commerce or threat affecting the free flow of commerce,

"(2) a threat to the safety of the President of the United States and Vice President of the United States,

"(3) an impediment or a threat to the exercise of free speech and the free exercise of a religion guaranteed by the first amendment to the Constitution of the United States, and

"(4) a threat to the continued and effective operation of the Government of the United States and of the government of each State guaranteed by article IV of the Constitution.

"SEC. 1202. (a) Any person who—

"(1) has been convicted by a court of the United States or of a State or any political subdivision thereof of a felony, or

"(2) has been discharged from the Armed Forces under other than honorable conditions, or

"(3) has been adjudged by a court of the United States or of a State or any political subdivision thereof of being mentally incompetent, or

"(4) having been a citizen of the United States has renounced his citizenship, or

"(5) being an alien is illegally or unlawfully in the United States,

and who receives, possesses, or transports in commerce or affecting commerce, after the date of enactment of this Act, any firearm shall be fined not more than $10,000 or imprisoned for not more than two years, or both.

"(b) Any individual who to his knowledge and while being employed by any person who—

"(1) has been convicted by a court of the United States or of a State or any political subdivision thereof of a felony, or

"(2) has been discharged from the Armed Forces under other than honorable conditions, or

"(3) has been adjudged by a court of the United States or of a State or any political subdivision thereof of being mentally incompetent, or

"(4) having been a citizen of the United States has renounced his citizenship, or

"(5) being an alien is illegally or unlawfully in the United States,

and who, in the course of such employment, receives, possesses, or transports in commerce or affecting commerce, after the date of the enactment of this Act, any firearm shall be fined not more than $10,000 or imprisoned for not more than two years, or both.

"(c) As used in this title—

"(1) 'commerce' means travel, trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia and any State, or between any foreign country or any territory or possession and any State or the District of Columbia, or between points in the same State but through any other State or the District of Columbia or a foreign country;

"(2) 'felony' means any offense punishable by imprisonment for a term exceeding one year;

"(3) 'firearm' means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; or any firearm muffler or firearm silencer; or any destructive device. Such term shall include any handgun, rifle, or shotgun;

"(4) 'destructive device' means any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device; and includes any type of weapon which will or is designed to or may readily be converted to expel a projectile by the action of any explosive and having any barrel with a bore of one-half inch or more in diameter;

"(5) 'handgun' means any pistol or revolver originally designed to be fired by the use of a single hand and which is designed to fire or capable of firing fixed cartridge ammunition, or any other firearm originally designed to be fired by the use of a single hand;

"(6) 'shotgun' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger;

"(7) 'rifle' means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

"SEC. 1203. This title shall not apply to—

"(1) any prisoner who by reason of duties connected with law enforcement has expressly been entrusted with a firearm by competent authority of the prison; and

"(2) any person who has been pardoned by the President of the United States or the chief executive of a State and has expressly been authorized by the President or such chief executive, as the case may be, to receive, possess, or transport in commerce a firearm."

On page 107, line 5, strike out "TITLE V" and insert in lieu thereof "TITLE VIII".

On page 107, line 6 strike out "1001" and insert in lieu thereof "1301".

Mr. LONG of Louisiana. Mr. President, the amendment has been on the desks of Senators for several days. I had it printed in the RECORD some time ago.

What the amendment seeks to do is to make it unlawful for a firearm—be it a handgun, a machinegun, a long-range rifle, or any kind of firearm—to be in the possession of a convicted felon who has not been pardoned and who has therefore lost his right to possess firearms. It would not apply to a person pardoned by a Governor or a President if the pardon specifically provides that he will have the right to carry firearms. He would then have that right. Otherwise, he would not have it. It also relates to the transportation of firearms.

It would also apply to veterans who are other than honorably discharged. It would apply also to mentally incompetents and aliens illegally in the country and to former citizens who have renounced their citizenship.

The reason I particularly wanted these categories covered is that this would make it apply to the gun Oswald had with which he killed John F. Kennedy.

It would mean that Oswald, having been a man who was discharged from the service under conditions other than honorable—and that is one of the conditions set forth here—and a man who had renounced his citizenship, unless he had been restored by the President of the United States to the right to carry a rifle, would not have had the right to carry that gun or practice with it or do anything else with it.

Assuming that the statistics of the Federal Bureau of Investigation are correct and that this man Galt—a loser many times over, a felon, and an habitual criminal—was the man who killed Martin Luther King, this provision would have applied to him, too.

I have researched the constitutional authorities, and I ask unanimous consent to have them printed at this point in the RECORD.

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

UNLAWFUL POSSESSION OR RECEIPT OF FIREARMS

PROPOSED TITLE VII OF H.R. 5037

This proposed title would make it a Federal crime for the following classes of persons to receive, possess, or transport any firearm in commerce, or affecting commerce:

1. Convicted felons.
2. Persons discharged from the Military under other than honorable conditions.
3. Mental incompetents.
4. Persons who have renounced their United States citizenships.
5. Aliens illegally in this Country.

In addition the Title would prohibit persons employed by another from receiving, possessing or transporting a firearm in the course of his employment if he knows his employer is in a class described in clauses 1–5 above. These are the mobsters—the hired gunmen.

Clauses 1–5 describe persons who, by their actions, have demonstrated that they are dangerous, or that they may become dangerous. Stated simply, they may not be trusted to possess a firearm without becoming a threat to society. This title would apply both to hand guns and to long guns.

The recent history of this Country is full of illustrations of assassinations and murders committed with firearms by persons described in clauses 1–5.

President John F. Kennedy's assassin had been separated from the Military with an undesirable discharge after he had moved to Russia and indicated a desire to renounce his United States citizenship.

Martin Luther King's assassin was a convicted felon.

The killer of Mrs. Viola Liuzzo (the civil rights worker shot during the 1965 march from Selma to Montgomery, Alabama) was a convicted felon by virtue of his violation of the Federal Firearms Act.

All of these murderers had shown violent tendencies before they committed the crime for which they are most infamous. They should not have been permitted to possess a gun. Yet, there is no Federal law which would deny possession to these undesirables.

The killer of Medgar Evers, the murderer of the three civil rights workers in Mississippi, the defendants who shot Captain Lemuel Penn (on a highway while he was driving back to Washington after completion of reserve Military duty) would all be free under present Federal law to acquire another gun and repeat those same sorts of crimes in the future.

The assassin of George Lincoln Rockwell and the murderer of Malcolm X could lawfully acquire a gun upon their release from prison and kill again.

Of all the gun bills that have been suggested, debated, discussed, and considered, none except this Title VII attempts to bar possession of a firearm from persons whose prior behaviors have established their violent tendencies. In large part, Title VII is based on the legal theory that every dog is entitled to one bite. If one owns a dog and it attacks his neighbor, the owner is not liable if he did not know that his dog was dangerous. But if the dog thereafter attacks a second neighbor, the owner is liable because he has been placed on notice that his dog is dangerous.

So, under Title VII, every citizen could possess a gun until the commission of his first felony. Upon his conviction, however, Title VII would deny every assassin, murderer, thief and burglar of the right to possess a firearm in the future except where he has been pardoned by the President or a State Governor and has been expressly authorized by his pardon to possess a firearm.

It has been said that Congress lacks the power to outlaw mere possession of weapons. The argument apparently stems from the fact that our founding fathers did not expressly delegate police powers to the Federal Government. And that being the case, it is said that such powers are reserved to the States under the 10th Amendment to the Constitution.

However, that argument overlooks the fact that Congress for years has controlled the possession of gangster-type weapons such as machine guns, sawed-off shotguns and firearms silencers. This controlling legislation was enacted under the Federal taxing power and its validity was upheld by the Supreme Court. The important point is that this legislation demonstrates that possession of a deadly weapon by the wrong people can be controlled by Congress, without regard to where the police power resides under the Constitution.

Without question, the Federal Government does have power to control possession of weapons where such possession could become a threat to interstate commerce, or to the protection of the Constitutional rights of

free speech and the free exercise of religion or to the insurance of the continued orderly operation of the Government of the United States. The Federal Government also has a responsibility under the 4th amendment to the Constitution to guarantee to each State a republican form of government. Similarly, the Federal government now has a statutory obligation to protect the life of the President of the United States and of the Vice-President.

State gun control laws where they exist have proven inadequate to bar possession of firearms from those most likely to use them for unlawful purposes. They did not stop Lee Harvey Oswald. They did not stop Eric Starvo Galt—or James Earl Ray.

Clearly, if the Federal Government has the responsibility for insuring the orderly course of commerce and for protecting the rights of citizens and the lives of our leaders, it cannot be argued that Congress is without power to enact legislation reasonable and necessary to carry out its responsibility. The rioting which followed the brutal slaying of Martin Luther King during which more than 200 cities across this land were set afire demonstrates more vividly than words how the murder of a single man can disrupt the free and orderly flow of interstate commerce.

We have an obligation both under the Constitution and under the Federal statutes to try and prevent that sort of killing and that sort of aftermath from happening again. We have an obligation to try and protect the lives of our citizens in exercising their rights of free speech and their choice of religion.

The vast reach of the Federal power to control matters affecting interstate commerce, once thought to be beyond Federal legislation, has been demonstrated by the broad swath of the Civil Rights Act of 1964 and by the still broader scope of the 1968 civil rights legislation. No one can argue that Martin Luther King's murder did not affect commerce. Look at our cities and how stores and business engaged in interstate commerce were burned, looted and pillaged by rioting mobs protesting his death.

Title VII would not substitute Federal control of possession of firearms for State control. It denies the States nothing in the exercise of their police powers. It supplements the State law and buttresses it.

Nor would Title VII impinge upon the rights of citizens generally to possess firearms for legitimate and lawful purposes. It deals solely with those who have demonstrated that they cannot be trusted to possess a firearm—those whose prior acts—mostly voluntary—have placed them outside of our society. Their very acts show that society must be protected from them. They have no right, constitutional or otherwise, to prey upon and menace our leaders, or our citizens who are pursuing their own constitutional rights. Nor are they privileged to threaten or otherwise affect our commerce.

Despite all that has been said about the need for controlling firearms in this Country, no other amendment heretofore offered would get at the Oswalds or the Galts. They are the types of people at which Title VII is aimed.

Mr. LONG of Louisiana. I am convinced that we have enough constitutional power to prohibit these categories of people from possessing, receiving, or transporting a firearm. While this, of course, could not have saved every person who has been assassinated—certainly, it would not have saved my father—at the same time, it would apply to many of the most fiendish assassinations that have occurred in our time. It should apply for a number of reasons.

First. Congress has the right to regulate matters that affect interstate commerce. We went to the extreme in that respect, may I say, in the civil rights laws and the open housing laws. If we can tell someone who can and who cannot possess a house, which is certainly not an object moving in interstate commerce, it seems to me that we have a right to say who can possess a long-range rifle.

Second. If we have a right to pass a law, as we did, to make it a crime to murder the President of the United States, then we can pass a law to help protect the President and the Vice President. Indeed, if we wish, we can pass a law to protect the very existence of government from anarchy.

For example, as long as the marchers in Washington behave themselves, fine. But when they start violating the law, as some did today, when they blocked the passageways and corridors of the House, as I am told, it would be comforting to know that among those people blocking the halls so that Congressmen cannot pass are not a group of convicted felons who have been convicted of murder, dope peddling, and crimes of that nature, and that they are not armed to the teeth with shotguns or high-powered rifles.

This amendment would provide that a convicted felon who participates in one of these marches and is carrying a firearm would be violating the law. That would make society safer, it would make the National Capital safer, and it would make government safer and more secure.

I have discussed this matter with the distinguished managers of the bill, and, so far as I know, they do not object to it; and I hope very much that it will be agreed to. I believe it would strengthen the bill and make it a better bill.

Mr. DODD. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield such time to the Senator from Connecticut as he may desire.

Mr. DODD. Do I correctly understand that this amendment is not a substitute for title IV?

Mr. LONG of Louisiana. This amendment would take nothing from the bill. I applaud what the committee did. This would add to the fine work the committee did in this area.

Mr. McCLELLAN. I have not had an opportunity to study the amendment. The Senator said something to the effect that if we could do this, we certainly could do that, under the Constitution. The thought that occurred to me, as the Senator explained it, is that if a man had been in the penitentiary, had been a felon, and had been pardoned, without any condition in his pardon to which the able Senator referred, granting him the right to bear arms, could that man own a shotgun for the purpose of hunting?

Mr. LONG of Louisiana. No, he could not. He could own it, but he could not possess it.

Mr. McCLELLAN. I beg the Senator's pardon?

Mr. LONG of Louisiana. This amendment does not seek to do anything about who owns a firearm. He could not carry it around; he could not have it.

Mr. McCLELLAN. Could he have it in his home?

Mr. LONG of Louisiana. No, he could not.

Mr. McCLELLAN. Can we, under the Constitution, deny a man the right to keep a gun in his home?

Mr. LONG of Louisiana. When a man is a convicted felon, he can be denied many of the rights that he otherwise would be entitled to possess. For example, suppose he has been discharged for the good of the service, which means that he is going to accept the discharge under conditions to avoid being tried. If he is a veteran who has been discharged under conditions other than honorable, when he accepts that discharge, he knows he is giving up the right to carry firearms. If he cannot be trusted to bear arms for Uncle Sam, I do not believe we should trust him to carry firearms, knowing how dangerous those weapons can be and what has been done with them.

Mr. McCLELLAN. I only raise the point as to what the amendment may do. It may go too far.

I have discussed it with the Senator from Connecticut [Mr. DODD] and the Senator from Nebraska [Mr. HRUSKA], who are vitally interested in title IV, which is the arms section of the bill. They are both willing to take the matter to conference and study it. Unless someone objects, I shall accept it for the purpose of studying it and try to understand it.

Mr. LONG of Louisiana. Mr. President, with regard to the point raised by the Senator, there is absolutely no doubt in my mind that, applied purely prospectively to people who are convicted of crimes in the future, the amendment could not be subject to any challenge whatever. It is likely that one might argue that by applying this amendment to people who have been convicted of crimes prior to this date and pardoned by the pardoning authority, their rights might be violated. That is something that can be studied in conference.

Mr. McCLELLAN. I do not want to say that I will take it to conference and then not give it further thought, because I believe it requires further thought.

Mr. LONG of Louisiana. I would certainly welcome the Senator's consideration of it.

Mr. DODD. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. DODD. My own feeling is that I am a little uneasy about it, but I believe that the Senator from Arkansas has stated the situation the way it should be stated, and we will study it. I do not believe that it would do any harm.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. DOMINICK. Mr. President, I am in sympathy with the objective of the Senator from Louisiana of getting to the person behind the gun instead of getting at the gun, which I believe has been the main impact of most of the proposed firearms legislation up to now. I wish to ask the Senator some questions.

The Senator referred to people who have been discharged from the Armed Forces under other than honorable conditions. Suppose a man is discharged on a medical discharge? Is this a discharge under other than honorable conditions, within the meaning of your amendment? And suppose he is cured? I believe there

are a number of instances in which it would be going too far to say that a man could no longer participate in duck shooting or pheasant shooting.

Mr. LONG of Louisiana. Frankly, I say to the Senator that I believe he would find that a man who receives a medical discharge from the service can be honorably discharged. There is a type of medical discharge that applies to certain undesirable people. Those people accept that type of discharge, for the good of the service, rather than face trial. I had in mind that those people, if they went to trial, would probably be discharged with a bad conduct discharge or a dishonorable discharge; but if they accepted a discharge rather than face trial, that would apply.

If there were any problem about this matter in conference, it would be easy to iron out by saying that, in the case of a medical discharge, if it is clear that the patient was discharged for health reasons—he was incapable of bearing his share of the load and doing his job—it would not apply to him.

But I believe the Senator will find that a medical discharge, for example, in the instance of a stroke or a heart attack, when a man is not able to serve, is not a discharge under conditions other than honorable.

Mr. DOMINICK. I support the idea of the Senator. I have a feeling that perhaps we have gone too far, but perhaps this matter can be worked out in conference.

Mr. LONG of Louisiana. May I say to the Senator that this amendment is based on the theory in law that every dog is entitled to one bite. A person who is not a lawyer might say, "How could you arrive at that conclusion?"

That is based on the old theory that if one owns a dog and the dog attacks his neighbor, the owner is not liable if he did not know that the dog was dangerous. But if the dog attacks one neighbor, and it is a serious injury, and thereafter attacks someone else, the owner is on notice that the dog is dangerous.

This amendment would proceed on the theory that every burglar, thief, assassin, and murderer is entitled to carry a gun until the commission of his first felony; but, having done that, he is then subject to being denied the right to use those weapons again.

SEVERAL SENATORS. Vote! Vote!

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

Mr. LONG of Louisiana. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Louisiana. [Putting the question.]

The amendment of Mr. LONG of Louisiana was agreed to.

AMENDMENT NO. 771

Mr. HRUSKA. Mr. President, I call up my amendment No. 771 and ask that it be stated and considered.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 22, strike out lines 8 through 15 and insert in lieu thereof the following:

"(d) No grant made under this part may be expended for the compensation of personnel, except that this limitation shall not apply to the compensation of personnel for time engaged in conducting or undergoing training programs."

Mr. HRUSKA. Mr. President, if I may have the attention of the Senator from Arkansas, I am willing to enter into a time limitation of 10 minutes on each side.

Mr. McCLELLAN. Agreed to.

Mr. HRUSKA. Mr. President, I ask unanimous consent that there be a time limitation of 10 minutes on each side.

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

Mr. HRUSKA. Mr. President, I shall not take 10 minutes on my side. If any Senator wishes to speak I will be glad to yield any time I have remaining.

Mr. President, as presently written, the bill makes available one-half of the cost of salary increases for law-enforcement personnel as being eligible for payment out of funds of this bill. However, not more than one-third of a grant to a city or State would be devoted to that purpose.

The amendment would provide that no part of the grant under this bill may be expended for the compensation of law-enforcement personnel except that this limitation shall not apply to the compensation of personnel for the time engaged in conducting training programs or undergoing training programs.

The responsibility for law enforcement should not be shifted from State and local government to the Federal Government. The availability of Federal funds for payment of police officer salaries would create and make permanent a dependence on Federal authority. This would lead to heavy Federal influence and lead eventually to domination of State and local police.

Another factor to consider is that the cost is too great before any impact of any appreciable size is made in law-enforcement salaries. I would be the last to say that police salaries are adequate and should not be increased, but they should be increased from funds under the control of and from the levying of taxes on, the local level rather than on a national level.

There are about 400,000 full-time law-enforcement officers in America today. About 25,000 are Federal law-enforcement officers and the remainder are State or local law-enforcement officers.

If an increase of $100 a month were given to the full-time men and 50 percent of that amount were to be made from Federal funds, over a span of 1 year, that would, in itself, amount to approximately a quarter of a billion dollars. Anyone would certainly not expect that a raise of $100 a month is much of a raise at all in many of the police structures of the Nation.

It would also be unfair and discriminatory because the money for salary supplements would be available only in those cities where a program was favored by the Attorney General, and the Federal moneys actually granted.

But what of the cities and other applicants who were not so favored? Their officers—just as deserving—would not receive the Federal largess.

Mr. President, another factor is: How long would it be before the firemen of the Nation would come to Congress and say, "We also save lives and we also save property. We want Federal help too."

That would signal the breakdown of the Federal federated system; it would mean control to an alarming extent of police departments and law-enforcement departments and the activities of the States that should not be done.

Good government in the fashion we have conceived of it in America dictates that control of those law-enforcement functions should remain on the local level. It is not only the duty of the localities to enforce their laws; it is their right. We should not deprive them of that right.

Therefore, except for training, the amendment proposes that there would be no money used out of this fund for law-enforcement official salaries.

Mr. President, I reserve the remainder of my time.

Mr. McCLELLAN. Mr. President, the purpose of the provision in the bill is to encourage local communities and municipalities that submit a plan and make application for grants to raise the salary of the policeman. That is the primary purpose.

Mr. President, this was an issue in the subcommittee and it was an issue in the full committee. There is a good argument each way. There are those who feel that once the salary is paid by the Federal Government they become dependent on the Federal Government and it mushrooms into a tremendous cost, which is likely to be true.

However the purpose is to give encouragement to the law enforcement agencies to submit plans to raise the policeman's salary. It provides that no more than one-half of the increase—and no part of the present salary—will be approved in a plan for Federal grant. It is a matter about which Senators must make up their minds as to whether they think the Federal Government should go that far in view of the condition prevailing today, or whether the Federal Government should stay out of the area. It is that simple.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. HOLLAND. Does not the Senator recall that with respect to the Cooperative Extension Service and the Cooperative Experimental Service, in which much the larger part is paid by the State and local government, that the Federal Government does supplement salaries, and as far as the Senator from Florida is concerned, he does not know of any Federal control that results from that practice. Is that the experience of the Senator?

Mr. McCLELLAN. That is true in those agencies, but perhaps someone could find another agency where the experience is different.

However, the matter is that simple. We finally worked it out this way, to leave this as an inducement to the local municipalities if they wanted to raise the pay schedule for police officers, then this is an incentive for them.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. CURTIS. Mr. President, I wish to ask the Senator if it is not true with respect to the agricultural employees referred to by the Senator from Florida that they have for a long time been petitioning for participation in Federal civil service retirement programs and other fringe benefits?

Mr. McCLELLAN. I cannot answer the question. If the Senator says it is so, it is.

Mr. CURTIS. That is a fact and it is something that should be taken into account.

Mr. McCLELLAN. I yield to the Senator from Maryland.

Mr. TYDINGS. Mr. President, 90 percent of the law-enforcement budgets in the United States go into salaries for police personnel.

The subcommittee print merely provides that if the local community or State will pay one-half of a salary increase, then 30 percent of the Federal grant to that community can be used to match it. Everyone here knows that our law-enforcement officers, by and large, are drastically underpaid. There is hardly a police department in the Nation that is not understaffed. The average policeman makes less than the average factoryworker. He works longer hours, and he must take time off without pay to go to court to testify.

Policemen are called upon to work under all sorts of conditions, far beyond the normal call of duty. For us in the Senate to say, when considering a safe streets bill, that police cannot even have 30 percent of the grant to match a salary increase, 50 percent of which must come from State and local governments would be, in my judgment, a slap in the face to every law-enforcement officer in the country.

I hope that the amendment will fail.

I support the position of the Senator from Arkansas.

I yield to the senior Senator from West Virginia [Mr. RANDOLPH].

Mr. RANDOLPH. Mr. President, I commend the Senator from Maryland [Mr. TYDINGS] for his valid remarks. Our officers of the law need our encouragement and our support. They are, generally, diligent and well disciplined.

Mr. TYDINGS. My colleague is correct.

Mr. MANSFIELD. Mr. President, I think that we are all very much aware of the status—and I use that word advisedly—of the policeman of our country today. He is not only overworked and underpaid but he also works long hours and must devote a great deal more time to his work than the ordinary workingman to earn the pittance which is his salary—an extremely small sum, comparatively.

Furthermore, it is getting to be the normal thing in this country, these days, to abuse the policeman, to take away his dignity and his respectability. If he gets involved in carrying out his duty to uphold the law, the first thing we hear is the cry of "police brutality."

Mr. President, if there is one segment of our population which is entitled to special consideration, in my opinion, that segment is the policemen of America.

Let us give them something to work toward instead of the abuse that makes their lot worse than the norm at the present time.

I am surprised that there are not more resignations of policemen around the country. I am also surprised that so few people seem to be aware of that fact. I am disappointed that they do not receive the support which is their due. I hope this amendment is defeated.

Mr. MAGNUSON. Mr. President, I join the Senator from Montana in all of the observations he made regarding this matter.

Mr. PASTORE. Mr. President, will the Senator from Maryland yield for a question?

Mr. TYDINGS. I yield.

Mr. PASTORE. In view of the Dirksen amendment on block grants, I believe that the Senator from Maryland stated that a part of the grants can be used for this purpose.

In view of the amendment just adopted, may I ask the Senator, who will decide that? Could a Governor keep it away from the——

Mr. TYDINGS. The Governor would have control, as I understand it, over 85 percent of the funds as a result of the adoption of the Dirksen amendment.

Mr. PASTORE. Can the Governor pick and choose what police department will have it, or will not have it? Can he give it to Republican mayors and not to Democratic mayors? Is that what we are in now?

Mr. MANSFIELD. I hope not.

Mr. PASTORE. I hope that does not happen. I hope that the Governors will be fair enough to see that law-enforcement officers get an increase without discrimination as to politics.

Mr. TYDINGS. I think the remarks a moment ago of the Senator from Montana hit the nail right on the head. The policeman of this country is the forgotten man. He gets all the blame. But when trouble is brewing, we call on the policeman. Yet when we try to use 30 percent of a grant to help the police obtain a pay increase, to give them decent salaries, here comes an amendment which would forbid helping the police to be paid what they, as professionals deserve.

I hope that the amendment will fail.

Mr. HRUSKA. Mr. President, I yield 3 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 3 minutes.

Mr. THURMOND. Mr. President, I am a cosponsor of amendment No. 771, and I support, without reservation, the principle which is embodied in this effort. I am absolutely opposed to the present provision in title I which authorizes the use of Federal funds to supplement the salaries of all local police officers. To my way of thinking, this provision is not in the best interest of local control of law enforcement. We do not need a law enforcement system in which guidelines radiate from Washington and local police chiefs cooperate with Federal officials because they fear the loss of Federal funds so greatly needed to provide competitive salaries for the men on their force.

We hear a lot of talk about not wanting a national police force, but now is the time to legislate so that the first step in this direction will not become a reality. I am deeply disturbed about the ominous possibilities inherent in the use of Federal funds to supplement the salaries of State and local law enforcement officers.

Mr. President, I joined with three of my colleagues to express individual views on this problem on page 230 of the report:

> The Administration's original proposal to Congress in early 1967 contained a feature allowing up to one-third of each federal grant to be utilized for compensation of law enforcement personnel. In the hearing record of both the House and Senate Judiciary Committees, this provision proved to be quite controversial. When the House Committee reported the bill, the provision for salary support was deleted. Commenting on this action, the committee report on page 6 stated:
>
> "The committee deleted all authority to use grant funds authorized by the bill for the purpose of direct compensation to police and other law enforcement personnel other than for training programs or for the performance of innovative functions. Deletion of authority to use Federal funds for local law enforcement personnel compensation underscores the committee's concern that responsibility for law enforcement not be shifted from State and local government level. It is anticipated that local governments, as the cost for research, innovative services, training, and new equipment developments are shared by the Federal Government in the programs authorized in the bill will be able to devote more of their local resources to the solution of personnel compensation problems. The committee recognizes that adequate compensation for law enforcement personnel is one of the most vexing problems in the fight against crime."
>
> We wholeheartedly subscribe to the House committee's view. There is indeed a grave concern that responsibility for law enforcement not be shifted from the state and local levels.
>
> The Senate Criminal Laws Subcommittee also deleted a similar provision by an overwhelming vote, but subsequently a some what modified salary provision was reinstated. In modified form, up to one-third of each grant could be made available to pay one-half the cost of salary increases for law enforcement personnel. Even with this modification, we must strongly oppose the provision. This is not because we are indifferent to the low pay of the nation's law enforcement officers. It is because we fear that "he who pays the piper calls the tune" and that dependence upon the federal government for salaries could be an easy street to federal domination and control."

Mr. President, there will be enough problems to be ironed out in conference already; it would be better if we do not adopt provisions which the House has specifically rejected. We all realize that S. 917 contains three titles which have not even been considered by the House, and I feel certain they will insist on the wording similar to amendment No. 771.

This is no small matter to those who object to this financial carrot which could be dangled by Washington bureaucrats in order to obtain concessions from local authorities who might become dependent on Federal handouts.

Mr. President, we are all deeply concerned because in some areas of our country law officers are not adequately compensated for their dedicated service, but we also know that the other grants provided by this bill will bring relief to the heavy demands on municipal and

county revenue, thus freeing some local funds for salary increases. The present wording in title I is not the best solution to this problem. I cannot emphasize too much my opposition to this provision, and certainly hope that amendment No. 771 will be adopted.

Mr. President, I hope that the Senate will not go into this program because if it does, I predict that this country will end up having a national police force.

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

Mr. HRUSKA. Mr. President, I want to make a brief statement and then yield back the remainder of my time. I shall not ask for a rollcall vote.

I want to say, as to the plea for higher salaries for policemen, that that is not the issue here. The issue is where that increase in pay is going to come from, what trouble will we invite to the National Government and the Nation's governmental structure if we once start paying local public employees, and whether a national police state eventually will evolve from this system. There cannot be any different result. There is only one way to retain independent localities and that is to stay out of the salary-paying business.

I hope that the Senate will see fit to approve the same position that was reflected in the text of the measure as it was passed by the other body.

Mr. President, if I have any time left, I yield it back at this time, and ask for a division on the amendment.

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has now been yielded back. A division is called for.

On a division, the amendment was rejected.

Mr. PASTORE. Mr. President, I should like to have the RECORD show that the Senator from Rhode Island rose in opposition to the amendment.

Mr. MAGNUSON. Mr. President, I make the same request, that I rose in opposition to the amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 770

Mr. HRUSKA. Mr. President, I call up my amendment No. 770 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. It is intended to be proposed by Mr. HRUSKA to S. 917, a bill to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes, viz:

On page 18, line 9, beginning with the comma, strike out all through the comma on line 10.

On page 18, after line 24, insert the following:

(d) In the exercise of its functions, powers, and duties, the Administration shall be independent of the Attorney General and other offices and officers of the Department of Justice.

Mr. HRUSKA. Mr. President, I am willing to submit this amendment to a time limitation of 10 minutes on each side.

Mr. McCLELLAN. Make it five. Let us go—let us go.

Mr. HRUSKA. Very well. Mr. President, it is not my intention to ask for a yea and nay vote. I know that Senators are impatient to get away.

UNANIMOUS-CONSENT AGREEMENT

Mr. President, I ask unanimous consent that debate be limited on this amendment to 10 minutes on each side.

Mr. STENNIS. And that we have order in the Chamber.

Mr. HRUSKA. Yes, and that we have order in the Chamber. That is part of the unanimous-consent request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HRUSKA. Mr. President, the bill now provides for a three-member board of administrators for processing the applications authorized under the bill. Initially the bill, as approved by the subcommittee, provided that the three-member board would be in the Department of Justice, but independent of the Attorney General or any of the officials of the Department of Justice. It would be truly independent in its jurisdiction and in its powers. It was felt that to give one man the right to approve or disapprove of the allocation of a fund which initially will be $400 million, but which the Attorney General has testified they hoped to whip up to a level of $1 billion a year, would be too much power to vest in the hands of one individual, whoever he is, and it would be better vested in a body that would be nonpartisan and independent of any single person, and therefore much better qualified to call the shots as they really see them.

It is for that reason that it was proposed that the three-member board would be vested with power and status which would be free and clear, independent of the Attorney General and other offices and officers of the Department of Justice. That would make for better, more even-handed application of the funds and judgment of the several plans that will be brought to the board for approval.

It is for that reason that I submit this is a better arrangement, an arrangement which was recommended by the subcommittee, but which was overturned in the full committee by a very close margin. I hope the subcommittee's judgment will be reinstated and that the board may be made independent of the Attorney General or anyone else in the Department of Justice.

I reserve the remainder of my time.

Mr. McCLELLAN. Mr. President, I yield myself a couple of minutes.

As I recall, the House bill—perhaps the staff can correct me if I am wrong—provided that the Attorney General would administer the program, with an Assistant Attorney General as administrator.

I felt it should be kept out of politics as much as possible, and therefore I urged an administration within the Department of Justice, composed of three members, to be appointed by the President and confirmed by the Senate. That is what is in the bill.

I also proposed that it be made completely independent of the Attorney General, although placed in the Department of Justice. But, upon further consideration of it and after discussing it at some length—I listened to the pleas of the administration and the Attorney General, who felt that it should certainly be placed under him; there was still contention the other way—I finally yielded to him, with the result that we have the bill as it is now.

I am hoping, with the arrangement we have, with a three-member administration, not more than two from one political party, who will be appointed by the President and confirmed by the Senate, it will give to it a status so that it can feel completely free and independent of any political pressure.

That is my idea about it. It ought not to be in politics. It ought to be completely free of politics and completely free of political domination. That is the best way to have an administration that could best be calculated to be free of administration domination, whichever party was in power.

I yield to the distinguished Senator from Maryland.

Mr. TYDINGS. Mr. President, I just wish to second the remarks of the distinguished Senator from Arkansas. The amendment of the distinguished Senator from Nebraska is contrary to sound executive management, and is contrary to the recommendations of the Hoover Commission on organization of the executive branch. That commission explicitly opposed grants of Executive authority to subordinate officials in the executive branch.

I think the amendment would seriously hinder the vital need for coordination of crime programs by the Attorney General. I think we should all remember that while the chief administrator of the Department of Justice, the Attorney General, changes from administration to administration, sound management principles do not.

Regardless of who is Attorney General of the United States, the Congress and the people are going to hold him responsible for coordinating this law enforcement program. To have a national safe streets act taken completely out of his control would be, in my judgment, a very grave error.

I hope the amendment will be rejected.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. HRUSKA. I yield back my time.

I ask for a division.

Mr. McCLELLAN. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska. On this question, a division has been requested.

On a division, the amendment was rejected.

Mr. TYDINGS. Mr. President, I send to the desk an amendment on behalf of myself, the Senator from Virginia [Mr. SPONG], and the Senator from Maryland [Mr. BREWSTER]. This amendment is essentially identical to amendment No. 817,

which has been printed. It pertains to extortion and threats within the District of Columbia.

The PRESIDING OFFICER. Will the Senator permit the clerk to read the amendment?

The amendment was read by the assistant legislative clerk, as follows:

On page 107, between lines 4 and 5, insert the following new title:

"TITLE V—PROHIBITING EXTORTION AND THREATS IN THE DISTRICT OF COLUMBIA

"SEC. 1001. Whoever with intent to extort from any person, firm, association, or corporation, any money or other thing of value: (1) transmits within the District of Columbia any communication containing any demand or request for ransom or reward for the release of any kidnapped person, shall be fined not more than $5,000 or imprisoned not more than twenty years, or both; (2) transmits within the District of Columbia any communication containing any threat to kidnap any person or any threat to injure the person of another, shall be fined not more than $5,000 or imprisoned not more than twenty years, or both; or (3) transmits within the District of Columbia any communication containing any threat to injure the property or reputation of the recipient of the communication or of another or the reputation of a deceased person or any threat to accuse the recipient of the communication or any other person of a crime, shall be fined not more than $5,000 or imprisoned not more than twenty years, or both.

"SEC. 1002. Whoever threatens within the District of Columbia to kidnap any person or to injure the person of another or physically damage the property of any person or of another person, in whole or in part, shall be fined not more than $5,000 or imprisoned not more than twenty years, or both."

Mr. TYDINGS. Mr. President, it is essential for the Senate—while it considers a national crime bill—to correct what appears to be a grave and damaging situation right here in Washington which threatens the commercial life of the city.

Every day reports come in, not only to me, but to my colleague from Maryland and the Senators from Virginia, of Washington merchants, and Marylanders and Virginians who own stores in the District of Columbia, who are being threatened and abused by extortionists and thieves. Every day, thugs walk into stores and demand or just take merchandise. And if the owner tries to stop them, they threaten to burn down his store. We hear of threats to merchants that if they attempt to rebuild stores burned out in the recent riots, they will be destroyed again. We hear reports of shakedowns and the protection racket here in the District of Columbia.

My amendment, which is similar to the one introduced in the House of Representatives by Mr. WHITENER and Mr. MCMILLAN, would make extortion and transmission of threats to persons and property a felony punishable by $5,000 or 20 years' imprisonment, or both.

There is no general prohibition of extortion in the District of Columbia Code today. The only Code provision dealing specifically with extortion is a 1902 law, section 22–1302 of the District of Columbia Code, dealing with false recordation of land records with intent to defraud. Section 22–2305, concerning blackmail, includes only threats to publish disgraceful accusations for the purpose of extorting funds or influencing conduct. Not covered are threats of injury to person or damage to property.

The amendment would create a new title V, making the present reversability provision title VI.

The extortion title has two sections. The first section, 1001, prohibits extortion for money or other thing of value. The second section, 1002, prohibits threats designed to influence conduct, such as threats to burn out a merchant if he attempts to locate his business in a certain area. These threats must be convincing threats, clearly believable and intended to be acted upon, against particular persons. Generalized or vague threats are not enough.

Specifically, section 1^01 prohibits three kinds of action, when they are perpetrated "with intent to extort from any person, firm, association or corporation, any money or thing of value:" First, any demand for ransom for a kidnapped person; second, any threat to kidnap or any threat to injure any person; and, third, any threat to injure the property or reputation of any person.

Section 1002 prohibits extortion intended to affect conduct, rather than to extract money. It prohibits threats to kidnap or injure any person or damage his property, regardless of the reason for the threat.

All offenses would be punishable by up to $5,000 fine and 20 years' imprisonment.

As chairman of the Senate District Committee's Subcommittee on Business and Commerce, I recently held hearings on the riot damage and the District's rebuilding plans. I know the importance of this bill. Whether these reports of extortion are true is not the point. The fact is there is no general law on extortion in the District of Columbia at all now. We should enact such a law in any case. But it is particularly urgent now to give citizens and businesses in the District of Columbia the kind of assurance they need that the law will protect them against extortion.

I think this is a matter of the greatest urgency. I have discussed it with the distinguished Senator from Arkansas, with the minority leader, and also the Senator from Nebraska [Mr. HRUSKA]. I hope the Senator from Arkansas will accept my amendment.

Mr. MCCLELLAN. Mr. President, I have no objection to that amendment. It grew out of the very critical situation here in the Nation's Capital. I see nothing wrong in the amendment; it is calculated to give some relief from these distressing conditions. As far as I am concerned, I favor it, and will accept it unless someone else opposes it.

I yield back the remainder of my time.

Mr. TYDINGS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

AMENDMENT NO. 816—INCREASED POLICE PROTECTION IN THE DISTRICT OF COLUMBIA

Mr. TYDINGS. Mr. President, I have one further amendment, which I wish to call to the attention of the Senate. That is amendment No. 816. This is an amendment which would provide for a volunteer reserve police force in the District of Columbia.

Mr. President, the Nation is shocked—and rightly so—at the dangerous spiralling of the crime rate. The crime problem in the District of Columbia has received particular attention in debates on this crime control bill, and there is no question that the crime problem in the District is as serious—if not more serious—than anywhere in the country. Because the District is under Federal jurisdiction, the Congress has a particularly urgent responsibility to enact crime control measures, as part of this bill, to aid the District. Because my constituents in the Maryland counties adjacent to the District are threatened by the rising crime rate here, I feel a special responsibility to work against crime in the District.

I strongly believe that effective deterrence to criminal conduct must be undertaken. In my judgment, there is only one really effective deterrent to crime—that is, the policeman on patrol. He alone can prevent crime, by his visible presence and by his capacity for swift, sure action. It is clear that, at the present time, the District of Columbia Police Department is woefully undermanned to effectively do this job. New personnel must be brought into law enforcement in the District. And that is the purpose of the amendment I have introduced today.

The purpose of this amendment is to authorize the District government to "select, organize, train, and equip reserve police officers for duty in connection with the policing of the District of Columbia." The Commissioner would, in addition, be authorized to bestow upon such police reserve officers such of the powers and duties of regular officers and members of the Metropolitan Police Department as he may deem necessary and proper. The bill also provides that reserve officers shall serve without compensation, but otherwise shall be considered employees of the government of the District of Columbia and members of the Metropolitan Police force for all purposes and under all provisions of law, with certain specified exceptions.

I believe that the objective of the bill in permitting trained volunteers to assume certain active police duties with the Metropolitan Police Department, and in freeing regular police officers for more comprehensive protection of the District, is a desirable one. The use of police reserves in this fashion can be expected to contribute greatly to the District's fight against crime and to provide an effective tool in this effort. It is not, however, contemplated that the reserve officers will be utilized in such manner as to require them to deal directly with persons committing the more serious criminal acts. Nor will they engage in actions which require highly professional performance on the part of a regular member of the Metropolitan Police force. The reserve officers will supplement, but will not be a substitute for, the regular members of the force, and, while they may accompany the regular members of the force in the performance of the duties of such regular members, the reserve officers will

be used only for those duties for which they are trained and qualified.

In urging adoption of the measure, the District government has indicated that reserve officers will not be used for patrol duty in the high crime areas of the District; assigned to riot duty; permitted to make or participate in any search or seizure; or utilized for any police duty requiring a high level of qualified police performance.

Notwithstanding the foregoing limitations on the use of the reserve officers, it can nevertheless be expected that they will make a substantial contribution toward the solution of the crime problem in the District, by freeing from the performance of routine police duties the regular members of the Metropolitan Police force, thereby allowing their use in high crime areas or in police activities requiring the use of highly qualified personnel.

The routine activities which can and should be undertaken by these police reserves are, for example, clerical duties in station houses, traffic control, supervision at parades or sports events where large numbers of people are gathered.

One provision of this measure warrants special emphasis. The measure states that reserve officers appointed under this title "shall not be authorized to carry or use firearms in the performance of the duties to which they will be assigned." This provision will insure that only regular officers—who serve full-time, and who receive much more intensive and longer-term training than the volunteer reserve force—are entrusted with using firearms in the performance of their duties.

Responsible officials in the District of Columbia government have estimated that the volunteer police force would number at least 700. In fact, at the present time, there are some 250 volunteer police assistants who purchase their uniforms at their own expense and who are not protected in their activities by any District of Columbia government insurance. It is thus reasonable to expect that these ranks would be greatly expanded by this measure.

Of equal and perhaps even greater importance, the establishment of a police reserve corps comprised of persons who may be assigned to perform their duties in those areas of the city in which may be located their residences or places of employment or business of necessity will bring the community into a closer relationship with the Metropolitan Police force and promote better community-police relations.

I believe that the benefits to be derived from the bill, as set forth above, will exceed considerably the cost of establishing such a program, which the District government has estimated at $224,000 for the first year, based on providing uniforms and equipment for 700 members of the reserve, while the subsequent annual cost may approximate $70,000.

This measure has been proposed as a separate piece of legislation, and is strongly supported by the District of Columbia government. District of Columbia Police Chief Layton has publicly supported it. In addition, businessmen from throughout the metropolitan area have indicated to me that they strongly support this measure. I believe prompt enactment of this measure is essential. The crime rate will not wait. We must take action now to stem it. And the most effective action we can possibly take is to provide additional manpower for the police.

I ask unanimous consent that a technical explanation of sections of this amendment, and a letter which I have received from the Federal City Council supporting this measure be printed at this point in the RECORD.

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

TECHNICAL EXPLANATION OF MEASURE

Section 1(b) of the bill authorizes the Commissioner to make rules and regulations to carry out the purposes of the bill, including rules and regulations governing suspension or dismissal of reserve officers, with or without trial, and regulations governing the possession, carrying and use of weapons (including firearms) by reserve officers.

Section 2(a) provides that the provisions of law commonly referred to as the "Federal Employees' Compensation Act" (5 U.S.C. 8101 et seq.) shall apply in cases of injury or death of reserve officers. Since the reserve officers are not compensated under the bill, they are deemed to have a monthly pay of one-twelfth of the current annual rate of basic compensation for a police private, class 1, subclass (a), in the Metropolitan Police Department, modified according to the length of service, for the purposes of the Federal Employees' Compensation Act.

Section 2(b) makes applicable to reserve officers the provisions of section 8116(c) of title 5, providing that "the liability of the United States or an instrumentality thereof" under the so-called Federal Employees' Compensation Act shall be exclusive. Further, in view of the fact that employees of the District of Columbia are subject to the provisions of the Act, in like manner and to the same extent as Federal employees (5 U.S.C. 8101), the limiting language in section 8116(c), making, as it does, a distinction between the United States and the District of Columbia, appears to be an inadvertence. Accordingly, in order to provide for the equal treatment of Federal and District employees, insofar as the liability of both governments under the Federal Employees' Compensation Act is concerned, section 2(b) of the bill provides that the term "United States" as used in the above-quoted phrase from section 8116(c) shall be deemed to include the District of Columbia.

MAY 22, 1968.

Hon. JOSEPH D. TYDINGS,
U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR TYDINGS: The Federal City Council has been gravely concerned with the crime situation in the District of Columbia. We believe this is the Number One problem in the minds of the majority of the business community and, indeed, of all the citizens.

The immediate need is for a greater number of trained police officers on the beat to provide protection.

One of the most practical and effective measures that could be taken at this time, we believe, is immediate adoption of the Police Reserve Bill, S. 3198. This bill would create an official reserve force, properly trained and equipped, which could release patrolman for urgent law enforcement duty. The benefits of such a reserve force would far exceed its cost. Furthermore, it would serve as an incentive for recruitment in the currently understaffed regular police force.

The Council fully endorses S. 3198 and urges its immediate enactment. The headlines of each day's newspapers emphasize the need for prompt action. We would appreciate your support of this measure.

Sincerely,

STEPHEN AILES,
President.

Mr. TYDINGS. I am not calling up my amendment and not asking for a vote at this time because the distinguished Senator from Nevada [Mr. BIBLE] has assured me that his subcommittee of the Committee on the District of Columbia, headed by the Senator from Oregon [Mr. MORSE], will hold hearings on the matter as soon as possible. In deference to the Senator from Oregon and the Senator from Nevada, I am not calling my amendment up, but I wish to point out that need for it is very pressing. The conditions on the streets of Washington today, particularly with respect to our merchants, our bus drivers and our cab drivers, are deplorable. We have 167 vacancies in the police force, which are not being filled. I believe this type of legislation is needed, and I am withholding it now only because of the assurances of the Senator from Nevada that hearings will promptly be held, and the matter will be moved forward.

Mr. DIRKSEN. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

Mr. DIRKSEN's amendment is as follows:

On page 80, strike out lines 15 and 16 and insert in lieu thereof the following:

"TITLE IV—GUN CONTROL AND SUBVERSIVE ACTIVITIES CONTROL"

On page 80, between lines 16 and 17, insert the following:

"PART A—STATE FIREARMS CONTROL ASSISTANCE"

On page 107, between lines 4 and 5, insert the following new part:

"PART B—PROCEEDINGS BEFORE THE SUBVERSIVE ACTIVITIES CONTROL BOARD

"SEC. 951. (a) The attorneys general of the several States are authorized to institute and prosecute proceedings before the Subversive Activities Control Board in the same manner and with the same power as the Attorney General of the United States under the provisions of the Subversive Activities Control Act of 1950.

"(b) Whenever such a proceeding is instituted under the provisions of this section by the attorney general of any State, the Director of the Federal Bureau of Investigation shall furnish to such attorney general such information and investigative services pertaining to such proceeding as the Director of the Federal Bureau of Investigation shall deem to be appropriate.

"SEC. 952. (a) Section 12 (1) of the Subversive Activities Control Act of 1950 is amended by inserting the paragraph designation '(1)' immediately after the subsection designation.

"(b) The first sentence of section 12 (1) (1) of such Act is amended by inserting therein—

"(1) immediately after the words 'before the Board', the words 'by the Attorney General or by the attorney general of any State'; and

"(2) immediately after the word 'conducted', the words 'or set for hearing'.

"(c) Section 12 (i) of such Act is amended by inserting at the end thereof the following new paragraph:

"'(2) For the purpose of this subsection the term "Attorney general" (when used with respect to an officer other than the attorney general of a State) means the Attorney General of the United States'."

Mr. McCLELLAN. Mr. President, how much time will the Senator require?

Mr. DIRKSEN. Mr. President, I am more than happy to settle for 10 minutes on a side on this amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, in January, the President of the United States signed the revised Subversive Activities Control Act. I guess I am one who was really the blackguard or the villain of the piece; I was excoriated editorially in nearly every newspaper in the United States.

The reason was that on this floor, Senators continued to say that this was a board drawing pay with no duties, which ought to be abolished. It did not help that, in addition, the new appointee to that board had married the President's secretary; that certainly did not help me any, because they let me have it in the Chicago Tribune and every other place.

But I was determined that this board was not going to go down the drain by default. I think it cost me a year of my life to go through and revise that Subversive Activities Control Act, but it was done, it was approved, and the President signed the bill. He signed it on January 2 of this year.

Since that time the Attorney General of the United States, who has the duty of filing petitions with the board, has not filed a petition in a single case. And I know why. He got caught in this Dubois case, because they tapped the wire, and he was afraid to do anything about it until the Supreme Court passes on the Kolod case, which is now pending.

Well, if he does not do something pretty soon, and this Congress runs out, that board is going to be phased out. I am not going to take that lying down, I can tell you. Last Friday night, I spent an hour and a half with the President.

I asked him, "When are you going to tell your Attorney General to send some cases to the board?" I said, "I know that there are nonelectronic cases there, where no wiretaps are involved. His own assistant testified last year before the House Appropriations Committee that there were a hundred cases that they could file with the board. He has not filed a single one, and I am about to try to do something about it."

I do not usually put words in the President's mouth, but last Friday night he said to me, "Why don't you do something about it?"

All right; I am going to try right now. I know what the limitations are. I know of the Nelson case from Pennsylvania, where the Supreme Court said that Congress had now preempted its field.

Well and good. What I propose now, in this amendment, is that the attorneys general of the various States be entitled to go before that board and institute proceedings where communism is involved, and Communist organizations, and prosecute them before the board. That makes it a Federal proceeding, and from then on, that Nelson case is not going to touch it.

They will get out their rules and regulations, they will let their own attorneys general clear them, and make sure there are no frivolous cases involved; and that sort of reinstates the States, in a way, because they have got some interests here also.

Must I remind the Senate tonight that France caved in yesterday? That great "Bon Charles," who has journeyed around the world and represented himself as France and all that it means, now comes back to a country beset with strikes and riots and student demonstrations, and his prime minister caves in to the left and the near left. And what do I think is going to happen?

Well, I just think about all the glorious paintings in the Salon de la Guerre at Versailles, where I stood the day after VE day and thought: There is the glory of France.

Where is it tonight? It is in the dust, and the Reds are in charge. Do not kid yourself. Read J. Edgar Hoover, and he will tell you what this menace is in the country today.

My friend from Maryland laughs. Yes, he fought me on this issue, and used everything at his command. And I say to him, "Joe, you didn't get anywhere, did you? No. And you are not going to." Because I am going to monitor this thing all the way through, and there is not going to be a bill of any consequence go through the Senate this session that does not have this provision in it, unless the Senate adopts it tonight.

I have had it out with the President at great length. You would be surprised what I told him about what I would do with an Attorney General who was subverting and distorting the intention and the desire of Congress.

He said, "Well, why don't you do something about it?"

I said, "I will." And this is it, tonight.

The head of that board comes from Montana. The distinguished majority leader knows him very well. He came to see the distinguished Senator from Arkansas about this matter. We have carefully drafted this amendment so as to remain within the framework of that Supreme Court decision in the Nelson case, and we are going to see that when one case is filed with that board by a State attorney general that board is going to be resurrected and kept alive to do its job, because there is a need and a function for it.

So I trust this may be the end of the line, if the Senate will give its approval to this proposal, very simple in nature.

With that, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McCLELLAN. Mr. President, I yield myself 1 minute.

Does the Senator have any inclination as to why the President will not direct the Attorney General to act in these cases? I do not understand it. Congress has acted. We have the board. We have appropriated funds for it. The board is there, ready, and willing.

I understand the Senator to say that there are at least 100 cases that could be certified to the board.

Mr. DIRKSEN. That was the testimony in the House.

Mr. McCLELLAN. How recently?

Mr. DIRKSEN. Late last year, before the Appropriations Committee of the House.

Mr. McCLELLAN. That is a large number of cases.

Mr. DIRKSEN. Indeed it is.

Mr. McCLELLAN. Has the Senator interrogated the Attorney General about why no action is being taken and why he is not functioning in this responsibility?

Mr. DIRKSEN. Must I, when we give him the direction? I believe in going to the top man. That is the President of the United States. That is where I went.

Mr. McCLELLAN. I did not say the Senator had to go to him. I simply inquired if the Senator had questioned him about it and if he had any excuse for not acting.

Mr. DIRKSEN. I wrote him a letter and reminded him that the time was running out. I got nothing except a rather tremulous and, shall I say, rather queezy answer.

Mr. McCLELLAN. Mr. President, I yield to the Senator from Maryland.

Mr. TYDINGS. Mr. President, has the constitutionality of the amendment been checked by any of the members of the Senator's staff, or by the committee staff?

Mr. DIRKSEN. It has been checked by my staff. It has been checked by members of the SAC Board, and their General Counsel. And they have some pretty good lawyers there.

Mr. TYDINGS. Does the Senator have any opinion on constitutionality from the legislative counsel or from members of his own staff?

Mr. DIRKSEN. Must I have?

Mr. TYDINGS. I am just asking the question.

Mr. DIRKSEN. We are satisfied.

Mr. TYDINGS. Have any hearings been held on the capacity of the various States' attorneys general to prosecute subversive activities cases?

Mr. DIRKSEN. Why should I have to come up with that information?

Mr. TYDINGS. I am merely asking the distinguished Senator to provide information for the RECORD.

Mr. DIRKSEN. You are just clutching for a straw, now.

Mr. TYDINGS. If those are answers in the negative, Mr. President, I would be extremely hesitant to open the jurisdiction of the SACB by taking cases away, in effect, from the Assistant Attorney General in charge of internal security without any opinions about the legality or constitutionality of it, and without any hearings on the need, and the effect, and the workability.

I do not think this is the proper way to handle the problem. I realize the problem. My objection to the original board was that it was not doing any work. It may well be that this is an answer. But, I think the Senate and the country are

entitled at least to legislative hearings and some factual basis for acting before we act on a matter as important as this.

Mr. DIRKSEN. All those questions were raised when we revived the SAC Board. And who opposed it? The very lovable Senator from Maryland. He fought it every step of the way, every phrase and clause.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I wish to ask the Senator some questions.

Is this the first time that the attorneys general of the several States are authorized to institute the prosecution of proceedings before the SACB in the same manner and with the same power as the Attorney General of the United States under the provisions of the Subversive Activities Control Act of 1950?

Mr. DIRKSEN. They are limited entirely to the one act.

Mr. MANSFIELD. Mr. President, that seems to me to be going pretty far in delegating this kind of authority to the attorneys general of the several States.

Also, I note in subsection (b) that—

Whenever such a proceeding is instituted under the provisions of this section by the Attorney General of any State, the Director of the Federal Bureau of Investigation—

And that is Mr. Hoover—

shall furnish to such Attorney General such information and investigative services pertaining to such proceeding as the Director of the Federal Bureau of Investigation shall deem to be appropriate.

Mr. DIRKSEN. It publicly permits him. He does not have to do it at all.

Mr. MANSFIELD. No; but it is permissive.

Mr. DIRKSEN. It is permissive.

Mr. MANSFIELD. It appears to me that the proposal, which I joined the distinguished minority leader in getting through last year, should be perfectly capable of taking care of the continued activities of the Subversive Activities Control Board, the Chairman of which is a friend of mine from the State of Montana. But, that is aside and apart.

I would hope that it would be the Attorney General's thinking that, as a result of the Supreme Court decision in the Dubois case, that that case could be—and I believe should be, if I read the reports correctly—referred to the Subversive Activities Control Board, as well as any other cases which may be eligible.

As the minority leader and I agreed, either that board gets work, or it goes out of existence.

And we thought we laid out the ground rules by means of which certain types of cases could be, should be—and we thought would be—referred to it. But this amendment goes awfully far and I cannot support it.

Mr. DIRKSEN. Mr. President, let me remind the Senate that 5 months have gone by since the President of the United States signed this act. That made it lawful. And now does it go down the drain by default. They put an amendment in on the floor, and they will phase out the Board.

The distinguished minority leader wants to get out of here by the 2d of August. We are on the threshold of June 1. June, July—60 days. That is all the time, and then we are out. If we make that target, then the Board goes down the drain.

Make up your minds as to whether that is what you want and whether the continued refusal of the Attorney General to file a petition before the Board is going to cause its demise, notwithstanding the intent of Congress.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. McCLELLAN. Mr. President, I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, in common with some other Senators who were present at the time, I worked some in the day and some in the night to pass the act. We had to pass it over the then President's veto.

I remember that a distinguished Senator from Nevada named Pat McCarran stood there in the well of the Senate. We were meeting then in the old Supreme Court room. And he pleaded to start this thing so that there could be appropriate investigations made.

I am sorry to say that I have felt that somewhere, somebody is trying to sabotage this fine effort.

So far as I am concerned, I am perfectly willing to do whatever I can to see that this Board becomes active. And for that reason, I shall support the Senator.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. AIKEN. Mr. President, I do not want to concede tonight that the Republicans are going to lose the coming election.

Mr. McCLELLAN. I beg the Senator's pardon?

Mr. AIKEN. I said that I do not want to concede tonight that the Republicans are going to lose the coming national election. Therefore, I do not think it is fitting to take away all powers from the executive officer at this time.

I think we are going to win and that the next Attorney General will be from the same party as the senior Senator from Illinois.

Mr. DIRKSEN. Unless something is done by the 31st of December 1968, this Board mandatorily will be phased out, and there will be no new President inaugurated before the 31st of December.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. ERVIN. Mr. President, the Supreme Court held in the Nelson case that the States could not prosecute subversive acts in their own courts. All this would do would be to let the States prosecute some subversive acts in the State courts?

Mr. DIRKSEN. The Senator is correct.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield 1 minute to the Senator from Indiana.

Mr. BAYH. May I have 2 minutes?

Mr. McCLELLAN. I do not have much time remaining.

Mr. BAYH. Mr. President, I would like to say to my good friend, the senior Senator from Illinois, that my recollection is that I supported him in his effort to support this board, so that I would be on the opposite side of that battle from my friend, the Senator from Maryland.

But it seems to me that to accomplish what the Senator from Illinois wants to do, we do not need to throw the baby out with the bath water. This Board will go out of business because we specified that it would go out of business unless it received cases by x date. So why do we not remove that provision, rather than open a Pandora's box and invite every attorney general in the 50 States to come to Washington and conduct a witch hunt or to try to make the national headlines? I do not see any reason to do this.

Mr. DIRKSEN. Why did the Senator not do it? He is an administration Senator.

Mr. BAYH. Why does the Senator go so far right now to do what he wants to accomplish? He is setting an entirely different precedent.

Mr. DIRKSEN. Because I believe in this cause, and this is a legal, constitutional way to get at it.

Mr. BAYH. This is the first time in history that the attorneys general of the States would be given that authority.

Mr. DIRKSEN. There are precedents.

Mr. BAYH. Will the Senator give us the precedents?

Mr. DIRKSEN. I do not have them at my fingertips.

Mr. BAYH. I believe it is important that we have them.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield 1 minute to the Senator from New York.

Mr. JAVITS. Mr. President, it is our duty, each of us, to serve the Senate especially in accordance with our competence. I have been an attorney general, and I am a lawyer.

It seems to me that if we were to make 50 State attorneys general Federal attorneys general, we would have to give them the services of the FBI.

Mr. DIRKSEN. It would be permissive.

Mr. JAVITS. I realize it would be permissive; nonetheless it would be done. It has never been done. We have a plethora of all kinds of commissions.

This, incidentally, could be an opening wedge which Republicans, who do not want business crawled over by every attorney general in the United States, would regret.

I went along with the Senator from Illinois in his compromise, and I would like to go along with him in anything he wants to do, but in all conscience I cannot support this amendment.

The PRESIDING OFFICER. All time has expired.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. DIRKSEN. All time has expired.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Missouri [Mr. LONG], the Senator from Georgia [Mr. TALMADGE], and the Senator from New Jersey [Mr. WILLIAMS] are absent on official business.

I also announce that the Senator from

Alaska [Mr. BARTLETT], the Senator from Nevada [Mr. CANNON], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Minnesota [Mr. MCCARTHY], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Minnesota [Mr. MONDALE], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Florida [Mr. SMATHERS], the Senator from Texas [Mr. YARBOROUGH], and the Senator from Ohio [Mr. YOUNG] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Pennsylvania [Mr. CLARK], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], and the Senator from Oregon [Mr. MORSE] would each vote "nay."

On this vote, the Senator from South Carolina [Mr. HOLLINGS] is paired with the Senator from New Jersey [Mr. WILLIAMS]. If present and voting, the Senator from South Carolina would vote "yea," and the Senator from New Jersey would vote "nay."

Mr. DIRKSEN. I announce that the Senator from Idaho [Mr. JORDAN] is absent on official business.

The Senator from Utah [Mr. BENNETT], the Senator from California [Mr. KUCHEL], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

If present and voting, the Senator from Utah [Mr. BENNETT], and the Senator from Idaho [Mr. JORDAN] would each vote "yea."

The result was announced—yeas 27, nays 49, as follows:

[No. 158 Leg.]

YEAS—27

Allott	Fannin	Miller
Baker	Griffin	Mundt
Byrd, Va.	Hansen	Murphy
Carlson	Hickenlooper	Pearson
Cotton	Holland	Prouty
Curtis	Hruska	Smith
Dirksen	Jordan, N.C.	Thurmond
Dominick	Lausche	Tower
Ervin	Magnuson	Young, N. Dak.

NAYS—49

Aiken	Hart	Nelson
Anderson	Hartke	Pastore
Bayh	Hatfield	Pell
Bible	Hayden	Percy
Boggs	Hill	Proxmire
Brewster	Inouye	Randolph
Brooke	Jackson	Ribicoff
Burdick	Javits	Russell
Byrd, W. Va.	Long, La.	Scott
Case	Mansfield	Sparkman
Cooper	McClellan	Spong
Dodd	McGee	Stennis
Eastland	McIntyre	Symington
Ellender	Metcalf	Tydings
Fong	Monroney	Williams, Del.
Fulbright	Moss	
Gore	Muskie	

NOT VOTING—24

Bartlett	Jordan, Idaho	Montoya
Bennett	Kennedy, Mass.	Morse
Cannon	Kennedy, N.Y.	Morton
Church	Kuchel	Smathers
Clark	Long, Mo.	Talmadge
Gruening	McCarthy	Williams, N.J.
Harris	McGovern	Yarborough
Hollings	Mondale	Young, Ohio

So Mr. DIRKSEN's amendment was rejected.

Mr. WILLIAMS of Delaware and Mr. ALLOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized. The Senate will be in order. The hour is late, but I am sure we can move more rapidly if the Senate is in order.

The Senator from Delaware is recognized.

ADMINISTRATION EFFORTS TO DEFEAT CONFERENCE REPORT ON H.R. 15414

Mr. WILLIAMS of Delaware. Mr. President, I can assure Senators that I shall be brief. I wish to straighten out the RECORD.

Yesterday I made a statement in the Senate that at the Department of Health, Education, and Welfare there was a five-man team that was making telephone calls, and that they had made between 500 and 700 telephone calls to Members of Congress and to various heads of programs, superintendents of hospitals, and superintendents of school systems back in the States telling them that their particular projects were going to be affected as a result of the proposed reduction by Congress.

Later the majority leader—and I appreciate what he did—checked with the White House and with the Secretary of Health, Education, and Welfare. This morning the distinguished majority leader brought back very emphatic denials that any such calls had been made or that there was any such team. I do not question for a moment but that that is what he was told and, in fact, I know he was told that; but I stated that I would not accept it and that unless the agency would confirm a situation that I knew for a fact to be true, before the day was out I would ask the Committee on Finance to bring these individuals down and put them under oath. I regretted the need to take that procedure.

About 12:45 today these men, Mr. Kelly and Mr. Leonard, did come down. We met in the office of the minority leader, together with several Members of the Senate, and they reluctantly admitted that my statement of yesterday was correct.

They confirmed that Mr. John T. Leonard, the executive assistant to the Comptroller, told the office of the Senator from Tennessee [Mr. BAKER] that he and four other men had been assigned to make 500 to 700 calls to Members of Congress, superintendents of hospitals and nursing homes, and presidents of universities that their projects or grants were being cancelled as the result of the proposed expenditure reduction.

Mr. Leonard also confirmed that he had given the same information to me personally.

What disturbs me is that even at the beginning of this meeting Mr. Leonard started out denying that he had ever given any such information to Senator BAKER's office or to me, and it was only after being confronted with memoranda of our conversations that he reversed his position and admitted that we were correct. This recovery of his memory may have been prompted somewhat by the reminder that he could be placed under oath.

I regret we have to take this step to draw out the truth from the executive branch. I shall read one paragraph from a long letter. Senators may read the entire letter. The rest of the letter is an alibi as to how this happened.

The letter is signed by Wilbur Cohen and it states in part:

> I have, however, ascertained on the basis of discussions between you and Assistant Secretary, Comptroller James F. Kelly and John P. Leonard, Jr. that you (Senator WILLIAMS) and Senator BAKER's office had conversations with our Mr. Leonard and that these telephone conversations provided you with a basis for concluding that an organized telephone campaign had been established involving as many as 700 telephone calls to Members of Congress, States, localities, colleges, and universities.

The letter then goes on and points out that all of these calls had never really been made and that Mr. Leonard did not know what he was talking about. I think this is a matter of our having stopped something from happening as it was getting started. There is no question that they admitted that this five-man team was operating. It is a case now of alibiing it, a case of having gotten their hands caught in the cookie jar and trying to get out the best way they can.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. MURPHY. Was this done with the knowledge or the sanction of the Secretary?

Mr. WILLIAMS of Delaware. The Secretary said no, that he did not know. But I cannot conceive how it would happen without his knowledge.

Mr. MURPHY. Did the Secretary indicate in any way that he would make an attempt to ascertain who was responsible for this action?

Mr. WILLIAMS of Delaware. He said he would and that it would be stopped. I understand that it has been stopped; at least, it had better be stopped.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield to the distinguished Senator from Tennesee, who had also received the same information from Mr. Leonard.

Mr. BAKER. Mr. President, I thank the Senator from Delaware for yielding to me.

I would like to point out briefly that on May 17, 1968, about 5:20 p.m., my office was called and told that a Tennessee project, the Erlanger Hospital in Chattanooga, Tenn., would not receive necessary Federal funds; that the Government was going to have to renege on its commitment; and that the reason for this was a directive the President had issued that morning, telling agencies not to authorize any spending for fiscal 1969 until Congress was able to work out what it was going to do about a combined spending reduction and tax increase.

My office was further told, and the information was volunteered, that the people at the Erlanger Hospital, and the people of Chattanooga and Tennessee

were obviously going to be very disappointed.

Later, on May 21, at my request, my office attempted to verify the contents of that telephone conversation with Mr. Jack Leonard, Jr., the Executive Assistant Comptroller of Health, Education, and Welfare.

He was called and he stated that was the situation, and that, as a result of the pending dispute between the legislative branch and the executive branch over the combined tax increase and spending cuts, HEW is not authorizing the release of funds on any projects for fiscal 1969. Mr. Leonard was asked if other offices were being called to this effect. He said yes, and he volunteered that some 700 calls to this effect were made last week; and that Mr. Leonard usually made these calls himself but that on this occasion, in order to make them, he had four people assisting him.

I am especially happy, therefore, that the Senator from Delaware has obtained from Mr. Cohen the confirmation by this letter dated May 23 that such information was passed to my office and such information was passed on to the Senator from Delaware [Mr. WILLIAMS]. I do not now speak of the question of whether the substance of those conversations was true, part of a plan, or of any variation thereof. I merely thank the Senator from Delaware for having obtained written confirmation from the Secretary of Health, Education, and Welfare that those representations, as I have outlined them, were made to my office in this respect.

Mr. WILLIAMS of Delaware. I thank the Senator. I might say that after the Senator from Tennessee received his information and the memorandums were typed, he showed them to me. They were so unbelievable that we decided to recheck. I called and read the memorandums in substance to Mr. Leonard, and he confirmed that he was a part of a five-man team and that between 500 and 700 calls had been made. That was the basis of my statement of yesterday. Mr. Leonard is Executive Assistant to the Comptroller of Health, Education, and Welfare. I had a right to rely on it, and I accepted it in good faith.

Mr. FANNIN. Mr. President, I should like to commend the distinguished Senator from Delaware for bringing this information to the attention of the Senate.

I, too, received a call from an official of my State of Arizona advising me that if this cut went through for the $6 billion, there would be drastic cuts in some of the moneys made available to the State of Arizona. I was amazed. I questioned him further and am attempting to obtain additional information, in order that I can pass it on to the Senator.

Mr. WILLIAMS of Delaware. I thank the Senator. I might say that this is one of 20-some-odd calls that I know of that were made to Members of Congress. Calls back to the States were being made. There is no question in my mind but that this team was just getting started for a full-scale operation. We caught it just in time.

Mr. SCOTT. Mr. President, around the 15th or 16th of May, I received a call from a personal friend in Los Angeles, Calif., who is a member of the library board of that city; and I was informed by the caller that the Department of Health, Education, and Welfare had notified the library association, or board, that there would be no further support of the fund for the bookmobiles, or of the library system, by HEW under which the city of Los Angeles was able to maintain and keep its libraries open on Saturdays, so that they would be unable to maintain the bookmobiles which went principally to those people who are disadvantaged and poor, who could not otherwise gain access to free libraries other than by mobile libraries. They were told that they would cancel them entirely. The information was given then by the Department of Health, Education, and Welfare. I am conducting my own independent investigation as to who is responsible for that.

Mr. WILLIAMS of Delaware. I thank the Senator for that confirmation.

Mr. MUNDT. Mr. President, the Senator from Delaware deserves the congratulations of the entire Senate, and of every taxpayer in this country who is remotely interested in economy and in bringing some kind of fiscal control over the terribly serious financial problems which we face in this country today. Certainly the calls as I got them—and the one I mentioned the other day on the floor of the Senate, from someone out in my State who had received it—were to the effect that unless they got busy calling Senators and Representatives, asking them to vote against economies, that would be the end of the road so far as their projects were concerned.

I hope that this is not true of other agencies, although I am a little bit inclined to believe that it is.

One of the calls I received was one not remotely connected with HEW. It seems to me that if there is a determined effort on the part of the White House to stop the economies. I think the country should know it. Certainly if we are not in a serious financial fix—and they tell us that we are—we do not need a tax cut or a tax increase. However, we cannot have it both ways. We cannot be calling up people to call Senators and Representatives to make these cuts in economy for the sake of economy, and they had better get in touch with them quickly, and at the same time call the Senators and Representatives to recommend a 10-percent increase in taxes.

I believe that the President should make it clear where he stands, and make it positive, so that the rest of the Government agencies will not follow the same kind of program which the Senator discovered in HEW and which, I am happy to say, has been corrected because of his diligence and the disclosures he has made.

Mr. WILLIAMS of Delaware. I thank the Senator from South Dakota. He was present at the meeting this afternoon when the comptroller confirmed that the Secretary had been in error when earlier today he had denied such an operation. They had been calling and Mr. Leonard did give us the information, as we have relayed to the Senate. There is no question about that now, even though it was denied earlier today. There is no question that the calls had been made. Whether the instructions came at the second or third echelon level, they will have to determine that for themselves. The point is that at the top level they can stop it if they want to.

They did not stop the calls until we caught them and disclosed the operation.

Mr. PERCY. Mr. President, let me report briefly that my office received three calls concerning REA, indicating that it is their understanding REA funds would be cut back if this cut took place.

I would also like to indicate that I was present at the meeting held this afternoon in the minority leader's office, when the comptroller of Health, Education, and Welfare was there. I would say that everything the distinguished Senators from Maryland and Tennessee have said on the floor of the Senate is accurate.

The whole situation, as I see it, is reprehensible. I hope that it will be a source of great embarrassment because I think that HEW either does not know what is going on in its various branches, or they have misled, in the statements made, the representations made earlier by the two distinguished Senators. I hope that this will serve as a warning to other agencies not to use those methods.

Mr. WILLIAMS of Delaware. I thank the Senator from Illinois. I might add that his office was on the list to receive one of these calls. Perhaps we got it stopped. They were going to warn him that the St. Elizabeths Hospital in Granite City, Ill., was going to be affected by this cutback and that those people in that area would be concerned. That was on the list for one of these calls. Whether they got those through before my statement, I am not sure, but at least it was on the list.

Mr. COTTON. Mr. President, I, too, commend the Senator from Delaware. Let me say, because of the question propounded by the distinguished Senator from California, that I have served in a senior capacity on the Appropriations Subcommittee on Health, Education, and Welfare for several years. I have worked hard in cooperation with a friend whom I admire; namely, the able Senator from Alabama [Mr. HILL], on many worthwhile appropriations.

I have heard the testimony of Wilbur Cohen. Unfortunately, I was out of the city but I had left word, because I wanted to make sure that I had an opportunity—and this is something which I have rarely done in my 22 years of service in the Senate—to vote against his confirmation, if he were the only one. Having listened to him, and knowing what I know about the workings of that Department, I would not hesitate to assure the Senator from California that Secretary Cohen was well aware of what was going on.

Mr. President, there is a tiny locality in my home State of New Hampshire which is known as Skunk's Misery. I would not vote to confirm him for dog catcher in that particular locality. [Laughter.]

Mr. WILLIAMS of Delaware. I thank the Senator.

Mr. THURMOND. Mr. President, I

want to commend the distinguished Senator from Delaware for revealing this information to the Senate. I should like to inquire of the Senator, did he say definitely that these officials first denied that they had suggested anything and were making these calls?

Mr. WILLIAMS of Delaware. The Secretary of Health, Education, and Welfare and the White House, through the majority leader, issued a denial of any knowledge of these calls. After that denial I insisted upon Mr. Leonard's and Mr. Kelly's coming to the Capitol where I could discuss it with them, because I knew that I, for one, personally had talked with Mr. Leonard and I knew what he had said. I am not in the habit of having someone deny a telephone conversation which was so clear. Mr. Leonard came, and during the first part of that conversation he still stuck to his denial. However, because we had transcribed his telephone conversation and had notes on it and further, because he was told that the Senator from Tennessee was also present and his assistant had made notes on the same information, he saw that he was trapped, and he completely reversed himself and said, "Yes, I did tell you."

Mr. Leonard then in the presence of witnesses confirmed our remarks of yesterday in every detail.

What annoys me is the fact he first tried to weasel out of it and tried to make out that we did not know what we were talking about. He admitted it only after he was caught in a trap and knew he could not get out of it. As to what orders he had been given or whether it was an operation which he initiated without the Secretary's knowledge anybody can draw his own conclusions; but I have mine, and I do not believe it happened that way.

In any event, it had better be stopped because there is no excuse for it. As one who supported and, in fact, sponsored the $6 billion cut as a part of the top increase, I recognize that if it goes through it is going to mean the curtailment of some programs. Some that I am interested in and some that other Senators are interested in, but for any department to single out all of the popular programs and to pass the word that these are all going to be cut back is an indefensible tactic in my book. No wonder the credibility gap gets wider under such tactics.

Not one word have I heard from any official in this administration that we can cut back on the large payments going out for agriculture, some of them multimillion-dollar farm subsidy payments. Not one word have I heard from an official that we can cut back on the foreign aid program, under which about $3,000 worth of bubble gum went to an undeveloped country, about $12,000 worth of television sets went to an undeveloped country, and $3,400 worth of motorboats went to an undeveloped country. Not one word do we hear from the administration about cutting the space program or postponing a trip to the moon. Not one word do we hear from any administration official about cutting back on the supersonic transport. Billions are involved in these potential cuts, but yet all they mention are education, hospitals, and public welfare. Not one word have we heard about cutting back on new public works projects.

Not one word have we heard from the Defense Department that they could have awarded the contract for the M–16 rifle to the lowest responsible bidder and saved $20 million on that one contract.

Not one word have we heard about cutting such programs. Instead, they read a long list of the cancellation of grants for this hospital, that nursing home, or some veterans' hospital. I had a call from one veterans' hospital that they had been advised that the $6 billion reduction was going to close up one wing of the hospital and that it would not be able to use the beds it now had. That is not true, and they know it.

I am getting tired of such scare tactics, whether they are going out from the White House or at the Cabinet level, with or without their knowledge, whether it is from a comptroller or down the line. They had better find out what is going on and find it out quickly because I am going to hold them responsible.

Mr. THURMOND. Would not the Senator say it was a form of lobbying?

Mr. WILLIAMS of Delaware. There is no question that it is a form of lobbying. The reason they are trying to get out of it is that they know it would be in violation of the law if they got caught.

Mr. THURMOND. If they did that, would it not be a violation of the law?

Mr. WILLIAMS of Delaware. If it is we will take it to the Attorney General.

Mr. THURMOND. We cannot expect action from him.

Mr. WILLIAMS of Delaware. No, but we will have another Attorney General before the statute of limitations runs.

Mr. THURMOND. Since it appears that one or more people made statements and tried to explain them made false statements, and then later reversed themselves and told the truth, I am just wondering if the Secretary of Health, Education, and Welfare indicated he was going to censure those people for not being fair, forthright and truthful with the Congress.

Mr. WILLIAMS of Delaware. I hope he will. I am sure his welfare and health will be much better and his public service longer if he takes a lesson from this and sees that it does not happen again.

Mr. THURMOND. It reminds me of the Otepka case. When a man was summoned before Congress and told the truth, his superiors came down and denied it. Then they saw they were on the spot, and when it appeared perjury charges might be made against them, they admitted they falsified. No action has been taken yet by the Attorney General, and no action was taken to punish those people by Secretary Rusk or the State Department.

I thank the Senator for yielding.

Mr. WILLIAMS of Delaware. As I said before, I think one thing this Government and Congress have to do is pass that conference report. I think we have put it off too long. We should act before we go home for a recess, because we have already had two financial crises in this country, and we cannot afford another. I have supported the administration on this package, but I expect the administration to cooperate a little better than it has. If the President is for it let him say so.

I yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, may I say I have never seen so many political Galahads in my life. It seems that the Republicans are the only ones receiving reports from Mr. Kelly and Mr. Leonard, and we poor Democrats have been left out in the cold. I think we are the ones who ought to be "beefing," because we have not been given the attention which is our due, being supposedly the majority party—I use the word advisedly—and also being in the "know" at the administration. But I would say that if this is a form of lobbying, I would join the distinguished Senator from Delaware and suggest that the lobbying be done among the Members of the Congress, and especially the House, to get them to accept the conference report on the tax bill, because it is needed.

If that conference report is accepted—and I hope it will be, and I have said so many times—it means that we cannot have our cake and eat it, too. It means cuts will have to be made somewhere, and when I speak of somewhere, I speak of us and of the States from which we come, because the cuts just cannot be made out of thin air.

I was delighted to get the invitation from the Senator from Delaware to meet with these individuals from the Department of Health, Education, and Welfare, but the press of business made it impossible for me to take up the invitation.

This country is in a bad way. We have both said it many times. What we need is less talk and more action to face up to the difficulties which confront this Nation. That action means taking up the conference report on the tax bill, which calls for a 10-percent surtax on the incomes of those earning $5,000 a year or more. It calls for a $10 billion reduction in the budget requests, and it calls for a $6 billion cut in expenditures.

I repeat, those cuts are going to affect every one of us in every State.

Now, I would hope the distinguished Senator from Delaware, who has indicated that he has received a letter from the Secretary of Health, Education, and Welfare, Mr. Wilbur Cohen—and I just got a copy of it after the Senator began to speak—would incorporate it in the RECORD, as I assume he intends to do.

Mr. WILLIAMS of Delaware. I plan to incorporate it in the RECORD, and I will also incorporate in the RECORD the first letter he wrote this morning, at the time he was denying it. These two letters show his alibi is exactly the same this afternoon as it was this morning. It is a lot of gobbledygook.

Mr. President, I ask unanimous consent that both gobbledygook letters be printed in the RECORD at this point.

The only difference in the two letters is that in the first letter is incorporated a new paragraph confirming that Mr. Leonard had told us that there was a five-man team and that they had made from 500 to 700 calls.

Then the rest of both letters are denials of such calls having been made.

In other words he calls Mr. Leonard's report to us a false report.

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

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., May 23, 1968.

Hon. JOHN J. WILLIAMS,
Hon. HOWARD H. BAKER, Jr.,
U.S. Senate,
Washington, D.C.

DEAR JOHN AND SENATOR BAKER: I have read the statement in the Congressional Record this morning in which it is stated that the Johnson Administration and this Department "is deliberately trying to defeat the conference report on H.R. 15414." Furthermore, it is stated that "this indefensible act of backstage lobbying" was under orders from me and "it is reasonable to assume that Mr. Cohen is acting under orders from the White House."

John, my good friend, nothing could be further from the truth. Nobody gave me any orders to do this and I gave no one orders to do it.

I have, however, ascertained on the basis of discussions between you and Assistant Secretary, Comptroller James F. Kelly and John P. Leonard, Jr. that you (Senator Williams) and Senator Baker's office had conversations with our Mr. Leonard and that these telephone conversations provided you with a basis for concluding that an organized telephone campaign had been established involving as many as 700 telephone calls to members of Congress, States, localities, colleges, and universities. This information was erroneous and the result of a serious misunderstanding by Mr. Leonard.

The statement in the Congressional Record reflects a misunderstanding of the actions which we took and the underlying reasons for those actions. In specific response to the contention set forth in your statement:

There was no five-man task force organized to make 500 to 700 telephone calls to congressmen and project sponsors. Rather, three people called 22 congressional offices because of a prior advance commitment relative to advertising for bids. Project sponsors were called in 25 cases, primarily by staff of operating agencies for the same reason.

The President gave no instruction to delay projects. No one was authorized to imply that the President had given such an instruction.

I would like to use this opportunity to identify in some detail the actual steps which we took and the reasons for those steps.

On Thursday, May 9, the House-Senate Conference Committee on H.R. 15414 reported out the bill calling for a Government-wide reduction during 1969 of $10 billion in new obligational authority, $6 billion in expenditures, $8 billion in cancellation of carry forward obligational authority, and a substantial reduction in Federal employment. It was obvious that this legislation, if enacted, would have substantial impact on the programs of HEW. It was obvious that I had a responsibility to develop a reduction plan, and that any delay in the development of a plan to effect the required reductions would make their attainment that much more difficult and severe.

Let me give you some global figures of the HEW budget which help to identify the magnitude of the problem with which we were confronted.

[In billions]

Total 1969 expenditures exclusive of social security trust funds	$14.5
Estimate of expenditures for programs not readily susceptible to administrative control as set out on page 15 of the budget	7.8
Estimate of expenditures subject to administrative control	6.7
Estimate of expenditures from prior year funds the preponderance of which are already obligated	3.4
Estimate of expenditures related to 1969 program budget of $8.1 billion in new obligation authority which are subject to administrative control	3.3

No decision has been made on the allocation of the reduction but it is reasonable to estimate for planning purposes that a $6 billion expenditure reduction might require a reduction of $700 million to a $1 billion in HEW. This would require a reduction of 21 percent to 30 percent in 1969 controllable programs unless steps could be taken which would permit some of the reduction to be taken against the $3.4 billion in expenditures estimated to be required to pay for obligations incurred in prior years or out of prior year funds.

The prospect of a reduction of this magnitude and its impact on the important and necessary programs administered by this Department placed upon me a special responsibility to thoughtfully and carefully plan our programs so as to minimize as far as possible the adverse impact of such a reduction.

In order to preserve my options in the light of whatever action Congress eventually might take, I requested my Assistant Secretary, Comptroller to suspend further commitments until we could carefully assess the impact of the proposed cutback. Oral instructions were issued on Friday morning, May 10, to suspend approvals and awards of grants, contracts, and loans and to hold up on initiating construction of already approved projects. These oral instructions were confirmed in writing with certain exceptions, such as continuation of ongoing projects and contracts affecting direct patient care, yesterday May 22. A copy of this instruction is enclosed for your information.

Subsequent to my initial instruction to hold up action on new projects, my attention was called by my financial officers to the fact that we had, in the normal course of business, made advance commitments on 48 projects as to the date which we would authorize the projects to advertise for bids. I did not make these projects an exception to the overall suspension. I did authorize telephone calls to the individuals to whom we had made the advance commitments advising them that we would at least temporarily defer carrying out the commitment until we had completed our reassessment.

Twenty-three of the forty-eight projects involved commitments that had been made to twenty-two members of Congress. Eighteen of these offices were notified of the deferment by the immediate Office of the Comptroller. Two were notified by the Congressional Liaison Office because they had conveyed the original commitments and two were notified by the unit within the Office of the Comptroller that controls construction starts because of earlier contacts. The other twenty-five projects involved commitments to the project sponsors directly. They were notified of the deferral primarily through the operating agency staff of the Department.

To the best of my knowledge these are the only contacts made to members of Congress. In my opinion, common courtesy dictated that we contact these congressional offices. We have, of course, received numerous inquiries about the suspension of awards and start of construction in general and about specific projects. We have endeavored to respond to such inquiries without creating undue alarm or concern, asking for patience while we develop an appropriate course of action.

The only participation which I have had in connection with H.R. 15414 since it passed the Senate was my participation in the joint conference when you were considering the exemption of Public Assistance from the provisions controlling expenditures. I recognize that Secretary Fowler and Budget Director Zwick have responsibility to represent the President in connection with this measure and would not presume to interfere. Obviously, I would prefer to get the budget approved as submitted and not have to make reductions below it. However, I am fully persuaded as to the wisdom and importance of the President's proposal for a tax increase and I have not taken any action which would impair its chances of enactment.

I hope that this information will clarify our actions and the reasons for them. If you are left in any doubt as to our course of action and motivation, I would be pleased to meet with you and arrange for such discussions as you desire with the officials that are handling the temporary deferment and planning of alternative reduction programs.

Inasmuch as criticism was included in the Congressional Record, I believe that it would be appropriate to include these comments in the Congressional Record also. I would appreciate it if you would arrange to do so.

Sincerely,

WILBUR J. COHEN,
Secretary.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., May 23, 1968.

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

DEAR JOHN: I have read your statement in the Congressional Record this morning in which you state that the Johnson Administration and this Department "is deliberately trying to defeat the conference report on H.R. 15414." Furthermore, you state that "this indefensible act of backstage lobbying" was under orders from me and "it is reasonable to assume that Mr. Cohen is acting under orders from the White House."

John, nothing could be further from the truth. Nobody gave me any orders to do this and I gave no one orders to do this.

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The President gave no instruction to delay projects. No one was authorized to imply that the President had given such an instruction.

The reference to 500 to 700 was not to telephone calls but was rather a crude estimate of the number of *projects* which may be temporarily in a deferred status. There were no telephone calls made about this larger group of projects.

I would like to use this opportunity to identify in some detail the steps which we took and the reasons for those steps.

On Thursday, May 9, the House Senate Conference Committee on H.R. 15414 reported out the bill calling for a Governmentwide reduction during 1969 of $10 billion in new obligational authority, $6 billion in expenditures, $8 billion in cancellation of carry forward obligational authority, and a substantial reduction in Federal employment. It was obvious that this legislation, if enacted, would have substantial impact on the programs of HEW. It was obvious that I had a responsibility to develop a reduction plan, and that any delay in the development of a plan to effect the required reductions would make their attainment that much more difficult and severe.

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In order to preserve my options in the light of whatever action Congress eventually might take, I requested my Assistant Secretary, Comptroller to suspend further commitments until we could carefully assess the impact of the proposed cutback. Oral instructions were issued on Friday morning, May 10, to suspend approvals and awards of grants, contracts, and loans and to hold up on initiating construction of already approved projects. These oral instructions were confirmed in writing with certain exceptions, such as continuation of ongoing projects and contracts affecting direct patient care, yesterday May 22. A copy of this instruction is enclosed for your information.

Subsequent to my initial instruction to hold up action on new projects, my attention was called by my financial officers to the fact that we had, in the normal course of business, made advance commitments on 48 projects as to the date which we would authorize the projects to advertise for bids. I did not make these projects an exception to the overall suspension. I did authorize telephone calls to the individuals to whom we had made the advance commitments advising them that we would at least temporarily defer carrying out the commitment until we had completed our reassessment.

Twenty-three of the forty-eight projects involved commitments that had been made to twenty-two members of Congress. Eighteen of these offices were notified of the deferment by the immediate Office of the Comptroller. Two were notified by the Congressional Liaison Office because they had conveyed the original commitments and two were notified by the unit within the Office of the Comptroller that controls construction starts because of earlier contacts. The other twenty-five projects involved commitments to the project sponsors directly. They were notified of the deferral primarily thourgh the operating agency staff of the Department.

To the best of my knowldge these are the only contacts made to members of Congerss. In my opinion, common courtesy dictated that we contact these congressional offices. We have, of course, received numerous inquiries about the suspension of awards and start of construction in general and about specific projects. We have endeavored to respond to such inquiries without creating undue alarm or concern, asking for patience while we develop an appropriate course of action.

The only participation which I have had in connection with H.R. 15414 since it passed the Senate was my participation in the joint conference when you were considering the exemption of Public Assistance from the provisions controlling expenditures. I recognize that Secretary Fowler and Budget Director Zwick have responsibility to represent the President in connection with this measure and would not presume to interfere. Obviously, I would prefer to get the budget approved as submitted and not have to make reductions below it. However, I am fully persuaded as to the wisdom and importance of the President's proposal for a tax increase and I have not taken any action which would impair its chances of enactment.

I hope that this information will clarify our actions and the reasons for them. If you are left in any doubt as to our course of action and motivation, I would be pleased to meet with you and arrange for such discussions as you desire with the officials that are handling the temporary deferment and planning of alternative reduction programs.

Inasmuch as your criticism was included in the Congressional Record, I believe that it would be appropriate to include these comments in the Congressional Record also. I would appreciate it if you would arrange to do so.

Sincerely,

WILBUR J. COHEN,
Secretary.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF THE SECRETARY,

May 22, 1968.

To: Operating Agency Heads.
From: Assistant secretary, Comptroller.
Subject: Temporary suspension of approval of loan, grants, program contracts, and contruction starts.

This will confirm, clarify and partially modify the oral instructions to temporarily suspend fund commitments.

As you know, the Congress has under active and serious consideration a bill (HR 15414) which is designed to effect reductions during fiscal year 1969 in new obligational authority, expenditures, staffing, and rescission of carrying funds. The amount of the proposed reduction in new obligational authority and expenditures, particularly expenditures, is such as to indicate very substantial program impact. A considerable portion of the controllable expenditures from general revenues incurred by this Department each year relate to payments for obligations incurred in the prior year or years.

In order that we might make plans which take into consideration all of the options available to us, the Secretary has requested that we suspend all approvals and commitments of loans, grants and program contracts, and the authorization to start construction of HEW direct and assisted projects pending an assessment of the problem and the development of plans to cope with an major expenditure reduction should this become necessary.

The following instructions are designed to carry out the Secretary's request:

1. Non-competing continuation grants (those with a moral commitment to continue, as first call on available funds) may be awarded without interruption in project operations.

2. Contract renewals which equate with non-competing continuation grants (i.e., those with a firm moral commitment to continue, as first call on available funds) may be approved without interruption in project operations.

3. Grants or contracts which are essential to the provision of direct medical care of Federal beneficiaries may be awarded without restriction.

4. Procurement contracts for normal, recurring supplies, maintenance, and operation may be awarded and purchases against existing contracts of this type may be made.

5. New and competing grants and contracts may not be awarded. No notice of award or intent to award is to be made.

6. Grants and contracts for traineeships and fellowships shall cover only enrolled students for second and subsequent years—not new students—pending completion of the reassessment now underway.

7. No new construction grant or contract award shall be made except that steps will be taken to assure that funds are not lapsed because of temporary delay occasioned by HEW actions. Awards made to avoid lapsing of funds should make clear that there is no commitment as to when construction can be started.

8. Authorization to advertise for construction bids will be suspended. However, requests for authorization to go to bid for construction grants, loans and direct operations should continue to be submitted in the normal manner.

Every effort will be made to reach decisions on a future course of action by early June. You will be kept informed of developments.

JAMES F. KELLY.

Mr. WILLIAMS of Delaware. Mr. President, perhaps these calls have come to so many Republicans, rather than Democrats, because there are only 22 Democrats in the Senate who voted for the bill. It was passed by the Republicans primarily, in spite of the opposition of the Democratic administration. I know the Senator from Montana supported it, and I do not want to get political. [Laughter.] However, if it does get political, I always enjoy it.

Mr. MANSFIELD. Well, they say in the spring a politician's thoughts turn to politics, and I guess it is true.

It will not be long before we will have the conventions and campaigns, although some of our more able Members are out hitting the hustings now, following the President's advice and investing their money in America.

I am delighted, though, that it has been indicated that the President, to the best of our knowledge, had nothing whatsoever to do with this matter, and to the best of my knowledge Secretary of Health, Education, and Welfare Wilbur Cohen likewise had nothing to do with it. As soon as I talked to him yesterday, he said he was going to look into it and put a stop to it.

So I hope that as a result of this discussion, this practice, which I do not look upon with favor, will not be continued any more, and that we will get back to normal procedures, try to call the shots as we see them and put our cards face up on the table.

Mr. WILLIAMS of Delaware. I thank the majority leader again. I appreciate his support.

I know that Secretary Cohen said this morning that he knew nothing about these calls being made from his agency and that he was going to put a stop to it. How he is going to put a stop to something that he claimed was not going on

and that he did not know anything about is a question I cannot answer.

Mr. MANSFIELD. The answer is that the Senator from Delaware, the Senator from Tennessee [Mr. BAKER], and others must have presented the evidence in such a way that he recognized it.

Mr. WILLIAMS of Delaware. Yes; I am glad the Senator reminded me of that, because I was about to forget it. We did present him with some very clear evidence.

Mr. MANSFIELD. I was not reminding the Senator.

Mr. WILLIAMS of Delaware. In my statement yesterday, I named the two men who were responsible for this. I named both of them in my statement. I mentioned Mr. Kelly and Mr. John P. Leonard, Jr.

John P. Leonard, Jr., the executive assistant, is the man I talked with. He is the man who gave the information to Senator BAKER's office, and he is the man who gave the information to me personally.

I asked, "Why did not somebody ask these two men I named yesterday before issuing denials?"

The majority leader said he had not talked with them. I can understand that. But when I called Mr. Cohen this morning after hearing his denial, I said, "Mr. Cohen, did you talk with the men I named!"

He said, "I talked with Mr. Kelley."

I said, "Did you talk with Mr. Leonard?"

He said, "No, I talked with somebody who brought the message over of what Mr. Leonard had said."

Why did nobody talk to Mr. Leonard? It seems that until I brought Mr. Leonard down to the Senate and had him face the witnesses no one was getting the answers. Mr. Leonard then went back and talked to Mr. Cohen, and Mr. Cohen then admitted he had been in error in his denial.

In my own opinion they had not talked to him, because they were afraid to face the truth. All that Secretary Cohen had to do was call the man three doors down the hall from where he is and get the facts. But he never called him. Instead, he sent down a denial, saying that I did not know what I was talking about, and only after I proved I was right did they finally admit it. Even then, as I stated, he put this one paragraph of correction in the middle of a gobbledegook letter of explanation which had been written this morning. I have put both letters in the RECORD, and Senators can read them and see that they hardly changed a comma in their alibi.

I yield now to the Senator from Nebraska.

Mr. CURTIS. Mr. President, I shall be very brief. I commend the distinguished Senator from Delaware for, once more, striking a blow for integrity in Government. That is nothing new for him. This is not the first time that his good name has been challenged by members of the executive branch, and it is not the first time they have backed down. They always do. I predict that they always will.

I think it might be well to call attention to the fact that, after all, the appropriating process belongs to Congress, and the function of administration is to take over after the appropriations are made and administer them.

We have had instances where they have attempted to take over the tax-writing process, and on two occasions in the last 60 days, the Senate of the United States has repudiated that usurpation of power.

I commend the distinguished Senator from Delaware.

Mr. WILLIAMS of Delaware. I thank the Senator.

Mr. President, I hope it will not be necessary to discuss this point further. I sincerely hope this practice of backstage lobbying is stopped now, once and for all.

I yield the floor.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1967

The Senate resumed the consideration of the bill (S. 917) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

Mr. ALLOTT. Mr. President, for myself and the Senator from Nebraska [Mr. HRUSKA] I send to the desk an amendment and ask for its immediate consideration.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 10 minutes on the pending amendment, the time to be equally divided between the Senator from Colorado and the Senator from Arkansas [Mr. MCCLELLAN].

Mr. MCCLELLAN. Mr. President, I think I will agree to it, but what is the amendment? I ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The BILL CLERK. The Senator from Colorado [Mr. ALLOTT], for himself and Mr. HRUSKA, proposes an amendment as follows:

On page 45, line 11, at the end of the matter previously added in such line and before the period, insert the following proviso: *"Provided,* That the time limitation contained in this subsection shall not apply in any case in which the delay in bringing such person before such commissioner or other officer beyond such six-hour period is found by the trial judge to be reasonable considering the means of transportation and the distance to be traveled to the nearest available such commissioner or other officer".

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. MCCLELLAN. I have no objection to the limitation of 10 minutes.

Mr. ALLOTT. Mr. President, I shall make just a short statement.

The PRESIDING OFFICER. Who yields time?

Mr. ALLOTT. I yield myself such time as I may require. If we can have order in the Senate, Mr. Chairman, I can explain this amendment very shortly.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ALLOTT. On consideration of the amendment of the Senator from Pennsylvania [Mr. SCOTT] the other evening, I raised a question as to the difference in circumstances which arise in States where criminal violations have occurred far away from the metropolitan areas where a U.S. commissioner may reside.

After discussing the matter with the Senator from Pennsylvania [Mr. SCOTT], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Maryland [Mr. TYDINGS], the Senator from Nebraska [Mr. HRUSKA], and others, all of whom have agreed that this is a reasonable solution to the problem, I offer this amendment. I understand it is agreeable to the Senator from Arkansas.

Mr. MCCLELLAN. I have no objection to letting it be agreed to.

The PRESIDING OFFICER. Is time yielded back on both sides?

Mr. MCCLELLAN. I yield back my time.

Mr. ALLOTT. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Colorado.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. ALLOTT. I send to the desk an amendment for myself, Mr. DOMINICK, Mr. HRUSKA, Mr. TYDINGS, Mr. GRIFFIN, Mr. BENNETT, and Mr. DIRKSEN, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. ALLOTT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. MCGEE in the chair). Without objection, it is so ordered.

Mr. ALLOTT's amendment is as follows:

On page 107, between lines 4 and 5, insert the following new title:

"TITLE V—PROVIDING FOR AN APPEAL BY THE UNITED STATES FROM DECISIONS SUSTAINING MOTIONS TO SUPPRESS EVIDENCE

"SEC. 1201. (a) Section 3731 of title 18, United States Code, is amended by inserting after the seventh paragraph the following new paragraph:

" 'From an order, granting a motion for return of seized property or a motion to suppress evidence, made before the trial of a person charged with a violation of any law of the United States, if the United States attorney certifies to the judge who granted such motion that the appeal is not taken for purpose of delay and that the evidence is a substantial proof of the charge pending against the defendant.'

"(b) Such section is amended by striking out in the third paragraph from the end 'the defendant shall be admitted to bail on his own recognizance' and inserting 'the defendant shall be released in accordance with chapter 207 of this title'.

"SEC. 1202. Section 935 of the Act of March 3, 1901 (31 Stat. 1341) (D.C. Code, sec. 23–105), is amended—

"(1) by inserting '(a)' immediately before 'In all'; and

"(2) by adding at the end thereof the following new subsection:

"'(b) The United States may also appeal an order of the District of Columbia Court of General Sessions, granting a motion for return of seized property or a motion to suppress evidence, made before the trial of a person charged with a violation of any law of the United States, if the United States attorney conducting the prosecution for such violation certifies to the judge who granted such motion that the appeal is not taken for purpose of delay and that the evidence is a substantial proof of the charge pending against the defendant. Pending the prosecution and determination of such appeal, the defendant, if in custody for such violation, shall be released in accordance with chapter 207 of title 18, United States Code.'"

On page 107, line 5, strike out "TITLE V" and insert in lieu thereof "TITLE VIII";

On page 107, line 6, strike out "SECTION 1001" and insert in lieu thereof "SEC. 1301".

Mr. ALLOTT. Mr. President, I understand the majority leader wishes to ask for a limitation of time of 5 minutes on each side.

Mr. McCLELLAN. Two minutes is sufficient for me.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 4 minutes on the pending amendment, the time to be equally divided between the two sides.

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

The Senator from Colorado may proceed.

Mr. ALLOTT. Mr. President, this is a procedural amendment, which would make an appeal from an order granting a motion to suppress evidence available to the United States. This amendment has been cleared with the distinguished manager of the bill and with other Senators interested in it.

The purpose of this amendment is to permit an appeal by the United States in certain instances from an order made before trial granting a motion for the return of seized property and to suppress evidence. The amendment is identical to the provisions of H.R. 8654, which was approved by the House of Representatives on September 11, 1967, by a rollcall vote of 311 to one. Legislation such as that contained in the provisions of my amendment have been recommended by the American Bar Association, and the Department of Justice, the President's Commission on Crime, and by former Vice President Richard M. Nixon.

My amendment would amend the Criminal Appeals Act, section 3731 of title 18 of the United States Code, and section 23–105 of the District of Columbia Code, to permit the Government to appeal the decision on a motion to suppress evidence when that evidence is certified by the prosecution to be a substantial proof of a charge pending against the defendant, and also taken on the ground that the appeal is not taken for the purpose of delay. Mr. President, under existing law, in certain cases such a motion to appeal after a motion is made to suppress evidence must be made within 30 days of the date the opinion is rendered pending. Pending the prosecution and determination of this appeal, the defendant, if in custody, shall be released in accordance with the Bail Reform Act of 1966, which is an act which was passed by this Congress. Under this bill, the Criminal Appeals Act would confer upon the Government carefully defined and limited rights of the appeal in criminal cases.

The Criminal Appeals Act confers upon the Government in certain cases carefully defined and limited rights of appeal in criminal cases. No such rights existed in common law. Under the present law, when a defendant prevails on a matter of statutory construction resulting in an order quashing the information or indictment before trial or arrest in judgment after conviction, the Government has been given the right to appeal directly to the Supreme Court. Likewise, such a direct appeal may be taken if the defendant prevails on a motion in bar. Appeals to the courts of appeals of the proper circuit court lie on behalf of the United States from orders dismissing indictments where information in orders arresting judgments for statutory interpretation is not involved.

At present, however, Mr. President, the Government has no right to appeal from an order granting a motion to suppress evidence when the motion is made before or after an indictment has been returned or information has been filed. The Congress, however, did provide for a similar right of appeal as is being proposed here when it enacted section 1404 of title 18 of the United States Code, with respect to narcotics prosecutions. In enacting that section, Congress closed a loophole which made it very difficult for the prosecution to use the possession of narcotics as a part of the proof of its case. I cannot see why there should be any distinction between a narcotics case and other criminal cases. The existing loophole must be closed in other fields of law enforcement, such as smuggling, frauds against Federal excise taxes, and even possibly in cases of espionage and sabotage. It is obviously much better to prove a case with tangible and concrete evidence than upon oral testimony and observation of witnesses.

Under existing law, a decision made before a criminal trial has started, the granting of a motion for the return of seized property or to suppress evidence is regarded as interlocutory, from which the Government may not appeal. In the preindictment case of *DiBella* v. *United States* (369 U.S. 121 (1962)), a preindictment motion was involved. The case of *Carroll* v. *United States* (354 U.S. 394 (1957)), involved a postindictment motion and was likewise ruled to prevent the Government from appealing. The effect of the present law under these decisions results in either prohibiting the Government from proceeding without the suppressed evidence or, if the Government does not proceed without such evidence, it does so under severe handicaps and limitations. The U.S. Supreme Court has indicated in its decisions on these matters, however, that whether the Government should be permitted to appeal in such cases is a question for the Congress to decide.

Mr. President, it is obvious under the case law that the adoption of this amendment is merely a matter of congressional determination. There is no question that appeals by the prosecution are needed. This need is emphasized by the recommendations of the Department of Justice as well as the President's Commission on Law Enforcement and Administration of Justice. The President's Commission on Crime very properly pointed out that we ought to be very careful in the passage of this legislation, to see that the rights of the defendants were properly secured. The bill, as adopted by the House was very carefully drawn in that regard, and the defendant was given every conceivable reasonable right in accordance with law. As I have indicated, my amendment has been drafted very carefully to track the language of the House bill, and I am, therefore, satisfied that the rights of the defendant in these cases will be adequately served while assuring that the Government may appeal an adverse decision from an order issued by the trial court prior to trial, granting a motion for the return of seized property and the suppression of evidence. The rights of the defendants are, in no way, impinged upon under this legislation with regard to double jeopardy under the fifth amendment.

The great need for this legislation is shown in the fields of organized crime, in major thefts and other types of fraud, where the absence of the right of appeal precludes successful prosecution in many cases. For example, the law of "search and seizure and confessions" is highly uncertain. The various lower court rulings compound the uncertainty which restricts police conduct and cannot be tested on appeal. The inconsistent lower court decisions can be resolved only on an appeal sought by the defendant. Law enforcement is just faced with the problem of choosing one or two courses, each of which is undesirable. The prosecution can follow the lower court decision and abandon the practice in which an authoritative decision by an appellate court can never be obtained, or it can continue the practice in the hope that in a future case a trial court will sustain it and permit the opportunity to resolve finally the point.

Mr. President, I am aware that many times this same question may be brought up once the jury has been impaneled under the provisions of rule 41(e) of the Federal Rules of Criminal Procedure providing for motions for return of property and to suppress evidence. It should be noted, however, that a motion under rule 41(e) should be made before the trial or hearing, unless an opportunity therefore did not exist or the defendant was not aware of the grounds for the motion, and the court, in its discretion, may entertain the motion at the trail or hearing. It would, of course, be my hope that the trial court would be unwilling to abuse this discretionary power so that the purposes of my amendment would not be frustrated or defeated by rule 41(e) motions, after the criminal trial had commenced.

Mr. President, it is my earnest hope that our law-enforcement agencies will be given the tools with which to launch a meaningful attack on the critical problem of crime in this country. I believe that one such important tool will be pro-

vided by the adoption of my amendment, which deals with this problem of motions to suppress evidence collected by our law-enforcement officials.

Mr. President, as I stated, support for the concept contained in my amendment has already been expressed in the report of the President's Commission on Law Enforcement and Administration of Justice. I ask unanimous consent that the statement of the President's Commission on Law Enforcement and Administration of Justice on this amendment be printed in the RECORD at this point.

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

THE CHALLENGE OF CRIME IN A FREE SOCIETY

(A report by the President's Commission on Law Enforcement and Administration of Justice)

APPEALS BY THE PROSECUTION

In every jurisdiction in this country the right of the prosecution to appeal from an adverse ruling by a court is more limited than the comparable right of the defendant. The argument against retrying a man who has convinced a court of the merit of his cause has led to double jeopardy clauses in the Federal Constitution and the constitutions of 45 States. The same argument inhibits appeals that, if successful, would result in just such a retrial. But in most States and the Federal system these considerations do not forbid all appeals by the prosecution, particularly those from pretrial rulings that are made before jeopardy attaches in the constitutional sense. Developments in the law, particularly the growth of search and seizure law and exclusionary rules governing confessions, call for a reexamination of the adequacy of the prosecution's right to appeal.

Under common practice motions for the suppression of evidence are required to be made before trial when possible. These motions are likely to become more frequent as a result of recent court decisions, and in an increased number of cases the prosecution will be blocked by a pretrial order suppressing evidence or a statement. Frequently the prosecution cannot successfully proceed to trial without the suppressed evidence. Yet in only a few States does the prosecution have the right to appeal from the grant of such orders, and in the Federal courts the right to appeal applies only to narcotics cases.

Not only does the absence of a right of appeal preclude successful prosecution in many cases, including important cases involving organized crime, narcotics, and major thefts, but it has distinctly undesirable effects upon the development of law and practice. The law of search and seizure and confessions today is highly uncertain. This uncertainty is compounded by lower court ruling that restrict police conduct yet connot be tested on appeal, and by inconsistent lower court decisions that can be resolved only on an appeal sought by the defendant.

When the prosecution is not permitted an appeal, law enforcement officers faced with restrictive rulings they feel are erroneous have available two courses, each of which is undesirable: They can follow the lower court decision and abandon the practice in which case an authoritative decision by an appellate court never can be obtained; or they can continue the practice, hoping that in a future case a trial court will sustain it and that a defendant by appealing will give the higher court an apportunity to resolve the point. The first choice is undesirable because it results in the abandonment of what may be legitimate police practice merely because there is no way of testing it in the appellate courts. The second choice is equally undesirable for it puts the police in the position of deciding which court decisions they will accept and which they will not.

A more general right of the prosecution to appeal from adverse pretrial rulings is desirable. Controls may be needed to insure that appeals are taken only from rulings of significant importance and that the accused's right to a speedy trial is preserved by requirements of diligent processing of such appeals.

The Commission recommends

Congress and the States should enact statutes giving the prosecution the right to appeal from the grant of all pretrial motions to suppress evidence or confessions.

APPEALS FROM SUPPRESSION ORDERS

The Commission's recommendation that prosecutors be permitted to appeal trial court orders suppressing evidence is particularly important in organized crime cases, where so much investigative and prosecutive time has been expended, and where evidence gathering is extremely difficult. Allowing appeals would also help overcome corrupt judicial actions. In gambling cases, particularly, arbitrary rejection of evidence uncovered in a search is one method by which corrupt judges perform their services for organized crime.

APPEALS BY THE PROSECUTION

In all jurisdictions in this country the right of the prosecution to appeal in criminal cases is more limited than the comparable right afforded the accused. This limitation results primarily from the double jeopardy clauses contained in the Federal Constitution and in the constitutions of 45 States. Double jeopardy prevents the retrial of the defendant for the same offense after he has once been acquitted. The right to appeal from a trial ruling made after jeopardy has attached, therefore, is of little value to the prosecution.

Double jeopardy, however, does not preclude appeals by the government from all rulings in criminal cases. Under the Federal constitutional provision and provisions in most States jeopardy attaches when the jury is impaneled and sworn or when the court in a nonjury trial begins to hear evidence. Thus in the Federal system and in the majority of States, statutes allow the prosecution to take an appeal from pretrial rulings dismissing the indictment or information or sustaining a plea in bar to the prosecution. If the government is successful on appeal, it may continue the prosecution.

The recent growth of constitutional law in the areas of search and seizure and confessions, including extension of the exclusionary rules to govern State criminal prosecutions, has increased the number of situations in which prosecutions may be stymied by a pretrial order suppressing seized evidence or a statement by the accused. In many cases the prosecution cannot proceed to trial without the suppressed evidence. And even where it has other evidence for trial, the chances of obtaining a conviction may be severely weakened by the suppression order. Although appeals by the prosecution from pretrial suppression orders are constitutionally permissible, this right is available in only a few States, and in the Federal courts the right to appeal is limited to narcotics cases.

The importance of permitting the government to appeal from pretrial suppression orders is most evident in prosecutions involving professional criminal enterprises. Successful prosecutions in these cases often depend upon whether seized evidence, such as gambling equipment or stolen property, can be introduced at trial. If a pretrial order suppressing such evidence is not appealable, an erroneous decision by a trial judge may result in the inability of the prosecution to obtain a conviction in a case where law enforcement interests are particularly strong and in the waste of months or years of extensive investigation.

But the importance of allowing the government to appeal goes beyond the significance of any particular prosecution. The rules on search and seizure and confessions are today characterized by a high degree of uncertainty. If lower court rulings restricting police conduct cannot be appealed and if inconsistent lower court decisions can be resolved only on an appeal by a defendant it is most difficult to formulate law enforcement policies. Although it may be argued that erroneous rulings by trial courts will eventually lose their effect as appellate courts consider search and seizure and confessions questions raised by defendants, this is an unsatisfactory remedy. When the prosecution is not permitted to appeal law enforcement officials faced with a restrictive ruling which they feel is erroneous have two choices. They may follow the lower court decision and abandon the practice, in which case an authoritative decision by an appellate court may never be obtained, or they may continue the practice, hoping that in a future case a trial court will sustain it and that the defendant will appeal. The first course results in the abandonment of what may be a legitimate police practice solely because of the lack of any vehicle for testing it in the appellate courts. The second course puts the police in the undesirable position of deciding which lower court decisions they will accept and which they will not.

Where the prosecution is permitted to appeal, on the other hand, the soundness of a restrictive pretrial suppression ruling may be settled promptly. All jurisdictions should enact statutes permitting the prosecution to appeal pretrial orders suppressing statements or seized evidence; granting the prosecution a more general right to appeal from adverse pretrial rulings on pleadings and motions also merits careful consideration. It is particularly desirable that the prosecution be given a broad right to appeal from pretrial suppression orders in the Federal courts, because of the importance of Federal prosecutions against organized crime and because of recent Supreme Court decisions indicating that the conduct of State law enforcement officers must be governed by Federal standards in those areas.

Where the prosecution is permitted to appeal from pretrial orders, rules should be established to protect the defendant's interest in obtaining a speedy trial. In the Federal system, for example, the statute provides that an appeal from a pretrial suppression order must be taken within 30 days and must be "diligently prosecuted." Moreover, government appeals should not be taken routinely from every adverse pretrial ruling. They should be reserved for cases in which there is a substantial law enforcement interest. Control over the type of cases appealed may be exercised in several ways. In the Federal system the Solicitor General's office must approve any appeals by U.S. Attorneys or Department of Justice prosecutors. In the States an appeal might be conditioned on approval by the State attorney general.

Mr. McCLELLAN. Mr. President, I think the amendment is in the interests of justice, and I agree to it. I yield back the remainder of my time, and call for a vote.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from Colorado.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. ALLOTT. Mr. President, I send to the desk an amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to state the amendment.

Mr. ALLOTT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, reads as follows:

On page 107, between lines 4 and 5, add the following new title:

"TITLE —ADDITIONAL GROUNDS FOR ISSUING WARRANT

"(a) Chapter 204 of title 18, United States Code, is amended by inserting immediately after section 3103 the following new section:

" 'SEC. 3103. (a) Additional grounds for issuing warrant.

" 'In addition to the grounds for issuing a warrant in section 3103 of this title, a warrant may be issued to search for and seize any property that constitutes evidence of a criminal offense in violation of the laws of the United States.'

"(b) The table of sections for chapter 205 of title 18, United States Code, is amended by inserting after the item relating to section 3103 the following:

" 'Sec. 3103a. Additional grounds for issuing warrant.' "

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 5 minutes on the amendment, the time to be equally divided between the two Senators.

Mr. COTTON. Mr. President, reserving the right to object, and I will not object, after 3 weeks of deliberation, amendments are being offered here. And I will guarantee that there are not 10 Senators on the floor who know what is contained in the amendments. To be sure, they will be scrutinized in the committee, but it is an unfortunate way to deal with legislation.

Mr. President, I do not object.

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

Mr. ALLOTT. Mr. President, I agree with the Senator from New Hampshire in many respects. However, I have been waiting a long time, too, and I have been in committee every day for many hours.

The amendment is very simple, and is supported by the Department of Justice.

The purpose of the proposed amendment is to amend title 18, United States Code, by adding a new section 3103(a), which would authorize search warrants to be issued to search for and seize any property that constitutes evidence of a criminal offense in violation of the laws of the United States. The amendment preserves the basic safeguards applicable to search warrants under the fourth amendment. Thus, a search warrant for evidence of crime may issue only upon probable cause. In addition, the warrant must particularly describe the place to be searched and the things to be seized.

Mr. President, I ask unanimous consent to have my statement printed in the RECORD.

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

AMENDMENT TO S. 917 (WARDEN *v.* HAYDEN)

(a) Chapter 205 of title 18, United States Code, is amended by inserting immediately after Section 3103 the following new section:

"§ 3103a. Additional grounds for issuing warrant.

"In addition to the grounds for issuing a warrant in Section 3103 of this title, a warrant may be issued to search for and seize any property that constitutes evidence of a criminal offense in violation of the laws of the United States."

(b) The table of sections for chapter 205 of title 18, United States Code, is amended by inserting 205 of title 18, United States Code, is amended by inserting after the item relating to section 3103 the following:

"§ 3103a Additional grounds for issuing warrant."

EXPLANATION

Under present law—i.e. Rule 41(b) of the Federal Rules of Criminal Procedure—a search warrant may be issued by a Judge or a United States Commissioner to search for and seize only the following property:

(1) Property stolen or embezzled in violation of the laws of the United States; or

(2) Property designed or intended for use or which is or has been used as the means of committing a criminal offense; or

(3) Property possessed, controlled, or designed or intended for use or which is or has been used in violation of Title 18, U.S.C. § 957 (possession of property in aid of foreign government).

Thus, under present law the authority to search for and seize property is limited solely to fruits of crime, instrumentalities of crime, and contraband, (see *Gouled* v. *United States*, 225 U.S. 298 (1921)) not to "mere evidence" of crime. Until recently, this rule was thought to be required by the Constitution.

Under the recent decision of the United States Supreme Court in *Warden* v. *Hayden*, 387 U.S. 294 (1967), however, the Court expanded the constitutional power of the Government to apply for a search warrant. As a result of the *Hayden* case, constitutional power now exists to search for and seize "mere evidence" of a crime such as clothing, documents, books and other evidence. The Supreme Court specifically noted in the *Hayden* case, however, that Congress has never enacted implementing legislation to authorize the issuance of search warrants for the seizure of such mere evidence of crime.

The purpose of the proposed amendment is to amend Title 18, United States Code by adding a new section 3103a, which would authorize search warrants to be issued to search for and seize any property that constitutes evidence of a criminal offense in violation of the laws of the United States. The amendment preserves the basic safeguards applicable to search warrants under the Fourth Amendment. Thus, a search warrant for evidence of crime may issue only upon probable cause. In addition, the warrant must particularly describe the place to be searched and the things to be seized.

The amendment would be an effective aid to law enforcement officers. It will allow them to seize, pursuant to a search warrant, mere evidence of a crime, as well as instrumentalities of crime, fruits of crime, and contraband. The amendment will thereby remove a major deficiency in the present Federal Rules of Criminal Procedure, and will substantially assist Federal law enforcement officers in securing better evidence to help convict those accused of crimes.

Mr. PASTORE. Mr. President, let the RECORD show that the Senator from Rhode Island is one of the 10 Senators present who knows what is in the amendment.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. COTTON. I am glad that the distinguished Senator from Rhode Island is one of the 10 Senators who knows what is in the amendment. I believe that every Senator ought to have an opportunity to know. And this is very material legislation. It is too important a matter to come in with an amendment on a bill that reaches into basic rights and then to say this has the approbation of Senator so-and-so or so-and-so. Then we are to take it on their say-so.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. COTTON. Of course I yield. I will be glad to yield.

Mr. PASTORE. Mr. President, the fact of the matter is that the Senator did make a rather desperate statement in saying that there were only 10 Senators on the floor who knew what was in the amendment. I do not know where he got that idea. I do not know what documentation he had.

The PRESIDING OFFICER. The Senator from Colorado has the floor. Who yields time?

The Senate will be in order.

Mr. ALLOTT. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Colorado has 1 minute remaining.

Mr. ALLOTT. Mr. President, will the Senator from Arkansas yield some time to the Senator from Michigan?

Mr. McCLELLAN. Mr. President, I yield 1 minute to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. HART. Mr. President, this is a sort of subdivision of the problem of the Senator from New Hampshire.

Can the Senator from Colorado explain how this amendment would change Federal law with relation to the issuance of search warrants?

Mr. ALLOTT. It would not change the law with relation to the issuance of search warrants.

Mr. HART. What does it contribute to the law?

Mr. ALLOTT. It provides for the issuance of search warrants to search for and seize any property that constitutes evidence of a criminal offense in violation of the laws of the United States.

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

Mr. ALLOTT. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Colorado. [Putting the question.]

The noes seem to have it.

Mr. PASTORE. Mr. President, I call for a division.

On a division, the amendment was agreed to.

Mr. ALLOTT. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. McCLELLAN. Mr. President, I would like to ascertain if I can, how many more amendments there are so that we can get some idea whether we should adjourn over until next Monday or proceed.

The PRESIDING OFFICER. There appear to be approximately four more amendments.

Mr. BAYH. Mr. President, I send to the desk an amendment and ask that it be stated. I might say for the edification of the Senate that it should not take over 2 or 3 minutes as far as I am concerned.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 88, between lines 2 and 3, insert the following new paragraph:

"(18) The term 'published ordinance' means a published law of any political subdivision of a State which the Secretary of the Treasury determines to be relevant to the enforcement of this chapter and which is contained on a list compiled by the Secretary of the Treasury which list shall be published in the Federal Register, revised annually, and furnished to each licensee under this chapter."

On page 93, beginning with the word "who" in line 13, strike out through line 18 and insert in lieu thereof the following: "in any State where the purchase or possession by such person of such firearm would be in violation of any State law or any published ordinance applicable at the place of sale, delivery or other disposition, or in the locality in which such person resides unless the licensee knows or has reasonable cause to believe that the purchase or possession would be in violation of such State law or such ordinance.".

Mr. PASTORE. Mr. President, may we have order so that we can understand what is going on?

The PRESIDING OFFICER. The Senate will be in order.

The Chair inquires whether the Senator would agree to considering his amendments en bloc.

Mr. BAYH. Mr. President, I ask that my amendments be considered en bloc.

The PRESIDING OFFICER. The amendments will be considered en bloc.

Mr. BAYH. Mr. President, my amendment deals with a new section of the bill. I have discussed this with the Senator from Connecticut [Mr. DODD], the Senator from Arkansas [Mr. McCLELLAN], the Senator from Maryland [Mr. TYDINGS], and the Senator from Nebraska [Mr. HRUSKA].

Let me say very quickly what the amendment does.

The amendment goes to the requirements which are now provided on page 93 of the act as it now is, which reads:

(b) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell or deliver—

(1) any firearm to any individual who the licensee knows or has reasonable cause to believe is less than twenty-one years of age, if the firearm is other than a shotgun or rifle.

(2) any firearm to any person who the licensee knows or has reasonable cause to believe is not lawfully entitled to receive or possess such firearm by reason of any State or local law, regulation, or ordinance applicable at the place of sale, delivery, or other disposition of the firearm.

This provides that anyone who sells firearms has to really be responsible for knowing every ordinance dealing with firearms in all of the villages and hamlets of the country.

My amendment would give to the Secretary of the Treasury the responsibility of compiling a list of these ordinances and putting them in the Federal Register once a year and making them available to any of the Federal licensees who want them.

If a person comes in to buy a weapon from one of these dealers and says he is from Timbuktu, the dealer can look through his booklet and see what the law is in Timbuktu.

The way it is now, I do not see how anyone can be held legally responsible for an ordinance that he has no knowledge of.

Mr. President, the amendment I have offered to title IV would do much to resolve questions which have arisen as a result of previous debate on the subject of improved regulation of the interstate commerce in firearms.

The first part of my amendment adds a definition of "published ordinance" to the title. The second part of the amendment coordinates with this definition by restating and clarifying the conditions under which it would be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell or deliver any firearm to any person. As presently written, title IV places the burden upon the licensee to determine if a purchaser is eligible to receive or possess a firearm under applicable State or local law, regulation, or ordinance. The title gives the licensee no guides for making such a determination, however. He bears the full responsibility.

The first part of my amendment responds to situations wherein a municipality or other local unit of government may have more restrictive regulations concerning the receipt or possession of a firearm than does the State itself. At present, there is no orderly procedure for assembling and publishing these many local ordinances and for notifying licensed importers, manufacturers, and dealers of their existence. Because of this, it is possible for a person residing in an area covered by such an ordinance limiting or restricting his receipt and possession of a firearm to seek to circumvent its application by ordering the desired firearm from a mail-order dealer or by attempting to make an over-the-counter purchase. This weakness in the existing enforcement procedure has been pointed out many times by witnesses at the hearings on this subject.

In the amendment I have offered, a published ordinance is defined as "a published law of any political subdivision of a State which the Secretary of the Treasury determines to be relevant to the enforcement of this chapter and which is contained on a list compiled by the Secretary of the Treasury which list shall be published in the Federal Register, revised annually, and furnished to each licensee under this chapter."

This means that the Secretary of the Treasury shall keep advised of the published laws, ordinances, and regulations of local units of government regarding the receipt and possession of firearms. When the Secretary finds that a local ordinance comes within the intent and purpose of this chapter, he shall cause such local ordinance to be published in a list in the Federal Register, a copy of which will be furnished regularly to each importer, manufacturer, and dealer licensed under the chapter. The Secretary will be required further to revise the list annually, making such deletions and additions as are necessary to accurately reflect the situations that exist within the local units of government throughout the country, and the revisions again shall be published in the Federal Register and supplied to each licensed importer, manufacturer, and dealer.

The advisability of this part of my amendment speaks for itself. The procedure it would initiate will give individuals and businesses involved in the manufacture and sale of firearms the kind of information they need to determine what local laws, ordinances, and regulations, if any, apply to their prospective sale or delivery of a firearm to a person seeking to purchase one. It would give them, in a single reference document, a complete and accurate list of ordinances that apply to the conduct of their business under the terms of this chapter. And equally important, the amendment sets the stage for the Federal Government to effectively and efficiently assist the States and the local units of government in upholding any applicable regulations they may have adopted concerning the receipt and possession of firearms.

As I observed earlier, Mr. President, this part of my amendment responds directly to a need that has been identified. Its adoption would assure that the Federal Government recognizes the vastly different conditions that exist throughout the country. I feel strongly that if a local unit of government has adopted some ordinance concerning the receipt and possession of firearms that it has done so because of uniquely local situations. The Federal Government should assist that local unit of government in upholding what it has done in its own best interest. The Federal Government should not force upon a State or a local unit of government a prohibition that is completely out of line with what is needed or desired.

The second part of my amendment is equally as desirable as the first. It is coordinated with the first part.

As presently written, title IV would make it unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell or deliver "any firearm to any person who the licensee knows or has reasonable cause to believe is not lawfully entitled to receive or possess such firearm by reason of any State or local law, regulation, or ordinance applicable at the place of sale, delivery, or other disposition of the firearm."

What this provision would do, if it remains, is to place the full burden on the licensed dealer to refrain from selling a firearm, either through the mail or over the counter, to any person he "knows or has reasonable cause to believe is not lawfully entitled to receive or possess

such firearm by reason of any State or local law," and so forth. In brief, this means that the licensee must, on his own initiative and at his own peril, determine whether the purchaser is entitled to receive and possess such a firearm, that there are no State or local laws that limit or prohibit the purchaser's receipt or possession of the firearm, that the purchaser is not a nonresident or under 21 years of age in the case of a handgun, and all the other particulars that have a bearing on the transaction.

This entire burden would fall upon the licensee under title IV as now written. The licensee would sell the firearm at his own risk. Further, and this is important, technical violation of any State or local law, ordinance, or regulation would, under the conditions set forth in title IV, place the licensee under violation of Federal law. So here we have a situation in which the licensee has no orderly, centralized and regular source of information concerning State and local laws, ordinances, and regulations, yet he is expected to abide by them or be found in violation of the Federal law. If permitted to stand, this requirement would expose dealers to duties and burdens far beyond reasonable commercial practice. The dangers inherent in such a requirement should be sufficient to cause any prudent dealer in firearms to refrain from making sales to the many lawful users of firearms.

Let me point out just a few of the many ambiguities and inconsistencies that exist in local statutes. The District of Columbia forbids sales of handguns to felons, narcotics addicts, vagrants, and prostitutes. Texas law forbids sales to "undesirable" persons. In some instances these laws are not rigidly enforced or dealers are given relief if reasonable precautions were taken to establish the identity and qualifications of the purchaser. But under title IV as presented in the committee bill, the dealer has absolutely no safeguards. If he sells a firearm and ultimately finds himself in violation of a State or local law, regulation, or ordinance, he is subject to prosecution under a Federal statute.

My amendment would change title IV to read:

> It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell or deliver—
>
> (2) any firearm to any person in any State where the purchase or possession by such person of such firearm would be in violation of any State law or any published ordinance applicable at the place of sale, delivery or other disposition, or into the locality in which such person resides unless the licensee knows or has reasonable cause to believe that the purchase or possession would be in violation of such State law or such ordinance.

To get the kind of information and guidance that he would need in order to comply with State and local laws, ordinances, and all the rest in areas outside of his personal knowledge, the licensee would consult the list of such laws, ordinances, and regulations sent to him annually by the Secretary of the Treasury, as provided in the first part of my amendment. I can think of no fairer or more workable procedure, Mr. President.

I believe the present requirement in title IV as reported from the committee is entirely unreasonable and grossly unfair. Its approval would perpetuate an already bad situation.

I urge the Senate to accept my amendment to title IV so as to correct the inequity that it contains.

Mr. McCLELLAN. Mr. President, I yield half of the time to the distinguished Senator from Connecticut [Mr. DODD] and the other half of the time to the distinguished Senator from Nebraska [Mr. HRUSKA].

Mr. DODD. Mr. President, I believe this is a good amendment, and it should help the law-enforcement people in creating a more equitable situation for those who will be affected by this part of the bill. I am willing to accept it. I have said so to the Senator from Indiana.

Mr. HRUSKA. Mr. President, the amendment of the Senator from Indiana is meritorious. It is the only businesslike way in which merchants who will be allowed to sell firearms over the counter, pursuant to the bill that was approved early this week, will be able to discharge the duties and responsibilities placed upon them. I support the amendment, and I hope it is agreed to.

Mr. BAYH. I yield back the remainder of my time.

Mr. McCLELLAN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Indiana.

The amendment was agreed to.

AMENDMENT NO. 799

Mr. GRIFFIN. Mr. President, I call up my amendment No. 799, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

> On page 101, line 13 through line 14, strike the following language: "or any rule or regulation promulgated thereunder,".

Mr. GRIFFIN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator may proceed.

Mr. GRIFFIN. On page 101 of the bill, the penalty section—which applies to the firearms control portion—reads as follows:

> Whoever violates any provision of this chapter or any rule or regulation promulgated thereunder . . . shall be fined not more than $5,000 or imprisoned not more than five years, or both.

On page 105, the bill provides that "the Secretary may prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter."

Mr. President, it was always my understanding as a law student that Congress could not delegate its legislative power. I realize that this principle has been undermined, but surely, if there is one area in which we should not delegate our legislative power, it is in the area of criminal law. If we are concerned about due process, surely then, we should spell out in the law what is a crime.

In this bill, the Congress would delegate to the Secretary the power to prescribe regulations such as he deems necessary, and would provide that a violation of such a regulation to be promulgated in the future—no matter what it says—would be a crime.

I believe that this provision violates a fundamental principle of constitutional law and that, as such, should be stricken from the bill.

Mr. BAKER. Mr. President, will the Senator yield me 2 minutes?

Mr. GRIFFIN. I yield 2 minutes to the distinguished Senator from Tennessee.

Mr. BAKER. Mr. President, I join with the Senator from Michigan in support of this amendment.

It seems to me that one of the fundamental principles of constitutional protection of the rights of all citizens in the field of criminal law is that no one should be made to stand the indictment, the charge, and the penalty of imprisonment or fine unless appropriate constituted authority of Congress or of the various legislatures of the States of this Union has clearly spelled out what constitutes a criminal offense.

To permit, on the one hand, the Secretary to prescribe, to promulgate, and to propound regulations which he, and he alone, may propound, which are treated as criminal statutes and are punishable as such, is to me the height of the abdication of our responsibility with respect to the protection of all citizens.

Even more serious is the idea that some future Secretary might change or alter a rule or a regulation in order to form it up into a criminal offense, and thus place in the hands of an executive branch administrative official the authority to fashion and shape a criminal offense to his own personal liking and charge a citizen of the United States with the peril of imprisonment for violation thereof.

I believe the amendment is of enormous importance, and I believe it should clearly be agreed to by the Senate.

Mr. McCLELLAN. Mr. President, I support the amendment.

Mr. DODD. Mr. President, will the Senator yield me 1 minute?

Mr. McCLELLAN. I yield 1 minute to the Senator from Connecticut.

Mr. DODD. Mr. President, I wish to make a record on this matter.

First, I should like to ask the Senator from Michigan whether it is not true that this very language has been part of the Federal Firearms Act for 30 years.

Mr. GRIFFIN. I would say to the Senator from Connecticut, I don't believe past errors should guide our judgment on this point.

Mr. DODD. It is important to understand that this principal is an old established and tested part of our law. I do not believe it is in error.

Mr. GRIFFIN. If it has been in the law, I would object to it at that place or at any other place in the law where we so clearly delegate the legislative power of Congress, particularly in an area involving criminal law.

Mr. DODD. If the Senator will bear with me, I understand his position, but I believe the Senate should know that there is nothing new about this language. It has been on the statute books in sec-

tions 905 and 907 of the Federal Firearms Act for 30 years. So far as I have been able to determine, and if I am wrong, I wish the Senator would enlighten me and other Senators—a question never has been raised about the manner in which the rules and regulations have been enforced.

As I listened to the Senator, I got the impression that there has been something dreadful about this language and its application in the past. The Secretary has had this rulemaking authority since 1938 and there has been no substantiated abuse of this authority.

The Library of Congress submitted to me a lengthy legal brief which is a part of the legislative history of this title and concludes that almost from the beginning of the National Government the Congress found it necessary to delegate to subordinate executive officers discretionary power to issue regulations found necessary to carry into effect congressional policy expressed in statutes. There is nothing new about it, and there is nothing new about this language. It is in the law now, and I do not know what all the storm is about.

In any event, as has always been the case, such rules and regulations are subject to judicial review.

I can understand the attitude of the Senator in not liking it, but it certainly is not new.

Mr. GRIFFIN. Mr. President, there is nothing new, of course, about giving to an administrative official the power to promulgate regulations to interpret what the statute means. But I believe it is very unusual, and I do not know of many statutes where we have not only given power to promulgate regulations which are to be of assistance in interpreting and applying a statute, but have also provided that a violation of the regulation will be a crime in itself. I believe the principle is absolutely wrong.

I yield back the remainder of my time.

Mr. McCLELLAN. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Michigan.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. TOWER. Mr. President, I send to the desk an amendment, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 87, beginning with line 14, strike out through line 21, and insert in lieu thereof the following:

"(15) The term 'antique firearm' means any firearm manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system) or replica thereof, whether actually manufactured before or after the year 1898; and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States, and is not readily available in the ordinary channels of commercial trade."

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. I yield myself 2 minutes.

Mr. President, the amendment offered here is intended to relieve an unnecessarily burdensome problem for serious collectors of antique firearms and for historians and museums.

In defining an antique firearm, I have used a cutoff date of 1898 rather than 1870, the date used in title IV, for several sound reasons which I shall discuss and because it is a more logical date of transition in the development of firearms.

First, a study of the hearings before the Subcommittee to Investigate Juvenile Delinquency shows that the witnesses representing collector organizations and knowledgeable in that field consistently recommended and substantiated the date 1898.

Second, there is precedent in the Code of Federal Regulations for this date. I call your attention to title 22, paragraph 123.51 which reads and I quote:

Obsolete small arms; subject to the provisions of 123.03(b), collectors of customs are authorized to permit the importation or exportation, without a license, of firearms covered by Category I (a) of the U.S. Munitions List, which were manufactured prior to 1898, on presentation of satisfactory evidence of age.

Third, this predates the American manufacture of semiautomatic pistols. The first patents were issued to Browning in 1897; the first commercial manufacture was commenced in 1900. The modern form of the revolver appeared slightly before 1898, using a solid frame with a swingout style of cylinder, a system which is still employed.

Finally, this is the approximate date also of the transition in ammunition manufacture from the now obsolete black powder to the modern smokeless or progressive burning powder. While perhaps a few arms were made prior to 1898 adapted for smokeless powder, I would point out that the U.S. Armed Forces continued to use black powder through and including the Spanish-American War.

In the discussion between the Senator from Connecticut [Mr. DODD] and the Senator from Wyoming [Mr. HANSEN] on May 15, the Senator from Connecticut stated that he had not heard of the date 1898 but had obtained the date 1870 from people in the trade. I would point out here that these people in the trade are manufacturers of modern handguns and are perhaps not as familiar as they should be with the now obsolete production favored and desired by collectors. I note with satisfaction that the Senator from Connecticut stated that it was his intent to exempt genuine gun collectors from the provision of title IV.

Please note further that one additional change has been made in exempting from the provisions of this title certain firearms using fixed ammunition which were manufactured in 1898 or earlier. Title IV as now written would include in its provisions all firearms using or firing fixed ammunition regardless of when manufactured. I would point out that the period of the Civil War and the few years immediately preceding represent a time of considerable experimentation and development of cartridges of fixed ammunition. As a consequence, during this period many rare and highly desirable collector items were manufactured which have little, if any, practical use as a firearm in the modern connotation but which would be controlled under the present provisions of title IV. This same thing applies to many of the early arms used in the development of the West in the Indian war period and up to the time of the Spanish-American War.

Almost all of these arms used ammunition which is no longer manufactured in this country and thus is not available in the ordinary channels of trade. Many of these cartridges were discontinued by the manufacturers long before the turn of the century; a few were made up to the time of World War I; and still fewer were made up to the end of the 1930's.

It might be argued that these obsolete and early firearms could be used in the commission of a crime. It is equally true that a hand-carved wooden model of a handgun has been used in jail and prison breaks and even in holdups. But with regard to the obsolete arms which we are discussing, there simply is no record that they have been so used.

In a discussion on May 15, which we mentioned earlier, I was pleased to note that the Senator from Connecticut was not adamant about the date 1870. I hope that on consideration of the points enumerated here, he will concur with me in this simple amendment regarding the definition of antique firearms which will remove much concern and many problems for the collectors, museums, and historians.

Therefore, I offer this amendment to revise the date 1898, with certain other clarifications.

It is my understanding that the distinguished Senator from Connecticut [Mr. DODD] has decided to accept the amendment. Therefore, I believe it is not very controversial.

The PRESIDING OFFICER. Is all the time yielded back?

Mr. TOWER. Mr. President, I wish to ask the Senator from Connecticut if this amendment is acceptable.

Mr. DODD. I think it is perfectly acceptable. There is nothing sacred about the date 1898.

Mr. TOWER. Mr. President, I yield back my time.

Mr. DODD. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Texas [putting the question].

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 818

Mr. HRUSKA. Mr. President, I call up my amendment which takes the place of printed amendment No. 818.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HRUSKA. Mr. President, I ask

that further reading of the amendment be dispensed with.

Mr. GORE. Mr. President, I object. I would like to hear the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 52, beginning with "United States" on line 8, strike out all through the comma on line 9 and insert in lieu thereof "United States".

On page 52, immediately after "by" on line 11, insert "Federal".

On page 52, beginning with line 19, strike out all through line 25 and insert in lieu thereof the following:

"(9) 'Judge of competent jurisdiction' means a judge of a United States district court or a United States court of appeals;"

On page 53, strike out "and" on line 4.

On page 53, strike out the period on line 7, and insert in lieu thereof a semicolon and the word "and".

On page 53, between lines 7 and 8, insert the following:

"(12) 'State official' means any officer, employee, or agent of a State or a political subdivision thereof empowered by the laws of that State to engage in any of the actions referred to in section 2521 of this chapter."

On page 61, line 22, strike out "(1)".

On page 63, beginning with line 17, strike out all through line 11 on page 64.

On page 70, beginning with "or" on line 20 strike out all through "State" on line 22.

On page 76, immediately after the comma on line 10, insert "or".

On page 76, beginning with "or" on line 12, strike out all through the comma on line 14.

On page 78, strike the quotation marks on line 23.

On page 78, between lines 23 and 24, insert the following:

"SEC. 2521. Nothing in this chapter shall be construed as prohibiting or otherwise restricting any State official or any State from engaging in any action involving the intercepting, endeavoring to intercept, or the procuring of any other person to intercept or endeavor to intercept, any wire or oral communication, using, endeavoring to use, or the procuring of any person to use or endeavor to use any electronic, mechanical, or other device to intercept any oral communication; disclosing or endeavoring to disclose, to any other person the contents of any wire or oral communication; or using or endeavoring to use the contents of any wire or oral communication, if the action engaged in by such State official is authorized by State law and is taken within that State."

The PRESIDING OFFICER. Does the Senator from Nebraska request unanimous consent to offer the amendments en bloc?

Mr. HRUSKA. Mr. President, that is my intention and I do make that unanimous-consent request.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and the amendments will be considered en bloc.

The Senator may proceed.

Mr. HRUSKA. Mr. President, I yield myself 3 minutes. Those Senators who are interested in following the amendment can refer to printed amendment No. 818. The text of the amendment read by the clerk was submitted because there were some printing errors contained in the printed version.

I have discussed the amendment with the manager of the bill and he has indicated he has no objection to it. There is some far-reaching import to the measure and I wish to explain it.

Title III, as now drafted, will set Federal standards for the use of electronic surveillance techniques for State law-enforcement officers. Any legislation which is enacted by a State legislature will be required to follow the specifications and the standards set out in title III in order to qualify.

At the time this bill was originally drafted and introduced in the Senate there was little or no State activity in this area.

Concern was expressed that some States might act and not act responsibly. Activity on the State level has proved that fear to be unfounded. Legislation is pending in California, Rhode Island, Pennsylvania, and New Jersey which would set up a court ordered system as title III sets out. In New York both houses of the State legislature, and in Michigan one house of the State legislature have enacted bills for court ordered supervision.

This body has no superior knowledge or wisdom in this area. We should not impose the standard spelled out in title III on State legislation that might be enacted. That does not mean the States should have or will have a free hand. It is to say it is not necessary for the Congress to intervene, because the States are already subject to the same, basic constitutional limitations that we are subject to.

Mr. President, the Supreme Court decision in Berger against New York makes that unquestionably clear. Any State legislation in this area must be approved by the Supreme Court. There is no reason it should pass review here and be subject to standards we set out in title III.

If there is some new, better, or more effective way to handle this matter, which is very important and involves, after all, very close personal rights and liberties, then all the better. We do not have any monopoly on the excellence with which this problem might be approached. No one has established a need for the Congress to establish standards in this area any different than those set up by the Supreme Court.

Apart from wiretapping, where congressional action in the past has not been very happy anyway, the States are now free to act. It is not necessary for us to authorize them to act. I see no reason for us to step in and have them follow our judgment, subject to the review of the courts, if the acts are in any way suspect of breaching the constitutional requirement. For that reason it would be well to let the States determine their own destiny.

Mr. President, in this connection, I ask unanimous consent to have printed in the RECORD a letter from the attorney general of the State of Nebraska dated May 6, 1968 which draws attention to the points I have detailed, saying among other things it is the same position he testified to, and that it is the position that the State attorneys general generally supported in 1961 when hearings were held on the wiretapping legislation.

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

STATE OF NEBRASKA, DEPARTMENT OF JUSTICE,
Lincoln, May 6, 1968.

HON. ROMAN L. HRUSKA,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Many thanks for sending me that latest revised copy of S. 917, together with a copy of the April 29 Committee Report. I note some significant changes in this latest bill with respect to Title III, with which I have been most concerned.

I am in complete accord with the position which you have taken on Title III, together with Senators Dirksen and Thurmond, as set forth on page 239 of the Committee Report No. 1097, dated April 29, 1968. It is there indicated that you intend to offer a floor amendment which would eliminate from Title III those aspects of the bill which now set federal standards for state law enforcement. That is the position I took in 1961 when the Committee was considering similar legislation, and I suggested that the Congress had every right to regulate the federal and the private sector, but urged that the states were not without honor in such matters and might properly be trusted to follow constitutional requirements.

The particular problem which will arise if federal standards are imposed upon the states is that more than 500 judges in this state alone would be called upon to interpret the federal standards, as well as state requirements, in determining the admissibility of evidence. Although many of our judicial offices are filled with highly qualified men, there are some who perhaps do not have the requisite legal training to adequately cope with the serious responsibility of making adequate determinations with respect to the legal principles which should be applied in a given situation. I am certain that this condition is not peculiar to this state, but would apply in varying degrees in every state.

Kindest personal regards.

Sincerely,

CLARENCE A. H. MEYER,
Attorney General.

Mr. HRUSKA. Mr. President, I hope the Senate agrees to the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. McCLELLAN. Mr. President, my understanding of the import of this amendment is simply to remove any restrictions on the States to compel them to comply with the provisions of the bill.

Mr. HRUSKA. The Senator is correct.

Mr. McCLELLAN. And to remove those restrictions and leave the matter to the States so that they would be free to devise their own means and their own approach to the problem, subject to constitutional limitations.

Mr. HRUSKA. The Senator is correct. That is the sole purpose and the only objective.

Mr. McCLELLAN. Are there any questions about the amendment?

Mr. GORE. I wish to inquire about section 2521, at the bottom of page 2. The amendment would direct the insertion of these words:

SEC. 2521. Nothing in this chapter shall be construed as prohibiting or otherwise restricting any State official of any State from

engaging in any action involving the intercepting, endeavoring to intercept, or the procuring of any other person to intercept or endeavor to intercept, any wire or oral communication; * * *

Does that mean that the restrictions which the pending bill contains would not apply to any State which desired to permit any of its State or county officials to engage in any wiretapping?

Mr. HRUSKA. If the Senator will continue to read on in that section, he will find that the last three lines of that section spell out the answer to his questions.

Mr. GORE. I read the lines:

. . . if the action engaged in by such State official is authorized by State law and is taken within that State.

Mr. President, this is a very hasty reading on my part, but it seems to me that if we adopt the amendment then there is no Federal law, if we pass the bill, that would make any wiretapping illegal in any State which made it legal. It seems to me that this is going entirely too far. As I said, it may be that this is a hasty interpretation but I do not believe we should pass on it in 3 minutes and then undo all that we have done on the subject of wiretapping.

Mr. HRUSKA. It is identical with title III which we are about to enact.

Mr. GORE. Earlier today, the senior Senator from Tennessee inquired of the senior Senator from Arkansas whether there was any Federal criminal statute against wiretapping or other kinds of electronic surveillance. The answer was "No."

I asked him if the pending bill would provide prohibition against certain types of wiretapping. The answer was "Yes."

I then asked him if the gravamen of the bill was to proscribe and make illegal certain types of wiretapping while, on the other hand, providing that certain types would be legal and affect the use of such evidence in court conduct. The answer was "Yes."

If those answers were correct, then, I say, this amendment would undo those answers in every State which desired to take action upon them.

Why do I say that?

I read:

Nothing in this chapter shall be construed as prohibiting or otherwise restricting any State official of any State from engaging in any action involving the intercepting, endeavoring to intercept, or the procuring of any other person to intercept or endeavor to intercept, any wire or oral communication; using, endeavoring to use, or the procuring of any person to use or endeavor to use any electronic, mechanical, or other device to intercept any oral communication; disclosing or endeavoring to disclose, to any other person the contents of any wire or oral communication; or using, or endeavoring to use the contents of any wire or oral communication, if the action engaged in by such State official is authorized by State law and is taken within that State.

Again, Mr. President, this is a hasty reading, but it seems to me if we adopt it—I do not say I am entirely right, I say it seems to me—then we undo the three answers the senior Senator from Arkansas gave to me earlier today.

Mr. McCLELLAN. Is it the Senator's apprehension that the law we are about to enact would place an absolute prohibition upon wiretapping and make it a crime, so far as some States are concerned? Is that what the Senator is concerned about in this amendment?

Mr. GORE. In those States which enact their own legislation which would contravene the bill.

Mr. McCLELLAN. Well, it is still Federal law. It is still a Federal crime for anyone to engage in wiretapping. The Senator's concern is that if a State should pass a law saying that it was not a crime in that State, that then it would not be a crime for that State. Is that what the Senator is concerned about?

Mr. GORE. That is what the amendment states.

Mr. McCLELLAN. I am trying to ascertain if that is the Senator's objection.

Mr. GORE. It is. Let me read again:

SEC. 2521. Nothing in this chapter shall be construed as prohibiting or otherwise restricting . . .

And so forth.

Mr. PASTORE. Will the Senator from Arkansas yield on that very point?

Mr. McCLELLAN. I yield.

Mr. PASTORE. It is generally accepted that any telephone system is interstate. If it is permissible, let us say, on the part of the Federal Government to tap a wire for Federal purposes, and we exclude a State that will tap that same wire, the question that arises in my mind is this: Is there not a conflict here that is hard to resolve? What we are talking about is wiretapping, and wiretapping has to do with telephonic wiretapping. If the wiretapping has to do with a telephonic wire—and it is interstate, which we have held time and again—I say, how can we assimilate the two and have two sets of rules?

In other words, if the act were legalized on the part of the State, and it was brought out by the legislation that we pass here, then an FBI agent could be prosecuted in the State, or not prosecuted in the State, depending upon what that State did with reference to a wiretap. So that I do not know how we will get Federal officials—especially when it comes to organized crime—to come in and do their job. Does the Senator understand what I mean? If a State takes it upon itself to tap, and that wire is illegal in one, because an overt act has been committed in the particular State, and yet that State has said that it is illegal, and we have said that it is not illegal, where does that put the FBI agent? Where does that put the Internal Revenue agent?

I am afraid, here, that we have not thought this out too carefully because there is a serious conflict.

Mr. HRUSKA. Mr. President, I yield myself another 3 minutes.

When we adopt this amendment, there is no conflict. We will be putting the law just where it has been all the time before. We have had a wiretapping law—not a very good one. Mr. Katzenbach, when he was Attorney General, testified it was worse than nothing. At that time New York had a wiretapping law.

All we are doing now is saying, New York can still have a wiretapping law if it conforms to the constitutional requirements as announced and declared by the Supreme Court. That is the way it has always been.

Rhode Island is now considering a wiretapping law.

Mr. PASTORE. I realize that.

Mr. HRUSKA. There will be no conflict between Federal and State law, because the law is that a Federal law will take priority in the event of a conflict. But if a State wants to take advantage of its own law, and if wiretapping takes place in that State, and if there is a State law, and it is constitutional, it should be allowed to do so, without spelling out all the things in title III as if we were Solomon and we had all the wisdom and knowledge in this field. We do not have all the wisdom and knowledge in this field.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. PASTORE. Let us assume Rhode Island passes a law prohibiting wiretapping. I hope it does not, but let us assume it does. Certainly that would be constitutional.

Mr. HRUSKA. Yes.

Mr. PASTORE. Therefore, Congress would be passing a law which provides that, under certain circumstances, a wire can be tapped. Therefore, an FBI agent who goes into Rhode Island and taps a wire is violating the law.

Mr. HRUSKA. No.

Mr. PASTORE. Why not?

Mr. HRUSKA. The State has no jurisdiction over an FBI agent.

Mr. PASTORE. If he does it in Rhode Island, it certainly has.

Mr. HRUSKA. That has been the law all the time. This amendment puts it back into the status it was in before.

Mr. CASE. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. CASE. Is it fair to say that the import and intent of the amendment is to prevent the Federal Government from preempting the field?

Mr. HRUSKA. In testing any State statute, it would have to conform to the standards which would satisfy, first, the Constitution of the United States. The Constitution of the United States is abided by in title III. There would be introduced an element of confusion in determining whether a State, in passing a law, complied with title III and the Constitution. The States ought to determine their own destiny in this.

Mr. PASTORE. Mr. President, will the Senator yield again?

Mr. HRUSKA. I yield.

Mr. PASTORE. Let us assume the State of Rhode Island passes a law saying that anyone who taps a telephone wire in the State of Rhode Island is guilty of a crime, subject to a punishment of 1 year in jail and a $10,000 fine. The Senator is telling me that if an FBI agent comes into Rhode Island and taps a wire in Rhode Island, he is not guilty of a crime?

Mr. HRUSKA. That is right, because he is authorized by Federal law to go into any State and do what he is authorized to do.

Mr. PASTORE. But that is a violation of the Rhode Island statute.

Mr. BROOKE. Mr. President, will the Senator yield for a question?

Mr. HRUSKA. I yield.

Mr. BROOKE. Under the Senator's amendment, would it still be necessary to go before a court and get a court order?

Mr. HRUSKA. As fully as provided in the Berger against New York and the Katz case and the Constitution. Of course, that is what the Supreme Court said they would have to do.

Mr. BROOKE. Therefore, a State law would have to conform to the Berger case and the Katz case?

Mr. HRUSKA. Under my amendment, it would have to conform to the U.S. Constitution and the cases you have cited. It is my idea and conviction that that is enough and that we have no business as a Congress to impose additional restrictions by saying, "Unless you do it our way, you can't do it."

Mr. BROOKE. It would not have to comply with the Berger case and the present bill?

Mr. HRUSKA. A State statute would have to comply with the Berger case and the Katz case.

Mr. BROOKE. But not the bill?

Mr. HRUSKA. But not the bill.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. PASTORE. As a matter of fact, under the emergency powers in this bill, it would not be necessary to have a court order for 48 hours.

Mr. HRUSKA. That is in the bill.

Mr. PASTORE. Therefore, a court order would not be needed.

Mr. HRUSKA. That is in the bill. If the Supreme Court, in its wisdom, decides the emergency power is with the court, neither the Federal Government nor State government could include it in a bill.

Mr. McCLELLAN. Mr. President, I yield to the Senator from Tennessee [Mr. GORE].

Mr. GORE. Mr. President, I shall not detain the Senate. I ask for 2 minutes.

After hearing the debate, I think I correctly understand the matter. I hope so. The Senator from Nebraska says that, even if his amendment is adopted, States will be required to comply with the Constitution. That is nothing new. We could not relieve them of that requirement if we wished to, so that accomplishes nothing.

What the bill before us does is set up certain standards. It prevents wiretapping except in compliance with this statute or in compliance with the Constitution. What the amendment would do, I submit, is relieve any State that desired, by its own legislation, to permit any State official, any county official, any local official, to engage in wiretapping, in contravention of what we acted upon earlier, so long as it complied with the Constitution.

I submit that if any State wished to exercise its own legislative authority under the Constitution——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GORE. May I have 1 minute?

Mr. McCLELLAN. I yield 1 minute to the Senator from Tennessee.

Mr. GORE. Then the Federal statute that we are about to pass here would not apply to that State.

I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HRUSKA. Mr. President, all I have to say, in conclusion, is that New York has had a State law on this subject for over 25 years. It has worked well. It has worked effectively. It is now being rewritten to comply with the constitutional requirements set out in the Supreme Court decisions.

It certainly makes sense to me that, if New York has had that law and it has worked so well—and Mr. Hogan says it is the most valuable instrument for the enforcement of the law that there is—we should continue to let them work on that basis, instead of introducing the element of confusion by trying to satisfy the Constitution as well as the Federal law.

I urge the adoption of the amendment, and I yield back whatever time I have left.

The PRESIDING OFFICER. All the time has been yielded back.

The question is on agreeing to the amendment of the Senator from Nebraska. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Missouri [Mr. LONG], the Senator from Georgia [Mr. TALMADGE], the Senator from Alaska [Mr. BARTLETT], the Senator from Nevada [Mr. CANNON], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Minnesota [Mr. McCARTHY], the Senator from South Dakota [Mr. McGOVERN], the Senator from Minnesota [Mr. MONDALE], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Florida [Mr. SMATHERS], the Senator from Texas [Mr. YARBOROUGH], the Senator from Ohio [Mr. YOUNG], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT], the Senator from Nevada [Mr. CANNON], the Senator from Alaska [Mr. GRUENING], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Oregon [Mr. MORSE], and the Senator from Florida [Mr. SMATHERS] would each vote "nay."

On this vote, the Senator from South Carolina [Mr. HOLLINGS] is paired with the Senator from Pennsylvania [Mr. CLARK]. If present and voting, the Senator from South Carolina would vote "yea" and the Senator from Pennsylvania would vote "nay."

Mr. DIRKSEN. I announce that the Senator from Idaho [Mr. JORDAN] is absent on official business.

The Senator from Utah [Mr. BENNETT], the Senator from California [Mr. KUCHEL], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

If present and voting, the Senator from Idaho [Mr. JORDAN] would vote "yea."

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from California [Mr. KUCHEL]. If present and voting, the Senator from Utah would vote "yea" and the Senator from California would vote "nay."

The result was announced—yeas 24, nays 51, as follows:

[No. 159 Leg.]

YEAS—24

Allott	Ellender	Mundt
Boggs	Ervin	Murphy
Carlson	Fannin	Percy
Cotton	Fong	Russell
Curtis	Griffin	Thurmond
Dirksen	Hansen	Tower
Dominick	Hickenlooper	Williams, Del.
Eastland	Hruska	Young, N. Dak.

NAYS—51

Aiken	Hatfield	Moss
Anderson	Hayden	Muskie
Baker	Hill	Nelson
Bayh	Holland	Pastore
Bible	Inouye	Pearson
Brewster	Jackson	Pell
Brooke	Javits	Prouty
Burdick	Jordan, N.C.	Proxmire
Byrd, Va.	Long, La.	Randolph
Byrd, W. Va.	Magnuson	Ribicoff
Case	Mansfield	Scott
Cooper	McClellan	Smith
Dodd	McGee	Sparkman
Fulbright	McIntyre	Spong
Gore	Metcalf	Symington
Hart	Miller	Tydings
Hartke	Monroney	Williams, N.J.

NOT VOTING—25

Bartlett	Kennedy, Mass.	Morse
Bennett	Kennedy, N.Y.	Morton
Cannon	Kuchel	Smathers
Church	Lausche	Stennis
Clark	Long, Mo.	Talmadge
Gruening	McCarthy	Yarborough
Harris	McGovern	Young, Ohio
Hollings	Mondale	
Jordan, Idaho	Montoya	

So Mr. HRUSKA's amendment was rejected.

Mr. PASTORE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. ANDERSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FANNIN. Mr. President, I strongly support this omnibus crime bill. Given the constantly mounting serious crime rate in the United States, this bill is long overdue. It is a tragedy that the American people have had to put up with this national disgrace for so long.

Yet now there is strong resistence to even these moderate measures. The handwringers are charging that this bill is nothing more than an attack on the Supreme Court, that its provisions will violate the rights of accused persons, that our right to privacy will be infringed. But what about the right of the law-abiding citizen? Does he not count? Should he not have some protection? Should there not be some concern for his welfare? Parenthetically, Mr. President, I would like to call attention to two articles which appeared in this morning's Washington Post asking for more police protection in the city. It is obvious that a major symptom of our present problem is right here in our Capital City.

I ask unanimous consent that these articles be printed at the conclusion of my remarks.

Mr. President, it is time to strike some sort of balance between the rights of the criminal in our midst and those of the victim. This bill, in my opinion, does just that. It is a reasonable proposal based on extensive hearings and deliberations to improve the administration of criminal justice in this country.

Let me just briefly examine some of the main provisions of the bill. Title I authorizes Federal assistance to State and local law-enforcement agencies. There is little disagreement with these provisions. The important consideration is that there be no Federal domination or control over local law-enforcement agencies nor any possibility that this be the basis for the establishment of a Federal police force.

Title II is an attempt to balance the right of the accused against those of the public. It makes the admissibility of confessions depend on the standard of voluntariness while at the same time safeguarding the constitutional right of defendants.

In my opinion, title II is an attempt to cope realistically with the problems of confessions and other evidence and will for the first time give law enforcement a break. Under the Mallory, Escobedo, and Miranda decisions, the force and effect of our criminal laws have been materially weakened with many dangerous criminals being set free. This title will assist materially in preventing a complete breakdown of law and order.

Title III deals with the wiretapping and electronic surveillance. The committee report and the discussions on the floor adequately point up the need for this title. In this modern age, I can think of no reason why our law enforcement officials should not be permitted to use the latest techniques to apprehend criminals. The rights of private citizens will be protected by impartial court supervision and other safeguards.

With reference to title IV, while there may be some need to strengthen existing law in this area, clearly the restrictive administration approach was unacceptable. I favored the so-called Hruska approach which contains workable provisions without unduly restricting our citizens in their constitutional right to bear arms. In addition, this measure would significantly assist the States and local governments in the enforcement of our laws. I observe parenthetically that the persons who insist upon restricting our citizens' right to possess firearms are the very ones who favor restricting police in their efforts to control crime. If the police were permitted to perform their normal function of enforcing the laws, perhaps individual citizens would not feel compelled to arm themselves.

Mr. President, as has been noted here, seldom do we hear the ultra liberals express their concern about the safety of our law-abiding citizens. Instead, they spend their time finding excuses for the lawbreakers and blaming other segments of our society for the rising crime rate. In this connection, Mr. President, I would like to take a few moments to pay my respects to a large segment of our population that seems to have fallen into disrepute of late—a segment which, if we would believe the latest reports and studies, is responsible for most of America's woes. I refer to our middle-class American and his so-called middle-class morality.

I have heard this middle-class American blamed for just about every sin and crime in the book. The picture that keeps coming across is one of an overfed, bigoted, self-satisfied suburbanite, whose goal in life is the pursuit and accumulation of material goods, a callous neighbor whose narrow values force his sensitive child to the streets and his beads; he is either a repressed Christian whose middle-class morality is responsible for the liberating influence of pornography or an overzealous wifeswapper, a product of our decadent society. The only thing he is good for is paying the bills and fighting our wars. Obviously, he is unorganized.

You have seen the official reports, the editorials, the documentaries, the books, the motion pictures: the fingers all point to this "middle-class" phenomenon.

There was a time not so long ago, Mr. President, when America had only one class and one morality, when standards were established and applied equally—standards of accomplishment in school, standards of performance on the job, standards of behavior on the streets. Those standards were the bulwark of our society.

Standards are relative today. They may apply or they may not, depending on the measure of one's material success. But anyone who still believes in the observance of standards for everybody is probably guilty of middle-class morality. And he is made to apologize for his provincialism and he is beginning to be embarrassed by his resistance to the concept that he is responsible for all the misery, the riots, the poverty, and the crime in our country.

Mr. President, I know the people of my State. They are the same as people in every other State in our country. They are hard working, industrious, frugal, honest individuals. They are trying to raise their families to be worthwhile citizens and they are trying to work out their lives as best they know how. They are the young people and adults who never make the headlines, who never have books written about them anymore, who lack box office appeal as subject matter for the movies, who plod along, enduring the potshots of criticism and forking over the money on April 15.

I believe it is time to call a halt to this name calling. Our middle-class American is not stupid and will not be goaded forever. I believe these people, these middle-class Americans, deserve a word of praise and a word of gratitude for their steadfastness to their principles and convictions, their willingness to support and defend their country, and their unheralded endorsement of law and order.

I ask unanimous consent to have printed in the RECORD, two articles published in the Washington Post dealing with this subject.

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

GPO ASKS MORE POLICE PROTECTION

A Washington printing union official said yesterday that there is a possibility of a strike or of mass resignations from the Government Printing Office because of increased crime in the area.

Charles F. Hines, president of the Columbia Typographical Union, asked Sen. Daniel B. Brewster (D-Md.) yesterday for improved parking and security in the area of the plant at North Capitol and H Streets.

Hines also announced he would ask Mayor Walter E. Washington for increased city police protection.

Hines said some workers are carrying guns to work, and that 50 have resigned in the last six weeks, many over the safety issue.

Some methods the union may use to protest, Hines said, include mass use of sick leave or general slowdowns. He said he was not suggesting a strike, but was voicing the concern of the workers.

GPO officials said that a strike or rash of resignations would cripple its evening shift, which prints such rush work as the Congressional Record, messages and pending legislation.

RIOT-HIT MERCHANTS ASK MORE POLICE, GHETTO AID

(By Phil Casey)

We the People, an organization founded by merchants who suffered losses in last month's fires and looting, called last night for a larger police force, an active and larger police reserve and use of military guards whenever necessary to protect the public and bus drivers.

Leaders of the group, which is open to all District residents and businessmen, also called for home rule and for "massive aid" to the city's ghetto areas and people.

An estimated 600 persons, including a small number of Negro businessmen, attended the often noisy and emotional meeting in the Shoreham Hotel. The organization, which has retained attorney Edward Bennett Williams to file a suit for damages against the District government, started a drive for donations from merchants and others to support the suit.

Abe Liss, an owner of Beacon TV Rentals in the area of 7th Street nw. that was burned and pillaged during the street violence, is chairman of We the People and president of the Midtown Business Association, which sparked the organization of We the People.

He and other spokesmen, including Hyman Perlo and Arnold Berlin, urged "greater and impartial enforcement of the law . . . It is the obligation of Government to protect the individual and property rights of its citizens."

They argue that the Federal and District governments "defaulted" on their obligation to protect the lives and property of District citizens.

Liss and the other speakers stressed that the organization is open to all, without regard to color, and said, "This is no place for bias or prejudice."

Berlin, reciting a long list of the organization's demands, said it wants more police on the street at all times, with military troops "on the streets ready to protect us" before violence gets out of control. It wants more police recruiting done within the city, so that there will be more Negro representation on the force.

Mr. BYRD of Virginia. Mr. President, the safe streets legislation is a complicated composite of four different subjects.

I am enthusiastic about that section which seeks to curb the excesses of the Supreme Court. The support which this section received vividly indicates the feeling of the Senate that the Court has exceeded its authority.

I have considerable doubt about establishing a new Federal grant program,

whether the money be distributed to the States or to the localities, the latter historically having the primary responsibility for law enforcement.

I support the wiretapping section as it pertains to national security matters and organized crime.

But beyond this, it must be balanced against the right of the individual to privacy which I consider to be one of the most basic of our liberties.

Today's legislation is pioneering in the wiretapping field and may go too far in tampering with the privacy of the individual citizen. That is why I voted to limit this section to 5 years, at which time the entire matter can be reviewed.

The measure to restrict mail-order sales of concealable handguns is a needed one.

On balance, I feel the passage of the safe streets bill is in the public interest.

Mr. PELL. Mr. President, I send to the desk a resolution of the Rhode Island General Assembly memorializing the Congress to enact the Safe Streets and Crime Control Act and ask unanimous consent that the resolution be printed at this point in the RECORD.

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

H. 1014

Resolution memorializing the Congress of the United States to enact legislation cited as the "Safe Streets and Crime Control Act of 1967" and known as S. 917 of the 90th Congress

Whereas, It is the policy of the United States government to promote the general welfare by improving law enforcement and the administration of criminal justice; and

Whereas, Crime is essentially a local problem that must be dealt with by state and local governments; and

Whereas, It is the purpose of the "Safe streets and crime control act of 1967" to increase the personal safety of the people of the nation by reducing the incidence of crime; now, therefore, be it

Resolved, That the general assembly of the state of Rhode Island respectfully requests the congress of the United States to act favorably on this legislation; and be it further;

Resolved, That duly certified copies of this resolution be transmitted forthwith by the secretary of state to the vice president of the United States, to the speaker of the house of representatives of the United States, and to each of the senators and representatives from Rhode Island in the congress of the United States.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of H.R. 5037, the Law Enforcement and Criminal Justice Assistance Act of 1967, and that the Senate proceed to its immediate consideration.

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

The Senate proceeded to consider the bill.

Mr. McCLELLAN. Mr. President, I move to strike out all after the enacting clause of H.R. 5037, and insert in lieu thereof the language of S. 917, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas.

The motion was agreed to.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that action on S. 917 be indefinitely postponed.

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

The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Does the unanimous-consent request that the Secretary of the Senate and the engrossing clerks be authorized to make technical and clerical corrections properly come before passage of the bill?

The PRESIDING OFFICER. The Chair is informed that that comes after passage.

The bill (H.R. 5037) having been read the third time, the question is, Shall it pass?

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Missouri [Mr. LONG] and the Senator from Georgia [Mr. TALMADGE] are absent on official business.

I also announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Nevada [Mr. CANNON], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Alaska [Mr. GRUENING], the Senator from Oklahoma [Mr. HARRIS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. KENNEDY], the Senator from Ohio [Mr. LAUSCHE], the Senator from Minnesota [Mr. MCCARTHY], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Minnesota [Mr. MONDALE], the Senator from New Mexico [Mr. MONTOYA], the Senator from Oregon [Mr. MORSE], the Senator from Florida [Mr. SMATHERS], the Senator from Texas [Mr. YARBOROUGH], and the Senator from Ohio [Mr. YOUNG] are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada [Mr. CANNON], the Senator from Pennsylvania [Mr. CLARK], the Senator from Alaska [Mr. GRUENING], the Senator from Ohio [Mr. LAUSCHE], the Senator from Florida [Mr. SMATHERS], and the Senator from Georgia [Mr. TALMADGE] would each vote "yea."

I further announce that if present and voting, the Senator from Alaska [Mr. BARTLETT] would vote "nay."

On this vote, the Senator from South Carolina [Mr. HOLLINGS] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting, the Senator from South Carolina would vote "yea" and the Senator from Oregon would vote "nay."

On this vote, the Senator from Massachusetts [Mr. KENNEDY] is paired with the Senator from Ohio [Mr. YOUNG]. If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Ohio would vote "nay."

Mr. DIRKSEN. I announce that the Senator from Idaho [Mr. JORDAN] is absent on official business.

The Senator from Utah [Mr. BENNETT], the Senator from California [Mr. KUCHEL], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

If present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Idaho [Mr. JORDAN], the Senator from California [Mr. KUCHEL] would each vote "yea."

The result was announced—yeas 72, nays 4, as follows:

[No. 160 Leg.]

YEAS—72

Aiken	Gore	Murphy
Allott	Griffin	Muskie
Anderson	Hansen	Nelson
Baker	Hartke	Pastore
Bayh	Hatfield	Pearson
Bible	Hayden	Pell
Boggs	Hickenlooper	Percy
Brewster	Hill	Prouty
Brooke	Holland	Proxmire
Burdick	Hruska	Randolph
Byrd, Va.	Inouye	Ribicoff
Byrd, W. Va.	Jackson	Russell
Carlson	Javits	Scott
Case	Jordan, N.C.	Smith
Cotton	Long, La.	Sparkman
Curtis	Magnuson	Spong
Dirksen	Mansfield	Stennis
Dodd	McClellan	Symington
Dominick	McGee	Thurmond
Eastland	McIntyre	Tower
Ellender	Miller	Tydings
Ervin	Monroney	Williams, N.J.
Fannin	Moss	Williams, Del.
Fulbright	Mundt	Young, N. Dak.

NAYS—4

Cooper	Hart	Metcalf
Fong		

NOT VOTING—24

Bartlett	Jordan, Idaho	Mondale
Bennett	Kennedy, Mass.	Montoya
Cannon	Kennedy, N.Y.	Morse
Church	Kuchel	Morton
Clark	Lausche	Smathers
Gruening	Long, Mo.	Talmadge
Harris	McCarthy	Yarborough
Hollings	McGovern	Young, Ohio

So the bill (H.R. 5037) was passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. McCLELLAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORITY FOR SECRETARY OF THE SENATE TO MAKE TECHNICAL AND CLERICAL CORRECTIONS IN THE ENGROSSMENT OF THE SENATE AMENDMENTS

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the Secretary of the Senate in the engrossment of the

Senate amendments be authorized to make technical and clerical corrections.

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

Mr. MANSFIELD. Mr. President, with a loud and clear voice the Senate has said let us reverse the growing crime rate, let us give our law-enforcement officers the help and assistance they need. The cry of crime in the streets is not, by any means, a false alarm; it exists and it is about time the Congress faced the issue squarely. With the passage of this measure the Senate has responded. I think this entire body may be proud of such an immense achievement.

Proudest of all should be the senior Senator from Arkansas [Mr. McCLELLAN], whose tenacity and capacity for work has been exhibited throughout the long consideration of this bill. Senator McCLELLAN has added an outstanding accomplishment to his already overflowing record of public service. On behalf of the Senate, I warmly congratulate him. His handling of the bill met fully the highest standards of the Senate.

The Senator from Nebraska [Mr. HRUSKA] deserves the similarly high praise of the Senate for his magnificient contribution to the discussion. His interest in the measure and particularly his views on title IV—the gun control proposal—were expressed with the same strong advocacy that have characterized his many years of service in this body. So too, the Senator from Maryland [Mr. TYDINGS] must be singled out for his outstanding advocacy, his clear and persuasive arguments, and his great devotion.

Many other Senators joined to assure a provocative and most enlightening discussion. Certainly the senior Senator from Michigan [Mr. HART] deserves commendation as do the Senators from Massachusetts [Mr. KENNEDY and Mr. BROOKE], the Senator from Hawaii [Mr. FONG], the Senator from Wyoming [Mr. HANSEN], and the Senator from New York [Mr. JAVITS].

Let me say also, that the Senator from Connecticut [Mr. DODD] has at long last placed before the Senate the issue of gun legislation. It is to his great credit that the issue was decided favorably. The Senate and the Nation knows how long and hard he has fought for such a measure.

Of course the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN] is to be commended for his many contributions to the discussion. Heard and always welcome were the strong and sincere views of the Senator from Missouri [Mr. LONG], the Senator from Pennsylvania [Mr. CLARK] the Senator from Michigan [Mr. GRIFFIN] and the Senator from Colorado [Mr. ALLOTT].

I have here only highlighted a fraction of the membership who demonstrated a vital interest in this measure; the list is by no means complete. Indeed to be frank, every single Member of this body deserves praise for assuring such a continuously high-level discussion; all of the members of the Judiciary Committee under its distinguished chairman, the Senator from Mississippi [Mr. EASTLAND] deserve our thanks for performing the immense task of preparing the bill for action in the Chamber. We all may be proud of its adoption.

Mr. TYDINGS. Mr. President, I should like to commend the distinguished Senator from Arkansas [Mr. McCLELLAN], who was the floor manager of the Omnibus Crime Control and Safe Streets Act of 1967. I commend him not only for his wisdom, judgment, and skill in guiding the bill to final passage, but also for his courtesy and thoughtfulness, particularly in certain sections when other Members of the Senate took a position in opposition to ours.

It was my pleasure to work with him and with the distinguished senior Senator from Nebraska [Mr. HRUSKA], the distinguished senior Senator from North Carolina [Mr. ERVIN], and the distinguished senior Senator from Michigan [Mr. HART] on this measure from its inception, or at least from its early organization and development in the Committee on the Judiciary, through its handling on the floor of the Senate during the past 3 weeks. I disagree with parts of S. 917 as finally enacted. However, on balance, I believe the bill will be a major factor in effective law enforcement in this country.

For that reason, I believe the Nation owes a debt of gratitude to the distinguished senior Senator from Arkansas [Mr. McCLELLAN] and to the other Senators whose names I have mentioned, who played such a key role in the development and passage of this measure.

Mr. ERVIN. Mr. President, I thank the Senator from Maryland for his remarks. The Senator from Maryland has done a yeoman job in the consideration of this bill, both in committee and on the floor of the Senate. He and I disagreed on a few aspects of the bill, but he certainly merits the thanks of the country for the fine work he has done.

Mr. TYDINGS. I thank the Senator.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this evening, it stand in adjournment until 12 o'clock noon tomorrow.

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

ORDER FOR RECOGNITION OF SENATOR HANSEN AND SENATOR JAVITS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the reading of the Journal on tomorrow, the distinguished Senator from Wyoming [Mr. HANSEN] be recognized for not to exceed 15 minutes.

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

Mr. MANSFIELD. I ask unanimous consent that following the remarks of the distinguished Senator from Wyoming, the distinguished Senator from New York [Mr. JAVITS] be recognized for not to exceed 1 hour.

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

HOUSING AND URBAN DEVELOPMENT ACT OF 1968

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1106, S. 3497. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 3497) to assist in the provision of housing for low- and moderate-income families, and to extend and amend laws relating to housing and urban development.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana.

There being no objection, the Senate proceeded to consider the bill.

Mrs. SMITH. Mr. President, in advance of the debate on the housing bill, which I understand will start tomorrow, I wish to request that the Senate be fully informed by the chairman of the Committee on Banking and Currency on what portions of S. 1592 are retained in the housing bill and what portions are not—and the reasons therefor.

I ask this as one of the 30 cosponsors of S. 1592.

TRANSACTION OF ROUTINE BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine business and that statements made therein be limited to 3 minutes.

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

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED DURING RECESS

The PRESIDING OFFICER announced that, under authority of the order of the Senate of May 22, 1968, the Vice President, on May 22, 1968, during the recess, signed the following enrolled bills and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

S. 561. An act to authorize the appropriation of funds for Cape Hatteras National Seashore;

H.R. 15131. An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes;

H.R. 15364. An act to provide for increased participation by the United States in the Inter-American Development Bank, and for other purposes;

H.R. 15822. An act to authorize the Secretary of Agriculture to establish the Robert S. Kerr Memorial Arboretum and Nature Center in the Ouachita National Forest in Oklahoma, and for other purposes;

H.R. 15863. An act to amend title 10, United States Code, to change the name of the Army Medical Service to the Army Medical Department;

H.R. 16409. An act to amend the District of Columbia Teachers Salary Act of 1955 to provide salary increases for teachers and school officers in the District of Columbia public schools, and for other purposes;

S.J. Res. 142. Joint resolution to provide for the reappointment of Dr. Crawford H. Greenewalt as Citizen Regent of the Board of Regents of the Smithsonian Institution;

S.J. Res. 143. Joint resolution to provide for the reappointment of Dr. Caryl P. Haskins as Citizen Regent of the Board of Regents of the Smithsonian Institution; and

S.J. Res. 144. Joint resolution to provide for the reappointment of Dr. William A. M. Burden as Citizen Regent of the Board of Regents of the Smithsonian Institution.

REPORT OF NATIONAL ACADEMY OF SCIENCES

The PRESIDING OFFICER laid before the Senate a letter from the President, National Academy of Sciences, transmitting, pursuant to law, an annual report of that Academy, for the fiscal year ended June 30, 1967, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare, and the report was ordered to be printed, with an illustration, as a Senate document.

BILLS INTRODUCED

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

By Mr. SCOTT:

S. 3533. A bill for the relief of Olga Laina; to the Committee on the Judiciary.

By Mr. MONRONEY (for himself and Mr. HARRIS):

S. 3534. A bill to designate Lock and Dam 17, being constructed on the Verdigris River, Okla., as the Chouteau Lock and Dam; to the Committee on Public Works.

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

By Mr. McCLELLAN (for himself, Mr. MANSFIELD, and Mr. DIRKSEN) (by request):

S. 3535. A bill to authorize the exhibit and examination, within Presidential archival depositories, of certain motion-picture and other films prepared by the U.S. Information Agency; to the Committee on Foreign Relations.

By Mr. LONG of Missouri:

S. 3536. A bill for the relief of Mi Ja Rhee Park; to the Committee on the Judiciary.

S. 3537. A bill to authorize the Secretary of the Interior to study the feasibility and desirability of a Lower Meramec River National Recreation Area, in the State of Missouri, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. INOUYE:

S. 3538. A bill for the relief of Nan Ching Sau; and

S. 3539. A bill for the relief of Chung Wai Hung; to the Committee on the Judiciary.

By Mr. BREWSTER:

S. 3540. A bill for the relief of Zu Tsung Su and Ping Chan; to the Committee on the Judiciary.

By Mr. JACKSON:

S. 3541. A bill for the relief of Yuda Galazan; to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself, Mr. JACKSON, Mr. PASTORE, and Mr. ALLOTT):

S. 3542. A bill to amend the Military Selective Service Act of 1967 in order to provide for the advancement in grade, for retired pay purposes, of officers of the Armed Forces who serve in the position of State director of the Selective Service System or other comparable position in the Selective Service System for a period of 15 years or longer; to the Committee on Armed Services.

S. 3534—INTRODUCTION OF A BILL TO NAME LOCK AND DAM 17 THE CHOUTEAU LOCK AND DAM

Mr. MONRONEY. Mr. President, lock and dam 17 on the Verdigris River in Oklahoma are an integral part of the Arkansas River navigation project. We are extremely proud of this project and of the progress of the Corps of Engineers as it works toward completion of the project in order to have navigation to the Port of Tulsa in 1970.

But there was a man who built a shipyard at the falls of the Verdigris River in 1824 for the construction of large-keel boats to transport hides and produce down the Verdigris, Arkansas and Mississippi Rivers, to the New Orleans market. He was Col. Auguste P. Chouteau. His enterprise was commendable and certainly deserving of our respect today.

To commemorate this pioneer, the Oklahoma Legislature has memorialized Congress to name lock and dam 17 the Chouteau lock and dam. I ask unanimous consent to insert that resolution into the RECORD at this point.

It is also my privilege to introduce a bill to so name lock and dam 17, and I am happy to have Senator HARRIS join with me on the measure.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the resolution will be printed in the RECORD.

The bill (S. 3534) to designate lock and dam 17, being constructed on the Verdigris River, Okla., as the Chouteau lock and dam, introduced by Mr. MONRONEY (for himself and Mr. HARRIS), was received, read twice by its title, and referred to the Committee on Public Works.

The resolution presented by Mr. MONRONEY is as follows:

RESOLUTION 586

A concurrent resolution memorializing members of the Oklahoma congressional delegation to the Congress of the United States to introduce legislation which will result in an official designation of a certain lock and dam on the Verdigris River under construction near Okay, as part of the Arkansas River navigation project, as "Chouteau Lock and Dam"; and directing distribution

Whereas, the Arkansas River Navigation Project that is presently being constructed by the Tulsa District Corps of U.S. Engineers for the purpose of barge navigation of the Verdigris, Arkansas and Mississippi Rivers, and which operation will require the construction of a number of locks and dams; and

Whereas, it requires legislation by Congress to rename a lock and dam, and Lock and Dam No. 17, four miles northwest of Okay on the Verdigris River in Wagoner County, has not yet been so designated by Congress; and

Whereas, Col. Auguste P. Chouteau built a complete shipyard at the falls of the Verdigris River near the location of this lock and dam for the construction of large keel boats to transport hides and produce down the Verdigris, Arkansas and Mississippi Rivers to the New Orleans market that reached maximum shipment early in 1824; and

Whereas, the Corps of Engineers has written a letter stating that they have no objection to such designation by Congress and feel that in considering the known history of the area that the name "Chouteau Lock and Dam" be an appropriate name.

Now, therefore, be it resolved by the House of Representatives of the second session of the thirty-first Oklahoma Legislature, the Senate concurring therein:

SECTION 1. That members of the Oklahoma Congressional Delegation introduce legislation in the Congress of the United States officially designating Lock and Dam No. 17, now under construction on the Verdigris River as a part of the Arkansas River Navigation Project, as "Chouteau Lock and Dam" to honor the family who visioned the feasibility of navigation of these streams for commercial purposes and brought it to fruition.

SEC. 2. That duly authenticated copies of this Resolution, after consideration and enrollment, shall be prepared for and sent to C. E. Chouteau, Oklahoma City, Oklahoma, and other known descendants of Jean Pierre Chouteau and Col. Auguste P. Chouteau.

SENATE RESOLUTION 294—RESOLUTION TO AUTHORIZE THE PRINTING OF ADDITIONAL COPIES OF PART 6 OF SENATE HEARINGS ON COMPETITIVE PROBLEMS IN THE DRUG INDUSTRY

Mr. NELSON (for Mr. SMATHERS) submitted the following resolution (S. Res. 294); which was referred to the Committee on Rules and Administration:

S. RES. 294

Resolved, That there be printed for the use of the Senate Select Committee on Small Business one thousand, four hundred additional copies of part 6 of hearings before the committee during the 90th Congress, first and second sessions, entitled "Competitive Problems in the Drug Industry."

SENATE RESOLUTION 295—RESOLUTION TO AUTHORIZE THE PRINTING OF STUDY ENTITLED "AUTOMATIC DATA PROCESSING AND THE SMALL BUSINESSMAN" AS A SENATE DOCUMENT

Mr. RANDOLPH (for Mr. SMATHERS) submitted the following resolution (S. Res. 295); which was referred to the Committee on Rules and Administration:

S. RES. 295

Resolved, That there be printed, with illustrations, as a Senate document a study entitled "Automatic Data Processing and the Small Businessman," prepared for the Senate Select Committee on Small Business by the Legislative Reference Service, Library of Congress; and that four thousand, five hundred additional copies of such document be printed for the use of that committee.

ENROLLED BILL AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, May 23, 1968, he presented to the President of the United States the following enrolled bill and joint resolutions:

S. 561. An act to authorize the appropriation of funds for Cape Hatteras National Seashore;

S.J. Res. 142. Joint resolution to provide for the reappointment of Dr. Crawford H. Greenewalt as Citizen Regent of the Board of Regents of the Smithsonian Institution;

S.J. Res. 143. Joint resolution to provide for the reappointment of Dr. Caryl P. Haskins as

Citizen Regent of the Board of Regents of the Smithsonian Institution; and

S.J. Res. 144. Joint resolution to provide for the reappointment of Dr. William A. M. Burden as Citizen Regent of the Board of Regents of the Smithsonian Institution.

PROVISION OF HOUSING FOR LOW- AND MODERATE-INCOME FAMILIES—AMENDMENTS

AMENDMENT NO. 821

Mr. PROXMIRE submitted amendments, intended to be proposed by him, to the bill (S. 3497) to assist in the provision of housing for low- and moderate-income families, and to extend and amend laws relating to housing and urban development, which were ordered to lie on the table and to be printed.

NOTICE OF HEARINGS ON AIRCRAFT CRASH LITIGATION, S. 3305 AND S. 3306

Mr. TYDINGS. Mr. President, as chairman of the Senate Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I wish to announce a set of hearings for the consideration of S. 3305 and S. 3306. These bills would improve the judicial machinery by providing for Federal jurisdiction and a body of uniform Federal law for cases arising out of certain operations of aircraft.

The hearings will be held on June 13, 19, and 20, 1968, at 9:30 a.m., in the District of Columbia hearing room, 6226, New Senate Office Building.

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, room 6306, New Senate Office Building.

NOTICE OF HEARINGS OF DISTRICT OF COLUMBIA BUSINESS AND COMMERCE SUBCOMMITTEE

Mr. TYDINGS. Mr. President, as chairman of the District of Columbia Subcommittee on Business and Commerce, I announce hearings on the following measures for Monday, May 27, and Tuesday, May 28, at 1:30 p.m. in room 6226:

S. 3200: District of Columbia Housing Revolving Fund Act—which establishes a fund to pay the cost of developing plans for housing for low- and moderate-income persons and families in the District.

Also on proposals which will give property owners, particularly in inner-city areas, fair access to insurance protection, including the proposed District of Columbia Insurance Placement Act.

S. 3195: District of Columbia Unclaimed Property Act—which will place in the custody of the District government bank accounts, insurance proceeds, and other deposits that have lain dormant for more than 7 years. The District government will be required to hold these funds for any claims made by owners, but can use the funds in the meantime.

AN EXERCISE IN FUTILITY?

Mr. GRIFFIN. Mr. President, according to the Assistant Attorney General in charge of the Criminal Division of the Department of Justice, the work of the Senate earlier this week with respect to title II was an exercise in futility.

In an appearance before a House Judiciary Subcommittee on Wednesday, Assistant Attorney General Fred M. Vinson, Jr., was quoted as reminding Congress that "by merely legislating it cannot amend the Constitution."

Theoretically, of course, the Assistant Attorney General was absolutely correct: Congress cannot amend the Constitution by merely enacting a statute. But it would have been appropriate for him to point out also that, theoretically, the Supreme Court has no power to amend the Constitution either.

As a matter of fact, however, the Supreme Court has endeavored to amend the Constitution, and a number of its decisions have had precisely that effect.

It is not enough to say that when Members of Congress desire to amend the Constitution they should observe the procedures provided therefor in the Constitution. It is not enough, that is, without adding that when five members of the Supreme Court desire to amend the Constitution, they should observe the same procedures.

By its action on Tuesday with respect to title II of the pending bill, the Senate said in a loud, clear voice to the Supreme Court: "You were not applying the Constitution in your decisions in Mallory, Miranda, and Wade—you were amending the Constitution."

If the Supreme Court can reverse itself after 167 years, as it has done on points such as those dealt with in Mallory, Miranda, and Wade, then surely the Court, if it wishes, can take into account a clear expression by Congress at its next opportunity to review these points.

As I stated in remarks on the floor Tuesday with respect to the action taken by the Senate:

> Congress may fail in this effort—to modify the *Miranda, Mallory,* and *Wade* decisions—when the Supreme Court reviews what we have done. Nevertheless, we are, with a clear and loud voice, giving the Supreme Court another opportunity to look at these questions—but after Congress has spoken.

On Tuesday, I was one of those who pleaded with the Senate not to take a drastic step proposed in the committee bill—the step of withdrawing appellate jurisdiction of the U.S. Supreme Court. It is noteworthy that a sizable majority of this body chose to exercise commendable restraint—at least at this point in history.

The junior Senator from Michigan and others were concerned about tampering with the delicate balance of power which is supposed to exist between the legislative and judicial branches of the Federal Government. However, it would only be realistic to observe that the Supreme Court has already upset that balance of power.

The temptations—the pressures—on Congress are great to strike back, to take actions within the power of Congress to readjust this all-important balance.

To its great credit, I believe, Congress thus far has resisted those temptations and pressures. But the debate on this measure should serve as clear notice that the patience of Congress, as well as the people, is wearing thin.

It is unfortunate that the Assistant Attorney General did not direct his comments to the Supreme Court rather than to Congress. He might have pointed out that Congress is by no means powerless in the circumstances, even though Congress thus far has seen fit, in admirable fashion, to restrain itself.

Under article III of the Constitution, the Supreme Court has original jurisdiction only with respect to cases which involve ambassadors, ministers, and consuls, and those cases in which a State is a party.

In all other cases, article III expressly provides that "the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make."

Clearly, Congress is invested with constitutional power to withdraw or otherwise delineate the appellate jurisdiction of the Supreme Court. Furthermore, Congress can lay down regulations governing the exercise of that appellate jurisdiction which Congress sees fit to confer upon the Supreme Court.

There are other powers, not to be overlooked, available to Congress in any confrontation with the Supreme Court—powers which the Congress has exercised with great patience and restraint thus far.

For example:

Congress by statute can determine the number of Justices who shall sit on the Supreme Court.

Congress by statute can determine the salaries to be paid to Supreme Court Justices, although the salary of a sitting Justice may not be reduced.

Mr. President, it is unfortunate that the Assistant Attorney General failed to realize and point out that by its title II amendments, the Senate was not endeavoring to amend the Constitution—rather, it sought only to bring to the law standards that are reasonable for dealing with confessions and the detainment of suspects. In the Miranda decision, the Supreme Court conceded that—

> Any statement given freely and voluntarily without any compelling influences is, of course, admissible in evidence . . . (v)olunteered statements of any kind are not barred by the Fifth Amendment and their admissibility is not affected by our holding today.

I submit that the standards adopted by the Senate with respect to confessions are in keeping with that principle. They are reasonable, workable standards which protect the defendant as well as society in assuring that only voluntary confessions will be considered as evidence.

Indeed, it should be recognized that the Supreme Court at one point in its Miranda decision seemed to invite Congress to provide guidelines when it said:

Congress and the States are free to develop their own safeguards for the (self-incrimination) privilege, so long as they are fully as effective as those described above in informing accused persons of their rights to silence and in affording them a continuous opportunity to exercise that right.

Accordingly, Mr. President, I am confident that a resourceful Court, with a mind to do so, can easily find the Senate's title II amendments consistent with past decisions.

Mr. President, I am hopeful that the Senate's action on Tuesday has not been an exercise in futility.

I am hopeful that the significance of the Senate's action this week will not be lost—and that a direct confrontation between two of the great coordinate branches of the Federal Government will be avoided.

Mr. President, I ask unanimous consent that an editorial in the May 23 edition of the Washington, D.C., Evening Star be printed at this point in the RECORD.

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

THE SENATE REBUKES THE COURT

By no rational stretch of the imagination can the Senate's action Tuesday on Title II of the crime bill be viewed as an "assault" on the Supreme Court. What the Senate votes actually amounted to was an emphatic expression of disapproval and dissent from the line which the court majority has been following in overturning criminal convictions.

This comes through most clearly in the voting on two major sections of Title II.

One was a vote to soften the impact on law enforcement of the court's 5-to-4 ruling two years ago in the Miranda case. This decision holds that a confession is invalid unless the suspect has been given a series of notices prior to questioning and unless he understands that the police will make available to him a lawyer to sit by his side and advise him during any interrogation. This ruling, though its effect is in dispute, has been widely condemned as a barrier to any effective questioning of criminal suspects. It is also a judge-made barrier, since prior to 1966 the Constitution had not been thought to require the Miranda "safeguards."

What the Senate did was to provide, by a *vote of 55 to 29*, that in Federal cases the trial judge, despite Miranda, may consider all of the circumstances surrounding a confession and admit it in evidence if he decides it was made voluntarily. The hitch here, of course, is that the Supreme Court in due time may declare this provision unconstitutional, even though it may be approved by the House and accepted by the President.

The other significant vote came on a proposal to deprive the Supreme Court of jurisdiction to review a state court conviction based on a confession if the state's highest court had held the confession to be voluntary. The Constitution clearly gives Congress the authority to do this. But it would be a drastic remedy to invoke, and the proposal was voted down, 52 to 32. Michigan's Senator Griffin undoubtedly spoke for many of his colleagues when he said: "As much as I disagree with the Supreme Court's rulings, I really hesitate to tamper with the delicate balance of power between the legislature and the judiciary."

This is about the size of it. Title I as finally approved is essentially a notice to the court that the Senate thinks it should mend its ways, that it should keep the scales in better balance as between the rights of criminals and the right of the public to be protected from crime. If this advice becomes law and if the court ignores it, which it is quite likely to do, Tuesday's struggle in the Senate very probably will turn out to have been only the first round in a continuing battle between the judiciary and the legislature.

NICHOLAS S. CVETAN, U.S. AIR FORCE (RETIRED)

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1052.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1052) for the relief of Nicholas S. Cvetan, U.S. Air Force, retired, which was, on page 2, line 8, strike out "in excess of 10 per centum thereof".

Mr. BYRD of West Virginia. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

VICE PRESIDENT HUMPHREY MAKES COLLIER TROPHY PRESENTATION

Mr. MONRONEY. Mr. President, earlier this month the Vice President of the United States spoke at the Collier Trophy presentation ceremony in Washington when he presented the Collier Trophy to Mr. Lawrence A. Hyland, vice president and general manager of Hughes Aircraft Co. I believe his remarks merit the attention of every Senator.

The Vice President made the most eloquent and persuasive defense of the space program I have ever had the pleasure to hear. In his speech he pointed out the practical, down-to-earth, present benefits our Nation is receiving as a result of our space effort.

The Vice President enumerated many technological breakthroughs that have been put to practical use in everyday life to the benefit of American citizens: from the walking chair for limbless and disabled persons, to the miniaturized TV camera that can be swallowed by patients to help doctors diagnose internal conditions; from the tiny electronic devices that can be attached to hospital patients to enable one nurse to man a control board that monitors the condition of more than a hundred patients, to the new paints, chemicals, plastics, metal alloys, and other pioneering achievements that have come to us as the side benefits of an important national undertaking.

The Vice President said:

Explorers frequently find more than they expect. The so-called side benefits are sometimes greater than the primary ones.

The Vice President went on to say:

Our space program is a splendid challenge and it is a noble mission—one whose practical benefits for today are exceeded only by the promise of tomorrow.

Mr. President, the Vice President's remarks were most appropriate to the occasion and deserve a careful reading by Senators. I ask unanimous consent that his remarks be printed in the RECORD.

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

REMARKS BY VICE PRESIDENT HUBERT H. HUMPHREY AT THE COLLIER TROPHY PRESENTATION, WASHINGTON, D.C., MAY 7, 1968

I wish to first express my warm greetings to our good friend, Dillon Ripley, who is always so helpful and gracious and considerate in these ceremonies, and indeed to salute the award winner this year.

I see that we are honored today and privileged to have with us a number of distinguished gentlemen. We have Secretary Smith of our Department of Commerce, Secretary Boyd of our Department of Transportation. We have my good friend, James Webb of NASA. We have our good friend, Dr. Welsh of the Space Council. We have many other important people who are here.

I am particularly pleased to be once back in orbit, so to speak, with my space friends. I have been in orbit in other matters of late. It is particularly pleasing to get into this synchronized orbit that we have here. We are here today to honor the winner of the nation's oldest aerospace award and certainly one of its most prestigious, one of the most prestigious awards of any kind. I am very proud, as Chairman of our Space Council and Vice President of the United States, to be here once again to present the Robert J. Collier trophy. This year that trophy goes to Mr. Lawrence A. Hyland, Vice President and General Manager of the Hughes Aircraft Company. He represents, of course, the entire team from Hughes Aircraft, the Jet Propulsion Laboratory, and General Dynamics, who have made such a magnificent success of the Surveyor program, a program that has brought acclaim to all those who are responsible for it and that has brought honor to our nation. Mr. Hyland and his colleagues did a very remarkable thing. They put the eyes of man on the surface of the moon, and all Americans, everyone of us, say to them, "Well done!"

Now, why are Americans committed to reaching the moon and beyond? I think this is a most appropriate question to ask at this time when there are so many discussions and arguments over whether or not we are properly using our resources. This is not an easy question to answer. But, I do think that it is a matter that deserves our most careful consideration and our most prudent judgment. Why are we committed to reaching the moon and beyond when there is so much to do right here on earth. Is it to enhance our national prestige? Just to make ourselves feel a little better? Is it to satisfy our curiosity because the moon, like Mt. Everest, is there? Well, these factors have something to do with it. There isn't any doubt about that. We are a curious people, and I hope we always will be filled with inquisitiveness and curiosity. And, I hope that we always have a sense of pride, and that we have a love of nation that drives us to want to have national prestige.

Also, I know that a spirit of adventure and the urge to be first have a lot to do with the magnificent personal performances that are at the root of our successes in space. I want to say from this platform that it is always good to be first in whatever you try to do, particularly when it comes to science and technology and other areas of human performance. But as a nation, we have decided to commit our resources to venture into space for one primary reason. We believe that this mission to the far-out will produce many down-to-earth benefits for man, benefits for all men, and benefits not only for today but benefits for the future. In fact, it is my belief that the nation that is first in science and technology has a chance to be the first to overcome some of the perplexing problems that have beset mankind since the beginning of civilization.

Now what are these benefits that we talk of. Well, we knew when we started that the moon mission would yield keys to some fundamental questions about the origin and the history of the earth, and above all, about

the rest of our home, the solar system. And let me digress for just a moment to say that in the age in which we live, it is not enough just to know about the earth. We are just one little member of a big family of the solar system, and what we are and what happens here is in many ways conditioned and even may be predestined by what transpires in our larger home called the solar system. I like to get acquainted with everything that relates to my life. I am a man of curiosity and inquisitiveness. I want to know what it is that affects us and that conditions us. And we also knew when we started this moon mission that there would be many benefits that no one could predict. That's what makes it so exciting. One of history's lessons, the lessons of the Columbuses and the Vasco da Gamas and others, all of the great explorers, is this: Explorers frequently find more than they expect. The so-called side benefits are sometimes greater than the primary ones.

The unknown potential of space alone would be enough to require an investment of energy and brain power and funds into its exploration. I happen to think that maybe one of these days we will get civilized enough on this earth to have our contests, not on the battlefield, but rather in the field of adventure in space and the exploration of the universe. It might very well be that space offers us the chance for peace.

We also knew when we began this great effort that the people who don't explore today find themselves without the ingredients of progress for tomorrow. Now let that sink in. This great economy of ours today is not the product of accident. The so-called technological gap, even between ourselves and other developed nations, is not just good luck on our part or bad luck on theirs. The investment that this nation has made, both public and private, in men and materials in the fields of science and technology, and particularly in all of the related fields that surround our space exploration, has contributed immensely to our technological and scientific successes. I would hate to think of what would be happening to our schools of science, technology, and engineering were it not for these investments that have been made.

Our investment in space exploration is related to our national security and our national well-being. It is related to our common defense and our general welfare. It is related to the subject of excellence. Excellence in performance, excellence in education, excellence in industry, excellence in human behavior.

It has begun to produce meaningful and practical benefits right here on earth. Because some men will need to walk on the moon tomorrow, other men are able to walk on earth today. Just a week ago I presided at a meeting on the employment of the handicapped. I wonder how many people in this room realize that our work in the field of space exploration, science and technology relating to space, has made it possible literally for many who are handicapped physically to live a better life. For example, from the equipment that we have already designed for moving across the moon's surface, we have developed a walking chair for limbless and otherwise disabled persons. There is more human power ready to be put to work, productive power ready to be put to work amongst our handicapped than anyone could possibly fathom or imagine.

I have a wide galaxy of interests. I'm a general practitioner of government. I guess that's what the founding fathers designed this office for—the Vice Presidency. I have a great field of interests, and that's why I enjoy life. I get a chance to see you today and somebody else tomorrow, and I've seen a dozen other groups already today, filling my life with the experience of living.

Then, there's an adapted version of the miniaturized television camera developed for use in space capsules. It can be swallowed by patients to help doctors diagnose suspected ulcers and other physical disturbances. What a remarkable advance! How do you judge what the value of a life is? If that one miniature television unit could save a life, who wants to put a price tag on it? The tiny electronic devices that are attached to each astronaut in flight in order to measure his blood pressure, his metabolism, his temperature, etc., can do the very same thing for patients in hospitals enabling one nurse manning a control board continuously to monitor the condition of more than a hundred patients. Now Ladies and Gentlemen, if we could apply that one principle to modern medicine and modern hospital care, we'll save the cost of the entire space program because the cost of hospital and medical care is skyrocketing in this country. The need of manpower in our healing arts is one of the pressing needs of the nation, and we are now beginning to learn something about how to give the best medical care without waste of manpower. This will enable us to have better manpower, with better controls, and better equipment, and better diagnosis for prompt treatment. Much of this has come out of our work in space.

Those are just a few of the examples of the practical applications of space research to the very down-to-earth human problems of health. And space research has vastly expanded our capabilities in navigation, communication, and meteorology. You know, I am also chairman of the Council on Marine Sciences, commonly known as Oceanography, and I know there is a close interrelationship between oceanography and space research. Even astronauts become aquanauts.

We are leaning so much out of these respective disciplines, or these respective technological endeavors. Space research has given us new products and processes in such fields as agriculture, photography, metallurgy, and oceanography. When I think of the earth resources satellite program, and I put in my plug for it once again, with its sensing devices, I realize that we can save hundreds of millions of dollars in crops by detecting diseases in plants. Then I think of what we will be able to do to detect underground supplies of water and recall that only recently how from a high flying airplane a gold mine was discovered. We have just begun to scratch the surface.

The only regret I have in life is that I may not live to the year 2000. I'm planning on it, but I'm not sure. I am confident, however, that things are going to happen that will make everything up to now just look like it was barely a beginning.

In the space program, we have developed all kinds of things that are even more down-to-earth. We have even developed new paints and coverings and new smoking pipes. We have developed new chemicals, and new plastics, and new metal alloys, and many new products and applications in the field of electronics. Think of what has happened in miniaturization alone and in the computer industry alone. It's really fantastic.

I make this case today because there are those who say that we are wasting our money in the space program. I want to say that our space program is one of the wisest investments this country has ever made. I might add that the techniques to put a man on the moon are exactly the techniques that we are going to need to clean up our cities. I refer to the management techniques that are involved, the coordination of government, business, the scientist, and the engineer. We are not going to make these cities over just by a speech, and we are not going to do it either just because somebody wants to put a hundred billion dollars into it. It takes more than money to do anything. It requires knowledge, planning. It requires the technology, the ability, to get things done.

There is no checkbook answer to the problems of America. There are some human answers, and the systems analysis approach that we've used in our space and aeronautics programs in Defense, in NASA, and other agencies. This is the approach that the modern city of America is going to need if it is going to become a livable, social institution. So maybe we've been pioneering in space only to save ourselves on earth. As a matter of fact, maybe the nation that puts a man on the moon is the nation that will put man on his feet first right here on earth. I think so.

Well, Mr. Hyland, you see you get an extra speech out of me when you come here. I use these occasions to expound my philosophy about what we ought to be doing in this country, and this isn't anything new. It has gone on for years and folks have been very tolerant, very understanding. I don't know whether they've enjoyed it, but they've been tolerant.

Well, we might have made some of these advances that I have talked about without ever landing a Surveyor on the moon or without ever probing out in space. We might have and we might not have. At least there are some people that say we would—if we had thought to try—but we didn't try until we got going on this great adventure into the unknown. Much of the progress comes unforeseen, and its achievement depends heavily on the broader objectives a nation sets for itself. I think a certain extravagance of objectives—a will to push back the frontiers of the unknown—is the test of a free and vital society. It's the test of a nation that intends to meet the challenges of tomorrow with a running start. And believe me, you need a running start these days.

And so, as a proud American, and believe me, I am proud to be an American, I commend you, Mr. Hyland, and I thank you and all of your associates, and I salute you and the members of your exceptionally competent and fine team.

Our space program is a splendid challenge and it is a noble mission—one whose practical benefits for today are exceeded only by the promise of tomorrow. So I urge every American to support the future development of our space program. Don't come in second in a two-man race, because you are last. Never forget it. If you are in my business, you'll understand what that means. Support this effort. And I, for one, unhestitatingly, openly, am proud to do so and I shall do it with pride and with vigor, and I intend to carry the message of the accomplishment of space now and tomorrow. The accomplishments in outerspace for men here on earth. I think that they are related. The heavens are made for man, just as surely as the earth is, and if a man is going to have his feet on solid ground, he has to have his vision, his eyes on a higher vision in space and indeed even into eternity.

Mr. Hyland and your associates: my congratulations to you.

LAW DAY ADDRESS BY ALF M. LANDON

Mr. PEARSON. Mr. President, on Sunday, April 28, 1968, the Honorable Alf M. Landon delivered the Law Day address at Fort Riley, Kans.

In addition to discussing the part that law plays in American society, he dealt with various public issues which as he stated "require deep and thorough consideration from the background of the principles of jurisprudence and government."

I ask unanimous consent to insert the same in the CONGRESSIONAL RECORD and commend this address to my colleagues.

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

LAW DAY AT FORT RILEY

(By Alf M. Landon)

I am going to discuss some public issues that require deep and thorough consideration from the background of the principles of jurisprudence and government.

I have had the experience of participating in momentous changes in our judicial processes and political policies that are still grinding on.

When I graduated from the University of Kansas Law School in 1908 and was admitted to the Bar of Kansas, the question that was agitating law school faculties was the change that a few were making from basic elements on the old English Common Law to Statutory Law.

Because of the oil and gas development that started in southeastern Kansas in 1902, the Montgomery County Bar grew in size and was recognized as one of the strongest bars in Kansas.

The chain of title to scrub-oak land that was worth only fifteen or twenty dollars an acre had not been too carefully followed. Frequently in the early days in Kansas, sales had been made and estates settled without advice of legal counsel. When that land—because of the oil and gas development—jumped to hundreds or thousands of dollars an acre, there was a heavy volume of quiet title legal actions.

In 1908, as I recall, there were only four members of the Montgomery Bar of a hundred or so that were graduates of a law school.

Prior to that time, most of the practice of Law had been before juries. The attorneys in that day had great histrionic abilities. There were only a few sizeable estates in Kansas in those years around the turn of the century to be concerned about probate proceedings. Railroads and banks were the principal corporate practice. Public utilities were only in their infancy—even in the East.

Probably ninety-odd percent of the practicing attorneys' education had been reading law—as it was called in some older attorneys' offices. That consisted principally of reading and studying Common Law. The great text book in every attorney's office in those days was "Blackstone's Commentaries on England's Common Law." Even equity was still somewhat undeveloped and little understood. The general thinking of my 1908 law school class was that more time and study should be spent on Common Law than on Equity.

One thousand sets of the English edition had reached the American colonies by 1771. By 1776, Edmund Burke said nearly as many copies of Blackstone's Commentaries had been printed in America as in England. The second and last edition revised and corrected was printed in 1828.

It takes a long time to change deep-rooted traditions—principles—and their correlary habits of life.

Part of our racial difficulty in adjustment today to a great industrial nation goes back to the old Common Law principles that were the established judicial rule of law in the United States of America until as late as the turning point in the Oregon Supreme Court decision in 1910. Under the principles of the Common Law, the slave did not have a soul—regardless of his color. Property rights had priority to human rights. Hence, our legal and realistic adjustment to oppressive laws does not start with the new relations established by Abraham Lincoln's proclamation abolishing slavery in America. It starts only some fifty years ago—complicated with a lot of other factors.

The Supreme Court of the United States and all courts of lesser jurisdiction had held under the old Common Law decisions all statutory law to be unconstitutional that regulated the working conditions of men, women and children in industry.

In 1910, the late Mr. Justice Brandeis—then a New York attorney—argued before the Supreme Court of Oregon the constitutionality of women and children legislation and won it on the theory of his construction of the Common Law that it changed over the hundreds of years of its existence to meet changing conditions.

I quote from the late Mr. Chief Justice Harlan F. Stone—then on the faculty of Columbia University—in his introduction in 1921 to Professor Frederick C. Hicks', "Men and Books Famous in the Law":

"For nearly a generation now, law study in all the important centers of legal learning has been dominated by the scientific spirit which rejects the dogmatic statement of legal doctrine and demands that every legal principle be traced to its original source in judicial precedent, and be re-examined in the light of its relation to social utility. The new order began with the insistence upon the study of precedent as the original and practically the only source of legal knowledge; but it did not stop there. In our own time there has been a growing recognition of the fact that precedents cannot be justly valued and intelligently applied without some adequate understanding of the social and economical conditions out of which they sprang and to which in our own day they must be applied; and of late there has been a marked tendency toward a more searching analysis of the fundamental concepts on the basis of which our legal structure is reared, and greater emphasis upon a more precise and exact use of legal terminology. These are all manifestations of the scientific spirit which in every field of human endeavor is giving us more exact knowledge and increased capacity for its utilization."

That great landmark decision of the Supreme Court of Oregon—sustained by the Supreme Court of the United States—resulted in a monumental change in American legislation that paved the way for America to put human rights above property rights. Labor was successful—after long and bitter years of fighting—in getting legislation limiting hours and protection from the barbarous theory that a man accepted the hazards of his employment without any redress whatsoever on his employer—who seldom spent any money to eliminate those hazards.

Only yesterday, as it were, the dramatic fight in the Congress forging new legislation to fit existing life was to limit time on the job to 18 hours for railroad train crews. Today—fifty years later—it is civil rights and open housing.

The Common Law prevailed in all American states except Louisiana, which inherited the Roman Law through the time it was a colony of France.

That brings me to the inherited roots of our present racial troubles that were a part of our judicial system.

The Common Law prevailed not only in England. Through the English influence, it was the base of the development of law and order against the feudal system throughout northern Europe—the Swedish and Danish countries.

The Roman Law prevailed in Italy—France—Spain and Portugal—and through those countries was the base of jurisprudence in their colonies to the south of America in the Western Hemisphere, which adopted the Napoleonic Code, which, of course, stemmed from Roman Law.

The basic difference between the Roman Law or civil code and the Common Law was that the Roman Law recognized the slave—regardless of race—as a human being who had rights of redress against his master; whereas the Common Law regarded the slave a merely chattel property of his master.

The Roman Law prevails in the great countries to the south of us, whereas we were the inheritors of the Common Law. There are no civil disorders in the Latin American countries based on racial tensions.

As tragic as our too frequent city wars are in recent years is the more widespread and consistent breakdown of order that makes our city streets unsafe regardless of their location or of city riots.

Academic freedom does not mean academic license for either faculty or students. The same must and does apply alike to the college campus and to the city streets. All this disobedience to civil laws and order started first on college campuses under weak school administrations who could not tell the basic difference between maintaining the right to dissent and decent respect for the right of others in public language and conduct.

Also, the question can be legitimately asked whether these university faculties had the right relationship and understanding of the students of today. It is being said by educators of these few schools where the students temporarily got the upper hand of their teachers that less than one percent were involved.

That, of course, spread to our city streets—apparently involving only a small percentage to start with. This is the old example of how one step always leads to another. Both are a national disgrace. Neither has the slightest bearing on maintaining the precious right of free speech and dissent. In fact, such violence imperils the broader and more basic rights of all free peoples.

This is a day of new reckoning—not only in America, but in the world at large. Not only in Communist countries. That is the case in non-Communist countries as well.

No event this year is being watched more closely or more anxiously than American political elections and their corollary economic and military implications. Trade and political relations all over the world will be affected by the change that will take place in our national administration. Regardless of the result of the national election—what basic changes will a new president make in our monetary policies—in tariff legislation—and administrative decisions broadening or restricting international commerce—labor policies—civil disorders and international relations and foreign policies?

All these major questions are being considered and discussed against the background of civil riots—terrible violence and fires—pictures of the roaring flames and smoke engulfing so many of our big cities—of armed troops guarding our capitol in Washington—and patrolling the streets of many cities.

The world is watching the internal affairs of its richest and most powerful country with intense concern and attention. Therefore, the damage covers much more than the tragic loss of lives and destruction of private property.

All that has occurred in the past month—including pressure on the American dollar—has inevitably strengthened the mistaken opinion of some that the American government must be pretty shaky. The old Russian Communist cry of thirty years ago of "decadent capitalism" is starting up again in China.

If North Vietnam's move toward negotiations is in the same good faith as the United States', then there is hope for that war to end.

We are a long way from a peace settlement. The best we can hope for is a good start. By that, I mean a viable and effective cease-fire such as we did not have during the Korean peace negotiations. I mean by that a cease action of military activities under an armed truce while the negotiations conditions for future peace are being arranged is the prime requirement for a reasonable settlement at the negotiating table.

As long as the North Vietnamese Imperator wants to lend the destruction of his country in the Chinese interest—and continues to contribute the lives and property of his own people to a foreign ideology—instead of negotiating in the interest of the North Vietnamese—North Vietnam will continue in a bind—dependent for its existence on military supplies from China and Russia.

Two years ago, I said that the key to the Vietnam war was in Moscow—not Hanoi.

All governments in the world are watching the preliminary negotiations that are taking place between North Vietnam and the United States of America. Some fear the American people are jittery—some anxious—some hopeful—some skeptical.

It is to be hoped that the North Vietnamese Imperator is not fooled by this world curiosity into thinking he can dictate terms for the settlement of the Vietnam war. He must always bear in mind that fundamentally he is negotiating from weakness—not strength. While he may think he has an advantage in that Americans are tired of the way this Vietnam war has gone—that does not mean they are willing to capitulate.

It also means that America is going to have to make concessions if any settlement is reached.

The conclusion to this negotiation may be some months off. It is always easier and quicker to get into war than it is to get out.

The aftermath of World War Two means that we still have two hundred thousand troops in Europe. The so-called peace in Korea is only an armed truce where we have a military force of some fifty-thousand—with almost daily skirmishes and casualties along the cease-fire boundary. We must do better this time.

The key question central to any settlement in Vietnam is the role of the Viet Cong in the South Vietnamese government. All aspirants for the presidency of the United States of America in this election year have a clear responsibility to the American public to make their position known on this key question.

So far—only two candidates for the presidency have declared their position—Senators Kennedy and McCarthy. They advocate recognition of the National Liberation Front over the flat opposition of the South Vietnamese government. Vice President Humphrey and Richard Nixon have made statements in the past opposing any recognition of the Viet Cong. They have recently remained silent on this question.

I do not agree with Mr. Nixon that such a crucial question should not be discussed by the candidates for the presidency of the United States of America.

This is a time for discussion. This is not a time for silence. The admitted delicacy of the timing in the midst of negotiations with the North Vietnamese should not preclude public discussion of this key paramount issue of equal concern to all governments in this divided world.

There is another rule of law—as it were—also in international monetary systems. Sometimes that becomes a question of statutory law—as the gold and/or silver issue in the presidential campaign of 1896. Incidentally, I have always thought that William Jennings Bryan made the greatest single-handed presidential campaign that I can recall in our country's history.

Of course, today statutory tariff legislation affects not only America's monetary system. In this day and time—with the position that America now occupies in the world market—tariff legislation by the American Congress affects the monetary system of every country in the world.

Whether the Smoot-Hawley Tariff Act of 1929 was a prime factor in causing the worldwide financial collapse that started that year or not—it was certainly a contributing factor. The entire Kansas Congressional delegation—with the exception of William Lambertson—representing the then Second District—voted for this tariff bill. As Republican State Chairman, I wired Congressman Lambertson my congratulations for voting no.

Now we are confronted with pending congressional legislation returning to the old high protection principles by and through limiting quotas on the imports of oil—textiles—cattle—steel and other trade items.

President Johnson is opposed to this proposed legislation. So am I.

The question I think can be raised with some validity is—how much the threat of America's possible return to the old principle of high protective tariff law had on precipitating the run on the American dollar—perhaps even the weakness of the British pound that came to a head in recent weeks.

America is facing the greatest financial disaster since 1931—as Chairman Martin of the Federal Reserve said a week ago. In addition, we are now carrying a huge astronomical deficit in our national fiscal policies that we did not have in 1931.

Another law—at least of human nature—of sufficient import to be termed somewhat of that importance—is the difference between the military mind and the civilian mind—particularly the politician.

An understanding of both by each other is always of the greatest importance—for one supplements the other. Too many times in our history, everyone has suffered for that lack of understanding.

What seems to be expediency to the military mind is natural to the political mind of any government at any time in history. Hitchner describes it in his "Modern Government" as the "flair for the possible and the appropriate."

When the fate of a country may be at stake, both should be thinking more of the long range consequences. Timing is just as important on the political field—or expediency, if you please—as timing on a battlefield.

Visiting with Douglas Freeman, the eminent military historian—when he was lecturing at Fort Leavenworth—I asked if Joseph Johnston was not a better general than Robert E. Lee. Mr. Freeman replied, "Yes—but he could not get along with Jefferson Davis. General Lee could—better than any of the others. Mr. Davis—with his military experience background—was a difficult man for all his generals to get along with."

As far as military matters go, I am definitely opposed to any reduction in appropriations for the National Aeronautics and Space Administration. If anything, that should be increased.

Some 15 years ago, I said sooner or later some country would develop a permanent space platform for occupation. The first country that did that would dominate the world.

I believe the project of landing on the moon is of importance in developing interplanetary space exploration. Of even greater importance is the corollary of space development on medicine—on weather—and many other scientific values in daily life.

The midwest has seventy-five percent of all the tornadoes in the world. The National Aeronautics and Space Administration has developed new weather satellites to keep an eye on the weather here in the midwest.

Hence, the National Aeronautics and Space Administration affects all phases of future life on this earth far beyond the military and scientific factors involved.

The world was once faced with a similar problem with regard to the open sea. Some stability was established by International Law pertaining to International Waters and off-shore territorial boundaries of the nations of the world. Just this week there was an announcement of a workable agreement with Russia covering astronauts in space.

I quote two paragraphs from my talk at "A Sane Nuclear Policy" Meeting in Madison Square Garden in May, 1960:

"In a nutshell—it is well known that radiation can cause marked physical deformation or sterility. No living scientist knows the exact amount of radiation mankind can stand—and, what's more, it will take more than one generation to find out. Then it will be too late.

"However, in that race—America—for its own survival and that of the free world—must not be second. As long as that race continues, it means unlimited atomic tests. And that, in turn, means unlimited horrors for future generations—come peace or war."

A few days ago at the annual meeting of the American Physics Society, Professor William C. Davidson of Haverford College, was reported to have said that today's leaders in physics would refuse to serve such an effort as the Manhattan project which produced the atomic bomb in World War II "as long," said Davidson, "as the war in Vietnam is going." Professor Davidson and others like him are trying to get universities and professional associations such as the American Physics Society and the Federation of American Scientists to ban military research.

I do not object to an individual scientist or professor exercising his rights of citizenship by opposing the war. But I do object to professional associations and universities—apart from their members acting independently—taking an official position against the war and binding the behavior of their members accordingly. This is the opposite of freedom.

A committee of the American Bar Association headed by Mr. Justice Reardon of the Massachusetts Supreme Court has recommended legislation restricting the right of a free press to publish news of court proceedings that could influence the jury.

Both a free press and a free judicial system are inherent to democratic processes. I do not believe the problem takes any new legislation or any judicial rulings bordering on suppressing the news.

As far as the press in concerned, it calls for good straight objective reporting of newsworthy events. For sure, neither television nor radio can be present in any way in any judicial proceedings.

When an attorney steps out of the ethics of his profession by trying his case in the news media instead of the court—the bar association and the court are responsible for his future conduct.

A more fundamental question as to the competence of trial judges and court officers is being raised. Unquestionably, there are big cities where laws are not administered in a uniform way. I do not think that is true the country over outside of these big cities ruled by political bosses.

To return to the immutable law of a nation's survival—national unity—there is something radically wrong when the stock market hits a new high and civil order on the streets hits a new low.

We need always to bear in mind the ideals, by and large, which have lighted the way for our nation from its very beginning. We—the legal profession—the military—and plain people like myself—are so tied down with our day-to-day problems that we need to be reminded constantly of our basic national philosophy which fits realistically the decisions that confront us.

Ours is a country of tremendous differences—and resources. Also a nation of great contrast. We have a varied and heterogeneous people of every racial stock in the world. America is truly the great "Melting Pot."

America's people are of the most varied religiously—with over 280 religions and sects. There are vast differences from place to place between our towns, cities, local governments, in the distribution of industries, soil, minerals, water resources and climate. Hence, there are great differences in the way people live in various parts of the country.

Taken at large, the United States is a country and people of tremendous energy—and diverse characteristics—of rich resources—of great power and productivity—a very wealthy nation—but with festering pockets of poverty—especially in our cities.

These diverse characteristics impose on each American certain special responsibilities. Despite this diversity, one thing that unites all Americans is their remarkably high level of aspiration—their characteristic compas-

sion for all mankind—their energy and drive in support of that.

Precisely because we are a very diverse country—that we are so different from one another in religion, national origin, complexion, and so forth—our great problem as a country has been, and still is, to achieve and maintain one nation—to maintain all our diversity but yet to achieve and preserve that essential unity of one nation and one people.

To achieve and preserve such essential unity, it is necessary for us to live up to those fundamental ideals and principles that distinguish our nation as a land of equality and freedom.

Our national commitment to equality as an ideal is best expressed in the first words of the Declaration of Independence—"All men are created equal . . ." These words really mean that every person should be equal to every other person before the law. Equality means that our laws should be administered in a uniform way so as not to favor some or disfavor others. They also mean an equality born of a fundamental respect for human dignity and worth. Only through this kind of equality can we transcend our differences to achieve unity as one nation and one people.

And so one major responsibility of an American is to treat fellow Americans equally—that is, to be fair and just without discrimination or favor. Only by such equality may our diverse people achieve a harmonious and unified nation.

Such equality is not the same as conformity—where everyone acts or behaves alike. Our children do not go to school in order for them to learn to think alike. We educate our children so that each can realize his fullest potential as an individual. In this sense, education is a search for identity as an individual.

Our schools, teachers, books and subjects all share the basic purpose of helping each child to develop as a creative and productive person—one who has his own intrinsic worth and individual dignity. This is the exact opposite of conforming.

If every American is to have the opportunity to develop as an individual, he must have the necessary rights—the freedom—to develop his abilities to the fullest extent. The founders of our nation clearly realized this. That is what they meant in their Declaration of Independence by the "inalienable rights" that all men should have—the rights of life, liberty and the pursuit of happiness.

In reality, they proclaimed that man must have the basic rights to live his life in such a *free way as to pursue* happiness in America. And these rights are inalienable—that is, our government cannot take these rights away or decrease them. Indeed, our government must protect these rights, the Declaration and the Bill of Rights declared. This is what the United States of America is all about.

But, as individual Americans, we cannot pursue our own individual happiness nor our quest to be different without having the additional rights to express ourselves as individuals. The framers of our Constitution understood this. That is why they guaranteed in the very First Amendment to the Constitution the freedom of speech, the freedom of press, the freedom of religion, the freedom of peaceable assembly, and the right of petition. These First Amendment rights are known collectively as the rights of conscience, and, of all the rights Americans have, these are the most fundamental, the most important and the most protected.

Individual growth or development requires the use of these freedoms—these basic liberties. They permit each American to be different. They permit us to dissent—to be critical of our government—to enrich the life of the individual—to cultivate the free and inquiring mind—to bring reason, justice and humanity into the relations of men and nations.

Ethnic disputes have cluttered up the minds and handicapped the orderly and peaceful progress of mankind to establish a mutuality of interests instead of antagonism since memory of man runs not to the contrary. They still do today in many countries. Recognition of ages-old ethnic pressure is the first great step in resolving the problem of national unity.

We still do not have a rigid social structure compared to other countries that limits circulation from bottom to top that is the essential of any government's enduring stability. Neither do we have the heavy hand of political control over our schooling that exists in the Communist countries.

All Americans have the responsibility to keep our country that way—responsibilities accorded to any citizen of the great American Republic—with its unique combination of capitalism and social responsibility that clearly points to a greater measure of happiness for all its citizens of any country in the world.

LIFE MAGAZINE SUPPORTS THE PRESIDENT'S POSITION ON THE PARIS PEACE TALKS

Mr. McGEE. Mr. President——

With entire propriety and a good chance of success, Johnson is seeking a settlement that will keep South Vietnam free and enable the U.S. to pursue a constructive role in Asia's future. More power to him.

This is the conclusion of an excellent editorial published in Life magazine that analyzes the positions of both sides in the Paris peace talks.

U.S. objectives, the magazine finds, are based on the right of the South Vietnamese to determine their own future and to "maintain the basis for a strong American contribution to the peaceful development of Asia."

Militarily, the Life editors find:

Our side is in an improving position and theirs is not.

But Life warns:

There is no reason for our domestic superdoves to indulge in what George Ball calls their "stupid" and "sanctimonious" denunciations of American firmness—especially when they are so silent on the subject of North Vietnam's increased out-bursts of politically motivated terror.

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

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

HOW THE FIGHTING AFFECTS THE TALKING

One of the closest followers of the "official conversations" on Vietnam in Paris is, of course, President Johnson, who will continue to make the important decisions himself. The task may preoccupy him for the rest of his term and become his final contribution to U.S. history. He would naturally like to achieve a cease-fire before he leaves office; but he has firmly rejected any "fake solution" to the Vietnam conflict and will not, we believe, let the calendar tempt him into one. He can best serve his purpose by keeping his eye, and Averell Harriman's, fixed on the two minimum goals of U.S. policy in Southeast Asia which Johnson himself has long espoused.

One of these goals, reiterated by Harriman in his opening statement, is "to preserve the right of the South Vietnamese people to determine their own future." The "South Vietnamese people" include a militant minority who presently adhere to the Communist-dominated National Liberation Front, and if and when the talks reach the substantive stage, N.L.F. representatives (already waiting in the wings in Prague) will no doubt be invited to participate. So then should representatives of the Saigon government, who are already in Paris. N.L.F. members are not all Communists, still less are they all in favor of Hanoi's domination of the South, and they can legitimately expect some kind of a minority voice in above-ground South Vietnamese politics—*provided* this arrangement does not mask the probability of a Communist take-over of the Saigon government. That would indeed be a "fake" solution.

The second minimum U.S. goal is to maintain the basis for a strong American contribution to the peaceful development of Asia. Harriman also referred in his opener to Johnson's billion-dollar proposal of 1965 along these lines. "Basis" does not mean "bases" or a permanent U.S. military presence in Vietnam. But the slogan "no more Vietnams" in the mouths of some would-be shapers of future U.S. policy translates too easily into "no more Asia." Johnson has done more than any other President to make Asia as important as Europe in U.S. policy, and he has created important U.S. political assets in Southeast Asia. He will not, we hope, let the neo-isolationists persuade him that this policy was a mistake. On the contrary, it may be one of his most significant achievements.

Johnson's dramatic suspension of bombing on March 31, coupled with his decision not to run again, represented a marked shift in U.S. policy and implied a reduction of U.S. war aims in Vietnam. LIFE, which had for months advocated such a shift (Jan. 5), noted that the American people, in widely cheering this bid to end the war, were thereby also accepting the implications of a negotiated solution (April 12). But neither Johnson nor the people, in our judgment, reduced their war aims below the minimum goals above described. The Paris talks present many pitfalls, but the betrayal of our allies or of our position in Asia need not and should not be among them.

As these talks proceed, Johnson is embattled on five fronts at once. First, he faces Hanoi's negotiators in Paris; and instead of having a clear expectation of what they are likely to agree to, Washington is not even sure why Hanoi agreed to come to Paris at all. Is Hanoi hurting? Bluffing? Self-deceiving? Under Russian pressure? Ho only knows.

But Johnson is also negotiating with allies—the apprehensive Saigon government, the concerned South Koreans, Thais, Australians, Filipinos—who, having cast their lot with us, require constant reassurance that the U.S. is not abdicating its protective role against aggression in the Pacific.

At the same time, Johnson has to fend off impatient critics at home. It must have given Averell Harriman a turn to hear his friend Bobby Kennedy quoted by Xuan Thuy in support of the latter's charge that Americans are ashamed of their role in this war. And Johnson also gets sniping from the doves of other countries, including U Thant, who has sacrificed any claim to diplomatic neutrality by demanding that the U.S. at once and unilaterally cease all bombing north of the DMZ.

Finally, the war itself has not subsided but rather grown more ruthless since the talks began, with Hanoi launching less successful but no less desperate versions of its Tet offensive against Saigon. Hanoi has also intensified its infiltration of weapons and troops. This fighting, if read aright, probably contains the answer to why Ho Chi Minh was willing to parley at all. And in Saigon, Westmoreland & Co. think they know that answer.

Hanoi, they believe, has lost faith in the ultimate success of its old strategy of time-biding attrition because time is no longer on its side. It has settled instead for a strategy of *appearing* to be the winner by means of spectacular raids and terrorism. These

expensive military adventures make headlines and yield psychological advantages that may influence both the Paris bargaining and American opinion; but they bring the Communists no closer—rather the opposite—to a victory over the South Vietnamese people. It is true that, because North Vietnamese losses do not exceed their annual supply of fresh recruits, Ho Chi Minh retains the capability of a permanent stalemate against present U.S. force levels. That is one reason Life concluded (April 12) that "the practical limits of force have been reached" and that it was time for diplomacy to take over.

But Westmoreland now maintains that "the allies are in the strongest relative military position in Vietnam today that we have ever achieved." He could add that unless Russia chooses to escalate the North Vietnamese war effort by supplying new and better weapons, there is far more room for further military improvement on our side than on theirs—improvement that does not involve escalation. Already the fighting efficiency of the South Vietnamese army and militia is improving under General Abrams' program, and so is their morale—through better pay, more merit promotions and some recent good performance in combat. Their numbers are also increasing with tougher draft laws. Belatedly but undeniably, allied forces are learning the arts of night patrol and ambush. The fact that more should (and can) be done in all these areas—and in combatting corruption and government inefficiency—is an advantage in a stalemated war. Our side is in an improving position and theirs is not.

Such is the most reasonable reading of the current Vietnam military situation. It is not a reason for another shift in U.S. war aims or for raising our price for peace with Hanoi. The correct immediate U.S. objective, as we have urged before, is deescalation toward a cease-fire. But if its terms are to reflect battlefield realities, as they should, there is every reason for our Paris negotiators to remain firm. And there is no reason for our domestic super-doves to indulge in what George Ball calls their "stupid" and "sanctimonious" denunciations of American firmness—especially when they are so silent on the subject of North Vietnam's increased outbursts of politically motivated terror.

With entire propriety and a good chance of success, Johnson is seeking a settlement that will keep South Vietnam free and enable the U.S. to pursue a constructive role in Asia's future. More power to him.

MODERNIZATION OF SMALL PACKING PLANTS

Mr. MONRONEY. Mr. President, within the last year both the U.S. Congress and the Oklahoma Legislature have passed measures requiring packers and processors of meat products to meet certain minimum standards. I am proud to have been a sponsor of the legislation introduced in the Senate. I think we did a far-reaching and wise thing in passing that act.

I think we have done a great deal to help the industry and consumers all across the Nation, by giving the consumers renewed confidence in the meat products they buy.

I think we can do no less than give the packers and processors the support they need in order to comply with the directions we have laid down.

In order to comply with the requirements set out in the bill, the packers and processors will need additional equipment and personnel, at considerable expense and capital outlay. The Oklahoma House of Representatives and the Oklahoma Senate have passed resolutions requesting the Small Business Administration to cooperate with the meat packing industries in order that they may comply with the directives set out, and do it in a timely fashion.

I would like to add my encouragement to the SBA to give these requests full and immediate cooperation as benefit to the industry and the Nation as a whole.

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

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

RESOLUTION 106

A resolution requesting the Small Business Administration to cooperate in aiding the Oklahoma meat packing industry to comply with new Federal and State laws and regulations; and directing distribution

Whereas, the availability of a wholesome supply of meat for human consumption is of vital importance to the citizens of Oklahoma and the Nation; and

Whereas, the Meat Packing Industry is an important segment of the economy of this State; and

Whereas, both Congress and the Legislature of the State of Oklahoma have, within the past year, enacted legislation requiring the packers and processors of meat products to meet certain minimum requirements for the continued operation of the physical plants and equipment used therein; and

Whereas, said legislation will necessitate considerable expense and capital outlay for many packers and processors in Oklahoma to comply with said requirements; and

Whereas, it will be of extreme importance that adequate funds be made readily available for said packers and processors.

Now, Therefore, be it resolved by the Senate of the second session of the thirty-first Oklahoma Legislature:

SECTION 1. That the concern of the Senate be conveyed to the Small Business Administration of the Federal Government regarding the necessity of available funds which will be needed by Oklahoma meat packers and processors to enable them to comply with Federal and State requirements in the future.

SECTION 2. That the Small Business Administration is urged to give special consideration to requests and applications for loans made to said Federal agency from members of the Oklahoma Meat Packing Industry, and to extend its cooperation in every way to aid an important and vital industry in the State of Oklahoma.

SECTION 3. That duly authenticated copies of this Resolution be forwarded to Mr. Robert C. Moot, Director, Small Business Administration, Washington, D.C.; to each member of the Oklahoma Congressional Delegation; and to Mr. John Vaughn, President, Oklahoma Independent Meat Packers Association.

Adopted by the Senate the 24th day of April, 1968.

FINIS SMITH,
Acting President of the Senate.

A resolution requesting the small business administration to cooperate in aiding the Oklahoma meat packing industry to comply with new Federal and state laws and regulations; and directing distribution

Whereas, the availability of a wholesome supply of meat for human consumption is of vital importance to the citizens of Oklahoma and the Nation; and

Whereas, the Meat Packing Industry is an important segment of the economy of this State; and

Whereas, both Congress and the Legislature of the State of Oklahoma have, within the past year, enacted legislation requiring the packers and processors of meat products to meet certain minimum requirements for the continued operation of the physical plants and equipment used therein; and

Whereas, said legislation will necessitate considerable expense and capital outlay for many packers and processors in Oklahoma to comply with said requirements; and

Whereas, it will be of extreme importance that adequate fund be made readily available for said packers and processors.

Now, therefore, be it resolved by the House of Representatives of the second session of the thirty-first Oklahoma legislature:

SECTION 1. That the concern of the House of Representatives be conveyed to the Small Business Administration of the Federal Government regarding the necessity of available funds which will be needed by Oklahoma meat packers and processors to enable them to comply with federal and state requirements in the future.

SECTION 2. That the Small Business Administration is urged to give special consideration to requests and applications for loans made to said Federal Agency from members of the Oklahoma Meat Packing Industry, and to extend its cooperation in every way to aid an important and vital industry in the State of Oklahoma.

SECTION 3. That duly authenticated copies of this Resolution be forwarded to Mr. Robert C. Moot, Director, Small Business Administration, Washington, D.C., to each member of the Oklahoma Congressional delegation, and to Mr. John Vaughn, President, Oklahoma Independent Meat Packers Association.

Adopted by the House of Representatives the 23rd day of April, 1968.

REX PRIVETT,
Speaker of the House of Representatives.

MILITARY THREAT TO CZECHOSLOVAKIA

Mr. SCOTT. Mr. President, in a letter to the editor appearing in the New York Times of May 22, some of the distinguished research associates of the Washington Center of Foreign Policy Research which is a part of the School of Advanced International Studies of the Johns Hopkins University, issued a timely warning of the consequences of any effort by the Soviet Union and some of its Eastern European allies to employ force to reverse recent promising trends toward liberalization in Czechoslovakia.

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

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

MILITARY THREAT TO CZECHOSLOVAKIA

TO THE EDITOR: While there is as yet no reason to suppose that the Soviets are conducting more than a war of nerves against the liberalizing government in Prague, nevertheless, behind the maneuvering of Warsaw Pact forces along the Czechoslovak frontiers and behind the equivocal editorials in the Soviet, Polish and East German press lies an implied threat of force.

The Administration's concern for *détente* with the Soviet Union is so widely believed in that in the absence of indications to the contrary the Soviet leaders might suppose that they have a free hand in dealing with Prague. Yet the Soviet Union—and the United States—should be in no doubt that the use of force to "solve" Moscow's dilemma in Central Europe must have the gravest consequences for world peace.

QUESTIONS COEXISTENCE

An attack on Czechoslovakia—a country at peace, faithful to its Warsaw Pact alliances and never the subject of Great Power compacts delineating spheres of influence—by the armies of its allies would call into question the very foundation of coexistence with the Soviet Union.

It would smash all prospects for a *détente*

in Europe since it would clearly establish that peaceful evolution in the heart of the Continent and an ultimate settlement of the German question are impossible. It would rekindle—only to Peking's profit—the spirit of the cold war which rested on the belief, now modified, that the Soviets saw in military might a fit means to enforce their political will in Europe. And, similarly, it would engender dangerous repercussions in West Germany, where a collapse of the efforts for better relations with the East would surely heighten resistance to the nonproliferation treaty and bolster extremist elements.

France, too, is facing an hour of truth in Europe. She is bound by honor and interest to oppose a Soviet attempt to suppress trends in Central Europe which Gen. Charles de Gaulle has sought to encourage for the sake of a new approach to European security. For Moscow now to ignore de Gaulle's efforts would invalidate the assumptions of independent French policy in Europe and make a new beginning in Franco-American relations (including a reconstructed Atlantic Alliance) attractive in both Paris and Washington.

If these are matters for the Soviets to ponder, the United States might also usefully consider what opportunities for positive action are offered by the present crisis—particularly the potential for new approaches to the general problem of Europe in cooperation with France.

ROLE FOR UNITED STATES

The present coincidence of peace talks in Paris and military shadows over Prague is both an occasion and an incentive for harmonizing France's European prerogatives with the global priorities of the United States on a new basis. A good beginning would be to make it unmistakably clear that Czechoslovakia need not depend on West Germany for principal relief from Soviet economic pressures.

No one with sympathetic concern for the area wishes to infringe legitimate Soviet security interests in Central Europe. But the West should not encourage the Soviet leaders to believe that it intends once again to feign impotence while in the heart of Europe its interests and its principles are being challenged. A Soviet crushing of Czechoslovakia's new liberties could set in train events whose ultimate consequences might be tragic in the extreme.

GOLDEN ANNIVERSARY OF U.S. AIR MAIL SERVICE OBSERVED—PILOT J. W. HACKBARTH FLIES REPLICA OF DE HAVILAND-4, THE WORKHORSE OF OUR PIONEERING AIR MAIL SERVICE

Mr. RANDOLPH. Mr. President, on May 15, 1918, President Woodrow Wilson traveled to Potomac Park, then an old polo field, to witness and preside over an historic event—the dispatching of the first regular air mail service in the United States.

Earlier, Postmaster General A. L. Burleson and others began their efforts to begin this new experiment. Congress voted $100,000 for 1 year of airmail service. Thus began a great contribution to the development of aviation and the aerospace successes of today. The U.S. Mail Service by Air became the very heart of American aviation as it pumped life and vitality into this fledgling industry, at that time and even later.

The legislative father of air mail service is Representative Morris Sheppard, of Texas, who introduced the first bill on air mail in 1910. The measure did not pass, which is understandable, since few Members of Congress had ever seen an airplane.

It was not until 1918 that Congress appropriated funds to inaugurate this service. Congress, I reemphasize, voted $100,000 for 1 year for air mail. Our fiscal 1968 budget for air mail is $200 million.

The first plane used for carrying mail on schedule was the Curtiss Jenny. It was, however, a later plane—the De Haviland-4, that made such a constructive contribution to the early development of airmail service. The Jenny had a top speed of approximately 118 miles per hour.

In the early days, the amount of mail was so negligible that the aircraft carried only a few pounds on each trip. Today, our domestic airlines originate over 1,500,000 pounds of airmail—or nearly one thousand tons each day.

The golden anniversary celebration of this pioneering effort began in San Francisco on February 21, when the design of the special U.S. Air Mail Commemorative was unveiled. That city was chosen by virtue of a moment in airmail history which took place in 1921, when, for the first time, mail crossed the Nation from coast to coast.

On May 9, 1968, pilot J. W. Hackbarth flew an exact replica of the 12 cylinder DH-4 biplane into our Nation's Capital, and with appropriate ceremony this historic event was dramatized.

Postmaster General W. Marvin Watson also observed the occasion during a ceremony at the Smithsonian Institution, which embraces the National Air and Space Museum. I authored the original act, in 1946, to create this facility. We are hopeful that the building to house our historic aircraft and other aviation exhibits will soon become a reality.

ADDRESS BY JOHN H. CROOKER, JR., CHAIRMAN, CIVIL AERONAUTICS BOARD

Mr. MONRONEY. Mr. President, last week Mr. John H. Crooker, Jr., Chairman of the Civil Aeronautics Board, made the first public pronouncement of his views at the spring quarterly regional meeting of the Association of Local Transport Airlines at Seattle, Wash.

Although a highly respected and competent member of the bar at the time of his nomination, Mr. Crooker was unknown in aviation circles. There has, very naturally been a great interest since his nomination in what this new Chairman thought, what his views were on the major aviation issues of the day, and how great an understanding of the aviation industry he might have or could acquire in a short period of time.

Mr. Crooker's speech at the ALTA meeting answers many of these questions. His speech demonstrates a remarkable understanding of the aviation industry, as well as the perceptiveness and astuteness of the new Board Chairman.

His statements on the probable actions to be taken over the next few years by the Board and by Congress on subsidy to local service carriers and new route awards are cogent, concise, and I believe close to the mark. His concern over the possible "overbuying" of new equipment by the locals is one I share and one which applies equally well to the large trunk airlines.

Mr. Crooker's deep interest in expediting procedures at the CAB and his decision to be the personal representative of the Board to the administrative conference are encouraging to those of us who have urged a simplification of the lengthy and cumbersome procedural requirements of administrative agencies.

If Mr. Crooker's first public statement is any indication of those to come, the Members of Congress, the American public, and the regulated industry can be sure of fair, impartial, swift, and perceptive treatment.

I ask unanimous consent that Mr. Crooker's speech be printed in the RECORD.

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

ADDRESS BY THE HONORABLE JOHN H. CROOKER, JR., CHAIRMAN OF THE CIVIL AERONAUTICS BOARD, BEFORE THE ASSOCIATION OF LOCAL TRANSPORT AIRLINES SPRING QUARTERLY REGIONAL MEETING AT SEATTLE, WASH., MONDAY, MAY 13, 1968

The past 24 hours have provided me with several tastes of the future. Last night, in flying over the westerly part of our country, and reaching this beautiful City which borders on the Pacific Ocean, I felt that I was seeing what we might term a "land of the future",—with the great attractions which the West Coast has for the thousands of Americans who migrate westward each year. This morning, in walking through the great Boeing complex, I knew I was getting previews of some of the outstanding and almost unbelievably advanced "planes of the future". Aircraft of the next generation are being produced here—the 737, which is of especial interest to the members of ALTA for the part it will play in the short to medium range markets—the 747, which will provide high density air transportation in the medium to long range markets—and the fabulous Supersonic Transport, the 2707, which will transport passengers and cargo at speeds unthought of just thirty years ago when the first Civil Aeronautics Act was adopted by the Congress of the United States.

It seems to me that it is especially fitting that at your meeting here in Seattle in the State of Washington only a month off from the 30th Anniversary Year of the Civil Aeronautics Act, you have as the speaker at your dinner tonight one of the Senate's most illustrious members, and one most interested in the future of aviation—the Honorable Warren G. Magnuson. He has amply demonstrated his support of aviation and air transportation during his many years as Chairman of the important Senate Commerce Committee and as Chairman of the Appropriations Subcommittee for Regulatory Agencies, including the CAB.

Impressed as I was with my tour through the Boeing plant this morning, it goes without saying that Boeing's great contributions to aviation are nothing new. Exactly 24 years ago today—May 13, 1944—the five thousandth Flying Fortress was christened in this city. Ten years later, the first Boeing jet transport made its maiden flight; and a little over a year ago, Boeing's thousandth commercial jet liner was rolled out.

At lunch here today with you dynamic leaders of the Local Transport group, you and I need not assure each other that we all have supreme confidence in aviation's bright future. If we did not so believe, we would not daily be doing the things in which we are engaged. Neither shall I bore you with mathematical statistics and forecasts with which you are more familiar than I. It seems that

the topic on which a CAB member might best muse at this juncture is: Into what regulatory and procedural setting will aviation's future be cast?

Many years ago, in the movie, "Song of Bernadette," Loretta Young played the part of a Nun raising funds for a proposed new school. In a pitch to a potential donor, she blithely said that the good sisters had all the problems solved except land and money. I assume today that you executives of the local transport group have all your problems solved except routes and money; so let's talk about those now.

Initially, as to subsidy—Let me omit here a discussion of the Alaskan local service carriers, because the Alaskan problem is unique, great distances; sparse population; and such seasonal weather variations that transportation of mail costs twice as much one time of year as it does at another. The amount of fiscal year 1969 subsidy which will be paid to Alaskan local service carriers approximates the expected subsidy carry-over from fiscal 1968—so essentially whatever is appropriated by the Congress in the next couple of months will be the amount of subsidy available for fiscal year 1969 for the local carriers in the 48 contiguous States.

For this purpose, the budget request by the CAB was $47.6 million. As you doubtless know, the House of Representatives appropriations committee recently pegged this figure at $45 million. We had hoped for $47.6 million, because this larger amount represented a careful CAB forecast, plus Budget Bureau approval after a sharp and detailed scrutiny. We shall continue to do our best with what the Congress does make available to us.

But general economic conditions today may require the Congress to economize even in this very vital area. And this merely points up what the subsidized airlines must consider as a climate in which you and we will be operating in the early 1970's.

I am aware that the Federal Aviation Act requires the Board to pay subsidy to each air carrier according to its "need" to the extent that the carrier operates under "honest, economical and efficient management". I am also aware that the carriers have an absolute right to the amount of subsidy the Board finds is required without regard to congressional appropriations. However, you know that the Board has committed to the Congress and you have committed to the Board that every effort will be made to reduce the amount of subsidy on a continuing basis, and I know of no reason to question the importance of that commitment.

There is no question but that a major reason for the Board's vigorous "route-strengthening" program for the local service carriers was the expectation that it would cause your subsidy need to decline. It is clear to me that all of us—the Board and you carriers—cannot falter at this point in our efforts.

In trying to look farther ahead than merely the next fiscal year, however, let me invite your attention to the fact that at a Senate Committee hearing earlier this year, I discussed the probable time (roughly a full six-year CAB term hence) when total subsidies (excluding Alaska) would be in the 5 to 10 to 15 million dollar range. Under such a formula, "par for the course" on total subsidy reductions might be considered as being in the almost $5 million per year range. It is the desire and intent of the CAB that you should—and it is the conviction of the CAB that you can—enjoy an appropriate rate of return on investment during these next six years, considering such subsidy reductions, if your management is sound and prudent, and if the demand for air transportation continues to grow as it has in the recent past, within a generally prosperous total U.S. economy.

Let's talk about broad categories of things that could, within these general (subsidy total) guidelines, affect your "group-wide" rate of return: some things that are unlikely; some things that you can do; and some things that the CAB can do.

What things are unlikely? Well, let's discuss four possible items here:

(1) There probably should be no large scale, across-the-board, fare increases, if such increases would place the cost of air transportation out of the reach of a large number of travelers in our smaller cities. Our own economic forecasts indicate that the amount of traffic is most closely tied to reasonable charges—so unreasonably high fares would, in our judgment, result in such declines in the amount of passenger traffic, that you would gain nothing in profitability of operations.

(2) Another thing I believe is doubtful is to torture the concept of "route-strengthening" into what is merely route expansion or system enlargement, without firm estimates of favorable economic results.

(3) In the markets where there is sizeable traffic, in which you serve along with a trunk carrier, probably the trunk carrier had nonstop authority before you did. It is not probable that there will be an elimination of competition, because competition itself tends to develop good service and a rate structure which protects the public.

(4) Lastly, on the "improbable" list for today's discussion is ending service to any significant number of smaller cities. Hence (by resourcefulness and ingenuity), alternative methods of service should be sought if it is just not economical to continue service by planes as large as Convair 440's or even DC–3's.

This latter point is important. While the "route-strengthening" program is very significant, we must not permit it to overshadow the purpose for which the local service carriers were first certificated about two decades ago—to offer service to the smaller communities of our country.

I am concerned that as the local service carriers increase the size of their operations and continue to enter longer-haul, higher-density markets in competition with trunklines, they might tend to concentrate less on service to the smaller communities. This is not a price we are prepared to pay for the route-strengthening program. I recognize that airlines which are in the process of acquiring and operating aircraft such as DC–9's and 727's in competitive markets find it difficult to operate the type of small aircraft which can serve their smaller cities economically. But, this is a problem to which you must apply all your imagination and ingenuity in order to avoid unacceptable results.

Two of your members have embarked on programs which, it seems to me, give great promise toward a solution to a portion of this problem. I refer to Air West's Mini-Liner service and Allegheny's contract arrangement with an air taxi operator, Henson Aviation, at Hagerstown, Maryland. Air West has acquired Piper Navajo equipment and has determined to provide service to several of its smaller communities with these aircraft instead of the F–27 and DC–3 equipment previously in use. The volume of service has increased as has the total traffic carried. Service is now provided in markets which formerly did not receive service with the larger aircraft. In an effort to provide an incentive to your carriers to institute such experiments, the Board has provided, in Class Rate IV, for subsidy to be paid for services with air taxi equipment. Although the subsidy provided is less than would be paid for a DC–3 or F–27 operation, it is large enough to create an incentive to institute service with small aircraft. In my view, under this type of approach, all concerned benefit—the carrier, the communities, and the Federal Treasury.

The Allegheny approach is somewhat different. Under it, the operation is conducted by an air taxi operator, but with Allegheny having a continuing obligation to provide service if the air taxi service falls below a prescribed level. Since the traffic in the market at issue is relatively large, no subsidy whatsoever is required. In fact, I was very interested to learn that in the first four months of this year, the traffic carried by the air taxi operator at Hagerstown was 82 percent higher than Allegheny's traffic a year ago.

These two approaches are positive attempts to meet the problems of service to the smaller communities. They both have recognized the advances which have occurred in small aircraft technology and they have used these advances to benefit their communities while reducing federal subsidy.

A crucial element of both of these arrangements is that the local service carriers certificated at the communities retain their obligation to provide the service the Federal Aviation Act requires. I would urge all of you to look at your own route systems to see whether either of these methods can be utilized in your efforts to improve services to your smaller cities. But, whatever course you follow, service to these communities must remain a primary concern in the future.

Let me allude to equipment purchases, because I am seriously and genuinely concerned over the airlines recent very heavy equipment purchases. In looking at the March, 1968, statistics, I noticed that the local service carriers serving the 48 contiguous States showed a 27 percent increase in revenue passenger miles, over March, 1967. Anyone hearing this figure alone would conclude that the local service carriers are making money, hand over fist. The principal reason that this is not the case is that the local service carriers bought a tremendous amount of new equipment during that 12 months; and the available seat miles rose 40 percent over the same month a year ago, while traffic was rising only 27 percent. You people have, of course, exercised your considered judgment about how much new equipment to buy. I know that when some new plane (take the DC–9, for example) comes out, you all feel (perhaps properly) that you have to buy some. Maybe you do this not merely for the operating efficiency, but also from the standpoint of "image", so that you can advertise that you have the latest, the greatest, the best, and the plushest,—so that the public will conclude that you can serve the passenger better than your competitor does. Let me use a term loosely here—"overbuying" is used here to describe the purchase of substantially more equipment than the projected traffic increase warrants. Anyone understands how, once in several years, there is this over-buying. Maybe the manufacturers won't hold your delivery position unless you accept deliveries somewhat earlier than you actually desire. Also, at the inauguration of new service, there is often an awkward period of having more supply than is required by the immediate demand,—but the hope and expectation (often realized) are that increased demand will soon justify the initial excess capacity. The thing which would really concern me would be to find, this time next year, that your available seat miles had again increased significantly more than revenue passenger miles had increased.

The effect of "over-buying" has another and indirect effect on expenses, which eventually will be of concern. Advertising and sales promotion expenses by local service carriers jump abnormally when an airline tries to fill up the additional available seats.

We are cognizant of the fact that on short-haul runs, the local carrier competes with surface transportation, so some advertising is essential in order to increase gross revenues. In new markets, where you may be in competition with some trunk line, your operating expenses during the first year or two of service might equal or exceed your gross revenues, but advertising would still (in good business judgment) be needed to build up the future volume of traffic. I do not now propose

that we put an absolute limitation on Sales and Promotion expense (even percentagewise to gross revenues) in the way that executive salaries are limited, for subsidy computation. But since there was about a 27 percent sales and promotion expense increase by the local service carriers in fiscal year 1967 above fiscal year 1966, it might behoove each carrier to examine carefully, the percentages by which these expenditures may increase in the future, to ward off any such limitation on advertising expenditures in future subsidy determinations.

From the matter of how subsidy is determined, let me get into the question of fixing and application of the Class Rate formula. In any possible future revision of the formula, the aggregate subsidy ceiling might well be dropped below the $60 million upset figure used when Class Rate IV was adopted. Moreover, there may be less emphasis on other formula components than on seeing that air service to a particular number of communities is continued. If so, the general "per carrier" figure (now on a basis of some $2 million per year) might be weighted—weighted—less; and the matter of stations served and/or flights (up to two per day) made to the subsidy-eligible cities and towns might be weighted more. Lastly, as to "credits" against the subsidy amounts to which you would otherwise be entitled—that is, as to subsidy reduction items—you know that, irrespective of the exact formula, if the gross aggregate revenues of the local carriers increase by some $50 million per year, and the total amount of subsidy paid drops by 10 percent or so of that figure, you are (in effect) having a reduction equal to about 10 percent of new revenues. Passenger revenues for the local carriers for the 12 months ending March 31 were about $50 million more than in the 12 months ending March 31, 1967. I believe that businessmen generally would say that if you are already operating your company, and you already have personnel at the cities you serve, then (on the average) if your segment of the industry can get a dollar of new revenue (even though, admittedly, there are some increases in operating costs), the nation's taxpayers are entitled to have the local carriers tithe.

You realize, I am sure, that I am not suggesting a formula which considers nothing but a credit equal to a percentage of new revenues. There are other significant economic factors to consider. There are some disparities and inequities which would exist, among the individual carriers, if those finer lines were ignored. One of these finer lines might involve clear separation of the vital statistics (as to revenue, cost, investment and profit) for the "non-subsidy" routes, from your total statistics on revenue, cost, investment and profit. Such information would permit us to know your requirements for those routes we have said will be subsidized. Also, these facts would permit us to measure the success of the non-subsidy route awards, as a means for reducing your subsidy need. I realize that this is the kind of statistical breakdown which may be difficult to achieve, but we are going to attempt the job at the CAB in the next several months. Naturally, we will be calling on you for help in this analytical job, which is important to all of us. But in returning to the aggregate industry-wide annual subsidy reductions, it might be well for the local carriers not to lose sight of this 10 percent of new revenues "ball-park" figure. At all events, if we are all still around six years or so from now, it will be interesting to see how the drama has actually unfolded, versus our 1968 gaze into the crystal ball.

Having talked about what probably won't be done, and about what the carriers may do, let's talk about the CAB these last very few minutes. In the past two or three years, we have initiated and followed very active route programs for local service carriers. These have been procedural as well as substantive. Our objective is to use new methods to expedite formal and informal cases, where there appears to be good possibilities for subsidy reduction while we maintain and improve service. Our efforts have been exerted in three ways—(a) Show cause proceedings; (b) Priority treatment for route realignment cases; and (c) Subpart M.

The CAB has used the show cause procedure increasingly in the past two years. Piedmont has been granted entry into New York. Allegheny's Pittsburgh/Huntington segment has been extended into Nashville/Memphis. Lake Central was given authority between Columbus/Dayton and Pittsburgh.

I will not dwell at length on Subpart M, of Part 302 of the Rules of Practice and Economic Proceedings, because our real expert in this area has already given you a detailed discussion of this topic. This morning, Mr. Emory Ellis, the Assistant Director of our Bureau of Operating Rights, effectively covered Subpart M with a very clear and thorough talk, pointing out what has occurred in the ten cases now on file, and giving you a timetable we hope to be able to maintain in relatively simple proceedings, under Subpart M. In many instances, cases may be processed in seven to nine months, rather than in twelve to eighteen months, as might have been the situation had we not made this deliberate effort to accelerate our processing of these specific applications.

For the information of the trunk carriers, as well as the local carriers, I might also say that our efforts to expedite our procedures are not concerned solely with Subpart M. Both inside and outside the Board, we are continually seeking to cope with the Board's workload quickly and effectively, without losing the quality of the judicial process in doing so. As to our internal procedures, there may be future simplifications forthcoming, as to standardized, less bulky, and less cumbersome exhibits which will be utilized in route cases. In some specific types of proceedings involving the trunklines, a companion part to Subpart M may emerge.

Outside the Board, we are keenly interested in the work of the Administrative Conference, the first plenary session of which will be held two weeks from today, chaired by the very able Jerre Williams. Each of several agencies is privileged to name one person as its delegate on the Administrative Conference; and I have been so impressed with the importance of studying all major possibilities for procedural and administrative shortcuts in getting the workload of the Board handled, that I designated the Chairman of the CAB as its representative at the Administrative Conference.

In short, it is my hope that whatever strengthening we can provide for the scheduled air carriers, we must do more quickly. Any new applications involve, of course, carriers, the communities and the Board. As to you local carriers, we do not expect that you can maintain the greatest financial stability plus outstanding service to the traveling public, without some route strengthening—especially if there be subsidy decreases of the magnitude outlined today. So give your own present service patterns your most careful consideration; and then give us your conclusions and projections, within the framework of the policies the Board has enunciated in the past couple of years about what may be approved in the way of strengthening.

The local service airlines touch more than 500 cities and towns in America. In geography more than demography, you represent America. You undoubtedly have that resilience, that resourcefulness, that perseverance, which comes from being close to the people. 1967 was not the best year the local carriers ever had, in rate of return, for some of the reasons relating to accounting and purchase of equipment which I have discussed here today. But when you reflect on a $50 million increase in passenger revenues for the 12 months ended March 31, as against the figure for the preceding year, you and we cannot help being optimistic for the future.

A public figure of our day recently reflected on the complex problems of our times, and on how the future looks to the weak and fainthearted. The thought was that such people viewed the complex problems of the future with much trepidation. But for the thoughtful and the valiant, the future is the ideal. In commercial civil aviation, you in the industry and we at the CAB strive to be counted not among the weak or fainthearted, but among the thoughtful and the valiant.

THE PARIS PEACE TALKS

Mr. McGEE. Mr. President, the world waits and watches while negotiators in Paris meet. We watch and wait to see, primarily, if the North Vietnamese are going to get down to business, or if the purpose they have is to keep on fighting while utilizing the Paris talks to propagandize the United States into what William S. White has called "an escape-proof box on the bombing issue."

The American delegation, led by Ambassador Harriman, will continue patiently to seek an honest approach to honest negotiations. There is no danger that they will submit to the trap which the North Vietnamese are trying to lay for them. But the issue still remains obscured by the massive cloud centered over the North Vietnamese negotiators and the intentions of their government. The Washington Star, last Sunday, editorially speculated about the possible method in Hanoi's apparent madness—for it is madness, by our standards, for North Vietnam to persist in military engagements that cost her dearly. To Hanoi, William S. White said in the Washington Post a day later, the name of the game is propaganda—propaganda aimed, as always, at sapping our will to keep resisting their attempts to take over South Vietnam.

Mr. President, I ask unanimous consent that the Star's editorial and William S. White's column be printed in the RECORD.

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

[From the Washington (D.C.) Sunday Star, May 19, 1968]

CAN THERE BE METHOD IN HANOI'S MADNESS?

One assumption is that the North Vietnamese and the Viet Cong are pursuing the shooting war in the hope of gaining some military advantage which will improve their bargaining position in Paris. This doesn't seem to make much sense at this point, however, since their military efforts have produced a series of costly defeats.

Another assumption or suggestion is that the talks in Paris will not reach the point of serious peace negotiations this year, and that Hanoi is determined to keep fighting until it can get a clearer reading on what the November elections in the United States will produce. If there is any basis for this line of thought, and there may be, the enemy presumably hopes that continued heavy casualties will increase anti-war sentiment in this country and lead to an election verdict more favorable to Hanoi's chances of gaining through negotiations what it has not been able to gain in conflict.

Let's get back to the first point. By any rational military standard the results of the fighting in 1968 add up to a disaster for the

enemy. Approximately 85,000 of their troops are reported to have been killed since the beginning of the year. The Tet offensive, a treacherous surprise attack, looked at first blush like a successful operation, at least in some respects. But it ended in ghastly failure in terms of relative troop losses. The footholds won in numerous South Vietnamese cities at very heavy cost have all been lost. The damage to the pacification program, which was real, is being repaired. And even the psychological victories which the Communists were said to have scored have been largely reversed by the follow-on fighting.

When the fury of the Tet offensive had subsided, it was fully expected that a strong "second wave" attack on the cities would be made in short order. Well, it was rather slow in coming, but come it did. And with what results?

The enemy killed many civilians, destroyed hundreds of homes with mortar fire, and lost over 5,000 of their own troops in the process. The losses among American and South Vietnamese defending forces were "light." But Hanoi's greatest loss in this abortive second attack on Saigon was in the area of psychological warfare.

During the Tet offensive a terrified civilian population, dismayed by the initial success of the assault, was unwilling to assist the defenders. A bullet in the back of the head is an effective intimidator. So is the cold-blooded murder of a neighbor's wife and children.

But it was different on the second go-round. For one thing, lacking the advantage of surprise, the Communists did not penetrate deeply into Saigon. For another, most of the civilians didn't panic. Some of them actually went to the police with information as to where enemy troops were hiding. A North Vietnamese defector, Lieut. Col. Tran Van Dac, put it this way: "The second offensive was worse than the first. We received no cooperation from the Saigon people." Col. Dac also offered this comment on the significance of the attacks on the cities: "The Communists claim these attacks as their greatest victories. But I think they are their greatest failures."

However that may be, no one is saying today that the "second wave" brought any kind of victory, psychological or otherwise.

Another episode in Hanoi's strategy of fighting while talking, or getting ready to talk, was the siege of Khe Sanh. This battle began in mid-January and lasted for 71 days.

Khe Sanh is important in that it is a strategic point guarding the infiltration routes from Laos into South Vietnam. Trying to break into the Quang Tri River valley, the Communists began with a heavy attack on another outpost—Con Thien. After weeks of bitter fighting, that assault failed. Hanoi then slipped its troops, perhaps some 20,000 of them, toward Laos for the attempt to take Khe Sanh, which at the time was being held by 1,000 Marines.

Deciding to fight for Khe Sanh, General Westmoreland sent in 5,000 more Marines, 500 South Vietnamese Rangers and a small contingent of Navy Seabees.

The odds, assuming the accuracy of the 20,000 enemy troop estimate, did not appear to be good. And there were predictions that Khe Sanh would be an American Dien Bien Phu, the siege in which the Vietnamese broke the back the French in 1954.

But these predictions were wrong. The enemy, pounded day in and day out by artillery, rockets and bombs broke off the siege and stole away. The most conservative estimate is that he lost 6,000 men—killed. The total Marine dead was 199.

Actually, although there were numerous probing attacks by the Communists, they never tried to mount a major assault on Khe Sanh. And beyond any doubt the reason was that, indifferent though they are to loss of life, the North Vietnamese commanders simply could not accept the casualties that would have resulted had they massed their troops and exposed them to the incredibly overwhelming American firepower.

Still, they fight on. The week of May 4–11 saw 562 Americans killed—the highest toll for any week of the war. South Vietnamese fatalities were 675.

This was not due to any major engagement that produced a significant victory or defeat for either side. It was, rather, the result of a series of small but bitterly fought engagements. True, the U.S. Command reported that 5,552 Communists were killed during the week. But the people of North Vietnam are not going to rise up against Ho Chi Minh because he is willing to accept inordinate losses. All that the North Vietnamese hear about are the splendid "victories," not the costly defeats.

If the continued fighting and the mounting casualties create no major problem for Ho, however, they do for us.

Some time must pass before our government can determine whether Hanoi's agreement to talk was an act of good faith, and also whether the enemy is taking military advantage of the reduction in the bombing which President Johnson announced on March 31.

It is too soon to be certain, but there have been indications that the rate of North Vietnamese troop infiltration has been stepped up. If even heavier fighting in the future should confirm this, and if Ho's negotiators merely stall in Paris, the President very probably will have to order a full-scale resumption of the bombing in the North. And this despite Hanoi's hope, if this is the fact, of softening the American will to fight.

[From the Washington (D.C.) Post, May 20, 1968]

TO HANOI NAME OF THE GAME IN PARIS TALKS IS PROPAGANDA

(By William S. White)

The name of the game currently being played by the North Vietnamese Communists in the Paris talks with our people is, of course, propaganda, but propaganda of a special and acute kind.

Their clear and central purpose, in these preliminary negotiations-toward-negotiations, is to put this country into an escape-proof box on the bombing issue and specifically to exact from the United States Government what they are not in fact going to be allowed to extort from us.

They want not simply a continuation of the present suspension of American bombing over about 90 per cent of the effective part of North Vietnam but also an assurance of a permanent sanctuary for the Hanoi-Haiphong area.

They believe that the tireless clamor from American doves, plus that of like-minded forces abroad, plus the human desire of so much of the world for a solution at all costs in Paris, may force Washington into further one-sided concessions while Hanoi continues to make no concession at all.

Already, the American doves are pushing the line that having once entered upon the present partial bombing holiday the United States really must not ever, ever even think of going back to substantial air action against the enemy, regardless of what that enemy may do and in truth is already doing in the way of offensive action. This, it is argued, would be a dreadful shock to "world opinion," bring disillusionment everywhere to the seekers of "peace," and so on.

It is a pretty neat ploy, for it is undeniably true that the moment President Johnson made his strikingly generous offer on the bombing matter he took a great risk, as he himself well knew, of setting off an undue optimism which would be certain to react with automatic ill favor toward any development that might seem "negative."

And having already got a big lift from the partial bombing holiday, the Communists not unnaturally and even inevitably are seeking to score an outright ten-strike by bringing Hanoi-Haiphong under the umbrella. Why? Simply because as of now the enemy is required to maintain a military and civilian work force of half a million men in that area both to stand guard against air attacks and to clean up after them when and if they occur.

Let these fellows know for certain that no more bombs were going to fall thereabouts and they would of course be free to send substantial elements of the half million southward against South Vietnam and so very heavily escalate the escalation which in truth they are already applying.

So it is, as so many times before it has been, that the American doves, no doubt with the best of intentions, are again playing Hanoi's game. Still, there is an old problem and an old story to the policy makers here; at least they had been amply forewarned.

The American delegation in Paris, therefore, will go on patiently seeking an honest approach to honest negotiations, in which both sides, and not merely one, would make some concessions, but there is no danger that Washington is going to submit to a propaganda trap that would send Hanoi-Haiphong forever home free from American counteraction.

The net of it all is this: If only the North Vietnamese Communists can be made to understand this, there is yet hope that Paris may eventually produce genuine progress toward honorable peace. If not—and the belief here is that we shall probably know one way or another within about a month—the war is going to be more of the same, only more so.

DANGERS TO EMPLOYEES OF GOVERNMENT PRINTING OFFICE

Mr. BREWSTER. Mr. President, yesterday, I was visited by three officers of the Columbia Typographical Union No. 101—AFL–CIO. They came to discuss the crime situation in the District of Columbia with particular respect to the dangers faced by employees of the Government Printing Office.

The situation described by the union officers was another example of the urgent need for additional police protection in the District of Columbia. I addressed myself to this problem in my speech to the Senate earlier this week. In addition, I have again communicated with the Mayor of the District of Columbia about the problem, with particular respect to the Government Printing Office.

Another aspect of this problem also deserves the attention of the Congress. The employees of the Government Printing Office—and every Government office, for that matter—should be assured of adequate and safe parking spaces. It is my hope that the chairmen of the Committees on Public Works of the Senate and the House will carefully consider legislation to establish firm standards for the provision of parking facilities as a part of all future Government construction.

Mr. President, the union officers gave me a detailed report of the situation at the Government Printing Office. I ask unanimous consent that it be printed in the RECORD, together with the text of my letter to the Mayor in that regard.

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

DANGERS TO EMPLOYEES OF GOVERNMENT PRINTING OFFICE

I am Charles F. Hines, President of Columbia Typographical Union #101, a local of the International Typographical Union, AFL–CIO. I represent approximately 4500 printers working in the Metropolitan area of Washington, D.C. of which approximately 1800 members are employed at the United States Government Printing Office.

I sincerely appreciate the opportunity to appear before this Committee to testify as to the deplorable conditions surrounding the United States Government Printing Office today. Conditions, which if not corrected immediately, will surely lead to a number of deaths due to violence by gunshot, stabbing or a severe beating. These conditions, as you are probably already aware, actually exist in the immediate vicinity of the Government Printing Office and most of Washington, D.C.

I appear before you today more irate than anything *else*, because it seems that the police protection in the Metropolitan area of Washington D.C. and the Government Printing Office in particular, is not adequate enough to protect decent citizens endeavoring to go to and from work. These employes actually go to work with fear in their hearts, fear that they will be next on the list of the hoodlums who wait like wild jungle beasts, ready to pounce on their prey. Irate because all I see and read in the newspapers of this city, are excuses as to what is going to be done next week, next month or next year and excuses as to why we should not have ill feelings in our hearts for the poor underprivileged person or persons who just robbed and beat you on the streets, while you are on your way to work, or on your way home.

I cannot blame the Public Printer, Mr. Harrison, or any of his assistants, because they tell us that they are not getting as much response with their requests for more protection as they would like. The Police Department is hamstrung with a lack of manpower and of course their answers to the Public Printer are that they just do not have the men available to do the proper job.

I requested the Director of Personnel at the Government Printing Office, to give me copies of correspondence between the Public Printer and District officials pertinent to Government Printing Office requests for more attention, but of course I was denied this since it is personal correspondence and I cannot find fault with that.

The Vice President of our local, Mr. Donald Taylor, has worked long and hard in past years trying to get better protection and actually has succeeded in getting as much as the Police Captain of the Precinct could possibly give. The Captain has his limits also and is hamstrung by lack of help and authority for his men to act.

At one time we had police with dogs patrolling the area and they were doing a reasonable job when suddenly some groups cried out that this was police brutality and the dogs disappeared. We were fortunate though, because the right approach was made and the dogs were put back with the patrolmen on their beats. The only problem here is not enough of the patrolmen and their dogs and then if the hoodlums do get caught, the courts let them free to repeat what they did before.

I wonder sometime why it is when decent taxpaying citizens get caught for a traffic violation, they never get handled in the same manner. It always costs us because we are supposed to know better.

Every night in the week, tires get slashed and stolen, batteries stolen and in some cases, the car itself, disappears. The Insurance Companies are getting fed up to the teeth and some companies will not insure people living and working in these areas.

In a memorandum recently, issued at the GPO, all men were asked to walk in groups for their protection—this only makes it more convenient for the thugs and hoodlums to hold us up and get a bigger haul. Just last Monday evening three (3) of our men going home together at 1:00 a.m. were held-up at gunpoint and robbed of their wallets, watches and anything of value.

The wife of one of our members who was going to the Personnel Office of the GPO for her husband, at 10:00 a.m., in broad daylight, was jumped on at North Capitol Street and beaten and robbed. I believe they also fractured her shoulder and she was left severely bruised.

We have rules and regulations at the GPO forbidding the carrying of guns or concealed weapons into the building and I am not kidding you when I tell you that some of the employees at the GPO look like something out of the old western days. Many carry weapons because they fear for their lives. This is a very unhealthy condition and could, some night, set off a riot in the streets. I do not condone this but I do not blame these men one bit for doing it.

Some of our members have fought for this country in two wars and have come through unscathed and I don't think it is just for these men to have to be fearful for their lives when they are trying to earn a livelihood. These men tell me if something is not done soon that the GPO will suffer because of lack of help due to the fact that they will quit their jobs rather than risk life or limb.

We just finished negotiating for a raise in pay for these men at the GPO, now we are literally negotiating for their safety and their lives. I would like to have some of the bleeding hearts in our society come down and walk the streets with us, going to and from work with our members and to see how they appreciate being molested and robbed or having their cars wrecked or parts stolen off of them constantly. We should send a few of our top officials down there also, particularly the ones who are so full of love for their fellowmen and who are only fooling the public with their oratory. They say we need more laws—I do not agree, we need only enforce the laws presently on the books—laws for everybody, every color, every creed, but on the same equal basis of justice for all and laws that are enforced by the Courts equally for all races, majorities or minorities.

In a speech by the President of the United States, sometime back, he encouraged all Americans to put their shoulders to the wheel and take up their places of responsibility beginning with the home, the community and in every walk of life. I agree and I think we should. We should start right up on Capitol Hill and in the Courts by ending the coddling of these thugs and hoodlums in the District of Columbia and in our nation.

I say—give the law enforcement agency back their powers; give us some protection or gentlemen don't come crying to the Union leadership at the GPO because some day the Government's printing doesn't get out on time. Our men are fed up and disgusted with the lack of effort by people who were hired or elected to represent them.

I am supplying a list of reported incidents at the Government Printing Office. These reported incidents are supplied by the Director of Personnel who will be anxious to see our problems solved also. There are many, many more incidents that are not reported to the officials of the GPO, such as damage to cars and personal property. Many are not reported officially to the GPO, because our people say what is the use.

You ask for suggestions, I have one big one. Federal troops—like during the Civil War or during our last civil disturbances, except this time, load the guns and use them if necessary. There is a definite, urgent need for some large constantly patrolled area for GPO employes to park their cars in. Plenty of lights and adequate patrolmen. This parking area can be either underground or fence enclosed and by permit only.

I am also supplying you with a list of the different starting times in one section of the GPO just to show you how easily it is to pick off men coming in staggered groups like these.

Thank you for your courtesy and cooperation on the matter.

I sincerely hope that our request will not fall on deaf ears and I am sure it will not.

Respectfully submitted,

CHARLES F. HINES,
President, Columbia Typographical Union #101 (AFL–CIO).

U.S. SENATE,
COMMITTEE ON COMMERCE,
Washington, D.C., May 22, 1968.

Hon. WALTER E. WASHINGTON,
Mayor, District of Columbia Government, Washington, D.C.

DEAR MAYOR WASHINGTON: On Monday of this week, I wrote to you following a meeting I held with a group of wives of D.C. Transit Co. bus drivers, concerning the crime situation in the District of Columbia.

Today, I was visited by three officers of the Columbia Typographical Union No. 101 (AFL–CIO) of the District of Columbia, concerning the crime situation in the District with particular respect to the neighborhood of the Government Printing Office.

I am taking the liberty of enclosing a copy of a statement the Union representatives gave to me.

I strongly endorse their request for increased police patrols in the neighborhood of the Government Printing Office to control what appears to be a serious situation in that area, including the GPO employees' parking lot.

As I said in a speech to the Senate yesterday, I believe the police of this City are doing a highly commendable job, but that there are not enough of them. Again, I offer you my assistance for whatever measures you may consider worthwhile to improve the degree of protection afforded the citizens of our community.

Sincerely yours,

DANIEL B. BREWSTER,
U.S. Senator.

FUNDS FOR RURAL ELECTRIFICATION ADMINISTRATION

Mr. BURDICK. Mr. President, I desire to speak in behalf of Rural Electrification Administration funding. My distinguished colleagues who are members of the Committee on Appropriations will soon be reporting appropriations for the Department of Agriculture which include funding for the REA programs. These programs are among the most, if not the single most, important Federal programs that have helped develop my State of North Dakota and, indeed, have helped many other Western and Midwestern States. I do not intend to belabor my distinguished colleagues with a recitation of the benefits derived from REA programs. The cooperatives that have been made possible by these programs have accomplished an outstanding task in bringing to the farmer and, in fact, to small towns throughout the West, the conveniences of our modern technological age. I urge my colleagues to give earnest consideration to increasing the funding allotment for REA loans. It is my understanding that the President's budget provided some $345 million for this line item.

I have reviewed some National Rural Electrification Cooperatives Association findings relative to the REA loan situation and shall present some of them.

As of July 1, 1967, which was the beginning of fiscal year 1968, there was a backlog of loan applications to the amount of $103 million. As of May 1, 1968, this backlog had grown to $326 million with $205 million having been approved as loans by the REA as loans during fiscal year 1968 up to May 1. By July 1, 1968, the estimated backlog of loan applications will have built up to $370 million based on the authorized loan program for fiscal year 1968 of $350 million.

Mr. President, this estimated backlog will build up to $422 million as of July 1, 1969, based on a $345 million program for fiscal year 1969. This means that from the beginning of fiscal year 1968 the backlog would have increased more than fourfold from $103 to $422 million. If we continue to reduce the funding of this important program we are going to do irreparable damage to the rural electrification system.

Mr. President, I ask my colleagues to give due consideration to these facts when fixing the authorization for the Department of Agriculture. I ask unanimous consent that the tables developed by the National Rural Electrification Cooperative Association be printed in the RECORD.

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

Table I.—*Summary of current situation with respect to loan applications on hand, received and approved by REA as of May 1, 1968*

	Millions
Backlog of applications, July 1, 1967	$103
Applications received, July 1, 1967, through Apr. 30, 1968	443
Total applications on hand and received by REA as of Apr. 30, 1968	546
Less loans approved by REA as of Apr. 30, 1968	205
Backlog of applications, May 1, 1968	[1] 326

[1] Totals may not add or subtract due to adjustments.

Table II.—*Findings of NRECA 1969 annual loan fund survey and its relationship to the budget request for fiscal year 1969*

	[1] Millions
Backlog of applications, Jan. 1, 1968	$236
Applications to be received January through June 1968	374
Total applications to be considered during January through June 1968	610
Less loans to be approved January through June 1968 [2]	—240
Estimated backlog of applications, July 1, 1968	370
Applications to be received, fiscal year 1969	396
Total applications to be considered during fiscal year 1969	767
Less loans to be approved, fiscal year 1969 (budget program) [3]	—345
Backlog of applications, July 1, 1969	422

[1] Totals may not add or subtract due to rounding.

[2] Authorized loan program for FY 1968 is 350. For the first half of FY 1968, REA approved loans for $110 leaving $240 available in the second half.

[3] The budget program for FY 1968 includes a regular authorization of $304-million and a $42-million carry-over from FY 1968.

TABLE III.—CUMULATIVE AMOUNT OF APPLICATIONS RECEIVED AND BACKLOG OF APPLICATIONS AT REA FROM JULY THROUGH APRIL OF FISCAL YEAR 1968

[In millions of dollars]

Fiscal year 1968	Applications received	Backlog of applications
As of July 31	15	91
As of Aug. 31	56	119
As of Sept. 30	91	136
As of Oct. 31	99	143
As of Nov. 30	232	275
As of Dec. 31	255	236
As of Jan. 31	275	218
As of Feb. 28	319	252
As of Mar. 31	363	268
As of Apr. 30	443	326

TABLE IV.—*Estimated amount of loan applications to be submitted to REA between Jan. 1, 1968 and June 30, 1969 (based on NRECA loan fund survey)*

Alabama	$39,629,000
Alaska	2,965,000
Arizona	2,013,000
Arkansas	44,009,000
California	2,211,000
Colorado	12,278,000
Delaware	1,616,000
Florida	23,322,000
Georgia	24,942,000
Idaho	8,122,000
Illinois	11,342,000
Indiana	35,112,000
Iowa	14,691,000
Kansas	11,635,000
Kentucky	34,115,000
Louisiana	10,835,000
Maine	----------
Maryland	5,357,000
Michigan	32,693,000
Minnesota	30,441,000
Mississippi	27,782,000
Missouri	22,178,000
Montana	6,631,000
Nebraska	28,227,000
Nevada	975,000
New Jersey	325,000
New Mexico	10,747,000
New York	331,000
North Carolina	22,097,000
North Dakota	17,769,000
Ohio	9,322,000
Oklahoma	92,342,000
Oregon	6,232,000
Pennsylvania	5,651,000
South Carolina	25,166,000
South Dakota	15,308,000
Tennessee	10,019,000
Texas	70,666,000
Utah	3,780,000
Vermont	1,005,000
Virginia	12,033,000
Washington	15,826,000
West Virginia	130,000
Wisconsin	13,975,000
Wyoming	4,590,000
Total	770,885,000

LATIN AMERICA

Mr. FULBRIGHT. Mr. President, my attention has been called to an excellent speech delivered by Ambassador Teodoro Moscoso at the 22d annual Hemispheric Insurance Day luncheon of the Chamber of Commerce of the United States in New York City on May 8.

Among many sound recommendations and perspective insights in this speech, I call attention particularly to the following:

Extend all economic and technical aid only through multilateral agencies—the Inter American Development Bank for economic and the CIAP—the Inter American Committee for the Alliance for Progress where we are out-numbered by the Latin Americans six to one and whose chairman is a Latin—for technical aid. Dismantle the United States aid apparatus in Latin America. Drastically reduce our embassy staffs, as Ambassador Tuthill has recommended. Let the Latin Americans use their own institutional tools and go their way in saving themselves.

This recommendation is all the more significant because it comes from the First Coordinator of the Alliance for Progress and a former Ambassador to Venezuela who has had wide experience in Latin America and in the administration of U.S. foreign aid programs.

I ask unanimous consent that the full text of Ambassador Moscoso's thought provoking speech be printed in the RECORD.

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

ON LATIN AMERICA AND REVOLUTION

(By Teodoro Moscoso)

The question insistently being asked by students of underdevelopment is: Can democracy serve modern revolution in the poorer third of the world?

As Galbraith has pointed out, in Asia, though the social structure is far from perfect, it does not present a barrier to advance. The pervasiveness of poverty makes the social structure relatively democratic. There, the problem is principally the redressing of the imbalance between people and resources. Sub-Sahara Africa suffers from a narrow cultural base, and education and training seem to be the primary requisites. Government structures are primitive and unable to cope with the educational and other requirements of its people. If the minuscule power elite takes over the government and its law-enforcing agencies, and if this small group is neither honest nor competent, there is hardly any hope. Not even communist repression and discipline can do much here. Witness Russia's disinterest in the area.

When we come to that part of the world which is the subject of my brief talk today—Latin America—the horse is of a different color.

To avoid the obvious criticism that I am generalizing about an area comprising many countries, some as diverse as Chile and Haiti, let us admit that time would not allow a spectral analysis of each nation in Latin America. With the accession of Trinidad and Tobago, and Barbados, to the Organization of American States (more later on this oldest and perhaps most disappointing of reigonal groupings), the task becomes immeasurably more complex. So generalize I must, but when I can I will try to mention the honorable—or dishonorable—exceptions.

Of the dozens of speeches I had to make during my tenure as first Coordinator of the Alliance for Progress, John Gunter's 1967 round up of the conditions of Latin America's insides quotes my favorite to head his chapter on Change: "The alternative is not between the status quo and violent revolution. It is between *peaceful* and *violent* revolution." To this President Kennedy added his own admonition: "Those who make peaceful revolution impossible will make violent revolution inevitable". And that student of revolution, Hannah Arendt, in a manner equally applicable to Latin America—and if you please, Viet Nam, has this to say: "In the contest that divides the world today, in which so much is at stake, those will probably win who understand revolution, while those who still put their faith in war as the last resort of foreign policy will find themselves masters in an obsolete trade".

The revolutionary zeal which the United States once contributed to history seems to have either faded or entirely disappeared from our political life except in the oratory

of the Fourth of July speechmakers—the one national holiday of the year which we specifically devote to insurgency, to the right to change our government by violent means if we must, should it prove a violator of our inalienable rights to life, liberty and the pursuit of happiness.

In Latin America the more responsible observers have reached the point of despair and there are indications, as some see it, that the social fabric may come apart, not by evolutionary, considered and deliberate democratic processes, but by the kind of direct proletarian action which, as Miss Arendt says, is the main revolutionary phenomenon of our times.

Has democracy failed the Latin Americans? Lionel Trilling recalls the uneasy feeling he used to have whenever there came to mind the remark of John Stuart Mills that there were occasions where the political tradition of a people made democracy impracticable. To Trilling this seemed to virtually abrogate the whole ethic of liberalism, that it was immoral to accept that democracy was not available to all peoples at any stage in their history. As the Latin American military and their reactionary, recalcitrant patrons continue to resist popular governments and retard or clamp down on social reform, the chances of violent social upheaval and possible destruction of the social fabric increase. Over the past five years, nine constitutionally elected Latin American civilian presidents have been deposed by military cliques. Today, as a group—and with a few honorable exceptions—the armed forces in Latin America are an anti-democratic force. They have feared any political program for accelerated social reforms that might ultimately veer towards "socialism", which when analyzed turns out to be no more than New Deal-type social reforms. The Alliance for Progress itself has stimulated or contributed to several of these military interventions since in the view of the Latin armed forces any United States support for social change and material development tends to encourage political instability and social disintegration. Since the key to power is the control of ultimate force and this is monopolized by the military, must we await the elimination or substantial weakening of Latin American militarism before we can hope for the reforms and changes which alone can save these countries from chaos?

Perhaps as Trilling fears, past experience in Latin America may enforce the truth of Mills' observation. Perhaps the assumptions and habits that make democracy possible are not to be found in every people. Baring a democratic tradition and with the winds of revolution blowing stronger, even under the lid clamped down upon them the military, isn't it likely that the military may be conjuring the very evil they most fear—authoritarian communism—as a reaction to authoritarian and often corrupt militarism.

Sociologists like Myrdal recognize that the idea of the need for a "guided democracy" rather than a parliamentary democracy is spreading throughout the underdeveloped countries; they are increasingly leaning towards some form of authoritarianism. If such an anti-democratic bloc eventually forms in Latin America, its military men will be judged by history to have been the principal destroyers of the democratic tradition which comes to us and to them from the Greeks—the idea that the right of power derives from the consent of the governed rather than from the will of those who govern.

This year Latin America may see a test between those who are willing to support democracy and those who would sacrifice it on the altar of what they short-sightedly call "effective government." Professor Lieuwen, perhaps the profoundest student of Latin American militarism, gives us the score to date: "The armed forces of Argentina, Brazil and Bolivia have endowed themselves with supermissions. They have decided that civilian political parties are inefficient and corrupt and that the armed forces are the only institutions capable of governing. Accordingly they have crushed the populist parties and rearranged constitutional procedures so that the military have the sole administrative and governing power."

And I add—this they have done with our—the United States—economic and military aid, with, at times, our overt blessing and with the full panoply of our diplomatic apparatus to aid and dignify them. In the specific case of Brazil, not only did our government send a message of support to the generals but our disapproval of the repressive measures of the new government was expressed in the mildest terms.

Compare our attitude with that of one of the truly great democrats of the hemisphere, President Rómulo Betancourt, of Venezuela, who says: "In the opinion of those who take a realistic view of the present situation in Latin America, peaceful structural change is dependent upon political stability. It is impossible to carry out long-term development programs unless they are conducted by democratic, freely elected governments which are subject to free analysis and criticism by public opinion. The so-called strong (i.e., military) governments can succeed, as they succeeded, in Latin America in temporarily repressing the aspirations of the people to a better life and of free enterprise to the development of its wealth creating activities. But each and every strong government, once it has been removed from the national scene, has left a heritage of fiscal disequilibrium, economic disorder, and deep-seated social rancor."

At the beginning of this talk I mentioned the differences between the problem of underdevelopment in Africa and South Asia. Now let me delve into those of Latin America.

Contrary to these other two great areas of the underdeveloped world, Latin America is Western, Europeanized, with a relatively broad cultural base. The engineers, economists, doctors, and educators are there. Not in overabundance, but still in sufficient numbers to form the necessary cadres. The balance of human and natural resources which is so overwhelmingly lop-sided in Asia is much more in equilibrium in Latin America. The great barrier to modernization in that area is its regressive social structures—its inefficient, self-serving, generally corrupt bureaucracy (with honorable exceptions, as I said before) and the pervasive power of an unenlightened military clique whose function, like that of the human vermiform appendix, is either unknown or of little value. The wealthy, educated elite, with very rare exceptions, has no commitment to social reforms, the rural masses are mostly disenfranchised; government is traditionally an instrument for acquiring unearned income rather than for providing much needed social services; and over all hovers the omnipresent military (again with a few honorable exceptions) ever leery of changes in the social structure lest they jeopardize their privileges; eternally suppressing reforms in the name of containment against communist subversion.

We in the United States with our aid have, unwittingly or not, helped to reinforce the military or back up a dictatorship while positively damaging economic development. Quite often our aid has preserved in power regimes whose very reason for existence was precisely to prevent the needed social reforms. The clarion call to pursue land reforms which President Kennedy gave at the initiation of the Alliance for Progress has gone mostly unheeded, or given lip service in those countries where social structure reflects the pre-eminence of those who own the land and the wealth.

"Political development is a process in time", says a former United States Ambassador to Brazil, and adds: "While fully effective constitutional democracy is the desirable ideal, it is not, in fact, in practice in many parts of the world." Which reminds me of a small sign my old friend Beardsey Ruml, of "Pay-as-you-go" fame, used to hang behind his desk: "They told me I couldn't do it, so I didn't even try."

During his mission in Brazil, and later, this influential official helped to fashion the policy that the United States must be prepared to stamp out hard not only on direct communist inroads into this hemisphere but also on governments (or uprisings, as in the case of the Dominican Republic) that it suspects might possibly bring communists to positions of power. Anti-communism has been allowed to become an almost religious obsession. It is disturbing to have the most powerful and the most internationally responsible nation on earth permit itself the impatient, insecure "safety first" reflex action of suppression change whenever it might turn out awkwardly. We seem to be afflicted by a national myopia which prevents us from distinguishing between nationalist protest and communist conspiracy.

The above brings me to a subject that particularly intrigues me: Can the process of political development be accelerated? That is, brought to maturation much sooner? We try through economic aid and technical assistance to accelerate economic growth and social change. May not similar techniques be fashioned so that the winds of destructive revolution are not required to achieve reforms?

Political development is a reflection of social structure; it means that creation and nurturing of institutions and processes whereby people organize themselves for political activities. This involves not only the routine operation of governments, but also the structural changes in government and its policies as problems and requirements change. To achieve this effectively there must be broad popular participation and political freedom. Political freedom, as Arendt says, means the right to participation in government—or it means nothing. It involves not only participation but a *sense* of participation. It means not only political parties, but political parties free of "caudillismo" and willing to face up to the oligarchies. Political parties fully committed to modernization—of the bureaucracy, of their industrial structure, of their agriculture, of their social services; committed to the eradication of corruption in government, and a reduction and professionalization of their military; committed to equitable and efficiently implemented tax systems, to social justice for all.

Political development has as a primary requisite, changes in attitude, and time is required to turn them around, as my former Harvard liberal friend who recently headed our Brazil mission reminds us. My point, however, is that *economic* development also requires changes in attitudes and nevertheless we and other countries are researching and experimenting with time compression in this field. Why not try the same with political development? We still understand very little regarding the process of political development. Much research is needed in this sphere. Just a few weeks ago my former boss at the Agency for Economic Development, David Bell, now a top Ford Foundation Vice President, told me that the Foundation was embarking precisely on this type of much-needed research.

At the regional level some progress is discernible. Mention must be made to the commitment the Latin American heads of State made last year to change the stumbling Latin American free trade area into a common market to which regional groupings such as the Central American and Andean common markets could obtain accession. But even more relevantly important is the change of command at the political level of the regional institution—the Organization of American States.

Less than three months ago Galo Plaza Lasso, former President of Ecuador, was elected to the top political post of Secretary

General. A reorganization of OAS from top to bottom is in the offing. It goes without saying that this oldest of regional bodies, if revitalized, can have a very salutary effect in the implementation of the much needed reforms to Latin America's regressive social structure. Since politicians are in many instances as resistant and fearful of social change as the military and the oligarchs, one wonders at the wisdom of having placed Mr. Plaza in such a key position. He is an oligarch, a landed aristocrat, a member of the very group whose attitudes must be changed. His land holdings are probably among the largest in Ecuador.

But Plaza is also something else. He is modern in his thinking, outward looking and has known first-hand social justice—and injustice—in many parts of the world. In his missions for the United Nations he has experienced revolutions with true socio-economic significance, not just the pseudo-type so prevalent in his own country in which dozens of times an out group seeks to grab power for power's sake and for the peculation which public office traditionally sanctions there.

We must not forget that it was a wealthy aristocrat, Franklin Roosevelt, who led the most far-reaching social revolution experienced in the United States since the Civil War. He was never afraid to speak out against injustice. Could Plaza turn out to be Latin America's F. D. R., having as he has the same patrician background and upbringing? I, for one, am willing to give him the benefit of the doubt. May he be able to see that Latin America's last hope is to transfer power to a much broader base, and may his background not stand in the way but rather, like Roosevelt, propitiate the change.

Risking the platitudinous, I must say that the fate of the United States is inextricably linked to the fate of Latin America. The proposition could have been stated in reverse. In both ways it has been said over and over again and much lip service has been prodigated on behalf of Pan Americanism and Hemispheric Solidarity. I would be the last to question the sincerity of all that has been said or the practical value of the concrete efforts made to bring forth the lofty ideals. It must be said, though, that the declarations, treaties, protocols, and speeches outweigh by far the progress thus far achieved.

Although I am very conscious about your valuable time, I make bold to impose a little further on your patience to furnish some facts to substantiate what may sound as my exaggerations or generalizations.

A little over a year ago the heads of practically all sovereign nations of our Hemisphere met at Punta del Este, Uruguay, looking for ways and means to improve the economy of Latin America. An action program was signed by the participating chiefs of state, including President Johnson. The main goals could be summarized as follows:

1. Initiate a Latin American common market which should be in substantial operation by 1985;

2. Develop projects involving more than one Latin American nation;

3. Improve the conditions of Latin American exports;

4. Modernize agricultural production;

5. Increase educational and health-care facilities; and

6. Eliminate unnecessary military expenditures.

Today, I am very sorry to say, very little, if anything at all, has been accomplished. As a matter of fact, in certain respects things have been sliding backwards. For example, in the all-important race between population and agricultural production, the former increased by 2.7% while food production only rose by a little over 1%. These figures in human terms mean that 250,000,000 Latin Americans are getting less food than they used to, no matter how meagre their pittance had been.

No country can do anything without its people. Look what is going on at this very moment in most of Latin America. Ten out of each hundred children born alive die before reaching their first year. Half of the surviving children will not reach four years. I will spare you the rest.

I think that the signs today being what they are and with time running short we better start actively looking for positive ways of showing that the Kiplingese dictum of "East being East and West being West and never the twain meeting" does not apply to North and South in this Hemisphere. Needless to say, this is more easily said than done. In our part of the world we find the same universal play of centripetal and centrifugal forces. The latter, I am sorry to say, seem to be prevailing. If we are going to do something about the partness characteristic until today in United States-Latin America relations, the best thing we can do is take stock of the forces that tend to keep us apart even when facing a common destiny made more and more evident by the facts of history already enveloping us and the ominous trends anticipating things to come.

Geography, climate, races, historical and cultural backgrounds could exert a centrifugal effect. Although it would be impossible to discuss all these factors in this talk, I will touch on some, in a concise and necessarily superficial fashion. Yet there is one aspect which I would like to discuss more leisurely. I refer to cultural differences which are a powerful deterrent of a deep and fruitful understanding between the two halves of our hemisphere.

I am not presumptuous enough to try to explain the intricate and manifold reasons why things stand the way they do, nor bold enough to offer a set of remedies and much less a panacea. My formal training as a pharmaceutical chemist makes me very wary regarding cure-alls. It will be better if I were merely to point out a cultural gap that clearly hinders a real understanding between the Americans while declaring my very candid willingness to open myself to all sorts of questions once I am through.

To start with, there is deep prejudice on both sides. Latin Americans talk and react as if all the Americans from the United States were racists, imperialists, greedy, uncouth, and more interested in the material things of life than in human and cultural values. I will leave the United States stereotype of the Latin Americans to your memory and your conscience. You will get the flavor of the Latin American image a little later. Both stereotypes, of course, are wrong, but little will be done to eliminate or at least weaken the mutual prejudices unless each party is aware of the basic cultural traits of the other.

For example, your Latin American counterparts know much more about the United States than you know about Latin America. I am willing to wager that at this very moment in many parlors and cafes throughout Latin America the basic policies of President Johnson's government are being knowingly discussed and the names and works of Poe, Miller, Melville, Capote, Tennessee Williams, Faulkner, Pollock and other of our creative artists, are well known. The opposite is not true here.

In all fairness, I should say that the universities in this country are showing a growing awareness of the importance of Spanish as a second language and that it is indeed gratifying to see in translation the writings of Jorge Amado, Ciro Algría, Jorge Luis Borges, and some others. Had the United States been conscious of an Uruguayan who died in 1917 after having published a small book, almost a booklet, entitled *Ariel*, much could have been done to avert or neutralize the negative image prevalent in Latin America regarding the United States. This Uruguayan intellectual, José Enrique Rodó, at the turn of the century wrote one of the most devastating critiques against American utilitarianism ever produced. *Ariel*, his most famous work, has become the pillow-book of several generations of Latin American youths. There's hardly a high school, much less a university student in Latin America, who has not thumbed through *Ariel* several times in his young life. Outdated as it may seem to us 68 years after it was first published, it has still a tremendous influence in the thinking of young Latin Americans who will someday be the future leaders of their country.

To gain an understanding of the *understanding* Latin Americans have of themselves and of the United States, it is essential that one should have read *Ariel*. No Latin American policy maker at Foggy Bottom can understand the area without critically analyzing Rodó. Unhappily Rodó's obsolescent half-truths still remain the stock in trade of Latin American intellectuals.

Literature is a very good way to learn about people. The best possible substitute for a prolonged stay in a certain country is reading its literature. As American literature and periodicals are widely read by the articulate Latin American establishments, you would be amazed to find how well informed they are regarding life in the United States, including the nuances and intricacies of national politics. Again the opposite is not true here.

There was a simple reason for this: Latin Americans need the United States more than the United States needs Latin America—as of now. Naturally the needy are more prone to learn about the potential purveyor than vice versa. But I claim that the gap in respect to one needing the other more is fast disappearing in view of what happened in Cuba and what is going on in Viet Nam. Eventually the United States will be needing the understanding and good will of the *people* of Latin America as direly as Latin America still needs United States technical and economic aid.

One other point that will not hurt mentioning here is the position that the intellectual occupies in Latin America. Intellectuals in Latin America are not marginal types in society. The opposite is true. They orient and participate actively in the task of governing. They are more than mere catalysts, they are more times than none shapers of things. People in government or business do not feel alienated from or by the intellectual. This is quite contrary to the Anglo-Saxon political tradition in which the intellectual is so suspect that rarely if ever does he achieve a position of power. And when he does he doesn't last long.

What has happened in my own native country, Puerto Rico, constitutes a good example. Strange as it may sound, a poet and a group of intellectuals were very much instrumental in tackling the economic chaos that Puerto Rico was, not so many years ago, creating instead a dynamic energetic people pushing ahead a thriving industrial economy.

I am sorry not to have a less dramatic word than "anguish" to express how I feel regarding Latin America. The Latin American case is so complex, so difficult to solve, and so fraught with human and global danger and distress that the use of the word anguish is not an exaggeration.

It is impossible, of course, even to try to formulate concisely the problem—or problems, rather. There are already 250 million inhabitants in the whole of Latin America. The rate of increase is alarming. If any land seems to be destined to prove the somber prediction of Malthus, it is Latin America. Yet there are incredibly vast expanses, most of them not even explored, hoarding a no less incredible amount of resources of all types. Nevertheless, very little of that practically unlimited economic potential has been tapped. Underdevelopment in Latin America is a stark reality. Why?

There are many answers to this question. In the first place, by-and-large the socio-economic pattern in Latin American countries is most distressing. The gap between the

haves and the have-nots is still more striking in these lands than in most of the countries that share this problem. To further complicate the problem, a vast part of those enormous resources are underexploited or not exploited at all—some not even explored.

There is a notorious lack of competent technical cadres to push forward the difficult task of setting going the wheels of economic development. Educating, training and organizing the necessary cadres is not easy for the simple reason that social and economic mobility in Latin America is very slow compared to the United States and to other developed countries.

Another negative aspect is that most Latin American countries have failed to achieve the kind of democratic political stability which seems to be the best suited atmosphere for sound development. Unfortunately, as I said before, the military is either directly exercising power, or its shadow projects ominously over the weak political power precariously held by civilians.

Many things have to happen in Latin America if the worse is to be averted. If problems keep on going unheeded the end of the trail will be bloody, riotous, and chaotic. To avoid that dreadful denouement there are only two ways. Evolution or revolution. Puerto Rico happens to be a good case of a society achieving the needed changes through evolution. Mexico, Bolivia, before, and Cuba, only recently, took the path of revolution. Revolutions, almost by definition, must have a destructive and disruptive initial episode. Once over it is necessary to reconstruct and reorganize upon a new basis. Mexico was able to do so; Bolivia is striving; Cuba is still a question mark. Parenthetically, let me tell you that more courage and, definitely, more wisdom is needed for the second stage than for the first, which could be ignited and carried through by an unenlightened and brutish demagogue provided he is endowed with his quota of charisma. Before leaving the subject of revolutions let me tell you that no matter how stupid and senseless they may look to us, they have a reason to be. In the case of Latin America they represent the yearnings for social justice and spiritual and material growth of millions upon millions of individuals groping through the paths of history, seeking what they consider and is their own.

Do you now understand why I dare to use the word anguish at this moment? On the other hand, what to do? The longer I live, the more I believe that just as no human being can save another who does not have the will to save himself, no country can save others no matter how good its intentions or how hard it tries. The Latin American countries have been too dependent on the United States, while the United States has been too nosey and eager to force down the throats of its southern neighbors American traditions and the American way of doing things. Let us once and for all accept that countries, as in the case of human beings, have their idiosyncrasies and that you simply cannot force any given man or nation to act as if he or it were someone else.

The United States, on the other hand, has a very important stake in what goes on in the rest of the hemisphere. It would be certainly to its benefit if things were to shape up favorably in Latin America. Therefore, it should try to assist as much as it can its southern neighbors in helping them to solve their own problems. Were I to be asked how, I would suggest the following:

Grant non-reciprocal free trade on manufactured goods for a reasonable period to the Latin American countries to boost their export economies; (I'd need another full day to expatiate on this particular subject.)

Extend all economic and technical aid only through multi-lateral agencies—the Inter American Development Bank for economic and the CIAP—the Inter American Committee for the Alliance for Progress where we are out-numbered by the Latin Americans six to one and whose chairman is a Latin—for technical aid. Dismantle the United States aid apparatus in Latin America. Drastically reduce our embassy staffs, as Ambassador Tuthill has recommended. Let the Latin Americans use their own institutional tools and go their own way in saving themselves. I would go as far as removing all the Inter American agencies out of Washington. As that wisest of Chileans, advisor and confidant of President Eduardo Frei, Raúl Sáez, has said: "The Alliance for Progress program should be a Latin American program, and the fact that it isn't is the main reason why I think that the countries of Latin America are unaware of what the Alliance for Progress really is".

In short, avoid having the United States as an active ingredient in the process. The role of catalyzer is enough.

There is need for injecting a political and ideological content into the Alliance if it is to survive. A mystique must be recreated—and this time by the Latins themselves. We must recognize the overwhelming political content of such an enterprise. This, Felipe Herrera, President of the Inter American Development Bank, long recognized as far back as 1962:

"In practice, the Alliance has placed particular emphasis on the economic aspects, even though any process of economic and social development is, in the last analysis, a political undertaking."

To succeed, the Alliance must generate that elusive sensibility to political appeal, it must bring forth that excitement and enthusiasm which make possible the great endeavors of men. Celso Furtado, that most misunderstood revolutionary, does not think we exaggerate when we call this a tremendous enterprise. What we in the United States sometimes fail to realize is that what is at stake is the style of civilization and culture which will prevail in Latin America, our next-door neighbors who even share our time zones with us and who in 32 years will number 600 million, twice as many as us.

Development is an uncontrollable force in Latin America today. It is bound to tear apart the bonds which a regressive social structure utilizes to prevent it from achieving full fruition. No counter-revolutionary forces can stop the winds of revolution for long. One thing alone remains in the balance now—will these winds blow with destructive gale force and imperil our own democratic institutions or will we be able through encouragement and understanding to come to terms with these forces. We have a rare historical privilege—to be able to perceive clearly the alternatives open to us. May our actions be incited by the will and illuminated by reason. If we fail it will be because we will have betrayed our own revolutionary traditions as embodied in our Declaration of Independence, or because the instinct of self preservation is failing us.

APPROPRIATION FOR SOIL CONSERVATION

Mr. LONG of Missouri. Mr. President, every Senator is aware of the extent of opposition throughout the Nation to the proposed reductions in the various conservation programs of the Department of Agriculture. I was highly pleased to note that in passing the 1969 appropriation act for the Department of Agriculture the House of Representatives provided funds to continue these conservation programs at the operating levels approved by Congress for fiscal year 1968.

Specifically, funds were restored for the small watershed program and for the agricultural conservation program.

On March 20, I had the privilege of testifying before the Senate Appropriations Subcommittee on Department of Agriculture and related agencies appropriations. I proposed that Congress restore funds for these activities. I therefore recommend today that the Senate concur in the House action in providing funds for these conservation programs.

However, the House did not correct one major deficiency in this appropriation act. The proposed appropriation act does not provide funds for the Soil Conservation Service to provide technical assistance to new soil and water conservation districts to be organized in 1969. Nor does it provide funds to pay for most of the increased cost of technical assistance to conservation districts resulting from the pay raises voted government employees by the Congress last year.

Mr. President, Missouri was slow in launching its conservation district program. But thanks to many local leaders, we have been making up for lost time in recent years. Missouri districts have more than doubled in number during the last 7 years. We have grown from 37 districts to 81 during this period. Twelve of these were organized in 1967. It is expected that eight more districts will be organized in Missouri in 1969.

The point here is this. In each of the past 7 years the Congress has appropriated funds to provide technical staff for these new conservation districts. For 1969, however, there has been a change. There are no funds proposed for this purpose in the 1969 budget estimate. There are no funds proposed for this purpose in the bill which was passed by the House of Representatives. I urge the Senate to provide funds in the 1969 appropriation act to staff new conservation districts to be organized during 1969.

Missouri's conservation district programs have strengthened the economy, improved agriculture, retarded erosion and pollution, cut back on water waste and floods, enhanced recreation, served the public interest in other ways, and have more than paid their way in terms of cost benefits.

The same thing is true in conservation districts in all States throughout the Nation. I urge the Senate to provide funds in the 1969 Appropriation Act to finance the pay raise for SCS scientists and technicians which the Congress voted last year.

The Appropriation Act as passed by the House provides $115 million for conservation operations. I urge the Senate to appropriate $130 million for conservation operations for fiscal year 1969.

EASTER ISLAND—ANTHROPOLOGICAL QUESTION MARK

Mr. McGEE. Mr. President, I invite attention to an exciting international archeological expedition headed by Dr. William Mulloy, of the University of Wyoming, which is currently engaged in seeking answers to the "anthropological question mark" that is Easter Island.

It is known that Easter Island's prehistoric occupants developed remarkable skills in carving and moving giant stones, that they devised a system of writing, and managed to orient their religious structures by using a knowledge of solar

movements. Dr. Mulloy tells us that these advances are becoming more understandable as the result of efforts by the Chilean Commission Isla De Pascua and the International Fund for Monuments, Inc., which are backing his field party.

Mr. President, I ask unanimous consent to have printed in the RECORD reports on the Mulloy party which were published in the Laramie, Wyo., Daily Boomerang and the Rocky Mountain News, of Denver, Colo.

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

[From the Laramie (Wyo.) Boomerang, May 15, 1968]

EASTER ISLAND QUADRANT REVEALS UNKNOWN, UNSUSPECTED LIVING SITES

(EDITOR'S NOTE.—Following is another in a series of reports from Herbert Pownall, chief photographer with the University of Wyoming photo service, currently on assignment with a field party on Easter Island headed by William Mulloy, UW professor of anthropology. As other reports and photographs arrive on campus, they will be transmitted to news media in the region.)

Hangaroa, Easter Island, International Fund for Monuments, Inc. Field Party—Rapa Nui—Easter Island, that anthropological question mark in the South Pacific, is giving some surprising information to researchers. Dr. William Mulloy, field director, International Fund for Monuments, Inc., Rapa Nui group said important preliminary evidence has been found that may make prehistoric achievements here more understandable.

Unknown and unsuspected living sites have been found in the first of 35 quadrants into which the island has been divided for survey purposes. The number of finds may cause archeologists to estimate a considerable greater population here than they generally thought existed during its peak level.

Patrick C. McCoy (UW BA 1966) of Red Bluff, Calif., supervisor of quadrant survey field crews for Mulloy reported discovery in the first area to be examined of over 300 visible surface remains of stone age man. His field notes show frequent house platforms; stone foundation lines and circles for homes, and terraces; artifacts such as obsidian spear points or mata'a, rain water collectors or taheta, and disc-shaped stones probably used in games like lawn bowling; paved areas that may have been religious gathering places; religious structures or ahu; petroglyphs of incised and high relief types; and earth ovens or umu.

The extinct volcano Rano Kau sits astride Quadrant 1. Its steep outer slopes and steeper boulder strewn inner slopes seem not the places humans would choose to live unless there was not other available space. McCoy and his group of helpers make systematic sweeps across the quadrant looking closely at all its surface. When anything of archeological interest is found, it is described and sketched in the field notes, precisely located on a contour map by Mario Arevalo (Chilean surveyor for the party), and in most cases photographed by Herbert D. Pownall, chief of UW photo service on leave to the field party.

Discovery of so many living complexes and other evidences of human activity on what might be considered inhospitable terrain sheds new light on the population situation here in the centuries before white men touched shore on Easter Sunday 1722, according to Mulloy. He said the puzzling thing about Easter Island has been centered around the question of how a small isolated population out of contact with the main flow of human progress could make the notable achievements discovered here. Men in the prehistoric period of this island developed remarkable skills in carving and moving giant (up to 83 ton) stone statues, devised a system of writing, and developed precise methods for orienting religious structures using a knowledge of solar movements.

Mulloy said advances such as were made here are more understandable if it is known that a great number of minds were present to provide the necessary talent as well as guide and direct the monumental effort obviously used here.

When the full archeological survey of the island is completed, researchers will for the first time have a basis for answering more of the puzzle that is Easter Island. This pioneering is jointly supported by the government of Chile through its Comision Isla De Pascua and the International Fund for Monuments, Inc. at 15 Gramercy Park, New York, N.Y., 10003. This nonprofit group is dedicated to the preservation on a world wide basis of selected sites of high importance and interest to traveler and scientist alike.

[From the Rocky Mountain News, May 9, 1968]

UW TEAM HELPS RESTORE EASTER ISLAND STATUE

(EDITOR'S NOTE.—Following is a report from Herbert Pownall, chief photographer with the University of Wyoming photo service, currently on assignment with a field party on Easter Island headed by William Mulloy, UW professor of anthropology.)

A monumental vertical form rises above the gently curved Easter Island landscape of weathered volcanics surrounded by the endless horizon of the South Pacific. Stark and abrupt as an exclamation point from an ancient aamu or legend of heroic deeds, the statue stands with its back to the Western sea over which its maker's ancestors came. Its pursed lips seem to seal for ever the secrets of its creation.

This 20 foot moai or statue is one of the few restored and is near Hangaroa at Ahu Tahai. Its weight is estimated at 25 tons and rests on a stone and earth structure nearly 200 feet long. Here William S. Ayres of Evanston, Wyo. supervises further archeological research and restoration of the whole ahu or religious platform. Ayres is a member of the International Fund for Monuments Inc. field party on Easter Island directed by Dr. William Mulloy, UW professor of anthropology.

Many evidences of prehistoric men at Tahai have been identified by Ayres in his field notes and properly located on detailed contour maps by the Chilean surveyor for the team, Mario Arevalo. Photographic records of the site are made by Herbert D. Pownall, Chief of UW Photo Service on leave to the field party. By far the outstanding feature of the site is the Ahu and its central statue recently re-erected complete with its red scoria top knot or hat.

This restoration was done late in 1967 by Gonzalo Figueroa, archeologist from the University of Chile. Before he leaves this September to continue his Ph.D. work in Anthropology at Tulane University, Ayres and his crew of islanders will finsh investigating and restoring the ahu.

Preliminary information concerning the construction and dating of the ahu is now being obtained from profile trenches cut across the long axis of the structure. Artifacts such as hammer stones, obsidian chippings, and charcoal have been found.

PAUL HALL, LABOR VIKING

Mr. BREWSTER. Mr. President, the name Paul Hall is familiar to most Senators. As president of the Seafarers International Union and president of the AFL–CIO Maritime Trades Department, Mr. Hall is widely known for his vigorous and effective support of the American merchant marine and for his important position in the American labor movement.

But Mr. Hall is more than a labor union president and a force in the maritime community. He is an American of uncommon vision, talent, humanity, and patriotism.

The many facets of Paul Hall's fascinating life story are told in a fascinating article written by Edith Kermit Roosevelt and published in the May 1968 issue of Navy magazine.

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

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

PAUL HALL: LABOR VIKING IN WASHINGTON

(NOTE.—As head of Seafarers International Union and a power in the AFL–CIO, he is waging an all-out fight for revival of U.S. merchant marine—when he speaks Congressmen listen.)

(By Edith Kermit Roosevelt)

A former "member of the black gang"—an engine room sailor—is emerging as the most effective political activist on behalf of a sophisticated and far-seeing oceans policy for the United States. He is Paul Hall, 53-year-old president of the Seafarers International Union and President of the AFL–CIO's Maritime Trades Department that consists of 34 international unions in the maritime and related shoreside trades.

I spent eight hours with Hall at his training school for seagoing personnel at Piney Point, Maryland. My day was full of surprises. It was one o'cock in the afternoon when I arrived, but the union leader was at breakfast.

"Won't you join me," he said. "I don't each lunch—only a late breakfast."

And what a breakfast! He had a spread before him of scrambled eggs, sausages, corn bread and grits, testifying to his Alabama birth. He washed this down with large cups of coffee. He must have drunk at least 30 cups of coffee during the day.

NEVER IN A HURRY

After breakfast, I took out my reporter's notebook. "Put that away until later," he suggested. "Let's just talk for a while."

Hall is one of the few public personalities I have met who is never in a hurry. He owes his success to methodical planning. His campaign on behalf of a strong U.S. Merchant Marine is being conducted in this same way.

"I never worry about the results of a fight," he said. "You don't win or lose in the ring, but in the weeks of conditioning before you get there."

The analogy came naturally to the 230-pound, muscular union leader. He told me he had been a professional prize fighter in his youth and fought 75 bouts in the ring. He enjoys reminiscing about those days.

"I had my first fight when I was 14 years old," he said. My father died and I had left home to go to work and help out my mother . . . . I took my first job aboard a deep sea ship when I was 19."

As we talked, I realized that there were two Paul Halls. There was the charismatic, flamboyant labor leader dressed as I now saw him in a black polo shirt and an old pair of pants. He said he likes to turn up aboard some of the ships manned by his seafarers when they are in port. I could picture him exchanging laughs and earthy expletives with them.

FAMILY MAN

His attitude towards his men is both democratic and paternalistic. The seafarer who drove me to Piney Point confided to me that at any hour of the day Hall is likely to place a long distance call to a union member when he has heard there has been a happening in the family—a birth, an illness or a wedding.

Hall's solicitude about the families of his

men is reflected in his own close family ties. Throughout our day together, he frequently mentioned his wife, Rose, his son, Max, 15, and daughter, Margo, 22. The Halls have a home in New Jersey where the union leader likes to spend as much time as he possibly can.

The second Paul Hall is the labor statesman that I had seen testifying before congressional committees. Here his blond, clean-cut good looks are an asset. He is always immaculately groomed, soft-spoken and courteous. He listens attentively to others, a habit which may explain his extraordinary ability to deal diplomatically with many types of men.

Even though we spoke in an informal and casual way, I could scarcely believe that Hall's formal education has ended at the eighth grade. His grasp of every matter pertaining to the sea was all-embracing, including history, geopolitics, science, technology and the many facets of naval and commercial power.

Hall has three loves: his country, the American labor movement and the U.S. Merchant Marine. His objective is to make them all strong and healthy. He spoke with this writer about our heritage at sea:

"If a society does not pay respects to its heritage, it's not much of a people. We must perpetuate this heritage."

THE WELLSPRING OF HIS PATRIOTISM

Probably few persons know that Hall is descended from an old American family. He traces his descent from Lyman Hall, Revolutionary War patriot and signer of the Declaration of Independence. His patriotic approach, which has manifested itself from his earliest years as a seaman and trade unionist, reflects this background.

He moved up the ladder of the Seafarers International Union as one of the young Turks surrounding Harry Lundeberg, the tough, anti-Communist Norwegian West Coast labor leader. He is a firm believer in giving the Reds short shrift, not only on the waterfront, but in the international arena. Recently, he defended U.S. policy in Viet Nam at Great Britain's annual labor convention.

"Some of the Communist-influenced delegates booed and heckled me," he recalled. "But I went right ahead. I don't scare easy."

The trade union leader relates his approach to international affairs to America's posture at sea. There is absolutely no doubt in his mind that the Soviet Union intends to "bury us at sea" and he is not about to let this happen if he can stop it. His union and the Maritime Trades Department of the AFL–CIO have been arousing the sleeping giant of the American public about the Soviet threat at sea through seminars throughout the nation.

"The Russian government owns its merchant marine, lock stock and barrel," he pointed out. "Other countries give their merchant marine enormous subsidies. If our merchant marine is to move to a competitive posture and to compete with the low-wage shipping of foreign nations, it is going to need far more support."

PROUD OF PINEY POINT

After breakfast, Hall took me on a survey of Piney Point. This thousand-acre tract, picturesquely situated where the Potomac River and the Chesapeake Bay meet, is about 75 miles from Washington, D.C. Hall is turning it into what he hopes will be "a model seamen's community and a living marine laboratory."

Piney Point's educational facilities will be intended to meet the need for seamen in both licensed and unlicensed categories. This includes not only common seamen, but officers up to chief engineer in the engine department and captain in the deck. Training has already started on a relatively modest scale.

Originally, Piney Point had been the site of a World War II Navy base for testing torpedoes. A few of the old facilities were still standing, but Hall is making almost a completely new start. He is purchasing training ships and constructing classrooms, dormitories, seamen's homes, faculty residences, recreational facilities, restaurants, a hospital and administration buildings.

More is involved here than steel and concrete. Hall is greatly absorbed in what he refers to as "the sociology of the thing" at Piney Point. By this he means the welfare and individual happiness of the retired seamen who will make their homes there.

THE CONCERN FOR SEAMEN

"We're going to invite some people who are not in the seagoing profession to live at Piney Point to make for more variety," he said. "Our retired seamen will live in a community of varying age groups, too, because that's what they've been used to. The ages of the men at sea range from 16 to well into their 70's."

Hall has even hired a psychiatrist to be on tap for consultation. As a devoted family man, he is concerned over the dislocation of home life that is frequently brought about by the long absences at sea of the bread-winner.

He is building recreational facilities for the retired seamen, faculty and students. These include well-equipped gymnasiums where one can get karate and judo instruction, swimming pools, pinball machines, football fields and a "Fishermen's Wharf" resembling the famous sea food restaurant by that name in San Francisco.

Opportunities will be available to learn a number of skills, such as carpentry. Contact with other segments of the labor movement will be achieved by the building of a labor college, which Hall says will be "the first of its kind." He said he hoped this college would graduate men who would serve as labor attachés for the State Department and in all areas in the labor movement.

In short, Hall is providing what he expects will be a show place to demonstrate how this country is setting the pace by providing for the welfare of its seamen who serve in its "fourth arm of defense"—the U.S. Merchant Marine.

"The American seaman is the best trained and the most competent in the world," he proudly asserted. "He is also a fine citizen with opportunities to lead a stable life like any other worker or employee. About 75 per cent of American seamen own their own homes today."

SOLUTION FOR PAYMENTS DEFICIT

Hall hopes that his union's school will help to persuade our government of the importance of the American seafaring man to our national welfare.

"A healthy shipping and shipbuilding capacity," he said, "would provide jobs for the jobless—whether they come from Harlem, Watts, Detroit, Chicago or from the pockets of poverty in Appalachia."

He remarked that if American ships, manned by American seamen, were carrying the same proportion of U.S. cargo which they carried 13 years ago, some 35 per cent—there would be no balance-of-payment deficit at all.

Meanwhile, we had strolled down to the wharf where Hall pointed to a ship that he was especially proud of having acquired. This was the *Dauntless*, the flagship that once belonged to Admiral Ernest J. King, the Chief of Naval Operations during World War II.

"We intend to hold seminars and conferences aboard her," he said. "It will provide a fine setting for industry, labor, government and the academic community to discuss common interests and projects relating to exploiting the oceans."

TIES TO UNIVERSITIES

Hall repeatedly stressed the necessity for developing and encouraging "a maritime intelligentsia" dedicated to the exploration and study of all phases of aquaculture. He said that Piney Point would be in close touch with the Horatio Rivero Center for Maritime Research in Puerto Rico and other so-called maritime "think factories" at Tulane University and elsewhere. His vision encompasses the projection of American sea power in all its aspects, including the projections of U.S. power and prestige abroad.

"We intend to send some of our ships from Piney Point to foreign ports to demonstrate the skills and capacities of our American sailors and American ships," he said, predicting that Piney Point will represent "a living symbol of confidence in the future of America's merchant marine."

"What makes you so confident of this future that you're willing to invest this much time, money and energy?" I asked. I reminded him of the discouraging statistics that the AFL–CIO Maritime Trades Department itself had been publicizing: (1) that the United States has sunk to 16th place in world shipbuilding; (2) that three-fourths of our merchant fleet is more than 20 years old; and (3) that the Soviet Union, which already has the world's largest and most modern fishing and oceanography fleets, could surpass the United States Merchant Marine in tonnage in the early 1970's.

The union leader admitted that the picture was grim, but he gave several reasons for his confidence there would be a revival of America's Merchant Marine.

MAKING IT A POLITICAL ISSUE

"We—and that includes both labor and management—had been talking to ourselves before. Now the Maritime Trades have taken the case of the Merchant Marine before the nation and turned it into a political issue."

Hall's background as a boxer and then a shrewd union leader has given him a sense of timing. The rapid rise of the Soviets as a maritime power in the Mediterranean and our maritime requirements in Viet Nam have touched off a crisis in the "wet war" which can make this country receptive to his message.

Obviously, money is needed to grease the political wheels. Although the Seafarers is a relatively small union claiming just 80,000 men, composed mainly of unlicensed seagoing personnel, it boasts a formidable kitty built up by membership costs, dues and voluntary contributions. Certainly, the union's financial power has played a role in creating a congressional climate that is more favorable to the development of a strong Merchant Marine than at any time since World War II.

"We did two things they said couldn't be done," Hall asserted. "We proved our muscle by blocking the Administration's plans to build ships abroad and we kept the Maritime Administration out of the Department of Transportation."

Hall has vehemently argued that the creation of an independent maritime agency "would create an apparatus and atmosphere" which might be more conducive to proper funding and carrying out a program more satisfactory to the industry and Congress.

NEGATIVE POWER ONLY

Some industry sources point an accusing finger at Hall, charging that the Administration's dwindling maritime budget is a club used to punish all segments of America's Merchant Marine for his intractability. The Bureau of the Budget's request for fiscal 1969 is for only $119,800,000 to build 10 ships. Furthermore, $101,000,000 must not be spent until fiscal 1970.

I remarked to Hall that this has led some to describe him as "a guy who can block something, but can't get anything done." He smiled. He had already heard this. He is credited with a highly efficient intelligence network.

"My answer little lady is this," he said. "First, you have to reverse a trend before

you get anything positive going. The Seafarers and our friends in labor have shown that we can deliver votes as well as take them away. You can be sure, the White House knows this. It's a question of the old carrot and stick approach . . . We may have to have a lot more showdowns before we get what we're after. But we've got plenty of wind left in our sails!"

We were comfortably esconced in the custom-built furniture of a small pleasure craft on the Chesapeake Bay as he discussed some of the features of his proposed maritime program.

"We need a government subsidy to finance construction of a minimum of 30 vessels a year," he said. "This should ensure our capability to carry 30 per cent of our dry bulk export-import commerce."

SOME RECOMMENDATIONS

He recommended, too, that the government should allow all segments of the Merchant Marine to set aside tax free reserves to build new ships.

"This alone would go a long way towards revitalizing the Merchant Marine," he said.

"It would stimulate the desire to replace ships by furnishing the required funds for capital investment."

Hall is looking to a future with nuclear power, enabling our merchant fleet to revive the days of the clipper ships when the whole world respected the American flag.

"Federal aid should be provided for development, construction and operation of nuclear merchant ships," he said. "Billions have been spent on the aerospace industry in contrast to a mere pittance for research and development of our merchant marine, our fishing industry and oceanography."

Is a compromise possible between Hall and the Administration?

"If facts and conditions change, programs change." Hall said simply he does not rule out a compromise on any single issue, including—and this may surprise a lot of Hall watchers—the inclusion of the Maritime Administration in the Department of Transportation. However, he added that the time for discussions or compromise had not yet been reached since there had been no genuinely constructive, adequately financed program offered by the White House.

PRAISE FROM "MANAGEMENT"

Any program, he insists, should be one which implements the 1936 Merchant Marine Act. This legislation provided for the United States to have the best and safest ships manned by American crews and built in American yards. By law, the U.S. Merchant Marine is to function as our "fourth arm of defense" in time of war and to carry a substantial portion of our cargo in peacetime.

Meanwhile, Hall's achievements have won the admiration of "management." George M. Steinbrenner, Jr., President of the American Shipbuilding Co., told him in his address to the Maritime Trades Department's Convention in Miami last December:

"You have waged successful campaigns with unbelievable results."

Steinbrenner, in a rare tribute, also pointed out:

"The organizations that you represent in the Maritime Trades Department has led the way to a strong U.S. flag Merchant Marine."

PROJECT SEA USE

Mr. JACKSON. Mr. President, there is a growing worldwide awareness of the necessity for understanding and making practical use of the vast resources of the sea.

In my State of Washington there is a marine research project that I believe offers invaluable long-term benefits to our Nation. Detailed planning is underway for Project Sea Use—Seamount Exploration and Underseas Scientific Expedition.

Under the sponsorship of the Oceanographic Commission of Washington State, four principal participants in the project have pledged $91,000.

They plan a 2-month undersea expedition in the summer of 1969. Battelle Northwest Laboratories, Honeywell, Inc., University of Washington and the Oceanic Foundation of Hawaii are now requesting the programatic and/or financial participation of private industry, other universities, and agencies of the Federal Government for this unique scientific expedition.

After studying the proposed program, I am convinced that its long-term benefits for the Nation justify broad industrial, academic, and governmental support.

Cobb Seamount is an extinct volcano that rises abruptly from depths of 10,000 feet into sunlit waters 110 feet below the surface of the Pacific. It lies 270 miles off the Washington coast. Project Sea Use proposes an underwater habitat where two teams of five scientists will each live and perform research for two consecutive 20-day periods in 1969.

A submersible research vehicle will explore and study the upper reaches of the seamount. An instrumented mast will be erected on the seamount and extend above the surface of the sea. It will remain following expedition to transmit meterological and oceanographic data. Surface ships will be required to provide support for the project.

I direct your attention to some of the long-term benefits of this scientific expedition.

First. Atmosphere sciences: The tower will provide a stable platform for research on conditions that create the weather for our western region.

Second. Chemical oceanography: Project Sea Use provides an opportunity to study the chemical processes that affect life cycles and mineral resources of the sea.

Third. Environmental biology: The earth's mushrooming population is making it imperative that we learn how to make much greater use of the vast potential of the ocean to provide food. Cobb Seamount can be a base for such research.

Fourth. Geological and geophysical oceanography: Our limited knowledge of the sea floor, currents, waves and water properties can be greatly increased by in-ocean studies.

Fifth. Aids to navigation and tsunami—tidal wave—warning: The project offers improved navigational control and earlier mainland alerts that will tell the height and movements of the tidal waves.

Sixth. National defense: Cobb Seamount could serve as a base for long-range ocean acoustic surveillance systems. It is also conceivable that "occupation" of the seamount could provide a valuable precedent as answers are found to questions concerning ownership and control of the sea beyond the continental shelf.

It seems to me that it is essential for our future well-being and prosperity that the United States make increased progress in the field of oceanography. It is my considered opinion that Project Sea Use will make a contribution to that progress that will far exceed its dollar costs. I urge you to join with me in encouraging industry, Government and our universities to provide the talent, equipment and financial support needed to realize maximum benefits from this program.

OPPORTUNITY TO DEVELOP PLAN FOR INTERNATIONAL HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, while the International Human Rights Year is being observed in 1968, I feel that a greater degree of practicality must be applied toward the pursuit of human rights on an international scale.

It is my view that human rights are based wholly on mankind's search to live a decent life in peace. Every man, woman, and child certainly deserves respect and the protection of his or her inherent dignity.

President Woodrow Wilson, a man of great integrity and intellect, once stated the case for peace when he said:

Strive to work toward becoming one of the greatest schools of civilization.

We can keep going in that direction only by facing squarely the issues of our day. We can keep heading toward that goal only if the Senate gives approval now to the treaties offered years ago to protect man's rights.

It is our international responsibility that compels Senate approval of these conventions that gives human beings the protection and respect needed to move the world to peaceful paths.

Human rights, are inherent and must not be alternately offered and withdrawn at the whim of some despot.

I urge the establishment of a High Commissioner for Human Rights and again repeat the need to have the Senate vote for the ratification of the Human Rights Conventions on Genocide, Freedom of Association, Political Rights of Women, and Forced Labor.

TOBACCO USE ASSAILED

Mr. BENNETT. Mr. President, the Ogden, Utah, Surgical Society recently concluded its annual convention in my State. This is a very distinguished gathering attended by some of the great surgeons of the United States and the world.

During the convention, Dr. Alton Ochsner, chief of surgery and president of the Ochsner Medical Foundation issued a very strong statement against the use of tobacco. It was reported in the Deseret News and contains a powerful warning against the use of tobacco.

For instance, he points out that scientists have estimated that every cigarette a person smokes shortens his life by 14 minutes. A 50-year-old man who has never smoked can expect to live eight and a half years longer than a man his same age who has smoked a pack a day since age 21.

Mr. President, I found Dr. Ochsner's speech and article doubly interesting because it was similar to a speech back in the late fifties which provided me the ammunition and information when I first introduced legislation calling for a health warning on cigarette packages. I recall with some humor today, that I was called a "reactionary" and a few other names at the time. Today, of course, all cigarette packages carry the health warning on them, thanks mainly to the efforts of such individuals as Dr. Ochsner; who has been preaching this theme for a good many years now.

I ask unanimous consent that the article from the May 16 Deseret News be inserted in the RECORD in order that Dr. Ochsner's views might be available for people interested in this critical subject.

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

SURGEON HITS TOBACCO USE

(By Hal Knight)

OGDEN.—Smoking is a prolonged, expensive and painful way to commit suicide, a noted doctor declared Wednesday night at a public meeting of the Ogden Surgical Society.

Dr. Alton Ochsner, chief of surgery and president of the Ochsner Medical Foundation, angrily attacked tobacco companies as an obstacle to the good health of Americans.

"Tobacco firms are not interested in anything but selling more cigarettes. They don't care if people die early or suffer disabling disease," he stated.

HESITATE TO ACT

The chest surgeon said that some people hesitate to act against tobacco interests because such firms pay $15 million a day in federal taxes.

But the loss of life and the millions of man hours lost because of tobacco-associated sickness is worth many times more, Dr. Ochsner declared.

"There can be nothing good said about tobacco, except maybe that it kills bugs," he said.

Scientists have estimated that every cigarette a person smokes shortens life by 14 minutes, he explained.

LONGER LIFE

A 50-year-old man who has never smoked has a life expectancy of 8½ years longer than a man of the same age who has smoked a pack a day since the age of 21, he said.

Dr. Ochsner, who has waged a battle against smoking since the 1930's, called tobacco a "lethal poison" and urged adults to quit and youngsters never to get involved in the habit.

STILL WORSE

He said LSD and other drugs being tried by the younger generation are a new hazard, but that smoking is actually a greater danger because it's so widely used and accepted.

People can easily stop smoking. It's all a question of motivation. Persons who have contacted lung cancer find they have no difficulty in stopping at all. Unfortunately, it's usually too late by then, he said.

"The human body is the most remarkable piece of mechanism ever produced. It's unbelievable that we would deliberately destroy it when it can't really be repaired or replaced," Dr. Ochsner said.

The three-day Surgical Society meeting featured guest speakers from all parts of the U.S. and a surgeon from Russia.

They held technical discussions during the day on heart surgery in the U.S.S.R., corneal transplants, blood studies, kidney transplants and other surgical problems.

AVIATION SUBCOMMITTEE CHAIRMAN MONRONEY SPEAKS FORTHRIGHTLY ON AIRPORTS AND AIRWAYS SYSTEM NEEDS; ADMINISTRATION PLAN HELD INADEQUATE; 1967 EDITORIAL FROM WASHINGTON POST IS CITED; SENATOR RANDOLPH URGES ACTION NOW

Mr. RANDOLPH. Mr. President, in a cogent editorial in its September 11, 1967, issue, the Washington Post noted that—

The hearings before a Senate Subcommittee recently made it clear that the Nation faces a problem of almost crisis proportions in the vast expansion of air facilities that must occur in the next few years. Most experts estimate that at least $6 billion and probably more must be poured into airport work by 1975 if air travel is to remain safe and convenient.

In the past, airport financing has been handled in two ways. Funds for the construction and improvement of landing facilities have come from Federal grants coupled with capital raised locally through bond sales, taxes or profits from existing facilities. Funds for terminals have come largely from bond issues backed by the revenue that the airport will generate through landing fees, leases and so forth.

These traditional sources of revenue are clearly inadequate to meet the expansion that must now occur. The sudden burst in air travel in recent years has been combined with a neglect of ground facilities so that the situation is now out of hand.

Among the proposals advanced recently about how new money should be raised are such things as a per capita tax on airline passengers, additional taxes on aviation fuel, increased landing fees, Federal guarantees for local bond isues, and additional Federal grants. In studying these, we think the Committee should keep several general principles in mind.

First, those who use airports ought to pay for them. . . .

Second, any system of raising new funds must divide the costs of new facilities fairly between commercial passengers and private and business flights. . . .

Third, the tradition in the airport business that funds must be spent where they are collected should be broken. . . .

Fourth, airport authorities ought to get not one additional cent of outside funds until they reveal their true financial standing. . . .

None of the proposals made to the Senate Committee so far (as of the date of this editorial, September 11, 1967) seems to fill the need. The problem is obviously difficult and the solution calls for some of the imagination that has gone into the building of the airplanes we now have a problem landing. If the solution is not found quickly, the Nation will pay the price of inaction through greater congestion and increased accidents.

Mr. President, I underscore and reemphasize the closing sentence of the Washington Post editorial from which I have quoted, namely, that if the solution for the crisis building up in our Nation's airports and airways system is not found quickly, the Nation will pay the price of inaction through greater congestion and increased accidents.

In a speech in this forum on May 7, 1968, I said, and I repeat:

We cannot permit our airways and airports system needs to be bypassed in a wave of budget-cutting and fund withholding. It would be false economy which would endanger too many lives and too much valuable property if we failed to provide a viable program and if we neglected to provide aviation self-development financing.

On January 23, 1968, the Aviation Subcommittee of the Senate Committee on Commerce issued a forthright and thought-provoking interim report following a series of hearings on the national airport system. We were encouraged to hope and believe that action would quicken efforts in the executive branch and in the several facets of aviation to help that subcommittee reach final conclusions.

Mr. President, we should look anew at the tentative conclusions of the Aviation Subcommittee headed so capably by the senior Senator from Oklahoma [Mr. MONRONEY], one of our best informed authorities on aviation, and especially knowledegable on the national airways and airport system. He and his subcommittee associates have issued a meaningful interim report. I hope they will be able to follow through by having specific legislation under study, and that they will finalize their conclusions and give strong guidance to the Committee on Commerce and to the Senate.

The first of those conclusions, also in the form of a recommendation which I support, is this:

1. The Federal Government has a responsibility to assist State and local governments in the planning, construction, development, and improvement of the Nation's airports. This should take the form of financial assistance to the communities. The national airport system must include not only adequate airports to serve the commercial airlines and their passengers, but adequate and separate airports and runways for general aviation aircraft in metropolitan areas where congestion is a serious problem. These general aviation airports must have the same operational capabilities for all-weather flying as exist at air carrier airports.

An assumption of responsibility by the Federal Government to assist State and local governments in the planning, construction, development, and improvement of the Nation's airports carries with it fiscal obligations. In this respect the Aviation Subcommittee recommends in its conclusions two and three:

2. The Federal share of airport development costs should come from revenue generated by the imposition of user fees on commercial aviation and general aviation of the type and nature discussed in this report. Some contribution should be made from general tax funds for military use of civil airports.

3. An airport trust fund should be established into which the revenues derived from the user fees would be deposited. The funds would be used to provide Federal assistance for a program similar to the existing Federal grants-in-aid program under the Federal Airport Act. The amount of the Federal contribution should be at least 50 percent of the cost of eligible projects. The financing of terminal area development must be investigated further. Consideration should be given to the feasibility of direct or guaranteed loans as a supplement to any grants-in-aid programs established and founded out of an airport trust fund.

Mr. President, I am a believer in the validity and the usefulness of the highway trust fund, the sources of which are highway user taxes. I know there are objections to trust funds of this nature

within some elements of the executive branch and by some Members of Congress. But I believe there are many supporters of trust funds for such specific facets of the transportation program as highways and airway and airport systems.

It is my judgment that the general revenue of the U.S. Treasury should be the source for a minimum of the funding required to assist in the development and maintenance of the national airports and national airway systems. The time is now, as the subcommittee concludes, for the "imposition of user fees on commercial aviation and general aviation to generate revenues for the Federal share of airport development costs." And, as the subcommittee further concludes, "an airport development trust fund should be established into which the revenues derived from the user fees would be deposited."

Chairman MONRONEY of the Aviation Subcommittee appropriately had printed in the April 24, 1968, RECORD an address which Stuart G. Tipton, president of the Air Transport Association, delivered that day in Cleveland, Ohio.

In referring to Mr. Tipton's speech to the Cleveland Traffic Club, Chairman MONRONEY said that what we need are practical and constructive proposals from Government and from the aviation industry so that we may initiate a new national program to finance airport construction. I agree. He applauded the ATA executive for outlining in a new proposal for airport financing that has the support of the scheduled airlines.

I, too, extend commendation to ATA and I join Chairman MONRONEY in urging the other segments of the aviation industry also to espouse constructive proposals. And I have said that I believe it is imperative that the executive establishment come forward with legislative recommendations without any further delay. Congress must work its will on the several proposals it hopefully will have before it—including one already introduced by the distinguished senior Senator from New York [Mr. JAVITS]. Congress should not too long delay its responsibility.

Last Monday, May 20, the administration proposal was submitted to the Congress by the Department of Transportation and was discussed by M. Cecil Mackey, Assistant Secretary for Transportation Policy Development, that same day when he was the luncheon speaker at the annual convention of the American Association of Airport Executives in Philadelphia.

The following day Senator MONRONEY addressed the same convention of airport executives in Philadelphia. I have read his message and have received reports of the appreciation with which it was received by the aviation and airports experts assembled. It had been my hope that I could be present for my colleague's address, but being unable to do so, I had my executive assistant, James W. Harris, in attendance. I add my commendation and underscore some of the most cogent and timely remarks by the senior Senator from Oklahoma, views which I share. Senator MONRONEY said:

> We are suffering today from the sudden surge in aviation growth caused by the jet and the starvation diet on which the airport and airways system had existed during the 50's and 60's. . . . While giant strides were being made each year by commercial and general aviation, our governmental programs for aviation development were stumbling and faltering from lack of calories. . . . The commercial airlines have invested $8.4 billion in aircraft and supporting ground facilities. They will spend an additional $18 billion by 1975—$10 billion by 1973 for new aircraft alone.
>
> When you compare the airline investment to the total of $6 billion that Federal, State, and local governments combined have invested in airports since aviation began, you can understand why a problem has developed. The Federal Government investment in the air traffic control systems stands at one and one-fourth billion dollars. At a minimum, we need to invest $8 billion in new airports over the next 10 years and $4 billion to modernize our airways system. . . . Aviation's tremendous growth potential will not be realized unless these sums of money and equally enormous amounts of time are invested to modernize our airports and airways system. If this is not done, the quadrupling, tripling, and doubling I have talked about will be used to describe airline delays, airport congestion, and loss of revenues, rather than more passengers, higher profits, or rapid growth. . . .
>
> Money is a large element of the problem. . . . Time is the other critical element. Even if we had available all the money needed, there is a limit to the capacity of our private and governmental institutions to construct new airports and to build new hardware for the airways systems. It takes at least 10 years to plan, construct, and start operations at a major new airport. . . . Research and development on a giant scale must be undertaken to invent and perfect the new electronic equipment needed to improve our airways system. After that comes the procurement, production, and installation, which also entail a substantial amount of time.
>
> Private industry has done its planning and is making its investment in the future. Government, on the other hand, is dragging its feet. . . . The existing Federal Aid to Airports program will expire on June 30, 1970. That is not very far away. Postponement of new legislation until the next Congress will be too late to avert many of the monumental air traffic jams that have been described and forecast.

Senator MONRONEY then emphasized, and again I am associated on the record with his views:

> I have advocated the creation of an airport trust fund, similar to the successful highway trust fund that has financed the construction of thousands of miles of interstate highway systems in this country over the past 10 years. The airport trust fund would be fed by revenues derived from user taxes on commercial and general aviation. I am convinced this is the only way we will have a continuous flow of money in the amounts needed to permit aviation to remain a safe and convenient method of travel. We must earmark this money and stamp on it "for airports and airways use only," or the improvements needed will not be made.

Then our colleague referred to the administration recommendations of the day before and made this frank evaluation of them when he said:

> As you know, the Administration does not agree with this (trust fund) approach. Yesterday, Secretary Boyd sent to the Congress the Administration's airport and airways user program. My airport and airways ideas crash landed in a cornfield—and/or the Bureau of the Budget.

Mr. President, I say to our able and diligent colleague that his ideas may have crashlanded in the Bureau of the Budget, but I predict that they will not crashland in the Congress if they are presented in legislative form and moved through the committee processes and are placed before the respective Houses for action. Speaking of the administration recommendations, Senator MONRONEY said:

> The airways proposal calls for substantial increases in the user taxes paid by commercial and general aviation. There would be an eight percent ticket tax on passengers and airfreight waybills. General aviation would be required to pay 10 cents a gallon for all fuel used in general aviation aircraft. . . .
>
> The Administration proposal does not contain trust fund financing and, therefore, the modernization of the airways system will continue to be subject to the appropriations process—in my opinion, a fatal flaw.
>
> Although the Administration has acted with the daring of a David in proposing stiff new airways taxes, it has acted with the timidity of a mouse in dealing with the airport problem. It is essential to have a safe and efficient air traffic control system, but it is worthless without adequate and safe airports. The Administration apparently has decided to get you through the airways to and from airports, but forgot that an airplane requires a place to take off and land.

Mr. President, I emphasize what our colleague said; namely, that it is essential to have a safe and efficient air traffic control system, but it is worthless without adequate and safe airports.

Our Aviation Subcommittee chairman further noted that the administration's airport proposal would provide for loans to all publicly owned airports for essentially the same type of projects as are eligible under the existing Federal Airport Act, but would grant money only to those airports served by local service carriers only. He said that the administration's airport proposal is "totally inadequate to meet the demonstrated needs of our national airport system" and he concluded his comment on it as follows:

> I consider the airport proposal an abdication of a Federal responsibility to provide the assistance and guidance necessary to maintain a safe and adequate national airport system. With respect to airports, the Administration has labored for two long years and produced a gnat.

I share Chairman MONRONEY's disappointment in the administration recommendations, but as deficient as he and I might consider them to be, I am grateful that a proposal has been placed before the Congress by the Department of Transportation. It is gratifying, too, that the air carriers, through the Air Transport Association, have made a set of recommendations. It seems to me that those of us who view the airways and airport system as being in near-crisis posture and in need of being made adequate and safe must move to distill the various recommendations and bring forth a legislative proposal around which the greatest possible consensus can be developed.

We must all recognize, as the Aviation Subcommittee chairman declared at Philadelphia:

Aviation is an industry that cannot be permitted to falter. It is too important to the nation to let short-term economies today create large scale waste and inefficiency tomorrow. We must persevere.

Mr. President, I have quoted out of context from the speech of the Senator from Oklahoma [Mr. MONRONEY], and in doing so I may have overlooked placing emphasis on portions essential to an understanding of the many facets of the comprehensive and vital subject which our colleague so capably developed and discussed. I ask, unanimous consent, therefore, to have the text of Senator MONRONEY's speech printed in the RECORD at this point.

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

ADDRESS OF SENATOR A. S. MIKE MONRONEY TO THE 1968 ANNUAL AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES CONFERENCE, PHILADELPHIA, PA., MAY 21, 1968

As Chairman of the Senate Aviation Subcommittee, I keep up with all the statistics on aviation growth and prosperity. Aviation has outpaced virtually all other industries in this country, especially during the soaring 60's, when the jet airplane gave the commercial airlines their first truly profitable and efficient aircraft.

It is not unusual at all to read of average annual passenger growth in excess of 15 percent, nor of the doubling or tripling of aviation growth over a decade or so. Aviation's growth has been due to aggressive, imaginative, and daring leadership from the various segments that make up the aviation industry and the astounding technological advances of the past 10 years.

Americans have taken to the air in jets and to the road in automobiles. In 1966 air transportation accounted for 66 per cent of the common carrier passenger miles traveled in the United States, compared to only 13 percent in 1950. That figure is expected to increase to 70 percent over the next 10 years.

America is astir with movement—businessmen crisscrossing the heartland in pursuit of success—families filled with wanderlust exploring the vast reaches of prairies and plains or enjoying the noisy excitement of Disneyland. Freight trains, jumbo trucks and now the cargo plane move constantly—day and night—carrying the goods and commodities that make up the wealth of the nation and the substance of its trade.

As you aviation leaders here today know, this growth—this activity—has been accompanied by many tribulations, much travail, and a lot of bickering among yourselves. Your success has bred new varieties of problems—new strains that are resistant to the programs and palliatives of the past, much as new weeds and new viruses build up immunities to old serums and sprays.

Let me tell you briefly about what I believe the future holds for aviation—both the good and the bad.

As our population grows in absolute terms and becomes more affluent and better educated, more and more people will be traveling—primarily by air over long distances, by automobile for shorter intercity movements, and, of course, almost entirely by automobile within urban areas. As of 1964 only 39 per cent of the people in America had flown. That figure is rising dramatically each year, as college students and families take advantage of the promotional and excursion fares offered by the airlines in recent years.

The population of America—now standing at 200 million people—will increase to 250 million by 1980. Disposable income available to Americans will increase at a similar rate and a larger proportion of Americans will be in a higher income bracket.

Over the same period air fares are expected to decline about two to three percent a year, as the new jumbo jets and air buses come into the airline fleets. These new aircraft will permit the airlines to achieve economies of operation on the same scale that the first subsonic jets in the late 1950's permitted. In the mid-70's you should be able to travel to Europe for only $99.00.

Today business air travel represents 60 percent of total air travel. But by 1980 the trend will be just the reverse. Business air travel will account for only 30 percent of the market, while non-business travel will grow to 70 percent.

The airlines have already started to tap this personal travel market by offering discount fares to fill their giant aircraft. All inclusive air tours that have one price for air transportation, hotels, rental cars and entertainment will be the vacation bait of the 70's that should attract millions more passengers to travel by air. The first entrepreneur, who successfully mates hotels, rental cars and the jet, will corner the travel market.

By 1980 airline revenue passenger miles will quadruple. Airline passengers, jet fuel consumption, aircraft operations, and IFR flights will at least triple. The general aviation fleet, general aviation operations, civilian aircraft production will at least double. Commercial aircraft capacity—with such vehicles as the Boeing 747, the Lockheed and Douglas air busses, and a commercial version of the Lockheed C–5A—will more than double and aircraft speed will triple when the U. S. supersonic transport is put into operation.

The demand for air travel is unquestioned. Along with that demand goes the need for adequate surface transportation to and from airports for air travelers. I have said many times that only an airport can launch and retrieve an airplane. What the airport is to the airplane, surface transportation is to the air traveler—whose destination is not an airport but an office downtown or a home in the suburbs.

Given the American disposition for mobility and flexibility, the individual automobile will remain the predominant choice of American businessmen and American families for the surface transportation required to get to and from an airport. Airline and airport executives will devote a major part to working with urban planners on this problem.

But just wanting fast air transportation and convenient surface transportation by automobile will not make it possible. All of you have experienced the frustrations of traffic jams that prevent you from getting to the airport on time, the congestion that jams airport terminals, and the delays in airline departures and arrivals. We are suffering today from the sudden surge in aviation growth caused by the jet and the starvation diet on which the airport and airways system has existed during the 50's and 60's.

Much of the blame for this situation must be attributed to the failure of state, local and Federal governments to invest adequate sums in the development, construction, and modernization of the air transportation system. While we were spending billions of dollars a year at the Federal level on the construction of an interstate highway system, we were spending less than 75 million dollars a year on airport improvements and less than 40 million dollars a year on modernizing the airways system.

While giant strides were being made each year by commercial and general aviation, our governmental programs for aviation development were stumbling and faltering from lack of calories. Our government institutions have failed to match the tremendous investments that have been made in aviation by the private sector.

The commercial airlines have invested $8.4 billion in aircraft and supporting ground facilities. They will spend an additional $18 billion by 1975—$10 billion by 1973 for new aircraft alone.

When you compare the airline investment to the total of $6 billion that Federal, state and local governments combined have invested in airports since aviation began, you can understand why a problem has developed. The federal government investment in the air traffic control systems stands at one and one-fourth billion dollars. At a minimum, we need to invest $8 billion in new airports over the next 10 years and $4 billion to modernize our airways system.

All the figures I have mentioned about aviation's tremendous growth potential will not be realized unless these sums of money and equally enormous amounts of time are invested to modernize our airports and airways system. If this is not done the quadrupling, tripling, and doubling I have talked about will be used to describe airline delays, airport congestion, and loss of revenues, rather than more passengers, higher profits, or rapid growth.

Where will the aircraft—whose operations will increase by 269 percent by 1980—fit into an already saturated traffic control system? Where will airline passengers—who will increase by 440 percent by 1980—and general aviation travelers—who will increase by 267 percent by 1980—find a place at our large hub airports, which already resemble tightly packed sardine cans?

Just consider the expected growth at a few selected major airports. In the New York area itself there were almost 12 million enplaned passengers in 1965. The predictions are for 36 million enplaned passengers in 1975 and 61 million by 1980. In Chicago there were almost 9 million enplaned passengers in 1965. Over 27 million are expected in 1975 and over 46 million by 1980. Here in Philadelphia the 1965 traffic level of 1.6 million enplaned passengers will soar to 5.2 million in 1975 and 8.9 million in 1980.

The FAA has estimated that the 4,213,000 square feet of terminal area space in the New York area will have to be increased to 9,364,000 to accommodate this influx of passengers. In Chicago, there will have to be an increase to 6,792,000 square feet from the existing 1,788,000.

What does all this mean to you from the standpoint of your daily operations? In addition to exorbitant costs, there will be the practical problem of gearing up to handle the traffic that will be deplaning from the giant jets of the 70's. Instead of 100 to 150 passengers streaming into an airport from each jet, there will be 300 to 500 passengers per aircraft arriving at one time.

One study I have seen indicates that at our primary hub airports there will be at least 20 aircraft in the C5, 747, Air Bus and SST class landing or departing each hour during the peak periods. On an average that means up to 10,000 passengers per hour flowing through the airport terminal. I shudder when I consider the mob scenes that will be taking place at insurance counters, lunch bars, rental car desks—and yes, in our public toilets.

In the New York City area the situation is even more frightening. One study predicts there will be 300 peak hour area operations at the airports serving the New York area. This would amount to a peak hour capacity of 58,500 airline seats. Using a load factor of 85 percent, which will not be unrealistic for these aircraft, that means 50,000 passengers arriving and departing each hour. Assuming that 25,000 of the passengers are deplaning, 1,750 rental cars alone will have to be provided every hour to satisfy the demand. At the same time Avis and Hertz will be processing an equal number of rental car customers who rented them downtown to provide their transportation to the airport.

Now just imagine a snow storm or low fog that prevents these 50,000 passengers from leaving at the time they were supposed to move. Add the additional 25,000 passengers coming to the airport who were scheduled to leave the following hour and you will have one screaming, mad, mass of humanity cry-

ing for relief and for some official's scalp for letting such a mess develop.

This catastrophe does not have to occur. I am optimistic that American business and American government can join together to build an airport and airways system that will meet the needs of our time. But we must begin planning now at meetings such as this, if we are to prevent these horror stories from taking place.

Money is a large element of the problem. At a time in the Congress when we are looking for ways to cut expenditures, and not authorize new projects, I am advocating the expenditure of more than a billion dollars a year for the next 10 years on aviation development. Considering the forensic furor over the tax bill and budget cuts, the prospects for success this year are faint.

Time is the other critical element. Even if we had available all the money needed, there is a limit to the capacity of our private and governmental institutions to construct new airports and to build new hardware for the airways systems. It takes at least 10 years to plan, construct, and start operations at a major new airport. Even if we began today, it would be 10 years before a new jet airport for the New York area could be operating.

Research and development on a giant scale must be undertaken to invent and perfect the new electronic equipment needed to improve our airways system. After that comes the procurement, production and installation, which also entails a substantial amount of time.

Private industry has done its planning and is making its investment in the future. Government, on the other hand, is dragging its feet. Last year I held hearings in the Senate Aviation Subcommittee to develop a new Federal assistance program for the modernization of our airports and airways system. I had hoped to secure the enactment of new legislation this year, because the existing Federal Aid to Airports program will expire on June 30, 1970. That is not very far away. Postponement of new legislation until the next Congress will be too late to avert many of the monumental air traffic jams that I have described today.

I have advocated the creation of an airport trust fund, similar to the successful highway trust fund that has financed the construction of thousands of miles of interstate highway system in this country over the past 10 years. The airport trust fund would be fed by revenues derived from user taxes on commercial and general aviation.

I am convinced this is the only way we will have a continuous flow of money in the amounts needed to permit aviation to remain a safe and convenient method of travel. We must earmark this money and stamp on it "for airport and airways use only," or the improvements needed will not be made.

As you know, the Administration does not agree with this approach. Yesterday, Secretary Boyd sent to the Congress the Administration's airport and airways user program. My airport and airways ideas crash landed in a cornfield—and/or the Bureau of the Budget.

The airways proposal calls for substantial increases in the user taxes paid by commercial and general aviation. There would be an eight percent ticket tax on passengers and air freight waybills. General aviation would be required to pay 10 cents a gallon for all fuel used in general aviation aircraft.

We probably need to spend on airways modernization sums in the amount that would be raised by these new user taxes. Whether or not the particular taxes are fair and equitable will, of course, have to be decided by the Ways and Means Committee of the House and the Finance Committee of the Senate. The Administration proposal does not contain trust fund financing and, therefore, the modernization of the airways system will continue to be subject to the appropriations process—in my opinion, a fatal flaw.

Although the Administration has acted with the daring of a David in proposing stiff new airways taxes, it has acted with the timidity of a mouse in dealing with the airport problem. It is essential to have a safe and efficient air traffic control system, but it is worthless without adequate and safe airports. The Administration apparently has decided to get you through the airways to and from airports, but forgot that an airplane requires a place to takeoff and land.

The Administration's airport proposal would provide for loans to all publicly owned airports for essentially the same type of projects as are eligible under the existing Federal Airport Act, but would grant money to those airports served by local service carriers only. The total amount of loans that could be outstanding at any one time would be limited to one billion dollars and the total authorization for grants would be $100 million.

The airport proposal is totally inadequate to meet the demonstrated needs of our national airport system. I wish I had the same confidence in the aviation industry's state of maturity as does the Bureau of the Budget. The industry is indeed strong and has come a long way since its infancy. It is not, however, in a state of financial strength to bear the total cost and the total responsibility for national airports improvement.

I consider the airport proposal an abdication of a federal responsibility to provide the assistance and guidance necessary to maintain a safe and adequate national airport system. With respect to airports, the Administration has labored for two long years and produced a gnat.

As the second session of the 90th Congress approaches its end, my efforts to make a smooth takeoff on airways and airport legislation appear to be aborting on an increasingly shorter legislative runway. But I have not let my discouragement turn to despair. If we abort this takeoff, we will just turn around and taxi back to the end of the runway for another run in the 91st Congress.

Many of you here today suffered through the 1950's with me when a complacent executive and a reluctant Congress refused to keep in step with us. We achieved some modest successes with extensions of the old Federal Airport Act and the enactment of the Federal Aviation Act of 1958. We did not give up then when the going was rough and we shall not now.

Aviation is an industry that cannot be permitted to falter. It is too important to the nation to let short-term economies today create large scale waste and inefficiency tomorrow. We must persevere.

One way you can help is to supply the Congress with the information it needs to arrive at intelligent decisions. In this regard, I want to take a minute to talk to you about the questionnaire which the Senate Aviation Subcommittee sent early this year to the airlines and to the airports throughout this country that are served by the airlines.

The response to the questionnaire from the airlines has been good, although exceedingly slow. Most of the trunk and local service carriers have replied.

I cannot say the same about the airport operators. As of May 3 the subcommittee had received replies from only 78 percent of the large hubs, 86 percent of the medium hubs, 70 percent of the small hubs, and regrettably only 39 percent of the non-hub airports. That is just not good enough.

I am particularly disturbed that some of the large hub airports have not considered the questionnaire of sufficient importance to even acknowledge receipt. I can only conclude that they do not have a problem and are not interested in additional federal programs, despite the protestations of doom and disaster from their Washington representatives.

The questionnaires were sent out because we failed to obtain relevant information about the size, scope, and nature of the airport problem during the course of the subcommittee hearings last August. I earnestly hope that these airport operators who have not answered the subcommittee questionnaire will re-consider and provide the committee with the information it needs to develop sound airport legislation.

I have been in the Congress of the United States for 30 years. I know that these representatives of the people listen and respond to the needs and demands of their constituents. The Congress—the Executive Branch—will act if you tell your story to them. But that means more than just talking to Monroney and a few others, who are already devoted to aviation.

One of the great problems I have is convincing some of my colleagues and obviously the Administration of the need for aviation legislation. Not all of the members of the House of Representatives have airports in their district, and therefore, do not have any particular incentive or reason to vote for the expenditure of large sums of money for airport and airways improvement.

You have got to get your message across to those Congressmen and Senators who do not know the saga of aviation. Concentrate your activity on them, visit them personally, get people in the communities you serve to write to them.

If you do, in my capacity as Chairman of the Senate Post Office Committee, I will put on a letter carrier's cap, take up a mail bag, and deliver the letters myself. Working in concert and not in conflict, those of us who know and love aviation can and must keep aviation the dynamic, aggressive and forward looking industry it is today.

TRUTH IN LENDING IS A TRIBUTE TO THE LEADERSHIP OF PRESIDENT JOHNSON AND THE 90TH CONGRESS

Mr. McGEE. Mr. President, I think this Congress can be proud to have adopted an excellent truth-in-lending bill yesterday. This is truly landmark legislation that will benefit millions of Americans for years to come.

This bill is a further tribute to the efforts of the Johnson administration to create a new Bill of Rights for the American consumer. Under Lyndon Johnson's leadership, the consumer public is protected as never before in our history against unfair trade practices, inferior or dangerous products and against unwholesome food.

I think the record will show that Congress has been a willing partner with the President in creating new opportunities and safeguards to protect the consumer's investment.

The truth-in-lending bill is one of the most important new laws enacted. For too long, Americans have been confused or uninformed about interest on their loans. For too long, the least affluent in our population have suffered the most from lack of understanding about the financial obligations they were assuming.

This new bill is a tribute to an adminstration and a Congress determined to act in the best interests of all Americans.

SALE OF SUBDIVISION LAND UNDER SECTION XIII OF HOUSING AND URBAN DEVELOPMENT ACT OF 1968

Mr. BENNETT. Mr. President, section XIII of the Housing and Urban Development Act of 1968 deals with the sale of

subdivision land. Its purpose is to bring about an end to sales made interstate through the use of misleading or fraudulent information even though it also includes land intended to be sold to local residents. When the proposal was before the committee, hearings on it were requested, and granted after the section was approved by the committee.

Several groups had problems with the bill and said that they would testify at hearings, but when they found that it had already been approved, their reaction was that their testimony would have no effect, and the hearings were canceled. One of the prospective witnesses sent to me at my request a copy of what would have been his testimony on the bill. This witness was questioned when he appeared before the committee on a previous occasion, and it was intimated that he and his associate were trying to be obstructive rather than helpful. I did not agree. I think that testimony of State officials involved in the regulation of land sales is important and worthy of our consideration. For that reason, I ask unanimous consent to have printed in the RECORD the statement that would have been made by Mr. Carl A. Bertoch if our hearing had not been canceled.

I personally feel that the problem can be handled on a State level with a minimum of Federal assistance. I offered what I thought was a reasonable approach in a bill that was referred to the Committee on the Judiciary, which has not seen fit to report it to the Senate. Despite my position on the matter, I feel that the Senate should have access to the information which was not considered in our Committee and that those who support Federal regulation give attention to the suggestions made by Mr. Bertoch.

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

REMARKS BY CARL A. BERTOCH, PREPARED FOR SENATE COMMITTEE HEARING ORIGINALLY SCHEDULED FOR APRIL 25, 1968—BUT NEVER HELD

Mr. Chairman and Senators: I want to express my appreciation for being given the opportunity to appear before you to discuss the proposed interstate land sales bill.

I want to first advise the committee that copies of this bill were just recently received and have been submitted to my board members, but due to the time limitations, they have not been able to provide me with their view or comments. Therefore, the views that I express today are my own and do not necessarily reflect those of the board. If they do have comments, I will submit them to the committee.

Appearing here today, I recall when I previously appeared before the committee in 1966 regarding the then pending land sales proposal, that Senators Mondale and Williams were particularly interested in the opinions of Mr. Moyle and myself and whether our comments, in their opinion, were constructive or not. I stated, at that time, and I would like to again state my position and that is, it is my desire to give this committee the benefit of my thinking and our experiences in the state of Florida, as Florida is a major state involved in this activity, so that you may consider them in any proposal that may emanate from this committee. It is not my desire or intent to impede the enactment of a Federal proposal if this is what the Senate in its wisdom feels is necessary, because I fully recognize that this committee represents the "Pentagon" in this war against deception, and I am speaking to you as a "front line soldier" in this war, and I recognize that my perspective of this big picture, is accordingly limited.

This committee, not being in the direct line of fire is in a position to look over the entire battle ground more objectively, therefore, because of the two different vantage points, we may differ in our views, however, I wish to assure you that we are fighting the same war.

When I appeared before this committee in 1966 we were discussing some of the problems in the then existing Florida installment land sales law. I am pleased to state, first, the uniform land sales law is a living, breathing thing and has been enacted in several States and considered in others. Second, that it has been enacted in the State of Florida and many of the problems that were discussed by this committee with regard to the Florida installment land sales law have now been corrected and, today, Florida stands in the front ranks of those States that have met the problem of sales of lands in promotional subdivisions with strong and effective regulation. There are very few States regulating this area that have laws stronger than that of the State of Florida.

Illustrative of what the State is doing is the fact that tomorrow we will be having hearings on new rules and regulations to implement Florida's present land sales law, copies of which are being furnished to the committee. Obviously, these rules may be changed or modified through the hearing process, however, I think from a review of these proposed rules you will see that Florida has, and the present land sales board is, meeting the problems, and that it intends to correct abuses and eliminate questionable practices.

Philosophically, I feel that this is the best way of dealing with the problems, as effective State action is the quickest and most direct way to eliminate any remaining abuses. However, I also recognize the limitations of the States jurisdictional authority to cope with the interstate aspect of promotional land sales. This limitation was recognized in 1966. At that time I spoke of the concept incorporated in Senator Bennett's proposal which would permit the States to bring in action in Federal court to enjoin violations of its local laws—I still think this would be helpful, however, I must say, in all candor, that more may be necessary if an effective job is to be done in eliminating the abuses in interstate land sales.

Specifically, with regard to the proposed bill, I recognize that many agencies are not desirous of getting involved in regulating this activity, apparently, and housing & urban development, apparently having an adequite budget, may not be opposed to getting "involved" and, therefore, this may be the appropriate place to vest this authority if they will assume this responsibility. Whether they are equipped or oriented for this type of work, I don't know, and this, gentlemen, is obviously your decision.

The proposal is not dissimilar in the approach or concept taken by the uniform State law and is familiar in many respects to the Florida law, as it provides for a broad jurisdictional coverage and then exempts offerings not deemed necessary or appropriate to be placed under this control.

With regard to the concept of the proposal, I must agree because this is the approach we have taken in Florida, which I think will prove very successfully, however, I would point out and make very clear, that in Florida we have not limited ourselves to prohibiting practices or procedures that operate as a fraud or deceit, as is contemplated in this proposal, but have provided for the prohibitions of false, deceptive, or misleading advertising, promotional or sales methods, and this, gentlemen, I think is most important. To further emphasize this point, I would direct the committee's attention to the report of the Special Committee on Aging of the U.S. Senate published March 16, 1965, wherein it stated its major findings with regard to interstate mail order land sales: Finding No. 2 was as follows:

"Enforcement action and publicity have hit hard at blatant schemes to defraud or mislead the buyer, but more subtle sales techniques are now at work; in some cases, where outright fraud may be difficult or impossible to prove, sales literature may nevertheless give the buyer a grossly distorted impression of the land he buys."

Therefore, I submit to you that by limiting the law to prohibit fraudulent practices only, you may have limited the jurisdiction of the agency in much the same way that the postal authorities have found their authority limited in this area. I would call your attention to page 30 of the committee report on frauds and misrepresentations affecting the elderly to the committee on aging dated January 31, 1965. The pertinent paragraph reads as follows:

"Notwithstanding the salutary effect of the mail fraud statute and new State laws, the subcommittee has become concerned about other practices that do not fall within the strictly defined jurisdiction of mail fraud investigators. Slippery language and omission of important facts can, in the opinion of the subcommittee, cause almost total misunderstanding and confusion."

Consequently, I would suggest to the committee with regard to the present proposal that commencing with the introductory paragraph where it refers to its purpose, "To prevent frauds" that this be expanded to include deceptive and misleading practices or sales methods and appropriate changes consistent with this be made throughout the entire law.

There are a number of other comments that could be made regarding some of the specific language such as:

1. The definition for the word "developer" is broad enough to include newspapers, magazines, ad agencies, etc.

2. The exemption set fourth in Section 3(a)(1) should be limited to an offer of 50 or more lots in a subdivision within a 12-month period or some such time limitation.

3. The exemption in Section 3(a)(2) should be increased to a minimum of 20 acres or more, rather than 5 acres in size, otherwise there will be a number of exempt 5¼ acre subdivisions.

4. The exemption in Section 3(a)(9) which exempts "the sale or lease of lots to any person who acquires such lots *for the purpose* of engaging in business . . .". This would appear to open a tremendous loophole and should be rephrased.

5. Section 4—it is suggested should be rephrased to include "deceptive or misleading practices or sales methods".

6. Section 6, the information required in the Statement of Record should be amended to include the subdividers' plan of promotion including promotional material in order that the agency could determine whether or not the seller is contemplating a fraudulent or deceptive scheme or plan of sale.

7. Section 8(b) should be amended to prohibit the use of color in the Property Report unless the secretary would require or permit it.

8. Section 9, although preserving the jurisdiction of the Real Estate Commissions or similar agencies performing a like function, should spell out the responsibility of the agency in cooperating with State authorities.

9. Section 10—the provision establishing civil liabilities should be reviewed and a determination made as to whether subparagraph (a) in effect, is establishing a federal right in a state court, or if it is providing for a remedy in federal court and if so, whether or not the $10,000 federal jurisdictional limitation would preclude individuals from having an effective remedy because most of the sales are for amounts substantially less than $10,000.00.

The damages allowable under subparagraph (c) are quite limited and the provisions for the court being permitted to require an undertaking for the payment of costs including reasonable attorney's fees could discourage persons from availing themselves of this remedy. I believe this is particularly important when it is noted in subparagraph (e) that the amount recoverable under this section by a purchaser could not exceed the price of the lot, cost of improvements and court costs. Florida has provided for the payment of reasonable attorney fees for the prevailing party and it is submitted that this should be considered.

10. Section 12 which sets forth a 3-year maximum time limitation for bringing action to enforce remedies under this law is very short when you consider that most sales are made by contracts extending over 7 years or more.

In conclusion, I would re-state my basic position and point to the record which I believe clearly demonstrates that the individual States have increased their efforts in regulating the sale of lands in promotional subdivisions. However, certain jurisdictional limitations limit a State's ability to bring some of the remaining abuses under control and appropriate Federal legislation designed to meet the problem may be necessary. A Federal law which would not be effective would become just another law on the books which would tend to discourage other States from enacting laws to regulate this activity or strengthening existing ones.

I am aware that this committee has worked long and hard on this problem, and I think the committee is cognizant of the notable efforts being made by the individual States to meet the challenges presented by the remaining unscrupulous or unethical sellers, and I want to commend the committee in its exposing some of these practices, which has resulted in a number of States taking effective action. I submit that Florida has been one of the States that has taken strong, effective and direct action in curbing the abuses that it has found within its borders. I do believe, however, that this committee can find that due to th_ individual States' obvious limitations, jurisdiction-wise, as well as the economics involved that some Federal legislation could be of great help to the States in doing their job . . . and I am hopeful that the committee will look carefully at the various alternatives, the nature of the problem and enact that which will do an effective job.

Thank you.

RESIGNATION OF DR. JAMES GODDARD, DIRECTOR OF FOOD AND DRUG ADMINISTRATION

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from New Mexico [Mr. MONTOYA], I ask unanimous consent to have printed in the RECORD an article entitled "Dr. Goddard Resigns," published in the New York Times of May 23, 1968, and also a statement by Senator MONTOYA.

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

DR. GODDARD RESIGNS

Since he was one of Washington's toughest and most controversial administrators, Food and Drug Commissioner James L. Goddard undoubtedly had more than a normal portion of ill-wishers inside and outside the Federal bureaucracy. Nevertheless his resignation means the departure of a devoted and effective public servant who revolutionized the Food and Drug Administration by making it at long last an effective instrument of consumer protection rather than a weak and little-respected handmaiden of the special interests it was theoretically supposed to regulate. His going is a major loss.

The vigorous enforcement of the laws protecting consumers against health dangers in foods and medicines is one of the most vital, if unglamorous, tasks of the Federal Government. The imaginative and important beginnings Dr. Goddard made must be continued and extended. To do so, the man who succeeds him will have to be someone of great energy, substantial professional status, and considerable courage. No lesser choice will meet the needs that Dr. Goddard has done so much to expose to the American people.

STATEMENT BY SENATOR MONTOYA

I am informed by those who are concerned with the interest of the public that Dr. Herbert L. Ley, Director of FDA's Bureau of Medicine, meets these qualifications and is highly recommended as Dr. Goddard's replacement. I again express my hope that Dr. Ley will be considered for this position.

COMMENDATION OF HON. PAUL R. IGNATIUS' SPEECH BEFORE NATIONAL CONVENTION OF NAVY LEAGUE OF THE UNITED STATES

Mr. PELL. Mr. President, the U.S. Navy plays a vital role in the Nation's oceanologic program. It is a wide-ranging program involving exploration of the seas through ocean sciences, development of advanced undersea hardware and man-in-the-sea techniques through ocean engineering, and extensive survey and data-collection work.

Our dedicated and brilliant Secretary of the Navy, Hon. Paul R. Ignatius, recently spoke on the Navy's role in oceanology before the National Convention of the Navy League of the United States. His address was an excellent summary of the progress being made by the Navy in the new frontiers of ocean space and the exciting prospects for the future.

I ask unanimous consent that excerpts of his speech be printed in the RECORD.

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

REMARKS BY HON. PAUL R. IGNATIUS, SECRETARY OF THE NAVY, BEFORE THE NATIONAL CONVENTION, NAVY LEAGUE OF THE UNITED STATES, HONOLULU, HAWAII, APRIL 26, 1968

The Navy, for the Department of Defense, is presently responsible for well over half the total of federally supported programs in oceanography. Our oceanographic programs, under the aegis of the Oceanographer of the Navy, Read Admiral "Muddy" Waters, will expend $287 million out of a national budget of $516 million in the next fiscal year.

The federal oceanographic effort—including that part which is the Navy's responsibility—has objectives which go beyond their obvious contribution to the national security.

This effort is also aimed at increasing the world's food supply, controlling and reducing pollution, and promoting international understanding and cooperation.

But the real objective is not readily described by a list of individual projects. A few years ago the President's Scientific Advisory Committee recommended that the ultimate goal of the national ocean program should be effective use of the sea for *all purposes currently considered for the terrestrial environment.*

This means bringing all the benefits of the oceans into our daily lives; literally expanding the area of the earth which we use to include the ocean world, which is almost three times larger than the land world.

Within the Federal Government, 24 bureaus in 11 departments and agencies have been involved in various aspects of oceanographic work.

To facilitate these programs and provide a coordinated sense of direction, a council, headed by the Vice President and including the Secretary of the Navy as the Defense Department representative, and a national Commission, were established by Congress in 1966. The Commission is to determine by 1969 what kind of structure the national oceanographic effort should possess.

The Navy, for its part, believes that the interests of the nation as a whole would best be served by a strong cooperative effort among all those Federal agencies concerned with the sea on the concept that specific oceanographic programs would be operated by the agency or department best qualified to run them. *All* concerned, government and industry, would reap benefits, avoiding costly duplication. We in the Navy support any program which contributes to man's ability to use and operate in the world's oceans since the national defense will unquestionably be improved, regardless of sponsor.

The Navy program operates with the support of over 1000 civilian scientists and engineers at more than 100 academic and institutional facilities throughout the country, and within a dozen Navy labs.

These people have been involved primarily in the *Ocean Science Program,* whose goal is to advance our understanding of the physical, chemical, biological, and geological characteristics of the seas—the *geophysical* dimension of the world's oceans—with their 140 million square miles of surface, and their 300 million cubic miles of water.

This is the most obvious dimension of the sea, and we have much to learn.

A prime example is the Gulf Stream. It is not simply a surface feature, but extends thousands of feet below the surface. It is warmer than the waters off the North Atlantic coast of the United States, but *colder* than the North Atlantic waters that lie to the east of the Gulf Stream.

The investigation of such geophysical characteristics provides a broad basis of scientific knowledge which supports technological applications, for the Navy and for all others who use the sea. These new applications are adding a second dimension to the world's oceans—what might be called the human dimension, the ability of man to live, work and operate in the sea. They are advancing the ocean environment from the caveman stage into the 20th Century.

In the Navy, technological applications are developed mainly in the *Ocean Engineering and Development Program,* in which we have major programs such as undersea search, rescue, salvage, and construction, all in support of our combat units.

Development of an undersea Deep Submergence Rescue Vehicle, for instance, was spurred by the loss of the submarine THRESHER in April 1963. This new rescue vehicle, which should be ready for trials within a year, is designed to bring the crew of a disabled submarine to the surface, 24 at a time, from relatively deep water.

I am pleased to announce at this time that the United States is willing to share with other nations the obvious benefits provided by the Deep Submergence Rescue Vehicle. A document has been prepared giving details and technical specifications of this submarine rescue system which will be available to foreign navies on request through normal diplomatic channels. Nations interested in this rescue system can modify their submarines so that in the event one becomes disabled on the ocean floor, it can be mated with the U.S. rescue vehicle. This is another example of this country's willingness to cooperate in oceanic programs.

Another example of our interest in learning more about the seas is the rapid growth in number of underwater submersibles such as Alvin, Aluminaut and Deep Star. Prior to 1961, there was only one. Since 1964, approximately 25 have been built and by 1972, we anticipate 25 to 30 more will be built.

The NR–1, a nuclear-powered deep submergence research and ocean engineering

vehicle, will perform detailed studies of the ocean bottom, temperature, currents, and other features for military, commercial, and scientific uses. It should be able to explore the entire continental shelf, with its potential wealth in mineral and food resources.

Two recent events dramatically manifest man's continual advance in proving his ability to live and work at greater depths in our oceans. Last February two Navy men experienced a simulated depth of 1,025 feet for a period of 13 minutes.

Only a few days later two professional divers from International Underwater Contractors stayed at 1,100 feet for five minutes.

The human dimension of the oceans is being expanded in other ways, too.

We are looking at the possibility of extending man's ability to live and work on the ocean floor, exposed to the pressures of the sea. This is the object of the Man in the Sea program, which got its impetus from the medical work done over the years by Captain George Bond, who is still active in the program today.

The latest experiment in this program—Sealab III—will place aquanauts in a habitat at 600 feet beneath the surface off San Clemente Island, California this fall.

Consistent with the Navy's cooperative approach to oceanography, Sealab III will be an interagency and international venture. Aquanauts from Australia, Canada, and the United Kingdom will participate in the project. Three scientists from the U.S. Bureau of Commercial Fisheries are also joining us to transplant some Maine lobsters to the waters off California. If this experiment is successful they might be raised commercially there.

The story behind the Sealabs is worth relating in some detail.

Until recently, the useful limits of man in the sea was considered to be 380 feet for 30 minutes, with "hardhat" diving equipment required.

In 1957, the Navy began experiments in a new technique called "saturation diving," in which a man would live without a diving suit in a habitat on the sea floor, pressurized to the water pressure at that depth, and breathing a helium-oxygen mixture which could not cause disability or injury, as air does, at high pressure.

The American inventor, Edwin Link, and the French Captain, Jacques-Yves Cousteau, pioneered in applying the data and concepts provided by the Navy's earlier experiments, and striking out in a new direction. Captain Cousteau has conducted several highly important experiments in the Mediterranean and Red Seas. The Sealab experiments have profited greatly from Cousteau's earlier work, and the Navy has exchanged information with him. These exchanges of mutual benefit continue today.

By the time we established Sealab II in 1965, aquanauts remained underwater at a depth of 205 feet for 30 consecutive days. While living underwater, they conducted physiological experiments and performed underwater tasks in salvage, oceanography, and construction.

Helium does pose certain problems. Men's voices sound like Donald Duck's and become nearly unintelligible. Helium, though inert, indirectly caused burns in Sealab II because the heating coils in hotplates did not turn red, and some aquanauts touched them to see if they were hot. But, aside from these minor problems, it works.

In the future, using helium technology, we expect to be able to dive to and work at a depth of 1500 feet. Aquanauts could thus live and work under the sea in habitats with a nuclear or fuel power source.

Below 1500 feet, helium saturation-diving is impossible, since a man experiencing those pressures eventually blacks out from narcotic effects. Hydrogen is the only other gas which could be used below 1500 feet, but at present we know little about its biological effects.

However, there is a more revolutionary concept that could, one day, permit man to swim freely—without diving suits or hardhats—at depths of up to 12,000 feet, the prevailing depth of the great ocean basins. It is called fluid breathing.

This technique involves pumping an oxygenated saline fluid, rather than gas, through an aquanaut's lungs, and his sinus cavities. Thus, the pressure outside his body would be no greater than that inside, even at the crushing depth of 12,000 feet. It is hard to believe, but he could survive, because except for the sinus and chest cavities, the human body is like a fluid, and thus incompressible.

Another advanced concept is that of sub-bottom stations which, unlike the habitats in the saturation-diving programs, would be protected from the pressures of the depths.

A sub-bottom installation could consist of a series of rooms, excavated from the bedrock beneath the sea floor, with a nuclear power supply and complete living facilities.

If it were located under the continental shelf near shore, access could be through tunnels to the coast. Installations farther from shore would be entered from the sea through lock systems.

The problem of establishing stations under the ocean floor, beneath tons of water, is not insurmountable.

There are 76 mines which operate, or have operated, beneath the continental shelf. One of the largest is a coal mine, which extends four miles offshore, at Cape Breton, Nova Scotia under water up to 120 feet deep. It covers 75 square miles of seabed, and has 10,000 miles of open tunnels. The mine does not leak.

Another mine, off Newfoundland, under 420 feet of sea water, is so water-tight that it has to have water pumped *into* it to control the dust.

For an example, in another industry, there is, 90 miles offshore in the Persian Gulf, an oil well with a production capacity of 100,000 barrels a day, and no way to store it.

A group of five oil companies is considering a solution: to excavate a storage cavern under the sea floor nearby to bunker a million barrels of crude oil.

It is possible to imagine the construction of a true undersea laboratory, operated as a facility for general experiments in underseas science and technology, and available to universities, to industry, and to government. This would be the equivalent of a manned space station and would open another dimension to the reaches of scientific exploration of the oceans.

As these examples show, new sub-bottom technologies we may develop could also be used in non-military applications.

To transform ideas like these into reality will take a concerted effort to develop the tools, machines, and techniques which will be required for an environment as radically different from earth as outer space.

This is the objective of the Navy's *Deep Ocean Technology Program.*

Ocean technology required to support national security objectives closely parallels that required for economic, commercial, and political purposes. Navy programs have long provided a large measure of support to other national agencies' objectives.

This is true even in areas not readily perceived.

For example, the Navy gathers and analyzes data on the ocean salinity and temperature, primarily for use in predicting sonar conditions for Anti-Submarine Warfare operations.

These data, however, are made available to commercial operators, and to the Bureau of Commercial Fisheries, which then informs fishing vessels where they would be most likely to catch tuna fish. Four-fold increases of catch have been reported as a result of consulting environmental charts.

Such areas of cooperation between the Navy and private industry are being expanded wherever possible.

Technologies now at hand must be directed toward increasing the world's fishing catch and enriching the diets of the one and one-half billion underfed people in the world.

In another field of cooperatitve endeavor, we recently placed the designs for the Navy "Transit" navigation satellite receiver in the public domain to enhance the safety of all mariners and marine enterprises.

Also, we are going to expand our ocean test facilities and intend to make them available to academic institutions and private concerns to the maximum extent possible.

All the development activities I have mentioned—in the *Ocean Science Program* and the *Ocean Engineering Program*—are supported by the third element of the Navy's oceanographical structure, the *Operations Program.*

This program conducts a great variety of surveys in all ocean areas and provides the support so necessary to salvage operations. It produces and disseminates the charts, publications and forecasts necessary to support all marine activity on and in the sea.

To carry out this effort we have 31 surface ships, one submarine, and five aircraft; and a major shipbuilding program.

By these Navy oceanographic programs, and those of all the other Federal agencies involved, a revolution is being brought about in man's ability to explore, live in, and exploit the oceans around him. As this capability grows, and as it becomes within the means of more and more nations we will be faced with new political and legal problems.

Society has recognized few restraints in the uses of the oceans. It has instead emphasized free ocean use, or "freedom of the seas" in areas beyond national territories.

But, what will happen as the revolution in ocean technology makes it easier to establish useful installations on the ocean floor?

At present, the Geneva Convention on the Continental Shelf provides that coastal states exercise sovereign rights over the continental shelf for the purpose of exploring it and exploiting its resources.

Clearly, as the dimensions of the sea expand there will be problems as well as opportunities.

Ten years ago, few of the natural resources available in and under the seas near our coast were exploited. Today, two percent of our solid minerals and 6.3 percent of our petroleum products are taken from sites on the American continental shelf.

The Federal Government plans to continue with development of fish protein concentrate production here and abroad. Two billion people could be fed using only half the world's present catch in this fashion.

The President of the United States has proposed an "International Decade of Ocean Exploration for the 1970's" and is soliciting the cooperation of other nations in this historic and unprecedented adventure.

Among other things, it will initiate steps for rational development of the coastal zone, with emphasis on control of pollution.

It will work to ensure the safety of life and property along our coasts, study new programs for harbor development, and expand the "Sea Grant College" programs for training the men and women who will be urgently needed for technological development of marine resources in the 1970's.

It will accelerate the mapping of our continental shelf and foster more marine applications for new technology of benefit to both science and industry.

It will intensify the work in Deep Ocean Technology of which I spoke earlier and strengthen our nation's base of marine research and technology capabilities.

It will provide opportunities for exchange of information and other cooperaitve efforts with other nations and their citizens in unlocking the secrets of the oceans and the earth beneath.

The Navy is justifiably proud of the role it has played in leading the revolution in oceanography, and of the indispensable sup-

port it has given to so many of the programs directed by other federal and private agencies.

The Navy believes that a vigorous, well-defined and multi-faceted oceanographic program is clearly in the national interest. It therefore is prepared and *expects* to participate in all areas where Navy experience and facilities may be of value to the nation.

Ladies and gentlemen, this is indeed an exciting prospect for our Navy.

TRUTH IN LENDING IS HISTORIC LEGISLATION

Mr. DODD. Mr. President, from the moment that Lyndon B. Johnson took office, the American people had a consumer's champion in their corner. Yesterday Congress adopted a measure—truth in lending—which adds a further dimension to the Johnson administration's unprecedented accomplishments in behalf of the consumer public.

This has been a truly historic week for the American consumer. Congress has passed an automobile insurance bill to investigate the high costs of insurance. And, of course, we now have truth in lending on the books.

I believe we are a stronger nation for having passed such legislation. Our businessmen, as well as our consumers, will benefit from laws that aim to rid our free enterprise system from unscrupulous merchants and manufacturers that give their industries a bad name and bilk the public.

The American people have the right to expect full value for their dollars spent. And they have a right to expect wholesome food and safe products.

The consumer protection legislation proposed by the President and passed by this Congress affords such value and protection.

As the President noted yesterday:

Some day, history and every American will thank the farsighted and compassionate Members of Congress who have supported consumer legislation.

History will also thank a great President for his leadership in this vital area.

I ask unanimous consent that President Johnson's remarks yesterday upon the signing of the automobile insurance study bill be printed in the RECORD.

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

REMARKS OF THE PRESIDENT UPON THE SIGNING OF SENATE JOINT RESOLUTION 129, AUTOMOBILE INSURANCE STUDY BILL, IN THE FISH ROOM

Secretary Boyd, Chairman Magnuson, Chairman Staggers, Distinguished Members of Congress, Miss Furness, Ladies and Gentlemen, the automobile has changed the face and has changed the character of our country. It has brought farms and factories and beaches and mountains closer to the cities. It has given jobs and new convenience to millions of our people. For far too many of our citizens each year, however, it is the instrument of a great deal of suffering and loss to them.

Less than two years ago, we acted to try to make cars and highways safer. We passed what was called the Traffic Safety and Highway Safety Acts of 1966.

We take another forward step today, with the Automobile Insurance Study Resolution. It is the first effort of the Federal Government to work for the consumer in this matter of daily concern to every American.

Auto insurance is important, not only to the 100 million Americans who drive autos, but to every passenger and to every pedestrian.

In my State of the Union and consumer messages to Congress, I called for the first comprehensive study of the automobile insurance system. The resolution authorizing this study is before us here today.

Now, we are going to find out:

Why insurance premiums have jumped so suddenly—They are up 44 percent in the last ten years;

Why thousands of policy holders are left helpless when insurance companies fail, as at least 80 have done since 1961;

Why the courtrooms are jammed with auto liability suits, with delays in some places of almost five years before they can come to trial.

Why equal access to auto insurance is not available to all Americans; and

Why compensation of accident victims is often unequal and unfair.

These are difficult questions. There is little of the dramatic in them. Their answers will not come easily or quickly. But the step we are taking today is a beginning and we are moving forward.

Some day, history and every American will thank the farsighted and compassionate Members of Congress, like Congressman Staggers, Congressman Moss and Senator Magnuson, who have launched this newest advance in protection for the American consumer.

Of course, I think history will long remember and treat kindly Miss Furness for coming here and assuming the leadership in the Executive Department for what we are doing.

THE LATE ELMER BROWN, PRESIDENT, INTERNATIONAL TYPOGRAPHICAL UNION

Mr. PELL. Mr. President, I should like to pay tribute to one of the truly outstanding labor leaders of recent times, the late Elmer Brown, president of the International Typographical Union, who died earlier this year at the age of 66.

Elmer Brown was typical of the able and effective labor leaders who has mastered the hard detail of their trade and then come up through the ranks to display a talent for constructive leadership. He started as a printer's apprentice on the country newspapers operated by his father in eastern Tennessee and eventually found his way to New York, where he distinguished himself in union affairs, assuming the presidency of the ITU in 1958.

It was my great honor to serve with President Brown as an officer of the Union Printers Home Association in Colorado Springs, which he served as chairman of the board of directors. The association, which I am honored to serve as vice president, is a nonprofit corporation for the support of the Union Printers Home, Hospital, and Sanitorium, and President Brown offered great inspiration for the successful operation of these fine institutions.

I am pleased to note that two other Rhode Islanders served under Mr. Brown on the board of directors. They were the late Representative John E. Fogarty, and William F. Foley, who is legislative representative of the ITU and president of the Pawtucket, R.I., Typographical Union No. 212.

Mr. President, Elmer Brown left behind a proud record of distinguished and responsible leadership of one of the most influential and important unions in this country. I salute his memory and ask unanimous consent that a biographical statement prepared by the ITU be printed in the RECORD.

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

ELMER BROWN

Elmer Brown was born at Tracey City, Tennessee, April 17, 1901. His education was received in public schools but more especially in the several printing offices and country newspapers owned and operated by his father in eastern Tennessee. His apprenticeship training was recognized and he was initiated as a journeyman member of the International Typographical Union by Chattanooga Typographical Union No. 89 on December 6, 1925.

After working in several cities as a printer Elmer Brown went to New York City where he became a member of New York Typographical Union No. 6.

Mr. Brown served as a member of the United States Navy and while in that capacity met his wife to be, Rosita, in San Domingo. They were married and lived for a time in New Orleans, where their first born daughter, Josephine, was born. Later another daughter, Anna was born.

It was in New York that Mr. Brown's talents became obvious and with tenacity he made a name for himself and in 1939 he was elected by the largest union in the I.T.U. as president. He held this office until 1941. He distinguished himself as a dedicated trade unionist and as a leader.

In 1944 Elmer Brown was elected a vice-president of the International Typographical Union and remained in this post until 1950. He did not offer himself for reelection but later was made a special representative of the I.T.U. by the then President of the I.T.U. Woodruff Randolph.

During the I.T.U. election of 1958 Elmer Brown was elected President of the International Typographical Union and leaves behind him a record of constructive accomplishment.

He caused the transfer of I.T.U. Headquarters to Colorado Springs, Colo., where they remain on an auspicious site located on the grounds of the Union Printers Home.

Former President Brown took an active interest in the Union Printers Home and Sanatorium, served as its corporate president. He was chosen of the Board of Directors of the Union Printers Home Association as its first Chairman of the Board. He supplied inspiration for the success of this venture.

The Graphic Arts Training Center was greatly enlarged under his administration and now furnishes an example for others to follow and many do come to learn of its structure.

Former President Brown found time to lecture in a number of Universities and was frequently invited to do so. One of the last of his presentations on Industrial Relation was at Brigham Young University in Utah. He held an honorary Doctor's degree from San Antonio University, Texas.

Elmer Brown enjoyed an exceedingly large circle of friends including many newspaper publishers, educators, and members of the clergy. His funeral, one of the largest ever held in Colorado Springs, was attended by many presidents of big city local unions of the I. T. U., a special representative of the Newspaper Publishers Association and persons in high place in government. Never did Elmer Brown lose his common touch and the great number attending his funeral counting many representatives of different walks of life attested his like of people and his interest in them.

His remains are interred in Evergreen Cemetery, Colorado Springs, and will be marked by an appropriate monument to be erected by his many friends.

He is survived by his widow, Rosita and

two daughters, Josephine Davis and Anna Hoffman and nine grandchildren.

STRONG PUBLIC SENTIMENT FOR CONGRESS TO ACT ON FIREARMS

Mr. DODD. Mr. President, as a further example of the mood of the American public on the need for effective, workable firearms laws, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks, a series of newspaper articles and broadcast opinion of local radio and television stations which I believe is one of the best barometers of public opinion on a local level.

It is clear that the opinion expressed in these editorials almost uniformly coincides with what we have found to be the mood and the desire of the public as expressed in the years of public opinion polls which have supported tough firearms laws to disarm the criminal.

It is also apparent from the tone of this material that the public does not approve of the manner in which Congress has handled the firearms problem over the years, nor with the success the firearms lobby has had for 30 years in preventing the passage of a law to deal with the wide-open trade in firearms to criminals and others.

Such views as these are expressed and I believe they reflect the essential views of the community on the matter of firearms legislation:

Wheeling, W. Va.:

A law such as proposed we would think should do no great harm and might do some good. It should be worth a trial.

Richmond, Ky.:

Three out of four people in the nation favor such action.

Tampa, Fla.:

Of course, the committee-approved measure is not a cure-all for the problem of easy access to deadly weapons by undesirable persons. But it does establish some reasonable and limited controls.

Hagerstown, Md.:

While the arguments rage, the untrammeled traffic in guns continues across the country. There must be a way by which reasonable men can control such traffic.

WCBS–TV, New York:

Ultimately, however, a national solution must be found through Federal control of firearms.

WTOP–TV, Washington, D.C.:

When is Congress going to wake up and do something about this? What kind of national disaster will it take to shock our lawmakers out of their lethargic tolerance of wide-scale, random violent killing?

KNXT, Los Angeles:

The Federal bill now under consideration would prohibit interstate sale of handguns by mail to individuals. We think the proposal should be approved, and we think it should be extended to cover rifles, too.

New Kensington, Pa.:

Congress should enact the measure the Judiciary Committee has approved and later work for extensions of the law as seem to be indicated.

New London, Conn.:

How many more Kennedy and King assassinations do we need before Congress takes note and does something substantial and constructive?

New Britain, Conn.:

This bill . . . marks the climax of years of effort to begin some sensible control of the spreading availability and use of firearms across the United States. It is sensible and long overdue.

Anderson, S.C.:

Every realistic American realizes that the United States is an armed camp in that nearly everyone, including every criminal and every person with criminal inclinations is armed to the teeth, possibly with several guns at his disposal.

Mr. President, I ask that the sentiments of the public as expressed in these newspaper articles be made available to my colleagues during the debate on firearms.

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

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

[From the Richmond (Ky.) Register, Apr. 24, 1968]

ALMOST THREE OUT OF FOUR FAVOR GUN CONTROL BILL

Congress has been urged by President Johnson for more than a year to enact a tight gun control law. Such a law would require persons to register all gun purchases.

In a recent survey by the Louis Harris organization 71 per cent of the citizenship said they favored such a law as contrasted with 23 per cent who are opposed. Six per cent were not sure of their attitude.

There has been a considerable increase in the purchase of guns since last August when a similar survey was made.

The gun control law has been bottled up in Congress with little prospect of a vote on it. The National Rifle Association vigorously opposes the bill and has been able to persuade Congress not to vote on the measure.

The survey indicates that 51 per cent of the homes in the nation have a gun in the household. It is in the South where 64 per cent of the homes have guns, which is the region where the greatest number of firearms are to be found. The Midwest is second in gun ownership with 55 per cent.

The increased purchase of guns is said to result from increased concern about violence. Forty-eight per cent of the people said the fear of racial violence made them uneasy on the streets.

There was agitation for federal legislation to control firearms sale following the assassination of President Kennedy but the National Rifle Association held action in check.

The assassination of Dr. Martin Luther King may again stimulate public interest in the legislation.

Three out of four people in the nation favor such action, according to the Harris poll which should have some influence on Congress.

[From the New Britain (Conn.) Herald, Apr. 27, 1968]

SPEAKING OF GUNS

Next week, the U.S. Senate is scheduled to begin debate on important anticrime legislation. Perhaps the most bitterly contested sections of the bill will be those which seek to control the sales of firearms. These represent provisions which have long been advocated by Connecticut's senator, Thomas J. Dodd.

Without going to extremes, it appears that the general welfare of the nation could be served by some sort of control over firearms commerce. For instance, it should not be easy for anyone, whether he is a convicted felon, whether he is under the legal age of responsibility, whether he is, perhaps, mentally incompetent (by legal definition), to purchase, with no restrictions whatsoever, any sort of firearm he wishes.

By the same token, gun control legislation must not be so restrictive as to prevent mature, legally responsible adults from procuring firearms, for instance, for sporting purposes, or for home protection. It will be the Senate's difficult task, beginning next week, to thread a viable path between the extremes.

Some of the bill's provisions make good sense; if they are not yet perfect, they represent, at least, a beginning. Something should be done, for example, about a mail-order trade in which a three-year-old can order an automatic weapon. (No three-year-old is going to do this, of course, but a reporter on a national magazine, not too long ago, accomplished such a transaction in the name of his young daughter. It worked.) There seems to be rather limited justification, also, for the importing of surplus bazookas, mortars and antitank guns. In a similar instance, the Federal government several years ago slapped tight restrictions on the sale and use of automatic weapons and muzzle silencers, which hasn't seemed to hurt the sporting trade.

This bill—a beginning—marks the climax of years of effort to begin some sensible control of the spreading availability and use of firearms across the United States. It is sensible and long overdue.

[From the Wheeling (W. Va.) Intelligencer, Apr. 28, 1968]

WORTH A TRIAL: LIMITED FIREARM CURB MIGHT HELP RESTRAIN LAWLESS

The firearms curb written into a pending anti-crime bill by the Senate Judiciary Committee will hardly satisfy those who have been demanding the complete prohibition of mail order traffic in such weapons. For the amendment permits the purchase of rifles and shotguns in this manner, but not that of such concealed firearms as revolvers.

Short of abolishing the public sale of firearms altogether it seems unlikely that any legislation can provide a guarantee against deadly weapons falling into the hands of those who would use them for illegal purposes. And it could happen, as complained by those who have opposed most of the legislation aimed at restricting the business, that about all that will be accomplished will be the inconveniencing or disarming of law-abiding citizens who seek self-protection or the indulgence of a lawful hobby.

There seems reason to hope, however, that enactment of a measure such as the Senate Committee has in mind will make it more difficult, through imposition of the various restrictions embodied in it, for those who should not be armed to obtain weapons, while still making it possible, if somewhat inconvenient, for the law abiding to obtain firearms.

A law such as proposed, we would think, should do no great harm and might do some good. It should be worth a trial.

[From the Anderson (S.C.) Mail, Apr. 22, 1968]

BETTER GUN LAWS NEEDED

As everyone knows, the "open housing" law was passed by Congress while rioting, which started on the heels of the slaying of Dr. Martin Luther King, was flaring over the nation.

Many observers have said that the law might never have passed both houses of Congress under any other circumstances.

Notable, too, is the fact that Congress failed at the same time, to take action on a bill which would have restricted, in some measure, the shipment of fire arms, especially hand guns, in interstate commerce.

As of now such guns are not only sold over the counter, with only minimum restrictions, but many may be purchased by mail and shipped in interstate commerce.

Every realistic American realizes that the United States is an almost armed camp in

that nearly everyone, including every criminal and every person with criminal inclinations is armed to the teeth, possibly with several guns at his disposal.

Restrictions are definitely needed at national levels, and in most States added restrictions on the purchase and bearing of arms need to be passed.

With mob violence, sniping and other illegal activities at a critical stage, Congress was at least inconsistent in passing an "open housing" bill, and at the very same time failing to do something in the direction of curtailing the manufacture, sale, and possible use of firearms.

After all, it was guns, not housing that was killing and wounding people on the nation's streets.

[From the New London (Conn.) Day, Apr. 26, 1968]

CONGRESS AND GUN LAWS

The Senate finally is ready to talk about controlling the sale of guns, its Judiciary Committee having voted 7–6 to bring proposed legislation to the floor. There is nothing for the public to cheer about yet. Note the committee's close vote. Realize that not in 30 years has any constructive legislation on gun sales passed in Congress. Finally, recognize that the most necessary element of any gun sale control bill—mail-order sales of rifles and shotguns—is missing from this proposed bill.

It's high time a lot of the baffiegab was edited out of the record of the controversy.

Item: This legislation is constantly referred to as "gun control." It is not control of guns. It is control of their sale to keep them from irresponsible and criminal hands.

Item: The National Rifle Association, principal opponent of effective gun sales control, uses the argument that such legislation would be contrary to the Second Amendment to the U.S. Constitution. That amendment, part of the Bill of Rights, says: "A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed." It says nothing about mail-order sales of rifles which could just as well be sold over the counter by local stores to qualified persons.

Item: The National Rifle Association boasts a membership of 700,000, which makes it an effective lobby. But a recent Harris poll shows that 71 per cent of Americans favor controls over the sale of guns. The Boston Globe, which reported the poll's results, added that although 51 per cent of American homes contain guns, those who own them favor tighter gun sales control by 65 to 31 per cent, better than 2-1. How's that for an unheard and unheeded lobby?

Item: In 1966, the last year for which figures were available, firearms in America accounted for 6,400 murders, 10,000 suicides and 2,600 accidental deaths.

Sen. Thomas J. Dodd of Connecticut is expected to fight for a stiffer gun sales control provision when the matter reaches the Senate floor next week. He needs the moral support and comments of constituents.

"People are buying guns like mad," said Dodd. "We're really going to be in trouble if this doesn't stop. Here we pretend to be advanced and we're the most backward country in the world when it comes to guns. We're still living in the Wild Indian days."

How many more Kennedy and King assassinations do we need before Congress takes note and does something substantial and constructive?

[From the Hagerstown (Md.) Mail, Apr. 11, 1968]

GUNS: STILL UNCONTROLLED

There is no small irony in the fact that, on the very day on which Martin Luther King was killed by a sniper's bullet, the Senate Judiciary Committee apparently rejected two administration proposals for modest controls over the sale of firearms. A subsequent tally of absentee ballots pushed the vote to the favorable side.

For years the Congress has talked a great deal and done nothing to put any sort of controls on the free availability of guns.

What limited law was already on the books was struck down by a Supreme Court decision in January, on the grounds that its registration requirements amounted to self-incrimination.

The arguments over federal gun legislation are endless. Hunters protest they will lose their rights; there is a facile theory that gun controls will not affect "criminals" but will deny protection to law-abiding citizens; the constitutional "right to bear arms" is wearyingly quoted or misquoted.

While the arguments rage, the untrammeled traffic in guns continues across the country. There must be a way by which reasonable men can control such traffic.

We are certain Congress contains enough reasonable men to find it. We hope they push work on the problem without delay.

[From the Fayetteville (N.C.) Observer, Apr. 30, 1968]

CONTROL OF FIRE-ARMS

There is little chance that the gun-control legislation now winding its way through Congress is going to have (if passed) any effect on the fire-arms homicide rate.

Of course the bill has been given a tragic boost by the assassinations of President Kennedy and the civil rights leader, the Rev. Martin Luther King.

But both of these killings were accomplished at fairly long range by rather high-powered rifles, equipped with telescopic sights, thus giving the killer a much better chance to escape than if he had committed his murder with a pistol, which requires getting quite close to the victim for effective accuracy.

Of course the assassinations of Kennedy and King were nation-shocking affairs, but in comparison with the number of killings with handguns they pale into insignificance.

They were planned and executed with skill, but most gun killings occur more or less spontaneously in sudden fits of anger, in resistance to robberies, in unexpected confrontations between law officers and suspected law violators, or in cases when some citizen for one reason or another loses possession of his reason.

As written the fire-arms law would make it a federal offense to obtain a hand-gun from outside his state.

A sane fire-arms law would be one which would require every manufacturer to test-fire every rifled gun manufactured and to preserve the fired bullet, labeled with the serial number of the gun from which it was fired.

This would be of material assistance to the police in identifying the weapon which was used in a killing and in tracing it to the killer, especially if every state would pass a law requiring every firm or person, who sold a gun, to obtain and keep on file the name of the purchaser and the serial number of the weapon sold.

As far as planned assassinations go a similar registration and recording of telescopic sights could put one more obstacle in the path of an individual planning a long-distance murder.

[From the Louisville (Ky.) Times, Apr. 26, 1968]

PEOPLE KILL PEOPLE, YES: WITH GUNS

It is unquestionably true, as the National Rifle Association doggedly insists, that guns do not kill people—people kill people.

But it also is unquestionably true that people find guns helpful in killing people, particularly if the victims are some 200 feet away, as they were in the John F. Kennedy and Martin Luther King murders. In fact, had the killers of these two men not had access to rifles, it is at least possible that both Kennedy and King would be alive today.

However, the murderers did have rifles and the tragedies that resulted from that fact may, just may, prod Congress into trying to diminish the number of such tragedies in the future. This week the Senate Judiciary Committee sent to the floor of the Senate an extremely modest bill containing provisions for the control of guns.

"Modest" may be too strong a word for the bill; "weak" might be more accurate. Its gun-control clauses would prohibit interstate mail-order sale of pistols and revolvers, prohibit over-the-counter sales of such weapons to nonresidents of a state or to persons under 21, and would curb importation of surplus military weapons.

Shortcomings of these proposals are obvious. There is nothing here that would prevent mail-order sale of rifles or shotguns, although rifles seem to be the favorite weapon of assassins. There is nothing here that would enable legitimate authority to know who was buying guns, nothing to establish the identity of the purchaser.

Nevertheless, the program outlined in this legislation is an advance, no matter how small, over what we now have. This fact, however, is no cause for rejoicing. In the first place, the advance is not really significant. Perhaps more importantly, the tiny gain that would be made could be used as an excuse for not going farther. The opponents of effective gun-control legislation might say—almost inevitably will say—that nothing more is needed. The fact is that much more is needed.

When the bill gets to the Senate floor, it may be possible to strengthen it. At least its prime mover, Senator Dodd, D-Conn., is expected to lead a fight to include rifles and shotguns in the mail-order ban. Whether it will be successful is unanswerable now.

For years the opponents of effective gun control have had their way although repeated polls have shown that the majority of Americans believe that such controls are desirable. So influential have these opponents been that, according to *The New York Times*, the present bill will be the first "significant gun-control legislation" to reach the Senate floor in 30 years. Probably not even these weak provisions would have made it, except that they were tacked on to a "crime-in-the-streets" bill.

That portion of the over-all bill, incidentally, contains some provisions regarding wiretapping, the use of confessions and court review that seem to the layman to be of dubious constitutionality, not to mention wisdom.

This paper believes strongly in effective gun controls. Obviously no legislation is going to work perfectly. No matter how good the law, some men undoubtedly will be killed with guns, accidentally or otherwise. But we submit that the opportunities for accident or murder would be fewer if it were less easy for almost anyone to obtain one of those appliances with which people kill people.

[From a KNXT editorial, Los Angeles, Calif., May 9, 1968]

THE NEED FOR FEDERAL GUN LEGISLATION

The United States Senate has begun debate on gun control legislation. However, the outlook for action this year is touch and go, despite the widespread public support for control that has existed since the death of President Kennedy.

The latest effort to pass a Federal bill may fail, because Congress has been under a barrage of mail in response to a national letter-writing campaign. The campaign opposes any really effective control on the interstate sale of guns by mail.

A Federal bill is necessary however, because without such a bill, state laws mean little. California, for instance, has laws that prohibit the purchase of handguns by ex-con-

victs or addicts. But anyone can get around the law simply by ordering guns through the mail.

The Federal bill now under consideration would prohibit interstate sale of handguns by mail to individuals. We think the proposal should be approved, and we think it should be extended to cover rifles, too.

The very least we should have is a law that requires the seller of a gun to check out the buyer with local authorities before making delivery through the mail.

But opponents of controls, those who put most of the letters into Congressional mail bags, are saying in effect that the law should stay the way it is.

We don't think the majority of Americans agree with that position. We think the public at large wants protection against the present promiscuous traffic in guns by mail. But to get controls, the concerned citizen will have to let his wishes be known in Washington now.

[From WTOP, Washington, D.C., Apr. 15, 1968]

GUN CONTROL

This is a WTOP Editorial.

It's sometimes said that Congress will act on things which need to be done only after some great shock or crisis to spur it on.

But there's one crucial matter which seems to get no response from Congress, with or without shock or crisis.

That's gun control.

By now, it's virtually a cliche that our country is being swamped by violence. The assassin, the sniper, the thug—they're all very much in evidence. And they all have no trouble getting the weapons they need for their dirty business.

In the face of a mounting crisis, the continued insistence of organizations like the National Rifle Association on the rights of prospective hunters is simply ludicrous. No proposed gun control law puts any serious obstacles in the path of the genuine sportsman.

This problem affects everyone, from the highest political leaders in the land to the policeman on the beat to the ordinary citizen minding his own business. All are equal here—equally endangered by well-armed hoodlums. Gun control legislation wouldn't be for the benefit of any particular group; it would be for the benefit of every law-abiding citizen in the country.

When is Congress going to wake up and do something about this? What kind of national disaster will it take to shock our lawmakers out of their lethargic tolerance of wide-scale, random violent killing?

[From the New Kensington (Pa.) Dispatch, Apr. 23, 1968]

GUNS TRAFFIC MUST END

It is ironic that the Senate Judiciary Committee should have rejected a measure prohibiting the interstate mail order sale of shotguns, rifles and handguns just a few hours before the Rev. Dr. Martin Luther King Jr. was killed with a rifle in Memphis. But the committee did subsequently approve, after tallying three absentee ballots, a modified version that has considerable merit.

This amended proposal, part of a broad anticrime bill, would prohibit interstate mail order sales of concealable weapons, along with over-the-counter sales of handguns to non-residents of a state. This should get at the worst abuses involving the wrongful use of firearms and it is a minimum measure that Congress ought to approve without further delay.

The overwhelming majority of street crimes are committed, when firearms are involved, by persons armed with pistols or revolvers. It has been too easy for criminals and incompetents to obtain such weapons through the mails. It should be quite simple for Congress to end this traffic. Regulating weapons such as the rifles used in the assassination of Dr. King and President Kennedy is more complex since these guns are extensively and lawfully used by hunters.

Experience indicates that as America becomes more urbanized the need grows for some sort of regulation of firearms. In view of the intense opposition from sportsmen to severe restrictions, Congress should enact the measure the judiciary committee has approved and later work for such extensions of the law as seem to be indicated.

[From WCBS-TV, New York City, May 2, 1968]

Should a psychopath be allowed to buy a rifle through the mail? Lee Harvey Oswald did.

Should an escaped convict be allowed to buy a rifle over the counter? Well, that apparently is what James Earl Ray, alias Eric Starvo Galt, did.

Should the unregulated sale of rifles—the weapons of assassins and snipers—be allowed to continue? We say no, and we say it with the knowledge that most of you agree with us.

Americans everywhere want tough laws to keep firearms out of the hands of criminals, drug addicts, alcoholics, and lunatics. The findings of pollsters agree that an overwhelming majority of Americans favor tougher restrictions on all gun sales. In the latest such tally, Louis Harris discovered 71 per cent of his sample in favor of tougher gun laws.

So tougher gun laws are what America wants, but what America is getting is something else again. In Washington, only slight progress has been made in passing the kind of comprehensive gun legislation that President Johnson has been seeking in every year since 1965. So far this session, a bill to prevent the mail-order sale only of pistols has reached the floor of the Senate. It has no provisions to ban mail-order sales of rifles and shotguns, and it has no provision to ban the sale of weapons to unlicensed buyers. It is, therefore, weak and unsatisfactory.

On the state level, a better bill has been introduced in Albany that would require licensing of all gun owners. The bill has Governor Rockefeller's support, but is being held up in the State Senate by Earl Brydges, the Republican majority leader.

Only New York City and the State of New Jersey have comprehensive laws to deny guns to criminals, drug addicts, and the mentally unstable. Yet so long as New York State and the nation as a whole have no such laws, the wrong people can easily get their hands on weapons by buying them in other states.

In our opinion, the Legislature in Albany should make sure this session that New York isn't one of those states where weapons keep on falling into the wrong hands. Ultimately, however, a national solution must be found through federal control of firearms.

[From the Toledo (Ohio) Blade, Apr. 28, 1968]

NO COMPROMISE ON GUNS

The gun control section of an anti-crime bill scheduled for Senate debate this week, is the first firearms legislation in 30 years to be approved by a committee in either house of Congress. That remarkable advance could be cheered more earnestly if the Senate Judiciary Committee had not shot the provisions so full of holes—most notably by exempting rifles and shotguns from the ban on interstate mail-order sales.

Supporters of strong federal gun regulation will try to repair the damage through floor amendments to restore the legislation to the shape recommended year after year by President Johnson. They should get their colleagues' support—and will if the Senators vote on the side of the public good.

The great danger in settling for the weak provisions as they stand is that it would create the impression that the problem of free-flowing firearms had been solved. The fact is that with each passing day the need grows for more stringent regulation if the increasing traffic in guns in this country is to be effectively curbed.

Thus, to accept the loophole riddled measure recommended to the Senate by its Judiciary Committee would fall ridiculously short of being even a sound first step at the federal level, let alone a pacesetter for legislative bodies down the line. Moreover, it would fly in the face of the kind of clamps the public has consistently been shown to want in a long series of surveys. As a single example, one of the most recent and reputable of these reported last year that 75 per cent of the persons polled opposed mail-order purchases of any type of gun; 73 per cent favored requiring registration of shotguns and rifles; 85 per cent supported registration of pistols and revolvers.

The tragic irony is that this overwhelming public support of strong firearms control has been frustrated as lawmakers at every level of government have cowered before the massive organized campaigns of the gun lobby. The National Rifle Association has been in the forefront of this drive to paralyze legislative action, but it has been backed up by wildlife and so-called conservation groups, by manufacturers and others with vested interests in the firearms industry, and by a dozen or more publications which serve as their mouthpieces.

The gun lobby's ammunition has been an outpouring in articles, circulars, letters, telegrams, and phone calls of propaganda that is largely irrelevant, usually irresponsible, occasionally irrational, and sometimes totally untrue. A sad by-product of this carefully engineered drive to mislead lawmakers is that it has also misled thousands of respectable, law abiding sportsmen and hunters and collectors into believing they would be stripped of their guns, their rights, their protection. So, misinformed of what firearms-control legislation actually would do, many of these otherwise responsible citizens have been conned into joining the campaign of invective, distortion, and falsehood.

Meantime, the perils and pace of the wide-open trafficing in guns have continued to mount. The situation, unparalleled in any other developed country, is justifiably viewed as a kind of national madness.

As a first step—and only that—in halting it, the Senate should amend the committee-approved provisions to impose controls at least as tough as the Administration has requested. The gun lobby has been uncompromising in its resistance to reasonable firearms regulation, and it is past time for the lawmakers to take an uncompromising stand on behalf of the public they are supposed to represent.

ACTIVITIES OF DR. ROBERT J. STEWART, OF DENVER, IN VIETNAM WAR

Mr. ALLOTT. Mr. President, with most of our attention focused on the problems which confront us in America, and with the peace negotiators meeting in Paris, I am afraid it is easy to forget that a war is still raging in South Vietnam, and that in that war many unsung heroes continue to perform above and beyond the call of duty.

In that connection, I should like to call the Senate's attention to the story of Dr. Robert J. Stewart, of Denver, a graduate of the University of Colorado School of Medicine. Dr. Stewart volunteered to serve in Vietnam, and his activities there have been deservingly praised by the Army. The story of Dr. Stewart's activities in Vietnam was told in the May 13, 1968, issue of the American Medical Association News. I ask unanimous consent that the article be printed in the RECORD.

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

VOLUNTEER M.D. LAUDED BY ARMY

A U.S. physician who volunteered to serve in Vietnam under sponsorship of the American Medical Association has been praised by an Army officer in a letter to Milford O. Rouse, MD, president of the AMA.

Lt. Col. Ralph W. Girdner, senior adviser in the Vinh Binh province, wrote to Dr. Rouse that Robert J. Stewart, MD, Denver, Colo., "has provided depth of knowledge in all phases of medicine to the [Military Provincial Health Administrative Program] physicians during a period when casualties of all descriptions were presented.

Dr. Stewart, a graduate of the U. of Colorado School of Medicine, served in South Vietnam from January to March, 1968. The 49-year-old physician was one of more than 400 who have volunteered for a two-month tour since the program began.

Lt. Col. Girdner added that Dr. Stewart's "expertise under extreme personal danger served as a bulwark to his counterparts and provided inspiration to the entire advisory team here in Vinh Binh Province.

"His ability to handle all situations no matter how trying has won the admiration of the Vietnamese and he has done much to enhance the American image to our Vietnamese allies.

"Many of his suggestions will live long after he had departed from our midst and his loss will be keenly felt.

"We wish to express our sincere thanks to you and the American Medical Association for having sent this very gifted man."

FIFTY YEARS FOR TEENAGE SNIPER WHO KILLED CHICAGO FATHER OF NINE

Mr. DODD. Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the Chicago Tribune of May 14, 1968.

It is the story of a disaster—a disaster that happens on the streets of America too frequently.

It is the story of a 17-year-old boy being sentenced to from 25 to 50 years in prison for the "sniper" slaying of a father of nine children.

The news account is stark. It tells the bare facts.

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

SNIPER SLAYER OF FATHER OF NINE SENTENCED

Jeffrey Boyd, 17, was sentenced to 25 to 50 years in prison yesterday for the sniper slaying of a father of nine children.

Boyd pleaded guilty to a murder charge before Judge Reginald J. Holzer in Criminal court.

VICTIM ON WAY HOME

Boyd was charged with the murder of Joseph Rys, 53, of 2102 18th pl., an employe of the Checker Cartage company, as Rys was walking home after working overtime to buy Christmas presents for his children.

Youths who were with Boyd in his family's home at 962 Cullerton st., told police that Boyd casually aimed his .22 caliber rifle out of the window and shot Rys, whom he did not know.

"Did you see him jump?" Boyd allegedly bragged to the others after he fired.

SOUGHT STIFFER SENTENCE

William Wise, assistant state's attorney, recommended a 30 to 60-year sentence noting Boyd had confessed "a vicious act, committed without reason, that left nine children fatherless."

In passing sentence, Judge Holzer said Boyd was guilty of "a senseless act of a self-centered teen-ager." He advised Boyd to study during his years in prison so he would better understand life and its importance.

Boyd will be eligible for parole after serving 13 years of his sentence.

Mr. DODD. Mr. President, what more can be said?

When does a boy reach the age of reason?

Are rifles and shotguns not really as lethal as handguns, and should they not be kept out of the hands of irresponsible persons?

Is there any need to include restrictions on the sale of long guns in the law the Congress is now considering?

I will have more to say later about the increased use of firearms by teenagers. Now I would like to point to one pertinent fact in a not yet completed study conducted by the Juvenile Delinquency Subcommittee on the use of firearms in crimes in 120 major cities across the Nation.

In Chicago in 1965, eight 17-year-olds committed murders with firearms. In 1967, the figure was 22, based on the Chicago Police Department's own figures.

In 1965, one 14-year-old Chicago child killed his victim with a gun. In 1967 there were six slayings by 14-year-old children in Chicago.

The Baltimore News American recently discussed this increase in the use of firearms by juveniles in an article written by Leslie H. Whitten and published on May 21, 1968.

I ask unanimous consent that Mr. Whitten's article, headlined "Young Gunmen on Increase," be printed in the RECORD. I feel that it has some bearing on the discussion taking place in the Senate on the need for strong Federal firearms laws.

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

YOUNG GUNMEN ON INCREASE—SENATE SURVEY SEEKS ANSWERS

(By Leslie H. Whitten)

WASHINGTON, May 21.—Young criminals' use of firearms in crimes of violence made a startling jump in 1967, preliminary figures from a Senate subcommittee's nationwide survey showed today.

The survey of 130 cities was conducted by the Senate Juvenile Delinquency Subcommittee. Not all returns are in and not all cities' records give figures on youth firearm crime. But the survey remains the most thorough national effort to date.

The juvenile crime tally shows, contrary to popular belief, that many youth crimes are committed with rifles and shotguns. These "long guns" were just cut out of the Senate version of the Gun Control Bill, over the howls of the Administration.

Chicago is a case study of big city carnage by those under 21. Crime with firearms by this group is up 150 percent since 1965. There, as elsewhere, the age of youths using guns for crime is also decreasing.

For example, in 1965, eight 17-year-olds committed murders with firearms. In 1967 the figure was 22, based on Chicago Police Department figures sent in to the subcommittee. One Chicago 14-year-old killed his victim with a gun in 1965. There were six slayings by 14-year-olds in 1967.

Baltimore, where five youths killed with firearms in 1965, reported 20 in 1967, some 21 percent of all homicides in the city. Boston was one of the few cities where youth firearms crimes were fairly constant.

Police and congressional experts agree that the upward lunge in youth gun crime is due largely to easy availability of all types of firearms.

Another factor is the rise in armed youth gangs. Racial strife, with the fears it stirs of attack in both white and black youths, also sends youths looking for firearms, subcommittee staffers said.

Past FBI figures show rifles and shotguns used in about 30 percent of gun crimes. A recent study by the Federal Alcohol and Tax Division lists 200 firearm violation cases, 98 with sawed-off shotguns and 14 with sawed-off rifles out of a total of 207 weapons.

"If strict controls are imposed on handguns without imposing similar restrictions on long guns, the criminal element will continue to have ready access to concealable weapons by . . . purchasing an uncontrolled long gun and converting it to a handgun," said the division, part of the Treasury Department.

New York Police Commissioner Howard Leary said "as police pressure on methods of securing handguns is stepped up, felons . . . use shotguns and rifles to hold up and threaten the public."

The Juvenile Delinquency's new survey shows long guns used in 15 murders in 1967 and handguns in 90 in Dallas. Some 81 percent of the city's 1967 murders were committed with guns.

In Memphis, youths carried off six of 55 gun-use robberies with rifles or shotguns.

In other Memphis gun crimes—from homicide to assaults—a rifle or shotgun was used seven times, handguns 70 times compared with 15 long guns and 37 handguns in 1966.

The subcommittee hopes to have the survey completed by the end of the year. A major problem is that some cities report youth crime as "21 and under," some "under 21," and "18 and under" and some "16 and under."

Despite the disparities, there were these other preliminary evidences of the big boost in youth crime in 1967:

In Detroit "16 and under" crimes with guns went up from 879 in 1965 to 920 in 1967. Robberies in this period were up from 192 to 277. Seventeen-year-olds, collated separately, robbed with firearms 93 times in 1965 and 135 times in 1967.

In Richmond, one of the smaller cities queried, the figures showed striking parallels to the huge metropolis. Youth gun crime—under 18—was up from 20 in 1965 to 27 in 1967, a rise of 35 percent.

In such widely separated cities as Miami and Kansas City there was the same parallel increase in use of guns by youths. St. Louis, where robberies with a gun in the hands of youths went up from 1,534 to 2,103, showed the same pattern.

The percentage increases in crime do not take into account the fact that there have been population increases in most of the cities. But the crime increase vastly exceeds the growth in population.

FRONTIER AIRLINES

Mr. ALLOTT. Mr. President, in the business world, contemporary success stories are not generally as frequent nor dramatic as they used to be. We have in Colorado, however, an example of a modern-day business miracle which should serve as an inspiration to businessmen everywhere. I am speaking of Frontier Airlines, whose growth and dynamic success has been almost without precedent in the industry.

An article published in the April 1968 edition of Air Transport World, adequately describes the Frontier story and reflects the pride which all Coloradans feel in this Colorado-based airline and in the prestige that it lends to our State.

Mr. President, I ask unanimous consent that the Air Transport World report, entitled "'Frontier Gears To Sell $150 Million by 1970," be printed in the RECORD.

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

FRONTIER GEARS TO SELL $150 MILLION BY 1970

(By Lawrence M. Hughes)

With some decent route extensions, says Lewis W. Dymond, "Frontier *could* reach $150 million revenue by 1970."

Largely without new routes, in the nearly six years Dymond has been chairman and president, Denver-based Frontier Airlines has *sold* a fast growth. In the large, lofty and lonely Rocky Mountain West, it covered 30% of continental U.S. to serve 2% of the population.

Last summer, the airline reached eastward to St. Louis. On Oct. 1, merging with Central of Fort Worth, Frontier added a string of towns, mostly small, in Arkansas, Kansas, Oklahoma and northern Texas.

The year ended with the merged company selling $57 million. In 1968 Dymond's marketers are expected to produce $75 million, and in 1969: $100 million.

The $150 million hoped for in 1970 would mean an eight-year increase of about 900% in total revenues and, minus subsidy, a 1700% rise in commercial revenues.

On its own, in the five years 1962–66, Frontier trebled commercial revenues—from $8.7 to $25.8 million—and nearly doubled total revenues—from $16.0 to $30.9 million. The last was achieved despite a subsidy cut from about $7.3 to $5.1 million.

In this five-year period, net profit after special items multiplied 3½ times, from $485,988 to $1,741,499 and total assets quintupled to $40.2 million.

These gains were won with only a 50% increase in employes: from 1129 to 1634. Thus, annual total revenue per employee climbed from about $14,150 to nearly $19,000. As of now the merged company counts 3000 people. But at $57 million revenue rate this still averages $19,000.

Lew Dymond points out that since 1962, Frontier has risen from "eighth or ninth to first" among the now-12 U.S. regionals, in revenue passenger miles. Its ability to hold this spot, however, may depend in part on the outcome of proposed mergers of Allegheny with Lake Central and of Bonanza, Pacific and West Coast into an "Air West, Inc."

At any rate, last November (including Central for both years) Frontier's rpm's soared 49.2% to 54,378,000—from 36,447,000 for both in November 1966. Thus Frontier nosed out Allegheny, which on its own expanded 35.9% to 53,156,000.

In passengers boarded in the year 1967, Frontier-Central passed the two million mark. But on its own Allegheny boarded more than 2.6 million.

For promotion and sales in 1967 Frontier and Central spent at a combined $5 million annual rate. This year, to gain at least 25% more revenue, this budget will be larger. (Among other demands will be 35% more plane-capacity.)

For advertising and s.p. this year the airline plans to invest $1.8 million. Last year Central's ad budget was $490,000 and Frontier's $750,000, or a combined $1,448,000. Dallas-based Tracy-Locke Co., which handled Central, has replaced Kenyon & Eckhardt on the merged account.

Under Paul L. Benscoter, VP sales and service (a 25-year veteran of Northwest who joined Frontier early in 1967) one major change is the "separation" of sales from marketing. The top marketing post, formerly held by R. A. Elliott of Central, was vacant at presstime. On an equal level is Lawrence C. Sill, director of sales. The Sills group fills current capacity; it's up to marketing to provide current support for them and plan for future growth including new routes.

NEW SALES SETUP

Benscoter reports to Dymond. (Dymond says that "sales now take more than half of all my time.") Under Benscoter are six directors: Sills, (marketing-vacant); E. H. Gebhardt, publicity; L. H. Dennis, customers service; John Vittal, system reservations, and James C. Dixson, traffic planning.

The *sales* chart, under Sills lists, at hq., managers of agency and interline sales; cargo and military sales; sales promotions, and field sales and administration. Nine regional and district sales managers also report to Sills. Sales promotion director Edward Fowler was p.r. director for Central, and Kenneth Unruh moved from Fort Worth to the "same" agency-interline job at Frontier.

Under the marketing department serve the managers of system tour development (a new post, filled by Ronald R. Beaumont from Yellowstone Park Service); advertising (Donald E. Grover); market development, and marketing research. At this writing, the last two posts were not filled.

In these and other areas new positions have been created. James Moore from Central, for example, is manager of customer service and M. C. Lund, a quarter-century veteran of Northwest, manages station services. Also under Dennis are such new titles as manager of planning and development (David H. Burr) and supervisor of "president's assistants," Vincent Davis. On every jet flight Lew Dymond's young male representative answers questions and gives personal service to passengers—protecting them, for instance on connections—and does discreet research on their opinions of this airline.

Other titles have been upgraded: Assistant managers in the consolidated reservations offices at Denver and Fort Worth now are reservations supervisors. And while some of Central's top executives did not move, the VP group at Denver has just been expanded with advancement of three veteran Frontiersmen: Vern A. Carlson for public affairs; John Clark Coe, economic planning, and Gordon Linkon, legal.

Many Central employees who kept or moved to the "same" posts still gained because of Frontier's generally-higher salary and wage levels. Among 37, including hq. people, in the present airline's sales-marketing group, six came from Central and nine others were added.

EXPANDED FIELD FORCE

In a year the *field* sales staff has grown nearly 50%, from 22 to 32. Nine of them are regional or district s.m.'s, based in Dallas-Fort Worth, Denver, Fort Smith, Ark., Kansas City, Oklahoma City, Phoenix, St. Louis, Salt Lake City and in off-line Los Angeles. This manager covers California, which provides 18% of Frontier's revenue.

The field managers average 31 in years and $10,000 in wages. The field salesmen—including cargo specialists at Kansas City-St. Louis and at Denver—average 28 and $7500, and have been with the airline four or five years. Many started as Frontier station agents.

At the current $60 million corporate revenue rate, each of these 32 young men averages nearly $2 million annually. Actually, of course, much of the total revenue arrives by interline, and 13% of the passenger part of it stems from travel agents—mainly based in Frontier's own cities. But the fact is that individual targets of *some* Frontier fieldmen still range from $1 to $2 million.

Dymond and his people seem to have sold them on the fact that they can build a future with Frontier. Millions of others lately have learned about this airline, in feature stories in publications ranging from *Business Week* to *Forbes, Time* and *Wall St. Journal*.

The publicity unit under Edward H. Gerhardt, with Neal T. Amarino in charge of the news bureau, gets a lot of grist for its mimeographs: With a current 42% gain, for example, Frontier claims to lead all U.S. regionals in rate of cargo growth.

Eastern wants everyone to fly. United in a year gets 25 million or more to do it. But in ratio to resources, Frontier consistently may do the most to create customers, or as Dymond says, ". . . to broaden the base of travel."

In a recent eight-month period Frontier's self-called "cornucopia of promotional fares" brought a 41.6% revenue rise from the year-before period, from 48.8% more bargain buyers.

Some specific gains by groups in this period were Child Fares 18.6%; Family Plan 36%; Vacationland 48.7%; Youth or Teen-age 49.4%; Visit USA 279%; Discover America 471.5%, and Group or charter travel 601.3%. Others, such as Clergy and Military Standby "specials," did not expand so fast.

GROWTH BY PROMOTION

Investors, too, find this airline's "broadening" worth their bet. A prospectus for the issuance, last Oct. 26, of $20 million of 6% convertible debentures summarized the bargains, and said: "Commercial revenues produced by additional passengers paying promotional fares at reduced rates have become an important part of the company's business and a major factor in its growth."

The investment bankers suggest that Frontier will continue to create *and* to compete. The prospectus noted: "Of the revenue passenger miles produced in the company's top 50 markets, 54% was generated in markets with which it competes with other carriers." Further route expansion would throw Frontier into battle against even more airlines "with substantially greater financial resources."

Still the $20 million of bonds were bought, and a lot of buyers who had not heard of such Frontier stations as Miles City, Mont., McCook, Nebr., or Moab, Utah, have stashed them away for a quarter-century.

Frontier will continue to create fliers in its "Moabs." Although airport problems forced it out of Powell, Wyo., Dymond hopes soon to resume service at Harrison, Ark. Meanwhile, sans subsidy, the airline recently opened new routes to and from such places as Bozeman, Mont., and Steamboat Springs, Colo.

From tiny towns Dymond can tell of fast-trebled revenue: "We'll still grow on *local* service" and with a glance at a map showing McAlester, Okla., and Manhattan, Kan., he adds: "*If* we'd ever intended to drop the small stations, we'd never have merged with Central."

Between 1956 and 1965 Frontier's average passenger trip increased only 45 miles, from 276 to 321. In 1967, reaching eastward from Kansas City to St. Louis and, with Central, from these two cities down to Dallas-Fort Worth, the "trip" lengthened a bit.

FRONTIER VERSUS TRUNKS

But this growth brought a head-on battle with such trunks as Braniff, Continental and TWA. (From zero nine months ago, Frontier and TWA between them started *13 daily* Denver-St. Louis flights.) Frontier's Denver-Phoenix offer of "a bus ticket and $5" provoked howls from Greyhound and Trailways. Many a motorist has been persuaded by Frontier signs, near the top of 12,000-foot mountain passes, to let an airline do the driving. Cross-country railroads, now anxious to wipe out passenger-carrying losses actually have asked Frontier to testify on their behalf!

Over two decades this airline which "knows the West, Best," has done its bit to build it. "Frontier's" fast-growing industries include oil, from Montana to Texas, and soon, probably, oil shale in Colorado and Utah; chemicals and electronics; aircraft and aerospace; metals; cattle and grain; education and advanced research—and transport and tourism.

Among its largest customers, after the U.S. government, are the Bell System, Phillips oil and chemicals, Dow and Pfizer chemicals,

Martin-Marietta, and such big metals producers as Kennecott and Phelps-Dodge.

Last August *Time* wrote about Frontier's "wildest array of discount fares." Since then the array has widened. One offering introduced Oct. 29, lures both passengers and cargo on the *same* flights.

To aid the Post Office department program for overnight first-class mail delivery, these "Nighthawk" flights carry cargo both in the belly and in the whole forward "first-class" section of the 727s. Nightly, these flights swing from El Paso to Albuquerque and Denver and then to Kansas City and St. Louis. The same plane turns around that night and returns to Kansas City and Denver.

It carries 75 coach passengers. Against the "standard" St. Louis-Denver fare, they fly for $35. In its first seven weeks the Nighthawk's load factor—both people and products—climbed steadily—from 20% to 85%.

WHAT WOULD LEW DYMOND HAVE DONE DIFFERENTLY?

Frontier's $80,000-a-year chairman and president replies:

1. He would have bought more FAL stock, earlier;

2. & 3. He would have moved faster to ask for new routes and the jets to fly them.

1. This one-time $50-a-week plane washer for National Air Lines lately has prospered with Frontier. Several years ago he was able to buy 75,906 shares of its common at an average 99¢. When he exercised the option, these shares were selling for $9.21.

Recently he was given the right to buy 62,773 more shares at $4.64. Over the counter and now on American Stock Exchange, Frontier common in five years has ranged from $1 to an average $20 in 1967. Thus Dymond's personal stake in Frontier comes to $2,773,580.

2. Merged with Central, today's enlarged Frontier serves 114 cities through 99 airports in 14 states. A fairly recent map of "applications" reaches coast to coast across a dozen more states and into Canada and Mexico.

3. New planes delivered in 1968 and 1969 might cost the airline—before gains on the sale of older ones—around $90 million. The 69-plane fleet then would include five present 727–100s; five ordered or optioned 727–200s and 10 727–200s; 38 Convair 580s (as against 22 now) and perhaps 11 of that little old workhorse—the DC–3. Eleven Convair/Dart 600 jetprops would be sold.

HUNTING STATE RESIDENTS SEE NEED FOR GUN LAWS

Mr. DODD. Mr. President, the impression is sometimes given that in States having small populations and in States where hunting is a big industry, opposition to strong Federal firearms laws is almost universal.

I have often received that impression while listening to debates in Congress. The rigid opposition of spokesmen for those States to a law that would help disarm criminals and at the same time in no way interfere with the rights of legitimate sportsmen to hunt is taken to mean that that is the true mood of all the residents of those States.

Nothing could be further from the truth.

Montana is a hunting State. It has one of the smallest populations of the 50 States, and its representatives in Congress have generally opposed the strong firearms laws which are so necessary for the maintenance of law and order in the more populace States.

But there is in truth a good deal of sentiment for stronger gun laws in Montana. Residents of Montana, as in other States which have a similarly large hunting industry, recognize the need for Federal laws to control the sale of guns to felons, juveniles, and the demented.

The editors of the Missoula, Mont., Missoulian in an editorial entitled "The Monster of Gun Control" published May 3, 1968, expressed what I feel is the sentiment of a large number of the people in that State. It said in part:

Gun control has been equated to much that it is not. It is not unpatriotic. It is not unconstitutional. It will not deprive people of guns.

. . . The chief critic of all gun control legislation is the National Rifle Association. The NRA and allied lobbies have consistently distorted the content of proposed Federal gun control legislation and the possible effects it would have. The result is that some gun owners leap to the border of hysteria at the mere suggestion of putting sensible curbs on our unregulated gun traffic.

Mr. President, I ask unanimous consent that the entire article from the Missoulian be printed at this point in the RECORD.

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

THE MONSTER OF GUN CONTROL

Gun control is a monster.

It is a monster in just about every way.

It is a monstrous problem complicated by lies, emotionalism and distortions.

It is a monster because most people want gun controls, yet an extremely vocal gun lobby has been able to block controls and public officials are caught in between.

It is a monster because a Senate committee has at least approved passage of mild gun control legislation, and wrapped it into an anti-crime bill containing doubtful features.

It is a monster because the most recent Supreme Court ruling on the Second Amendment (which deals with the right "to keep and bear arms") dates from 1939 and is open to doubt. The court then said the amendment applies solely to organized militia, not to anyone who wants to keep a gun. A clearer ruling would help.

Gun control has been equated to much that it is not. It is not unpatriotic. It is not unconstitutional. It will not deprive people of guns.

J. Edgar Hoover, whose name normally doesn't evoke visions of Stalin, would like strictly enforced local registration of firearms. He would like it, not because he is an unpatriotic commie trying to disarm us, but because as a qualified law enforcement officer he believes it would cut down murders by shooting.

Those states which have gun control laws and enforce them have fewer deaths by shooting.

What is needed is a federal law which would:

1. Ban the mail order sale of handguns, rifles and shotguns to individuals but not to dealers. People would still be able to order guns but would have to pick them up locally.

2. Ban the sale of handguns to persons from out of state.

3. Ban the dumping of foreign military weapons onto the U.S. market. Purchase of foreign sporting guns should not be hindered.

4. Set a minimum age for gun purchases.

5. Tighten up the standards and hike the fees for federally licensed gun dealers.

6. Prevent the purchase of large weapons, such as bazookas and mortars.

Such a law, universally enforced, along with existing federal laws would make it more difficult for ex-convicts, ghetto rioters, children and some psychotics to get hold of guns. Qualified law enforcement officers say that that is the case, and experience in states which have such restrictions indicates it is true.

Such a law would not:

1. Require registration of guns or require permits to own them.

2. Make it illegal to carry guns over state lines.

3. Prevent any law abiding adult citizens with a clean record from buying and owning guns.

The chief critic of all gun control legislation is the National Rifle Association. The NRA and allied lobbies have consistently distorted the content of proposed federal gun control legislation and the possible effects it would have. The result is that some gun-owners leap to the border of hysteria at the mere suggestion of putting sensible curbs on our unregulated gun traffic.

As it came from committee, the current Senate gun control bill would ban mail order sale of handguns but not rifles or shotguns. It would ban sale of handguns to persons under 21 years of age. It would stop imports of surplus military weapons and control the sale of large weapons, such as bazookas.

In the same bill are sections which would permit law enforcement officers to tap wires and use electronic eavesdroppers with court permission, and which would loosen restrictions imposed by the Supreme Court on the admissibility of confessions and on identifications made in police line-ups.

It's a doubtful piece of legislation all the way around, and not the least because of its inadequate steps toward gun control.

Mr. DODD. Mr. President, Maine is another State having a large hunting and fishing industry whose representatives have long been reluctant to accept strong Federal firearms laws on the basis that a tough law would "inconvenience" the sportsmen.

However, not all the residents of Maine share that opinion. There is strong sentiment that Congress should pass an effective firearms law to aid law enforcement agencies to do their job.

Such an opinion was adequately expressed in the April 29, 1968 edition of the Lewiston, Maine, Sun in an editorial entitled "Action on a Gun Law." The editorial said in part:

The democratic process has many built-in safeguards which prevent hasty and ill-advised legislation. Sometimes, however, the safeguards result in delays to the point of exasperation. It is then that the democratic process is weakened by its own strength.

. . . A major reason for the failure of Congress to act has been the effectiveness of the gun lobby and especially the opposition of the National Rifleman's Association. That opposition has been shortsighted and potentially dangerous.

. . . The Senate committee action is a step in the right direction. But it is far too short a step taken with too much hesitancy. Congress must tackle this problem with more courage and realism.

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

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

ACTION ON A GUN LAW

The democratic process has many built-in safeguards which prevent hasty and ill-advised legislation. Some times, however, the safeguards result in delays to the point of exasperation. It is then that the democratic process is weakened by its own strength.

The situation prevails in Congress today as consideration continues to be given to leg-

islation to control or ban the sale of guns across state lines. Such laws have been discussed many times in the past. The drive for adequate firearms-control legislation was given a tremendous impetus when President John F. Kennedy was slain by a mail order gun. But even that great tragedy did not persuade Congress to take definite action. Today, four years and a half after the assassination, an effective gun-control law still is not on the books.

A major reason for the failure of Congress to act has been the effectiveness of the gun lobby and especially the opposition of the National Rifleman's Association. That opposition has been shortsighted and potentially dangerous.

The prospects of a firearms control law appear better currently. Last week, the Senate Judiciary Committee included in an anti-crime bill provisions to ban the sale of concealable guns, such as pistols and revolvers, by mail. Also outlawed would be the sale of antitank guns, hand grenades and mortars, as well as the importation of foreign firearms. Conspicuously absent from the restrictions are rifles and shotguns, two of the most dangerous types of guns!

The Senate committee action is a step in the right direction. But it is far too short a step taken with too much hesitancy. Congress must tackle this problem with more courage and realism.

Mr. DODD. Mr. President, in other hunting States there is similar sentiment. The public recognizes the need for workable, effective firearms laws and expects Congress to do something about them.

The Cedar Rapids, Iowa, Gazette, on April 25, 1968, said this of Congress and gun legislation:

The sooner Congress tunes out mouthpiece noises and tunes in the people, the sooner law and order can be implemented with a sensible and timely tool.

Mr. President, I ask unanimous consent the Gazette's full editorial and an April 27, 1968, article from the same paper detailing the law enforcement problem firearms are causing that State be printed at this point in the RECORD.

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

GUNSMOKE: CLEAR IT

Blamed or credited, depending on one's point of view, for congress' lag on passing gun-control legislation is the National Rifle Association (NRA), reputed to have 850,000 members. If the snag has been correctly pinpointed, it would not be the first time an effective lobby has overridden public wants—as outlined in last Monday's Harris Survey.

What makes this case peculiar is the further poll finding that even among gun owners, sentiment runs 65 percent to 31 in favor of additional restrictions on the firearm business. One can't help wondering if the NRA's official voices truly echo a majority opinion among those 850,000 adherents.

The issue gains intensity from still another slant: The Harris poll questions didn't deal along with gun-sale restrictions. They added the example of a gun-purchase registration requirement. And that is something stronger than the primary bill for mail-order gun curbs and related control proposes in its much-resisted terms.

Even with the registration point included, according to Harris, nationwide opinion says "yes" to a gun-sale law by 71 percent to 23. A Gallup poll in January, 1967, aired the same public feeling more decisively yet. Closer to home, Iowans favor a law prohibiting mail-order firearm traffic by 65 percent to 31, according to a Des Moines Register Iowa poll last March.

Just the public's wanting legislative action, of course, is not conclusive evidence that it would serve the public interest or be helpful. In this case, though, the public's view has been supported by police officials widely, by J. Edgar Hoover, by the President's Crime Commission, by The American Bar Association and the National Council of Churches. Arguments against control do not negate the likelihood that many promising advantages are worth a try.

The sooner Congress tunes out mouthpiece noises and tunes in the people, the sooner law and order can be implemented with a sensible and timely tool.

SAYS IOWA'S GUN LAWS UNENFORCEABLE, IGNORED

(By Mark Brown)

DES MOINES.—Iowa's gun control laws are unenforceable and are ignored 90 percent of the time, the Iowa crime commission says.

Meanwhile, "all over the Midwest, you will find that gun dealers are selling handguns as fast as they can get them," an Iowa county attorney asserts.

Who's buying them?

"Young hoodlums who think guns are a status symbol and householders who are afraid of young hoodlums who have guns," said Clinton County Atty. Larry Carstensen.

Not all Iowa law-enforcement officials would agree with Carstensen's assessment, but most agree that Iowa laws should be revamped and strengthened.

Ed Crosier, head of the Des Moines police intelligence unit who believes the "armed camp" theory has more basis in rumor than fact, said he opposes restrictions on owning weapons, but feels a sales registration law would be "valuable."

Robert Blair, head of the Iowa bureau of criminal investigation, said "there is no question that strict gun control laws would aid law enforcement," but added that the concept may be limited in its practical applications.

"It must work for the policemen in the field and in court," Blair said.

Iowa Crime Commission Director James Hayes said Iowa's law requiring sale of handguns to be registered with the county recorder is unenforceable.

"It is our opinion that in 90 percent of the sales, the law is being ignored," said Hayes.

In Polk county, Recorder Irene H. Maley said more than 3,200 pistols, revolvers or "other weapons of a like character" were registered with her office in 1967 and some 1,437 in the first four months of 1968.

If only 10 percent of the sales are being recorded, then Polk county residents would have nearly 400,000 such weapons or about two for each resident of the state capital.

The law requires the seller of a weapon—"retail dealer, pawnbroker, or otherwise"—to report the buyer's name, age, residence, occupation and place of employment along with the serial number and make within 24 hours of the sale.

Failure to do so is a misdemeanor and a second offense results in suspension of a dealer's license, Hayes said.

The crime commission, in its report to Gov. Hughes next month, will make recommendations in eight areas of gun control, Hayes said.

Among the recommendations will be ones "to put some teeth in" the registration law, he added.

Most outspoken in his criticism of the existing laws is Carstensen. "In Iowa you can carry any kind of weapon you want to," he said. "The state just isn't doing its job."

He would favor tough laws governing interstate sales, registration and ownership of weapons, Carstensen said.

"I believe it is possible to slow down the stockpiling of guns for riots or to enhance a hoodlum's status among his fellow hoodlums and still allow a law-abiding citizen or sportsman to have a gun," he said.

Opposition to proposed federal restrictions on interstate gun sales, he said, is "way out of line" and comes from "persons with a vested interest in selling guns and ammunition."

Crozier said guns should be kept from convicted felons and mental incompetents, but added he would oppose "making a citizen pay a fee to have his gun registered."

Registration laws, he said, should be aimed at manufacturers, wholesalers and retailers of weapons.

Blair said he would approve laws combining registration of handguns and restrictions on who may own them. "I would be happy to see guns kept out of certain persons' hands," he said.

"When you go back and look at the killings we have had in Iowa, you find that the guns were there as a matter of course and not because they were purchased for the sole reason of killing someone," Blair said.

"Restrictions would certainly make it tougher to get a gun," he said.

But Blair urged caution in enacting gun control legislation. "If we do change the laws, we must be certain they will work," he said.

Carstensen agreed. "There's no easy solution," he said.

Mr. DODD. Mr. President, as I have said, the general impression that the residents of hunting States do not want a strong Federal firearms law is not true. There is broad recognition of the need to modernize the weak, ineffective gun laws now on the books, and under which the Nation has become an armed camp.

I have additional articles from newspapers published in such States as Nevada, Minnesota, and Wisconsin. I ask unanimous consent 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 Madison (Wis.) State Journal, May 1, 1968]

GUN CONTROLS LONG OVERDUE—CONGRESS CAN TAKE ACTION

The gun control legislation now pending in the U.S. Senate would give the citizens of this country a peashooter where a strong shield is needed.

But the proposal to ban the sale of mail order pistols, while excluding the larger traffic in rifles and shotguns, is better than what Congress has come up with in the past 30 years—nothing.

The inclusion in the Senate Judiciary Committee's anti-crime bill of a limited gun control proposal was the first time in three decades that even a congressional committee has so much as endorsed firearms control.

And to consider that even this meager step came only after a sniper's deadly bullet crashed into the unsuspecting Dr. Martin Luther King is even more tragic.

The bill as it came out of committee, in addition to prohibiting the sales of pistols to those under 21, would bar both interstate shipping (through mail order houses) of handguns and over-the-counter sales to persons not living in the merchant's state.

Still, the most menacing aspect of the issue—the problem of rifles and shotguns—was shunted aside in committee as the price of majority support.

Administration officials and long-time gun control advocates in the Senate plan to renew and intensify efforts on the floor of the House to re-insert the provisions on rifles and shotguns so the measure would apply to the bulk of guns.

Despite the fact that recent public opinion surveys show overwhelming support for gun control legislation, the course through the congressional maze will be stiff and studded with challenges.

There are no assurances that the National Rifle Assn., which has so successfully battled

any gun control legislation for so long, will not succeed once again.

One wonders what it takes to convince the lawmakers in Washington that reasonable laws are essential to curtail the potentially murderous traffic in guns.

We hope it doesn't take more assassinations and more rioting.

[From the St. Paul (Minn.) Pioneer Press, Apr. 30, 1968]

CONTROLLING OUR WEAPONS

The Senate Judiciary Committee cleared a mild gun control bill Wednesday which deserves congressional approval. Whether it does or not, the fact that this is the first piece of gun legislation to get out of committee in 30 years should suggest to the states that responsibility for gun control laws may have to be taken up by the legislators and local communities.

The proposed law would not infringe on individual rights nor pave the way for nationwide gun registration.

The minor restrictions it would establish include the banning of interstate mail order sale of hand guns to individuals, banning of over-the-counter sale of hand guns to out-of-state customers, banning sale of hand guns to anyone under age 21, banning imports of foreign weapons not suitable for hunting or target shooting.

Congress hasn't acted on any form of gun law like this since 1938, however, and it's unlikely it will do so now. In any event, objectives of this bill could be accomplished on a state level with strong action by the Legislature. If such an effort were made in this smaller, statewide theater, it's conceivable that the electorate could be better informed on the effects of the new law, and there wouldn't be the usual blind opposition.

Specifically, these laws should be considered:

1) Require statewide that a police permit be received before a person can buy a hand gun. This law is in effect now in St. Paul, but with no such law in Minneapolis, the St. Paul law is useless. The police permit requirement needn't be extended to rifles and shotguns.

2) No state resident should be allowed to purchase any kind of gun from a mail order gun house inside or outside the state. If he wants such and such a gun from such and such a place, a licensed dealer can procure it for him. This would merely make it more difficult for a person who shouldn't have a gun to get one. Requiring that a person go through a middleman would set up a kind of screening that's missing when guns may be bought directly via the mails.

3) Over-the-counter sales of hand guns to out-of-state customers should be prohibited.

4) Sale of hand guns should be prohibited to anyone under 21. Presently, anyone not 18 needs parents' or guardians' permission to buy any kind of gun.

5) Most important, it should be made unlawful to carry a concealed weapon . . . anywhere, city or country. Again, St. Paul alone has such an ordinance, and it should be extended statewide. The offense in St. Paul is only a misdemeanor, and the penalty is 90 days or $100 fine. It should be increased to a gross misdemeanor or a felony and the penalty made 1 year confinement or $1,000 fine.

Those who need a hand gun, say for protection while making late night bank deposits, could receive police permits to carry them. Hunters and sportsmen would merely be required to carry handguns in outside, exposed holsters.

Such a statute shouldn't be encumbered with requirements that no arrest can be made unless police can prove malicious intent. The St. Paul law has no such requirement, but it is impeded somewhat because of the police's limited search powers. Consideration should be given to give police right of search under certain conditions.

None of these restrictions would infringe on the rights or freedom of the law abiding hunter, trap shooter, gun lover, whatever. These laws are not going to result in a broadside against all gun owners, as so commonly thought. The targets are specific.

[From the Las Vegas (Nev.) Sun, Apr. 9, 1968]

APATHETIC PUBLIC IGNORES GROWING GUN MENACE

Now that it has happened again will the American people and the American Congress sigh, say "isn't it terrible?" but once more sit back and do nothing? We are speaking of course, about legislation to control the indiscriminate availability and use of guns.

Remember the intense indignation which swept the United States after the assassination of President Kennedy? Remember how so many of us felt: now, surely, something will be done? And do you recall just how much has been done to control such weapons of death in the hands of private citizens as a result of the Kennedy tragedy? Virtually nothing.

What will be the effect upon such legislation of the King assassination? Unhappily, unless there is a concerted effort to arouse public conscience and to mobilize congressional support, we cannot be sure that any positive forward steps will result from this latest national tragedy. The National Rifle Association (the leading lobby against even the present weak measures before Congress) expresses confidence that nothing will happen. Congressman John D. Dingell of Detroit (long one of the most lamentably crime-ridden cities in America) has bitterly attacked the administration's control bill. These are but two of the signs indicating how great must be the effort if this shameful situation is to be corrected.

But this is not all. During the past several years there has come a new element—the stockpiling of weapons through fear of racial incidents. There are areas in which whites are organizing gun-handling classes. They see it as self-protection. Similarly, there are thought to be more guns in Negro areas than ever before. Again, the excuse given is the need for self-protection.

Meanwhile, the vast and deadly mills of crime—organized, unorganized and spontaneous—continue to churn throughout the land. And behind most of this crime is the gun or the threat of the gun.

Let us ask the question frankly and openly. Has not the time come when, as a mark of its maturity and as a proof of its moral character, the United States must decide that guns, all guns, other than those available to the forces of law and order be forbidden and prevented? We know the arguments against this—the constitutional provision, the necessity of farmers to protect themselves against predators, the recreation of the innocent sportsman. But should not a far greater need to end the national reign of violence take precedence over all these?

Gunnar Myrdal, the great Swedish student of American life, believes that such a moment has come. He says, "I am all against your gun laws. . . . To allow everyone to have guns today is dangerous."

We think that the time has come for the American people to examine their conscience in this matter. Should not stringent gun control legislation be enacted immediately, and then, indeed, should not a measure be considered banning all guns other than those belonging to the armed services and to the forces of law and order?—CHRISTIAN SCIENCE MONITOR.

FORMATION OF AD HOC CONGRESSIONAL COMMITTEE TO CONFER WITH SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE

Mr. BROOKE. Mr. President, I wish to announce to the Senate the formation of an informal ad hoc committee. This committee has been formed as a result of a meeting which was held on the 15th of this month between the Reverend Ralph Abernathy, president of the Southern Christian Leadership Conference and leader of the Poor People's Campaign, and a bipartisan group of 75 Senators and Representatives.

It is my privilege to serve as chairman of the committee. Cochairmen are the distinguished Senator from Michigan [Mr. HART], the Honorable CHARLES C. DIGGS, a Representative from Michigan; and the Honorable OGDEN R. REID, a Representative from New York.

Other members of the committee will be as follows. On the House side, the distinguished Representatives BARRETT of Pennsylvania, BRASCO of New York, BOLAND of Massachusetts, COHELAN of California, CORMAN of California, HAWKINS of California, MINK of Hawaii, NIX of Pennsylvania, O'HARA of Michigan, PERKINS of Kentucky, ANDERSON of Illinois, CONTE of Massachusetts, MCCULLOCH of Ohio, MESKILL of Connecticut, QUIE of Minnesota, SCHWENGEL of Iowa, SHRIVER of Kansas, and WIDNALL of New Jersey have agreed to serve. On the Senate side, I am pleased to announce the participation of the following distinguished Members of this body:

The Senator from Pennsylvania [Mr. CLARK], the Senator from Oklahoma [Mr. HARRIS], the Senator from Maine [Mr. MUSKIE], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Kentucky [Mr. COOPER], the Senator from New York [Mr. JAVITS], the Senator from Illinois [Mr. PERCY], and the Senator from Pennsylvania [Mr. SCOTT].

Mr. President, this committee of course does not have official status in either the Senate or the House. But we believe that it will provide a forum and insure communication for Senators and Members of the House to discuss realistic legislative and administrative proposals which would help solve some of the problems and national needs of the poor. In furtherance of these functions, the committee will provide liaison and communication with representatives of the poor and assist in arranging appropriate appearances before relevant committees of the Congress.

I am pleased to announce that the formation of this committee has been approved by the distinguished majority leader [Mr. MANSFIELD], the distinguished minority leader [Mr. DIRKSEN], the Speaker of the House of Representatives, the Honorable JOHN MCCORMACK; and the minority leader of the House, the Honorable GERALD R. FORD.

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 noon tomorrow.

The motion was agreed to; and (at 9 o'clock and 5 minutes p.m.) the Senate adjourned until tomorrow, Friday, May 24, 1968, at 12 noon.